

**UNIVERSITY OF  
APPLIED SCIENCES  
STUDIES ACT  
  
(FHStG)**

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# QUOTATIONS

## **Federal Act on University of Applied Sciences Degree Programmes (University of Applied Sciences Studies Act – FHStG)**

Promulgation: Federal Legal Gazette<sup>1</sup> No. 340/1993  
Entry into Force: §§ 6, 7, 8, 9, 10 and 11: May 29, 1993  
All other provisions: October 1, 1993

## **Federal Act Amending the Federal Act on University of Applied Sciences Degree Programmes (FHStG)**

Promulgation: Federal Legal Gazette I No. 72/1998  
Entry into Force: May 18, 1998

## **2<sup>nd</sup> Euro Conversion Act – Federal Government**

Promulgation: Federal Legal Gazette I No. 136/2001  
Entry into Force: January 1, 2002

## **Federal Act on Documentation in the Educational System (Educational Documentation Act)**

Promulgation: Federal Legal Gazette I No. 12/2002  
Entry into Force: January 1, 2003

## **Federal Act Amending the Federal Act on University of Applied Sciences Degree Programmes (University of Applied Sciences Studies Act – FHStG)**

Promulgation: Federal Legal Gazette I No. 58/2002  
Entry into Force: May 1, 2002

## **Federal Act Amending the Federal Act on University of Applied Sciences Degree Programmes (University of Applied Sciences Studies Act)**

Promulgation: Federal Legal Gazette I No. 110/2003  
Entry into Force: February 1, 2004

## **Federal Act Amending the University of Applied Sciences Studies Act, the Medical Technological Services Act and the Midwifery Act**

Promulgation: Federal Legal Gazette I No. 43/2006  
Entry into Force: March 31, 2006

## **Federal Act Amending the University of Applied Sciences Studies Act**

Promulgation: Federal Legal Gazette I No. 89/2007  
Entry into Force: December 5, 2007

## **First Federal Constitution Clearing Up Act**

Promulgation: Federal Legal Gazette I No. 2/2008  
Entry into Force: January 1, 2008

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<sup>1</sup> Bundesgesetzblatt für die Republik Österreich (BGBl.).



# UNIVERSITY OF APPLIED SCIENCES STUDIES ACT – FHStG)<sup>2</sup>

## Chapter 1

### Scope of Application

§ 1. The present Federal Act shall regulate the governmental accreditation of University of Applied Sciences degree programmes and granting the designation "University of Applied Sciences".

### Providers

§ 2. (1) University of Applied Sciences degree programmes<sup>3</sup> may be provided by the Federal Government and other legal entities under public law. Legal entities under private law may provide University of Applied Sciences degree programmes if the primary object of their business is establishing, providing and operating University of Applied Sciences degree programmes.

(2) The providers shall be authorized to charge the students tuition fees amounting to Euro 363.36 per semester.

(3) The providers shall have to establish a quality management system for the purpose of service and quality assurance.

### Objectives and Guiding Principles of University of Applied Sciences Degree Programmes

§ 3. (1) University of Applied Sciences degree programmes shall be degree programmes on a university level serving a scientifically founded professional education. Their main objectives shall be:

1. ensuring a practice-oriented education on a university level;
2. imparting the ability to solve problems in the respective profession according to the state of the art and practical requirements;
3. promoting the permeability of the educational system and of the professional flexibility of the graduates.

(2) Principles for the organization of University of Applied Sciences degree programmes shall be:

1. University of Applied Sciences degree programmes shall have to pay attention to the multiplicity of scientific theories and scientific methodologies; the principle of freedom of teaching shall refer to the organization of courses within the scope of the teaching objectives to be attained and the presentation of content and methods with regard to paras. 1 and 2.
2. The period of studies shall last for six semesters for University of Applied Sciences bachelor degree programmes<sup>4</sup>, for two to four semesters for University of Applied Sciences master degree programmes<sup>5</sup> and eight to ten semesters for University of Applied Sciences diploma degree programmes<sup>6</sup>. If admission to a University of Applied Sciences degree programme is limited according to § 4 para. 2 third sentence, the period of studies shall be reduced by up to two semesters and such University of Applied Sciences degree programmes shall be organized using distance learning elements.

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<sup>2</sup> Fachhochschul-Studiengesetz – FHStG.

<sup>3</sup> Fachhochschul-Studiengänge.

<sup>4</sup> Fachhochschul-Bachelorstudiengänge.

<sup>5</sup> Fachhochschul-Masterstudiengänge.

<sup>6</sup> Fachhochschul-Diplomstudiengänge.

