



Federal Ministry  
of Education  
and Research

# The new Vocational Training Act (Berufsbildungsgesetz – BBiG)



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# Preface



The German vocational training system is a success story. Its foundation is the Vocational Training Act (Berufsbildungsgesetz – BBiG). For 50 years, this Act has made a very significant contribution to the success of vocational training. In this amended Vocational Training Act, we set out the parameters for the vocational training of the future, thus ensuring that vocational training remains attractive.

We introduce a minimum training allowance for trainees, make more flexible part-time initial training possible and promote ease of transfer within the vocational training system. We take the pressure off examiners and chambers of commerce and industry and make it more attractive to serve in an honorary capacity.

In the amended Vocational Training Act, we show that academic and vocational education and training are of equal value. Both offer excellent perspectives and each complements the other. Upskilling vocational education and training opens up opportunities up to Master Professional level. With three new further training levels and internationally understood qualification titles, we are making that immediately visible to all. At the same time, we are safeguarding the supply of skilled labour and thus Germany's competitiveness and prosperity.

The amended Vocational Training Act came into force on 1 January 2020. You will find the complete text of the Act in this booklet, enabling you to familiarise yourself with the new Vocational Training Act.

A handwritten signature in white ink that reads "Anja Karliczek". The signature is fluid and cursive, written on a dark blue background.

Anja Karliczek  
Member of the German Bundestag  
Federal Minister of Education and Research

# Vocational Training Act (Berufsbildungsgesetz – BBiG)

in the version published on 4 May 2020 (Federal Law Gazette I p. 920)

– Unofficial publication –

## Part 1 General provisions

### Section 1

#### Vocational training terms and objectives

- (1) For the purposes of this Act, the term ‘vocational training’ means vocational training preparation, initial training, further training and retraining.
- (2) Vocational training preparation serves to impart basic skills required for the acquisition of occupational competence and thus facilitate placement in initial training in a recognised training occupation.
- (3) Initial training, through a systematic training programme, must impart the vocational skills, knowledge and abilities (occupational competence) necessary to engage in a form of skilled occupational activity in a changing working world. It must also enable trainees to acquire the necessary occupational experience.
- (4) As a rule, further training must enable individuals
  1. to maintain and update their occupational competence by means of updating training or
  2. to broaden their occupational competence through vocational upskilling and to advance their careers.
- (5) As a rule, retraining must qualify individuals for another form of occupational activity.

### Section 2

#### Learning venues of vocational training

- (1) Vocational training is provided
  1. in companies engaged in economic activity, in comparable institutions not engaged in economic activity, especially those of the public service, in establishments of members of the independent professions, and in households (in-company training),
  2. in vocational schools (school-based vocational training) and

3. in other vocational training establishments outside the school-based and in-company training system (extra-company training).
- (2) The learning venues specified in subsection (1) collaborate in implementing vocational training (cooperation between learning venues).
- (3) Parts of initial training may be completed abroad if this serves the training objective. As a rule, the total training period abroad must not exceed a quarter of the training period stipulated in the training regulations.

### Section 3

#### Scope

- (1) This Act applies to vocational training insofar as such training is not provided in vocational schools subject to the education acts of the Länder.
- (2) This Act does not apply to
  1. vocational training provided in study courses imparting specific vocational qualifications or in comparable study courses at higher educational institutions on the basis of the Framework Act for Higher Education (Hochschulrahmengesetz) and the higher education acts of the Länder;
  2. vocational training provided in public-sector employment;
  3. vocational training provided on merchant vessels flying the flag of the Federal Republic of Germany under the Flag Act (Flaggenrechtsgesetz), insofar as such vessels are not engaged in small-scale deep-sea fishing or in coastal fishing.
- (3) Vocational training in occupations governed by the Crafts and Trades Regulation Code (Handwerksordnung) are not subject to sections 4 to 9, 27 to 49, 53 to 70, 76 to 80 and 101 (1) nos. 1 to 4 and nos. 6 to 10; in these respects, the Crafts and Trades Regulation Code applies.

## Part 2

### Vocational training

#### Chapter 1

##### Initial training

#### Division 1

##### Organisation of initial training; recognition of training occupations

#### Section 4

##### Recognition of training occupations

- (1) As the basis for an orderly and uniform initial training system, the Federal Ministry for Economic Affairs and Energy or such other ministry as may be competent, acting in agreement with the Federal Ministry of Education and Research, by statutory instrument not requiring the approval of the Bundesrat,

may officially recognise training occupations and issue training regulations for such occupations in accordance with section 5.

- (2) Training in a recognised training profession may only be provided on the basis of the training regulations.
- (3) Young people under the age of 18 may not receive initial training in occupations other than recognised training occupations unless such training prepares them for advanced education or training.
- (4) If the training regulations for a training occupation are repealed or amended, existing initial training relationships continue to be governed by the provisions in force until the time of the repeal or amendment unless the amending statutory instrument provides otherwise.
- (5) The competent ministry informs the Länder of reorganisation plans at an early stage and involves them in the consultation process.

## Section 5

### Training regulations

- (1) The training regulations must stipulate
  1. the designation of the training occupation that is recognised;
  2. the training period, which, as a rule, must not be more than three years and not less than two years;
  3. the vocational skills, knowledge and abilities to at least be imparted in the course of initial training (training occupation profile);
  4. an outline of the syllabus and timetable to be followed when imparting the vocational skills, knowledge and abilities ,(general training plan);
  5. the examination requirements.

In stipulating the skills, knowledge and abilities in accordance with sentence 1 no. 3, particular consideration is to be given to technological and digital developments.

- (2) The training regulations may provide that
  1. the initial training takes place in sequential stages according to specific syllabuses and timetables; provision is to be made at the end of each stage for a certificate of completion of training qualifying trainees to both engage in a form of skilled occupational activity within the meaning of section 1 (3) and continue initial training in successive stages (multi-stage training),
  2. the final examination be taken in two parts administered at different times,
    - 2a. in the case of a provision under no. 2, an examinee who fails a final examination for an occupation requiring three or three and a half years of training based on an occupation requiring two years of training acquires the final qualification for the occupation requiring two years of training provided that he or she performed at least adequately in the first part of the final examination,

- 2b. trainees successfully completing training for an occupation requiring two years of training are exempt from the first part of the final examination or from an interim examination for an occupation requiring three or three and a half years of training based on the occupation requiring two years of training,
3. in derogation from section 4 (4), initial training may, if the contracting parties so agree, be continued in this training occupation, whereby credit is assigned for the period of training already undergone,
4. the duration of another completed initial training may be accredited wholly or in part towards the duration of initial training governed by the training regulations,
5. over and above the training occupation profile described in subsection (1) no. 3, additional vocational skills, knowledge and abilities may be imparted to supplement or broaden occupational competence,
6. parts of initial training be provided in suitable facilities outside the training premises if and to the extent necessary for the purposes of initial training (inter-company training).

In the case of sentence 1 no. 2 (a), an application by trainees is required. In the case of sentence 1 no. 4, an agreement of the contracting parties is required. When framing training regulations, it is always to be examined whether provisions under nos. 1, 2, 2 (a), 2 (b) and 4 are sensible and feasible.

## Section 6

### Testing new forms of training and new types of examinations

For the purpose of developing and testing new forms of training and new types of examinations, the Federal Ministry for Economic Affairs and Energy or such other ministry as may be competent, acting in agreement with the Federal Ministry of Education and Research after consulting the Board of the Federal Institute for Vocational Education and Training, by statutory instrument not requiring the approval of the Bundesrat, may permit exceptions to section 4 (2) and (3) and sections 5, 37 and 48, which may also be limited to a specific type and number of training premises.

## Section 7

### Assigning credit for prior vocational learning towards the training period

- (1) The Land governments, after consulting the Land vocational training committee, may specify by statutory instrument that attendance of a vocational school training programme or initial training in some other establishment be credited wholly or in part towards the training period. The authorisation may in turn be transferred by statutory instrument to supreme Land authorities.
- (2) If a statutory instrument has not been issued in accordance with subsection (1), the competent body may assign credit in individual cases. The Board of the Federal Institute for Vocational Education and Training may make recommendations for the decision on assigning credit towards the training period.

- (3) The assignment of credit requires a joint application by trainees and training employers. The application must be addressed to the competent body. It may be limited to parts of the maximum creditable period.
- (4) A creditable period must be a period of whole months that is divisible by six.

## **Section 7a**

### **Part-time initial training**

- (1) Initial training may be provided part-time. The shortening of the daily or weekly period of training is to be agreed in the initial training contract for the whole period of initial training or for a certain period of initial training. The daily or weekly period of training may not be reduced by more than 50 per cent.
- (2) The duration of part-time initial training is extended accordingly, but at most up to one and a half times the duration stipulated in the training regulations for the full-time initial training concerned. The duration of part-time initial training is to be rounded down to whole months. Section 8 (2) remains unaffected.
- (3) Upon request by trainees, the training period may be extended even beyond the maximum duration in accordance with subsection (2) sentence 1 until the next possible final examination.
- (4) An application to have an initial training contract entered in the Register of Initial Training Relationships under section 36 (1) for part-time initial training may be combined with an application for the reduction of the training period under section 8 (1).

## **Section 8**

### **Reduction and extension of the training period**

- (1) Upon a joint application by trainees and training employers, the competent body must reduce the training period if it is likely that the training objective will be achieved in the shorter period.
- (2) In exceptional cases, the competent body may, on application by trainees, extend the training period if such extension is necessary to enable them to achieve the training objective. Training employers are to be consulted before a decision is taken on the extension.
- (3) The Board of the Federal Institute for Vocational Education and Training may issue recommendations for the decision on the reduction or extension of the training period.

## **Section 9**

### **Power to make provisions**

In the absence of other provisions, the competent body must regulate the implementation of initial training within the framework of this Act.

## Division 2

### Initial training relationship

#### Subdivision 1

#### Establishment of the training relationship

#### Section 10

##### Contract

- (1) Persons engaging other persons for the purpose of the latter's initial training (training employers) are to conclude an initial training contract with the trainees.
- (2) The legal provisions and principles governing employment contracts are to apply to initial training contracts insofar as this is not incompatible with the nature and purpose of the contract and the provisions of this Act.
- (3) If legal representatives conclude an initial training contract with their own child, they are exempt from the prohibition set out in section 181 of the German Civil Code (Bürgerliches Gesetzbuch).
- (4) A deficiency as regards the right to engage trainees or provide training does not affect the validity of an initial training contract.
- (5) Several natural persons or legal entities may cooperate within the framework of a collaborative training venture to discharge the contractual obligations of training employers as long as responsibility for the individual stages of training and for the period of training as a whole is ensured (cooperative training).

#### Section 11

##### Contract document

- (1) After the conclusion of an initial training contract, training employers must set down in writing, without delay, and at the latest before the commencement of initial training, the essential content of the contract in accordance with sentence 2; the electronic form is excluded. The document must specify at least the following:
  1. the nature, syllabus, timetable and objective of the initial training, and in particular the form of occupational activity for which training is to be provided,
  2. the beginning and duration of the initial training,
  3. any training measures taking place outside the training premises,
  4. the length of the normal daily period of training,
  5. the length of the probationary period,
  6. the payment of an allowance and the amount to be paid,
  7. the amount of holiday leave,
  8. the conditions under which the initial training contract may be terminated,
  9. a general reference to collective agreements, plant agreements or service agreements applicable to the initial training relationship,
  10. the form of the record of training in accordance with section 13 sentence 2 no. 7.

- (2) The document must be signed by the training employers, the trainees and the trainees' legal representatives.
- (3) Training employers must provide trainees and their legal representatives with a copy of the signed document without delay.
- (4) Subsections (1) to (3) apply accordingly to amendments to the initial training contract.

