

No. CI Act of 2001

on adult training¹

In order to enable the exercising of the constitutional right to learning throughout the whole life of citizens, to enhance the possibilities of accessing adult education and training for all members of the society and to enable citizens to meet the challenges imposed by economic, cultural and technological development and to successfully participate in the labour market and continue to be successful through their lives, and to ensure the improvement of the quality of life through adult education and training, the Parliament is adopting the following Act:

Part I *GENERAL PROVISIONS*

Article 1

Under the framework of this act the state grants the right to participate in adult training for everybody.

Article 2

(1) This act regulates adult training activities and service providing and administrative activities relating to adult training, along with the institution system and the subsidy system supporting the operation of adult training.

(2) Issues pertaining to adult training not regulated herein shall be governed by the provisions – as appropriate – of No. LXXVI Act of 1993 on vocational education (hereinafter: Sztv.), those of No. LXXIX Act of 1993 on public education (hereinafter: Ktv.) and of No. LXXX Act of 1993 on higher education.

Article 3

(1) With the exceptions specified in paragraph (4) The scope of this Act shall cover the following:

- a) adults participating in adult training or adults using services relating to adult training,
- b) in relation with their activities specified in paragraph (2)
 - public education institutions,
 - vocational education institutions,
 - higher education institutions,
 - public service corporations (non-profit organisations), associations, public bodies, foundations, public foundations and
 - other legal entities and business organisations without legal personality, sole proprietors, and the associations of such established to perform adult training activities.

(2) For the purposes hereof adult training activities shall be construed as follows:

- a) training provided outside the schooling system on a regular basis, the objective of which may be general, language or vocational training, and
- b) services relating to adult training.

¹ The Act was adopted by Parliament on 18 December 2001

(3) Further to the activities specified in paragraph (2), for the purposes of the application of parts IV, V and VI hereof, the concept of adult training shall include training – falling under the scope of the Ftv. - provided at higher education institutions for adult students, not receiving state subsidies under the Ftv.

(4) The scope of this act does not cover legal entities established under Article 13 of No. IV Act of 1990 on the freedom of conscience and religion and on churches, except where

- a) such an entity falls under the scope of the Sztv., the Ktv. or the Ftv and is pursuing adult training activities,
- b) such entity has been established in order to perform exclusively adult training activities.

Part II

THE GOVERNANCE AND INSTITUTION SYSTEM OF ADULT TRAINING

The governance of adult training

Article 4

(1) In its scope of duties pertaining to adult training the Government shall specify the detailed rules on the following, in decrees:

- a) the accreditation of institutions performing adult training and of adult training programmes,
- b) the use of normative subsidies provided for adult training the obligations pertaining to state subsidies of institutions performing subsidised training activities subsidised as specified in Part IV hereof

(2) The tasks of the sectoral governance of adult training shall be performed by the Minister of Education. The Minister shall issue decrees regulating the following:

- a) the detailed rules of the entering of institutions performing adult training activities in the register of such institutions;
- b) in addition to those specified in Article 16 (2), further rules governing the various forms of adult training.

National Adult Training Council

Article 5

(1) The National Adult Training Council (Országos Felnőttképzési Tanács, hereinafter: OFkT) shall operate as a nation-wide body in charge of providing assistance to the performance of the tasks of the Minister of Education, of the preparation of technical/professional decisions to be made and of commenting and making proposals.

(2) The OFkT shall comment on the following:

- a) strategic issues pertaining to adult training.
- b) the principles of the adult training subsidy system.
- c) the drafts of legislation on adult training.
- d) the rules of the accreditation procedure and the technical/professional requirements of accreditation.

(3) The OFkT shall appraise the wealth of experience relating to the opportunities in the job market of former participants of adult training courses – particularly of those in disadvantaged positions – and shall make proposals concerning the necessary improvements.