- 2a. University of Applied Sciences bachelor degree programmes may be offered only in combination with University of Applied Sciences master degree programmes or University of Applied Sciences diploma degree programmes provided by the same institution.
3. Within the framework of the University of Applied Sciences bachelor degree programmes and the University of Applied Sciences diploma degree programmes the students shall be required to attend a practical course on the job, which shall constitute a relevant part of the training. The period of studies shall not be extended by the duration of the practical course.
4. Studies at a University of Applied Sciences shall be organized in such a way that they can be completed within the scheduled period of studies. At the same time attention shall be paid to the fact that the annual work load of a student must not exceed 1 500 hours. The use of distance learning elements shall be admissible.
5. The type and scope of the individual courses and examinations shall be laid down in the curriculum and the examination rules.
6. The diploma examination at the end of a University of Applied Sciences master degree programme or University of Applied Sciences diploma degree programme shall be a comprehensive examination consisting of writing a academic thesis and an examination before a committee. University of Applied Sciences bachelor degree programmes shall include the obligation to write independent papers in the context of courses (bachelor papers); the final bachelor exam shall be an examination before a committee.
7. The courses attended and the examinations passed shall be attested to the student in writing every year and when leaving the University of Applied Sciences degree programme.
8. The didactics of the courses shall be designed in accordance with their objectives and the level of education of the students.
9. The courses shall be subjected to an evaluation by the students; the results of the evaluation shall serve for quality assurance and shall be used for the pedagogically didactic further education of the teachers.
10. University of Applied Sciences degree programmes may also be offered as joint/double diploma programmes<sup>7</sup>. Joint/Double diploma programmes are studies which are offered jointly on the basis of agreements between one or several Austrian providers of Universities of Applied Sciences degree programmes and one or several foreign recognised post-secondary educational institutions, with these agreements specifying the performance the respective students shall be committed to in the participating institutions.

### **Students**

**§ 4.** (1) Students fulfilling the subject-relevant requirements shall be admitted to Universities of Applied Sciences degree programmes irrespective of their origin, their sex, race, social standing, class and religion.

(2) The educational requirement for admission to a University of Applied Sciences bachelor degree programme shall be the general university entrance qualification or a subject-relevant professional qualification; the educational requirement for admission to a University of Applied Sciences master degree programme shall be a completed subject-relevant University of Applied Sciences bachelor degree programme or the completion of an equivalent programme of studies at an recognised domestic or foreign post-secondary educational institution. This shall be an educational institution which offers study programmes lasting for at least six semesters for which admission requires the general university entrance qualification in terms of the present Federal Act and which is recognised as a post-secondary educational institution according to the legal rules of the country in which it is domiciled. If the scientific and didactic concept of a University of Applied Sciences degree programme is based

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<sup>7</sup> Doppeldiplom-Programme.

on professional experience, admission to such a University of Applied Sciences degree programme may be limited to an appropriate target group.

(3) The general university entrance qualification shall be proved by one of the following documents:

1. Austrian secondary-school leaving certificate,
2. any other Austrian certificate testifying the right to study at the respective University of Applied Sciences degree programme,
3. a foreign certificate which in the individual case is equivalent to one of these Austrian certificates on the basis of an agreement under international law, a nostrification, or a decision taken by the head of the domestic University of Applied Sciences degree programme on a case-by-case basis,
4. a document certifying the completion of studies of at least three years at a recognised domestic or foreign post-secondary educational institution.

(3a) In case the foreign certificates are not equivalent as to contents and requirements of an Austrian secondary-school leaving examination, the head of the teaching and research staff shall prescribe supplementary examinations that are necessary to establish an equivalence with the domestic secondary-school leaving examination and which shall be passed prior to admission.

(4) The Universities of Applied Sciences Council<sup>8</sup> shall be entitled to verify the equivalence of foreign certificates which are not equivalent with an Austrian secondary-school leaving certificate according to agreements under international law or as a result of nostrification.

(5) If required by the educational objective of the respective degree programme, first-year students with a relevant professional qualification shall take additional examinations. The definition of the relevant professional qualification and the additional examinations shall be laid down for the respective degree programme by the Universities of Applied Sciences Council upon request of the provider or in individual cases, for qualifications not regulated by the accreditation notification, by the head of the teaching and research staff or the University of Applied Sciences Board<sup>9</sup>. The Universities of Applied Sciences Council shall be notified of such decision within two months.

(6) First-year students with a relevant professional qualification shall take the required supplementary examinations either before starting their studies or up to a certain date in their studies, in any case before starting their second year of studies. In the case of part-time studies an appropriate extension of this deadline may be granted. The supplementary examinations may be taken and the qualifications required for them may be acquired at institutions of adult education accredited by the Federal Government as recipients of federal grants, at courses organized by the Government, at publicly licensed private schools for master workmen or at institutions providing University of Applied Science degree programmes.

(7) If in the accreditation notification for a degree programme the command of the German language is required, the student shall have to furnish the appropriate proof.

(8) In order to promote the international mobility of students and graduates, the competent Federal Minister shall lay down by decree in which form the Diploma Supplement according to Art.IX.3 of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region, Federal Legal Gazette III No. 71/1999, shall be issued.

(9) Students in University of Applied Sciences degree programmes and participants in certificate University of Applied Sciences programmes for further education shall be members of the Austrian National Union of Students under the Union of Students Act 1998<sup>10</sup>, Federal Legal Gazette I No. 22/1999, as amended by the Federal Act, Federal Legal Gazette I No. 12/2007.

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<sup>8</sup> Fachhochschulrat.

<sup>9</sup> Fachhochschulkollegium.

<sup>10</sup> Hochschulinnen- und Hochschülerschaftsgesetz 1998 – HSG 1998.

