

SOC/113
Recognition of professional
qualifications

Brussels, 18 September 2002

OPINION

of the

Economic and Social Committee

on the

**Proposal for a Directive of the European Parliament and of the Council
on the recognition of professional qualifications**

COM(2002) 119 final – 2002/0061 (COD)

On 22 March 2002, the Council decided to consult the Economic and Social Committee, under Article 262 of the Treaty establishing the European Community, on the

Proposal for a Directive of the European Parliament and of the Council on the recognition of professional qualifications

COM (2002) 119 final – 2002/0061 (COD).

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 4 September 2002. The rapporteur was **Mr Ehnmark**.

At its 393rd plenary session of 18 and 19 September (meeting of 18 September 2002), the Economic and Social Committee adopted the following opinion by 135 votes, with no votes against and no abstentions:

1. Summary of the opinion

1.1 The Lisbon European Council in 2000 set a very ambitious goal for the development of the Union, with vast implications not only economically but also socially and environmentally. The Lisbon strategy emphasised that the overall objective for the advancement of the Union should be to become the most competitive and dynamic knowledge-based society in the world by the year 2010. Later European Summits have confirmed this objective.

1.2 One of the most important fields of action in order to reach the Lisbon objective is education and training, and in general terms development of the human resources. Another essential field of action is development of the labour markets and their functioning. In the interface between these two fields are the efforts to promote quality education and training, as well as to safeguard the mutual recognition of professional qualifications across the borders. Only in this way can the labour market and the education systems make their full contribution to meeting the Lisbon objective.

1.3 The European Economic and Social Committee (EESC) welcomes the new proposal from the European Commission for consolidating and simplifying the legal framework for mutual recognition of professional qualifications. It is a timely proposal, and far-reaching. Although it focuses on the regulated professions, it will de facto encompass both regulated and non-regulated professions, and professions based on both shorter and longer periods of education particularly because a lot of professions are regulated in some EU countries and not regulated in other EU countries. In this respect, mobility within the non-regulated area of professions could also be positively affected, even if the draft directive doesn't officially deal with it. The proposed new directive represents a very considerable simplification of present legal structures. The EESC gives its support to these intentions.

1.4 A system for recognition of professional qualifications must be based on active support and involvement from the relevant professional associations and the social partners. The present system guarantees that, to some extent. The proposed new system does not guarantee that. The EESC proposes amendments to the draft directive in order to safeguard this involvement.

1.5 Mutual recognition of professional qualifications must be based on presumptions of comparable high quality in the qualifications. It is essential that the consumers and citizens at large can have confidence in the quality of the services offered by migrant as well as national professionals. The EESC finds that the draft directive does not sufficiently cover the problems inherent in establishing a good consumer service. This is not only a question for the public authorities but also for the professional associations and the social partners. The Member States must ensure that the main concern should be the protection of consumers.

1.6 The new system for recognition of professional qualifications must be both simple and flexible, and ready to adapt to changes in the labour market or in the education systems. The proposed directive does not clarify to which extent the provisions in the directive can be subject to revisions as a result of changes in education policies. The EESC further recommends that the European Commission give attention to the need for policy coherence in the interface between education policy, labour market policy and internal market policy.

1.7 The new system opens the door for European professional associations to propose Europe-wide common platforms for recognition of professional qualifications. The EESC finds it very positive that this opportunity is included in the draft directive. However, the EESC is of the opinion that the criteria for submitting such proposals should be better elaborated in the directive. The EESC proposes a set of such criteria.

1.8 The proposed new directive poses a considerable number of information and communication challenges, both for national authorities and for professional associations. The EESC finds it absolutely necessary that a high quality service to citizens be established with regard to recognition of service providers.

1.9 The EESC represents organized civil society, including the social partners, and thereby also professionals and consumers. The EESC intends to be closely involved in the follow-up of the directive, as part of EESC's work concerning the internal market and the developments of the education systems.

