

## **Statutes of the Federal Institute for Vocational Education and Training**

As of: 20 June 2006

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## **Statutes of the Federal Institute for Vocational Education and Training**

The Statutes of the Federal Institute for Vocational Education and Training, adopted by the Board of the Federal Institute for Vocational Education and Training on 20 June 2006 (Federal Gazette from 17 August 2006), supersede the Statutes of the Federal Institute for Vocational Education and Training from 23 September 1982 and 24 February 1983 (Federal Gazette No. 104 from 8 June 1983) as last amended through the resolution adopted on 23 November 2000 (Federal Gazette from 26 January 2001).

### **Section I - Executive bodies of the Institute -**

#### **Article 1**

#### **Executive bodies of the Institute (Section 91 of the Vocational Training Act)**

The executive bodies of the Institute for Vocational Education and Training are

1. the Board and
2. the President.

### **Section II - Board and committees, Research Council -**

#### **Article 2**

#### **Members of the Board (Section 92, subsections (3), (4) and (7) of the Vocational Training Act)**

(1) The Board shall be comprised of 29 members, of whom eight are employer representatives (employers' group), eight are employee representatives (employees' group), eight are representatives of the *Länder* governments (*Länder* group) and five are representatives of the federal government (federal government group).

(2) The employers' representatives shall be appointed at the proposal of the national-level organizations of the chambers, employers' associations and industrial associations, the employees' representatives at the proposal of the national-level trade unions, the federal representatives at the proposal of the federal government, and the representatives of the *Länder*

at the proposal of the Bundesrat. They shall be appointed by the Federal Ministry of Education and Research for a period not to exceed four years.

(3) Members may be removed from the Board for good cause after hearing the parties involved in their appointment.

(4) Removals from the Board shall be pronounced by the Federal Ministry of Education and Research.

(5) Should a member of the Board be removed, a new member shall be appointed or delegated for the remainder of his/her term.

### **Article 3**

#### **Chairmanship of the Board (Section 92, subsection (5) of the Vocational Training Act)**

(1) The Board shall elect from among its members for the period of one year a chair and a deputy chair, who may not belong to the same group. The groups may waive their right of nomination and the chairmanship. The chair should be elected annually on a rotating basis from the four groups represented on the Board, following the order set forth in the Vocational Training Act.

(2) The deputy chair shall belong to that group which, according to the order set forth in the Vocational Training Act, follows the group from which the chair comes.

(3) The chair shall preside over the meetings and be responsible for ensuring adherence to proper procedure. In the event that he or she is prevented from attending, he or she shall be represented by his or her deputy. In the event that the deputy chair is also prevented from attending, the eldest member of the Board (by age) shall preside over the meeting.

(4) In the event that the new chair is elected after the end of the preceding chair's one-year term of office (para. 1, first sentence), the preceding chair shall hold this office until the election of a new chair, at the latest however until the end of the time for which he or she was appointed a member of the Board. The first sentence shall also apply to deputy chairpersons.

(5) In the event that the chair is prevented not only temporarily from discharging the duties of his/her office, a successor shall be elected for the chair's remaining term. The successor shall be nominated by the group from which the chair came. The first and second sentences shall also apply to deputy chairpersons.

#### **Article 4**

##### **Deputies on the Board (Section 92, subsection (8) of the Vocational Training Act)**

The members of the Board shall have deputies. When representing the respective member, these persons shall be treated like members of the Board as defined by these Statutes and shall exercise all rights and duties of the members they represent. Article 2, paras. 2 to 5 and Article 6 of these Statutes shall apply analogously to their appointment, removal and compensation.

#### **Article 5**

##### **Duties of the Board**

(1) The Board shall advise the federal government on fundamental issues relating to vocational education and training (Section 92, subsection (1), number 2 of the Vocational Training Act) without having to be requested to do so by the federal government. It shall confer on the drafting of the Report on Vocational Education and Training. It shall additionally provide recommendations and written opinions, particularly with regard to draft legislation, agreements between the federal government and *Länder* governments, work programmes and the tasks involved in vocational training planning pursuant to Section 85 of the Vocational Training Act with the aim of advancing the regulation, expansion and progressive development of vocational education and training (Section 1 of the Vocational Training Act).

