

SUMMARY OF THE RESPONSES
TO THE
GREEN PAPER ON MODERNISING
THE PROFESSIONAL QUALIFICATIONS DIRECTIVE

On 22nd June 2011, the Commission adopted the Green Paper on the modernisation of the Professional Qualifications Directive (Directive 2005/36/EC). Stakeholders and interested parties were invited to submit comments by 20th September 2011 in order to allow the Commission to prepare a legislative proposal for modernising the 2005 Professional Qualifications Directive 2005.

This summary attempts only to give an account of the responses as they were presented to DG Internal Market and Services, including those whose authors requested that their submission be treated as confidential. It does not put forward an opinion on the responses. The summary does not express the views of the Commission services (nor do the Commission services necessarily agree with all the views expressed therein).

OVERVIEW OF RESPONDENTS

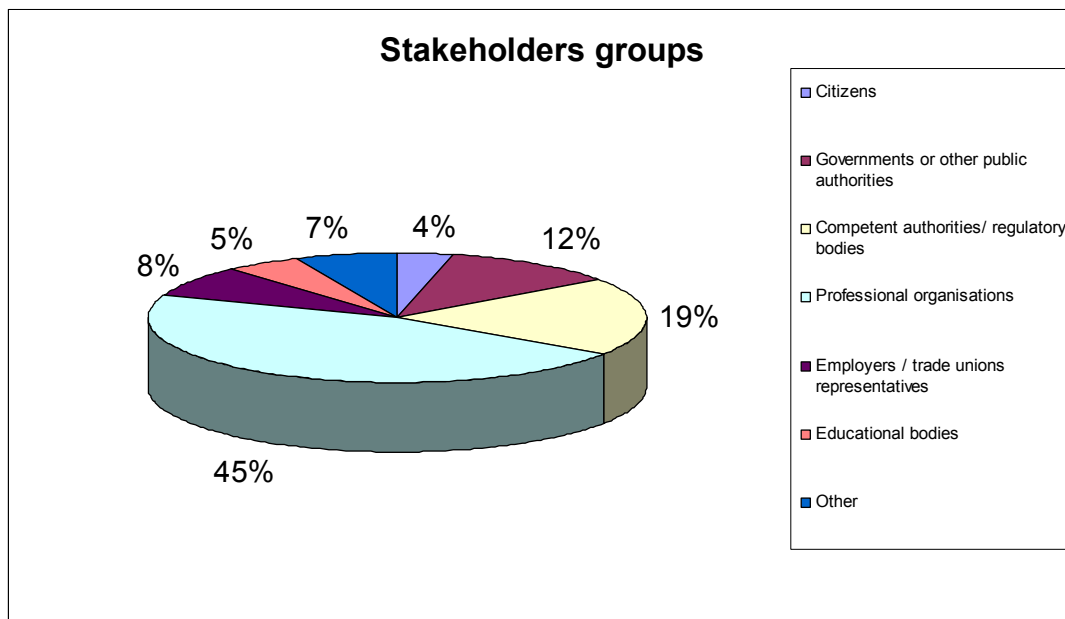
Overall, 424 contributions on the Green Paper were received.

Given the wide range of questions raised in the Green Paper, it is impossible to present all replies in detail. Those interested in reading more are invited to consult the individual responses to the consultation which are published on the DG Internal Market and Services website¹ together with this summary.

1) Stakeholders groups

Respondents can be classified into the following categories: citizens, professional organisations, employers/trade union representatives, educational bodies, competent authorities/regulatory bodies, governments/other public authorities, others (including chambers of commerce, patients/consumers organisations, students associations and private companies). 45% of the contributions came from professional organisations, but public authorities and regulatory bodies also provided a significant number of contributions (31%). The chart below shows the percentage breakdown of responses received from each category of respondent.

