

MINISTRY OF EMPLOYMENT AND SOCIAL SOLIDARITY

Decree-Law no. 396/2007

of 31st December

In recent decades, Portugal has made a significant effort to raise its population's qualification level in order to catch up and close the historical gap in this area. Despite the progress made, the situation in Portugal and the pace of development in the area of qualifications continues to fall very short of the levels in more developed countries and does not provide the country with the necessary basis for its development, in the context of an increasingly knowledge-based global economy. The low qualification levels of the working population in general, combined with the still high school drop-out levels, have a negative impact on the convergence path and the much-needed alignment with the more developed companies. This state of affairs blocks access to training and the acquisition and application of new knowledge, which prevents the organisation of a solid skill base and hinders the working population's ability to adapt to a context of major economic reorganisation and great occupational mobility.

It is therefore essential to find innovative solutions in terms of objectives, methods of organisation and means used, in order to overcome the difficulties and manage to rapidly and sustainably increase the skills and qualification levels of the Portuguese people.

The National Qualifications System commits to objectives which are already set out in the New Opportunities Initiative – which are to promote the universalisation of secondary education as the minimum qualification level of the population – and promotes the necessary instruments for the effective implementation of the system, in conjunction with the existing financial instruments, namely those made available under the 2007 - 2013 National Strategic Reference Framework. In this context, raising the level of basic education of the working population will, at the same time, generate the skills necessary for personal development and the modernisation of enterprises and the economy and make educational and vocational advancement of the general public possible. These objectives apply to both young people and adults, in order to promote, for reasons of both social justice and development, new qualification opportunities for those in the labour market, many of whom suffer from the effects of being school drop-outs and early school leavers.

In the context of the New Opportunities Initiative, raising the level of basic education of young people involves diversifying the range of education and training opportunities, by strengthening vocational routes. In the case of adults, this will be achieved by providing them with flexible qualification opportunities, designed taking into account the skills already acquired. It is therefore essential to develop and recognise the skills already acquired by adults - via education, training, occupational experience or otherwise - as a way in which to organise qualification pathways that are tailored to each individual and geared towards their personal development and labour market needs, against an economic context that is particularly demanding and rapidly evolving.

The National Qualifications System adopts the principles enshrined in the agreement with the social partners and reorganises vocational training within the educational system and in the labour market, via the inclusion of common objectives and tools within a renewed overall institutional framework. This reform does not involve other areas of the educational system, which also contribute to personal qualification.

The fundamental strategy involves ensuring the relevance of training and learning to personal development and the modernisation of enterprises and the economy, by ensuring both that all national training efforts are in fact taken into consideration for the purposes of the educational and vocational advancement of the general public, whether directly via dual certification training within the National Qualifications Catalogue, or indirectly, via the new opportunities centres and the skills recognition, validation and certification process.

The National Qualifications Catalogue now created is a tool for the strategic management of non-higher education qualifications, which comprises all of the essential reference frameworks for the competitiveness and modernisation of enterprises and the economy and for the personal and social development of the general public. This makes it possible to better match training supply to the needs of enterprises, the market and the general public. It is organised according to a dual certification logic (educational and vocational) and structured on the basis of the qualification levels described in the National Qualifications Framework.

The National Qualifications Catalogue is an open-ended instrument, which is constantly being up-dated. It is therefore essential to ensure the active and constant participation of the main economic and social players in the preparation and management of the catalogue, i.e. via Sectoral Qualification Councils and the National Vocational Training Council. The National Qualifications Catalogue will be responsible for the organisation of an important part of the national training effort, i.e. continuing training financed from public funds.

The obtaining of qualifications that are included in the National Qualifications Catalogue, whatever the way in which they are obtained, is attested by a vocational qualification diploma. The successful completion of one or more training modules or units based on the reference frameworks in the Catalogue, and if they are insufficient to complete a qualification, is documented by a qualifications certificate and automatically credited and recognised by the various entities in the system for the purposes of obtaining a qualification at any time subsequently. A person who completes a training initiative, which is not included in the Catalogue, receives a vocational training certificate and the completion of the initiative is entered in the individual skills booklet, so as to permit the crediting of the training in question for the purposes of educational and vocational advancement, at any time, via the New Opportunities Centres. The individual skills booklet accordingly enables individuals to present the training and skills acquired throughout their lives, in a clear and transparent manner, and permits employers to understand the suitability of job applicants' skills more easily.

The structure of the qualification levels in the National Qualifications Framework is in line with the work already done in the European Union regarding the future European Qualifications Framework for lifelong learning and accordingly eases the comparability of the qualifications of Portuguese people within the European space and consequently also facilitates their mobility therein.

The National Qualifications System is based on a new institutional model, particularly the Agência Nacional para a Qualificação, I.P. (National Agency for Qualification) which plays a central role: it manages the new opportunities centres network – namely authorises their creation, determines the conditions under which they operate and regularly evaluates and monitors them, taking into account the network's coverage level and the need to maintain high quality standards. The National Agency for Qualification is also responsible for preparing and updating of the National Qualifications Catalogue, for organising and rationalising the training included in the Catalogue and for monitoring and supporting information and guidance activities on qualification and employment.

The new opportunities centres play a key role in adult qualification. They are responsible for referring people to education or training opportunities, the recognition and validation of adults' skills in order to determine their positioning in education and training pathways, and the recognition, validation and certification of skills acquired throughout life.

The quality of the National Qualifications System is an objective which is pursued for all its elements, i.e. via the certification of training providers and the qualification of trainers and other training professionals. The certification of training providers, which is obligatory when public funding is sought, is significantly reinforced via the conduct of annual external audits of all bodies and the simplification and debureaucratisation of the certification process. The public body responsible for the certification of training providers shall be accredited by the Portuguese Quality System.

The funding of training is governed by efficiency and quality criteria. Funding is primarily awarded to vocational training which is given in accordance with the National Qualifications

Catalogue and such other training as is of strategic import to enterprise development, particularly the development of medium, small and micro enterprises, and workers, and introduces training providers selection criteria, which are based on the quality of the training provided. Public funding must contribute to the implementation of workers' entitlement to training when this is related to individual demand for vocational training.

The implementation of the objectives of this reform depends fundamentally on the involvement of those persons and organisations which are directly involved. This involvement is promoted via the participation of the social partners in the various structures of the system, particularly the National Vocational Training Council.

The project to which this decree-law relates was published, for public consultation, in a separate appendix to the *Boletim de Trabalho e Emprego* (Labour and Employment Bulletin) no. 5, of 9th August 2007. The comments received, i.e. from employers associations and trade unions have been taken into consideration.

The executive bodies of the Autonomous Regions have been consulted.

Accordingly:

The Government approves the following pursuant to the provisions of paragraph a) of no. 1 of article 198 of the Constitution:

CHAPTER I

General provisions

Article 1

Subject matter and scope

1 — This decree-law introduces the legal framework for the National Qualifications System and defines the structures via which it operates.

2 — The National Qualifications System comprises the following in accordance with the specific legislation to which they are subject:

- a) The Agência Nacional para a Qualificação, I. P. (National Agency for Qualification) and other services with powers and duties in the design and implementation of educational and vocational training policies;
- b) The National Vocation Training Council and the sectoral qualification councils;
- c) The new opportunities centres;
- d) Basic and secondary education establishments;
- e) The directly and jointly managed vocational training and vocational rehabilitation centres;
- f) Centres of excellence created at leading training operators who have particularly distinguished themselves for the quality of their training, namely jointly managed vocational training centres.
- g) Other bodies with certified training structures.

3 – The National Qualifications System also comprises those enterprises which promote the training of their workers, and other bodies involved therein.

4 — The National Qualifications System also comprises the Higher Education Institutions in accordance with the specific legislation to which they are subject:

5 — This decree-law creates the National Qualifications Framework, the National Qualifications Catalogue and the individual skills booklet.

6 — This decree-law shall apply to all of Portugal.

Article 2

Objectives

1 – The objectives of the National Qualifications System are as follows:

- a) To promote the universalisation of secondary level education as the minimum qualification of the general public;
- b) To raise the basic qualification levels of the working population, in order to facilitate their educational and professional advancement;

- c) To ensure that occupational courses for young people lead to dual certification: educational and vocational;
- d) To organise a relevant range of initial and continuing training opportunities, which is adapted to the needs of enterprises and the labour market, on the basis of the current and emerging needs of businesses and the economic sectors;
- e) To promote diversified training in the context of the promotion of life long learning that generates skill-based qualifications;
- f) To develop the skills needed for individual development, the promotion of social cohesion and the exercise of citizenship rights;
- g) To strengthen and consolidate the skills recognition, validation and certification process;
- h) To promote the effective exercise of the individual right of workers to annual certified training;
- i) To promote the qualification and social and occupational integration of groups with particular integration difficulties;
- j) To promote the consistency, transparency and comparability of qualifications both nationally and internationally;
- l) To ensure the provision of educational and vocational information and guidance and the co-ordination and shared management of the corresponding resources and instruments;
- m) To promote the efficiency and effectiveness of vocational training;
- n) To ensure that the management of public funding is oriented to the priorities of education and vocational training policies;
- o) To contribute to equal opportunities in access to occupations, to employability and entrepreneurship, without gender discrimination.

2 — The social partners shall participate in the promotion of the objectives of the National Qualifications System at various levels, in accordance with the provisions of this decree-law.

Article 3

Concepts

For the purposes of this decree-law, the following terms shall have the following meanings:

- a) 'Learning' - the process by which knowledge, skills and attitudes are acquired within the ambit of the educational and training system and in working and personal life;
- b) 'Skill' - the recognised capacity to mobilise knowledge, aptitudes and attitudes in working, occupational development, educational and personal development contexts;
- c) 'Dual certification' - the recognition of skills for the exercise of one or more occupational activities and an educational qualification, via a diploma;
- d) 'Education and vocational training' or 'vocational training' - training with the objective of equipping an individual with skills with a view to pursuing one or more occupational activities;
- e) 'Certified training provider' - a body with a legal personality which has the resources and the technical and organisational capacity to conduct processes associated with training subject to official evaluation and recognition in accordance with the quality reference framework established for that purpose;
- f) 'Certified training' - training provided by a training body certified for that purpose or by an educational establishment which is recognised by the competent ministries;
- g) 'Continuing training' - education and training activity undertaken after leaving the educational system, or after entering the labour market to enable individuals to develop their vocational and inter-personal skills, with a view to pursuing one or more occupational activities, improving ability to adapt to technological and organisational changes and increasing employability;
- h) 'Certified continuing training' - continuing training given by a training body, which is certified for that purpose, or by an educational establishment, which is recognised by the competent ministries, without prejudice to the provisions of no. 2 of article 163, of Law no.

35/2004, of 29th July, for the purposes stipulated therein;

i) 'Dual certification continuing training' - continuing training via attendance of any modules included in the National Qualifications Catalogue, which is conducted by a certified training body or an educational establishment recognised by the competent ministries;

j) 'Initial training' - certified education and training with a view to the acquisition of basic knowledge, skills and capabilities leading to qualifications for entry into one or more occupational activities;

l) 'Dual certification initial training' - initial training included in the National Qualifications Catalogue, which is conducted by a certified training body or by an educational establishment recognised by the competent ministries;

m) 'Form of training' - the organisation of training as defined according to specific characteristics, i.e. objectives, target groups, curricular structure, methodology and duration.

n) 'Dual certification training module' - a learning unit which can be certified independently and can form part of one or more training pathways listed in the National Qualifications Catalogue, thereby permitting the acquisition of certified skills;

o) 'Occupational profile' - the description of the set of activities and knowledge required to carry on a specific occupational activity;

p) 'Qualification' - the formal outcome of an assessment and validation process attested by a competent body, which recognises that an individual has acquired skills in accordance with the established reference frameworks;

q) 'Recognition, validation and certification of skills' - the process which enables an individual who is at least 18 years old to obtain the recognition, validation and certification of the skills acquired and developed over his or her lifetime;

r) 'Skills reference framework' - the set of skills required in order to obtain a qualification;

s) 'Training reference framework' - the combined information which provide direction for the organisation and development of training according to the occupational profile or associated skills reference framework, as appears in the National Qualifications Catalogue.

CHAPTER II

Qualification, training and recognition of skills

Article 4

Qualification

1 — Qualification can be obtained via training included in the National Qualifications Catalogue, which is given under the education and training system.

2 — Qualification can be the result of the recognition, validation and certification of skills acquired in other training and in other contexts of working and personal life.

3 — Qualification can also be the result of the recognition of qualifications obtained in other countries.

Article 5

National Qualifications Framework

1 — The National Qualifications framework defines the qualification levels structure, including access requirements and educational qualifications to which it corresponds, taking the European qualifications framework into consideration, to enable comparison of qualification levels in the various systems of the member states.

2 — The National Qualifications Framework aims to integrate the national qualification subsystems and improve the access, progression and quality of qualifications in relation to the labour market and civil society.

3 — According to the provisions of no. 1, the principles of the European qualifications framework are adopted with regard to the description of national qualifications in terms of

learning outcomes, in accordance with the descriptors associated with each level of qualification.

4 — The structure referred to in no. 1 shall be governed by a joint statutory instrument issued by the Government members responsible for vocational training, education and higher education.

Article 6

National Qualifications Catalogue

1 — The National Qualifications Catalogue is a dynamic instrument for the strategic management of non-higher education qualifications that are essential for the competitiveness and modernisation of enterprises and the productive fabric and for the personal and social development of the individual.

2 — The National Qualifications Catalogue comprises qualifications based on skills and identifies for each of them the corresponding skills and training reference frameworks as well as the qualification level in accordance with the National Qualifications Framework.

3 — The dual certification training provided on the basis of the training reference frameworks included in the National Qualifications Catalogue is structured in modules, both in its technological component and basic training for adults component,.

4 — The National Qualifications Catalogue is structured in accordance with the National Classification of Education and Training Areas, which is approved by a joint statutory instrument of the government members responsible for vocational training, education and higher education.

5 — The Agência Nacional para a Qualificação, I.P. (National Agency for Qualification) shall prepare and continuously update the National Qualifications Catalogue, via the inclusion, exclusion, or alteration of qualifications, taking into consideration the current and emerging needs of enterprises, economic sectors and individuals, in collaboration with the sectoral qualification councils, in accordance with article 17.

6 — The items included in the National Qualifications Catalogue shall be assessed and receive overall approval, at least once every two years, by the National Vocational Training Council.

7 — The updates of the National Qualifications Catalogue referred to in no. 5 and the alterations arising from the assessment and overall approval referred to in the preceding number are published in a separate appendix to the *Boletim do Trabalho e Emprego* (Labour and Employment Bulletin) and on the web site of the Agência Nacional para a Qualificação, I. P. (National Agency for Qualification)

8 — The updates of the National Qualifications Catalogue corresponding to the inclusion of qualifications shall come into force immediately after the publication referred to in the preceding number.

9 — The updates of the National Qualifications Catalogue corresponding to the alteration or exclusion of qualifications shall come into force three months after the publication referred to in no. 7, without prejudice to on-going initiatives and shall apply to initiatives which commence after that date.

10 — The National Qualifications Catalogue is governed by a joint statutory instrument issued by the government members responsible for vocational training, education and higher education.

Article 7

Diplomas and certificates

1 — The obtaining of a qualification envisaged in the National Qualifications Catalogue shall be proved by a qualification diploma.

2 — The qualification diploma must refer to the corresponding qualification level, in accordance with the National Qualifications Framework and, when applicable, to the occupational activity for which the qualification was obtained, in accordance with the National Qualifications Catalogue.

3 — The successful conclusion of one or more training units given in accordance with the National Qualifications Catalogue, which does not permit the immediate obtaining of a qualification or the conclusion of a skills recognition, validation and certification process, shall be proved by a qualifications certificate.

4 — The certificate referred to in the preceding number is also issued when a qualification that is provided for in the National Qualifications Catalogue is obtained.

5 — The forms of the diploma and certificate referred to in the preceding numbers shall be defined within the ambit of the regulations governing the forms of dual certification training and the recognition, validation and certification of skills, in accordance with the provisions of articles 9 and 12, respectively, and shall be available on the Educational and Training Opportunities Integrated Information and Management System (SIGO).

6 — The successful conclusion of a certified training initiative, which is not included in the National Qualifications Catalogue, shall be proved by a vocational training certificate, governed by a statutory instrument issued by the government member responsible for vocational training.

7 — The diplomas and certificates referred to in the preceding number shall be issued by the bodies comprised in the training providers network of the National Qualifications System.

8 — The successful conclusion of a continuing training initiative conducted by an uncertified training provider shall be proved by a certificate issued by the said provider, namely in accordance with the certificate provided for in no. 6. The said training shall be recorded in the individual skills booklet.

Article 8

Individual skills booklet

1 — The individual skills booklet shall record all the skills which the individual acquires or develops during his or her lifetime and which are referred to in the National Qualifications Catalogue, together with other training initiatives concluded, other than those which gave rise to the skills recorded.

2 — The form of the individual skills booklet and the recording process shall be regulated by joint statutory instrument issued by the government members responsible for vocational training and education.

Article 9

Forms of training

1 — The following are forms of dual certification training subject to the profile and access conditions of each person:

a) Vocational courses: secondary level education courses that are intended to provide young people with initial training, focussing on their integration into working life and enabling them to continue their studies;

b) Apprenticeships: sandwich initial vocational training courses for young people, focussing on their integration into working life and enabling them to continue their studies;

c) Education and training courses for young people: initial vocational training courses for young people who have dropped out from, or are at risk of dropping out from, the regular educational system, focussing on their integration into working life and enabling them to continue their studies;

d) Education and training courses for adults: courses intended for persons aged 18 years or over, who are unqualified or who lack the qualifications required to enter, re-enter or progress in the labour market, and who have not concluded basic or secondary education;

e) Technological specialisation courses: post-secondary non-higher education courses, which lead to a qualification based on specialised technical training;

f) Other modular training included in the National Qualifications Catalogue, in the context of continuing training.

2 — The forms of training referred to in the preceding number shall apply, with the

appropriate adaptations, to groups with particular integration difficulties and with respect for gender equality.

3 — The forms of training referred to in paragraphs *a)* to *d)* and *f)* of no. 1 shall be governed by a joint statutory instrument issued by the government members responsible for the areas of vocational training and education.

4 — Other forms of dual certification training may also be created, i.e. sectorally, which shall be governed by a joint statutory instrument issued by the government members responsible for vocational training, education and the sector in question, when applicable.

5 — The form of training referred to in paragraph *e)* of no. 1 shall be governed by special legislation.

6 — The following are also forms of training:

a) Hands-on training, which is targeted at micro, small and medium enterprises and based on the supply of integrated training and consultancy services; this form of training is governed by a statutory instrument issued by the government member responsible for vocational training;

b) Other continuing training initiatives, e.g. those conducted by enterprises as part of innovation, modernisation and business conversion processes, and training initiatives aimed at modernising the Public Administration.

7 — Skills acquired via the forms of training referred to in the preceding number may involve dual certification within the ambit of the skills recognition, validation and certification process.

Article 10

Training reference frameworks

The assessment of the suitability of the curriculum structure and programme of study of the initial training courses in terms of the reference framework in the National Qualifications Catalogue shall take place as from the time that the training in question is included in the catalogue and shall be carried out by the proper authorities for that purpose, under the auspices of the government members responsible for vocational training, education and higher education.

Article 11

Training provision network

1 — The Agência Nacional para a Qualificação, I.P. (National Agency for Qualification) shall define and publicise the organisational criteria for the initial training provision network to be applied by the bodies in charge of the promotion and evaluation of courses and in collaboration with them.

2 — Training initiatives to be undertaken within the ambit of the National Qualifications Catalogue shall be recorded in SIGO.

Article 12

Recognition, validation and certification of skills

1 — Qualification may be obtained via the recognition, validation and certification of skills acquired and developed over a lifetime.

2 — The new opportunities centres shall be responsible for the skills recognition, validation and certification process.

3 — The recognition, validation and certification of skills shall be governed by a joint statutory instrument issued by the government members responsible for vocational training and education.

Article 13

Recognition of qualifications obtained in other countries

1 — Qualification can be obtained via the recognition of qualifications obtained in other countries, in accordance with the provisions of special legislation.

2 — The Agência Nacional para a Qualificação, I.P. (National Agency for Qualification) shall be responsible for the recognition of qualifications that is not covered by the special legislation referred to in the preceding number,

Article 14

Qualification and employment information and guidance

1 — The purpose of qualification and employment information and guidance is to facilitate the co-ordination between educational and vocational guidance, integration into learning and work pathways and to contribute to increasing the efficiency of investment in education and vocational training, by meeting the expectations and development needs of individuals and enterprises.

2 — Specific information, which is relevant to decisions by organisations and individuals, regarding the satisfaction of their needs, i.e. information regarding vocational training and employment opportunities, shall be made available within the ambit of qualification and employment information and guidance.

3 — Qualification and employment information and guidance shall be provided by the new opportunities centres, the counselling and guidance services of educational establishments, public employment services and other bodies which carry on information activities recognised by the State.

4 — The Agência Nacional para a Qualificação, I.P. (National Agency for Qualification) shall, within the ambit of qualification and employment information and guidance, promote the sharing of technical tools produced within the ambit of qualification and employment information and guidance activities, promote joint training initiatives for guidance professionals, and disseminate local, regional and sectoral diagnosis to support the said activities.

5 — Qualification and employment information and guidance shall be governed by a joint statutory instrument issued by the government members responsible for vocational training and education.

CHAPTER III

Structures of the National Qualifications System

Article 15

New opportunities centres

1 — The new opportunities centres shall refer adults to training opportunities, shall be in charge of the recognition and validation of skills for the purposes of positioning in education and training pathways and the recognition, validation and certification of skills acquired through life.

2 — The Agência Nacional para a Qualificação, I.P. (National Agency for Qualification), shall authorise the creation of new opportunities centres taking into consideration the extent of the coverage provided by the network of centres in terms of the populations' qualification needs.

3 — The Agência Nacional para a Qualificação, I. P., (National Agency for Qualification) shall also be responsible for the management of the network of new opportunities centres and shall regulate the operations thereof and evaluate and monitor them, with a view to the maintenance of high quality standards.

4 — The new opportunities centres shall be governed by a joint statutory instrument issued by the government members responsible for vocational training and education, in accordance with no. 3 of article 12.

Article 16

Training providers

1 — The network of training providers in the National Qualifications System comprises the basic and secondary education establishments, the directly and jointly managed vocational training centres and vocational rehabilitation centres, within the ambit of the ministries responsible for vocational training and education, the training providers integrated in other ministries or in other legal persons governed by public law, and private and co-operative education establishments, which are pedagogically equivalent to public education establishments, or of recognised public interest, vocational schools, new opportunities centres and private sector entities with certified training structures, without prejudice to the provisions of nos. 2, 3 and 4 of article 1.

2 — Training providers shall be certified by a public body which is accredited by the Portuguese Quality System; this certification shall involve the participation of social partners and other entities representative of the sector, in accordance with a joint statutory instrument issued by the government members responsible for vocational training and education.

3 — The said certification shall be subject to the fees established by a joint statutory instrument issued by the government members responsible for finance and vocational training.

Article 17

Sectoral qualification councils

1 — The sectoral qualification councils shall continuously identify needs for update of the National Qualifications Catalogue and shall collaborate with the Agência Nacional para a Qualificação, I.P. (National Agency for Qualification) in the updating work.

2 — The sectoral qualification councils shall, *inter alia*, comprise experts designated by the ministry responsible for the economic activity sector in question, by trade unions and employers associations, which represent the economic activity sectors in question, key enterprises, training providers with a greater level of sectoral or regional specialisation and independent experts, and shall not, in principle, have more than 10 members.

3 — The sectoral qualification councils shall be established and governed by order of the president of the Agência Nacional para a Qualificação, I.P. (National Agency for Qualification) and shall be chaired by a representative thereof, who shall have a casting vote.

Article 18

Co-ordination of the National Qualifications System

1 — The National Qualifications System shall be co-ordinated by the government members responsible for vocational training and education.

2 — The social partners shall be involved in the co-ordination of the National Qualifications System via their participation in the National Vocational Training Council, the General Council of the Agência Nacional para a Qualificação, I.P. (National Agency for Qualification) and the monitoring committee of the quality certification system for training providers.

CHAPTER IV

Quality

Article 19°

Monitoring and evaluation

1 — The services responsible for the implementation of education and vocational training policies shall also monitor them i.e. by gathering relevant information in order to evaluate them.

2 — The services with powers and duties in the production of education and vocational training policies shall evaluate the implementation thereof and shall support the National Vocational Training Council in the overall evaluation of the System.

Article 20

Principles for the quality of the National Qualifications System

1 — The National Qualifications System shall promote the quality of vocational training, namely via the National Qualifications Catalogue, the certification of training providers and the training of trainers and other training professionals together with the periodic evaluation of their results.

2 — Educational and vocational information and guidance and public funding of vocational training shall also contribute to the quality of the National Qualifications System.

CHAPTER V Transitional and final provisions

Article 21

Priorities and other training funding scenarios

1 — Public funding of any form of vocational training shall prioritise initiatives which correspond to the training reference frameworks envisaged in the National Qualifications Catalogue and shall take into consideration the adaptation of the training supply to qualification needs at sectoral, local and regional level.

2 — Public funding shall, without prejudice to the preceding number, also prioritise:

a) Hands-on training initiatives, as the preferred training tools in micro, small and medium enterprises, to be implemented primarily by training providers which are closely linked to the said enterprises and their workers;

b) Continuing training for enterprises which have innovation, modernisation and business reconversion processes pending, namely for micro, small and medium enterprises.

3 — Public funding of initial vocational training for young people shall be exclusively for double certification training.

4 — Public funding of vocational training shall take into consideration the evaluation of the results thereof, i.e. via the training provider selection criteria, according to the quality and effectiveness of the training provided, in accordance with the provisions of special legislation.

5 — Individual demand for vocational training within the National Qualifications Catalogue, i.e. training based on skills recognition, validation and certification procedures and which contributes to the exercise of the individual right to training not provided by the employer, shall have priority for public funding.

6 — The public funding referred to in the preceding number may be granted by training-cheque, governed by a statutory instrument issued by the government member responsible for vocational training.

Article 22

Autonomous regions

In the application of this decree-law to the Autonomous Regions, the legal powers and duties given to the corresponding governing organs and services, which shall create the conditions necessary for the implementation hereof, shall be taken into consideration.

Article 23

Amendment of Decree-Law no. 33/2006, of 20th February

Articles 2, 3 and 8 of Decree-Law no. 39/2006, of 20th February, shall be amended to read as follows:

«Article 2

[...]

1 — The Council shall be a consultative body of the Government within the ambit of the development, formulation and monitoring of policies for the qualification of the Portuguese population, within the context of the National Qualifications System.

2 — The components of the National Qualifications Catalogue shall be globally evaluated and approved by the Council, at least once every two years.

3 — The components referred to in the preceding number shall be deemed to be approved in the event that the Council does not take a decision regarding the same within 90 consecutive days of the date of the first meeting at which they are discussed. The said period may be shortened via calling of an extraordinary meeting for that purpose.

Article 3

[...]

The Council shall, within the ambit of the powers and duties granted to it referred to in no. 1 of the preceding article:

- a)
- b)
- c)
- d)
- e)
- f)
- g)
- h)
- i) *(Repealed.)*

Article 8

[...]

The financial resources necessary for the operation of the Council shall be included in the budget of the Agência Nacional para a Qualificação, I.P. (National Agency for Qualification), which shall also provide the necessary technical and administrative support for the funding thereof.»

Article 24

Amendment of Decree-Law no. 6/2006, of 18th January

Article 11 of Decree-Law no. 6/2001, of 18th January, as amended by Decree-Law no. 209/2002, of 17th October, shall be amended to read as follows:

«Article 11

[...]

- 1 —
- 2 —

3 — Guidance regarding curricular diversity shall be given in a statutory instrument issued by the minister responsible for education, or, in the case of dual certification educational and vocational pathways, shall be governed within the ambit of the National Qualifications System.»

Article 25

Repeals

1 — Decree-Laws nos. 401/91 and 405/91, both of 16th October, and Decree-Law no. 205/96, of 25th October, are hereby repealed; the latter decree-law shall be repealed as from the coming into force of the statutory instrument which governs this form of training, referred to in accordance with no. 3 of article 9.

2 — Decree-Law no. 59/92, of 13th April, is hereby repealed as from the date of the coming into force of the statutory instrument which governs qualification and employment information and guidance in the areas of education, vocational training and employment.

3 — Regulatory Decree no. 35/2002, of 23rd April, is hereby repealed as from the coming into force of the statutory instrument which approves the vocational training certificate form.

Article 26

Transitional provisions

1 — The initial version of the National Qualifications Catalogue shall be approved by joint order of the government members responsible for vocational training and education after having consulted the National Vocational Training Council.

2 — The National Qualifications Catalogue shall be updated so as to progressively include the training reference frameworks necessary for groups with particular integration difficulties.

3 — Technological courses and specialised art dual certification courses for the initial training of young people in visual and audio-visual arts shall continue in existence until replaced by vocational courses.

4 — Vocational training certificates issued pursuant to special legislation repealed by this decree-law shall continue to be valid.

5 — The provisions of no. 2 of article 16, as to the public body with the authority to certify training providers requirement, shall apply once it has been accredited under the Portuguese Quality System.

Reviewed and approved by the Council of Ministers on 17th October 2007. — *José Sócrates Carvalho Pinto de Sousa — Pedro Manuel Dias de Jesus Marques — Maria de Lurdes Reis Rodrigues — José Mariano Rebelo Pires Gago.*

Promulgated on 7th December 2007.

To be published.

The President of the Republic, ANÍBAL CAVACO SILVA.

Countersigned on 11th December 2007.

The Prime Minister, *José Sócrates Carvalho Pinto de Sousa*