



News – 13/01/2011

**Consultation Paper by DG MARKT on the
Professional Qualifications Directive**

As we were expecting, the European Commission has published its Consultation Paper relating to the revision of the 2005/36 Directive. In the following lines, we will give you the main points of this Paper insisting on Professional Cards, Platforms and the European Curricula. The Consultation Paper in question was released the 7th of January and our deadline for answering is March the 15th 2011.

EurEta must of course submit its own position, and the coming Executive Board meeting of the 25th of February is an excellent occasion to discuss this. Let's profit of the time left before to pursue an extensive study of the Commission's questions.

I. Overview of the Questionnaire

This Consultation Paper underlines three major challenges to consider:

1. A simplification of the framework for Recognition of Qualifications between Member States;
2. Integrating Professions into the Single Market;
3. Injecting confidence into the system.

1. A call for Simplification

- **Why Simplification?**

***Question 1:** Do you have any suggestions for further improving citizen's access to information on the recognition processes for their professional qualification in another Member State?*

***Question 2:** Do you have any suggestions for the simplification of the current recognition procedures? If so, please provide suggestions with supporting evidence.*

- **Making best practice enforceable**

***Question 3:** Should the Code of Conduct become enforceable? Is there a need to amend the contents of the Code of Conduct? Please specify and provide the reasons for your suggestions.*

- **Mitigating unintended consequences of compensation measures**

***Question 4:** Do you have any experience of compensation measures? Do you consider that they could have a deterrent effect,*

for example as regards the three years duration of an adaptation period?

Question 5: *Do you support the idea of developing Europe-wide codes of conduct on aptitude tests or adaptation periods?*

Question 6: *Do you see a need to include the case-law on “partial access” into the Directive? Under what conditions could a professional who received "partial access" acquire full access?*

- **Facilitating movement of new graduates**

Question 7: *Do you consider it important to facilitate mobility for graduates who are not yet fully qualified professionals and who seek access to a remunerated traineeship or supervised practice in another Member State? Do you have any suggestions? Please be specific in your reasons.*

Question 8: *How should the home Member State proceed in case the professional wishes to return after a supervised practice in another Member State? Please be specific in your reasons.*

- **Facilitating movement between non-regulating and regulating Member States**

Question 9: *To which extent has the requirement of two years of professional experience become a barrier to accessing a profession where mobility across many Member States in Europe is vital? Please be specific in your reasons.*

Question 10: *How could the concept of "regulated education" be better used in the interest of consumers? If such education is not specifically geared to a given profession could a minimum list of relevant competences attested by a home Member State be a way forward?*

2. Integrating Professionals into the Single Market

- **A European Professional Card**

Question 11: *What are your views about the objectives of a European professional card? Should such a card speed up the recognition process? Should it increase transparency for consumers and employers? Should it enhance confidence and forge closer cooperation between a home and a host Member State?*

Question 12: *Do you agree with the proposed features of the card?*

Question 13: *What information would be essential on the card? How could a timely update of such information be organized?*

Question 14: *Do you think that the title professional card is appropriate? Would the title professional passport, with its connotation of mobility, be more appropriate?*

- **Abandon Common Platforms, move towards European Curricula**

Question 15: *What are your views about introducing the concept of a European curriculum – a kind of 28th regime applicable in addition*

to national requirements? What conditions could be foreseen for its development?

- **Offering Consumers the high quality service they demand**

Question 16: *To what extent is there a risk of fragmenting markets through excessive numbers of regulated professions? Please give illustrative examples for sectors which get more and more fragmented.*

Question 17: *Should lighter regimes for professionals be developed who accompany consumers to another Member State?*

- **Making it easier for professionals to move temporarily**

Question 18: *How could the current declaration regime be simplified, in order to reduce unnecessary burdens? Is it necessary to require a declaration where the essential part of the services is provided online without declaration? Is it necessary to clarify the terms “temporary or occasional” or should the conditions for professionals to seek recognition of qualifications on a permanent basis be simplified?*

Question 19: *Is there a need for retaining a pro-forma registration system?*

Question 20: *Should Member States reduce the current scope for prior checks of qualifications and accordingly the scope for derogating from the declaration regime?*

3. Injecting more confidence into the System

- **Retaining automatic Recognition in the 21st century**

Question 21: *Does the current minimum training harmonization offer a real access to the profession, in particular for nurses, midwives and pharmacists?*

Question 22: *Do you see a need to modernize the minimum training requirements? Should these requirements also include a limited set of competences? If so what kind of competences should be considered?*

Question 23: *Should a Member State be obliged to be more transparent and to provide more information to the other Member States about future qualifications which benefit from automatic recognition?*

Question 24: *Should the current scheme for notifying new diplomas be overhauled? Should such notifications be made at a much earlier stage? Please be specific in your reasons.*

Question 25: *Do you see a need for modernizing this regime on automatic recognition, notably the list of activities listed in Annex IV?*

Question 26: *Do you see a need for shortening the number of years of professional experience necessary to qualify for automatic recognition?*

- **Continuing Professional Development**

Question 27: Do you see a need for taking more account of continuing professional development at EU level? If yes, how could this need be reflected in the Directive?