Chart 1 – Contributions by Stakeholders Groups

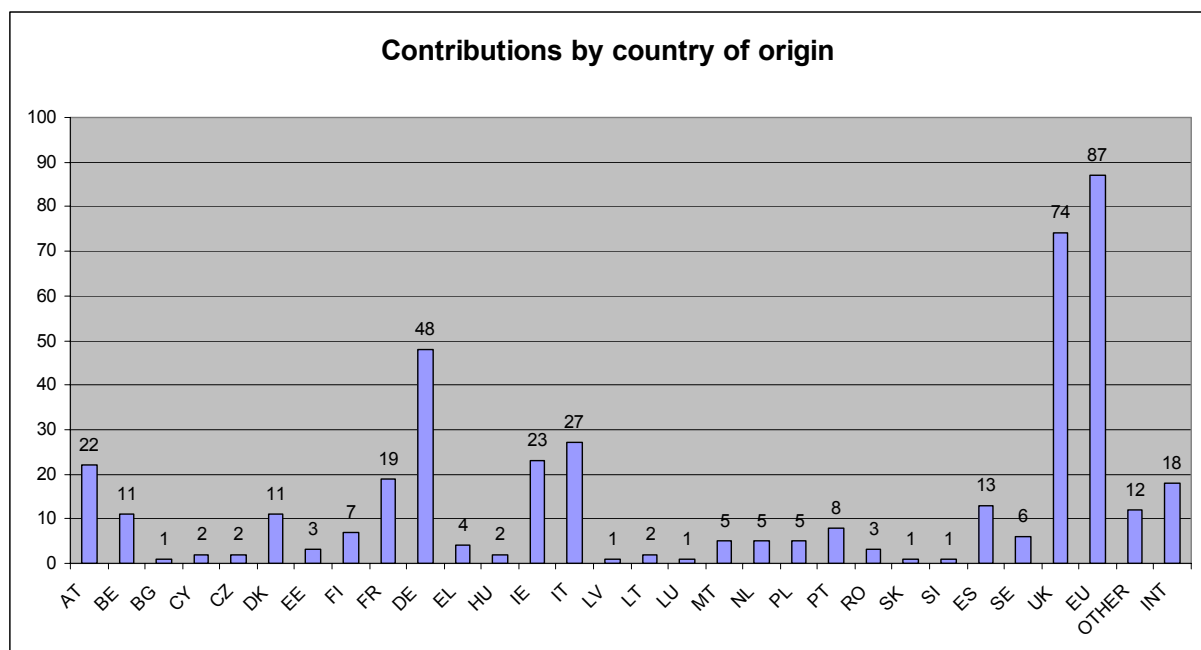


¹ See: http://ec.europa.eu/internal_market/consultations/2011/professional_qualifications_directive_en.htm

2) Country of origin

Contributions were received from stakeholders in all Member States, EFTA countries (Norway and Iceland), one third country (Canada) and several international organisations. Approximately 20% of the replies come from EU-wide professional organisations. Many Member States sent official responses at governmental level and based on due internal consultation, while others responded at the level of individual ministries or departments. Regulatory bodies (competent authorities) as well as regional and local authorities participated in the consultation.

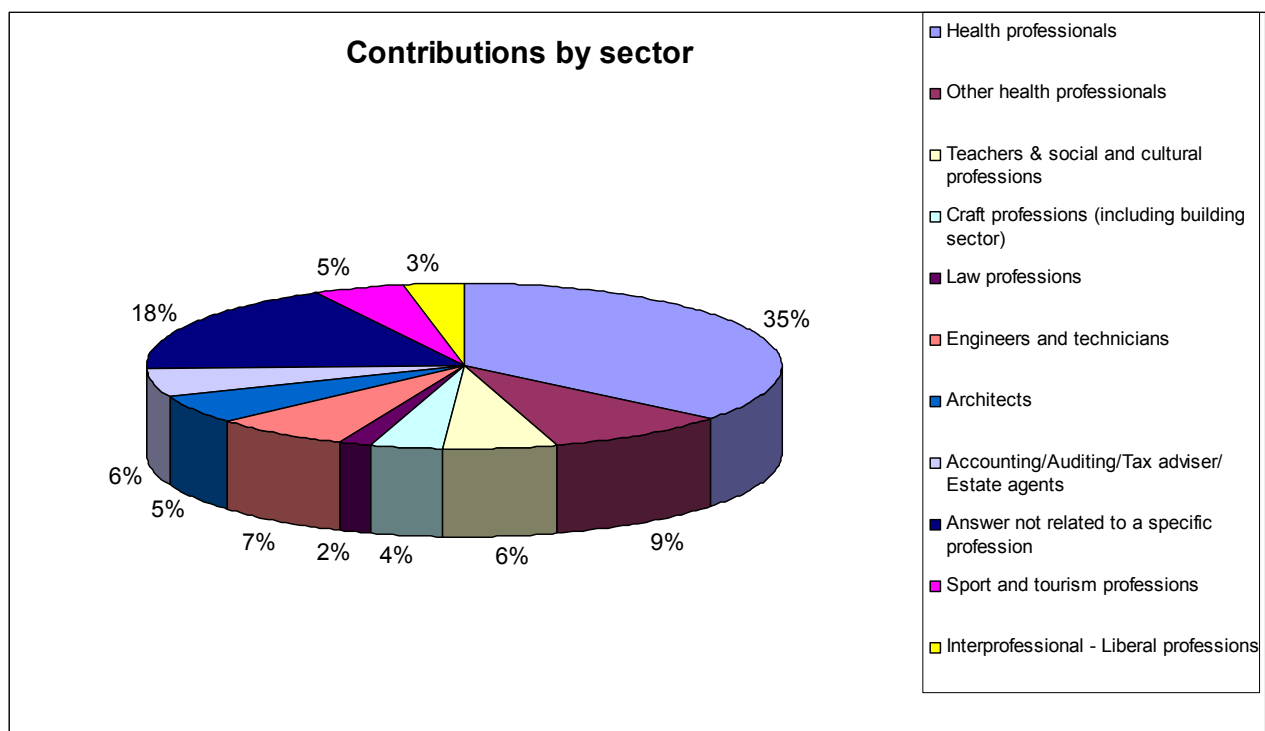
Chart 2 - Contributions by country of origin



3) Sectors

Replies came from a variety of sectors. The health sector contributed approximately 45% of the replies: 35% of replies came from the health professions benefiting from automatic recognition under the Directive and 9% from other health professions (covered by the general system). Technical professions (engineers, architects, technicians) and services to business professions (accounting, auditing, tax advisers, real estate agents etc.) are also widely represented. 18% of the replies were not profession-specific.

