

No. 23207

FEDERAL REPUBLIC OF GERMANY
and
AUSTRIA

**Agreement concerning the recognition of equivalences in
the field of higher education (with exchange of notes).
Signed at Bonn on 19 January 1983**

Authentic text: German.

Registered by the Federal Republic of Germany on 28 December 1984.

RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
AUTRICHE

**Accord relatif à la reconnaissance des équivalences dans le
domaine des études supérieures (avec échange de
notes). Signé à Bonn le 19 janvier 1983**

Texte authentique : allemand.

Enregistré par la République fédérale d'Allemagne le 28 décembre 1984.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE REPUBLIC OF AUSTRIA CONCERNING THE RECOGNITION OF EQUIVALENCES IN THE FIELD OF HIGHER EDUCATION

The Government of the Federal Republic of Germany and the Government of the Republic of Austria,

Having regard to the friendly relations between the two States,

With a view to promoting exchanges in the sciences and co-operation in higher education,

Desiring to make it easier for students of either State to take up or continue their studies in the other State,

Aware of the similarities in higher education and training existing in both States,

Have agreed as follows, with regard to the recognition of study periods and qualifications for the purpose of further study at the higher-education level and to the use of academic and similar degrees:

Article 1. In this Agreement:

The term “higher-education establishment” means all universities and equivalent establishments, recognized in law as higher-education establishments in the Republic of Austria and in the *Länder* of the Federal Republic of Germany, which are entitled to award the degree of doctor, or in which studies may culminate in an academic degree or a State examination;

The term “academic degree” means any degree with a diploma, or any equivalent degree, awarded by a higher-education establishment as the culmination of a study course;

The term “examination” or “State examination”, as the case may be, means an examination at the end of a study course and also an intermediate examination or other form of partial examination held during a study course in a higher-education establishment.

Article 2. (1) Relevant studies in the Federal Republic of Germany shall, on application, be credited towards study in the Republic of Austria, and examinations shall likewise be recognized therein, to the extent that they were credited or, as the case may be, recognized in a higher-education establishment in the Federal Republic of Germany.

(2) Relevant studies in the Republic of Austria shall, on application, be credited towards study in the Federal Republic of Germany, and examinations shall likewise be recognized therein, to the extent that they were credited or, as the case may be, recognized in a higher-education establishment in the Republic of Austria.

¹ Came into force on 1 September 1983, i.e., the first day of the third month following the month in which the Parties notified each other (on 10 February and 15 June 1983) of the completion of the internal requirements, in accordance with article 8.

(3) In the matter of admission to State examinations, the credits and recognitions provided for in this Agreement shall apply in accordance with the domestic regulations for examinations.

Article 3. Academic degrees and State examination certificates shall entitle the holder, in respect of an extended course or further study in the higher-education establishments of the other State, to pursue such studies without supplementary or complementary examinations, provided and to the extent that the holder of such academic degrees or, as the case may be, of the State examination certificate is entitled, in the State in which they were awarded, to an extended course or further study without supplementary or complementary examinations.

Article 4. (1) Holders of a doctorate or academic degree who are directly entitled to take up a doctoral study course shall have the right to use this title in the form in which it is allowed, to be used in the State in which it was awarded under the regulations in force.

(2) Holders of another academic degree shall be entitled to use it in the form in which it is allowed to be used in the State in which it was awarded under the regulations in force, provided that the establishment which awarded it is indicated.

Article 5. This Agreement shall apply only to nationals of the two States. Nationals of either State shall be governed by the law of that State.

Article 6. (1) For the purpose of advising on all questions arising out of this Agreement, a Permanent Commission of Experts shall be established consisting of four members to be appointed by each State. The list of members shall be transmitted by each State to the other through the diplomatic channel.

(2) The Permanent Commission of Experts shall be convened at the request of either State. The place of meeting shall be decided in each case through the diplomatic channel.

Article 7. This Agreement shall also apply to *Land Berlin* unless the Government of the Federal Republic of Germany makes a declaration to the contrary to the Government of the Republic of Austria within three months after the entry into force of this Agreement.

Article 8. This Agreement shall enter into force on the first day of the third month after the month in which the two States have notified each other in writing through the diplomatic channel that the respective domestic formalities for its entry into force have been completed.

