

UNICE'S POSITION ON THE COMMISSION PROPOSAL FOR A DIRECTIVE ON THE RECOGNITION OF PROFESSIONAL QUALIFICATIONS FOR REGULATED PROFESSIONS

I./ Introduction

1. On 1 June 2001 the European Commission launched a consultation to prepare for a new Directive on the recognition of professional qualifications for regulated professions.
2. UNICE responded to the consultation on 26 September 2001¹ and welcomed the working paper of the Commission as it launched a debate on the system of mutual recognition of qualifications for regulated professions. It also highlighted that some guidelines must be observed to allow progress in the field of education and training in Europe:
 - a coherent approach must be devised in order to promote cross-border mobility through transparency of qualifications;
 - employers must be more involved in existing recognition systems;
 - information on means of validating competences, e.g. certificates, qualifications, etc. and on procedures must be developed as an aid to transparency and mobility.
3. Following the consultation, the Commission adopted a proposal for a Directive on the recognition of professional qualifications on 7 March 2002 (COM(2002)119).
4. The Commission's proposal aims to create a single regime for the recognition of professional qualifications for regulated professions, which would be clearer, easier and simpler to understand and apply. It comprehensively revises all existing directives on recognition, while simplifying the structure and making improvements to the working of the system.
5. UNICE welcomes the objectives and the main lines of the reform. However, European employers believe that the proposed simplification of the regime for recognition of professional qualifications for regulated professions does not go far enough in order to foster occupational mobility between Member States in an effective way.
6. In the current context of rapid technological developments, companies are confronted with the need to retain increasingly mobile customers and to keep in line with their expectations. Reforms and strategies must be elaborated and implemented in order to promote the development of competences and qualifications that meet the needs of companies, and to facilitate geographical and occupational mobility. Flexible and simple systems and means to improve the transparency and transferability of qualifications are prerequisite to reach these objectives.

¹ UNICE comments on the Commission's consultation on the future system for professional recognition, 26 September 2001

II./ Detailed comments

7. UNICE regrets that the reform does not lead to a **reduction in the number of regulated professions**. In the proposal, the decision as to which profession is regulated and which not is still left to national authorities, despite the fact that each decision has an impact on the possibility to operate in the internal EU labour market.
8. The objective of the dialogue and cooperation between EU countries should be to reach consensus on a restricted list of professions regulated by Member States. Such a list of regulated professions should include professions in which the State guarantees a specific quality standard (such as health care or education). Other professions should be entirely free in all Member States.
9. Furthermore, Member States should be required to set clearer and more objective conditions for access to the professions they choose to regulate. In this regard, the provisions of articles 46 to 49 of the proposal, which strengthen the existing rules/obligations on Member States regarding the recognition procedure, are a step in the right direction.
10. UNICE welcomes the Commission's proposal to provide for simpler conditions for the **cross-border provision of services** in order further to contribute to the flexibility of labour and services markets. These conditions will ensure satisfactory consumer protection. Employers also believe it an improvement that a single system applies to all regulated professions for the freedom to provide services.
11. As regards **freedom of establishment**, the Commission's proposal retains the three existing recognition systems and seeks to introduce a more flexible and automatic procedure in the general system based on "professional platforms" established by professional associations at European level.
12. UNICE finds it positive that the proposal seeks to enhance the **involvement/regular consultation of employers** in the monitoring of national systems for professional recognition. Such a partnership should make it possible better to match companies' qualification needs and to improve the functioning of recognition systems. At the European level, structured discussions and exchange of experiences between national authorities and social partners could also enhance transparency and trust in the different national qualifications.
13. However, UNICE urges caution with regard to the generalisation of the role of "professional platforms" established at European level in the general system (article 15). Employers recognise the need for a dialogue with representative bodies of professions, but the decision on which profession should or should not be regulated or not, and the formal decision on criteria for regulation should remain with the public authorities. These decisions should be coordinated at the European level. A drive from professional platforms towards regulating more professions or towards extending regulation for a given profession from one system to another where it did not previously exist should be avoided.
14. One of the main objectives of the reform was **to improve and to simplify the management and the updating of the rules** governing recognition systems. To this end, employers welcome the fact that a single committee will be set up to administer the Directive and its updating, which replaces all the committees set up under the previous systems (article 54). The Commission also rightly points out that a dialogue should be put in place with the relevant representative bodies of the professions and educational

establishments to ensure that information and advice are provided to the Commission and the Member States on a regular basis on the conditions underlying automatic recognition, in the sectors where it occurs. The concertation process should include all relevant employer organisations. However, the text lacks concrete proposals to ensure the efficiency of such a dialogue.

15. UNICE believes any reform of the EU system for professional recognition must be geared towards improving its **accessibility**. The Commission's proposal to develop cooperation amongst national administrations, and between them and the Commission is not enough to ensure that tailored information and advice are provided to applicants for recognition and would-be migrants. The creation of national contact points to provide employees with relevant information on recognition of qualifications for regulated professions can be useful. However, consistency should be ensured with the national reference points created at the initiative of the Transparency Forum to provide information on qualifications, diplomas, etc., for non-regulated professions.
16. Lastly, the perspective of **EU enlargement** is not sufficiently taken into account in the Commission's proposal. European employers believe that it is of crucial importance that transparency of qualifications between current and would-be Member States is enhanced in order to ensure smooth access of the candidate countries to the system. As they did during the consultation, employers call upon the Commission to launch a programme to finance projects promoting this transparency.

III./ Conclusion

17. To sum up, UNICE believes that the Commission's proposal partly reaches its goal to improve the flexibility, the transparency and the accessibility of the European system for professional recognition.
18. However, UNICE regrets that:
 - the reform does not lead to a reduction of the number of regulated professions, thereby hampering the development of occupational mobility in Europe;
 - no satisfactory and concrete proposals are made to ensure that employers' representatives can efficiently contribute to the development of more transparency of qualifications in the European labour markets;
 - the perspective of EU enlargement is not sufficiently taken into account in the Commission's proposal.
