

Recognition of professional qualifications

2002/0061(COD) - 18/09/2002 - Economic and Social Committee: opinion, report

The Opinion of the Economic and Social Committee of 18 September 2002 concerns the European Commission proposal for a Directive on the recognition of professional qualifications (COM(2002) 119 final – 2002/0061 (COD)). The Committee supports the consolidation and simplification of the existing recognition framework, while calling for stronger safeguards for service quality, consumer protection, professional involvement and coherence with education and labour-market policies. The Opinion was adopted by 135 votes, with no votes against and no abstentions.

Overall approach

The European Economic and Social Committee (EESC) considers mutual recognition of professional qualifications important for labour mobility and the functioning of the internal market, particularly in the context of the Lisbon strategy and enlargement. The proposed Directive would replace 15 existing directives and create a more coordinated, transparent and flexible system for regulated professions.

The EESC supports simplification but stresses that recognition must be based on comparable standards of qualification and high-quality services. Professional associations and social partners should be actively involved in implementing and developing the system. The Directive should also make clear that its purpose is to facilitate mobility, not to alter the structures of national professional associations.

The EESC considers partial access to a profession and cross-border service provision to be exceptions to the general rule of establishment and recommends that this be clarified. It also calls for action against fraudulent qualifications and providers.

Scope and free provision of services

The EESC recommends extending recognition rights to third-country nationals who hold residence permits and obtained their qualifications in an EU Member State. For EU nationals holding qualifications obtained in a third country and recognised by a Member State after three years of certified professional experience, it recommends allowing the host Member State to require an aptitude test.

Where only partial access to a profession is granted, professionals should clearly inform consumers of the exact limits of their activities.

For temporary cross-border services, the proposal would allow professionals to work for up to 16 weeks in the host country under their home-country title. The EESC considers that host-country professional rules relevant to consumer protection should also apply. It recommends informing the host-country contact point before services are provided, setting deadlines for exchanges between competent authorities and clarifying that the 16-week period should be calculated in calendar days.

Service providers should give consumers information on professional liability insurance, the expected duration of their presence in the country and available means of redress.

Recognition and compensation measures

The general system retains mutual recognition while allowing host Member States to require compensation measures where substantial differences exist between the applicant's qualifications and national requirements. The EESC supports case-by-case assessment of knowledge and skills and considers

that the host State should be able to choose between an aptitude test and an adaptation period, subject to proportionality.

Assessment should focus on current competence rather than only initial training and should take account of professional experience and continuing training. The EESC raises concerns about preventing professional experience from compensating for differences in the duration of training.

It also considers that the proposed qualification levels should be better aligned with developments in European education and the Bologna process.

Common platforms and sectoral professions

The EESC supports common European platforms under which professional associations could establish qualification criteria that facilitate recognition and remove the need for compensation measures. Such associations should be representative across Member States, promote high initial and continuing training standards, support external quality assessment and ensure compliance with professional rules. The Commission should maintain a European register of these platforms.

The EESC supports automatic recognition based on professional experience for craft, industrial and commercial activities, while requesting further consideration of differences between employed and self-employed experience.

For professions covered by sectoral arrangements, it stresses the need to preserve minimum training standards and automatic recognition. It opposes dividing medical specialisations between different recognition systems and recommends retaining all existing specialisations in the relevant annex. It also supports maintaining the existing derogation concerning the establishment of new pharmacies and recommends including architects within the Directive.

Procedures, language and information

The EESC welcomes reducing the period for competent authorities to issue a reasoned recognition decision from four months to three months. It recommends updating the existing code of conduct on administrative practices.

Language knowledge may be required where necessary for professional practice, but requirements must be proportionate and must not undermine free movement. Appropriate language training should accompany such requirements.

The EESC calls for stronger national information and advisory services, better coordination between existing networks and greater access to information from professional associations and social partners. It notes that the new system will create additional administrative work for both Member States and the Commission.

Governance and broader strategy

The proposal would replace existing committees with a single Committee on the Recognition of Professional Qualifications. The EESC accepts comitology for technical updates but considers that professional associations, social partners and other stakeholders must be regularly consulted through a legally guaranteed mechanism.

More broadly, the EESC calls for coordination between internal-market, education and employment policies and between initiatives covering regulated professions, non-regulated professions, higher education, vocational training and informal and non-formal learning. It proposes a joint European

platform or round table involving EU institutions, Member States, educational institutions, professional associations and social partners to develop an overall framework for recognition and support mobility.

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