

# **LAW ON THE VOCATIONAL QUALIFICATIONS AUTHORITY**

Law No: 5544

Date of Adoption: 21/9/2006

## **PART ONE**

### **Objective, Scope and Definitions**

#### **Objective and scope**

**ARTICLE 1** – (1) The objective of this Law is to establish the Vocational Qualifications Authority for the purpose of determining the principles for national qualifications in the technical and vocational fields based on national and international occupational standards, establishing and operating the national qualifications system required for conducting activities related to auditing, assessment and evaluation, certification; to identify the Authority's procedures and principles of operation; and to regulate issues related to the national qualifications framework.

(2) This Law excludes the professions of medical doctors, dentists, nurses, mid-wives, pharmacists, veterinaries, engineers and architects as well as any other professions requiring bachelor's degree as a minimum qualification and for which conditions for inception of respective professions are regulated by law.

#### **Definitions**

**ARTICLE 2** – (1) For the purpose of implementation of this Law, the following terms shall express the meanings assigned to them below:

- a) Ministry: Ministry of Labor and Social Security
- b) Minister: Minister of Labor and Social Security
- c) Authority: Vocational Qualifications Authority

ç) National Vocational Qualification System: Rules and activities related to the development and implementation of technical and vocational education standards, and qualifications on the basis of these standards as well as authorization, auditing, assessment and evaluation, and certification associated therewith.

d) **(Amended by Decree Law No. 665/31 of 11/10/2011)** National Qualifications Framework: Principles of qualification designed in compliance with the European Qualifications Framework; and gained through vocational, general and academic education and training programs including primary, secondary and higher education as well as other learning channels.

e) National Occupational Standards: Minimum norms adopted by the Authority, which prescribe the possession of necessary knowledge, skills, attitudes and behaviors required for the successful performance of a profession.

f) Authorized Body: Personnel certification bodies and institutions accredited by the Turkish Accreditation Agency or the accreditation institutions which have concluded multilateral recognition agreements with the European Union.

g) Education and Training Institutions: Including general secondary and higher education, all technical and vocational schools as well as all formal and non-formal education institutions, also all institutions offering various programs and teaching vocational qualifications by permission.

ğ) **(Added by Decree Law No. 665/31 of 11/10/2011)** European Qualifications Framework: The reference framework adopted by the European Union, which facilitates the understanding of qualifications issued by different countries and systems by enabling the comparability across national qualification systems.

h) **(Added by Decree Law No. 665/31 of 11/10/2011)** Qualification: The knowledge, skill and competence possessed by an individual and recognized by the competent authority.

**i) (Added by Decree Law No. 665/31 of 11/10/2011)** Vocational Qualification Certificate: The certificates approved by the Vocational Qualifications Authority and expressing the knowledge, skill and competence of an individual.

**i) (Added by Decree Law No. 665/31 of 11/10/2011)** Education Accreditation Institution: Institutions and bodies authorized by the Vocational Qualifications Authority to accredit education and training institutions in the field of national vocational qualifications.

## **PART TWO**

### **Vocational Qualifications Authority, Duties and Powers and Organs of the Authority**

#### **Vocational Qualifications Authority**

**ARTICLE 3 – (1)** The Vocational Qualifications Authority, which has a status as a legal entity, administrative and financial autonomy and a private budget, has been established to carry out the duties entrusted to it by law and shall be governed by the provisions of private law for any considerations other than those stipulated by law. The abbreviated name of the Authority shall be VQA.

(2) The Authority shall be an affiliated body of the Ministry.

#### **Duties and powers of the authority**

**ARTICLE 4 – (1)** The Authority shall have the following duties and powers:

**a)** To prepare, develop, implement or cause to be implemented and audit annual development plans in connection with the National Vocational Qualifications System and carry out any arrangements associated therewith.

**b)** To identify any occupations for which standards are to be established and nominate any institutions and bodies, which will prepare such standards.

c) To cooperate with the Higher Education Council so that higher education institutions offering technical and vocational education subject to Law No. 2547 on Higher Education can provide education and training as per national occupational standards as well as with the Ministry of National Education so that education institutions offering technical and vocational education at the secondary education level can provide education and training as per national occupational standards.

