

## Act LXXVI of year 1993

### On vocational training

The Hungarian Parliament, relying on the recognition that

- the necessity to establish in the Republic of Hungary a flexible and multi-layered vocational education system adapted to the evolution of society, the requirements of national economy and the needs of labour market is vital to the development of economy,
- to ensure the right to academic studies and work as defined in the Hungarian Constitution presupposes the possibility of acquiring the first professional qualification and knowledge based on the equality of chances for career opportunities,

has adopted this Act:

#### PART I

##### *INITIAL PROVISIONS*

###### *Scope*

**Art. 1.** (1) With the exception of training programs pertaining to higher education as well as official training programs outside the school system pertaining to the fields of transport, communication technologies and water management, the present Act shall apply to any vocational training program which aims at

- a)* providing undergraduate education resulting in the attribution of professional qualifications;
- b)* obtaining professional qualifications necessary to fulfill a specific position or pursue a profession or professional activities;
- c)* mastering and practising knowledge necessary to pursue specific professional activities at a higher level;
- d)* providing rehabilitation training to the handicapped and disabled;
- e)* ensuring career opportunities and guidance to entrepreneurs.

(2) The present Act does not apply to programs provided for the purposes of training registered accountants, which are governed by other regulations.

###### *Institutions of vocational training*

**Art. 2.** (1) The institutions of vocational training comprise the following:

- a)* secondary technical schools;
- b)* vocational technical schools and vocational schools [hereinafter vocational technical schools and vocational schools are referred to as: vocational schools; those under paragraphs *a)* and *b)* are indicated as: vocational training schools];
- c)* special vocational schools;
- d)* Labour force development and education centres.

(2) The foundation, financing and operation of vocational training schools and special vocational schools are governed by the Act LXXIX of year 1993 on public education (hereinafter referred to as Public Education Act). The foundation and financing of labour force development and education centres are ruled by the provisions of the several times amended Act IV of year 1991 on employment and the unemployed (hereinafter referred to as the Employment Act).

(3) Vocational training programs outside the school system may be provided by natural or legal persons or their unincorporated Economic Entities, not entitled to finance and operate a vocational training school, on

condition that they comply with the provisions of the present Act and other relevant regulations. [Hereinafter, the entities contained in paragraphs (1) and (3) shall be referred to as Institutions providing vocational training.]

*The National Qualification Register*

**Art. 3.** (1) Professional qualifications recognized by the state are listed in the National Qualification Register (hereinafter referred to as the NQR).

(2) The NQR shall indicate

- a) the name of the professional qualification;
- b) the duration of the vocational training program including the specification of the periods necessary for theoretical and practical part of such training programs in the case of programs inside the school system;
- c) professional and academic prerequisites;
- d) the level of the professional qualification;
- e) any prerequisites regarding the age of participant in the vocational training;
- f) the list of professional qualifications that may only be acquired upon completion of a training program inside the school system;
- g) the existence of any preconditions regarding professional aptitude to acquire a specific professional qualification;
- h) the Minister, including the president of the National Statistical Bureau, in charge of determining the professional and examination requirements of vocational training programs (hereinafter referred to as the Minister in charge of the professional qualifications).

(3) Notwithstanding the provisions contained in paragraph (1), vocational training programs may be provided by the Institution providing vocational training to acquire any professional qualification not recognized by the state.

SECOND PART

*The management of vocational training*

**Art. 4.** (1) The Minister of Education shall ensure the national guidance of vocation training and pursues the following tasks in cooperation with the Minister in charge of the professional qualifications:

- a) issues the NQR in an ordinance;
- b) determines general rules and proceedings of professional examinations (hereinafter referred to as professional examination rules);
- c) determines the preconditions of registering professional qualifications obtained abroad;
- d) determines the amount of examination fees;
- e) defines all conditions relative to starting and continuing a professional training program.

(2) Regarding vocational training programs the Minister of Education

- a) determines the detailed rules governing payment of financial remuneration of Students in accordance with Article 48 of the present Act;
- b) determines the conditions relative to the organisation of vocational training and places to ensure vocational practical training courses;
- c) defines the professional curriculum and subject matter;
- d) ensures the elaboration, publication and sale of any coursebook and pedagogical aid relative to the curriculum of such professional subjects;
- e) organises courses to provide continuing education for counsellors and teachers engaged in theoretical and practical vocational training;
- f) organises any academic competition that fall within his/her competence;
- g) fulfills any task relative to the basic part of vocational training regarding the Labour Market Fund, as defined in other relevant regulations.

