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## I. GENERAL PROVISIONS

### MINISTRY OF UNIVERSITIES

**17045** *Royal Decree 889/2022, of October 18, establishing the conditions and procedures for the homologation, declaration of equivalence and validation of university education from foreign educational systems and regulating the procedure for establishing the correspondence to the level of the Spanish Qualifications Framework for Higher Education of official university degrees belonging to previous academic systems.*

#### I

The process of building Europe in recent years has been inevitably linked to an increase in the mobility of students and university professors, as well as workers and professionals. As the dynamics of globalization have taken hold, they have intensified, becoming increasingly complex in terms of their participants and motivations, and the number of people involved has increased. One of the particularly relevant consequences has been the increasing openness of national labor markets to the mobility of professionals from other countries. This process is not exclusive to Europe, as it is affecting, in one way or another, a large majority of countries, both as issuing and receiving areas for these professionals, as is the case, for example, with the United States or numerous Latin American nations. Spain has not been an exception either, both as a receiving country and as a country from which graduates and professionals have left in search of opportunities to practice their profession in other national contexts. These processes have shown an evident sensitivity to the evolution of national economies and the capacity of the respective labor markets to retain or attract, as the case may be.

This process of internationalization of professional workplaces has received a definitive boost with the harmonization of training that has led to the generalized adoption of the principles of the European Higher Education Area in most European countries. The structuring of a common university training system based on three stages: Bachelor's, Master's and Doctorate, the articulation of an educational model that pivots around the skills and knowledge that define the different degrees, and, finally, the widespread use of the European *Credit Transfer and Accumulation System* (ECTS), have converged in the strengthening of the potential for recognition of university degrees between countries, which definitely contributes to the mobility of people with knowledge in the various fields of knowledge. This recognition, in certain cases, expressly entails the ability to practice the profession to which the attainment of that degree has led.

At the European level, the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (number 165 of the Council of Europe), signed in Lisbon on April 11, 1997 and ratified by Spain in 2009, establishes the essential principles to be followed with regard to, among other things, the recognition of periods of study and higher education qualifications.

In this context, it should be noted that national regulations are not always analogous in terms of the requirements for the recognition of university degrees obtained in other countries, or in relation to the possibility and mechanisms established for the recognition of university degrees obtained in other countries.

to practice a profession that is regulated by national or European regulations. In this last aspect, Spain has a body of regulations that establishes a series of University Degrees and Master's Degrees that qualify for the exercise of a regulated profession. This situation is likewise reproduced in other countries, although with important nuances. Faced with this reality, the European Commission has promoted regulations and other measures that seek to open up effective ways for the mobility of professionals, a significant proportion of whom have a university degree.

In this sense, the free movement of workers is one of the four fundamental freedoms of the European project, as stated in Article 45 of the Treaty on the Functioning of the European Union, which expressly prohibits any discrimination on grounds of nationality between workers in the member countries of the Union. Beyond the inclusion of this approach in a multitude of strategic documents of the European Commission approved during these years, Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, as well as Regulation (EU) No. 492/2011 of the European Parliament and of the Council of 5 April 2011 on the free movement of workers within the Union, were enacted in the first decade of this century.

These rules have been followed by Regulation (EU) No. 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ("IMI Regulation"), and the new Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No. 1024/2012 on administrative cooperation through the Internal Market Information System ("IMI Regulation").

All these rules are essential to facilitate the mobility of professionals in the European labor market and to eliminate or condition the national regulatory and administrative barriers that hinder it.

At the same time, all these important regulations for the recognition of university degrees obtained in other countries are also related to the migratory regulatory framework and for Spanish citizens who have studied abroad. Likewise, the recognition of qualifications is a key element in the field of policies aimed at attracting international talent as an element not only to improve competitiveness but also to contribute to the labor market in a context of growing internationalization. The impetus given by the arrival of migratory flows from third countries in the European Union over the last two decades has contributed to a significant increase in migration flows. Among these flows, it is increasingly important to highlight the increase in the number of people with university degrees who move with the intention of beginning or continuing their studies at university level, as well as professionals who in their societies of origin were already exercising a profession, and who will seek to work in Europe, as in Spain, developing work tasks in accordance with the degree obtained or with the profession they were already exercising. In this regard, it should certainly be noted that the recent amendment to the Regulations of Organic Law 4/2000, of January 11, on the rights and freedoms of foreigners in Spain and their social integration, approved by Royal Decree 629/2022, of July 26, seeks, among other objectives, to respond quickly to the growing needs of the Spanish labor market by incorporating foreign professionals and workers, as well as to promote the internationalization of Spanish Universities through a more favorable system for attracting and retaining foreign students. This process has also been added to the institutionalized promotion of the mobility of professionals promoted by the European Union for its fellow citizens. However, the convergence of these two processes has resulted in

increase the complexity and challenges faced by Spain in view of the plurality of higher education systems involved and the heterogeneity of the regulations governing professional practice in the countries of origin of these professionals.

## II

In Spain, pursuant to the provisions of article 149.1.30 of the Constitution, the State has exclusive jurisdiction over the regulation of the conditions for obtaining, issuing and homologation of academic and professional degrees. This has been reflected in the legislation enacted for this purpose. In fact, there have been three main pieces of legislation that have dealt specifically with this issue. Firstly, Royal Decree 86/1987, of January 16, 1987, regulating the conditions for the recognition of foreign higher education degrees, developed the provisions contained in Organic Law 11/1983, of August 25, 1983, on University Reform. Secondly, Royal Decree 285/2004, of February 20, 2004, regulating the conditions for the recognition and validation of foreign higher education degrees and studies, replaced the previous one of 1987 and adapted its provisions to the provisions of Organic Law 6/2001, of December 21, 2001, on Universities. Thirdly, Royal Decree 967/2014, of November 21, establishing the requirements and procedure for the homologation and declaration of equivalence to degree and official university academic level and for the validation of foreign higher education studies, and the procedure to determine the correspondence to the levels of the Spanish framework of qualifications for higher education of the official degrees of Architect, Engineer, Graduate, Bachelor, Technical Architect, Technical Engineer and Diploma, in turn, took into account the new academic structure derived from the European Higher Education Area established in Organic Law 4/2007, of April 12, which amends Organic Law 6/2001, of December 21, on Universities.

However, the provisions of the regulation currently in force have not been able to cope with the increase in the volume of applications for the recognition, through homologation and equivalence procedures, of university degrees obtained in foreign educational systems. This, together with the complexity of the procedure established in the regulation, has resulted in the accumulation of files and the subsequent delay in their resolution.

All of which ends up creating a set of *de facto* limitations to the development of the free movement of people under equal conditions, to integration based on the social cohesion of all citizens, regardless of their place of birth, residence or nationality, and to mobility between countries articulated under the principle of reciprocity.

In addition, the needs of certain healthcare professionals during the crisis caused by the COVID-19 pandemic and the difficulties that became apparent in responding to them administratively, have become the most obvious corroboration of the urgency of updating the current regulations.

Hence the opportunity to approve a new standard, given the importance for our society and for our labor market of the arrival of these graduates and these qualified professionals.

## III

This royal decree is therefore based on the experience developed and the desire to solve the problems detected in the field of recognition and equivalence declarations of foreign university degrees based on five fundamental principles: academic rigor, procedural transparency, streamlining the resolution of the procedures to ensure the

citizens' rights, modernization and electronic processing and legal certainty.

Therefore, its main objective is to regulate the conditions, requirements and procedure for, on the one hand, the homologation of degrees obtained in the framework of foreign higher education systems to the corresponding Spanish university degrees that qualify for the exercise of a regulated profession in Spain and, on the other hand, the declaration of equivalence at an official academic level in our country of a degree obtained in the framework of foreign higher education systems, which, however, does not constitute a requirement for access to and exercise of a regulated profession in Spain. It is in these procedures where the main novelties of the regulatory project are concentrated, such as the intense and global digitalization or the creation of the Commission for the Technical Analysis of Homologations and Equivalence Declarations.