## **Students' Representation at the Institutions Carrying out University of Applied Sciences Degree Programmes**

**§ 4a.** (1) Providers of University of Applied Sciences degree programmes shall be educational institutions according to § 1 para. 1 Union of Students Act 1998, and §§ 4, 4a para. 1 and 11 para. 1 Union of Students Act 1998 shall apply by analogy to these providers. § 20b para. 2 und Abs. 3 Union of Students Act 1998 shall apply by analogy. A chairpersons' conference of the study representations shall be established, in that § 7a Union of Students Act 1998 shall apply by analogy.

(2) The following representative institutions shall be established with the providers:

1. the University of Applied Science study representation,
2. the degree programme representations, and
3. the class representations.

(3) The University of Applied Science study representation shall enact a statute. By that further representative institutions (zB division, location representation, group representation) can be established. Members of University of Applied Science study representation shall be all chairpersons of the degree programme representations. In the case of less than five degree programmes, all chairpersons of the class representations shall be members of the University of Applied Science study representation.

§§ 7 para. 1 subpara. 4, 13 paras. 2 and 3, 14 subparas. 1, 5 and 8, 26 and 30 para. 3 Union of Students Act 1998 shall apply to the University of Applied Science study representation.

§ 17 para. 1 Union of Students Act 1998 shall apply to University of Applied Science study representations by analogy.

§§ 21 und 22 Union of Students Act 1998 shall apply by analogy. The duty of presence in the shall not apply to students' representatives.

(4) The principles for elections according to § 34 para. 1 Union of Students Act 1998 shall apply. With reference to class or degree programme representations, all students of the sphere of action shall be eligible to vote and be elected. §§ 20a paras. 4 and 7 and 45a Union of Students Act 1998 shall apply by analogy. The provider or, respectively, a person nominated by her/him, shall be entrusted with the execution of the elections. The elections of the class or degree programme representations shall take place each year during the last two months of the academic year. Students in the first academic year shall elect their class representations during the first month. The number of class and degree programme representatives shall be laid down in the statute. The class or degree programme representation shall elect from among their number the chairperson. The University of Applied Science study representation shall elect within one month after the elections of the degree programme representations a chairperson together with four deputies. All students of the respective provider shall be eligible for election.

(5) The University of Applied Science study representations of providers with less than 1000 students shall be part of the election community according to § 35a para. 4 The University of Applied Science study representations of providers with at least 1 000 students shall elect each a students' representative together with one deputy into the Federal Representation of Students according to § 7 para. 1 Union of Students Act 1998. § 35a para. 3 Union of Students Act 1998 shall apply by analogy.

## **Academic Degrees**

**§ 5.** (1) After completion of the studies and examinations required by the University of Applied Sciences degree programmes an academic degree shall be awarded. It shall be awarded by the University of Applied Sciences Board or by the Universities of Applied Sciences Council when the degree programme was offered by an institution other than a University of Applied Sciences.

(2) The academic degrees shall be "Bachelor ..." for University of Applied Sciences bachelor degree programmes, "Master ..." or "Diplom-Ingenieurin/Diplom-Ingenieur ..." for

University of Applied Sciences master degree programmes, each with a reference to the respective group of disciplines added. For University of Applied Sciences diploma degree programmes the academic degrees shall be "Magistra/Magister ..." or "Diplom-Ingenieurin/Diplom-Ingenieur ..." with a reference to the respective group of disciplines and the letters "(FH)" added. If the letters "(FH)" have been added to the academic degree, it is inadmissible to use this academic degree without the addition of "(FH)". The admissible academic degrees, the additional references as well as the abbreviations of the academic degrees shall be laid down by the Universities of Applied Sciences Council; this decision shall require the approval by the competent Federal Minister. For the individual University of Applied Sciences degree programme, the respective academic degree with its additional references shall be laid down by the Universities of Applied Sciences Council in the notification of accreditation.

(2a) In order to promote international mobility of students an English translation shall be added to the awarding document, without translating the name of the provider and of the issuing body as well as of the academic degree proper with the additional references.

(3) The successful completion of a University of Applied Sciences master degree programme or of a University of Applied Sciences diploma degree programme shall qualify to pursue a subject-related doctor degree programme at a University<sup>11</sup>, which in case the period of studies of the University of Applied Sciences master degree programme or of the University of Applied Sciences diploma degree programme was shorter compared to the subject-related master degree or diploma programme at the respective University shall be prolonged by the difference.

(3a) The potential doctor degree programmes and the necessary additional courses and examinations shall be laid down by decree by the Universities of Applied Sciences Council in conjunction with the competent body of the respective University. If such a decree is not issued within three months after the accreditation of the respective degree programme, the competent Federal Minister shall issue a relevant decree. The supplementary courses and examinations shall be adjusted to the subject-specific requirements of the doctoral thesis.

(4) The decision on an application of nostrification of a degree earned at a foreign University of Applied Sciences shall be taken by the Universities of Applied Sciences Council. If the application is addressed to an institution which has been given the designation "Fachhochschule"<sup>12</sup> and which offers a relevant study programme, the University of Applied Sciences Board shall take the decision. The Universities of Applied Sciences Council or the University of Applied Sciences Board shall have to examine whether the course of studies abroad, with respect to its requirements, overall scope and subject content, is designed in such a way that it is to be considered equivalent with the domestic University of Applied Sciences degree programme mentioned in the application. If there is a basic equivalence and only a few supplements for complete equivalence are missing, the applicant shall be entitled to pass the courses and examinations mentioned by the University of Applied Sciences Board or the Universities of Applied Sciences Council.