ç) To determine the principles for national qualifications in the technical and vocational fields, based on the national occupational standards.

d) To identify the institutions which will accredit the education and training institutions and programs in the field of National Vocational Qualifications.

e) To identify the authorized bodies, which will certify qualifications and ensure that individuals succeeding in the testing are provided with certificates under the system of testing and certification.

f) To verify the vocational qualification certificates held by foreigners intending to work in Turkey.

g) To develop the national vocational qualification standards in line with developments in the world and in technology, enhance the qualification standards and ensure their recognition at the international level.

ğ) To ensure the identification of qualifications required for horizontal and vertical transfers between the vocational fields and sectors.

h) To cooperate with similar institutions and bodies in other countries, procure services, develop and implement projects and engage in activities involving training, research, conferences, seminars and publication.

ı) To support and promote life-long learning.

i) To carry out any other similar tasks falling under the scope of its operating field.

## **Organs of the Authority**

**ARTICLE 5** – (1) The Authority shall comprise a General Assembly, an Executive Board and service departments.

### **General Assembly**

**ARTICLE 6 – (Amended by Decree Law No. 665/32 of 11/10/2011)** (1) The General Assembly shall be the highest decision making organ of the Authority and consist of the members indicated below:

- a) Two members from the Ministry of Labor and Social Security.
- b) Three members from the Ministry of National Education.
- c) One member from the Ministry for European Union Affairs.
- ç) One member from the Ministry of Science, Industry and Technology.
- d) One member from the Ministry of Environment and Urbanization.
- e) One member from the Ministry of Energy and Natural Resources.
- f) One member from the Ministry of Food, Agriculture and Livestock.
- g) One member from the Ministry of Customs and Trade.
- ğ) One member from the Ministry of Development.
- h) One member from the Ministry of Culture and Tourism.
- ı) One member from the Ministry of Finance.
- i) One member from the Ministry of Health.
- j) One member from the Ministry of Transportation, Maritime and Communication.

**k)** Three faculty members to be identified by the Higher Education Council from the disciplines of labor economics, business administration and vocational education related fields.

**l)** One member from the Turkish Employment Agency.

**m)** One member from the Small and Medium Enterprises Development Organization.

**n)** One member from Turkish Standards Institution.

**o)** Four members from the Union of Chambers and Commodity Exchanges of Turkey.

**ö)** Four members from The Confederation of Turkish Tradesmen and Craftsmen.

**p)** Two members from the Union of Turkish Chambers of Agriculture.

**r)** One member from the Association of Turkish Travel Agencies.

**s)** One member from Turkish Assembly of Exporters.

**ş)** A minimum of one member from each of the three labor unions having the highest number of members, amounting to a total of seven members from the three labor unions proportionate to their number of members.

**t)** Three members from the confederation of employers' unions having the highest number of members.

(2) With respect to the members of the General Assembly, the representatives of any public institutions and bodies other than the Higher Education Council shall be assigned by the Ministers responsible for such institutions and bodies, whereas faculty members shall be assigned by the Higher Education Council; and the representatives of those vocational organizations having a status as a public body shall be assigned by their respective organs. The term of office of the members of the General Assembly shall be three years. Any member whose term of office expires may be re-appointed. Appointment shall be made for any posts of

membership falling vacant for any reasons whatsoever to complete the remaining time period, within a maximum of one month, and subject to the same procedure.

(3) The General Assembly shall meet ordinarily in October every year. The General Assembly may be invited to an extraordinary meeting upon a request by one fifth of its members or upon a request by the Executive Board. The quorum for any ordinary and extraordinary General Assembly meeting shall be the absolute majority of the total number of members. Where there is no such majority in the first meeting, such a majority shall not be sought in the second meeting. The quorum for resolutions of the General Assembly shall be the absolute majority of the members attending the respective meeting.

(4) The General Assembly shall be administered by a Chairmanship Board comprising a Chairman and two clerks elected from among the members.

