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**THE RESULTS OF THE EUROPEAN COMMISSION CONSULTATION EXERCISE ON THE FUTURE
REGIME OF PROFESSIONAL RECOGNITION**

Executive summary

Introduction

On 1 June 2001 the European Commission, DG Internal Market, launched a consultation to prepare for a new directive on the mutual recognition of professional qualifications.

DG Internal Market produced and put on the Internet a consultation paper that invited comments by 28 September 2001. The paper identified the main objectives of the Commission's initiative and asked respondents to identify the deficiencies of the current regime for the recognition of professional qualifications and indicate possible solutions aiming at simplifying and improving it.

The response

A total of 302 responses were received from Member States, professional organisations and individuals in all EU and an EEA Member State.

The main results of the consultation

Views on the General System and the sectoral directives - (Question 1)

Most Member States expressed satisfaction with the current General System directives as they guarantee free movement whilst leaving Member States free to regulate professions. The basic principles of the current General System directives should be retained in the new regime. Automatic recognition cannot be granted in the absence of an harmonisation of the education and training of the single professions. The General System rules could be simplified and clarified in a new directive and the application of the system could be improved through provisions enhancing administrative co-operation and ensuring a better flow of information between competent authorities. Most Member States support a consolidation of the General System and the sectoral directives, as long as the guarantees provided for by the sectoral directives for the professions concerned are retained in the new regime. One Member State opposed any modification of the current regime.

Most professions covered by the General System agreed that the system is not sufficiently clear and transparent. Only a minority of respondents, most of them representing legal and accountancy professions, expressed the view that the General System is satisfactory. Organisations representing lawyers strongly opposed any modification of the current regime for the legal professions (Directive 89/48/EEC, Directive 77/249/EEC on the freedom to provide services of lawyers and Directive 98/5/EEC on the establishment of lawyers).

Most professions covered by the sectoral directives highlighted the advantages of the automatic recognition provided for by these directives. Some could support a consolidation of the General System and the sectoral directives in a single directive, as long as the benefits of the sectoral directives are maintained in the new framework. Only one profession covered by a sectoral directive (veterinarians) took the view that the sectoral directive does not provide sufficient guarantees of quality standards.

Views on a further liberalisation of the provision of services - (Question 2)

Most Member States support a simplification at least of the procedure and, for some, of the conditions for professional recognition in the instance of service provision. However, widespread doubts were expressed as to whether any further liberalisation is possible for health professions.

The vast majority of professions could support further liberalisation for the provision of services provided that specific conditions were stipulated in order to guarantee safety, protection of consumers and quality of services. Health professions indicated concern at the prospect of liberalisation, for fear of risks to public health.

Views on common platforms - (Question 3)

The majority of Member States took the view that common platforms could facilitate recognition processes within the General System, allowing a certain degree of automatism. However, they could not offer the same guarantees of automatic recognition as harmonisation of education and training.

Most professions favoured increased co-operation of professions at European level and supported the integration of common platforms in the General System as a basis for more automatic recognition.

Views on comitology procedures - (Question 4)

Most Member States were open to the introduction of comitology procedures for the updating of the new directive on professional recognition. Views diverged concerning the kinds of rule to be updated through this kind of procedure.

This question was mainly addressed to Member States and was understood differently by many respondents representing professions. Those who understood that the question concerned more flexible procedures to adapt the directives to changing circumstances envisaged the possibility of the introduction of common platforms by comitology procedures. In this connection, they raised the question of the involvement of professions in the exercise of delegated powers by the Commission and indicated that appropriate guarantees for such participation should be stipulated in the new directive. Professions covered by the sectoral directives supported the retention of the current comitology procedure under the SLIM Directive.

Views on the possibility to co-ordinate the application of all the rules on professional recognition within a single committee of national officials - (Question 5)

Member States were divided on this point. A group was in favour of co-ordinating all the rules for all professions within a single committee. Another group opposed to this proposal and supported the retention of the existing advisory committees under the sectoral directives.

The majority of professions covered by the General System favoured the possibility to co-ordinate the application of all the rules in a single committee, provided that this committee kept strong relations with professional associations.