(5) For an application for nostrification of an academic degree earned at a foreign University of Applied Sciences proof shall be furnished that the nostrification is indispensable in Austria for the practice of the profession or the continuation of the education of the applicant.

### **Teaching and Research Staff**

**§ 5a.** (1) The teaching and research staff at Universities of Applied Sciences and in University of Applied Sciences degree programmes shall consist of persons employed on a full-time or a part-time basis.

(2) Part-time employees shall be persons who

1. are engaged exclusively in teaching,
2. do not teach more than six weekly semester hours, and

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<sup>11</sup> Universität.

<sup>12</sup> "University of Applied Sciences".

3. pursue in a verifiable manner a professional occupation under full social insurance obligation.

(3) Part-time teaching staff according to para. 2 may have substituted themselves by other qualified persons.

(4) § 98 Labour Relations Act<sup>13</sup> (personnel information right) shall also apply to the group of persons employed on a part-time basis, even in case of a free employment contract or an independent occupation.

## **Chapter 2**

### **Tasks of the Universities of Applied Sciences Council**

**§ 6.** (1) The Universities of Applied Sciences Council shall be the authority competent for the accreditation of University of Applied Sciences degree programmes.

(2) It is incumbent upon the Universities of Applied Sciences Council

1. to decide on the accreditation of study programmes as University of Applied Sciences degree programmes with the exception of the location, to decide on the revocation of the accreditation as well as to decide on granting and revoking the designation "Fachhochschule";
2. to award the academic degrees instituted for University of Applied Sciences degree programmes and to nostrify foreign degrees;
3. to safeguard the standards of education according to § 3 by observing the degree programmes, in particular the final examinations;
4. to promote the quality of teaching and of studying as well as of innovations in the University of Applied Sciences degree programmes by research, further education and other measures;
5. to continuously observe the entire sector of Universities of Applied Sciences with respect to its coherence with the other educational systems and with respect to its acceptance by the employment system and the demand for education;
6. to advise the competent Federal Minister on questions relating to the system of Universities of Applied Sciences and the use of federal funding as well as making recommendations with respect to the locations where degree programmes shall be organized;
7. to submit an annual report on the activities of the Universities of Applied Sciences Council during the past calendar year, on the state of development in the field of Universities of Applied Sciences as well as its short- and long-term requirements; the report shall be submitted to the competent Federal Minister not later than March 1 of every year for submission to the National Council.

(3) In order to fulfil its tasks the Universities of Applied Sciences Council shall be authorized to require the providers of University of Applied Sciences degree programmes and of Universities of Applied Sciences to submit information on the operation of studies. The Universities of Applied Sciences Council shall transmit the statistical information available to it to the competent Federal Minister.

(4) For the technical assessment of the individual applications the Universities of Applied Sciences Council shall consult experts if needed.

(5) Decisions of the Universities of Applied Sciences Council on applications for accreditation or for prolongation of the accreditation, on the revocation of the accreditation of University of Applied Sciences degree programmes as well as on granting and revoking the designation "Fachhochschule" shall require the approval of the competent Federal Minister. The approval may be refused if the decision of the Universities of Applied Sciences Council is in contradiction to national educational-policy interests.

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<sup>13</sup> Arbeitsverfassungsgesetz – ArbVG.

## **Composition of the Universities of Applied Sciences Council**

**§ 7.** (1) The Universities of Applied Sciences Council shall consist of sixteen members of whom at least four must be women. The members must be competent to assess pedagogical-didactic matters. Half of the members must have a scientific qualification by a habilitation degree<sup>14</sup> or an equivalent qualification, half of the members must furnish proof of several years of activities in professions relevant for the University of Applied Sciences degree programmes.

(2) The members of the Universities of Applied Sciences Council shall be appointed by the competent Federal Minister with four members having to be appointed upon proposals of the Advisory Board for Economic and Social Questions<sup>15</sup>.

(3) The term of office shall be three years. A reappointment for one immediately subsequent term of office shall be admissible.

(4) The members of the Universities of Applied Sciences Council shall in the exercise of their office (§ 6 para. 2) not be bound by any instructions with the exception of obligations resulting from § 11.

(5) The members of the Universities of Applied Sciences Council shall be entitled to a compensation for their work, the amount of which shall be decided by the competent Federal Minister, and to the compensation of travel expenses.

(6) The competent Federal Minister shall, upon application of or after consulting the Universities of Applied Sciences Council, have to dismiss a member of the Universities of Applied Sciences Council before the end of his/her term of office if he/she has grossly violated or neglected his/her official duties or if he/she is no longer capable of fulfilling his/her official duties.

### **President and Vice-President**

**§ 8.** (1) The president and the vice-president of the Universities of Applied Sciences Council shall be appointed by the competent Federal Minister from among the members of the Universities of Applied Science Council. Their term of office shall be three years; a reappointment for one immediately subsequent term of office shall be admissible.