### **Duties of the General Assembly**

**ARTICLE 7** – (1) The General Assembly shall have the following duties:

- a) To elect the members of the Executive Board.
- b) To adopt or amend the budget prepared by the Executive Board.
- c) To consider and adopt decisions on annual reports of previous years, operating programs for the following year and financial reports, as prepared and submitted by the Executive Board.
- ç) To release the Executive Board of its obligations when appropriate.
- d) To approve any staff planning proposed by the Executive Board.
- e) To authorize the Executive Board for the leasing or procurement of any immovable properties needed by the Authority.

f) To authorize the Executive Board to become members to international organizations and ensure representation of the Authority in international organizations where necessary.

g) To determine the amount of membership dues payable by the members.

ğ) To carry out any other duties assigned by law.

### **Executive Board**

**ARTICLE 8** – (1) The Executive Board shall be the executive organ of the Authority. The Executive Board shall comprise a total of six primary members and six alternate members, who are elected by the General Assembly as follows: one primary member and one alternate member are selected from the representatives nominated by the Ministry of Labor and Social Security, one primary member and one alternate member from the representatives nominated by the Ministry of National Education, one primary member and one alternate member from the representatives nominated by the Higher Education Council, one primary member and one alternate member from the representatives nominated by the vocational organizations having a status as a public body, one primary member and one alternate member from the representatives nominated by the Confederation of Trade Unions, and one primary member and one alternate member from the representatives nominated by the Confederation of Employers' Unions.

(2) The term in office of the members of the Executive Board shall be three years and any members whose term in office expires may be re-elected. The Executive Board shall elect one Chairman and one Deputy Chairman among its members by absolute majority.

(3) For eligibility for election as a member of the Executive Board, candidates must meet the conditions stipulated by sub-paragraphs (1), (4), (6) and (7) of paragraph (A) of Article 48 of Law No. 657 on Civil Servants and have adequate knowledge of and at least ten years' experience in the subjects falling under the scope of the operating field of the Authority.

(4) The members of the Executive Board may not be dismissed on any grounds before the expiry of their term in office. However, the memberships of any members shall automatically expire without any further action if such members are convicted of any crimes committed in



connection with the duties assigned to them by law or they are unable to carry out their duties due to sickness, accident or any other reason for a period of more than six months or they prove their inability to serve during the rest of their term in office by submitting a medical report issued by the medical board of a full-fledged hospital, in which case there is no need to wait for the expiry of the six month period.

(5) Any members of the Executive Board shall be deemed to have resigned from their positions as members if they fail to attend a total of three meetings without any acceptable excuses within the course of a calendar year, to sign the resolutions of the Executive Board within the prescribed time limit although they attended a meeting and did not cast votes against them or to provide a written justification for their votes against resolutions again within the required deadlines. Such a situation shall be established by a resolution of the Executive Board.

(6) In the event that any of the membership positions falls vacant, the alternate member for the vacant membership position shall take up that position, completing the remaining part of the term in office of the member replaced.

(7) The Executive Board shall meet a minimum of once a week on dates to be determined by the Chairman as well as any time upon invitation of the Chairman or a written request of one third of the members of the Executive Board. Where the Chairman is absent, the respective meetings shall then be chaired by the Deputy Chairman.

(8) The Executive Board shall meet with the absolute majority of the total number of members and shall adopt its resolutions with the absolute majority of the members attending the respective meeting. In case of a tie vote, the Chairman's vote shall be decisive.

(9) The members of the Executive Board may cast votes in all General Assembly meetings with the exception of those where the Executive Board is released of its obligations.

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

**ARTICLE 9** – (1) The Executive Board shall have the following duties:

**a)** To analyze and conclude the applications of bodies applying to develop occupational standards and engage in testing and certification activities.

**b)** To identify any occupations for which standard is to be developed and testing and certification is to be conducted.

**c)** To approve the Vocational Qualifications Authority Qualification Certificates issued to persons who are successful in the testing to be held.

**ç)** To review regulation drafts prepared by the Authority and forward them to the relevant authorities for publication.

**d)** To prepare and submit to the General Assembly for approval the Authority's annual report for the previous year, operating program for the following year, financial report and staff planning as well as its budget.

**e)** To agree on the establishment of service departments.

**f)** To agree on employment, dismissal, promotion and rewarding of Authority staff and other similar dispositions; and determine and submit to the General Assembly for approval the principles related to the wages, travel expenses and financial and social benefits of the Authority staff subject to the relevant legislation.

**g)** To ensure that all occupational standards and testing and certification practices comply with the international norms.

