

Procedure file

Basic information	
INI - Own-initiative procedure	2011/2024(INI)
Implementation of the Professional Qualifications Directive 2005/36/EC See also Directive 2005/36/EC 2002/0061(COD)	Procedure completed
Subject 4.15.06 Professional qualifications, recognition of qualifications 4.40.07 Recognition of diplomas, equivalence of studies and training 8.50.01 Implementation of EU law	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	IMCO Internal Market and Consumer Protection		05/04/2011
		ECR MCCLARKIN Emma	
		Shadow rapporteur	
		PPE LE GRIP Constance	
		S&D VERGNAUD Bernadette	
	ALDE BUȘOI Cristian-Silviu		
	Verts/ALE TURUNEN Emilie		
	EFD SALVINI Matteo		
	Committee for opinion	Rapporteur for opinion	Appointed
	EMPL Employment and Social Affairs		25/11/2010
		ECR CABRNOCH Milan	
	ENVI Environment, Public Health and Food Safety		01/03/2011
		S&D PIRILLO Mario	
Council of the European Union	Council configuration	Meeting	Date
	Competitiveness (Internal Market, Industry, Research and Space)	3094	30/05/2011
European Commission	Commission DG	Commissioner	
	Financial Stability, Financial Services and Capital Markets Union	BARNIER Michel	

Key events			
17/02/2011	Committee referral announced in Parliament		
30/05/2011	Debate in Council	3094	Summary
17/10/2011	Vote in committee		Summary

27/10/2011	Committee report tabled for plenary	A7-0373/2011	
14/11/2011	Debate in Parliament		
15/11/2011	Results of vote in Parliament		
15/11/2011	Decision by Parliament	T7-0490/2011	Summary
15/11/2011	End of procedure in Parliament		

Technical information

Procedure reference	2011/2024(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Implementation
	See also Directive 2005/36/EC 2002/0061(COD)
Legal basis	Rules of Procedure EP 142-p2
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	IMCO/7/05174

Documentation gateway

Committee draft report		PE469.992	27/07/2011	EP	
Amendments tabled in committee		PE472.324	23/09/2011	EP	
Committee opinion	EMPL	PE467.172	29/09/2011	EP	
Committee opinion	ENVI	PE469.698	07/10/2011	EP	
Committee report tabled for plenary, single reading		A7-0373/2011	27/10/2011	EP	
Text adopted by Parliament, single reading		T7-0490/2011	15/11/2011	EP	Summary

Implementation of the Professional Qualifications Directive 2005/36/EC

The Council took note of information from the Commission on the outcome of a public consultation concerning the modernisation of the Professional Qualifications Directive. The consultation, which ended on 15 March 2010, collected stakeholders' views on major challenges for the reform of the system of recognition of professional qualifications, including:

- simplifying the existing rules to the benefit of individual citizens;
- integrating professions into the single market; and
- injecting more confidence into the system.

The German delegation expressed interest on discussing the issue at a forthcoming Council meeting, highlighting the potential for removing barriers to mobility.

The reform of the system of recognition of professional qualifications as a means of facilitating mobility is one of the priority actions proposed by the Commission in the Single Market Act. A proposal from the Commission to prepare this reform is expected in the course of 2011.

Implementation of the Professional Qualifications Directive 2005/36/EC

The Committee on the Internal Market and Consumer Protection adopted an own-initiative report by Emma McCLARKIN (ECR, UK) on the implementation of the Professional Qualifications Directive (2005/36/EC).

It notes that professional mobility is a key factor for economic development and sustainable economic recovery, and that according to the findings of the European Centre for the Development of Vocational Training, demand for highly skilled workers is expected to rise by over 16

million jobs in the EU between now and 2020. However, one of the main reasons for difficulties in recognising academic titles and professional qualifications is a lack of confidence in the criteria used for accreditation and granting academic qualifications in the country of origin, so that there is an urgent need to establish automatic recognition measures by removing prejudice and formal national obstacles to recognition.

