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OCCUPATIONAL QUALIFICATIONS ACT

Passed 22 May 2008

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application of Act

- (1) This Act provides the bases for the creation, functioning and supervision of the occupational qualifications system.
- (2) This Act does not apply to occupations in the case of which the bases for the development of occupational requirements and awarding of occupational qualification are regulated by other Acts.
- (3) The provisions of the Administrative Procedure Act apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

§ 2. Objective of Act

- (1) The objective of this Act is to create an integral system for awarding occupational qualifications (hereinafter *occupational qualifications system*) and ensure its functioning in order to increase the competitiveness of Estonian employees and promote the development, assessment, recognition and comparison of their occupational competence.
- (2) The occupational qualifications system is part of the qualifications system for recognition of learning outcomes. The occupational qualifications system connects the educational system with the labour market.

§ 3. Definitions

For the purposes of this Act, the terms shall be used in the following meaning:

- 1) competency – the set of knowledge, skills, experience and attitudes necessary to engage successfully in occupational activities;
- 2) occupational qualification – the official result of an assessment, received when the body that awards occupational qualifications decides that the person has the required competency in the occupation on the level determined in the relevant occupational qualification standard;
- 3) occupational area – an area of activity which requires similar competency;
- 4) domain of occupational activity – an area of activity which includes several close occupational areas;
- 5) qualification – competency recognised as an official result of assessment, which is accompanied by responsibility and autonomy.

§ 4. Occupational qualification level and qualification framework

- (1) An occupational qualification level is the scope of knowledge, skills, responsibility and autonomy required in an occupation.
- (2) Occupational qualification levels are comparable to levels of education, and the occupational qualifications system and education system belong to a common qualification framework which is

internationally comparable.

(3) The qualification framework classifies occupational qualification levels and educational qualification levels on the basis of criteria imposed on the acquired knowledge, skills, responsibility and autonomy.

(4) The qualification framework is divided into eight levels where level 1 is the lowest and level 8 is the highest. Descriptions of the levels are provided in Annex 1 to this Act «Qualification framework».

(5) The lowest occupational qualification level (initial occupational qualification level) shall be established for each occupation. Awarding an occupational qualification on this level is referred to as awarding an initial level occupational qualification.

(6) The body of chairmen of sector skills councils shall determine the placement of initial level occupational qualifications in the qualification framework, as well as the need to award higher level occupational qualifications.

§ 5. Occupational qualification standard

(1) A occupational qualification standard is a document which describes occupational activities and provides the competency requirements for occupations and occupational qualification levels.

(2) Occupational qualification standards shall be approved by sector skills councils.

(3) The procedure for the preparation, amendment and recording of occupational qualification standards shall be established by a regulation of the Minister of Education and Research.

Chapter 2

PARTIES TO THE OCCUPATIONAL QUALIFICATIONS SYSTEM

§ 6. Occupational qualifications institution

(1) The Ministry of Education and Research is the institution that organises the development of an integral and structured occupational qualification system (hereinafter *occupational qualification institution*).

(2) The Minister of Education and Research may enter into a contract under public law with a private legal person for the performance of the function of an occupational qualification institution pursuant to the procedure provided in the Administrative Cooperation Act.

§ 7. Functions of occupational qualifications institutions

(1) Based on the objective of the activities of an occupational qualification institution, its functions are:

- 1) to develop and implement the occupational qualifications system;
- 2) to organise and coordinate the activities of sector skills councils and the cooperation between sector skills councils;
- 3) to develop and approve document forms and samples related to the occupational qualifications system;
- 4) to organise supervision over the activities of bodies that award occupational qualifications;
- 5) to develop and approve the procedure for archiving documents related to awarding occupational qualifications;
- 6) to maintain, upon request of the chief processor, the register of occupational qualifications in the capacity of an authorised processor;
- 7) to organise consultation and training related to the occupational qualifications system;
- 8) to introduce the Estonian occupational qualifications system on the national and international level by creating conditions for the mutual comparison of occupational qualifications;
- 9) to organise the development and updating of occupational qualification standards on the basis of decisions made by sector skills councils;
- 10) to develop and approve the common methodology for preparing occupational qualification standards and awarding occupational qualifications;
- 11) to develop annexes to occupational qualification certificates;
- 12) to organise the technical aspect of issuing occupational qualification certificates;
- 13) to organise the work of Europass Centre;
- 14) to perform other functions provided in this act and a contract under public law.

