

## Decree-Law 42/2005, of 22 February

On 19 June 1999, the Ministers of Education of 29 European States, including the Portuguese State, signed the Bologna Declaration, an agreement the main objective of which is to establish, by 2010, the European area of higher education that is consistent, compatible, competitive and attractive to students from Europe and from other countries, an area that promotes European cohesion through the knowledge, mobility and employability of its graduates.

Consolidated successively in meetings of the Ministers of Education devoted to implementing the European area of higher education, first in 2001 in Prague, then in 2003 in Berlin, the Bologna Process is a key to achieving the targets set for 2010 under the Lisbon Strategy, which was approved in March 2000 by the presidents and heads of government of the countries of the European Union and aims to make Europe, by 2010, the most dynamic and competitive economic area in the world, based on knowledge and capable of ensuring sustainable economic growth, with more and better jobs and with greater social cohesion.

For higher education, important changes are advocated in training paradigms, focusing on the activity as a whole and on the skills that young people should acquire, and projecting it to various stages of adult life, necessarily linked to developments in knowledge and in individual and collective interests.

Special consideration is given to:

- i) Recognition of the necessary adaptation of the learning process to the concepts and perspectives of modern society and to the available technological resources;
- ii) Perception of the need to make higher education more attractive and closer to the interests of society, offering young people a choice that brings them greater personal satisfaction and makes them more competitive in the European market;
- iii) Perception that knowledge is a universal good, in the openness advocated for this area of knowledge to other countries.

These are objectives based essentially on transnational institutional collaboration and on cultural exchange, which is based in turn on the mobility of students and professionals.

To pursue the objectives identified, the States party to the Bologna Process undertake to adopt a series of measures to review the organisation, methods and contents of their higher education systems.

Thus, in keeping with the commitments arising from developments of the Bologna Process, this law has been drawn up to institute the regulatory principles of instruments for the creation of the European area of higher education embodied, in particular:

- i) In the three-cycle structure in higher education according to the guidelines basically adopted by all States that signed the Bologna Declaration;
- ii) In the institution of easily readable and comparable academic degrees;
- iii) In *curriculum* organisation by credit units that are nationally and internationally cumulative and transferable;
- iv) In instruments of student mobility within the European area of higher education during and after studies.

The creation of a new course credit system (ECTS - European credit transfer system), which will replace the credit system laid down in Decree-Law No. 173/80, of 29 May, is one of the most important instruments in this European policy for development of the training paradigm.

In this new conception, the student plays the central role, both in the organisation of modules, the contact hours of which will adopt a wide diversity of the most appropriate forms and methodologies of teaching, in both evaluation and award of credits, which will consider overall student workload, including contact hours, project hours, field study hours, private study and activities related to evaluation, being also open to additional activities of proven artistic, sociocultural or sports educational value.

In turn, the creation of the Diploma Supplement, which should be issued in the original language and in a widely spoken European language, will facilitate mobility and employability based on solid and accurate information on qualifications, in particular the nature, level, context, and content of the studies completed by its holder.

Other innovations of significant scope and impact enshrined in this law include the adoption of a European scale for comparability of qualifications and, in the context of mobility, the learning agreement, the transcript of records and the information package of the teaching institution.

The Consultative Committee for Higher Education, the Board of Principals of Portuguese Universities, the Coordinating Council of the Polytechnic Institutes and the Portuguese Association of Private Higher Education were heard.

Thus:

Under the terms of Article 198(1)a of the Constitution, the Government hereby decrees the following:

## **Regulatory principles of instruments for the creation of the European area of higher education**

### **CHAPTER I Object, scope and concepts**

#### **Article 1 Object**

This law approves the regulatory instruments for the creation of the European area of higher education.

#### **Article 2 Scope**

1 - This law applies:

- a) To all higher education institutions, hereinafter referred to in general terms as education institutions;
- b) To all training provided by higher education institutions leading to the obtaining of a higher education degree, hereinafter referred to in general terms as courses.

2 - This law also applies to courses not awarding a degree provided by higher education institutions, which are subject to evaluation and certification.