**ğ)** To agree on opening offices or representational units outside Ankara where deemed necessary or grant authorization to relevant bodies and organizations for any subjects falling under the scope of the operating field of the Authority.

**h)** To award contracts to local and foreign national persons and legal entities for jobs such as research, technical investigations, studies and designs on any subjects needed in connection with the duties of the Authority as well as the provision of any kind of goods and services associated therewith and agree on the procurement of goods and services in connection with such subjects.

i) To set forth principles and procedures applicable for handling complaints and objections.

i) To carry out any other duties as may be assigned by the General Assembly.

### **Service departments**

**ARTICLE 10** – (1) The service departments of the Authority shall consist of the main service departments and consultancy and auxiliary service departments.

#### **Main service departments**

**ARTICLE 11** – (1) The main service departments of the Authority shall be the following:

a) Occupational Standards Department

b) Testing and Certification Department

c) **(Added by Decree Law No. 665/33 of 11/10/2011)**  
International Relations and European Union Department

#### **Occupational Standards Department**

**ARTICLE 12** – (1) The Occupational Standards Department shall have the following duties:

a) To determine the methods to be followed for the development of occupational standards.

b) To develop and update standards, review applications to the Authority for the development of standards and report on the results of such reviews.

c) To monitor and report whether the activities of the bodies authorized for developing occupational standards meet the established criteria or not.

c) To conduct research on the development of Occupational Standards, prepare publications and identify any changes required in the system in line with the data obtained as a result of implementation.

d) To carry out any other duties assigned by the President as well as any other similar duties envisaged by the legislation.

### **Testing and Certification Department**

**ARTICLE 13** – (1) Testing and Certification Department shall have the following duties:

a) (Amended by Decree Law No. 665/34 of 11/10/2011) To carry out activities related to the National Qualifications Framework.

b) (Amended by Decree Law No. 665/34 of 11/10/2011) To carry out activities related to the accreditation of education and training institutions in the field of national vocational qualifications; assessment, evaluation and certification of individuals; and verification of vocational qualification certificates possessed by foreign nationals.

c) (Amended by Decree Law No. 665/34 of 11/10/2011) To monitor and report on the institutions and bodies authorized for assessment, evaluation, certification and education accreditation.

e) To conduct research on its field of activity, prepare publications and identify any changes required in the system in line with the data obtained as a result of implementation.

d) To carry out any other duties assigned by the President as well as any other similar duties envisaged by the legislation.

### **International Relations and European Union Department**

**ARTICLE 13/A** – (Added by Decree Law No. 665/35 of 11/10/2011)

(1) The International Relations and European Union Department shall have the following duties:

a) To maintain relations with the European Union, other countries and international organizations related to subjects within the Authority's

field of duty, authority, responsibility and operation, and ensure coordination therewith.

**b)** To carry out activities related to the European Union legislation and recommendations on subjects within the Authority's field of duty and operation.

**c)** To ensure the preparation, implementation and monitoring of projects and programs realized with the European Union as well as other countries and international organizations relevant to subjects within the operating field of the Authority.

**ç)** To conduct and report research and investigations, and prepare publications relevant to its field of duty.

**d)** To carry out any other duties assigned by the President as well as any other similar duties envisaged by the legislation.

### **Consultancy and auxiliary service departments**

**ARTICLE 14** – (1) The consultancy and auxiliary service departments of the Authority shall be the following:

**a)** Legal Consultancy

**b)** Administrative and Financial Affairs Department

### **Legal Consultancy**

**ARTICLE 15** – (1) The Legal Consultancy shall have the following duties:

**a)** To provide opinion on any legal issues raised by the Office of the President and other units as well as on any operations likely to have legal, financial, administrative and penal implications.

**b)** To take legal measures on a timely basis, to protect the interests of the Authority and prevent any potential disagreement, and extend assistance over the preparation and execution of agreements and contracts in accordance with these principles.

c) To review in legal terms and provide opinion on any draft laws, by-laws and regulations for which the opinion of the Authority is requested or which are prepared by the Authority.

ç) To represent the Authority as part of any judicial and administrative actions and executive proceedings before any courts, arbitrators and execution offices as well as any other authorities involved with legal actions and executive operations.

d) To carry out any other similar duties assigned by the President as well as any other similar duties envisaged by legislation.