(3) The Minister of Education

*a)* ensures his/her tasks as defined in paragraph (2) subparagraph *b)* in cooperation with the Minister in charge of the professional qualifications,

*b)* ensures his/her tasks as defined in paragraph (2) subparagraphs *c)* to *f)* taking into the recommendations of the Minister in charge of the professional qualifications,

**Art. 5.** (1) Regarding any professional qualification relative to the tasks as defined in relevant regulations and pertaining to the sector of and falling within the competence of the Minister in charge of the professional qualifications, the Minister shall

*a)* make recommendations concerning state-recognized professional qualifications, the duration of the training program provided inside the school system, as well as the professional subject matter;

*b)* issues regulations concerning the professional and examination requirements, including preliminary traineeships (hereinafter referred to as professional requirements), in coordination with the other Ministers in charge of vocational training, if relevant.

*c)* makes recommendations concerning issues relative to the professional examination requirements falling within his/her competence;

*d)* nominates the president of the Examination Board;

*e)* fulfills any task relative to the basic part of vocational training regarding the Labour Market Fund, as defined in other relevant regulations.

(2) In case of professional qualifications pertaining to different sectors or where it cannot be determined with certainty to which sector such professional qualifications pertain, the task of the Minister in charge of the professional qualifications shall be taken over by one of the Ministers concerned in accordance with their agreement. In absence of such agreement of the Ministers on transfer of responsibility, such tasks shall be fulfilled by the Minister of Education.

(3) Notwithstanding the provisions contained in paragraph (1), competencies as defined in Article 4, paragraph (2) subparagraphs *c)* to *f)* shall be exercised by

*a)* the Minister of Social Welfare regarding social welfare and social security;

*b)* the Minister of Agriculture regarding agricultural issues and territorial development;

*c)* the Minister of Culture and Public Education regarding educational and cultural issues;

*d)* the Minister of Interior and the Minister of National Defence respectively, in case of training programs falling within their competence, as defined in the NQR.

(4) The competencies as defined in Article 4, paragraph (2) subparagraphs *c)* to *f)* shall be exercised, regarding professional qualifications falling within his/her sector, by the Minister in charge of the professional qualifications in accordance with the agreement concluded with the Minister of Labour.

**Art. 6.** (1) The Minister of Education in cooperation with the Minister in charge of the professional qualifications shall ensure the operation of the National Institute of Vocational Training as a central development entity and a service provider for the following purposes: the development of the subject matter of vocational training, the coordination of national and international qualification requirements, the operation of the information centre for vocational training, the coordination of training programs provided on the labour market and in schools, the constant development of the register of professions, providing professional guidance and counselling on a national level, organizing the continuing education of teachers in professional matters, the organization of professional academic competitions, supporting innovation.

(2) The Minister as defined in Article 5 paragraph (3) may operate an institute as a development centre and a service-provider to ensure his/her responsibilities.

**Art. 7.** (1) In accordance with the agreement concluded with the Minister in charge of the professional qualifications, the National Chamber of Economy (hereinafter referred to as the chamber of economy) shall ensure the tasks as defined in Article 5, paragraph (1) subparagraphs *a)* to *c)* provided the professional requirements are determined in a regulation by the Minister in charge of the professional qualifications in cooperation with the chamber of economy. The agreement concluded between the chamber of economy and the Minister in charge of the professional qualifications shall be made public in an ordinance issued by the Minister in charge of the professional qualifications.

(2) In case the chamber of economy is reduced to the impossibility to ensure the tasks as defined in paragraph (1) for any reason whatsoever, the Minister in charge of the professional qualifications shall implement measures to take back those tasks.

(3) The chamber of economy may determine the list of professional qualifications for which mastership training programs or mastership examinations may be organized for the purposes of the provisions of Article 1, subparagraph *c*). The examination requirements as elaborated by the chamber of economy for the mastership examination shall be determined in a regulation by the Minister in charge of the professional qualifications in agreement with the chamber of economy.

(4) Conditions to mastership training and examinations shall be ensured by the chamber of economy.

**Art. 8.** (1) The reconciliation of interests regarding key issues of national vocational training shall be conducted in the framework of National Labour Council.

(2) The reconciliation of interests in vocational training shall be conducted by the county (Budapest) labour councils on a territorial level.

**Art. 9.** (1) Regarding the tasks relative to the management of vocational training, the National Council of Vocational Training (hereinafter referred to as NCVT) shall operate as a decision-preparing, evaluative national body, which shall also make recommendations concerning professional matters. It shall pursue its work with the participation of employers, employees, chambers of economy, financing bodies of schools and the representatives of ministries in charge of vocational training.

(2) The members of the NCVT shall be nominated by the Minister of Education, after consultation with the organisations participating in the work of NCVT, for a period of three years.

(3) Regarding vocational training, the NCVT shall

- a*) emit its opinion and adopt a position on issues relative to the development of the vocational training system;
- b*) examine and emit an opinion on green papers on vocational training;
- c*) emit an opinion about the list of obtainable professional qualifications and makes recommendations on the introduction of new professional qualifications;
- d*) make recommendations on the development of professional requirements, course materials and new procedures, as well as the financial resources necessary to their implementation;
- e*) assess the efficiency of vocational training and guidance, and the application of course materials and professional requirements;
- f*) evaluate on an annual basis the career and job opportunities of professionals freshly graduated from institutions providing vocational training, pay special attention to unemployment of fresh graduates and make recommendations to the financing bodies of institutions providing vocational training.