Simplification for citizens: Members call on the Commission and Member States to encourage further mobility among professionals, since the relatively low numbers of mobile professionals is cause for concern and strategies must be devised to tackle this problem. They underline the result of a Eurobarometer survey of May 2011 according to which more than 50% of young people in Europe are willing or keen to work abroad. Accordingly, workers' mobility should be enhanced for citizens of the EU and indirect barriers should be eliminated, provided that a balance is struck between mobility and the quality of professional qualifications. Members recognise the need for modernisation of Directive 2005/36/EC (Profession Qualifications Directive) in order to guarantee a clear, robust legal framework.

They welcome the overall success of the automatic recognition procedure, but stress that the recognition process under the general system based on professional experience is excessively cumbersome and time-consuming for both the competent authorities and those engaged in certain professions. They call on the Commission to coordinate and consolidate the various sources of information currently available on issues relating to the recognition of professional qualifications ? including National Contact Points (NCPs) and professional bodies ? with the Your Europe portal, which signposts the single points of contact currently available under the Services Directive. This will provide professionals, in their own language, with a public interface where they can upload documents, access and print their professional card, and obtain up-to-date information on the recognition process, and administrative information on competent authorities, professional bodies and the documents to be submitted.

Members also make detailed observations on problems with the current Directive and call on the Commission to:

- ensure that measures to improve temporary mobility for professionals form a key aspect of the forthcoming revision of the Professional Qualifications Directive;
- provide further clarification of the concept of temporary and occasional provision of services, bearing in mind that one definition covering all professions would be impossible to develop and would undermine subsidiarity;
- facilitate networks of competent authorities and professional bodies for the most mobile professions, to exchange general information about national processes and education requirements, and to share best practice and investigate possibilities for deeper cooperation, such as common platforms;
- ensure that recognition of diplomas and certificates is on a par with recognition of professional qualifications, so as to create a genuine single market at European and international level and thereby avoid regulating what has already been regulated.

The committee calls on Member States particularly to improve the efficiency of public authorities in providing information both about workers' rights and about procedures for the recognition of professional qualifications, thereby reducing the deterrent effect of bureaucracy, as part of measures to boost mobility.

Updating existing provisions: the report calls on the Commission to reintroduce the mechanisms for dialogue among Member States, competent authorities and professional bodies with a view to updating, as regularly as possible, the minimum training requirements for the sectoral professions in order to reflect current professional practice, to update the current classification of economic activities based on professional experience, and to establish a simple mechanism for continually updating minimum training requirements. It urges the Commission to evaluate the introduction of a competence-based approach by defining minimum training requirements in terms not only of duration of training, but also of learning outcomes. Member States are asked to carry out a comparison of minimum training requirements and to organise more regular exchanges among themselves, and also among the competent authorities, with a view to bringing minimum training requirements more closely into line.

Members highlight the high number of regulated professions in the EU and call on Member States to reconsider the justification for the classification of certain professions, in order to ascertain whether formal qualifications and occupations correspond to the same skills and qualifications in the Member States. Whilst reducing the total number of regulated professions in the EU would enhance mobility, Members note that classification may be justified by consumer protection considerations. They argue, however, that the most effective way of making free movement of professionals possible would be to reduce the number of regulated professions in the EU, and they call on the Commission to include in a revised directive a mechanism whereby Member States can check their regulatory provisions, with the exception of those related to healthcare professions, and remove them if they are not proportionate.

Upgrading public health and safety: the report stresses that there have been serious problems associated with professionals continuing to practise in the EU despite being suspended or struck off. Within the framework of the Internal Market Information System (IMI), and for those professions not already covered under the Services Directive, Members call for the establishment of a proactive alert mechanism which would make it compulsory to issue an alert to all Member States when a regulatory action is taken against a professional's registration or their right to provide services, on condition that the alert system contains no other information, respects the presumption of innocence and complies with existing data protection rules.

