

## **REGULATION ON VOCATIONAL QUALIFICATION, TESTING AND CERTIFICATION**

### **PART ONE**

#### **Objective, Scope, Basis, Definitions and Abbreviations**

##### **Objective**

**ARTICLE 1** – (1) The objective of this regulation is to regulate the procedures and principles for identification of national qualifications in the technical and vocational fields, development of the National Qualifications Framework, determination of the principles for testing and certification, authorization of the certification bodies and training accreditation institutions within the scope of National Vocational Qualification and accreditation of training and education institutions for establishment and operation of the National Vocational Qualification System.

##### **Scope**

**ARTICLE 2** – (1) This regulation covers the considerations related to the establishment and operation of the National Vocational Qualification System in the technical and vocational fields, accreditation of training and education institutions, authorization of testing and certification bodies and training accreditation organizations.

(2) This Regulation excludes the professions of medical doctors, dentists, nurses, mid-wives, pharmacists, veterinaries, engineers and architects as well as any other professions requiring education on a graduate level as a minimum, for which conditions for inception of respective professions are regulated by law.

**Basis**

**ARTICLE 3** – (1) This regulation has been prepared by relying on Articles 4, 22 and 23 of Vocational Qualifications Authority Law No 5544 of 21/9/2006.

**Definitions and abbreviations**

**ARTICLE 4** – (1) For the purposes of implementation of this regulation, the following terms have the express meanings assigned to them below:

**a)** Candidate: Individual applying for certification on the basis of a given national qualification as per the provisions of this regulation, who meets the conditions to undergo testing

**b)** Accreditation: Assessment, qualification validation and periodical audit of any certification or training bodies by an authorized body according to the national or internationally recognized technical criteria

**c)** Accredited Training Institutions: Bodies and institutions of formal, non-formal or private education and training, which are accredited by the bodies authorized by the Vocational Qualifications Authority upon a review of their capacity

**ç)** Certification Programs: Particular certification conditions related to a certain qualification, for which certain standards and rules and same procedures and principles are applicable

**d)** Department: Vocational Qualifications Authority Testing and Certification Department

**e)** Accreditation of the Training Institutions: Finding and certification to the effect that any training and education institutions and organizations provide the training programs defined under the relevant national qualification through theoretical and applied methods to help trainees gain knowledge, skills and competence required by the relevant qualification in the framework of the system established in compliance with the conditions defined by this regulation

**f)** Training and Education Institutions: Any of the public and private vocational qualification teaching institutions of vocational and

technical, formal, non-formal training including secondary and higher education as well as any other organizations applying various programs subject to permission by them

**g)** Law: Vocational Qualifications Authority Law No 5544 of 21/9/2006

**ğ)** Authority: Vocational Qualifications Authority

**h)** European Credit Transfer System for Vocational Education and Training: Credit transfer and accumulation system formed in Europe for vocational education as a tool ensuring recording and recognition of learning outcomes with respect to eligibility for a given qualification

**ı)** Learning Outcomes: Knowledge, skills and competences that an individual must have, understand, be able to conduct or demonstrate upon completion of any learning process

**i)** Sector Committees: Sector committees of Vocational Qualifications Authority

**j)** Certificates: Vocational qualification certificates issued by authorized certification bodies, which are approved by the Vocational Qualifications Authority

**k)** Level Descriptors: Definitions of knowledge, skills and competence which must be possessed for the levels covered by the National Qualifications Framework

**l)** Testing: Assessment operation conducted by the authorized certification bodies under this regulation through theoretical, applied and other similar methods for the purpose of assessing the qualifications of candidates in terms of knowledge, skills and competences as per the national qualifications

**m)** TS EN ISO/IEC 17024: Standard of “Conformity Assessment – General Provisions for Institutions Making Personal Certification” accepted by International Organization for Standardization

**n)** National Occupational Standards: Minimum norms adopted by the Vocational Qualifications Authority, which prescribe possession of

necessary knowledge, skills, attitudes and behaviors so that any profession may be performed successfully

**o) National Vocational Qualification System:** Rules and activities for development and implementation of technical and vocational training standards and qualifications and accreditation, authorization, measurement, assessment and certification associated therewith by taking as a basis the national and international occupational standards

**ö) National Qualifications Framework:** Principles of qualification taught under any technical and vocational education / training programs and formal and non-formal programs as well as any other programs subject to relevant institutions, including primary, middle and higher education and private education, which are all designed to meet the principles of qualification adopted by the European Union

**p) National Qualification:** Knowledge, skills and competence determined through assessments made by the certification bodies authorized by the Vocational Qualification Authority and incorporated in the national qualification framework upon approval by the Authority, which must be possessed by an individual

**r) International Occupational Standards:** Norms which are agreed by the Vocational Qualifications Authority among internationally recognized occupational standards or qualifications related to the performance of an occupation, and adopted by any international organizations, of which Turkey is a member or which are recognized by Turkey

**s) Qualification:** Confirmation by a certification body authorized by the Vocational Qualifications Authority of compliance of knowledge, skills and competence of an individual to the national qualification framework

**ş) Qualification Units:** Meaningful and measurable smallest pieces of knowledge, skills and competences, which constitute a given qualification.

**t) Qualification Levels:** Any of the eight levels covered by the National Qualifications Framework, which indicate an individual's level of knowledge, skills and competences.

**u)** Authorized Certification Bodies: Personnel certification bodies and organizations accredited by Turkish Accreditation Agency or the accreditation bodies signing multilateral recognition agreements with the European Accreditation Union, which are authorized by the Vocational Qualifications Authority to conduct testing and issue certification.

**ü)** Authorized Training Accreditation Bodies: Bodies and organizations authorized by the Vocational Qualifications Authority to issue accreditation to the training and education bodies and organizations as per the provisions of this regulation.

**v)** Executive Board: Vocational Qualifications Authority Executive Board

(2) The following abbreviations used in this regulation have the following meanings assigned to them below:

**a)** ECVET: European Credit Transfer System for Vocational Education and Training

**b)** MoNE: Ministry of National Education

**c)** VQA: Vocational Qualifications Authority

**ç)** TURKAK: Turkish Accreditation Agency

**d)** NQF: National Qualifications Framework

**e)** CoHE: Higher Education Council

## **PART TWO**

### **Principles of the National Vocational Qualification System**

#### **Objectives of the national vocational qualification system**

**ARTICLE 5 – (1)** The objectives of the National Vocational Qualification System are the following:

**a)** To strengthen the relationship between education and employment

- b)** To develop national standards for learning outcomes
- c)** To encourage quality assurance in training and education
- ç)** To co-relate qualifications for vertical and horizontal transfers and develop national and international comparability platforms
- d)** To ensure access to learning, advances in learning and recognition and comparability of learning
- e)** To support lifelong learning

### **Main principles**

**ARTICLE 6** – (1) The principles which are taken as a basis in the National Vocational Qualification System are the following:

- a)** To achieve compliance with the national development plans
- b)** To achieve recognition and value both nationally and internationally
- c)** To develop a trustworthy certification infrastructure based on principles and rules
- ç)** To develop a flexible system allowing vertical and horizontal transfers
- d)** To ensure mutual agreement among the parties concerned through national and international occupational standards
- e)** To ensure full participation by the parties concerned
- f)** To be available for use and access by all concerned without imposing any restricting obstructions other than the limitations introduced by law
- g)** To ensure portability and certification of any individual learning outcomes gained by way of training and experience in a manner independent of the locations of training and jobs of employment.