### **Administrative and Financial Affairs Department**

**ARTICLE 16** – (1) Administrative and Financial Affairs Department shall have the following duties:

a) To carry out the activities of the Authority related to information, data processing, accounting, documentation and any other similar activities.

b) To carry out any other duties assigned by the President as well as any other similar duties envisaged by legislation.

(2) The departments shall operate under the President.

### **Representational powers**

**ARTICLE 17** – (1) The Authority shall be represented by the Chairman of the Executive Board or by the Deputy Chairman where the Chairman is absent.

### **President**

**ARTICLE 18** – (1) The Chairman of the Executive Board shall also serve as the President of the Authority.

(2) The President shall be responsible for carrying out the services of the Authority and ensuring coordination between all departments of the Authority.

(3) The President shall meet the conditions stipulated by subparagraphs (1), (4), (6) and (7) of paragraph (A) of Article 48 of Law No. 657 on Civil Servants, have at least a bachelor's degree and adequate knowledge of and at least ten years' experience in the subjects falling under the scope of the operating field of the Authority.

### **Duties and powers of the President**

**ARTICLE 19** – (1) The President shall have the following duties and powers:

**a)** To prepare and communicate to the members of the Executive Board the agenda of Executive Board meetings.

**b)** To ensure the publication or notification of Executive Board resolutions as applicable, ensure that such resolutions are fulfilled and monitor their implementation.

**c)** To finalize and submit to the Executive Board any proposals forwarded by the service departments.

**ç)** To prepare the annual budget and financial statements of the Authority in accordance with its strategies, objectives and targets.

**d)** To ensure that the service departments operate in a harmonious, efficient, disciplined and systematic manner.

**e)** To prepare annual operating reports, to assess or ensure the assessment of operations based on the objectives, targets and performance criteria and submit them to the Executive Board.

**f)** To make studies and assessment of strategies, policies and relevant legislation in the operating fields of the Authority, as well as of the performance criteria of the Authority and its staff.

**g)** To maintain relations of the Authority with other bodies.

**ğ)** To appoint Authority staff other than those envisaged by the Executive Board.

**h)** To determine the duties and powers of those members of staff authorized to sign on behalf of the President.

1) To perform any other administrative duties.

(2) The President may delegate some of his / her duties and powers which are not related to the Executive Board to his / her subordinates in writing, clearly specifying any limitations thereof.

### **PART THREE**

#### **Sector Committees, Standards, Education, Testing and Certification**

##### **Sector committees**

**ARTICLE 20** – (1) Sector committees shall be set up to make the necessary review and submit for approval to the Executive Board the occupational standards and qualifications prepared by the bodies and organizations assigned by the Authority, so that the occupational standards may be adopted as national occupational standards and the qualifications as national qualifications.<sup>1</sup>

(2) The sector committees shall comprise one representative from each of the following: Ministry of National Education, Ministry of Labor and Social Security, Higher Education Council, other ministries relevant to occupations, labor and employers' organizations, vocational organizations and the Authority. In addition, academicians from the relevant departments of universities may be invited to participate as consultants.

(3) The procedures and principles governing the formation and operation of the sector committees shall be established by regulation.

##### **Service procurement and temporary employment**

**ARTICLE 20/A** – (Added by Decree Law No. 665/37 of 11/10/2011)

(1) The Authority may procure services or temporarily employ competent individuals within its main operating fields such as the preparation, development and updating of national occupational standards

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<sup>1</sup> The expression “and the qualifications as national qualifications” has been added to follow the expression “national occupational standards” in this paragraph by Article 36 of the Decree Law No. 665 of 11/10/2011.



and qualifications; operation of sector committees; assessment, evaluation, certification, and the auditing associated therewith.

(2) Principles and procedures governing the qualification criteria for these individuals as well as the amount of wage to be paid and the method of payment shall be determined by the Executive Board resolution based on the opinion of the Ministry of Finance.

(3) Term of employment of individuals employed in this manner shall not exceed sixty days in one calendar year.

