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## **Ordinance on Vocational and Professional Education and Training (Vocational and Professional Education and Training Ordinance, VPETO)**

of 19 November 2003 (Status as of 1 January 2016)

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*The Swiss Federal Council,*

on the basis of Article 65 paragraph 1 of the Vocational and Professional Education and Training Act of 13 December 2002<sup>1</sup> (VPETA),

*ordains:*

### **Chapter 1    General Provisions**

#### **Art. 1**            Cooperation (Art. 1 VPETA)

<sup>1</sup> Cooperation between the Confederation, the Cantons and professional organisations in the area of upper-secondary level vocational education and training (VET) and tertiary-level professional education and training (PET) ensures that learners receive high-level competences that are comparable throughout Switzerland and correspond to the needs of the labour market.

<sup>2</sup> The Confederation generally works with national professional organisations that carry out activities all over Switzerland. If no such professional organisation exists for a given VET or PET field, then the federal authorities shall work with:

- a. organisations that are involved in a similar VET or PET field; or
- b. organisations that are involved in a corresponding VET or PET field at regional level as well as with the Cantons concerned.

**Art. 2** Vocational and professional education and training (VPET) research  
(Art. 4 VPETA)

<sup>1</sup> The State Secretariat for Education, Research and Innovation (SERI)<sup>2</sup> shall encourage Swiss VPET research until human resource and organisational capacities reach a sustainable and internationally recognised scientific level.

<sup>2</sup> Ten years after commencement of this Ordinance, the Confederation shall decide whether VPET research can be considered a branch of general education research and therefore included in existing national research funding structures.

<sup>3</sup> Federally funded VPET research shall be aligned with prevailing conditions applying to general education research, the education statistics programme and the economic and business world.

**Art. 3** Quality improvement  
(Art. 8 VPETA)

<sup>1</sup> SERI shall draft a list of methods designed to ensure improvement of the quality of individual VET and PET programmes. This list shall be reviewed periodically.

<sup>2</sup> VET and PET providers shall be free to choose from a list of quality improvement methods. The Cantons may make a given method mandatory for public-sector VET and PET providers.

<sup>3</sup> The quality standards established by SERI shall meet current requirements and take account of the needs of various VET and PET programmes.

**Art. 4** Recognition of prior learning  
(Art. 9 para. 2 VPETA)

<sup>1</sup> Recognition of prior learning shall be decided by:

- a. the cantonal authorities when determining whether or not an individual may shorten the duration of a dual-track VET programme;
- b. the VET provider when determining whether or not an individual may shorten the duration of other VET programmes;
- c. the examining bodies in the case of admittance to qualification procedures.

<sup>2</sup> The Cantons shall establish guidance counselling offices that can help individuals draft assessment portfolios presenting all professional and non-professional experience gained outside formal education pathways. These assessment portfolios shall serve as the basis for the recognition of prior learning described in paragraph 1 above.

<sup>3</sup> The guidance counselling offices shall work with professional organisations and external experts.

<sup>2</sup> The name of this administrative unit was amended in application of Art. 16 para. 3 of the Publications Ordinance of 17 Nov. 2004 (RO 2004 4937) on 1 Jan. 2013. The amendment has been made throughout the text.

**Art. 5** Private providers

(Art. 11 VPETA)

When establishing an adequate availability of VET programmes and branch courses, the Cantons shall take particular account of courses offered to learners free of charge by private providers.

**Chapter 2 Vocational Education and Training (VET)****Section 1 General Provisions****Art. 6** Definitions

In implementation of the Federal Vocational and Professional Education and Training Act, or as a complement thereto, the following terms shall be used:

- a. dual-track VET programme: a VET programme where most learning takes place at a host company or within a host company network;
- b. school-based VET programme: a VET programme where most learning takes place at a school, namely a trade school or a commercial school;
- c. host company network: a group of two or more companies that have pooled their resources for the purpose of providing comprehensive and specialised work-based training;
- d. traineeship: a form of work-based training which, while considered part of a school-based VET programme, takes place outside the school.

**Art. 7** Preparatory courses for upper-secondary level VET programmes

(Art. 12 VPETA)

<sup>1</sup> After completing compulsory education, pupils may complement their studies by attending practical work-related courses that prepare them for enrolment in an upper-secondary level VET programme.

<sup>2</sup> These preparatory courses last no more than one year and are scheduled according to the academic year.

<sup>3</sup> Pupils are assessed at the end of these preparatory courses.

**Art. 8** Apprenticeship contract

(Art. 14 and Art. 18 para. 1 VPETA)

<sup>1</sup> If several apprenticeship contracts mentioned in Article 14 paragraph 2 sentence 2 of VPETA are needed to cover the various portions of work-based training, then all of these contracts must be signed and approved by the cantonal authorities prior to commencement of the first apprenticeship.

<sup>2</sup> If work-based training takes place within a host company network, then the apprenticeship contract shall be signed by the coordinating company or organisation and the learner.

<sup>3</sup> The trial period shall run from the apprenticeship start date established in the corresponding apprenticeship contract. If an apprenticeship contract under paragraph 1 has been drafted to cover only a portion of work-based training, then the trial period for that portion shall generally be one month in duration.

<sup>4</sup> The provisions of the apprenticeship contract shall apply to dual-track VET programmes even when learners start out in a school-based VET programme for an extended period of time. The cantonal authorities may grant exemptions if they can guarantee that learners have received enough practical training while enrolled in the school-based VET programme to complete the dual-track VET programme.

<sup>5</sup> The host company or host company network shall submit the signed apprenticeship contract to the cantonal authorities for approval prior to commencement of the VET programme.

<sup>6</sup> The contracting parties shall use the standard contract forms provided to them by the Cantons. SERI shall ensure that the same contract forms are used throughout Switzerland.

<sup>7</sup> If the parties to the apprenticeship contract intend to extend or reduce the duration of a VET programme as described in Article 18 paragraph 1 VPETA, the cantonal authorities shall decide on the matter after discussion with the parties to the apprenticeship contract and the VET school.

#### **Art. 9** Official location of the work-based training segment

(Art. 16 para. 2 let. a VPETA)

<sup>1</sup> The official location of the work-based training segment of a dual-track VET programme shall be the main location where work-based training takes place.

<sup>2</sup> If the legal domicile of the host company and the main location where work-based training takes place are in two different Cantons, the main location where work-based training takes place shall be considered as the official location.

<sup>3</sup> For host company networks, the location used by the coordinating company or organisation shall be considered as the official location.

<sup>4</sup> If the cantonal authorities are unable to agree on the official location of the work-based training segment, then SERI shall decide.

#### **Art. 10** Special requirements for two-year VET programmes

(Art. 17 para. 2 and Art. 18 para. 2 VPETA)

<sup>1</sup> Compared to three-year and four-year VET programmes, two-year VET programmes provide learners with specific vocational qualifications that are easier to acquire. They take account of the individual capabilities of learners by offering them a particularly broad range of courses and a personalised teaching approach.

<sup>2</sup> VET ordinances for two-year VET programmes include provisions enabling learners to subsequently enrol in the three-year or four-year VET programme.

<sup>3</sup> Two-year VET programmes may be extended or shortened by no more than one year.

<sup>4</sup> If a learner runs the risk of not completing a VET programme, the cantonal authorities shall, after listening to the learner and the VET school, decide whether competent individual tutoring should be provided to the learner in question.

<sup>5</sup> Competent individual tutoring not only includes classroom instruction but all relevant areas of training that the learner requires.

