

Recognition of professional qualifications

2002/0061(COD) - 01/06/2005 - Commission opinion on Parliament's position at 2nd reading

At second reading, Parliament adopted 34 amendments to the Council's Common Position. They improve certain aspects of the text without affecting the substance or the principles of the Common Position and the Commission's proposal. Following inter-institutional contacts, an overall agreement on the final text has been possible and, therefore, the Commission accepts all these 34 amendments.

These amendments aim in particular to :

- recall that the host Member State may apply its professional rules, for reasons of general interest, in the framework of the General System;
- maintain automatic recognition for medical specialities common to two or more Member States, as existing under current legislation, and limit the introduction of new medical specialities benefiting from automatic recognition to those common to at least 2/5 of Member States;
- refer to the involvement of representatives of the professional organisations in the management of the recognition systems, in particular through their consultation in the context of the work of the committee set up by the Directive, on which reasoned reports are made by the Commission to the Committee. Moreover, the composition of the committee is clarified;
- introduce a definition of "liberal professions" and indicate that the Directive also applies to them;
- introduce a definition of "competent authority" which covers public authorities and also organisations acting on the basis of delegated powers (i.e. professional orders);
- clarify that Title II of the Directive shall "only" apply to the temporary provision of services;
- clarify that professional associations "or organisations" are entitled to put forward common platforms;
- clarify, in the English version of the Directive, that migrants "shall" have the necessary language knowledge for the exercise of the profession;
- clarify, in a Recital, that the Directive cannot be invoked for the purpose of "qualification shopping" (i.e. recognition by the home Member State of a mere recognition decision granted by another Member State);
- formally introduce five levels of qualification for the operation of the General System, without modifying the substantive rights of migrants in comparison to the existing legislation, the Commission's original proposal or the Council Common Position. They also add some adjustments concerning the definition of such levels;
- refer to the assessment by the Commission of the appropriateness to introduce further coordinated training requirements for additional professions, in particular on the basis of reasoned requests by professional organisations;
- refer, in a Recital, to the possibility for professional associations to introduce, at European level, professional cards which may in particular contain information on the professional's qualifications and his legal establishment;

- make a general reference to Articles 39, paragraph 4 and 45 of the EC Treaty, with a particular mention of notaries;
- adjust the regime for the temporary provision of services respectively (a) by specifying the professional rules to be applied by the host Member State, (b) by clarifying that the attestation on legal establishment should also mention that the professional is not subject to any prohibition from practice and (c) by adding the possibility for the host Member State to require evidence of no criminal conviction for professions in the security sector;
- clarify that the qualification held by a professional benefiting from acquired rights in his home Member State -following the upgrading of the national qualification standards- must be assimilated to the new qualification for the purposes of recognition.