2. **The need for enhanced mobility in the labour markets: recognition of diplomas in the context of the Lisbon strategy**

2.1 Geographic mobility between EU Member States remains relatively low, which is illustrated by the fact that 225,000 people – or 0.1% of the total EU population – changed official residence between two countries in 2000. However, the pattern of mobility has changed. When the Community regime for professional recognition was conceived 40 years ago geographic mobility mainly took place among unskilled workers. Today skilled employees are the most movable group on the internal labour market.

2.2 Mobility, both geographic and occupational, is regarded as one of the key measures to increase employment and enhance the overall competitiveness of the EU. Removing obstacles to

mobility has become a key policy issue. With the changing trends in labour-market mobility, it has become important to make it easier to move within the Union – instead of moving out of the Union.

2.3 The Lisbon strategy identified the lack of labour-market mobility as an essential obstacle to achieving economic and industrial growth. The strategy also emphasised the need for preserved high quality in the services offered. The quality aspect is likewise one of the key issues in the present debate on the development of the educational systems.

2.4 Both in higher education and in vocational education and training efforts are presently being made to achieve a degree of convergence as to curricula and standards. Although it is too early to talk of harmonisation, it is obvious that the education systems have identified a need for a degree of convergent planning. Convergence in academic and vocational qualifications will no doubt further contribute to additional skills mobility.

2.5 The legal framework for recognition of professional qualifications is a tool for achieving an open and flexible internal market. The same professions are often organized in very different ways in different Member States. The main approach must be to maintain the general rule of the right of establishment based on national provisions. Provision for partial access to the profession or the cross-frontier provision of services should only provide a limited or exceptional liberalisation. The directive has not managed to express clearly this aspect. The EESC recommends that a statement to that effect is included in the directive.

2.6 It is relevant to point out, in this context, that it will become even more important to look out for "degree mills" and other bogus providers of documents of qualifications, and to take necessary measures.

3. General comments

3.1 The EESC welcomes the proposal for a new directive for recognition of professional qualifications. The purpose is to create a more coordinated, transparent and flexible regime of mutual recognition for regulated professions based on the existing General System and the sectoral Directives on recognition. The Committee notices that the proposal constitutes the first comprehensive modernisation of the Community regime for professional recognition since it was conceived forty years ago.

3.2 The wholesale consolidation of the systems for recognition of qualifications for regulated professions should make it easier to manage and clearer, quicker and more friendly for the users in order to facilitate the free movement of qualified people between the Member States. This is all the more important in view of an enlarged European Union.

3.3 In creating a coherent set of principles for mutual recognition, the Commission has tried to side-step possible areas of conflict with regard to national systems. This is particularly the case in countries where there exist public organisations of professional boards, with built-in responsibilities for pension funds as well as other social security funds. The EESC recommends that the draft

directive, in its preamble, clearly states that the provisions in the directive do not imply any changes in the basic structures of professional associations in the Member States. The purpose of the directive is exclusively to promote and simplify mobility, not to change structures in the Member States.

3.4 Information about recognition of diplomas and qualifications concerning both regulated professions and any initiatives on non-regulated professions must be enhanced, building on existing information and communications networks, as well as on current work on improving transparency of qualifications, to ensure that citizens can rely on a more comprehensive service providing information and advice specific to their individual interests and rights. The EESC would have welcomed an elaborated analysis of how to establish a good information service to citizens.

3.5 The directive would replace fifteen existing Directives in the field of recognition of professional qualifications, that is twelve directives covering the seven professions of doctor¹, general care nurse², dental practitioner³, veterinary surgeon⁴, midwife⁵, pharmacist⁶ and architect⁷ adopted mainly over a twenty-year period in the 1970s and 1980s, plus the three General System directives⁸, all of which were updated by the SLIM Directive in 1999 and 2001. It would thus cover the whole range of professions from higher education to crafts and trade professions.

3.6 The EESC supports the approach taken by the Commission. It is essential that new efforts are made to simplify the regulatory framework for recognition of qualifications. Particularly in view of the enlargement of the EU, it is vital to set in place a new regime that takes into account the need for simplification as well as for continued high quality in the services offered.