**Art. 11**            Supervision  
(Art. 24 VPETA)

<sup>1</sup> The cantonal authorities shall refuse to issue an education licence or shall revoke an already issued education licence if the work-based training proves unsatisfactory, if VET trainers fail to adhere to legal requirements or if they fail to fulfil their obligations.

<sup>2</sup> If there is a risk that a learner will be unable to complete a VET programme, the cantonal authorities shall discuss the matter with the people involved and take such steps as are needed to ensure that the learner is able to undergo vocational education and training in accordance with his or her skills and aptitudes.

<sup>3</sup> If necessary, the cantonal authorities shall recommend that contracting parties revise the apprenticeship contract, or shall help the learner to transfer to another VET programme or learning location.

## **Section 2        VET Ordinances**

**Art. 12**            Content  
(Art. 19 VPETA)

<sup>1</sup> VET ordinances shall cover the following aspects mentioned in Article 19 paragraph 2 VPETA:

- a. admission requirements;
- b. possible ways in which VET programmes may be structured in terms of course content and the level of personal maturity needed to do a given job;
- c. instruments to improve the quality of VET programmes such as training plans and other related instruments;
- d. possible regional particularities;
- e. measures to ensure occupational health and safety;
- f. requirements in terms of content and structure of work-based training in a school within the meaning of Article 6 letter b;
- g. the organisation, duration and content of branch courses and similar third-party training courses and the coordination of these courses with classroom instruction at the VET school.

<sup>1bis</sup> VET ordinances also regulate the composition and tasks of Swiss committees established for the purpose of developing and improving the quality of correspond-

ing VET programmes. The composition of these committees must meet the following criteria:

- a. one or more representatives of the Confederation;
- b. adequate representation of each of Switzerland's linguistic regions.<sup>3</sup>

<sup>1</sup>ter The committees referred to in paragraph 1<sup>bis</sup> are not extra-parliamentary commissions as defined in Article 57a of the Government and Administration Organisation Act (SR 172.10). They are established by professional organisations, which pay remuneration to committee members.<sup>4</sup>

<sup>2</sup> As a rule, learners are required to attend a foreign language course. This requirement shall be met in accordance with the needs of the VET programme.

<sup>3</sup> Education regulations that depart from Articles 47, 48 letter b and 49 of the Employment Act of 13 March 1964<sup>5</sup>, shall require approval from the State Secretariat for Economic Affairs (SECO).

<sup>4</sup> VET ordinances may include provisions regarding special offers that take into account work-based training and classroom instruction.

<sup>5</sup> ...<sup>6</sup>

<sup>6</sup> Education regulations on radiation protection training to obtain the expertise or knowledge described in the Federal Ordinance of 22 June 1994<sup>7</sup> on Radiation Protection require approval from the Federal Office of Public Health (FOPH).<sup>8</sup>

### **Art. 13** Requests and enactment

(Art. 19 para. 1 VPETA)

<sup>1</sup> Professional organisations within the meaning of Article 1 paragraph 2 may request that a VET ordinance be enacted.

<sup>2</sup> The request must be submitted to SERI with a written statement of the reasons.

<sup>3</sup> The participation of the Cantons and professional organisations shall be required in order for SERI to prepare and enact such VET ordinances.

<sup>4</sup> SERI shall ensure that there is coordination with and between the interested parties and the Cantons. If no agreement can be reached, then SERI shall decide on the basis of the overall need for VET programmes and any social partnership-related rules.

<sup>3</sup> Inserted by No I 6.3 of the Ordinance of 9 Nov. 2011 (Review of Extra-Parliamentary Commissions), in force since 1 Jan. 2012 (AS **2011** 5227).

<sup>4</sup> Inserted by No I 6.3 of the Ordinance of 9 Nov. 2011 (Review of Extra-Parliamentary Commissions), in force since 1 Jan. 2012 (AS **2011** 5227).

<sup>5</sup> SR **822.11**

<sup>6</sup> Repealed by Art. 82 No 3 of the Sport Promotion Ordinance of 23 May 2012, with effect from 1 Oct. 2012 (AS **2012** 3967).

<sup>7</sup> SR **814.501**

<sup>8</sup> Inserted in accordance with No II 1 of the Federal Ordinance of 24 Oct. 2007, in force since 1 Jan. 2008 (AS **2007** 5651).

### Section 3 Work-based Training

#### Art. 14 Host company network

(Art. 16 para. 2 let. a VPETA)

<sup>1</sup> The companies belonging to a host company network shall regulate their respective tasks and responsibilities in a written contract.

<sup>2</sup> They shall appoint a member to act as the coordinating company or organisation responsible for drafting and signing apprenticeship contracts and representing the host company network in its dealings with third parties.

<sup>3</sup> The education licence for the host company network shall be given to the coordinating company or organisation.

#### Art. 15 Traineeship places

(Art. 16 para. 1 let. a and para. 2 let. a VPETA)

<sup>1</sup> For school-based VET programmes, VET schools shall ensure that the number of traineeship places matches the number of learners. The VET school shall provide the corresponding supervisory authority with proof of this.

<sup>2</sup> VET schools shall be held accountable to their supervisory authority for the quality of traineeships.

<sup>3</sup> VET schools shall sign a contract with a host company whereby the latter undertakes to provide work-based training and pay any corresponding wages to learners.

<sup>4</sup> The host company and the learner shall sign a traineeship contract. This contract must be approved by the supervisory authority if the traineeship is to last for a period exceeding six months.

#### Art. 16 Practical training provided within the framework of school-based VET programmes

(Art. 16 para. 2 let. a VPETA)

Before a school may obtain authorisation to provide practical training within the framework of a school-based VET programme, the cantonal authority shall contact the corresponding professional organisations to make sure that the practical training offered by the school corresponds to the needs of the labour market.

### Section 4 Classroom instruction

#### Art. 17 VET schools

(Art. 21 VPETA)

<sup>1</sup> Following consultation with the corresponding professional organisations, the VET school shall structure VET programmes into coherent modules. When doing so, the VET school shall take account of the skills and competences required for the occupation as well as the specific needs of learners.

<sup>2</sup> The VET school shall designate a person whom learners and, if necessary, the host company may contact.

<sup>3</sup> If poor performance in the classroom instruction segment compromises the learner's ability to successfully complete the dual-track VET programme or if the learner's conduct is unsatisfactory, the VET school shall first discuss the matter with the learner and then contact the host company.

**Art. 18** Mandatory classroom instruction

(Art. 21 VPETA)

<sup>1</sup> Learners who undergo work-based training at a host company are also required to attend classes at the VET school at least one day per week. If learners are required to attend classes for more than one day per week, then these classes must be scheduled in a contiguous fashion.

<sup>2</sup> No school day may comprise more than nine lessons, including optional courses and remedial courses.

<sup>3</sup> VET schools shall decide whether to grant or refuse requests by learners to be dispensed from attending mandatory classes. If dispensing learners will also have an impact on the qualification procedure, then the decision shall be made by the cantonal authorities.

**Art. 19** Language, communication and society (LCS)

(Art. 15 para. 2 let. b VPETA)

<sup>1</sup> SERI shall establish the minimum requirements for LCS subjects taught in two-year, three-year and four-year VET programmes.

<sup>2</sup> These minimum requirements shall be set forth in a federal core curriculum for LCS subjects in VET programmes or, if special needs so require, in VET ordinances.

**Art. 20** Optional courses and remedial courses

(Art. 22 para. 3 and 4 VPETA)

<sup>1</sup> Optional courses and remedial courses given by the VET school shall be scheduled so as not to have a negative impact on work-based training. During working hours, these courses should not take up more than a half a day per week on average.

<sup>2</sup> The need to attend remedial courses shall be reviewed periodically.

