

No. 25169

**NETHERLANDS
and
AUSTRIA**

**Agreement concerning acceptance of equivalencies in higher
education (with exchange of letters). Signed at Vienna
on 21 October 1985**

Authentic texts: Dutch and German.

Registered by the Netherlands on 30 July 1987.

**PAYS-BAS
et
AUTRICHE**

**Accord relatif à la reconnaissance des équivalences dans
l'enseignement supérieur (avec échange de lettres). Signé
à Vienne le 21 octobre 1985**

Textes authentiques : néerlandais et allemand.

Enregistré par les Pays-Bas le 30 juillet 1987.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE KINGDOM OF THE NETHERLANDS
AND THE REPUBLIC OF AUSTRIA CONCERNING ACCEPTANCE
OF EQUIVALENCIES IN HIGHER EDUCATION

The Kingdom of the Netherlands and the Republic of Austria,

In the spirit of the friendly relations between the two countries,

Desiring to enable students of the two States more easily to undertake or continue studies in the Contracting States,

Have agreed as follows with regard to the acceptance of study periods and study qualifications for the purpose of further study in establishments of higher education and to the accreditation of academic degrees:

Article 1. In this Agreement:

a. The term “establishments of higher education” means all universities, colleges and other institutions of higher education which are recognized by law in the Republic of Austria and in the Kingdom of the Netherlands to be of the higher education level, and are authorized to award the degree of doctor, or in which the courses of study may culminate in an academic degree or State examination;

b. The term “academic degree” means any diploma or other higher education degree which is awarded by an establishment of higher education as the culmination of a course of study;

c. The term “examination” or “State examination” means both final examinations of a course of study and intermediate examinations or other forms of subsidiary examinations within a course of study at an establishment of higher education.

Article 2. (1) Relevant studies in the Republic of Austria shall, on request, be credited towards study in the Kingdom of the Netherlands and examinations shall be accepted to the extent that they were credited and/or accepted in the Republic of Austria.

(2) Relevant studies in the Kingdom of the Netherlands shall, on request, be credited towards study in the Republic of Austria and examinations shall be accepted to the extent that they were credited and/or accepted in the Kingdom of the Netherlands.

Article 3. Academic degrees and “State examination” certificates awarded as the culmination of a course of study at an establishment of higher education shall entitle holders thereof who wish to continue their studies or undertake further studies in establishments of higher education in the other State to pursue these studies without additional or supplementary examinations, provided and to the extent that the holder of the academic degree or “State examination” certificate is entitled, in the State in which such degree or certificate was awarded, to continue his studies or undertake further studies without additional or supplementary examinations.

Article 4. (1) The holder of a doctor’s degree, or of an academic degree directly entitling him to study for a doctorate, shall be accredited with this degree in the same way as he may be accredited therewith under the law of the State in which it was awarded.

¹ Came into force on 1 February 1987, i.e., the first day of the third month following the month in which the Contracting Parties had notified each other (on 19 November 1986) of the completion of their domestic requirements, in accordance with article 8 (1).

(2) The holder of another academic degree shall be accredited therewith in the same way as he may be accredited therewith under the law of the State in which it was awarded and the degree shall specify the awarding establishment of higher education.

Article 5. For admission to "State examinations" the accreditations and acceptances provided for in this Agreement shall apply in respect of the relevant examination regulations.

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 six members, three of whom shall be appointed by each State. Each State shall notify the other of its list of appointees through the diplomatic channel.

(2) The Permanent Commission of Experts shall meet at the request of either State. On each such occasion the meeting place shall be determined by mutual agreement through the diplomatic channel.

Article 7. This Agreement shall apply only to the European territory of the Kingdom of the Netherlands.

Article 8. 1. This Agreement shall enter into force on the first day of the third month following the month in which the Contracting States have notified each other in writing, through the diplomatic channel, that the domestic requirements for its entry into force have been fulfilled.

2. This Agreement is concluded for an indefinite period. It may be denounced in writing by either Contracting State through the diplomatic channel. This Agreement shall cease to have effect on the first day of the twelfth month following the month in which it was denounced.

DONE at Vienna, on 21 October 1985, in two originals, in the Dutch and German languages, both texts being equally authentic.

For the Kingdom of the Netherlands:

L. H. J. B. VAN GORKOM

W. J. DEETMAN

For the Republic of Austria:

HEINZ FISCHER

EXCHANGE OF LETTERS

I

Vienna, 21 October 1985

Sir,

On the occasion of the signing today of the Agreement between the Kingdom of the Netherlands and the Republic of Austria concerning acceptance of equivalencies in higher education (hereinafter referred to as the Agreement), I have the honour to confirm that the following was also agreed upon in the negotiations:

1. The Agreement concerning accreditations and acceptances for the purpose of continued or further studies, including, as appropriate, admission to the doctorate course.

2. The purpose of the Agreement shall be to prescribe in the examination regulations of the Contracting States, the preparatory educational requirements for admission to study courses. The Agreement shall therefore exempt students from the obligation to provide evidence of their compliance with the said preparatory educational requirements only for the purpose of continuing their studies or undertaking further studies, as the case may be. Such exemption shall not extend to the awarding of diplomas, degrees or certificates.

3. The Agreement shall not cover the *effectus civilis*. After the treaty is concluded, the Contracting States shall consider to what extent questions concerning the *effectus civilis* may be settled by mutual agreement.