#### **Article 3 Concepts**

The following terms have the following meanings:

- a) «Module» the teaching unit with its own training objectives which is the subject of administrative enrolment and of evaluation reflected in a final grade;
- b) «Course programme of study» an organised group of modules which a student should pass to:
  - i) Obtain a particular academic degree;
  - ii) Complete a non-degree course;
  - iii) Meet part of the conditions to obtain a particular academic degree;
- c) «Academic year», «academic semester» and «academic term» the parts of the programme of study of the course which, in accordance with its legal instrument of approval, should be completed by the student, when full-time and classroom-based, during a year, a semester or a term, respectively;
- d) «Normal duration of a course» the number of years, semesters and or terms during which the course should be completed by the student, when full-time and classroom-based;
- e) «Contact hours» the time used in teaching sessions of a collective nature, in particular in classrooms, laboratories or fieldwork, and in tutorial-type personal guidance sessions such as tutorials;
- f) «Credit» the unit to measure the work of the student in all its forms, in particular, learning sessions of a collective nature, tutorial-type personal guidance sessions, placements, projects, fieldwork, study and evaluation;
- g) «Module credits» the numeric value that expresses the work to be carried out by a student to complete a module;
- h) «Academic field credits» the numeric value that expresses the work to be carried out by a student in a particular academic field;
- i) «Course *curriculum* structure» the set of academic areas that make up a course and the number of credits that a student should have in each one of these areas to:
  - i) Obtain a particular academic degree;
  - ii) Complete a non-degree course;
  - iii) Meet part of the conditions to obtain a particular academic degree;
- j) «Diploma» the document issued as provided by law, proof of the award of an academic degree, issued by the education institution that awards it. Diplomas, for the purposes of this law are:
  - i) "*Cartas de curso*" (degree certificates);
  - ii) "*Cartas magistrais*" (master's diplomas);
  - iii) "*Cartas doutorais*" (doctoral diplomas);
  - iv) The certificates that provide proof of the award of an academic degree;
  - v) The official document proving the completion of a course that does not award a degree issued by the education institution that provided the course and its certificates;
- l) «Part of a higher education course» a set of modules that make up the programme of study of a course and are provided, full-time and classroom-based, over a period not exceeding an academic year;

- m) «Mobile student» student registered and enrolled at a higher education institution and course who completes part of that course at another higher education institution;
- n) «Home institution» the national or foreign education institution where a mobile student is registered and enrolled;
- o) «Host institution» the national or foreign education institution where the mobile student attends part of a higher education course.

## **CHAPTER II**

### **Course credit system**

#### **Article 4**

##### **Expression in credits**

1 - The *curriculum* structures of higher education courses express in credits the work that should be carried out by the student in each academic area.

2 - The programmes of studies of the higher education courses express in credits the work that should be carried out by the student in each module, as well as its academic area.

#### **Article 5**

##### **Number of credits**

The number of credits awarded for each module is determined according to the following principles:

- a) The work is measured in estimated student working hours;
- b) The number of student working hours to be considered includes all forms of work envisaged, in particular contact hours and hours devoted to placements, projects, fieldwork, study and evaluation;
- c) The workload of a full-time student during one academic year is between one thousand, five hundred hours and one thousand, six hundred and eighty hours over a period of 36 to 40 weeks;
- d) The number of credits corresponding to the workload of a full-time academic year is 60;
- e) For course periods with a duration of less than one year, the number of credits is awarded in the proportion they represent of the academic year;
- f) The number of credits corresponding to the workload of a full-time course is the same as the product of the normal duration of the course in academic years or fractions thereof times 60;
- g) The credits awarded by each module are expressed in multiples of half a credit;
- h) A module included in the programme of studies of more than one course at the same higher education institution should be awarded the same number of credits, regardless of the course.

#### **Article 6**

##### **Dissertations and theses**

The number of credits awarded to the dissertations and theses envisaged to obtain academic degrees or diplomas for courses not awarding degrees is set taking into consideration the normal average time estimated as necessary for their preparation and evaluation, measured in academic years or fractions thereof, an academic year workload corresponding to 60 credits.