3.7 In the proposal, specific obligations are placed on service providers to provide specified information to their clients and to the contact points in the Member States. More general obligations are placed on the Member States as to exchange of information. The EESC would have welcomed more specific proposals as to the obligations of Member States to integrate existing national systems.

¹ OJ L 165 of 7.7.93, p. 1, and last amended by the SLIM Directive.

² OJ L 176 of 15.7.77, p. 1 and p. 8, and last amended by the SLIM Directive.

³ OJ L 233 of 24.8.78, p. 1 and p. 10, and last amended by the SLIM Directive.

⁴ OJ L 362 of 23.12.78, p. 1 and p. 7, and last amended by the SLIM Directive.

⁵ OJ L 33 of 11.2.80, p. 1 and p. 8, and last amended by the SLIM Directive.

⁶ OJ L 253 of 24.9.85, p. 34 and p. 37, and last amended by the SLIM Directive.

⁷ OJ L 223 of 21.8.85, p. 15, and last amended by the SLIM Directive.

⁸ OJ L 19 of 24.1.89, p. 16, and last amended by the SLIM Directive.
OJ L 209 of 24.7.92, p. 25, and last amended by the SLIM Directive.
OJ L 201 of 31.7.99, p. 77.

4. Specific comments

The EESC stresses that it should be made clear in the title of the Directive that it is addressed only to regulated professions.

4.1 Title I - General provisions

4.1.1 *The scope of the proposed directive*

4.1.1.1 The EESC has noted that the wording does not cover third-country nationals who have obtained their education in a EU Member State. It is the opinion of the EESC that this category of third-country nationals with residence permits should have the same right to recognition of qualifications as EU citizens⁹.

4.1.1.2 With regard to EU Member State nationals, the Committee would recommend that, in the interests of maintaining high standards of consumer services, the host Member State be accorded the option of requiring that an aptitude test be taken by an applicant in possession of evidence of formal qualifications obtained in a third country and with three years' professional experience certified by the Member State which recognised that evidence in accordance with Article 2(2).

4.1.2 *Effects of recognition*

4.1.2.1 The EESC welcomes the clear and straight wording in the first two sub-paragraphs.

4.1.2.2 However, the Committee has some reservations about the application of Article 4(3) which stipulates that, where the applicant's profession constitutes an autonomous activity of a profession covering a wider field of activities in the host Member State and where the difference cannot be made up by a compensatory measure, the applicant has access to that activity alone in the host Member State. In this particular case, the Committee fears the risk of consumer confusion as to the competence of the professional whose services are being sought. The Committee feels that the professional concerned should be required to provide the consumer with clear and precise information about the exact scope of his or her field of activity.

The EESC has already made the comment (cf 2.5) that it should be clearly stated in the directive that partial access to a profession should be an exception and not the general rule.

4.1.2.3 In this context, the EESC has taken note of fears from some national professional associations that the wording in Article 4, paragraph 3 – and elsewhere – could be interpreted as a signal for more uniform structures for national professional associations. The EESC recommends that

⁹ Cf the (High Level Task Force on skills and mobility, 14 December 2001) and (Commission's Action Plan for skills and mobility, COM(2002) 72) and the Draft Directive on conditions of entry and residence of third-country nationals for the purpose of paid employment and self-economic activities, COM(2001) 386 final

the directive in its preamble include a statement that the purpose of the directive is to promote and simplify mobility, not to interfere in any way with the structures of national professional associations.

4.2 **Title II - Free movement of services**

4.2.1 *Article 5, Principle of free provision of services*

4.2.1.1 The EESC stresses that the aim of free provision of services should be a high quality of services for European citizens and the protection of safety and health of European consumers, both in public and private services. The consumer must be correctly informed in his/her mother tongue about the provider and the conditions under which the service is provided.

4.2.1.2 Generally speaking, it is impossible for the recipient of a service to ascertain the country in which a service provider is established. The recipient must therefore be able to trust that the service he or she is offered meets the consumer-protection standards of the country in which it is provided. The Committee thus feels that the specific professional rules of the host Member State must also be binding on service providers from other Member States.