<sup>3</sup> If learner performance or conduct at the VET school or host company is unsatisfactory, the VET school shall, in consultation with the host company, exclude the learner from optional courses. In the event of disagreement, the cantonal authorities shall decide on the matter.

<sup>4</sup> VET schools shall ensure that there is a well-balanced offering of optional and remedial courses. In particular, VET schools shall offer optional language courses.



## **Section 5 Branch Courses and Similar Third-party Training Courses**

(Art. 23 VPETA)

### **Art. 21**

<sup>1</sup> The Cantons shall provide funding to professional organisations in support of their efforts to sponsor branch courses and similar third-party training courses.

<sup>2</sup> The contribution paid by companies to cover the costs of branch courses and similar third-party training courses may not exceed the total cost of the said courses.

<sup>3</sup> The host company shall pay learner costs in relation to attendance of branch courses and similar third-party training courses.

## **Section 6 Federal Vocational Baccalaureate (FVB)**

(Art. 25 VPETA)

### **Art. 22<sup>9</sup>**

The Federal Vocational Baccalaureate (FVB) is governed by the Vocational Baccalaureate Ordinance of 24 June 2009<sup>10</sup>.

## **Chapter 3 Professional Education and Training (PET)**

### **Art. 23 General provisions**

(Art. 27 VPETA)

<sup>1</sup> If a given field offers the possibility of taking a Federal PET Diploma Examination and an Advanced Federal PET Diploma Examination, then the requirements for the Advanced Federal PET Diploma Examination shall be higher than those for the Federal PET Diploma Examination.

<sup>2</sup> PET competences shall be based on internationally accepted standards.

### **Art. 24 Sponsorship**

(Art. 28 para. 2 VPETA)

<sup>1</sup> Professional organisations within the meaning of Article 1 paragraph 2 may request authorisation to establish a Federal PET Diploma or Advanced Federal PET Diploma Examination for a given profession.

<sup>2</sup> For this purpose, the professional organisations shall set aside the funds needed to offer and organise the Federal PET Diploma or Advanced Federal PET Diploma Examinations.

<sup>9</sup> Amended by Art. 35 para. 2 of the Vocational Baccalaureate Ordinance of 24 June 2009, in force since 1 Aug. 2009 (RO 2009 3447).

<sup>10</sup> SR 412.103.1

<sup>3</sup> Organisations that offer the corresponding Federal PET Diploma or Advanced Federal PET Diploma Examinations shall have the opportunity to act as sponsors.

<sup>4</sup> The sponsorship agreement shall establish the rights and obligations of the organisations sponsoring the Federal PET Diploma or Advanced Federal PET Diploma Examinations in keeping with their size and economic capacity.

**Art. 25** Prerequisites for the Federal PET Diploma and the Advanced Federal PET Diploma

(Art. 28 para. 3 VPETA)

<sup>1</sup> SERI shall authorise only one Federal PET Diploma Examination and one Advanced Federal PET Diploma Examination per specialised field in a given economic branch.

<sup>2</sup> SERI shall verify that:

- a. there is a public interest;
- b. there is no conflict with education policy or other public interest;
- c. there are enough sponsors to ensure that the exams can be held all over Switzerland for the long-term;
- d. the content of the examinations matches the competences needed for the occupation;
- e. the qualification issued is clear, not misleading and cannot be mistaken for any other qualification.

**Art. 26** Procedure for obtaining authorisation

(Art. 28 para. 3 VPETA)

<sup>1</sup> The group of sponsors shall submit draft examination regulations to SERI for approval.

<sup>2</sup> SERI shall coordinate the content of examination regulations for related occupations.

<sup>3</sup> SERI may decide to consolidate examinations for specialised fields and areas of study that overlap.

<sup>4</sup> If the draft examination regulations meet established criteria, SERI shall publish the approved examination regulations in the Federal Gazette and fix a 30-day period for objections.

<sup>5</sup> Objections to the examination regulations must be submitted to SERI in writing and include reasons justifying the objection.

**Art. 27** Supervision

(Art. 28 para. 2 and 3 VPETA)

If the group of sponsors fails to adhere to examination regulations after receiving a warning, SERI may decide to transfer the rights to organise examinations to another group of sponsors or may revoke its approval of the examination regulations.

**Art. 28**            PET colleges  
(Art. 29 para. 3 VPETA)

PET colleges shall be regulated by an ordinance issued by the Federal Department of Economic Affairs, Education and Research (EAER)<sup>11</sup> Ordinance on Courses of Study at PET Colleges.

**Chapter 4    Job-Related Continuing Education and Training**  
(Art. 32 VPETA)

**Art. 29**

<sup>1</sup> The Confederation shall take part in measures relating to the coordination, quality and transparency of continuing education and training (CET) courses that are of use to a given occupation or profession and can be offered at the national level or within a specific linguistic region.

<sup>2</sup> Public-run structures and VET or PET courses shall, wherever possible, be made available as labour market measures under the Unemployment Insurance Act of 25 June 1982<sup>12</sup>.

**Chapter 5    Qualification Procedures, Qualifications and Titles**

**Art. 30**            Qualification procedure requirements  
(Art. 33 and Art. 34 para. 1 VPETA)

<sup>1</sup> Qualification procedures must:

- a. be aligned with qualification targets established in the relevant VET ordinances.
- b. assess verbal, written and practical aspects that are judged according to the specific features of the corresponding qualification field and take account of school education and practical experience.
- c. use competence assessment approaches that are appropriate and suited to the target group.

<sup>2</sup> A final interdisciplinary examination or equivalent qualification procedure shall be required if the competence assessment is being performed for the purpose of issuing a qualification.

<sup>11</sup> The name of this administrative unit was amended in application of Art. 16 para. 3 of the Publications Ordinance of 17 Nov. 2004 (RO 2004 4937) on 1 Jan. 2013. The amendment has been made throughout the text.

<sup>12</sup> SR 837.0

**Art. 31** Other qualification procedures  
(Art. 33 VPETA)

<sup>1</sup> Other qualification procedures include procedures that are generally not covered by VET ordinances but are nevertheless suitable for competence assessment.

<sup>2</sup> The qualification procedures referred to in paragraph 1 may be standardised for specific groups of people and regulated in corresponding VET ordinances.

**Art. 32** Other prerequisites  
(Art. 34 para. 2 VPETA)

If competences were obtained outside an established course of study, only candidates who have at least five years of professional experience may be permitted to undergo qualification procedures.

**Art. 33** Repeating qualification procedures

<sup>1</sup> Candidates may repeat qualification procedures no more than twice. Parts of qualification procedures that candidates have passed need not be repeated. VET ordinances may provide for stricter requirements for repeating qualification procedures.

<sup>2</sup> Schedules for repeating qualification procedures must be arranged in such a way as to ensure that the bodies responsible for organising the qualification procedures do not incur disproportionate costs.

**Art. 34** Assessment  
(Art. 34 para. 1 VPETA)

<sup>1</sup> Qualification procedure performance shall be expressed as a score in whole integers or half-integers. 1 is considered the lowest score and 6 the highest. Scores under 4 are considered unsatisfactory.

<sup>2</sup> Scores other than half-integers shall only be permitted for averages calculated on the basis of individual positions in corresponding VET ordinances. Averages shall be rounded up or down to no more than one decimal place.

<sup>3</sup> VET ordinances may also provide for other assessment systems.

**Art. 35** Federal VET Certificate Examination and Federal VET Diploma Examination  
(Art. 17 VPETA)

<sup>1</sup> Cantonal authorities shall appoint examiners to organise final examinations on completion of VET programmes. The corresponding professional organisations shall have the right to propose examiners.