#### **Article 7**

##### **Part-time courses**

1 - For part-time courses, the award of credits to each module is based on the normal duration and the organisation of the programme of study of the full-time course.

2 - Extended evening courses, in particular, are deemed to be covered by the preceding paragraph.

#### **Article 8**

##### **Distance education**

1 - The course credit system applies to courses offered entirely or partly through distance learning.

2 - The same number of credits is awarded to modules offered, alternatively, as classroom-based or distance learning.

**Article 9**  
**Special cases**

- 1 - The legally and statutorily competent body of the higher education institution sets the terms for application of the course credit system to courses that are not organised by academic years, semesters or terms.
- 2 - The principles established by this law are applied to the award of these credits.

**Article 10**  
**Courses not awarding degrees**

- 1 - The legally and statutorily competent body of the higher education institution sets the terms for application of the course credit system to courses not awarding degrees that it offers.
- 2 - The principles established by this law are applied to the award of these credits.

**Article 11**  
**Regulations**

The legally and statutorily competent body of each higher education institution approves regulations for the application of the course credit system, which include, in particular, the procedures and rules to be adopted for setting the credits to be obtained in each academic area and to be awarded by each module.

**Article 12**  
**Technical standards**

An order issued by the director general of Higher Education, to be published in the 2nd series of the *Diário da República* (Official Gazette), shall establish the technical standards with which the presentation of the *curriculum* structures and the programmes of study of the courses and their publication should comply.

**Article 13**  
**Evaluation, monitoring and accreditation**

The application of the course credit system is subject to evaluation within the framework of the system of evaluation and monitoring of higher education and accreditation of education institutions and courses.

**CHAPTER III**  
**Evaluation, grade and qualification**

**SECTION I**  
**General principles**

**Article 14**  
**Evaluation**

- 1 - The level of the student's compliance with the objectives of every module on which they are registered is subject to evaluation.
- 2 - The evaluation is done in compliance with regulations approved by the legally and statutorily competent body of the education institution.

**Article 15**  
**Grade of modules**

- 1 - The final evaluation of a module is expressed by a grade on a scale of whole numbers from 0 to 20.
- 2 - It shall be deemed that:
  - a) The student who obtains a grade of not less than 10 in a module shall have obtained a pass;
  - b) The student who obtains a grade of less than 10 in a module shall have failed.

**Article 16**  
**Final grade and qualification of degrees and courses**

1 - Academic degrees and courses not awarding degrees are attributed a final grade or qualification under the terms established by the regulations of the legal regime for the awarding of academic degrees and diplomas.

2 - The final grade or qualification is awarded by the legally and statutorily competent body of the education institution.

3 - The final grade is expressed as a number from 10 to 20 on the scale of whole numbers from 0 to 20.

4 - The final qualification is expressed as established by the legal regulations referred to in Paragraph 1.

**Article 17**  
**Qualitative definition**

By decision of the legally and statutorily competent body of each education institution, the final grades may be associated with a qualitative definition in four classes:

- |              |            |
|--------------|------------|
| a) 10 to 13  | Pass;      |
| b) 14 and 15 | Good;      |
| c) 16 and 17 | Very good; |
| d) 18 to 20  | Excellent. |

**SECTION II**  
**European grading scale**

**Article 18**  
**Scale**

The European grading scale for passes has five grades, identified by the letters A to E.

**Article 19**  
**Correspondence between scales**

The following correspondence is adopted between numbers from 10 to 20 on the scale of whole numbers from 0 to 20 and the European grading scale:

- a) A: 20 to  $p$ ,  $p$  being the grade that can cover, in this class, 10% of students;
- b) B:  $p-1$  to  $q$ ,  $q$  being the grade that can cover, in this class together with the preceding class, 35% of students;
- c) C:  $q-1$  to  $r$ ,  $r$  being the grade that can cover, in this class together with the preceding classes, 65% of students;
- d) D:  $r-1$  to  $s$ ,  $s$  being the grade that can cover, in this class together with the preceding classes, 90% of students;
- e) E:  $s-1$  to 10.