ğ) To recognize knowledge and skills learnt by individuals through different methods

### **National Qualifications Framework**

**ARTICLE 7** – (1) NQF and the levels under NQF are determined by the Executive Board in consultation with MoNE, CoHE and other relevant parties in compliance with the “European Qualifications Framework for Lifelong Learning”, which was adopted by the European Parliament and Council on 23/4/2008.

### **Credits**

**ARTICLE 8** – (1) A credit value is determined to express the volume of notional learning of a qualification for the qualifications and units forming the respective qualifications defined by NQF in compliance with ECET.

(2) The credit values are determined by taking the following criteria as a basis:

a) Contents of qualifications or elements of qualification units defined by knowledge, skills and competences

b) Approximate durations of programs gaining qualifications

c) Approximate work load or notional learning activity volume an individual is assumed having spent at the stage of learning

(3) The Executive Board determines the procedures and principles for determination of credit values to be used in the national qualifications and assessment of credits in consultation with MoNE, CoHE and other relevant parties.

## **PART THREE**

### **Definition and Development of the National Qualifications**

#### **Sources of national qualifications**

**ARTICLE 9** – (1) National qualifications are developed by taking as a basis the relevant national occupational standards where available or by

taking the international occupational standards where unavailable. International occupational standards are adopted as national qualifications as per the procedures and principles stipulated by this regulation without amending the implementation methods defined in their contents.

### **Elements defining qualifications**

**ARTICLE 10** – (1) The qualifications located in NQF are defined by the following elements:

- a)** Title and level of a qualification
  - b)** Objective and rationale of qualification
  - c)** Sector to which qualification relates
  - ç)** Training and experience conditions necessary for qualification, for which specifications such as types, contents and duration are designated
  - d)** Occupational standards, units/tasks of occupational standards, or units of qualification, which serve as a basis for qualifications
  - e)** Learning outcomes necessary to acquire qualification
  - f)** Assessment procedures and principles applicable for entitlement to a qualification, minimum testing materials needed for assessment and assessor criteria
  - g)** Validity terms of qualification certificates, conditions for their renewal and conditions for surveillance of a certificate holder if necessary
- (2) The scope of testing including exemption from theoretical testing may be narrowed for persons completing any accredited training programs by considering the relevant training programs with respect to national qualifications.
- (3) NQF may not incorporate multiple qualifications having the same title, which takes as a basis the same occupational standards.



### **Certification programs**

**ARTICLE 11** – (1) The qualification elements stipulated by Article 10 of this regulation are developed in such a form and contents meeting the certification programs formed as per TS EN ISO / IEC 17024 standard.

(2) The task of the “program committee” referred to by TS EN ISO / IEC 17024 standard in connection with review and assessment of qualifications is executed by the sector committee whilst the former’s task involving assessment of the certification programs and testing materials is performed by the relevant organ of the authorized certification bodies.

### **Preparation of national qualification drafts and incorporation in NQF**

**ARTICLE 12** – (1) Drafts of national qualifications are prepared in line with the principles laid down under this regulation by the following bodies or as a result of joint works of several of them as appropriate: institutions of formal and non-formal training / education, authorized certification bodies, bodies which have prepared national occupational standards, professional organizations and any other bodies conducting personnel certification, which have applied to the Authority for authorization.

(2) Any bodies preparing or developing national qualification drafts without asking the Authority for any fees or any other benefits may forward such drafts to the Authority for adoption as national qualifications. Drafts are published on the Internet site of the Authority for a period of minimum 30 days to obtain public comments thereof. The body preparing the draft finalizes the draft in line with any public opinion as well as comments of relevant bodies and organizations consulted, finally submitting it to the Authority. These drafts are reviewed by the Department procedurally, with those considered appropriate being submitted to the respective Sector Committees for comments and basic assessment on a case by case basis.

(3) Where necessary, the Authority may ensure development of national qualifications upon payment for such services. Procurement of services needed for this purpose is concluded within the framework of the legislation to which the Authority is subject.

(4) The Sector Committees make their assessment by reviewing the national qualification drafts as well as any other relevant studies conducted by the Authority in connection therewith. The Sector Committees convene, operate and adopt resolutions subject to the relevant legislation.

(5) Any drafts considered appropriate by the Executive Board are adopted as national qualifications and subsequently incorporated in NQF.

(6) The Executive Board determines the procedures and principles applicable for preparation, assessment and validation of any drafts of national qualifications.

### **Use of national qualifications**

**ARTICLE 13** – (1) The Authority has total disposition over any qualifications covered by the National Qualifications Framework. The Executive Board determines the rules applicable for publication of national qualifications and their use by the certification bodies and they are published on the Internet site of the Authority.

(2) The certification bodies authorized by the Authority carry out testing and certification operations by making use of and a reference to the qualifications in NQF. Anybody including any bodies or organizations not authorized by the Authority may not hold testing and conduct certification by making a reference to NQF except during the transitional period stipulated by the third sub-clause of the present article.

(3) Any bodies, which apply for authorization according to the qualifications incorporated in NQF and are not accredited for the relevant qualifications, make a preliminary application to the Authority for authorization to engage in testing and certification activities by referring to the relevant qualifications for use in the accreditation process. The conditions allowing the relevant body to refer to the qualifications are determined by the Authority and a contract is signed with the body in this respect.

(4) The Authority initiates necessary legal action pursuant to the general provisions against any persons, bodies and organizations that have been found out as having carried out operations involving testing and certification by referring to NQF although they have not been authorized or permitted by the Authority.

**Updating, amendment and cancellation of the national qualifications**

**ARTICLE 14** – (1) In case of any changes to the national or international occupational standards, which serve as a basis for the national qualifications, such changes are reflected in the qualifications within one year at the latest from the date of such a change.

(2) Any proposed amendments to the qualifications under the National Qualifications Framework are forwarded to the Authority by the authorized certification bodies, organizations planning to apply for authorization, institutions of education and training, bodies preparing occupational standards and any other natural persons or legal entities affected by the qualifications by also submitting their justification thereof. The department submits such proposals to the respective Sector Committees, running the process for approval of the qualifications and concluding any proposed amendment eventually.

(3) In the event that an amendment has been made to the national qualifications, the impact of such an amendment made on the present certified individuals is assessed; regulation is made as to the status of such individuals if necessary and where such a regulation imposes any obligations on the individuals concerned, this condition is notified to all the parties concerned in writing minimum two months prior to the date when the regulation will start being implemented and it is further published on the Internet sites of the Authority and the authorized certification bodies.

(4) Upon a request by the relevant parties or upon a finding by the Authority, the national qualifications are subject to action based on a proposal for suspension or cancellation of the national qualification or for discontinuation of certification or cancellation of qualification depending on qualification in case:

- a) There have been no authorized certification bodies as per the relevant national qualification for a period of 4 years,
- b) No certification has been made for a period of 3 years despite the existence of an authorized certification body,
- c) The relevant national or international occupational standards have been rescinded or cancelled.

ç) The justification for development of a qualification is no longer effective.

These operations are subject to the process for approval of a qualification. In case of cancellation of a qualification, the decision on cancellation specifies in detail the condition of any qualification certificates issued as per the cancelled qualification and also, any measures which must be taken by the Authority accordingly are also identified. The still effective qualification units of individuals holding certificates issued as per the qualifications excluded from NQF on ground of cancellation, whose certificates have not yet expired, are treated under certification to be made according to other qualifications incorporating such units.