## **Section 12**

### **Invalid agreements**

- (1) Any agreement restricting trainees in the pursuit of their occupational activity after the end of the initial training relationship is null and void. The foregoing does not apply if trainees commit themselves during the last six months of the initial training relationship to entering into an employment relationship with their training employers after the end of the training relationship.
- (2) Any agreement providing for
  1. an obligation of trainees to pay compensation for their initial training;
  2. contractual penalties,
  3. the exclusion or limitation of claims to compensation for damages,
  4. specification of the amount of damages as a lump sumis null and void.

## **Subdivision 2**

### **Obligations of trainees**

## **Section 13**

### **Conduct during initial training**

Trainees are to make every effort to acquire the occupational competence necessary for them to achieve the training objective. In particular, they are obliged

1. to perform carefully the tasks entrusted to them as part of their initial training,
2. to take part in training measures for which they have been granted time off under section 15,
3. to follow the instructions given to them within the framework of their initial training by training employers, trainers or any other persons entitled to give them such instructions,
4. to have regard for the rules of behaviour to be observed on the training premises,
5. to use tools, machinery and other equipment with due care,
6. to maintain silence concerning business or trade secrets,
7. to keep a written or electronic record of training.

**Subdivision 3****Obligations of training employers****Section 14****Initial training**

- (1) Training employers must
  1. ensure that the occupational competence necessary for trainees to achieve the training objective is imparted to them and provide initial training systematically in accordance with a syllabus and a timetable and in a form appropriate to the purpose so that the training objective can be achieved within the specified period of training,
  2. provide the training themselves or expressly entrust such training to a trainer,
  3. furnish trainees free of charge with the materials, in particular tools, materials and specialist literature, necessary for their initial training and for taking their interim and final examinations, even if such examinations take place after the end of the initial training relationship,
  4. encourage trainees to attend vocational school,
  5. ensure that trainees are encouraged to develop their personality and that they are protected from moral and physical danger.
- (2) Training employers must encourage trainees to keep their record of training in accordance with section 13 sentence 2 no. 7 and must inspect it regularly. Trainees are to be given the opportunity to keep a record of training at their workplace.
- (3) Trainees may only be entrusted with tasks that serve the purpose of their training and are commensurate with their physical abilities.

## Section 15

### Time off, assigning credit

- (1) Training employers may not occupy trainees before vocational school instruction that begins at 9:00 a.m. They are to grant trainees time off
  1. to attend vocational school instruction,
  2. once a week on vocational school days with more than five lessons, each of at least 45 minutes,
  3. during vocational school weeks with scheduled teaching blocks of at least 25 hours on at least five days,
  4. to take part in examinations and training measures, which, due to public-law or contractual rules, are to be administered outside the training premises, and
  5. on the working day immediately preceding the written final examination.

In the case of sentence 2 no. 3, additional in-company training activities of up to two hours per week are permissible.

- (2) The following periods are credited to the trainees' period of training:
  1. vocational school instruction including breaks in accordance with subsection (1) sentence 2 no. 1,
  2. vocational school days in accordance with subsection (1) sentence 2 no. 2 amounting to the average daily period of training,
  3. vocational school weeks in accordance with subsection (1) sentence 2 no. 3 amounting to the average weekly period of training,
  4. time off in accordance with subsection (1) sentence 2 no. 4 amounting to the participation time including breaks and
  5. time off in accordance with subsection (1) sentence 2 no. 5 amounting to the average daily period of training.
- (3) The Act on the Protection of Young People at Work (Jugendarbeitsschutzgesetz) applies to trainees under 18 years of age.

## Section 16

### Certificate

- (1) At the end of the initial training relationship, training employers must provide trainees with a written certificate. The electronic form is excluded. If training employers have not provided the initial training themselves, the certificate must, as a rule, be signed by the trainer as well.
- (2) The certificate must contain information on the nature, duration and objective of the initial training as well as the vocational skills, knowledge and abilities acquired by the trainees. If trainees so request, information on their conduct and performance are also to be included.

## Subdivision 4 Allowance

### Section 17

#### Entitlement to an allowance and minimum allowance

- (1) Training employers must pay trainees an appropriate allowance. The allowance increases as the initial training progresses, at least once a year.
- (2) The appropriateness of an allowance is excluded if it falls short of the following minimum monthly allowance:
  1. in the first year of initial training:
    - a) 515 euros if the initial training is begun during the period from 1 January 2020 to 31 December 2020,
    - b) 550 euros if the initial training is begun during the period from 1 January 2021 to 31 December 2021,
    - c) 585 euros if the initial training is begun during the period from 1 January 2022 to 31 December 2022, and
    - d) 620 euros if the initial training is begun during the period from 1 January 2023 to 31 December 2023,
  2. in the second year of initial training, the amount in accordance with no. 1 for the respective year during which the initial training was begun plus 18 per cent,
  3. in the third year of initial training, the amount in accordance with no. 1 for the respective year during which the initial training was begun plus 35 per cent and
  4. in the fourth year of initial training, the amount in accordance with no. 1 for the respective year during which the initial was begun plus 40 per cent.

The amount of the minimum allowance under sentence 1 no. 1 is updated as of 1 January each year, for the first time on 1 January 2024. Such updating corresponds to the arithmetic mean of the training allowances increased in comparison with the two calendar years preceding the year of the announcement in accordance with section 88 (1) sentence 1 no. 1 (g). Resulting amounts of less than 0.50 euros must be rounded down and amounts of more than 0.50 euros must be rounded up. The Federal Ministry of Education and Research announces in the Federal Law Gazette no later than 1 November of each calendar year the amount of the minimum allowance applicable to the following year in accordance with sentence 1 nos. 1 to 4. The amount of the minimum allowance for the first year of initial training updated in accordance with sentences 2 to 5 applies to initial training begun in the year of the update. The supplements in accordance with sentence 1 nos. 2 to 4 for the second to fourth year of initial training are to be calculated on the basis of this amount.

- (3) A remuneration provision under a collective agreement applicable to training employers in accordance with section 3 (1) of the Collective Agreements Act (Tarifvertragsgesetz) which falls short of the respective minimum allowance mentioned in subsection (2) is also appropriate. Following expiry of a collective agreement under sentence 1, its remuneration provision for training relationships already established continues to be deemed appropriate until it is replaced by a new collective agreement or a collective agreement replacing it.
- (4) The agreed allowance is also generally deemed to be inappropriate even if it does not fall short of the minimum allowance under subsection (2) if it falls short by more than 20 per cent of the amount of remuneration agreed in a collective agreement within the scope of which the training relationship falls, but which is not binding on the training employer.
- (5) In the case of part-time initial training, an allowance may be paid that falls short of the remuneration to be paid under subsections (2) to (4). The appropriateness of the allowance is excluded, however, if the percentage reduction of the allowance is greater than the percentage reduction in daily or weekly working time.
- (6) Benefits in kind may be counted towards the value specified for such benefits in accordance with section 17 (1) sentence 1 no. 4 of the Fourth Book of the Social Code (Sozialgesetzbuch IV), but not to a value of more than 75 per cent of the gross allowance.
- (7) Separate remuneration is to be paid or equivalent free time granted for employment in excess of the agreed regular daily period of training.

## **Section 18**

### **Assessment of the allowance and due date for payment**

- (1) The basis for calculation of the allowance is months. A month is deemed to have thirty days for the purpose of calculating the allowance due for individual days.
- (2) Training employers must pay the allowance for the current calendar month by the last working day of that month at the latest.
- (3) If a provision on remuneration under a collective agreement does not apply to training employers under section 3 (1) of the Collective Agreements Act, they are obliged to pay the trainees employed by them at the latest at the time mentioned in subsection (2) an allowance of at least the minimum allowance under section 17 (2) sentence 1 applicable at the beginning of the initial training. Sentence 1 applies to part-time initial training with the proviso that the amount of the allowance must correspond to at least the percentage share of working time.

## Section 19

### Continued payment of the allowance

- (1) The allowance is also to be paid to trainees
  1. for time off (section 15),
  2. for up to six weeks if they
    - a) are available for initial training but training is not provided or
    - b) are prevented for any other personal reason beyond their control from discharging their obligations deriving from the initial training relationship.
- (2) If trainees, for a valid reason, are unable to avail themselves of benefits in kind during the time continued payment of their allowance is to be made, compensation is to be granted in lieu thereof in accordance with the value determined for such benefits (section 17 (6)).

## Subdivision 5

### Beginning and end of the training relationship

## Section 20

### Probationary period

The initial training relationship begins with the probationary period. This period must be a minimum of one month and may be a maximum of four months.

## Section 21

### End

- (1) The initial training relationship ends on the expiry of the training period. In the case of multi-stage training, it ends on the expiry of the last stage
- (2) If trainees pass their final examination before the expiry of the training period, the initial training relationship ends upon the announcement of the results by the examination board.
- (3) If trainees fail to pass their final examination, the initial training relationship, if they so request, is extended until the next occasion on which they can repeat the examination, up to a maximum of one year.

## Section 22

### Termination

- (1) The initial training relationship may be terminated without notice at any time during the probationary period.
- (2) After the expiry of the probationary period, the initial training relationship may only be terminated
  1. for an important reason without notice,
  2. by trainees with four weeks' notice if they wish to cease the initial training or undergo training for a different occupational activity.

- (3) Notice of termination must be given in writing; in cases covered by subsection (2), it must also state the reasons for termination.
- (4) If the training relationship is terminated for an important reason, the termination is null and void if the circumstances upon which it is based have been known for more than two weeks to the party entitled to terminate. In cases where conciliation proceedings have been instituted before an extra-judicial body, this time limit ceases to run until such proceedings are concluded.

### **Section 23**

#### **Compensation for damages in the event of premature termination**

- (1) If the initial training relationship is prematurely terminated after the expiry of the probationary period, training employers or trainees are entitled to seek compensation for damages if the other party is responsible for the reason for termination. The foregoing does not apply in cases covered by section 22 (2) no. 2.
- (2) Such entitlement lapses if it is not asserted within three months of termination of the initial training relationship.

### **Subdivision 6**

#### **Miscellaneous provisions**

### **Section 24**

#### **Subsequent employment**

If trainees continue to work for the training employer immediately after their initial training relationship has ended without any express agreement on the subject having been reached, an employment relationship is deemed to have been established for an indefinite period.

### **Section 25**

#### **Mandatory applicability**

Any agreement departing from the provisions of this part of this Act to the detriment of trainees is null and void.

### **Section 26**

#### **Other contractual relationships**

Insofar as no employment relationship has been agreed, persons who are engaged to acquire vocational skills, knowledge and abilities or occupational experience without undergoing initial training within the meaning of this Act are covered by sections 10 to 16 and 17 (1), (6) and (7) as well as sections 18 to 23 and 25, with the proviso that the statutory probationary period may be shortened, the requirement for a contract document may be waived and, in derogation from section 23 (1) sentence 1, no compensation for damages may be claimed after the expiry of the probationary period in the event of the premature termination of the contractual relationship.

### **Division 3**

#### **Suitability of training premises and training staff**

##### **Section 27**

##### **Suitability of training premises**

- (1) Trainees may only be engaged and trained if
  1. the nature and equipment of the training premises are suitable for initial training; and
  2. the ratio between the number of trainees and the number of training places or the number of skilled staff employed is appropriate, unless such other ratio is not detrimental to the initial training
- (2) Training premises where the necessary vocational skills, knowledge and abilities cannot be imparted in their entirety are deemed to be suitable if these are imparted through training measures taking place outside the training premises.
- (3) The nature and equipment of training premises are only to be deemed suitable for initial training in occupations in the field of agriculture, including domestic service in agriculture, if the training premises have been recognised as such by the authority competent under Land law. The Federal Ministry of Food and Agriculture, acting in agreement with the Federal Ministry of Education and Research after consulting the Board of the Federal Institute for Vocational Education and Training, by statutory instrument not requiring the approval of the Bundesrat, may specify minimum standards for the size, equipment and standard of management of training premises.
- (4) The nature and equipment of training premises are only to be deemed suitable for initial training in occupations in the field of domestic service if the training premises have been recognised as such by the authority competent under Land law. The Federal Ministry for Economic Affairs and Energy, acting in agreement with the Federal Ministry of Education and Research after consulting the Board of the Federal Institute for Vocational Education and Training, by statutory instrument not requiring the approval of the Bundesrat, may specify minimum standards for the size, equipment and standard of management of training premises.

