

**Answers of the European Council of Engineers Chambers – ECEC
(representing approx. 300.000 European Chartered Engineers)
to the Green Paper Modernising the Professional Qualifications Directive**

1. Comment to Introduction

The Commission does not make any difference in the efforts to improve mobility for the group of employees and for the group of self-employed service providers. In reality different approaches would be necessary. It is clear enough that it makes a considerable difference if e.g. an engineer works self-employed with personal responsibility and liability in the host country or if he/she is employed – with liability of the employer - in an engineering company which already complies to national professional access requirements. It is not very effective to abolish requirements of quality assurance for entrepreneurs in order to increase mobility of employees. This will never bring the desired results but will in some branches needlessly endanger quality standards of services.

We also want to point out that in our experience professional recognition is not the most important hindrance of market access. Even if a professional is recognised he/she has to face problems which make it very difficult to work in another country (different scopes of services, different standards, indirectly discriminating requirements in building laws, different software systems for procurement procedures etc).

We would also like to stress that we are worried by a possible horizontal simplification, indiscriminately applying to all (professional) services, independent of the required quality and safety assurance

2.1 The European Professional Card

Question 1: *Do you have any comments on the respective roles of the competent authorities in the Member State of departure and the receiving Member State?*

It has to be absolutely clear that a professional card can only be issued by the national public competent authority / the legally authorized professional Chamber and not – as was discussed in view to an Engineer's card – by a private professional association.

This is the only way to ensure correct information and validity (only competent authorities and legally authorized professional chambers have access to up-to-date information on professional authorizations and many professional chambers are already issuing professional cards on national level). The fact that in non-regulated countries a public competent authority for issuing the cards has to be named is

positive. Only if there is a reliable contact in the home member state recognition procedures can be handled in a fast and efficient way.

The approach of a stronger involvement of the home member state in recognition procedures is also positive. In some branches this concept already works quite well. A lot of competent authorities /chambers are already certifying all necessary information for the recognition in one document and vice-versa also accept such certificates.

We are not sure if the issuing of a card is actually necessary and brings any added value. Certificates could be exchanged between the competent authorities via the IMI – and speed up the recognition procedure - without technically and logistically complicated card systems. Such certificates could be helpful both for temporary and permanent mobility.

The establishment of a card system raises a lot of questions that are far from being solved yet.

Question 2: Do you agree that a professional card could have the following effects, depending on the card holder's objectives?

a) The card holder moves on a temporary basis (temporary mobility):

- **Option 1: the card would make any declaration which Member States can currently require under Article 7 of the Directive redundant.**
- **Option 2: the declaration regime is maintained but the card could be presented in place of any accompanying documents.**

b) The card holder seeks automatic recognition of his qualifications: presentation of the card would accelerate the recognition procedure (receiving Member State should take a decision within two weeks instead of three months).

c) The card holder seeks recognition of his qualifications which are not subject to automatic recognition (the general system): presentation of the card would accelerate the recognition procedure (receiving Member State would have to take a decision within one month instead of four months).

To a) Option 1: There are countries where the declaration system is not in force anymore and the service provider just has to inform the client about his professional authorisation, insurance etc. We think that this system is uncomplicated and has positive sides.

Option 2: Nevertheless, for member states which still use the declaration system we think that it is enough if the card can be presented instead of the accompanying documents.

To c) An EU wide acceleration of the recognition procedure is in principle very desirable. Indeed complete documents make the recognition procedure in cases of permanent establishment easier. Nevertheless we think that a deadline for decisions within four weeks is not very realistic in view to national recognition systems as they work know.

We also think that the time pressure is not so strong in establishment procedures as long as the provision of temporary cross border services is easily possible.

See also answers to question 1

2.2 Focus on economic activities: the principle of partial access

Question 3: Do you agree that there would be important advantages to inserting the principle of partial access and specific criteria for its application into the Directive? (Please provide specific reasons for any derogation from the principle.)

No, we don't see any advantages. On the contrary, in our view partial access is only a question in individual cases so an insertion of the principle in the directive is not necessary. For these cases the reference to the principles of the EU Treaty should be enough.

The partial access should be restricted to these singular exceptional cases. It leads to confusion and uncertainty of clients/consumers and fragments the market in a very undesirable manner. Additionally it is also difficult to handle for national (controlling) authorities.

2.3 Reshaping common platforms

Question 4: Do you support lowering the current threshold of two-thirds of the Member States to one-third (i.e. nine out of twenty seven Member States) as a condition for the creation of a common platform?

Do you agree on the need for an Internal Market test (based on the proportionality principle) to ensure a common platform does not constitute a barrier for service providers from non-participating Member States? (Please give specific arguments for or against this approach.)
Professional qualifications in regulated professions

Yes, we do think that the lowering of the current threshold of two-thirds of the Member States to one third is a necessary condition for the creation of a common

platform. As such a common platform agreement brings mainly advantages we think that even a further lowering of the threshold would be possible and would make sense. Especially for engineers we see the common platform as an important chance for making the recognition procedures easier. Therefore the creation of platforms should be as easy as possible.

