

**National Professional Qualifications Act
(official consolidated text)**

On the basis of Article 153 of the Rules of Procedure, the National Assembly of the Republic of Slovenia confirmed at a session held on 20 December 2006 the official consolidated text of the National Professional Qualifications Act, which covers:

- The National Professional Qualifications Act – ZNPK (Official Gazette of RS, no. 81/00 of 15/09/2000),
- The Act Amending the National Professional Qualifications Act – ZNPK-A (Official Gazette of RS, no. 55/00 of 09/06/03) and
- The Act Amending the National Professional Qualifications Act – ZNPK-B (Official Gazette of RS, no. 118/00 of 17/11/06)

No. 602-13/00-2/7

Ljubljana, 20 December 2006

EPA 1144-IV

President of the National Assembly of
the Republic of Slovenia
France Cukjati

**NATIONAL
PROFESSIONAL QUALIFICATIONS ACT
(official consolidated text)
(ZNPK-UPB2)**

I. GENERAL PROVISION

Article 1
(content of the act)

This act regulates the procedures and bodies or institutions and organisations competent for the preparation and adoption of professional standards and catalogues of standards for technical knowledge and skills (hereinafter referred to as: catalogue), and conditions and procedures for the acquisition of national professional qualifications.

Article 2
(definition of professional qualification)

A professional qualification under this act is a professional or vocational competence necessary for the exercise of a profession or individual sets of responsibilities within a profession at a specified level of difficulty.

A professional qualification acquired in accordance with this act is recognised as a national professional qualification (hereinafter referred to as: professional qualification).

A professional qualification falls within the national framework for qualifications.

Article 3
(acquisition of national professional qualification)

An individual acquires a national professional qualification:

- by acquiring a professional or vocational education for all occupations which are in accordance with the professional standards covered by an educational or study programme.
- from parts of education programmes for the acquisition of professional or vocational education,
- under programmes for professional and vocational training, if determined in those programmes,
- under parts of study programmes for the acquisition of higher education or under advanced study programmes,
- if he or she proves to have knowledge and skills determined in the catalogue adopted in accordance with this act.

Upon their exit from the programme, individuals who have not fulfilled all the obligations for the acquisition of education are awarded a certificate by schools of the professional qualification for which they did fulfil the requirements in accordance with this act.

Individuals who have not fulfilled all obligations for the acquisition of education and have not fulfilled the conditions for the acquisition of a certificate for professional qualification under the previous paragraph shall be given certificates for the requirements they have fulfilled.

The documents mentioned in paragraphs 2 and 3 of this act are issued by higher education institutes at the request of a student or a person who has lost their student status because they failed to fulfil their obligations.

Article 3.a
(study programmes)

Study programmes under which professional qualifications are acquired in accordance with the fourth indent of paragraph 1 of Article 3 of this act are adopted and accredited in accordance with the legislation regulating higher education.

When adopting study programmes, higher education institutes are obliged to consider the initiatives of the partners in Article 7 of this act.

Besides components determined by the legislation regulating higher education, a study programme must also include a professional qualification which can be acquired under the study programme.

Article 4
(publicly valid education)

It is not possible to acquire a title in professional and vocational education or a professional title acquired under publicly valid education or study programmes adopted in accordance with acts and other rules regulating professional, vocational and higher education with a professional qualification acquired in accordance with the fifth indent of paragraph 1 of Article 3, but it is taken into account in the acquisition of publicly valid education or professional titles in accordance with the rules regulating the acquisition of the mentioned levels of education or professional titles.

Article 5
(authentic instrument)

A national professional qualification is demonstrated with an authentic instrument which is acquired after education or parts of education are completed, and with an authentic instrument acquired in accordance with this act.

Authentic instruments acquired by individuals in accordance with this act (hereinafter referred to as: certificate), are taken into account in the acquisition of publicly valid education in accordance with the rules regulating the field of education.

The form and content of authentic instruments issued in accordance with this act are determined by the minister responsible for labour (hereinafter referred to as: minister).

