Economic and Monetary Affairs

Employment and Social Affairs

Environment, Public Health and Food Safety

Industry, Research and Energy

Internal Market and Consumer Protection

Recognition of professional qualifications

EUROPEAN PARLIAMENT

DIRECTORATE GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT A: ECONOMIC AND SCIENTIFIC POLICIES

INTERNAL POLICIES

Recognition of professional qualifications

STUDY

Abstract

This study follows up on the implementation of Directive 2005/36/EC on recognition of professional qualifications. It analyses the challenges to the recognition of qualifications for four 'mobile' professions where problems are reported most regularly: Nurses, Architects (both automatic recognition) and Civil Engineer and Tourist Guides (mutual recognition or general system).

Recommendations on how to overcome the identified challenges include including more professions and functionalities in the IMI system and considering to make the use of it mandatory, working to ensure mutual recognition even if the profession is not regulated in the home MS, developing best practices for processes to develop compensation measures, and assisting the MS in overcoming problems related to the requirement to document two years work experience in cases of written declarations in advance for provision of temporary services.

This document was requested by the European Parliament's Committee on Internal Market and Consumer Protection.

AUTHOR(S)

Ms Janne Sylvest
Ms Karin Gros Pedersen
Ms Martha Bird

LINGUISTIC VERSIONS

Original: EN

CONTENTS

LIST OF ABBREVIATIONS

ACE	The Architect's Council of Europe
CA	Competent Authority
CCPS	Certificate of Current Professional Status
CPD	Continual Professional Development
ECCE	The European Council for Civil Engineers
ENACA	European Network of Architects' Competent Authorities
EQF	European Qualification Framework.
EU	European Union
FEANI	Fédération Européenne d'Associations Nationales d'Ingénieurs
FEG	European Federation of Tourist Guide
ICE	Institution of Civil Engineers (in the United Kingdom)
IDA	The Danish association of engineers
IMI	Internal Market Information System
MS	Member State(s)
NCP	National Contact Point

_____

LIST OF TABLES

LIST OF FIGURES

EXECUTIVE SUMMARY

Background

The Directive 2005/36/EC on recognition of professional qualifications was adopted on 7 September 2005, consolidating 15 Directives, 12 Main (Sectoral) Directives and three General System Directives into a single text.

The main objectives of the Directive are to rationalise, simplify, and improve the rules for the recognition of professional qualifications. Thus, the Directive is intended to encourage the free movement of skilled labour around the European Union while acknowledging that standards and content of education differ between countries by seeking to establish some equivalence between those trained in the countries of the European Union. From an EU citizens' perspective it means that an EU citizen with a professional qualification from one in one Member State (MS) should be able to move and practise in another MS with relatively little friction.

However MS have been late transposing the Directive. Three MS still have not fully implemented the Directive. Also Citizens' expectations contrast with reality. They do not expect problems with the recognition of their professional qualifications when they go to work in another MS. But in 30% of cases their applications for recognition were initially rejected. Also 15 % of the complaints received by SOLVIT, the EU problem-solving network, concern the recognition of professional qualifications. The majority of mobile workers (around 66%) fall under the so-called general system and do not benefit from automatic recognition.

The European Commission is currently working on the preparations for the mandatory review of Directive 2005/36/EC in 2012.

The Directive is considered a key Directive for the functioning of the Internal Market, and the European Parliament is taking a great interest in the implementation.

Scope

The objective of this study is to provide an "analysis of the challenges to the recognition of qualifications for four selected 'mobile' professions" where problems are reported regularly: Nurses, Architects, Civil Engineer and Tourist Guides.

The study is based on interviews conducted with National Contact Points (NCP), Competent Authorities (CA) and a small number of professional organisations at EU level. It covers eight MS and four professions. It should therefore be kept in mind that the findings, conclusions and recommendations presented in this study are based on a relatively small number of respondents. Furthermore, the present study is based on the views of the interviewed CAs and professional organisations and does not reflect directly the views of the individual applicants seeking recognition.

_____

Main conclusions emerging from the study

This study confirms **the expectation gap experienced by professionals** applying for recognition of qualifications. This gab is often rooted in differing understanding and definition of a profession across the EU. Expectation gaps also exist as applicants expect there to be no or only a very simple recognition process while the reality for the four professions studies here is that the process may take between two and three months, or even longer if problems arise.

Where problems arise in the cooperation between the CAs these relate to situations where the CAs have **difficulties in identifying the relevant CA in the other MS**. This is particularly true for professions recognised under the general system and for host MS with a regional government structure.

Almost all respondents agree that the IMI is a useful tool for administrative cooperation. CAs in particular approve of the usefulness of the translation mechanism and that the IMI often makes it easier to identify the relevant CA in another MS. Furthermore, CAs find that the functionalities of **the IMI system can be improved and extended**, e.g. posing also general questions and not only questions relating to individual applicants. Where problems are reported these mainly relate to the fact that currently not all CAs are registered in the IMI or use the system properly. Therefore the tool is not used in a stringent manner across the EU; problems solved outside the IMI remain undocumented and CAs cannot rely on timely and sufficient responses. In all this can lead to delays in the recognition process for mobile professionals.

Regarding **information exchange on "fit to practice"** situations the picture that emerges based on the information provided by the CAs is that this is (or should be) an integrated part of the recognition procedure. While in particular the health professions have set up national supervision systems these are generally not integrated at EU level. When professionals move between MS the recognition procedure generally ensures that information of fit to practice is exchanged. However, in particular the CAs for nurses express concern that the systems for information exchange on fit to practice under the Directive may not be tight enough.

Overall, respondents initially find that a **professional card** for their professions would be useful if it supported the recognition process be making information collection and the comparison of qualification less burdensome for the CA. However, they are also aware that this would require a detailed card to be developed at EU level.

The MS adopt **a pragmatic approach to language requirements** and do not implement strict requirements. The general approach, in accordance with article 53 of the Directive, is that the recognition process should focus on the professional qualification of the professional while language skills are out of scope because it is the responsibility of the employer or the service provider to ensure a sufficient level of language skills.

Although optional according to the Directive, **written declarations in advance** for free provision of services are reported to be used regularly or as a standard by all NCPs participating in this study. This is confirmed by the most recent scoreboard on the Directive[1]. The requirement to provide a written declaration in advance poses problems for applicants as they must provide the documentation requested in support of the declaration. This is a particular problem for applicants wanting to move from an MS that do not regulate

_____

[1] Scoreboard on the Professional Qualifications Directive (Directive 2005/36/EC), second version, 15 April 2010, http://ec.europa.eu/internal_market/qualifications/docs/scoreboard_2010_en.pdf

the profession to an MS that does. This is due to the fact that the documents requested by the regulated host MS may not exist in the non-regulated home MS.

For automatically recognised professions the CAs update and validate of information on professional qualifications through Annex V of the Directive. The CAs simply refer to the Annexes if they want to know about the developments of a profession in other MS. In cases **where the Annex has not been updated** and therefore does not reflect the diplomas that applicants seek recognition for, the recognition processes must be handled under the more extensive and resource demanding general system. The more updated the Annex is the less the need for using the general system becomes and by extension also the use of compensation measures.

On an overall level, the professional whose qualifications are not recognised under the system of automatic recognition will face more challenged than those that are. This is explained by the fact that the process under the general system is in itself more complex and that compensation measures must often be completed in order to ensure that the qualification of an applicant meet the requirements of the host MS.

Turning to the use of compensation measures under article 14 of the Directive there is a general agreement that both **adaptation periods and aptitude test are resource demanding** for the applicants, the CAs, and others involved. CAs generally put a lot of effort into developing the compensation measures as they must be tailored to each applicant in order to fulfil their purpose. The CAs develop the compensation measures separately based on the national traditions for education and preferences. While it is unavoidable that the compensation measures in themselves postpone the recognition of professional qualifications their actual development may in some instance take longer and be more costly than necessary because CAs that are unsure of how to develop a compensation measure spend unnecessary resources ensuring that it is sufficient.

As described in the cross-cutting conclusions above, **problems are seen when citizens travel with qualifications which are not regulated in their home MS to a MS where the profession is regulated**. This is particularly true for professions regulated under the general system. In addition to the problem of identifying the relevant CA professionals may also face problems relating to providing the documents requested of them in the host MS as the home MS may not be able to help the applicant deliver these.

Furthermore, under the general system the CAs do not have the possibility to consult a central overview of qualifications and curricula as is possible for automatically recognised professions. Instead, **each CA is responsible for collecting data on qualifications** and updates on qualification from the other MS. This is not done systematically by the CA as this would require far too many resources. Rather, the information collection is done ad hoc and often in relation to the individual applications. Particularly where CAs do not have prior relations with one another this may lead to delays as CAs work to identify what kind of information they need to collect and where they can find it.

Main recommendations emerging from the study

Recommendation number one: Consider making the use of IMI mandatory and develops its functionalities further

The use of the IMI is currently voluntary and this leads to delays in the recognition processes. It is therefore recommended that the use of the IMI be made mandatory under the Directive. Furthermore, the recognition process would benefit from rules specifying deadlines for replies to questions posed through the IMI. To assist the recognition process even further the IMI could be expanded to encompass more functionalities relevant to the Directive. Suggestions along these lines include, e.g. an alert-function for exchanging important fit to practice information, enabling the attachments of files to questions, developing templates for posing general questions that are not related to a specific case, and developing a dialogue interface which would enable CAs to discuss the answers given to a question.

In some cases the Directive specifies that information may be given to the MS by any means, thus including electronic means (see article seven of the Directive). However, in other instances the Directive is less clear. It is therefore recommended to promote the use of electronic documents or scanned diplomas and intelligent online application forms.

Recommendation number two: Improve the update of Annex V of the Directive

It is important that the MS be encouraged to update the annex frequently by feeding their notifications of developments in the national diplomas into the system set up by the Commission to update the Annex. This is the only way the Annex can contain the latest information necessary to give recognition under the automatic recognition. As for consistency across the EU it is important to ensure that all MS update the annex to the same level of detail and with the same type of information. It must be avoided that MS either include too many complex requirements in the annex or choose to omit certain information. The successful implementation of this recommendation thus presupposes a constructive dialogue between MS and between MS and the Commission. The national coordinators are very well placed to manage this work but must be supported actively at CA level.

Recommendation number three: Ensure mutual recognition even if the profession is not regulated in the home MS.

Applicants seeking recognition under the general system in host MS that regulates a profession when the home MS does not regulate the profession may experience problems and it is therefore recommended that effort is put into ensuring mutual recognition even if the profession is not regulated in the home MS.

While efforts to alleviate this situation should clearly not lead to any pressure on non-regulating MS to begin to regulate a profession, initiatives may nevertheless be made to ensure recognition for professionals coming from MS that do not regulate a given profession. One approach would be to strengthen the role of the NCP in the home MS vis-a-vis professions that are not regulated. More specifically, the NCP should be more active in assisting the host MS in identifying organisations or individuals within the home MS that would be able to assist the CA from the host MS in the recognition process. A clear overview of where CAs exist and for which MS the NCP should be contacted would also improve the situation.

Another approach would be to guide MS on what types of documentation could be accepted as sufficient proof of professional qualifications in cases where the home MS does not regulate the profession. This would help reduce processing time for applications and help build trust between MS. The Code of Conduct developed by the Group of Coordinators would be a possible platform for this approach.

Recommendation number four: Develop best practices for processes to develop compensation measures

Compensation measures are resource demanding for both the applicant and the CA that needs to develop it. While the content of a compensation measure must by definition be tailored to the individual applicant it is recommended that information on best practices is exchanged at EU level. Furthermore, certain types of compensation measures or specific tools – for instance biannual aptitude test in a central location, adaptation periods with intermediate and final reporting, the use of online aptitude tests, and final evaluation of an adaptation period - could also be developed and coordinated. The NCPs or the Group of Coordinators would be useful platforms for this work but it would be important to include the CAs that actually plan and carry out the compensation measures in the development of the best practices as they are the holders of lessons already learned.

Furthermore, it is suggested to foster networks for CAs for highly mobile professions. The networks should enable the CAs to meet face-to-face to discuss the profession and specific and problematic applications. The involvement of CAs in the current activities related to the review of the Directive could be used as starting point for this exercise.

Recommendation number five: assist MS in overcoming problems related to the requirement to document two years work experience in cases of written declarations in advance for provision of temporary services.

It is recommended that the MS be assisted to overcome problems for applicants from non-regulated MS are compounded in cases where the professional is highly mobile and/or works on a free-lance bases or on short-term contract, e.g. tourist guides or ski-instructors. In all cases the essence of the problem is that proof of two years working experience may very difficult or even impossible to obtain for the applicants and hard for the CA in the host MS to define. One approach would be to inculcate in the MS that the Directive states that MS may require a written declaration in advance, but that the declaration is in fact not an obligation under the Directive. Furthermore, clarifications as to the intended use of article seven should also be given. The intention of the article is to provide for a simple and optional administrative system to inform a host MS that a particular service is being provided on a temporary basis on its territory. However, the provision has in some cases been developed into a more elaborate system of permission which hinders mobility by making the provision of temporary services dependent on a costly and time consuming administrative process. Efforts should lead a decrease in the (unreasonable) use of written declarations in advance. The other approach would be to assist the MS in developing common agreements at EU level or bilaterally as to what a sufficient proof of work experience should consist of.

Recommendation number six: Facilitate the development of professional cards

As the first professional cards are coming into maturity it is recommended to assist the development of professional cards by helping the organisations to share knowledge and know how. Furthermore, it is also suggested to explore which professions could benefit from a professional card, how they would do so, and what conditions are for the development of a successful professional card for these professions.