(2) A body of chairmen of sector skills councils that coordinates cooperation between sector skills councils operates at the occupational qualifications institution, with functions and rules of procedure that shall be determined by the occupational qualifications institution.

§ 8. Sector skills councils

- (1) A Sector skills council is an administrative body operating at the occupational qualifications institution, which consists, on an equal basis, of the representatives of employees, employers and professional associations of the same area of occupational activity and the representatives of the state.
- (2) Sector skills councils are formed and their activities are terminated by an order of the Government of the Republic.
- (3) The institutional membership of sector skills councils shall be approved by an order of the Government of the Republic.
- (4) The personal membership of sector skills councils shall be approved by a directive of the Minister of Education and Research.
- (5) Upon making a proposal to the Government of the Republic and approving the personal membership, the Minister of Education and Research relies on the proposals made by active and registered employees, employers, professional associations, legal persons and state or government authorities (hereinafter *institutions*) that are immediately connected to the corresponding area of occupational activity.
- (6) The list of areas of occupational activity, the names of sector skills councils, the procedure for the formation and termination thereof, the organisation of activities, and the procedure for appointment of representatives of institutions shall be determined by a regulation of the Government of the Republic.
- (7) The chairman and vice-chairman of a sector skills council may be paid a remuneration for performing their official duties, the amount and payment procedure of which shall be determined by a directive of the Minister of Education and Research.

§ 9. Objective and functions of the activities of sector skills councils

- (1) The objective of the activities of a sector skills council is to develop and implement the occupational qualifications system in its area of occupational activity.
- (2) The functions of a sector skills council are:
 - 1) to make proposals for developing and updating occupational qualification standards;
 - 2) to approve occupational qualification standards;
 - 3) to give a body the right to award occupational qualification and to participate in supervision exercised over the activities of a body that awards occupational qualification;
 - 4) to approve the procedure for awarding occupational qualification;
 - 5) to approve the amount of the fee for awarding occupational qualification and recertifying occupational qualification;
 - 6) to resolve disputes related to awarding occupational qualification;
 - 7) to perform other functions provided in law.
- (3) In order to perform the functions listed in subsection 2 of this section, a sector skills council may engage the employees of the occupational qualifications institution, involve experts or set up working groups.

§ 10. Body that awards occupational qualifications

- (1) A legal person or their agency or a state or government authority that has been declared a winner by a decision of a sector skills council in a public competition (hereinafter *competition*) organised by the occupational qualifications institution and that has the corresponding registration in the register of occupational qualifications may act as a body that awards occupational qualifications (hereinafter *awarder of occupational qualifications*). Upon registration, the titles and levels of occupational qualification which the awarder of occupational qualification shall be entitled to award will be determined on the basis of the occupational qualification standards.
- (2) A sector skills council shall decide on giving an educational institution the rights of an awarder of occupational qualification and shall register the institution in the occupational qualifications register without the competition specified in subsection 1 of this section on the basis of an application by the educational institution, if the curriculum of the institution complies with the occupational qualifications standard and is accredited.
- (3) The right to award of occupational qualification shall be given for up to five years.
- (4) If the competition specified in subsection 1 of this section fails twice, the awarder of occupational qualification shall be appointed by a directive of the Minister of Education and Research.
- (5) Upon awarding an occupational qualification, the awarder of occupational qualification shall

proceed from this Act, occupational qualification standards and the procedure for awarding occupational qualification approved by a sector skills council.

