

Meeting with Professional Organisations on the evaluation of the Professional Qualifications Directive

29 October 2010

European Commission 
Internal Market & Services DG

Introduction

- Single Market Act
- State of play of the evaluation of the Directive
- Programme for today

Evaluation of the Directive

WHERE ARE WE TODAY?

Transposition
completed in 27
MS

Transposition
Report (22 Oct)

Nearly 180
experience
reports (22 Oct)

Dialogue with
prof.
associations
17 March
29 Oct.

Services
Directive

Educational
reforms:
• EQF
• Bologna

European Commission
Internal Market & Services DG



Next steps

- Launching a **public consultation** end of the year
- Launching a **major study** on impact of recent educational reforms (survey, analysis) before end of year. To be finalised summer 2011
- **Green Paper** autumn 2011
- **Legislative proposal** in 2012

How did Commission collect experience reports?

- Reports have been drawn up by 17 September 2010 on the basis of a questionnaire by Commission services
- **For the general system: national coordinators** have been asked. They consulted the competent authorities for the professions falling under the general system (in particular: teachers, engineers, professional activities falling under Annex IV, tourist guides, sport professions, social workers and physiotherapists).
- For the **sectoral professions** benefiting from automatic recognition (doctors, nurses, midwives, dentists, pharmacists, veterinary surgeons, architects), **competent authorities** were directly approached to prepare a report outlining their experience in the application of the Directive.
- Nearly **180 experience reports** have been received.

Experience reports – State of play

Profession	A	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HU	IRL	IT	LUX	LT	LV	MT	NL	PL	PT	RO	SE	SI	SK	UK
Architects	X		X	X	X	X		X				X	X	X	X	X	X		X	X	X	X	X	X		X	X
Dentists			X			X	X	X	X		X		X	X	X		X		X	X	X			X			
Doctors	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X		X
Midwives	X		X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Nurses*)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Pharmacists	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X		X	X		X
Veterinarians		X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X
Gen. Questionnaire to Coordinators (General System)	X		X	X	X	X	X	X	X		X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X

Agenda

- **Session 1:** Temporary mobility: potential yet to be unlocked
- **Session 2a:** Automatic recognition on the basis of minimum training requirements: a success story, but...
- **Session 2b:** Automatic recognition based on professional experience: a need for modernisation after more than 40 years?
- **Session 3a:** The “general system”: the complex landscape of “compensation measures”
- **Session 3b:** Common platforms: a failure under the current Directive
- **Session 4:** Does a professional card offer potential?

Programme for today

- Temporary mobility: Agnieszka MATUSZAK
- Automatic recognition on the basis of minimum training requirements: An BAEYENS
- Automatic recognition based on professional experience: Thomas WIEDMANN
- General system: Christina SIATERLI
- Common platforms and professional card : Jürgen TIEDJE

Session 1

Temporary mobility: potential yet to be unlocked

The new regime introduced by Directive 2005/36

- A professional legally established in a Member State should be free to provide services on a temporary or occasional basis in another Member State
- In the majority of cases, the host Member State may only:
 - request a **prior declaration**
 - require a **pro-forma registration** with the relevant professional organisation
- The host Member States may not carry out a **prior check of professional qualifications**, except when justified on the grounds of health and safety

Evidence from the Transposition Report

- All Member States require **prior declaration**; most of them for all regulated professions
 - Some Member States request information which is not allowed under the Directive
 - Some Member States require that the declaration be made well in advance of the provision of services
- Many Member States require **pro forma registration**
- Some Member States make extensive use of the option of a **prior check of qualifications**
- Decisions sometimes delegated to competent authorities. Lack of legal certainty for professionals.

What do authorities say?

- The majority report **limited use of the new regime**
- Possible reasons:
 - **lack of interest** from professionals
 - **lack of awareness about the declaration regime** – practice without declaration
 - **preference for permanent registration**
 - **other legal options** for temporary or occasional practice

What do authorities say?

- Most respondents deem **prior declarations indispensable for reasons of:**
 - **Consumer protection / public health**
 - **Pro forma registration**
 - **Confirmation of « temporary or occasional » nature of service provision**
 - **Statistics**

We welcome your feedback

1. What is the degree of interest of professionals in temporary mobility?
2. Does the new regime meet the economic needs of the professions?
3. What are the difficulties and uncertainties encountered by professionals and consumers?
4. Would you support a stronger involvement of the home Member State supporting professionals going abroad?