(2) The president and the vice-president shall be granted an appropriate compensation for their work. The amount of the compensation shall be decided by the competent Federal Minister.

(3) The competent Federal Minister shall, upon application of or after consulting the Universities of Applied Sciences Council, have to dismiss the president or vice-president of the Universities of Applied Sciences Council before the end of his/her term of office if he/she has grossly violated or neglected his/her official duties or if he/she is no longer capable of fulfilling his/her official duties. For the purpose of consulting the Universities of Applied Sciences Council, the competent Federal Minister shall call upon the oldest member of the Universities of Applied Sciences Council to convene a meeting of the Universities of Applied Sciences Council with the agenda item "dismissal of the president" or "dismissal of the vice-president".

### **Assemblies, Decision-Making Requirements and Rules of Procedure**

**§ 9.** (1) The Universities of Applied Sciences Council shall pursue its activities in general assemblies. They shall be summoned in writing by the president and shall take place at least twice every year.

(2) The Universities of Applied Sciences Council shall constitute a quorum if at least two thirds of its members are present; it shall take its decisions by a simple majority of votes. In case of an equal division the president shall have the casting vote.

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<sup>14</sup> Venia docendi.

<sup>15</sup> Beirat für Wirtschafts- und Sozialfragen.

(3) The Universities of Applied Sciences Council shall adopt rules of procedure which guarantee the fulfilment of the tasks assigned to it. The rules of procedure need to be approved by the competent Federal Minister.

### **Office**

**§ 10.** The Universities of Applied Sciences Council shall for the purpose of performing its tasks make use of an office, which shall be headed by the president of the Universities of Applied Sciences Council. The staff of the office shall be in employment by the Federal Government, possibly limited as to time. The staff shall be appointed by the president of the Universities of Applied Sciences Council.

### **Supervision**

**§ 11.** (1) The Universities of Applied Sciences Council shall be subject to supervision by the competent Federal Minister and to inspection by the Court of Audit<sup>16</sup>. The supervision by the competent Federal Minister shall cover the observance of the laws and decrees as well as the fulfilment of the tasks incumbent upon the Universities of Applied Sciences Council.

(2) The competent Federal Minister shall have the right to be informed about all matters relating to the Universities of Applied Sciences Council. The Universities of Applied Sciences Council shall be obliged to supply the Federal Minister with information on its affairs, to submit files and documents about the subjects designated by the Federal Minister, to make inquiries ordered by the latter and to have investigations carried out in situ.

(3) The competent Federal Minister shall revoke decisions and decrees of the Universities of Applied Sciences Council or inhibit their implementation if the decision or decree is in contradiction to laws and orders in force. In such a case the Universities of Applied Sciences Council shall be obliged to restore the legal situation without delay in accordance with the legal opinion of the competent Federal Minister.

(4) In the proceedings of the supervisory authority the Universities of Applied Sciences Council shall be a party and have the right to appeal to the Administrative Court<sup>17</sup> against the final decision in the proceedings.

## **Chapter 3**

### **Application for Accreditation of a Degree Programme**

**§ 12.** (1) An application for the accreditation of a degree programme as a University of Applied Sciences degree programme shall be addressed to the Universities of Applied Sciences Council.

(2) An accreditation as a University of Applied Sciences degree programme shall require that

1. the objectives and guiding principles for the organization of University of Applied Sciences degree programme (§ 3) are observed;
2. the curriculum and examination regulations correspond to subject-relevant and professional requirements; in accordance with the European Credit Transfer System (ECTS, 253/2000/EC, Official Gazette No. L 28 of February 3, 2000) the individual studies shall be assigned ECTS credits. With these credits the share of the workload of the students related to the individual studies shall be determined in relation to the entire degree programme, with 60 credits being assigned to the workload of one year of studies and 30 credits to the workload of one semester;
3. courses are offered by a scientifically, professionally and pedagogically-didactically qualified teaching and research staff;

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<sup>16</sup> Rechnungshof.

<sup>17</sup> Verwaltungsgerichtshof.

4. the practice-related research and development work necessary to achieve the objectives and secure the guiding principles shall be carried out by members of the teaching and research staff;
5. the group of persons entrusted with the development of the degree programme applied for and the teaching and research staff carrying out the degree programme are as autonomous as at universities and that the students are guaranteed an appropriate right of co-determination;
6. provisions are made for recognizing proven knowledge in terms of the job-oriented training in the respective degree programme and the period of studies can thus be shortened;
7. those university entrance qualification examinations according to the University Entrance Qualification Act<sup>18</sup> (Federal Legal Gazette No. 292/1985) as well those subject-relevant professional qualifications including potential supplementary examinations which can be access requirements for the degree programme applied for are indicated. This shall envisage such knowledge as is indispensable in order to achieve the educational objective of the degree programme applied for, also taking into consideration the promotion of the permeability of the educational system;
8. a scientific evaluation of the University of Applied Sciences degree programme is guaranteed;
9. a survey of demand for and acceptance of the University of Applied Sciences degree programme is furnished;
10. the required staff, facilities and equipment are available for the duration of the approval of the University of Applied Sciences degree programme;
11. an estimate showing the costs per study place and a financial programme for the duration of the approval of the University of Applied Sciences degree programme are submitted.

