

Republic of Moldova
GOVERNMENT DECISION No. HG201 / 2018
of 28.02.2018

on the organization and operation of the National Agency for Quality Assurance in Education and Research

Published: 02.03.2018 in the OFFICIAL GAZETTE No. 68-76 art. 232 Date of entry into force

[HG559 of 19.11.19, MO352-359 / 29.11.19 art.864; in force 29.12.19](#)

Pursuant to art. 115 para. (12) of the Education Code of the Republic of Moldova no. 152 of July 17, 2014 (Official Gazette of the Republic of Moldova, 2014, no. 319-324, art. 634), with subsequent amendments and completions, art. 14 para. (7) of Law no. 98 of May 4, 2012 on the specialized central public administration (Official Gazette of the Republic of Moldova, 2012, no. 160-164, art. 537), with subsequent amendments and completions, art. III para. (4) - (7) of Law no. 190 of September 21, 2017 for amending and supplementing some legislative acts (Official Gazette of the Republic of Moldova, 2017, no. 364-370, art. 624) and art. 7 lit. b) of Law no. 136 of July 7, 2017 on the Government (Official Gazette of the Republic of Moldova, 2017, no. 252, art. 412), the Government DECIDES:

1. The name of the National Agency for Quality Assurance in Professional Education is changed in the National Agency for Quality Assurance in Education and Research.
2. The National School Inspectorate, administrative authority subordinated to the Ministry of Education, Culture and Research, and the National Council for Accreditation and Attestation, an autonomous administrative authority vis-à-vis the Government, is reorganized by merging (absorption) with the National Agency for Quality Assurance in Education and Research.
3. The National Agency for Quality Assurance in Education and Research is the successor in rights and obligations of the absorbed legal persons.
4. The following are approved:
 - 1) Regulation on the organization and operation of the National Agency for Quality Assurance in Education and Research, according to annex no. 1;
 - 2) The structure of the National Agency for Quality Assurance in Education and Research, according annex no. 2;
 - 3) Organizational chart of the National Agency for Quality Assurance in Education and Research, according to annex no. 3.
5. The limit of the administrative staff of the National Agency for Quality Assurance in Education and Research shall be of 55 units.
6. Laying off the staff of the National School Inspectorate and of the National Council for Accreditation and Attestation shall be performed in accordance with the Law no. 158 - XVI of 4 July 2008 on the civil service and the status of the civil servant and the normative framework in the field of labor, if the transfer is impossible.

7. The full transfer of the property from the absorbed legal persons to the absorbing legal person shall be carried out within 2 months, in accordance with the provisions of the Regulation on the ways of transmitting public property, approved by Government Decision no. 901 of December 31, 2015.

8. The Ministry of Education, Culture and Research, together with the National Agency for Quality Assurance in Education and Research, within 3 months from the date of entry into force of this decision shall:

1) submit to the Government for approval the draft normative acts, which are necessary for the implementation of this decision and ensuring the operation of the National Agency for Quality Assurance in Education and Research;

2) approve the departmental acts necessary for the implementation of this decision and ensuring the operation of the National Agency for Quality Assurance in Education and Research.

9. The President and acting members of the Governing Board of the National Agency for Quality Assurance in Professional Education shall hold their positions until the Government appoints the new President of the Governing Board of the National Agency for Quality Assurance in Education and Research and change the composition of the Governing Board.

10. The Public Services Agency, at the request of the right holder, shall make the necessary changes in cadastral and incorporation documents.

11. In the annex no. 8 to the Government Decision no. 743 of June 11, 2002 "Regarding the salary of the employees from the units with financial autonomy" (Official Gazette of the Republic of Moldova, 2002, no. 79-81, art. 841), with the subsequent modifications and completions, position 8 is excluded.