Session 2a

**Automatic recognition on the basis
of minimum training requirements:
a success story, but...**

Automatic recognition based on min. training requirements in the Directive

- Doctors, dentists, nurses, midwives, pharmacists, veterinary surgeons and architects benefit from automatic recognition of professional qualifications **on the basis of minimum training requirements**
- No discretion for host Member State
- Subsidiary application of the general system if conditions for automatic recognition are not met

Evidence from the Transposition Report

- Challenge of organising automatic recognition for citizens from the new 12 EU Member States: differences in training compensated for by recent professional experience (**acquired rights regime**)
- Role of the Commission in **extending automatic recognition to new diplomas**:
 - Approximately 200 new or amended diplomas have been published since 2005
 - Member States slow in notifying new diplomas

What do authorities say?

- Overall success: fast, **efficient and cost effective**
- However **adjustments** needed:
 - Based on **minimum training requirements**, to increase trust, request for adding competences, request for more detailed rules and more transparency
 - **Acquired rights**, certificates, difficulties to assess the professional experience
 - **Language** cannot be tested in view of recognition
 - **Notification and verification** of architects diplomas

We welcome your feedback

1. Do professionals consider the recognition of qualifications under this system really "automatic"?
2. Is the basis for automatic recognition still relevant?

Session 2b

Automatic recognition based on professional experience: a need for modernisation after more than 40 years?

Automatic recognition based on professional experience in the Directive

- Regime and list of activities introduced in the 1960's (transitional regime)
- Automatic recognition for **crafts, industry and trade activities**: 3 lists of activities in Annex IV – based on ISIC classification of 1958
- Automatic recognition is organised on the basis of **minimum periods of professional experience**
- Recognition based on **different modalities of professional experience**:
 - self-employed
 - manager of undertaking
 - employed (with evidence of previous training)

Evidence from the Transposition Report

- The Transposition Report does not address this issue

What do authorities say?

- System of recognition based on professional experience is working, but:
 - the **activities** described in Annex IV seem **out-of-date** and **need to be updated**
 - **ambiguity** in the definition of some professions and activities listed in Annex IV (generic term that does not cover the specificity of a profession in one Member State)
 - difficulties **in assessing education and work experience**
 - Member States occasionally find it difficult to **verify the authenticity of documents and certificates**

We welcome your feedback

1. What is the experience of professionals in the implementation of this recognition system?
2. Is there a need for reform of this “transitional” regime?
 - a) Keep the system as it stands
 - b) Update ISIC 1958 by ISIC 2008
 - c) Replace this system by the general system

Session 3a

**The "general system":
the complex landscape of
"compensation measures"**

The general system in the Directive

- Scope of the general system:
 - a) the majority of professions for which no automatic recognition exists
 - b) the professionals that do not meet the requirements for automatic recognition (Article 10)
- Functioning of the general system: a **case by case examination**, with a possibility to impose compensation measures

Evidence from Transposition Report and Internal Market Scoreboard

- Citizen's expectation gap:
 - Only **4% of EU citizens** feel concerned by the recognition of qualifications if going abroad (Eurobarometer March 2010)
 - **30% of the recognition requests** are considered as **difficult cases**: compensatory measures, recognition refused, appeals (Internal Market Scoreboard)
- Transposition Report:
 - concerns in some Member States with the **transposition of Article 10** and the set up of a system of compensation measures

What do authorities say?

Use of the education levels

- **Problems** with the use of the education levels:
 - Question about the **practical relevance** of these education levels
 - Concerns about **major differences between two levels:**
 - Very broad descriptors
 - Recognition of a qualification at the equivalent level or at the level immediately below
 - Risk of **inaccurate matching of qualifications**
 - European Qualifications Framework

Recap: Levels of qualification (Directive – Article 11)

- (a) an attestation of competence on the basis of **general primary or secondary education**
- (b) a certificate attesting to a successful completion of a **secondary course**
- (c) a diploma certifying successful completion of training at **post-secondary level** of a duration of **at least one year**
- (d) a diploma certifying successful completion of training at **post-secondary level** of **at least three and not more than four years'** duration
- (e) a diploma certifying that the holder has successfully completed a **post-secondary course of at least four years'** duration

What do authorities say?

Use of compensation measures

- **Differences in the scope of activities** covered by “equivalent” professions in different Member States may lead to compensation measures
- **Difficulties** to apply compensation measures:
 - The **organisation of aptitude tests** is **time-consuming** and **costly**
 - Uncertainties about the **practical implementation** of aptitude tests
 - Difficulty to **organise adaptation periods** (work contracts, employers)

What do authorities say?

Mobility from a non-regulated to a regulated country

- Requirement of **two years of experience** if the profession and education are not regulated in the country of origin
- Problems in identifying "**regulated**" education programmes
- Need to clarify the possibility to **use of compensatory measures** if the applicant has less than two years of experience

What do authorities say?