<sup>2</sup> During the qualification procedure, examiners shall write down the results, their observations and any objections raised by the candidates.

<sup>3</sup> Candidates with disabilities shall be given the special aids or additional time that they may reasonably require.

<sup>4</sup> In fields taught in two languages, all or part of the examination may be given in the second language.

<sup>5</sup> The bodies responsible for organising the examination shall decide whether the candidate may be issued a Federal VET Diploma or Federal VET Certificate.

**Art. 36** Federal PET Diploma Examination and Advanced Federal PET Diploma Examination  
(Art. 43 para. 1 and 2 VPETA)

<sup>1</sup> On completion of the corresponding examination, the body responsible for organising the Federal PET Diploma Examination or the Advanced Federal PET Diploma Examination shall decide whether the candidates may be issued a Federal PET Diploma or an Advanced Federal PET Diploma.

<sup>2</sup> Federal PET Diplomas and Advanced Federal PET Diplomas shall be issued by SERI. Diploma holders shall be free to decide which official language they would like their diploma to be issued in.

<sup>3</sup> Federal PET Diplomas and Advanced Federal PET Diplomas shall be signed by the chairperson of the body responsible for organising the corresponding examination as well as by SERI Director.

**Art. 37** Register  
(Art. 43 para. 3 VPETA)

<sup>1</sup> SERI's Register of holders of the Federal PET Diploma and Advanced Federal PET Diploma shall contain the following information:

- a. surname and first name;
- b. date of birth;
- c. hometown (for Swiss nationals) or citizenship (for foreign nationals);
- d. place of residence at the time the examination was taken;
- e. year when the examination was taken.

<sup>2</sup> SERI may publish in a suitable manner the data mentioned in paragraph 1 letters a, d and e as well as the date of birth of the diploma holder.

<sup>3</sup> SERI shall obtain the consent of the person concerned before the data mentioned in paragraph 2 above is published. Diploma holders shall be free to withhold their consent without stating their reasons or withhold this consent at a later time.

**Art. 38** Titles  
(Art. 19 para. 2 let. e, Art. 28 para. 2 and 29 para. 3 VPETA)

<sup>1</sup> SERI shall maintain a list of protected titles in the official languages. English titles may also be used if they have a single internationally recognised meaning.

<sup>2</sup> At the request of qualification holders, SERI shall issue a document in English describing the content of the training or specific competences. ...<sup>13</sup>

**Art. 39** Cost sharing

(Art. 41 VPETA)

<sup>1</sup> The cost of materials and rental space is not covered by the examination fees mentioned in Article 41 VPETA and must be paid for in part or in full by the host companies themselves.

<sup>2</sup> If qualification procedures are organised for individuals who have not undergone formal vocational education and training, the authority may require that the candidates themselves pay all or part of the associated costs.

<sup>3</sup> The rules on sharing the costs of qualification procedures organised for individuals who lack formal VET qualifications must be submitted to SERI for approval, as long as the qualification procedures are not organised at the cantonal level.

<sup>4</sup> The income from fees charged for the Federal PET Diploma and Advanced Federal PET Diploma Examinations may not exceed the full costs incurred by the group of sponsors, calculated on the basis of a six-year average, including sums allocated to a reserve fund.

## **Chapter 6 VET and PET Professionals**

### **Section 1 General Provisions**

**Art. 40** VET professionals

(Art. 45 para. 3 and Art. 46 para. 2 VPETA)

<sup>1</sup> Individuals who provide work-based training or classroom instruction within the framework of VET programmes must have an adequate level of training, as determined by the minimum requirements under Articles 44–47. This level of training shall be attested by means of:

- a. a federally recognised degree; or
- b. a course certificate for VET trainers who have undergone a 40-hour course.

<sup>2</sup> Individuals who do not meet the minimum requirements at the time they begin to carry out their activities must obtain the corresponding qualifications within five years.

<sup>3</sup> The cantonal authorities shall, after consulting with the providers of the corresponding education and training programme, decide on technical equivalences of individual VET professionals.

<sup>13</sup> Sentence repealed under Annex No 2 of the OFPET Ordinance of 16 June 2006, with effect from 1 Aug. 2006 (RO 2006 2639).

<sup>4</sup> For specific occupations, minimum education and training requirements may be higher than those established by this Ordinance. These requirements shall be established in corresponding VET ordinances.

**Art. 41**            PET college teachers

(Art. 29 para. 3 and Art. 46 para. 2 VPETA)

The EAER shall establish the minimum requirements for PET college teachers.

**Art. 42**            Hours of training

<sup>1</sup> Hours of training shall include hours of attendance, the average amount of time needed for self-study and training, personal or group projects, other events organised as part of the education and training programme, periodic testing to monitor progress and qualification procedures, practical use of skills acquired and guided apprenticeships.

<sup>2</sup> Hours of training may be broken down into modules using a standard credit-based system; fractions of credits shall be rounded up.

**Art. 43**            Continuing training of VET and PET professionals

(Art. 45 VPETA)

Continuing training of VET and PET professionals shall be subject to the quality improvement measures mentioned in Article 8 VPETA.

## **Section 2        Minimum Requirements for VET Trainers and Teachers**

**Art. 44**            VET trainers in host companies

(Art. 45 VPETA)

<sup>1</sup> VET trainers in host companies must have:

- a. a Federal VET Diploma or equivalent qualification in the field in which they will be training others;
- b. two years of practical experience in the field in which they will training others;
- c. vocational education qualifications equivalent to 100 hours of training.

<sup>2</sup> Successful completion of a 40-hour course may be used instead of the hours of training mentioned in paragraph 1 letter c. A course certificate shall be issued to confirm completion of the 40-hour course.

**Art. 45**            VET instructors

(Art. 45 VPETA)

VET instructors for branch courses and similar third-party training courses, trade schools and other accredited institutions providing work-based training must have:

- a. a PET qualification or equivalent qualification in the field in which they will training others;
- b. two years of practical experience in the field in which they will training others;
- c. completed vocational pedagogy training covering a total of:
  1. 600 hours of training for full-time VET trainers,
  2. 300 hours of training for part-time VET trainers.

**Art. 46** VET teachers responsible for classroom instruction; teachers responsible for preparing learners for the FVB examination  
(Art. 46 VPETA)

<sup>1</sup> Teachers responsible for providing classroom instruction within the framework of a VET programme and teachers responsible for preparing learners for the FVB examination must have a teacher's certificate for upper-secondary level general education and meet the following additional requirements:

- a. completed a tertiary-level vocational pedagogy training programme;
- b. obtained a tertiary-level degree in a specialised field;
- c. have six months of work experience.

<sup>2</sup> In order to teach vocational subjects within the framework of a VET programme, VET teachers must obtain a VET teacher's certificate, which is awarded to individuals who have:

- a. obtained a tertiary-level type A or B qualification;
- b. successfully completed vocational pedagogy training covering a total of:
  1. 1800 hours of training for full-time VET teachers,
  2. 300 hours of training for part-time VET teachers.

<sup>3</sup> In order to be able to teach LCS subjects, sport or courses in fields for which university studies are required, individuals must have:

- a. obtained a teacher's certificate for compulsory education, a teacher's certificate for LCS subjects or sport education (in accordance with training plan for VET programme), and vocational pedagogy training covering a total of 300 hours of training; or
- b. obtained a baccalaureate school teacher's certificate and successfully completed vocational pedagogy training covering a total of 300 hours of training; or
- c. successfully completed corresponding university studies as well as vocational pedagogy training covering a total of 1800 hours of training.<sup>14</sup>

<sup>14</sup> Amended by Art. 82 No 3 of the Sport Promotion Ordinance of 23 May 2012, in force since 1 Oct. 2012 (AS 2012 3967).