## **PART FOUR**

### **Testing Assessment Material**

#### **Necessary material for certification**

**ARTICLE 15** – (1) The testing and assessment material to be used in testing and assessments to be made for certification as per the qualifications under NQF cover: theoretical testing questions and answers, applied testing questions and assessment guidelines, answer – solution forms to be used by candidates in testing, assessment forms, check lists, oral testing questions and answers, project preparation questions and assessment keys, software and hardware application questions and assessment guidelines, case analysis questions and solutions, calculation questions and solutions as well as relevant scoring guides, figures, graphs, tables, pictures, images, audio recordings, workplace application assessment forms and guidelines and any materials to be used in any similar testing and assessments including information on necessary tools, machinery and equipment for applied testing.

(2) Necessary material is identified and prepared in an adequate quantity depending on requirements on the basis of testing and assessment methods to be applied for each qualification.

#### **Preparation of testing material**

**ARTICLE 16** – (1) The testing and assessment material to be used in any testing to be conducted for certification purposes is prepared by the authorized certification bodies identified for each qualification covered

by NQF. All of the testing and assessment material is delivered to the Authority prior to authorization and it is grouped by the Authority according to the qualifications and it is then stored securely to ensure confidentiality. The authorized certification bodies notify the Authority of any supplements or cancellation and amendments to be made to such material after authorization before such material is used in the testing.

(2) The question bank of the Authority comprises any questions and answers prepared or obtained by the Authority as well as any questions and answers used by the authorized certification bodies in the accreditation process. The authorized bodies submit to the Authority for inclusion in the question bank questions and answers in a minimum number necessary for each qualification for which they are accredited. All the material is transferred to the Authority question bank by also adding any testing material caused to be prepared by the Authority.

(3) Where it deems necessary, the Authority takes under evaluation any testing material developed by the authorized certification bodies for comparison, observation, quality control, supervision and any other similar purposes. This assessment is carried out by the Testing Material Evaluation Commission. The Testing Material Evaluation Commission comprises representatives from the public bodies and organizations having specialization in the respective vocations or groups of vocations, labor and employer organizations, vocational organizations and non-governmental organizations or persons having experience in the subject. The Executive Board determines the persons to be included in the commission from specific bodies and organizations including the procedures and principles for the operation of the latter.

(4) The Testing Material Evaluation Commission reports its findings, comments and recommendations to the Authority as a result of its assessment; the Executive Board agrees on full or partial implementation of the report.

(5) Any supplements and amendments made by the authorized certification bodies to the testing materials after authorization are reviewed by the Testing Material Evaluation Commission. The representatives of the authorized certification bodies also attend such a review; the testing material is transferred to the Authority question bank after correction and development if necessary.

(6) The Executive Board determines the conditions for use by the authorized certification bodies of the Authority question bank. Necessary

data processing and hardware platforms are developed in the Authority so that the authorized certification bodies make use of the Authority testing materials.

## **PART FIVE**

### **Authorization of the Bodies and Organizations, Which Will Conduct Certification**

#### **Specifications and criteria for the authorized certification bodies**

**ARTICLE 17** – (1) The Authority identifies any authorized certification bodies to issue qualification certificates to be given as per the national qualifications defined under NQF. Authorized certification bodies are bodies and organizations having a legal entity, which carry out testing and certification activities according to the national qualifications defined under NQF in their capacity as a personnel certification body, are accredited by TURKAK or any other accreditation bodies concluding a multilateral recognition agreement under the European Accreditation Union subject to the system develop as per the conditions under TS EN ISO / IEC 17024 standard for the relevant qualifications and are found as having met the conditions defined by this regulation as a result of review, supervision and assessment carried out by the Authority.

(2) It is required as regards the authorized certification bodies

**a)** That their structures are suitable for performance of tasks and that they have necessary systems, human resources, technical, financial and physical means for accreditation

**b)** With respect to the authorized certification bodies, the following are required:

1) Incorporators, shareholders, administrators, directors or representatives in any companies incorporated under a status as a natural person or a legal entity as stipulated by laws

2) In the trading companies which have a legal entity under the status of a joint stock company (AŞ), company Executive Board Chairman and members, general manager and executives authorized for representation and warranty

3) In associations, foundations, unions, cooperatives, chambers, federations, confederations, labor unions, sector bodies and any other similar legal entities, Executive Board Chairman and members as well as executives of the legal entities authorized for representation and warranty

4) Executives and expert staff of any bodies having a status as a natural person or a legal entity, which are listed above, who will get involved in the certification processes

must not be convicted of any imprisonment sentences for offenses committed against the state security, constitutional order and national defense as well as offenses of smuggling, fraudulency, fraudulent bankruptcy, forgery, misuse of trust (office or power as applicable), theft, bribery, embezzlement, extortion, conspiracy in public procurement, laundering assets and usurping as regulated by Turkish Penal Code No 5237 of 26/9/2004 including the offenses falling in the scope of Anti-Terror Law No 3713 of 12/4/1991 and furthermore, they must not be banned from performance of their vocations and arts in the respective commercial, vocational and artistic fields

c) The executives or experts who will get involved in the certification processes must not include any persons, who caused cancellation of any bodies authorized by the Authority as per Articles 25 and 48 of this regulation as a result of their faulty action in the last two years

c) They must have human resources, physical and financial means and other infrastructures which are capable of achieving the certification processes in connection with the qualifications for which they will be authorized.

d) They must meet any particular conditions under the relevant regulations if there are any statutory regulations related to the qualifications for which they will be authorized.

(3) The body carries out any activities, for which it shall be authorized, at the address or addresses declared at the time of application. Those of qualifications for the body falling in the scope of its authorization, which involve traveling testing units, are declared along with their operating environments and conditions along with the application. In case of addition of a new operating place, change to the operating place and closure of an operating place, a written notice is served on the Authority within 15 days.

(4) The authorized certification body may achieve a part of the certification process as considered appropriate by the Authority through external procurement of services. In this case, evidences that any bodies providing services externally meet the provisions of this regulation and their compliance with the accreditation conditions are submitted to the Authority along with the application file. In addition, the contracts concluded by the authorized certification bodies with bodies, from which services are externally procured; about the contents of the services concerned are attached to the application files. Any external service providers are subject to periodical audit by the authorized certification bodies apart from audit by the accreditation bodies, with records about such an audit being submitted to the Authority. The Authority reserves the right to carry out any audit on the external service providers supplying services to the authorized certification bodies.

### **Authorization process**

**ARTICLE 18** – (1) Any intending bodies meeting the authorization conditions submit a file to the Authority, which incorporate any information and documents as well as any qualifications for which authorization is requested according to the procedures to be identified by the Authority. The file is then reviewed by the Authority and where it deems necessary, the Authority decides to carry out audit at the premises of the applicant in order to obtain adequate evidence that the body concerned actually meets the required conditions, preparing the audit plan and informing the applicant of it. Audit is concluded according to the agreed schedule, with a report being drawn up thereof.

(2) Any personnel certification bodies failing to meet the accreditation condition as far as the certification conditions are concerned may make preliminary applications to the Authority for authorization for the purpose of developing qualification drafts or conducting certifications by making a reference to the qualifications under NQF. Assessment operations for preliminary applications are concluded upon completion of the accreditation process.

(3) Assessments on the qualification of the applicant to meet the conditions for authorization under the scope of application in the light of the application file, accreditation audit reports, audit report by the Authority if any and any other relevant findings thereof are submitted to the Executive Board.



(4) The Executive Board adopts a decision on the application as a result of an assessment to be made. In case the Executive Board agrees that authorization would be appropriate, the body is then authorized upon conclusion of a contract with the relevant body.

(5) The Authority may ask any bodies to be authorized for a guarantee of a maximum sum defined by paragraph (c) of the first sub-clause of Article 54 of this regulation.

(6) Any authorized bodies submit a list of their staff, who will be involved in testing, to the Authority together with the application documentation at the time of authorization and in the event of any changes to the list; they communicate the updated list following such a change before the initial testing is held.