**Article 20**  
**Principles of application of the correspondence to final grades**

1 - The conversion of final grades to each of the classes of the European grading scale is done by the legally and statutorily competent body of the education institution in compliance with the following principles:

- a) It is done for each institution/course pair;
- b) It considers the distribution of final grades from at least the last three years and from a total of at least 100 graduates;
- c) When a grade covers two classes, it is converted, in principle, to the first of these classes.

2 - When it is not possible to use a sample of the size referred to in subparagraph b) of the preceding paragraph, the use of the European grading scale is replaced by a reference to the classification of the diploma for the academic year in question and the total number of graduates that year.

**Article 21**  
**Application of the correspondence to qualifications**

When an academic degree or a course not awarding a degree has been awarded a final qualification, between this qualification and the European grading scale a correspondence is adopted that is established by the legal regulations that determine the adoption of a final qualification.

**Article 22**  
**Principles of application of the correspondence to module grades**

1 - The conversion of module grades to each of the classes of the European grading scale is done by the legally and statutorily competent body of the education institution in compliance with the following principles:

- a) It is done for each module;
- b) It considers the distribution of final grades of students who have passed this module from at least the last three years and from a total of at least 100 graduates;
- c) When a grade covers two classes, it is converted, in principle, to the first of these classes.

2 - When it is not possible to use a sample of the size referred to in subparagraph b) of the preceding paragraph, the use of the European grading scale is replaced by a reference to the classification of the student's grade among all those who passed the module in the academic year in question and the total number of passes that year.

**CHAPTER IV**  
**Student mobility**

**SECTION I**  
**Learning agreement**

**Article 23**  
**Learning agreement**

For a mobile student to undertake part of a higher education course a learning agreement must be signed.

**Article 24**  
**Parties to the learning agreement**

The learning agreement is signed by the home institution, the host institution and the student.

**Article 25**  
**Content of the learning agreement**

The learning agreement for students whose home institution is a Portuguese higher education institution must include:

- a) The modules that the student will attend at the host institution, the language in which they are taught and assessed and the number of credits that they award;
- b) The modules of the host institution whose pass is replaced by a pass in the modules referred to in subparagraph a) and the number of credits that they award in the event of a pass;
- c) The criteria that the home institution will adopt in the conversion of the grades of modules which the student has passed at the host institution;
- d) The duration of the attendance of the host institution.

**Article 26**  
**Alterations to the learning agreement**

Alterations to the learning agreement must take the form of amendments thereto.

**Article 27**  
**Model learning agreement**

The learning agreements and their alterations:

- a) Are drawn up according to a model approved by ministerial order by the Minister of Science, Innovation and Higher Education;
- b) They are written in Portuguese and in English or, instead of English, in the language of the host institution if thus agreed by the institutions.

**Article 28**  
**Value of the learning agreement**

1 - A learning agreement signed by Portuguese higher education establishment acting as host institution has the value of acceptance of the enrolment on the course and the modules listed therein.

2 - A learning agreement signed by a Portuguese higher education establishment acting as home institution has the value of decision on the equivalence of modules and binds the establishment to the adoption of the criterion of grading conversion contained therein.

**SECTION II**  
**Transcript of records**

**Article 29**  
**Transcript of records**

A student who undertook or will undertake part of a higher education course as a mobile student is issued a transcript of records.

**Article 30**  
**Content of the transcript of records**

1 - The transcript of records indicates the modules which the student has passed.

2 - For each module are specified in particular:

- a) The name;
- b) The number of credits it awarded;
- c) The grade according to the legally applicable grading system;
- d) The grade according to the European grading scale.

**Article 31**  
**Model transcript of records**

1 - The transcript of records is drawn up in accordance with a model approved by ministerial order of the Minister of Science, Innovation and Higher Education.

2 - The transcript of records is a bilingual document, written in Portuguese and English.

**Article 32**  
**Issue of the transcript of records**

1 - The transcript of records is issued, necessarily:

- a) By the education establishment acting as home institution, to be included in the student's application to attend part of a course at the host institution;
- b) By the education establishment acting as host institution, to certify that the student has successfully passed the modules attended.

2 - No charge shall be made for the issuing of the transcript of records.