_____

INTRODUCTION

1.1.   Introduction

The Directive 2005/36/EC on recognition of professional qualifications was adopted on 7 September 2005, consolidating 15 Directives, 12 Main (Sectoral) Directives and three General System Directives into a single text. It consolidates and modernises the rules currently regulating the recognition of professional qualifications. The main objectives of the Directive are to rationalise, simplify, and improve the rules for the recognition of professional qualifications, consolidating the Directives relating to the general system in order to continue simplifying the legislation[2]. Furthermore, the Directive was proposed within the framework of the *White Paper on European Governance*, published in July 2001, presenting the Commission's dedication to: "promote greater use of different policy tools including framework Directives" and "simplify existing EU law including combining legal texts"[3].

The Directive is intended to encourage the free movement of skilled labour around the European Union while acknowledging that standards and content of educations differ between countries; it seeks to establish some equivalence between those trained in the countries of the European Union. From an EU citizens' perspective it means that an EU citizen with a professional qualification obtained in one MS should be able to move and practise in another MS relatively frictionless. Currently more than 800 regulated professions are covered by the Directive.

The majority of mobile workers (around 66%[4]) fall under the so-called general system based on the principle of mutual recognition of regulated profession on a case-by-case bases. The automatic recognition of training qualifications based on the coordination of minimum training conditions covers the following professions: doctors, nurses responsible for general care, dental practitioners, veterinary surgeons, midwives, pharmacists and architects.

Implementation of the Directive is complex as it covers many sectors, thus involving many national authorities and competent bodies. A 2009 study for the IMCO Committee on the transposition of the Directive[5] showed that 17 out of 27 MS had fully implemented the Directive, however with severe delays. A general issue affecting the proper enforcement of the Directive was a lack of trust between MS in each other's educational and professional structures, caused by national differences and/or ambiguities. Therefore protectionism and delays in the recognition process continue to exist with regard to the professions regulated by general system as well as by the specific system of automatic recognition.

---

2 Directive 2005/36/EC of 7 September 2005 on the recognition of professional qualifications

3 Proposal for a Directive of the European Parliament and of the Council on the recognition of professional qualifications; COM/2002/119/Final; Brussels, 07.03.2002; p. 3.

4 Internal Market Scoreboard # 21, Internal Market and Services Directorate-General, The European Commission, 2010, http://ec.europa.eu/internal_market/score/docs/score21_en.pdf

5 Study on Transposition of the Directive on the recognition of professional qualifications, PE 416.238 (IP/A/IMCO/ST/2009-05), European Parliament, DG for Internal Policies, Policy Department A

The recent Internal Market scoreboard no. 21[6] provides an update on the status of the transposition of the Directive: four and a half years after its adoption, three MS still have not fully implemented the Directive. According to the scoreboards many MS were late because they underestimated the complexity of implementing the Directive; around 1200 national implementation measures have been notified to the Commission. However cooperation between MS is improving. The Internal Market Scoreboard reveals that the Internal Market Information System (IMI) is increasingly used by the authorities to exchange information. Encouraging in this respect are the 1210 requests for the recognition of professional qualifications registered in the IMI system for the period January-August 2010, compared with only 1404 in 2009[7]. And as of September 2010 the IMI can be used for 4 additional professions (now 35 in total): Tourist guides, psychologists, social workers and engineers[8].

Finally, the scoreboard reports that citizens' expectations contrast with reality; citizens do not expect problems with the recognition of their professional qualifications when they go to work in another MS. For instance, the scoreboard highlights that the majority of citizens understand all recognition to be given automatically and even that "automatic" should be understood as being the equivalent of the complete non-existence of recognition procedures. In reality 30% of cases applications for recognition were initially rejected or they were required to undergo additional tests or had to pursue their requests via appeals. Also 15 % of the complaints (220 cases) received by SOLVIT, the EU problem-solving network, concerns the recognition of professional qualifications. The scoreboard shows a wide variation between MS.

This is supported by a report on professional mobility in practice by the Citizens Signpost Service[9], an EU advice service for EU citizens. The report concludes that citizens lack awareness of the Directive and that they therefore misunderstand and overestimate the scope of the Directive. Furthermore, the report also shows that citizens have problems in identifying the entry points into the recognition process and that also do not know where to go get help to identify them.

The Professional Qualifications Directive is considered a key Directive for the functioning of the Internal Market, and its implementation is therefore the subject of great interest. An inter-parliamentary meeting between the European Parliament and National Parliaments on this issue will be held on 26 October 2010.

1.2.   Objectives of the study

The objective of this study is to follow up on the above-mentioned 2009 study on the transposition of the Directive, by providing an "*analysis of the challenges to the recognition of qualifications for four selected 'mobile' professions*" where problems are reported most regularly.

In this analysis, special focus has been given to the following issues:
   1. the use of the written declaration in advance (article 7), the adaptation period or the aptitude test (article 14) and the language requirements (article 53) as outlined above;

---

[6] Internal Market Scoreboard # 21, Internal Market and Services Directorate-General, The European Commission, 2010, http://ec.europa.eu/internal_market/score/docs/score21_en.pdf

[7] http://ec.europa.eu/internal_market/imi-net/docs/statistics_2010_en.pdf

[8] http://ec.europa.eu/internal_market/imi-net/index_en.html

[9] The Mobility of Professionals in Practice, the Citizens Signpost Service, Feb 2010, section 3. http://ec.europa.eu/citizensrights/prq.pdf

2. the cooperation between the national contact points and the roles and competences of the national contact point within the MS in relation to the Competent Authorities;

3. the quality of services provided: the functioning of the supervision systems in the different MS, the exchange of information on professional exclusion and 'fit to practice' information;

4. the updating and validation of information on professional qualifications (changes in curriculum etcetera), the added value of a professional card, and the relation with academic qualification and vocational training qualification (European Qualification Framework or EQF) schemes.

On the basis of this analysis the study draws conclusions and makes recommendations to improve the system of recognition of professional qualifications.

In the box below some of the key provisions in scope of the study – i.e. articles seven, 14, and 53 are presented.

BOX: Key provisions in scope of the study – articles 7, 14, and 53.

Article **seven** of the Directive concerns the **written declaration in advance**. According to this article the MS "… may require that, where the service provider first moves from one Member State to another in order to provide services, he shall inform the Competent Authority in the host Member State in a written declaration to be made in advance including the details of any insurance cover or other means of personal or collective protection with regard to professional liability." In practice this means that professionals who want to provide services on a temporary basis in another MS have to declare that they want to do so to the relevant Competent Authority in the MS where they want to work.

Article **14** of the Directive concerns the so called **compensation measures**, which take to form of either an **aptitude test** or an **adaptation period**. A MS (host MS) receiving a professional from another MS (home MS) may in some cases be entitle to ensure that this professional lives up to the requirement of the host MS. The applicant is entitled to choose between a written or oral aptitude test of skill or an adaptation period, which is in essence a practical test of skills. The MS develop the compensation measures for each applicant individually.

Article **53** of the Directive states that "Persons benefiting from the recognition of professional qualifications shall have a knowledge of languages necessary for practising the profession in the host MS." It is however not the responsibility of the host MS to test **language skills** as part of the recognition process. The responsibility for a ensuring a sufficient knowledge of the language in order to practise a certain profession lies with the employer or similar entities.

1.3.   Scope and method of the study

Scope – selection of professions and Member States

The study was required to cover four mobile professions where problems are reported most regularly. Two of these should be on the list for automatic recognition[10]. Furthermore, the study should cover eight selected MS.

The selection of the four professions began with a small quantitative analysis using data from the regulated professions database[11] to identify the occurrence of cases (problems) in terms of MS and professions involved. Data was indexed to population data from Eurostat[12] in order to compensate for variations in population sizes across MS. The SOLVIT 2009 annual report[13] was reviewed in order to identify general indications of where problems exist. In addition, the findings from the above-mentioned 2009 study of the recognition of professional qualifications were also considered. This led to a first proposal for selection of professions and MS, which was discussed with the Parliament services and subsequently adjusted.

These deliberations led to the following selection of professions and MS[14] for inclusion in this study:

Table 1 Professions and Member States covered by the study

Professions	Member States
Nurses (automatic recognition)	United Kingdom
Architects (automatic recognition)	Spain
Civil Engineers	Denmark
Tourist Guides	Poland
	Slovenia
	France
	Germany
	Italy

Data collection

The main source of data for this study is interviews with National Contact Points (NCP) and Competent Authorities (CA) in the selected MS, supplemented with interviews with selected professional organisations at EU level. NCP are single points of contact set up in each MS. Their brief is to provide information on the directive in their respective MS to citizens and other public or private entities in the EU. CAs are public or private entities at MS level who are given the responsibility of carrying out the recognition processes for the applicants

---

[10] For recognition purposes, the directive lays down minimum training conditions for each of these professions, including the minimum duration of studies. The formal qualifications conforming to the directive issued by Member States are listed in Annex V. These qualifications enable holders to practise their profession in any Member State

[11] http://ec.europa.eu/internal_market/qualifications/regprof/index.cfm?fuseaction=home.home. Data for 2008 has been used as this was most complete.

[12] http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&language=en&pcode=tps00001&tableSelection=1&footnotes=yes&labeling= labels&plugin=1

[13] http://ec.europa.eu/solvit/site/docs/solvit_2009_report_en.pdf. SOLVIT is an on-line problem solving network in which EU Member States work together to solve without legal proceedings problems caused by the misapplication of Internal Market law by public authorities.

[14] It should be noted that the initial analysis pointed to some interesting aspects in some Member States, but equally important for the selection was the achievement of a certain degree of geographical spread, representation of both large and small MS, as well as old and new MS. Thus, the group of MS selected to be included in this study is not a particularly problematic group with respect to the implementation of Directive 2005/36/EC, but rather a reasonably representative selection of MS with different characteristics.

seeking recognition. There are many CAs as one or more CAs are set up for each profession in each MS.

As regards the specific coverage of MS and professions, for each profession four to six CAs from the selected MS were interviewed, and for each MS, several professions (usually three) were covered.

Thus, while an extensive amount of data and information has been collected through these interviews it should nevertheless be kept in mind that the findings, conclusions and recommendations presented in this study are based on a relatively small number of respondents.

The table below provides an overview of the number and categories of interviewees. A detailed list is provided in Annex 1.

Table 2 Overview of types and number of interviews

Type	Number of Interviews
National Contact Points	8
CAs, nurses	6
CAs, architects	4
CAs, civil engineers	5
CAs, tourist guides	4
Other (EU level associations etc.)	4
Total	32

Furthermore, it is highly important to stress that the findings, conclusions, and recommendation of the present study are based on the views of the interviewed CAs and professional organisations and do not reflect directly the views of the individual applicants seeking recognition as these have not been interviewed for this study

1.4. Structure of the study

This report is structured according to the four selected professions (nurses, architects, civil engineers, and tourist guides). Thus, each profession has its own chapter which covers the specific aspects that the study focuses on. General finding for the four professions are presented in a separate chapter. Finally, the chapter on conclusions and recommendations compares the problems to recognition under the sectoral and general systems and provides conclusions both for each of the professions, and also across professions and MS.

AUTOMATICALLY RECOGNISED PROFESSIONS

The automatic recognition of training qualifications based on the coordination of minimum training conditions covers the following professions: doctors, nurses responsible for general care, dental practitioners, veterinary surgeons, midwives, pharmacists and architects (Chapter III of the Directive).

For recognition purposes, the Directive lays down minimum training conditions for each of these professions, including the minimum duration of studies. The formal documentation needed to prove the qualifications for the professions that meet the minimum training conditions are listed in Annex V of the Directive. MS must give citizens from other MS access to practice their profession freely and on the same terms as national holding documentation from its own territory when the citizen presents documentation that is listed in the Annex V to the MS. These qualifications thus enable holders to practise their profession in any MS after undergoing a relatively brief recognition process.

2. Challenges experienced by Architects

2.1. Overall situation for the profession

Architects are one of the seven so-called "Sectoral professions" benefiting from automatic recognition on the basis of harmonisation of minimum training conditions.

According to the regulated professions database a total of 2.503 decisions on recognition have been taken by EU host MS and the profession can thus be said to be highly mobile. Furthermore the vast majority (2.480) of these decisions have been positive and were taken under the automatic recognition system[15].

For architects benefitting from the automatic recognition the recognition process may take as little as two to four weeks. However, the normal duration is two to three months. In difficult cases or where the CA must refer to the general systems instead of automatic recognition the process takes longer. However, these cases are relatively rare and very individual. The most extreme case indentified through this study lasted six months.

CAs for architects from the MS Germany, Spain, the United Kingdom and France as well as a representative of the ENACA[16] network were interviewed in relation to the present study.

2.2. Written declaration in advance

Written declarations in advance under article seven of the Directive may be used by the MS when professionals seek to provide temporary services. The declarations are required by all the MS in this study and are used primarily for consumer protection. CAs report that this requirement generally does not generate problems for the architects involved.

The box below showcases the purpose of the written declaration in Germany and what it entails for the architect making the declaration.

---

[15] The regulated professions database was accessed on the 29th September 2010 and the figures reflect the situation as of that date.

[16] http://www.enaca.eu/

_____

> **BOX: The German example of a written declaration in advance for architects**
>
> The purpose of the use of the written declaration in advance is to ensure that the applicant gets equivalent rights to those of a German architect, most importantly the right to sign agreements on projects with a client. The applicant informs the CA that (s)he is working in Germany and is then registered in a database. The applicant is checked to see that (s)he is a qualified architect, whether (s)he is legally established in the home MS, whether sufficient insurance has been taken out. The nationality of the applicant is also confirmed.