IN WITNESS WHEREOF the Plenipotentiaries, duly authorized for the purpose, have signed this Agreement and have affixed thereto their seals.

DONE at Bonn on 19 January 1983, in two originals.

For the Government of the Federal Republic of Germany:

Dr. LAUTENSCHLAGER

For the Government of the Republic of Austria:

Dr. PEIN

EXCHANGE OF NOTES

I

THE SECRETARY OF STATE IN THE MINISTRY OF FOREIGN AFFAIRS

Bonn, 19 January 1983

Sir,

I have the honour, on behalf of the Government of the Federal Republic of Germany and with reference to the Agreement signed today between the Government of the Federal Republic of Germany and the Government of the Republic of Austria concerning recognition of equivalences in the field of higher education, to propose the following supplementary agreement:

1. The recognition and credits referred to in the Agreement shall be granted for the purpose of further or extended study, as the case may be.

2. The purpose of the Agreement concerning the equivalences in the field of higher education shall be to determine the educational prerequisites for admission to a study course in the examination criteria of the two Contracting Parties. The Agreement concerning the recognition of higher-education equivalences shall therefore waive the requirement to show proof of the said prerequisites only for the purpose of further or, as the case may be, extended study. Recognition of equivalence shall not lead to the award of a diploma, degree or certificate in respect of which the requirement to show proof is waived. The general and special conditions for admission to studies and partial studies in force under the legislation of the two Contracting Parties, as also the restrictions etc. relating to admission, shall not be affected by the Agreement concerning the recognition of equivalences in the field of higher education.

3. The Agreement concerning the recognition of equivalences in the field of higher education shall not extend to the *effectus civilis*. After the conclusion of this Agreement, both Contracting Parties shall examine to what extent questions of *effectus civilis* may be regulated in a special agreement.

4. The crediting of relevant studies and the recognition of examinations shall be based on the assumption that the credit or recognition has been confirmed by a higher-education establishment corresponding to the establishment in which the studies are to be continued.

5. With regard to the special nature of studies culminating in a State examination, study periods shall be credited, and examinations recognized, under article 2, paragraph 3, of the Agreement only in accordance with the current domestic regulations for examinations.

6. The applicability of the Agreement concerning the recognition of equivalences in the field of higher education on the German side shall be based on the respective areas of competence of the Federation, the *Länder* and the higher-education establishments, as follows:

- (a) In so far as State authorities are competent to take decisions on the basis of this Agreement, the Agreement shall apply directly.
- (b) In so far as the higher-education establishments are competent to take the decision, this Agreement shall have the force of a recommendation. It shall apply directly, where the provision in article 6, paragraph 2, third sentence, of the

“General Provisions for Diploma Examination Regulations” (“For the equivalence of study periods and qualifications in foreign higher-education establishments, the equivalence agreements approved by the Standing Conference of Ministers of Culture and the Conference of West German Rectors shall apply”) has been incorporated into the current regulations for examinations.

7. In Schleswig-Holstein a foreign academic degree may be used only in its original form together with the name of the establishment which awarded it.

8. This Supplementary Agreement shall also apply to *Land Berlin* unless the Government of the Federal Republic of Germany makes a declaration to the contrary to the Government of the Republic of Austria within three months after the entry into force of this Agreement.

If the Government of the Republic of Austria agrees with the above-mentioned proposals, this note and your note expressing concurrence shall constitute an agreement between our two Governments, which, together with the Agreement thereby supplemented, shall enter into force and form an integral part of the said Agreement.

Accept, Sir, etc.

Dr. LAUTENSCHLAGER

His Excellency the Ambassador of the Republic of Austria
Dr. Franz Pein
Bonn

II

THE AMBASSADOR OF AUSTRIA TO THE FEDERAL REPUBLIC OF GERMANY

Bonn, 19 January 1983

Sir,

I have the honour to acknowledge receipt of your note of today's date reading as follows:

[See note I]

I have the honour to confirm that the Government of the Republic of Austria agrees with the content of your note.

Accept, Sir, etc.

Dr. FRANZ PEIN

Secretary of State in the Ministry of Foreign Affairs
Dr. Hans Werner Lautenschlager
Bonn