4. In cases where studies culminate in a State examination, in accordance with article 5 of the Agreement study periods shall be taken into account and examinations recognized only on the basis of the internal examination regulations in force at that time.

5. The general entry requirements and entry restrictions in force for admission to study courses and parts thereof in the Contracting States shall not be affected by the Agreement.

6. The applicability of the Agreement to the Kingdom of the Netherlands shall be as follows:

(a) Where official authorities have jurisdictions to decide in matters arising from the Agreement, the Agreement shall apply directly.

(b) Where the establishments of higher education have jurisdiction to decide, the provisions of the Agreement shall be deemed to constitute a recommendation for these establishments.

7. With regard to article 4 of the Agreement, the Kingdom of the Netherlands declares it to be its interpretation of paragraph 2 that the holder of a foreign academic degree in the Kingdom of the Netherlands shall not be obliged to specify in the degree the establishment of higher education concerned.

8. In the Netherlands the following shall be deemed to be establishments of higher education within the meaning of article 1 of the Agreement:

(a) The universities and establishments of higher education specified in article 15 of the Scientific Education Act (*Staatsblad* 1975, 729), namely:

- The national universities in Leiden, Groningen, Utrecht and Rotterdam;
- The national technical colleges in Delft, Eindhoven and Enschede;
- The national agricultural college in Wageningen;
- The Municipal University in Amsterdam;
- The special universities in Amsterdam and Nijmegen;
- The special college for social sciences and humanities in Tilburg;

(b) The national university of Limburg established by the Limburg National University Act (*Staatsblad*, 1975, 717);

(c) The inter-university institutes established between the universities and colleges referred to in subparagraphs (a) and (b);

(d) The special universities and colleges designated by article 118 of the Scientific Education Act in so far as it covers the doctorates and certificates of successfully passed examinations specified therein. At the time the Agreement was concluded, this shall apply to the following colleges:

—The Training Institute for Business Studies of the Nijenrode Foundation, Institute of Business Studies, with headquarters at Breukelen (Royal Decree of 27 September 1982, *Staatsblad* 558);

—The Catholic theological colleges in Tilburg, Amsterdam and Heerlen, in respect of the doctorate and the certificate of a successfully passed doctoral examination in theology (Royal Decree of 9 September 1974, *Staatsblad* 539);

—The Theological College of the Reformed Church in the Netherlands in Kampen, Oudestraat 6, together with the Johannes Calvijn Academy of the Johannes Calvijn Foundation in Kampen, in respect of the doctorate and the certificate of a successfully passed doctoral examination in theology (Royal Decree of 8 March 1975, *Staatsblad* 109);

—The Theological College of the Reformed (Free) Church in Kampen, Broederweg 15, in respect of the doctorate and the certificate of a successfully passed doctoral examination in theology (Royal Decree of 8 March 1975, *Staatsblad* 109);

—The Theological College of the Christian Reformed Church in the Netherlands in Apeldoorn, in respect of the certificate of a successfully passed pre-final examination (Royal Decree of 8 March 1975, *Staatsblad* 109), and of the doctorate and certificate of a successfully passed doctoral examination in theology (Royal Decree of 2 February 1979, *Staatsblad* 43);

—The Catholic Theological College in Utrecht, in respect of the doctorate and the certificate of a successfully passed doctoral examination in theology (Royal Decree of 23 January 1976, *Staatsblad* 33).

(e) The Open University at Heerlen (*Staatsblad* 1984, 573).

9. In Austria the following shall be deemed to be establishments of higher education within the meaning of article 1 of the Agreement:

(a) The University of Vienna; the University of Graz; the University of Innsbruck; the University of Salzburg; the Technical University of Vienna; the Technical University of Graz; the University of Mining, Leoben; the University for Agriculture, Vienna; the University of Veterinary Medicine, Vienna; the Economics University, Vienna; the University of Linz; and the University for Educational Sciences, Klagenfurt;

(b) The following establishments of higher education in the arts, in so far as they offer courses of study to which the study regulations for universities are applicable: the Academy of the Fine Arts in Vienna; the College for Applied Arts in Vienna; the College for Music and the Performing Arts in Vienna; the "Mozarteum" College for Music and the Performing Arts in Salzburg; the College for Music and the Performing Arts in Graz; and the College for Artistic and Industrial Design in Linz.

10. The definition of establishments of higher education in article 1 shall apply not only to the establishments of higher education existing in the two Contracting States at the time of entry into force of the Agreement, but also to all institutions subsequently recognized by law in one of the two Contracting States to be establishments of higher education.

11. “Diploma,” in the Dutch text corresponds to “Diplomgrad” in the German text of the Agreement.

I have the honour to propose that this letter and your reply in confirmation thereof shall constitute an agreement between the Kingdom of the Netherlands and the Republic of Austria which shall be an integral part of the Agreement and shall enter into force on the same day and on the same conditions as those of the Agreement.

[Signed]

L. H. J. B. VAN GORKOM

Her Majesty's Ambassador

The Minister for Science and Research

Dr. H. Fischer

Vienna

II

FEDERAL MINISTER FOR SCIENCE AND RESEARCH

Vienna, 21 October 1985

Sir,

I have the honour to acknowledge the receipt of your letter of today's date, the German text of which reads as follows:

[See letter I]

I have the honour to confirm to you that the Government of the Republic of Austria is in agreement with the contents of the foregoing letter.

HEINZ FISCHER

His Excellency Ambassador L. H. J. B. van Gorkom
Royal Netherlands Embassy
Vienna