Chart 3 - Contributions by sector



OVERVIEW OF THE MAIN RESULTS

The Green Paper invited stakeholders to respond to 24 questions. The first five questions sought feedback on ideas for developing new approaches to mobility (e.g. a European professional card, partial access, common platforms). The eight following questions in the Green paper were related to possible adjustments to the current Directive, (e.g. further facilitating temporary mobility, opening up the general system, clarifying language requirements). The last ten questions concerned the sectoral professions benefiting from automatic recognition and included various proposals to modernise the current system. The final question was dedicated to third country qualifications.

The responses are presented here in the order of the questions in the Green Paper.

1) New approaches to mobility

Q1- The European professional card: role of competent authorities

(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?)

A majority of governments welcome the idea of a stronger involvement of the home Member State competent authorities in the recognition procedures. Some governments (7), however, argue that the responsibility for checking qualifications should remain within the remit of the host Member State. This position is based on the conviction that competent authorities in the Member State of departure cannot assess if the applicant's qualifications are sufficient to exercise the profession in the host Member State. A large number of professional organisations and educational bodies also mention the need to maintain a verification of qualifications in the host Member State.

A few Member States (5) express concerns about the additional workload for the competent authorities in the home Member State. This seems to be particularly problematic for Member States from which many professionals migrate leading to labour shortages in some sectors.

Some professional organisations and competent authorities take a similar view about the administrative burden for the home Member State. Competent authorities for doctors suggest that the home Member State should be compensated for the increased administrative costs. In the same vein, professional organisations representing engineers state that competent authorities in the home Member State should be able to charge a fee.

Several respondents (including organisations representing patients) signal concerns about potential confusion should a voluntary professional card result in two parallel systems for the recognition of qualifications. According to these respondents, the Commission should exhaustively promote the use of the card among professionals and employers in order to avoid this undesirable consequence.

Trade unions request clarification of the role of the home Member State competent authorities, in particular in terms of the verification of documentation. Some governments and professional organisations point out the difficulty in identifying a competent authority responsible for the initial verification in Member States not regulating a given profession.

Q2 - The European professional card: legal effects

(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).

a) Temporary mobility

On temporary mobility, all Member States express preference for option 2: the declaration regime is maintained but the European professional card could be presented in place of any accompanying documents.

Nearly all professional organisations put forward a similar opinion. Only a few inter-professional organisations are in favour of option 1 because they consider that this option maximizes the simplification for professionals.

b) Automatic recognition

Many governments (14) agree that a European professional card could accelerate the recognition procedure but the majority among them (11) consider that a deadline of 2 weeks for the receiving Member State to take a decision would be too short. Some Member States suggest a maximum deadline of 1 or 2 months. A few Member States (3) express reservations about the potential for the professional card to accelerate recognition procedures. Other governments (3) consider that the definitive shortening of deadlines might be possible only after an experimentation phase.

Professional organisations and competent authorities representing craft professions and health professions benefiting from automatic recognition (doctors, dentists, pharmacists, nurses, midwives and veterinarians) support the shortening of deadlines under the automatic recognition regime. Many of them also note that a 2 week deadline would be too short.

Professional organisations and competent authorities for architects seem to be doubtful about the possibility of shortening the timeframes for obtaining a recognition decision.

c) General system

The position of Member States on the possible acceleration of recognition procedures under the general system is quite similar to that reported for automatic recognition: most of them (13) could envisage quicker recognition procedures but the proposed deadline of one month for completion by a host Member State is considered unrealistic.

A small number of Member States (3) argue that the use of a professional card under the general system is not desirable.

Some professional organisations, for example those representing engineers and social workers, are in favour of an acceleration of procedures but also do not consider it feasible to complete the recognition process within one month.

Some organisations suggest that applications under the general system could be processed more quickly only through a "common platform" allowing for automatic recognition or other EU-wide systems such as the Diploma Supplement. Trade unions stress that the European professional card should be compatible with the European Skills Passport.

Other professional organisations are more sceptical about the possible benefits of a professional card for the general system, because the card is not expected to reduce the differences in training and qualifications. For example, representatives of accountants explain that the main problem linked to mobility within their profession is the lack of harmonisation in company and tax law; in this regard, a professional card would not bring any benefit.

Other comments on the card

- The increased role of IMI in the process is generally welcomed. Some stakeholders however mention the problem of translation for the exchange of information and documents through IMI.
- Many respondents, notably in the health, education and social sectors, express concerns about the costs of a professional card and the bureaucracy involved in its operation. Some stakeholders suggest promoting wider use of IMI amongst competent authorities instead of introducing a professional card for professionals.
- Some organisations put forward the suggestion that the European professional card be implemented on the basis of professional cards used at national level.
- Some professional organisations (e.g. real estate, social workers and some of the engineering associations) suggest that professional associations be entitled to assist competent authorities in issuing the card.