2.3.   Adaptation period and aptitude test

As architects are automatically recognised, adaptation periods and aptitude tests are not used very frequently. However, this study uncovers a number of instances where the MS uses article 14 and where problems occur for the CA or applicant. Overall, the reasons for using article 14 for architects is that not all architects seeking recognition hold qualifications that are recognised automatically or that an applicant's experience does not compensate for the difference in education between his own qualification and what is required in the MS where he is seeking recognition. When these cases arise, the applications are treated according to the procedures for the general system of recognition which, as a rule of thumb, are more elaborate.

In the box below the French example of an aptitude test is presented.

> **BOX: The French example of aptitude tests for architects seeking permanent establishment but where uncertainty of the qualifications exist**
>
> The list of subjects on which an applicant may be examined, the characteristics of the aptitude test, and the composition of the jury are determined by order of the Ministry of Culture.
>
> The ministry informs the applicant of the list of subjects which may be included in the aptitude test and of the dates of the test sessions.
>
> The aptitude test is a 1½ hour long oral test consisting of an interview with the panel that determines the applicant's ability to master architectural design and techniques and working methods in architecture. It covers all or parts of the materials specified in Article nine of the Directive.
>
> An applicant cannot enrol for an aptitude test more than three times during a five year period.

There is a lot of work included in developing and taking an aptitude test. Therefore one respondent suggests that it would be good if guidelines on how adaptation periods and tests should be conducted in this situation. It should contain guidelines on what would be reasonable to include and would ensure a harmonised approach across MS.

2.4.   Language requirements

Article 53 is generally not used by the CAs interviewed for this study as it is not the responsibility of the CA to recognise the language competences and/or qualifications of the applicants. This is instead the responsibility of the employer. By extension, language requirements do not pose challenges for the applicants during the recognition process.

As is the case for the other professions studied, language requirements may however play a role for an applicant's ability to obtain a job once recognition has been given. Below, two examples are presented: one of a situation where an architect is able to work in a host MS without knowing the MS' language and one of a situation where the recognition process itself does not include language requirement but where the MS approach to the profession nevertheless entails a certain need for language skills.

> **BOX: An example of a situation where an architect if able to work in a host MS without knowing the host MS language**
>
> In general no language tests are required by the host MS. In the field of technical professions (doctors, architects etc.) the level of language skills needed is rather given by how and what the individual professional needs to be able to communicate in order to carry out the profession. This does not necessarily have to be knowledge of the specific language(s) of the host MS. For instance, there are a lot of architects establishing themselves in other MS. They can work around any language issue by using a shared (third) language (often English, French or German), or by means of an interpreter.

> **BOX: An example of a situation where the recognition process itself does not include language requirement but where the MS approach to the profession nevertheless entails a certain need for language skills**
>
> In the United Kingdom there is no specific requirement as to language involved in the recognition process. However, once an individual is registered, the MS guidelines for architects apply.
>
> The guidelines can be used as reference to determine if an architect can be deemed as being guilty of inadequate conduct. The guidelines can be understood as an ethical guideline, including guidelines on conduct, insurance, language skills, dealing with clients etc. In effect the applicant has to have the language skills to carry out his profession.

2.5.   Other challenges experienced by the profession

One other problem mentioned relates to the expectation gap that has also been identified by the Internal Market Scoreboard[17]. Two cases where applicants are surprised by the actual existence of a recognition process are briefly outlined in the boxes below.

---

[17] Internal Market Scoreboard # 21, Internal Market and Services Directorate-General, The European Commission, 2010, http://ec.europa.eu/internal_market/score/docs/score21_en.pdf

> **BOX: Applicants may experience an expectation gap for recognition due to misunderstandings of the concept of automatic recognition**
>
> The Spanish CA reports that Citizens sometimes take the term "automatic recognition " to mean that no recognition is needed while other expect that the recognition process will take only a few days. Although the process is rather efficient the applicants' different expectations can lead to irritations.

> **BOX: The documents requested by MS during the application process may surprise applicants**
>
> Under Annex seven of the Directive the MS are able to ask for a defined list of documents and certificates as part of the recognition process. However not all MS request the same documents. For instance new MS sometimes ask for a police notification of good character, which something comes as a surprise to applicants from older MS.

2.6.   Member State Cooperation on the Profession

Regarding the cooperation between the NCPs and the cooperation between the NCP and the CA this study shows that there are no important differences between the four professions in this study. To avoid repetition please refer to the descriptions and analyses presented in the general findings chapter.

Overall, three modes of cooperation between the CAs exist: bilateral cooperation, cooperation through networks and cooperation through through the IMI system.

Cooperation between the competent authorities

The CAs report that they cooperate bilaterally on an ad hoc basis as the need arises in specific recognition cases. This can be done through the IMI or direct by phone and e-mail. Compared to professions regulated under the general system, CAs for architects put less emphasis on building and maintaining bilateral cooperation. Automatic recognition makes this kind of cooperation less important.

The European Network of Architects' Competent Authorities (ENACA) works to ensure good communication between the CAs, in particular on how the Directive is implemented in the different MS. The purpose of the ENACA is to provide a forum for discussion for CA with a view to helping administrative cooperation and consistency in implementing the Directive. Membership is open to any CA for architects, or request handler, in any EU MS, EEA State, Switzerland or EU Candidate State. As well as sharing information via a website and email discussions, the ENACA usually meets three times per year. Approximately half of the CAs for Architects are members of the ENACA[18].

The network experience that differences in knowledge exists between new and old MS; because the old MS have been working together for a longer period of time, they share a larger amount of common knowledge than the network does as a whole.

---

[18] http://www.enaca.eu/

This means that the old MS have an easier time cooperating among themselves than the whole network does. At the same time, the members of the ENACA also experience a trend towards more harmonisation in implementation of the Directive, which makes cooperation easier.

Furthermore, the professional organisation The Architect's Council of Europe (ACE) provides a similar basis for information exchange between the CAs to the extent that the CAs are eligible to become members. ACE consists of Member Organisations, which are the nationally representative regulatory and professional bodies of all MS, Accession States, Switzerland and Norway. Through them, it represents the interests of about 480,000 architects.

The principal function of the ACE is to monitor developments at EU level, seeking to influence those areas of EU Policy and legislation that have an impact on architectural practice and on the overall quality and sustainability of the built environment[19].

IMI

The day-to-day functioning of IMI receives mixed reviews from the CAs for architects although the opinion on the technical system as such is positive. One CA points out that the IMI is complex to work with: the closed questions framework that is used to enable translation makes the system difficult to use and it takes the CA more than 30 minutes to ask a question through IMI, because it is complex to ensure that all fields are filled in correctly. Furthermore, the respondent regrets that only questions relating to a specific individual seeking recognition can be posed and suggests a tool for posing more general questions be made available.

Another respondent explains that the IMI system does not work for them. They generally do not receive answers to the questions posed to the other CAs which they find annoying. When CAs need to understand the specific setup of the architects' qualifications in a certain MS, the ENACA and similar networks are the preferred forum even when the CA is registered in the IMI.

A situation where the IMI might be useful is when one MS cannot get another MS to answer within the deadlines. The possibility of IMI to escalate issues is then a good tool. The box below contains suggestions for improvements of the IMI collected from the CAs for architects.

BOX: Suggestions for improvements of the IMI collected from the CAs for architects
- Ensure that MS use the IMI consistently e.g. by making the use of IMI obligatory for all CAs   - Make use of the IMI for a wider range of purposes, e.g. by introducing an functionality for posing general questions not related to specific and individual cases or by introducing an alert function for sharing information on excluded professionals who move between MS   - Improve technical functionality, e.g. the use of attachments and improving the control over time-out to avoid data being lost half-way through posing a question

---

[19] http://www.ace-cae.eu/

Supervision systems and exchange of information on professional exclusion and fit to practice information

In general the CAs for architects report that they do not specifically exchange information on professional exclusion and fit to practice information. Most information is given in the certifications used in the automatic recognition process and therefore a separate system for exchange of this type of information is not needed. When issues of fit to practice information arise, enquiries are made via the IMI to the host MS.

2.7. Qualification schemes and information on professional qualifications

The update and validation of information on professional qualifications for architects is primarily handled through annex 5.7 of the Directive. The process for updating the annex is simply put as follows: MS are responsible for notifying changes to diplomas and the introduction of new diplomas to the Commission. Meanwhile, the Commissions is responsible for the actual update of the Directive' annex on a regular basis. If MS do not notify the Commission of changes at MS level these are not included in the annex. The box below elaborates on the problems related to the update of the annex.

BOX: Problems for architects related to the update of annex 5.7 of the Directive

A slow update of the annex leads to an increase in recognition under the general system as a qualification that is not listed in the annex 5.7 can only be recognised according to the rules under the general system.

MS therefore have to update the annex 5.7 regularly. Respondents agree that it is beginning to work well now, but there has been a big backlog due to the implementation of the current Directive.

Specifically, there are problems with the fourth column of the annex – the certificate accompanying the evidence of qualification. This column identifies the additional documentation that each home MS requires for registration to be complete. The applicant must submit this additional documentation that is required in his/her home MS to the CA in the host MS in order to obtain recognition.

Some MS have not indicated additional documentation under column four although it actually exists - for instance some new MS have hesitated because they were afraid that this would become a barrier for their citizens' ability to move freely.

A final problem is that the MS perform updates of the annex at different intervals. This means that at EU level the annex changes constantly. The CAs therefore face a daunting task in staying up to date on the developments of the annex.

Regarding the European Qualification Framework (EQF)[20], interviews show that it is not commonly used. Again the reason is that the Directive and the annex 5.7 provide the needed information.

---

[20] The EQF aims to relate different countries' national qualifications systems to a common European reference framework. Individuals and employers will be able to use the EQF to better understand and compare the qualifications levels of different countries and different education and training systems. Agreed upon by the European institutions in 2008, the EQF is being put in practice across Europe. It encourages countries to relate

2.8.   Professional cards

In general, the respondents find that a professional card for architects would not provide added value for the recognition process as it would only duplicate the existing automatic recognition. In other words, the costs of establishing such a card do not justify the benefit. Furthermore, it would have to be continuously updated which would constitute huge administrative burdens.

Interestingly, one respondent takes the opposite approach and suggests that professional cards should (first) be produced for the automatically recognised professions. The argument is that this shift of workload from the host MS to the home MS and would help reduce delays in the recognition procedure significantly. If an applicant seeking recognition holds a professional card the host MS does not need to conduct further investigations before recognition can be given. It may be easier to set up a professional card for the automatically recognised professions as qualifications are more harmonised than professions under the general system.

2.9.   Conclusion on main challenges for Architects

Overall, the majority of architects seeking recognition of their qualifications obtain these with relative ease under the system of automatic recognition, according to the respondents.

Where problems occur, they relate to situations where architects for various reasons are forced to have their qualifications recognised under the general system. In continuation of this, architect having to seek recognition under the general system may also face the requirement to take an aptitude test or undergo an adaptation period. Although rare, the compensation measures require many resources of both the CA and the applicant architect.

Annex 5.7 poses some challenges in itself. Specifically, there are problems with the fourth column of the annex – the certificate accompanying the evidence of qualification. This column identifies the **additional documentation** that each home MS requires for registration to be complete. The applicant must submit this additional documentation that is required in his/her home MS to the CA in the host MS in order to obtain recognition. Some MS have not indicated additional documentation under column four although it actually exists - for instance some new MS have hesitated because they were afraid that this would become a barrier for their citizens' ability to move freely. Another problem with the annex is that the MS perform **updates** at different intervals. This means that at EU level the annex changes constantly.

A separate source of problems is the **expectation gap** that exists between what architects expect and what the realities of the recognition process are. For instance, applicants sometimes take the term "automatic" to mean that no recognition is needed while other expect that the recognition process will take only a few days.

---

their national qualifications systems to the EQF so that all new qualifications issued from 2012 carry a reference to an appropriate EQF level. An EQF national coordination point has been designated for this purpose in each country.

3. Challenges experienced by Nurses

3.1. Overall situation for the profession

Nurses are one of the seven so-called "Sectoral professions" benefiting from automatic recognition on the basis of harmonisation of minimum training conditions.

When considering the profession of nurses in general one has to distinguish between the general care nurses, who get recognised through the automatic recognition procedure and the specialist nurses (for example paediatric and psychiatric nurses), who have to use the general system to get their qualifications recognised.

Statistically, nursing professionals are a highly mobile professional group across Europe[21]. According to the regulated professions database a total of 15.757 decisions on recognition have been taken by EU host MS. Furthermore the vast majority (10,409) of these decisions have been positive and were taken under the automatic recognition system. 2.627 positive decisions were taken under the general system, while a total of 808 recognitions were given after successful completion of adaptation periods or aptitude tests. In all 88% of the 15.757 decisions were positive[22].

The length of the recognition process differs between MS and between cases. The studied MS strive to stay within the three month time limit, but find difficulties particularly relating to applications that cannot or may not be given automatic recognition and must therefore be handled under the general system. In these cases delay can occur firstly due to the fact that time is needed to identify that an application cannot be given automatic recognition and secondly due to the fact that the process under the general system is often more lengthy. These problems will be analysed further below.

CAs for nurses from the MS Denmark, Italy, Spain, Slovenia, Poland and the United Kingdom were interviewed in relation to the present study.