Recognition of third country qualifications

- Difficulty to **obtain detailed information** on third countries qualifications
- Difficult to **assess the nature (academic or professional) of the first recognition** of the diploma
- **Lack of trust** in the recognition systems of third country diplomas existing in some Member States (bilateral agreements) and concerns about migrants using “**fast-track routes**”
- Requirement of **3 years of professional experience**:
 - Difficulty in obtaining a document confirming the 3 years of professional experience
 - How to deal with applicants that do not have 3 years of experience?

List of issues so far

- Educational levels in Article 11
- Organisation of compensation measures
- Organising free movement between non regulated and regulated countries
- Third countries diplomas

We welcome your feedback

1. Are the five educational levels set out in Article 11 helpful and still relevant in the light of educational reforms, such as the European Qualifications Framework?
2. What would happen if the general system does no longer make any reference to national educational levels? Would more professionals benefit from the Directive?
3. How could the organisation of compensation measures be further simplified?
4. Do you share the concerns on third country diplomas?

Session 3b

Common platforms: a failure under the current Directive

Common platforms under Directive 2005/36

- **New feature** under the Directive
- Definition: a common platform is a **set of standardised compensation measures** (additional training, adaptation period, aptitude test, professional practice etc.)
- **Objective:**
 - to overcome national differences in training requirements
 - whilst avoiding compensatory measures
- **Conditions:**
 - proposed by MS or professional organisations
 - compensate for differences in training requirements in at least two-thirds of the MS, including all MS regulating the profession

Evidence from the Transposition Report

- No common platform yet

We welcome your feedback

1. Should the concept of common platforms be tailored to professions where cross border mobility is a prevailing feature?
2. If so, which cases offer potential for facilitating free movement of professionals?
3. Should a common platform focus on the concrete organisation of compensation measures?
4. Should a common platform refer to existing standards (CEN for example)?
5. Should a common platform refer to the European Qualifications Framework (EQF)?

Session 4

Does a professional card offer potential?

Professional card under Directive 2005/36

- **Recital 32** mentions the possibility to develop professional cards in order to facilitate mobility
- Single Market Act

What do authorities say?

- **Interest in a European professional card**, in particular those responsible for more mobile professions (tourist guides, ski trainers, engineers, architects, nurses, pharmacists)
- Potential value added of the card is seen in **simplifying the current information and documentation requirements** under the Directive, and thereby **facilitating mobility**

Value added of a professional card

- A possible professional card could benefit:
 - **cross-border provision of services** under the temporary mobility regime, by replacing the current prior declaration and its accompanying documents
 - **professions** which currently benefit from automatic recognition
 - other professions aiming at automatic recognition **under a common platform**
- More limited use for the card under the general system? Value added as to the documents necessary?

Value added of a professional card?

- **For professionals?:**
 - simplified and faster procedure,
 - creation of legal presumption that the professional is fully qualified in the home Member State to exercise the profession (unless host Member State opposes)
- **For authorities?:**
 - enhanced confidence
 - stronger link between home and host competent authorities (link with IMI alert mechanism)
- **For consumers/employers? :**
 - easy identification of professionals, updated information

What kind of card?

- **Optional** – issued upon request by a migrating professional
- Issued by the **Competent Authority** of the **home Member State**?
- **Common element-** content and features standardised at EU level?
- Could be related to a **database** accessible to competent authorities in the host and home Member States (using IMI?)

Plastic card ?

EUROPEAN PROFESSIONAL CARD

Country



Issued by:

1. Name:
2. First name:
3. Profession:
4. Diploma:
5. Professional experience:

Professional card number: 3-
800065-711135



E-certificate ?



PROFESSIONAL PASS

Certificate of Professional Recognition

Name	De Witte
First Name	Igor
ID card Number	1222 854631
Profession	Architect Stichting bureau architectenregister Nassauplein 24, Den Haag, 2585 EC
Pass issued by	Netherlands
Country of origin	Netherlands
Date of issue	23 October 2010



**PROFESSIONAL PASS
NUMBER:
3-800065-711135**

A possible way forward?

- Setting up a **Steering Group** composed of representatives of professional organisations to study the specific features of a professional card.
- Criteria for selection:
 - already a **specific project**
 - **authorities expressed interest**
 - **professions with high cross-border mobility.**
- Steering Group: develop common features – starting in January
- Further discussion within professions

We welcome your feedback

1. Do you prefer a physical card or a e-certificate?
2. Would a professional card make it easier for a professional to provide temporary services or to establish abroad on a permanent basis?
3. What potential could it offer for professional services within the framework of the Directive?
4. Should it be issued by a competent authority in the home Member State or by an association?

Thank you for your
attention