(3) The group of persons entrusted by the provider with the development of the degree programme applied for must include at least four persons. Of them two must be academically qualified by a habilitation degree or an equivalent qualification, and two must furnish proof of an activity in an occupational field relevant for the University of Applied Sciences degree programme applied for. The persons responsible for the development of the University of Applied Sciences degree programme shall be named in the application; one person shall be charged by the provider to be available to the Universities of Applied Sciences Council for further information. In case of an accreditation, at least four persons of the group of persons entrusted with the development shall teach in the degree programme. Of them two must be academically qualified by a habilitation degree or an equivalent qualification, and two must furnish proof of an activity in a professional field relevant for the University of Applied Sciences degree programme applied for. If one of these persons leaves the teaching and research staff during the period of accreditation, he/she must be replaced by an equally qualified person.

(4) An application for accreditation of a University of Applied Sciences degree programme shall, in addition to the proof of the preconditions mentioned in paras. 2 and 3, contain:

1. the name of the provider; if the provider is a legal entity under private law, an extract from the company register or the register of associations must be furnished;
2. the appointment of the head of the teaching and research staff, who will in individual cases decide on requests of applicants and students;
3. the presentation of a curriculum and examination regulations including a proposal for the time structure of the degree programme taking the Students Support Act 1992<sup>19</sup>, Federal Legal Gazette No. 305, into account;

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<sup>18</sup> Studienberechtigungsgesetz.

<sup>19</sup> Studienförderungsgesetz 1992 – StudFG.

4. the presentation of admission rules indicating the number of study places and the criteria for the selection of applicants in case the number of applicants should exceed the number of study places.

### **Accreditation and Prolongation of Accreditation**

**§ 13.** (1) If all the prerequisites are fulfilled, the Universities of Applied Sciences Council shall by official notification accredit the University of Applied Sciences degree programme for a period of time not exceeding five years.

(2) Every prolongation of the accreditation shall require a new application according to § 12 para. 4 and the submission of an evaluation report. § 12 para. 3 fourth sentence shall not be applicable; however, at least two members of the teaching staff of the degree programme must still meet the requirements of § 12 para. 3 last but one sentence. A prolongation shall be applied for at least six months before the termination of the period of accreditation.

(2a) After having carried out a public call for expert opinions, the Universities of Applied Sciences Council shall issue a decree in which with respect to the evaluation according to para. 2 the following points shall be laid down:

1. objectives and methodical principles of the evaluation,
2. scope of evaluation and evaluation procedure,
3. publication and manner of implementing the evaluation results.

(3) The University of Applied Sciences degree programmes and the Universities of Applied Sciences shall have the right to bear the Federal Coat of Arms.

(4) The provider shall be authorized to allow persons working for him to use the corresponding designations in the university system laid down in the Universities Act 2002<sup>20</sup>, Federal Legal Gazette I No. 120/2002. The use of these designations shall only be admissible in all cases with the addition of "FH", "(FH)" or "Fachhochschul-...".

### **Expiry and Revocation of Accreditation**

**§ 14.** (1) The accreditation of a University of Applied Sciences degree programme shall expire

1. at the end of the period of time for which accreditation was granted;
2. in the case of the dissolution of a legal entity acting as the provider at the time of its dissolution. In the case of a legal succession, the accreditation shall expire at the end of two months after the dissolution of the previous provider if within that period of time no application for accreditation according to § 12 para. 3 has been made. In case of a denial of accreditation to the legal successor, the accreditation shall expire when the decree of denial enters into effect.

(2) The accreditation of a University of Applied Sciences degree programme shall be revoked

1. if the legal prerequisites according to § 12 should not longer be fulfilled;
2. if cooperation in the statistical inquiries according to § 4 para. 8 and § 6 para. 3 is refused.

(3) In case of the expiry or revocation of a University of Applied Sciences degree programme, the Universities of Applied Sciences Council shall submit a proposal to the competent Federal Minister which would allow students of the respective University of Applied Sciences degree programme to complete their studies within a period of time that does not exceed the prescribed duration of studies by more than one year. In such a case, the competent Federal Minister shall take appropriate measures.

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<sup>20</sup> Universitätsgesetz 2002.

## **Certificate University of Applied Sciences programmes for further education<sup>21</sup>**

**§ 14a.** The providers shall be entitled to offer certificate University of Applied Sciences programmes for further education in the disciplines of their accredited University of Applied Sciences degree programmes.

(2) In the curriculum of a certificate University of Applied Sciences programme for further education in the respective disciplines internationally common degrees may be laid down, which may be conferred upon the graduates of those certificate University of Applied Sciences programme for further education whose access requirements, scope and qualifications are comparable with the access requirements, scope and qualifications of corresponding foreign master degree programmes. The quality of teaching shall be assured by a scientifically and didactically appropriately qualified teaching staff.

(3) If para. 2 is not applicable, the designation "Akademische ..." or "Akademischer ..." <sup>22</sup> with an addition specifying the contents of the respective certificate University of Applied Sciences programme for further education may be laid down, which shall be conferred upon the graduates of those certificate University of Applied Sciences programmes for further education that cover at least 60 ECTS credits.