##### **Section 28**

##### **Suitability of training employers and trainers**

- (1) Trainees may only be engaged by persons who have the necessary personal qualifications. Trainees may only be trained by persons who have the necessary personal and technical qualifications.
- (2) Persons who do not have the necessary technical qualifications or do not provide the training themselves may only engage trainees if they appoint trainers who have the necessary personal and technical qualifications to directly impart the essential training contents in a responsible manner on the training premises.

- (3) Under the responsibility of the trainer, persons may also participate in the provision of initial training who are not themselves trainers but, in derogation from the special conditions set out in section 30, possess the vocational skills, knowledge and abilities as well as the personal qualifications required to impart the training contents.

## **Section 29**

### **Personal qualifications**

Persons do not have the necessary personal qualifications in particular if they

1. are not allowed to employ children and young persons or
2. have repeatedly or seriously breached this Act or the provisions and rules issued on the basis of this Act.

## **Section 30**

### **Technical qualifications**

- (1) Persons have the necessary technical qualifications if they possess the vocational and occupational teaching skills, knowledge and abilities required to impart the training contents.
- (2) Persons possess the necessary vocational skills, knowledge and abilities if they
  1. have passed the final examination in a technical field corresponding to the training occupation,
  2. have passed a recognised examination at training premises or before an examination authority or a final examination at a state or state-recognised school in a technical field corresponding to the training occupation,
  3. have passed a final examination at a German higher education institution in a technical field corresponding to the training occupation or
  4. have acquired a qualification abroad in a technical field corresponding to the training occupation, the equivalence of which has been ascertained in accordance with the Professional Qualifications Assessment Act (Berufsqualifikationsfeststellungsgesetz) or with other legal provisions; and have worked in a practical capacity in their occupation for an appropriate period.
- (3) In cases covered by subsection (2) no. 2, the Federal Ministry for Economic Affairs and Energy or such other ministry as may be competent, acting in agreement with the Federal Ministry of Education and Research after consulting the Board of the Federal Institute for Vocational Education and Training, by statutory instrument not requiring the approval of the Bundesrat, may specify which examinations are recognised for given training occupations.
- (4) The Federal Ministry for Economic Affairs and Energy or such other ministry as may be competent, acting in agreement with the Federal Ministry of Education and Research after consulting the Board of the Federal Institute for Vocational

Education and Training, by statutory instrument not requiring the approval of the Bundesrat, may specify in respect of individual training occupations that, in derogation from subsection (2), persons may only be deemed to possess the necessary vocational skills, knowledge and abilities to be technically qualified if they

1. meet the conditions set out in subsection (2) no. 2 or 3, and have worked in a practical capacity in their occupation for an appropriate period or if they
  2. meet the conditions set out in subsection (2) no. 3 and have worked in a practical capacity in their occupation for an appropriate period or
  3. are authorised to practice an independent profession or have been appointed to public office.
- (5) The Federal Ministry of Education and Research, after consulting the Board of the Federal Institute for Vocational Education and Training, by statutory instrument not requiring the approval of the Bundesrat, may specify that persons provide separate evidence that they have acquired vocational and occupational teaching skills, knowledge and abilities. The statutory instrument may also lay down rules for the content, scope and completion of the measures constituting such evidence.
- (6) The authority competent under Land law, after consulting the competent body, may revocably recognise persons not meeting the conditions set out in subsections (2), (4) or (5) as having the necessary technical qualifications.

## Section 31

### Europe clause

- (1) In the cases covered by section 30 (2) and (4), persons who meet the conditions for the recognition of their professional qualifications in accordance with Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (Official Journal of the European Union L 255, p. 22) are also deemed to possess the necessary vocational skills, knowledge and abilities to be technically qualified provided that they have worked in a practical capacity in their occupation for an appropriate period. Section 30 (4) no. 3 remains unaffected.
- (2) Under the conditions set out in Article 14 of the Directive mentioned in subsection (1), recognition may be made contingent on the prior completion of an adaptation period of a maximum of three years or the completion of an aptitude test by the applicant.
- (3) The decision concerning recognition is taken by the competent body. The competent body may regulate the implementation of adaptation periods and the administration of aptitude tests.

### **Section 31a**

#### **Other previous qualifications acquired abroad**

In the cases covered by section 30 (2) and (4), persons who meet the conditions of section 2 (1) in conjunction with subsection (9) of the Professional Qualifications Assessment Act and have not acquired their formal qualification in another Member State of the European Union, or another State Party of the European Economic Area or Switzerland are deemed to possess the necessary skills, knowledge and abilities to be technically qualified provided that they have worked in a practical capacity in their occupation for an appropriate period. Section 30 (4) no. 3 remains unaffected.

### **Section 32**

#### **Monitoring of suitability**

- (1) The competent body must monitor the suitability of training premises and that persons have the necessary personal and technical qualifications.
- (2) If deficiencies are discovered and a remedy is possible without a likelihood of danger to trainees, the competent body must order the training employers concerned to remedy the deficiency within such period of time as it may specify. If no remedy is possible, or if there is a likelihood of danger to trainees, or if the deficiency is not remedied by the specified time, the competent body must so inform the authority competent under Land law.

### **Section 33**

#### **Prohibition of the engagement of trainees and the provision of training**

- (1) The authority competent under Land law may prohibit specific training premises from engaging trainees and providing training if the conditions set out in section 27 are not or are no longer fulfilled
- (2) The authority competent under Land law must prohibit persons from engaging trainees and providing training if such persons do not have, or no longer have, the necessary personal or technical qualifications.
- (3) The parties involved and the competent body must be consulted before the prohibition is imposed. The foregoing does not apply in cases covered by section 29 no. 1.

### **Division 4**

#### **Register of Initial Training Relationships**

### **Section 34**

#### **Institution, maintenance**

- (1) The competent body must institute and maintain a Register of Initial Training Relationships for recognised training occupations in which each initial training contract must be entered. No fee is payable by trainees for the entry.

- (2) The entry for each initial training relationship must include the following:
1. the surname, first name, date of birth and address of the trainees,
  2. the sex, nationality, general-education school-leaving certificate, previous participation in prevocational or basic training, previous initial training and previous studies, follow-up contract when assigning credit for previously completed dual training under this Act or under the Crafts and Trades Regulation Code including the training occupation,
  3. the surname, first name and address of the legal representatives,
  4. the training occupation and technical field,
  5. initial training within the context of a training-integrated dual study course,
  6. the day, month and year of conclusion of the training contract, training period, length of the probationary period, reduction of the training period, part-time initial training,
  7. the allowance agreed for each year of training upon conclusion of the initial training contract,
  8. the day, month and year of the contractually-agreed beginning and end of the initial training, and the day, month and year of any premature termination of the training relationship,
  9. the type of funding for initial training relationships supported mainly with public funds, particularly under the provisions of the Third Book of the Social Code,
  10. the name and address of the training employers, address and official municipality code of the training premises, branch of industry, company number of the training premises in accordance with section 18i (1) or section 18k (1) of the Fourth Book of the Social Code, affiliation to the public sector,
  11. surname, first name and sex of the trainers and the nature of their technical qualifications.

## Section 35

### Entry, amendment, deletion

- (1) An initial training contract and any amendments to its essential content are to be entered in the register if
1. the initial training contract complies with this Act and with the training regulations,
  2. the persons engaging trainees and providing training have the necessary personal and technical qualifications and the training premises are suitable for the engagement of trainees and for the provision of their training; and
  3. in the case of trainees under the age of 18 years, the medical certificate concerning the initial medical examination in accordance with section 32 (1) of the Act on the Protection of Young People at Work is submitted for inspection.

- (2) Entry must be denied or an entry deleted if the conditions for entry are not fulfilled and the deficiency is not remedied in accordance with section 32 (2). Furthermore, an entry must be deleted if the medical certificate concerning the first re-examination in accordance with section 33 (1) of the Act on the Protection of Young People at Work is not submitted for inspection at the latest on the date of the trainees' registration to take an interim examination or the first part of the final examination and the deficiency is not remedied in accordance with section 32 (2).
- (3) The data collected under section 34 (2) nos. 1, 4, 8 and 10 are transmitted to the Federal Employment Agency for the purposes of improving placement into training, improving the reliability and timeliness of statistics on placement into training and improving the ascertainment of supply and demand in the training market. When transmitting data, measures must be taken in keeping with the respective state of the art to ensure data protection and data security, and, in particular to guarantee the confidentiality, integrity and attributability of data, in particular in accordance with Articles 24, 25 and 32 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Official Journal of the European Union L 119 of 4.5.2016, p. 1).

## Section 36

### Application and notification obligations

- (1) Trainees must apply to have an initial training contract entered in the register as soon as the contract has been concluded. The application may be submitted in written or electronic form; a copy of the contract document must be enclosed with the application in whichever form it is submitted. The application may make reference to an in-company training plan within the meaning of section 11 (1) sentence 2 no. 1 which has been submitted to the competent body already. The same applies accordingly to amendments to the essential contents of a contract.
- (2) Training employers and trainees are required to give notice to the competent bodies of the data required for the entry in accordance with section 34 on request.

## Division 5

### Examination system

## Section 37

### Final examination

- (1) Final examinations are to be administered in recognised training occupations. In the event of failure to pass, the final examination may be repeated twice. If the

final examination is to be taken in two parts administered at different times, the first part of the examination may not be repeated alone.

- (2) Examinees must be issued a certificate. Training employers will be informed of the results of trainees' final examination if they so request. If the final examination is to be taken in two parts administered at different times, trainees are to be informed of the results of the first part of the final examination in writing.
- (3) Upon application by trainees, the certificate must be accompanied by an English and a French translation. Upon application by trainees, a record of their vocational school performance must be entered on the certificate. Trainees must enclose evidence of vocational school performance with their application.
- (4) The final examination is free of charge for trainees.

### **Section 38**

#### **Object of the examination**

The object of the final examination is to ascertain whether examinees have acquired the necessary occupational competence. As a rule, examinees must demonstrate in the final examination that they have mastered the necessary vocational skills, possess the necessary vocational knowledge and abilities, and are acquainted with the subjects taught at part-time vocational school as an essential part of their initial training. The examination is to be based on the training regulations.

### **Section 39**

#### **Examination boards, delegations of examiners**

- (1) The competent body establishes examination boards to administer final examinations. Two or more competent bodies may establish joint examination boards to operate at one such body.
- (2) Examination boards or delegations of examiners in accordance with section 42 (2) assess examination performance.
- (3) Examination boards or delegations of examiners in accordance with section 42 (2) may, for the purposes of assessment of non-oral examination performance in individual areas, solicit expert opinions from third parties, in particular from vocational schools. Within the framework of the appraisal, the main procedures are to be documented and facts of relevance to the assessment recorded.

### **Section 40**

#### **Membership, appointment**

- (1) The examination board comprises at least three members. The members must be experts in the fields covered by the examination and must be suitable persons to act as examiners.