Q3 - 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?)

Overall, governments acknowledge the need to clarify the principle of partial access in the Directive, in line with the criteria defined in the Court of Justice jurisprudence. They consider that the incorporation of the principle into the Directive would allow a common understanding of the concept and would offer more flexibility to applicants.

However, the majority of governments (16) consider that partial access should not apply to health professions. Several Member States also suggest exceptions for architects, law professions, teachers and ski instructors.

Some governments (5) express scepticism about the proposal because they believe that partial access may fragment professional activities and create confusion for consumers.

Professions in the construction sector (e.g. spatial planners, surveyors, construction experts, real estate professionals and some engineering associations) generally express support for including partial access in the Directive. They stress, however, that clear criteria should be established in order to avoid recourse to the principle to limit market access.

Many other professional organisations, notably in the craft and business services sectors (e.g. accountants, tax advisers) and trade unions appear to be more reluctant, arguing the principle should be restricted to exceptional circumstances. A large number of stakeholders in the areas of health, education and social services state that partial access cannot be applied to their profession. Some organisations express the concern that introducing partial access would lead to an increase in the number of regulated professions.

Q4 - 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?)

A large majority of Member States (17) are in favour of reshaping the concept of common platforms to enable more professions to benefit from automatic recognition of professional qualifications. To this end, these respondents support the suggestion that the current threshold of 18 Member States be lowered.

Some Member States (7), however, express reservations about the threshold proposed in the Green Paper, considering that 1/3 of Member States is too low. Among them, two Member States suggest a threshold of 50% +1 (i.e. 14 out of 27 Member States), notably to avoid the risk of competing common platforms for the same profession. One government expresses a preference for the idea of a "28th regime" which could lead to the emergence of common professional standards for some professions.

The idea of an "internal market test" is supported by many Member States but considered unclear by three governments.

Many professional organisations and educational bodies support the idea of reviewing common platforms and suggest it is worth exploring the new concept, as outlined in the Green Paper. The idea of developing common training standards and competencies, allowing for more automatic recognition, is generally welcomed by these stakeholders.

Paramedical professions, psychologists, social workers, construction experts, real estate and sport professions appear to be particularly supportive of the proposed reform. Some stakeholders representing pharmacists and nurses see in it an opportunity to facilitate the recognition of specialist pharmacist or nurse qualifications.

Engineers appear to be split on the issue: a majority of professional organisations is in favour of the proposal made in the Green Paper; but others believe that there should be no threshold for setting up a common platform.

In contrast, organisations representing other professions (e.g. accountants, tax advisers, liberal professions) seem unconvinced by the proposed changes. According to some, a threshold of 9 Member States is not sufficient because it could lead to competing recognition regimes for the same profession.

Q5 - 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.)

The majority of Member States report not having encountered any situations in which disproportionate qualifications requirements created obstacles to mobility which could not be overcome by either compensation measures or partial access. One Member State notes that this situation may arise in the case of recognition of medical specialties. Another Member State reports problems its own citizens are facing for accessing the professions of tourist guide and engineer in some Member States. Some professional organisations point to obstacles to accessing the teaching profession.

Four Member States do not report concrete problems but state in general terms that the number of regulated professions throughout the EU is too high and may create obstacles to mobility. Two governments suggest launching a process of examination of the regulatory regimes for certain professions in the Member States. European organisations representing employers in industry and commerce also express support for the idea of an evaluation of regulated professions in order to identify regulations causing unnecessary obstacles to the mobility of professionals.

Professional organisations in the craft sector note that the regulation of professions is the responsibility of Member States and is not the cause of any of the problems faced by mobile professionals.

2) Building on achievements

Q6 - 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?)

a) Access to information

Nearly all Member States (22) support the proposal for central online access points on the recognition of professional qualifications. Some Member States (6) mention that the Points of Single Contact (PSC) created under the Services Directive would be best placed to -act as

online access points. One Member State expresses a preference for using the National Contact Points (NCP) established under the current Directive on the recognition of professional qualifications.

Two Member States express reservations about the creation of central online access points, notably due to concerns about possible costs for setting up such structures. Two other Member States argue that a central access point is not necessary, since other information structures already exist.

A very large majority of professional organisations, competent authorities, educational bodies and trade unions support the idea of online central access points. According to some of these respondents, the central access points should be responsible for informing the professionals and should work in close collaboration with the competent authorities

b) E-government

Concerning the possibility of enabling recognition procedures online, a large majority of Member States (15) signal agreement in principle but note that problems may emerge in relation to the verification of authenticity of documents. Many governments suggest maintaining the possibility to ask for original or certified copies of documents while others request development of application forms with electronic signatures. A point stressed by several governments is that the central access point should not necessarily be in charge of carrying out recognition procedures; this should be left to competent authorities.

Many professional organisations defend a similar position, explaining that solid safeguards are needed for the identification of professionals and verification of documents. For them, introducing online completion of all recognition procedures might be premature at this stage. These stakeholders also stress that online procedures should not be the only way to submit applications for the recognition of qualifications.