(2) The Board shall issue guidelines for examination regulations (Section 47, subsection (3) of the Vocational Training Act and Section 38, subsection (3) of the Crafts and Trade Code [*Handwerksordnung*]).

(3) Insofar as they are not delegated to the President, the Board shall decide by resolution the affairs of the Institute, particularly with regard to

1. the Statutes and amendments thereto,
2. the guidelines for the President's discharge of his/her duties (Section 93, subsection (1), third sentence of the Vocational Training Act),

3. the appointment and dissolution of committees (Section 92, subsection (9) of the Vocational Training Act),
4. the appointment and dissolution of working groups,
5. the annual research programme (Section 92, subsection (1), number 3 of the Vocational Training Act),
6. the adoption of the budget including the staff plan (Section 97, subsection (1), second sentence of the Vocational Training Act),
7. the discharge of the President (Section 97, Subsection (5), second sentence of the Vocational Training Act),
8. distance learning affairs including the guidelines under which the Institute discharges its duties in the area of distance learning pursuant to Section 90, subsection (3), number 4 of the Vocational Training Act,
9. the amount of the compensation to be paid for serving on the Board, its committees or the Research Council (Section 92, subsections (6) and (9) and Section 94, subsection (5) of the Vocational Training Act),
10. the rules of procedure for the Board and its committees,
11. the delegation of Board members to the committees; this shall not affect the provisions of Section 95, subsection (2) of the Vocational Training Act;
12. the Register of Recognized Training Occupations and its publication (Section 90, subsection (3), number 3 of the Vocational Training Act),
13. the authorization of excess and unbudgeted expenditure as proposed by the President and the authorization of measures which may give rise to financial commitments for the Federal Institute for Vocational Education and Training for which no provision has been made under the budget (Section 97, subsection (4) of the Vocational Training Act),
14. written opinions on the draft training regulations prepared by the Federal Institute for Vocational Education and Training, taking into account the corresponding draft framework curricula for school-based training (Section 92, subsection (1), number 5 of the Vocational Training Act),
15. written opinions on draft training regulations prepared by the responsible federal ministry, taking into account the corresponding draft framework curricula for school-based training, insofar as the responsible federal ministry requests the Board to issue a written opinion in a particular case; the representatives of the federal government shall have no right to vote on resolutions on these written opinions,

16. written opinions issued as part of hearings on the issue of regulations pursuant to the Vocational Training Act or the Crafts and Trade Code; the representatives of the federal government shall have no right to vote at these hearings,
17. recommendations regarding the uniform application of the Vocational Training Act (Section 92, subsection (1), number 4 of the Vocational Training Act),
18. recommendations regarding the initial training, further training and retraining of disabled persons (Sections 66 und 67 of the Vocational Training Act),
19. guidelines of the Board for examination regulations (Section 47, subsection (3) of the Vocational Training Act),
20. guidelines of the Board for decisions regarding the shortening or extension of the period of initial vocational training (Section 8, subsection (3) of the Vocational Training Act).

(4) Decisions pursuant to para. (3), number 1 shall be published in the Federal Gazette (Section 98, subsection (2), second sentence of the Vocational Training Act).

(5) The Board shall decide by resolution on the publication of its written opinions and recommendations. Minority votes are to be stated separately upon motion by the majority of a group represented on the Board.

## **Article 6**

### **Committees (Section 92, subsection (9) of the Vocational Training Act)**

(1) The Board may set up committees whose members may also include persons who are not members of the Board. Committees may have a maximum of four members per group, whereby at least one member of each group also has to be a member or deputy member of the Board. Each group shall have the same number of votes, irrespective of the number of its members.

(2) Committee members who are also members or deputy members of the Board shall be delegated by the Board on the recommendation of the representatives of the employers, employees, *Länder* governments and federal government, the other members shall be appointed by the Federal Ministry of Education and Research on the recommendation of the persons designated in Article 2, para. (2) as being authorized to nominate such members for the period that the committee shall exist, at the most for the duration of the appointment of the Board members. Article 2, paras. (3) to (5) (removal) shall apply analogously.

(3) Two deputies per group shall be appointed for the members of the committees. Paragraph 2 shall apply analogously. In addition, members may assign in writing their right to vote to another member of their committee or may have themselves represented by members of other committees or by members of the Board. In such cases, the appointed deputy shall have no voting rights. The chair is to be informed of this.