### **Preparation and entry into force of the national occupational standards and national qualifications<sup>2</sup>**

**ARTICLE 21 – (1) (Amended by Decree Law No. 665/38 of 11/10/2011)** Occupational standards and qualifications shall be prepared by the institutions and bodies assigned by or selling services to the Authority or the working groups established by the Authority. Respective levels of the occupational standards and qualifications shall be prepared in compliance with the levels in the National Qualifications Framework. Such standards and qualifications shall be reviewed by the sector committees and those considered appropriate shall be submitted to the approval of the Executive Board and the qualifications approved by the Executive Board shall be enforced as national qualifications.

(2) The occupational standards approved by the Executive Board shall become national occupational standards upon publication in the Official Gazette.

(3) Occupational standards in force shall be re-evaluated every five years at the latest. Where deemed necessary, occupational standards shall be renewed according to the standard preparation procedure. Adoption and publication of any changes shall be subject to the procedure laid down in the second paragraph.

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<sup>2</sup> *The title of this article, which was “preparation and entry into force of the national occupational standards”, has been amended as reflected in the text by Article 38 of Decree Law No. 665 of 11/10/2011.*

### **Testing, assessment, evaluation and certification<sup>3</sup>**

**ARTICLE 22 – (Amended by Decree Law No. 665/39 of 11/10/2011)** (1) Testing, assessment and evaluation for determining the vocational qualifications of individuals shall be performed by authorized bodies, whose application has been approved by the Authority.

(2) Vocational Qualification Certificate shall be issued to individuals succeeding in the testing, assessment and evaluation held according to the national vocational qualifications.

(3) The principles and procedures related to testing, assessment, evaluation and the Vocational Qualification Certificates shall be governed by a regulation to be issued by the Authority.

### **Accreditation of education and training institutions<sup>4</sup>**

**ARTICLE 23 – (Amended by Decree Law No. 665/40 of 11/10/2011)**

(1) The accreditation of education and training institutions and programs in the field of national vocational qualifications shall be carried out by education accreditation institutions.

(2) The graduates of accredited education and training institutions shall be issued Vocational Qualification Certificates suitable for the vocational qualifications achieved.

(3) Principles and procedures related to the accreditation of education and training institutions and the designation of the education accreditation institutions in the field of national vocational qualifications as well as the issuing of certificates to the graduates of accredited education institutions shall be governed by a regulation to be issued by the Authority.

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<sup>3</sup> *The title of this article, which was “Testing”, has been amended as reflected in the text by Article 39 of the Decree Law No. 665 of 11/10/2011.*

<sup>4</sup> *The title of this article, which was “Certification”, has been amended as reflected in the text by Article 40 of Decree Law No. 665 of 11/10/2011.*

## **National Qualifications Framework**

### **ARTICLE 23/A – (Added by Decree Law No. 665/41 of 11/10/2011)**

(1) Works related to the preparation, development and updating of the National Qualifications Framework shall be carried out by the Authority.

(2) All quality assured qualifications shall be incorporated into the National Qualifications Framework. Quality assurance of the vocational and technical qualifications to be included in the National Qualifications Framework shall be ensured by the Authority. Principles and procedures related to the quality assurance criteria of the qualifications to be included in the National Qualifications Framework; designation of institutions and bodies responsible for ensuring the quality assurance of qualifications other than vocational and technical qualifications; horizontal and vertical transfers between different qualifications as well as the implementation of the National Qualifications Framework shall be governed by a regulation to be enforced upon the Cabinet decree.

## **PART FOUR**

### **Appointment Conditions, Status and Financial Benefits of Staff**

#### **Appointment conditions and status of staff**

**ARTICLE 24** – (1) The services of the Authority shall be carried out by assistant experts, experts and other staff employed as per the provisions of the labor legislation.

(2) The schedule attached hereto indicates the position titles and numbers of the staff to be employed by the Authority. The Executive Board shall be entitled to make an allocation of the titles in question to the units where proposed by the President. The Council of Ministers shall agree on any changes to the titles and numbers of the staff as per a resolution of the Executive Board upon a proposal by the relevant Minister, provided that such changes do not exceed half of the number of the current positions.

(3) Foreign experts may be employed subject to the principles of the regulation to be put into force upon the approval of the Executive Board.