Q7 - Temporary mobility: 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?)

Member States seem to be divided on this question.

A majority of the Member States responding to this question (12) express support for the idea of removing the requirement of two years of professional experience for professionals accompanying their clients while supporting the retention of the national option to request a prior annual declaration. Some Member States argue that this requirement constitutes a formal barrier to mobility for professionals coming from non-regulating countries.

Other Member States (8) express opposition to this idea, stating that the requirement is a guarantee against "forum shopping" and is aimed at ensuring a certain level of quality for consumers. Another reason for opposing this idea is the view that the host Member State should differentiate between local consumers and consumers from other Member States.

The views of professional organisations on this question are mixed. Some professions (e.g. geologists, spatial planners, some organisations in the tourist sector, some organisations in the engineering sector) appear to be in favour of removing the requirement of two years of professional experience but stress that declaration should be retained in areas where there are specific rules in the host Member States relating to safety aspects (e.g. construction). Other professions (e.g. health professions, social workers, accountants, real estate professions, craft) do not support this idea.

Q8 - Temporary mobility: 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?)

A majority of the responding Member States (12) are in favour of widening the definition of "regulated education and training" in order to allow more flexibility while others (8) oppose this idea. The main reason for the opposition seems to be that the notion of training "relevant" for a profession is too vague and difficult to implement in daily practice. If the definition of "relevant" education and training were left to the discretion of competent authorities, it might create further obstacles to mobility.

Two Member States suggest encouraging exchanges of information on what constitutes regulated education and training in their national context and what are the contents of these training programmes.

Some professions (e.g. real estate professions) seem to perceive benefit in extending the concept of "regulated education and training". However, the majority of professional organisations and educational bodies are not supportive of this proposal. Some stakeholders state they do not believe that general transferable skills could substitute a profession-specific training. In particular, regulators are concerned that extending the concept would pave the way for less specific education, which would undermine professional competence.

Q9 - Opening up the general system: levels of qualification

(Question 9: Would you support the deletion of the classification outlined in Article 1- including Annex II)?

A large majority of Member States (17) declare themselves against the deletion of the classification of educational levels listed in Article 11. The most frequently mentioned reason is the need to maintain a common language for the comparison of qualifications. Some Member States even suggest that removing the qualification levels might generate additional obstacles to mobility, since competent authorities may impose compensation measures more frequently. Three Member States insist on the need to maintain the possibility – linked to the current classification - to reject applications in case of "under-qualified" applicants who are neither at the same level nor one level below.

Among Member States opposing deletion of Article 11, many (11) request adjustments to the current classification, taking into consideration the levels defined in the European

Qualifications Framework (EQF). At the same time, two Member State express strong doubts about the use of the EQF in the context of the Directive.

Only a minority of Member States (7) declare themselves in favour of deleting the current classification of qualifications. According to them, the deletion would help competent authorities to focus on identifying substantial differences in the content of a qualification rather than differences in terms of duration expressed in educational levels.

The views expressed by other stakeholders on this issue are divided:

- Some professional organisations (notably psychologists, social workers, geologists and some engineers) support the deletion of article 11 and express preference for the EQF.
- Several other professional organisations (e.g. accountants, tax advisers and other parts of the engineering profession) do not report the need for deleting the current classification
- Many organisations strongly oppose the deletion of Article 11 (e.g. teachers, health professions, architects, craft, and liberal professions considering that the recognition process would be more complex if there is no benchmark for comparing qualifications).

A view shared by many stakeholders – professional organisations and academic bodies – is that the classification of levels should be maintained until EQF is fully implemented. According to these respondents, only at a later stage might it be feasible to replace the current levels or even combine the current levels with the EQF levels. In the same vein, trade unions suggest a gradual phase out of the classification in the Directive, in line with the development of National Qualifications Frameworks (NQF).

European employers insist on the need to clarify the interaction between the EQF and the Professional Qualifications Directive, in order to avoid confusion for workers and employers.

Q10 - Opening up the general system: 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?)

Member States appear to be divided on the ideas put forward on the review of the use of compensation measures. Six governments express agreement on the four steps outlined in the Green Paper.

A significant number of Member States consider it important to maintain a difference in duration of training of one or more years (see Article 14(1)) as a justification for compensation measures.

Member States seem split also on the second proposal to drop the requirement of two years of professional experience for professionals coming from non-regulating countries (Article 13(2)).

A majority of Member States approve the idea of better justifying the imposition of compensation measures. This idea has also received much of support from professional associations.

The fourth proposal of the obligation to offer aptitude tests twice a year, is more controversial. Many Member States argue that this measure would create extra administrative burden for competent authorities and would be excessive for professions with a low mobility rate, in particular in small Member States.

Q11 - Opening up the general system: 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?)

A large majority of Member States (17) support the idea of extending the scope of the Directive to partially qualified professionals. One Member State notes that this should not apply to teachers and lawyers. Six other Member States consider that extending the Directive to partially qualified professionals would, however, create confusion by increasing the complexity of the existing legal framework.