Article 6

- (1) The OFkT shall be comprised of 13 members, invited by the Minister of Education for a period of three years, as specified below:
- a) one person representing the ministry in charge of the governance of education, of the planning of the central budget, of employment policy, of the governance of public (cultural) education and of the training of individuals of altered working capabilities each,
 - b) four persons from among recognised experts of the various areas of adult training,
 - c) one individual representing interest representing organisations of employees, one representing those of employers, one of those representing the chambers of economy and one representing the interest representing organisations of adult training institutions. The names of the members shall be disclosed in the official journal of the Ministry of Education.
- (2) One of the members of the OFkT shall be invited by the Minister of Education to act as the chairman of the Council.
- (3) The OFkT shall establish its own procedural rules.
- (4) The Minister of Education shall provide for the availability of the requisites for the operation of the OFkT.

National Adult Training Institute

Article 7

The Minister of Education shall establish a National Adult Training Institute (Nemzeti Felnőttképzési Intézet, hereinafter: NFI), which shall carry out the following

- a) technical/professional and methodology development of adult training activities,
- b) tasks of improvement of adult training,
- c) production and ongoing improvement of the technical/professional documents relating to adult training,
- d) co-ordination – on a nation-wide level – of research efforts and of the technical/professional services provided in the field of adult training, and
- e) strengthening of the links and relationships between and among adult training, public education, higher education and public (cultural) education,
- f) development of international co-operation, including co-operation with the adult training institutions of the Member States of the European Union,
- g) the tasks of the secretariat of the Adult Training Accreditation Body (Felnőttképzési Akkreditáló Testület, hereinafter FAT).

Registration of institutions performing adult training activities

Article 8

- (1) Subjects-at-law listed in Article 3(1) b) shall be entitled to launch adult training activities or the provision of services relating to adult training if they are included in the register of adult training institutions.
- (2) For the purposes of this act institutions performing adult training activities shall include institutions and persons contained in the register as specified in paragraph (1) (hereinafter institutions providing adult training).
- (3) Higher education institutions performing adult training activities shall be subject to the provisions comprised in paragraph (1) only if they perform training activities not falling under the scope of the Ftv.

(4) The register of institutions providing adult training services shall be kept by the National Public Education Evaluation and Examination Centre (Országos Közoktatási Értékelési és Vizsgaközpont, hereinafter: OKÉV).

(5) OKÉV shall enter an institution performing adult training services in its register if such institution meets the requirements specified in a separate piece of legislation. OKÉV shall issue a certificate of such registration.

(6) An applicant may lodge an appeal against a decision on the refusal by OKÉV to register the applicant or against its deletion from the register, to the Ministry of Education. In the procedures relating to the register the provisions of No. IV Act of 1957 on the rules of the state administration proceedings (hereinafter: Áe.).

Article 9

(1) The register of institutions providing adult training services shall contain the following data:

- a) the name of the institutions providing adult training services,
- b) in the case of a public education institution the OM (Ministry of Education) identification number,
- c) the number of the entry in the register,
- d) the date of recording in the register,
- e) the deadline set for the performance of the reporting obligation [Article 9(5)],
- f) the objective of the prospective adult training activities as specified in Article 3(2) and the form of the service relating to the prospective adult training activities,
- f) in the case of language training: whether the training is aimed to enable the acquiring of a certificate of language proficiency recognised by the state or recognised on an international basis, the level(s) of such certificates and the language(s) concerned,
- h) the entitlement to the organisation of state-recognised language proficiency examinations, the accreditation number,
- i) in the case of vocational training: whether the training is aimed to enable the acquiring of a certificate of vocational qualification recognised by the state or recognised on an international basis and the vocations (s) concerned,
- j) in the case of state-recognised vocational qualifications the entitlement to the organisation of vocational examinations, the number of the piece of legislation on which such entitlement is based and the title (name) of the vocational qualification(s) concerned,
- k) the title(s) of the accredited adult training programmes and their identification number(s),
- l) the date and reason for the deletion from the register and that of the suspension of the register.

(2) An institution providing adult training services shall always apply its registry number in the documents used in the course of its training activities (attendance sheets, progress logs, certificates etc.) as well as in the business documents pertaining to the training operations and shall communicate such to its customers, include it in the brochures and programme booklets covering its activities and post it in a prominent place at its premises available for its customers.