**Article 33**  
**Legal value of the transcript of records**

The transcript of records issued by the education establishment acting as host institution has the legal value of a certificate of the results obtained.

**SECTION III**  
**Information package of the teaching institution**

**Article 34**  
**Information package of the teaching institution**

Each teaching institution draws up and provides an information package.

**Article 35**  
**Content of the information package of the teaching institution**

1 - The information package of the teaching institution is a description of the teaching institution and of its organisational units, the degrees it grants and the courses it provides, indicating for the latter their access conditions, duration, modules and their contents, hours, credits it grants and teaching and evaluation methods. The information package also includes information of a general nature necessary for the integration of students.

2 - The guide may be drawn up for the teaching institution or for its organisational units, separately.

3 - The guide is a bilingual document, written in Portuguese and English.

**Article 36**  
**Responsibility for the content of the information package of the teaching institution**

The responsibility for drawing up the information package of the teaching institution is held by its legally and statutorily competent body.

**Article 37**  
**Provision of the information package of the teaching institution**

The information package of the teaching institution is available on the Internet, without prejudice to its publication in any other form.

**CHAPTER V**  
**Mobility after graduation**

**Article 38**  
**Diploma Supplement**

The diploma supplement is a document attached to a higher education diploma that:

- a) Describes the Portuguese higher education system and its framework in the education system at the date the diploma was obtained;
- b) Characterises the institution that provided the education and awarded the diploma;
- c) Characterises the education received (level, area, access requirements, normal duration, degree) and its objective;
- d) Supplies detailed information on the training undertaken and the results obtained.

**Article 39**  
**Diploma supplement model**

1 - The diploma supplement is drawn up in accordance with a model approved by ministerial order of the Minister of Science, Innovation and Higher Education.

2 - The description of the Portuguese higher education system and its framework in the education system is a common text, also approved by the ministerial order referred to in the preceding paragraph.

3 - The diploma supplement is a bilingual document, written in Portuguese and English.

**Article 40**  
**Issue of the diploma supplement**

1 - The diploma supplement must be issued whenever a diploma is issued and only in that case.

2 - No charge shall be made for the issuing of the diploma supplement.

**Article 41**  
**Authority to issue a diploma supplement**

The diploma supplement is issued by the entity with the authority to issue the diploma.

**Article 42**  
**Legal value from the diploma supplement**

The diploma supplement is to provide information and is not a substitute for the diploma nor does it provide evidence of holdership of the qualification to which it refers.

**CHAPTER VI**  
**Final and transitory provisions**

**Article 43**  
**Time-limits**

1 - The technical standards referred to in Article 12 are approved within one month from the entry into force of this law.

2 - The regulations referred to in Article 11 are approved within three months from the entry into force of this law.

3 - The provisions of this diploma are of mandatory application:

- a) To courses whose creation, registration or authorisation of operation were applied for after three months have passed since its entry into force;
- b) To the remaining courses, from the academic year of their reorganisation under the Bologna Process.

4 - The time-limit established in the preceding paragraph can be brought forward by the education establishments whenever conditions arise for its early resolution.

5 - This bringing forward may be for the entirety or only for part of the provisions approved by this law.

**Article 44**  
**Repealing clause**

1 - Article 68 of Decree No. 18 717, of 2 August 1930 (Statute of University Instruction) is hereby repealed.

2 - Decree-Law No. 173/80, of 29 May is hereby repealed.

3 - For courses organised in credit units under the terms of Decree-Law No. 173/80, of 29 May, the provisions of the preceding paragraph shall be without prejudice to the application of this decree-law until the reorganisation of the courses referred to in Paragraph 3 of the preceding article.

Seen and approved in the Council of Ministers of 23 December 2004. - *Pedro Miguel de Santana Lopes* - *Paulo Sacadura Cabral Portas* - *Daniel Viegas Sanches* - *Maria da Graça Martins da Silva Carvalho*.

Enacted on 31 January 2005.

To be published.

The President of the Republic, *Jorge Sampaio*.

Countersigned on 7 February 2005.

The Prime Minister, *Pedro Miguel de Santana Lopes*.