Notwithstanding the provision of the previous paragraph, the content and form of the instrument proving the acquisition of a professional qualification on the basis of study programmes in higher education are determined by a competent body of a higher education institute and published in the Official Gazette of the Republic of Slovenia.

Article 5.a
(application of the act to professional qualifications in the field of higher education)

The provisions of this act which regulate the competences of expert or other institutions, bodies and organisations, professional standards and catalogues, conditions for the acquisition of professional qualifications, procedures of inspection and verification, protection of candidates' rights, supervision and funding, are used for the acquisition of a professional qualification in the field of higher education, if this is explicitly determined by this act.

II. EXPERT AND OTHER INSTITUTIONS, BODIES AND ORGANISATIONS

Article 6 (Expert Council)

The Council of Experts of the Republic of Slovenia for Vocational and Technical Education (hereinafter referred to as: competent expert council)

- proposes professional standards and catalogues,
- adopts a methodology for the preparation of professional standards and catalogues.
- adopts priorities for the creation of professional standards and catalogues in a specified period on the basis of the long-term needs of the labour market,
- proposes training programmes for the members of commissions for obtaining licences,
- performs other tasks determined by acts and other regulations.

Expert, technical and other tasks in the field of professional standards and catalogues on behalf of the expert council are performed by the National Institute for Vocational Education and Training (hereinafter referred to as: CPI).

Article 7 (partners)

In the field of the acquisition of professional qualifications, chambers, associations of employers, professional associations, non-governmental organisations, trade unions and competent ministries perform as partners primarily the following tasks:

- introducing initiatives for new professional standards and catalogues,
- introducing initiatives to higher education institutes for the adoption of study programmes which allow for the acquisition of professional qualifications in accordance with the fourth indent of Article 3 of this act,
- proposing members of sector committees for professional standards
- performing other tasks determined by acts and other regulations.

Article 8 (Institute for Vocational Education and Training)

The CPI performs development and consulting work and expert work in the development of professional standards in the field of professional qualifications and creating catalogues. In performing its tasks, the CPI cooperates with expert institutions in the field of education and employment in Slovenia and abroad.

The CPI's tasks are:

- technical assistance to working groups for the development of professional capacities, qualifications, professional standards, catalogues,
- developing methodologies for the recognition of qualifications acquired in the labour system,
- monitoring the certification system,
- monitoring the international comparability of vocational training qualifications,
- performing professional tasks and complementing the methodological bases of the certification system, credit system and qualifications framework,
- encouraging the acquisition of professional qualifications for new vocational and expert fields at all levels of difficulty,
- promoting the certification system in cooperation with partners,
- cooperating with other partner institutions in the European Union,
- developing and complementing methodologies in the field of direct and indirect examinations,

- preparing material and performing other tasks determined by acts and other regulations, general legal acts and the needs of the ministry.

Article 9
(National Examinations Centre)

The National Examinations Centre:

- attends to the development of methodologies and procedures of examinations and the verification of professional qualifications,
- organises the training of candidates for members of commissions for examinations and verification,
- is responsible for questions and tasks in the examination and verification procedures for professional qualifications,
- is responsible for the development of a network for examinations and the verification of professional qualifications,
- keeps a register of persons who perform examinations and the verification of qualifications,
- grants licences to members of commissions for examinations and verification,
- keeps registers for which it is authorised by law,
- monitors the work of commissions for examinations and verification,
- reports to the relevant minister at least once a year,
- performs other tasks determined by acts and other regulations, and general legal acts.

Article 10
(persons performing examinations and the verification
of professional qualifications)

The procedures for examinations and the verification of professional qualifications can be performed by inter-company education centres, schools, organisations for adult education and chambers implementing publicly valid education programmes, and fulfil the material and personnel conditions determined by the catalogue of standards of technical knowledge and skills, and other acts if determined by special regulations (hereinafter referred to as: institutions performing examinations and the verification of professional qualifications).

For those fields for which organisations from the previous paragraph cannot ensure adequate conditions, the National Examinations Centre selects an institution performing examinations and the verification of professional qualifications on the basis of a public tender.