Likewise, it regulates the recognition by means of validation of foreign university studies or periods thereof, the competence of which corresponds to the universities. And, finally, it determines the mechanism for defining the correspondence of a Spanish degree, obtained in the stage prior to the European Higher Education Area, to the Spanish Qualifications Framework for Higher Education.

This set of procedures is developed bearing in mind the cyclical structure of university education in Spain (Bachelor's, Master's and Doctorate), which are fully integrated into the European Higher Education Area. These courses are defined by certain knowledge, competencies and skills that have been considered as fundamental in their curricula. Before being implemented, these courses have had to pass a quality assessment by quality assurance agencies. All of which facilitates the recognition of degrees between countries.

At the same time, it takes into account those regulations in Spain governing access to the practice of a regulated profession when dealing with the recognition of foreign university degrees, and in certain cases stipulates specific training requirements for the person applying for recognition, which may range from the completion of specific internships, the development and passing of courses at a university or taking an aptitude test.

In order to achieve these objectives, the homologation and equivalency declaration procedures, which make up the bulk of the applications of foreign graduates arriving in Spain each year, are streamlined and efficient, supported by the intense and global digitalization of all the procedural steps, making the most of the available information and communication technologies. This ensures that the instruction and resolution time does not exceed six months and that citizens can consult the status of their application at any time.

In this sense, this Royal Decree establishes the obligation to relate with the Administration through electronic means, in accordance with the provisions of Article 14.3 of Law 39/2015, of October 1, of the Common Administrative Procedure of Public Administrations, which allows establishing by regulation the obligation to relate with the Administration, exclusively, through electronic means for certain procedures and for certain groups of individuals who, due to their economic capacity, technical, professional dedication or other reasons, it is accredited that they have access to and availability of the necessary electronic means. This possibility has been recently developed by Royal Decree 203/2021, of March 30, which approves the Regulations for the performance and operation of the public sector by electronic means.

For the scope of the General State Administration, it is considered that the professional persons requesting the approval or declaration of equivalence regulated in this royal decree have the skills and resources necessary to comply with the procedures and actions they carry out with the

Public Administrations through electronic means. This will allow greater accessibility for citizens, who will be able to request these recognitions at any time and place, in addition to allowing the Administration to expedite their processing.

In short, this Royal Decree reliably combines the opening of spaces for the mobility of university graduates with the fact of ensuring that the level of academic or professional training of all persons with foreign university degrees will be equivalent to the Spanish level. And this, so that they can begin or continue university studies, perform a job or exercise a profession in Spain, regardless of whether it is regulated or not, for the benefit of the services they can provide to the current and future Spanish society.

#### IV

This regulation is organized in four chapters, thirty-one articles, four additional provisions, two transitory provisions, one derogatory provision, six final provisions and an annex. Chapter I, devoted to general provisions, deals with the purpose, scope and effects of the procedures. Chapter II regulates in detail the procedures for approval and declaration of equivalence. Chapter III regulates certain aspects of the validation of foreign university studies or periods of such studies for Spanish university studies. Chapter IV determines the procedure for establishing the correspondence of Spanish university degrees prior to the European Education Area to the Spanish Qualifications Framework for Higher Education. It is completed with an annex which, for those cases in which the possession of an official university degree is a condition, contains the list of regulated professions and their corresponding regulations.

The Royal Decree complies with the principles of good regulation referred to in Article 129 of Law 39/2015, of October 1; principles of necessity, effectiveness, proportionality, legal certainty transparency and efficiency. Firstly, it complies with them insofar as it pursues a general interest by ensuring legal certainty and consensus within the university community, updates the legal system with respect to the use of electronic means, reduces processing costs and complies with the need to establish legal protection for those interested in the procedures of homologation and declaration of equivalence of degrees obtained in the framework of foreign higher education systems. On the other hand, it complies with the principle of transparency in the terms established in Article 7 of Law 19/2013, of December 9, on transparency, access to public information and good governance, during all its drafting and approval phases. Finally, in application of the principle of efficiency, it provides for the use of technological means, which will entail a clear and manifest decrease in the burdens and difficulties inherent to a procedure of special importance.

In sum, this rule complies with the mandate established in Article 129 of Law 39/2015, of October 15, there being no regulatory alternative less restrictive of rights, it is consistent with the legal system and allows for a more efficient management of public resources.

The draft regulation is issued under the provisions of Article 149.1.30 of the Spanish Constitution, which grants the State exclusive competence over the regulation of the conditions for obtaining, issuing and homologation of academic and professional degrees, as well as by virtue of the mandate in favor of the Government contained in Article 36 and the third final provision of Organic Law 6/2001, of December 21, 2001.

During its processing, this Royal Decree has been informed by the Council of Universities and by the General Conference on University Policy.

By virtue thereof, at the proposal of the Minister of Universities, with the prior approval of the Minister of Finance and Public Function, in agreement with the Council of State, and

after deliberation of the Council of Ministers at its meeting of October 18, 2022,

PROVIDED:

CHAPTER I

### General Provisions

#### Article 1. *Object.*

1. The purpose of this Royal Decree is to regulate the conditions, requirements and procedures for the recognition of higher education degrees obtained in foreign educational systems in relation to the corresponding official university degrees in Spain. For this purpose, two specific procedures are established:

a) The homologation of degrees obtained in the framework of foreign higher education systems to an official Spanish university degree, when this degree is qualifying and leads to the exercise of a profession regulated by the regulations in force for this purpose in Spain.

b) The declaration of equivalence of degrees obtained in the framework of foreign higher education systems to an official Spanish academic level of Bachelor's and Master's Degrees, without this entitling the holder to exercise a regulated profession in Spain.

2. It also establishes the procedure for the validation of foreign university studies or periods thereof, carried out within the framework of foreign university and higher education studies, for official university studies being taught in the Spanish university system.

3. Finally, it regulates the procedure for the determination of the correspondence to the level of the Spanish Qualifications Framework for Higher Education (MECES), of the official university degrees belonging to academic orders prior to that provided for in Organic Law 6/2001, of December 21, on Universities, as well as of the professional and higher education degrees that at the entry into force of this Royal Decree had been declared equivalent to the degree of Architect, Engineer, Graduate, Technical Architect, Technical Engineer or Graduate.

#### Article 2. *Definitions.*

For the purposes of the application of this Royal Decree, the following definitions shall apply:

a) Foreign degree: any degree or diploma with official validity obtained within the framework of foreign higher education systems, accrediting the complete completion of the corresponding cycle of higher studies, including, if applicable, the training period necessary to obtain it, aptitude test or qualifying certification, with official status in its country of origin and issued abroad by a university, institution of higher education officially recognized therein or competent authority, in accordance with the regulations of the country to which said studies belong.

b) Homologation: official recognition of the training passed to obtain a foreign degree, comparable to that required to obtain a Spanish degree, which is required for the exercise of a regulated profession.

c) Declaration of equivalence: official recognition of the training passed to obtain a foreign degree, comparable to that required to obtain a Bachelor's, Master's or Doctorate degree, excluding the professional effects with respect to those degrees that can be obtained by homologation.

d) Regulated profession: a profession for which access to practice requires the possession of an official university degree, subject to the provisions of Articles 14.8 and 17.6 of Royal Decree 822/2021, of September 28, establishing the organization of university education and the procedure for quality assurance, depending on whether it is a Bachelor's or Master's degree, respectively.

e) Academic effects: those inherent to obtaining the official degrees that make up the Spanish university system and that allow the continuation of studies in the same or in different levels of the Spanish educational system.

f) Professional effects: those provided by the official university degrees required to allow access to the exercise of any of the regulated professions.

g) Validation: the official recognition, for academic purposes, of the validity of higher education studies carried out abroad, whether or not they have resulted in a degree, with respect to Spanish university studies.

h) General measure: a reasoned report by the Commission for Technical Analysis of Approvals and Declarations of Equivalence, which will be carried out in accordance with the criteria set forth in this Royal Decree and which will establish a general criterion applicable to the approval or declaration of equivalence of certain foreign degrees.

i) Correspondence to the MECES level: the determination of correspondence to a MECES level of an official Spanish university degree included in article 3.3.

j) Qualifying degree: the degree required for the exercise of a regulated profession in Spain, whose design and guidelines comply with the provisions of Articles 14.8 and 17.6 of Royal Decree 822/2021, of September 28, depending on whether it is a Bachelor's or Master's degree, respectively.

