

# Implementation of the Professional Qualifications Directive 2005/36/EC

2011/2024(INI) - 15/11/2011 - Text adopted by Parliament, single reading

The European Parliament adopted by 463 votes to 163, with 17 abstentions a resolution on the implementation of the Professional Qualifications Directive (2005/36/EC).

Parliament notes that professional mobility is a key factor for economic development and sustainable economic recovery, and that according to the findings of the European Centre for the Development of Vocational Training (CEDEFOP), demand for highly skilled workers is expected to rise by over 16 million jobs in the EU between now and 2020. However, one of the main reasons for difficulties in recognising academic titles and professional qualifications is a **lack of confidence** in the criteria used for accreditation and granting academic qualifications in the country of origin, so that there is an urgent need to establish automatic recognition measures by removing prejudice and formal national obstacles to recognition.

**Simplification for citizens:** Parliament calls on the Commission and Member States to encourage further mobility among professionals, since the relatively low numbers of mobile professionals is cause for concern and strategies must be devised to tackle this problem. It underlines the results of a Eurobarometer survey of May 2011 according to which more than 50% of young people in Europe are willing or keen to work abroad. It therefore urges the Member States, the competent authorities and the Commission to ensure that recognition of diplomas and certificates is on a par with recognition of professional qualifications, so as to create a genuine single market at European and international level and thereby avoid regulating what has already been regulated.

Parliament welcomes the overall success of the automatic recognition procedure, but stress that the recognition process under the general system based on professional experience is **excessively cumbersome and time-consuming** for both the competent authorities and those engaged in certain professions. It calls on the Commission to **coordinate and consolidate the various sources of information** currently available on issues relating to the recognition of professional qualifications - including National Contact Points (NCPs) and professional bodies - with the Your Europe portal, which signposts the single points of contact currently available under the Services Directive. This will provide professionals, in their own language, with a public interface where they can upload documents, access and print their professional card, and obtain up-to-date information on the recognition process, and administrative information on competent authorities, professional bodies and the documents to be submitted.

**Prior declaration:** Parliament considers that the measures to improve the temporary mobility of professional absolutely need to be reviewed in the context of the next revision of the Directive on Professional Qualifications. It asks, in particular, for further clarification of the concept of **temporary and occasional provision of services**, bearing in mind that one definition covering all professions would be impossible to develop and would undermine subsidiarity. It argues that the competent authorities face difficulties in applying the prior declaration regime as there is no consistent approach to assessing the temporary and occasional nature of a service, and that it is extremely difficult to monitor the service providers' activities on the ground. It calls on the Commission to evaluate the current provisions set out in Article 7 of the directive and to explain further the question of existing case-law, with regard specifically to professions with public health and safety implications.

Parliament also makes detailed observations on problems with the current Directive and calls on the Commission to:

- enhance the dialogue and exchanges of information within each individual profession, and improve the cooperation between the competent authorities and NCPs at both national and intra-Member State level;
- facilitate networks of competent authorities and professional bodies for the most mobile professions, to exchange general information about national processes and education requirements, and to share best practice and investigate possibilities for deeper cooperation, such as common platforms;
- review the compensation measures, which allow competent authorities to impose an aptitude test or an adaptation period of up to three years.

**Improved information on recognition procedures:** Parliament calls on the Member States to improve the efficiency of public authorities in providing information both about workers' rights and about procedures for the recognition of professional qualifications, thereby reducing the deterrent effect of bureaucracy, as part of measures to boost mobility. It calls on the Member States, therefore, to use modern communication technologies, including databases and online registration procedures, to ensure that the deadlines set under the general recognition system are met and that significant improvements are made in terms of access to information and knowledge of procedures. It takes the view that the Code of Conduct should be circulated more widely in order to ensure that the directive is implemented more effectively since this will promote uniformity in the way its provisions are interpreted.

Parliament also calls on the Commission to set guidelines regarding the time period within which an individual who has submitted a complete dossier **should expect a decision from the competent authority**.

**Updating existing provisions:** Parliament calls on the Commission to reintroduce the mechanisms for dialogue among Member States, competent authorities and professional bodies with a view to updating, as regularly as possible, the **minimum training requirements for the sectoral professions** in order to reflect current professional practice, to update the current classification of economic activities based on professional experience, and to establish a simple mechanism for continually updating minimum training requirements. It urges the Commission to evaluate the introduction of a competence-based approach by defining minimum training requirements in terms **not only of duration of training, but also of learning outcomes**.

Highlighting the high number of regulated professions in the EU, Parliament calls on Member States to reconsider the justification for the classification of certain professions, in order to ascertain whether formal qualifications and occupations correspond to the same skills and qualifications in the Member States. Whilst **reducing the total number of regulated professions in the EU would enhance mobility**, Parliament notes that classification may be justified by consumer protection considerations. It argues, however, that the most effective way of making free movement of professionals possible would be to reduce the number of regulated professions in the EU, and it calls on the Commission to include in a revised directive a mechanism whereby Member States can check their regulatory provisions, with the exception of those related to healthcare professions, and remove them if they are not proportionate.

**Upgrading public health and safety:** the resolution stresses that there have been serious problems associated with professionals continuing to practise in the EU despite being suspended or struck off. Within the framework of the Internal Market Information System (IMI), and for those professions not already covered under the Services Directive, Parliament calls for the establishment of a proactive alert mechanism which would make it compulsory to issue an alert to all Member States when a regulatory action is taken against a professional's registration or their right to provide services, on condition that the

**alert system** contains no other information, respects the presumption of innocence and complies with existing data protection rules.

Parliament also takes the view that **Article 53 of Directive 2005/36/EC, on language requirements**, must be clarified, as there is ongoing controversy over the interpretation of this provision among the Commission, the ECJ and the Member States. It calls, therefore, for revision of the language requirement regime for the healthcare professions by providing the competent authorities with the necessary flexibility to ascertain and, only if necessary, test the technical and conversational language skills of professionals as part of the recognition process. Without prejudicing the ability of employers to satisfy themselves regarding the language competence of professionals when recruiting to a particular post, Parliament feels that the principle of proportionality should be scrupulously applied in this regard, so that such tests do not become an additional barrier.

Parliament stresses that an extension of the recognition procedure to cover third-country qualifications may give rise to abuses of the system in the form of forum shopping, and would be extremely dangerous for the competent authorities in the host Member State.

**Integrating professionals and injecting confidence into the system:** Parliament welcomes the results of the professional card pilot projects announced at the Single Market Forum in Krakow. It insists that any **professional card** must be voluntary, should certify the academic and professional experience acquired and must be linked to the IMI system. They believe that a professional card could be a useful tool to aid mobility for some professions, simplify administrative procedures and enhance safety.

However, they call on the Commission, prior to the introduction of any card, to provide evidence of the possible added value for the recognition process. The introduction of any card must meet specific safety and data protection conditions, and Parliament insists that the necessary safeguards against abuse and fraud must be established.

Lastly, Parliament underlines the need for all Member States to have more confidence and faith in each other's systems.