Other stakeholders appear to be divided on this issue. The proposal has received support (with some reservations) from professional organisations representing accountants, teachers, physiotherapists, architects, real estate professions, sport professions and engineers. On the contrary, the majority of health professions, as well as the craft professions, declare themselves opposed to including this new category in the Directive. They justify their position stating either that this is a national competence or that it would be difficult to organise in practice.

Q12 - Exploiting the potential of IMI: alert mechanism for health professions

(Question 12: Which of the two options for the introduction of an alert mechanism for health professionals within the IMI system do you prefer?)

An overwhelming majority (20) of Member States express preference for option 2 (obligation to alert all other Member States if a health professional is no longer allowed to practise due to a disciplinary sanction). Among them, four Member State consider that this alert mechanism should not be limited to health professionals. Another Member State suggests using this alert also when a professional presents a fake diploma.

Three Member States express preference for option 1 (alert addressed only to some Member States). Two other Member States express reservations about the functioning of this alert mechanism. These reservations are based on concerns about the exchange of personal data and the functioning of IMI. A further suggestion put forward is to create a transparent platform in which it could be possible to check the legal status of a professional.

The majority of professional organisations and social partners also support option 2. In particular, a large majority of stakeholders representing health professions is strongly in favour of option 2 (specifying that the presumption of innocence and data protection rights must be respected). Representatives of the veterinary profession request inclusion of their profession in the alert mechanism.

Some stakeholders suggest extending this alert mechanism to other professions, for example to teachers (to ensure the protection of children). One inter-professional organisation states that the new alert mechanism could also be appropriate for accountants, lawyers, real estate agents or engineers, in cases of fraud or professional misconduct. Trade unions also consider that the issue of safety is a concern not only for the health sector and that the new alert mechanism should be extended to other professions.

Q13 - Language requirements

(Question 13: Which of the two options outlines above do you prefer?)

Option 2 (amending the Directive itself with regard to health professionals having direct contact with patients and benefiting from automatic recognition) is supported by a very significant majority of Member States (20). According to five Member States, this amendment should not only concern health professionals benefiting from automatic recognition but all professions with health and safety implications.

A small number of Member States (5) express a preference for option 1 (clarification of the existing rules in the Code of Conduct).

The majority of professional organisations, competent authorities and trade unions also support option 2. Stakeholders representing health professionals consider that competent authorities should check the language skills of every migrating professional. Many respondents in the health sector believe that option 2 should apply to all regulated healthcare professionals, whether or not they are likely to have direct contacts with patients and whether or not they benefit from automatic recognition.

Some respondents representing other professions (craft professions, some engineering organisations, inter-professional organisations) are in favour of maintaining the current language regime. They express the view that the current provisions of the Directive on language requirements are sufficient and invite the Commission to avoid systematic language testing.

One employers' association expresses concerns about the Commission's suggestion to have a "one-off" control of language skills. They note that employers must retain the ability to assess the language competences of candidates and ask for a clear distinction in this regard between the role of competent authorities and the role of employers.

3) Modernising automatic recognition

Q14 - A three-phase approach to modernisation

(Question 14: Would you support a three-phase approach to modernisation of the minimum training requirements under the Directive?)

A large majority of Member States (17) express support for the three-phase approach outlined in the Green Paper. Many of them however insist on the necessity to address the issue of ECTS and competencies / learning outcomes. One Member State expresses concerns

about the timeline presented in the Green Paper. Three other Member States appear to be overall sceptical about the effectiveness of the proposed approach.

Competent authorities and professional organisations representing doctors and pharmacists welcome the proposed approach. Organisations representing dentists suggest a review of the training subjects and work on competencies and ECTS at an earlier stage in the modernisation process. Organisations representing architects share their view on ECTS. Some organisations representing pharmacists and nurses/midwives express worry that the timeframe could be too short. An organisation representing employers expressed a similar concern, considering that designing a competence-based approach for minimum training requirements is a challenging and lengthy exercise.

Representatives of the veterinarian profession point to the lack of clarity about the use of the new implementing and delegated acts and request the involvement of competent authorities and European professional organisations in the modernisation process.

Q15 - Increasing confidence in automatic recognition: clarifying the status of professionals

(Question 15: Once professionals seek establishment in a Member State other than that in which they acquired their qualifications, they should demonstrate to the host Member State that they have the right to exercise their profession in the home Member State. This principle applies in the case of temporary mobility. Should it be extended to cases where a professional wishes to establish himself? Is there a need for the Directive to address the question of continuing professional development more extensively?)

According to a large majority of Member States, the obligation for professionals to prove their legal status should be extended to cases of establishment. This idea is also largely supported by professional organisations and competent authorities in the health sector and by the bodies representing the architectural profession.

One Member State, however, pinpoints that Annex VII of the Directive already foresees a possibility for competent authorities in the host Member State to ask professionals to prove their legal status and their right to practice in the home Member State. According to another Member State, this obligation should not concern professions falling under the general system (as this would create administrative burden for less regulated countries). Another Member State notes that the right to exercise the profession in the home Member State should not be an absolute condition for recognition (for example in the case of young graduates).