### **Obligations of the authorized certification bodies**

**ARTICLE 19** – (1) Any regulations which must be obeyed by the authorized certification bodies are determined by the Authority. The Body is obligated to provide services to candidates applying for being certified within the scope of this authorization and in line with this regulation and accreditation conditions. Accordingly, the bodies are required:

- a)** To operate in compliance with the authorization conditions,
- b)** To indicate clearly that they are authorized for the certification for which they are authorized by the Authority and that any other activities, if any, they maintain outside the scope authorized by the Authority are excluded from the scope of the authorization by the Authority,
- c)** To meet any financial obligations towards the Authority on a timely basis and completely
- ç)** To use VQA logo subject to the conditions to be specified by the Authority
- d)** To express their authorization through advertising, public notices and publications in line with the conditions laid down by this regulation and Authority and to take due action on any warnings that may be made by the Authority in this regard without delay

e) To stop use of any printed and visual material on authorization in case authorization is cancelled or suspended

**Amendments concerning the bodies**

**ARTICLE 20** – (1) The authorized training accreditation institutions inform the Authority of any changes in written form no later than 15 days from the date of occurrence of any such changes in case of:

a) Any internal legal, commercial or corporate changes

b) Any changes to their management positions

c) Any changes to the procedures and principles governing certification

c) Any changes affecting capacity and scope of the services authorized as well as service provision capabilities and capabilities to meet the authorization conditions

d) Any changes to the staff, equipment and location related to activities for which they are authorized

e) Any changes to the bodies from which services are externally procured in connection with testing and certification, if any, as well as any changes to such bodies as listed above

(2) Any decisions as to whether an audit, which may require suspension of any authorization relevant to a change, must be made are notified by the Authority to the relevant bodies within 15 days. During this period, the relevant body interrupts its activities under the scope of authorization. In case of a decision to make an audit on suspending the authorization issued by the Authority, interruption of the activities covered by the authorization continues until audit and evaluation are concluded.

(3) The audit and assessment referred to above are concluded no later than 30 days from the date of the notice by the Authority.

### **Authorization term**

**ARTICLE 21** – (1) An authorized certification body is authorized as long as it preserves the authorization conditions and the conditions laid down by a contract are in force.

### **Monitoring of the authorized certification bodies**

**ARTICLE 22** – (1) Reports on the periodical audit of the authorized certification bodies, which is carried out by the relevant accreditation body, are submitted to the Authority no later than one month from the date of the respective audit whilst any records on corrective action, if any, are submitted to the Authority within one month upon completion of corrective action. Where these reports find out any issues for taking measures by the Authority on the body concerned in connection with the respective authorization, the Executive Board is informed accordingly. Where necessary, the Authority conducts additional investigation and audit to reach findings and where it is concluded that measures must be taken, the Executive Board is informed accordingly.

(2) The Authority conducts or causes to be conducted scheduled or unscheduled audits with regard to the monitoring of the activities and records covered by the authorization of the authorized certification bodies as well as any certificates issued by them. The scheduled audits are conducted once in two years at the latest. The procedures and principles governing audits are determined by the Executive Board and incorporated in the authorization contract concluded with the relevant bodies. Where the reports drawn up as a result of audit recommend any measures in connection with authorization, such reports are submitted to the Executive Board.

## **PART SIX**

### **Violation of the Contract by the Authorized Certification Bodies and Cancellation, Suspension and Expiry of the Contract and Personal Responsibility**

#### **Violation of the contract**

**ARTICLE 23** – (1) In case of violation by the authorized certification bodies of any conditions defined by this regulation, the sanctions laid down under Articles 24, 25 and 26 of this regulation are applicable.

### **Suspension of the authorization**

**ARTICLE 24** – (1) The reasons for suspension of the authorization issued to the authorized certification bodies are the following:

**a)** The accreditation of the body concerned has been suspended by the relevant accreditation Authority.

**b)** There is failure to comply with the procedure for use of the logo following a written notice thereof.

**c)** As a result of audits conducted by the Authority ex officio or upon a complaint, findings contrary to the declaration of the body concerned are reached or any instances requiring suspension of authorization are found out or the party concerned loses minimum one of the conditions laid down by Article 17 hereof.

**ç)** This regulation and accreditation rules have been violated over the distinction as regards education/training and certification.

**d)** The body concerned has unintentionally issued or pledged to issue any Authority certificates outside the scope of its authorization.

**e)** Any violations of rules not affecting transparency and reliability of testing have been found out.

**f)** Any changes made to the national qualifications have not been reflected in the testing materials in good time.

**g)** There is failure to submit information required by the Authority minimum twice in a row.

**ğ)** The body concerned has failed to meet any financial or other obligations stipulated by the contract.

**h)** The date fixed by the Authority for any scheduled audits has not been agreed on by the authorized certification body concerned for such audit schedules for three times or the date of any scheduled audit has been postponed by more than two months due to reasons stemming from the authorized certification body concerned.

**i)** The body concerned refuses any unscheduled audit intended to be made by the Authority.

**i)** The body concerned requests suspension of its authorization voluntarily.

(2) In the event that the Authority reaches any findings that may require suspension on ground of the considerations listed above, the relevant body is then asked to provide clarification on such a finding; where it is concluded that a reason for suspension has actually taken place following assessment of clarification from the body and previous findings by the Department, the conclusion, the clarification by the body and assessment are brought before the Executive Board.

(3) By reviewing the documents submitted in connection with the matter, the Executive Board assesses if there is actually a good cause for suspension and if it agrees that there is good cause for suspension, the authorization of the body concerned is then suspended. A resolution by the Executive Board to that effect indicates the minimum and maximum periods of suspension and necessary correction actions for such suspension to be discontinued. A resolution on suspension may cover any qualifications for which a body is authorized or may apply for only those fields of qualification causing the authorization to be suspended.

(4) The suspension period is minimum four months and maximum twelve months according to the nature of suspension and necessary period for correction of the cause for suspension. Where necessary corrective actions have not been concluded by the end of the specified period although they have been initiated, the suspension condition continues up to an additional period determined by the Executive Board upon an application by the relevant body. The qualifications of the body, authorization of which is suspended, as well as information on the suspension period, are made public on the Internet site of the Authority throughout the suspension period.

### **Cancellation and expiration of the authority**

**ARTICLE 25** – (1) The reasons for cancellation of the authorization issued to the authorized certification bodies are the following:

**a)** The accreditation of the body has been cancelled by the relevant accreditation Authority.

- b)** The body has issued false certificates.
- c)** It has forged testing and certification records.
- c)** The body has intentionally issued or pledged to issue any Authority certificates outside its scope of authorization.
- d)** It has been found out as a result of audits made in the body that significant misleading declaration has been made leading to cancellation of authorization.
- e)** It has been found out as a result of audits made by the Authority ex officio or upon a complaint that there have been circumstances requiring cancellation of authorization.
- f)** It has been found out that the body concerned has engaged into forgery and irregularities in testing, certification and training records.
- g)** It has been found out that there is violation of rules affecting transparency and reliability of testing.
- g)** A request by the Authority for scheduled audit has been rejected without justification or the date of a scheduled audit has been postponed by more than 6 months for reasons stemming from the body concerned.
- h)** The authorization of the body concerned has been suspended twice within two years on ground of the same reason excluding the consideration laid down under paragraph (I) of Article 24 hereof.
- i)** The body concerned requests cancellation of its authorization voluntarily.
- i)** The body ceases to operate, goes bankrupt or winds up business.
- j)** The body concerned fails to take corrective action determined or is unable to conclude such action following an additional time limit granted once its authorization has been suspended.