3.2. Written declaration in advance

Article seven of the Directive gives the MS the possibility to ask for a written declaration in advance where the service provider first seeks to provide temporary services. The article is used as exemplified in the box below.

BOX: The Danish argument for using written declarations in advance

"According to Danish legislation the National Board of Health has to supervise medical personnel. Supervision of Medical personnel is part of the system of securing patient safety. In order to be able to supervise medical personnel on temporary or occasional basis we find a prior declaration necessary."

---

[21] http://www.efnweb.org/version1/en/documents/FinalCollaborativeResponsetoNursingTuningBrochureValidation2 2062007EN_000.pdf

[22] The regulated professions database was accessed on the 29th September 2010 and the figures reflect the situation as of that date.

Three of the six CA interviewed report only limited use of the written declaration in advance. This does not conform to the general picture which shows that use of written declaration in advance is high across the MS27[23]. Based on the limited data collected for this study it would seem that one explanation for this discrepancy could be that when citizens move to another MS, they have a period of several years in mind so they opt to apply for recognition for establishment, rather than for provision of services.

3.3. Adaptation period and aptitude test

As was the case for architects above, the provisions on compensation measures are only relevant when dealing with recognition of nurses through the general system. The use of the two compensation measures, the practical set-up of the test and the practicalities related to the adaptation period varies on a number of accounts between the MS. The table below sums up on the findings:

Table 3: Compensation measures for nurses

MS	Aptitude test	Adaptation period
Denmark	**Available, but not used in practice** For the CA it is difficult to set up a test system that can take all individual aspects into account. Would be very costly to tailor all the tests to the applicants. So far no tests have been made.	**Available, but only limited use in practice** When an applicant has chosen an adaptation period the applicant has to find employment that reflects the deficit found in the education. When applicant is not fluent in Danish it is difficult to find positions for adaptation period – a prerequisite for employment is often that the applicant masters Danish
Spain	**Available, and used in practice** The CA report that the future regarding compensation measures in Spain is found with the aptitude tests. The process where the applicant has to go through an adaptation period is considered too lengthy, and an aptitude test (theoretical-practice exam) should be used for all cases. In case an applicant fails the test, they are given a second opportunity to complete the test. There is however some ongoing discussions related to the topics to include in the test, so the CA is not certain when the process will be fully vibrant.	**Available, and used in practice** Up until now, applicants could choose between adaptation periods or aptitude tests. However, given the considerable number of applicants, and the autonomous administrative structure of the country, adaptation periods are very expensive to conduct. The effective management of the Health sector is a competence of each autonomous community, and that makes the work of the CA a bit harder because practical adaptation periods need to take place in hospitals, which requires a lot of coordination with the autonomous communities since they are responsible for the effective management of the sector. This is not only expensive but also time consuming, and Spain therefore prefers to implement a system which revolves around a compulsory aptitude test applicable for all cases.
Slovenia	**Available, but not used in practice** For the aptitude test no cases have been seen yet, but the test would probably be made up of both a theoretical and a practical part.	**Available, but not used in practice** The adaptation period has not been chosen by an applicant yet. The basic principles for the test would be: • The applicant could complete the training period in a hospital or with a

---

[23] Scoreboard on the Professional Qualifications Directive (Directive 2005/36/EC), second version, 15 April 2010, http://ec.europa.eu/internal_market/qualifications/docs/scoreboard_2010_en.pdf

_____

MS	Aptitude test	Adaptation period
		health provider. • A mentor would be assigned to the applicant, and it would be up to the mentor to assess whether the applicant is fully qualified upon termination of the test period.
Italy	**Available, and used in practice** The CA attaches the following comments to the test: • The CA waits until a reasonable number of applications have been received. • After this a test is arranged in Rome (at least two times a year). • The first part is in written (30 questions, at least 18 correct answers) results are given at once. • The second half of the test is made up of a theoretical and a technical part of the exam. This part of the exam is based on an presentation in front of a commission	**Available, and used in practice** The CA is responsible for finding placement for the applicant to complete the adaptation period. The aim is to send the person to a place close to the place of residence within the region. The nurse is responsible for arranging the practicalities. The actual training is handled by the respective establishment (e.g. the University or hospital), but it is up to the CA to prescribe how it should be done. Depending on how the hospital/university handles things (their responsibility), the nurse gets training and a tutor who has to write an evaluation. When the evaluation is positive, the CA gives recognition.
Poland	**Available, but not used in practice.** Regulation is in place to support the choice of a test but no occurrences of this have been reported.	**Available, but only used on one occasion** The adaptation period is regulated through the district chamber. The regulation comes from the ministry of health which is then applied by the district chamber.
United Kingdom	**Not available, but is currently being established** The CA attach the following comments to the test: • Next year we are going to do a project and set up an aptitude test in the UK. • We have some concerns, because we have some people with huge shortfalls in their training programmes, and we have some doubts whether an aptitude test/theory test can ever compensate for insufficient training. • It might take a while to consult with universities, (etc.) but it hopefully will be operational next year	**Available, and used in practice** Historically, in the United Kingdom has had only adaptation programmes (compulsory training requirements) and this is how education has been organised in the United Kingdom. The argument for this approach that nurses have to be assessed in practice to ensure that they hold sufficient qualifications.

As can be concluded from the table, some of the CAs report of practical difficulties related to setting up well functioning compensation measures. Furthermore, there is a large difference in how the MS implement article 14. At one end of the scale Italy uses both adaptation periods and test. Italy has developed standardised tests that are given twice a year in a centralised location, Rome. At the other end of the scale the United Kingdom has until now used only adaptation periods for assessing qualifications.

All the CAs in this study report that tests and adaptation periods require many resources of both CAs, applicants, universities, and hospitals involved. Finally, they also report that compensations measures are rare, see e.g. Slovenia where neither has been used in practice.

As noted by one of the interviewees in the box below; in order to overcome some of the potential issues with adaptation periods (finding employment/ practical training) the system needs political backing.

> **BOX: Political backing is needed to overcome problems related to adaptation periods**
>
> "You need to facilitate the process from more angles, i.e. by easing the process of finding employment during the adaptation period. Also, since communication is quite important when considering the profession of nurses, it might be necessary to invest resources in language courses for applicants from other MS."

3.4. Language requirements

For nurses the picture that emerges in relation to language requirements is very similar to the one described for architects in the previous chapter.

As such, article 53 is generally not used by the CAs interviewed for this study as it is not the responsibility of the CA to recognise the language competences and/or qualifications of the applicants. This is instead the responsibility of the employer and the national health systems to ensure that an employee's language skills are sufficient. Therefore, language requirements do not pose challenges for the applicants during the recognition process.

As is the case for the other professions studied, language requirements may however play a role for an applicant's ability to obtain a job once recognition has been given. Self evidently, the ability to communicate is a basic skill needed to fulfil the job as nurse – you have to be able to talk to your colleagues and patients to properly function as nurse.

Below, some examples are given where the CAs nevertheless play a role when it comes to the language requirements. As is seen from the comments, the activities performed by the CAs are not related to the recognition process as such, but rather connected to the subsequent employment activities:

BOX: Examples of the possible role that CAs play in relation to language skills

Spain:

"We do not demand linguistic knowledge for the completion of a process of recognition. However, once we have recognised the qualification of the applicants, we remind the applicant through the same notification/decision that the beneficiary of the decision has the obligation to know either Spanish or the respective language of the autonomous community where he/she works."

United Kingdom:

"We don't assess the English language at all at the moment. In the code a conduct there is provision with regards to linguistic assistance on an ad hoc basis, but at the moment we are not doing that because we find it subjective. We thought that might open us up to discrimination, so at the moment we don't test the language skills, but make sure we send all the information out to the employers saying that they are also responsible in this, and must assure that people can speak English. When people are tested, they can take the IELTS for a general command of the English language."

3.5. Other challenges experienced by the profession

A particular problem for the applicants is getting all the relevant documentation needed for the recognition process. If, for instance, the applicant finished his/her education several years ago some documents might simply be lost or very hard to have reissued. Other problems stem from the need to have documents translated, which is sometimes necessary and may be costly for the applicant.

Furthermore, problems with recognition under the general system may relate to difference regarding the length of studies and single subjects. Differences are most apparent in relation to countries in Eastern Europe such as Romania, Bulgaria and Poland. For instance, the length of the educations in one home MS was 2.000 hours while in Italy it is 5.000 hours. Big differences in the length of the studies and the subject make the work in comparing the applicant's qualifications to the Italian requirements complex and therefore the recognition process lasts longer than normal.

3.6. Member State Cooperation on the Profession

Cooperation between the competent authorities

Generally, the automatic recognition means that the recognition process is relatively easy to complete for both CAs and applicants as the annex 5.2.2 of the Directive is the basis for recognition. More problems relate to recognition under the general system and here the CAs use a variety of strategies including formal or informal discussions with other CAs, the IMI (see below), or contacting the European Commission. Problems on cooperation relate to e.g. one CA identifying a CA in another MS as described in the box below.

BOX: A problem to identify corresponding CA in another MS, the Slovenian opinion

The Slovenian CA finds that one of the larger challenges is to identify the CA in the home MS and gives an example of an Eastern European MS where the Slovenian CA was constantly redirected to new authorities.

Similar problems are also identified by the Citizens Signpost Service, where citizens had problems identifying the CA in both home and host MS as well as the NCP[24].

---

[24] The Mobility of Professionals in Practice, the Citizens Signpost Service, Feb 2010, section 3. http://ec.europa.eu/citizensrights/prq.pdf

IMI

Overall, the CAs for nurses are in favour of the IMI and use it actively in the recognition work when dealing with recognition through the general system. They find it to be a useful tool which is relatively easy to use to pose questions with and they appreciate the translation functionality. The system is used by most CA to retrieve information about applicants professional standing and the qualifications in the home MS. Other CAs only use the IMI for solving difficult problems (due to a very high volume of cases), something it is it very useful for.

The main problem that has been indentified in relation to the IMI is that it is not used enough and to an even degree across the MS. As a result the CAs that use the IMI regularly are not able to rely on timely and sufficient responses through the IMI. It also means that problems solved outside the IMI remain undocumented. Below, some suggestions for improving and expanding the IMI system are presented.

BOX: CAs' for nurses' views on how to improve IMI

- This tool should be expanded and used for other purposes, for example showing information on practical issues and professional conduct issues
- The system of pre-defined/closed questions could be improved and expanded. The questions defined are not always applicable to our needs, and the situation we are trying to describe
- A dialogue interface should be available in the system facilitating the process of questioning a received answer – with the current set-up you have to initiate a completely new process/ inquiry if you have more questions on the same issue
- Not all CA are active in the system. This is normally seen when a MS has a decentralised structure with several regional CAs
- The system sometimes runs slow; when sessions expire the CA is forced to reintroduce the same information

---

Supervision systems and exchange of information on professional exclusion and fit to practice information

Overall can be said that the health care sector to have a larger need to exchange "fit to practice" information compared to many other sectors. Professionals in the health sector are responsible for other peoples' lives and must therefore work to very high standards.

All CAs report of well functioning supervisions systems within the MS. For instance, the Certificate of Current Professional Status (CCPS) procedure (attestation by the CA in the home MS that the qualification of the professional fulfils the requirements set out in the Directive) enables the exchange of relevant information. The CCPS is requested with all recognition cases, it is issues by the CA of the home MS who are responsible for keeping the overviews of authorisations up to date. However, different set-ups for supervision are found in the MS.

Below, the comments made by the CA for the nurse profession in the United Kingdom showcase a typical national supervision system. Similar set-ups are reported by the other interviewed CAs.

_____

BOX: The CAs description of the supervision system in the United Kingdom

"In the case of nurses they are on our register, and they need to renew this every three years. This is to assure continual professional development (CPD). So every three years they are required a certain amount of CPD, which they have to declare and prove. This is compulsory for the renewal of their registration, meaning they cannot practice anymore and must go to university and enrol in a "return to practice programme". This is to assure that all nurses on our register have updated skills. From the moment when EU citizens are in our register, they are also subject to this system. We must make sure that if the registration lapses, and CPD requirements are not met, it becomes illegal for them to work"

Denmark is an example of a MS where the supervision system is supported by various on-line applications. The box below describes one of the features that are available on-line namely the on-line list of professionals under supervision.

BOX: A Danish example: An online list of professionals under supervision[25]

The National Board of Health is the supreme healthcare authority in Denmark.
Through the Board's web-page an online list of professionals under supervision is available with the following features:

- In a menu you can view a list of health professionals who the National Board is currently keeping a watchful eye on. The professionals are on the list because they have made mistakes in carrying out their professional activities.
- The supervisor list applies to all categories of licensed health professionals.
- The list shows a detailed description of what mistakes the health professionals have made, what kind of requirements were put forward by the Board and lastly if the professional concerned still possess a valid authorisation.

All the health professionals who are on the list have been assessed by the Board of Health as still being fit to practice. The Board would have initiated proceedings to withdraw the authorisation if professionals were suspected to be unfit to practice.

However the exchange of information between MS can be problematic at times. The discussion revolves around issues of data safety and protection of personal information as outlined in the box below.

BOX: Problems related to exchange of fit to practice information for nurses

There are ongoing discussions about whether access to pending cases in other MS should be granted. The information is sensitive, and, if interpreted the wrong way, can be very damaging to the professional considered.
Discussions about the type and intensity of information exchange are currently taking place. Not all MS are willing to share information on pending cases. With the current set-up a nurse can apply for recognition and provide a valid certificate while being involved in a pending case in his/her home MS.