- (2) The membership of the examination board must include an equal number of employers' and employees' representatives and at least one vocational school teacher. At least two thirds of the total membership must consist of employers' and employees' representatives. Each member has a substitute.
- (3) Members are appointed by the competent body for a period not exceeding five years. The employees' representatives are appointed on the proposal of the trade unions and independent associations of employees concerned with matters of social or occupational policy established in the district of the competent body. The vocational school teacher is appointed in agreement with the school supervisory authority or such body as it may designate. If no members or an insufficient number of members are proposed within an appropriate time limit set by the competent body, the competent body appoints the necessary members according to its best judgment. Members of examination boards may be removed from the board for an important reason after consultation with the parties involved in their appointment. Sentences 1 to 5 of this subsection apply accordingly to substitutes.
- (4) The competent body may appoint further examiners for deployment in delegations of examiners in accordance with section 42 (2). The appointment of further examiners may be limited to particular examination subjects or specialist subjects. Subsection (3) applies accordingly.
- (5) The persons eligible to submit nominations for the appointment of members of an examination board are to be informed on the number and size of the examination boards to be set up as well as on the number of other examiners they are required to nominate. The persons eligible to submit nominations are informed by the competent body which of the members, substitutes and other examiners nominated by them were appointed.
- (6) Members of the examination board or delegation of examiners serve in an honorary capacity. Insofar as they receive no compensation from any other source, they are to be paid appropriate compensation for out-of-pocket expenses and loss of time, at a rate to be specified by the competent body with the approval of the supreme Land authority. Compensation for loss of time is to be made at least to the extent specified in section 16 of the Judicial Remuneration and Compensation Act (Justizvergütungs- und -entschädigungsgesetz), as amended.
- (6a) Examinees are to be given time off work by their employer if
  1. this is required for the proper implementation of the tasks assigned to them by law and
  2. it is not opposed for important operational reasons.
- (7) Departures from subsection (2) may only be made if the required number of members of an examination board cannot be appointed in any other manner.

## Section 41

### Chair, quorum, voting

- (1) The examination board elects a member as chairperson and another member as substitute chairperson. As a rule, the chairperson and the member substituting for him or her may not belong to the same member group.
- (2) The examination board has a quorum if two thirds of the members, at least three members, participate. It takes decisions by a majority of the votes cast. In the case of a tied vote, the chairing member has the casting vote.

## Section 42

### Decisions, assessment of the final examination

- (1) The examination board takes decisions concerning the following:
  1. the grades to be awarded for examination performance in individual areas that it has assessed itself,
  2. the grades to be awarded for overall examination performance and
  3. the passing or failing of the final examination.
- (2) The competent body may, acting in agreement with the members of the examination board, transfer the testing and final assessment of examination performance to delegations of examiners. Section 40 (1) and (2) and section 41 (2) apply accordingly to membership of delegations of examiners and to voting within a delegation of examiners. Members of delegations of examiners may be members of the examination board, their substitutes as well as other examiners appointed by the competent body in accordance with section 40 (4).
- (3) The competent body must decide before the beginning of the examination concerning the formation of delegations of examiners, their members and their substitutes. Examiners may be members of several delegations of examiners. If examination performance in different areas is linked such that it can only be assessed as a unit, this examination performance must be assessed by the same examiners.
- (4) Assessment of multiple-choice tasks prepared or selected in accordance with section 47 (2) sentence 2 may be automatised if the body setting or selecting the tasks has determined which answers are recognised as correct. The results are to be accepted by the examination board.
- (5) The examination board or delegation of examiners may, acting in agreement, carry out the testing and assessment of individual written or other examination performance, the assessment of which may take place independently from presence during the examination, such that two members of the examination board or of the delegation of examiners assess the examination performance independently and autonomously. If the assessments of the two examiners made on the basis of the assessment key provided for in the examination regulations diverge by no more than 10 per cent of the attainable points, the final assessment is made by calculating the average of the two assessments. In case of greater

divergence, the final assessment is made by another member of the examination board or of the delegation of examiners determined beforehand.

- (6) If the training regulations provide for trainees who have successfully completed training for an occupation requiring two years of training to be exempted from the first part of the final examination for an occupation requiring three or three and a half years of training based on the two-year training, the result of the final examination for the occupation requiring two years of training is to be accepted by the examination board as the result of the first part of the final examination for the occupation requiring three or three and a half years of training that is based on the occupation requiring two years of training.

### Section 43

#### Admission to the final examination

- (1) Trainees are to be admitted to the final examination if
1. they have completed the training period or their training period is due to end no later than two months after the date set for the examination,
  2. they have taken the prescribed interim examinations and have submitted the record of training signed by the trainer and the trainee in accordance with section 13 sentence 2 no. 7 and
  3. their initial training relationship has been entered in the Register of Initial Training Relationships or has not been so entered for a reason beyond the control of the trainees or their legal representatives.
- (2) Persons are likewise to be admitted to the final examination if they have undergone training at a vocational school or some other vocational training establishment and this training programme corresponds to initial training for a recognised training occupation. A training programme corresponds to initial training for a recognised training occupation if
1. it is equivalent in terms of content, standards and duration to the respective training regulations,
  2. it is pursued in a systematic manner, in particular within the framework of a syllabus and timetable; and
  3. an appropriate proportion of practical specialised training is ensured through cooperation between learning venues.

### Section 44

#### Admission to the final examination taken in two parts administered at different times

- (1) If the final examination is taken in two parts administered at different times, the decision on admission is to be taken separately for each part.
- (2) Trainees are to be admitted to the first part of the final examination if they have completed the required training period prescribed in the training regulations and have fulfilled the conditions set out in section 43 (1) nos. 2 and 3.

- (3) Trainees are to be admitted to the second part of the final examination
1. if, in addition to fulfilling the conditions set out in section 43 (1), they have taken the first part of the final examination,
  2. if they are exempt from taking the first part of the final examination on the basis of a statutory instrument in accordance with section 5 (2) sentence 1 no. 2 (b) or
  3. they have not taken the first part of the final examination for reasons beyond their control.

In the case of sentence 1 no. 3, the first part of the final examination is to be taken together with the second part.

## Section 45

### Admission in special cases

- (1) Trainees may, after consultation with their training employers and their part-time vocational schools, be admitted to the final examination before the expiry of their period of training if their performance so warrants.
- (2) Persons are also to be admitted to the final examination if they provide evidence that they have worked in the occupation for which they wish to take the examination for a period of at least one and a half times as long as is prescribed for the training period. Periods of training in another relevant training occupation are also deemed to be periods of occupational activity. The provision of evidence of such minimum period in accordance with sentence 1 may be waived wholly or in part if applicants convincingly demonstrate, by producing certificates or in some other manner, that they have acquired the occupational competence justifying admission to the examination. Foreign education and training qualifications and periods of occupational activity abroad are to be taken into account in this context.
- (3) Soldiers who are temporary-career volunteers and former soldiers are to be admitted to the final examination in accordance with subsection (2) sentence 3 if the Federal Ministry of Defence or such body as it may designate certifies that the applicants possess the vocational skills, knowledge and abilities justifying their admission to the examination.

## Section 46

### Decision on admission

- (1) The decision on admission to the final examination is taken by the competent body. If it deems that the conditions for admission have not been fulfilled, a decision is to be taken by the examination board.
- (2) Trainees who have taken parental leave must not incur any disadvantage for this reason when the decision on admission is taken.

## Section 47

### Examination regulations

- (1) The competent body must issue examination regulations for the final examination. Such regulations require the approval of the competent supreme authority of the Land concerned.
- (2) The examination regulations must regulate admission to the examination, the structure of the examination, the criteria for assessment of performance, the issuance of examination certificates, the consequences of breaches of the examination regulations, and the possibility of repeating the examination. They may provide that examination questions which have been drafted or selected at supraregional level or by a question-drafting committee at the competent body be used for the examination, insofar as such questions have been drafted or selected by bodies composed in accordance with section 40 (2).
- (3) In the case of section 73 (1), the Federal Ministry of the Interior, Building and Community or such other ministry as may be competent issues the examination regulations by statutory instrument not requiring the approval of the Bundesrat. The Federal Ministry of the Interior, Building and Community or such other ministry as may be competent may transfer by statutory instrument the authorisation under sentence 1 to the competent body determined by it.
- (4) In the case of section 73 (2), the competent Land government issues the examination regulations by statutory instrument. The authorisation under sentence 1 may be transferred by statutory instrument to the competent body determined by it.
- (5) If, in the case of section 71 (8), the competent body is determined by the Land, the competent Land government issues the examination regulations by statutory instrument. The authorisation under sentence 1 may be transferred by statutory instrument to the competent body determined by it.
- (6) The Board of the Federal Institute for Vocational Education and Training issues guidelines for the examination regulations.

## Section 48

### Interim examinations

- (1) During their initial training, trainees are to be given an interim examination administered in accordance with the training regulations to ascertain the level of competence they have attained. Sections 37 to 39 apply accordingly.
- (2) The interim examination is not administered
  1. if the training regulations provide that the final examination is taken in two parts administered at different times, or
  2. if the training regulations provide that credit is to be assigned to the duration of initial training governed by the training regulations for the duration of

- another completed initial training of at least two years in length and the contracting parties have agreed to such assignment by at least this duration.
- (3) Trainees who are to undergo retraining are to be admitted to the interim examination upon application.

## **Section 49**

### **Additional qualifications**

- (1) Additional vocational skills, knowledge and abilities in accordance with section 5 (2) no. 5 are to be tested and certified separately. The results of the examination in accordance with section 37 remain unaffected.
- (2) Section 37 (3) and (4) and sections 39 to 42 and 47 apply accordingly.

## **Section 50**

### **Equal treatment of examination certificates**

- (1) The Federal Ministry for Economic Affairs and Energy or such other ministry as may be competent, acting in agreement with the Federal Ministry of Education and Research after consulting the Board of the Federal Institute for Vocational Education and Training, by statutory instrument, may treat examination certificates acquired outside the scope of this Act equally to the corresponding final examination certificates issued on the basis of this Act if the initial training and the vocational skills, knowledge and abilities to be evidenced by the examinations are of an equivalent standard.
- (2) The Federal Ministry for Economic Affairs and Energy or such other ministry as may be competent, acting in agreement with the Federal Ministry of Education and Research after consulting the Board of the Federal Institute for Vocational Education and Training, by statutory instrument, may treat examination certificates acquired abroad equally to the corresponding final examination certificates issued on the basis of this Act if the vocational skills, knowledge and abilities to be evidenced by the examinations are of an equivalent standard.

## **Section 50a**

### **Equivalence of foreign professional qualifications**

Foreign professional qualifications are equivalent to a passed initial or further training examination under this Act if the equivalence of the vocational skills, knowledge and abilities has been ascertained in accordance with the Professional Qualifications Assessment Act.

## **Division 6**

### **Representation of interests**

#### **Section 51**

##### **Representation of interests**

- (1) Trainees whose practical training is provided in some other vocational training establishment outside the school-based and in-company training system (section 2 (1) no. 3), generally with at least five trainees, and who are not eligible to vote in elections to the works council in accordance with section 7 of the Works Constitution Act (Betriebsverfassungsgesetz), to the youth and trainee delegation in accordance with section 60 of the Works Constitution Act or to the representative body in accordance with section 52 of the Ninth Book of the Social Code (trainees undergoing extra-company training), elect a separate representative body.
- (2) Subsection (1) does not apply to vocational training establishments operated by religious communities or to other vocational training establishments insofar as they have made equivalent provisions of their own.

#### **Section 52**

##### **Authorisation to issue statutory instruments**

The Federal Ministry of Education and Research, by statutory instrument not requiring the approval of the Bundesrat, may specify the matters to be subject to participation, the composition of the representative bodies and the term of office of their members, the holding of the election, in particular ascertaining eligibility to vote and stand for election, as well as the nature and extent of participation.

## **Chapter 2**

### **Further training**

#### **Division 1**

##### **Further training regulations of the Federation**

#### **Section 53**

##### **Further training regulations for vocational upskilling**

- (1) As a basis for a uniform vocational upskilling system, the Federal Ministry of Education and Research, acting in agreement with the Federal Ministry for Economic Affairs and Energy or such other ministry as may be competent after consulting the Board of the Federal Institute for Vocational Education and Training, by statutory instrument not requiring the approval of the Bundesrat, may recognise vocational upskilling qualifications and issue examination provisions herefor (further training regulations).