(2) In the event that the Authority reaches any findings that may require cancellation on ground of the considerations listed above, the relevant body is then asked to provide clarification on such a finding; where

it is concluded that a reason for cancellation has actually taken place following assessment of clarification from the body and previous findings by the Department, the conclusion, the clarification by the body and assessment are brought before the Executive Board.

(3) By reviewing the documents submitted in connection with the matter, the Executive Board assesses if there is actually a good cause for cancellation and if it agrees that there is good cause for cancellation, the authorization of the body concerned is then cancelled. A resolution on cancellation may cover any qualifications for which a body is authorized or may apply for only those fields of qualification causing the authorization to be cancelled.

(4) Any application by a body whose authorization is cancelled by the Authority is not taken under assessment unless minimum two years have passed from the date of cancellation.

### **Personal responsibility**

**ARTICLE 26** – (1) Any persons, who have caused cancellation of authorization of a body through their intentional actions under paragraphs (b), (c), (ç) and (f) of the first sub-clause of Article 25 hereof are indefinitely banned by the Authority from getting involved in the processes of testing, certification and training accreditation in any bodies authorized by VQA.

## **PART SEVEN**

### **Applications for Certification, Testing, Assessment, Certification Decisions and Issue of Certificates**

#### **Applications**

**ARTICLE 27** – (1) Any individuals intending to have their qualifications certified as per the qualifications under NQF and to have Authority certificates apply to a certification body authorized by the Authority. An updated and current list of the authorized certification bodies on the basis of their respective qualifications is made public on the Internet site of the Authority. Thus, the candidates may freely choose any authorized certification body depending on the qualifications for which certification is sought.

(2) The authorized certification bodies assess certification applications on the basis of the application conditions laid down by the relevant qualifications, admitting them if they are appropriate. The authorized certification bodies prepare printed and visual materials containing information that may be needed by individuals to make applications, developing the necessary infrastructure for access by those concerned.

### **Records**

**ARTICLE 28** – (1) Any records on the applications admitted are retained by the respective authorized certification bodies. A list of applicants and information on the applicants are communicated to the Authority on an electronic medium prior to testing. Any persons not included in the lists communicated to the Authority are not admitted to relevant testing.

### **Scope of testing**

**ARTICLE 29** – (1) Testing is carried out subject to the scope and method defined by the certification schemes developed for relevant qualifications.

### **Selection of questions**

**ARTICLE 30** – (1) The authorized certification bodies determine any questions to be used in theoretical and applied testing in such a manner fitting the distribution defined by the respective national qualifications by making use of its own question bank as well as the Authority's question bank where necessary.

### **Testing schedule and testing**

**ARTICLE 31** – (1) The authorized certification bodies inform the Authority of their respective schedules of testing maximum one week prior to the relevant testing. Such schedules of testing incorporate specific qualifications on which a testing is to be conducted, levels of qualifications, locations of theoretical and applied testing, time of testing, testing officials and observers, number of candidates to undergo testing and any other relevant information. In case of any changes to such information, such changes are notified to the Authority maximum two business days prior to the respective testing.



(2) Theoretical and applied testing are carried out by the authorized certification bodies as per the procedures and principles laid down by the relevant national qualifications in compliance with the schedules of testing notified to the Authority.

### **Results of testing**

**ARTICLE 32** – (1) The results of testing are determined by the testing committee assigned by the authorized certification bodies according to the assessment criteria. The scores received by the candidates from any part of the testing as a result of testing, findings as to whether such scores meet the success conditions and any other records on testing are submitted to the organ of the authorized certification bodies, which will adopt decisions on certification.

### **Decisions on certification**

**ARTICLE 33** – (1) By reviewing the report of the testing committee and other records, the organs of the authorized certification bodies, which are authorized over certification, identifies candidates eligible for receipt of certificates. A list of persons eligible for receipt of certificates and other information on the testing are communicated to the Authority on an electronic medium.

(2) The list of persons eligible for receipt of certificates is communicated to the Authority after each page of it has been signed by a person authorized to sign such papers for the respective body. These lists are then submitted to the Executive Board so that the persons on such lists are issued with VQA qualification certificates. VQA certificates are issued upon approval by the Executive Board.

### **Issue of certificates**

**ARTICLE 34** – (1) Candidates for whom issue of certificates is agreed are issued with Authority approved certificates by the authorized bodies no later than 30 days from the date of notification of the list, which have a format determined by the Authority and specify the relevant qualifications certified, levels, date of certificate, validity term and any other relevant information. Additional certificates of a card type or any other forms may also be issued for any national qualifications considered appropriate. Security of the certificates is ensured by means of unique numbers and any other necessary measures. Any certificates to be issued are

signed by a person authorized to sign certificates for the respective authorized certification bodies and also by the Authority President or any other Authority officers to whom the Authority President delegates powers in this respect. Upon approval by the Authority, certificates are handed to the relevant persons by the authorized certification bodies.

(2) “VQA Certificate Costs Fee”, which is effective for each qualification certificate issued to successful candidates, is transferred to the accounts of the Authority prior to Executive Board approval concerning the issue of qualification certificates.

### **Maintenance of records**

**ARTICLE 35** – (1) Any records concerning applications, testing and certification of candidates, who are issued with VQA qualification certificates, are retained for a period minimum two times the validity terms of the certificates in line with the practices, procedures and principles for storage of records by the authorized certification bodies.

(2) Any changes to the personal data of applying or certified persons are updated by the authorized certification bodies and communicated by the authorized certification bodies to the Authority no later than 15 days following such a change.

## **PART EIGHT**

### **Accreditation of the Education and Training Institutions**

#### **Accredited education and training**

**ARTICLE 36** – (1) Accredited education and training are provided by accredited Education and Training Institutions.

#### **Authorized training accreditation institutions**

**ARTICLE 37** – (1) Any Education and Training Institutions intending to become accredited training institutions are accredited by the training accreditation institutions designated by the Authority.

(2) Any training accreditation institutions to be authorized for accreditation of institutions of education and training concerning those national qualifications which are subject to the accredited training condition

are designated as per the provisions of applicable laws or international conventions if any.

(3) A board comprising representatives of the relevant ministries, bodies, labor and employer organizations and vocational organizations is set up in order to be authorized for accreditation of any public education and training bodies. The procedures and principles for formation and operation of this board are determined under a protocol to be jointly concluded by the relevant ministries, bodies and organizations.

**Basic conditions for the authorized training accreditation institutions**

**ARTICLE 38** – (1) With respect to the training accreditation institutions to be authorized, the following are required:

a) Incorporators, shareholders, administrators, directors or representatives in any companies incorporated under a status as a natural person or a legal entity as stipulated by laws,

b) In the trading companies which have a legal body under the status of a joint stock company (AŞ), company Executive Board Chairman and members, general manager and executives authorized for representation and warranty,

c) In associations, foundations, unions, cooperatives, chambers, federations, confederations, labor unions, sector bodies and any other similar legal entities, Executive Board Chairman and members as well as executives of the legal entities authorized for representation and warranty,

ç) Executives and expert staff of any bodies having a status as a natural person or a legal entity, which are listed above, who will get involved in the certification processes,

must not be convicted of any imprisonment sentences for offenses committed against the state security, constitutional order and national defense as well as offenses of smuggling, fraudulency, fraudulent bankruptcy, forgery, misuse of trust (power or office as applicable), theft, bribery, embezzlement, extortion, conspiracy in public procurement, laundering assets and usurping as regulated by Turkish Penal Code including the offenses falling in the scope of Anti-Terror Law and

furthermore, they must not be banned from performance of their vocations and arts in the respective commercial, vocational and artistic fields.