(3) An institutions providing adult training services shall pay an administrative service fee for the procedure of its recording in the register, the amount of which shall be specified by law.

(4) The register of institutions providing adult training services shall be accessible for the public, it shall be published by OKÉV once a year. The data of the register and the attached documents shall be available for anyone for inspection at the venue of the register. Anyone may take notes from the register and may apply for copies of the register –against payment of an administrative service fee.

(5) An institution providing adult training services shall produce reports on its operations once every two years after its registration as specified by law, and shall submit such report to the organisation keeping the register.

Supervision and controlling of institutions providing adult training services

Article 10

(1) The following shall be checked by OKÉV:

a) whether a given institution providing adult training services is included in the register,

b) whether its operations are in line with the conditions specified by law and those underlying the issuance of its certificate.

(2) An institution providing adult training services shall provide for the requisites and requirements for such an audit, as specified by law.

(3) In the course of the performance of its official duties as an authority OKÉV shall retain experts designated by the minister in charge of the vocational qualification(s) concerned.

(4) In other respects the controlling power of OKÉV shall be governed by the provisions of the Áe concerning the controlling activities performed by authorities.

Regional labour development and training centres

Article 11

(1) In order to ensure the performance of tasks relating to adult training the Minister of Education shall operate regional labour development and training centres (hereinafter: training centres).

(2) A training centre shall be operating as a central budgetary organ.

(3) The tasks of the supervision of training centres training centre shall be carried out by the Minister of Education along with the exercising of the rights of the entity in charge of the maintenance of such centres as specified in No. XXXVIII Act of 1992 on the general government system. The costs of the basic level of operation of a training centre shall be borne by the central budget.

(4) The fundamental tasks of a training centre shall include the following:

a) performance of the training of social groups specified in the central training programmes,

b) participation in the implementation of training programmes facilitating employment,

c) performance of the tasks imposed on such an institution by the act on vocational training,

d) participation in international programmes pertaining to adult training,

e) provision – on an optional basis – of services relating to adult training.

Part III
CONTENT REQUIREMENTS OF ADULT TRAINING
Accreditation of institutions providing adult training services
Article 12

- (1) An institution providing adult training services recorded in the register as specified in Article 8 may apply for its accreditation based on conditions specified in a separate piece of legislation.
- (2) In the course of the accreditation procedure FAT shall issue the certificate of accreditation.
- (3) One pre-requisite for the accreditation procedure shall be that the institution providing adult training services has an annual training plan approved by the technical/professional advisory body as specified in Article 14 and that besides adult training it provides services relating to adult training.
- (4) The accreditation of an institution providing adult training services shall expire upon the end of the fourth year after its issuance.
- (5) An institution providing adult training services shall submit its application for accreditation to FAT.
- (6) Under authorisation granted pursuant to another statute of law in the procedure that is to be regarded as the accreditation of an institution as specified herein, in the case of an institution providing adult training services authorised to perform the activities specified in such statute – within the framework specified in a separate statute of law – FAT shall issue the certificate of the accreditation of the institute along with full or partial exemption from the procedure specified in this Article.
- (7) An institution providing adult training services shall pay the procedural fee for the accreditation procedure, as specified in a separate statute of law.

Adult Training Accreditation Body
Article 13

- (1) In order to carry out the tasks of the accreditation of institutions providing adult training services and adult training programmes the Minister of Education shall establish the FAT.
- (2) The FAT shall check the adult training activities of accredited institutions providing adult training services, and, in view of the findings of such checks, it shall decide on whether or not to withdraw accreditation.
- (3) The FAT shall operate as an independent professional body.
- (4) The FAT shall be comprised of up to 20 members. The members of the FAT shall be invited by the Minister of Education for a period of three years, from among person designated by the minister in charge of education policy, employment policy and the integration of those with altered working capabilities and people with disability to represent the ministry, along with representatives of the churches, chambers of economy, employers, employees, local governments and institutions providing adult training services as well as recognised experts of adult training.
- (5) The names of the members of the FAT shall be disclosed in the official journal of the Ministry of Education.
- (6) One of the members of the FAT shall be invited by the Minister of Education to act as its the chairman.