**Art. 47** Part-time VET trainers and teachers

(Art. 45 and 46 VPETA)

<sup>1</sup> The part-time VET trainers and teachers are individuals who provide training in addition to their work in the corresponding field.

<sup>2</sup> The individual's main job takes up at least half of the standard workweek.

<sup>3</sup> Individuals who teach less than an average of four hours per week shall not be subject to the provisions of Article 45 letter c and Article 46 paragraph 2 letter b no. 2.

**Section 3 Vocational Pedagogy Training****Art. 48** Course content

(Art. 45 and 46 VPETA)

Vocational pedagogy training programmes shall be based on the context of the locations where work-based training and classroom instruction take place. It shall include the following aspects:

- a. VPET system and associated context: VPET system, legal basis, guidance counselling services;
- b. learners: job-related socialisation of young people and adults within the company, school and society;
- c. teaching and learning: planning, carrying out and assessing learning activities, providing support and assistance to learners as they make their way through the training and learning process, assessing and selecting learners on the basis of a full range of aptitudes;
- d. making use of knowledge and skills gained during work-based training and classroom instruction;
- e. understanding the role of the teacher/trainer, maintaining business and academic contacts, establishing one's own continuing training programme;
- f. interacting with learners, working with their legal representatives, government officials, host companies, VET schools and other learning locations;
- g. general topics such as work-oriented mentality, ethics, gender issues, health, multiculturalism, sustainability, occupational safety.

**Art. 49** Core curriculums

(Art. 45 and 46 VPETA)

<sup>1</sup> SERI shall establish core curriculums for the qualification of VET and PET professionals. These core curriculums shall determine the amount of time devoted to the various modules, course content as well as the practical skills and competences required of VET and PET professionals.

<sup>2</sup> The corresponding institution shall organise courses of study. These courses of study shall combine expertise with vocational pedagogy skills.

**Section 4 Courses for Examiners**

(Art. 47 VPETA)

**Art. 50**

SERI shall work on courses for examiners with cantonal authorities and the professional organisations responsible for qualification procedures. SERI shall also ensure that examiners enrol in these courses.

**Section 5 Federal Recognition of Qualifications****Art. 51** Responsibilities and applications

(Art. 45 and 46 VPETA)

<sup>1</sup> Federal recognition of qualifications relating to courses of study for VET professionals shall be determined by:

- a. the Cantons, for courses of study intended for VET trainers in host companies, unless the courses of study in question are organised throughout Switzerland;
- b. SERI, for courses of study intended for VET trainers in host companies or other courses of study, if the courses of study are organised throughout Switzerland.

<sup>2</sup> In order to obtain recognition, documents containing the following information must be submitted:

- a. offer of services;
- b. trainer qualifications;
- c. funding;
- d. quality improvement.

**Art. 52** Requirements for the recognition of qualifications

(Art. 45 and 46 VPETA)

Qualifications shall be recognised if:

- a. the intended training programme matches the core curriculums mentioned in Article 49;
- b. the training programme can be implemented smoothly.

## Section 6 Federal Commission for VET Professionals

### Art. 53 Composition and structure

(Art. 45, 46 and 48 para. 1 VPETA)

<sup>1</sup> The Federal Council shall appoint a Federal Commission for VET Professionals.<sup>15</sup>

<sup>2</sup> This commission shall comprise nine to eleven members. Commission members shall include representatives of the Confederation, the Cantons, professional organisations and training institutions. The Cantons shall have the right to propose three members. Commission membership should reflect a suitable balance in terms of linguistic regions and gender.

<sup>3</sup> The commission shall organise itself.

<sup>4</sup> SERI shall act as the secretariat for the commission.

### Art. 54 Tasks

(Art. 45, 46 and 48 para. 1 VPETA)

<sup>1</sup> The commission shall advise SERI and submit proposals in the following areas:

- a. coordination and recognition of degrees for VET Professionals;
- b. selection and supervision of institutions that issue federally recognised degrees.

<sup>2</sup> The commission may also issue recommendations on matters pertaining to VET professionals and submit other proposals.

## Chapter 7 Vocational, Educational and Career Guidance

### Art. 55 Principles

(Art. 49 VPETA)

<sup>1</sup> In collaboration with partners, vocational, educational and career guidance counsellors help individuals to prepare for, choose and shape their careers.

<sup>2</sup> Guidance covers the provision of general information about existing education and training programmes as well as specific information and advice based on individual needs.

<sup>3</sup> Personal advice is intended to enable persons seeking advice to make informed vocational, educational and career decisions based on their specific skills and aptitudes as well as on the needs of the labour market.

<sup>15</sup> Amended by No I 6.3 of the Ordinance of 9 Nov. 2011 (Review of Extra-Parliamentary Commissions), in force since 1 Jan. 2012 (AS 2011 5227).

**Art. 56** Minimum requirements for specialised training of guidance counsellors

(Art. 50 VPETA)

<sup>1</sup> Specialised training of vocational, educational and career guidance counsellors shall be provided by universities or SERI-accredited institutions.

<sup>2</sup> Specialised training shall cover:

- a. 600 hours of training for learners who have already earned a university degree and 1800 hours of training for all other learners;
- b. traineeships lasting a total of twelve weeks.

<sup>3</sup> In order to teach, teachers must have a degree in vocational, educational and career guidance awarded by a university or federally accredited institution and must be able to certify their methodological and didactic skills.

<sup>4</sup> For other types of degrees, SERI shall decide on a case-per-case basis.

**Art. 57** Course content

(Art. 50 VPETA)

<sup>1</sup> Specialised training for vocational, educational and career guidance counsellors shall cover the following areas:

- a. people as individuals: developmental, learning and personality psychology;
- b. people and society: sociological, legal and economic principles;
- c. people and work: education system, choice of occupation and studies, career studies, occupational psychology and labour market;
- d. working methods: counselling, diagnostics, preparing individuals for career choices, performance review, documentation and public relations;
- e. understanding of tasks: professional ethics, professional identity, quality improvement.

<sup>2</sup> Training shall cover the essential aspects of providing orientation to young people, educational guidance at university, career guidance to adults as well as guidance to individuals with disabilities.

**Art. 58** Access to qualification procedures and issuance of corresponding qualifications

(Art. 50 VPETA)

<sup>1</sup> Education and training institutions shall decide whether candidates may gain access to qualification procedures. When doing so, these institutions shall also consider competences obtained outside their own education and training programmes.

<sup>2</sup> Individuals who successfully complete qualification procedures shall be awarded a qualification from the education and training institution and shall have the right to use the title “certified vocational, educational and career guidance counsellor”.

## **Chapter 8**

### **Confederation's Share of VET and PET costs; VPET Fund**

#### **Section 1 Common Provisions**

**Art. 59** Assessment base used to determine the portion of federal funding  
(Art. 52 para. 1 and 59 para. 2 VPETA)

<sup>1</sup> The Confederation's share of VET and PET costs relating to the tasks mentioned in VPETA shall be calculated on the basis of the average net cost to the Confederation in the previous four calendar years.

<sup>2</sup> Net costs are determined by calculating the full costs and subtracting the revenues.

<sup>3</sup> Net costs shall not include the following:

- a. costs incurred by implementation authorities;
- b. workplace and payroll costs for learners working within the Federal Administration or public corporations.

**Art. 60** Reporting of cantonal costs  
(Art. 53 para. 2 VPETA)

<sup>1</sup> By 1 July of each year, the Cantons shall inform SERI of the net costs that they and the communes incurred in the previous year in relation to VPET.