In addition to the obligation to prove any legal status in the home Member State, one Member State argues that professionals benefiting from automatic recognition should also prove recent professional experience (two years of experience in the last five years, unless the applicant graduated in the last three years). This suggestion is not made by any other Member State.

Various Member States (6) take the view that continuing professional development (CPD) should be mentioned in the Directive, in order to avoid situations in which a professional could circumvent the obligation of CPD imposed in one country by establishing in another country. Many professional organisations, competent authorities and trade unions also wish

to make CPD compulsory under the Directive or to put more emphasis on CPD under a modernised Directive.

However, other Member States (4) and professional organisations defend the position that the Directive should not address the question of CPD, notably because there are too many differences between Member States.

Q16 - Increasing confidence in automatic recognition: clarifying minimum training periods for doctors, nurses and midwives

(Question 16: Would you support clarifying the minimum training requirements for doctors, nurses and midwives to state that the conditions relating to the minimum years of training and the minimum hours of training apply cumulatively?)

A vast majority of Member States (19) support the idea of applying cumulatively the conditions relating to training years and training hours for doctors, general care nurses and midwives – professions which benefit from automatic recognition. A few Member States (3) would, however, prefer a definition of the minimum training requirements based on ECTS and/or competencies only. Certain Member States (4) declare themselves against the proposed clarification, because they prefer a more flexible approach (calculation by either years or hours) or because they do not see the need for clarification.

Representatives of doctors appear to be divided on this question: competent authorities do not support this clarification while some professional organisations declare themselves in favour.

The majority of professional organisations and competent authorities for nurses and midwives express agreement with this modification. However, some authorities signal preference for referring only to training hours, while others suggest using years and ECTS only.

Representatives of the dentist profession suggest that this cumulative criteria (years and hours) also apply to dentists.

Q17 - Increasing confidence in automatic recognition: ensuring better compliance at national level

(Question 17: Do you agree that Member States should make notifications as soon as a new program of education and training is approved? Would you support an obligation for Member States to submit a report to the Commission on the compliance of each programme of education and training leading to the acquisition of a title notified to the Commission with the Directive? Should Member States designate a national compliance function for this purpose?)

Many Member States (13) signal support for the proposal (earlier notifications and obligation to report on compliance, with national compliance function). Certain Member States (5) express agreement on the necessity to provide earlier notifications but do not appear to support the introduction of an obligation to report on the compliance of each training programme with the minimum training requirements defined in the Directive. Others (4) declare themselves against the creation of a national compliance function.

A few Member States (3) oppose the proposed changes to the notification system, considering that they might create additional administrative burden.

Some other suggestions are made by Member States to improve the notification process, in particular:

- Creation of a peer review system based on the network of competent authorities;
- Creation of a transnational/EU independent accreditation body that could check the compliance of training programmes in all Member States;
- Use of the accreditation procedures developed under the Bologna process.

Competent authorities and professional organisations for doctors, pharmacists, midwives, nurses, dentists and veterinarians express support for the proposed changes to the notification procedure. They also state that more transparency on the content of national training programmes is necessary. Competent authorities for architects support the view that new diplomas should be notified as early as possible but express reservations about the idea of Member States designating a single body to check compliance of new diplomas with the Directive, in particular should this function be entrusted to general accreditation agencies which may not have sufficient knowledge of the specific subject matter.

Q18 - Doctors: Medical Specialists (threshold)

(Question 18: Do you agree that the threshold of the minimum number of Member States where the medical speciality exists should be lowered from two-fifths to one-third?)

A majority of Member States (15) are in favour of lowering the threshold of the minimum number of Member States from 2/5 to 1/3. One Member State supports the idea of lowering the threshold but proposes to go down from 2/5 to 1/5 of Member States. Several other Member States (6) declare themselves against this proposal, notably because of a perceived risk of increasing the number of medical specialties in the Directive, practised in a limited number of Member States.

Representatives of doctors (competent authorities and professional organisations) support this proposal.

Q19 - Doctors: Medical Specialists (exemptions)

(Question 19: Do you agree that the modernisation of the Directive could be an opportunity for Member States for granting partial exemptions if part of the training has been already completed in the context of another specialist training programme? If yes, are there any conditions that should be fulfilled in order to benefit from a partial exemption?)

This proposal is welcomed by a large majority of Member States (18). Only one Member State expresses doubts about the exemption; three others state that the granting of exemptions should not be regulated in the Directive but left to national competent authorities.

Competent authorities for doctors suggest that the general system should be used in this case. Professional organisations representing doctors express support for this idea, but only if this is done on a case-by-case basis.

Q20 - Nurses and midwives

(Question 20: Which of the options outlined above do you prefer?)

Option 1: Maintaining the requirement of ten years of general school education

Option 2: Increasing the requirement of ten years to twelve years of general school education)

The vast majority of Member States support Option 2 (increasing the entry requirement from 10 to 12 years of general school education). Among them, two Member States suggest providing a longer transposition period for the implementation of this proposal. According to two other Member States, the notion of "general education" should be clarified. Another Member State explains that it could consider Option 2 only under specific conditions (if the professional training could be carried out in parallel with the continuation of the general education).