(4) The committees shall elect a chair and a deputy chair from among their members for the period of one year. The chair and his/her deputy should be members of the Board. Article 3, para. (1), second and third sentences and paras. (3) to (5) (Chairmanship of the Board) shall apply analogously.

(5) Within the framework of the duties assigned them by the Board, the committees are to prepare Board decisions and forward the results of their consultations to the Board together with a draft resolution.

(6) This shall not affect Section 95, subsection (2) of the Vocational Training Act.

## **Article 7**

### **Standing committee**

(1) A standing committee shall be set up to prepare Board meetings and Board decisions.

(2) The standing committee shall submit proposals for resolutions to the Board in preparation of its decisions. In appropriate cases, the Board may decide on these resolutions by circulating them in writing for the members' signature with a non-disclosure period.

(3) The standing committee shall be comprised of sixteen members who must be members of the Board. Each group represented on the Board shall appoint four members.

## **Article 8**

### **Committee for the Affairs of Disabled Persons (Section 95 of the Vocational Training Act)**

(1) The Committee for the Affairs of Disabled Persons shall be set up as a committee of the Board. It shall be comprised of 17 members who shall be appointed by the President for a

maximum of four years. Reappointment is permissible. Article 2, paras. (3) to (5) (removal) shall apply analogously. The members of this committee shall be appointed on the recommendation of the Advisory Council for the Integration of Disabled Persons [*Beirat für die Teilhabe behinderter Menschen*] (Section 64 of the Ninth Book of the Social Code), namely one member to represent the employees, one member to represent the employers, three members to represent disabled persons' organizations, one member to represent the Federal Employment Agency, one member to represent the statutory pension insurance system, one member to represent the statutory accident insurance system, one member to represent private welfare organizations, two members to represent vocational rehabilitation bodies, six additional persons who are expert in the vocational education and training of disabled persons and are employed at vocational training establishments or outpatient services for the disabled.

The Committee may call in disabled persons who are undergoing initial training, further training or retraining to participate in its deliberations.

(2) One member from each group on the Board may attend the meetings of the Committee for the Affairs of Disabled Persons in a consultative capacity.

(3) The Committee shall elect a chair and a deputy chair from among its members for the period of one year. Article 3, paras. (3) to (5) (Chairmanship of the Board) shall apply analogously.

(4) The Committee has to advise the Institute on the discharge of its duties in connection with the vocational training of disabled persons and to work towards ensuring that the special interests of disabled persons are taken into account in the area of vocational education and training and that the vocational training of disabled persons is coordinated with other services aimed at fostering these persons' integration into working life. The Committee's proposals are to be taken into account in decisions concerning the execution of research projects involving the vocational education and training of disabled persons.

(5) Article 10, paras. (1) to (5) shall apply analogously to election and voting procedures. The President shall stipulate details hereto in the rules of procedure after hearing the Board.

## **Article 9**

### **Participation in the meetings of the Board and its committees**

(1) The meetings of the Board shall be closed to the public as a rule. The Board may resolve to open a meeting to the public by a four-fifths majority of votes cast by its members. Committee meetings shall be closed to the public.

(2) The following parties may take part in meetings held by the Board:

1. in an advisory capacity (Section 92, subsection (3) of the Vocational Training Act)

- a) the representative of the Federal Employment Agency,
- b) the representative of the national-level umbrella organizations of municipal associations,
- c) a representative of the Research Council,
- d) deputy members of the Board;

2. without any voting rights

- a) the President and his/her deputy,
- b) the chairs of the committees or their deputies.

(3) The President may, in coordination with the chair, call in employees of the Institute to Board meetings. Representatives of federal ministries may, in coordination with the chair, attend the meetings of the Board if such is required by the agenda. The chair may allow guests to attend a meeting in individual cases.

(4) The Board may bring experts in insofar as this is required for the discharge of its duties. Each group may call in one expert each to meetings of the Board.

(5) Paragraphs (2), (3) and (4), first sentence shall apply analogously to the attendance of committee meetings insofar as the committee deals with an area that warrants the participation of said persons. The Board chair and his/her deputy may attend committee meetings in an advisory capacity.

