

Dear professor N.M.Kropachev!

By order of the Academic Secretary of St. Petersburg State University on June 23, 2017 (Приказ Ученого секретаря СПбГУ от 23.06.2017), Mr. Gerloch (Czech Republic) was included in the dissertation council for the defense of the thesis of M.A. Kapustina.

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Professor A. Gerloch is known among lawyers in the Czech Republic and Slovakia. But Mr. Gerloch academic status is not consistent with paragraph 10 of Annex № 2 to the Order of St. Petersburg State University of 01.09.2016 № 6821/1 (пункту 10 Приложения № 2 к Приказу СПбГУ от 01.09.2016 № 6821/1), because:

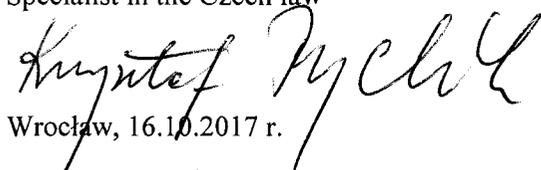
according to paragraph 2 of Article 6.2 of the Federal Law "On Science and State Scientific and Technical Policy" of 23.08.1996 No. 127 –FZ (пункт 2 статьи 6.2 Федерального закона «О науке и государственной научно-технической политике» от 23.08.1996 № 127-ФЗ), as well as Article 5 of the Protocol between the Government of the USSR and the Government of the Czechoslovak Socialist Republic on the equivalence of documents on education, academic degrees and titles issued or appropriated in the USSR and Czechoslovakia of 6 June 1972 (статья 5 Протокола между Правительством СССР и Правительством ЧССР об эквивалентности документов об образовании, ученых степеней и званий, выдаваемых или присваиваемых в СССР и ЧССР, от 6 июня 1972 г.), which remains in effect,

Mr. Gerloch could be recognized as a person with candidate of science degree and A.Gerloch doesn't have a scientific degree which is provided with the same academic and (or) professional rights as to the doctor of sciences in RF. JUDr (doktor práv; doctor of laws) is not scientific degree, but only a professional title.

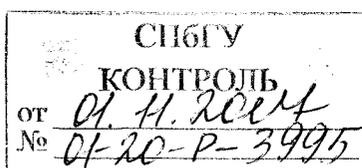
So there is an error in determining the academic status of Mr. Gerloch by the order of the Academic Secretary of St. Petersburg State University on June 23, 2017: Mr. Gerloch could not be included in the dissertation council for the defense of doctoral dissertation.

Attached to this letter you will find full information regarding the academic status of Mr. Gerloch.

Advocate Krzysztof Pyclik,  
Specialist in the Czech law



Wrocław, 16.10.2017 r.



Входящий СПбГУ

от \_\_\_\_\_  
№ \_\_\_\_\_

Krzysztof Pyclik (Wrocław),  
Advocate, specialist in Czech law

### **Legal opinion concerning the academic qualifications of Aleš Gerloch**

Professor Gerloch obtained the degree of the candidate of science (CSc) in 1981, the position of docent in 1989 and the position of professor in 2001.

