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Internal Market and Services DG

Knowledge-based Economy
Professional qualifications

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**Meeting Report
Meeting with professional organisations**

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Date: 29.10.2010

Participants: Representatives of European professional organisations (see detailed list in annex 1)

Subject Evaluation of the Directive 2005/36/EC

1. PURPOSE OF THE MEETING

On 29 October 2010, DG Internal Market and Services (DG MARKT - D4) met with **representatives of 58 European professional organisations** (see detailed list in annex 1) to discuss the current findings after the first phase of the evaluation of the Professional Qualifications Directive.

The Commission presented the **state of play of the evaluation** and noted that the modernisation of the Professional Qualifications Directive is one of the priority actions under the **Single Market Act** presented by Commissioner Barnier on 27 October. The Commission informed the participants about the process of a public debate on this Act¹, where stakeholders are invited to participate².

Competent authorities have been involved in the first phase of the evaluation, through the preparation of "experience reports". The next steps of the evaluation process include a public consultation (to be launched around the end of this year) and a Green Paper (autumn 2011). In 2012 the Commission will come with a proposal for a modernisation of the Directive.

¹ http://ec.europa.eu/internal_market/smact/

² http://ec.europa.eu/internal_market/consultations/2010/smact_en.htm

2. TEMPORARY MOBILITY: POTENTIAL YET TO BE UNLOCKED

The Commission gave a short overview of the evidence collected concerning the new regime of temporary mobility (transposition in the Member States and views of competent authorities).

Professional organisations confirmed a **strong interest of professionals in the possibility to provide services on a temporary basis**.

Most of the organisations agreed with competent authorities on the **need for prior declarations** but stated that the system must be more transparent (i.e. the competent authorities and applicable procedures easy to identify). However, some organisations confirmed that there is a **lack of awareness** of the declaration regime among professionals.

One professional organisation noted that what constitutes "**temporary**" or "**occasional**" **provision of services is not clear**. Other organisations, in particular representatives of engineers, argued that there are significant differences between professions in this respect (e.g. for engineers a single project may last several years; for tour guides four months constitutes an entire season).

The main difficulties seem to be linked to movement from Member States where a profession is not regulated or partially regulated to Member States that fully regulate the professions. In particular, the **requirement of two years' experience** is considered to be difficult to fulfil for certain professionals (e.g. providers of tour services who spend short periods of time in any one country and whose activity tends to be seasonal) and is sometimes perceived as unfair.

One organisation asked for more transparency as regards to the professions which fall under Article 7(4), i.e. should be **subject to prior check of qualifications** because of health and safety implications. The Commission reminded that it is up to Member States to define which professions are concerned but admitted a lack of legal security because Member States may leave it to competent authorities to fill out this provision³.

The **use of electronic means** was discussed: for most of professional organisations, electronic procedures carry the risk of fraud through false documents or false identity. The Commission outlined that Article 8 and Article 21 of the Services Directive apply as regards the use of electronic means and IMI also to professional qualifications unless the professionals (such as health professions) or a particular category of the profession (such as jobseekers) fall outside the scope of the Services Directive.

³ See Commission Staff Working Document on the transposition and implementation of the Professional Qualifications Directive of 22/10/2010, page 10;

http://ec.europa.eu/internal_market/qualifications/docs/evaluation/staff-working-doc_en.pdf

3. AUTOMATIC RECOGNITION ON THE BASIS OF MINIMUM TRAINING REQUIREMENTS: A SUCCESS STORY, BUT

The Commission reported the views of competent authorities (overall satisfaction on the functioning of the system and need for some adjustments).

Professional organisations representing health professions (in particular doctors and veterinarians) agreed on the **necessity to update the minimum training requirements**. One organisation suggested the introduction of a more flexible mechanism in order to keep the minimum requirements up-to-date.

Professional organisations representing **medical specialities** argued that the content and duration of the training foreseen for certain specialities should be revised. One organisation added that the provisions of the Professional Qualifications Directive concerning the period of specialist training for doctors should be looked at in the light of the Working Time Directive. Another organisation called for the recognition of new specialities in dentistry.

As for **architects**, the minimum training requirements are not considered outdated. The major concern is about the **duration of the studies**, which should be raised from 4 to 5 years. Another issue for young architects is the requirement of having 2 years of professional experience.

All professional organisations considered that **continuous professional development (CPD) is crucial** to support the high quality of professional services (for health professions and architects). One organisation expressed concerns about a too ambitious harmonisation of CPD requirements at EU level.