<sup>2</sup> The costs shall be broken down according to the tasks mentioned in Article 53 paragraph 2 VPETA. The costs associated with school-based VET programmes must be presented separately.

<sup>3</sup> SERI may establish other breakdown criteria in corresponding guidelines.

**Art. 61** Breakdown of federal funding  
(Art. 52 para. 2 VPETA)

Federal funding shall be allocated as follows:

- a. subsidies under Article 4 paragraph 2 and Article 48 VPETA;
- b. subsidies under Article 54 and Article 55 VPETA;
- c. subsidies under Article 56 VPETA;
- d. lump-sum funding mentioned in Article 53 VPETA.

#### **Section 2 Lump-sum Funding**

(Art. 53 VPETA)

**Art. 62**

<sup>1</sup> Federal lump-sum funding provided to the Cantons under Article 53 VPETA shall be divided as follows:

- a. one portion for the costs of school-based VET programmes;
- b. one portion for the costs of dual-track VET programmes.

<sup>2</sup> The portion referred to in paragraph 1 letter a shall be distributed among the Cantons on the basis of the number learners enrolled in school-based VET programmes, the portion referred to in paragraph 1 letter b shall be distributed among the Cantons on the basis of the number of learners enrolled in dual-track VET programmes. The frame of reference shall be the average amount of lump-sum funding granted over the past four years.

<sup>3</sup> Cantons that do not provide PET or job-related CET shall receive a commensurately smaller lump-sum payment.

<sup>4</sup> ...<sup>16</sup>

<sup>5</sup> SERI shall make lump-sum payments twice per year.

### Section 3 Other Federal Subsidies

**Art. 63** Federal subsidies for projects to develop VET and PET programmes  
(Art. 4 and Art. 54 VPETA)

<sup>1</sup> Federal subsidies for projects that seek to develop VET and PET programmes in accordance with Article 54 VPETA shall cover no more than sixty percent of the total corresponding expenditure. In justifiable cases, this threshold may be extended to a maximum of eighty percent.

<sup>2</sup> Federal subsidies shall be granted as follows:

- a. for studies and pilot projects: on the basis of how well they can measure the feasibility and effectiveness of new education measures in the field or how well they can implement reforms;
- b. for the creation of new more efficient structures: on the basis of whether various partners are willing to join an independent body responsible for new VET and PET fields.

<sup>3</sup> Projects shall be subsidised for a period not exceeding four years. This funding may be extended for a maximum of one more year.

**Art. 64** Federal subsidies for specific activities that serve the public interest  
(Art. 55 VPETA)

<sup>1</sup> Federal subsidies for specific activities that serve the public interest in accordance with Article 55 VPETA shall cover no more than sixty percent of the total corresponding expenditure. In justifiable cases, this threshold may be extended to a maximum of eighty percent.

<sup>16</sup> Repealed under No I 1 of the Ordinance of 7 Nov. 2007 on the New System of Fiscal Equalisation and Division of Tasks between the Confederation and Cantons, with effect from 1. Jan. 2008 (AS 2007 5823).

<sup>1bis</sup> Specific activities that serve the public interest also include measures and projects related to international VPET cooperation that serve to improve the Swiss VPET system.<sup>17</sup>

<sup>2</sup> Subsidy amounts shall vary according to:

- a. the degree of interest;
- b. the likelihood that applicants will provide services themselves;
- c. the urgency of the measure.

<sup>3</sup> Activities shall be subsidised for a period not exceeding five years. This period may be extended.

**Art. 65<sup>18</sup>** Federal subsidies for the Federal PET Diploma and the Advanced Federal PET Diploma  
(Art. 56 VPETA)

<sup>1</sup> The federal subsidies mentioned in Article 56 VPETA to cover the costs of the Federal PET Diploma Examination and the Advanced Federal PET Diploma Examination shall cover no more than 60 percent of the corresponding expenditure.

<sup>2</sup> A special subsidy of up to 80 percent of the corresponding expenditure may be granted for examinations that are particularly costly for technical reasons. When applying for a special subsidy, the reasons justifying the application must be given.

**Art. 65a<sup>19</sup>** Federal subsidies for PET college degree programmes  
(Art. 56 VPETA)

<sup>1</sup> The federal subsidies mentioned in Article 56 VPETA for PET college degree programmes shall cover no more than 25 percent of the corresponding expenditure.

<sup>2</sup> Federal subsidies for PET college degree programmes shall be provided if:

- a. the PET college degree programmes are offered by professional organisations whose activities are carried out at national level, for the whole of Switzerland; and
- b. no cantonal subsidies are provided for these PET college degree programmes.

**Art. 66** Procedure for granting subsidies  
(Art. 57 VPETA)

<sup>1</sup> SERI shall establish guidelines for funding requests, budgeting and the calculation of project costs under Articles 54–56 VPETA.

<sup>17</sup> Inserted by No I of the Ordinance of 25 Sept. 2015, in force since 1 Jan. 2016 (AS 2015 3807).

<sup>18</sup> Amended by No I of the Ordinance of 14 Nov. 2012, in force since 1 Jan. 2013 (AS 2012 6473).

<sup>19</sup> Inserted by No I of the Ordinance of 14 Nov. 2012, in force since 1 Jan. 2013 (AS 2012 6473).

<sup>2</sup> SERI shall submit incoming funding requests to the Federal Commission for Vocational and Professional Education and Training (EBBK) to obtain its opinion. For the projects mentioned in Article 54 VPETA, only projects whose total cost exceeds CHF 250,000 shall be submitted.

<sup>3</sup> For the projects mentioned in Articles 54–56 VPETA, SERI shall provide the following information in its decision regarding the subsidy:

- a. amount of subsidy granted;
- b. measures to monitor achievement of the goals established;
- c. procedure to be followed in the event of unforeseen circumstances;
- d. assessment of action taken.

<sup>4</sup> For projects mentioned in Article 54 VPETA, SERI shall provide the following information in its decision regarding the subsidy:

- a. the various steps to be followed for projects whose expected duration exceeds one year;
- b. follow-up and implementation measures;
- c. information on results and dissemination.

## **Section 4      Reduction or Withholding of Federal Funding**

(Art. 58 VPETA)

### **Art. 67**

The reduction or withholding of federal subsidies mentioned in Article 58 VPETA shall depend on the severity of the breach of obligations on the part of the subsidy recipient. The reduction may not exceed one-third of the funding granted.

## **Section 5      VPET Fund**

### **Art. 68      Request for mandatory status**

(Art. 60 VPETA)<sup>20</sup>

<sup>1</sup> Requests to make a VPET fund mandatory may be submitted by:

- a. professional organisations whose activities are carried out at national level, for the whole of Switzerland and for all companies in a given economic branch; or
- b. professional organisations whose activities are carried out at regional level for the companies in the given economic branch in the corresponding region.

<sup>20</sup> Inserted by No I of the Ordinance of 3 Dec. 2010, in force since 1 Jan. 2011 (AS 2010 6005).



<sup>2</sup> The request shall be sent to SERI in writing and shall include the following information:

- a. measures to be encouraged;
- b. how contributions to the fund shall be obtained;
- c. name of the branch;
- d. if necessary, regional boundaries;
- e. distinction between the services to be rendered by the fund in question compared to other VPET funds.

<sup>3</sup> The professional organisation is deemed to have its own training institutions for the purposes of Article 60 paragraph 4 letter b VPETA when it directly or indirectly offers VET, PET and/or CET courses in the economic branch.

4–7 ...<sup>21</sup>

**Art. 68a<sup>22</sup>** Collection of contributions

(Art. 60 VPETA)

<sup>1</sup> The professional organisations shall bill affiliated companies for their contributions.

