



***News – 04/10/2011***

**A Comparison between EurEta, FEANI and  
ECEC's responses to the Green Paper**

As you very well know, at the end of last month (20<sup>th</sup> of September) expired the deadline for the submission of answers to the questions included in the European Commission's Green Book on the modernization of the "Mutual Recognition" Directive (2005/36).

Today, as we are preparing for the big stakeholder gathering the Commission has scheduled for the 7<sup>th</sup> of this coming November, we feel it is important to present you a comparative tableau with the views of the three most important actors on the engineering scene at the EU level, ie: the European Council of Engineers Chambers (ECEC), the European Federation of National Engineering Associations (FEANI), and of course, our own EurEta.

### On the European Professional Card, Question 1:

EurEta	ECEC	FEANI
<p>In the interest of making the procedure easier for the professionals wishing to move by reducing red tape and saving time. EurEta proposes that the validation of the qualifications is mainly done in the Member State of origin. The result of the review of qualifications should then be reported in an official document transmitted electronically to the host Member State. Such a process would also enhance trust amongst competent authorities.</p>	<p>It has to be absolutely clear that a professional card can only be issued by the national competent authority / the legally authorized professional Chamber and not as was discussed in view to an Engineer's card - by a private professional association.</p> <p>This is the only way to ensure correct information and validity (only competent authorities and legally authorized professional chambers have access to up-to-date information on professional authorizations and many professional chambers are already issuing professional cards on national level). The fact that in non-regulated countries a competent authority for issuing the cards has to be named is positive. Only if there is a reliable contact in the home member state recognition procedures can be handled in a fast and efficient way.</p> <p>The approach of a stronger involvement of the home member state in recognition procedures is also positive. In some branches this concept already works quite well. A lot of competent authorities /chambers are already certifying all necessary information for the recognition in one document and vice-versa also accept such certificates. We are not sure if the issuing of a card is actually necessary and brings any added value. Certificates could be exchanged between the competent authorities via the IMI without technically and logistically complicated card systems. The establishment of a card system raises a lot of questions that are far from being solved yet.</p>	<p>Assuming that the question is limited to the roles of Member States with regard to a professional card, FEANI would agree to the role described in the Green Paper. As the engineering profession falls under the General System professions, we face today that the profession is regulated in some Member States, partially regulated or not at all regulated in others. There is no obvious public "Competent Authority" for a profession which is not formally regulated; therefore some other form of "issuing authority" is required to be the "de facto" Competent Authority. As European umbrella Organization of the National Engineering Associations, FEANI-members are capable of fulfilling this "intermediate" role. They are the very bodies required to make this Directive work in the General System where there is no universal regulation. They also have better specialist resources and expertise at hand as compared to NARICS and NCPs.</p> <p>It must also be acknowledged that "a standardized professional card" will - by definition - be impossible to achieve for all professions: different professions will require different criteria to be verified and documented (for tourist guides this may consist in language skills being more important than credentials in CPD as is the case for engineers). For the engineering profession criteria of educational accomplishments, professional experience and endeavours in Continuous Professional Development are considered to be of paramount importance.</p>

### On the European Professional Card, Question 2:

EurEta	ECEC	FEANI
<p>EurEta welcomes the professional card with enthusiasm and agrees with those possible effects. Option two seems better to us.</p> <p>As a correspondent organisation of CEPLIS, EurEta has closely followed the work of the Steering Group and has</p>	<p>To a) Option 1: There are countries where the declaration system is not in force anymore and the service provider just has to inform the client about his professional authorisation, insurance etc. We think that this system is uncomplicated and has positive sides.</p>	<p>As a general comment we think that there may be differences between cards for Sectoral professions (where an agreed training regime and automatic recognition exists) and the General System professions. For General System professions, which include</p>