In the consultation exercise and through subsequent contacts some European associations agreed to the need for less cumbersome consultation mechanisms but insisted on guarantees of the involvement of the professions, were the advisory committees to be abolished. One profession promised to come forward with suggestions and other professions supported retention of the advisory committee system.

Views on improvements in recognition processes and on the availability of information -
(Questions 6 and 7)

Most Member States support initiatives aiming at developing co-operation and improving the flow of information on the different qualifications between competent authorities for recognition in the Member States, as well as increasing the availability on-line of clear and reliable information on professional recognition.

Professions expressed the same view.

Other suggestions – (Question 8)

Some Member States and some professional organisations suggested that the new regime includes provisions laying down common methods for taking into account the professional experience of the applicants as well as the competencies acquired through continuous training. In addition, means should be found to guarantee the maintenance of high standards in education and training, especially in the health sector.

THE RESULTS OF THE EUROPEAN COMMISSION CONSULTATION EXERCISE ON THE FUTURE REGIME OF PROFESSIONAL RECOGNITION

1. INTRODUCTION

On 1 June 2001 the European Commission, DG Internal Market, launched a consultation on the subject “The Future Regime of Professional Recognition”.

The aim of the consultation was to seek the views of Member States, professional organisation and all interested parties in order to help the Commission formulate a proposal for a new directive on professional recognition that replaces the existing sectoral directives and “General System” directives.

DG Internal Market produced and put on the Internet a consultation paper that invited comments by 28 September 2001. The paper was also notified to Member States.

The paper identified the main objectives of the Commission’s initiative. The Commission’s intention was: first, to simplify and consolidate the existing rules and procedures in line with the SLIM initiative for simpler legislation in the Internal market, thereby guaranteeing more transparency and legal certainty; secondly, to introduce greater flexibility into the system to allow more possibilities for automatic recognition between Member States; and thirdly, further to liberalise the free provision of services through simplified procedures in line with the Internal Market Strategy for Services.

The paper asked eight questions (seven specific and one open) on the identification of deficiencies of the current regime and possible solutions aiming at simplifying and improving it.

1.1. The Response

A total of 302 responses were received from Member States, EEA member States, professional organisations and individuals. The present document aims to give an overview of the responses to the different questions. The responses were summarised and grouped into categories. A list of the private sector respondents is annexed.

2. RESPONSES TO THE SINGLE QUESTIONS POSED IN THE CONSULTATION PAPER

2.1. Question 1 - Does the General System provide sufficient certainty and transparency for the purposes of professional recognition in general? Are there any critical deficiencies which need to be corrected?

2.1.1. Member States' position

Most Member States expressed satisfaction with the current General System directives as they guarantee free movement whilst allowing Member States free to regulate professions.

Two Member States considered that the General System is complex but underlined that over time, the administrations responsible for its application have developed an expertise and are now able to process applications efficiently, with a sufficient degree of certainty and transparency for the applicants.

Other Member States observed that the General System by its nature does not provide certainty. This complexity is due to the different regulations governing professions in the Member States. In this connection, it was pointed out that as long as education and training for the various professions are different in the various Member States, a certain number of compensatory measures is necessary. Two Member States reminded that statistics show that about 80% of applications are accepted without compensatory measures. For the remaining 20% the compensatory measures must continue to be applied.

In some Member States' view, the deficiencies of the system are due to complicated drafting, divergent interpretations and the way it is applied in each Member State. A more consistent application of the General System should be promoted. The administrative practices of Member States should be clarified, as well as the concept of "substantial differences" to avoid varying interpretations. The respect of the code of conduct should be ensured. A major deficiency of the system according to one Member State is its concentration on the initial qualification and not on the current competencies of the individual.

Most Member States pointed out that the basic principles of the current General System directives should be retained in the new regime. They expressed the view that automatic recognition cannot be granted in the absence of harmonisation of the education and training. They agreed that the General System rules could be simplified and clarified in a new directive and the application of the system could be improved through provisions enhancing administrative co-operation and ensuring a better flow of information between competent authorities. To this end, one Member State proposed to develop the European network of contact points and to introduce standard forms that would allow a mutual agreement on the key concepts on which the system is based. Another

Member State expressed the view that the application of the General System could be facilitated by the adoption of a classification of all the regulated professions which are common in the different Member States and a codification of all the diplomas required for these professions.