4.2.1.3 The proposed directive envisages a lighter regime for the provision of cross-frontier services than for establishment, albeit with a safeguard clause. The mobility of service providers within the Member States will be easier by giving them the opportunity to work temporarily up to 16 weeks in the host country under their own home title. The EESC emphasises that this should not be interpreted as indicating a difference as to the quality of services; it should instead be a way of solving an administrative question. In this context, the EESC would like to refer to Article 7 about the obligation for the service provider to inform, in advance, the contact point of the Member State of the establishment. This obligation is valid also for temporarily arranged service provision.

4.2.1.4 Article 7 of the proposed directive states that where the service provider moves in order to provide services, he shall, in advance, inform the contact point of the Member State of establishment. This provision will no doubt create some information and administrative problems, but would function as a quality control mechanism.

4.2.1.5 Under Article 9, Member States must ensure that service providers fulfil their information obligations. To be able to meet this task, the authorities of the host Member State must be informed about the service provision. Also, the right – established under Article 8 – of authorities of the host Member State to seek information from the authorities of the Member State of establishment is meaningless unless the host Member State authorities are aware of the service provision. The Committee therefore feels that the contact point of the host Member State should also be informed about any planned provision of services.

4.2.1.6 With regard to Article 8, the Committee also thinks that a time limit should be set for replies from the competent authorities.

4.2.1.7 In addition to the information required under Article 9 of the proposed directive, steps should also be taken to ensure that the service provider furnishes the recipient of the services with information about any insurance he or she may have taken out against the financial risks potentially arising from his or her professional liability.

Consumers should also be informed about the length of the professional's stay in their country, as they have to know whether or not to expect a follow-up to their treatment, file or case. They must also be informed about what means of recourse they have should problems arise.

4.2.1.8 To avoid ambiguities and difficulties, the Committee feels that it should be made clear whether the sixteen-week period is calculated on the basis of calendar days or working days. The Committee suggests opting for calendar days, given that some professionals may also provide their services at weekends.

4.3 **Title III - Freedom of establishment**

4.3.1 *Chapter I, General system for the recognition of evidence of training*

4.3.1.1 This section essentially takes over the principles set out by Directives 89/48/EEC and 92/51/EEC. The general system is based on the principle of mutual recognition according to which any qualified professional following an occupation in a Member State is entitled to the recognition of his/her diploma to satisfy the requirement of the same profession in another Member State without being required to re-qualify from scratch. Since there is no coordination of the minimum training requirement, the general system does not generally permit automatic recognition. The host Member State can require compensatory measures if there are substantial differences between the training acquired by the migrant and the training required in the host Member State. The principle is retained in the draft directive.

4.3.1.2 That said, applying the general system on a subsidiary basis to members of professions that come under the sectoral system is incompatible with the harmonisation of minimum training requirements. Moreover, there is no further point to the sectoral system if non-compliance with the minimum training requirements laid down therein automatically triggers application of the general system.

4.3.1.3 Ultimately, this would create a two-tier profession of those whose training meets the minimum requirements of the sectoral directive, and those whose training does not. It is, however, impossible for consumers to make that distinction and they themselves have no way of differentiating between qualified and less qualified providers.

4.3.1.4 The Committee feels that current practice – whereby Member States assess applicants' knowledge and skills individually and stipulate appropriate, proportionate compensation measures based on ECJ case law – is adequate and consumer-friendly. It should therefore be retained.

4.3.2 *Article 11, Levels of qualification*

4.3.2.1 Five levels of professional qualifications are set out in theoretical terms. Levels I to III correspond to the three levels of qualifications covered by Directive 92/51/EEC Directive 89/48/EEC has been split into levels IV and V. Recognition is granted on the basis of the draft Directive only if the level required in the host Member State is no higher than the level immediately above that attested by the applicant's evidence of qualifications. The present system allows bridge mechanisms between the general directives 92/51 and 89/48.

4.3.2.2 It is a step forward that the draft takes into consideration the distinction between different levels of higher education. The EESC, however, notices that the levels of qualification do not correspond with general EU education policies and the trend in the so-called Bologna process for higher education.