12. The National Agency for Quality Assurance in Education and Research shall examine as a matter of priority the files regarding the qualification with the right to conduct Ph.D. theses, the provision of scientific and scientific-didactic titles submitted to the National Council for Accreditation and Attestation until February 20, 2018, according to the norms in force at the date of their submission.

13. Some decisions of the Government are abrogated, according to annex no. 4.

PRIME MINISTER PAVEL PHILIP

countersign:

Minister of Education, Culture and research Monica BABUC

Minister of Finance Octavian ARMASU

No. 201. Chisinau, February 28, 2018.

Annex no. 1 to the Government Decision no. 201 of February 28, 2018

REGULATION
on the organization and operation of the National Agency for
Quality Assurance in Education and Research

I. GENERAL PROVISIONS

1. The Regulation on the organization and operation of the National Agency for Quality Assurance in Education and Research (hereinafter - *Regulation*) establishes the legal status, mission, functions, attributions and rights of the National Agency for Quality Assurance in Education and Research (hereinafter - *Agency*), as well as the organization of its activity.
2. The Agency is an administrative authority subordinated to the Ministry of Education, Culture and Research, financed from the state budget, including from collected revenues.
3. The Agency is a legal entity under public law, based in Chisinau, and has a stamp with the State Coat of Arms of the Republic of Moldova, treasury accounts, as well as other attributes specific to public authorities, established in normative acts.
4. The Agency operates in accordance with the Constitution of the Republic of Moldova, the Education Code of the Republic of Moldova, the Code on Science and Innovation of the Republic of Moldova, the laws of the Republic of Moldova, decrees of the President of the Republic of Moldova, decisions of the Parliament, ordinances, dispositions and decisions of the Government, other normative acts, international treaties to which the Republic of Moldova is a party and with the present Regulation.
5. In its fields of activity, the Agency collaborates with central and local public authorities, as well as with international bodies.

II. MISSION, BASIC FUNCTIONS, DUTIES AND THE AGENCY'S RIGHTS

6. The Agency's mission is to implement state policies and contribute to the development oriented towards the best international standards in the assigned areas of competence.
7. The Agency performs the functions established by the Education Code of the Republic of Moldova, the Code on Science and Innovation and by this Regulation in the following areas:
 - 1) general education, vocational education and training, higher education and continuous professional training;
 - 2) research and innovation.
8. In order to carry out its mission, the Agency shall have the following functions:
 - 1) quality evaluation in general education, vocational education and training, higher education;
 - 2) external evaluation of continuous professional training programs;
 - 3) external evaluation of organizations in the fields of research and innovation;
 - 4) evaluation of the scientific and scientific-teaching staff;
 - 5) control of quality in general education, vocational education and training, and continuous training, compliance with the accreditation and authorization requirements of the entities offering educational programs and services.
9. Duties of the Agency:
 - 1) quality assurance in general education:

- a) Development and submitting for approval to the Ministry of Education, Culture and Research of the methodologies, necessary to achieve the function of quality assurance in general education;
 - b) evaluation of general education institutions;
 - c) curriculum evaluation;
 - d) evaluation of teaching, auxiliary and management staff in general education;
 - e) accreditation of general education institutions;
 - f) carrying out other tasks, deriving from the provisions of the normative framework in the field of activity of the Agency;
- 2) quality assurance in vocational education and training:
- a) development of national reference standards and accreditation standards and their presentation to the Ministry of Education, Culture and Research to be promoted for approval by the Government;
 - b) development of the methodology for curriculum evaluation, of the educational process and school results in vocational education and training and its presentation to the Ministry of Education, Culture and Research to be submitted for approval by the Government;
 - c) development of the quality evaluation methodology in VET;
 - d) evaluation of programs and institutions in VET;
 - e) evaluation of teaching, auxiliary and management staff in VET;
 - f) establishing, in collaboration with the Ministry of Education, Culture and Research and with the central line authorities, the criteria for conducting qualification exams, certification of the competencies acquired in the context of non-formal and informal education and / or the defense of the thesis or the diploma project in vocational education and training;
 - g) carrying out other tasks, deriving from the provisions of the normative framework in the field of activity of the Agency;
- 3) quality assurance in higher education:
- a) development of the methodology and external evaluation criteria for the provisional authorization or accreditation of study programs and higher education institutions and their presentation to the Ministry of Education, Culture and Research in order to be promoted for approval by the Government;
 - b) development of the methodology for approving the right to conduct Ph.D. and its submission to the Ministry of Education, Culture and Research to be promoted for approval by the Government;
 - c) approval of the methodology provided in art. 83 para. (3) of the Education Code of the Republic Moldova;
 - d) approval of the procedure regarding the provisional authorization and accreditation of joint programs in higher education;
 - e) external quality evaluation in higher education;
 - f) evaluation of higher education institutions and study programs for provisional authorization or accreditation;
 - g) external evaluation of doctoral programs and schools;
 - h) approval or rejection of the application to become a Ph.D. supervisor as a result of evaluation of the files submitted by the interested candidates;
 - i) carrying out other tasks, deriving from the provisions of the normative framework in the field of activity of the Agency;
- 4) evaluation of continuous professional training programs:
- a) development of the methodologies, which are necessary for the implementation of the evaluation function of the continuous professional training programs and their presentation to be promoted for approval to the Ministry of Education, Culture and Research;

- b) carrying out other tasks, deriving from the provisions of the normative framework;
- 5) evaluation of organizations in the field of research and innovation:
 - a) development of the methodology for complex evaluation of the capacities of the organizations in the fields of research and innovation and of their scientific and scientific-teaching staff and its presentation to the Ministry of Education, Culture and Research to be promoted for approval by the Government;
 - b) complex assessment of the organizations' capacities in the fields of research and innovation to act in order to fulfill the undertaken missions;
 - c) ensuring the record of organizations in the fields of research and innovation;
 - d) carrying out tasks deriving from the provisions of the normative framework in the activity field of the Agency;
- 6) evaluation of the scientific and scientific-teaching staff:
 - a) development of methodologies for confirming scientific titles (doctor, doctor habilitate) and scientific-teaching titles (associate professor, university professor) and their presentation to the Ministry of Education, Culture and Research to be promoted for approval by the Government;
 - b) expertise on the objectivity of the decisions issued by the commissions for defending the doctoral theses and of doctor habilitate;
 - c) confirmation of the scientific and scientific-teaching titles or reasoned rejection of this decision of the institution's senate, which is organizing institution;
 - d) withdrawal of confirmation of the doctor or doctor habilitate title and initiation of withdrawal procedures of the title by the issuing institution;
 - e) recognition and equivalence of the documents on scientific titles of the Moldovan citizens, as well as of foreign citizens, issued in other states;
 - f) ensuring the record of persons with scientific and scientific-reaching titles;
 - g) carrying out tasks, resulting from the provisions of the normative framework in the field of activity of the Agency.
- 10. The Agency shall have the following rights:
 - 1) to submit to the Ministry of Education, Culture and Research proposals on the improvement of the regulatory framework in the areas of competence;
 - 2) to approve normative acts, within the limits of its competences, established by the normative framework;
 - 3) as established by the normative framework, to request and receive free of charge, from the central and local public authorities, information relating to its areas of competence, which are necessary for the exercise of its powers;
 - 4) to set up councils, commissions, expert groups and other advisory platforms for carrying out tasks in its fields of competence;
 - 5) to initiate and participate in national and international projects in its fields of competence;
 - 6) to be a member of various international specialized organizations;
 - 7) to collaborate with similar agencies from other countries for the development and implementation of effective measures in improving the quality of professional training programs;
 - 8) to conclude, as established by normative framework, public procurement contracts;
 - 9) to train evaluators in its areas of competence;
 - 10) to delegate expert evaluators to external quality evaluation missions;
 - 11) to verify, upon the end of the evaluation mission, the observance of the evaluation methodology, used by expert evaluators;
 - 12) to carry out other rights based on normative acts that manage the relations in the entrusted fields of activity.