<p>transmitted more feedback on the issue through CEPLIS.</p>	<p>Option 2: Nevertheless, for member states which still use the declaration system we think that it is enough if the card can be presented instead of the accompanying documents.</p> <p>To c) An EU wide acceleration of the recognition procedure is in principle very desirable. Indeed complete documents make the recognition procedure in cases of permanent establishment easier. Nevertheless we think that a deadline for decisions within four weeks is not very realistic in view to national recognition systems as they work know.</p> <p>We also think that the time pressure is not so strong in establishment procedures as long as the provision of temporary cross border services is easily possible.</p>	<p>engineering, we consider that a useful form of card is one which provides rigorously validated information. This information can then be used by competent authorities and others, e.g. employers, as they see fit. It is very important that the professional card is understood as a collection of verified information. An authority of the receiving state (host Member State) will only accept a card instead of original documentation if it is satisfied that the issuing authority has demonstrated that it has a trustworthy system for validating documents in place. Therefore, we believe that this verification is not merely an administrative task, but that the decision should be made by peer decision in committee. Such "professional" committees may not meet once a month – certainly not at the beginning – hence shortening the process to just one month as suggested, may be too ambitious.</p> <p>In all three cases in this question, the answers will depend on the degree of inherent security and reliability of the overall system and on its interface with IMI. Because of additional complexity in the General System professions to assess the information and to obtain recognition, we support the idea that a suitable card would facilitate the process, provided the card holds the information needed and is backed-up by accompanying documents, which can then be confirmed via IMI. The professional card shall not replace the process of recognition in the host Member State, but only provide validated information to facilitate that process. The decision of recognition should still be placed at the authorities in the receiving state.</p> <p>If IMI is to become the natural communication system for recognition issues in the future, countries where the card is not implemented will probably turn to IMI for questions with regard to the card. The issuing authorities of the professional card should therefore ensure to have access to IMI via their competent authority.</p>
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### On the Common Platforms, Question 4:

EurEta	ECEC	FEANI
<p>EurEta supports the concept of common platforms and agrees with the principle of reducing from two-thirds to one-third the current threshold as a condition for the creation of a common platform. EurEta also totally agrees with the possibility for all the Member States to join the common platform system if they want to, provided they accept the rules defined by the system. Professionals or their associations coming from a Member State that has not participated to the creation of a common platform should submit their documents and data in order to certificate they satisfy the requirements. It would then be verified by the managing body of common platform.</p>	<p>Yes, we do think that the lowering of the current threshold of two-thirds of the Member States to one third is a necessary condition for the creation of a common platform. As such a common platform agreement brings mainly advantages we think that even a further lowering of the threshold would be possible and would make sense. Especially for engineers we see the common platform as an important chance for making the recognition procedures easier. Therefore the creation of platforms should be as easy as possible.</p> <p>The Internal Market test should not be a hindrance. It must be clarified that the test cannot prevent the creation of the platform with the sole argument that there are non-participating member states that cannot fulfil the qualification level on which the participating member states have agreed. Otherwise the lowering of the threshold would only be a farce. It is necessary to beware that a platform does not worsen the situation for applicants of non-participating member states but only improves the situation for those applicants of participating member states.</p>	<p>In the current Directive a common platform, once agreed, is binding on all member states. It is not confined to those states which agreed to it. Hence the high thresholds set. The present proposal is for a common platform which only applies to those states which sign up to it. Hence we do not see why there has to be any thresholds and conditions. Those states that want to use a platform can do so, those that do not can ignore it. The introduction of a common platform is for the engineering profession unrealistic in view of the many different disciplines and the heterogeneous regulations in the different member states. It should be researched whether the profession is not overregulated in those countries where the engineering profession is regulated and what the reasons are for the regulation. In addition, what will happen if two or even three separate common platforms evolve independently? Does the Directive need to mention common platforms at all?</p>

### On Consumers crossing borders, Question 7:

EurEta	ECEC	FEANI
<p>Our profession understands the reasons that can lead to the lifting of the two years requirement. However, we think that abolishing this requirement can also be risky. Going abroad requires a time of adaptation. Therefore we feel that the requirement in question should absolutely remain since it is essential to those particular professions that must guarantee their clients interests (as for example health and security professions).</p>	<p>It might make sense to lift the requirement for professions like tour guides but definitely not in case of planning/engineering services as it makes no difference at all if a client is crossing the border in order to e.g. build a house in a host member state or if he already is situated in the host country. Therefore we are against a change of the current regulation as there is no practical need for that at all. This would only endanger the quality of planning/engineering services.</p>	<p>In the situation of engineers, it is important that the individual professional recognizes and understands the requirements and regulation within which the engineer can exercise his profession in a given country. Provided the accompanying professional only ministers to the travelling client, then the suggestion is valid. In circumstances where carrying out services for the client has an effect in the host member state, e.g. a veterinarian examining horses in the UK, then there may be a case for retaining the declaration. Overall, we believe that the question 7 is for the profession of engineer not relevant.</p>

