

Government Decree 70/2020 (26 March)

on derogating rules relating to providing education and vocational qualification examination in adults training during the period of state of danger declared for the prevention of the human epidemic endangering life and property and causing massive disease outbreaks, for the elimination of its consequences, and for the protection of the health and lives of Hungarian citizens

The Government,
acting within its original legislative power laid down in Article 53 (2) of the Fundamental Law,
acting within its function laid down in Article 15 (1) of the Fundamental Law,
decrees as follows:

1. Special rules on organising adults training during the period of state of danger

Section 1 In adults training,

a) contact-hour trainings under point 8 of section 2 of Act LXXVII of 2013 on adults training (hereinafter “Fktv.”) and

b) end-of-module examinations and vocational qualification examinations
may be organised observing epidemiological rules.

(2) In the course of a training, the training organiser, while during an examination, the examination organiser and the examination board jointly, shall be responsible for complying in full with the precautions set out by epidemiological rules and for recording in the minutes of the examination the measures taken, and the decisions passed, in connection with the state of danger.

(3) Persons who have attained the age of 65 years may not participate in a contact-hour training or in the work of an examination board.

Section 2 (1) Trainings may be organised and completed in the form of distance learning, distance education, or digital training even if doing so is not allowed by law, a grant document, a grant contract, an adults training contract, or the training programme otherwise. If a law, grant document, grant contract, adults training contract or training programme allows organising a training or an end-of-module examination in a form of distance learning, distance education, or digital training, the training or end-of-module examination shall be organised in that form only.

(1a)

(1b)

(2) The absence from a contact hour held between declaring the state of danger and the entry into force of this Decree of a person participating in a training shall be deemed excused; and the participation in distance education of a person participating in a training shall be considered attendance in person.

(3) To accounting for training realised, in whole or in part, from a budgetary subsidy from public finances, or from EU funding, that commenced before the entry into force of the state of danger and is provided in the form of distance education, the rules on accounting for contact-hour trainings shall apply.

Section 3 (1) Vocational qualification examinations cancelled, or not organised, during the period of state of danger may be uploaded again into the electronic examination system, and new central examination dates may be designated, only from the day following the end of the period of state of danger.

(2) A vocational qualification examination already commenced, and pending, at the time of entry into force of this Decree shall be suspended, with its results being recorded, and shall be concluded by the 60th day following the end of the period of state of danger at the latest.

(3) The absence of an examinee from a vocational qualification examination under paragraph (2) shall be deemed excused if he specifies the state of danger as reason for his absence from the vocational qualification examination.

(4) The rules on replacement examinations set out in Government Decree 315/2013 (28 August) on the rules on complex vocational qualification examination as in force on 31 December 2019 shall apply to the conclusion of a vocational qualification examination under paragraph (2).

(5) The examinee shall be allowed to perform his obligations in connection with the qualification obtainable via the vocational qualification examination, or by passing such examination successfully, as set out in law, in a contract or by any other means until the last day of the vocational qualification examination announced with a new date under this section.

(6) The examination organiser shall announce in the electronic examination system the vocational qualification examination for each examination group to the adults training state administration organ twenty days before the first examination activity is performed in the course of the examination at the latest. No more than two dates may be set for written examination activities each week.

Section 4

Section 5

2. Supporting trainings for restructuring

Section 5/A (1) To eliminate the detrimental effects of the state of danger on the labour market, budgetary support may be granted to organising, realising, and participating in, trainings within the framework of adults training activities that enable employees and jobseekers to acquire new competencies, to the organisation and realisation of which an overriding public interest is attached from the perspective of the labour market and that contribute to the economic growth of Hungary in the long term.

(2) The learning outcomes suitable for reaching the objective set out in paragraph (1), and the requirements for organising and realising the training necessary for transferring the knowledge essential for achieving such outcomes as specified by the Minister shall be included in the call relating to the provision of budgetary support.

(3) The budgetary support shall be used to finance the training fee of a person participating in a training organised and realised by an adults training provider meeting the requirements set out in paragraph (2) and the expenses relating to the training.

(4) A training under this section, and any other training constituting a prerequisite thereto, may be organised and realised within the framework of an adults training activity under the provisions of Fktv. as introduced by Act CXII of 2019 laying down amending and repealing provisions relating to the entry into force of Act LXXX of 2019 on vocational education and training and subject to the following conditions:

a) until the end of the period of state of danger, adults training activities may be carried out without notification or authorisation, with the proviso that after the end of the period of state of danger, the adults training state administration organ shall enter the adults training provider into the register of adults training providers in accordance with the procedure under the Fktv.,

b) in place of the preliminary classification of the training programme by an adults training expert, the fact whether the training programme is in compliance with the relevant laws and whether the competencies specified in the training programme can be acquired with the content, under the conditions, and in a way specified therein shall be established during the examination of the conditions specified in paragraph (2),

c) the adults training provider shall fulfil its data provision obligation under section 15 of the Fktv. within 60 days following the end of the period of state of danger,

d) the adults training provider need not have any financial security or quality management system during the period of state of danger.

(5) The provision of services, and the sale of products in close connection therewith, within the framework of a training under this section shall qualify as an other education and training activity as defined by the Act on value added tax, and shall be exempt from value added tax.

(6) If the placement of a person participating in training by the adults training provider to an undertaking for employment purposes constitutes a condition for budgetary support, the training fee paid to the adults training provider shall qualify as State aid under Article 107 (1) of the Treaty on the Functioning of the European Union provided to the undertaking employing the person participating in the training, and shall be granted in accordance with subtitle 41/A or 46 of Government Decree 255/2014 (10 October) on rules on State aids within the meaning of EU competition law relating to the use of State resources for the 2014-2020 programming period.

Section 5/B (1) Those persons shall be eligible to the student loan under section 1 (1) *b)* of Government Decree 96/2020 (10 April) on student loan available within the framework of the Economy Protection Action Plan due to the state of danger (hereinafter “Decree1”) (hereinafter “transitional training loan”) who

a) are in an adults training relationship based on an adults training contract concluded with an adults training provider organising and realising a training under section 5/A in connection with the training, and

b) meet the conditions set out in section 1 (2) of Decree1 and section 3 (3) and (4) of Government Decree 1/2012 (20 January) on student loan system (hereinafter “Decree2”).

(2) Concerning the transitional training loan,

a) the existence of the adults training relationship shall be certified by a relationship certification issued by the adults training provider, while the other conditions for eligibility to transitional training loan shall be certified as set out in the general business rules of the company under 100 per cent state ownership under point 6 of section 2 of Decree2 operating the student loan system (hereinafter “Student Loan Organisation”),

b) the provisions of Decree2 on student loan for language learning as in force on 1 January 2020 shall apply, as set out in the general business rules of the Student Loan Organisation, to applications for and the disbursement, prepayment and termination of transitional training loan, to child grants available in connection with loan debts, to the unilateral termination of loan contracts and to the enforcement of claims arising from loan contracts terminated unilaterally.

(3) A transitional training loan shall qualify as a student loan under Decree2.

3. Final provisions

Section 6 This Decree shall enter into force on the day following its promulgation.