(4) The NCVT shall be liable to determine its by-laws itself.

(5) Conditions necessary to the operation of NCVT shall be ensured by the Ministry of Education.

### PART THREE

#### *Requirements of vocational training as defined in the NQR, and the professional examination*

**Art. 10.** (1) For any professional qualification defined in the NQR a uniform system of professional requirements shall be prescribed.

(2) The Institution providing vocational training shall elaborate its professional activities and local programs in accordance with the uniform system of professional requirements.

**Art. 11.** Any studies completed in an Institution providing vocational training or a higher education institution shall be taken into account into the accomplishment of professional requirements of the same contents as defined for vocational training providing professional qualifications.

**Art. 12.** (1) Obtaining a certificate of vocational training is subject to the successful completion of the professional examination.

(2) A professional examination is a state examination.

(3) For any professional qualification defined in the NQR only certificates or forms approved by the Ministry of Education shall be used. The creation and sale of such certificates and forms is subject to the initial permission of the Ministry of Education.

**Art. 13.** (1) Professional examinations shall be organized only by institutions authorized in relevant legislation by the Minister in charge of the professional qualifications. In as much as vocational training programs provided by such institutions are concerned, such examinations shall be organised by the Institutions providing vocational training as defined in Article 2, paragraph (1) (hereinafter referred to as the Institution organizing the professional examination).

(2) The Institution providing vocational training may administer progress tests as a means to measure the efficiency of the program at the end of subsequent phases of tuition.

(3) The place and time of the professional examination shall be designated by the Institution organizing the professional examination in case of training programs inside the school system. The Institution organizing the professional examination shall also ensure the necessary conditions for the administration of such an examination and be in charge of registration of such professional examinations.

(4) The Notary Public of the territorially competent local (county or Budapest) municipality for the Institution organizing the professional examination shall be in charge of the registering and preserving the registry sheet of the professional examination.

**Art. 14.** (1) The professional examination necessary to obtain any professional qualification defined in the NQR shall be conducted in accordance with the professional requirements determined by the Minister in charge of the professional qualifications and the professional rules and regulations governing such examinations. The examination shall be conducted before a Professional Examination Board (hereinafter referred to as the Examination Board).

(2) The Examination Board is an independent professional body, which shall be chaired by the president nominated by the Minister in charge of the professional qualifications. In addition, it shall include the representatives of the Institution providing vocational training and the territorially competent chamber of economy within the competence of which the professional qualification falls. In case the professional qualification does not fall within the competence of any chamber of economy, the Board shall comprise the representative of the Institution providing vocational training and in case it corresponds to the Institution organizing the professional examination, the representative of a professional organization designated by the Minister in charge of the professional qualifications. To ensure its operation the Examination Board shall comprise at least two persons apart from the president.

(3) Any person participating in the Examination Board shall have acquired the professional qualifications necessary for the tuition of specific professional theoretical subjects and practical training courses.

(4) The representative of the chamber of economy as defined in paragraph (2) and the representative of the professional organisation shall be nominated respectively by the territorially competent chamber of economy and the president of the professional organisation at the request of the Institution organizing the professional examination. The representative of the Institution organizing the professional examination and the representative of the Institution providing vocational training shall be nominated respectively by the director of the Institution.

(5) The Examination Board shall be assisted in its work by experts (teachers).

## PART FOUR

### *Vocational training inside the school system*

#### Chapter One

*Theoretical and practical vocational training*

**Art. 15.** (1) Regarding the professional qualifications defined in the NQR, vocational training programs shall be conducted on a theoretical and a practical level in accordance with the professional requirements determined by the Minister in charge of the professional qualifications.

(2) Theoretical vocational training shall be conducted in the vocational school.

(3) Practical vocational training may be organised or conducted in any vocational school, or practising place financed by legal persons, unincorporated economic entities or individual entrepreneurs (hereinafter referred to as the Economic Entity) on the basis of the student contract or an agreement concluded with the vocational school, where conditions necessary for such practical vocational training are given and complied with in accordance with the relevant regulations (hereinafter vocational training schools and Economic Entities shall be referred to as the Institution organizing practical vocational training).

**Art. 16.** (1) Theoretical and practical vocational training which aims at the acquisition of the first professional qualification is provided free of charge in vocational schools.

(2) In case of vocational training aiming at the acquisition of the first professional qualification, it shall be forbidden for the Economic Entity to charge or accept any tuition fees or contribution to such tuition fees for organizing and providing practical vocational training and ensuring the conditions necessary for such practical vocational training. The Economic Entities which transgress such a prohibition shall be prevented by the chamber of economy from participating in practical vocational training for a maximum of five years.