## **Article 10**

### **Election and voting procedures for the Board and its committees**

(1) Voting shall be conducted by voice vote or show of hands. When no member objects, resolutions may also be adopted by circulating a written resolution for the members' signature in accordance with the detailed provisions set out in the rules of procedure of the Board and its committees (Article 12). The representatives of the federal government shall have no voting rights when the Board or its committees advise the federal government on fundamental issues relating to vocational training or when it draws up written opinions on the draft Report on Vocational Education and Training.

(2) When no member objects, the chair and his/her deputy shall be elected by voice vote or by show of hands, otherwise by secret ballot. The candidate who receives the majority of the votes cast shall be elected.

(3) The Board shall have a quorum when all of its members have been invited to the meeting, more than half of all members are present, and each group is represented.

(4) The committees shall have a quorum when all of their members have been invited, each group is represented, and the members present account for more than half of the votes.

(5) If a matter has been postponed due to the lack of a quorum and the Board or committee has been invited anew to address the same subject, it shall be deemed to have a quorum regardless of the number of members present and regardless of whether each group is represented, when this has been pointed out in the invitation.

(6) Resolutions shall be passed by majority vote. In the event of a tie vote, the motion shall be deemed to have been rejected.

(7) Resolutions passed pursuant to Article 5, para. (3), numbers 1 und 2 (Statutes, amendment of the Statutes, guidelines for the President's discharge of his/her duties) shall require a four-fifths majority of the votes cast by the members of the Board to be effective.

## **Article 11**

### **Meetings of the Board and its committees**

(1) As a rule, the Board shall meet three times a year. In addition, the Board's chairperson has to convene a meeting without undue delay when this is requested in writing, along with notification

of the subject to be discussed, by members accounting for one-fourth of the Board's votes or by the President.

(2) There shall be a period of at least three weeks between the date of the meeting and the time when the Board members receive the written invitation and a period of at least two weeks when the subject to be discussed is urgent.

(3) Minutes are to be made of every Board meeting. They are to be signed by the chairperson and the secretary recording them.

(4) Paragraph 1, second sentence and paras. (2) and (3) shall apply analogously to the Board's committees, insofar as the tasks to be dealt with do not require otherwise.

## **Article 12**

### **Rules of procedure for the Board and its committees**

(1) The Board shall issue rules of procedure for itself and its committees.

(2) In its rules of procedure, the Board may regulate the following in particular:

1. the procedure for setting the dates of meetings and determining agendas;
2. the form and deadlines for submissions to the Board;
3. periods of prior notification of meetings of committees in derogation of Article 11, para. (2);
4. carrying out a vote by circulating a written resolution for signature in accordance with Article 10, para. (1);
5. the chairing of meetings;
6. the form, content, distribution and correction of the minutes of meetings of the Board (Article 11, para. (3)) and its committees;
7. the announcement of the results of consultations and resolutions.

In addition, the rules of procedure may make later changes in the agenda contingent upon the consent of four-fifths of the votes represented at the meeting. The rules of procedure may additionally stipulate that resolutions pursuant to Article 5, para. (3), numbers 1 to 5 may be taken only when the subject of the resolution is made known to the members of the Board at least one week prior to the meeting.

### **Section III - The President -**

**Article 13**  
**Duties of the President**

(1) The President shall direct the Institute and discharge its duties. Insofar as he or she is not required to follow the instructions or general administrative regulations of the responsible federal ministry, he or she shall carry out these duties in accordance with the guidelines of the Board (Article 5, para. (3), number 2). He or she shall represent the Institute in court and out.

(2) The President shall have the following duties in particular:

1. drawing up the work programme, the medium-term research programme and annual research programme (Section 92, subsection (1), number 3 of the Vocational Training Act);
2. informing the Board immediately regarding instructions issued for the performance of tasks as set forth in Section 90, subsection (3), number 1 of the Vocational Training Act, regarding contracts that it has accepted in accordance with Section 90, subsection (4) of the Vocational Training Act for the performance of additional tasks, regarding plans to award research and development contracts to third parties and regarding administrative regulations that have been issued involving intercompany vocational training centres pursuant to Section 90, subsection (3), number 2 of the Vocational Training Act;
3. drawing up the budget (Section 97, subsection (1) of the Vocational Training Act);
4. preparing the financial statements at the end of the financial year (Section 97, subsection 5, first sentence of the Vocational Training Act);
5. appointing the members of the Committee for the Affairs of Disabled Persons on the recommendation of the Advisory Council for the Integration of Disabled Persons (Section 64, Book IX of the Social Code), releasing them from their membership or removing them (Section 95, subsection (2) of the Vocational Training Act);
6. discharging the tasks and exercising the powers set forth in Section 99 (Staff) of the Vocational Training Act;
7. laying down the Institute's organizational structure by drawing up an organizational plan, rules of procedure and a schedule indicating the distribution of responsibilities between staff members (Article 31);
8. preparing Board resolutions insofar as the Board's committees do not perform this task;
9. attending meetings of the Board and its committees or sending a deputy to them;
10. submitting proposals and drafts to the Board insofar as they require Board deliberation;

11. briefing the Board on an annual basis on the Institute's performance of its duties, human resources planning, human resources development and the organization;
12. briefing the Board on the planned hiring and assignment of the Deputy President, heads of department or their deputies, and on the hiring and assignment of heads of sections, heads of administrative sections and heads of the organizational units that report directly to the President;
13. furnishing information to the Board and its committees;
14. establishing the personnel and material framework required for the work of the Board and its committees;
15. submitting resolutions of the Board including written opinions as set forth in Article 5, para. (3), number 14 to the responsible federal ministry;

**Article 14**  
**Briefing of the Board**

(1) The President shall regularly brief the Board and its committees extensively and on a timely basis on all matters which based on their nature and scope are important for the performance of their duties. Upon request, he/she shall also brief the Board on other affairs of the Institute.

(2) The President shall brief the Board in particular and

1. without undue delay on

- a) findings from research projects that the Institute conducts pursuant to Article 20, para. (3) on the basis of the annual research programme,
- b) findings of contract research (projects) that the Institute conducts pursuant to Article 21,
- c) findings from research contracts that are awarded to third parties,
- d) contracts awarded to the Institute to conduct international research work,
- e) the drafting of expert opinions pursuant to Article 29,

2. annually regarding the status of

- a) the development and implementation of the work programme,
- b) the Institute's publications,
- c) work being done in the area of distance learning,
- d) research contracts awarded to third parties that are currently being carried out or are in preparation,
- e) the funding of pilot projects,

f) other work as set forth in Section 90, para. (3), numbers 1 und 2 of the Vocational Training Act, including participation in international collaborative activities in the vocational education and training field (Section 90, subsection (3), number 1e of the Vocational Training Act),

g) the preparation of training regulations, further training regulations, retraining regulations and other regulations as set forth in Section 90, subsection (3), number 1a of the Vocational Training Act,

3. upon submission of the budget, on

a) the budget situation, in particular the status of actual expenditure,

b) the human resources plan and human resources development, including continuing training measures,

c) the organization,

4. public events that the Federal Institute for Vocational Education and Training is planning such as symposia, conferences, exhibitions;

5. personnel measures as set forth in Article 13, para. (2), number 11.

(3) The President shall also forward to the Board the results of other important work of the Institute which are submitted to the responsible federal ministry.

(4) The President has to inform the Board immediately regarding administrative regulations or amendments thereto insofar as they and the Institute's duties that are affected by them are important. This shall apply analogously to instructions.

#### **Section IV - Research Council -**

##### **Article 15**

##### **Research Council**

(1) The Research Council shall be comprised of up to seven recognized vocational education and training experts from Germany or abroad who are not members of the Federal Institute for Vocational Education and Training.

(2) The President of the Federal Institute for Vocational Education and Training shall in agreement with the Federal Ministry of Education and Research appoint the members of the Council for a period of four years.

(3) Four members of the Board, namely one representative each of the employers, employees, *Länder* governments and federal government, may attend the meetings of the Research Council without the right to vote.

(4) The Research Council may adopt rules of procedure for itself.

## **Article 16**

### **Duties of the Research Council**

(1) The Research Council shall advise the executive bodies of the Federal Institute for Vocational Education and Training through written opinions and recommendations on

1. the research programme of the Federal Institute for Vocational Education and Training,
2. the Institute's collaboration with universities and other research institutes and
3. the annual reports on the research findings of the Federal Institute for Vocational Education and Training.