<sup>4</sup> Companies that already provide services mentioned in Article 60 paragraph 6 VPETA shall pay the difference between the cost of the services already rendered and the contribution to the mandatory VPET fund. The difference shall be calculated on the basis of the proportion of the contribution corresponding to the services in question.

<sup>3</sup> The professional organisation shall issue a formal demand for the contribution if a company so requests or does not pay.

<sup>4</sup> A legally valid demand for a contribution is equivalent to an enforceable court order in terms of Article 80 of the Federal Act of 11 April 1889<sup>23</sup> on Debt Enforcement and Bankruptcy.

**Art. 68b<sup>24</sup>** Checks on use, accounting and auditing

(Art. 60 VPETA)

<sup>1</sup> The use of sums drawn from the VPET fund shall be checked on a regular basis.

<sup>2</sup> Accounting-related matters for VPET funds declared mandatory by the Federal Council is subject to the provisions contained in Articles 957–964 of the Swiss Code of Obligations<sup>25</sup>.

<sup>21</sup> Repealed by No I of the Ordinance of 3 Dec. 2010, with effect from 1 Jan. 2011 (AS 2010 6005).

<sup>22</sup> Inserted by No I of the Ordinance of 3 Dec. 2010, in force since 1 Jan. 2011 (AS 2010 6005).

<sup>23</sup> SR 281.1

<sup>24</sup> Inserted by No I of the Ordinance of 3 Dec. 2010, in force since 1 Jan. 2011

(AS 2010 6005). The previous Art. 68 Abs. 5–7 have become paras. 1–3 of this Article.

<sup>25</sup> SR 220

<sup>3</sup> The accounts of VPET funds declared mandatory by the Federal Council shall be audited by an independent auditing firm on a yearly basis. Auditor's Reports shall be sent to SERI for information.

## Chapter 9 Recognition of Foreign Qualifications<sup>26</sup>

### Art. 69<sup>27</sup> Comparison (Art. 68 VPETA)

On request, SERI or a third party (under Art. 67 VPETA) will compare a foreign qualification with a corresponding Swiss VET or PET qualification if:

- a. the foreign qualification complies with national legal or governmental regulations and was issued by the corresponding authority or institution of the country of issuance; and
- b. the holder of the foreign qualification demonstrates the command of an official language of the Confederation that is required in order to work in the profession concerned in Switzerland.

### Art. 69a<sup>28</sup> Regulated occupations and professions (Art. 68 VPETA)

<sup>1</sup> SERI or a third party will recognise a foreign qualification as equivalent to a corresponding Swiss qualification for a regulated occupation or profession if the following criteria are met:

- a. same level of training;
- b. same duration of training;
- c. comparable training content;
- d. the foreign training programme covers both theoretical and practical aspects or considerable work experience is involved.

<sup>2</sup> If the foreign qualification authorises the holder to carry out the given occupation or profession in the country of issuance but the criteria in paragraph 1 above are not met, SERI or a third party, if necessary in cooperation with experts, shall decide on measures to be taken to compensate for the difference between the foreign qualification and the corresponding Swiss qualification (compensatory measures), namely in the form of an aptitude test or a special adaptation course. If comparison shows that the training obtained in the foreign country is largely similar to what the person would have obtained in Switzerland, then there is no need for such compensatory measures to be taken.

<sup>26</sup> Amended by Annex No 2 of the Ordinance of 12 Nov. 2014 to the Higher Education Act, in force since 1 Jan. 2015 (AS 2014 4137).

<sup>27</sup> Amended by Annex No 2 of the Ordinance of 12 Nov. 2014 to the Higher Education Act, in force since 1 Jan. 2015 (AS 2014 4137).

<sup>28</sup> Inserted by Annex No 2 of the Ordinance of 12 Nov. 2014 to the Higher Education Act, in force since 1 Jan. 2015 (AS 2014 4137).

<sup>3</sup> The costs for compensatory measures are paid by the holder of the foreign qualification.

**Art. 69b<sup>29</sup>** Non-regulated professions

(Art. 68 VPETA)

<sup>1</sup> If the criteria set out in Article 69a para 1 let. a and b are met for a non-regulated occupation or profession, SERI or a third party will determine what level the foreign qualification holds within the Swiss education system and will issue a level certificate.

<sup>2</sup> If all of the criteria set out in Article 69a para 1 are met, SERI or a third party shall recognise the foreign qualification.

**Art. 69c<sup>30</sup>** Recognition of Croatian professional qualifications

(Art. 68 VPETA)

<sup>1</sup> Croatian professional qualifications held by citizens of EU/EFTA member states that permit the exercise of a regulated professional activity in Switzerland are recognised pursuant to Directive 2005/36/EC<sup>31</sup> in the version binding on Switzerland in accordance with Annex III Section A Number 1 of the Agreement of 21 June 1999<sup>32</sup> between the Swiss Confederation, of the one part, and the European Community and its Member States, of the other, on the free movement of persons.

<sup>2</sup> For recognition in the sectoral system of professional qualifications of nurses responsible for general care, the relevant provisions of Annex III Number 1 of the Treaty concerning the Accession of the Republic of Croatia to the EU<sup>33</sup> and Directive 2013/25/EU<sup>34</sup> apply.

<sup>29</sup> Inserted by Annex No 2 of the Ordinance of 12 Nov. 2014 to the Higher Education Act, in force since 1 Jan. 2015 (AS 2014 4137).

<sup>30</sup> Originally: Art. 69a. Inserted by No II of the Ordinance of 14 Sept. 2005 (AS 2005 4645). Amended by No I of the Ordinance of 20 June 2014, in force since 1 July 2014 (AS 2014 1873).

<sup>31</sup> Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications.

<sup>32</sup> SR 0.142.112.681

<sup>33</sup> Treaty between the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union) and the Republic of Croatia concerning the accession of the Republic of Croatia to the European, version in OJ L 112 of 24.4.2012, p. 10.

<sup>34</sup> Council Directive 2013/25/EU of 13 May 2013 adapting certain directives in the field of right of establishment and freedom to provide services, by reason of the accession of the Republic of Croatia, version in OJ L 158 of 10.06.2013, p. 368.

Art. 70<sup>35</sup>**Chapter 10 Final Provisions****Section 1 Implementation****Art. 71** SERI  
(Art. 65 VPETA)

<sup>1</sup> SERI shall implement this Ordinance, unless responsibility for implementation is assigned elsewhere.

<sup>2</sup> SERI shall act as the point of contact for the mutual recognition of qualifications by virtue of the following international agreements:

- a. Bilateral Agreement of 21 June 1999 between the Swiss Confederation and the European Union and its Member States on the Free Movement of Persons;<sup>36</sup>
- b. Convention of 4 January 1960<sup>37</sup> Establishing the European Free Trade Association (EFTA).

**Art. 71a<sup>38</sup>** SERI fees

SERI fees charged for rendering first instance decisions and services shall be governed by the SERI Ordinance of 16 June 2006<sup>39</sup> on Fees.

**Art. 72** Right of access and right to information  
(Art. 65 para. 4 VPETA)

<sup>1</sup> Persons entrusted with implementation tasks may attend VPET-related events. They may obtain information and view documents relating to VPET.

<sup>2</sup> SERI may obtain information from the Cantons and third parties directly entrusted with implementation tasks.

**Art. 73** Revocation of qualifications  
(Art. 63 VPETA)

<sup>1</sup> SERI may withdraw qualifications that were obtained by illicit means. The right to prosecute is reserved.

<sup>2</sup> The cantons shall be notified of the legal revocation of qualifications; any entries in the public register shall be deleted.