§ 11. Election of awarder of occupational qualification

(1) A participant in the competition must meet the following conditions:

- 1) the activities of a awarder of occupational qualification include the development of relevant occupational activities;
- 2) the awarder of occupational qualification must have the means and possibilities necessary to organise the awarding of occupational qualification;
- 3) the awarder of occupational qualification is required to have hired a sufficient number of employees with the necessary education, training and experience for awarder of occupational qualification, and has to have set up an occupational qualifications committee;
- 4) the awarder of occupational qualification must be able to act independently, professionally, impartially and without discriminating anyone.

(2) The procedure for the organisation of the competition and the list of documents certifying compliance with the conditions specified in subsection 1 of this section shall be established by a regulation of the Minister of Education and Research.

(3) The occupational qualifications institution shall register the awarder of occupational qualification declared the winner of the competition in the register of occupational qualifications.

(4) The occupational qualifications institution shall not satisfy an application for participation in the competition if:

- 1) the participant in the competition does not meet the requirements provided in legislation;
- 2) the participant in the competition has not submitted the required documents;
- 3) the participant in the competition has submitted incorrect or incomplete data;
- 4) the participant in the competition has state tax arrears for which no payment schedule has been arranged.

(5) A person who finds that their rights have been violated or freedoms limited has the right to contest the organisation of competition in an administrative court according to the conditions and procedure provided in the Code of Administrative Court Procedure or by submitting a repeal through the occupational qualifications institution to the Minister of Education and Research pursuant to the procedure provided by the Administrative Procedure Act.

§ 12. Functions of awarder of occupational qualification

(1) The awarder of occupational qualification shall:

- 1) develop in cooperation with the occupational qualifications committee the draft procedure for awarding occupational qualification and submit it to the sector skills council upon applying for the right to award occupational qualification;
- 2) organise the preparation of instructions for assessment of occupational competence, examination materials and other documents necessary for awarding occupational qualification;
- 3) calculate and submit to the sector skills council for approval the amount of the fee for awarding occupational qualification and re-evidencing a occupational qualification after coordinating the amount of the fee with the occupational qualifications committee;
- 4) inform public about awarding an occupational qualification;
- 5) make information related to the awarding a occupational qualification publicly available;
- 6) admit the application and documents of the person applying for an occupational qualification (hereinafter *documents*) and, based on the preconditions for applying for an occupational qualification certificate specified in the procedure for awarding of occupational qualification, assess the suitability of the applicant for the requested occupational qualification level and submit the required documents to the occupational qualifications committee for decision;
- 7) issue an occupational qualification certificate or a duplicate of an occupational qualification certificate;
- 8) ensure protection of information not subject to disclosure received during the awarding of occupational qualification;
- 9) assume responsibility for compliance with the procedures for the organisation of awarding occupational qualification;
- 10) submit to the sector skills council at least once a year a report on the organisation of awarding occupational qualifications and a report on the use of financial means related to the awarding of occupational qualifications;

11) submit the data to be entered in the register of occupational qualifications to the occupational qualifications institution.

(2) The awarder of occupational qualification shall appoint a responsible person for the performance of the functions listed in subsection 1 of this section.

§ 13. Repeal of the right to award occupational qualification

A sector skills council may repeal the right to award occupational qualification given to an awarder of occupational qualification selected in a competition if:

- 1) the person does not meet the conditions set for the awarder of occupational qualification in subsection 11 (1) of this Act;
- 2) the person has submitted the corresponding application in writing;
- 3) the person does not allow supervision over its activities upon awarding occupational qualifications;
- 4) the person has not complied with the precept of a sector skills council by the prescribed deadline and pursuant to the prescribed procedure;
- 5) the person has to a substantial extent or repeatedly violated the requirements imposed on it in its activities or has failed to perform the functions imposed on it;
- 6) the person has submitted incorrect data for participation in the competition;
- 7) the activities of the person are terminated or its bankruptcy is declared;
- 8) the person has not organised the awarding of occupational qualification within one year as of registration;
- 9) the activities of the awarder of occupational qualification has been suspended for at least six consecutive months.