The National Examinations Centre enters the institutions performing examinations and the verification of professional qualifications into a register of institutions performing examinations and the verification of professional qualifications. The procedure of entry in and management of the register is determined by the minister.

III. PROFESSIONAL STANDARD, CATALOGUE

Article 11
(basis for the preparation of catalogues)

Initiative for the preparation of professional standards is the basis for the preparation of catalogue.

An initiative for the preparation of professional standard is a document which contains the name of the profession, key tasks, an assessment of needs considering the long-term

development of the activity, rules regulating activities in the Republic of Slovenia and the European Union, and international comparability.

An initiative for the preparation of professional standards can be submitted to the CPI by any legal or natural person on a form published on the website of the CPI. If the CPI establishes that the initiative meets the requirements of paragraph 2 of this article, it prepares a proposal of professional standards, and informs the initiator if the initiative does not meet the requirements for the preparation of professional standards in accordance with paragraph 2 of this article.

A catalogue is compiled on the basis of professional standards. A decision on the preparation of a catalogue on a proposal from sector committees is adopted by a competent expert council upon the adoption of professional standards.

Article 12 (catalogue)

A catalogue is a document which determines entry conditions, the content of examination and verification at a certain level of difficulty, and defines the methods and criteria for examinations, criteria and measures for particular questions and tasks, examples of tasks and questions, credit points and material conditions which have to be met by the institutions performing examinations, and the verification of professional qualifications, and personnel conditions which have to be met by the members of the commission.

A catalogue is prepared on the basis of professional standards and is evaluated by the same methodology with which modules in professional and vocational education are evaluated.

Catalogues are adopted by the minister at the proposal of the competent expert council.

Article 13 (methodology for the preparation of catalogues)

Proposals of professional standards and catalogues must be compiled in accordance with the methodology determined by the competent expert council.

Article 14 (sector committees for professional standards)

The minister appoints sector committees for professional standards, which coordinate proposals from partners, for an individual professional field, or for more branches.

Sector committees are constituted of seasoned experts proposed by chambers, associations of employers, professional associations, trade unions, non-profit organisations and relevant ministries, in cooperation with partners from Article 7 of this act.

Sector committees:

- deal with the validity of initiatives for professional standards and catalogues,
- propose priorities for the preparation of professional standards and catalogues to the competent expert council,
- propose methodologies for the preparation of professional standards and catalogues.
- propose preparation of professional standards and catalogues,
- propose lists of seasoned experts for the preparation of professional standards, occupational profile and catalogues,
- propose the structure of qualifications for a field,
- coordinate the content of professional standards and catalogues,

- propose revisions of professional standards and catalogues,
- propose professional standards and catalogues to the competent expert council.

Sector committees propose to individual branches the preparation of professional standards and catalogues, and for that task appoint a working group of seasoned experts. The working group sends the proposal of professional standards and catalogue, proposals on the extension of validity of the existing or renewed professional standards and catalogue, together with explanations, to the competent sector committee.

In the process of coordinating the content of professional standards and catalogues, the sector committee has to consider primarily:

- established needs for professional qualification,
- international comparability,
- conformity with the law.

The sector committee inspects the proposal from paragraph 4 of this article and prepares a proposal for the adoption or rejection of professional standards and catalogues and sends its opinion on professional standards and catalogues to the competent expert council.

Article 15 (publication of catalogues)

The CPI prepares a clean copy of catalogues.

Catalogues are published by the minister in a special publication of the ministry responsible for labour (hereinafter referred to as: ministry), which has to be publicly available in printed and electronic forms.

Catalogues adopted in accordance with this act are publicly valid.

Article 16 (deleted)

IV. CONDITIONS FOR ACQUISITION OF PROFESSIONAL QUALIFICATION

Article 17 (candidates)

Professional qualifications under this act can be acquired by persons at least 18 years of age. Exceptionally, professional qualifications under this act can be also acquired by persons who are under 18 years of age, if they have lost the status of apprentice or student and demonstrate adequate work experience (hereinafter referred to as: candidate)

Article 18 (proving of professional qualifications)

Professional qualifications are proven:

- by direct examination of professional knowledge, skills and competences determined by the relevant catalogue (hereinafter referred to as: examination),
- on the basis of documents acquired under education programmes, or by other means (hereinafter referred to as: verification).