The Internal Market test should not be a hindrance. It must be clarified that the test cannot prevent the creation of the platform with the sole argument that there are non-participating member states that cannot fulfil the qualification level on which the participating member states have agreed. Otherwise the lowering of the threshold would only be a farce. It is necessary to beware that a platform does not worsen the situation for applicants of non-participating member states but only improves the situation for those applicants of participating member states, as the normal procedures of the general system are of course existing in parallel.

2.4. Professional qualifications in regulated professions

Question 5: Do you know any regulated professions where EU citizens might effectively face such situations? Please explain the profession, the qualifications and for which reasons these situations would not be justifiable.

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3.1 Access to information and e-government

Question 6: Would you support an obligation for Member States to ensure that information on the competent authorities and the required documents for the recognition of professional qualifications is available through a central on line access point in each Member State? Would you support an obligation to enable online completion of recognition procedures for all professionals? (Please give specific arguments for or against this approach).

Yes, an obligation to ensure that information about competent authorities and required documents for the recognition of professional qualifications are available through a central online access point would be helpful. At the moment the information situation is not satisfying.

Even the Points of Single contact which had to be established according to the services directive in many member states do not fulfil these requirements (yet?).

The possibility to complete recognition procedures online would probably be a considerable facilitation for many applicants.

3.2.1. Consumers crossing borders

Question 7: Do you agree that the requirement of two years' professional experience in the case of a professional coming from a non-regulating Member State should be lifted in case of consumers crossing borders and not choosing a local professional in the host Member State?

Should the host Member State still be entitled to require a prior declaration in this case? (Please give specific arguments for or against this approach.)

It might make sense to lift the requirement for professions like tour guides but definitely not in case of planning/engineering services as it makes no difference at all if a client is crossing the border in order to e.g. build a house in a host member state or if he already is situated in the host country. Therefore we are against a change of the current regulation as there is no practical need for that at all. This would only endanger the quality of planning/engineering services.

3.2.2 The question of "regulated education and training"

Question 8: Do you agree that the notion of "regulated education and training" could encompass all training recognised by a Member State which is relevant to a profession and not only the training which is explicitly geared towards a specific profession? (Please give specific arguments for or against this approach.)

No, the requirements for training geared towards the profession cannot be eased for the profession of chartered engineers. We see no practical need for this and such a change could endanger the quality of the training and therefore also the quality of the services. As services of chartered engineers are often in the public interest and can have an impact on the quality of life, security and health of people the quality of these services is very important.

3.3 Opening up the general system

3.3.1 Levels of qualification

Question 9: Would you support the deletion of the classification outlined in Article 11 (including Annex II)? (Please give specific arguments for or against this approach).

No, we think that it is very important to keep the classification outlined in Art 11. It is a practical and proven system that is also widely accepted. At the moment there is no other system available that could be an acceptable alternative. The European Qualification Framework and the national allocations are firstly not perfected yet – it is not implemented in many European Members Countries yet - and therefore is still widely unknown. Secondly we principally doubt that the EQF can ever be an

appropriate basis for professional recognition. We think it is the wrong approach, to neglect/underestimate the duration of studies. For many professions also a personal maturing and developing process is necessary which also takes a certain amount of time.

A changeover in the directive to the EQF system would definitely lead to huge practical problems in professional recognition.

We also think that for highly qualified professions as the profession of chartered engineers it is important that, if there is a difference of two or more levels between the qualification of the professional and the qualification required in the host Member State, the recognition is not possible. Otherwise there is a danger that huge additional practical efforts and costs in view to compensation measures will arise for the host member state but also for the applicant him/herself. With such huge differences in the level of education it can often not be seen as the same profession any more. Additionally the abolishment of this regulation could lead to a complete erosion of academic qualifications and of highly qualified national professions. Especially in the case of engineering services this would be very dangerous and undesirable as many of these services are provided in public interest and therefore have an impact on quality of life, security and health of persons.

The problems that would arise from the abolishment of Art 11 would not improve mobility but on the contrary would lead to massive confusion and obstacles that hinder mobility. The EQF has no solution to these problems.

3.3.2 Compensation measures

Question 10: If Article 11 of the Directive is deleted, should the four steps outlined above be implemented in a modernised Directive? If you do not support the implementation of all four steps, would any of them be acceptable to you? (Please give specific arguments for or against all or each of the steps.)

See answer to Question 9

We object to the abolition of Art 11 and therefore don't see the necessity of the four steps. Nevertheless this question already shows that even the Commission is aware how many problems would arise from the abolition of Art. 11.

Apart from that we are not against an obligation for competent authorities to give reasons for their decisions on compensation measures.

3.3.3 Partially qualified professionals

Question 11: Would you support extending the benefits of the Directive to graduates from academic training who wish to complete a period of

***remunerated supervised practical experience in the profession abroad?
(Please give specific arguments for or against this approach.)***

We agree that it has to be possible for graduates of an academic training to obtain supervised professional practice in another member state and to get this practice accepted for professional access in the home country.

In our experience this is already possible and widely done.

Nevertheless, a regulation in the directive, stating that professional experience acquired in another country cannot be rejected in the home country with the sole argument that it was acquired in another country, could be helpful. There should be ways to guarantee that the public competent authority has the possibility to verify the consistency of the training performed abroad.