4.3.2.3 The EESC proposes the following amendments to Article 11:

- Level 5 corresponds to training at higher education level and of a minimum duration of four years and less than five years.
- Level 6 corresponds to training at a higher education level and of a minimum duration of five years.

4.3.3 *Article 13, Conditions for recognition*

4.3.3.1 The contents are essentially taken over from Article 3 of Directives 89/48 and 92/51.

4.3.3.2 The EESC notices that certified regulated training makes it unnecessary for a migrant worker coming from a Member State, which does not regulate the profession in question, to demonstrate two years' professional experience.

4.3.4 *Article 14, Compensation measures*

4.3.4.1 Statistics show that more than 80% of the applications are accepted without compensatory measures. There must however be a possibility for compensatory measures, such as an aptitude test or an adaptation period, if there are substantial differences in the education and training of the applicant and that one required in by the host. The EESC emphasises that the host Member State should have the right to deem which of the two compensatory measures should be required from an applicant, with respect to the principle of proportionality.

4.3.4.2 The EESC notices that substantial differences are interpreted in the draft, in terms of duration and content of the training required by the host Member State, and stresses that the relevant authorities should concentrate on the current competencies not the initial training of the applicant. There is a need for common methods for taking into account the professional experience and competencies acquired through continuous training.

4.3.4.3 In Article 14, the Commission would abolish the possibility for a Member State to require professional experience rather than a compensation measure in the event of substantial differences relating to the duration and not the content of training. The key words here are obviously "duration and not the content" of the training. This means that it will not be possible for an applicant to compensate shorter training with a substantial period of professional experience. The EESC would have welcomed an analysis of the possible effects of this proposal.

4.3.4.4 The draft directive stipulates that if a Member State considers that it can or will not give an applicant a choice between an adaptation period and an aptitude test, it shall inform the other Member States and the Commission in advance and provide sufficient justification for the derogation. The EESC sees the merit of such a stipulation, since it will make it more difficult to introduce new obstacles for the mobility. The stipulation illustrates the need for the build-up of a very efficient network of national contact points for the implementation of the directive.

4.3.4.5 The respect for the code of conduct approved by the group of coordinators for the general system of recognition of diplomas should be ensured.

4.3.4.6 The increasing mobility together with efforts to encourage it are already stimulating increased comparison and convergence of qualifications and training. This makes it all the more important to provide increased clarity and simplicity in the conditions applicable to temporary and occasional cross-frontier provision of services.

4.3.5 *Article 15, Common platforms*

4.3.5.1 The EESC strongly welcomes the introduction in the draft directive of common European platforms, to be proposed by the relevant professional associations at European level, and after necessary consultation with Member States adopted by the Commission. According to the draft directive a common platform means a set of criteria of professional qualifications which attest to a sufficient level of competence for the pursuit of a given profession and on the basis of which those associations accredit the qualifications obtained in the Member States. When, on the basis of existing or future common platforms, qualification criteria are set by a decision taken at Community level (the Committee on Recognition of Professional Qualifications), the Member States will no longer impose compensatory measures. This coupling between common platforms and compensatory measures is highly interesting, and should be supported.

4.3.5.2 The EESC thinks that this form of active involvement by European professional associations might be a good way to make professional recognition simple, more automatic, predictable and transparent. The method must, however, provide adequate guarantees as regards the applicant's level of qualification.

4.3.5.3 Therefore the EESC requires clear criteria for the European professional associations that may apply for common platforms. Such a European professional association must:

- cover as far as possible all EU countries;

- promote and maintain a high standard in the professional field concerned by providing for the upward convergence of initial training and for requirements regarding continuing training;
- promote regular external evaluations of the standard of its members' services in the Member States;
- award an attest of a certain level of professional qualifications where this is not the responsibility of the Member State;
- ensure that the members of its member associations respect the rules of professional conduct which it prescribes; and
- be representative for its respective professional group at the national level (within the Member State).

4.3.5.4 The European Commission should establish a European register of common platforms. The register should be inserted on the One-Stop Mobility information site with links to the organisations setting up the platforms.