11. The Agency shall consist of:

- 1) the Governing Board;
- 2) the profile committees;
- 3) the administrative apparatus.

12. The Governing Board of the Agency (hereinafter *Governing Board*) is the collective management body that ensures the development and implementation of the Agency's strategy.

13. The Governing Board consists of 15 members: 13 members with scientific-teaching titles and scientific titles, with teaching and managerial degrees relevant for general education, vocational education and training, higher education and research, a student representative and a business environment representative. The members of the Governing Board shall not hold positions of public dignity, a position of rector, member of the Institutional Strategic Development Council or director of an educational or research institution.

14. Governing Board members are selected through an open competition, internationally judged, organized by the Ministry of Education, Culture and Research, from among all those interested, for a term of 4 years. The same person may run repeatedly for membership of the Governing Board, but not more than for 2 consecutive terms.

15. The competition for the selection of the Governing Board members is organized and conducted through a competition committee, composed of 5 international experts, delegated by quality assurance authorities from the European Union.

16. The Ministry of Education, Culture and Research shall send requests to the quality assurance agencies of the European countries, provided in point 15 of this Regulation for the delegation of competition committee members. After receiving the proposals, the Ministry shall approve the competition committee composition.

17. The competition starts 3 months before the expiration of the terms of office of the members of the Governing Board in office. The competition regulation is approved by the Ministry of Education, Culture and Research.

18. Upon the end of the competition, the committee shall draw up a report, which includes 3 separate lists of candidates who passed the competition, depending on the final points obtained, in descending order: the first list includes staff with scientific and scientific-teaching positions in general education, higher education, vocational education and training, and research, in the second - student representatives, and in the third - business environment representatives.

19. The Ministry of Education, Culture and Research shall confirm, by order, the members of the Governing Board.

20. The president, the vice-president and the secretary-general of the Governing Board are elected from among its members, for a term of 4 years, following a public competition, organized according to the provisions of Law no. 158/2008 on the civil service and the status of the civil servant. The student representative and the business environment representative shall not be elected as president, vice-president and secretary-general of the Governing Board.

The person who was designated as the winner of the competition for the president position is appointed by the Government.

Persons who have been designated winners of the competition for the position of the vice-president and the secretary-general are appointed by the Minister of Education, Culture and Research.

The activity of the president, vice-president and secretary-general of the Governing Board falls under the provisions of Law no. 158/2008 on the civil service and the status of the civil servant.

21. The executive management of the Agency shall be carried out by the president of the Governing Board, appointed by the Government, who shall be assisted by the vice-president and the secretary-general.

22. The term of office of a member of the Governing Board shall expire at the end of the term or in the event of resignation or revocation.

23. The revocation is ascertained by the Ministry of Education, Culture and Research in the following cases:

- 1) impossibility to carry out his/her tasks for a period of at least 4 months, including from health reasons;
- 2) non-compliance with the provisions of the Professional Ethics Code and / or the provisions of this Regulation;
- 3) appointment / election to a position of public dignity, rector, member of the institutional strategic development council or director of an educational institution;
- 4) unjustified absence at 4 consecutive meetings of the Governing Board.

24. The termination of the mandate before the expiry of the term shall be ordered or, should it be necessary, determined by the Governing Board, with the vote of at least 10 members. In order to fill the vacancies, the Ministry of Education, Culture and Research shall gather, no later than one month from the termination date of the term before the expiration of the mandate, the candidates participating in the competition for selecting the Governing Board members, who have been placed after the candidates elected to the Governing Board.