Types and duration of examinations and the structure of commissions for examinations and the verification of professional qualifications may be adjusted for persons with particular needs.

More detailed instructions are determined by the commission for examinations and the verification of professional qualifications on a case-by-case basis, in accordance with the catalogue.

V. EXAMINATION AND VERIFICATION PROCEDURES

Article 19 (commissions)

Examinations and the verification of professional qualifications are performed by commissions for examinations and the verification of professional qualifications (hereinafter referred to as: commissions), except in cases under paragraphs 2 and 3 of this act.

The minister responsible for labour determines the list of candidates for each catalogue separately on the basis of a public tender from the National Examinations Centre, or for military occupations, on a proposal from the minister responsible for defence. Members are appointed to the list for a four-year term. From these members, the National Examinations Centre appoints a commission for each examination and verification.

Presidents and members of commissions must acquire a licence from the National Examinations Centre which has to be renewed every four years.

A licence can be acquired by persons whose qualifications are determined by catalogue and who have worked in the relevant profession for at least five years and have completed a training programme as determined by the minister on a proposal from the competent expert council. Candidates for membership of commissions can also acquire proofs of qualification by direct examination on the basis of a catalogue of knowledge and skills as determined by the minister.

If the National Examination Centre discovers in monitoring the work of commissions that the president or a member of the commission is not competent to work on the commission or that they violate regulations on the recognition of professional qualifications, they will be deprived of their licences.

Members of the commission or presidents of the commission must not be persons who:

- are the candidate's employer during the period of examination,
- are co-owners of a company, workshop, shop, bar with the candidate, or is his or her colleague during the examination,
- related to the candidate directly or collaterally up to the third generation, or is his or her spouse or extra-marital partner.

The commission must not include more than one member who has implemented the training programme or prepared the candidate for examination.

The methods and procedures for the in-service training of members of commissions are determined in more detail by the minister.

Article 20 (pursuit of administrative-technical and professional tasks)

Administrative-technical and professional tasks on the behalf of commissions are pursued by institutions performing examinations and the verification of professional qualifications.

The regularity and expertise of commissions is monitored by the National Examinations Centre.

VI. PROTECTION OF RIGHTS OF CANDIDATES

Article 21 (appeals)

A candidate has the right to appeal within three days following the receipt of the commission's decision. Appeals are submitted to an appeal commission appointed by the minister.

The appeal commission has to establish the validity of an appeal within three days. If it establishes that an appeal is valid, it appoints a commission which will determine a new assessment, if this is possible, on the basis of documentation, or on the basis of a re-examination of the appellant's technical knowledge and skills in accordance with the relevant catalogue. A commission is appointed in accordance with Article 19 of this act. Members who have participated in the issuing of an appeal on a decision must not be appointed to the commission.

Article 21.a (publication of certificate cancellation)

A person who loses a certificate, or if their certificate is destroyed or stolen, must immediately send a request to the Official Gazette of the Republic of Slovenia for the publication of a certificate cancellation.

If a holder of a certificate does not publish a cancellation, this can be done by the issuer of the certificate if it has proof that the certificate has been lost, but must inform the holder of the document regarding such action.

Article 21.b (replacement certificates)

The institution performing the examination and verification of professional qualifications must issue to the holder a replacement certificate if he or she proves that the Official Gazette of the Republic of Slovenia has published the cancellation of the original copy due to loss, destruction or theft.

The institution performing examinations and the verification of professional qualifications issues a substitute certificate on a special form as a register item, which in addition to the prescribed data must contain a clause stating that the certificate is a substitute equivalent to the original copy, data on the register item and the original copy of the certificate (number and date of issue) and the label of the register from which the data is taken.

The issuer of the substitute certificate states the name of the institution performing the examination and verification of the professional qualification, or a successor in title who has an adequate register, regardless of who the issuer was, or the name of the issuer of the certificate. The extract is signed by a person authorised by the issuer, who also confirms the authenticity of the document with the issuer's stamp.