**Art. 17.** (1) Theoretical and practical vocational training shall be provided in vocational training schools by teachers and experts who have acquired all necessary qualifications in accordance with relevant regulations.

(2) Practical instructors teaching in practical vocational training provided by the Economic Entity shall have obtained all necessary professional qualifications and at least five years' practical experience, and have no criminal record.

(3) Practical instructors who have completed a mastership examination and acquired vocational qualification shall have an advantage over other instructors during the selection stage.

(4) Instructors teaching and supervising students in an individual work station shall have obtained all necessary professional qualifications and at least two years' practical experience, and have no criminal record.

**Art. 18.** (1) Theoretical and practical vocational training provided in vocational training schools (i.e. training programs provided inside the school system) shall be conducted in accordance with the Public Education Act. Regarding practical vocational training, Articles 15 to 26 shall also be complied with.

(2) In course of the study period, practical vocational training shall alternate by all possible means with theoretical vocational training during the week, in absence of a different agreement between the Economic Entity and the vocational training school. Upon completion of the study period, practical vocational training shall be conducted continuously and without interruption (continuous practical training).

**Art. 19.** (1) In case the vocational training school is responsible for organizing practical vocational training but can only partially ensure the conditions necessary for providing such practical vocational training neither can it ensure such conditions in cooperation with other vocational training schools, it shall agree with the Economic Entity to collaborate in ensuring such practical training. The vocational training school shall also conclude a cooperation agreement with the Economic Entity in case the Institution providing practical vocational training corresponds to the Economic Entity for the whole duration of such practical vocational training. Such agreements shall be concluded for the whole duration of the training program before admission of the Student. For such an agreement the provisions of the Civil Code shall be applicable.

(2) The agreement shall specify the place(s) and the form (workshops, group work stations or individual work stations) intended for practical vocational training at different stages of the vocational training program. The agreement shall also include the identity of the persons or institutions who shall be responsible for providing the Student with his/her due benefits and allotments, practical instructors in the organized basic education, professional instructors as well as the supervision of Students.

(3) The agreements shall be in a written form and be approved by the financing body of the vocational training school for the purposes of ensuring operational costs.

(4) In case of breach of contractual obligations on behalf of any parties, the party who has suffered the consequences of such a breach may initiate a reconciliation process at the Notary Public of the municipality which is in charge of financing the vocational training school.

**Art. 19/A.** (1) The cooperation agreement as defined in Article 19, paragraph (1) shall be notified to the territorially competent chamber of economy to which the Economic Entity pertains (hereinafter referred to as the territorially competent chamber of economy).

(2) In case of the situation as defined in Article 19, supervision of practical vocational training provided by the Economic Entity as well as control of compliance with relevant regulations shall be ensured by the territorially competent chamber of economy in cooperation with the vocational training school.

(3) In case the professional qualification does not fall within the competence of any chamber of economy, supervision of practical vocational training shall be catered for by the vocational training school.

**Art. 20.** In the absence of a different agreement, the Institution in charge of organizing the practical vocational training shall be liable to ensure all equipment and staff necessary for conducting practical vocational training and administering practical professional examinations.

## Chapter Two

### *Practical vocational training courses*

**Art. 21.** (1) Regarding practical vocational training, tasks to be accomplished by the Student shall be relative to such practical vocational training and shall only be performed in healthy and secure conditions.

(2) The Institution in charge of organizing practical vocational training shall explain work protection instructions to the Student concerning practical vocational training.

(3) The Institution in charge of organizing practical vocational training shall ensure regular medical check-ups for the Student for the whole duration of such practical vocational training.

**Art. 22.** (1) The duration of practical vocational training shall not exceed seven hours per day for any Student under age, or eight hours per day for any Student who has come of age.

(2) The daily duration of practical vocational training shall be reduced proportionally if such practical vocational training regularly occurs in a place (work place) where the employees of the Economic Entity work shorter working hours.

(3) The daily duration of the training shall last from any time between 6 a.m. and 22 p.m. for any Student under age. The Student shall benefit by at least sixteen hours of rest between the end of practical vocational training on one day and the beginning of practical vocational training on the following day.

(4) The Student shall not be liable to take part in practical vocational training in excess of the legal daily duration of such training.

**Art. 23.** (1) The Economic Entity shall not oblige the Student to take part in practical vocational training

*a)* on days determined for theoretical vocational training;

*b)* on the day of any event organized by the vocational training school which implies the obligatory presence of the Student;

*c)* on the days of progress tests in course of the vocational training program and the day of the end-of-training professional examination;

*d)* in any other cases when the employee is exempt from accomplishing his/her obligations in accordance with labour law.

(2) The Economic Entity may oblige the Student to take part in practical vocational training on weekly restdays and public holidays only in places which by their nature continue to operate on those days and only with the permission of the vocational training school. To compensate such time spent on practical vocational training, a rest of equal duration should be provided on weekdays normally devoted to practical vocational training.