Even where a MS, such as Denmark and the United Kingdom, has made overviews of professionals holding authorisations available online, these are often only available in local languages, which make them less useful. English versions of the lists are suggested to become common practice by some CA included in this study.

_____

[25] Source: http://www.sst.dk/Tilsyn%20og%20patientsikkerhed/Tilsynslisten.aspx

3.7. Qualification schemes and information on professional qualifications

As is the case for architects, much of the information exchange on professional qualifications for nurses takes place through the Directive due to the automatic recognition, more specifically in annex 5.2.2. Although the annex for nurses is structured differently from the annex 5.7 for architects the problems are essentially the same and will therefore not be repeated in detail here. Please see section 2.7 for architects above.

3.8. Professional cards

The interviewed CAs are generally positive towards a professional card, but stress that the card must be intelligent and contain a large amount of detailed information to be useful in the recognition process.

Below, the key features and objections which, according to the interviewees, need to be taken into account when defining the card and its functionalities are presented.

BOX: Key features to consider when defining a professional card for nurses

The card should:
- Have a direct link to databases from different CA, allowing other CAs to see the data registered by the CA in the home country. This kind of information would ease the CAs assessment process by giving direct access to updated information on the applicant (CPD, track record, etc)
- Link to a dynamic register that is kept up to date by the CAs, so other CAs can rely on the available data

---

BOX: Key objections to consider when defining a professional card for nurses

- A physical card is not necessarily the best way to facilitate the process – the same objective can be handled with increased inter-operability between the databases of each CA.
    - o In the UK for example, a PIN number is used as access to check authorisation.
    - o A similar set-up is found in Denmark where an online application, accessible to everyone, gives direct access to check the status of authorisations.
- A card could perhaps be useful in the cases of automatic recognition, but in cases where training is required, the CA still need to have access to a more comprehensive set of information
- Cards get lost/ stolen/ are outdated and are in general resulting in increased bureaucracy (closing cards, issue new cards, etc.)
- Is a specific card-reader needed to be able to access the information on the card
- Possible data protection issues mean that a high level of security in the system must be ensured and maintained
- The current setup with a CCPS issues by the home CA is a good solution
  Agreeing on such a card is probably something that requires an entire report on the subject at a European level because this must be a coordinated process among all countries, to ensure good and substantiated guarantees about its efficiency and validity

---

_____

3.9.   Conclusion on challenges for Nurses

Overall, the majority nurses seeking recognition of their qualifications obtain these with relative ease under the system of automatic recognition, according to the respondents.

As is the case for architects, where problems occur, they relate to situations where nurses for various reasons are forced to have their qualifications recognised under the general system.

In continuation of this, nurses having to seek recognition under the general system may also face the requirement to take an aptitude test or undergo an adaptation period. The approach to compensation measures very across MS, and CAs report that they face problems in developing the adaptation periods and aptitude tests because they are unsure of whether the compensation measures are too elaborate compared to other MS' measures. Therefore, they feel a need to compare themselves to other MS and to share knowledge with them. An important driver for this need is also a wish to reduce the level of resources that many CA currently find go into developing compensation measures.

In line with the Directive, language requirements are not a part of the recognition process for nurses. However, the ability to communicate is a basic skill needed to fulfil the job as nurse without putting the patient at risk of maltreatment. Therefore, the CAs are nevertheless active in relation to language requirements and face problems in striking the right balance between not including language requirements in the recognition process and ensuring that applicants' language skills are sufficient to fulfil a job as a nurse safely. Often, they seek to overcome the problem by informing the applicant and the potential employers of their responsibilities in relation to language skills.

Overall, the national systems for supervision function well but CAs face problems in sharing information relating to supervision when it comes to fit to practice information. There are ongoing discussions about whether access to information on pending cases in other MS should be granted. The discussion revolves around issues of data safety and protection of personal information. Even where a MS has made overviews of professionals holding authorisations available online, these are often only available in local languages, which make them less useful. English versions of the lists are suggested to become common practice by some CA included in this study.

Another problem for the nursing profession identified in this study is that a CA in one MS has problems identifying a CA in another MS. This happens despite the system of NCPs and results in delays in the recognition process.

The interviewed CAs are generally positive towards a professional card, but stress that the card must be intelligent and should contain detailed and validated information to be useful in the recognition process.

PROFESSIONS RECOGNISED UNDER THE GENERAL SYSTEM

This system is based on the principle of mutual recognition of regulated profession on a case-by-case bases and is designed to ensure that citizens that are qualified to practice a profession in one MS and who wish to do so in other MS are not barred from practicing their profession on the grounds that their formal qualifications are not understood or accepted in the host MS.

In practice this means that access to or pursuit of a profession is regulated in the host MS, the CA in that MS must allow an applicant from another MS access to the profession in question under the same conditions as for its nationals. However, the applicant must hold a qualification obtained in another MS that attests to a level of training at least equivalent to the level immediately below that required in the host MS.

If there are substantial differences between the training acquired by the person concerned and the training required in the host MS, the compensatory measure may take the form of an adaptation period or an aptitude test. The choice is left to the person concerned, unless specific derogations exist.

If a profession is not regulated in a host MS a citizen from another MS is naturally allowed to practice without having to have his or her qualifications recognised. This is the case regardless of whether the profession is regulated in the home MS or not.

4. Challenges experienced by Civil Engineers

4.1. Overall situation for the profession

The profession of civil engineering is understood and defined differently across the EU Members States, which means that the content of curricula differs from MS to MS.

Civil engineers are highly mobile. They may work internationally within large construction companies and thus to a certain extent avoid the need for professional recognition in the countries that they practice in. However, a large group of civil engineers also seek recognition of their qualifications under the Directive with the purpose of establishing themselves permanently in another MS than the one they trained in. Thus, the regulated professions database registers a total of 868 decisions of recognition taken by host MS[26].

The profession of civil engineering is recognised under the general system. As shown in the table below, six of the MS considered in this study regulate the profession; in Spain a partial recognition is possible. Denmark does not regulate the profession with the exception of Stress Analyst. France does not regulate civil engineers at all thus allowing civil engineers to enter the country and practice their profession without prior recognition.

---

[26] The regulated professions database was accessed on the 28th September 2010 and the figures reflect the situation as of that date.
http://ec.europa.eu/internal_market/qualifications/regprof/index.cfm?fuseaction=home.home

_____

Table 4: Studied Member States and regulation of Civil Engineers

Member State	Regulated	Not regulated
Denmark		Limited – only Stress Analyst (engineer specially trained in statics) is regulated
France		X
Germany	X	
Italy	X	
Poland	X	
Slovenia	X	
Spain	X – partial recognition possible	
United Kingdom	X	

The CAs indicate that a recognition process for civil engineers will normally take between two and three months, but that the process may also take longer from time to time. The overall trend of a relatively long recognition process is supported by the Citizens Signpost Service, which reports that the engineering profession as a whole is hit by excessive delays and failure to acknowledge receipt of application from a number of MS[27].

CAs for civil engineers from the MS Denmark, Germany, Spain, and the United Kingdom as well as the Association of German Engineers[28] were interviewed in relation to the present study.

4.2.   Written declaration in advance

None of the four CAs interviewed in relation to civil engineers for the present study reported problems related to the use of the written declaration in advance (article seven of the Directive). It is not used in Denmark as the profession is not regulated. The German CA reports that civil engineers are free to come to Germany and provide services on a temporary bases. The remaining CAs gave no specific explanations, however a likely reason for not reporting problems may be that these MS make use of a simple and quick process for written declarations in advance.

At EU level the opposite picture with regards to the use of written declaration in advance emerges: the latest scoreboard thus concludes that a majority of MS make use of article seven for all the professions they recognise[29]. This is confirmed by the NCPs for the new MS included in the study who state that the written declaration in advance is used by default for civil engineers.

4.3.   Adaptation period and aptitude test

Two of the four CAs interviewed report the use of article 14 on a regular basis. In addition the NCPs interviewed for the two new MS report that the article is used for civil engineers in their countries. At EU level the database on regulated profession shows that to date 74 processes on compensation measures have taken place[30].

---

[27] The Mobility of Professionals in Practice, the Citizens Signpost Service, Feb 2010, section 3. http://ec.europa.eu/citizensrights/prq.pdf

[28] The Association of German Engineers or Verein Deutscher Ingenieure (VDI) represents some 140.000 German engineers and the interviewee from VDI has been central in the development of the concept for the profeesional card, EngineerING card, which the FEANI unanimously agreed to implement in October 2010. See below for further details.

[29] Scoreboard on the Professional Qualifications Directive (Directive 2005/36/EC), second version, 15 April 2010, http://ec.europa.eu/internal_market/qualifications/docs/scoreboard_2010_en.pdf

[30] The regulated professions database was accessed on the 19th October 2010 and the figure reflects the situation as of that date. http://ec.europa.eu/internal_market/qualifications/regprof/index.cfm?fuseaction=home.home

The main problem in relation to an adaptation period or an aptitude test is that both measures require a large input to prepare and carry out, both from the host MS and for the applicant seeking recognition, which in some cases will lead the MS to develop ways to avoid the use of article 14 for the benefit of the CA and the applicant alike. In this study, Spain represents this approach as seen in the box below:

BOX: Strategies to avoid the use of article 14, the Spanish case

Spain seeks to avoid compensation measures by giving partial recognition to civil engineers. The Spanish equivalent to the civil engineers title is the Ingenieros de Caminos, Canales y Puertos, which is a broad professional qualification that would very often require using article 14 before recognition can be given.

Spain offers three partial recognitions in the areas of construction, transport and water. As applicants seeking recognition have most often specialised in one of these three areas before they seek recognition they tend to favour a partial recognition as this enables them to obtain a satisfactory recognition as well as to avoid the measures under article 14.

In cases where applicants to Spain undergo the measures under article 14, the processes for the CA and the applicant alike are outlined in the box below.

BOX: The Spanish adaptation period for a civil engineer

The adaptation period has a minimum duration of one year, and a maximum of three years.

The applicant must submit a written declaration specifying where this adaptation is going to take place (workplace), and including the identity of the person responsible for the supervision of his work and professional adaptation. This person has to be a civil engineer and member of the professional council.

The CA confirms the identity of the supervisor with the professional council before allowing the adaptation period to commence. The supervisor must be sanctioned by the professional council and have been a member of it for at least ten year before being allowed to function as a supervisor.

After the adaptation period has started, then CA organises inspections to confirm/prove that the adaptation is up to standard Half-way into the adaptation period the applicant must also a report about the development of his or her adaptation period.

When the period of adaptation is concluded, the applicant must submit a report on the adaptation period. The Professional Council and the supervisor must confirm that the adaptation period has been concluded successfully before the CA gives the applicant the recognition.

> **BOX: The Spanish aptitude test for a civil engineer**
>
> The aptitude test consist of a written exam on the subjects that are deemed necessary to practice as a civil engineers in Spain but that the applicant cannot demonstrate qualifications for.
>
> For the occasion of the test, an evaluating committee is formed consisting of a president, a secretary, and three advisory members – one is nominated by the council of universities, one by the Professional Council, and one by the department in the ministry which oversees this area (establishes norms for the profession). Once this committee is put together, a date is set, and the applicant is informed of the date and with regards to the subjects covered in the test.

The United Kingdom uses a system of chartering for civil engineers and the Institution of Civil Engineers (ICE) focuses on civil engineering competences (in addition to qualifications) in the recognition process. In the United Kingdom, civil engineers work under a system of voluntary regulation where they often work to become chartered engineers – this exam is most often taken after three to five years of working experience. The chartered civil engineer is recognised as a profession in the Directive. Chartering is handled by the Institution of Civil Engineers (ICE). As such the system is part of the continued professional development for engineers in the United Kingdom. The box below outlines the challenges faced by an applicant seeking professional recognition for civil engineering qualifications in the United Kingdom by way of an aptitude test.

> **BOX: The British aptitude test for a civil engineer**
>
> The United Kingdom differs from the approach taken in the Directive in that it focused on competences an addition to qualifications. Thus the applicant must write personal statements to describe his/her competences in relation to the nine ICE member attributes as part of the recognition process[31].
>
> In cases where uncertainty arises in relation to the statements on competences the applicant is offered a choice of an aptitude test or an adaptation period. The test is the preferred choice.
>
> The test is tailored to the individual applicant by the ICE and is based on the tests that United Kingdom citizens must take to become members of the ICE.

4.4. Language requirements

As for the other professions analysed in this study, the picture that emerges for civil engineers in relation to language requirements is that the MS do not implement strict requirements. The approach is that the recognition process should focus on the professional qualification for civil engineering while language skills are out of scope.

---

[31] The form is available online: http://www.ice.org.uk/ice3136. The themes of the nine attributed are: Engineering knowledge and Understanding, Engineering Application, Management and Leadership, Independent Judgement and Responsibility, Commercial Ability, Health, Safety and Welfare, Sustainable Development, Interpersonal Skills and Communication, and Professional Commitment.

The MS adopt a pragmatic approach to language requirements. Language skills are to some extent evaluated indirectly in that an application for recognition has to be submitted in the official language of the host MS and because the guideline and advice given in the process of preparing the application is given in the host MS' language(s).

In line with the Directive, the MS find that the marketplace will to a large extent ensure that the successful applicant holds or obtains the necessary language skills because the companies will either hire employees with the sufficient language skills or provide the necessary training.

4.5. Other challenges experienced by the profession

A typical problem is seen when applicants travel with qualifications which are not regulated in their home MS to a MS where the profession is regulated. An example of this situation is French civil engineers travelling to other MS.