The Czechoslovak Law No. 53/1964 (Zákon č. 53/1964 Sb.; full name: Law of 26 February 1964 on the award of scientific degrees and on the State Commission for Scientific Degrees, in Czech: Zákon ze dne 26. února 1964 o udělování vědeckých hodností a o Státní komisi pro vědecké hodnosti; full text: <https://www.zakonyprolidi.cz/cs/1964-53/zneni-0>) introduced two scientific degrees: candidate of science (CSc., kandidát věd – candidatus scientiarum) and doctor of science (DSc., doktor věd – doctor scientiarum). Therefore, these degrees were direct equivalents to Soviet, and then Russian, degrees of candidate of science and doctor of science. Moreover, between states of the former Soviet bloc the bilateral agreements were concluded, according to which the scientific degrees were mutually recognized. Thus, the Czechoslovak degree of CSc was equal to the Soviet and Russian degree of candidate of science, and the degree of DSc was equivalent to Soviet and Russian degree of doctor of science. Because the law cannot be retroactive, those who obtained the degrees of DSc under the rule of Zákon č. 53/1964 Sb. in Czechoslovakia and then in the Czech Republic are recognized as doctor of science in Russia. According to the paragraph 6 of that Law: “(1) The scientific rank of the Doctor of Sciences expresses a particularly high scientific qualification proven by the creation of important scientifically original works important for the development of research in a particular field of science or for social practice and characterizing a distinguished scientific personality. (2) The scientific qualification referred to in paragraph 1 shall be certified by the applicant by public defense of doctoral dissertation” (in the original: “(1) Vědecká hodnost doktora věd vyjadřuje zvláště vysokou vědeckou kvalifikaci prokázanou vytvořením závažných vědecky originálních prací důležitých pro rozvoj bádání v určitém vědním oboru nebo pro společenskou praxi a charakterizujících vyhraněnou vědeckou osobnost. (2) Vědeckou způsobilost, uvedenou v odstavci 1, osvědčuje uchazeč veřejnou obhajobou doktorské disertační práce”). The legal requirements changed several times, but generally it was possible to obtain the position of docent without having DSc. Therefore, a person with CSc could obtain the position of docent.

The Czech law was changed in 1998 by Zákon č. 111/1998 Sb. (full name: Law on Higher Education and on Amendments to Other Acts (Higher Education Act); in the original Czech: “Zákon o vysokých školách a o změně a doplnění dalších zákonů (zákon o vysokých školách)”). This legal act introduced the degree of PhD instead of CSc. The higher academic degree is that of docent, and obtaining it requires the habilitation (§ 72 of Zákon č. 111/1998 Sb.). In principle, to become a professor, it is required to be previously a docent with habilitation (§ 74 (1) of Zákon č. 111/1998 Sb.). All provisions of this legal act entered into force in 2001, and the degree of doctor of science was no longer granted after that year.



However, the act enabled the docents with CSc, appointed according the former provisions, to obtain professorships. In such a way Aleš Gerloch became a professor in 2001.

JUDr (doktor práv; doctor of laws) is not scientific degree, but only a professional title. A person who obtained a master degree and then passed a rigorous exam in a certain field of law, submitted and defended a rigorous work. In practice, both in the Czech Republic and Slovakia, there is virtually no difference between JUDr and a master in law title. Before 1980, the title of JUDr could be granted to those who finished legal studies according to Decree No. 26/1966 Sb. (Decree of the Ministry of Education and Culture of April 27, 1966, which issued regulations for rigorous examinations (Rigorous Rules); in Czech: Vyhláška ministerstva školství a kultury ze dne 27.4.1966, kterou se vydávají předpisy pro rigorosní zkoušky (rigorosní řád)).

A. Gerloch doesn't have a scientific degree which is provided with the same academic and (or) professional rights as to the doctor of sciences in RF.

The mistake was made in paragraph 3 "Исполнение п. 2 Приказа от 11.04.2017 № 3393 и.о. декана Юридического факультета"

<https://disser.spbu.ru/files/2017/diss-KapustinaMA-isp-p2.pdf>

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**The present academic status of Mr. Gerloch according to Russian law is determined on the basis of the following:**

1. There is a valid bilateral agreement between the governments of Russian Federation and the Czech Republic concerning the recognition of scientific degree - Protocol of 1972, which remains in effect.

The provisions of that agreement: scientific degrees of Candidate of Science and Doctor of Science, appropriated in Czechoslovakia and the USSR, are correspondingly equivalent.

2. There is no new agreement (taking into account the changes in the Czech law in force after 2001).

So the provisions from Soviet period should be taken into account.

In that situation Mr. Gerloch could be recognized as a person with candidate of science degree, not with doctor of science degree and Mr. Gerloch could not be included in the dissertation council for the defense of doctoral dissertation.