Other organisations representing professions not benefiting from automatic recognition asked if the extension of automatic recognition to other professions could be an option for the future. The Commission reminded the time and efforts necessary to put in place the current system of automatic recognition for 7 professions.

4. AUTOMATIC RECOGNITION BASED ON PROFESSIONAL EXPERIENCE: A NEED FOR MODERNISATION AFTER 40 YEARS?

The Commission presented the functioning of the recognition system based on Annex IV and reported the comments made by competent authorities.

The **nature and relevance of activities listed in Annex IV** was discussed. One professional organisation reported that the majority of activities listed in Annex IV do not exist anymore and suggested to replace the industrial classification used in the Directive by an occupational classification.

Another organisation considered that in many sectors the activities listed in Annex IV are still valid. In this context, it is necessary to look carefully at the various groups of professions.

The Commission proposed to organise an **ad hoc meeting to discuss the content of Annex IV before the end of November**.

5. THE "GENERAL SYSTEM": THE COMPLEX LANDSCAPE OF "COMPENSATION MEASURES"

The Commission presented the evidence collected on the functioning of the general system. A specific attention was raised on the **use of the education levels** (article 11 of the Directive) and the **organisation of compensation measures**.

On the education levels, most of the professional organisations noted the **importance to ensure the compatibility with the levels of the European Qualifications Framework (EQF) and the Bologna process**.

One organisation stressed the **importance of Article 11 as a "benchmarking tool"** to compare qualifications obtained in various Member States. Even if a model based on outcomes (levels based on competences rather than duration) would be more relevant in the light of recent educational developments in and outside the EU, **the use of the EQF in the context of the Directive requires the National Qualifications Frameworks to be implemented**.

The Commission reminded that the EQF is a **voluntary and non-binding transparency tool**. The Commission has no means to force its implementation in Member States.

Some organisations invited the Commission to give a **more prominent role to professional organisations**, in particular for the **implementation of compensation measures**.

6. COMMON PLATFORMS: A FAILURE UNDER THE CURRENT DIRECTIVE

The Commission reminded that no common platform has been proposed yet and asked professional organisation how the concept should be adapted in order to be more effective. In this view, Article 15 of the Directive needs thorough review.

One organisation, which worked on a specific proposal of common platform, expressed its interest to discuss it with the Commission and with Member States.

Another organisation questioned the relevance of the concept of common platforms in the context of educational reforms and expressed a **preference for developing common quality standards** for a given profession rather than setting up a platform to "accommodate" the existing differences in training and activities. CEN representatives explained that more and more professions are defining common European standards, in particular in the medical field (plastic surgeons, osteopaths, opticians).

Some professional organisations pointed out that the **differences existing in the definition of certain professions** (e.g. the meaning of "civil engineer" is different from a Member State to another) make the **setting up of common platforms more difficult**. In this case the concept of partial recognition is considered more helpful.

The creation of a common platform, in the existing conditions defined by the Directive, is considered a **very difficult task, time consuming and costly**. In order to encourage and facilitate the development of common platforms, one organisation suggested **modifying Article 15 of the Directive**:

- the number of Member States involved in the platform should be brought down from 2/3 to 50% of all Member States or limited to the Member States regulating the profession;
- article 15 should refer to "minimum reference standards" for a profession, based on duration and content of training.

Another organisation agreed on the inadequacy of Article 15 but insisted on **the necessity to mention the idea of "reference point"**. The Commission asked if the EQF could be used a reference point to establish common platforms.

7. DOES A PROFESSIONAL CARD OFFER POTENTIAL?

The Commission presented the state of play of the discussion on a professional card and the possible value added of such a card for professionals, authorities and consumers. A possible way forward is the setting up of a **Steering Group** composed of representatives of professional organisations to study the specific features of the card. Interested organisations will be selected on the basis of 3 criteria (existence of a specific project; interest expressed by authorities; profession with high cross-border mobility).

Most professional organisations **shared the interest on the idea of professional card**. They agreed on the fact that it would improve employability and cross-border mobility, notably in the case of movement from a "non-regulated" to a "regulated" country.

Concerning the format of the card, professional organisations expressed a **preference for an electronic certificate**. Some organisations argued that it would be useful to have both solutions (plastic card and electronic certificate).

Some organisations expressed their preference for a card issued by a European body.

Professional organisations raised questions on:

- the **purpose** of the professional card (is it a tool aimed at facilitating mobility or increasing market transparency and consumer protection?);
- the **link between common platforms and professional cards**;
- the **kind of information** to be provided on the card;
- the **period of validity** of the card.