**Art. 24.** (1) Presence in practical vocational training courses is obligatory for Students.

2) The Economic Entity shall also register the presence and absence of the Students and indicate it in his/her journal. Any absence on behalf of the Student shall be subject to justification.

(3) If justified and unjustified absences on behalf of the Student exceed twenty per cent of the duration of the practical vocational training (number of classes) in a schoolyear, the Student may only pursue his/her studies by retaking the schoolyear. If practical vocational training is provided by an Economic Entity in accordance with a student contract, such retaking of the schoolyear is subject to the approval of the Economic Entity.

(4) If the absences of the Student reaches the percentage as defined in paragraph (3) but the Student does not have any unjustified absences and his/her diligence and attainments allow for judging that such absences can be made up for until the beginning of the next schoolyear, and the Student is able to fulfill the practical requirements, he/she may not be obliged to retake the schoolyear. On such occasions, the teaching staff of the vocational training school shall make a decision. Such decision shall be made on recommendation of the Economic Entity if practical vocational training is provided by such Economic Entity.

**Art. 25.** (1) The Economic Entity is liable to keep a journal on practical vocational training provided for the Student.

(2) Such a journal shall contain the professional activities, the time devoted to such activities and the evaluation of the work of the Student.

(3) At the request of vocational training school the journal shall be handed over for the purposes of consultation.

**Art. 26.** If the duration of the practical vocational training exceeds six hours a day, the Student shall benefit during the day by a break which is of the same length as provided for employees.

## Chapter Three

### *Student contracts*

**Art. 27.** (1) Practical vocational training may be implemented on the basis of written student contracts concluded for the purposes of practical training.

(2) In case the vocational training school is absolutely unable to ensure all necessary conditions for practical training nor can it ensure them in accordance with the provisions of Article 19, professional practical training for students shall only be conducted upon the conclusion of a student contract.

**Art. 28.** (1) In accordance with the stipulations of the student contract, the Economic Entity shall be liable to provide practical vocational training for the Student for the whole duration of the vocational training program. To comply with its contractual obligations, the Economic Entity shall provide practical training courses as defined in the vocational training program, it shall ensure professional development and shall make every possible effort to preserve the health and physical integrity of the Student.

(2) The Economic Entity may only be exempt from its obligations relative to providing practical vocational training as defined in the student contract or other legal regulations, if these obligations are taken over by a vocational training school or another Economic Entity, or the Student concludes a student contract with another Economic Entity.

**Art. 29.** (1) The Economic Entity shall be liable to announce its intention to conclude a student contract to the territorially competent chamber of economy and the vocational training school providing the theoretical part of the vocational training program until the end of the schoolyear preceding admission of the Student to school. In case the conclusion of the student contract is initiated by the territorially competent chamber of economy the Economic Entity shall be exempt from its obligation of announcement.

(2) The student contract shall be concluded in writing before the date of enrolment under the supervision of the territorially competent chamber of economy. The written student contract shall be submitted by the Economic Entity to the vocational training school as defined in paragraph (1) until the date of enrollment. In accordance with the student contract any Student who fulfills the requirements of the entrance examination should be admitted.

(3) The student contract stipulates that the Student is entitled to receive benefits and allotments from the first day of the schoolyear, as defined in the provisions of the present Act.



(4) The first day of practical vocational training courses shall correspond to the first day designated by the vocational training school for the purposes of practical training courses.

**Art. 30.** (1) Any Economic Entity may become a contracting party to a student contract on condition that it is able to provide all necessary conditions as defined by the present Act or other relevant regulations, or it takes measures to ensure those conditions in cooperation with other Economic Entities or vocational training schools.

(2) The very existence of the conditions as defined in paragraph (1) shall be controlled by the territorially competent chamber of economy before the date of conclusion of the student contract. Controls may be conducted by such chambers during the whole duration of the training program.

(3) Student contracts as well as Economic Entities providing practical training courses shall be registered by the territorially competent chambers of commerce who shall implement controls over such practical training courses.

(4) The evaluation of the aptitude of the Economic Entity to conduct practical vocational training as well as the supervision of practical vocational training shall be subject to the participation of vocational training schools providing theoretical vocational training, at the request of the territorially competent chamber of economy and upon compliance with the necessary conditions.

**Art. 31.** (1) In cases as defined in Article 30, paragraphs (2) and (3) the territorially competent chamber of economy shall act in accordance with the general rules of Administrative proceedings.

(2) No appeal can be lodged against the decisions of the territorially competent chamber of economy. The supervision of such a decision may be requested from a competent court of law who may change the decision. The court of law is liable to act with special dispatch.

**Art. 32.** (1) A student contract may be concluded by a Student who

- a) has completed his/her compulsory education in accordance with the Public Education Act
- b) fulfills the professional prerequisites and health conditions necessary for obtaining the professional qualification.