(2) The executives or experts who will get involved in the accreditation processes must not include any persons, who caused cancellation of any bodies authorized by the Authority as per Articles 25 and 48 of this regulation as a result of their faulty action in the last two years

(3) They must have human resources, physical and financial means and other infrastructures which are capable of achieving the accreditation processes in connection with the qualifications for which they will be authorized. They must further meet the particular conditions under any applicable regulations in case there is statutory regulation related to the qualifications for which they shall be authorized.

(4) The institution carries out any activities, for which it shall be authorized, at the address or addresses declared at the time of application. In case of addition of a new operating place, change to the operating place and closure of an operating place, a written notice is served on the Authority within 15 days.

(5) In case the institution externally procures services, evidences that any bodies providing services externally meet the provisions of this regulation and their compliance with the authorization conditions are submitted to the Authority along with the application file. Contracts are concluded with external service providers and this contract is also submitted to the Authority. Any external service providers are regularly audited by the authorized training accreditation institutions, with any records concerning audit being forwarded to the Authority. The Authority reserves the right to carry out any audit on the external service providers. Where it deems necessary, the Authority may limit service procurement for certain processes related to accreditation.

(6) The authorized training accreditation institutions or any legal entities owned by such bodies may not provide services same as those of the bodies for which they will be extending accreditation services and neither may they provide consulting to such bodies on the issue of accreditation.

**Technical and system criteria for the authorized training accreditation institutions**

**ARTICLE 39** – (1) The authorized education accreditation bodies must have the technical and system specific infrastructures meeting the considerations indicated below as a minimum subject to the procedures and principles to be determined by the Authority:

**a)** The institution must be in possession of necessary documentation and record maintenance system in such a manner allowing the Authority to carry out audit and surveillance.

1) The institution must entirely document in writing the structure designating the tasks, responsibilities and powers of top management and other staff affecting the quality of accreditation service.

2) The institution must have binding rules for operating principles, tasks and responsibilities of the staff, who will get involved in the accreditation operations, documenting such rules in writing.

3) Any contracts concluded with the institutions of education and training to be accredited are duly taken under record and retained.

4) Any documents which may affect the process and result of accreditation concerning the education and training institutions are duly taken under record.

5) Any complaints with respect to accreditations are duly taken under record and assessed.

**b)** The specific qualifications to be taken as a basis for accreditation of the education and training institutions, which shall be subject to accreditation, are clearly identified; the accreditation institution provides complete clarification on accreditation activities by referring to the relevant standards, VQA guidelines or any other documents.

**c)** The institution must have specialized staff capable of conducting supervision and audit of any education and training institutions to be accredited as well as of technical review of the application files.

**ç)** The institution must develop, apply and maintain a management system, enhancing its effectiveness constantly.

**d)** A non-discriminatory application of the policies of the institution including its applicable procedures and principles; accreditation must not be subject to a certain size of the education and training institutions or a condition for membership with any unions or groups / societies.

**e)** Any plans and procedures and principles to be applied by the body as part of accreditation must be available to any bodies intending to receive accreditation.

**f)** The institution must clearly define, analyze and document in writing its relationships with any parties concerned, taking appropriate measures to deal with any cases having the risk of a conflict of interest.

**g)** The institution must have necessary financial resources so that it may carry out its activities, demonstrating this capability by means of records or documents; they must also declare the sources of their revenues.

**ğ)** The institution must be in possession of arrangements meeting its responsibilities arising out of its activities.

**h)** The institution must implement a management system compatible with the types, scopes and volumes of jobs conducted; any applicable conditions for accreditation operations must be incorporated in manual or relevant documents; documents must be accessible by all the staff and it must be ensured that the system procedures and principles are effectively implemented.

### **The process of designating the authorized training accreditation institutions**

**ARTICLE 40** – (1) Any intending institutions meeting the required conditions submit to the Authority application files containing necessary information, documents and fields of education and training for which authorization is requested according to the procedures and principles to be laid down by the Authority. The files are then reviewed by the Authority and subsequently, the Authority prepares a plan for local audit of the institution in order to obtain adequate evidence as to whether the institution concerned actually meet the conditions and informs the intending institution. Audit is carried out by the staff of the Authority or by expert staff of relevant institutions such as TURKAK, which have specialization in the subject, on the agreed dates, with a report being drawn up and submitted to the Authority as a result of such audit.

(2) The Department submits to the Executive Board its comments and assessment as to the qualification of the institution concerned for authorization under the scope for which the intending institution has applied in the light of the application file, audit report and any other findings thereof.

(3) The Executive Board adopts a resolution on the application based on an assessment to be made. Where the Executive Board agrees that authorization is appropriate, a contract is then signed with the institution concerned and thus, the institution is authorized.

(4) The authorized institutions submit to the Authority a list of their auditors, who will get involved in accreditation audits, along with the application documentation and where there is a change to the list, they communicate the updated list to the Authority before initial audit is carried out following such a change.

(5) The Authority may ask the training accreditation institutions to be authorized for a guarantee not exceeding the sum defined by paragraph (c) of the first sub-clause of Article 54 of this regulation.

**Obligations of the authorized training accreditation institutions**

**ARTICLE 41** – (1) Any regulations which must be obeyed by the authorized training accreditation institutions are determined by the Authority. Accordingly, the institutions are required:

- a)** To operate in compliance with the authorization conditions
- b)** To indicate clearly that they are authorized by the Authority only for the accreditation within the scope of the authorization
- c)** Not to provide services same as those of the bodies to be accredited by them, not to provide consulting to the bodies, which will be accredited, over any issues covered by accreditation
- ç)** To meet any financial obligations towards the Authority on a timely basis completely
- d)** To use VQA logo subject to the conditions to be specified by the Authority

e) To express their authorization through advertising, public notices and publications in line with the conditions laid down by this regulation and Authority and to take due action on any warnings that may be made by the Authority in this regard without delay

f) To stop use of any printed and visual material on authorization in case authorization is cancelled or suspended

### **Development of updated and current lists**

**ARTICLE 42** – (1) The updated and current lists of the authorized training accreditation institutions as well as any institutions of education and training accredited by them are made available to all concerned on the Internet site of the Authority.

### **Changes with respect to the institutions**

**ARTICLE 43** – (1) The authorized training accreditation institutions inform the Authority of any changes in written form no later than 15 days from the date of occurrence of any such changes in case of:

- a) Any internal legal, commercial or corporate changes
- b) Any changes to their management positions
- c) Any changes to the procedures and principles governing activities for which they are authorized
- ç) Any changes to the staff, location and premises in connection with the activities for which they are authorized
- d) Any changes to the bodies from which services are externally procured in connection with accreditation, if any, as well as any changes to such bodies as listed above
- e) Any changes affecting capacity and scope of the services authorized as well as service provision capabilities and capabilities to meet the conditions of this regulation

(2) Any decisions as to whether an audit, which may require suspension of any authorization relevant to a change, must be made are notified by the Authority to the relevant bodies within 15 days. During this



period, the institution interrupts its activities under the scope of authorization. In case of a decision to make an audit on suspending the authorization issued by the Authority, interruption of the activities covered by the authorization continues until audit and evaluation are concluded.

(3) The audit and assessment referred to above are concluded no later than 30 days from the date of the notice by the Authority.

### **Authorization Term**

**ARTICLE 44** – (1) An authorized training accreditation institution is authorized as long as it preserves the authorization conditions and the conditions laid down by a contract are in force.

### **Monitoring of the authorized training accreditation institutions**

**ARTICLE 45** – (1) The authorized training accreditation institutions are periodically audited subject to the procedures and principles to be determined by the Authority.