- (2) The further training regulations must stipulate the following:
  1. the designation of the further training qualification,
  2. the further training level,
  3. the objective, content and requirements of the examination,
  4. the conditions for admission to the examination and
  5. the examination procedure.
- (3) In derogation from subsection (1), further training regulation
  1. in occupations in the field of agriculture, including domestic service in agriculture, are issued by the Federal Ministry of Food and Agriculture, acting in agreement with the Federal Ministry of Education and Research and
  2. in occupations in domestic service are issued by the Federal Ministry of Economic Affairs and Energy acting in agreement with the Federal Ministry of Education and Research.

### Section 53a

#### Further training levels

- (1) The further training levels of vocational upskilling are as follows:
  1. The first level of further training is the Geprüfte/r Berufsspezialist/-in (Certified Specialist),
  2. the second level of further training is the Bachelor Professional and
  3. the third level of further training is the Master Professional.
- (2) As a rule, every further training regulation governing vocational upskilling at the first level of further training must lead to a qualification at the second level of further training.

### Section 53b

#### Certified Specialist

- (1) Anyone passing an examination at the first level of further training acquires the Certified Specialist further training qualification.
- (2) The further training examination at the first level of further training ascertains whether the examinee
  1. has deepened the skills, knowledge and abilities he or she, as a rule, has acquired during initial training and
  2. has supplemented the occupational competence he or she, as a rule, has acquired during initial training by new skills, knowledge and abilities.
 As a rule, the time frame for acquiring these skills, knowledge and abilities must be least 400 hours.
- (3) A final qualification in a recognised training occupation is the standard condition designated for admission to an examination at the first level of further training.
- (4) The designation of a first-level further training qualification begins with the words “Geprüfter Berufsspezialist für” or “Geprüfte Berufsspezialistin für”

(Certified Specialist for). The further training regulations may provide for an additional designation of final qualification to be placed in front of this designation of final qualification. This designation of final qualification at the first level of further training may only be used by a person who

1. has passed the examination at the first level of further training or
2. has passed the examination of an equivalent further training on the basis of provisions under federal or Land law, which provide for this designation of final qualification.

### **Section 53c**

#### **Bachelor Professional**

- (1) Anyone passing an examination at the second level of further training acquires the Bachelor Professional further training qualification.
- (2) The further training examination at the second level of further training ascertains whether the examinee is in a position to assume a technical and management role involving responsibility for independently managing and implementing organisational management processes and leading employees. As a rule, the time frame for acquiring these vocational skills, knowledge and qualifications must be least 1200 hours.
- (3) The standard condition designated for admission to an examination at the second level of further training is as follows:
  1. the qualification in a recognised training occupation or
  2. a qualification at the first level of further training.
- (4) The designation of a final qualification at the second level of further training begins with the words “Bachelor Professional in”. The further training regulations may provide for an additional designation of final qualification to be placed in front of this designation of final qualification. The designation of final qualification at the second level of further training may only be used by a person who
  1. has passed the examination at the second level of further training or
  2. has passed the examination of an equivalent further training on the basis of provisions under federal or Land law, which provide for this designation of final qualification.

### **Section 53d**

#### **Master Professional**

- (1) The designation of the final qualification Master Professional is attained by a person who has passed the examination at the third level of further training.
- (2) The further training examination at the third level of further training ascertains whether the examinee
  1. has deepened the skills, knowledge and abilities he or she, as a rule, has acquired in preparation for a further training examination at the second level of further training, and

2. has acquired new skills, knowledge and abilities required for the responsible management of organisations or for handling new, complex tasks and problems such as the development of processes and products.

As a rule, the time frame for acquiring these skills, knowledge and abilities must be least 1600 hours.

- (3) A final qualification at the second level of further training is the standard condition designated for admission to an examination at the third level of further training.
- (4) The designation of final qualification at the third level of further training begins with the words “Master Professional in”. The further training regulations may provide for an additional designation of final qualification to be placed in front of this designation of final qualification. The designation of final qualification at the third level of further training may only be used by a person who
  1. has passed the examination at the third level of further training or
  2. has passed the examination of an equivalent further training on the basis of provisions under federal or Land law, which provide for this designation of final qualification.

### Section 53e

#### Updating training regulations

- (1) As the basis for a uniform updating training system, the Federal Ministry of Education and Research, acting in agreement with the Federal Ministry for Economic Affairs and Energy or such other ministry as may be competent after consulting the Board of the Federal Institute for Vocational Education and Training, by statutory instrument not requiring the approval of the Bundesrat, may recognise further training qualifications and issue examination provisions for them (updating training regulations).
- (2) Updating training regulations must stipulate the following:
  1. the designation of the further training qualification,
  2. the purpose, subject matter and requirements of the examination,
  3. the conditions for admission and
  4. the examination procedure.
- (3) In derogation from subsection (1), updating training regulations
  1. in occupations in the field of agriculture, including domestic service in agriculture, are issued by the Federal Ministry of Food and Agriculture, acting in agreement with the Federal Ministry of Education and Research and
  2. in occupations in domestic service are issued by the Federal Ministry of Economic Affairs and Energy acting in agreement with the Federal Ministry of Education and Research.

## Division 2

### Further training examination provisions of the competent bodies

#### Section 54

##### Further training examination provisions of the competent bodies

- (1) Insofar as neither a further training regulation nor an updating training regulation has been issued for a further training qualification, the competent body may issue further training examination provisions. If in case of section 71 (8) a Land authority is specified as the competent body, the competent Land government issues the further training examination provisions by statutory instrument. The authorisation under sentence 2 may be transferred by statutory instrument to the competent body determined by it.
- (2) The further training examination provisions must stipulate the following:
  1. the designation of the further training qualification,
  2. the objective, content and requirements of the examinations,
  3. the conditions for admission to the examination and
  4. the examination procedure.
- (3) If the competent supreme Land authority confirms
  1. that the further training examination provisions fulfil the conditions of section 53b (2) and (3) and of section 53a (2), the designation of the further training qualification begins with the words “Geprüfter Berufsspezialist für” or “Geprüfte Berufsspezialistin für” (Certified Specialist for);
  2. that the further training examination provisions fulfil the conditions of section 53c (2) and (3), the designation of the further training qualification begins with the words “Bachelor Professional in”;
  3. that the further training examination provisions fulfil the conditions of section 53d (2) and (3), the designation of the further training qualification begins with the words “Master Professional in”.

A supplement is to be added in brackets to the designation of final qualification under sentence 1, establishing unequivocally which competent body issued the further training examination provisions. The further training examination provisions may provide for an additional designation of final qualification to be placed in front of this designation of final qualification.
- (4) A designation of final qualification contained in a further training examination provision confirmed by the competent supreme Land authority may only be used by a person who has passed the examination.

### **Division 3**

#### **Previous qualifications acquired abroad, examinations**

##### **Section 55**

###### **Consideration of previous qualifications acquired abroad**

Insofar as further training regulations, updating training regulations or further training examination provisions in accordance with section 54 provide for conditions for admission to examinations, foreign training qualifications and times of occupational activity abroad are to be taken into account.

##### **Section 56**

###### **Further training examinations**

- (1) The competent body establishes examination boards to administer examinations in the area of further training. Section 37 (2) sentences 1 and 2 and subsection (3) sentence 1 as well as section 39 (1) sentence 2, section 39 (2) and (3) and sections 40 to 42, 46 and 47 apply accordingly.
- (2) On application, examinees are to be exempted by the competent body from taking individual parts of the examination if
  1. they have passed a comparable examination at a public or state-recognised educational establishment or before a state examination board and
  2. their application for admission to the further training examination is submitted within ten years of the announcement that they passed the other examination.

##### **Section 57**

###### **Equal treatment of examination certificates**

The Federal Ministry for Economic Affairs and Energy or such other ministry as may be competent, acting in agreement with the Federal Ministry of Education and Research after consulting the Board of the Federal Institute for Vocational Education and Training, by statutory instrument, may treat examination certificates acquired outside the scope of this Act or abroad equally to the corresponding further training examination certificates issued on the basis of sections 53 b to 53 e and 54 if the vocational skills, knowledge and abilities to be evidenced by the examinations are of an equivalent standard.

## Chapter 3

### Vocational retraining

#### Section 58

##### Retraining regulations

As the basis for an orderly and uniform vocational retraining system, the Federal Ministry of Education and Research, acting in agreement with the Federal Ministry for Economic Affairs and Energy or such other ministry as may be competent after consulting the Board of the Federal Institute for Vocational Education and Training, by statutory instrument not requiring the approval of the Bundesrat, may specify

1. the designation of the retraining qualification,
2. the objective, content, nature and duration of retraining,
3. the requirements of the retraining examination and the conditions for admission to the examination, and
4. the examination procedure for the retraining qualification

taking into consideration the special requirements of adult vocational training (retraining regulations).

#### Section 59

##### Retraining examination provisions of the competent bodies

Insofar as no statutory instruments have been issued in accordance with section 58, the competent body may issue retraining examination provisions. If in the case of section 71 (8), a Land authority is specified as the competent body, the competent Land government issues the retraining examination provisions by statutory instrument. The authorisation under sentence 2 may be transferred by statutory instrument to the competent body determined by it. The competent body specifies the designation of the retraining qualification, the objective, content and requirements of the examinations, the conditions for admission to the examinations and the examination procedure, taking into account the special requirements of adult vocational training.

#### Section 60

##### Retraining for a recognised training occupation

Insofar as the retraining regulations (section 58) or a provision by the competent body (section 59) concern retraining for a recognised training occupation, they are to be based on the training occupation profile (section 5 (1) no. 3), the general training plan (section 5 (1) no. 4) and the examination requirements (section 5 (1) no. 5). Sections 27 to 33 apply accordingly.

**Section 61****Consideration of previous qualifications acquired abroad**

Insofar as the retraining regulation (section 58) or a provision of the competent body (section 59) provides for conditions for admission, foreign training qualifications and times of occupational activity abroad are to be taken into account.

**Section 62****Retraining measures; retraining examinations**

- (1) Retraining measures must, as regards their content, nature, objective and duration, meet the special requirements of adult vocational training.
- (2) Retraining providers must notify the competent body in writing of a retraining measure prior to the beginning of such measure. The notification obligation applies to the essential content of the retraining relationship. In the event that a retraining contract is concluded, a copy of the contract document is to be enclosed.
- (3) The competent body establishes examination boards to administer examinations in the area of retraining. Section 37 (2) and (3), section 39 (2), sections 40 to 42, 46 and 47 apply accordingly.
- (4) On application, examinees are to be exempted by the competent body from taking individual parts of the examination if they have passed another comparable examination at a public or state-recognised educational establishment or before a state examination board and if their application for admission to the retraining examination is submitted within ten years of the announcement that they passed the other examination.

**Section 63****Equal treatment of examination certificates**

The Federal Ministry for Economic Affairs and Energy or such other ministry as may be competent, acting in agreement with the Federal Ministry of Education and Research after consulting the Board of the Federal Institute for Vocational Education and Training, by statutory instrument, may treat examination certificates acquired outside the scope of this Act or abroad equally to the corresponding retraining examination certificates issued on the basis of sections 58 and 59 if the vocational skills, knowledge and abilities to be evidenced by the examinations are of an equivalent standard.

## **Chapter 4**

### **Vocational training for special groups of persons**

#### **Division 1**

#### **Vocational training of disabled persons**

##### **Section 64**

###### **Initial training**

As a rule, disabled persons (section 2 (1) sentence 1 of the Ninth Book of the Social Code) must be trained in recognised training occupations.

##### **Section 65**

###### **Initial training in recognised training occupations**

- (1) Provisions under sections 9 and 47 must, as a rule, take into account the special circumstances of disabled persons. This applies in particular to the timetable and syllabus of training, the duration of examination periods, permission to use aids, and utilisation of the assistance of third parties such as sign language interpreters for the hearing-impaired.
- (2) Initial training contracts concluded with disabled persons are to be entered in the Register of Initial Training Relationships (section 34). Disabled persons are to be admitted to the final examination even if the conditions set out in section 43 (1) nos. 2 and 3 have not been fulfilled.