### Article 3. *Scope of application.*

1. The provisions of this Royal Decree shall apply to foreign diplomas, on the basis of which homologation or declaration of equivalence is requested, as the case may be.

2. Likewise, it will apply to university studies developed within the framework of foreign higher education systems or periods thereof, from which a validation is requested for studies of an official Spanish university degree.

3. The determination of the correspondence to the MECES level will be applied to the following official Spanish university degrees belonging to previous academic orders:

- a) Architect.
- b) Engineer.
- c) Bachelor's degree.
- d) Technical Architect.
- e) Technical Engineer.
- f) Graduate.
- g) Professional and higher education degrees that at the entry into force of this Royal Decree have been declared equivalent to the degree of Architect, Engineer, Graduate, Technical Architect, Technical Engineer or Diploma.

4. Excluded from the scope of application of this Royal Decree is the professional recognition provided for in the rules of European Union law for citizens of the European Union, which shall be governed by its specific regulations, in particular, by Royal Decree 581/2017 of 9 June, which incorporates into Spanish law Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU)



No. 1024/2012 on administrative cooperation through the Internal Market Information System (IMI Regulation).

Article 4. *Exclusions.*

1. Neither the homologation nor the declaration of equivalence of foreign degrees may be granted to:

- a) University degrees and diplomas, especially those of continuing education.
- b) Spanish degrees whose curricula have expired or which have not yet been implemented in at least one Spanish university.
- c) Academic levels other than Bachelor's and Master's Degrees. In the case of the academic level of Doctorate, the procedure established in the second additional provision shall be applied.

2. The following foreign degrees or studies issued or carried out abroad shall not be subject to homologation or declaration of equivalence:

- a) In cases of homologation to a degree with training harmonized by European Union regulations, those foreign degrees that do not comply with the criteria established in said regulations.
- b) Those corresponding to foreign studies carried out, in whole or in part, in Spain, when the centers lack the mandatory authorization to teach such studies, or when the studies sanctioned by the foreign degree were not effectively implemented in the foreign university or institution of higher education at the time the degree was issued, in accordance with the provisions of article 86 of Organic Law 6/2001, of December 21, 2001, on Universities. However, when these circumstances affect only part of the studies carried out, the partial studies that do not incur in them may be subject to validation.
- c) Degrees that have been the subject of a recognition procedure in Spain in which a decision has been handed down regarding an identical application, except in cases of express or tacit withdrawal or when, exceptionally, the Commission provided for in Article 10 has expressly determined in a general measure a change of criterion in the assessment of certain studies. Identical applications shall be understood to be those formulated in relation to the same foreign degree and for the same official Spanish degree.
- d) Degrees that have been the object of a procedure for the declaration of equivalence in Spain in which a decision has been handed down regarding an identical application, except in cases of express or tacit withdrawal or when, exceptionally, the Commission provided for in Article 10 has expressly adopted in a general measure a change of criterion in the assessment of certain studies. Identical applications shall be understood to be those formulated in relation to the same foreign degree and for the same academic level.
- e) Degrees for which the validation of their studies is being processed at a Spanish university.
- f) Degrees obtained by recognition of professional or work experience or non-official university studies (own or continuing education) in a percentage greater than 15 percent of the total number of credits that constitute the study plan.

3. By means of the procedure established in this Royal Decree it will not be possible to determine the correspondence to the MECES level of the degrees issued by the universities.

4. When the investigating body verifies the concurrence of some of the circumstances described in the preceding paragraphs, the proposal of

resolution referred to in article 15 and may decide, with reasons, the rejection of the application for homologation or declaration of equivalence.

*Article 5. Effects of the homologation, of the declaration of equivalence and of the validation.*

1. The homologation grants the foreign degree, from the date on which it is granted and the corresponding credential is issued, the same effects as the Spanish degree to which it is homologated throughout the national territory. Likewise, it will entail the possibility of exercising the regulated profession in question under the same conditions as the holders of the Spanish degrees that enable them to do so.

2. Obtaining the declaration of equivalence will have throughout the national territory, from the date on which it is granted and the corresponding certificate is issued, the academic and administrative effects corresponding to the academic level for which the equivalence has been declared.

3. The validation of foreign university studies, from the moment it is issued, will have the same academic effects that correspond to the successful completion of the university studies for which it is granted. Likewise, the validation will allow the continuation of such studies in a Spanish university.

4. Neither the homologation, nor the declaration of equivalence, nor the validation presuppose in any case the possession of any other degree or academic level of the Spanish educational system.

## CHAPTER II

### **Procedures for recognition and declaration of equivalence of foreign diplomas**

*Section 1.<sup>a</sup> Provisions common to the procedures of homologation and declaration of equivalence of foreign degrees*

*Article 6. Competent Bodies.*

1. The acts of instruction will be carried out ex officio by the body of the General Secretariat of Universities that has the function of instructing the procedures of homologation and declaration of equivalence.

2. The competent body for the resolution of the procedures of this chapter shall be the head of the Ministry of Universities.

*Article 7. Obligation to relate electronically.*

1. Pursuant to the provisions of Article 14.3 of Law 39/2015, of October 1, of the Common Administrative Procedure of the Public Administrations, as well as in the Regulation of action and operation of the public sector by electronic means, approved by Royal Decree 203/2021, of March 30, it will be mandatory, for the persons applying for the procedures of homologation or declaration of equivalence regulated in this royal decree, the completion of all procedures with the Public Administrations, including the filing of administrative appeals related to these procedures, by electronic means through the electronic headquarters of the Ministry of Universities.

2. Applications, communications and the required documentation must be submitted in the electronic registry, accessible through the electronic headquarters of the Ministry of Universities. Likewise, the electronic means to be used in the

The systems used for the processing of applications and for communication with the applicants will be those determined in the aforementioned electronic office.

3. In the case of requiring the instructing body the submission of originals and if these can only be submitted in paper format, such documents will be digitized, as provided in Article 16.5 of Law 39/2015, of October 1, returning the originals to the interested party.

4. The interested persons will be notified, in any case, through the single enabled electronic address, as well as by means of appearance at the electronic headquarters of the Ministry of Universities.

#### *Article 8. General conditions for the homologation and declaration of equivalence.*

1. The homologation of a foreign degree may be requested with respect to those official university degrees of Bachelor's or Master's Degrees in force which enable access to the exercise of a regulated profession in Spain. In any case, for access to the exercise of the corresponding regulated profession in Spain, the requirements established by the specific regulations governing the same must be fulfilled.

For the purposes of the procedure for the recognition of foreign degrees, the regulations establishing the requirements for the verification of official university degrees that enable the exercise of the corresponding professions are listed in the appendix.

2. In particular, when the specific regulations governing a profession require, for access to the exercise thereof, to be in possession of a specific official Spanish University Master's degree, which in turn has as an access requirement to be in possession of a specific official Spanish university degree, the recognition of such University Master's degree will require the prior accreditation of the possession of a university degree that complies with the same conditions and training requirements that have been established in the curricula of such Degree.

In those cases in which the access to the University Master's Degree indicated in the previous paragraph requires the possession of a non-specific Bachelor's Degree, the homologation to said University Master's Degree will require the accreditation of a previous declaration of equivalence to the official academic level of Bachelor's Degree.

3. The declaration of equivalence of a foreign degree may be requested in relation to the official academic level of a Bachelor's or Master's degree that does not qualify for access to the exercise of a regulated profession in Spain.

#### *Article 9. General requirements for foreign degrees.*

1. Foreign degrees on the basis of which homologation or a declaration of equivalence to an official academic level in Spain is requested, must have official status in their country of origin and have been issued by the university, by an institution of higher education, or by the competent authority, in accordance with the regulations in force in that country.