(2) The Research Council shall advise the Board and the President when planning research activities pursuant to Articles 18 ff (drafting of the medium-term research programme and the annual research programme), in particular with regard to the chosen methods.

### **Section V - Compensation -**

## **Article 17**

### **Compensation**

(1) The members of the Board (Section 92, subsection (6), first sentence of the Vocational Training Act), its committees (Section 92, subsection (9), last sentence of the Vocational Training Act) and the Research Council (Section 94, subsection (5) of the Vocational Training Act, Section 92, subsection (6) of the Vocational Training Act) shall serve in an honorary capacity.

(2) Insofar as these persons receive no compensation from any other source, the Institute shall pay reasonable compensation for out-of-pocket expenses and for loss of earnings (Section 92, subsection (6), second sentence of the Vocational Training Act).

(3) The following persons shall be entitled to compensation for their service

1. members of the Board and persons who take part in Board meetings pursuant to Article 9 para. (2), number 2, letter b, para. 2, number 1, letter c),
2. members of the committees and persons who take part in committee meetings pursuant to Article 9, para. (2), number 2, letter b) and para. (5), last sentence,
3. members of the Research Council and persons who take part in Research Council meetings pursuant to Article 15, para. (3).

(4) A deputy shall be paid compensation when he or she attended a meeting as a substitute and the member for whom he or she substituted is not entitled to compensation for the same meeting under this provision.

(5) The following shall be deemed equivalent to attendance of a committee meeting:

1. attendance of a preliminary group meeting which is held directly prior and in close proximity to a meeting of the Board, a committee or the Research Council, when the President does not object on budgetary grounds;
2. attendance of a meeting of a working group of the Board or of a committee when the chairperson of the Board or committee invited the person to attend and the President does not object on budgetary grounds,
3. attendance of a meeting with third parties which the member of the Board, committee or Research attended with the consent of the President on behalf of the Institute on the basis of a Board resolution.

(6) The amount of compensation shall be based on the compensation arrangement which the Board has adopted and the Federal Ministry of Education and Research has approved with the agreement of the Federal Ministry of Finance (Section 92, subsection (6), second and third sentences of the Vocational Training Act).

**Section VI - The Institute's discharge of its duties -**

**Article 18**

## **Work programme**

The Institute shall carry out its duties in connection with vocational education and training in accordance with a work programme. The work programme shall consist in particular of the vocational training research conducted by the Institute (Article 19), preparation of training regulations and other regulations (Article 22), preparation of the Report on Vocational Education and Training (Article 23), realization of pilot projects (Article 24), participation in international collaborative activities in the vocational training field (Article 25), tasks that the Institute discharges in connection with distance learning (Article 26), maintenance of the Register of Recognized Training Occupations (Article 27), the advancement of inter-company vocational training centres (Article 28) and scientific opinions which summarize or use the latest findings from vocational training research (Article 29).

### **Article 19**

#### **Planning vocational training research (Section 90, subsection (2) of the Vocational Training Act)**

(1) The Institute shall conduct vocational training research as in-house research in the form of research projects and as contract research in the form of research activities. In-house research and contract research shall pursue the objectives set forth in Section 84 of the Vocational Training Act.

(2) The details of the procedure for planning research activities and of the President's concomitant duty to brief the Board shall be laid down in the Board's guidelines. Irrespective of this, the following provisions shall apply to the planning of research activities.

### **Article 20**

#### **In-house research**

(1) The type, scope and objectives of in-house research that the Institute is to conduct during the following three years shall be specified in a medium-term research programme which the Board is to adopt on the recommendation of the President. The Research Council shall advise the Board and the President on the drafting of the medium-term research programme.

(2) At the start of every year, the President shall develop from the vocational training research priorities set forth in the medium-term research programme a proposal for implementing the medium-term research programme in an annual research programme for the following year. He/she shall be advised in this connection by the Research Council in conjunction with a committee set up by the Board. The annual research programme shall identify those priorities set forth in the medium-term research programme which, from the standpoint of vocational training research and vocational training practice, require the most urgent attention. The annual research programme shall then be adopted by the Board, if necessary taking into account the recommendations of and changes desired by the committee set up by the Board, following conferral by the Research Council. The annual research programme shall be subject to the approval of the Federal Ministry of Education and Research.