They also take the view that Article 53 of Directive 2005/36/EC, on language requirements, must be clarified, as there is ongoing controversy over the interpretation of this provision among the Commission, the ECJ and the Member States. The committee calls, therefore, for revision of the language requirement regime for the healthcare professions by providing the competent authorities with the necessary flexibility to ascertain and, only if necessary, test the technical and conversational language skills of professionals as part of the recognition process. Without prejudicing the ability of employers to satisfy themselves regarding the language competence of professionals when recruiting to a particular post, Members feel that the principle of proportionality should be scrupulously applied in this regard, so that such tests do not become an additional barrier.

Integrating professionals and injecting confidence into the system: the report welcomes the results of the professional card pilot projects announced at the Single Market Forum in Krakow. Members insist that any professional card must be voluntary, should certify the academic and professional experience acquired and must be linked to the IMI system. They believe that a professional card could be a useful tool to aid mobility for some professions, simplify administrative procedures and enhance safety, but they call on the Commission, prior to the introduction of any card, to provide evidence of the possible added value for the recognition process. The introduction of any card must meet specific safety and data protection conditions, and the committee insists that the necessary safeguards against abuse and fraud must be established.

Implementation of the Professional Qualifications Directive 2005/36/EC

The European Parliament adopted by 463 votes to 163, with 17 abstentions a resolution on the implementation of the Professional Qualifications Directive (2005/36/EC).

Parliament notes that professional mobility is a key factor for economic development and sustainable economic recovery, and that according to the findings of the European Centre for the Development of Vocational Training (CEDEFOP), demand for highly skilled workers is expected to rise by over 16 million jobs in the EU between now and 2020. However, one of the main reasons for difficulties in recognising academic titles and professional qualifications is a lack of confidence in the criteria used for accreditation and granting academic qualifications in the country of origin, so that there is an urgent need to establish automatic recognition measures by removing prejudice and formal national obstacles to recognition.

Simplification for citizens: Parliament calls on the Commission and Member States to encourage further mobility among professionals, since the relatively low numbers of mobile professionals is cause for concern and strategies must be devised to tackle this problem. It underlines the results of a Eurobarometer survey of May 2011 according to which more than 50% of young people in Europe are willing or keen to work abroad. It therefore urges the Member States, the competent authorities and the Commission to ensure that recognition of diplomas and certificates is on a par with recognition of professional qualifications, so as to create a genuine single market at European and international level and thereby avoid regulating what has already been regulated.

Parliament welcomes the overall success of the automatic recognition procedure, but stress that the recognition process under the general system based on professional experience is excessively cumbersome and time-consuming for both the competent authorities and those engaged in certain professions. It calls on the Commission to coordinate and consolidate the various sources of information currently available on issues relating to the recognition of professional qualifications - including National Contact Points (NCPs) and professional bodies - with the Your Europe portal, which signposts the single points of contact currently available under the Services Directive. This will provide professionals, in their own language, with a public interface where they can upload documents, access and print their professional card, and obtain up-to-date information on the recognition process, and administrative information on competent authorities, professional bodies and the documents to be submitted.

Prior declaration: Parliament considers that the measures to improve the temporary mobility of professional absolutely need to be reviewed in the context of the next revision of the Directive on Professional Qualifications. It asks, in particular, for further clarification of the concept of temporary and occasional provision of services, bearing in mind that one definition covering all professions would be impossible to develop and would undermine subsidiarity. It argues that the competent authorities face difficulties in applying the prior declaration regime as there is no consistent approach to assessing the temporary and occasional nature of a service, and that it is extremely difficult to monitor the service providers' activities on the ground. It calls on the Commission to evaluate the current provisions set out in Article 7 of the directive and to explain further the question of existing case-law, with regard specifically to professions with public health and safety implications.

Parliament also makes detailed observations on problems with the current Directive and calls on the Commission to:

- enhance the dialogue and exchanges of information within each individual profession, and improve the cooperation between the competent authorities and NCPs at both national and intra-Member State level;
- facilitate networks of competent authorities and professional bodies for the most mobile professions, to exchange general information about national processes and education requirements, and to share best practice and investigate possibilities for deeper cooperation, such as common platforms;
- review the compensation measures, which allow competent authorities to impose an aptitude test or an adaptation period of up to three years.