> **BOX: The problems that arise when a profession is not regulated in the home MS — the French example for civil engineers**
>
> The lack of a CA in France means that there is no entity to help identify the CA in the host MS for the French applicant or to assist in the work of preparing the application. Consequently, the applicant must either go via an NCP or find the CA in the host MS independently.
>
> The more important problem that arises from this situation is that the CA in the host MS has no counterpart in France to communicate with during the actual recognition process. The CA in the host MS must works to process the French citizen's application for recognition regardless of whether the profession is regulated in France or not. This includes e.g. investigating the curriculum of the civil engineering qualification that the French citizen has presented in the application. With no French counterpart to assist in identifying the curricula or a knowledgeable person in France who can assist in understanding the civil engineering education in France the CA in the host MS faces the challenge of identifying information independently. This may result in a prolonged application period for the French civil engineer.

As mentioned above, civil engineering is characterised by differing definitions of the profession across Europe. For an applicant seeking recognition for civil engineering qualifications this means that the applicant will often encounter the problem that the host MS's requirements and approaches to the recognition are very different from what the applicant expects based on his/her knowledge of the profession in the home MS. The applicants often expects a simple or even no recognition procedure. This situation can be exemplified by the United Kingdom's CA for civil engineers.

_____

> **BOX: Expectation gap arising from differences in understanding and definition of the civil engineering profession across EU MS**
>
> The United Kingdom's CA often experiences that applicants are not aware of the competence-focused approach in the UK, based on personal experience and development in addition to formal education, until the moment they see the application form. The CA suggests to avoid these kind of misunderstanding by better communication on the specific UK approach, in the UK (for potential applicants already living in United Kingdom) as well as to the main bodies across the EU that the ICE cooperates with concerning recognition.

> **BOX: Regional governmental structures in MS can cause difficulties for the applicant**
>
> In Germany, the applicant must contact the CA in the Land that the applicant wishes to work in when seeking recognition. Although a coordinating CA also exists, it can nevertheless be hard for some applicants to *identify* who to contact.
>
> Once the correct CA has been found, the applicant has a single point of contact in that CA. Once recognition has been given by one CA, the applicant is able to use this recognition in all other Länder in Germany.

4.6. Member State Cooperation on the Profession

Cooperation between the competent authorities

The CAs for civil engineers work to set up bilateral cooperation with the MS that their citizens emigrate or immigrate to. This occurs naturally as the applicants from one or both countries seek recognition and the CAs actively seek to build and maintain relations with their relevant counterparts by providing timely and useful information as well as volunteering to share information on development in the home MS with counterparts. Communication takes place via phone and e-mail.

The CAs for civil engineers also use networks and organisations such as the Fédération Européenne d'Associations Nationales d'Ingénieurs (FEANI)[32] and the European Council for Civil Engineers (ECCE)[33]. The ECCE is a voluntary organisation where some of the member countries are represented by their CA.

IMI

Overall, the CAs for civil engineering are in favour of the IMI and use it in the recognition work. They find it to be a tool which is relatively easy to use and they appreciate the translation functionality. The main problem that has been indentified in relation to the IMI is that it is not used enough and to an even degree across the MS. This means e.g. that problems solved outside the IMI remain undocumented and that the CAs that use the IMI regularly are not able to rely on timely and sufficient responses through the IMI. Below, the comments made by one of the CAs for the civil engineers showcase the problem.

---

[32] FEANI represents some 3.5 mio. professional engineers, http://www.feani.org/webfeani/main.htm

[33] ECCE represents civil engineers in the EU and EFTA countries, http://www.eccenet.org/About.html

BOX: A CA's view on the IMI

"I think the IMI systems is a good tool for exchange of information…if we further implement it in my country, and it becomes operational to its full potential this situation can be improved. However, at the moment, exchanges of information are rare, we have presented some requests to academic authorities at an occasion where we had a problem dealing with curricula, but the outcomes were not very operational, and therefore we opt to obtain information by means which we already had at our disposal (more direct means, direct contacts). The contact is mainly ad hoc, and oriented towards the specificities of particular issues. IMI, as said, could be this more systematic tool but it needs to be further implemented."

Supervision systems and exchange of information on professional exclusion and fit to practice information

In the interviewed MS, the task of supervision and exchange of information on professional exclusion and fit to practice information lies with the CA. The supervision systems are developed and run by the trade organisation or chambers, which often also hold the responsibility of being the CA. The boxes below, present a few examples of the supervision systems and how they are used in relation to exchange of information on exclusion and "fit to practice" information. As can be seen, the supervision systems for civil engineers are not expansive.

BOX: The United Kingdom supervision system and experiences with exchange of information on exclusion and "fit to practice" for civil engineers

No formal supervision system exists as the ICE works based on a system where civil engineers become chartered through the ICE and are tested when they become chartered. However, members are monitored through the system of Continuing Professional Development and through a code of conduct that members are bound to. Informally, information of best practice is exchanged with other CAs.

Exclusion very rarely happens. In cases where the ICE excludes members this information is not passed on to the other MS in systematic way. Neither does the ICE receive this type of information from the other MS. This is because the normal process for recognition will identify any individual that are unfit to practice. This having been said, information is exchanged ad hoc and informally through ECCE.

BOX: The German supervision system and experiences with exchange of information on exclusion and "fit to practice" for civil engineers

Supervision systems are applied only in the case of consulting engineers. Particularly the chambers of engineers carry out a supervision system with regards to the independence of this profession.

From time to time, there is cooperation with other MS, but on an ad hoc basis. (Mainly with Italy and Spain)

4.7. Qualification schemes and information on professional qualifications

As the civil engineers are recognised under the general system, the CAs do not have the possibility to consult a central overview of qualifications and curricula. Instead, each CA is responsible for collecting data on qualifications and updates on qualification from the other MS. None of the MS collect this type of information systematically from the other MS. This would require far too many resources. However, they do monitor developments through formal and informal networks. Where specific recognition processes require it, the CA will put resources into ensuring that all information relevant to the case is collected. For this purpose the CA might use the IMI, bilateral channels or FEANI.

At an overall level, FEANI works to make national educations compatible through accrediting national educations under the EUR-ING scheme as well as maintaining "INDEX", which is the list of institutions of engineering higher education of 28 National Members and their engineering courses recognised by FEANI. To the extent that accredited educations are more easily recognised by the CAs than non accredited educations this effort may help ease the recognition process. Meanwhile, some CAs report that the INDEX is used to investigate or check diplomas included in recognition applications. In this way the FEANI INDEX works in a manner similar to the annexes that are developed and maintained for the automatic recognitions processes for sectoral professions under the Directive.

The case of the United Kingdom showcases this situation, see the box below.

> **BOX: Update and validation of information on professional qualifications (changes in curriculum etcetera) for civil engineers in the United Kingdom**
>
> The CA in the United Kingdom has good links to the universities in the United Kingdom, and they in turn have networks connecting them to other EU universities. The CA therefore uses the national universities to inquire about developments in qualifications. Furthermore, the FEANI database of accredited programs and schools is used to check qualifications. Finally, ECCE is used informally.

The findings of the present study suggest that the EQF is generally seen in a positive light, but also that the CAs do not use it actively for the profession of civil engineers. This is primarily due to the circumstance that the framework is young and that the CAs therefore opt to monitor it to see when and how it will become useful. Furthermore, as the EQF focuses more on professional experience and background while the system of recognition focuses on the right to use a given title the CAs and NCPs are unsure of how the EQF will be relevant to them or do not find it relevant. However, the EQF is used by the FEANI as one of the bases for the EngineerING card as described below.

4.8. Professional cards

The situation for a professional card for civil engineers is dominated by FEANI's work on a professional card, the EngineerING card, which was adopted unanimously at the FEANI general assembly on 1st October 2010. This means that the engineering profession as such sees an added value of a professional card. The professional card has not only been developed with a specific view to support the process of recognition, but serves a range of other purposes as well, significantly the needs of the companies employing engineering professionals[34]. Below an outline of the EngineerING card is given.

---

[34] Article on the EngineerING card in FEANI NEWS magazine, sep.2010. http://www.feani.org/webfeani/

BOX: The FEANI professional card EngineerING at a glance

The EngineerING card documents completed academic studies, relevant professional experience and advanced trainings, as well as the engineers' membership of professional associations that members of FEANI. The so-called ABC of the EngineerING card is structured in the following manner:

Academic studies:
- A1 Bachelor, short cycle engineer
- A2 Master, long cycle engineer
- A3 Ph.D., doctoral degree

Professional experience (at least three years):
- B1 Free economy
- B2 Civil Service
- B3 Self-employment

Further education:
- C1 Seminar with attendance certificate
- C2 Seminar with final examination
- C3 Further education with examination and diploma

The documentation of the educational level (A1, A2, A3) corresponds to the EQF levels (level 6, 7, 8). Furthermore, the EUR-ACE accreditation of the engineering educations is used as a basis. Full implementation of the EngineerING card will depend on the speed of the national implementations of the National Qualification Frameworks that will correspond to the EQF.

The card is based on already existing or nascent documentation systems and adopts a bottom-up, decentralised approach to the documentation of qualifications. A national register committee of the EngineerING Card is set up for each member nation of the FEANI. This means that the home MS is responsible for identifying what should be documented and how, and to relate this to the documentation structure of the EngineerING card. Importantly, this work also included taking the decision on which educations should be included in the card – i.e. which educations should be seen as engineering educations from each MS. The reason for this approach is that the various MS have very different ideas about the engineering education.

The card itself contains a limited amount of information, while the register that each card is linked to contains a larger amount of information that is sufficiently detailed to feed into the recognition process under the Directive. The card is available to members of the national associations organised in FEANI.

CAs for civil engineers are generally positive towards a professional card, but stress that the card must be intelligent and contain a large amount of detailed information to be useful in the recognition process of civil engineers. The Danish association of engineers (IDA) have taken an active part in discussing the merits of the FEANI card and are among the associations that recently voted in favour of a card. Below, the main objections which they raised against the card and which have now been taken into consideration in relation to the card are presented.

_____

> **BOX: The Danish association of Engineers (IDA) on the most important features of the FEANI EngineerING card**
>
> Until recently IDA was against a card in the grounds that:
> - The main purpose of a card should be to ease the functioning of the existing recognition process
> - The card is set up in such a way that it promoted rather than hinders mobility
> - The implementation of the card is set up in such a way that professionals from 3rd countries are able to entering the market without obtaining the card
> - The card must be cheap for the individual
> - It must be un-bureaucratic – no big central EU level organisation in charge
>
> IDA also stresses that in general a card should take point of departure in the Directive and supports this. However, the card should not be define too clearly in the DIR as it might hamper the other systems that are already in place, in particular the formation of common platforms.

4.9. Conclusion on challenges for Civil Engineers

Adaptation periods or aptitude tests are used on a regular base for civil engineers. The main problem in relation to these is that both measures require a large input to prepare and carry out, both from the host MS and for the applicant seeking recognition.

As qualification requirements for the civil engineers are not harmonised, the CAs do not have the possibility to consult a central overview of qualifications and curricula in order to update their knowledge on developments in other MS. This poses a challenge for CAs who are responsible for collecting data on qualifications and updates on qualification from the other MS. None of the MS collect this type of information systematically from the other MS but monitor developments through formal and informal networks. Where specific recognition processes require it, the CA will put resources into ensuring that all information relevant to the case is collected. For this purpose the CA might use the IMI, bilateral channels or the FEANI INDEX.

Problems often arise for applicants seeking recognition in host MS that regulates the civil engineering profession when the home MS does not regulate the profession. Problems ensue because the CA in the host MS has no CA in the home MS to confer with during the recognition process. It can also be hard for the civil engineer seeking recognition to obtain the diplomas and documentation that the host MS requires.

Overall, the CAs for civil engineering are in favour of the IMI and use it in the recognition work. The main problem that has been indentified in relation to the IMI is that it is not used enough and to an even degree across the MS.

As regards a professional card for civil engineers, the EngineerING card is developed by FEANI to support the recognition process for civil engineers. CA for civil engineers are generally positive towards a professional card, but stress that the card must be intelligent and contain a large amount of detailed information to be useful in the recognition process of civil engineers.

5. Challenges experienced by Tourist Guides

5.1. Overall situation for the profession

The term Tourist guide refers to a person who guides visitors in the language of their choice and interprets the cultural and natural heritage of an area, which person normally possesses an area-specific qualification usually issued and/or recognized by the appropriate authority[35].

The professionals are generally organised in national tourist guide and/or tour operator associations which in turn are represented by one of the following associations on European level:

• European Federation of Tourist Guide (FEG)
• European Tour Operators Association (ETOA)
• European Travel Agents' and Tour Operators' Association (ECTAA)

A common characteristic related to the profession is that most tour guides are active on either a free-lance basis, or they are only employed for the duration of the particular trip they guide. It is extremely rare that tour guides are employed on a permanent basis.

The findings related to the tourist profession show that the MS can roughly be divided into two groups: The first group is composed of MS with a high volume of outgoing tourist activity. The profession is typically not regulated in this group of MS, and the MS in general report of widespread issues when their tourist guides want to operate in other MS (where the profession is regulated). The second group of MS is characterized by a high volume of incoming travel. The tourist guide profession is typically regulated in the MS, and the type and volume of issues reported is less comprehensive. As regards this study, Germany, UK and Denmark can be characterizes as a so called "outgoing" countries. France, Italy, Spain and Portugal are examples of "importing" countries.

The regulated professions database shows that the vast majority of recognition decisions are taken in only a few MS. The register show a total of 97 decisions of recognition taken by a host MS, and of these, 50 decisions are taken in Italy and 33 in Portugal[36].