(2) The authorized training accreditation institutions submit to the Authority their schedules of accreditation audit at least two weeks in advance. The audit schedules specify auditors, information on the education and training institutions audited, scope of audit, audit number and planning. In case of a change thereto, such a change is notified to the Authority by the end of office hours in the previous day.

(3) The Authority conducts or causes to be conducted scheduled or unscheduled audits with regard to the monitoring of the activities and records covered by the authorization of authorized training accreditation institutions as well as any records maintained by them. The procedures and principles governing audits are determined by the Executive Board and incorporated in the authorization contract concluded with the relevant bodies. Where the reports drawn up as a result of audit recommend any measures in connection with authorization, such reports are submitted to the Executive Board.

## **PART NINE**

### **Violation of the Contract by the Authorized Training Accreditation Institutions and Cancellation, Suspension and Expiry of the Contract and Personal Responsibility**

#### **Violation of the contract**

**ARTICLE 46** – (1) In case of violation by the authorized training accreditation institutions of any conditions defined by this regulation, the sanctions laid down under Articles 47, 48 and 49 of this regulation are applicable.

#### **Suspension of the authorization**

**ARTICLE 47** – (1) The reasons for suspension of the authorization issued to the authorized training accreditation institutions are the following:

**a)** As a result of audits conducted by the Authority ex officio or upon a complaint, findings contrary to the declaration of the institution concerned are reached or any instances requiring suspension of authorization are found out or the institution concerned loses minimum one of the conditions laid down by Articles 38 and 39 hereof.

**b)** There is failure to comply with the procedure for use of the logo following a written notice thereof.

**c)** The institution concerned has unintentionally issued accreditation outside the scope of its authorization.

**ç)** The institution concerned has failed to meet any financial or other obligations stipulated by the contract.

**d)** It is found out that the institution concerned has provided consulting to any bodies, which have been or will be accredited by them, over the issue of accreditation.

**e)** There is failure to submit information required by the Authority minimum twice in a row.

**f)** The institution concerned refuses any unscheduled audit intended to be made by the Authority.

g) The date fixed by the Authority for any scheduled audits has not been agreed on by the authorized training accreditation institution concerned for such audit schedules for three times or the date of any scheduled audit has been postponed by more than two months due to reasons stemming from the authorized training accreditation institution concerned.

ğ) The institution concerned requests suspension of its authorization voluntarily.

(2) In the event that the Authority makes any findings that may require suspension on ground of the considerations listed above, the relevant institution is then asked to provide clarification on such a finding; where it is concluded that a reason for suspension has actually taken place following assessment of clarification from the institution and previous findings by the Department, the conclusion, the clarification by the institution and assessment are brought before the Executive Board.

(3) By reviewing the documents submitted in connection with the matter, the Executive Board assesses if there is actually a good cause for suspension and if it agrees that there is good cause for suspension, the authorization of the institution concerned is then suspended. A resolution by the Executive Board to that effect indicates the minimum and maximum periods of suspension and necessary correction actions for such suspension to be discontinued. A resolution on suspension may cover any qualifications for which an institution is authorized or may apply for only those fields of qualification causing the authorization to be suspended.

(4) The suspension period is minimum four months and maximum twelve months according to the nature of suspension and necessary period for correction of the cause for suspension. Where necessary corrective actions have not been concluded by the end of the specified period although they have been initiated, the suspension condition continues up to an additional period determined by the Executive Board upon an application by the relevant institution. The qualifications of the institution, authorization of which is suspended, as well as information on the suspension period, are made public on the Internet site of the Authority throughout the suspension period.

**Cancellation and expiration of the authorization**

**ARTICLE 48** – (1) The reasons for cancellation of the authorization issued to the authorized training accreditation institutions are the following:

- a) The institution has issued false accreditation certificates.
- b) It has forged accreditation records.
- c) The institution has intentionally issued accreditation outside its scope of authorization.
- ç) It has been found out as a result of audits made by the Authority ex officio or upon a complaint that there have been circumstances requiring cancellation of authorization.
- d) There are forgery and irregularities in accreditation records.
- e) A request by the Authority for scheduled audit has been rejected without justification or the date of a scheduled audit has been postponed by more than 6 months for reasons stemming from the institution concerned.
- f) The institution concerned requests cancellation of its authorization voluntarily.
- g) The institution ceases to operate, goes bankrupt or winds up business.
- ğ) The authorization of the institution concerned has been suspended twice within two years on ground of the same reason excluding the consideration laid down under paragraph (ğ) of Article 47 hereof.

(2) In the event that the Authority makes any findings that may require cancellation on ground of the considerations listed above, the relevant institution is then asked to provide clarification on such a finding; where it is concluded that a reason for cancellation has actually taken place following assessment of clarification from the institution and previous findings by the Department, the conclusion, the clarification by the institution and assessment are brought before the Executive Board.

(3) By reviewing the documents submitted in connection with the matter, the Executive Board assesses if there is actually a good cause for cancellation and if it agrees that there is good cause for cancellation, the authorization of the institution concerned is then cancelled. A resolution on cancellation may cover any qualifications for which an institution is authorized or may apply for only those fields of qualification causing the authorization to be cancelled.

(4) Any application by an institution whose authorization is cancelled by the Authority is not taken under assessment unless minimum two years have passed from the date of cancellation.

### **Personal responsibility**

**ARTICLE 49** – (1) Any persons, who have caused cancellation of authorization of an institution through their intentional actions under paragraphs (a), (b), (c) and (d) of the first sub-clause of Article 48 hereof are indefinitely banned by the Authority from getting involved in the processes of testing, certification and training accreditation in any institutions authorized by VQA.

## **PART TEN**

### **Accreditation of Institutions of Education and Training, Distinction among The Activities of Education / Training and Certification**

#### **Determination of necessary standards for accreditation**

**ARTICLE 50** – (1) The assessment criteria to be taken as a basis in accreditation of the institutions of education and training are determined by the Executive Board in consultation with MoNE, CoHE, training accreditation institutions and labor, employer and vocational organizations. These criteria are published on the Internet site of the Authority.

#### **Process of accrediting the institutions of education and training**

**ARTICLE 51** – (1) The processes to be applied in accreditation of the Education and Training Institutions are determined through joint work by the training accreditation institutions, other relevant parties and Authority.

**Monitoring of the accredited education and training institutions**

**ARTICLE 52** – (1) Periodical audit of the accredited education and training institution is carried out by the training accreditation institutions authorized under accreditation of the Education and Training Institutions. Annual plans concerning the periodical audit of the Education and Training Institutions are notified to the Authority. If necessary, the Authority may have a representative present in such audit; in addition, where it deems necessary, the Authority may audit with or without a schedule, monitor and assess the training accreditation institutions authorized for accreditation of the Education and Training Institutions as well as the accredited Education and Training Institutions.

**Distinction among the activities of education and training and certification activities**

**ARTICLE 53** – (1) The testing and certification bodies to be authorized as per accreditation rules take measures, which will ensure the objectivity and reliability of these activities, in the processes related to testing and certification.

(2) Any instructors or trainers involved in training or education of candidates may not get involved in the testing and assessment of such candidates for whom the former are involved in their education and training. However, instructors or trainers may serve on the testing board for candidates for whom they are involved in their training or education on condition that minimum two years have passed from the completion of training/education of such candidates and that testing and assessment are conducted by a board.

(3) It is essential that bodies providing training or education services and authorized certification bodies conducting testing or certification are different. However, training/education and testing activities may be conducted in the units connected to the same legal entity provided that there is no relationship of supervision among the units having training or education and units holding testing and that the assessment board also includes members other than those of the legal entity concerned.