Most Member States could support a consolidation of the General System and the sectoral directives, as long as the guarantees provided for by the sectoral directives for the professions concerned are retained in the new regime. One Member State opposed to any modification of the current regime.

As regards the maritime sector, two Member States pointed out that the General System procedures are too slow and ways to increase automatic recognition should be sought.

2.1.2 Views of professions covered by the General System

Deficiencies of the General System

Nearly all respondents indicated that the current General System directives are not sufficiently clear and transparent. Problems cited were, for example, the requirement for each application to be treated individually with no provision for automatic recognition by precedent, the consequent complexity of each case with the inevitable delay in the treatment, higher cost to the migrant in comparison with automatic recognition, the fact that under the current system some professions are regulated at local level in some Member States and consequently many different authorities are responsible for recognition, the fact that the standard of professional qualification is too low for some professions (this was stated in particular by some health professions which are not covered by the sectoral directives), the absence of a definition of quality standards for education and training and the fact that the concept of “substantial differences” is open to varying interpretations leading to inconsistency. Most respondents indicated that a sectoral directive providing a minimum of harmonisation is more adequate than a general directive as the professional can understand more clearly the regime which applies. A minority of respondents indicated that the General System tends towards a general lowering of qualification standards. Many professions, especially in the health sector, pointed out that the General System does not take into account the need for continuous training but allows recognition on the basis of the initial qualification. It does not provide evidence of the current competence of an individual. The organisations representing employers underlined the importance of introducing a more flexible and transparent system for professional recognition in order to foster occupational mobility.

Concerns of the professions regulated only in some Member States

Professions which are regulated only in some Member States complained that under the current system Member States are allowed to regulate or not a profession as they see fit. In their view, this prevents the free provision of services and does not guarantee consumer protection. Professions which are regulated at different levels of education and training in the various Member States, complained that the General System is difficult to apply in this instance and many cases of incorrect application may arise.

Views of respondents satisfied with the General System

Only a minority of respondents, most of them representing legal and accountancy professions, expressed the view that the General System is satisfactory. In particular, the European and national organisations representing lawyers pointed out unanimously that Directive 89/48/EEC in combination with Directive 77/249/EEC on the freedom to provide services for lawyers and Directive 98/5/EEC on the establishment of lawyers, provide a complete system allowing an advanced level of liberalisation appropriate for the specific role of the legal profession. As for the tourist guide profession, one respondent observed that the General System works well as for the right of establishment but not for the free provision of services.

2.1.2. *Views of professions covered by the sectoral directives*

Advantages of the sectoral directives

The simplicity and the clarity of the automatic recognition process under the sectoral directives were highlighted by the vast majority of professions falling under these directives. Most professions concerned stated that only the provision of a minimum level of training can guarantee free movement whilst ensuring the quality of the services provided. Other arguments used included: the higher costs for national administration of the recognition process under the General System and the considerable uncertainty of its result for the migrant. All these respondents opposed a repeal of the sectoral directives and urged the Commission to safeguard the benefits of the sectoral directives in the new framework in order to maintain existing standards. A few organisations advocated an expansion of the sectoral directives system to other professions.

Necessity to simplify procedures

Most professions covered by the sectoral directives agreed that these directives should be simplified and improved, in particular as for the updating procedure. The principal reason indicated is that the updating procedure is slow and has not worked effectively in recent years.

Deficiencies of the sectoral directives

Only a few organisations representing professions covered by the sectoral directives highlighted some disadvantages of automatic recognition and stressed the usefulness of compensation measures in order to ensure that the applicant acquires the specific legal, linguistic and technical knowledge required in the host Member State. One organisation observed that standard currently applied under sectoral directives still leaves substantial differences in place between qualifications and indicated a preference for automatic recognition to be refused in such circumstances. Some organisations criticised the fact that the sectoral directives focus mainly on free movement and not patient safety or the quality of education and training. They suggested a move away from the use of time spent in education and training as a basis for evaluation of equivalence and the development of evaluation based on competence. One organisation suggested a repeal of the Architects Directive bringing architectural qualifications within the scope of the General System or a replacement of the Architects Directive with a new directive covering all construction professionals' qualifications.