4.3.5.5 Some European federations of professional associations (such as the European Federation of Psychologists' Association (EFPA), the European Council of Geodetic Surveyors (CLGE), the European Communities Confederation of Clinical Chemistry (EC4) etc.) have declared their support of the draft directive, and at the same time announced that they will submit a proposal for a common platform in accordance with Article 15. The EESC welcomes these first opportunities to test the procedures envisaged in the draft directive.

4.3.6 *Chapter II, Recognition of professional experience*

4.3.6.1 The principle from the present system is retained. The draft provides for automatic recognition of qualifications on the basis of the applicant's attested professional experience in the case of the craft, industrial and commercial activities. The EESC feels that the distinction between years "on a self-employed basis or as a company director" and years "on an employed basis" needs careful consideration.

4.3.7 *Chapter III, Recognition on the basis of coordination of the minimum training conditions*

4.3.7.1 The training for the professions (general practitioner and specialised doctor, nurse responsible for general care, dental practitioner, veterinary surgeon, pharmacist and architect) covered by the present sectoral directives has to a certain extent been harmonised at the EU-level. Therefore national qualifications have in principle been recognised automatically. This section takes over the principle governing automatic recognition of evidence of training. However, the scope of the new directive may put a new focus on existing more general differences such as the number of years needed for a specific profession.

The Committee emphasises that the objective of establishing high quality in education and training and patient/client services must be maintained.

5. Comments on specific professions

5.1 The proposed directive includes an important change in the number of medical specialisations that will be included in an annex to the directive. From the present 52 specialisations administered by way of the present sectoral directive, there would in the future be only 18 specialisations included in the annex, whereas the other 34 would be regarded as part of the general system. As there seems to be some confusion as to the number of specialisations the EESC recommends that the European Commission makes an update of the annex in question.

5.2 A number of medical professional associations have underlined that this would mean a separation of the medical specialisations in two groups, one with clear quality guarantees, one with more general quality marks. The EESC understands the need for including in an annex only those specialisations that are identified in all Member States. On the other hand, there is no doubt a risk that this separation of the medical specialisations could have negative effects for those specialisations that are treated under the general system. The EESC is of the opinion that this separation is not good, and recommends that all present specialisations be listed in the annex.

5.3 Pharmacists have expressed their wish to maintain the derogation provided under Article 2(2) of Directive 85/433/EEC whereby Member States need not give effect to the diplomas, certificates and other formal certificates awarded to nationals of Member States by other Member States with respect to the establishment of new pharmacies open to the public. Pharmacies which have been in operation for less than three years are also regarded as new. In order to maintain high standards in the pharmaceutical services provided to the European public and to ensure a good geographical distribution of pharmacies, the Committee recommends that this derogation be incorporated into Article 41 of the proposed directive.

5.4 The architects are inclined to favour standing outside of the new directive. The quality aspects are regarded as particularly important in this regard. On the other hand, the introduction to the draft directive emphasises at some length the quality aspects of the profession of architect. Bearing in mind the extent to which the Commission is trying to meet the interests of the architects in the draft directive, the EESC would recommend that the architects are included in the new directive.

5.5 Another example is the veterinary profession which has to provide a high level of consumer protection, prevent and combat animal diseases and guarantee animal welfare. Therefore the quality aspects of the new directive are of particular importance.

6. Documentation and procedures

6.1 **Article 46:** The EESC has noticed that administrative formalities tend to be implemented in various ways in the Member States. The Code of Conduct approved by the group of

coordinators for the general system of recognition of diplomas has made it possible to define, through the experience gained by the Commission and the Member States, which practices are preferable, which are acceptable and which are not. The code of conduct might need updating in line with the new framework directive.

6.2 **Article 47:** The EESC notices that competent authorities must give a reasoned decision not later than three months after the date on which the applicant's complete file was submitted. For the general system this means that the time has been cut down from the current four months, which is positive from the applicant's point of view.

6.3 **Article 48, Use of professional titles**

The EESC notes that where, pursuant to Article 4(3), access to a profession in the host Member State is partial, the Member State may add a reference to that effect to the professional qualification. The Committee considers it vital to ensure that this reference is not understood by consumers as indicating any specialism, but, on the contrary, as a restriction on the professional's field of competence.