Some organisations reported their experience on **public registers of professionals** (e.g. public register for architects in the Netherlands) and on the **development of professional card projects**:

- FEANI presented the "Engineering card" developed for engineers (project approved last October by FEANI general assembly – plastic card linked to an electronic certificate);
- AEEBC stated that a similar project was under consideration in the construction sector (on-going project based on the idea of an on-line system);
- The European Federation of Biotechnology mentioned a pilot project ongoing in Italy (issue of a certificate and set up of a database accessible by employers);
- CCBE presented the existing card for lawyers (plastic card issued by competent authorities) and specified that they were considering issuing electronic certificates.

8. NEXT STEPS

The Commission reminded of the next steps of the evaluation process:

- 1) Professional organisations interested in a more detailed discussion on Annex IV of the Directive should express their interest before 9 November 2010.
- 2) Professional organisations interested in being involved in a Steering Group on Professional Card should express their interest before 29 November 2010
- 3) Launch of a public consultation is envisaged around the end of this year.

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ANNEX 1 - List of European professional organisations which participated on 29 October 2010

1	Architects' Council of Europe (ACE)
2	Association for Dental Education in Europe
3	Association of European Building Surveyors and Construction Experts (AEEBC)
4	Bundesverband der Freien Berufe (BFB)
5	CEN-CENELEC Management Centre
6	Comité de Liaison des Géomètres Européens (CLGE)
7	Confédération Européenne de l'Immobilier (CEI)
8	Confédération européennes des syndicats (CES)
9	Confédération Fiscale Européenne (CFE)
10	Confprofessioni – Confederazione italiana libere professioni
11	Conseil Européen des Ordres des Médecins (CEOM)
12	Consiglio Nazionale dei Periti Industriali e dei Periti Industriali Laureati (CNPI)
13	Council of Bars and Law Societies of Europe (CCBE)
14	Council of European Dentists (CED)
15	Council of the Notariats of the European Union (CNUE)
16	European Association for Psychotherapy (EAP)
17	European Association of Craft, Small and Medium-sized Enterprises (UEAPME)
18	European Association of Hospital Pharmacists (EAHP)
19	European Association of Senior Hospital Physicians (AEMH)
20	European chiropractors' union (ECU)
21	European Council of Civil Engineers (ECCE)
22	European Council of Engineers Chambers (ECEC)
23	European Council of Interior Architects (ECIA)
24	European Council of Liberal Professions (CEPLIS)
25	European Council of Optometry and Optics (ECOO)
26	European Council of Real Estate Professionals (CEPI)
27	European Federation for Landscape Architecture (EFLA)

28	European Federation of Biotechnology
29	European Federation of Clinical Chemistry and Laboratory Medicine (EC4/EFCCCLM)
30	European Federation of National Engineering Associations (FEANI)
31	European Federation of Nurses (EFN)
32	European Federation of Psychologists' Associations (EFPA)
33	European Federation of Radiographer Societies (EFRS)
34	European Federation of Tourist Guides Associations (FEG)
35	European Financial Planning Association (EFPA)
36	European Higher Engineering and Technical Professionals Association (EurEta)
37	European Hospital and Healthcare Federation (HOPE)
38	European Midwives Association (EMA)
39	European Region of the World Confederation for Physical Therapy
40	European Society of Intensive Care Medicine (ESICM)
41	European Society of Optometrists
42	European Tour Operators' Association (ETOA)
43	European Travel Agents' and Tour Operators' Associations (ECTAA)
44	European Union of Medical Specialists (UEMS)
45	European University Association (EUA)
46	Federation of dental competent authorities and regulators in Europe (FEDCAR)
47	Federation of European Accountants (FEE)
48	Federation of Veterinarians of Europe (FVE)
49	International Federation of Industrial Property Attorneys (FICPI)
50	International Federation of Mountain Guides Association (UIAGM)
51	Multidisciplinary Joint Committee of Intensive Care Medicine
52	Österreichischer Rechtsanwaltskammertag
53	Pharmaceutical Group of the European Union (PGEU)
54	Représentante du barreau de Luxembourg et de l'Ordre des Barreaux Francophones et Germanophone de Belgique auprès des institutions européennes
55	Standing Committee of European Doctors (CPME)

56	The Chartered Insurance Institute
57	Union européenne des Médecins Omnipraticiens (UEMO) / Permanent Working Group of European Junior Doctors (PWG)
58	United Kingdom Inter Professional Group (UKIPG)

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