



## **CEPLIS TELEGRAM**

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**- Directive proposal amending 2005/36: some comparisons**

/	<b>EUROCADRE-CEPLIS joint position</b>	<b>ETUC-ETUCE-EPSU- EUROCADRES-CEPLIS proposed amendments</b>	<b>Draft report Vergnaud Committee IMCO</b> <b>(Our own translation, there is no official version of Ms Vergnaud's draft report in English yet)</b>	<b>Draft opinion Ronzulli Committee of Employment and Social Affairs</b>
<b>European Professional Cards Proposal</b>	<ul style="list-style-type: none"> <li>- Difficult to achieve in the expected timeline</li> <li>- A potential means of reducing complexity in some cases</li> <li>- 'Tool' and not an 'objective' of the modernisation</li> <li>- <u>Cards should not be mandatory for all Competent Authorities before their precise objective, specification, information architecture, security and interoperability issues have been properly addressed by both professional associations and social partners along with</u></li> </ul>	<ul style="list-style-type: none"> <li>- In sectors others than health and social care, the competent authority of the home Member State shall verify the application, create and validate a European Professional Card within two weeks from the date it receives a complete application.</li> <li>- Prior check of the complete application of the professional for the temporary provision of service.</li> <li>- <u>The cost of the card for the applicant should be zero.</u></li> <li>- Member States shall provide a</li> </ul>	<ul style="list-style-type: none"> <li>- <u>In the first phase of implementation of the system, processing deadlines should be extended to ensure optimum performance and a better quality of service.</u></li> <li>- <u>Precision of the voluntary character of the introduction of the professional card (on-demand of the professions)</u></li> <li>- <u>The choice of the recognition process by means of a professional card should not result in additional cost for the applicant.</u></li> </ul>	<ul style="list-style-type: none"> <li>- The competent authority of the home Member State shall verify the application, create and validate a European Professional Card within four weeks from the date it receives a complete application.</li> <li>- <u>The Commission shall support Member States in implementing a process to introduce the compulsory adoption of the European Professional Card. This process may be preceded by an impact study.</u></li> <li>- Member States may establish criteria under which they can identify professions which should be issued with the European Professional Card as a</li> </ul>

	<p><u>competent authorities.</u></p> <p>- Priority must be first to make the IMI mandatory for all competent authorities in all professional areas.</p>	<p>list of professions requiring a prior check of application to the European Commission.</p>	<p>- Re-introduce the principle of annual renewal of the declaration (1 year instead of two).</p>	<p>matter of priority.</p> <p>Initially, the following criteria shall be indicated as being of priority:</p> <ol style="list-style-type: none"> <li>1. the profession should be regulated in more than five Member States;</li> <li>2. the profession should have a high mobility potential within the European Union;</li> <li>3. considerable interest should have been expressed by the professionals or professional associations.</li> </ol>
<p><b>Article 11 Qualifications Levels</b></p>	<p>- Classification in the Directive should be phased out gradually</p> <p>- There needs to be a way of relating the intellectual level of professional work, and the volume of learning required to achieve it, to a commonly accepted framework.</p> <p>- Gradual change over from the time-based levels of Art 11 to a more comprehensive Europe-wide qualifications and credit</p>	<p>/</p>		

	framework.			
<b>Partial Access</b>	<p>- The proposed partial access should not be accepted</p> <p>-The possibility of derogation is not sufficient and not a guarantee for the level of qualifications and services provided.</p>	<p>- Oppose the introduction of partial access for the sectorial professions falling under the regime of automatically recognised professions and for health professions in general.</p> <p>- Reject the case-by-case approach suggested by the proposal.</p>	<p>- If it is accepted that the principle of partial access should not apply for compelling reasons of general interest, including protection of health and public safety, this measure should be generally applied to an entire profession and not on the basis of a case-by-case approach.</p>	<p>- Partial access may be rejected if such rejection is justified <b>by an overriding reason of general interest (every reason not only public health)</b>, it would secure the attainment of the objective pursued and it would not go beyond what is strictly necessary.</p>
<b>Common Training Principles</b>	<p>- We strongly support the idea of ‘common training principles’ in the form of a meta-framework for professional qualifications, on to which various national formation arrangements can be mapped.</p> <p>- Such a framework would provide a basis for comparable assessment of compliance, and a logical explanation of where, in a particular case, the candidate’s record was deficient</p>	<p>- National social partners and professional associations representing the sectorial professions concerning both regulated and non-regulated professions should also prepare the common training framework and test.</p>	<p>- With regard to the professions that do not benefit from the automatic recognition, the new provisions relating to Common Training Frameworks give rise to high expectations, to the extent of the failure of the current mechanism of the common platform. The Rapporteur believes that these tools, well controlled with a broad consultation can serve as an efficient passerelle between the general and the automatic recognition, and thus facilitate mobility while ensuring a high level of quality and mutual trust.</p>	