(3) The President shall develop and approve research projects on the basis of the annual research programme.

#### **Article 21**

#### **Contract research**

The Institute may be tasked by highest federal authorities acting in agreement with the Federal Ministry of Education and Research with conducting research projects (Section 90, subsection (2) of the Vocational Training Act) and may conclude contracts with third parties for the assumption of further tasks (Section 90, subsection (4) of the Vocational Training Act).

#### **Article 22**

#### **Training regulations and other regulations (Section 90, subsection (3), number 1, letter a of the Vocational Training Act)**

(1) The Institute shall take part in the preparation of training regulations and other regulations in accordance with instructions from the responsible federal ministry. The proposals of the employers' organizations and the trade unions if such have been coordinated by those involved and the findings of vocational training research shall be incorporated. The proposals of the representatives of the *Länder* governments shall also be taken into account.

(2) For the preparation of training regulations and other regulations, the President is required to consult experts of the employers and employees (national-level experts) in equal numbers. Article 17 shall apply analogously.

(3) The Board's guidelines (Article 5, para. (3), number 2) shall stipulate the details of the procedure.

### **Article 23**

#### **Report on Vocational Education and Training (Section 86 of the Vocational Training Act und Section 90, subsection (3), number 1, letter b of the Vocational Training Act) and vocational training statistics (Section 87 of the Vocational Training Act und Section 90, subsection (3), number 1, letter c of the Vocational Training Act)**

(1) The Institute shall participate in the preparation of the Report on Vocational Education and Training and in the compilation of vocational training statistics in accordance with instructions from the responsible federal ministry. This work is required to take as its basis the Vocational Training Act.

(2) The President has to include at the earliest possible date the Board and its proposals and written opinions in the preparation of the Report on Vocational Education and Training and in the compilation of vocational training statistics.

### **Article 24**

#### **Pilot projects (Section 90, subsection (3), number 1, letter d of the Vocational Training Act)**

(1) The Institute has to support and advance pilot projects, including accompanying scientific studies, in accordance with the instructions of the responsible federal ministry in order to serve the continued development of vocational education and training.

(2) The details of the procedure shall be laid down in the Board's guidelines for the President's discharge of his/her duties (Article 5, para. (3), number 2).

### **Article 25**

**International cooperation in the field of vocational education and training (Section 90, subsection (3), number 1, letter e of the Vocational Training Act)**

(1) The Institute shall participate in international collaborative activities in the field of vocational education and training in accordance with instructions of the responsible federal ministry.

(2) The details of the procedure shall be laid down in the Board's guidelines (Article 5, para. (3), number 2).

**Article 26**

**Distance learning (Section 90, subsection (3), number 4 of the Vocational Training Act)**

(1) The Institute has to

1. review distance vocational training programmes in accordance with Section 19, subsection (2), second sentence of the Law on the Protection of Participants in Distance Learning [*Fernunterrichtsschutzgesetz*] and issue a written opinion prior to the licensing of these programmes in accordance with Section 19, subsection (2), third sentence of the Law on the Protection of Participants in Distance Learning, insofar as the law of the respective *Land* pursuant to these provisions provides for a decision in consultation with the Federal Institute for Vocational Education and Training;
2. recognize distance learning programmes as set forth in Section 15, subsection (1) of the Distance Learning Protection Act as suitable;
3. issue written opinions on distance vocational training programmes that do not fall under the Law on the Protection of Participants in Distance Learning when officially requested to do so;
4. contribute to the improvement and expansion of distance vocational training by conducting research and supporting and advancing development projects;
5. advise institutions and organizations that provide distance learning programmes on the development and conduct of distance vocational training programmes and provide information on distance vocational training as part of its duties as set forth under numbers 1 and 2.

(2) Distance vocational training programmes shall be reviewed (para. (1), number 1), assessed (para. (1), number 3) and recognized (para. (1), number 2), and advice and information shall be provided on the basis of the corresponding research findings, taking into account the needs of vocational practice. Research and the support and advancement of development projects (para.

1, number 4) should determine the role of distance learning in vocational training and contribute to greater consideration being given to distance learning.