(2) The conclusion of the student contract on behalf of the Economic Entity may be subject to a professional aptitude test. Such a professional aptitude test may cover the examination of the basic abilities to acquire practical knowledge.

(3) At the request of the Economic Entity, the vocational training school providing theoretical vocational training may participate in administering such a professional aptitude test provided all necessary conditions are fulfilled.

**Art. 33.** (1) By concluding the student contract the Economic Entity shall oblige itself to provide practical vocational training courses for the Student which shall comply with the uniform system of professional requirements and all health and security regulations.

(2) By signing the student contract the Student obliges himself/herself

- a) to observe the rules and regulations of the Economic Entity relative to the practical vocational training and fulfill all relevant tasks prescribed;
- b) to learn the professional practical subject matter to the best of his/her abilities;
- c) to comply with all security, health and work protection regulations;
- d) not to show behaviour which may endanger the economic interests of the Economic Entity.

(3) The student contract shall comprise

- a) the name of the Economic Entity and the personal particulars of the Student;
- b) the name of the professional qualification and the duration of the training in accordance with the NQR;
- c) the place of the practical vocational training;
- d) the monthly amount of the financial remuneration as determined for different years;
- e) the list of benefits and allotments in excess of any benefit or allotment which is due to the Student in accordance with the relevant regulations, and the conditions of their attribution.

**Art. 34.** (1) The student contract shall be terminated

- a) upon the successful completion of the professional examination;
- b) upon expulsion from the vocational training school or the termination of the Student's legal relation in accordance with the provisions of the Public Education Act provided the Student cannot continue his/her studies in another vocational training school within thirty days from such expulsion.

*c)* upon the closing-down of the Economic Entity without a legal successor;

*d)* upon the death of the Student,

*d)* if an administrative measure is adopted prohibiting the Economic Entity to participate in or provide practical vocational training.

(2) In accordance with paragraph (1) subparagraph *d)*, the student contract shall be terminated on the effective date of such an administrative measure prohibiting the Economic Entity to participate in or to provide practical vocational training, or on the date of specific performance.

(3) Upon termination of the student contract in accordance with paragraph (1) subparagraphs *c)* and *d)*, the territorially competent chamber of economy and the vocational training school shall comply with their obligation to ensure further possibility regarding practical vocational training for the benefit of the Student.

**Art. 35.** The student contract may be terminated by

*a)* mutual rescission

*b)* discharge.

**Art. 36.** The modification of the student contract is subject to a preliminary agreement between the Student and the Economic Entity.

**Art. 37.** (1) The Economic Entity may terminate the student contract

*a)* upon the second summon addressed to the Student by the vocational training school in course of the vocational training program, ordering him/her to retake the whole schoolyear due to his/her unsatisfactory academic results;

*b)* upon failure on behalf of the Student to fulfill the requirements of the professional examination on the resit of such an examination;

*c)* provided that the Student is in breach of his/her contractual obligations either by wilful infringement or serious negligence, or shows a behaviour which makes it impossible to sustain the student contract.

(2) The Economic Entity shall not be entitled to discharge the student contract

*a)* during any illnesses of the Student, but for a maximum of one year from the expiration of the sick leave or a maximum of two years in case of tuberculosis;

*b)* in case of factory accidents or occupational diseases for the whole period in course of which the Student is entitled to receive sick leave benefit;

*c)* during pregnancy of the Student and up to the end of the sixth month from childbearing.

**Art. 38.** The Student shall be entitled to discharge the student contract at any time without any justification on his/her behalf, following consultation with the territorially competent chamber of economy.

**Art. 39.** (1) The discharge of the contract shall be made in writing.

(2) Any discharge of the student contract on behalf of the Economic Entity is subject to a written justification, which shall indicate very clearly the causes of such a discharge. In case of any dispute arising out of such a discharge, the Economic Entity shall be liable to prove and evidence that such a discharge is implemented due to reasonable causes.

(3) In case of discharge of the student contract, it shall be terminated on the fifteenth day from the announcement of such a discharge.

(4) The Student may submit the discharge of the student contract to a competent court of law within fifteen day from the announcement of such a discharge.

(5) Such a complaint shall defer the performance of the discharge, with the exception of the provision contained in Article 37, paragraph (1) subparagraphs *a)* and *b)*.

**Art. 40.** (1) The Economic Entity shall be held liable to inform without delay about the termination of the student contract the competent chamber of economy as well as the vocational training school in charge of the theoretical part the vocational training program.

(2) Upon termination of student contracts the Economic Entity shall be liable to emit to the Student, upon his/her demand or not, a written statement specifying the duration of practical vocational training and the knowledge obtained.

**Art. 40/A.** Any modification or discharge of student contracts by Students under age is subject to written permission on behalf of their parents or guardian.