##### **Section 66**

###### **Training provisions of the competent bodies**

- (1) In the case of disabled persons for whom training in a recognised training occupation is not an option due to the nature and gravity of their disabilities, the competent bodies on application of the disabled persons or their legal representatives make suitable training provisions in accordance with the recommendations of the Board of the Federal Institute for Vocational Education and Training. As a rule, the contents of such training must be developed from the contents of recognised training occupations, taking into account the general labour market situation and trend. In the application to be submitted in accordance with sentence 1, evidence is to be provided of a training opportunity in the desired training programme.
- (2) Section 65 (2) sentence 1 applies accordingly.

##### **Section 67**

###### **Further training, retraining**

Sections 64 to 66 apply accordingly to the vocational further training and vocational retraining of disabled persons, insofar as this is necessary due to the nature and gravity of their disabilities.

## Division 2

### Vocational training preparation

#### Section 68

##### Target group and standards

- (1) Vocational training preparation is targeted towards learning-impaired or socially-disadvantaged persons whose stage of development is such that they cannot yet be expected to successfully complete training in a recognised training occupation. The content, nature, objective and duration of vocational training preparation must be geared to the special requirements of the persons mentioned in sentence 1, and such preparation must be accompanied by comprehensive socio-educational counselling and support.
- (2) Sections 27 to 33 apply accordingly to vocational training preparation not provided in the context of the Third Book of the Social Code or other comparable publicly-funded measures.

#### Section 69

##### Qualification modules, certificate

- (1) Basic skills required for the acquisition of occupational competence (section 1 (2)) may be imparted in particular through discrete learning units of specific scope and duration which have been developed from the content of recognised training occupations (qualification modules).
- (2) Providers of vocational training preparation issue a certificate to document the imparting of basic skills required to acquire occupational competence. Details are regulated by the Federal Ministry of Education and Research acting in agreement with such ministry as may be competent to issue training regulations after consulting the Board of the Federal Institute for Vocational Education and Training, by statutory instrument not requiring the approval of the Bundesrat.

#### Section 70

##### Monitoring, advice

- (1) The authority competent under Land law must prohibit the provision of vocational training preparation if the conditions set out in section 68 (1) have not been fulfilled.
- (2) Providers must notify the competent body in writing of their vocational training preparation measures prior to the beginning of such measure. The notification obligation applies to the essential content of the contract concluded for such qualification measures.
- (3) Subsections (1) and (2) and section 76 do not apply insofar as the vocational training preparation is provided in the context of the Third Book of the Social Code or other comparable publicly-funded measures.

## Part 3

### Organisation of vocational training

#### Chapter 1

#### Competent bodies, competent authorities

##### Division 1

##### Designation of the competent body

##### Section 71

##### Competent bodies

- (1) The chamber of crafts and trades is the competent body for the purposes of this Act in matters relating to vocational training in occupations within the scope of the Crafts and Trades Regulation Code.
- (2) The chamber of industry and commerce is the competent body for the purposes of this Act in matters relating to vocational training in industrial and commercial occupations other than those of the crafts and trades.
- (3) The chamber of agriculture is the competent body for the purposes of this Act in matters relating to vocational training in occupations in the field of agriculture, including domestic service in agriculture
- (4) The chambers of lawyers, patent attorneys and notaries are the competent bodies for the purposes of this Act in matters relating to the vocational training of skilled staff in their respective specialities in the field of judicial administration; the same is true of the notaries' funds for their sphere of activity.
- (5) The chambers of public accountants and chambers of tax advisers are the competent bodies for the purposes of this Act in matters relating to the vocational training of skilled staff in their respective specialities in the field of auditing and tax consultancy.
- (6) The chambers of physicians, dentists, veterinarians and pharmacists are the competent bodies for the purposes of this Act in matters relating to the vocational training of skilled staff in their respective specialities in the health care professions.
- (7) Insofar as vocational training preparation, initial training and retraining are provided in craft establishments subject to licensing, in craft establishments not subject to licensing and in establishments similar to craft establishments, the chamber of crafts and trades, in derogation from subsections (2) to (6), is the competent body for the purposes of this Act.
- (8) Insofar as chambers do not exist for individual occupational sectors specified in subsections (1) to (6), the given Land designates the competent body.
- (9) Competent bodies may agree that the tasks assigned to them by law in the field of vocational training are performed by one of them. Such agreement requires the approval of the competent supreme federal or Land authorities.

## Section 72

### Designation by statutory instrument

The competent ministry, acting in agreement with the Federal Ministry of Education and Research, by statutory instrument requiring the approval of the Bundesrat, may specify the competent body for occupational sectors not governed by section 71.

## Section 73

### Competent bodies in the public service sector

- (1) In public service, the supreme federal authority designates for the Federation the competent body for its purview
  1. in cases covered by sections 32, 33 and 76 of this Act as well as sections 23, 24 and 41a of the Crafts and Trades Regulation Code,
  2. for vocational training in occupational sectors other than those covered by sections 71 and 72 of this Act;the foregoing also applies to the legal entities, institutions and foundations established under public law which are subject to federal supervision.
- (2) In the public service, the Länder must for their purview as well as for the municipalities and the associations of municipalities specify the competent body for vocational training in occupational sectors other than those covered by sections 71 and 72. This also applies to the legal entities, institutions and foundations established under public law which are subject to supervision by the Länder.
- (3) Section 71 (9) applies accordingly.

## Section 74

### Extended competence

Section 73 applies accordingly to training occupations in which training is provided in accordance with training regulations of the public service within the purview of the churches and other religious communities established under public law or outside the public service.

## Section 75

### Competent bodies in the purview of the churches and other religious communities established under public law

The churches and other religious communities established under public law specify for their purview the competent body for vocational training in training occupations other than those covered by sections 71, 72 and 74. Sections 77 to 80 do not apply.

## Division 2

### Monitoring of vocational training

#### Section 76

##### Monitoring, advice

- (1) The competent body monitors the implementation of
  1. vocational training preparation,
  2. initial training and
  3. retrainingand provides support in the form of advice to the persons involved in vocational training. It must appoint training advisers for this purpose.
- (2) Training employers, retraining providers and providers of vocational training preparation measures are upon request obliged to furnish the information necessary for the purposes of monitoring, produce documents and permit inspection of the training premises.
- (3) Stays abroad in accordance with section 2 (3) are monitored and supported by the competent body in an appropriate manner. If the duration of a period of training abroad exceeds eight weeks, a plan agreed with the competent body is required.
- (4) Persons obliged to furnish information may refuse to do so in response to any questions the reply to which would make them or one of their relatives specified in section 52 of the German Code of Criminal Procedure (Strafprozessordnung) subject to prosecution or proceedings under the Act on Regulatory Offences (Gesetz über Ordnungswidrigkeiten).
- (5) The competent body must inform the supervisory authority under the Act on the Protection of Young People at Work of observations which may be of significance for the implementation of said Act.

## Division 3

### Vocational training committee of the competent body

#### Section 77

##### Establishment

- (1) The competent body establishes a vocational training committee. The committee consists of six employers' representatives, six employees' representatives and six vocational school teachers, the teachers in an advisory capacity.
- (2) The employers' representatives are appointed on the proposal of the competent body, the employees' representatives on the proposal of the trade unions and independent associations of employees concerned with matters of occupational and social policy established in the district of the competent body, and the vocational school teachers by the authority competent under Land law; all appointments are for a period not exceeding four years.

- (3) The members of the vocational training committee serve in an honorary capacity. Insofar as they receive no compensation from any other source, they are to be paid appropriate compensation for out-of-pocket expenses and loss of time, at a rate to be specified by the competent body with the approval of the supreme Land authority.
- (4) Members may be removed from the board for an important reason after consultation with the parties involved in their appointment.
- (5) Each member has a substitute. Subsections (1) to (4) apply to substitutes accordingly.
- (6) The vocational training committee elects a member to serve as chair and another member to serve as deputy chair. As a rule, the chair and the deputy chair may not belong to the same group of members

## Section 78

### Quorum, voting

- (1) A quorum of the vocational training committee exists if more than half of the members who are entitled to vote are present. Decisions are taken by a majority of the votes cast.
- (2) In order for a decision of the committee to become effective, the subject of the decision must have been specified in the notice of convocation, unless it is subsequently placed on the agenda with the approval of two thirds of the members who are entitled to vote.

## Section 79

### Tasks

- (1) The vocational training committee is to be informed of and consulted on all important matters connected with vocational training. Within the scope of its tasks, it must endeavour to steadily improve the quality of vocational training.
- (2) Important matters concerning which the vocational training committee must be consulted include in particular:
  1. the issuance of administrative principles concerning the suitability of training and retraining premises, the keeping of records of training in accordance with section 13 sentence 2 no. 7, reduction of the training period, early admission to the final examination, administration of examinations, the provision of inter-company and extra-company training as well as the issuance of administrative guidelines for vocational training;
  2. implementation of measures recommended by the Land vocational training committee;
  3. substantial changes to the content of the specimen training contract.
- (3) Important matters in connection with which the vocational training committee must be informed include in particular:

1. the number and nature of the vocational training preparation and retraining measures reported to the competent body as well as the number and nature of initial training relationships entered in the register;
  2. the number and results of examinations administered as well as the experience gained in the process;
  3. activities of the training advisers under section 76 (1) sentence 2;
  4. new forms, contents and methods of vocational training for the geographical and technical sphere of competence of the competent body;
  5. opinions or proposals communicated by the competent body to other bodies and authorities, insofar as these concern the implementation of this Act or of legal provisions issued on the basis of this Act;
  6. construction of inter-company training centres of its own;
  7. decisions under subsection (5) as well as budget estimates adopted for the implementation of vocational training, with the exception of personnel costs;
  8. procedures for settling disputes arising out of training relationships;
  9. labour market issues, insofar as they affect vocational training within the sphere of competence of the competent body.
- (4) The vocational training committee must decide on the legal provisions to be issued by the competent body on the basis of this Act for the implementation of vocational training. The person entitled to represent the competent body may object within one week to decisions that breach legislation or statutes. The objection must be substantiated and has suspensive effect. The vocational training committee must review the matter and decide anew.
- (5) Decisions the implementation of which requires more funding than is provided for in the current budget for vocational training require the approval of the bodies responsible for the budget in order to become effective. The same applies to decisions the implementation of which requires appropriations in subsequent fiscal years that substantially exceed the expenditure for vocational training under the current budget.
- (6) In derogation from section 77 (1), teachers have the right to vote in decisions on matters relating to vocational training preparation and initial training insofar as the decisions concerned have a direct impact on the organisation of school-based vocational training.

## Section 80

### Rules of procedure

The vocational training committee draws up its own rules of procedure. The rules of procedure may provide for the establishment of subcommittees and specify that such subcommittees include persons other than members of the committee. Section 77 (2) to (6) and section 78 apply accordingly to the subcommittees.

## **Division 4**

### **Competent authorities**

#### **Section 81**

##### **Competent authorities**

- (1) Within the purview of the Federation, the supreme federal authority or such authority as it may designate is the competent authority within the meaning of section 30 (6), sections 32 and 33, section 40 (6), section 47, section 54 (3) and section 77 (2) and (3).
- (2) If a supreme federal authority or a supreme Land authority is the competent body within the meaning of this Act, then no approval is required in the case of section 40 (6), section 47 (1) and section 77 (3) and no confirmation is required in the case of section 54.

