



**Council of European Professional
and Managerial Staff**

Boulevard du Roi Albert II, 5
B – 1210 Bruxelles
Tel. : + 32 2 224 0730
Fax.: + 32 2 224 0733
sat@eurocadres.org

**European Council
of Liberal Professions**

Rue Jacques de Lalaing, 4
B – 1040 Bruxelles
Tel. : + 32 2 511 4439
Fax.:+ 32 2 511 0124
ceplis@pi.be

JOINT PROPOSALS

for the recognition of qualifications of regulated professions

Further to their joint approach, the Council of European Professional and Managerial Staff – EUROCADRES and the European Council of the Liberal Professions – CEPLIS present the following proposals concerning the European Commission's directive proposal (réf: COM(2002)119 final) which is currently being discussed by the European Parliament and the Council.

1. General comments:

CEPLIS and EUROCADRES firmly believe that the free movement of professionals within the European Union should be organised in good conditions. To this end the two organisations wish that an improved system is adopted taking particularly into consideration:

- the simplification of procedures;
- the coherence between countries where professions are regulated and where they are not regulated;
- the inclusion of both self-employed and salaried people;
- the involvement of the various concerned partners in the definition and in the implementation.

CEPLIS and EUROCADRES share the European Commission's objectives regarding coherence and simplification, in order to merge fifteen existing directives (for regulated professions) into a single directive.

They think that this text has to be significantly amended in order to guarantee the quality of services offered by the concerned professions, the quality of training, and the transparency and efficiency of recognition mechanisms that are going to be established at the European level.

They believe that it is important to involve the concerned organisations (taking into account the organisational diversity according to professions and to countries): European professional associations and European social partners.

Various changes are needed. EUROCADRES and CEPLIS would like to draw the attention on the following aspects that are particularly important:

2. Title of the directive:

The proposed title might lead to the conclusion that the directive covers the whole area of recognition. That is not true.

In order to avoid any confusion, the title should be: "Directive of the European Parliament and of the Council on the recognition of qualifications for regulated professions".

3. Explanatory memorandum:

The arrangements foreseen to be entered into between the Commission and the relevant representative bodies of the professions and educational establishments (explanatory memorandum, last paragraph 2.2) should not be limited to professions benefiting from automatic recognition on the basis of minimum coordination of training requirements.

These arrangements should be extended to other professions and explicitly refer to European social partners and to European professional associations.

4. Whereas:

It should be stated that the quality of the professional activities and the protection of the consumers are a matter of public interest (similarly with the whereas n°20).

5. Article 11, levels of qualifications:

The disposals proposed by the European Commission under article 11 do not correspond with the levels that are being progressively established by the "Bologna process", the aim of which is to create a European higher education area.

In order to be coherent and to guarantee good quality for the training of the concerned professions, **it is necessary that the superior level corresponds to training at higher education level and a minimum duration of five years**

6. Article 15, professional platforms:

The Commission's proposal provides (article 15) for the possibility of certain professions to set up "professional platforms". Their definition is too vague. In order to work properly these "platforms" should fulfil some quality criteria:

It should be specified that the professional platforms have to:

- cover most of the Member States;
- specify the contents and the quality of training;
- be coherent with the Bologna process (higher education) and the Bruges initiative (vocational education and training);
- be open to possible co-ordination between platforms;
- include mechanisms for follow-up, updates and evaluation;
- foresee the implication of the representative stakeholders within the professions (in particular the professional associations and the social partners)

7. Article 54, role of the concerned partners:

The article 54 of the proposal provides for the creation of a Committee composed of representatives of the Member States only. The representatives of the social partners and of the professional associations are excluded.

It is indispensable not only to consult, when needed, these organisations (social partners and professional associations), but also to make sure that the representatives of these organisations participate in the follow-up of the evolution.

To achieve this goal two possibilities could be envisaged, within this directive, while respecting "comitologie" rules:

- either the opening of the new Committee to the concerned partners (with the participation of the European social partners and the European professional associations) which would not intervene in the legal decision-making procedures which remain the competency of the States alone;
- or the establishment of an additional Advisory Committee (with the participation of the European social partners and the European professional associations). Its role would be to give opinions to the Commission and to the Committee composed of representatives of the States.

8. Development of synergies:

There is no clear border between regulated and non-regulated professions at the European level, because some professions are regulated in certain countries and are not regulated in others. Taking this into consideration, we cannot address the issue of professional regulation whilst neglecting the consequences for the countries where the same professions are not regulated.

The recently adopted opinion of the European Economic and Social Committee¹ is very clear regarding this point. The Committee "strongly emphasises that there is a need for synergy and policy coherence" between the different Directorates General of the European Commission. The Committee "strongly advocates the setting-up of a joint European platform or round table... with the objective to draw up guidelines for co-ordination of recognition..." grouping the Member States, the European institutions, the educational institutions, the social partners and the professional associations".

The rapporteur of the European Parliament², Mr. S. Zappalà, proposes on his side to set up "a European consultative Forum of intellectual professions" and specifies that "a

¹ Opinion of the European Economic and Social Committee of 18 September 20021 « recognition of professional qualifications » (SOC/113), in particular points 9.8 and 9.9.

² Amendment 80 in the draft report (ref. PE 327.248) 6 February 2003

forum for permanent dialogue at European level needs to be set up in order to bring together the community institutions, member states and professional bodies”.

For these reasons, in addition to this directive for regulated professions, we call for the establishment of a European consultative forum or body, in order to promote a coherent framework in all fields (regulated or not regulated) of recognition of qualifications and diplomas. It should be based on existing national experiences and involve the various concerned partners: European Parliament, European Commission, European Economic and Social Committee, educational and training institutions, students organisations, social partners and professional associations.

In view of enlargement, the need of an integrated and coordinated approach in the fields of mobility and recognition of qualifications is essential.

These joint proposals correspond to improvements needed on essential issues. They do not exclude other changes that are necessary. EUROCADRES and CEPLIS, with their member organisations have agreed to continue their collaboration to this objective.

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