

**ECEC Position on the European Commission's Proposal for a
Directive amending Directive 2005/36/EC on the recognition of professional
qualifications - COM (2011) 883 final**

- **Partial access**

Art 1 and Art 4 1. and 4f:

It is problematic to „institutionalize“ the partial access to the profession in the directive instead of seeing it as an exception. That a person who is only partially qualified can practice the profession like any fully qualified national leads to enormous problems for the competent authorities in view to the scope of licences. From this confusion subsequent problems can arise for example in view to professional liability and insurances.

In fact this regulation forces member states to establish new professions, which are not in accordance of the national systems. As the professions are structured very differently it cannot be presumed that an activity can be “objectively” divided from activities that are part of the regulated profession in the host country only because they are a profession in the home country.

Of course this system would lead to a lot of confusion for consumers and also for public procuring authorities who will have problems in view to checking the suitability to pursue the professional activity.

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. In view to the profession of engineers the concept of partial access has therefore to be rejected due to overriding reasons of general interest.

- **Professional Card**

Art 4a –e:

Card format:

From Art 4a the question arises, in which form the card shall be issued. The ECEC understands that the Commission finally only uses the concept of an electronic certificate and not a plastic card, which is extremely welcome as a plastic card would mean a lot of effort and also a lot of unsolved (technical and legal) problems and would not be able to provide the safety / actuality that is necessary to really accelerate recognition procedures. Therefore the ECEC understands that in each of these cases an IMI file is issued.

Therefore it is confusing that Art. 4b point 4. seems to imply, that the issuing of an IMI file is additionally to issuing a professional card (...information contained in the European

Professional Card and in the IMI file...) and Art 4a point 6 regulates that the Commission “shall adopt implementing acts specifying European Professional Cards for specific professions, establishing the format of the European Card”

The ECEC therefore wants to stress that (only!) the digital professional card that is issued by the public competent authority via the IMI is welcome and reasonable.

The ECEC welcomes the approach to enhance the responsibility of the public competent authority for issuing a professional card and the cooperation between public competent authorities according to Art b ff . Nevertheless it is important that the host member country gets the documents that are entered in IMI in the language of the host Member state and not the language of origin.

Deadlines for decisions:

The deadline of two weeks for the home member state public authority to enter all necessary data and validate the electronic certificate is unrealistically short, therefore ECEC proposed a period of four weeks.

Definition of (public) competent authorities:

In view to the security of the use of data within the professional card system for the ECEC a certain level of definition of a (public) competent authority.

- **Qualification levels**

Artikel 11 / Artikel 13:

In principle the ECEC sees it positive that the Commission – contrary to the ideas in the green paper – keeps up the qualification levels of Art. 11, even though in a „softer“ form. In view of the ECEC this regulation is necessary in order to safeguard quality levels.

The ECEC welcomes the regulation in Art 13 paragraph 4, and understands it in the way that for academic professions recognition can be rejected when the qualification level is not in accordance with the requirements of the host country.

- **Deletion of Common Platform / New concept of Common Training Framework**

Art 15 /Art 49 a and b

The ECEC regrets that the Commission – contrary to the idea of a relaunch of Art 15 – has now completely deleted this approach.

The ECEC is still aiming at an agreement of one third of member states about a minimum duration of studies – without discussion about the content of the studies - plus a minimum duration of professional practice/experience for Chartered Engineers.

The ECEC is not sure, if this approach is possible in the new concept of Art. 49 but does hope so.

If Art 49 a can be understood in this way the concept could be an interesting new approach that could lead to automatic recognition also for chartered engineering professions.

But it is extremely problematic that according to Article 49a point 2 (d) the system of the European Qualifications Framework has to be applied. It does not make sense to use two different systems in the directive and the levels of Art.11 are more appropriate and much easier to handle than the EQF system which is also practically still not fully developed/implemented yet. The ECEC would also like to stress that the factor of duration of studies, which is very much blurred in the EQF system, still has to be seen as a very important recognition criterion. For the practical implementation of the model of Common training Framework it is important not to develop parallel systems to the national professions/educational systems.

- **Language Requirements**

Art 53:

The regulation is very vague; therefore it seems necessary that the directive defines the necessary level of language knowledge.

It also has to be made clear, that for many professions it is fully sufficient if the language knowledge is provided by employees or partners.