## Chapter Four

### *Benefits and allotment due to the Student*

#### *School vacations and breaks*

**Art. 41.** (1) In accordance with the student contract, any Student participating in practical training courses shall be entitled to

*a)* at least thirty days of school vacation per schoolyear. Furthermore, he/she is entitled to an additional five days in those schoolyears when he/she has not attained nineteen years of age;

*b)* before the professional examination completing the vocational training program at least ten days for the purposes of preparing for the examination.

(2) The preparation time as defined in paragraph (1) subparagraph *b)* shall be attributed to all those Students who participate in the practical training program without having concluded a student contract.

(3) The school vacation relative to the training program provided by the vocational training school shall be attributed by all possible means in one continuous period.

(4) In case the Student passes successfully the first professional examination upon completion of the last schoolyear, he/she shall not be entitled to school vacation.

(5) The Student shall be entitled to the preparation time on one occasion, regardless of the success or failure in the professional examination. The Economic Entity may attribute such preparation time upon repetition of the professional examination. The preparation time shall be attributed immediately before the professional examination during practical vocational training courses.

**Court Decision 2000. 51.** *As it does not fall within its competence to change the place of residence designated for a foreigner, the court is under the obligation to reject a claim for such a change without due hearing and investigation (Article 356, paragraph (1), paragraph (2), subparagraph e), Article 250, paragraph II./c, Act LXXVI of year 1993 Article 41, paragraph (3), Article 43, paragraph (5)).*

**Art. 42.** (1) On the basis of the student contract, the Student shall be entitled to ten days of sick leave per calendar year during his/her illness in accordance with labour law, with the exception of inability to participate in practical training due to factory accidents or occupational diseases as defined by Social Security regulations.

(2) During his/her sick leave the Student shall be entitled to seventy-five per cent of his/her financial remuneration.

(3) In attributing school vacations, preparation time and sick leave, non-working days and public holidays shall not be taken into account.

**Art. 43.** Any pregnant or childbearing Student is entitled to maternity leave in accordance with labour law.

#### *Remuneration of the Student*

**Art. 44.** (1) In accordance with the student contract the Economic Entity shall be liable to pay the Student a financial remuneration.

(2) The monthly amount of such remuneration, regardless of the number of days of practical and theoretical vocational training, shall be determined as at least seven per cent of the minimum wages fixed for 2001 and at least six per cent of the minimum wages fixed for 2002. The amount of such financial remuneration to be paid to Students in different years shall be determined in the student contract.

**2001/22. Directive of Hungarian Tax Authorities** *on changes occurred in the minimum financial remuneration paid in accordance with student contracts to Students who follow a vocational training program.*

(3) The financial remuneration to be paid to the Student is due subsequently in accordance with the provisions of labour law.

(4) In case practical vocational training is implemented without the conclusion of a student contract, the Institution providing practical vocational training may utilize a part of the benefits generated by the work of the Student to pay a regular or a casual payment to the Student. Conditions and amounts of such a payment shall be determined in the by-laws of the Institution providing practical vocational training or the Agreement concluded with the Economic Entity.

**Art. 45.** (1) The financial remuneration is due from the date as defined in Article 23, paragraph (3), for the whole duration of the contract including school vacations, with the exception of the provisions in paragraph (3).

(2) In case the student contract is concluded or terminated after the beginning of the schoolyear in course of a month, the amount due for that month shall be reduced proportionally to what should have been due if the Student had completed the whole month.

(3) During the illness of the Student, he/she is entitled to receive sick leave benefit the amount of which shall be determined in accordance with Social Security regulations.

**Art. 46.** (1) Any reduction to be made from the amount due to the Student is subject to a regulation, a court decision or the concession of the Student.

(2) Any reduction as defined in paragraph (1) is subject to regulations relevant to reductions from salaries.

**Art. 47.** Any payment made to the Student without his/her being entitled to it shall be claimed back in accordance with the provisions of labour law.

#### *Further benefits*

**Art. 48.** In as much as practical vocational training is concerned, the Student is entitled to meals at preferential rates, work clothes, personal protection items (protective clothing), cleaning kits, reimbursement of travel fares in accordance with the provisions of other relevant regulations. Any Student participating in the vocational training program without a student contract is further entitled to a financial remuneration for the whole duration of the traineeship period.

### Chapter V

#### *Compensation and remedies*

**Art. 49.** (1) Any Student in breach of obligations deriving from student contracts shall be liable to indemnify the damage suffered by the Economic Entity.

(2) Any Economic Entity shall be liable to cover damage suffered by the Student during his/her participation in practical vocational training.

**Court Decision 1997. 589.** *In absence of student contracts, any damage suffered by the Student shall be covered by the institution/school or the provider of the practical vocational training if the accident occurred during work effected by the Student in the workshop [Act LXXVI of year 1993 Article 49, paragraph (2), Act LXXIX of year 1993, Article 77, paragraphs (3)-(4)].*

**Art. 50.** (1) All compensation liability contracts concluded between the Student and the Economic Entity shall be governed by indemnification regulations of labour law, with the exception of paragraph (2).