(4) The staff of the Authority shall meet the conditions stipulated by sub-paragraphs (1), (4), (6) and (7) of paragraph (A) of Article 48 of Law No. 657 on Civil Servants as well as any qualifications required by the objectives of the Authority.

(5) In addition to the conditions indicated above, subject to the approval of the Executive Board executive staff shall be appointed upon a proposal by the President from candidates holding a minimum 4-year higher education degree from faculties of law, political sciences, economics and administrative sciences, architecture and engineering, faculties of education within the country or from faculties or schools of higher education abroad, which are recognized as equivalent by the Higher Education Council, and possessing adequate knowledge and experience vocationally and a minimum of five years' experience in their respective professions. Other staff shall be appointed by the President.<sup>5</sup>

(6) Any experts and assistant experts to be employed by the Authority shall meet the educational requirements indicated by the fifth paragraph hereof. Rules related to competition and qualification testing, attributes, work procedures and principles of experts and assistant experts and any other relevant considerations shall be determined by a regulation to be issued by the Authority.

(7) The staff of the Authority shall be subject to the Social Insurance Law No. 506 and dated 17/7/1964 regarding of retirement and social security.

(8) The person elected as the Chairman of the Executive Board shall discontinue his / her relationship with his / her former public employer while holding public office. He / she shall be appointed to a title or position fitting his / her status in the body of his / her previous employment within a maximum of one month when his / her assignment in the Authority comes to an end, excluding those barred from resumption of any previous public positions. The services of the President, who has resumed a position in the body of his / her previous employment as per this paragraph, shall be treated

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*5 The expression "from vocational technical education faculties" in this paragraph has been amended to read as "from faculties of education" by Article 42 of Decree Law No. 665 of 11/10/2011.*

as part of the benefits, monthly degrees and levels he / she is already entitled to. The provisions to qualify for any academic titles shall be reserved.

(9) The staff employed by the Authority may not be assigned to other public institutions and bodies.

### **Financial benefits**

**ARTICLE 25** – (1) Wages, remuneration and financial and social benefits of the President, executive staff and other staff shall be determined subject to approval of the General Assembly upon a resolution of the Executive Board on the condition that they do not exceed the payments made to a general director in the Ministry.

(2) Attendance fee shall be paid to the Chairman and members of the Executive Board for each meeting, the total number of which would not be higher than four times a month, at a sum to be calculated by multiplying the indicator number (2000) for those who still retain any public positions and the indicator number (3000) for those not retaining any public positions by the civil servant monthly co-efficient.

(3) **(Added by Decree Law No. 665/43 of 11/10/2011)** Attendance fee at a sum to be calculated by multiplying the indicator number (2000) by the civil servant monthly co-efficient and not higher than six times a year shall be paid for each meeting to the Chairman and members of the sector committees not retaining any public positions.

## **PART FIVE**

### **Revenues, Expenses, Budget and Audit**

#### **Revenues**

**ARTICLE 26** – **(Amended by Decree Law No. 665/44 of 11/10/2011)** (1) The revenues of the Authority shall be the following:

a) Membership dues determined by the General Assembly, which shall not exceed twenty times of the monthly gross minimum wage applicable on the date of the ordinary General Assembly for each member of professional organizations having status as a public body, labor and employers' confederations and other organizations identified by the first paragraph of Article 6 represented in the General Assembly.

**b)** Membership dues determined equally for each Ministry and each public institution and body identified by the first paragraph of Article 6 and calculated over the amount remaining after the deduction of fees determined as per paragraph (a) of this article from the budget of the Authority presented to the General Assembly.

**c)** Provisions to be collected by the Authority from applicants for testing and certification works.

**ç) (Amended by Law No. 6270/18 of 17/01/2012)** Revenues to be earned from services to be provided to natural persons and legal entities at the national and international level.

**d)** Annual dues and charges for application, examining, auditing and costs not exceeding fifty folds of the highest civil servant salary (including any additional indicator thereof) and determined by the Executive Board to be collected from institutions and bodies intending to provide services to the Authority in the fields of testing, assessment, evaluation, certification and accreditation.