Views on a consolidation of the General System and the sectoral directives

Most respondents did not oppose a consolidation, provided that the provisions of the sectoral directives are maintained in the new framework. Some organisations supported a consolidation on the condition : that the profession at European level is allowed to proposed minimum training standards underpinning automatic recognition, the Commission is obliged to respond to such proposals within an agreed period of time, the Commission is obliged to consult the profession on any change of rules, the quality of training is given the same priority as free movement. A few respondents did not see the need for a consolidated directive. One organisation pointed out that the mixture of sectoral and general regulations on recognition makes it confusing for the individual concerned and supported the proposal of grouping together sectoral guidelines by profession in a single directive. Another respondent pointed out that, in order to avoid confusion and ensure more clarity in the legislation, any changes made to the sectoral directives must involve publication not only of the amendments but also the text in its entirety.

2.2. Question 2 - Where and how would further liberalisation of the conditions applicable to the provision of services be most justified and useful?

2.2.1. Member States' position

Most Member States could support a simplification at least of the procedure and, for some, of the conditions for professional recognition in the instance of service provision. However, most expressed concerns whether it would be possible to provide for any further liberalisation for

health professions, in view of the need to ensure a high level of protection of public health.

The view expressed by most Member States is that a distinction between establishment and provision of services should be introduced in the system, but this should not prejudice the level of qualifications.

In particular, it was pointed out that a simplification of procedures is desirable in order to reduce as much as possible the administrative burdens and costs that might discourage the free provision of services. However, procedures should ensure the respect of the level of education and training required by national legislation so as to ensure the quality of the service. The possibility to apply compensation measures should be retained as the professional experience of the candidate alone cannot replace them.

One Member State supported the introduction of some enabling provisions in any future directive that would allow the subsequent introduction of specific provisions on service liberalisation in specific instances (such as that of closed groups of users moving temporarily from one Member State to another). Home-title provisions, along the lines of those in the lawyers establishment directive, could be acceptable only when the profession is regulated in the home State of the service provider.

2.2.2. *Views of professions in favour of a limited liberalisation*

General comments were made on the possible future increase of cross border provision of services in connection with market globalisation and information technology developments, hence the need to take this issue into consideration and to adapt the legal framework.

The vast majority of respondents indicated that in the field of professional services only a limited liberalisation could be accepted. They stressed the particular nature of professional services and the relation of trust that they require between client and professional. They claimed that the principle of mutual recognition is more difficult to apply to professional services than to industrial products. Products are relatively simple to standardise, check and control. Services are subject to different rules, especially as regards consumer protection. For this reason a further degree of liberalisation of the provision of services cannot be introduced unless proper guarantees are put in place to ensure safety, consumer protection and quality of services. A great number of respondents pointed out that a pre-condition for any liberalisation in this field is harmonisation of the level and quality of education and training leading to a professional qualification and/or of the conditions of exercise of the professions underpinning automatic recognition. Other respondents suggested simpler solutions such as:

- possession of an adequate qualification guaranteed through assessment either of a national competent authority or a professional body,

- existence of a common platform established by the profession concerned and agreed between the home and the host Member State,
- responsibility of a local professional for the service provided by the professional established in another Member State,
- provision of services under the title of origin, provided that the profession is regulated at the same level in the Member State of establishment of the service provider,
- a provision establishing that the host Member State cannot refuse recognition if the applicant holds an authorisation to practise the same profession in another Member States delivered under similar conditions as the host Member State,
- possession of a recognised qualification in the Member State of establishment and evidence of at least two years of professional experience in that Member State,
- submission of evidence that the service provider has effective professional liability insurance for other Member States than the State of origin.

Some respondents specified, however, that these solutions would not be suited to the health sector.

