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Royal Decree 1272/2003, of October 10, 2003, which regulates the conditions for the declaration of equivalence of Spanish university or non-university higher education degrees to official university degrees valid throughout the national territory.

Ministry of Education, Culture and Sports
"BOE" No. 255, of October 24, 2003
Reference: BOE-A-2003-19626

The Organic Law 6/2001, of December 21, 2001, on Universities, states in its article 36.2.a) that the Government, following a report from the University Coordination Council, shall regulate the conditions for the declaration of equivalence of Spanish university or non-university higher education degrees to official university degrees valid throughout the national territory.

Since Article 149.1.30.^a of the Constitution attributed to the State the exclusive competence for the regulation of the conditions for obtaining, issuing and homologation of academic and professional degrees and Law 30/1984, of August 2, 1984, on Measures for the Reform of the Civil Service, included the existence of degrees equivalent to official university degrees, there are numerous cases in which, in a singular manner, the equivalence of degrees and diplomas has been declared, either with respect to an official academic degree or, although to a lesser extent, with respect to specific university degrees from the Catalog of Official University Degrees.

However, to date, no procedural rule has been issued to regulate, in general terms, the conditions under which Spanish higher education degrees, whether university or non-university, may be declared equivalent to official university degrees.

By virtue of the aforementioned legal mandate, this Royal Decree establishes, in the first place, a procedure, in articles 3 and 4, in which, in order to obtain equivalence, compliance with general requirements is required, the content of the courses in question, the development of the corresponding study plans, the teaching and research capacity of the teaching staff and any other circumstances that accredit a level of training similar to that of the official university degree that is valid throughout the national territory to which equivalence is sought, are assessed.

For the purposes of this assessment, the procedure includes the request for a mandatory and decisive report to the University Coordination Council, as the highest advisory body of the Government in university matters, and also to the National Agency for Quality Assessment and Accreditation, which is responsible, among other functions, for providing the necessary information to the Public Administrations for decision-making within the scope of its competencies.

Secondly, the third additional provision includes the procedure for resolving requests for individual declarations of equivalence submitted to the Ministry of Education, Culture and Sports under equivalences declared in general by regulations prior to the Organic Law on Universities, for specific groups of graduates and with specific effects.

This Royal Decree, which is issued pursuant to Article 149.1.30 of the Constitution, Article 36.2.a), and the third final provision of Organic Law 6/2001, of December 21, 2001, on Universities, has been reported by the Ministry of Public Administrations, the University Coordination Council and the Higher Personnel Commission.

By virtue thereof, at the proposal of the Minister of Education, Culture and Sports, with the prior approval of the Minister of Public Administrations, in agreement with the Council of State and after deliberation of the Council of Ministers at its meeting held on October 10, 2003,

PROVIDED

Article 1. *Object and scope of application.*

1. The purpose of this Royal Decree is to regulate the conditions and procedure for the declaration of equivalence of Spanish university or non-university higher education degrees to official university degrees valid throughout the national territory.

2. The declaration of equivalence between a Spanish higher education degree and the official university degree of Doctor provided for in Article 37 of Organic Law 6/2001, of December 21, 2001, on Universities will not be possible.

3. It will not be possible to declare the equivalence of own degrees issued by the universities to university degrees of an official nature and valid throughout the national territory, except in those cases in which, prior to the application submitted, the Government had established a university degree of an official nature and valid throughout the national territory whose scientific content and professional profiles coincide with the own degree in question.

4. Equivalence shall not be declared when it may be contrary to the provisions of international treaties ratified by Spain and officially published, to European Community law, to regulations in force with the rank of law or affect matters reserved to law.

Article 2. *Declaration of equivalence.*

1. For the purposes of the application of this Royal Decree:

a) Equivalence is understood as the equivalence of a specific degree with any of the following academic degrees: University Diploma, Technical Architect, Technical Engineer, Graduate, Architect and Engineer as established in Article 37 of the Organic Law of Universities, as well as those that replace them in accordance with the provisions of Article 88.2 of the aforementioned law.

b) Equivalence is understood to mean the equivalence of a specific degree with one of the specific university degrees of an official nature and valid throughout the national territory established by the Government and included in the Catalog of Official University Degrees by virtue of the provisions of Article 34 of the Organic Law of Universities.

2. The degrees declared equivalent in accordance with the provisions of this Royal Decree will have the same academic effects and, if applicable, will qualify for professional practice, in accordance with the regulations in force, as the academic degree or university degree of an official nature and valid throughout the national territory with which they are equivalent.

Article 3. *General procedure. Requirements of the degree susceptible of equivalence.*

1. The following requirements must be met for a given degree to be eligible for equivalency:

a) That in order to be able to access the courses of study leading to the attainment of this degree, it is required to be in possession of the academic requirements that allow access to the university.

b) That the training period has the minimum duration and course load required to obtain the academic degree or university degrees of official character and valid throughout the national territory with which the equivalence is sought.

c) That the degree has been issued by a university or center of higher education legally authorized or recognized, in accordance with the regulations in force, to issue such degree and to teach the courses leading to it.