6.4 **Article 49, Knowledge of languages**

The EESC is of the firm opinion that certain knowledge of the language/s of the host country is essential for the pursuit of a profession. Language requirements, however, must not affect the basic freedom of movement for workers guaranteed in the Treaty. Language requirements must be necessary and imposed in a proportionate manner, and always coupled with relevant measures for arranging additional linguistic training.

6.5 The EESC stresses the importance of language training as part of mobility and therefore endorses the proposal in the Commission Action Plan on Skills and Mobility that Member States should provide for the early acquisition of foreign language skills in pre-primary and primary schools and for its strengthening in secondary schools and in vocational training institutions.

6.6 In doing so, it will be of high importance to take full account of the needs of the European labour markets. Social partners should make provision for suitable language training for workers where appropriate as part of their competence development plans. The efforts for mobility-promoting language training will obviously have to encompass all groups in the labour market. Following the European Year of Languages, the Commission will come forward with proposals for action with a view to promoting foreign language learning. The EESC will in due course have the opportunity to comment on these plans.

7. Title V - Administrative cooperation and responsibility for implementation

7.1 Competent authorities and contact points

7.1.1 The draft directive underlines the need for substantially improved information and consultation services at national level. In the course of the establishment of the Internal Market, various forms of contact points and information services have been built up. The amount of questions and contacts from enterprises or from the broad public have been rather limited so far. When the new directive is in force, and the envisaged more ambitious information on service providers will be more widely known, it can be expected that the Internal Market information networks will have a radically new amount of contacts. In the field of education and specifically higher education, some well established information centres already exist: the NARICS (National Academic Recognition Information Centre) which are the contact points on higher education professions and the NRCVG's (National Resource Centre for Vocational Guidance) and the national reference points for vocational training.

7.1.2 However, the EESC must make the observation that the new directive will give the Member States a quite considerable new administrative challenge.

7.1.3 The proposed new procedures will also necessitate, particularly in the beginning, substantial administrative efforts by the European Commission. The EESC would have appreciated an overview of the total administrative costs for the new directive.

7.1.4 The EESC assumes that the existing initiatives administered under DG Market such as The Europe Direct Call Centre Signpost service and the Dialogue with Citizens will be linked to the One-Stop European Mobility Information Site as proposed in the Action Plan on mobility and the Barcelona conclusions.

7.1.5 Direct links to the Internet sites of European professional associations and of social partners should provide authoritative information on specific professions. Applicants should be helped to navigate to other private Internet sites dealing with recognition of qualifications; a number of such sites are available and can offer additional information.

7.1.6 The EESC supports the proposal in the Action Plan on skills and mobility and the Barcelona conclusions that the Commission and Member States should launch an information campaign on mobility in 2003. Social partners and other interested parties are invited to initiate sectoral information campaigns.

8. Article 54, Committee on the recognition of professional qualifications

8.1 One single committee to administer the Directive and its updating is proposed. All committees set up under the current system should be abolished.

8.2 The EESC notes that the scope of this committee should be very wide ranking, from doctors to architects, plus the whole range of professions from higher education to craft and trade under the general system. The EESC agrees that comitology procedures are suited to the updating of technical requirements, but doubts that they can be appropriate for the adoption of reliable guarantees on the quality of education and training. The Community action/regime in the area of professional recognition is focused on free movement. The advisory committees have focused on training. The future regime must provide for a mechanism that guarantees a similar input from the profession in question as advisory committees to the updating of education and training. This does not only concern the professions that follow the principle of automatic recognition but other professional groups as well. The professions must have the opportunity to be both proactive and put forward proposals for change and reactive to respond to a request from the Committee.

8.3 It is essential, in the opinion of the EESC, that any arrangement made for a consultation mechanism is confirmed in an appropriate legal form which guarantees that the consultation is maintained in the future. The key aspect is to shape the guarantee for consultation in an appropriate and binding form.

