

CEPLIS AND EUROCADRES JOINT POSITION

on the Commission's proposal for the modernization of Directive 2005/36/EC on the Recognition of Professional Qualifications and Regulation on administrative cooperation through the Internal Market Information System.

Introduction

Acknowledging the importance of the modernization process for the future European workforce, we would like initially to stress that we very much appreciate this modernization effort and we will continue to work for a satisfactory outcome. The creation of a real common market for highly skilled professionals, through the enhancement of professional mobility, is a key issue for *EUROCADRES* and *CEPLIS* member groups, namely the Liberal Professions and Professional and Managerial Staff.

However, taking into account the opinions expressed during the two consultation phases for a modernized Directive 2005/36/EC, we identify a number of points where the current legislative proposal falls short of what we believe is required to meet the proclaimed target of the modernization process. The main points we would like to make are:

The European Professional Card Proposal. We welcome the development of a European Professional Card as a potential means of reducing complexity in some cases; we feel however that is inappropriate to describe what is a 'tool' as being an 'objective' of the modernisation. We are also sceptical about European Professional Cards being mandatory for all Competent Authorities before their precise objective, specification, information architecture, security and interoperability issues have been properly addressed by both professional associations and social partners along with competent authorities. This seems to us rather premature, and certainly difficult to achieve in the expected timeline.

The priority must be first to make the IMI mandatory for all competent authorities in all professional areas. It is a pre-requisite for any card system.

Article 11 Qualification Levels. We feel that the classification in the Directive should be phased out gradually, in line with national decisions taken in collaboration with social partners and professional associations, which guarantee coherent and coordinated relationships between national qualification systems and EQF and ECTS. To make 'common training principles' work in an acceptable way, there needs to be a way of relating the intellectual level of professional work, and the volume of learning required to achieve it, to a commonly accepted framework. The modernised directive should permit a gradual change over from the time-based

levels of Art 11 to a more comprehensive Europe-wide qualifications and credit framework. We should keep in mind that, as the recent report by GHK Consulting illustrates, EU Members States are currently in different stages of implementation of the changes.

Partial Access. The proposed partial access should not be accepted; the possibility of derogation 'for overriding reasons', such as in the case of health professions, is not sufficient and not a guarantee for the level of qualifications and services provided. It also has the potential to undermine the whole meaning of the Directive and simply become a means of adding to the number of regulated professions.

Annex IV. The provisions of Articles 16 – 20 and Annex IV are valuable for truly craft, trade, industry or indeed commercial occupations, but the current Annex is out of date, relating to industries rather than occupations, and has the potential to undermine the General System. It needs to be addressed but, irrespective of wishes, is unlikely to be properly revised within the envisaged timescale for this Legislative Proposal.

Common Training Principles. Although not fully discussed during the public consultation process, we see the introduction of the concept of 'Common Training Principles' as an interesting development, aiming to reinstate something of the intent of the earlier 'common platforms' and '28th regime' concepts, but developed to meet the practicalities of a 27 Member State Union. We strongly support the idea of 'common training principles' in the form of a meta-framework for professional qualifications, on to which various national formation arrangements can be mapped. This can allow for variations in approach and help to ensure that the framework does not become excessively prescriptive. Such a framework would provide a basis for comparable assessment of compliance, and a logical explanation of where, in a particular case, the candidate's record was deficient (and thus leading to the need for Compensation Measures). Europe-wide professional associations should be able to devise such frameworks for professional qualifications, as an equivalent to the role to be played by EQF for general qualifications. We feel however that the common training tests proposal of art 49/6 is possible only for some professions, and has the potential to undermine the effective operation of a «common training framework» for the most highly qualified professionals and we are therefore opposed to it. The European professional associations should be well placed to take a lead in this area of work, and would be glad to do so.

Temporary mobility. The concept of temporary mobility is not fully clarified in the proposal. In cases of temporary mobility, the role of the host Member State is crucial. Removal of the recognition of professional experience requirement in such cases may cause problems. The meaning of the concept should be explored further.

Promote mobility of newly graduated professionals. It is supportable that the proposal extends the scope of the Directive to professionals who hold a diploma, but have yet to complete a remunerated traineeship. The idea is based on the case law of the EU Court of Justice. Also, the mobility of newly graduated professionals has to be promoted; especially in the light of their difficult unemployment situation.

Transparency and Mutual Evaluation. We are pleased to see that the Commission has taken up, in Section 4.11, the suggestion made at several stakeholder events for a mutual evaluation exercise which would allow Member States to compare their regulatory approaches and to simplify, where necessary, their national legal frameworks for the regulated professions.

Continuing Professional Development. We are disappointed to see that the concept of Continuing Professional Development is not mentioned at all, removing, in our opinion, a vital part of the Directive's purpose. One strength of the 'common training principles' concept is that it can identify levels of competence and qualification achieved through lifelong learning and professional experience. Whilst there are several mentions of "Lifelong Learning" in the proposal, they do not impinge on the requirement for continuing fitness to practice. Those member States which require their own citizens to maintain their fitness to practice through validated CPD must be able to apply that same condition to inwardly migrating members of that same profession.

Conclusion

EUROCADRES and *CEPLIS* are of the view that the proposal should be discussed (in the Council, the Parliament, the Committee of Regions, and the Economic and Social Committee) both from the mobility and from the education point of view. Thus, it is astonishing that the Committee on Culture and Education of the European Parliament will not deal with this proposal. Hopefully, this decision could still be reversed. Moreover, the reforms should not be presented overwhelmingly from the perspective of the service provider; the 'quality of service' for the service recipient is the primary purpose of any professional regulation system.

Overall, acknowledging the importance of this modernization process for the future European workforce, we appreciate the work that has gone into this modernization effort. However, we believe that, while much improved, the proposal is not yet full acceptable. At the same time, we feel that it is important for the new "modernised" directive to be enabling and not too prescriptive in order to allow space for the evolutions of the coming years in a fast changing world of both technology and education-training. We will continue to work for the amelioration of problem areas through the next steps ahead, until the adoption of the new Directive.

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