25. The Governing Board of the Agency shall perform the following tasks:

- 1) establishes the strategic development directions of the Agency and approves the institutional strategy of thereof;
- 2) approves the expert evaluators selection methodology;
- 3) presents to the Ministry of Education, Culture and Research to be promoted for approval by the Government, after consultations with the Academy of Sciences of Moldova, the regulations on the organization and functioning of the profile committees, formed from the specialists with remarkable activity and experience in all fields of activity for which the committees are set up;
- 4) presents to the Ministry of Education, Culture and Research the normative acts, which are necessary for the realization of the functions and duties of the Agency to be promoted for approval by the Government;
- 5) approves the methodology provided in art. 83 para. (3) of the Education Code of the Republic of Moldova;
- 6) approves the authorization procedure of provisional operation and accreditation of joint programs for higher education;
- 7) presents the national reference standards and the accreditation standards on areas of professional training in higher education to the Ministry of Education, Culture and Research to be promoted for approval by the Government;
- 8) presents to the Ministry of Education, Culture and Research the methodology of complex evaluation of the capacities of organizations in the fields of research and innovation and of their scientific and scientific-teaching staff to work in order to fulfill the assumed mission to be promoted for approval by the Government;
- 9) presents for approval to the Ministry of Education, Culture and Research the confirmation methodologies of the titles of the scientific and scientific-teaching staff;
- 10) approves the plan of evaluation and / or accreditation missions and the composition of the evaluators teams;
- 11) examines and adopts decisions on the profile committee reports on accreditation in general education;

- 12) examines external evaluation reports in higher education, adopts decisions about these and submits them to the Ministry of Education, Culture and Research to be promoted for approval by the Government;
 - 13) examines the external evaluation reports in their areas of competence, other than those specified in this Regulation;
 - 14) based on the relevant profile committee report, confirms scientific and scientific-teaching titles or rejects the decision of the institution organizing doctoral exams;
 - 15) withdraws the confirmation of the title of doctor or doctor habilitate and initiates the procedures of titles withdrawal by the issuing institution;
 - 16) examines and adopts decisions based on the profile committee reports on the organizations of evaluation in the fields of research and innovation;
 - 17) approves the Professional Ethics Code within the Agency, including about expert evaluators;
 - 18) approves the guides / manuals of internal quality evaluation, the good practices guide for the internal and external evaluation of the quality of studies and research, synthesis works, etc. carried out within the Agency;
 - 19) monitors the activity of the administrative apparatus and makes proposals for improvement;
 - 20) examines the activity report of the president of the Governing Board;
 - 21) approves the annual activity report and the self-evaluation reports of the Agency;
 - 22) carries out other tasks provided by the present Regulation and by the normative framework in the Agency's field of activity.
26. The Governing Board meets in ordinary and extraordinary meetings. Extraordinary meetings may be convened on the initiative of the president or of at least 5 members of the Governing Board.
27. The meetings of the Governing Board are deliberative if at least 10 members participate.
28. Decisions of the Governing Board shall be issued by a vote of at least 8 members, unless otherwise provided in this Regulation. The decisions are signed by the president and the secretary-general of the Governing Board.
29. The manner of organizing and conducting the meetings of the Governing Board shall be established by a regulation approved by the Governing Board.
30. The president carries out, under the conditions of the normative framework, the following tasks:
- 1) manages the administrative apparatus of the Agency;
 - 2) represents the Agency in relations with public authorities and institutions, with individuals and legal persons in the country and abroad;
 - 3) organizes the internal managerial control system, as well as the internal audit within the Agency;
- [Pct.30 subpct.3) modified by HG559 of 19.11.19, MO352-359 / 29.11.19 art.864; in force 12/29/19]*
- 4) chairs the meetings of the Governing Board and ensures the implementation of the agenda within thereof;
 - 5) coordinates the development of the draft institutional plan of the Agency and other related acts of the internal activity and presents them for approval to the Governing Board;
 - 6) ensures the evaluation process in general education and in vocational education and training;
 - 7) approves or modifies the staff list and the staffing scheme of the Agency within the limits of the salary fund, structure and staffing limits established by the Government;