	<ul style="list-style-type: none"> <li>- The common training tests proposal of art 49/6 is possible only for some professions, and has the potential to undermine the effective operation of a «common training framework» for the most highly qualified professionals and we are therefore opposed to it.</li> </ul>		<ul style="list-style-type: none"> <li>- The Directive could also introduce a mechanism of control on the quality of training provided by institutions regarding the requirements set by the Directive, in order to clarify any doubt about the true value of attended training.</li> </ul>	
<b>Temporary mobility</b>	<ul style="list-style-type: none"> <li>- The meaning of the concept should be explored further</li> <li>- The role of the host Member State is crucial.</li> <li>- Removal of the recognition of professional experience requirement in such cases may cause problems.</li> </ul>	<ul style="list-style-type: none"> <li>- We request the Commission to explain in the Directive what the Commission means under temporary and occasional period of provision of service</li> <li>- Change the expressions “temporary regime” and “temporary card” into “temporary and occasional mobility regime” and “temporary and occasional card”.</li> </ul>	<ul style="list-style-type: none"> <li>- European professional card for the <b>temporary and occasional</b> provision of services other than those covered by Article 7, paragraph 4</li> </ul>	
<b>Promote mobility of newly graduated</b>	<ul style="list-style-type: none"> <li>- The mobility of newly graduated professionals has to be promoted; especially in the light of their difficult</li> </ul>		<ul style="list-style-type: none"> <li>- In this financial, economic and social unprecedented crisis since its birth, Europe needs to stimulate a new spirit of</li> </ul>	<ul style="list-style-type: none"> <li>One way to encourage mobility, especially for the younger generations, could be to focus on merit and competition in the</li> </ul>

<p><b>professionals</b></p>	<p>unemployment situation.</p>		<p>dynamism and innovation based on the values of unity, diversity, and solidarity. For many European citizens, especially youth, affected in alarming proportions by unemployment, job mobility may be a necessity in order to ensure a future and regain confidence in the European project.</p>	<p>liberal professions, lowering the barriers to entry and reducing the areas of activity reserved exclusively for those who are on registers or lists.</p> <p>!/ <b>VERY DANGEROUS!</b> \</p>
<p><b>Transparency and Mutual Evaluation</b></p>	<p>- We are pleased to see that the Commission has taken up the suggestion made for a mutual evaluation exercise which would allow Member States to compare their regulatory approaches and to simplify, where necessary, their national legal frameworks for the regulated professions.</p>			
<p><b>Continuous Professional Development</b></p>	<p>- We are disappointed to see that the concept is not mentioned at all. It remains for us a vital part of the Directive's purpose.</p> <p>- It can identify levels of</p>	<p>- Member States must have systems in place to ensure that health professionals can regularly update their skills through some type of continued professional development.</p>		

	<p>competence and qualification achieved through lifelong learning and professional experience.</p> <p>- Those member States, which require their own citizens to maintain their fitness to practice through validated CPD, must be able to apply that same condition to inwardly migrating members of that same profession.</p>			
<p><b>Language testing</b></p>		<p>- Cost for the applicants should be free.</p> <p>- Systematic language control to all professions (not only the ones in the medical sector)</p> <p>- Professions with patient safety implications: systematically assess of the language</p>	<p>- Change 'language control' to 'language verification'</p> <p>- In the case of professions with implications <b>for public health and patient safety</b>, Member States may confer upon the competent authorities the right <b>to verify the language skills</b> of all professionals involved.</p>	

		competences of the applicants.	<ul style="list-style-type: none"> <li>- <b>Verification of language skills</b> is limited to the knowledge of one of the official languages of the Member State at the choice of the person concerned</li> <li>- Verification of language skills should be of no cost to the professional</li> </ul>	
<b>Alert mechanism</b>	/	<ul style="list-style-type: none"> <li>- Alert mechanism to all professions</li> <li>- In case of conduct against the professional and after a decision of the competent authority to prohibit the pursuit of the relevant professional activity.</li> <li>- The alert is extended to professional activity, whose work would have negative effect not only on the health and safety of the people and the environment, <b>but also</b> the generally on any citizens and</li> </ul>	<ul style="list-style-type: none"> <li>- The alert mechanism should apply to all professionals, regardless of the way they have chosen in order to obtain recognition of their qualifications.</li> <li>- For safety reasons, the transmission of information should be as quick as possible.</li> <li>- The warning mechanism in case of revocation of the right to exercise should be completed with a warning in the case of professionals convinced of</li> </ul>	<ul style="list-style-type: none"> <li>- Member States shall ensure that the holder of a European Professional Card has the right at any time and at no cost to request the rectification, deletion and blocking of his file within the IMI system upon request and that he is informed of this right at the time of issuing the European Professional Card, and reminded of it every two years after the issuance of his European Professional Card.</li> </ul>

		consumers.	attempted fraud.  - The authorities should be advised only in case the facts could lead to a revocation of the right to practice	
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