

**UNICE COMMENTS ON THE COMMISSION'S CONSULTATION ON THE FUTURE  
SYSTEM FOR PROFESSIONAL RECOGNITION**

**I./ Introduction**

1. The Commission has invited UNICE to deliver its views on a working paper on the future regime for professional recognition for regulated professions. This consultation takes place in the context of the SLIM initiative for simpler legislation in the internal market. It also follows on from the Commission's communication on "New European labour markets, open to all, with access to all"<sup>1</sup>.
2. The Commission defines the strategic objectives of the reform as follows:
  - simplification and consolidation of the existing rules and procedures;
  - allow more numerous and flexible ways for more automatic recognition between Member States;
  - ensure the application of meaningful and up-to-date standards in the context of evolving technology, national training programmes and other circumstances;
  - increased liberalisation for the provision of services; and
  - improvement and extension of the means to support applicants for recognition and would-be migrants through the provision of information and advice.
3. More detailed proposals on the future regime for professional recognition, which will take account of the consultation results, are expected to be presented to the European council in March 2002.
4. UNICE welcomes the working paper of the Commission as it launches a debate on the system of mutual recognition of qualifications for regulated professions.
5. European employers believe that some guidelines must be observed to allow progress in the field of professional recognition in Europe:
  - a coherent approach must be built in order to promote cross-border mobility through transparency of qualifications in Europe;
  - employers must be more involved in professional recognition systems;
  - information on qualifications, e.g. means of describing certificates, and on procedures must be developed as an aid to transparency and mobility.

**II./ A flexible and transparent system to promote cross-border mobility**

6. UNICE has reaffirmed in many occasions its commitment to foster occupational mobility between Member states, which implies a flexible and transparent system for professional recognition in Europe<sup>2</sup>.
7. The current system for recognition of professional qualifications for regulated professions comprises a general system and sectoral directives. Any reform of this

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<sup>1</sup> COM (2001)116

<sup>2</sup> For example in the social partners' joint opinion on vocational qualifications and certification, 12 May 1992.

system must be geared towards improving its flexibility and transparency, and towards reducing the number of professions currently regulated across the EU. Therefore, actions should be taken to improve the practical implementation of the existing framework. UNICE believes that the adoption of Directive 2001/19/EC on 14 May 2001<sup>3</sup> is an important step forward, because it aims at improving the implementation of the sectoral system for nurses responsible for general care, dental practitioners, veterinary surgeons, midwives, architects, pharmacists and doctors. However, in the present situation the decision as to which profession is regulated and which not is left at national level, despite the fact that each decision has an impact on the possibility to operate in the internal EU labour market. UNICE regrets that Directive 2001/19/EC does not set a limit on the regulation process at national level.

8. UNICE is in favour of more dialogue and cooperation between EU countries to reach consensus on a limitative list of regulated professions by Member States. The aim of this exercise should be to:
  - reduce the number of professions currently regulated across the EU rather than making it obligatory to regulate professions which may not be currently regulated in all countries;
  - require that Member States set clear and objective conditions for access to the professions they choose to regulate. Indeed, in the present context, the situation for an applicant from a country where a given profession is not regulated, coming into a country where this particular profession is regulated can be very unclear. The additional demands of the hosting country are often unclear, arbitrary and difficult to meet for applicants, and result de facto in a closed shop.

### **III./ A system based on partnership**

9. Whatever the nature and traditions of qualification systems in Member States, the essential point is that qualifications are ultimately used on the labour market. An open European labour market is in the interest of both workers and employers. Any system organising the mutual recognition of qualifications should include concrete cooperation with employers. Two different objectives could be achieved through enhanced partnership with employers.
  - First, the involvement of employers in the monitoring of the system for professional recognition would enable the system to better match their competence needs. This does not mean it would be necessary to create new structures for consultation, but employers should be able to give their views on a regular basis.
  - Secondly, enhanced partnership could enable the system to gain flexibility and to improve its practical implementation. A distinction should be made between sectors in which the State guarantees a specific quality standard (such as health care or education) and sectors that could be left to self-regulation. In the second case, employers' representatives or professional groups, which have a practical knowledge of professional requirements, should be able to freely develop minimum requirements for a given profession. For these sectors they should be the only decision body.

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<sup>3</sup> Directive 2001/19/EC amending Directive 89/48/EEC and Directive 92/51/EEC on the general system for the recognition of professional qualifications and Directives 77/452/EEC, 77/453/EEC, 78/686/EEC, 78/687/EEC, 78/1026/EEC, 78/1027/EEC, 80/154/EEC, 80/155/EEC, 85/384/EEC, 85/432/EEC, 85/443/EEC and 93/16/EEC concerning the professions of nurse responsible for general care, dental practitioner, veterinary surgeon, midwife, architect, pharmacist and doctor.

#### **IV./ Information and guidance**

10. Any reform of the EU system for professional recognition must be geared towards improving its accessibility. Information and advice should therefore be provided to support and help applicants for recognition and would-be migrants. Information should be given both on qualifications, e.g. means of describing certificates, and on procedures.
11. ICT should be used more efficiently to facilitate access to information.
12. The work done at European level including the exchange of information to promote transparency of qualifications, financing innovative measures through Community programmes and exchange of good practices is very important to spread information and awareness.

#### **V./ The perspective of enlargement**

13. The perspective of European Union enlargement raises supplementary questions. There is for the time being no system of recognition of qualifications between Member States and candidate countries. Moreover, only little knowledge and information about their system is available.
14. In order to prepare the smooth access of these countries to the future system for professional recognition, action is required now. It is UNICE's views that the Commission should launch a programme to finance projects promoting transparency of qualifications between actual and would-be Member States.

#### **VI./ Conclusion**

15. To sum up, UNICE believes any reform of the European system for professional recognition must be geared towards improving its flexibility, its transparency and its accessibility.
  16. To achieve this objective, different actions are required. At European level, Member States should draw a clear limit between professions that really need to be regulated and other professions. At national level, the implementation of the existing framework needs to be improved. To that end, an important tool is to provide more information and advice both on qualifications and on procedures in order to help applicants for recognition and would-be migrants.
  17. Finally, partnership with employers should be developed in professional recognition systems. Better use should be made of their practical knowledge of professional requirements in order to build a system for professional recognition that matches European labour market needs.
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