- 8) appoints, modifies, suspends and terminates the service relations of public office civil servants within the Agency, pursuant to the Law no. 158-XVI of 4 July 2008 on the civil service and the status of civil servants;
 - 9) employs and dismisses the contracted staff of the Agency;
 - 10) coordinates the development of the annual report on the activity of the Agency;
 - 11) establishes the tasks of the vice-president and the secretary-general;
 - 12) approves the activity regulations of the Agency subdivisions;
 - 13) informs the evaluated institution and the Ministry of Education, Culture and Research on the results of the external evaluation;
 - 14) ensures the transparency of the Agency's activity;
 - 15) carries out other tasks within the limits of the present Regulation and of the normative framework.
31. In the absence of the president of the Governing Board, his/her duties shall be exercised by the vice-president.
32. The secretariat of the Governing Board shall be provided by the secretary-general.
33. In addition to the Agency's subdivisions, there are, according to its own organization and operation regulations, profile committees, which organize the competition for the selection of expert evaluators and their inclusion in the Register of expert evaluators by fields, approved by the Board. The profile committees are organized for each activity field of the Agency: general education, vocational education and training, higher education, continuous professional training, research and innovation.
- The register of evaluators by fields is published on the Agency's official website.
34. The method of selection, salary and the rights of expert evaluators are established based on the methodology, approved by the Government.
35. The expert evaluators are trained for evaluation activities during training sessions organized by the Agency.
36. Persons employed in the institution or study program subject to evaluation, who also hold the status of expert evaluators and / or members of the Governing Board or spouses, relatives or relatives up to the fourth degree, shall not participate in the evaluation procedures.
37. The expert evaluators are paid for their activity from the Agency's sources, according to the normative framework.
38. The profile committees operate within the Agency. These are established in accordance with the Regulation developed by the Agency and approved by the Government, in coordination with the Ministry of Education, Culture and Research, after consultation with the Academy of Sciences of Moldova.

IV. AGENCY FINANCING

39. The Agency is financed from the state budget, from collected revenues and resources related to projects financed from external sources.
40. The nomenclature of paid services performed and / or provided by the Agency and the fees amount for those services shall be approved by the Government.
41. The members of the Governing Board, as well as the members of the profile committees are paid in accordance with the normative framework.

[annex no.3](#)

Annex no. 2
to the Government Decision no. 201

STRUCTURE of the National Agency for Quality Assurance in Education and Research

Governing Board, including:

President

Vice-president

Secretary-general

Internal audit service

Department of general education evaluation

Preschool education evaluation section

Primary and gymnasium education evaluation section

Lyceum education evaluation section

Department of vocational education and training, and continuous training evaluation

Vocational education and training evaluation section

Continuous training evaluation section

Department of higher education evaluation

Department of research and innovation evaluation

Section for attestation of scientific, scientific-didactic staff and habilitation of doctoral supervisors

Research and innovation organizations evaluation section

Institutional management section

Financial-administrative office

Legal and human resources office

Public relations and international cooperation office

Document management office

Information technology office

Annex no. 4
to the Government Decision no. 201
of February 28, 2018

LIST of repealed Government decisions

1. Government Decision no. 898 of April 27, 2014 "On National School Inspectorate" (Official Gazette of the Republic of Moldova, 2014, no. 325-332, art. 965).
2. Government Decision no. 191 of April 22, 2015 "On the National Agency for Quality Assurance in Professional Education" (Official Gazette of the Republic of Moldova, 2015, no. 98-101, art. 217).
3. Government Decision no. 14 of January 10, 2005 "On the approval of the structure and staff limit of the administrative apparatus of the National Council for Accreditation and Attestation" (Official Gazette of the Republic of Moldova, 2005, no. 5-12, art. 62), with subsequent amendments and completions.