Comments were made on the need to define the maximum period in which the professional can provide temporary services before having to apply for a permanent recognition.

2.2.3. *Views of professions concerned by the prospect of liberalisation*

Other respondents indicated that the liberalisation of the provision of services is not an issue for the profession they represent or that they did not see the need for further liberalisation. A strict application of the current directives was considered to be sufficient. One argument used in support of maintaining the current procedures in the instance of the provision of services was the necessity to protect consumers and the image of the professionals themselves. Another argument was that, although the current recognition procedures can sometimes be laborious, they have to be followed only the first time the service is provided.

This general view in favour of the *status quo* was mostly expressed by professions covered by sectoral directives but was shared also by some professions falling under the General System, such as engineers and accountants.

2.2.4. *Concerns of health professions*

Most health professions falling either under the sectoral directives or the General System, as well as most education and training authorities in the health sector, questioned the appropriateness of liberalisation of the provision of services. Their concern is that liberalisation would be at the expense of patient safety and quality of services. Health professions which are regulated only in some Member States or are regulated at varying levels of education and training in different Member States, were generally opposed to a liberalisation, as there would be no protection for the patients/consumers. So far as electronic provision of services is concerned, some responses noted that their profession requires direct contact and a relationship of trust with the client, as well as knowledge of national systems of public health and social security. In view of these elements, the provision of services through electronic commerce might compromise quality. Some organisations expressed the view that in some instances it would be impossible to liberalise services unless social security systems were previously harmonised.

2.3. Question 3 - How can more use be made of the increased co-operation already taking place at the European level to the benefit of the professions and free movement? Can more guarantees be provided, leading to simpler, more automatic and predictable decisions on professional recognition?

2.3.1. *Member States' position*

The majority of Member States expressed objections to automatic recognition in the absence of a previous harmonisation of education and training. They believed that Member State should retain the right to assess qualifications individually. However, they expressed the view that co-operation between interested parties is important for the smooth application of the directives. They acknowledged that common platforms agreed by professional organisations can facilitate the processing of applications by national authorities and create more legal certainty by making decisions under the General System more predictable. It was suggested that professional organisations work on an approximation of the respective qualifications and submit proposals for discussion to the European Commission. A listing of all existing qualifications kept by professional organisations could facilitate recognition processes and allow a certain degree of automatism.

A minority of Member State expressed the view that common platforms can lead to a definition of minimum requirements that a professional should meet in order to practise at European level. They noted that automatic recognition can be introduced either through bilateral agreements between competent authorities or through the adoption by professional organisations at European level of common rules on education and training or conditions of exercise of the profession, which are then accepted by the competent authorities.

One Member State believed that, so far, co-operation between professional organisations at European level has not facilitated mobility. It highlighted the risk that large national professional associations from big Member States will wield too much influence compared with the associations in the smaller Member States and such a situation would threaten the democratic process in decision-making.

Another Member State pointed out that it would be necessary to take care that common platforms that created legal rights under a future directive were looked at carefully to ensure that they were not anti-competitive and that the standards being set were not so disproportionately high as to stifle free movement. It will also be important to try and find some simple, non-bureaucratic means of keeping up to date any common platform listed under a future directive.

2.3.2. *Views of professions*

The relevant responses to this question were those from professions covered by the General System, since professions falling under the sectoral directives already benefit from automatic recognition. Most respondents favoured increased co-operation of professions at European level and believed that greater responsibility should be devolved to recognised professional associations to regulate professional titles in a pan European context.

A number of respondents indicated that they have already established or are working on common platforms and they would favour automatic recognition on this basis. These common platforms do not cover all Member States, but generally only the States in which the profession is regulated or self-regulated by the profession and the national organisation of the profession concerned is a member of the pan European organisation. For a few professions different common platforms have been adopted by different organisations representing the profession at European level. Most respondents supported simplification of the procedures for recognition on the basis of common platforms. Only a minority of respondents opposed automatic recognition and favoured the retention of the right of the host Member State to verify in each case the migrant's professional qualifications in order to ensure consumer protection. The following means of integrating common platforms in the General System were suggested:

- definition at European level of the minimum content of education and training required for the different professions and creation of an annex to the general directive; the competent authorities could verify if a qualification corresponds to the annex requirements and, in the positive, grant automatic recognition;
- if a common platform is accepted by at least three Member States, the Commission and a European professional body, the common platform

should be adopted as a basis for automatic recognition; the European professional body should be designated competent authority for recognition; the platform should remain open to other Member States to join later.