## **Chapter 2**

### **Land committees for vocational training**

#### **Section 82**

##### **Establishment, rules of procedure, voting**

- (1) A Land vocational training committee is established under the government of each Land. It consists of an equal number of representatives of the employers, the employees and the supreme Land authorities. Half of the representatives of the supreme Land authorities must be experts in matters relating to the school system.
- (2) The members of the Land committee are appointed by the Land government for a period not exceeding four years; the employers' representatives are appointed on the proposal of the organisations of the chambers, employers' and business associations established at Land level, and the employees' representatives are appointed on the proposal of the trade unions and independent associations of employees concerned with matters of social or occupational policy established at Land level. Members of the Land committee serve in an honorary capacity. Insofar as they receive no compensation from any other source, they are to be paid appropriate compensation for out-of-pocket expenses and loss of time, at a rate to be specified by the Land government or by such supreme Land authority as it may designate. Members may be removed from the board for an important reason after consultation with the parties involved in their appointment. The committee elects a member to serve as chair and another member to serve as deputy chair. As a rule, the chair and deputy chair may not belong to the same group of members.
- (3) Each member has a substitute. Subsections (1) and (2) apply accordingly to the substitutes.

- (4) The Land committee draws up its own rules of procedure, which require the approval of the Land government or of such supreme Land authority as it may designate. The rules of procedure may provide for the establishment of subcommittees and specify that such subcommittees include persons other than members of the Land committee. Subsection (2) sentence 2 applies accordingly to the subcommittees as regards the payment of compensation. Representatives of the supreme Land authorities involved, the municipalities and associations of municipalities, and the Federal Employment Agency may attend the meetings of the Land committee and the subcommittees.
- (5) A quorum of the Land committee exists if more than half of its members are present. Decisions are taken by a majority of the votes cast.

### Section 83

#### Tasks

- (1) The Land committee must advise the Land government on vocational training issues arising in connection with the Land concerned. Within the scope of its tasks, it must endeavour to steadily improve the quality of vocational training.
- (2) In the interests of a uniform vocational training system, the committee must in particular endeavour to achieve cooperation between school-based vocational training and vocational training provided in accordance with this Act as well as consideration of vocational training in the reorganisation and further development of the school system. To better the regional training and employment situation, the Land committee may recommend steps to foster a coordinated approach in substantive and organisational matters and improve training opportunities.

## Part 4

### Vocational training research, planning and statistics

#### Section 84

##### Objectives of vocational training research

As a rule, vocational training research must

1. clarify the fundamentals of vocational training,
2. track domestic, European and international developments in vocational training,
3. identify standards for the contents and objectives of vocational training,
4. pave the way for further developments in the field of vocational training to meet changed economic, societal and technical requirements,
5. further the development of instruments and procedures for the provision of vocational training and promote the transfer of knowledge and technology.

## Section 85

### Objectives of vocational training planning

- (1) The object of vocational training planning is to lay the foundations for the coordinated development of vocational training in accordance with technical, economic and societal requirements.
- (2) Vocational training planning must in particular help to ensure that the nature, number, size and location of training premises are such that a qualitatively and quantitatively sufficient supply of vocational training places is guaranteed and that optimal use will be made of such training premises while taking into account the foreseeable demand and projected long-term need for training places.

## Section 86

### Report on vocational education and training

- (1) The Federal Ministry of Education and Research must constantly track developments in vocational education and training and must submit a corresponding report (Report on Vocational Education and Training) to the Federal Government by 15 May each year. The report must describe the current state and likely further development of vocational training. If there are indications that a regionally and sectorally balanced supply of training places may be at risk, the report must, as a rule, include proposals for remedying such situation.
- (2) As a rule, the report must specify
  1. for the preceding calendar year
    - a) on the basis of the data furnished by the competent bodies, the initial training contracts entered in the Register of Initial Training Relationships under this Act or under the Crafts and Trades Regulation Code which were concluded during the twelve months prior to 1 October of the preceding year and were still in existence on 30 September of the preceding year as well as
    - b) the number of training places offered to the Federal Employment Agency for placement which were not filled on 30 September of the preceding year and the number of persons registered with the Federal Employment Agency on that date as seeking training places;
  2. for the current calendar year
    - a) the number of persons expected to be seeking training places up to 30 September of the current year,
    - b) an estimate of the number of training places expected to be on offer up to 30 September of the current year.

## Section 87

### Purpose and compilation of vocational training statistics

- (1) Federal statistics are compiled for the purposes of planning and organising vocational training.
- (2) The Federal Institute for Vocational Education and Training and the Federal Employment Agency support the Federal Statistical Office in the technical and methodological preparation of such statistics.
- (3) The surveying and processing program must be designed in agreement with the Federal Institute for Vocational Education and Training in such a manner that the data compiled can be used for planning and organising vocational training within the scope of the competencies defined in a given case.

## Section 88

### Surveys

- (1) The annual federal statistics comprise
  1. for each initial training contract:
    - a) sex, year of birth, nationality of trainees,
    - b) official municipality code of trainees' place of residence at the time of conclusion of the contract,
    - c) general-education school-leaving certificate, previous participation in prevocational or basic vocational training, previous initial training and previous course of studies of trainees,
    - d) training occupation and technical field,
    - e) official municipality code and geographic grid cell of the training premises, branch of industry, affiliation to the public sector,
    - f) reduction of the training period, part-time initial training, length of the probationary period,
    - g) the allowance agreed for each year of training at the time of conclusion of the contract,
    - h) the day, month and year of the contractually-agreed beginning and end of the current training, and the day, month and year of any premature termination of the initial training relationship,
    - i) follow-up contract, assignment of credit for previously completed dual training under this Act or under the Crafts and Trades Regulation Code, including specification of the training occupation,
    - j) the type of funding for initial training relationships supported mainly with public funds, particularly under the provisions of the Third Book of the Social Code,
    - k) the day, month and year of the final examination, form of admission to the examination, day, month and year of repetitions of examinations, success in the examination,
    - l) a training-integrated dual study course,

2. for every instance of participation in a vocational training examination, with the exception of the training contracts covered by no. 1: sex, year of birth and prior learning of the examinees, occupational sector, repetition of the examination, type of examination, success in the examination,
3. for every trainer: sex, year of birth, nature of their technical qualifications.

The reporting period for surveys is the calendar year. The information is collected with the data status as of 31 December of the reporting period.

- (2) The names and addresses of the persons required to give information, sequence numbers of data sets on trainees, examinees and trainers and the company number of the training premises in accordance with section 18i (1) or section 18k (1) of the Fourth Book of the Social Code are auxiliary characteristics. The auxiliary characteristics must be deleted at the earliest possible time, or after completion of the recurrent survey at the latest. The characteristics 'branch of industry', 'official municipality code' and 'geographic grid cell' under subsection (1) sentence 1 no. 1 (e) may be collected from statistics register data in accordance with section 13 (1) of the Federal Statistics Act (Bundesstatistikgesetz) and combined with the data in accordance with subsection (1) sentence 1 and subsection (2) sentence 1 using the auxiliary characteristic 'company number of the training premises' in accordance with section 18i (1) or section 18k (1) of the Fourth Book of the Social Code.
- (3) The competent bodies are obliged to furnish such information.
- (4) The data collected in accordance with subsection (1) sentence 1 nos. 1 to 3 are processed as individual pieces of information by the Federal Statistical Office and the statistical offices of the Länder and transmitted to the Federal Institute for Vocational Education and Training for purposes of preparing the Report on Vocational Education and Training and conducting vocational training research in accordance with section 84. For that purpose, an organisational unit must be established at the Federal Institute for Vocational Education and Training which must be separate from the Institute's other functional units in terms of its premises, organisation and staff. The persons working in this unit must be public officials or persons under a special obligation in respect of the public service. They may not use the findings generated by their work for purposes other than preparing the Report on Vocational Education and Training and conducting vocational training research. The data transmitted under sentence 1 may not be combined with other personal data. Details concerning the execution of the provisions of sentences 2 and 3 are specified by decree of the Federal Ministry of Education and Research.

## Part 5

### Federal Institute for Vocational Education and Training

#### Section 89

##### Federal Institute for Vocational Education and Training

The Federal Institute for Vocational Education and Training is an institution corporate under public law directly accountable to the Federal Government. Its headquarters are in Bonn.

#### Section 90

##### Tasks

- (1) The Federal Institute for Vocational Education and Training carries out its tasks within the scope of the education policy of the Federal Government.
- (2) The Federal Institute for Vocational Education and Training has the task of contributing to vocational training research by means of scientific research. This research is conducted on the basis of an annual research programme requiring the approval of the Federal Ministry of Education and Research. Further research tasks may be assigned to the Federal Institute for Vocational Education and Training by supreme federal authorities in agreement with the Federal Ministry of Education and Research. The key results of the research work carried out by the Federal Institute for Vocational Education and Training must be published.
- (3) The Federal Institute for Vocational Education and Training has the following further tasks:
  1. in accordance with the instructions of the competent federal ministry,
    - a) to take part in the drafting of training regulations and other statutory instruments to be issued under this Act or under Part Two of the Crafts and Trades Regulation Code,
    - b) to take part in the preparation of the Report on Vocational Education and Training,
    - c) to take part in the compilation of vocational training statistics in accordance with section 87,
    - d) to promote pilot schemes, including scientific investigations,
    - e) to take part in international cooperation in the field of vocational education and training,
    - f) to assume further administrative tasks of the Federation for the promotion of vocational education and training;
  2. in accordance with general administrative provisions of the competent federal ministry, to implement the promotion of inter-company training centres and support the planning, establishment and further development of these facilities;
  3. to maintain and publish the Register of Recognised Training Occupations;

4. to carry out the tasks described in the Distance Learning Protection Act (Fernunterrichtsschutzgesetz) in accordance with the guidelines issued by the Board and approved by the competent federal ministry and to contribute to the improvement and extension of vocational distance learning through the promotion of development projects.
- (3a) The Federal Institute for Vocational Education and Training carries out the tasks in accordance with section 53 (5) sentence 1 and section 54 of the Nursing Professions Act (Pflegerberufegesetz).
- (4) The Federal Institute for Vocational Education and Training may, with the approval of the Federal Ministry of Education and Research, conclude contracts with parties outside the federal administration for the assumption of further tasks.

## Section 91

### Organs

The organs of the Federal Institute for Vocational Education and Training are:

1. the Board,
2. the President.

## Section 92

### Board

- (1) In addition to the tasks assigned to it under other provisions of this Act, the Board has the following further tasks:
1. it determines the affairs of the Federal Institute for Vocational Education and Training insofar as these have not been assigned to the President;
  2. it advises the Federal Government on basic issues relating to vocational education and training and may submit an opinion on the draft Report on Vocational Education and Training;
  3. it determines the annual research programme;
  4. it may make recommendations concerning the uniform application of this Act;
  5. it may state its views on the draft statutory instruments prepared by the Federal Institute for Vocational Education and Training in accordance with section 4 (1), taking into account the corresponding draft framework curricula for school-based training;
  6. it determines the affairs of the Federal Institute for Vocational Education and Training mentioned in section 90 (3) nos. 3 and 4, and in section 97 (4).
- (2) The President informs the Board without delay of instructions to implement tasks in accordance with section 90 (3) no. 1, and administrative provisions issued in accordance with section 90 (3) no. 2.

- (3) The Board consists of eight representatives each of the employers, the employees and the Länder as well as five representatives of the Federation. The representatives of the Federation have eight votes which may only be cast en bloc; they have no right to vote on matters concerning advice to the Federal Government on basic issues relating to vocational education and training, on the opinion concerning the draft Report on Vocational Education and Training, and within the framework of consultations under this Act. One representative each of the Federal Employment Agency, the umbrella organisations of municipal associations established at federal level and the Research Council may attend the meetings of the Board in an advisory capacity.
- (4) The employers' representatives are appointed on the proposal of the organisations of the chambers, employers' associations and industrial associations established at federal level, the employees' representatives on the proposal of the trade unions organised at federal level, the federal representatives on the proposal of the Federal Government, and the representatives of the Länder on the proposal of the Bundesrat; they are appointed by the Federal Ministry of Education and Research for a period not exceeding four years.
- (5) The Board elects for the period of one year one member to serve as chair and another member to serve as deputy chair. The chair is proposed in turn by the representatives of the employers, the employees, the Länder and the Federation.
- (6) The members of the Board serve in an honorary capacity. Insofar as they receive no compensation from any other source, they are to be paid appropriate compensation for out-of-pocket expenses and for loss of earnings at a rate to be specified by the Federal Institute for Vocational Education and Training with the approval of the Federal Ministry of Education and Research. Such approval is granted in agreement with the Federal Ministry of Finance.
- (7) Members may be removed from the Board for an important reason after consultation with the parties involved in their appointment.
- (8) The representatives have substitutes. Subsections (4), (6) and (7) apply accordingly.
- (9) The Board may, according to the provisions of the statutes, appoint subcommittees which may include as their members persons other than members of the Board. As a rule, the membership of the subcommittees must include representatives of the employers, the employees, the Länder and the Federation. Subsections (4) to (7) apply to subcommittees accordingly.
- (10) The Board is not bound by any instructions in the execution of its tasks.

