

The Consolidation Act on Open Education (Adult Vocational Education) etc.

This Act consolidates the Act on Open Education (Adult Vocational Education) etc., cf. Consolidation Act no. 374 of 4 April 2014 as amended by section 5 of Act no. 750 of 25 June 2014 and section 1 of Act no. 1378 of 16 December 2014.

Section 3(1), sentence 4, section 3(1), sentence 1, section 6(3) and (10) and section 8(1), sentence 3, come into force on 1 August 2015 pursuant to section 3(2) of Act no. 1278 of 16 December 2014 on Amendments to the Act on Open Education (Adult Vocational Education) etc. (*lov nr 1378 af 16. december 2014 om ændring af lov om åben uddannelse (erhvervsrettet voksenuddannelse) m.v.*) and the Act on Basic Vocational Education and Training and Vocational Higher Education (the Further Education System) for Adults (Support for the Higher Education Institutions' Opportunities for More and Improved Post-secondary Adult and Continuing education, etc.) (*lov om erhvervsrettet grunduddannelse og videregående uddannelse (videreuddannelsessystemet) for voksne (Understøttelse af de videregående uddannelsesinstitutioners muligheder for mere og bedre videregående voksen- og efteruddannelse m.v.)*)

Purpose

1.-(1) The purpose of the Act is to promote the availability of a wide range of vocational training programmes for the adult population.

(2) In designing training programmes, adults' practical opportunities for combining education and an affiliation with the labour market must be taken into consideration, either by

- 1) Organisation on a part-time basis for employed persons, including employed persons who receive State Educational Support for Adults (SVU) or compensation for participation in vocational post-secondary adult and continuing education, or by
- 2) Organisation on a full-time basis for employed persons, including employed persons who receive State Educational Support for Adults (SVU) or compensation for participation in vocational post-secondary adult and continuing education.

(3) The educational activities must lie within the scope of the Danish Ministry of Education or the Danish Ministry of Higher Education and Science.

Area and Organisation

2.-(1) Open education is defined as vocational

- 1) part-time training programmes,
- 2) full-time training programmes offered on a part-time basis,
- 3) single subject courses,

- 4) courses in specific fields,
- 5) short courses and
- 6) tailored courses.

(2) Supplementary educational activities with a view to enabling applicants to meet admissions requirements for training programmes for which admissions requirements have been set and individual assessments of qualifications may be offered in accordance with the provisions in this Act. The Minister of Education or the Minister for Higher Education and Science may lay down rules in this regard.

(3) Training programmes pursuant to section 1, items 1 and 2, must be organised on a part-time basis so as to enable the participation of persons with full-time employment; however cf. section 7. Participants have the right to complete the training programmes as single subject courses. The organisation of the study programmes must take the situations and competences of adults into account. If there are places available on a full-time training programme, however, an educational institution may admit participants to limited parts of the training programme in accordance with the rules on open education.

(4) A single subject course is a subject-specific element of a training programme which is associated with a test, examination or other form of independent assessment. The range of single subject courses available must be planned in accordance with the rules in subsection 3. However, see subsection 7.

(5) Courses in specific fields pursuant to subsection 1, item 4 are courses of one to four weeks in duration (FTE) established by an educational institution on the basis of the post-secondary qualifying full-time or part-time training programmes the institution is authorised to offer and for which it receives government grants. The courses must build on the elements that are included in these training programmes.

(6) Short courses pursuant to subsection 5, item 5, are intensive courses of one to eight weeks' duration (FTE) which an educational institution establishes as it sees fit in accordance with local needs within the framework laid down by the Minister of Education or the Minister for Higher Education and Science, cf. subsection 9. In special cases, the Minister of Education or the Minister for Higher Education and Science may decide that the duration of short courses may be three to five days (FTE).

(7) The educational institutions may combine educational activities pursuant to subsection 1, including in combinations that are offered on a full-time or part-time basis in tailored courses of up to one year's duration (FTE). Part-time training programmes pursuant to subsection 1, item 1, can be offered on a full-time basis within this time frame. In the tailored courses of study, short courses pursuant to subsection 1, item 5, up to one-third of the total course of study may consist of general adult education and other course content.

(8) Open education may be offered as distance learning. However, this does not apply to short courses pursuant to subsection 1, item 5, unless the Minister of Education or the Minister for Higher Education and Science decides otherwise.

(9) The Minister of Education or the Minister for Higher Education and Science lays down more detailed rules for the individual part-time programmes pursuant to subsection 1, item 1, about the courses in specific fields pursuant to subsection 1, item 4, and about the short courses pursuant to subsection 1, item 5, including rules on admissions requirements and offering programmes, cf. section 3(4).

(10) The Minister of Education or the Minister for Higher Education and Science may lay down rules regarding tailored courses, including rules regarding approval of courses of study pursuant to subsection 1, item 6.

(11) The Minister of Education or the Minister for Higher Education and Science may dispense with the rules on full-time training programmes, including the rules on admissions requirements, when these programmes are offered as open education, cf. subsection 1, items 2 and 3.

(12) The Minister of Education or the Minister for Higher Education and Science lays down rules regarding how educational activities pursuant to subsection 1, items 1-3, are to be weighted in accordance with a credit transfer system.

2a.-(1) The Minister of Education or the Minister for Higher Education and Science may lay down rules on digital registration for and withdrawal from vocational educational and training programmes covered by section 2(1), including:

- 1) that the educational institutions must provide information about digital registration and withdrawal and offer guidance and assistance in connection with digital registration and withdrawal,
- 2) content and design of application forms,
- 3) deadlines for applications,
- 4) deadlines for withdrawal and
- 5) payment in case of non-attendance or withdrawal.

(2) The Minister of Education or the Minister for Higher Education and Science lays down rules governing in which cases registration for and withdrawal from vocational training programmes covered by section 2(1) may take place in a different manner than in digital form.

(3) The Minister of Education or the Minister for Higher Education and Science lays down rules governing what information about the participant, including civil registration number, must be provided in connection with digital registration for and withdrawal from vocational training programmes covered by section 2(1).

Availability of courses, etc.

3.-(1) The range of open education courses offered by an educational institution may include all of the training programmes it is authorised to offer as full-time programmes and individual courses contained in these programmes. However, the Minister of Education or the Minister for Higher Education and Science

may limit the range of courses offered by an educational institution pursuant to sentence 1. The Minister of Education or the Minister for Higher Education and Science may authorise an educational institution within the relevant minister's sphere to offer other training programmes as open education programmes than those referred to in sentence 1. In cases in which the authorisation of a post-secondary degree is in question, the provisions in part 4 of the Act on Academy Professional and Professional Bachelor Programmes (*lov om erhvervsakademiuddannelser og professionsbacheloruddannelser*), part 2 of the Act on Maritime Training Programmes (*lov om maritime uddannelser*), part 4 of the Act on Higher Artistic Educational Programmes (*lov om videregående kunstneriske uddannelsesinstitutioner*), and part 3a of the Act on Further Vocational Education and Training (the Further Education System for Adults) (*lov om videregående uddannelse (videreuddannelsessystemet) for voksne*) also apply.

(2) The Minister of Education or the Minister for Higher Education and Science approves which educational institutions within the sphere of the relevant minister may offer part-time training programmes and single subject courses from part-time training programmes.

(3) An educational institution within the sphere of the Ministry of Education or the Ministry for Higher Education and Science may offer courses in specific fields pursuant to section 2(1), item 4, cf. section 2(5), if the institution is authorised to offer one or more training programmes pursuant to the Act on Academy Professional and Professional Bachelor Programmes (*lov om erhvervsakademiuddannelser og professionsbacheloruddannelser*), the Act on Maritime Training Programmes (*lov om maritime uddannelser*), the Act on Higher Artistic Educational Programmes (*lov om videregående kunstneriske uddannelsesinstitutioner*) or the Act on Further Vocational Education and Training (the Further Education System for Adults) (*lov om videregående uddannelse (videreuddannelsessystemet) for voksne*). However, the Minister of Education or the Minister for Higher Education and Science may limit the range of courses an educational institution may offer pursuant to sentence 1.

(4) Educational institutions under the Ministry of Education or the Ministry of Higher Education and Science that are authorised to offer vocational education and training may offer short courses pursuant to section 2(1), item 5, unless the Minister of Education or the Minister for Higher Education and Science determines otherwise. The Minister of Education or the Minister for Higher Education and Science may determine that other educational institutions may offer short courses.

(5) The Minister of Education or the Minister for Higher Education and Science may determine that an individual educational institution may not offer an educational activity pursuant to this Act if there is no need for the educational activity to be offered by the institution, or if the institution fails to comply with rules regarding the educational activity or an order to take concrete measures to establish sound conditions with regard to education or teaching. Authorisation granted pursuant to subsection 2 may be revoked in such cases.

(6) Open education may not be reserved for specific companies or the like. However, see section 4 on income-generating activities. In cases in which the Minister of Education or the Minister for Higher Education and Science has determined that short courses may have a duration of three to five days, cf. section 2(6), sentence 2, the relevant minister may determine that short courses pursuant to section 2(1), item 5, may be reserved for participants from individual institutions, etc.

(7) The educational institutions determine the number of open education study places available. However, see section 9. The Minister of Education or the Minister for Higher Education and Science may determine the number of students to be admitted to individual part-time training programmes pursuant to section 2(1), item 1, or to the individual training programmes and educational activities referred to in section 6(2).

(8) The range of open education programmes offered shall be advertised publicly. The Minister of Education or the Minister for Higher Education and Science may direct the educational institutions to advertise the range of open education programmes available through a shared information system.

(9) The Minister of Education or the Minister for Higher Education and Science may direct the educational institutions under the relevant minister to offer open education.

(10) The range of individual assessments of qualifications offered is dependent on the range of training programmes offered. The Minister of Education or the Minister for Higher Education and Science may lay down rules in this regard.

3 a.-(1) The Minister of Education or the Minister for Higher Education and Science may lay down more detailed rules to the effect that the marketing of training programmes pursuant to this Act must take place in accordance with the purpose of the Act.

4.-(1) Pursuant to this Act, the educational institutions may offer open education to companies or the like as unsubsidised income-generating activities. The educational activity may be organised by agreement with the company or companies in question.

(2) Alien students enrolled in post-secondary training programmes may only be included in calculations pursuant to section 6(5) and (7), cf. section 6(1) and (10), if they:

1) have been granted a permanent residence permit or fixed-term residence permit with a possibility of permanent residence in Denmark,

2) have been granted a residence permit pursuant to section 9m of the Aliens Act (*Udlændingeloven*) as the accompanying child of an alien who both is a citizen of a country that is not a member of the European Union or covered by the EEA agreement and has been granted a residence permit pursuant to section 9a of the Aliens Act (however, cf. subsection 3),

3) are involved in exchange agreements with Danish students subject to an agreement between the institution and an institution abroad or

4) pursuant to EU law, including the EEA agreement, or international agreements entered into by Denmark, are entitled to the same rights as as Danish citizens.

(3) Subsection 2, item 2 applies to an alien student even in the event that the parent's residency permit pursuant to section 9a of the Alien Act expires after the date of the student's admission to the training programme.

(4) All post-secondary training programmes offered by the institution to alien students other those referred to subsections 2 and 3 are offered as income-generating activities.

(5) The educational institutions are, pursuant to the rules on income-generating activities, free to offer further and continuing education programmes that are not covered by this Act or other legislation.

Independent students

5.-(1) Any person may take exams and participate in other forms of assessment that are included in an open education programme as an independent student without having participated in classes. However, cf. subsection 3, unless the Minister of Education or the Minister for Higher Education and Science determines otherwise. The educational institutions may authorise independent students to take exams and participate in in other forms of assessment that are included in other training programmes under the Ministry of Education or the Ministry of Higher Education and Science.

(2) Separate exams and other forms of assessment may be arranged for independent students. The exams, etc. are to be taken at the educational institutions that offer the training programmes.

(3) Independent students may not exploit eligibility to take exams pursuant to subsection 1 gain access to examination attempts in excess of the number permitted by the rules for the individual training programme.

Government grants etc.

6.-(1) The government provides government grants to partially cover teaching costs including exams and other forms of assessment and the costs of administration, management and buildings operations in relation to open education and in relation to supplementary educational activities pursuant to section 2(2). However, cf. subsection 2, subsection 5, sentence 2, subsections 8 and 9 and section 4 on income-generating activities. The government provides government grants under sentence 1 to partially cover costs related to individual assessments of qualifications in connection with post-secondary training programmes and in connection with the awarding of diplomas.

(2) The government provides government grants to cover the expenses named in subsection 1. However, cf. subsection 5, sentence 2, and section 8(3), in relation to the following training programmes and educational activities:

Adult vocational education and training programmes pursuant to the Act on Adult Vocational Education and Training etc., however with the exception of TAMU training programmes (*Trænings skolens arbejdsmarkedsuddannelser*).

2) Single subject courses from the vocational and educational training programmes under this Act.

3) Part-time training programmes under this Act on par with the vocational education and training programmes and single subject courses in these programmes.

4) Single subject courses from the podiatrist training programme under this Act.

5) Part-time social and health care training programmes (SOSU) under this Act and single subject courses in these programmes.

(3) The size of government grants for individual assessment of qualifications in connection with training programmes and educational activities under subsection 2, and in connection with basic training for adults under the Act on Further Vocational Training (the Further Education System) for Adults (*lov om videregående uddannelse (videreuddannelsessystemet) for voksne*).

(4) The Minister of Education may lay down special rules regarding government grants for adult vocational training programmes that are included in a joint qualification description pursuant to the Act on Further Vocational Training (the Further Education System) for Adults (*lov om videregående uddannelse (videreuddannelsessystemet) for voksne*).

(5) The size of the government grants granted is determined on the basis of the number of active full-time equivalent pupils or students that is determined in the annual Finance Acts for groups of training programmes and educational activities. Course participants with a post-secondary degree are not included in the calculation of government grants for single subject courses for the higher commercial examination or the higher technical examination under subsection 1 and for the training programmes referred to in subsection 2. The Minister of Education or the Minister for Higher Education and Science determines the placement of the individual training programmes and educational activities in groups.

(6) In the annual Finance Acts, it may be determined that part-time training programmes and single subject courses from these pursuant to 2(1) items 1 and 3, may be offered without government funding pursuant to this Act or as income-generating activities. Short courses pursuant to section 2(1) items 1 and 3 are offered as income-generating activities unless otherwise determined in the annual Finance Acts.

(7) The Minister of Education or the Minister for Higher Education and Science may lay down more detailed rules regarding government grants and on the calculation of the number of active full-time equivalent pupils or students, including the criteria on which the calculations are to be based.

(8) The Minister of Education or the Minister for Higher Education and Science may set a cap on the size of the government grants available to the individual educational institutions for all groups of training programmes and educational activities referred to in subsection 2.

(9) The Minister of Education or the Minister for Higher Education and Science may also set a cap on the size of the government grants available to the individual educational institutions for concrete training programmes or educational activities referred to in subsection 2 or governed by section 2(1) and (2).

(10) The Minister of Education or the Minister for Higher Education and Science lays down rules on government grants to partially cover the costs of final projects in flexible courses of study as well as student guidance and the preparation of education plans under section 17, cf. section 25(2) of the Act on Further Vocational Training (the Further Education System) for Adults (*lov om videregående uddannelse (videreuddannelsessystemet) for voksne*).

(11) The Minister of Education may make government grants for specific adult vocational educational and training programmes and single subject courses that are included in a single qualification description pursuant to the Act on Adult Vocational Education and Training etc.) (*lov om arbejdsmarkedsuddannelser m.v.*) conditional on the educational institutions making an open call for tenders for the performance of specified parts of the training programme or educational activity. After consultation with the council for adult and continuing education (*Rådet for Voksen- og Efteruddannelse*), the minister may lay down more detailed rules concerning the scheme referred to in sentence 1, including tendering and unsolicited proposals. Pursuant to section 12, the rules may grant the council powers in regard to conflicts between educational institutions and private operators in relation to tendering and unsolicited proposals and may determine that in addition to the members referred to in section 12(2), one or two expert members must participate in the consideration of these cases.

(12) The Minister for Higher Education and Science may lay down rules regarding government grants for single subject courses that are included in post-secondary full-time vocational training programmes, and that are taken by talented pupils enrolled in upper-secondary school study programmes.

6a.-(1) Government grants pursuant to section 6(1) and (2), are provided to institutions that are authorised pursuant to the Act on Academies of Professional Higher Education for Advanced Degree Programmes (*lov om erhvervsakademier for videregående uddannelser*), the Act on Vocational Colleges (*lov om institutioner for erhvervsrettet uddannelse*) and the Act on University Colleges for Advanced Degree Programmes (*lov om professionshøjskoler for videregående uddannelser*), not to cover costs related to the payment of duties pursuant to the VAT Act. Full tuition fees pursuant to section 8(4) do not cover the costs related to the payment of duties pursuant to the VAT Act for the institutions referred to in sentence 1.

(2) The Minister of Education or the Minister for Higher Education and Science compensates the institutions for costs related to the payment of duties pursuant to the VAT Act which pursuant to the VAT ACT may not be deducted in connection with a company's statement of its tax liability (non-deductible input VAT), and which the institutions incur in connection with the purchase of goods and services for

which government funding is provided pursuant to 6(1) and (2), or which are used in connection with teaching activities for which full tuition fees are charged pursuant to section 8(4).

(3) The Minister of Education or the Minister for Higher Education and Science lays down more detailed rules regarding compensation pursuant to subsection 2 and may also determine that an on-account scheme must be established for VAT compensation to the institutions.

7.-(1) The Minister of Education or the Minister for Higher Education and Science may provide funding and, on terms determined after negotiation with the Minister of Finance, loans and government guarantees for the creation of loans for experimental and research work and for the purchase of equipment and associated teaching materials.

(2) The Minister of Education or the Minister for Higher Education and Science may lay down more detailed rules regarding the allocation of government grants pursuant to subsection 1.

Tuition fees

8.-(1) The educational institution collects payment for participation in teaching activities including exams and other forms of assessment. However, cf. subsections 3 and 9. Tuition fees cover the number of examination attempts allowed pursuant to the rules for the individual training and education programme, unless the institution's terms and conditions explicitly state that tuition fees only cover a lesser number. However, two attempts is the minimum number. The educational institutions demand payment for individual assessment of qualifications with the exception of assessments pursuant to section 6(3), and with the exception of assessments pursuant to the Act on Further Vocational Training (the Further Education System) for Adults (*lov om videregående uddannelse (videreuddannelsessystemet) for voksne*), with regard to persons with educational qualifications up to and including the vocational education and training level who participate in individual assessment of qualifications in connection with a post-secondary training programme.

(2) The educational institution must prepare a basis of calculation for tuition fees. The Minister of Education or the Minister for Higher Education and Science may lay down rules regarding the preparation of the basis of calculation. The Minister of Education or the Minister for Higher Education and Science may obtain information about the basis of calculation.

(3) The Minister of Education may determine that funding will only be provided for partial coverage of costs related to the training programmes and educational activities for single, groups of, or all training programmes and educational activities referred to in section 6(2).

(4) For the course participants referred to in section 6(5), sentence 2, full tuition fees will be charged. Full tuition fees are defined as payment of an amount equivalent to taximeter funding and the standard tuition fees.

(5) The Minister of Education or the Minister for Higher Education and Science may lay down more detailed rules regarding tuition fees, including their amount, waiver and repayment of tuition fees, and regarding what information must be supplied in connection with registration.

(6) The Minister of Education lays down rules to the effect that participants who receive early retirement benefit or age-related retirement benefit, and who have no or little labour market attachment, and who participate in a single subject course on a higher commercial examination programme or higher technical examination programme, must pay higher tuition fees than the standard tuition fee set by the institution for the single subject course in question. The increase in tuition fees is determined by the annual Finance Acts.

(7) For participants to whom the rules laid down pursuant to subsection 6 apply, the Minister of Education must reduce one or more rates per active full-time equivalent pupil determined by the annual Finance Acts for the taximeter funding provided pursuant to section 6(1) by the amount with which tuition fees are increased for the participants in question.

(8) Rules laid down pursuant to subsection 6 and tuition fee reductions pursuant to subsection 7 may apply to courses that begin one month after the publication of the consolidated Act in *Lovtidende* (the Danish Official Gazette) at the earliest.

(9) The Minister for Higher Education and Science may lay down rules to the effect that tuition fees may not be charged for single subject courses that are included in post-secondary full-time vocational education and training, cf. section 2(1), item 3, cf. subsection 3, and which are taken by talented pupils enrolled in upper-secondary school study programmes.

8 a.-(1) After consultation with the council for adult and continuing education (*Rådet for Voksen- og Efteruddannelse*), the Minister of Education lays down rules regarding tuition fees for participation in adult vocational training programmes and single subject courses from vocational training programmes included in a shared qualification description and sets a standard rate. Tuition fees consist of the standard rate, to which a surcharge may be added pursuant to subsection 2. The Minister of Education may lay down rules to the effect that individual training programmes or groups of training programmes may be exempted from tuition fees or parts thereof.

(2) When determining tuition fees pursuant to subsection 1, the educational institution may add a surcharge as payment for a special form of organisation and conduct in connection of participation in one of the training programmes or single subject courses referred to in subsection 1. The additional amount may not exceed a cap set by the minister. When advertising an training programme or a single subject for which tuition fees that contain a surcharge are charged, the institution must specify what the supplementary amount covers.

(3) The Minister of Education may limit the range of training programmes and single subject courses with special forms of organisation and conduct offered by an institution for which tuition fees are charged

pursuant to subsection 2 to ensure that the demand for adult vocational training programmes and single subject courses included in a joint qualification description without special forms of organisation and conduct can be met.

9.-(1) The educational institution collects payment from independent students to cover costs related to holding exams or other forms of assessment pursuant to section 5. The Minister of Education or the Minister for Higher Education and Science may lay down more detailed rules regarding the calculation of these costs.

10.-(1) (Repealed)

Payment in general

10a.-(1) The board of directors of an educational institution may decide that the institution must make payment pursuant to subsections (2-6) and rules laid down pursuant to subsection 7 in the case of registration for all adult vocational training programmes and single subject courses included in a joint qualification description. These conditions may only apply to employers' and independent business owners' registration of participants.

(2) In case of a registered participant's non-attendance on the first day of the training programme, the employer or independent business owner must pay DKK 2,500 for programmes with a suggested length of up to and including 27 lessons and DKK 3,500 for programmes with a suggested length of more than 27 lessons.

(3) In case of a registered participant's withdrawal later than one week before the first day of the training programme, the employer or independent business owner must pay DKK 2,500 for programmes with a suggested length of up to and including 27 lessons and DKK 3,500 for programmes with a suggested length of more than 27 lessons.

(4) If the employer or independent business owner documents that the non-attendance or withdrawal is a legitimate absence, payment is waived.

(5) If an employer or independent business owner replaces a non-attending or withdrawn participant with another participant, the employer or independent business owner does not have to pay for the non-attendance or withdrawal. The same applies if the training programme or single subject course is cancelled at the institution's request, unless the institution cancels due to non-attendance on the first day of the course.

(6) If an employer pays a surcharge for a class to be held with fewer participants than the advertised minimum, cf. section 10b, the employer is not required to pay for non-attendance or withdrawal.

(7) The Minister of Education may lay down rules regarding terms and conditions for payment in case of non-attendance or withdrawal.

10b.-(1) The educational institution and an employer may agree that an adult vocational training programme or single subject course included in a joint qualification description with fewer than the minimum number of participants as stipulated when the programme or course was announced be held in return for payment of a surcharge by the employer. Such an agreement may not be entered into before five days before the first day of the course. The surcharge may fully or partly cover the extra costs incurred by the institution in order to offer the course with fewer participants.

Miscellaneous provisions

11.-(1) When tendering educational activities pursuant to this Act and in determining terms and conditions for participation and payment, the educational institutions must observe the principles of good marketing practices and must refrain from setting unreasonable terms and conditions for participants.

(2) The range of educational activities offered as income-generating activities by the educational institutions pursuant to this Act may not subject others to unfair price competition.

(3) The educational institutions may not offer an educational activity with government funding pursuant to this Act that subjects private operators to new competition. This applies in cases where the educational activities offered by the private operator were hitherto not subject to competition from educational activities wholly or partly financed by government funds. This provision does not apply to adult vocational training programmes and single subject courses included in a joint qualification description which are offered pursuant to the Act on Adult Vocational training programmes etc. (*lov om arbejdsmarkedsuddannelserne m.v.*), cf. section 6(1), item 2.

12.-(1) The Minister of Education appoints a board for the range of study programmes available pursuant to this Act to ensure that section 11 is not violated.

(2) The board is to consist of a chair, who must be a judge, and three members. The chair and a member who represents the educational institutions are appointed by the Minister of Education. The other two members are appointed by the Confederation of Danish Employers (DA) and the Danish Competition and Consumer Authority.

(3) The chair and the members are appointed by the Minister of Education for four-year terms. Deputies may be appointed for the members.

(4) In the event of equality of vote, the chair has the casting vote.

(5) The Minister of Education is to ensure that the board receives the necessary administrative support and expert counsel.

(6) The board is to draw up its own rules of procedure.

13.-(1) Suspected cases of violation of section 11 may be brought before the board by the Minister of Education or the Minister for Higher Education and Science or by private individuals, businesses, etc.

(2) If the board finds that section 11(1) has been violated, the board may give the educational institution a warning, issue an injunction to the educational institution to change its marketing practices or terms and conditions, or override already concluded terms and conditions.

(3) If the board finds that 11(2) has been violated, the board may issue an injunction to the educational institution to alter its price calculation and bookkeeping. The board may forbid an educational activity if the institution fails to comply with the injunction.

(4) If the board finds it probable that section 11(3) has been violated, the funding provided will be withdrawn. The Minister of Education or the Minister for Higher Education and Science is to determine whether the funding is to be withdrawn as of the beginning of the grant year.

(5) The educational institutions have an obligation to provide the board with the necessary information after the decision of the board.

(6) The decisions of the board cannot be referred to another administrative authority.

14.-(1) (Repealed)

15.-(1) The Minister of Education or the Minister for Higher Education and Science may lay down special rules governing the educational institutions' management of open education and may dispense with the provisions regarding management in other legislation within the scope of the relevant minister, when the purpose of this Act makes it necessary to do so.

16.-(1) The Minister of Education or the Minister for Higher Education and Science may refrain from providing funding for open education if the relevant minister finds it probable that to do so would be a contravention of the law.

(2) For educational institutions etc. that fail to conform to the provisions of this Act or the rules laid down by the relevant minister, the Minister of Education or the Minister of Higher Education and Science may hold back funding or discontinue funding completely, or where relevant demand that funding be returned. However, cf. section 13(2) and (3).

(3) Excess government funding may be set off against future grant payments.

(4) The provisions in subsections 1 and 2 also apply to loans and to the termination of guarantee commitments, cf. section 7.

17.-(1) The Minister of Education or the Minister for Higher Education and Science may obtain accounting information certified by the institution's auditor from private, municipal and independent educational institutions that offer open education programmes.

18.-(1) An institution's decisions pursuant to this Act or to rules laid down pursuant to this Act may be appealed to the Minister of Education or the Minister for Higher Education and Science. However, cf. section 13(1).

(2) The Minister of Education or the Minister for Higher Education and Science lays down more detailed rules regarding the possibilities of appeal pursuant to subsection 1 and may also determine that decisions may not be brought before the relevant minister, as well as that re-examination and reassessment in connection with appeals concerning exam conditions may result in a lower mark.

(3) If the Minister for Education or the Minister for Higher Education and Science has authorised an agency under the Ministry of Education or the Ministry of Higher Education and Science to exercise the powers attributed to the minister in this Act, the relevant minister may lay down rules on the procedure for and the access to lodging appeals about decisions made in accordance with the authorisation granted, including rules to the effect that decisions may not be referred to the minister.

Entry into force etc.

19.-(1) The Act enters into force the day after its publication in *Lovtidende* (the Danish Official Gazette) and takes effect on 1 January 1994.¹

(2) The following acts are repealed:

1) Act no. 271 of 6 June 1985 on Continuing Education (vocational courses, etc.). (*Lov nr. 271 af 6. juni 1985 om efteruddannelse (erhvervsrettede kurser m.v.)*

2) Act on Open Education (Vocational Adult Education - Part-time training programmes and Single Subject Courses), cf. Consolidation Act no. 682 of 29 July 1992.

(3) Funding granted and agreements concluded pursuant to the acts referred to in subsection 2 will be carried out in accordance with the rules which have hitherto been in force.

(4) Rules and regulations which have been established on the authority of the acts referred to subsection (2) and in section 39(2) remain in force until repealed or replaced by rules and regulations established on the authority of the present Act.

20.-(1) The Act does not extend to the Faroe Islands and Greenland.

Act no. 334 of 18 May 2005 (Refusal of government grants and charging of fees for certain alien students)² contains the following provision regarding entry into force:

8.-(1)

The Act enters into force on 1 August 2006 and applies to alien students, participants and pupils admitted in order to start an a degree programme in the autumn semester 2006 or later.

Act no. 590 of 26 June 26 2009 (Exemption from the fee requirement in higher education for the children of certain alien employees in Denmark)⁽³⁾ contains the following provision regarding entry into force:

8.-(1)

The Act comes into force on 1 July 2009.

Act no. 1525 of 27 December 2009 (Digital registration and withdrawal in regard to vocational adult and continuing education and eligibility for adult vocational training programmes etc.)⁴ contains the following provisions regarding entry into force:

3.-(1)

The Act comes into force on 1 January 2010.

Act no. 140 of 9 February 2010 (Handling of appeals regarding the assessment of exams)⁵ contains the following provisions regarding entry into force:

16.-(1)

The Act comes into force on 1 September 2007.

Act no. 1570 of 21 December 2010 (Changes in tuition fees for general adult and vocational adult and continuing training programmes etc.)⁶ contains the following provisions regarding entry into force:

4.-(1)

The Act comes into force the day after publication in *Lovtidende* (the Danish Official Gazette).
(2-3) (Omitted).

Act no. 418 of 12 May 2012 (New balance in the rules regarding family reunification with a spouse, charges, departure from section 7(8) of the Danish Act on Processing of Personal Data (*Persondataloven*) in certain cases in connection with the transition to electronic case handling, representation agreements pursuant to the visa code etc.

9.-(1)

The act comes into force on 15 July 2012. However, cf. subsection 2.

(2-6) (Omitted).

Act no. 473 of 13 May 2013 (Regulation of the authorised providers' business, sanctions, experimental businesses etc.) 8) contains the following provisions regarding entry into force:

3.-(1)

The Act comes into force on 1 July 2013.

(2) The Act applies to adult vocational training programmes that commence on 1 July 2013 or later.

Act no. 750 of 25 June 2014 (Initiatives for particularly talented students)⁹⁾ contains the following provision regarding entry into force:

7.-(1)

The act comes into force on 1 July 2014. However, cf. subsection (2).

(2) (Omitted).

Act no. 1378 of 16 December 2014 (Support for the higher education institutions' opportunities for more and better higher adult and continuing education etc.) contains the following provision regarding entry into force:

3.-(1)

The Act comes into force on 1 July 2015; however, see subsection (2) and (3).

(2) Section 1, item 6, enters into force on 1 August 2015.

(3) The Act does not apply to the existing range of further and continuing education and training degree programmes offered pursuant to the Danish Act on Maritime Training Programmes or the Danish Act on Higher Artistic Educational Institutions.

(4) The Minister for Higher Education and Science will lay down more detailed rules on the termination of the existing range of further and continuing education and training degree programmes offered

pursuant to the Danish Act on Maritime Training Programmes or the Danish Act on Higher Artistic Educational Institutions.

The Ministry of Education, January 26, 2015

On behalf of the Minister

Per Hansen

Head of Department

/ Merete Vinje