Improved information on recognition procedures: Parliament calls on the Member States to improve the efficiency of public authorities in providing information both about workers' rights and about procedures for the recognition of professional qualifications, thereby reducing the deterrent effect of bureaucracy, as part of measures to boost mobility. It calls on the Member States, therefore, to use modern communication technologies, including databases and online registration procedures, to ensure that the deadlines set under the general recognition system are met and that significant improvements are made in terms of access to information and knowledge of procedures. It takes the view that the Code of Conduct should be circulated more widely in order to ensure that the directive is implemented more effectively since this will promote uniformity in the way its provisions are interpreted.

Parliament also calls on the Commission to set guidelines regarding the time period within which an individual who has submitted a complete dossier should expect a decision from the competent authority.

Updating existing provisions: Parliament calls on the Commission to reintroduce the mechanisms for dialogue among Member States, competent authorities and professional bodies with a view to updating, as regularly as possible, the minimum training requirements for the sectoral professions in order to reflect current professional practice, to update the current classification of economic activities based on professional experience, and to establish a simple mechanism for continually updating minimum training requirements. It urges the Commission to evaluate the introduction of a competence-based approach by defining minimum training requirements in terms not only of duration of training, but also of learning outcomes.

Highlighting the high number of regulated professions in the EU, Parliament calls on Member States to reconsider the justification for the classification of certain professions, in order to ascertain whether formal qualifications and occupations correspond to the same skills and qualifications in the Member States. Whilst reducing the total number of regulated professions in the EU would enhance mobility, Parliament notes that classification may be justified by consumer protection considerations. It argues, however, that the most effective way of making free movement of professionals possible would be to reduce the number of regulated professions in the EU, and it calls on the Commission to include in a revised directive a mechanism whereby Member States can check their regulatory provisions, with the exception of those related to healthcare professions, and remove them if they are not proportionate.

Upgrading public health and safety: the resolution stresses that there have been serious problems associated with professionals continuing to practise in the EU despite being suspended or struck off. Within the framework of the Internal Market Information System (IMI), and for those professions not already covered under the Services Directive, Parliament calls for the establishment of a proactive alert mechanism which would make it compulsory to issue an alert to all Member States when a regulatory action is taken against a professional's registration or their right to provide services, on condition that the alert system contains no other information, respects the presumption of innocence and complies with existing data protection rules.

Parliament also takes the view that Article 53 of Directive 2005/36/EC, on language requirements, must be clarified, as there is ongoing controversy over the interpretation of this provision among the Commission, the ECJ and the Member States. It calls, therefore, for revision of

the language requirement regime for the healthcare professions by providing the competent authorities with the necessary flexibility to ascertain and, only if necessary, test the technical and conversational language skills of professionals as part of the recognition process. Without prejudicing the ability of employers to satisfy themselves regarding the language competence of professionals when recruiting to a particular post, Parliament feels that the principle of proportionality should be scrupulously applied in this regard, so that such tests do not become an additional barrier.

Parliament stresses that an extension of the recognition procedure to cover third-country qualifications may give rise to abuses of the system in the form of forum shopping, and would be extremely dangerous for the competent authorities in the host Member State.

Integrating professionals and injecting confidence into the system: Parliament welcomes the results of the professional card pilot projects announced at the Single Market Forum in Krakow. It insists that any professional card must be voluntary, should certify the academic and professional experience acquired and must be linked to the IMI system. They believe that a professional card could be a useful tool to aid mobility for some professions, simplify administrative procedures and enhance safety.

However, they call on the Commission, prior to the introduction of any card, to provide evidence of the possible added value for the recognition process. The introduction of any card must meet specific safety and data protection conditions, and Parliament insists that the necessary safeguards against abuse and fraud must be established.

Lastly, Parliament underlines the need for all Member States to have more confidence and faith in each other's systems.