The profession of tourist guides is recognised under the general system. As shown in the table below, four of the MS considered in this study regulate the profession; in France a partial recognition is possible, as only certain activities performed by the profession are regulated. Three MS; Denmark, Germany and the United Kingdom, do not regulate the profession at all, thus allowing tourist guides to enter the country and practice their profession without prior recognition.

---

[35] http://www.cen.eu/cen/Pages/default.aspx

[36] Database accessed on 28th September 2010,
http://ec.europa.eu/internal_market/qualifications/regprof/index.cfm?fuseaction=profession.crossBorder&profId=4130

Table 5: Studied Member States and regulation of Tourist Guides

Member State	Regulated	Not regulated
Denmark		X
France	X – partial recognition possible	
Germany		X
Italy	X	
Poland	X	
Slovenia	X	
Spain	X	
United Kingdom		X

CAs for tourist guides from the MS France, Germany, Italy, and Slovenia were interviewed in relation to the present study. In addition, one German tour operator was interviewed to shed additional light on the practicalities related to recognition of the profession. Also a representative of the European Federation of Tourist Guide (FEG) was interviewed for the purpose of this study.

It is not possible to indicate a mean or average duration of the recognition process across the EU. Some MS where the profession is regulated the process is simple and has not been reported to be lengthy. In other MS, typically those with both a high level of incoming tourist and a high number of citizens working as tourist guides, conduct processes that are often long. Here, report are made of recognition processes lasting four months and even of rejections given without due explanation.

5.2.   Written declaration in advance

The Directive facilitates temporary provision of services by replacing the previous system of prior check of qualifications by the simpler, optional, system of written declaration in advance. When the written declaration is used this can have a restricting effect on the mobility. The box below gives a Slovenian perspective on the matter.

BOX: The nature of the work of tourist guides conflicts with the written declaration from a Slovenian perspective

The nature of the work of tourist guides is typical cross-border activity carried out during a short period of time; tourist guides usually guide a group of tourists from the home MS to the host MS for a limited amount of time. Such trips are organised rather spontaneously and cannot be planned that much in advance (as the written declaration in advance); thus it is not foreseeable when and where such a trip will take place.

The effect of this is that a written declaration in advance puts an unnecessary bureaucratic burden on tourist guides as well as on the MS, as tourist guides are practically required to provide a (precautionary) written declaration in advance to all MS that require one, so they will be prepared in case a trip to that country takes place, even if that trip only lasts for a couple of hours.

MS which have applied this article seven for the tourist guide profession, have to conduct research in the other MS, as to whether the applicant is really a tourist guide in his home MS or whether he/she does a similar job. Related to this the FEG reports that confusion between the definition of Tour Guides and Tour Operators causes problems, as described in the box below.

_____

BOX: Confusion of concepts: Tour Guides and Tour Operators

According to FEG, freedom of movement problems very often originate in confusion between two different but complementary professions: tourist guides and couriers/tour managers. In several cases, tour managers/tour leaders claim – deliberately or unknowingly - to be tourist guides which is not always the case. This potential confusion of concepts can potentially lead to wrong decision by the host MS, and are in general seen as confusing for the market and the consumers.

Tour guides coming from MS where the profession is not regulated and going to MS where the profession is regulated experience the highest amount of problems. For instance, some of the documents requested by the CA in the host MS are not available in the home MS. One such example is found in Germany and is showcased in the box below.

BOX: Problems ensuing for tourist guides when the profession is not protected in the home MS – the German example

"Reiseleiter" is not protected title in Germany – i.e. there is no public education available – consequently no official certificate available, but these are sometimes requested by the host MS.

Another example is reported where an applicant has been asked to present a 'table of concordance' comparing the content of the German Reisleiter with the Italian counterpart, Guida Turistica. This requirement is not possible to comply with because tourist guide is not an official title in Germany.

Article five and seven of the Directive states that tour guides need to provide an evidence of two years job experience gained within a total of ten years as part of the declaration in advance. This documentation requirement is reported as a major problem by several MS. As most tour guides are active on a free-lance basis, or are only employed for the duration of the particular trip they guide. One MS reports that an average tour guide works 100 to 160 days per year for different tour operators, but it is not uncommon that a tourist guide works only a couple of months or even only a couple of weeks some years. The fragmented employment structure makes it difficult to compile the required documentation. One MS mentioned that this is especially true for the (large) share of the profession who are self-employed.

Related to this, one MS report that the applicants have been asked to provide a detailed overview of previous and future engagements – information that is resource demanding and sometimes very difficult to provide.

Another problem relating to the employment structure of tourist guides is that certification of social security is not accepted as sufficient proof of employment. This means that even when applicants are innovative on trying to obtain the requested documents they risk failing. In the box below a German example of this problem is presented.

_____

> **BOX: Problems ensuing for tourist guides when certification of social security is not accepted as sufficient proof of employment, German and Spanish examples**
>
> At present, tour guides in Germany give proof of their professional qualification with the certification of their social insurance under § 25 DEÜV[37] and a certification of their employer. Free-lance working tour guides are dependent on a German tax office issuing a certificate of his/her activity as a tour guide. If the German tax office refuses to issue a certificate, the tour guide has no possibility to get registered. Concerning tour guides who are only employed for a certain period of time the problems are massive. The registration card of the employee under § 25 DEÜV are so far not recognized in Italy. This poses serious problems for tour operators and tour guides alike since most tour guides are only employed for the duration of the trip they guide. This is not an approach specific to Germany, is also the normal procedure in other EU-MS – such as Italy itself.
>
> Spain has informed tour guides that its regional contact points demand a proof of occupational activity that has to be provided by the "autoriedad competente", meaning the official body in charge. Hereupon, tour guides have handed in their certification of social insurance under § 25 DEÜV. The Spanish authorities have not sent any reaction yet, though.
>
> While it is frustrating for German tour guides that § 25 DEÜV documentation is not accepted by Italy, it may also be argued that this type of documentation stemming from tax authorities or social security systems does not contain the relevant information on the actual work carried out by the profession to demonstrate employment sufficiently to the host MS.

A second problem relating to documentation is the timing, which is perceived as problematic by some of the interviewees. The deadline for submission of documents varies between MS, but one example which is found in Italy is given below.

> **BOX: Problems relating to the timing of the submission of documentation, the Italian case.**
>
> Article 7.4 of the Directive can be interpreted to mean that all the relevant documentation has to be received by the CAs one month prior to arrival. This is difficult to plan in the tour guiding profession which is characterised by several, very short term and ad hoc jobs. Therefore some travel agencies are hesitant to use tourist guides from their home MS for their tours. In Italy the CAs do not insist on this one month declaration period and thus support mobility.

A third issue relating to documentation is the high costs related to translation of various documents that is often required as part of the recognition process. This is mentioned as something that complicates and even hinders mobility.

_____

[37] Verordnung über die Erfassung und Übermittlung von Daten für die Träger der Sozialversicherung (Datenerfassungs- und -übermittlungsverordnung - DEÜV)

A final issue relating to documentation is that requirement posed by some host MS are moving targets. One of the major issues reported by the interviewees is the fact that the documentation, which has to be annexed to an authorisation application, changes. It is impossible to get a firm/constant list of exactly what documents are needed to comply with the requirements.

5.3. Adaptation period and aptitude test

The interviewed CAs state that depending on each country's training system and qualifications for tourist guiding, the applicants may be asked to take a qualifications' exam test or to go through an adaptation period if the knowledge needed is country/area/city-specific.

According to the information available in the database on recognition of qualifications[38] only a few of the MS seems to integrate an adaptation period or an aptitude test in their decision on establishment. The table below gives an overview of the findings in the database:

- 43 decisions in total refer to adaptation period or an aptitude test
- Distribution between MS: Italy 23, Lithuania 12, Portugal eight decisions
- 23 decisions related to adaptation period, 10 related to aptitude tests
- 21 are currently undergoing adaptation period – pending outcome

Table 6: Adaptation periods and aptitude tests for tourist guides

Host country	Decisions taken by host country	Number
IT	Undergoing adaptation period	9
LT	Undergoing adaptation period	12
IT	Positive after adaptation period (general system)	12
IT	Positive after aptitude test (general system)	2
PT	Positive after aptitude test (general system)	2
PT	Negative after aptitude test (general system)	6
Total		**43**

Turning to the findings of the interviews a slightly different picture is seen. For Denmark, Germany, and the United Kingdom none of the interviewees report about usage of adaptation periods or aptitude tests for tourist guides in their MS, a finding that is a natural consequence of the fact that the professions is not regulated in these MS. France reports one situation where the test has been used, while the adaptation period has never been used. As noted, tourist guides often only work in the country for short periods. The typical duration of an adaptation period is six months. Therefore it will, in the perspective of some of the interviewees, not be feasible to initiate and complete a recognition procedure, which is based on an adaptation period. This is foreseen by the Directive, which prescribes only aptitude tests in these instances.

By contrast, Italy reports of the use of compensation measures; both adaptation period and aptitude tests are used. According to the CA for tourist guides in Italy, the purpose of using compensation measures is to supplement the applicants' tour guiding knowledge with area-specific knowledge about the Italian region that they will work in.

---

[38] It should be noted, that each country is responsible for updating the database with regulated professions, competent authorities and statistics. One should therefore be cautious when drawing conclusions based on the findings in the database

_____

5.4.   Language requirements

According to the respondents, the language requirement, as stipulated in article 53 of the Directive, is not seen as an issue for the tourist guide profession when they want to have their qualifications recognised abroad.

However, the FEG differs on this point, stating that tourist guides should uphold very high levels of language skills in order to work as tourist guides.

5.5.   Other challenges experienced by the profession

Firstly, when the profession is not regulated in the home MS, no CA is in place to process and argue cases when the applicants are facing problems in the host MS. (see further description of this situation in the chapter on civil engineers).

Secondly, if the profession is not regulated, no recognized job description for the occupation as tour guide exists, nor are any educational institution in place to provide formal criteria for entering this profession or giving proof of qualification – both types of documents are often demanded in the recognition procedure in MS where the profession is regulated.

Separate from the documentation issues, a complaint voiced by the "outgoing MS" is that for MS with a decentralised government structure, and where the administration is therefore handled by CAs on a regional level, this is as a source of frustration. The applicant has to approach each of the CA to get specific authorisation - a lengthy and resource demanding process.

Finally, a few of the interviewees report that the correspondence between the points of contact and the tour guides often is very slow with the effect that the process time drags on for several months. This conflicts with the need for a fast turnaround in the profession.

For the "importing MS", which are represented by Italy, the FEG, and to some extent France in this study, the other problems in relation to recognition revolve primarily around the definition of the profession as outlined above. The Italian case is presented in the box below.

BOX: Problems relating recognition of tourist guides in Italy.

In Italy, problems arise mainly with countries where the profession of tour guide is not regulated. For instance the Germany terminology is varied, ranging from specialist "Kunstführungen und Pauschalreisen" or "Studienreiseleiter", "Studienreiseführer", "Studienreiseführer / Reiseleiter" to "Reiseleiter. This opaqueness creates problems in the recognition process where professionals who match the profile of tourist guide ask to be recognized as a tour guide, while not being able to produce documents necessary.

Italy has a tradition of tourist guide education and therefore trains a relatively high number of tourist guides to function in Italy. At the same time Italy, as an "importing MS", thus experiences that many professionals with no formally education as tourist guides require a lot of resources on the part of the Italian CA in order to process the many varied applications for recognition.

5.6.   Member State Cooperation on the Profession

Cooperation between the national contact point and the competent authority

A few of the NCPs report contact with the host CA. The interviews point at varying intensity when it comes to involving the NCP in the actual recognition case handling. Some MS, (Germany and Slovenia), report continued dialogue between the NCP and the CA of the host MS. In other MS like France and Denmark the NCP is not involved in regular dialogue with the CAs. As noted by the Danish contact point if an issue would occur, a rather strict procedure would be initiated involving the CAs in the host MS, i.e. the MS where the issue had been reported from.

> **BOX: German NCP as link between professions and CA in host MS**
>
> In Germany, it is almost a rule, that all recognition applications pass the desk of the NCP. This is the case because Germany does not regulate the profession but does export a larger number of tourist guides to other MS.
>
> The process is appreciated as very helpful by the applicants – the NCPs is fully aware of the ongoing issues and is playing an active role in clarifying issues between the applicant and the CA of the host MS – something that eases the process seen from the perspective of the applicant.

Cooperation between the competent authorities

All of the interviews point at the IMI as the platform for regular and formalised contact between the various CAs. The FEG however has a slightly different perspective on this; as they do not think the NCP or the CA use the IMI that often. In line with the findings on the other professions, the majority of respondents find the IMI to be a good tool that would facilitate mobility even more if all MS used it more stringently.

A suggestion, which has been realised as of September 2010, was put forward by two of the interviewees (Germany and the FEG) is to integrate the profession "tour guide" in the IMI System. The expected advantages as seen by the two interviewees are outlined in the box below.

> **BOX: The advantages of including tourist guides in the IMI**
> - Companies and tour guides would be unburdened since no bilateral correspondence between the body in charge for the recognition and the tour guide would be needed anymore.
> - The bureaucratic costs are reduced since certificates would no longer need to be officially translated.
> - Companies will be enabled to prepare the same evidence for all tour guides and would therefore no longer need to provide additional country-specific documents.
> - The process time becomes more transparent with the result that answers would be available within a fixed time frame.
>
> And as further commented by FEG:
>
> "This way an electronic archive would be available with information on e.g. names/languages to guide/qualifications, licenses, and IDs of all tourist guides in the EU. This would facilitate the work of the national authorities and professional associations to get the information they wish and would also help reduce the bureaucracy of the recognition process".

