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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 February 2019)

The Swiss Federal Council,

on the basis of Article 65 paragraph 1 of the Vocational and Professional Education and Training Act of 13 December 2002¹ (VPETA),

ordains:

Chapter 1 General Provisions

Art. 1 Cooperation

(Art. 1 VPETA)

¹ 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 ensures that learners receive high-level competences that are comparable throughout Switzerland and correspond to the needs of the labour market.

² The Confederation generally works with national professional organisations that carry out activities all over Switzerland. If no such professional organisation exists for a given economic branch, then the federal authorities shall work with:

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

Art. 2 Research in the area of vocational and professional education and training (VPET)

(Art. 4 VPETA)

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

² 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.

³ Federally funded VPET research shall be aligned with prevailing conditions applicable to general education research, the education statistics programme and the economic and business world.

Art. 3 Quality improvement

(Art. 8 VPETA)

¹ SERI shall draft a list of methods designed to ensure improvement of quality within the VPET system. This list shall be reviewed periodically.

² Providers of upper-secondary level VET or tertiary-level professional education shall be free to choose from a list of quality improvement methods. The Cantons may make a given method mandatory for public-sector providers.

³ The quality standards established by SERI shall meet current requirements and take account of the needs of various education and training options.

Art. 4 Recognition of non-formal and informal learning

(Art. 9 para. 2 VPETA)

¹ Recognition of non-formal and informal 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 school 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.

² 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 non-formal and informal learning described in paragraph 1 above.

³ The guidance counselling offices shall work with professional organisations and external experts.

² 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 workplace training;
- d. traineeship: a form of workplace training which, while considered part of a school-based VET programme, takes place outside the school.

Art. 7 Preparation for upper-secondary level VET

(Art. 12 VPETA)

¹ After completing compulsory education, pupils may attend pre-vocational courses. These practical and work-related options are intended to prepare pupils for enrolment in upper-secondary level VET.

² Pre-vocational courses last no more than one year and are scheduled according to the academic year.

³ Pupils are assessed at the end of these preparatory courses.

Art. 8 Apprenticeship contract

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

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

² If workplace training takes place within a host company network, then the apprenticeship contract shall be signed by the coordinating company or organisation and the learner.

³ 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 workplace training, then the trial period for that portion shall generally be one month in duration.

⁴ 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.

⁵ 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.

⁶ 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.

⁷ 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 workplace training segment

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

¹ The official location of the workplace training segment of a dual-track VET programme shall be the main location where workplace training takes place.

² If the legal domicile of the host company and the main location where workplace training takes place are in two different Cantons, the main location where workplace training takes place shall be considered as the official location.

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

⁴ If the cantonal authorities are unable to agree on the official location of the workplace 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)

¹ 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.

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

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

⁴ 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.

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

Art. 11 Supervision
(Art. 24 VPETA)

¹ The cantonal authorities shall refuse to issue VET accreditation or shall revoke already issued VET accreditation if the workplace training proves unsatisfactory, if workplace trainers fail to adhere to legal requirements or if they fail to fulfil their obligations.

² 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.

³ 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)

¹ 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 required for a given activity;
- 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 workplace 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.

^{1bis} VET ordinances also regulate the composition and tasks of Swiss committees for occupation development and quality (CODQ), which are established for the purpose

of developing and improving the quality of VET programmes for specific occupations. The composition of each CODQ must meet the following criteria:

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

¹ter The CODQ referred to in paragraph 1^{bis} are not extra-parliamentary committees as defined in Article 57a of the Federal Act of 21 March 1997⁴ on the Organisation of the Government and the Administration. They are established by professional organisations, which pay remuneration to committee members.⁵

² 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.

³ Education regulations that depart from Articles 47, 48 letter b and 49 of the Federal Act of 13 March 1964 on Employment in Business, Trade and Industry (Employment Act, EmpA)⁶, shall require approval from the State Secretariat for Economic Affairs (SECO).

⁴ VET ordinances may include provisions regarding special offers that take into account workplace training and classroom instruction.

⁵ ...⁷

⁶ Education regulations on recognised radiation protection training in accordance with the Radiological Protection Ordinance of 26 April 2017⁸ require approval from the Federal Office of Public Health (FOPH).⁹

Art. 13 Requests and enactment

(Art. 19 para. 1 VPETA)

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

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

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

⁴ 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

³ Inserted by No I 6.3 of the O of 9 Nov. 2011 (Review of Extra-Parliamentary Committees), in force since 1 Jan. 2012 (AS 2011 5227).