2.4. Question 4 - How might existing procedures for the exercise of delegated powers be improved particularly for the purpose of implementing, up-dating and reinforcing existing rules as well as enhancing common approaches to facilitate professional recognition?

2.4.1. Member States' position

Most Member States were open to the introduction of comitology procedures for the updating the new directive on professional recognition. Views were divergent about the content of the rules to be updated through this kind of procedure.

Two Member States agreed that comitology procedures are suited to the updating of technical requirements, but doubted that they could be appropriate for the adoption of reliable guarantees on the quality of education.

Other Member States observed that, if the new directive is to be accompanied by profession-specific annexes, it is important for there to be a mechanism for these annexes to be quickly and regularly updated. It is also important to guarantee that such procedures will remain transparent and open to the influence of Member States. Questions that could be referred to the Commission include, for example, the simplification of the recognition procedures applied in the Member States.

One Member State favoured the creation of different committees per profession charged to establish minimum competencies for every profession and the delegation of powers to the Commission as regards recognition procedures.

2.4.2. Views of professions

Not all respondents representing professions replied to this question, which was addressed mainly to Member States. Many respondents understood it as referring to a simplification of the recognition procedures or to a delegation of powers to professional organisations as regards qualifications and/or professional recognition. Some envisaged the possibility to adopt common platforms by comitology procedures and raised the issue of the involvement of professions in the exercise of delegated powers by the Commission. In order to guarantee this involvement it was suggested:

- that the Commission is assisted by committees representing professions,
- that an obligation is introduced for the Commission to act in the face of a unified view of the profession across Europe wishing to improve standards of education.

Same support was indicated for maintaining existing procedures for the updating of directives, although improvements could be pursued. Most of the professions covered by the sectoral directives stressed the importance of updating regulations in view of the constantly evolving nature of the professional practice. They acknowledged that supplementing and amending the directives has run into problems in the past, but they pointed out that the SLIM directive has introduced the necessary changes (comitology procedure). They underlined the useful role of the advisory committees under the sectoral directives and recommended that the future regime provides for a mechanism that guarantees a similar input from the professions to the updating of education and training. Most respondents expressed their will to co-operate with the Commission in this context.

2.5. Question 5 - Is it possible to co-ordinate the application of the rules on professional recognition in a single committee of national officials? Are the professions, educational establishments and other interested parties ready and able to organise themselves so as to be able, as frequently and systematically as necessary, to communicate co-ordinated views and positions to the Commission and the Member States?

2.5.1. Member States' position

Member States were divided on this point. A group was in favour of co-ordinating all the rules for all professions within a single committee. Another group opposed to this proposal and supported the retention of the existing advisory committees under the sectoral directives.

In general, the positive role of the advisory committees in conciliating divergent positions and facilitating the decision-making process was acknowledged. However, some Member States considered that a reform of the committees is necessary in view of the enlargement. Some took the view that co-ordination between national authorities, professional associations and education establishments should take place at national level under the responsibility of Member States. At national level a specific committee should be created to co-ordinate the views of professions and educational institutions. Others envisaged an approximation between the activities of the current Co-ordinators Group and those of the advisory committees. One Member State suggested to create a single committee made up of one representative per Member State, who could be accompanied by different experts depending on the subject-matter.

Other Member States believed that co-ordination should remain a responsibility of the Commission with the assistance of committees for individual professions made up of representatives of the professions and education systems. They expressed the view that because of the great variety of professions covered by the single directive, co-ordination in a single committee would not be feasible. They also noted that without the advisory committees agreement between Member States will be more difficult to achieve, especially in an enlarged Union.