The data on an issued substitute certificate is entered in the register of issued certificates on the basis of submitted proof of the cancellation of the original copy in the Official Gazette of the Republic of Slovenia.

Article 21.c
(treatment of damaged certificates)

A damaged certificate is returned by its holder to the institution performing examinations and the verification of professional qualifications to be destroyed. The institution performing examinations and the verification of professional qualifications destroys the certificate by crossing it out, or punching it, and marking on the front side that it has been destroyed, and placing the number and date of the issuing of the act with which the certificate was destroyed, and the name of the body which destroyed it. If possible, the institution performing examinations and the verification of professional qualifications destroys all certified copies of the certificate. Data on the destruction of the certificate are entered in the register of issued certificates.

Article 22
(implementing regulations)

The structure of commissions, the manner and procedure for the acquisition or cancellation of licences, and the manner and procedures for examinations and the verification of professional qualifications are determined in more detail by the minister.

Article 23
(report)

Institutions performing examinations and the verification of professional qualifications and members of commissions report annually to the National Examination Centre, which reports to the minister.

Reports contain data on issues related to counselling and procedures for the examination of standards of technical knowledge and skills, and proposals for amending catalogues.

VII. SUPERVISION

Article 24
(the Labour Inspectorate)

Supervision of the legality of the work of institutions performing examinations and the verification of professional qualifications and the legality and expertise of the work of commissions is performed by the Labour Inspectorate (hereinafter referred to as: inspectorate).

Inspection supervision as per the previous paragraph is directly performed by labour inspectors (hereinafter referred to as: inspector).

Article 25
(scope of supervision)

The Inspectorate supervises:

- whether conditions determined for institutions performing examinations and the verification of professional qualifications are met,

- the legality of procedures for examinations and the verification of professional qualifications,
- the structure of commissions,
- the competence of commission members.

Article 26 (types of supervision)

Supervision is carried out as regular or extraordinary supervision and repeated supervision.

Regular supervision is carried out in accordance with the annual working plan of the Inspectorate, which has to provide that supervision of individual institutions performing examinations and verification is carried out at least once a year.

Extraordinary supervision is carried out at the request from an individual, who must be informed of the results of supervision if requested. An inspection must also be carried out extraordinary supervision in the case of anonymous requests.

Repeated supervision is carried out following the expiry of the deadline for the elimination of violations and the execution of imposed measures and tasks.

Regular supervision is announced in advance, while extraordinary and repeated supervision does not have to be announced in advance. Upon arrival, the inspector communicates advance notice to a responsible person.

Article 27 (measures)

If an inspector identifies violations, he or she issues a decision which:

- determines measures and deadlines for the elimination of violations,
- demands the replacement of the commission, individual members or the president,
- orders a temporary or permanent withdrawal of permits for examinations and the verification of professional qualifications,
- orders a temporary or permanent withdrawal of the permit of the president or a member of the commission.

The decision is handed to the party concerned, and in cases from the second, third and fourth indents of the previous paragraph, also to the National Examinations Centre, which is obliged to implement the measures arising from the decision until their conclusion.

Article 28 (repeated supervision and implementation of measures)

If an inspector finds on repeated inspection that a responsible person has not implemented a decision, he or she can determine a new deadline for the implementation of the decision if given acceptable reasons as to why the decision was not implemented.

If violations are not eliminated within the new deadline, or if the elimination of established violations cannot be expected under the prevailing circumstances, the inspector orders an adequate measure from the second to fourth indents of paragraph 1 of the previous article.

Article 29 (records of performed supervision)

Performed supervisions are entered in a record.

The record must contain precise and brief descriptions of the course and content of actions and statements in the inspection supervision. The record must be limited to the subject of the procedure. The record contains documents used for any purpose during the supervision.

The record is handed to the party, and also to the National Examinations Centre if the established violations relate to the commission's work.

Article 30
(the right to appeal an inspector's decision)

An appeal regarding the decision issued by inspector can be filed within eight days following the day the decision is handed to the ministry.