(7) In the course of its operations the FAT shall take into account the resolutions and proposal made by the Hungarian Accreditation Committee (Magyar Akkreditációs Bizottság, hereinafter: MAB) and shall provide for the participation of the MAB in the meetings of the body with a consulting right.

(8) The Minister of Education shall exercise legality supervision of the operation of the FAT.

Professional advisory body

Article 14

(1) In order to provide for the continuous maintenance of the quality of its technical/professional work and that of training and in order to ensure the quality standards meeting the requirements of the users of its services an institution providing adult training services may set up professional advisory bodies.

(2) A professional advisory body shall be comprised of a minimum of five members, representing the instructors of the institution, professional advisory bodies in the area of the main field of training provided by the institution and of employers. The number the members of the body employed by the institution providing adult training services concerned shall not be higher than a third of the total membership of the body.

(3) The duties of a professional advisory body shall include the following:

- a) commenting and formulating its position on the annual training plan, bi-annual report of the institution providing adult training services,
- b) participation in the development of the quality assurance system of the institution providing adult training services,
- c) promotion of the development of professional publicity and public relations of the institution providing adult training services.

(4) A professional advisory body shall establish its own procedural rules.

Annual training plan

Article 15

(1) The annual training plan shall include the planned training programmes, their target groups, the sources of funding and the mode of the provision of the personal and material requisites for the training courses conducted by the given institution providing adult training services.

(2) Such annual training plan shall be made available for those interested in the training activities of the institution providing adult training services.

(3) In the course of its operations the institution providing adult training services shall submit annual reports to the professional advisory body on the accomplishment of the annual training plan.

The contents and the accreditation of the contents of a training programme

Article 16

- (1) Adult training may be performed only on the basis of a training programme.
- (2) A training programme shall contain the following elements:
 - a) the competence to be acquired through the course,
 - b) the requisites for the joining of and participation in the course,
 - c) the planned training period,
 - d) the techniques of training (individual preparation, group training, tele-teaching etc.),
 - e) the units (modules) of the syllabus, their objectives, contents and scope,
 - f) the maximum number of participants in a group,
 - g) the description of the system of evaluation of the performance of participants,
 - h) the conditions of the issuance of the certificate of the training and of the completion its various units (modules),
 - i) the personal and material requisites for the implementation of the training programme and the mode of the provision of such.
- (3) A training programme may also be of a modular structure.

Article 17

- (1) A training programme shall be adjusted to the preliminary qualifications and skills of the adults participating in the course.
- (2) An adult intending to participate in training may request ex-ante assessment of the level of his or her knowledge/skills which the institution providing adult training services shall assess and take into account.

Article 18

The training of adults may also be organised in the form of open training or tele-teaching.

Article 19

- (1) An institution providing adult training services listed in the register specified in Article 8 shall apply for the accreditation of their training programmes in accordance with the rules laid out in a separate statute of law.
- (2) Based on the accreditation procedure the FAT shall establish the deadline for the validity of the programme accreditation and shall issue the programme accreditation certificate.
- (3) Training programmes accredited under authorisations granted by other statutes of law or authorised under other the scope of power of relevant authorities, in accordance with the provisions laid out in a separate statute of law, shall be reported to the FAT. Based on such a report the FAT shall issue the program accreditation certificate.

(4) In the course of the accreditation of adult training institutions of churches and their training programmes the contents of subjects pertaining to theology and those relating exclusively to religious practices shall not be reviewed.