8.4 The EESC proposes that Article 54, a new third subparagraph is included with the following wording:

- The Committee shall, in appropriate forms, regularly consult professional associations, the social partners and other relevant stakeholders on matters concerning implementation and development of the directive. Initiatives for such consultation may also be taken by the relevant professional associations and social partners.

8.5 When the Community regime for professional recognition was conceived 40 years ago geographic mobility mainly took place among unskilled workers. Today skilled employees are the most movable group on the internal labour market. Mobility is regarded as a means to increase employment and the competitiveness of the EU. In order to build stronger links to the real world of work it will be important to involve actively the social partners in the recognition process.

9. **Conclusions**

9.1 *Need for an overall strategy*

9.2 The EESC is aware that the formal competence of DG Internal Market concerning professional recognition lies within the field of the EU regime for recognition of regulated professions. At the same time it is aware that an increasing proportion of the labour market operates outside the regulated area where transparency and mutual trust are the key elements for recognition of qualifications and competences.

9.3 Therefore the EESC has chosen an overall perspective on the issue of recognition and endorses the invitation of the Employment and Social Policy Council to the Commission on 3 June 2002 to promote, in close cooperation with the Council and the Member States, increased cooperation

in education and training based on the issue of transparency and quality assurance, in order to develop a framework for recognition of qualifications (ECTS, diploma and certificate supplements, European CV), building on achievements of the Bologna process and promoting similar action in the area of vocational training. Such cooperation should ensure the active involvement of the social partners, the vocational education and training institutions and other relevant stakeholders.

9.4 With considerable pleasure, the EESC has noticed that actions in the field of recognition have recently been given high priority on the European policy agenda. Synergies between these actions should be strengthened in order to achieve an overall strategy.

9.5 So far many recognition initiatives have been developed in isolation from each other. Common platforms will be created under Article 15 in the consolidated recognition directive monitored by DG Internal market. DG Education will monitor the issue of voluntary minimum standards in education and training in order to facilitate professional recognition of non-regulated professions. Will the non-regulated professional groups create their common platforms as well? The Forum on Transparency for vocational training will coordinate the issue of recognising informal and non-formal learning. The sector committees established through the European social dialogue may be used to pursue work on sectoral qualifications.

9.6 A number of industries such as the ITC, automobile and aeronautics are developing their own European or international approaches to qualifications' standards. Some of them aim at European diplomas to be offered on a voluntary basis. There are a number of Socrates and Leonardo da Vinci projects dealing with recognition issues. The Tuning project is aiming at convergence within certain higher education subjects.

9.7 Because of the Bologna process aiming at a European area for higher education by the year 2010 and the similar so called Bruges process for vocational training, there will be two parallel convergence and harmonisation processes in the field of European education and training. The social partners will be involved in the Bruges process, but have so far been kept out of the Bologna process. The EESC thinks that the parallel instruments and services for vocational education and training and higher education should be coordinated, since the boundaries between the two fields have been blurred, and the social partners ought to be integrated in actions in both the fields. The national reference points for vocational qualifications need to be closely integrated with the parallel NARIC service related to higher education.

9.8 The EESC strongly emphasises that there is a need for synergy and policy coherence between DG Internal Market, which deals with mobility issues, DG Education and Culture, which is responsible for European projects concerning quality of education and training and DG Employment which has a number of social dialogue committees.

9.9 In the view of the EESC, it is imperative to reach a policy framework for the whole field of recognition. The present draft directive is only a step in this direction. The EESC strongly advocates the setting-up of a joint European platform or round table with the objective to draw up guidelines for coordination of recognition of regulated and non-regulated higher education professions

and vocational education and training as well as informal and non-formal learning. Such a joint European platform or round table, being composed of the European Commission and other European institutions, the Member States and other relevant partners, such as educational institutions, social partners and professional associations, would give a new impetus to the overall efforts to promote and stimulate mobility in the European Union. In the perspective of Enlargement, such efforts will be all the more essential – and so will the need for good policy coordination.

9.10 The EESC will give these issues high priority in its future work on education and employment policies.

Brussels, 18 September 2002.

The President
of the
Economic and Social Committee

The Secretary-General
of the
Economic and Social Committee

Göke Frerichs

Patrick Venturini