§ 14. Register of occupational qualifications

(1) The register of occupational qualifications is a state database used to collect, preserve and systemise information on sector skills councils, occupations, occupational qualification standards, awarders of occupational qualification and valid occupational qualification certificates.

(2) The procedure for maintenance of the register of occupational qualifications shall be provided in the statutes of the register of occupational qualifications, which shall be approved by a regulation of the Government of the Republic.

(3) The chief processor of the register of occupational qualifications is the Ministry of Education and Research.

(4) The register of occupational qualifications shall be maintained pursuant to this Act, the Public Information Act, the Personal Data Protection Act and the statutes of the register of occupational qualifications.

Chapter 3

AWARDING OCCUPATIONAL QUALIFICATION

§ 15. Awarding occupational qualification

(1) Awarding occupational qualification is the assessment of conformity of the occupational competence of a person applying for an occupational qualification (hereinafter *applicant*) with the requirements specified in the occupational qualification standard, as a result of which an occupational qualification certificate shall be issued to the applicant.

(2) Holding an occupational qualification certificate is not a precondition of working unless legislation has provided the requirement for an occupational qualification certificate in order to work in a certain position.

(3) The methods and forms of assessment of occupational competence shall be determined in the procedure for awarding occupational qualification.

(4) Discrimination is forbidden in awarding occupational qualification and the applicant shall not be required or precluded from being a member of any association, nor shall they be required to complete their training in a specific educational institution.

(5) The initial occupational qualification is deemed to be awarded upon the completion of studies, by making a notation on the diploma supplement issued to the person if:

- 1) the person has completed studies of a regulated profession specified in the directive 2005/36/EC of the European Parliament and of the Council on the recognition of occupational qualifications (OJ L 255, 30.9.2005, pp 22–142), and
- 2) the curriculum complies with the occupational qualification standard and is accredited.

(6) The initial occupational qualification is deemed to be awarded by a notation made on the diploma supplement issued to the person upon the completion of studies by an educational institution with the right to award occupational qualification.

§ 16. Procedure for awarding occupational qualification

(1) The procedure for awarding occupational qualification regulates the organisation of awarding occupational qualification, it shall be developed by a body applying for the right to award occupational qualification in cooperation with the occupational qualifications committee, and shall be approved by a sector skills council.

(2) The procedure for awarding occupational qualification shall contain at least the following data:

- 1) name of the awarder of occupational qualification;
- 2) membership of the occupational qualifications committee and requirements for members of the occupational qualifications committee;
- 3) list of the titles and levels of occupational qualifications to be awarded, and references to the relevant occupational qualification standards;
- 4) preconditions for applying for a occupational qualification;
- 5) documents to be submitted by the person applying for a occupational qualification;
- 6) minimum frequency of awarding occupational qualification;
- 7) established methods of informing the public of the deadlines and conditions related to the awarding of occupational qualifications;
- 8) methods and forms of assessment of the occupational competence of the person applying for a occupational qualification;
- 9) procedure for organising and deciding on awarding occupational qualification;
- 10) period of validity of a occupational qualification certificate;
- 11) conditions and procedure for re-evidencing the occupational qualifications;
- 12) requirements for the members of the assessment committee.

(3) Changes to the procedure for awarding occupational qualifications shall be submitted to the sector skills council for approval no later than ten working days before a meeting of the sector skills council and shall be brought into force upon the declaration of awarding an occupational qualification following the meeting.

§ 17. Expenses related to awarding of occupational qualification and their compensation

(1) The following expenses shall be considered expenses related to awarding of occupational qualification and issuing occupational qualification certificates:

- 1) expenses related to the preparation of awarding occupational qualification;
- 2) expenses related to the work of the occupational qualifications committee and the assessment committee;
- 3) expenses related to the organisation of awarding occupational qualification;
- 4) expenses related to the technical issue of an occupational qualification certificate and its duplicate.