Adult training contract

Article 20

- (1) An institution providing adult training services and an adult participating in such training shall conclude an adult training contract.
- (2) The adult training contract shall contain the following details:
 - a) the vocational qualification or competence to be acquired through the training,
 - b) the mode of the testing and evaluation of the performance of the participant,
 - c) the place, duration and schedule of training,
 - d) the amount of the training fee – including the examination fee,
 - e) the consequences of any breach of contract by the adult participant or the institution providing adult training services,
 - f) all other items specified by law.
- (3) An adult training contract shall be concluded in writing which shall be preserved the institution providing adult training services concerned, for a period of five years.
- (4) A training contract specified in Article 52 (2) of No. LXXVI Act of 1993 on vocational training shall be accepted as an adult training contract.

Part IV

ADULT TRAINING SUBSIDIES

General rules on subsidies

Article 21

- (1) Adult training provided for an adult individual of Hungarian citizenship shall be provided financial assistance by the state in accordance with the provisions laid out in Part IV hereof.
- (2) The sources of subsidies for adult training, in the general government system:
 - a) central budget,
 - b) the part of the vocational training contribution to be allocated to adult training,
 - c) the parts of the Labour Market Fund (Munkaerőpiaci Alap, hereinafter: MPA) devoted to employment, development and training,
 - d) tax allowances specified in a separate statute of law.

Normative subsidy for adult training

Article 22

- (1) The state shall provide normative adult training subsidy, of an amount specified in the budget act each year, for the training of adults and of adults with disabilities, participating in training courses aimed at the acquiring at the given institution providing adult training services, of a first vocational qualification, recognised by the state, included in the National Vocational Qualifications Register (Országos Képzési Jegyzék, hereinafter: OKJ).
- (2) Based on the proposal made by the Minister of Education the Government shall be entitled to specify each year an additional group of adults for the training of whom the state may provide normative adult training subsidy as specified in the budget act.

(3) Based on the proposal made by the Minister of Education the Government shall specify each year the total number of adults who may be granted normative adult training subsidies as laid out in paragraphs (1) and (2).

(4) Normative adult training subsidy may be provided exclusively for an institution providing adult training services accredited as specified in Article 12, which has concluded an agreement with the Ministry of Education on the subsidising of adult training, as specified in a separate act of law.

Article 23

(1) Under a statutory provision the training of adults whose extension training is required for the improvement of the standards of the performance of public duties may be granted subsidy from the budget.

(2) Such subsidy may be used only for the purposes of participation in programmes accredited as specified in Article 19 of institutions providing adult training services accredited as specified in Article 12.

Subsidising of training programmes facilitating employment

Article 24

(1) In the cases and under conditions specified in Article 14 of No. IV Act of 1991 on the promotion of employment and on the provision of services for the unemployed (hereinafter: Flt.) the training of an adult may be subsidised from the MPA.

(2) Under this paragraph only the training of an adult receiving training in an institution providing adult training services accredited as specified in Article 12.

Subsidising of the training by businesses of their own employees

Article 25

The training of an adult employee may be subsidised by the employer in the way and to the extent specified in No. LI Act of 2001 on the vocational training contribution and the subsidising of the development of the training system.

Subsidising of the improvement of the technical conditions of adult training

Article 26

In order to promote the development of the technical conditions of adult training the Minister of Education – having elicited the opinion of the OFkT – may put out an invitation of applications to be submitted by accredited institutions providing adult training services for subsidies from the development and training parts of the Labour Market Fund

Personal income tax allowance

Under the provisions on personal income taxation an adult – adult participant of a training course – shall be entitled to a personal income tax allowance on the basis of his or her participation in a training course.

Article 27

Registration and supply of statistics

Article 28

(1) Institutions providing adult training services shall register and manage data specified in the *annex* hereto. Apart from the exceptions specified by law such data may be disclosed to third parties only with the consent of the person covered by such statistical data.

(2) An institution providing adult training services shall be obliged to provide data for purposes of the compiling and processing of statistics under the provisions of No. XLVI Act of 1993 on statistics.