### Section 93

#### President

- (1) The President represents the Federal Institute for Vocational Education and Training judicially and extrajudicially. He or she manages the administrative affairs of the Federal Institute for Vocational Education and Training and executes its tasks. Insofar as he or she is not obliged to observe instructions and general administrative provisions of the competent federal ministry (section 90 (3) nos. 1 and 2), he or she executes these tasks in accordance with the guidelines of the Board.
- (2) The President is appointed by the Federal President on the proposal of the Federal Government; the Vice President is appointed by the Federal President on the proposal of the Federal Ministry of Education and Research in agreement with the President; the President and the Vice President are accorded civil servant status at the time of their appointment.

### Section 94

#### Research Council

- (1) The Research Council advises the organs of the Federal Institute for Vocational Education and Training by means of opinions and recommendations in respect of
  1. the research programme of the Federal Institute for Vocational Education and Training
  2. the cooperation of the Institute with higher education institutions and other research institutions; and
  3. the annual reports on the results of research by the Federal Institute for Vocational Education and Training.
- (2) The Council receives all the information required for the execution of its tasks from the President of the Federal Institute for Vocational Education and Training. Upon request, the Council is given explanatory information on the research work of the Federal Institute for Vocational Education and Training once a year within the framework of colloquiums.
- (3) The Council consists of up to eleven recognised specialists in the area of vocational training research from Germany and abroad who are not staff of the Federal Institute for Vocational Education and Training. They are appointed by the President of the Federal Institute for Vocational Education and Training in agreement with the Federal Ministry of Education and Research for a period of four years. One successive reappointment is possible. Four members of the Board, namely one representative each of the employers, the employees, the Länder and the Federation, may participate in the meetings of the Research Council without voting rights.
- (4) The Research Council may adopt its own rules of procedure.
- (5) Section 92 (6) applies accordingly.

## Section 95

### Disabled Persons Committee

- (1) A permanent subcommittee of the Board must be established for the purpose of advising the Federal Institute for Vocational Education and Training in respect of its tasks in the area of the vocational education and training of disabled persons. The Disabled Persons Committee must endeavour to ensure that consideration is given to the special vocational education and training requirements of disabled persons and that the vocational education and training of disabled persons is coordinated with other measures to promote their participation in working life. The Federal Institute for Vocational Education and Training takes decisions concerning the implementation of research projects pertaining to the vocational education and training of disabled persons, taking into account proposals put forward by the Committee.
- (2) The Committee comprises 17 members who are appointed by the President for a period not exceeding four years. One reappointment is permitted. The members of the Committee are appointed on the proposal of the Advisory Council for the Participation of People with Disabilities (Section 86 of the Ninth Book of the Social Code) as follows:
  - one member to represent the employees,
  - one member to represent the employers,
  - three members to represent organisations of disabled persons,
  - one member to represent the Federal Employment Agency,
  - one member to represent the statutory pension insurance scheme,
  - one member to represent the statutory accident insurance scheme,
  - one member to represent private welfare organisations,
  - two members to represent vocational rehabilitation institutions,
  - six additional persons who are experts in the area of vocational education and training of disabled persons and work at vocational training establishments or outpatient services for the disabled.
- (3) The Committee may invite disabled persons who are undergoing initial training, further training or retraining to participate in its deliberations.

## Section 96

### Funding of the Federal Institute for Vocational Education and Training

- (1) Expenditure for the establishment and administration of the Federal Institute for Vocational Education and Training is met by federal grants. The amount of such federal grants is stipulated by the Budget Act (Haushaltsgesetz).
- (2) Expenditure for the implementation of assignments under section 90 (2) sentence 3 and of tasks under section 90 (3) no. 1 (f) is met by the federal ministry ordering them. Expenditure for the implementation of contracts in accordance with section 90 (4) must be met by the contracting parties.

## Section 97

### Budget

- (1) The budget is drawn up by the President. The Board adopts the budget.
- (2) The budget requires the approval of the Federal Ministry of Education and Research. Such approval also applies to the expediency of the budget estimates.
- (3) As a rule, the budget must be submitted to the Federal Ministry of Education and Research in good time before the submission of estimates for the federal budget, at the latest by 15 October of the preceding year.
- (4) Excess and unbudgeted expenditure may be authorised by the Board on the proposal of the President. Such authorisation requires the consent of the Federal Ministry of Education and Research and the Federal Ministry of Finance. Sentences 1 and 2 apply accordingly to 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.
- (5) After the expiry of the fiscal year, the accounts must be drawn up by the President. Discharge is incumbent upon the Board. Such discharge does not require approval under section 109 (3) of the Federal Budget Code (Bundeshaushaltsordnung).

## Section 98

### Statutes

- (1) The statutes of the Federal Institute for Vocational Education and Training regulate details of
  1. the manner and method for the discharge of tasks (section 90 (2) and (3)) and
  2. the organisation of the Institute.
- (2) The Board must adopt the statutes by a majority of four fifths of the votes of its members. The statutes require the approval of the Federal Ministry of Education and Research and are published in the Federal Gazette (Bundesanzeiger).
- (3) Subsection (2) applies accordingly to amendments to the statutes.

## Section 99

### Staff

- (1) The tasks of the Federal Institute for Vocational Education and Training are executed by civil servants and other staff classified as salaried employees and wage earners. The Federal Institute for Vocational Education and Training is the employer within the meaning of section 2 of the Federal Civil Service Act (Bundesbeamtengesetz). The civil servants are federal civil servants
- (2) The Federal Ministry of Education and Research appoints and dismisses the civil servants of the Federal Institute for Vocational Education and Training insofar as the right to appoint and dismiss civil servants whose office is listed in Federal Remuneration Regulation B is not exercised by the Federal President. The competent federal ministry may transfer its powers to the President.

- (3) The supreme authority for the civil servants of the Federal Institute for Vocational Education and Training is the Federal Ministry of Education and Research. It may transfer its powers to the President. Section 144 (1) of the Federal Civil Service Act and section 83 (1) of the Federal Disciplinary Act (Bundesdisziplinalggesetz) remain unaffected.
- (4) The collective agreements and other rules applicable to federal staff also apply to the salaried employees and wage earners of the Federal Institute for Vocational Education and Training. Exceptions require the prior approval of the Federal Ministry of Education and Research; such approval must be granted in agreement with the Federal Ministry of the Interior, Building and Community and the Federal Ministry of Finance.

### Section 100

#### Supervision of the Federal Institute for Vocational Education and Training

Insofar as no provision is made under this Act for more extensive supervisory powers, the Federal Institute for Vocational Education and Training is subject to the legal supervision of the Federal Ministry of Education and Research.

## Part 6

### Provisions governing fines

#### Section 101

##### Provisions governing fines

- (1) A regulatory offence is deemed to have been committed by any person who
1. contrary to section 11 (1) sentence 1, also in conjunction with subsection (4), fails to set down in writing the essential content of a contract or any essential amendments thereto, or fails to do so correctly, completely, in the prescribed manner or in good time
  2. contrary to section 11 (3), also in conjunction with subsection (4), fails to provide a copy of the document or fails to do so in good time,
  3. contrary to section 14 (3) entrusts trainees with a task which does not serve the purpose of their training,
  4. contrary to section 15 (1) sentence 1 or 2 engages trainees or fails to give them time off,
  5. contrary to section 18 (3) sentence 1, also in conjunction with sentence 2, fails to pay the allowance mentioned there, or fails to do so correctly, completely or in good time,
  6. contrary to section 28 (1) or (2), engages or trains trainees,
  7. acts contrary to an enforceable order issued under section 33 (1) or (2),
  8. contrary to section 36 (1) sentence 1 or 2, each also in conjunction with sentence 3, fails to apply for an entry in the register mentioned therein or

- fails to do so in good time, or fails to attach a copy of the contract document,
9. contrary to section 53b (4) sentence 3, section 53c (4) sentence 3, section 53d (4) sentence 3 and section 54 (4), uses a designation of final qualification or
  10. contrary to section 76 (2), fails to furnish information or fails to do so correctly, completely or in good time; fails to produce a document or fails to do so correctly, in its entirety or in good time; or fails to permit an inspection or fails to do so in good time.
- (2) A regulatory offence may be punished by a fine of up to 5,000 euros in the cases specified in subsection (1) nos. 3 to 7, and by a fine of up to 1,000 euros in the other cases.

## **Part 7**

### **Transitional and concluding provisions**

#### **Section 102**

##### **Equal treatment of final examination certificates in the context of German unification**

Examination certificates issued under the trained occupation scheme ('Systematik der Ausbildungsberufe') and the skilled workers training scheme ('Systematik der Facharbeiterberufe') and examination certificates issued in accordance with section 37 (2) of this Act are considered equal.

#### **Section 103**

##### **Ongoing applicability of existing provisions**

- (1) Apprenticeship and semi-skilled occupations recognised prior to 1 September 1969 or comparably regulated training occupations are deemed to be training occupations within the meaning of section 4. The occupational profiles, vocational training plans, examination requirements and examination regulations for these occupations are applicable until the issuance of training regulations under section 4 and examination regulations under section 47.
- (2) Examination certificates issued prior to 1 September 1969 in occupations deemed to be recognised training occupations under subsection (1) are considered equal to examination certificates issued in accordance with section 37 (2).
- (3) Section 5 (2) sentence 1, section 11 (1) sentence 2, section 13 sentence 2, sections 14, 43 (1) no. 2, section 79 (2) no. 1 and section 101 (1) no. 3 in the version valid until 5 April 2017 continue to apply to training contracts concluded before 30 September 2017.

## Section 104

### Transfer of competencies

The Land governments are authorised to transfer by statutory instrument the responsibilities transferred under this Act to the authorities competent under Land law to competent bodies under sections 27, 30, 32, 33 and 70.

## Section 105

### Evaluation

The provisions on a minimum allowance and delegations of examiners, and the provision of section 5 (2) sentence 1 no. 2 (a) are to be scientifically evaluated by the Federal Institute for Vocational Education and Training five years after the entry into force of the Act to Modernise and Strengthen Vocational Education and Training (Gesetz zur Modernisierung und Stärkung der beruflichen Bildung).

## Section 106

### Transitional provision

- (1) Section 17, in the version valid until 31 December 2019, is applicable to any initial training contracts concluded on or before that date.
- (2) Section 34 (2) no. 7 and section 88 (1) sentence 1 no. 1 (g), in the version valid from 1 January 2020, are applicable to any initial training contracts in respect of training beginning as of 1 January 2020. In all other cases, section 34, section 35 (3) sentence 1 and section 88 in the version valid until 31 December 2019 continue to apply to any initial training contracts in respect of training beginning on or before 31 December 2020.
- (3) Insofar as a further training regulation has been issued for a recognised further training qualification on the basis of section 53 in the version valid until 31 December 2019, this further training regulation continues to apply in the version valid as of 1 January 2020 until the first issue of a further training regulation under section 53. Insofar as a further training examination provision has been issued under section 54 in the version valid until 31 December 2019, this further training examination provision continues to apply in the version valid as of 1 January 2020 until the first issue of a further training examination provision under section 54.

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