(4) The providers shall prior to the establishment of the certificate University of Applied Sciences programme for further education transmit the curricula according to paras. 2 and 3 to the Universities of Applied Sciences Council. The Universities of Applied Sciences Council shall within three months after receipt in the office of the Universities of Applied Sciences Council deny the establishment by an official notification if the conditions according to paras. 2 or 3 are not fulfilled.

(5) For the attendance of certificate University of Applied Sciences programmes for further education participants shall have to pay a course fee. It shall be assessed taking actual costs into consideration.

(6) To the documents on the award of designations translations into foreign languages may be added in which the names of the provider and of the issuing institution as well as the designation itself shall not be translated.

## **Chapter 4**

### **Designation "Fachhochschule"**

**§ 15.** (1) Upon institutions carrying out University of Applied Sciences degree programmes the Universities of Applied Sciences Council shall by official notification confer the designation "Fachhochschule" upon application of the provider if all the conditions of para. 2 are fulfilled.

(2) Conferring the designation "Fachhochschule" shall require that

1. at least two degree programmes of the institution applied for have been accredited as University of Applied Sciences bachelor degree programmes with a subsequent University of Applied Sciences master degree programmes or as a University of Applied Sciences diploma degree programme;
2. a plan has been submitted for the development of the respective institution making it credible that a minimum number of 1 000 study places will be reached within five years;
3. proof is furnished of an organization of the respective institution according to the conditions of § 16.

(3) A conferral according to para. 1 shall not give rise to any financial claims against the Federal Government.

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<sup>21</sup> Lehrgänge zur Weiterbildung.

<sup>22</sup> "Academically certified...".

(4) The competent Federal Minister shall have the right to be informed about all matters relating to the Universities of Applied Sciences. The bodies of the University of Applied Sciences shall be obliged to supply information, to submit documentation about the subjects designated by her/him, to make inquiries ordered by him/her and to have investigations carried out in situ.

(5) A conferral according to para. 1 shall be revoked if one of the requirements listed in para. 2 is no longer given.

### **University of Applied Sciences Board**

**§ 16.** (1) For the purpose of implementing and organizing the teaching and examination procedures, at each University of Applied Sciences a University of Applied Sciences Board shall be established. It shall meet at least twice every year.

(2) The University of Applied Sciences Board shall consist of the heads of the University of Applied Sciences Degree Programmes established at the University of Applied Sciences, of at least eight representatives of the teaching and research staff as well as of representatives of students at the University of Applied Sciences degree programmes. The representatives of the teaching and research staff shall be elected by the latter. The number of the representatives of the students shall be at least one quarter of the number of members of the University of Applied Sciences Board; they shall be elected by the students at the University of Applied Sciences Degree Programmes established at the University of Applied Sciences.

(3) The tasks of the University of Applied Sciences Board shall be:

1. election of the head and his deputy on the basis of a proposal of three candidates by the provider;
2. application addressed to the provider to recall the head or his deputy and/or submitting an opinion on such an intention on the part of the provider in case the head (deputy) has grossly violated or neglected his official duties or that he is no longer capable of fulfilling his official duties;
3. application for modifications of the accredited degree programmes addressed to the Universities of Applied Sciences Council after consulting the provider;
4. application for establishing or terminating a degree programme addressed to the provider;
5. application on the budget (capital, non-personnel and personnel expenditures) addressed to the provider;
6. proposals addressed to the provider for the employment of teaching staff;
7. coordination of content of courses and examinations;
8. evaluation of teaching and examinations as well as the curriculum and the examination rules;
9. awarding academic degrees and their revocation as well as the nostrification of foreign degrees.

(4) The tasks of the head of the University of Applied Sciences Board shall be:

1. admission to examinations, assignment of examiners, fixing of examination dates;
2. crediting and recognition of studies and examinations in individual cases;
3. revocation of examinations;
4. with regard to persons employed on a full-time basis, giving instructions to members of the teaching and research staff as to the nature and extent of the exercise of their teaching assignment as far as this is necessary for the regular management of studies according to the curricula;
5. assignment of lectureships on the basis of proposals by or consultation of the University of Applied Sciences Board;
6. external representation of the University of Applied Sciences Board as well as the execution of decisions of the University of Applied Sciences Board.

(5) Against decisions of the University of Applied Sciences Board according to para. 3 subpara. 9 and against decisions of the head of the University of Applied Sciences Board according to para. 4 subparas. 1, 2 and 3 the applicants shall have the right to lodge a complaint with the University of Applied Sciences Council; the latter shall have to decide about the complaint by way of official notification.

(6) The provider of a University of Applied Sciences has to see to it that the teaching and research staff will participate in applied research and development work. This may be done in its own institution or by way of co-operation with other research and development institutions.

## **Chapter 5**

### **Procedural Requirements**

**§ 17.** (1) As to the accreditation procedure and of revocation of the right to operate University of Applied Sciences degree programmes by the Universities of Applied Sciences Council, the General Administrative Procedure Act 1991<sup>23</sup>, Federal Legal Gazette No. 51, and the Official Notification Act<sup>24</sup>, Federal Legal Gazette No. 200/1982, both as amended, shall be applicable. For proceedings of accrediting University of Applied Sciences degree programmes the time limit for the decision shall be nine months notwithstanding § 73 para. 1 of the General Administrative Procedure Act.