VIII. REGISTERS

Article 31
(types of register)

To monitor the situation in the field, to establish, regulate and implement rights and commitments, and to decide on the rights and commitments under this act and for other legitimate purposes, the following registers are kept in the field of professional qualifications:

- register of professional standards,
- register of catalogues,
- register of certificates issued,
- register of licence holders,
- register of institutions performing examinations and the verification of professional qualifications.

Article 32
(content of registers)

The register of professional standards contains,

- the name and code of the professional standard,
- the name of the professional qualification,
- date of adoption,
- date of publication.

The register from the previous paragraph is kept by the CPI.

The register of catalogues contains:

- name of catalogue,
- professional qualification,
- date of adoption,
- date of publication.

The register from the previous paragraph is kept by the CPI.

The register of issued certificates contains:

- personal data (name, surname, date and place of birth, Unique Master Citizen Number, residence),
- number and date of issue of certificate,
- professional qualification acquired by candidate.

The register from the previous paragraph is kept by the institution performing examinations and the verification of professional qualifications. If the institution performing examinations and the verification of professional qualification discontinues this activity, it has to hand over the register to the National Examinations Centre within 30 days.

The register of licence holders contains:

- personal data (name, surname, date and place of birth, Unique Master Citizen Number, residence),
- number and date of issue of licence,
- withdrawal of licence,
- number and date of licence renewal.

The register from the previous paragraph is kept by the National Examinations Centre.

The register of institutions performing examinations and the verification of professional qualifications contains:

- name or company,
- headquarters,
- registered activity,
- number and date of issue of decisions on conditions for the beginning of the pursuit of the activity,
- responsible person,
- date of entry or deletion from register.

The register from the previous paragraph is kept by the National Examinations Centre.

Article 33 (protection of personal data)

The collection and use of personal data is subject to legislation regulating the protection of personal data.

The registers from Article 31 of this act are kept permanently.

IX. FUNDING

Article 34 (settlement of costs)

Upon filing their applications for the acquisition of a professional qualification, candidates are obliged to settle the costs of procedures for the acquisition of a certificate.

A candidate is charged with costs in the amount determined by the minister based on a proposal from partners and in accordance with certificate pricing methodology.

The National Professional Qualifications Act – ZNPK (Official Gazette of RS, no. 81/00) contains the following transitional and final provision:

X. TRANSITIONAL AND FINAL PROVISION

Article 35

(validity of certificates)

Certificates issued before this act entered into force, in accordance with the Employment and Insurance against Unemployment Act (Official Gazette of RS, no. 5/91-I, 12/92, 12/93, 71/93, 38/94, 80/97 and 69/98) are also publicly valid under this act.

Article 36
(implementing regulations)

Until regulations determined by this act are adopted, the Rules on the procedure for acquiring professional qualifications (Official Gazette of RS, no. 48/99) shall be applied. 48/99).

The minister or the Council of Experts of the Republic of Slovenia for Vocational and Technical Education are to adopt the regulations determined by this act at the latest six months after this act enters into force.

The regulations issued on the basis of acts regulating the field of education which are in contradiction with this act are to be coordinated by the relevant minister at the latest six months after this act enters into force.

Article 37
(enforcement of the act)

This act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia.

The Act Amending the National Professional Qualifications Act – ZNPK-A (Official Gazette of RS, no. 55/03) contains the following final provision:

Article 2

This act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia.

The Act Amending the National Professional Qualifications Act – ZNPK-B (Official Gazette of RS, no. 118/06) contains the following transitional and final provision:

TRANSITIONAL AND FINAL PROVISIONS

Article 26
(implementing regulations)

The implementing regulations determined by this act are to be adopted at the latest one year after this act enters into force.

The implementing regulations issued on the basis of the National Professional Qualifications Act (Official Gazette of RS, no. 83/03 – official consolidated text) are to be coordinated with the provisions of this act at the latest within one year, and the provisions are to be applied until the expiry of this deadline if they are not in contradiction with this act.

Article 27
(credit evaluation)

The catalogues adopted before this act entered into force have to be credited at the latest two years after it enters into force.

Article 28
(enforcement of the act)

This act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia.