



News – 16/11/2011

Report of the Conference on the Modernisation of the Professional Qualification directive

As you already know, the European Commission's DG MARKET has organized a conference the 7th of this November with the participation of the Commissioner Barnier in order to present its analysis of the answers of stakeholders to the Green Paper. EurEta was represented by Dr. Koutroubas. This conference was indeed a good opportunity to take stock of the various positions in advance of the Commission's proposal in December. The Commission seems to be committed to delivering a legislative proposal before the end of this year in order to meet the Single Act Market's ambitious objectives.

The event, attended by more than 240 participants, was launched by Michel Barnier, the European Commissioner for Internal Market and Services. He reaffirmed the House's interest in the professions, underlining that they constitute a key sector for the growth of European economy. His intervention was centered on three main points:

- 1. The Professional Card** should be a virtual certificate exchanged between the different Competent Authorities of the Members-States. Its aim will be to accelerate the recognition procedure and reduce the costs. The Commissioner stressed the fact that such card should not be compulsory.
- 2. Public Administration (e-governance):** The current Directive has a potential and should be correctly implemented.
- 3. Automatic Recognition:** We should keep and improve the current system by extending it to other professions.

Mr. Barnier stressed the fact that the modernization of the Professional Qualifications Directive does not mean the deregulation of the professions as expected by Mario Monti ten years ago. The main objective of this modernization should remain the safety of the client and not a better way to make profit.

Taking the floor after Michel Barnier, **Karolina Ostrzyniewska**, Representative of the Polish Presidency of the Council, totally concurred with Michel Barnier on the necessity of a cross border mobility by an accelerate and safer recognition procedure. She underlined the fact that the Internal Market Information System (IMI), a revised concept Common Platforms as well as a European Card, constitute efficient tools that should be used to reach such procedure.

The floor was afterwards given to **Malcom Harbour, MEP**, Chairman of the Internal Market and Consumer Protection Committee of the European Parliament. According to him, the Recognition of Mutual Qualifications is a controversial and disputed subject that needs to be clarified, still many important questions remaining unanswered. Mr. Harbour totally agreed with Mrs. Ostrzyniewska on the necessity for the professionals to use the current tools at their disposal: *“We have the tools... now the professionals need to use it!”*.

After this shorts speeches of introduction, a first panel was organized on the *“Impact of the recent educational reforms on the Professional Qualifications*

Directive” with **Emilie Turunen MEP** (Greens, DK), **Lesley Wilson** (Secretary General of the European University Association) and **Tillman Prinz** (Chief executive, German Federal Chamber of Architects). The main key points of the panel were:

- There is clearly a link between the educational reforms and the recognition of mutual qualifications. All the stakeholders need to be involved in the process of modernization.
- We need easier procedures but we need also to keep the specificities, the diversity of the different Members-States.
- The objectives of Bologna and the new Directive are the same. We should continue to put the emphasis on the results.
- Bologna process, EQF, the current Directive: these three different systems interfere with each other and constitute an incoherent system. This situation needs to be clarified with the new Directive.
- The Directive needs to strike a balance between “Convergence” and “Diversity”.

Ms. **Bernadette Vergnaud MEP** (SD - France) has taken the floor in the second panel: “The public health dimension in the Directive”. Ms. Vergnaud reaffirmed her support for a modernized Directive that produces (thanks to tools such as the card) more confidence and safety for the client: *“This professional qualifications directive needs to target the level of harmonization we want to achieve and we need language training. The European Professional Card is a wonderful tool that could be the cornerstone for shared economic wealth of our citizens. We need to establish tools that can boost and regulate this mobility and provide precise criteria for security for professionals”*.

According to Ms. Vergnaud, IMI could play the role of “back office” for cooperation between Member States but it should not be considered as an “alternative” to the Card: IMI is in fact confidential and therefore not accessible to Clients and Patients.

According to all the panellists, the Commission should indeed encourage the Members-States to invest in the health sector in order to solve the problems of training, of demography and of language competencies. The new Directive should give the priority to the safety of the patient and not only to the mobility of the professionals.

The main means proposed for this objective are:

- More developed alert mechanisms
- Tests of language requirement
- Convergence of training
- Lifelong learning.

In the third panel “How can regulated professions contribute to the single market?”, **Willi Fuchs**, Honorary President of the European Federation of National Engineering Associations (FEANI), took the floor to announce that FEANI is ready to launch a European professional card for engineers. This card will combine academic and professional experience and should make the recognition of qualifications easier. FEANI member countries in Germany and Holland will indeed start issuing the engineer ING card as from 1/1/2012 onwards.

The possibility was afterwards given to **Carlo Parietti**, President of EUROCADRES, to reaffirm his strong belief in the need for a modernization of the current Directive related to recognition of professional qualifications. Mr.Parietti has underlined, in accordance with the EUROCADRES-CEPLIS political statement already communicated to Commissioner Barnier that there is a clear need for a European system of recognition of professional qualifications if the objectives of the EU2020 Strategy are to be obtained. He also stressed, as regards professional cards, that they could be an efficient tool of facilitation of the recognition and mobility of the partially regulated professions. There is also a

clear need to raise the level of qualifications at the same time with the facilitation of mobility. At the same time, there is a clear need to raise the level of qualifications at the same time with the facilitation of mobility. The objectives of the EU2020 Strategy necessitate in fact, quality as much as quantity. Therefore, including in the directive the Continuous Professional Development as a condition for the access to practice some professions and the periodic accreditation of skills is necessary.

The meeting closed on a positive note with by **Mr Jonathan Faull**, Director General of Directorate General Internal Market and Services, European Commission.

Study evaluating the Professional Qualifications Directive against recent educational reforms in EU Member States

The European Commission has conducted a major evaluation of the Professional Qualifications Directive (Directive 2005/36/EC). In which has been evaluated the Professional Qualifications Directive against recent educational reforms in EU Member States.

The Main conclusions on Assessing the systems of levels with regard to the recognition of professional qualifications are the following:

Do alternative systems of levels facilitate (or not) the recognition of professional qualifications?

First of all it must be stressed that:

- very few competent authorities experience applications more than a single level lower than the required level under Article 11; and
- a significant proportion of competent authorities do not use the current system of levels in order to exclude qualifications from the recognition process.

This means that applicants are generally not refused recognition on the basis of level (according to Article 11). In this sense, the requirement to recognise a

qualification at the level below that required in the host country is crucial for ensuring that the basis for decisions is substantial differences in content rather than type of qualification (e.g. refusing to recognise an applicant on the basis that he or she has a bachelor degree where a master is required, or if he or she has a post-secondary vocational qualification where an academic qualification is required in the host country). This provides for a consistency of assessment, irrespective of the educational structure of the applicant's home country. It is not that level is an unimportant consideration to competent authorities, but that the requirements of the Directive mean that it does not become the basis for recognition decisions in itself (and therefore appears to be a less central concern).

The issue at stake for recognition professionals is therefore much more about whether Article 11 is redundant than whether an alternative system would better facilitate recognition. There is a separate argument for the EQF system proffered by education stakeholders that Article 11 of the Directive is an impediment to EU educational reform, because it provides an indirect rationale for limiting the implementation of outcomes-based educational reforms in some countries. The potential, at least, for confusion in having „competing“ systems of levels has percolated through to some competent authorities and professional bodies involved or interested in professional recognition. Again, though, the arguments here do not directly relate to whether an alternative approach (i.e. the use of EQF levels) would facilitate recognition.

The area in which a different system of levels may impact on recognition is in terms of Article 11 being based on input measures, while the EQF is outcomes-based. This ties the debate around the systems of levels to the more general discussion on the use of learning outcomes for professional recognition. While a significant number of competent authorities said that an outcomes-based system is more professionally-relevant, a significant body of the preference for the EQF simply relates to it offering additional levels (compared to Article 11) and therefore greater potential to discriminate between applicants. The comparison of

the systems of levels suggests that this is unlikely to be a major factor in practice – owing to a similarity in the higher education field.

In any event, the evidence suggests that, from a practical standpoint, the benefits accruing from the development of national qualifications frameworks linked to the EQF will only be seen over the course of the next decade. There is much work for national authorities in many countries to continue the development and implementation of frameworks, to iterate consistency and credibility in EQF levelling in practice, and, most importantly, to embed national frameworks through the large-scale review of existing qualifications. The length of time taken for this activity does not indicate anything about its likely achievement; rather it shows the scale of the task at hand. Ultimately, the alternative option posed by the EQF is not yet widely-used enough to form judgements about its utility and added value.

It is not clear that removing levels entirely would have a beneficial impact on the free movement of professionals. The current system of levels provides an indirect benefit to many competent authorities as a frame of reference for approaching the question of equivalence and shaping the recognition assessment in practice:

- On a practical level, this may be as simple as providing a kind of „terms of engagement“ with the home country competent authority to request information. This is important given that most competent authorities are dealing with a relatively low number of applications under Directive 2005/36/EC each year. As a consequence, familiarity with the education and training systems in other countries can be quite limited. It is also worth noting that the breadth of the competent authority universe means that there is huge variation in the internal expertise and knowledge relating to individual professions within competent authorities. Therefore, if the system of levels were to be removed, it would in the shortterm quite probably create a degree of confusion and possible delay.
- More importantly, the use of Article 11 as a frame of reference also indicates that qualification level is a consideration that implicitly informs the assessment of substantial differences. It provides a starting point for competent authorities to

gauge whether or not they would expect to see differences in content as a consequence of differences in duration. The level of the qualification helps competent authorities to understand and interpret potential differences in content. This is not, in itself, an argument for inaction – but it is worth emphasising two final points:

- The levels contained within Article 11 are so broad that, with the requirement to recognise the level below, it means that it is highly-supportive of free movement. Although, in certain specific cases, the Article 11 levels are also hard to apply in practice as they can contradict the reality of qualifications systems.
- It could be argued that if the system of levels was removed from the Directive, competent authorities may attempt to base decisions not to recognise on the basis of level and type of qualification in a way that they do not (explicitly) under the current system.

Are there significant issues in handling older qualifications under an alternative system and what are the implications for considering alternative systems?

As it currently stands, there is a lack of concrete evidence that older qualifications will be mapped to NQFs linked to the EQF. The focus of national authorities is on qualification reform and development work, rather than the question of legacy qualifications – so it does not necessarily mean that older qualifications will remain un-referenced. In practice, it appears possible to use a „best fit“ model to apply level to older qualifications. It is recognized that doing so may mean that eligibility and progression provisions do not necessarily apply to the older qualification. However, the presumption that provisions should be extended to holders of former qualifications is the important element – and this is already seen in the specifications for NQFs.

Next events

1) EurEta Board meeting:

- **When?** Monday the 12th of December 2011, hh:mm - hh:mm.
- **Where?** EurEta office, Brussels, Belgium.
- **More information:** info@eureta.org