Two Member States express strong views against Option 2: according to one of them, experience has shown that there is no difference in the professional practice between students who entered nursing training after 10 years of general education and those who commences the professional training after 12 years.

All professional organisations, competent authorities and academic bodies representing nurses and midwives express support for the proposed change. Organisations representing patients also support this proposal.

Trade unions at EU level suggest that Member States should be encouraged to move towards 12 years but do not necessarily support a mandatory requirement in the Directive.

Q21 - Pharmacists

(Question 21: Do you agree that the list of pharmacists' activities should be expanded? Do you support the suggestion to add the requirement of six months training, as outlined above? Do you support the deletion of Article 21(4) of the Directive?)

The proposal to expand the list of pharmacists' activities is welcomed by a large majority of Member States (17). Nearly all professional organisations and competent authorities representing pharmacists also declare themselves to be in favour.

The suggestion to add a requirement of six months of practical training directly after completing academic training is supported by a certain number of Member States (11). Two of them suggest that this practical training be completed during the last year of academic training. Four other Member States do not appear to be supportive of this new requirement. Professional organisations representing pharmacists seem to be quite divided on this question.

The proposed deletion of article 21(4) of the Directive is supported by ten Member States. Two diverge from this view, while the other Member States do not signal any preference on this issue. This proposal is not uniformly supported by the various professional organisations representing pharmacists. One organisation representing commerce employers expresses support for the deletion of article 21(4) on the grounds that this derogation can generate operational difficulties for professionals and possible inconveniences for consumers.

Q22 - Architects

(Question 22: Which of the two options outlined above do you prefer?)

Option 1: Maintaining the current requirement of at least four years academic training?

Option 2: Complementing the current requirement of a minimum four-year academic training by a requirement of two years of professional practice. As an alternative option, architects would also qualify for automatic recognition after completing a five-year academic programme, complemented by at least one year of professional practice.)

A vast majority of Member States (18) express preference for Option 2 (complementing the current requirement), which foresees four or five years of academic training complemented by one or two years of professional practice. Two other Member States prefer Option 1 (maintaining the current requirements).

The main bodies representing the profession and the competent authorities at EU level also express support for Option 2. Several national organisations reject both options in favour of five years of academic training and two years of professional experience.

Q23 - Automatic recognition in the areas of craft, trade and industry

(Question 23: Which of the following options do you prefer?)

Option 1: Immediate modernisation through replacing the ISIC classification of 1958 by the ISIC classification of 2008?

Option 2: Immediate modernisation through replacing Annex IV by the common vocabulary used in the area of public procurement?

Option 3: Immediate modernisation through replacing Annex IV by the ISCO nomenclature as last revised by 2008?

Option 4: Modernisation in two phases: confirming in a modernised Directive that automatic recognition continues to apply for activities related to crafts, trade and industry activities. The related activities continue to be as set out in Annex IV until 2014, date by which a new list of activities should be established by a delegated act. The list of activities should be based on one of the classifications presented under options 1, 2 or 3.)

The most favoured option among Member States (13 of them) is option 4 - modernisation in two phases. Option 3 (immediate modernisation and use of the ISCO nomenclature as revised in 2008) is supported by two Member States and Option 1 (immediate modernisation using the ISIC classification of 2008) by two other Member States.

The main organisations representing the craft sector also express support for option 4. They suggest that the ISIC nomenclature of 2008 is the best alternative but an impact assessment is needed to assess the consequences on the activities covered by the current Annex IV of the Directive. However, they signal that they would like this change of nomenclature to be part of the modernisation of the Directive and not dealt with at a later stage through a delegated act.

The organisation representing trade does not see a need for a revision of Annex IV for trade activities but states it would like to avoid merging the three existing lists into a single one.

Trade unions express support for option 1, while representatives of the liberal professions for option 3. They also insist on modernising Annex IV at an earlier stage.

One organisation representing civil engineers requests clarification of the "construction" section in Annex IV, explaining that Annex IV should not be used to circumvent the general system (civil engineering is covered by the general system).

Q24 - Third country qualifications

(Question 24: Do you consider it necessary to make adjustments to the treatment of EU citizens holding third country qualifications under the Directive, for example by reducing the three years rule in Article 3 (3)? Would you welcome such adjustment also for third country nationals, including those falling under the European Neighbourhood Policy, who benefit from an equal treatment clause under relevant European legislation?)

The majority of the responding Member States (13) state they do not consider it necessary to make adjustments to the three year rule applying to holders of third country qualifications. Some of them stress that this rule is important to prevent "forum shopping".

Some Member States (8) signal they could consider reducing the number of years of experience in a Member State required of holders of third country diplomas before they can benefit from the Directive.

Most professional organisations, however, express preference for maintaining the current system. Nevertheless, several engineering associations suggest that the rules could be made more flexible if the EU wants to be able to attract foreign qualified professionals. Another organisation representing trade believes that adjustments are needed to face the shortage of skilled workforce and states that the reduction of the three year rule could be a suitable option (both for EU nationals and third country nationals benefiting from equal treatment). Trade unions express support for adjustment of the current rules for third country nationals.