2. The declaration of equivalence of the degree will require, in addition to compliance with the requirements indicated in the previous section, an assessment of the content of the courses, the development of the corresponding curricula, the teaching and research capacity of the teaching staff and any other circumstances that accredit a level of training similar to that of the academic degree or university degree of an official nature and valid throughout the national territory to which it is intended to be equivalent.

Article 4. *Requirements of the center requesting the equivalence.*

1. The procedure shall be initiated by means of a request from the institution or organization that oversees the education leading to the degree for which equivalence is requested, or from the entity that owns the corresponding higher education center, addressed to the Minister of Education, Culture and Sports.

The application shall be accompanied by:

a) Report justifying the content of the petition, which shall reflect compliance with the requirements referred to in the preceding article and other circumstances that should be subject to evaluation.

b) Certification accrediting the date of implementation of the courses, issued by the institution or competent authority that authorized them.

c) Curriculum(s) applied since the implementation of the courses.

d) Academic qualifications of the teachers who teach or have taught the courses.

e) Academic requirements for students to be able to attend the courses, since the implementation of these courses.

f) Number of graduates.

g) Documentation that accredits the authorization or recognition of the center that imparts the teachings.

2. Once the application has been formulated, the documentation provided and verified, the file will be submitted to the University Coordination Council for a reasoned report.

This report shall be mandatory and decisive for the purposes set forth in section 5.c) of Article 42 of Law 30/1992, of November 26, 1992, on the Legal Regime of the Public Administrations and Common Administrative Procedure, as amended by Law 4/1999, of January 13, 1999.

3. Likewise, a mandatory report will be requested from the National Agency for Quality Assessment and Accreditation, by virtue of the powers attributed to it by Article 31 of the Organic Law on Universities.

4. The Minister of Education, Culture and Sports will submit to the Council of Ministers the proposal, if applicable, for the declaration of equivalence, which must be adopted by Royal Decree.

Article 5. *Registration of equivalencies.*

The declarations of equivalence referred to in the preceding article shall be entered in a special section of the National Register of Universities, Centers and Degrees.

First additional provision. *Equivalence for the purposes of the provisions of Law 30/1984, of August 2, 1984.*

For the purposes of the provisions of Law 30/1984, of August 2, 1984, on Measures for the Reform of the Civil Service, the following shall be considered equivalent to the degree of Diplomate

The student must have passed the first three complete courses of studies leading to any official degree of Bachelor, Architect or Engineer, or the first cycle corresponding to such studies, provided that this first cycle contains a minimum of 180 credits.

Second additional provision. *Equivalences in force.*

1. This Royal Decree is approved without prejudice to the provisions of Royal Decree 434/2002, of May 10, 2002, on general guidelines for the curricula of military training for incorporation into the Senior Officer and Officer Scales of the Armed Forces Corps, approved in development of Law 17/1999, of May 18, 1999, on the Armed Forces Personnel Regime.

2. This Royal Decree does not affect equivalencies to university studies that have been established by regulations issued prior to its entry into force.

Third additional provision. *Individual declarations of equivalence under regulations prior to the Organic Law on Universities.*

1. The Minister of Education, Culture and Sport, or the body to which he/she delegates, may resolve requests for individual declarations of equivalence of degrees or diplomas with specific effects submitted by interested parties, by virtue of general equivalences already declared by the applicable legal regulations, as the case may be.

2. The resolution and notification regarding whether or not the declaration of equivalence is appropriate must be adopted within a period of six months. The lack of notification of an express resolution within the aforementioned term will mean that the application for equivalence will be considered rejected, in accordance with the twenty-ninth additional provision of Law 14/2000, of December 29, 2000, on fiscal, administrative and social measures, in accordance with what is provided therein for the issuance, renewal, homologation, validation and recognition of degrees, diplomas, licenses and academic or professional certificates in its Annex II.

Sole derogatory provision. *Repeal of regulations.*

Any provisions of equal or lower rank that oppose the provisions of this Royal Decree are hereby repealed.

First final provision. *Modification of Royal Decree 1282/2002, of December 5, 2002, which regulates the National Register of Universities, Centers and Degrees.*

Section 2 of article 1 of Royal Decree 1282/2002, of December 5, 2002, which regulates the National Register of Universities, Centers, and Degrees, is amended to read as follows:

"The aforementioned registry shall consist of four sections:

- a) Universities.
- b) Centers and structures.
- c) Teaching.
- d) Education declared equivalent to university education."

Second final provision. *Competent title.*

This Royal Decree is issued by virtue of the powers attributed to the State in Article 140.1.30 of the Constitution, Article 36 of Organic Law 6/2001, of December 21, 2001, on Universities, and the third final provision of said Organic Law.

Third final provision. *Regulatory development.*

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

Fourth 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 10, 2003.

JUAN CARLOS R.

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