2.5.2. *Views of professions covered by the General System*

The majority of respondents representing professions covered by the General System stated that it would be possible to co-ordinate the application of the rules on professional recognition in a single committee. However, many pointed out that this could work only if the committee kept strong relations or was closely associated with the professional associations which have the necessary expertise and know-how in the area of single professions. Only a minority of these respondents preferred that co-ordination would take place in single committees for each profession. The vast majority of professional organisations expressed their willingness to collaborate with the Commission by supplying information and expertise.

2.5.3. *Views of professions covered by the sectoral directives*

Most professions covered by the sectoral directives took the view that a single committee composed only of national civil servants would not work, as they are too distant from the professions. Some of the professions indicated their willingness to work in close partnership with the Commission without any committee structure, subject to certain guarantees. One profession promised some proposals and the other professions supported maintaining the advisory committees, although accepted that procedures could be streamlined.

2.6. **Question 6 - Are there improvements in the administration of recognition processes under the directives which should be introduced? Is sufficient information available to applicants on the processing of their applications? Could on-line information services provide worthwhile additional information? Could increased provision for the exchange of information between 'home' Member State competent authorities, responsible for the qualifications of the migrant, and the 'host' Member State, responsible for the recognition decision where the migrant wishes to work, assist in speedy and informed decision taking?**

2.6.1. *Member States' position*

The vast majority of Member States favoured the development of the exchange of information between competent authorities and an increased use of on-line information services. Ensuring the flow of information was

indicated as a key factor in the practical application of the recognition procedures. It was pointed out that a greater availability of detailed information on the various professional qualifications could speed up the processing of applications. Information points should have more resources and direct contact between Member States competent authorities should be improved. A yearly meeting of the information points and the co-ordinators could be useful.

Some Member States underlined that on-line information should be exact and should refer to other sources for more specific details. It was stressed that information on-line can be useful for applicants only if there are guarantees that it is complete, correct and reliable. It was suggested to define agreed standard forms for all Member States, to enhance the role of the contact points stipulating their information tasks and their relation with competent authorities/professional organisations and to create a network of contact points co-ordinated by a Community body. One Member State noted that it is essential that every information centre has an Internet site dedicated to the directives with links to other information centres' Websites.

In particular, the following improvements were suggested: to make available to the public the list of regulated professions; to develop an exhaustive list of standard documentation which might be required by competent authorities; to encourage the co-ordinators to provide contact details for all their competent authorities; to encourage the introduction of electronic tracking systems for applications; as regards sectoral directive, to put more detailed information on-line and to improve more systematic communication between the registration bodies in all Member States.

2.6.2. *Views of professions*

These questions mainly concerned the professions covered by the General System, as the recognition processes under the sectoral directives are simpler for the individuals and the competent authorities. Most professions covered by the sectoral directives were satisfied with the information currently available, with the exception of doctors who asked for a clarification of the list of specialised medicine qualifications currently in force.

Most respondents representing professions covered by the General System expressed the view that information should be more easily available, on paper and on-line, to the benefit of both applicants and competent authorities. A maximum use of information technology should be encouraged with a view to improve recognition processes as well as the exchange of information between competent authorities. Some respondents, however, underlined the importance of guaranteeing that the information on-line is accurate and updated. It was suggested that the new

regime defines responsibilities in this regard. Many respondents invoked the creation of a data base in which all the equivalent professions could be listed and all the legislation governing access to these profession in the different Member States could be found. Direct links to the Internet sites of professional organisations should provide authoritative information on specific professions. Some professional associations reported that they are already working at this kind of data bases. It was pointed out that financial support could be crucial for setting up and maintaining these data bases.

As for the streamlining of recognition procedures, the following suggestions were made:

- standardised procedures for recognition in each Member State as well as standardised forms as regards the applicant practice record and good standing in the home Member State,
- the new directive should stipulate that competent authorities should agree on the information to be exchanged,
- standardised forms for diplomas,
- development of application systems on-line.

2.7. Question 7 - What kinds of improvement to existing means devoted to the provision of information and advice to citizens would be most useful?