(2) Against official notifications of the Universities of Applied Sciences Council there shall be no regular legal remedy.

(3) The persons mentioned in § 6 para. 4 shall be obliged to carry out their work conscientiously and impartially. In case of a reason of bias according to § 7 of the General Administrative Procedure Act, they shall abstain from any activity. They shall be obliged to keep facts secret which they have learned in exercising their activities except in the case of information of a punishable offence; they shall abstain from profiting from the operational and business secrets that have come to their knowledge. These obligations shall also continue after the termination of their activity.

(4) For the official acts of the Universities of Applied Sciences Council as well as for the official acts of the Federal Minister in matters relating to Universities of Applied Sciences no administrative fees according to § 78 of the General Administrative Procedure Act shall be payable.

### **Penal Provision**

**§ 18.** Anyone who deliberately without authority awards, grants or uses

1. the designations specific to Universities of Applied Sciences or
2. the abbreviation "FH" or
3. the academic degrees mentioned in § 5,

if the act does not constitute a punishable offence coming under the jurisdiction of a court of law or is not according to other rules of administrative penalty subject to more severe punishment, is committing an administrative offence punishable by the locally competent district administration by a fine of up to Euro 15 000.--.

### **Implementation**

**§ 19.** The Federal Minister for Science and Research<sup>25</sup> shall be entrusted with the implementation of this Federal Act.

### **Entry into Force**

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<sup>23</sup> Allgemeines Verwaltungsverfahrensgesetz 1991 – AVG.

<sup>24</sup> Zustellgesetz.

<sup>25</sup> Bundesminister/in für Wissenschaft und Forschung.

**§ 20.** (1) The present Federal Act shall, subject to different provisions in para. 2, enter into force on October 1, 1993.

(2) §§ 6, 7, 8, 9, 10, and 11 shall enter into force on the day following their promulgation.

(3) § 18 as amended by the Federal Act, Federal Legal Gazette I No. 136/2001, shall enter into force on January 1, 2002.

(4) § 2, § 3 para. 2, § 4 para. 2, § 5 paras. 2, 3 and 5, § 6 paras. 2, 3 and 5, § 7 paras. 2, 5 and 6, § 8 paras. 1 to 3, § 9 para. 3, § 11 paras. 1, 2 and 3, § 12 para. 2, § 14 para. 3, § 15 paras. 1, 2 and 4, § 17 para. 4, § 20 para. 4 and § 21 including the headline, as amended by the Federal Act, Federal Legal Gazette I No. 58/2002, shall enter into force on May 1, 2002.

(5) § 1, § 3 para. 2 subparas. 2 and 10, § 4 paras. 3a, 5, 7 and 8, § 5 paras. 2 and 3a, § 6 para. 1 subparas. 1, 5 and 6 as well as para. 5. § 12 para. 1, para. 2 first sentence and subparas. 3 to 5, para. 3, para. 4 first sentence and subpara. 2, § 13 paras. 2, 2a and 4, § 14 para. 1 first sentence, subparas. 1 and 2 as well as para. 2 first sentence, § 15 para. 1 and para. 2 subpara. 1, § 16 para. 2, para. 3 subpara. 3, para. 4 subpara. 4 and para. 6. § 17 para. 1, § 18, § 20 para. 5 as well as § 21 paras. 4 and 5, as amended by the Federal Act, Federal Legal Gazette I No. 110/2003, shall enter into force on February 1, 2004.

### **Transitional Provisions**

**§ 21.** (1) University of Applied Sciences degree programmes accredited according to § 13 prior to May 1, 2002 shall be University of Applied Sciences diploma degree programmes under § 3 para. 2 subpara. 2, as amended by the Federal Act, Federal Legal Gazette I No. 58/2002.

(2) The official notifications of accreditation served according to § 13 prior to May 1, 2002 shall remain unaffected by the amendments of the Federal Act, Federal Legal Gazette I No. 58/2002.

(3) This Federal Act according to the wording prior to the Federal Act, Federal Legal Gazette I No. 58/2002, shall be applicable to applications for accreditation as a University of Applied Sciences degree programme submitted prior to May 1, 2002 and still pending.

(4) The right to use academic degrees that have already been awarded shall remain unaffected. If the academic degree was awarded with the addition "(FH)", the use of this academic degree without the addition "(FH)" shall be inadmissible. The graduates are however entitled to use the academic degree laid down by § 5 para. 2 instead of the awarded academic degree. Upon application the provider shall issue a respective certificate.

(5) The right already granted by decree to use the designation "Fachhochschule" shall remain unaffected. The revocation of the right granted according to § 15 para. 5 shall come within the competence of the Universities of Applied Sciences Council.

(6) The previous University of Applied Sciences bachelor degree programmes<sup>26</sup> and University of Applied Sciences master degree programmes<sup>27</sup> shall be valid as University of Applied Sciences bachelor degree programmes and University of Applied Sciences master degree programmes according to § 3 para. 2 subpara. 2, previous theses shall be considered theses according to § 3 para. 2 subpara. 6.

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<sup>26</sup> Fachhochschul-Bakkalaureatsstudiengänge.

<sup>27</sup> Fachhochschul-Magisterstudiengänge.