(2) Expenses related to awarding occupational qualification shall be compensated:

- 1) by the person applying for a occupational qualification, or
- 2) from the resources allocated for the vocational training of an employee, or
- 3) to the graduates of a vocational educational and training institution once during a year after graduation, or
- 4) by a regional department of the Labour Market Board from the resources allocated for labour market training to the unemployed and job seekers, or
- 5) from allocations of the state budget.

(3) If the text of a occupational qualification certificate is illegible or contains mistakes or an occupational qualification certificate has been destroyed, lost, damaged or stolen at the fault of the issuer of the certificate or an authorised processor of the register of occupational qualifications, the expenses for the issue of a duplicate shall be covered by the issuer.

(4) The awarder of occupational qualification shall submit a calculation of the expenses related to the issue of an occupational qualification certificate for approval to a sector skills council.

(5) The issuer of an occupational qualification certificate shall submit a yearly report to a sector skills council concerning the use of finances received from the persons specified in subsection 2 of this section.

§ 18. Occupational qualifications committee

(1) To ensure impartiality in awarding occupational qualifications, the awarder of occupational qualification shall set up an occupational qualifications committee that shall consist of the parties interested in awarding occupational qualification in the given field: specialists, employers, employees, trainers, representatives of professional associations and, if necessary, representatives of clients and consumers, as well as other interested parties.

(2) The occupational qualifications committee shall:

- 1) prepare the procedure for awarding occupational qualification in cooperation with the applicant for the right to award of occupational qualification;
- 2) approve, if necessary, the requirements for the place of assessment of occupational competence;
- 3) examine the documents of the person applying for an occupational qualification and decide on the form and manner for assessment of the occupational competence of the person applying for an occupational qualification;
- 4) appoint, if necessary, assessment committee(s) to assess the conformity of the person applying for an occupational qualification with the requirements of the occupational qualification standard;
- 5) approve the instructions for the organisation of an assessment and the examination materials;
- 6) decide on awarding or refusing to award occupational qualification to the person applying for the occupational qualification;
- 7) resolve the complaints submitted regarding the activities of the assessment committee.
- 8) perform other functions provided by law.

(3) A member of the occupational qualifications committee may not participate in deciding whether to award an occupational qualification to the person applying for the occupational qualification if the member:

- 1) has participated in the work of the assessment committee, or
- 2) is directly related to providing preparatory training for the person applying for an occupational qualifications, or
- 3) is the employer of the person applying for a occupational qualification or is otherwise personally interested in awarding the occupational qualification, or if other circumstances give reason to doubt their impartiality.

§ 19. Assessment committee

(1) The assessment committee is a committee set up by the occupational qualifications committee to assess the competence of the applicant for an occupational qualification certificate.

(2) In order to assess the occupational competence of the person applying for a occupational qualification, the occupational qualifications committee may set up one or several assessment committees.

(3) The assessment committee shall comprise no less than three members. If the assessment takes place in the form of an examination that uses an automatic testing system which does not require the involvement of a person in the assessment of the examination and only records the results, the assessment committee may have one member.

(4) Members of the assessment committee shall be independent and have the necessary professional knowledge and experience.

(5) No more than one third of the members of the assessment committee may be directly related to organising the preparatory training for the particular assessment or examination and no more than one third of the members may work at the same institution as the employer of the person applying for a occupational qualification certificate, except in the case of the automatic testing system described in subsection 3 of this section.

(6) The assessment committee shall:

- 1) assess the occupational competence of the applicant;
- 2) prepare a report on the organisation and results of the assessment and submit it to the occupational qualifications committee.

§ 20. Documenting the awarding of occupational qualification and archiving the documents

(1) The activities related to the awarding of occupational qualification shall be documented pursuant to the document forms prepared by the occupational qualifications institution and to the extent determined by the occupational qualifications institution, and the documents shall be preserved for the time period specified in the archiving procedure approved by the occupational qualifications

institution, unless other time limits have been provided by legislation.

(2) The documents related to the awarding of occupational qualifications are public records which are subject to the requirements established in the Archives Act and on the basis thereof.

§ 21. Occupational qualification certificate

(1) The occupational qualification certificate is a document which certifies the compliance of a person's occupational competence with the requirements established in the occupational qualification standard. Liability for correctness of the occupational qualification certificate lies with the awarder of profession that issued the occupational qualification certificate.

(2) The person holding a occupational qualification may use the title of the occupational qualification or its abbreviation as specified in the occupational qualification certificate during the validity period of the occupational qualification certificate, and present themselves as competent in the occupation according to the awarded occupational qualification level.

(3) The statute and form of the occupational qualification certificate shall be established by a regulation of the Minister of Education and Research.

(4) An occupational qualification certificate shall be entered in the register of occupational qualifications pursuant to the procedure established in the statute of the register of occupational qualifications. The occupational qualification certificate is valid only if a relevant entry exists in the register of occupational qualifications.

(5) A duplicate of the occupational qualification certificate shall be issued by the awarder of profession that issued the occupational qualification certificate or, upon absence thereof, by the occupational qualifications institution specified in subsection 6 (1) of this Act.

§ 22. Repeal of the occupational qualifications certificate

(1) The occupational qualifications committee and the sector skills council have the right to repeal an issued occupational qualification certificate if:

- 1) the occupational qualification certificate is acquired by way of fraud;
- 2) the occupational qualification certificate is issued on the basis of a falsified document or a document containing false data;
- 3) the activities of the person holding the profession do not comply with the provisions of the occupational qualification standard.

(2) If an issued occupational qualification certificate is repealed, it is deleted from the register of professions and the body that has repealed the occupational qualification certificate shall inform the relevant person of the decision by registered mail and shall publish a relevant announcement in the official publication *Ametlikud Teadaanded* (Official Notices).

(3) Upon the repeal of their occupational qualification certificate, the relevant person is required to surrender the occupational qualification certificate to the awarder of occupational qualification or to the sector skills council.

(4) A decision to repeal a occupational qualification certificate may be disputed in the administrative court according to the conditions and procedure established in the Code of Administrative Court Procedure, or by submitting a challenge to the relevant sector skills council through the occupational qualifications institution pursuant to the procedure established by the Administrative Procedure Act.

Chapter 4 STATE SUPERVISION

§ 23. State supervisory authority

The Ministry of Education and Research (hereinafter *supervisory body*) shall exercise state supervision over the activities of occupational qualifications institution and sector skills councils upon compliance with the requirements provided for in this Act and legislation established on the basis thereof.

§ 24. Objective and content of state supervision

(1) The objective of state supervision is to verify the legality of the functioning and development of the occupational qualifications system.

(2) The supervisory body has the right:

- 1) to perform on-site inspections regarding compliance with the requirements arising from the legislation;
- 2) to receive the information required for exercising supervision;

- 3) to examine original documents and receive extracts therefrom and copies thereof;
- 4) to make proposals to the institution being supervised for development of the occupational qualifications system;
- 5) to issue precepts and decisions.

(3) Decisions and precepts of the supervisory body may be disputed in the administrative court according to the conditions and procedure established in the Code of Administrative Court Procedure, or by submitting a challenge to the Minister of Education and Research pursuant to the procedure provided in the Code of Administrative Court Procedure.

§ 25. Precepts issued by supervisory body

(1) In the event that an offence is detected, the supervisory body may issue a precept to the occupational qualifications institution or sector skills council requiring them to end the offence.

(2) Upon failure to comply with a precept specified in subsection 1 of this section, the supervisory body may implement penalty payment pursuant to the procedure provided in the Substitutive Enforcement and Penalty Payment Act. The maximum amount of a penalty payment shall be 5000 kroons.

(3) Upon failure to comply with a precept specified in subsection 1 of this section, the supervisory body may make a proposal to the Government of the Republic for the termination of activities of the sector skills council.

Chapter 5 IMPLEMENTING PROVISIONS

§ 26. Transitional provisions

(1) Memberships of sector skills councils, occupational qualifications committees and assessment committees shall be brought into conformity with the requirements of this Act within one year as of its entry into force.

(2) Upon entry into force of this Act, bodies awarding occupational qualification that have a license with an unspecified term shall be entered in the register of occupational qualifications with a term of up to 1 January 2011.

(3) The occupational qualification standards established on the basis of the occupational qualifications system applicable before entry into force of this Act (on the basis of annex 2 to this Act «Descriptions of qualification levels on the basis of the Professions Act of 2001») shall be valid until the expiry of the validity period of the occupational qualification standard or until the occupational qualification standard is brought into conformity with annex 1 «Qualification framework» established on the basis of section 4 of this Act.

(4) Occupational qualification certificates issued before entry into force of the Act (annex 2 to this Act «Descriptions of qualification levels on the basis of the Professions Act of 2001») shall be valid until the expiry of the validity period of the occupational qualification certificate or until the occupational qualification certificate is brought into conformity with annex 1 «Qualification framework» established on the basis of section 4 of this Act.

(5) The data contained in the register of occupational qualifications kept on the basis of the Occupational Qualifications Act before entry into force of this Act shall be transferred within six months to the register of professions kept on the basis of section 14 of this Act.

§ 27. Amendment of the Administrative Co-operation Act

Subsection 13 (11) of the Administrative Co-operation Act (RT I 2003, 20, 117; 2008, 20, 139) shall be supplemented with clause 13 in the following wording:

« 13) a contract under public law mentioned in subsection 2 of section 6 of the Professions Act.»

§ 28. Amendment of the Rural Development and Agricultural Market Regulation Act

Subsection 25 (2) of the Rural Development and Agricultural Market Regulation Act (RT I 2004, 32, 227; 2007, 24, 129) shall be amended and worded as follows:

« (2) A farm relief person may be a person who has been awarded the profession of agricultural employee on the basis of the Professions Act and who has undergone the relevant farm relief person training.»

§ 29. Amendment of the Social Welfare Act

Clause 212 (3) 2) of the Social Welfare Act (RT I 1995, 21, 323; 2007, 45, 320) shall be amended and worded as follows:

« 2) a copy of a document or a occupational qualification certificate attesting education or training completed in a foreign state, if it has not been entered in the information system founded on the basis of subsection 366 (4) of the Republic of Estonia Education Act or in the register of occupational qualifications founded on the basis of subsection 14 (2) of the Occupational Qualifications Act;».

§ 30. Amendment of the Security Act

Clauses 2 6) and 7) of the Security Act (RT I 2003, 68, 461; 2006, 26, 191) shall be repealed.

§ 31. Repeal of an Act

The Professions Act (RT I 2001, 3, 7; 2007, 24, 127) shall be repealed.

§ 32. Entry into force of an Act

(1) This Act shall enter into force on 1 September 2008.

(2) Subsections 10 (2) and 15 (6) shall enter into force on 1 January 2011.

Vice-President of the Riigikogu
Kristiina OJULAND

Annex 1 to
the Professions Act

Qualification framework¹

Descriptions of the levels of the qualification framework determine the general requirements for study results of the education system and for occupational qualification levels of the occupational qualifications system			
	Knowledge (theoretical and factual knowledge is differentiated)	Skills (cognitive skills: use of logical, intuitive and creative thinking and practical skills: manual dexterity and use of methods, materials, tools and instruments are differentiated)	Scope of responsibility and autonomy activity
Level 1	basic general knowledge	basic skills required to carry out simple tasks	work or study under direct supervision in a structured context
Level 2	basic factual knowledge of a field of work or study	basic cognitive and practical skills required to use relevant information in order to carry out tasks and to solve routine problems using simple rules and tools	work or study under supervision with some autonomy
Level 3	knowledge of facts, principles, processes and general concepts, in a field of work or study	a range of cognitive and practical skills required to accomplish tasks and solve problems by selecting and applying basic methods, tools, materials and information	take responsibility for completion of tasks in work or study adapt own behaviour

			to circumstances in solving problems
Level 4	factual and theoretical knowledge in broad contexts within a field of work or study	a range of cognitive and practical skills required to generate solutions to specific problems in a field of work or study	<p>exercise self-management within the guidelines of work or study contexts that are usually predictable, but are subject to change</p> <p>supervise the routine work of others, taking some responsibility for the evaluation and improvement of work or study activities</p>
Level 5	comprehensive, specialised, factual and theoretical knowledge within a field of work or study and an awareness of the boundaries of that knowledge	a comprehensive range of cognitive and practical skills required to develop creative solutions to abstract problems	<p>exercise management and supervision in contexts of work or study activities where there is unpredictable change</p> <p>review and develop performance of self and others</p>
Level 6	advanced knowledge of a field of work or study, involving a critical understanding of theories and principles	advanced skills, demonstrating mastery and innovation, required to solve complex and unpredictable problems in a specialised field of work or study	<p>manages complex technical or professional activities or projects, taking responsibility for decision-making in unpredictable work or study contexts</p> <p>take responsibility for managing the professional development of individuals and groups</p>
Level 7	highly specialised knowledge, some of which is at the forefront of knowledge in a field of work or study, as the basis for original thinking and/or research	specialised problem-solving skills required in research and/or innovation in order to develop new knowledge and procedures and to integrate knowledge from different fields	<p>manage and transform work or study contexts that are complex, unpredictable and require new strategic approaches</p> <p>take responsibility</p>

	critical awareness of knowledge issues in a field and at the interface between different fields		for contributing to professional knowledge and practice and/or for reviewing the strategic performance of teams
Level 8	knowledge at the most advanced frontier of a field of work or study and at the interface between themes	the most advanced and specialised skills and techniques, including synthesis and evaluation, required to solve critical problems in research and/or innovation and to extend and redefine existing knowledge or professional practice	demonstrate substantial authority, innovation, autonomy, scholarly integrity and professional commitment to the development of new ideas or processes at the forefront of work or study contexts including research

¹ Levels of the Estonian qualification framework correspond to the European qualification framework.

Basis: Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning (OJ C 111; 06.05.2008, pp 1-7)

Annex 2
to the Professions Act

Descriptions of occupational qualifications on the basis of the Occupational Qualifications Act passed in 2001

On the basis of the Professions Act of 2001, occupational qualifications are divided into five levels where level I is the lowest and level V is the highest as follows:

- 1) **level I** - an employee performs his or her duties in similar situations, has acquired the occupational knowledge and skills mainly in the course of occupational training, may need guidance during work, is responsible for the performance of his or her duties;
- 2) **level II** - an employee performs his or her duties in different situations, in addition to the knowledge and skills acquired mainly in the course of occupational training has experience, works independently, is responsible for the performance of his or her duties;
- 3) **level III** - an employee performs his or her duties in different and changing situations, in addition to the knowledge and skills acquired mainly in the course of occupational training is masterly, ready to pass on his or her occupational skills and knowledge, organises the distribution of funds and the work of others and is responsible therefor
- 4) **level IV** - an employee performs duties requiring analysis and decision-making in changing situations, has occupational knowledge and skills; organises the distribution of funds and the work of others and is responsible therefor;
- 5) **level V** - an employee performs duties requiring the expansion of knowledge, resolution of problems, application of scientific theories and definitions, analysis, systematisation and improvement

of the existing knowledge and teaching in changing situations, has extensive occupational knowledge and skills, organises the distribution of funds and the work of others and is responsible therefor.