Part V

INTERPRETING PROVISIONS

Article 29

For the purposes hereof:

1. *Institution accreditation*: assessment and authentication from the aspect of quality of the training (syllabus development, education/training, evaluation) performed by an adult training institution and of service providing activities relating to adult training along with the standards of the management and decision making processes of the institution concerned.
2. *Programme accreditation*: assessment and authentication of the accomplishment of the objectives of training (with particular attention to its requirement in the labour market and the improvement of the quality of life), of feasibility and of the satisfaction of pedagogy and andragogy related requirements.
3. Adult training organised in the form of open training or tele-teaching is based on the application of specific info-technological and communication based means of training and knowledge transfer methods which enable training based on the interactive connection between the trainer and the adult participant of the training as well as on the autonomous learning activities of the participant. The duration of such training and the forms of the checking of the success of knowledge transfer and of the acquiring of the knowledge/skills shall be specified by the institution providing adult training services in the adult training contract concluded with the adult participating in the training programme.

4. *General purpose training*: training aimed to enhance general education contributing to the development of the personality of adult and to the development of equal opportunities in the society and of citizens' competencies.
5. *Adult*: a natural person participating in adult training, who has satisfied his or her schooling obligations as specified in a separate statute of law.
6. *Adult in disadvantaged position*: an adult whose access to training opportunities is more difficult than the average without state aids, on account of social, lifestyle-related or any other circumstances.
7. The forms of services provided in relation with adult training activities include, in particular, the ex-ante assessment of the knowledge/skills level, vocational orientation or adjustment consultancy, the assessment of training requirements and the provision of training advice and the provision of job seeking advice along with the training of job seeking techniques.
8. *Adult with disabilities*: an adult – under the provisions hereof - categorised as an individual with disabilities as specified in Article 4 a) of No. XXVI Act of 1998 on the rights and the equality of opportunities of people with disabilities.
9. *Training outside the schooling system*: training whose participants are not regular students of (in such legal relationship with) the training institution.
10. *Competence*: the entirety of the knowledge, skills, capabilities and behaviour patterns of a person who has participated in adult training enabling the individual to successfully accomplish a given task.
11. *Unemployed adult*: a natural person as defined in Article 58 (5) d) of the Flt., categorised as an adult under the provisions hereof.
12. Training provided on a permanent basis shall qualify as training conducted on a regular training along with training provided in repeated cycles within a given year, if the minimum duration of the training course is not shorter than 15 hours and 3 days.

Part VI.

CLOSING PROVISIONS

Article 30

- (1) This Act shall enter into force on 1 January 2002, with the exception of paragraph (2).
- (2) Articles 22, 24, 27 and 28 (2) shall enter into force on 1 January 2003 while Article 23 (2) shall enter into force on 1 January 2004.
- (3) Institutions providing adult training services shall be entitled to submit apps for their and their programmes' accreditation after 1 July 2002.
- (4) The entry of institutions providing vocational training outside the schooling system prior to the entry into force hereof as registered institutions shall qualify as equivalent with registration as per Article 8 hereof for a period of two years from the entry of such in the register.
- (5) Upon the entry into force hereof Article 53 of the Flt. shall be abrogated.

(6) The labour centres shall submit the OKÉV the registries as specified in the Decree No. 45/1999. (XII.13.) OM (issued by the Ministry of Education) on the conditions to be met by the commencement and conducting of vocational training not later than 31 January 2002.

Ferenc Mádl
President of the Republic

Dr. János Áder
speaker of the House

Annex
to
Act CI of 2001

1. Data to be managed under this act:
 - a) name, date and place of birth and citizenship of the adult, address of residence and stay and telephone number of the adult,
 - b) data relating to the training relationship, including, in particular,
 - data on schooling and vocational qualification,
 - data on admission to the course,
 - assessment and qualification of the studies of the adult, examination details,
 - data on disciplinary and compensation issues,
 - other data with the consent of the person concerned.
 - c) data required for the establishment of various benefits to be provided to the adult (personal income tax allowance, state grant, social subsidy, other aids) in proof of his or her income and social position.

Data listed in the Annex may be used for purposes of collection and processing of statistics and may be handed over for such purposes in forms not enabling the identification of the persons concerned. The name, date and place of birth of an adult participating in adult training financed by the state shall be submitted to the Ministry of Education for registration.