**On the Levels of Qualification, Question 9:**

<b>EurEta</b>	<b>ECEC</b>	<b>FEANI</b>
<p>We are in favor of substituting the current article with EQF levels because it would thus be possible to have standard certified level in all EU countries and it would be possible to compare the qualifications of professionals coming from different Member States. In this case it is very important that article 12 of Directive will be reviewed in order to permit to professionals who were recognized and authorized to practice a certain profession before the introduction of EQF levels, to continuing the practice of their profession.</p>	<p>No, we think that it is very important to keep the classification outlined in Art 11. It is a practical and proven system that is also widely accepted. At the moment there is no other system available that could be an acceptable alternative. The European Qualification Framework and the national allocations are firstly not perfected yet and still widely unknown. Secondly we principally doubt that the EQF can ever be an appropriate basis for professional recognition. We think it is the wrong approach, to neglect/underestimate the duration of studies. For many professions also a personal maturing and developing process is necessary which also takes a certain amount of time.</p> <p>A changeover in the directive to the EQF system would definitely lead to huge practical problems in professional recognition.</p> <p>We also think that for highly qualified professions as the profession of chartered engineers it is important that, if there is a difference of two or more levels between the qualification of the professional and the qualification required in the host Member State, the recognition is not possible. Otherwise there is a danger that huge additional practical efforts and costs in view to compensation measures will arise for the host member state but also for the applicant him/herself. With such huge differences in the level of education it can often not be seen as the same profession any more. Additionally the abolishment of this regulation could lead to a complete erosion of academic qualifications and of highly qualified national professions. Especially in the case of engineering services this would be very dangerous and undesirable as many of these services are provided in public interest and therefore have an impact on quality of life, security and health of persons.</p> <p>The problems that would arise from the abolishment of Art 11 would not improve mobility but on the contrary would lead to massive confusion and obstacles that</p>	<p>The EQF is well established and parallel systems of classification, such as Art. 11, should now be phased out, albeit that they were difficult to arrive at. The five levels are agreed signposts and are a reasonable approximation of the gradation of professionalism in Europe (and the rest of the world). The way the levels are described though, is not ideal as duration is not a reliable proxy for knowledge and skills and qualifications are increasingly being delivered by non-traditional means. The number of years of study is not as relevant as the content of the training. It is the latter that makes the difference (learning outcomes). However, this situation can be improved by reference to the EQF. The two systems are not incompatible as the Directive level (e) is characterized by EQF level 7; Directive level (d) is characterized by EQF level 6 and Directive level (c) is characterized by EQF level 4. We would recommend a transition to the EQF to be built in somehow in the revised Directive. These EQF-classification levels are also those which are represented on the FEANI EngineerING-card.</p>

	hinder mobility. The EQF has no solution to these problems.	
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**On the Levels of Qualification, Question 10:**

<b>EurEta</b>	<b>ECEC</b>	<b>FEANI</b>
<p>EurEta thinks that it would be good to implement all four phases in order to achieve more clarity and to render the procedures easily to understand and similar in every Member State and to facilitate free movement among EU countries.</p>	<p>See answer to Question 9            We object to the abolition of Art 11 and therefore don't see the necessity of the four steps. Nevertheless this question already shows that even the Commission is aware how many problems would arise from the abolition of Art. 11.            Apart from that we are not against an obligation for competent authorities to give reasons for their decisions on compensation measures.</p>	<p>Regardless of whether or not Art. 11 is deleted, many of the objectives suggested should be implemented : the host Member State should justify its decision with regards to compensation measures due to "substantial differences" to the applicant, so that applicants receive the information needed to address any shortcomings in educational background. We would support authorities being forced to do this. Furthermore, Art. 11 should not be retained simply because of the administrative convenience which comes from being able to count "years" without any real evidence of what use was made of those years. All compensation measures should be applied in such a way that they can be justified both by "level" and by an illustration of the "substantial differences" which have been noted.</p>

For further information or explanation, please contact the secretariat of EurEta.