2. These foreign degrees, likewise, must have an academic level equivalent to that of the official Spanish Bachelor's or Master's degree, for which the homologation or the declaration of equivalence is requested, as the case may be.

3. In the case of an application for homologation, the foreign degrees from which homologation is requested must incorporate in their curriculum the knowledge and competencies that are considered fundamental to the training project of the official Spanish Bachelor's or Master's degree to which homologation is sought. Likewise, such foreign degrees must incorporate in their syllabus those specific knowledge and competencies that have been established in the regulations in force for the degrees that qualify for the exercise of the regulated profession in question.

4. For the homologation of foreign degrees, the applicant will be required to prove the linguistic competence necessary for the exercise in Spain of the corresponding regulated profession.

*Commission of Technical Analysis of Homologations and Equivalence Declarations.*

1. The Commission for Technical Analysis of Approvals and Equivalence Declarations (hereinafter, the Commission) is created, which will be attached to the General Secretariat of Universities of the Ministry of Universities. This Commission shall be governed, in all matters not provided for in this Royal Decree, by the provisions applicable to it in Chapter II of the Preliminary Title of Law 40/2015, of October 1, on the Legal Regime of the Public Sector.

2. The functions of the Committee shall be the formulation of the proposed resolution, as well as the adoption of measures of a general nature, in accordance with the provisions of Articles 15 and 16.b), respectively.

3. The Committee shall be composed of thirteen persons, with the following composition:

a) Three in representation of the General Secretariat of Universities.

One of them will be the person responsible for the unit of the General Secretariat of Universities in charge of processing these applications, with the rank of deputy director general, who will chair and coordinate the Commission. The other two will be chosen from among the civil servant personnel of that Subdirectorate, with a minimum level of 28 and with functions in the processing of the procedures for the homologation and declaration of equivalence of foreign university degrees. One of them shall act as secretary, with voice and vote.

b) Two in representation of the National Agency for Quality Assessment and Accreditation (ANECA), who will be proposed by the person in charge of the Directorate of that body, among ANECA's employees or civil servants, with experience in the procedures for international recognition of higher education degrees and studies and in the international models of evaluation, certification and accreditation of the quality of study programs.

c) Four persons representing the Dean's Offices of the Faculty or the Directors of Spanish University Schools.

d) Four persons chosen from among the university teaching staff with permanent links to their university, at the proposal of the Spanish universities.

The members and alternates of this Commission shall be appointed by the head of the General Secretariat of Universities. Those referred to in paragraphs c) and d) shall be appointed with the prior agreement of the Council of Universities.

4. A balanced composition between women and men shall be guaranteed in accordance with the provisions of article 54 of Organic Law 3/2007, of March 22, 2007, for the effective equality of women and men, as well as a plural representation of the branches of knowledge.

5. The persons referred to in paragraphs c) and d) shall be renewed every three years, also guaranteeing the principle of balanced composition provided for in article 54 of Organic Law 3/2007, of March 22.

*Article 11. Basic and specific criteria for the resolution of the procedures of homologation and declaration of equivalence.*

1. The resolutions of the procedures of homologation and declaration of equivalence of foreign degrees will be adopted after examining the documentation that accredits the training received by the applicant. For this purpose, the following basic and specific criteria must be taken into account.

2. Basic criteria:

- a) Equalization between the academic levels required for access to the courses leading to the foreign degree, with respect to access to the Spanish university degree.
- b) The equivalence between the academic level of the foreign degree with which the homologation or declaration of equivalence is requested, and the academic level of the corresponding official university degree in Spain, in the case of homologation, and the academic level of the corresponding official university degree in Spain, in the case of the declaration of equivalence.
- c) In the specific case of an application for homologation of a Bachelor's degree or for a declaration of equivalence to the academic level of a Bachelor's degree, it will be a necessary condition that the foreign degree gives access to equivalent Master's degree or postgraduate studies in the country of origin.

3. Specific criteria:

- a) The fundamental competencies and knowledge that identify the foreign degree, as well as the duration and credit load of the courses leading to the award of such degree.
- b) In the case of an application for the homologation of a foreign degree to an official Spanish university degree that enables and allows access to the exercise of a regulated profession, the foreign degrees must accredit the duration and content of the requirements stipulated in said regulations, whether national or of the European Union.
- c) In those cases in which the foreign degrees presented for homologation require in their country of origin the obtaining of other degrees or the fulfillment of certain conditions or additional requirements for the exercise of the same profession, proof must be provided of possession of said degrees or of having complied with the additional requirements.
- d) When a request is made for the declaration of equivalence to an academic level of a degree corresponding to studies carried out in accordance with education systems of countries of the European Higher Education Area, the resolution shall take into account the academic level corresponding to the degrees as reflected, if applicable, in the European Diploma Supplement.
- e) Knowledge and competencies acquired by the interested party in other official university studies different from the foreign degree to be recognized or equalized may be taken into consideration, as long as they academically complement the training obtained through the degree to be recognized or equalized.
- f) Similarly, in the homologation procedure, professional experience may be taken into account, if it is related to the professional competencies included in the orders establishing the requirements for the verification of official university degrees included in the appendix. In any case, it is established at a maximum of 15 percent of the number of credits of the Bachelor's or Master's Degree to which the foreign degree is to be recognized.
- g) Likewise, in certain cases, the different duration of the degrees in the various national legislations that give rise to the same degree may be taken into consideration, by giving priority to the fundamental knowledge and competencies that characterize a degree in relation to those that define that university degree in Spain.

## Section 2. Procedure

### Article 12. *Initiation of the procedure.*

1. Interested persons may request the homologation or declaration of equivalence of foreign degrees by submitting an application in the electronic registry, accessible through the electronic headquarters of the Ministry of Universities, in accordance with the provisions of Article 7.

2. Once the application has been submitted and registered, the interested parties will be able to know at any time the processing status of the application through the electronic headquarters of the Ministry of Universities.

3. Interested persons may act through a representative, understanding with him the administrative actions, unless expressly stated otherwise by the interested party. The representation may be accredited by any means valid in law that leaves a reliable record of its existence, in accordance with the provisions of Article 5.4 of Law 39/2015, of October 1.

### Article 13. *Documentation to be attached to the application.*

1. Applications for both homologation and declaration of equivalence must be accompanied by the following documents:

a) Document certifying the identity and nationality of the applicant, issued by the competent authorities of the country of origin or country of provenance.

b) In the case of residents in Spanish territory, a declaration by the applicant authorizing the verification and verification of his/her identity in accordance with the provisions of Royal Decree 522/2006, of April 28, which eliminates the requirement to provide photocopies of identity documents in the administrative procedures of the General State Administration and its related or dependent public bodies. However, the applicant may expressly refuse his/her consent and, in such case, must attach a copy of the valid identity document.

c) Degree whose homologation or declaration of equivalence is requested, or the certification of its issuance.

d) Academic certification of the studies carried out by the applicant to obtain the degree, stating, among other things, the official duration in academic years of the study plan followed, the subjects taken, the time load of each of them and, if applicable, the corresponding ECTS credits obtained (*European Credit Transfer and Accumulation System*).

The documents indicated in paragraphs c) and d) must be presented legalized through diplomatic channels or, if applicable, by means of the apostille of the Hague Convention. This requirement shall not apply to documents issued by the authorities of the Member States of the European Union or signatories of the Agreement on the European Economic Area and Switzerland. They must be accompanied, where appropriate, by the corresponding official translation into Spanish.

e) Proof of payment of the corresponding fee.

f) Proof, if applicable, of the representation referred to in Article 12.3.

g) Responsible statement in which the interested party declares the truthfulness of the data provided, as well as being in possession of the original documentation required in the requested procedure. Said documentation may be required by the competent body at any time during the procedure, as well as requesting clarifications or, where appropriate, additional documentation deemed necessary for the verification of the requirements and the assessment of the application.