**e)** Fees to be collected from publications, copyright, brand names and licences.

**f)** Revenues generated from the channeling of Authority revenues.

**g)** Other revenues and earnings and donations.

### **Expenses**

**ARTICLE 27 – (1)** The expenses of the Authority shall be the following:

**a)** Staff costs.

**b)** Investment costs such as those of information bank, software, hardware and communication, which shall be agreed by the Executive Board.

**c)** Fees paid to the organizations, which provide services to the Authority in the field of occupational standards, testing and certification.

c) Procurement and leasing of movable and immovable property and administrative costs such as transport, electricity, water, telephone and fuel.

d) Costs of consulting services to be procured.

e) Costs of printing, publication and advertising.

f) Costs of local and overseas meetings, conferences, seminars and study visits.

g) Local and overseas membership fees on behalf of the Authority in connection with the activities of the Authority.

ğ) Costs of training, education and scholarships.

h) Other costs related to conducting the activities of the Authority.

### **Budget**

**ARTICLE 28** – (1) It is essential that the revenues of the Authority cover its expenses. The revenues of the Authority shall be held in an account to be opened with a bank. Any sums of these revenues, which are not spent by the end of the accounting year, shall be transferred to the revenue account of the Authority for the next year after notification to the Ministry of Finance, and the membership dues shall be calculated by considering any such revenue surplus in the next General Assembly.

(2) Revenues, operations and immovable property of the Authority shall be exempt from any taxes, duties and charges.

### **Audit**

**ARTICLE 29** – (1) The Authority shall be subject to Law No.832 on the Court of Accounts in terms of auditing.

### **Regulations**

**ARTICLE 30** – (1) The regulations envisaged by this law shall be put into force within six months.

## **PART SIX**

### **Amended, Provisional and Final Provisions**

#### **ARTICLE 31 – (1)**

The following phrase is hereby supplemented to Part (B) of Schedule No 2 attached to Public Financial Management and Control Law No 5018 of 10/12/2003:

“30. Vocational Qualifications Authority”

**PROVISIONAL ARTICLE 1 – (1)** The Ministry shall set up a working group in order to carry out any activities, which must be conducted until the initial General Assembly of the Authority, within a period of fifteen days from the entry into force of this Law. The Working Group shall make necessary preparations for the General Assembly within a maximum of three months and make a submittal to the Ministry in this respect.

**PROVISIONAL ARTICLE 2 – (1)** Any certificates acquired as per Law No. 3308 on Vocational Education prior to the coming into force of this Law shall be replaced by equivalent documents and certificates to be determined under this Law upon an application by the holders of such certificates within three years.

#### **PROVISIONAL ARTICLE 3 – (Added by Law No. 6270/19 of 17/01/2012)**

(1) Membership dues of institutions indicated in sub-paragraph (a) of the first paragraph of Article 26 at an amount equal to twenty times of the monthly gross minimum wage applicable on the enforcement date of this article shall be payable for each representative of the institution on the General Assembly and separately for the years 2007, 2008, 2009, 2010, 2011 and 2012. Institutions shall not be entitled to make any claims for the portion of dues paid for the respective years exceeding the amount of dues re-determined under the new arrangement.

(2) No late fees or default interests shall apply provided that the institutions indicated in the first paragraph pay to the Authority the total amount of owed dues determined according to the principles of the same paragraph and dues for the year 2012 until 31/12/2012.



### **Entry into force**

**ARTICLE 32** – (1) This Law shall come into force on the date of publication.

### **Enforcement**

**ARTICLE 33** – (1) The Council of Ministers shall enforce the provisions of this Law.

## **SCHEDULE OF ALLOCATED POSITIONS**

**(Amended by Decree Law No. 665/45 of 11/10/2011)**

<b>POSITION TITLE</b>	<b>NO</b>
– Authority President	1
– Vice President	1
– Occupational Standards Department Head	1
– Testing and Certification Department Head	1
– International Relations and European Union Department Head	1
– Legal Consultant	1
– Administrative and Financial Affairs Department Head	1
– Strategy Development Director	1
– Experts	23
– Assistant experts	25
– Experts (foreign nationality)	1
– Translator / interpreter	1
– Statisticians	7
– Computer programmers	3
– Analysts	3
– Financial services expert	1
– Accountant	1
– Computer operators	2
– Secretaries	5
– Office attendants	10
<b>TOTAL</b>	<b>90</b>