⁴ SR 172.010

⁵ Inserted by No I 6.3 of the O of 9 Nov. 2011 (Review of Extra-Parliamentary Committees), in force since 1 Jan. 2012 (AS 2011 5227).

⁶ SR 822.11

⁷ Repealed by Art. 82 No 3 of the Sport Promotion Ordinance of 23 May 2012, with effect from 1 Oct. 2012 (AS 2012 3967).

⁸ SR 814.501

⁹ Inserted by No II 1 of the O of 24 Oct. 2007 (AS 2007 5651). Amended by Annex 11 No. 1 of the Radiological Protection Ordinance of 26 April 2017, in force since 1 Jan. 2018 (AS 2017 4261).

basis of the overall need for VET programmes and any social partnership-related rules.

Section 3 Workplace Training

Art. 14 Host company network

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

¹ The companies belonging to a host company network shall formalise their respective tasks and responsibilities in a written contract.

² 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.

³ The VET accreditation 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)

¹ 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.

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

³ VET schools shall sign a contract with a host company whereby the latter undertakes to provide workplace training and pay any corresponding wages to learners.

⁴ 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 VET accreditation 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)

¹ 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.

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

³ 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)

¹ Learners who undergo workplace 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.

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

³ 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)

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

² These minimum requirements shall be set forth in a federal core syllabus or, if special needs so require, in VET ordinances.

Art. 20 Optional courses and remedial courses
(Art. 22 para. 3 and 4 VPETA)

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

² The need to attend remedial courses shall be reviewed periodically.

³ 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.

⁴ 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

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

² 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.

³ 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. 22¹⁰

The Federal Vocational Baccalaureate (FVB) is governed by the Vocational Baccalaureate Ordinance of 24 June 2009¹¹.

Chapter 3 Professional Education

Art. 23 General provisions

(Art. 27 VPETA)

¹ If there is an initial and more advanced federal professional examination for a given professional field, then the requirements for the more advanced of the two examinations will be higher.

² Tertiary-level professional competences shall be based on internationally accepted standards.

¹⁰ Amended by Art. 35 para. 2 of the Vocational Baccalaureate Ordinance of 24 June 2009, in force since 1 Aug. 2009 (RO 2009 3447).

¹¹ SR 412.103.1

Art. 24 Sponsorship of federal professional examinations

(Art. 28 para. 2 VPETA)

- ¹ Professional organisations within the meaning of Article 1 paragraph 2 may request approval of federal professional examinations.
- ² For this purpose, the professional organisations shall set aside the funds needed to offer and organise federal professional examinations.
- ³ Organisations that offer the corresponding federal professional examinations shall have the opportunity to act as sponsors.
- ⁴ The sponsorship agreement shall establish the rights and obligations of the organisations sponsoring federal professional examinations, in keeping with their size and economic capacity.

Art. 25 Prerequisites for approval of federal professional examinations

(Art. 28 para. 3 VPETA)

- ¹ SERI shall approve only one initial and one advanced federal professional examination per professional field within a given economic branch.
- ² 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 examinations 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 title is clear, not misleading and cannot be mistaken for a title of any other qualification.

Art. 26 Procedure for obtaining authorisation

(Art. 28 para. 3 VPETA)

- ¹ The group of sponsors shall submit draft examination regulations to SERI for approval.
- ² SERI shall coordinate the content of examination regulations for related professions.
- ³ SERI may decide to consolidate examinations for specialised fields and areas of study that overlap.
- ⁴ 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.
- ⁵ 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 Professional education institutions
(Art. 29 para. 3 VPETA)

Professional education institutions shall be regulated by an ordinance of the Federal Department of Economic Affairs, Education and Research (EAER)¹² on study programmes at professional education institutions.

Art. 28a¹³

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

Art. 29

¹ The Confederation shall take part in measures relating to the coordination, quality and transparency of continuing education and training 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.

² Public-run structures and training courses shall, wherever possible, be made available as labour market measures under the Unemployment Insurance Act of 25 June 1982¹⁴.

Chapter 5 Qualification Procedures, Qualifications and Titles

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

¹ Qualification procedures must:

- a. be aligned with qualification targets established in the relevant VET ordinances.

¹² 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.

¹³ Inserted by No I of the O of 15 Sept 2017 (AS 2017 5147). Repealed by Annex No 1 of the O of 14 Dec. 2018, with effect from 1 Feb. 2019 (AS 2019 155).

¹⁴ SR 837.0

- 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.

² 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.

Art. 31 Other qualification procedures

(Art. 33 VPETA)

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

² 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

¹ 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.

² 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)

¹ 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.

² 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.

³ VET ordinances may also provide for other assessment systems.

Art. 35 Final examinations for upper-secondary level vocational qualifications
(Art. 17 VPETA)

¹ Cantonal authorities shall appoint examiners to organise final examinations upon completion of VET programmes. The corresponding professional organisations shall have the right to propose examiners.

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

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

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

⁵ The bodies responsible for organising the examination shall decide whether the candidate may be issued the corresponding upper-secondary level vocational qualification.

Art. 36 Federal professional examinations for tertiary-level professional qualifications
(Art. 43 para. 1 and 2 VPETA)

¹ The body responsible for the federal professional examination shall decide which candidates may be admitted to the qualification procedure and whether they may obtain the corresponding tertiary-level professional qualification.

² Tertiary-level professional qualifications shall be issued by SERI. Qualification holders shall be free to decide which official language they would like their qualification to be issued in.

³ Tertiary-level professional qualifications shall be signed by the chairperson of the body responsible for organising the corresponding federal professional examination as well as by a member of SERI executive management.¹⁵

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

¹ SERI's register of holders of tertiary-level professional qualifications 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.

¹⁵ Amended by No I of the O of 15 Sept 2017, in force since 1 Jan. 2018 (AS 2017 5147).

² 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 qualification holder.

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

Art. 38 Titles and List of Vocational and Professional Qualifications

(Art. 19 para. 2 let. e, Art. 28 para. 2 and 29 para. 3 VPETA)¹⁶

¹ SERI shall publish a list in electronic form¹⁷:

- a. of protected titles of upper-secondary level vocational and tertiary-level professional qualifications in the three official languages of the Confederation; English titles may also be used if they have a single internationally recognised meaning;
- b. of partners to which each protected title is assigned.¹⁸

² At the request of qualification holders, SERI shall issue a document in English describing the content of the training or specific competences. ...¹⁹

Art. 39 Cost sharing

(Art. 41 VPETA)

¹ 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.

² 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.

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

⁴ The income from fees charged for federal professional 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.

¹⁶ Amended by No I of the O of 15 Sept 2017, in force since 1 Jan. 2018 (AS 2017 5147).

¹⁷ The list is available at: www.bvz.admin.ch

¹⁸ Amended by No I of the O of 15 Sept 2017, in force since 1 Jan. 2018 (AS 2017 5147).

¹⁹ Sentence repealed by Annex No 2 of the OFPET Ordinance of 16 June 2006, with effect from 1 Aug. 2006 (RO 2006 2639).

Chapter 6 VPET Professionals

Section 1 General Provisions

Art. 40 VET professionals

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

¹ Individuals who provide workplace 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 issued or recognised degree; or
- b. a certificate for workplace trainers who have undergone a 40-hour course.

² 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.

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

⁴ 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 Teachers at professional education institutions

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

The EAER shall establish the minimum requirements for teachers at professional education institutions.

Art. 42 Learning hours

¹ Learning hours 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.

² Learning hours may be broken down into modules using a standard credit-based system; fractions of credits shall be rounded up.

Art. 43 Continuing training of VPET professionals

(Art. 45 VPETA)

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

Section 2

Minimum Requirements for Workplace Training and Classroom Instruction

Art. 44 Workplace trainers in host companies
(Art. 45 VPETA)

¹ Workplace 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 be training others;
- c. a vocational pedagogy qualification equivalent to 100 learning hours.

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

Art. 45 Branch course instructors
(Art. 45 VPETA)

Instructors for branch courses and similar third-party training courses, trade schools and other recognised institutions providing workplace training must have:

- a. a tertiary-level professional qualification 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 be training others;
- c. completed vocational pedagogy training covering a total of:
 1. 600 learning hours for full-time workplace trainers,
 2. 300 learning hours for part-time workplace trainers.

Art. 46 Teachers responsible for classroom instruction and preparing learners for the FVB examination
(Art. 46 VPETA)

¹ The following requirements must be met by teachers responsible for classroom instruction and preparing learners for the FVB examination:

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

² The following requirements must be met in order to teach vocational subjects within the framework of a VET programme:

- a. a tertiary-level qualification, whether it be a professional qualification or a higher education qualification;

- b. successful completion of vocational pedagogy training covering a total of:
 - 1. 1800 learning hours for full-time teachers,
 - 2. 300 learning hours for part-time teachers.

³ The following requirements must be met in order to teach LCS subjects, sport or courses in fields for which higher education studies are required:

- 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 learning hours; or
- b. obtained a baccalaureate school teacher's certificate and successfully completed vocational pedagogy training covering a total of 300 learning hours; or
- c. successfully completed corresponding higher education studies as well as vocational pedagogy training covering a total of 1800 learning hours.²⁰

Art. 47 Part-time training and teaching

(Art. 45 and 46 VPETA)

¹ The part-time trainers and teachers are individuals who train and teach others in addition to their work in the corresponding field.

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

³ Individuals who train or 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 workplace 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

²⁰ Amended by Art. 82 No 3 of the Sport Promotion Ordinance of 23 May 2012, in force since 1 Oct. 2012 (AS 2012 3967).

through the training and learning process, assessing and selecting learners on the basis of a full range of aptitudes;

- d. applying what they have learnt to workplace training programmes or to 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 syllabuses

(Art. 45 and 46 VPETA)

¹ SERI shall establish core syllabuses for the qualification of VPET professionals. These core syllabuses shall determine the amount of time devoted to the various modules, course content as well as the practical skills and competences required of VPET professionals.

² The corresponding institution shall organise courses of study. These courses of study shall combine subject matter 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)

¹ 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 workplace trainers in host companies, unless the courses of study in question are organised throughout Switzerland;
- b. SERI, for courses of study intended for workplace trainers in host companies or other courses of study, if the courses of study are organised throughout Switzerland.

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

- a. offer of services;
- b. teaching 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 syllabuses mentioned in Article 49;
- b. the training programme can be implemented smoothly.

Section 6

Art. 53 and 54²¹

Chapter 7 Vocational, Educational and Career Guidance

Art. 55 Principles
(Art. 49 VPETA)

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

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

³ 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.

Art. 56 Minimum requirements for specialised training of guidance counsellors
(Art. 50 VPETA)

¹ Specialised training of vocational, educational and career guidance counsellors shall be provided by a higher education institution or by an institution recognised by SERI.

²¹ Repealed by Annex No 1 of the O of 14 Dec. 2018, with effect from 1 Feb. 2019 (AS 2019 155).

² Specialised training shall cover:

- a. 600 learning hours for learners who have already earned a tertiary-level higher education qualification and 1800 learning hours for all other learners;
- b. traineeships lasting a total of twelve weeks.

³ In order to teach, teachers must have a qualification in vocational, educational and career guidance awarded by a higher education institution or a federally recognised institution and must be able to certify their methodological and didactic skills.

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

Art. 57 Course content
(Art. 50 VPETA)

¹ 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.

² Training shall cover the essential aspects of providing orientation to young people, educational guidance, 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)

¹ 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.

² 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 VPET 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)

¹ The Confederation's share of VPET 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.

² Net costs are determined by calculating the full costs and subtracting the revenues.

³ 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)

¹ 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.

² 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.

³ SERI may establish other breakdown criteria in corresponding guidelines.

Art. 61 Breakdown of federal subsidies
(Art. 52 VPETA)²²

Federal subsidies 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.²³ subsidies under Articles 56 and 56a VPETA;
- d. lump-sum subsidy mentioned in Article 53 VPETA.

²² Amended by No I of the O of 15 Sept 2017, in force since 1 Jan. 2018 (AS 2017 5147).

²³ Amended by No I of the O of 15 Sept 2017, in force since 1 Jan. 2018 (AS 2017 5147).

Section 2 Lump-sum Funding

(Art. 53 VPETA)

Art. 62

¹ 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.

² 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.

³ Cantons that do not offer professional education or job-related CET shall receive a commensurately smaller lump-sum payment.

⁴ ...²⁴

⁵ SERI shall make lump-sum payments twice per year.

Section 3

Federal Subsidies for Projects to Develop the VPET System and Improve Quality as well as Specific Activities that Serve the Public Interest²⁵

Art. 63 Federal subsidies for projects to develop the VPET system and improve quality

(Art. 4 and Art. 54 VPETA)²⁶

¹ Federal subsidies for projects that seek to develop the VPET system in accordance with Article 54 VPETA shall cover no more than 60 per cent of the total corresponding expenditure. In justifiable cases, this threshold may be extended to a maximum of 80 per cent.

² 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;

²⁴ Repealed by No I 1 of the O 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).

²⁵ Amended by No I of the O of 15 Sept 2017, in force since 1 Jan. 2018 (AS 2017 5147).

²⁶ Amended by No I of the O of 15 Sept 2017, in force since 1 Jan. 2018 (AS 2017 5147).

- 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 VPET-related fields.

³ 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)

¹ Federal subsidies for specific activities that serve the public interest in accordance with Article 55 VPETA shall cover no more than 60 per cent of the total corresponding expenditure. In justifiable cases, this threshold may be extended to a maximum of 80 per cent.

^{1bis} 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.²⁷

² 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.

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

Section 4

Subsidies for Federal Professional Examinations and Study Programmes at Professional Education Institutions²⁸

Art. 65²⁹ Subsidies for federal professional examinations
(Art. 56 VPETA)

¹ The federal subsidies mentioned in Article 56 VPETA for federal professional examinations shall cover no more than 60 per cent of the corresponding expenditure.

² A special subsidy of up to 80 per cent 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.

²⁷ Inserted by No I of the O of 25 Sept. 2015, in force since 1 Jan. 2016 (AS **2015** 3807).

²⁸ Inserted by No I of the O of 15 Sept 2017, in force since 1 Jan. 2018 (AS **2017** 5147).

²⁹ Amended by No I of the O of 14 Nov. 2012, in force since 1 Jan. 2013 (AS **2012** 6473).

Art. 65a³⁰ Subsidies for study programmes at professional education institutions
(Art. 56 VPETA)

¹ The subsidies mentioned in Article 56 VPETA for study programmes at professional education institutions shall cover no more than 25 per cent of the corresponding expenditure.

² Subsidies for study programmes at professional education institutions shall be provided if:

- a. the study programmes are created by professional organisations whose activities are carried out at national level, for the whole of Switzerland; and
- b. the study programmes do not already benefit from cantonal subsidies.

Section 5 Procedure for Handling Funding Requests

(Art. 57 VPETA)³¹

Art. 66 ...³²

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

² 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.

³ 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.

⁴ 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.

³⁰ Inserted by No I of the O of 14 Nov. 2012, in force since 1 Jan. 2013 (AS 2012 6473).

³¹ Inserted by No I of the O of 15 Sept 2017, in force since 1 Jan. 2018 (AS 2017 5147).

³² Repealed by No I of the O of 15 Sept 2017, with effect from 1 Jan. 2018 (AS 2017 5147).

Section 6³³**Subsidies for Completion of Preparatory Courses for Federal Professional Examinations**

(Art. 56a und 56b VPETA)

Art. 66a Subsidy applications and timeframes

¹ Persons who complete preparatory courses for federal professional examinations may apply to SERI for a federal subsidy.

² As a rule, the subsidy application is submitted after the person has taken the federal professional examination.

³ If the prerequisites under Article 66e are met, then it is possible for the person to request that part of the subsidy be paid before he/she has taken the federal professional examination.

Art. 66b Subsidy application submitted after person has taken a federal professional examination

The subsidy application submitted after a person has taken a federal professional examination shall include the following:

- a. Information about the applicant;
- b. the invoices issued by the provider of the preparatory course indicating the course fees to be paid by the course participant;
- c. the certificate issued by the provider of the preparatory course confirming that the course participant has paid the course fees;
- d. the examination report indicating whether the course participant obtained a passing or failing score on the federal professional examination.

Art. 66c Eligibility criteria for payment of a subsidy after taking the federal professional examination

¹ SERI shall pay a subsidy if:

- a. the person completing the preparatory course has his/her tax domicile in Switzerland on the date of issuance of the examination report attesting to the pass/fail score obtained on the federal professional examination;
- b. the completed preparatory course:
 1. was included in the official list of preparatory courses for federal professional examinations under Article 66g in the year in which the course began, and
 2. was attended not longer than seven years prior to issuance of the examination report attesting to the pass/fail score obtained on the federal professional examination;

³³ Inserted by No I of the O of 15 Sept 2017, in force since 1 Jan. 2018 (AS 2017 5147).

- c. the eligible course fees exceed a total of CHF 1000;
- d. the provider of the preparatory course issues a certificate indicating that the person completing the preparatory course has paid the course fees and that this certificate has not already been submitted in relation to another application or request;
- e. a federal professional examination was taken;
- f. the application was submitted within a period of two years prior to issuance of the examination report attesting to the pass/fail score obtained on the federal professional examination.

² SERI shall only pay the subsidy to the person who completed the preparatory course.

Art. 66d Application for partial payment of the subsidy to the person taking the federal professional examination

¹ The application for partial payment of the subsidy to the person taking the federal professional examination includes:

- a. information about the applicant;
- b. a written commitment to SERI:
 - 1. that the person will take the federal professional examination, and
 - 2. that the person will produce the examination report attesting to the pass/fail score obtained on the federal professional examination no later than five years after the first subsidy application was submitted;
- c. the invoice issued by the provider of the preparatory course indicating the course fees to be paid by the course participant;
- d. the confirmation issued by the provider of the preparatory course confirming that the course participant has paid the eligible course fees;
- e. proof that, according to the last legally binding tax assessment, the applicant was required to pay less than CHF 88 in direct federal taxation.

² Several applications may be submitted for partial payment of the subsidy. Any remaining amounts may be applied for as soon as the person submits the examination report attesting to the pass/fail score obtained on the federal professional examination.

Art. 66e Prerequisites for partial payment of the subsidy, invoicing and reclaiming

¹ SERI shall make partial payment of the subsidy if:

- a. the Applicant has his/her tax domicile in Switzerland on the date when the application is submitted;
- b. a commitment within the meaning of Article 66d paragraph 1 letter b has been signed;

- c. the completed preparatory course:
 1. was included in the official list of preparatory courses for federal professional examinations under Article 66g in the year in which the course began, and
 2. was attended no longer than two years before the subsidy application was submitted;
- d. the eligible course fees per application exceed CHF 3500;
- e. the provider of the preparatory course issues a certificate indicating that the course participant has paid the eligible course fees and that this certificate has not already been submitted in relation to another application or request;
- f. according to the last legally binding tax assessment, the applicant was required to pay less than CHF 88 in direct federal taxation.

² As soon as SERI receives the examination report attesting to the pass/fail score obtained on the federal professional examination as well as any other attestations, SERI shall issue a final account and pay all remaining amounts upon request up to the upper threshold.

³ These subsidy payments shall be made exclusively to the course participant.

⁴ If SERI does not receive the examination report attesting to the pass/fail score obtained on the federal professional examination within the timeframe mentioned in Article 66d paragraph 1 letter b number 2, then any subsidy amounts paid in advance must be paid back. The provisions of the Federal Act of 5 October 1990³⁴ on Financial Assistance and Subsidies shall apply.

Art. 66f Subsidy amount, upper threshold and eligible course fees

¹ The subsidy amount for subsidy applications under Article 66b and for subsidy applications under Article 66d shall be 50 per cent of eligible course fees.

² The upper threshold for eligible course fees per eligible person and qualification shall be:

- a. for level-one federal professional examinations: CHF 19 000;
- b. for level-two federal professional examinations: CHF 21 000.

³ Only the portion of the course fees that is directly used to impart knowledge required for federal professional examinations is considered eligible for a subsidy. Expenses for travel, food and accommodation are not considered as eligible.

⁴ Course fees that were reduced by virtue of the Intercantonal Agreement of 22 March 2012³⁵ on Funding Contributions for Study Programmes at Professional Education Institutions (ICA-PEI) are not eligible.

³⁴ SR 616.1

³⁵ May be found on the website of the Conference of Cantonal Ministers of Education (EDK) at www.edk.ch > Arbeiten > Finanzierungs-Vereinbarungen > Höhere Fachschulen

Art. 66g List of preparatory courses

¹ SERI shall maintain a list of preparatory courses for federal professional examinations. This list shall be included in the Ordinance and published by reference (Art. 5 para. 1 let. c of the Federal Act of 18 June 2004³⁶ on the Compilations of Federal Legislation and the Federal Gazette). This list shall be accessible in electronic form³⁷. SERI shall update this list on an annual basis.

² Providers wishing to have their preparatory courses included in this list must satisfy the following conditions:

- a. their legal domicile must be in Switzerland; and
- b. provide guarantees that the imposed obligations (Art. 66i) have been met.

³ Providers shall register with SERI and provide the necessary information and supporting documents.

⁴ SERI shall include a preparatory course in the list if the following prerequisites have been met:

- a. the course takes place in Switzerland.
- b. the course content prepares students directly for a federal professional examination and covers all or part of the required competences.

⁵ In justified exceptional cases, in particular when Switzerland lacks a corresponding preparatory course, then the list may include a preparatory course that does not take place in Switzerland or a preparatory course offered by a provider whose legal domicile is outside of Switzerland.

⁶ A preparatory course appearing in the list must be confirmed annually by the course provider in order to appear on the list in the following year.

Art. 66h Spot checks

SERI shall carry out spot checks to verify the provider's information under Article 66g paragraphs 2 and 4 and Article 66i paragraph 1.

Art. 66i Obligations of course providers and penalties

¹ The course provider shall issue a confirmation form to the participant using a template provided by SERI. This confirmation form shall contain an accurate representation of:

- a. total course fees;
- b. eligible course fees;
- c. the eligible course fees paid by the participant.

² The course provider shall cooperate in the case of spot checks.

³⁶ SR 170.512

³⁷ This list may be found at: www.sbf.admin.ch/hbb-finanzierung

³ If a course provider makes false statements, does not use the template referred to in paragraph 1, does not follow instructions or does not deliver the supporting documents required during spot checks by the specified deadline, then SERI may remove the relevant course or all courses offered by the provider from the list.

⁴ If a course provider intentionally provides false information, SERI may also bar the provider from being included in the list for an additional year.

Art. 66j Delegation of tasks
(Art. 56b and 67 VPETA)

¹ SERI may delegate the tasks referred to in this Section to professional organisations.

² The said delegation of tasks shall take place by virtue of a performance agreement.

Section 7 Reduction or Withholding of Federal Funding

Art. 58 VPETA)³⁸

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 8 VPET Fund³⁹

Art. 68 Request for mandatory status
(Art. 60 VPETA)⁴⁰

¹ 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.

² 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;

³⁸ Amended by No I of the O of 15 Sept 2017, in force since 1 Jan. 2018 (AS 2017 5147).

³⁹ Amended by No I of the O of 15 Sept 2017, in force since 1 Jan. 2018 (AS 2017 5147).

⁴⁰ Inserted by No I of the O of 3 Dec. 2010, in force since 1 Jan. 2011 (AS 2010 6005).

- d. if necessary, regional boundaries;
- e. distinction between the services to be rendered by the fund in question compared to other VPET funds.

³ 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, professional education and/or CET courses in the economic branch.

4–7 ...⁴¹

Art. 68a⁴² Collection of contributions

(Art. 60 VPETA)

¹ The professional organisations shall bill affiliated companies for their contributions.

⁴ 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.

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

⁴ 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 1889⁴³ on Debt Enforcement and Bankruptcy.

Art. 68b⁴⁴ Checks on use, accounting and auditing

(Art. 60 VPETA)

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

² 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 Obligations⁴⁵.

³ 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.

⁴¹ Repealed by No I of the O of 3 Dec. 2010, with effect from 1 Jan. 2011 (AS 2010 6005).

⁴² Inserted by No I of the O of 3 Dec. 2010, in force since 1 Jan. 2011 (AS 2010 6005).

⁴³ SR 281.1

⁴⁴ Inserted by No I of the O 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.

⁴⁵ SR 220

Chapter 9 Recognition of Foreign Qualifications⁴⁶

Art. 69⁴⁷ Comparison (Art. 68 VPETA)

On request, SERI or a third party (under Art. 67 VPETA) will compare a foreign qualification with a corresponding Swiss vocational or professional 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 proficiency in an official language of the Confederation that is required in order to work in the profession concerned in Switzerland.

Art. 69a⁴⁸ Regulated occupations and professions (Art. 68 VPETA)

¹ 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.

² 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.

³ The costs for compensatory measures are paid by the holder of the foreign qualification.

⁴⁶ Amended by Annex No 2 of the O of 12 Nov. 2014 to the Higher Education Act, in force since 1 Jan. 2015 (AS 2014 4137).

⁴⁷ Amended by Annex No 2 of the O of 12 Nov. 2014 to the Higher Education Act, in force since 1 Jan. 2015 (AS 2014 4137).

⁴⁸ Inserted by Annex No 2 of the O of 12 Nov. 2014 to the Higher Education Act, in force since 1 Jan. 2015 (AS 2014 4137).

Art. 69b⁴⁹ Non-regulated occupations and professions
(Art. 68 VPETA)

¹ 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.

² 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. 69c⁵⁰

Art. 70⁵¹

Chapter 10 Final Provisions

Section 1 Implementation

Art. 71 SERI
(Art. 65 VPETA)

¹ SERI shall implement this Ordinance, unless responsibility for implementation is assigned elsewhere.

² 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;⁵²
- b. Convention of 4 January 1960⁵³ Establishing the European Free Trade Association.

Art. 71a⁵⁴ SERI fees

SERI fees charged for rendering first instance decisions and services shall be governed by the SERI Ordinance of 16 June 2006⁵⁵ on Fees.

⁴⁹ Inserted by Annex No 2 of the O of 12 Nov. 2014 to the Higher Education Act, in force since 1 Jan. 2015 (AS 2014 4137).

⁵⁰ Originally: Art. 69a. Inserted by No II of the O of 14 Sept. 2005 (AS 2005 4645). Repealed by Annex No 2 of the O of 21 Dec. 2016, with effect from 1 Jan. 2017 (AS 2016 5113).

⁵¹ Repealed by Annex No 2 of the O of 12 Nov. 2014 to the Higher Education Act, with effect from 1 Jan. 2015 (AS 2014 4137).

⁵² SR 0.142.112.681

⁵³ SR 0.632.31

⁵⁴ Inserted by Annex No 2 of the SERI Ordinance of 16 June 2006, in force since 1. Aug. 2006 (AS 2006 2639).

⁵⁵ SR 412.109.3

Art. 72 Right of access and right to information

(Art. 65 para. 4 VPETA)

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

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

Art. 73 Revocation of qualifications

(Art. 63 VPETA)

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

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

Section 2 Repeal and Amendment of Current Legislation**Art. 74**

¹ The repeal and amendment of previous legislation are set forth in the Annex.

² SERI is responsible for repealing training regulations based on Article 12 of the Federal Act of 19 April 1978⁵⁶ on Vocational Education and Training issued by the EAER.

Section 3 Transitional Provisions**Art. 75** Vocational qualifications subject to cantonal legislation

(Art. 73 para. 2 VPETA)

¹ 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.

² 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.

³ 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.

⁵⁶ [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 and 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]

⁴ In the field of health care, 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 professionals outside the scope of the previous act
(Art. 73 VPETA)

¹ Workplace trainers who do not fall within the scope of the Federal Act of 19 April 1978⁵⁷ 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.

² and ³ ...⁵⁸

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

Art. 76a⁵⁹ 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)

¹ 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.

² 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 1978⁶⁰ on Vocational Education and Training,
 2. Federal Act of 29 April 1998⁶¹ on Agriculture,

⁵⁷ [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 and 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]

⁵⁸ Repealed by Annex No 1 of the O of 14 Dec. 2018, with effect from 1 Feb. 2019 (AS 2019 155).

⁵⁹ Inserted by Art. 82 No 3 of the Sport Promotion Ordinance of 23 May 2012, in force since 1 Oct. 2012 (AS 2012 3967).

⁶⁰ [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 and 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]

⁶¹ SR 910.1

3. Federal Act of 4 October 1991⁶² on Forests,
 4. Federal Act of 19 June 1992⁶³ on Financial Aid to Professional Education Institutions Specialised in Social Care;
- 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.

Art. 78 Buildings and leases
(Art. 73 para. 3 VPETA)

¹ 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.

² 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.

³ 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.

⁴ 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.

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

Art. 78a⁶⁴ Transitional provisions to the amendment of 15 September 2017

¹ Subsidies under Articles 66c and 66e may be requested for preparatory courses for federal professional examinations if the said preparatory courses began after 1 January 2017.

² SERI shall evaluate the effectiveness of the provisions of Section 6 of Chapter 8 (Art. 66a–66j) three years after commencement of the amendment of 15 September 2017 and shall report its findings to the Federal Council.

⁶² SR 921.0

⁶³ [AS 1992 1973. AS 2003 4557 Annex I 2]

⁶⁴ Inserted by No I of the O of 15 Sept 2017, in force since 1 Jan. 2018 (AS 2017 5147).

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)⁶⁵ is repealed.

II

The following ordinances are amended as follows:

...⁶⁶

⁶⁵ [AS 1979 1712, 1985 670 No I 1, 1993 7, 1998 1822 Art. 26, 2001 979 No II]

⁶⁶ The amendments may be consulted under AS 2003 5047..