2. For the accreditation of linguistic competence, the interested party must provide, together with the application, one of the following documents:

- a) "Diploma of Spanish as a foreign language (DELE), level B2, or higher, issued in accordance with the provisions of Royal Decree 1137/2002, of October 31, 2002, which regulates the "diplomas of Spanish as a foreign language (DELE)".
- b) Official certificate of intermediate level B2, or higher, of Spanish for foreigners, issued by the educational administrations through the official language schools.
- c) Certificate of Proficiency in Spanish for foreigners issued by the educational administrations through the official language schools.
- d) Certificate issued by the Center where the studies leading to the degree whose homologation is sought were taken, stating that at least 75% of the training was taken in Spanish.
- e) Certificate that the training prior to access to higher education was completed in Spanish.

It shall not be required to provide any of the documents referred to in this section to applicants who are nationals of States whose official language is Spanish.

*Article 14. Instruction of the procedure.*

1. The proceedings shall consist of the following steps:

a) Review of the application and supporting documentation. This procedure shall not exceed 10 working days from the time of submission of the application.

In case of doubt as to the authenticity, validity or content of the documents provided, the investigating body may take the necessary steps to verify them, including requesting the interested party to submit the original or officially certified documents, as well as contacting the competent authority issuing them to validate the doubtful points.

b) In the event that the lack of any documentation is appreciated or the improvement of the application is required, the instructing body will require the correction of the same, granting the applicants a maximum period of ten working days to comply with what is required, with indication that, if they do not do so, the application will be considered withdrawn, prior resolution issued under the terms of Law 39/2015, of October 1.

c) However, exceptionally and in duly justified cases, in view of the special characteristics of this procedure, applicants who prove to have difficulties in obtaining and providing the requested documentation, may be granted, upon request to that effect, the extension of this period up to a maximum of 35 working days, within the framework of the provisions of Article 1, paragraph 2, of Law 39/2015, of October 1.

d) In the case of applications for the homologation of a foreign degree, it will be mandatory to request a non-binding report from the General Councils and, if applicable, from the national Professional Associations that represent the interests of the corresponding professional sector. Said report must be issued within a maximum period of ten working days, after which time the examining body may continue with the proceedings.

2. In all cases in which, during the course of the procedure, the interested party is required to correct deficiencies or to provide documents and other necessary elements of judgment, the period for resolving and notifying will be suspended for the time between the notification of the requirement and its effective compliance, or, in the absence thereof, for the period of time granted.

*Proposed resolution of the Commission for Technical Analysis of Homologations and Declarations of Equivalence.*

1. Once the procedure has been investigated, the Commission shall formulate a proposal for resolution, except in the cases set forth in Articles 4 and 16.

2. The proposed resolution must include an assessment of the general aspects of the foreign degree, such as its duration, its academic level in the country of origin, which professions it allows access to in the country of origin and which, if any, it would allow access to in Spain, among others. It will also rule on other specific aspects, such as the fundamental characteristics of the curriculum and those others that may have a singular and differentiating character of the degree in relation to the academic training or the exercise of a regulated profession, as the case may be, the performance of external academic practices, the validation of credits for professional experience or for studies of other degrees, among others.

3. The Committee may request reports on the academic or professional knowledge and competences of the different degrees from ANECA, as well as from university professors or professional experts in the field of knowledge or professional field of such degree.

4. The Commission shall have a maximum of two months to formulate the proposed resolution, which shall indicate whether it is favorable or unfavorable. In the case of homologation, it may also be favorable, subject to the fulfillment of the complementary training requirements described in article 19, which shall be specified in the corresponding resolution. The interested party will be notified of the proposed unfavorable or conditioned favorable resolution.

*Article 16. Exceptions to the need for the Commission to formulate a motion for resolution.*

The investigating body shall issue a proposal for resolution when any of the following cases occur:

- a) In the case of foreign degrees from countries of the European Higher Education Area, in the case of the procedure for the declaration of equivalence to an official academic level in Spain.
- b) When there is a general measure of the Commission.

The Commission, either ex officio or at the proposal of the investigating body, may adopt a general measure in the following cases:

1.º When there is an international agreement signed by the Kingdom of Spain of mutual and reciprocal recognition of the academic levels that officially have their respective official university degrees, or that mutually recognize the university degrees whose obtaining is a requirement for access to the exercise of the same regulated profession in both countries, always taking into account those requirements provided by the specific national and European Union regulations.

2.º When there are agreements between ANECA or the quality assurance agencies of the Autonomous Communities and those present in another country, which mutually recognize the quality of the study plans of the official university teachings of a certain country or of a certain university or group of universities of the country, in relation to the fundamental knowledge that they provide and the competencies to which they lead, according to the academic levels in which the respective degrees are framed, which are obtained by passing such studies, always in accordance with the requirements of the specific national and European Union regulations.

3.º When it is corroborated that certain applications for recognition and declaration of equivalence of a given foreign degree come from the same university, the same curriculum and from a given country, and that also



contain generic aspects, such as duration or level or any other generic aspect, which in any case make them susceptible to the application of homogeneous criteria.

*Article 17. Hearing.*

1. Before formulating the proposal for resolution, the investigating body shall give a hearing to the interested parties, in accordance with Article 82 of Law 39/2015, of October 1, for a period of ten working days, unless, before the expiration of said period, they express their decision not to make allegations or provide new documents or justifications, in which case the procedure shall be deemed to have been carried out.

2. The hearing may be dispensed with when no other facts or allegations and evidence other than those adduced by the interested party appear in the procedure or are taken into account in the decision.

3. In the event of an unfavorable or conditioned favorable resolution proposal, this will be considered provisional. The instructing body shall notify the applicants, for the purpose of submitting allegations and the documentation they deem appropriate, within a maximum period of ten working days from the date of notification. In the event that the interested parties do not make any allegations after this period has elapsed, the proposed resolution shall be final.

4. Once the allegations have been reviewed, if applicable, the Commission will formulate the proposed resolution, which will be final.

*Article 18. Resolution.*

1. Upon receipt of the proposal of resolution from the investigating body or the Commission, as the case may be, the head of the Ministry of Universities will issue a resolution.

2. The resolution shall be reasoned and shall contain one of the following pronouncements:

a) Granting of the homologation of an official Spanish undergraduate or Master's degree, which enables the exercise of a regulated profession.

b) Concession of the declaration of equivalence to an official academic level of Bachelor's or Master's Degree.

c) Refusal of approval or declaration of equivalence.

d) Approval is conditioned to the fulfillment of complementary training requirements. In this case, the resolution must expressly indicate the complementary training requirements that must be fulfilled in order to obtain the corresponding approval.

3. The resolution will be issued and notified within a maximum period of six months from the date on which the application was received in the electronic registry. Once this period has elapsed without notification of the resolution, the application may be understood to have been rejected by administrative silence, as established in the twenty-ninth additional provision of Law 14/2000, of December 29, 2000, on fiscal, administrative and social order measures, in its Annex 2.

*Article 19. Complementary training requirements.*

1. The purpose of these training requirements will be to balance the training contents between the foreign degree and the Spanish degree to which it is being homologated, thus guaranteeing the training quality of all professionals practicing a given profession in Spain.

2. Complementary training requirements are necessary when, in the elaboration of the proposed resolution on the homologation of a foreign degree, a lack of knowledge and skills, or of specific academic practices, is detected.

3. These requirements may consist of the completion of an academic internship, passing an aptitude test, the preparation of a project or academic or technical work, or the completion of certain academic courses that will make it possible to remedy the deficiencies detected.

4. The development of these requirements will be carried out in one or several Spanish universities, to be chosen by the interested person, as long as he/she has the official Spanish university degree to which he/she intends to homologate implemented and in force. In this sense, the maximum period of development and overcoming of these complementary formative requirements will be of four years from the moment of notification of the resolution. If this period is exceeded without obtaining these requirements, it will be considered that the conditional recognition will lose its effectiveness, without prejudice that the interested party may request the validation of certain periods of study, as regulated in this Royal Decree.

5. Interested persons may not apply for a new recognition of a foreign degree that has already been the subject of a recognition procedure with a favorable result conditioned to the fulfillment of complementary training requirements, even if it has lost its effectiveness because it has not been fulfilled within the four-year period established in the previous paragraph.