- **More efficient cooperation between competent authorities**

Question 28: Would the extension of IMI to the professions outside the scope of the Services Directive create more confidence between Member States? Should the extension of the mandatory use of IMI include a proactive alert mechanism for cases where such a mechanism currently does not apply, notably health professions?

Question 29: In which cases should an alert obligation be triggered?

- **Language skills**

Question 30: Have you encountered any major problems with the current language regime as foreseen in the Directive?

II. Core Issues

1. Professional Cards

To ensure that a service provider is well qualified and to keep track of its activities, a Professional Card “*could become an attractive tool supporting*

information flows in the context of temporary mobility and faster recognition of qualifications". As suggested by the 2005/36 EC Directive on the Recognition of Professional Qualifications to professional associations, such a Card could "*speed up the exchange of information between Member States*". Various professional associations tried to develop a "Professional Card" project, but their initiatives remained unsuccessful and all stakeholders are currently re-thinking the project in order to give it a fresh start.

The major trend of this re-launching process is the "simplification" issue, profitable to all: The migrating professional, Competent Authorities, National Authorities (home and host Member State), clients and employers.

According to the Consultation Paper, "*a card could have the following features:*

- *It could be an instrument focusing on interested migrating professionals. A professional could receive such a card only if he wishes so. However, once issued, the card should be binding on competent authorities;*
- *It could be open to all interested professionals, even if they come from a Member State where the profession is not regulated and wish to move to a Member State where it is.*
- *It could be issued by the competent authority in the home Member State of the professional, i.e. the Member State of establishment or the Member State awarding the qualifications. This authority is best placed to assess and certify the qualifications of the professional. This could even be applied in situations were the*

home Member State does not regulate a profession but the host Member State does.

- *It could primarily facilitate the temporary mobility of professionals (freedom to provide services) replacing the current cumbersome declaration regime.*

- *It could also further simplify the recognition procedure in the context of establishment. It could speed up the automatic recognition process for certain professions, bringing the current three month period for assessing qualifications down to one month or two weeks. It could also speed up the case by case recognition process (under the so-called "general system"), notably by facilitating the transmission and translation of documents.*

- *It could be supported by the electronic exchange of information between Member States. It should be a mechanism which already works and in which Member States' competent authorities have already put their trust, such as the Internal Market Information System (IMI) 20. A competent authority could hence only issue such a card if it is registered with IMI and could fully engage in a continuous information exchange with a competent authority in another Member State".*

2. From the “European Platforms” system to the European Curricula

As you remember (see EurEta Newsletter of the 25th of November 2010), Mr Jürgen Tiedje, Head of Unit D4 (Recognition of Qualifications) of the DG Markt, expressed the opinion that as a tool for Recognition,

Professional Platforms had not worked until then and thus the article was temporarily frozen. This time, the situation of European Platforms is even more critical because this tool will be overhauled in favor of a **European Curricula**. The two main reasons of this failure lies in the very demanding character of a reliable inventory of the legal situation in all the relevant Member States, but also in the considerable differences in Professional Qualifications requirements that make harmonization between Member States virtually impossible.

Stakeholders are now heading towards a **European Curriculum**, instead of aiming for harmonization of compensation measures: *“European curricula” for various professions could be developed, for example on the basis of common sets of competences They could become a "28th regime", a European training program which exists in addition to national training programs for a given profession. Under European law, 28th regimes offer a value added in areas like company law or intellectual property law. In the area of professional qualifications, a “European Curriculum” could exist in parallel to national training programs rather than replace them. It should in principle be agreed and applied by all or by a large a number of Member States. If a minimum number of Member States need to be fixed, the quorum mentioned in Article 20 of the Treaty of the European Union (9 Member States) could be a useful benchmark to build on. Such European curricula could be put forward by a minimum number of Member States for endorsement by the Commission as an implementing measure”.*

In order to read the Commission’s arguments preceding each one of the questions, please go to http://ec.europa.eu/internal_market/consultations/docs/2011/professional_qualifications/consultation_paper_en.pdf

Next Events

Executive Board meeting of EurEta:

- **Where?** Brussels
- **When?** The 25th of February 2011
- **Evening dinner** will take place at “La Mirabelle”