(2) Any damage resulting from inadvertent acts on behalf of the Student to the prejudice of the Economic Entity shall be indemnified up to 50 % of that damage. Notwithstanding the foregoing, the amount of the remedy shall not exceed the sum of one month's remuneration awarded to the Student.

**Art. 51.** Any disputes which may arise out of and in connection with student contracts shall be submitted to the jurisdiction of courts.

## PART FIVE

*Vocational training programs outside the school system*

**Art. 52.** (1) Participation in vocational training programs outside the school system is subject to the initial accomplishment of compulsory education.

(2) The institution providing such vocational training programs and participants shall be liable to conclude a training contract.

(3) The training contract shall comprise the following:

*a)* the professional subject matter and knowledge and qualifications that can be acquired upon accomplishment of the program;

*b)* the type of program and the type of examination to be administered;

*c)* the place, duration and sequencing of the program;

*d)* the tuition fee, including all expenditure related to examinations, and payment of such tuition fee;

*e)* the consequences of any breach of contractual obligations, either on behalf of the Institution or the Participant.

(4) The training contract shall be made in writing and preserved by the Institution during a period of five years.

(5) The Institution shall be liable to give all information regarding the launching of any vocational training programs outside the school system, the professional qualifications to be acquired by means of such training programs and any examination results, to the employment centre of the territorially competent County (or of Budapest).

**53. §** (1) The Labour Force Development and Training Centres, governed separately by relevant legislation (hereinafter referred to as Training Centres)

*a)* provide and organise vocational training programs;

*b)* determine conditions of participation in such training programs with the exception of qualifications as defined in the NQR;

*c)* provide training courses, professional guidance and services for entrepreneurs;

*d)* ensure contribution to the continuing education of experts working in vocational training institutions;

*e)* regularly contribute to practical vocational training in accordance with agreements concluded with the financing body of vocational training schools;

*f)* act as a methodology resource and examination centre;

*g)* act as a service-provider in labour market and pedagogy.

(2) With the initial aim to assist such Training Centres in their efforts to ensure professional guidance and coordinate labour market needs and regional training programs, organisations having founded such Training Centres shall establish a Supervisory Board. The tasks of such a Supervisory Board shall be assisted by the representatives of territorially competent chambers of economy.

(3) The Supervisory Board shall

*a)* make suggestions regarding the professional profile of such Training Centres taking into account regional labour market needs;

*b)* supervises and assesses the operation and financial management of such Training Centres and informs the founding organisations thereof and the competent Employment Councils;

*c)* evaluates the annual budget of such Training Centres.

## PART SIX

*Financing vocational training*

**Art. 54.** (1) Costs relative to the theoretical part of vocational training programs provided by vocational training schools and the practical part of such programs provided by vocational training schools shall be borne by the national budget and the financing body, without prejudice to the provisions of the Act LXV of year 1990 on local governments regarding vocational training schools financed by local governments. Any other costs relative to practical vocational training shall be borne by the Institution providing such practical vocational training, in accordance with the provisions of Articles 19, 20 and 28, as well as paragraph (4) of the present Article.

(2) Detailed provisions relative to the funding of theoretical and practical vocational training are contained in the Public Education Act.

(3) Obligations of Economic Entities relative to the financial contribution in practical vocational training are governed by the amended Act XXIII of year 1988 on financial contributions and the Vocational Training Fund.

(4) The costs of practical vocational training organised by any employer subject to the Act XXXIII of year 1992 on public employees shall be provided for in the budget of vocational training schools.

(5) The costs of training programs outside the school system shall be financed by means of the funds provided by the Labour Force Fund and employers, as well as tuition fees paid by Students.

## PART SEVEN

*Final provisions*

**Art. 55.** (1) The present Act shall take effect on 1 September 1993. The first time to implement its provisions regarding professional education programs, with the exception of those contained in paragraphs (2) and (3) and Article 56, shall be after occurrence of this date.

(2) Vocational training programs in vocational training schools governed by the present Act shall be introduced in accordance with the provisions of the Public Education Act.

(3) All professional education programs started before the effective date of the present Act shall be continued and finished in accordance with the regulations in force at the time of enrollment.

(4) The provisions of the present Act shall only be made applicable upon consideration of the specificities of vocational training as related to the military or police forces, as well as those governed by the provisions of the Act XXIII of year 1992 on civil servants and the Act XXXIII of year 1992 on public employees. To launch a vocational training program envisaging the attribution of certificates of qualifications enabling its holder to fulfil a position in the military or the police forces is subject to a license issued by the Minister in charge of the professional qualifications.

**Art. 56.** (1) All provisions governing chambers of economy as well as those ruling practical vocational training programs on the basis of student contracts shall be made applicable following the establishment of chambers of economy.

(2) The first time to implement practical education programs on the basis of student contracts shall be in course of the school year following the establishment of chambers of economy.