*Credentials of homologation and certificates of declaration of equivalence.*

1. The favorable resolution of homologation will entail the issuance of a credential by the competent body of the General Secretariat of Universities.

2. In the case of a resolution for the conditional granting of an accreditation, which requires the completion of additional training requirements, the credential will be issued once the applicant accredits the completion of such requirements to the instructing body.

3. The favorable resolution of a declaration of equivalence will entail the issuance of a certificate by the competent body of the General Secretariat of Universities.

4. The credentials of homologation and the certificates of equivalence declaration will be delivered to the interested party by means of an appearance at the electronic office or through the electronic means enabled for such purpose.

5. The credentials of homologation and the certificates of equivalence declaration will be registered in the National Registry of Official University Graduates, in a special section, in accordance with Royal Decree 1002/2010, of August 5, on the issuance of official university degrees.

Article 21. *Resources.*

Against the resolutions of the head of the Ministry of Universities referred to in Article 18, which put an end to administrative proceedings, there shall be the possibility of lodging an appeal for reversal, in accordance with the provisions of Articles 123 and 124 of Law 39/2015, of October 1, without prejudice to its direct challenge before the contentious-administrative jurisdictional order as established by Law 29/1998, of 13 July, regulating the contentious-administrative jurisdiction, within two months from the day following the date of its notification or from the day following that on which the presumed act occurs.

### CHAPTER III

#### **Validation of foreign university studies or periods thereof for official Spanish university studies.**

##### *Article 22. Competencies in the validation.*

1. The validation of foreign university studies, or periods thereof, for partial official Spanish university studies corresponds to the Spanish university where such validation has been requested.

2. The Spanish university that proceeds with the recognition of foreign university studies will have a maximum of two months to resolve this procedure from the registration of the request.

##### *Article 23. Criteria and conditions for validation.*

The Council of Universities will determine the basic criteria according to which Spanish universities will implement the validation procedure. The specific conditions for validation will be set by the regulations of each university applicable to this procedure.

##### *Article 24 . University studies studies object of the procedure validation procedure.*

1. Foreign university studies official in their country of origin, taught at a university or institution of higher education officially recognized in that country, and taken by the person concerned, even if they have not been completed and obtained the university degree to which these studies lead, may be subject to validation.

2. Foreign university studies may not be subject to validation if any of the causes of exclusion listed in article 4.2.b), c) and d) are present.

3. The bachelor's degree final project and the master's degree final project may not be validated.

4. When the studies have concluded with the obtaining of a foreign degree that gives access to a regulated profession in Spain, the interested party may choose between requesting the homologation by the corresponding official Spanish university degree or the validation of studies, taking into account that both possibilities cannot be requested simultaneously.

5. In those cases in which the homologation had been requested and this had been unfavorable or, being conditioned, the maximum period for overcoming the complementary training requirements had elapsed without having been accredited, the interested parties may request the validation of those university studies.

### CHAPTER IV

#### **Procedure to determine the correspondence of official Spanish university degrees to the levels of the Spanish Framework of Qualifications for Higher Education.**

##### *Article 25. Initiation and investigation of the procedure.*

1. The procedure for the determination of the correspondence to the MECES level shall be initiated ex officio by the General Secretariat of Universities, on its own initiative, as a result of a superior order, at the reasoned request of other bodies or by complaint. However, prior to the agreement to initiate the procedure, the General Secretariat shall

The Commission of Universities may open a period of prior information in order to determine whether or not it is appropriate to initiate the procedure.

2. The instruction of the procedure will be carried out by the General Secretariat of Universities through the competent body of the same, in accordance with the Royal Decree on the structure of the Ministry with competences in matters of universities.

#### *Article 26. Reports.*

1. For the purposes of the resolution of this procedure, the General Secretariat of Universities will request a binding report to ANECA. The request of this report will suspend the maximum legal term to resolve the procedure and notify the resolution, according to the provisions of Article 22.1.d) of Law 39/2015, of October 1. In any case, ANECA will evacuate its report within the maximum term of three months.

2. Once ANECA's report has been received, the General Secretariat of Universities will request a mandatory, but non-binding, report from the Council of Universities, prior to the resolution of the procedure.

#### *Criteria for the preparation of the ANECA Report.*

ANECA's reports will take into consideration the training acquired, based on the contents, knowledge, competences and skills defining the curriculum, in order to obtain the degree whose correspondence to the MECES level is sought, as well as its duration and credit load.

#### *Article 28. Public information.*

1. The General Secretariat of Universities, before the end of the instruction phase of the procedure, will determine a public information period of twenty working days. The beginning of this procedure will be informed through the web page of the Ministry of Universities.

2. Likewise, the correspondence file may be examined through the website of the Ministry of Universities, provided that the documents therein do not contain personal data under the terms provided for in Organic Law 3/2018, of December 5, on Personal Data Protection and guarantee of digital rights, to the effect that any natural or legal person may make allegations within the period established in the public information period.

3. In those cases in which there are General Councils or Colleges of national scope, which represent the collective interests of a professional sector, they will be informed of the opening of the public information process, so that they can issue a report, which will be of a non-binding nature. Once this period has elapsed, the proceedings will continue.

#### *Article 29. Resolution, effects, publication and registration in the Registry of Universities, Centers and Degrees.*

1. Once the procedure has been completed, the General Secretariat for Universities will submit the proposal for the resolution of the procedure to the head of the Ministry of Universities.

2. At the proposal of the Ministry of Universities, the resolution concluding the procedure will be approved by agreement of the Council of Ministers, which will recognize, if favorable, the correspondence of the degree examined to the corresponding level of the Spanish Framework of Qualifications for Higher Education.

3. The resolution shall be reasoned, with a succinct reference to the facts and legal grounds.

4. The General Secretariat of Universities will publish in the "Official State Gazette" the Agreement of the Council of Ministers approving the resolution concluding this procedure.

5. Once the resolution has been published in the "Official State Gazette", the competent unit of the General Secretariat of Universities will register the resolution of recognition of correspondence in the Registry of Universities, Centers and Degrees.

6. These resolutions will cause the effects that the current regulations establish in relation to the possession of the MECES level.

*Article 30. Time limit to resolve and publish the resolution.*

The maximum period for resolving and publishing the resolution of the correspondence procedure established in this Royal Decree shall be six months, without prejudice to the provisions of Article 22 of Law 39/2015, of October 1.

Likewise, the resolution terminating the correspondence declaration procedure shall be published on the website of the Ministry of Universities.

*Issuance of certificates.*

1. The possession of the corresponding MECES level by a graduate will be accredited with the mere reference of the publication in the "Official State Gazette", presented together with the degree in question.

2. Independently of what is established in the previous section, the General Secretariat of Universities will guarantee that, through the electronic headquarters of the Ministry of Universities, a certificate of correspondence to the MECES level of the corresponding degree can be obtained directly. The responsibility for the management and issuance of this certificate will be the responsibility of the unit responsible for the National Registry of Official University Graduates.

3. The certificate will be registered in a special section of the National Register of Official University Graduates.

First additional provision. *Health Sciences Specialties.*

The recognition of foreign university degrees to the corresponding official Spanish degrees accrediting a specialty in Health Sciences will be governed by their specific regulations.

Second additional provision: *Declaration of equivalence to the academic level of Doctor.*

1. The universities are responsible for declaring the equivalence of foreign degrees to the academic level of Doctorate or Doctor. The statutory regulations of the public universities and those of the organization and operation of the private universities shall determine the competent body to make the declaration of equivalence, as well as the procedure to be followed, in their respective areas, to obtain it.

2. The procedure shall be initiated by means of a request from the interested party, addressed to the person in charge of the Rector's Office of the university of his choice, accompanied by the documents requested by the university for this purpose.

3. The granting of the declaration of equivalence will be accredited by means of the corresponding certificate of declaration of equivalence issued by the university that grants it, which will state the foreign degree held by the interested party and the university of origin. Prior to its issuance, the university will communicate it to the competent body of the General Secretariat of Universities, for the purpose of its registration in the special section of the National Register of Official University Graduates.

