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Royal Decree 1052/2002, of October 11, 2002, which regulates the procedure for obtaining the evaluation of the National Agency for Quality Assessment and Accreditation, and its certification, for the purpose of hiring university teaching and research personnel.

Ministry of Education, Culture and Sports
"BOE" No. 245, of October 12, 2002
Reference: BOE-A-2002-19804

CONSOLIDATED TEXT

Last modification: no modifications

The Organic Law 6/2001, of December 21, 2001, on Universities, in its articles 31 and 32, provides for the establishment of the National Agency for Quality Assessment and Accreditation, with the functions of evaluation and those leading to the certification and accreditation, among others, of the teaching, research and management activities of university teaching staff.

The same Organic Law 6/2001, of December 21, 2001, in its articles 50 to 52, requires, for the hiring by public universities of assistant professors and contracted professors with doctorates, the prior positive evaluation of their activity by the National Agency for Quality Assessment and Accreditation or the external evaluation body determined by the law of the Autonomous Community, and for the hiring of collaborating professors, the prior favorable report of one of the aforementioned bodies. The aforementioned Organic Law also requires, in section 2 of article 72, that at least 25% of the teaching staff of private universities be in possession of the title of Doctor and have obtained a positive evaluation of their teaching and research activity by one of the aforementioned bodies.

Taking into account, on the other hand, the Agreement of the Council of Ministers of July 19, 2002, authorizing the Ministry of Education, Culture and Sports to constitute the State Foundation "Agencia Nacional de Evaluación de la Calidad y Acreditación", and the authorization granted to the Government by the third final provision of Organic Law 6/2001, of December 21, 2001, it seems appropriate to regulate the procedure to be followed to obtain the evaluations and reports to be issued by the aforementioned Agency, in the cases contemplated above, which will have effect in all Spanish universities.

This Royal Decree has been approved by the Ministry of Public Administration.

By virtue thereof, at the proposal of the Minister of Education, Culture and Sports, in agreement with the Council of State and after deliberation of the Council of Ministers at its meeting held on October 11, 2002,

PROVIDED:

Article 1. Purpose and scope of application.

The purpose of this Royal Decree is to regulate the procedure for obtaining the evaluation or report that, in accordance with the provisions of Organic Law 6/2001, of December 21, 2001, on Universities, must be issued by the National Agency for Quality Assessment and Accreditation, in order to be hired by a public university, in any of the figures of contracted teaching or research staff for which the aforementioned Organic Law requires the evaluation or report of said Agency, or for the purpose of being hired as a professor by a private university within the percentage of 25 percent of PhDs provided for in article 72 of the aforementioned Organic Law.

Article 2. Request for evaluation or report.

1. The procedure for the evaluation shall be initiated by means of a request from the interested party addressed to the head of the General Directorate of Universities of the Ministry of Education, Culture and Sports, in the manner established in article 38.4 of Law 30/1992, of November 26, 1992, of the Legal Regime of the Public Administrations and of the Common Administrative Procedure.

The request must indicate for which of the contractual modalities the evaluation or report is requested.

2. The applications referred to in section 1 above shall be accompanied by documentation accrediting possession of the degree required by Organic Law 6/2001, of December 21, 2001, in order to be eligible for the contract in question, the teaching and/or research activity carried out by the applicant, as well as his or her academic record.

3. The Ministry of Education, Culture and Sports will prepare a standardized application form and curriculum vitae, which will be published in the "Official State Gazette", by means of a resolution of the Director General of Universities.

Article 3. Evaluation and report.

1. Once the applications have been received and the pertinent documentation has been provided, the Directorate General of Universities will forward them to the National Agency for Quality Assessment and Accreditation within a maximum period of ten days.

The Agency may request the interested parties, through the General Directorate of Universities, to provide the information or complementary documentation it may require, in order to issue the evaluation or report requested.

2. Evaluations and reports will be carried out by independent evaluators and experts in the corresponding scientific field.

3. The evaluation criteria will be elaborated in general by the National Agency for Quality Assessment and Accreditation for each of the contractual figures of assistant professor doctor, collaborating professor, contracted professor doctor, referred to in articles 50, 51 and 52, respectively, of the Organic Law 6/2001, of December 21, 2001, on Universities, and for the cases of contracting of professors by private universities as provided in article 72 of the aforementioned Organic Law.

These criteria will be published in the "Official State Gazette" by resolution of the Director General of Universities.

Article 4. Certification of the result of the evaluation or report.

1. The National Agency for Quality Assessment and Accreditation, once the evaluation has been carried out or the report has been issued, will send it to the General Directorate of Universities, indicating the contractual figure or figures for which it is carried out.

2. The General Directorate of Universities, by means of a resolution, will certify the evaluation or report issued and will notify the interested party within a maximum period of ten days from its receipt.

The certification must indicate, in addition to the positive or negative nature of the evaluation, and the favorable or unfavorable nature of the report, the content of the report, as well as the contractual figure or figures for which it is made.

3. The Resolution of certification may be appealed in appeal before the Secretary of State for Education and Universities, in accordance with the provisions of Law 30/1992, of November 26, 1992, on the Legal Regime of the Public Administrations and Common Administrative Procedure, within a maximum period of one month from the receipt of the notification.

4. The interested party who has obtained a negative evaluation or report may not request a new evaluation or report within six months of the notification referred to in paragraph 2 of this Article.

Article 5. *Effects of the certification.*

1. The effects of the positive evaluation or favorable report of the National Agency for Quality Assessment and Accreditation, certified by the General Directorate of Universities or, as the case may be, by the Secretary of State for Education and Universities, in accordance with the provisions of paragraphs 2 and 3 of article 4, are not subject to any expiration period.

2. The positive evaluation or favorable report referred to in paragraph 1 above shall have effect in all Spanish universities.

First final provision. *Regulatory development.*

The Ministry of Education, Culture and Sports is responsible for issuing the necessary regulations for the development and application of the provisions of this Royal Decree.

Second final provision. *Competent title.*

In accordance with the provisions of the first final provision of Organic Law 6/2001, of 21 December, on Universities, this Royal Decree is issued under the competence that corresponds to the State in accordance with Article 149.1.1.1, 15.1, 18.1 and 30.1 of the Constitution.

Third Final Provision. *Entry into force.*

This Royal Decree shall enter into force on the day following its publication in the Official Gazette.

"Boletín Oficial del Estado".

Given in Madrid on October 11, 2002.

JUAN CARLOS R.

The Minister of Education, Culture and Sports,
PILAR DEL CASTILLO VERA

This consolidated text has no legal value. [More information at info@boe.es](#)