(3) Details shall be laid down in the Board guidelines for the discharge of duties pursuant to Article 1, numbers (1) to (3) which are subject to the approval of the Federal Ministry of Education and Training and otherwise in the Board guidelines for the President's management of the Federal Institute for Vocational Education and Training (Article 5, para. (3), number 2).

#### **Article 27**

#### **Register of Recognized Training Occupations (Section 90, subsection (3), number 3 of the Vocational Training Act)**

(1) The Institute has to maintain and publish the Register of Recognized Training Occupations which shall in particular list the training regulations (Section 5 of the Vocational Training Act, Section 25 of the Crafts and Trade Code) and regulations which continue in force (Section 104 of the Vocational Training Act, Section 122 of the Crafts and Trade Code), the further training regulations (Section 53 of the Vocational Training Act, Section 42 of the Crafts and Trade Code), the retraining regulations (Section 58 of the Vocational Training Act, Section 42e of the Crafts and Trade Code) and the provisions of the bodies responsible for the initial vocational training (Section 66 of the Vocational Training Act, Section 42m of the Crafts and Trade Code), the further training (Section 67 of the Vocational Training Act, Section 42k of the Crafts and Trade Code) and the retraining (Section 67 of the Vocational Training Act, Section 42k of the Crafts and Trade Code) of disabled persons.

(2) Details shall be set forth in the Board guidelines (Article 5, para. (3), number 2).

#### **Article 28**

#### **Intercompany training centres (Section 90, subsection (3), number 2 of the Vocational Training Act)**

(1) The Institute has to carry out in accordance with the general administrative regulations of the responsible federal ministry the funding of intercompany training centres and support the planning, establishment and continued development of these facilities.

(2) Details shall be set forth in the funding guidelines of the responsible federal ministry.

#### **Article 29**

##### **Expert opinions**

(1) As instructed by the responsible federal ministry or in the performance of contracts under Section 90, subsection (4) of the Vocational Training Act, the Institute has to draft expert opinions that summarize or use the latest findings from vocational training research.

(2) The cost of preparing expert opinions that leads to expenses which are not covered by the Institute's basic budget shall be met by the federal ministry that authorized them or by the client (Section 96, subsection (2) of the Vocational Training Act).

#### **Article 30**

##### **Assumption of further tasks (Section 90, subsection (3), number 1, letter f of the Vocational Training Act)**

(1) The Institute has to assume further administrative tasks of the federal government for the promotion and advancement of vocational education and training in accordance with instructions of the responsible federal ministry.

(2) Expenditure for the discharge of such tasks shall be met by the federal ministry authorizing same (Section 96, subsection (2) of the Vocational Training Act).

#### **Article 31**

##### **Structure of the Institute (Section 98, subsection (1), number 2 of the Vocational Training Act)**

(1) The Institute shall be organized in departments, a central services department and organizational units that report directly to the President. The President who draws up the organizational chart shall, in consultation with the Board, implement this structure and lay down the general areas of responsibility of these organizational units.

(2) Details regarding areas of responsibility and the manner in which tasks are to be performed shall be set forth in a schedule indicating the distribution of responsibilities between staff members and rules of procedure of the Institute.

(3) The President has to establish the conditions necessary for supporting the Board, its committees and its working groups. Details shall be stipulated in the Institute's rules of procedure (para. 2) and in the Joint Rules of Procedure for the Board and its committees (Article 12).

(4) An expert, independent auditor shall be responsible for the auditing of accounts as set forth in Section 109, subsection (2), first sentence of the Federal Budget Code. The Board shall appoint the auditor contingent on the approval of the Federal Ministry of Education and Research in consultation with the Federal Ministry of Finance and the Federal Audit Office.

### **Section VIII - General provisions -**

#### **Article 32**

#### **Seat of the Institute**

The Institute shall have its seat in Bonn (Section 89, second sentence of the Vocational Training Act).

#### **Article 33**

#### **Announcements and publications of the Institute**

Unless otherwise specified, the Institute shall disseminate official announcements and publications in its journal and on its homepage. Research findings and the results of its work may be published in other forms as well.

#### **Article 34**

#### **Entry into force**

The approved Statutes shall enter into force upon their publication in the Federal Gazette.