4. A foreign degree that has already been declared equivalent may not be subject to a new process of declaration of equivalence at another university. However, when the declaration of equivalence is denied, the interested party may initiate a new application at a different Spanish university.

5. The declaration of equivalence to the academic level of Doctor or PhD does not imply, in any case, the homologation, declaration of equivalence or recognition of another or other foreign degrees held by the interested party, nor the recognition in Spain at a level other than that of Doctor or PhD.

Third additional provision. *Fees.*

1. The fees established in article 28 of Law 53/2002, of December 30, 2002, on Fiscal, Administrative and Social Order Measures, shall be payable. The refund of the same will only proceed when the taxable event is not carried out for reasons not attributable to the taxpayer, in accordance with article 12 of Law 8/1989, of April 13, 1989, on Public Fees and Prices.

2. Pursuant to Article 11 of the Regulation on the performance and operation of the public sector by electronic means, approved by Royal Decree 203/2021, of March 30, the electronic headquarters of the Ministry of Universities will make available to interested parties the services necessary for the electronic payment of fees.

3. Pursuant to the provisions of Article 14.3 of Law 39/2015, of October 1, as well as the Regulation on the performance and operation of the public sector by electronic means, approved by Royal Decree 203/2021, of March 30, requests for the refund of fees, including any administrative appeal, shall be made exclusively by electronic means.

Fourth additional provision. *Qualifications for entry into the public administrations.*

The system of qualifications required for entry into the public administrations shall be governed, in any case, by the provisions of the revised text of the Law of the Basic Statute of the Public Employee, approved by Royal Legislative Decree 5/2015, of October 30, and the rest of its specific regulations that may be applicable.

First transitory provision. *Transitory regime of the procedures.*

1. The proceedings for the homologation, declaration of equivalence or validation of foreign degrees initiated prior to the entry into force of this Royal Decree, will continue to be processed and resolved in accordance with Royal Decree 967/2014, of November 21, establishing the requirements and procedure for the homologation and declaration of equivalence to degree and official university academic level and for the validation of foreign higher education studies, and the procedure to determine the correspondence to the levels of the Spanish framework of qualifications for higher education of the official degrees of Architect, Engineer, Graduate, Technical Architect, Technical Engineer and Diploma, and to Royal Decree 285/2004, of February 20, which regulates the conditions for the homologation and validation of foreign higher education degrees and studies, as applicable. This shall also apply to the deadlines for passing the complementary training requirements.

2. The persons interested in any of the procedures indicated in the previous section may expressly withdraw their applications as long as they have not yet been notified of the start of the hearing process by agreement of the examining body. Said withdrawal must be made by electronic means before the instructing body of the Ministry of Universities, being able to simultaneously request the resumption of the processing of the file in accordance with the rules set forth in this Royal Decree, in which case they will be exempt from the payment of the fee.

3. In none of the cases contemplated in the two preceding paragraphs shall the fees accrued for the initiation of the proceedings initially processed be refunded.

4. A new recognition procedure based on this Royal Decree may not be initiated in cases in which a decision had already been handed down, at the time of its entry into force, with respect to applications for recognition of a Spanish degree from the Catalog of Official University Degrees, created by the first additional provision of Royal Decree 1497/1987, of November 27, 1987, which establishes common general guidelines for the study plans of university degrees of an official nature and valid throughout the national territory, processed in accordance with Royal Decree 285/2004, of 20 February, Royal Decree 967/2014, of 21 November, or Royal Decree 86/1987, of 16 January, which regulates the conditions for the homologation of foreign higher education degrees.

A new procedure for the declaration of equivalence based on this Royal Decree may not be initiated in cases in which a decision had already been handed down at the time of its entry into force with respect to applications for the declaration of equivalence at the academic level of Bachelor's Degree, Master's Degree or Doctorate processed in accordance with Royal Decree 967/2014, of November 21, and applications for the recognition of equivalence at the academic levels of Diploma, Bachelor's Degree or Doctorate processed in accordance with Royal Decree 285/2004, of February 20.

These requests for initiation shall be rejected in accordance with the terms of Article 4.4 of this Royal Decree.

*Second transitory provision. Beneficiaries of the temporary protection regime.*

1. The beneficiaries of the temporary protection regime referred to in articles 2 and 11 of the Regulation on the temporary protection regime in case of mass influx of displaced persons, approved by Royal Decree 1325/2003, of October 24, may, exceptionally, and for the purposes of initiating the procedure, replace the required documentation referred to in article 13 of this Royal Decree, by a responsible declaration in which the interested person declares the veracity of the data that he declares, as well as of being in disposition to contribute, before the end of the procedure, the original documentation required in the requested procedure, without in any case this declaration deriving in the recognition or exercise of a right or the beginning of an activity previous to the resolution of the procedure. The model and content of such declaration shall be determined by the Ministry of Universities.

2. The responsible statement referred to in the previous point in no case exempts, for the purpose of the completion and resolution of the procedure, the presentation of the documentation with evidentiary value required by the competent administration in matters of homologation and declaration of equivalence of foreign higher education degrees.

3. Until the resolution proposal, the deadlines for correction, warning or archiving provided in Article 14 of this Royal Decree shall not apply, in accordance with the provisions of Article 1.2 of Law 39/2015, of October 1.

4. The fees established in Article 28 of Law 53/2002, of December 30, 2002, shall not be payable until the completion of the proceedings.

5. The Ministry of Universities will take the necessary actions to expedite the processing of the homologation and equivalency declaration files of the beneficiaries of the temporary protection regime.

*Sole derogatory provision. Repeal of regulations.*

1. Royal Decree 967/2014, of November 21, establishing the requirements and procedure for the homologation and declaration of equivalence to degree and official university academic level and for the validation of foreign higher education studies, and the procedure for determining the

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correspondence to the levels of the Spanish framework of qualifications for higher education of the official degrees of Architect, Engineer, Bachelor, Technical Architect, Technical Engineer and Diploma.

2. Likewise, any provisions of equal or lower rank that oppose the provisions of this Royal Decree are hereby repealed.

First final provision. *Modification of Order ECD/1746/2016, of October 28, creating different evaluation bodies attached to the Autonomous Agency National Agency for Quality Assessment and Accreditation.*

Article 2 of Order ECD/1746/2016, of October 28, by which different evaluation bodies attached to the Autonomous Agency National Agency for Quality Assessment and Accreditation are created, is worded as follows:

"1. The Commission of homologations, equivalences and correspondences will be composed by the person in charge of the Presidency, a Vocalía and a Secretariat. The person in charge of the Presidency of the Commission will be the head of ANECA's Management, and the head of the Secretariat will be an ANECA's technician, who will act with voice and vote. The Committee will meet up to a maximum of twelve meetings per year.

2. This Commission is responsible for preparing reports on the academic or professional knowledge and competencies of the different degrees, at the request of the Commission for Technical Analysis of Homologations and Declarations of Equivalence, in accordance with the provisions of Article 15.3 of Royal Decree 889/2022, of October 18, establishing the conditions and procedures for the homologation, declaration of equivalence and validation of university education from foreign educational systems and regulating the procedure for establishing the correspondence to the level of the Spanish Framework of Qualifications for Higher Education of official university degrees belonging to previous academic orders. It will also prepare the reports provided for in Article 26 of the aforementioned Royal Decree.

3. The members of the Commission will be appointed and dismissed by the Head of ANECA's Management among the civil servant or labor staff of the organization. Such appointment will be published in the Electronic Headquarters of the Ministry of Universities. The civil servant or labor personnel of the organization will not be entitled to receive indemnifications for the reason of the service for the membership and attendance to the Commission, or for carrying out the administrative support of the Commission.