2.7.1. Member States' position

All Member States which addressed this question agreed to the need to improve the provision of information on-line.

Four Member States suggested that the Commission's Internet site on professional recognition should be completed with information on the professional recognition procedures in each Member State and include links with the Websites of the competent authorities in the different Member States. They underlined that this information should be regularly and frequently updated by the Commission.

Two Member States thought that each competent authority should set up a system to provide information and advice to individual applicants. One Member State stressed the importance of drafting information in a clear and simple way.

2.7.2. Views of professions

Most respondents referred to the responses given to question 6. The following further specific suggestions were made:

- competent authorities should provide information on the regulatory framework for each profession in all EU languages,
- the Commission should provide details of the national body authorised to receive documentation and to issue certifications,
- the new directive should make provision for a single source of information for each profession,
- the network of contact points should be brought more actively to public notice,
- a portal leading to the listings of registered professional in each Member States should be created,
- more information on the comparability of professional qualifications should be made available,
- enhance readability and simplify language of EU directives,
- the Commission should ensure that adequate sources of authoritative advice are developed in each Member State and address citizens to such national advisory services,
- professional training bodies should be provided with information concerning the directives so that students could be made aware of their rights under the directives before they enter into education and training.

2.8. Question 8 - What other considerations should the Commission take into account in relation to the future of professional recognition within the EU?

2.8.1. Member States' position

Not all Member States addressed this question. Many referred to the replies given to the previous questions. The following further specific suggestions were made: common methods should be found for taking into account the professional experience; forms should be found to take into account the competencies acquired by individuals through continuous training.

One Member State would welcome provisions enhancing the obligation for a Member State to accept evidence of post qualification experience and according to these evidence the same weight as initial academic qualifications. It would also welcome arrangements whereby eligibility to the use of the system would depend not on the length of the applicant's original study but on his/her current status in the relevant profession, provided that comparability of professional responsibilities could be established. The future system should also include a provision allowing Member States which require evidence of continuing professional

development for their own professional to require the same evidence also of applicants under the system.

Two Member States stated that means should be found to ensure the respect and the maintenance of quality standards in education and training, especially in the health sector.

One Member State suggested to create an international Ombudsman responsible for dealing with individual disputed cases of professional recognition.

2.8.2. *Views of professions*

Only some respondents addressed this question specifically.

Health professions covered by the sectoral directives underlined the need to guarantee quality of education and training in order to ensure high standards of competencies of professionals in the health sector. They stressed the importance of taking into account the quality of education and training and not only the duration of the studies for the purpose of automatic recognition under the sectoral directives, especially in view of the enlargement.

Many professions, not only in the health sector, expressed the view that more importance should be given to continuous professional development. In this connection, it was suggested to include in the new initiative provisions aimed to assure lifelong learning.

Some respondents supported the use of assessment of competence rather than knowledge.

One respondent suggested the establishment of an Ombudsman for professional recognition in each Member State and a Committee of Ombudsmen on professional recognition at EU level. The task would be to solve disputed cases in the light of the applicable national and Community law and the Court jurisprudence.

3. RESPONSE FROM THE EEA MEMBER STATES

Only one EEA State responded to the consultation. This response noted that the General System is generally satisfying, despite its complexity. The sectoral directives are simpler to apply, more transparent and offer more certainty to the migrant. It is important that this simplicity and transparency is maintained in the new framework for the professions governed by the sectoral directives.

More standardised and comparable documentation of formal qualifications could facilitate the application of the General System. It should also be ensured that national procedures for recognition are fair and effective and that more systematic exchange of information

takes place between competent authorities. The creation of data bases on qualification requirements for the different professions would be useful.

As far as common platforms are concerned, the view was expressed that the efforts at harmonisation or convergence of qualification requirements by professional organisations can contribute to a simplification of the application of the General System. However, the present multiplicity of education and training systems in Europe also represent a richness that could be lost if harmonisation goes too far.

The proposal to co-ordinating all the rules on professional recognition in a single committee of government representatives could be considered. Discussion in such a committee should be organised so that the delegate from each country could bring a limited number of experts on the agenda items to the meeting in question.