## **PART ELEVEN**

### **Financial Provisions**

#### **Charges in connection with the Authority activities**

**ARTICLE 54** – (1) The charges defined below are applicable for Authority activities. These charges are determined by the Executive Board annually.

**a)** Charges for certificate costs: They are the charges for costs received from successful candidates participating in the testing organized by the bodies authorized by the Authority which are determined according to the types and levels of certificates.

**b)** Charges for costs of application for authorization: Charges for costs received from applicants for assessment of applications of bodies applying to the Authority for authorization for testing and certification activities and accreditation of Education and Training Institutions.

**c)** Annual fees: They are the fees annually received from the bodies authorized by the Authority in the fields of testing and certification as well as from the bodies authorized for accreditation of Education and Training Institutions. Annual fees are proportionately determined for authorizations within a year as well as in cases where authorization expires before completion of a year.

**ç)** Audit charges: They are the charges received for initial compliance assessment of the bodies applying to the Authority for authorization for testing and certification and accreditation of Education and Training Institutions and for audits and supervisions locally conducted by the Authority staff or by those assigned on behalf of the Authority in the head offices of the relevant applicants including any facilities where operation is declared by them for the purpose of periodically auditing the authorized certification bodies including costs of reports drawn up as a result of such audits. They are determined on a man-day basis and calculated at the end of each audit by multiplying it by the actual number of persons including reporting and preliminary preparations thereof.

**Limits to the charges and their preparation on an annual basis**

**ARTICLE 55** – (1) The charges for costs and other fees defined by Article 54 are determined and made public by the Executive Board by taking as basis the minimum gross wages effective for persons older than 16 years in January in the respective year provided that their maximum limits would not exceed the sums fixed by the second sub-paragraph.

(2) The charges for costs, membership fees and other dues defined by Article 54 are one tenth, three fourth and two folds of the minimum wage for paragraph (a), paragraph (b) and paragraph (c), respectively.

(3) The annual fee / due referred to by paragraph (c) of Article 54 is determined by the Executive Board at a sum not exceeding 30 folds of the highest civil servant salary including additional indicators.

(4) The charges for certificate expenses paid before issue of relevant certificates while the charges for application costs are paid before application; audit charges and annual fees / dues are paid before such audit and by the end of June in the relevant year, respectively.

**Determination of the tariff of charges**

**ARTICLE 56** – (1) The sums of charges and tariffs thereof related to testing and certification conducted by the authorized certification bodies as well as to education accreditation are determined on the basis of the services provided by the authorized certification bodies and other expenses thereof, including investment and services that will allow their development. They may update such charges determined maximum twice a year by considering any changes to their expenses and Consumer Prices Index. The tariffs are submitted to the Authority for information before they are put into force. The Authority may require clarification where it considers that these tariffs are exorbitant or extremely low on the basis of the charge tariffs of other bodies and current economic and social conditions.

**Payment of the certification charges**

**ARTICLE 57** – (1) Applicants deposit any application and other certification charges according to the qualifications to be applied for as well as the charges for Authority costs thereof with the accounts to be designated by the Authority. The charges with the designated accounts are transferred



to the relevant body accounts by deducting the Authority charges for costs upon completion of certification operations. It is essential that charges are collected on the basis of services provided; no charges are collected from those failing in testing. It is ensured that any candidates failing in initial testing may enter minimum one extra testing without paying any additional charges.

### **Payment of accreditation charges**

**ARTICLE 58** – (1) Any Education and Training Institutions applying for accreditation deposit any charges determined by the institutions to which an application is made for accreditation with the accounts of the relevant institutions.

## **PART TWELVE**

### **Miscellaneous and Final Provisions**

#### **Renewal of certificates**

**ARTICLE 59** – (1) Holders of VQA certificates, which have expired, may apply to the bodies from which they have originally received such certificates, or to any other authorized certification bodies for renewal of their certificates; applications are concluded by the relevant authorized bodies according to the methods designated under the relevant qualifications. In the event that the relevant bodies have ceased to operate or their authorizations cancelled or suspended on the date of renewal, certificates of candidates are prepared by ensuring that the certificate renewal process is fulfilled by one or several bodies to be designated by the Authority from among the certification bodies authorized for other fields thanks to an initiative by the Authority.

(2) Certificate holders apply to the Authority in case VQA certificates are lost during their validity periods or there is a change to the personal information on the certificates. The Authority issues new certificates by taking as a basis the information on its records. Applicants are required to pay the charges for certificate costs indicated by Article 54.

#### **Certification of the qualification units**

**ARTICLE 60** – (1) No VQA qualification certificates are issued for any qualification units possessed by individuals, which fail to constitute

a full qualification although they are incorporated in NQF. However, qualification unit achievement certificates may be issued as a result of assessment of these qualification units following a testing to be conducted by the authorized certification bodies. In case of formation of a given qualification under NQF through combination of these certificates with other qualification units which may be possessed by candidates, then, such candidates may be issued by the authorized bodies with certificates; thus, VQA qualification certificates may be issued to them.

### **Printing certificates in a foreign language**

**ARTICLE 61** – (1) In case holders of VQA certificates intend to obtain certificates in foreign languages on the basis of the qualifications under NQF, they lodge an application with the Authority accordingly. By taking the information on its records as a basis, the Authority issues certificates in a language requested. Applicants are required to pay a charge for certificate costs as indicated by Article 54.

### **Logos to be used on the certificates**

**ARTICLE 62** – (1) The logos of the respective authorized certification institutions, accreditation institutions and Authority are used on VQA certificates to be issued by the authorized certification bodies subject to the procedures and principles to be prescribed by the Authority.

### **Meeting particular conditions and avoiding discrimination**

**ARTICLE 63** – (1) The certification processes and programs may not contain any explicit or implicit elements of discrimination. However, it is obligatory that necessary measures are properly taken to meet any particular requirements of the handicapped or other persons in need of special care as part of testing organizations.

### **Objections and complaints**

**ARTICLE 64** – (1) Any bodies which are already authorized or applying for authorization, candidates who are already certified or applying for certification or any other parties, may object to any decisions taken by the Authority on any subjects in connection with this regulation as well as to any Authority practices by making a written application.

(2) The procedures governing receipt, review and conclusion of the objections and complaints are established by the Executive Board.

(3) It is essential that any objections to and complaints about any operations conducted by the authorized bodies are first handled in line with the internal regulations of the respective bodies. Applicants may additionally apply to the Authority in case they fail to obtain adequate results from the action or decisions of the respective bodies on their applications. Any decisions taken by the Authority are final.

### **Development of initial qualifications**

**PROVISIONAL ARTICLE 1** – (1) Works on the development of initial qualifications are initiated under the leadership of the Authority with participation of any willing ones from the personnel certification bodies operating in Turkey, which are accredited by TURKAK or any other accreditation bodies concluding a multilateral recognition agreement under the European Accreditation Union and any other bodies designated by the Authority within 90 days from the entry into force of this regulation. Works are carried out by the same bodies for development of the national qualifications on the basis of the national or international occupational standards.

### **Entry into force of the accredited training condition**

**PROVISIONAL ARTICLE 2** – (1) The condition for accredited training under the qualifications is not applicable until one year passes since authorization on training accreditation and authorized institutions accredit the first Education and Training Institutions. This period may be extended by maximum two years upon a resolution of the Executive Board following a recommendation of the relevant sector committee.

### **Entry into force**

**ARTICLE 65** – (1) This regulation enters into force on the date of publication.

### **Enforcement**

**ARTICLE 66** – (1) The President of the Vocational Qualifications Authority enforces the provisions of this regulation.