<sup>35</sup> Repealed by Annex No 2 of the Ordinance of 12 Nov. 2014 to the Higher Education Act, with effect from 1 Jan. 2015 (AS **2014** 4137).

<sup>36</sup> SR **0.142.112.681**

<sup>37</sup> SR **0.632.31**

<sup>38</sup> Inserted in accordance with Annex No 2 of the SERI Ordinance of 16 June 2006, in force since 1. Aug. 2006 (AS **2006** 2639).

<sup>39</sup> SR **412.109.3**

## Section 2 Repeal and Amendment of Current Legislation

### Art. 74

<sup>1</sup> The repeal and amendment of previous legislation are set forth in the Annex.

<sup>2</sup> SERI is responsible for repealing training regulations based on Article 12 of the Federal Act of 19 April 1978<sup>40</sup> on Vocational Education and Training issued by the EAER.

## Section 3 Transitional Provisions

### Art. 75 VET qualifications subject to cantonal legislation

(Art. 73 para. 2 VPETA)

<sup>1</sup> Qualifications awarded on completion of upper-secondary level VET programmes subject to cantonal legislation shall be considered federal if an intercantonal agreement has been reached regarding said qualifications.

<sup>2</sup> The equivalency of the qualifications mentioned in paragraph 1 with qualifications subject to new federal rules as well as the conditions applying to the conversion of qualifications shall be established in corresponding VET ordinances.

<sup>3</sup> Recognition of courses of study and conversion of qualifications in fields that were previously subject to intercantonal legislation shall be handled by SERI on the basis of previous intercantonal legislation until commencement of corresponding VET ordinances.

<sup>4</sup> For health care professions, recognition of courses of study, conversion of Swiss qualifications and recognition of foreign qualifications shall be handled by the Swiss Red Cross until commencement of corresponding federal VET ordinances.

### Art. 76 VET and PET professionals outside the scope of the previous act

(Art. 73 VPETA)

<sup>1</sup> VET trainers who do not fall within the scope of the Federal Act of 19 April 1978<sup>41</sup> on Vocational Education and Training but who have trained learners for at least five years shall be considered as qualified for the purposes of Articles 44 and 45.

<sup>2</sup> The Federal Commission for VET Professionals shall verify the equivalence of qualifications acquired by the following VET and PET professionals:

<sup>40</sup> [AS 1979 1687, 1985 660 No I 21, 1987 600 Art. 17 No 3, 1991 857 Annex No 4, 1992 288 Annex No 17 2521 Art. 55 No 1, 1996 2588 Art. 25 para. 2 und Annex No 1, 1998 1822 Art. 2, 1999 2374 No I 2, 2003 187 Annex No II 2. AS 2003 4557 Annex No I 1]

<sup>41</sup> [AS 1979 1687, 1985 660 No I 21, 1987 600 Art. 17 No 3, 1991 857 Annex No 4, 1992 288 Annex No 17 2521 Art. 55 No 1, 1996 2588 Art. 25 para. 2 und Annex No 1, 1998 1822 Art. 2, 1999 2374 No I 2, 2003 187 Annex No II 2. AS 2003 4557 Annex No I 1]

- a. VET instructors for branch courses and similar third-party training courses, VET trainers working in trade schools and other accredited institutions providing practical training;
- b. VET teachers.

<sup>3</sup> The Federal Commission for VET Professionals shall establish criteria for equivalencies and shall determine what further qualifications, if any, may be required. SERI shall decide on equivalencies and all other further qualifications.

<sup>4</sup> Any further qualifications must be obtained within five years of SERI's decision.

#### **Art. 76a<sup>42</sup>** Qualifications required to teach sport

Holders of the following qualifications meet the requirement established in Article 46 paragraph 3 to teach sport: Federal Diploma I or II in Physical Education and Sports Instruction, UAS Degree in Sports Instruction or Bachelor of Science in Sports issued by the Swiss Federal Institute of Sport Magglingen (SFISM).

#### **Art. 77** Lump-sum subsidies

(Art. 73 para. 3 and 4 VPETA)

<sup>1</sup> Starting from the fifth year following commencement of VPETA, the Confederation's share of funding of the cantonal tasks mentioned in Article 53 paragraph 2 VPETA shall be provided in the form of a lump-sum payment.

<sup>2</sup> For the first four years following commencement of VPETA, the following rule shall apply:

- a. the cantonal tasks mentioned in Article 53 paragraph 2 VPETA, for which the Confederation has thus far provided subsidies by virtue of the following federal acts, shall continue to be funded by virtue of these acts:
  1. Federal Act of 19 April 1978<sup>43</sup> on Vocational Education and Training;
  2. Federal Act of 29 April 1998<sup>44</sup> on Agriculture;
  3. Federal Act of 4 October 1991<sup>45</sup> on Forests;
  4. Federal Act of 19 June 1992<sup>46</sup> on Financial Aid to PET Colleges Specialising in Social Services;
- b. the remaining cantonal tasks mentioned in Article 53 paragraph 2 VPETA shall receive Confederation funding to the extent of available resources mentioned in Article 53 paragraph 1 VPETA.

<sup>42</sup> Inserted by Art. 82 No 3 of the Sport Promotion Ordinance of 23 May 2012, in Force since 1 Oct. 2012 (AS 2012 3967).

<sup>43</sup> [AS 1979 1687, 1985 660 No I 21, 1987 600 Art. 17 No 3, 1991 857 Annex No 4, 1992 288 Annex No 17 2521 Art. 55 No 1, 1996 2588 Art. 25 para. 2 und Annex No 1, 1998 1822 Art. 2, 1999 2374 No I 2, 2003 187 Annex No II 2. AS 2003 4557 Annex No I 1]

<sup>44</sup> SR 910.1

<sup>45</sup> SR 921.0

<sup>46</sup> [AS 1992 1973. AS 2003 4557 Annex I 2]

**Art. 78** Buildings and leases

(Art. 73 para. 3 VPETA)

<sup>1</sup> Building subsidy requests for which a space allocation plan including layout, preliminary design study or building project was submitted to SERI prior to commencement of VPETA shall be assessed on the basis of previous legislation.

<sup>2</sup> If a space allocation plan including layout or preliminary design study is submitted, then the corresponding subsidies shall only be granted subject to the legislation in force at the time the said space allocation plan was submitted if a building project is submitted no later than four years after commencement of VPETA.

<sup>3</sup> If a building subsidy was granted, then the final account for the procedure completed thus far must be submitted no later than ten years after commencement of VPETA. If the final account is submitted beyond this deadline, no further subsidies shall be given.

<sup>4</sup> Lease-related subsidy requests for which a leased objects table, a lease contract or a preliminary lease contract and layout were submitted prior to commencement of VPETA, then the said request shall be assessed on the basis of previous legislation. The corresponding subsidy shall be maintained for no later than four years after commencement of VPETA.

<sup>5</sup> The funds used for building projects and leases shall be drawn from the budget mentioned in Article 59 paragraph 1 letter a VPETA.

**Section 4** Commencement**Art. 79**

This Ordinance comes into force on 1 January 2004.

*Annex*  
(Art. 74)

## **Repeal and Amendment of Current Legislation**

### **I**

The Federal Ordinance of 7 November 1979 on Vocational Education and Training (BBV)<sup>47</sup> is repealed.

### **II**

The following ordinances are amended as follows:

...<sup>48</sup>

<sup>47</sup> [AS 1979 1712, 1985 670 No I 1, 1993 7, 1998 1822 Art. 26, 2001 979 No II]

<sup>48</sup> The amendments may be consulted under AS 2003 5047.