



Requirements of the European Council of Engineers Chambers (ECEC)¹ on the Implementation of the Directive 2005/36/EC of the European Parliament and the Council on the Recognition of Professional Qualifications

Free provision of services

1. Compulsory declaration before the first provision of services

According to the Directive 2005/36/EC, ECEC demands a compulsory rule that, when the service provider first moves from one Member State to another in order to provide his services, he shall inform the competent authority in the host Member State in advance in a written declaration together with details of any insurance cover or other means of personal or collective protection with regard to the professional liability.

Further the service provider shall be obliged to accompany the declaration by the following documents for the first provision of services:

- proof of the nationality of the service provider
- an attestation certifying that the holder is legally established in a Member State for the purpose of pursuing the activities concerned and that he is not prohibited from practising, even temporarily, at the moment of delivering the attestation
- evidence of professional qualifications
- evidence of no criminal convictions
- any means of proof that the service provider has pursued the activity concerned for at least two years during the previous ten years, if the service provider moves from a Member State, where the profession is not regulated.

Moreover it shall be established, that these documents shall be renewed if there is a material change in the situation substantiated by the documents.

2. Compulsory check of the professional qualification of foreign chartered engineering consultants

Initiatory it is to say that the Directive 2005/36/EC admits the competent authority of the host Member State to check the professional qualification of the service provider prior to the first provision of services in that case where regulated professions have public health or safety implications.

Therefore ECEC wants to stress out in this context that especially services of chartered engineering consultants have a great influence on the environment and build-up areas and thus on the quality of life and security of the population. Due to their planning activity, e.g. within the ranges of building construction, bridge building and tunnelling, chartered engineering consultants bear responsibility for the society, as they are

¹ The European Council of Engineers Chambers (ECEC) brings together the engineers' chambers of ten European countries. The ECEC represents 300,000 engineers.

responsible for life, limb and health of human beings. An inappropriate quality might cause threats for clients, users and the public, especially since planning faults have substantial effects on the individual as well on the general public.

For the reasons specified above a check of the professional qualification through the competent authority shall be established in order to guarantee that health and safety implications of the recipients of services will never be affected.

3. Compulsory temporary registration with a professional body

ECEC welcomes a temporary registration of the service provider with a professional body of the host Member State in which he intends to provide his services.

4. Compulsory information to be given to the recipients of the service

As the Directive 2005/36/EC leaves it to the Member States to implement the following regulations, ECEC highly welcomes provisions binding the service provider to furnish the recipient of the service with the following information, especially for reasons of the consumer protection:

- the register in which the service provider is registered, his registration number, or equivalent means of identification contained in that register
- the name and address of the competent supervisory authority if the activity is subject to authorisation in the Member State of establishment
- any professional association or similar body with which the service provider is registered
- the professional title or, where no such title exists, the formal qualification of the service provider and the Member State in which it was awarded
- the VAT identification number
- details of any insurance cover or other means of personal or collective protection with regard to professional liability

Freedom of Establishment

5. Compulsory submission of documents and certificates with an application for establishment

ECEC demands the establishment of a compulsory submission of the following documents and certificates of chartered engineering consultants applying for establishment:

- proof of the nationality of the person concerned
- copies of the attestations of professional competence or of the evidence of formal qualifications giving access to the profession in question
- precise details concerning the education and training units in order to detect substantial differences to the training required in the host Member State
- proof from the competent authority in the home Member State that the service provider is of good character or repute and that he has not been declared bankrupt; proof, that the competent authority does not suspend or prohibit the pursuit of that profession in the event of serious professional misconduct or a criminal offence. These documents shall not be more than three months old by the date on which they are submitted. The competent authority of the home Member State must provide the documents required within a period of two months.
Where these documents of the competent authorities of the home Member State not be issued, such documents shall be replaced by a declaration on oath - or, in States where there is no provision for declaration on oath, by a solemn declaration - made before a competent judicial or administrative authority.
- an attestation issued by the banks and insurance undertakings of another Member State concerning the proof of the applicant's financial standing and the proof that the applicant is insured against the financial risks arising from their professional liability.

These documents shall not be more than three months old by the date on which they are submitted.

6. Levels of qualifications of chartered engineering consultants

Article 11 lit e (level 5) of the Directive 2005/36/EC demands a diploma certifying that the holder has successfully completed a post-secondary course of at least four years' duration at a university or establishment of higher education or another establishment of equivalent level and, where appropriate, that he has successfully completed the professional training required in addition to the post-secondary course.

Chartered engineering consultants have to be classified however in the highest level because the professional qualification demands a successful completion of a training at a university or establishment of higher education plus a three years work practice and a professional exam.

Therefore all EAA-chartered engineering consultants have to fulfil all requirements of the level 5.

7. Determination of compulsory compensation measures

The Directive 2005/36/EC only determines either the completion of an adaptation period of up to three years or an aptitude test

- if the duration of the training of which he provides evidence is at least one year shorter than that required by the host Member State or
- the training he has received covers substantially different matters than those covered by the evidence of formal qualifications required in the host Member State or
- the regulated profession in the host Member State comprises one or more regulated professional activities which do not exist in the corresponding profession in the applicant's home Member State. This difference shall consist in specific training which is required in the host Member State and which covers substantially different matters from those covered by the applicant's attestation of competence or evidence of formal qualifications.

It may be verified for the profession of chartered engineering consultants if it is possible to derogate from the principle of the right of the applicant to choose between an adaptation period and an aptitude test. In that case the host Member State shall stipulate an aptitude test.

8. Confirmation of the authenticity of the attestations from chartered engineering consultants in the procedure of establishment

ECEC requires regulations that in the event of justified doubts the competent authorities of the host Member State may require confirmation of the authenticity of the attestations and evidence of formal qualifications awarded in that other Member State.

General Provisions

9. Use of academic titles – compulsory additional details

ECEC welcomes the implementation of regulations, that the title has to be followed by the name and address of the establishment or examining board which awarded it.

Moreover it shall be required that where an academic title of the home Member State is liable to be confused in the host Member State with a title which, in the latter Member State, requires supplementary training not acquired by the beneficiary, the applicant shall use the academic title of the home Member State in an appropriate form.

10. Nomination of delegates from the different subject areas for the Committee on the recognition of professional qualifications plus compulsory prior-consultation in qualification matters with the professional bodies

ECEC claims a compulsory commitment, that the single members of delegation can change within one session of the committee in order to cover every subject area with experts.

Further the consultation of experts from the profession of chartered engineering consultants shall be determined in an appropriate manner in the context of the work of the committee.

11. Administrative co-operation between the competent authorities for the provision of services

ECEC welcomes the compulsory obligation that the competent authorities of the host Member State may ask the competent authorities of the Member State of establishment to provide any information relevant to the legality of the service provider's establishment and his good conduct, as well as the absence of any disciplinary or criminal sanctions of a professional nature.