4. The person in charge of ANECA's Management may appoint specialists to make the report proposals for the Commission and their appointment will be published in the Electronic Headquarters of the Ministry of Universities. The person in charge of ANECA's Management may appoint a maximum of fifty specialists. The appointment will be made for periods of one year. The persons appointed as specialists may be appointed up to an unsurpassable maximum of two years. The persons appointed as specialists will prepare a report proposal to be submitted to the Commission and the Commission will approve or reject the report. The persons appointed as specialists shall attend the Commission when requested by it. The persons appointed as specialists may not receive any monetary remuneration from the budget of the organization. The persons appointed as specialists may receive such attendance as may be authorized by the Ministry of Finance and Public Function, in accordance with the provisions of article 28 of Royal Decree 462/2002, of May 24, 2002, on indemnities for reasons of service. The persons appointed as specialists shall not be entitled to receive any allowances for reason of service for lodging,



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transportation, meals or any other travel expenses. Persons designated as specialists who do not have their official residence in Madrid may use telematic procedures to participate in the meeting of the Commission.

5. Once the final reports have been prepared by the Commission of homologations, equivalences and correspondences, the Directorate of ANECA will transfer them to the Commission for the Technical Analysis of Homologations and Equivalence Statements attached to the General Secretariat of Universities, so that it may continue the processing of the corresponding procedures. Likewise, the reports related to the procedure to determine the correspondence of official Spanish university degrees to the levels of the Spanish Qualifications Framework for Higher Education, will be transferred to the instructing body of the General Secretariat of Universities."

Second final provision. *Modification of Royal Decree 822/2021, of September 28, establishing the organization of university education and the procedure for quality assurance.*

Article 37.7 of Royal Decree 822/2021, of September 28, establishing the organization of university education and the procedure for quality assurance, is worded as follows:

"7. In the second group, whose purpose is the expansion and updating of knowledge, competencies and training or professional skills that contribute to a better labor insertion of citizens without a university degree, a Certificate will be issued with the name of the respective course, which must include the corresponding credit load."

Third final provision. *Safeguarding of the rank of regulatory provisions.*

Article 2 of Order ECD/1746/2016, of October 28, by which different evaluation bodies attached to the Autonomous Agency National Agency for Quality Assessment and Accreditation are created, as amended by the first final provision, maintains its rank of ministerial order. Consequently, it may be modified by a regulation of the same rank.

Fourth final provision. *Competent title.*

This Royal Decree is issued pursuant to the provisions of Article 149.1.30 of the Spanish Constitution, which grants the State exclusive jurisdiction over the regulation of the conditions for obtaining, issuing and homologation of academic and professional degrees.

Fifth final provision. *Regulatory authorization.*

1. It is the responsibility of the Minister of Universities, within the scope of their respective competences, to issue the necessary provisions for the development and execution of the provisions of this Royal Decree.

2. The head of the Ministry of Universities is authorized to update the contents of the Annex to this Royal Decree.

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Sixth final provision. *Entry into force.*

This Royal Decree will enter into force twenty days after its publication in the "Official Gazette of the State".

Given at the Consulate General of Spain in Frankfurt, on October 18, 2022.

FELIPE R.

The Minister of Universities,  
JOAN SUBIRATS HUMET

## ANNEX

### References for the approval procedure

#### *Regulations*

Order ECI/332/2008, of February 13, 2008, which establishes the requirements for the verification of official university degrees that enable the practice of the profession of Physician.

Order ECI/333/2008, of February 13, 2008, establishing the requirements for the verification of official university degrees that enable the practice of the veterinary profession.

Order CIN/2134/2008, of July 3, 2008, which establishes the requirements for the verification of official university degrees that enable the practice of the nursing profession.

Order CIN/2135/2008, of July 3, 2008, establishing the requirements for the verification of official university degrees that enable the practice of the profession of Physiotherapist.

Order CIN/2136/2008, of July 3, 2008, establishing the requirements for the verification of official university degrees that enable the practice of the profession of Dentist.

Order CIN/2137/2008, of July 3, 2008, which establishes the requirements for the verification of official university degrees that enable the practice of the profession of Pharmacist.

Order CIN/726/2009, of March 18, establishing the requirements for the verification of official university degrees that enable the practice of the profession of Speech Therapist.

Order CIN/727/2009, of March 18, 2009, which establishes the requirements for the verification of official university degrees that enable the practice of the profession of Optician-Optometrist.

Order CIN/728/2009, of March 18, establishing the requirements for the verification of official university degrees that enable the practice of the profession of Podiatrist.

Order CIN/729/2009, of March 18, establishing the requirements for the verification of official university degrees that enable the practice of the profession of Occupational Therapist.

Order CIN/730/2009, of March 18, establishing the requirements for the verification of official university degrees that enable the practice of the profession of Dietitian-Nutritionist.

Order ECD/1070/2013, of June 12, establishing the requirements for the verification of official university degrees that enable the exercise of the profession of General Health Psychologist.

Order CIN/309/2009, of February 9, 2009, which establishes the requirements for the verification of official university degrees that enable the exercise of the profession of Civil Engineer.

Order CIN/310/2009, of February 9, 2009, which establishes the requirements for the verification of official university degrees that enable the exercise of the profession of Mining Engineer.

Order CIN/311/2009, of February 9, 2009, establishing the requirements for the verification of official university degrees that enable the exercise of the profession of Industrial Engineer.

Order CIN/312/2009, of February 9, 2009, establishing the requirements for the verification of official university degrees that enable the exercise of the profession of Aeronautical Engineer.

Order CIN/325/2009, of February 9, 2009, establishing the requirements for the verification of official university degrees that enable the exercise of the profession of Agricultural Engineer.

Order CIN/326/2009, of February 9, 2009, establishing the requirements for the verification of official university degrees that enable the practice of the profession of Forestry Engineer.

Order CIN/354/2009, of February 9, 2009, establishing the requirements for the verification of official university degrees that enable the exercise of the profession of Naval and Oceanic Engineer.

Order CIN/355/2009, of February 9, 2009, which establishes the requirements for the verification of official university degrees that enable the exercise of the profession of Telecommunications Engineer.

Order EDU/2075/2010 of July 29, 2010, which establishes the requirements for the verification of official university degrees that enable the exercise of the profession of architect.

Order CIN/306/2009, of February 9, 2009, which establishes the requirements for the verification of official university degrees that enable the exercise of the profession of Technical Mining Engineer.

Order CIN/307/2009, of February 9, 2009, which establishes the requirements for the verification of official university degrees that enable the exercise of the profession of Public Works Technical Engineer.

Order CIN/308/2009, of February 9, 2009, establishing the requirements for the verification of official university degrees that enable the exercise of the profession of Aeronautical Technical Engineer.

Order CIN/323/2009, of February 9, 2009, establishing the requirements for the verification of official university degrees that enable the exercise of the profession of Technical Agricultural Engineer.

Order CIN/324/2009, of February 9, 2009, establishing the requirements for the verification of official university degrees that enable the exercise of the profession of Technical Forestry Engineer.

Order CIN/350/2009, of February 9, 2009, establishing the requirements for the verification of official university degrees that enable the exercise of the profession of Naval Technical Engineer.

Order CIN/351/2009, of February 9, 2009, establishing the requirements for the verification of official university degrees that enable the exercise of the profession of Industrial Technical Engineer.

Order CIN/352/2009, of February 9, 2009, which establishes the requirements for the verification of official university degrees that enable the exercise of the profession of Telecommunications Technical Engineer.

Order CIN/353/2009, of February 9, 2009, which establishes the requirements for the verification of official university degrees that enable the exercise of the profession of Technical Engineer in Topography.

Order ECI/3855/2007, of December 27, 2007, establishing the requirements for the verification of official university degrees that enable the exercise of the profession of Technical Architect.

Order ECI/3854/2007, of December 27, 2007, establishing the requirements for the verification of official university degrees that enable the exercise of the profession of Early Childhood Education Teacher.

Order ECI/3857/2007, of December 27, 2007, which establishes the requirements for the verification of official university degrees that enable the exercise of the profession of Primary Education Teacher.

Order ECI/3858/2007, of December 27, 2007, which establishes the requirements for the verification of official university degrees that enable the exercise of the professions of Teacher of Compulsory Secondary Education and Baccalaureate, Vocational Training and Language Teaching.

Royal Decree 775/2011, of June 3, which approves the Regulations of Law 34/2006, of October 30, on access to the professions of Lawyer and Court Attorney.