_____

Supervision systems and exchange of information on professional exclusion and fit to practice information

No formal routes for exchange of information on professional exclusion and fit to practice information when it comes to tourist guides were mentioned in the interviews although these are prescribed under the Services Directive.

5.7. Qualification schemes and information on professional qualifications

None of the interviews provided information on the topic.

5.8. Professional cards

Respondents are in general positive about the idea of an EU wide professional card for tourist guides. In some MS, e.g. Slovenia and France, a national card for tourist guides exists which either serves as an identification card or gives the holder the right to work in certain predefined areas. In France an applicant from another MS is given a card as part of a successful application for recognition when relevant.

One respondent mentions that the card could work as a replacement for a written declaration in advance. Another respondent however notes that it will be difficult to set an efficient system up for the professions in the general system. This is due to the situation that definitions of what a tourist guide is vary across MS. Furthermore, the profession is not regulated in all MS which presents a challenge to providing the backing document for a written declaration in advance, as is also the case in the present situation. The box below details some of the requirements the card should hold, put forward by the respondents:

BOX: Requirements - professional card tourist guides

Content of the card

- The card has to take into consideration the training and qualification of tourist guides
- The card should contain: a photo, means of identification (name etc), name of country, name of profession, and sort of license the card holder possesses

Process related to the card

- FEG believes that a professional card / ID for tourist guides can only be issued by the CAs, NOT by any of the professional associations or a trade organisation itself
- A professional ID should not involve additional bureaucratic barriers
- A professional ID would need to be recognized by all EU-MS meaning that no further evidence of e.g. social insurance or employment contracts would be demanded

---

5.9. Conclusion on challenges for tourist guides

Overall, most of the problems for tourist guides stem from the circumstance that the professionals provide temporary services rather than establish themselves permanently in an MS.

Tour guides coming from MS where the profession is not regulated experience the highest amount of problems, which relate in particular to use of written declarations in advance required by host MS that do regulate the profession.

Article five and seven of the Directive state that tour guides need to provide an evidence of two years job experience gained within a total of ten years as part of the written declaration in advance. This documentation requirement is reported as a major problem by several MS, since the fragmented employment structure where permanent employment is rarely found, makes it difficult to compile the required documentation. The problem is compounded by the fact that many of the home MS do not regulate the profession and therefore have no authorities in place to provide the tourist guides with the requested documentation or to otherwise assist them. When contrasted with the normally short duration of the services provided, the high cost of the requirement to have the documents translated and delivered to the CA one month in advance of the provision of the service is also disproportionate. Furthermore correspondence between the applicant and the CA is often very slow which exacerbates the problem even further.

At CA level the CAs in the host MS experience the opposite problems in that professionals coming from MS that do not regulate the profession seek recognition for a wide array of titles that may or may not be equivalent to the definition of the tour guide in the host MS. Therefore, the CA must conduct resource demanding research into the various titles as part of the recognition procedure. As the home MS does not regulate the profession the CA from the host MS is not able to obtain assistance from a CA in the home MS as no such entity exists.

While respondents are in general positive about the idea of a professional card for tourist guides that covers the entire EU they also acknowledge that major hindrances to such a card exist. Definitions of what a tourist guide is vary across MS making it difficult to agree on which professionals should be allowed to hold the card. Furthermore, the profession is not regulated in all MS which presents a challenge to providing the documentation supporting the card.

GENERAL FINDINGS ON ADMINISTRATIVE COOPERATION

This chapter presents a brief overview of the general findings that apply to the four professions studied.

6. General findings

Cooperation between the national contact points

As is the typical case for all four professions studied here, the NCPs work primarily as information conduits and exchange and pass on information with/to CAs and other NCPs. The NCP will also help CAs in the host MS to get in contact with the CA in the home MS in order to solve specific questions. The NCPs' view on their cooperation is varied, but predominantly positive. An issue can sometime be that some NCPs lack the necessary resources to be able to help NCPs and CAs from other MS efficiently, thus forcing these NCPs and CAs to find alternative solutions. Most NCP and CA are however positive and report that the system of NCPs works well.

**Cooperation between the national contact point and the competent authority**

NCP hardly ever take part in the actual day-to-day recognition work as this is handled by the CA. If CAs have set up networks among themselves, the NCPs are used less frequently. In cases where the NCP is involved in specific or principal decisions on recognition, the collaboration often takes place as a form of consultation where the CA consults with the NCP on specific cases or on more general issues. The important elements determining whether a CA will approach the NCP are the level of experience, the NCP's resources and the level of integration between the role of the NCP and other roles (most importantly that of the national coordinator of the Directive, who is responsible for its implementation in the MS). Based on the CAs interviewed for this study the trend is that professional organisations that have been appointed to be CAs use the NCPs less than CAs that are part of public organisations.

Cooperation between the competent authorities

While the cooperation between NCPs and between NCPs and CAs does not differ much between professions and MS, the cooperation between CAs is dependent on the profession. Having said this, some similarities exist. For instance all interviewed CA express that the IMI is a useful tool for cooperation which many use already. Additionally, more of the CAs mention formal and informal networks which they use for information and problem solving. Overall, three modes of cooperation exist: bilateral cooperation, cooperation through a network, and cooperation through the IMI.

Where problems arise in the cooperation between the CAs these relate to situations where the CAs have difficulties in identifying the relevant CA in the other MS.

This situation is outlined in the figure below.

Figure 1: Communication when a profession is not regulated in home MS
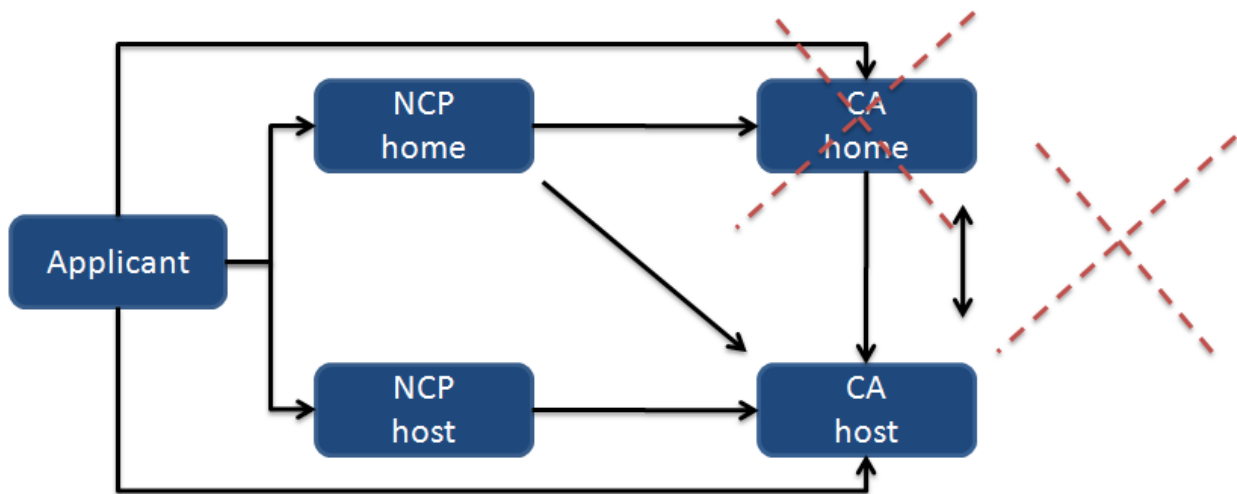
Looking at the figure it can also be seen that an applicant coming from a MS that does not regulate the civil engineering profession may encounter difficulties in providing the certificates and documents necessary to authenticate his or her qualifications vis-a-vis the host MS. This problem arises because the home MS has no systems in place to issue the declarations needed and the home MS may also be hesitant to issue declarations because the legal elements surrounding the issuance of declarations are unclear.

This is further elaborated on in the next chapter.

_____

CONCLUSIONS AND RECOMMENDATIONS

This final chapter of the study contains the overall conclusions and recommendations. It does no repeat the conclusions of the profession-specific chapters, nor the general findings on administrative cooperation presented in the previous chapter.

In the first subsection a number of cross cutting conclusions are developed. These are followed by conclusions relating more closely to recognition under the automatic and general systems respectively.

The second subsection contains the recommendations given in this study.

7. Conclusions

7.1.   Cross-cutting conclusions

This study confirms **the expectation gap experienced by professionals** applying for recognition of qualifications. This gab is often rooted in differing understanding and definition of a profession across the EU. For a applicant seeking recognition this means that (s)he will often encounter the problem that the host MS's requirements and approaches to the recognition are very different from what the applicant expects based on his/her knowledge of the requirements in the home MS. Expectation gaps also exist as applicants expect there to be no or only a very simple recognition process while the reality for the four professions studies here is that the process may take between two and three months, or even longer if problems arise.

Where problems arise in the cooperation between the CAs these relate to situations where the CAs have **difficulties in identifying the relevant CA in the other MS**. This is particularly true for professions recognised under the general system and for host MS with a regional government structure. In the first case problems arise because the professions under the general system are not always regulated in all MS. A CA from a MS that does regulate the profession may encounter problems in obtaining the information needed to decide on an application as there is no corresponding CA in the home MS to assist in the recognition process. In the second case, regional government structures mean that each region has its own CA for a certain professions.

Almost all respondents agree that the IMI is a useful tool for administrative cooperation. CAs in particular approve of the usefulness of the translation mechanism and that the IMI often makes it easier to identify the relevant CA in another MS. Furthermore, CAs find that the functionalities of **the IMI system can be improved and extended**, e.g. posing also general questions and not only questions relating to individual applicants. Where problems are reported these mainly relate to the fact that currently not all CAs are registered in the IMI or use the system properly. Therefore the tool is not used in a stringent manner across the EU; problems solved outside the IMI remain undocumented and CAs cannot rely on timely and sufficient responses. In all this can lead to delays in the recognition process for mobile professionals.

Regarding **information exchange on "fit to practice"** situations the picture that emerges based on the information provided by the CAs is that this is (or should be) an integrated part of the recognition procedure. While in particular the health professions have set up national supervision systems these are generally not integrated at EU level.

When professionals move between MS the recognition procedure generally ensures that information of fit to practice is exchanged. However, in particular the CAs for nurses express concern that the systems for information exchange on fit to practice under the Directive may not be tight enough. As it stands now the procedures for recognition allow e.g. professionals with pending fit to practice cases in their home MS to present documents on fit to practice that do not reflect this. A professional may thus be able to become recognised in the host MS before the pending case in the home MS has been settled.

Overall, respondents initially find that a **professional card** for their professions would be useful if it supported the recognition process be making information collection and the comparison of qualification less burdensome for the CA. However, they are also aware that this would require a detailed card to be developed at EU level. Many doubt whether the challenges relating to e.g. the level of information on the card, which entity should develop, validate and maintain it, and issues of data protection can be overcome.

The MS adopt **a pragmatic approach to language requirements** and do not implement strict requirements. The general approach, in accordance with article 53 of the Directive, is that the recognition process should focus on the professional qualification of the professional while language skills are out of scope because it is the responsibility of the employer or the service provider to ensure a sufficient level of language skills. Nevertheless language skills are to some extent evaluated indirectly in that an application for recognition has to be submitted in the official language of the host MS and because the guidelines and advice given in the process of preparing the application is given in the host MS' language(s).

7.2.   Specific conclusions related to the temporary provision of services

Although optional according to the Directive, **written declarations in advance** for free provision of services are reported to be used regularly or as a standard by all NCPs participating in this study. This is confirmed by the most recent scoreboard on the Directive, which shows that all 27 MS require a written declaration in advance for provision of temporary services and that most of the MS do so for all professions. 17 of the Members States require the written declarations in advance for all professions while nine require it only for some professions[39].

The requirement to provide a written declaration in advance poses problems for applicants as they must provide the documentation requested in support of the declaration. This is a particular problem for applicants wanting to move from an MS that do not regulate the profession to an MS that does. This is due to the fact that the documents requested by the regulated host MS may not exist in the non-regulated home MS.

Despite the findings above, some of the CAs interviewed for this study report very limited or no experience with problems relating to the use of written declarations in advance for their particular profession.

7.3.   Specific conclusions related to automatically recognised professions

For automatically recognised professions the CAs update and validate of information on professional qualifications through Annex V of the Directive. The CAs simply refer to the Annexes if they want to know about the developments of a profession in other MS.

---

[39] Scoreboard on the Professional Qualifications Directive (Directive 2005/36/EC), second version, 15 April 2010, http://ec.europa.eu/internal_market/qualifications/docs/scoreboard_2010_en.pdf

_____

In cases **where the Annex has not been updated** and therefore does not reflect the diplomas that applicants seek recognition for, the recognition processes must be handled under the more extensive and resource demanding general system. The more updated the Annex is the less the need for using the general system becomes and by extension also the use of compensation measures.

7.4. Specific conclusions related to professions recognised under the general system

On an overall level, the professional which qualifications are not recognised under the system of automatic recognition will face more challenged than those that may. This is explained by the fact that the process under the general system is in itself more complex and that compensation measures must often be completed in order to ensure that the qualification of an applicant meet the requirements of the host MS.

Turning to the use of compensation measures under article 14 of the Directive there is a general agreement that both **adaptation periods and aptitude test are resource demanding** for the applicants, the CAs, and others involved. CAs generally put a lot of effort into developing the compensation measures as they must be tailored to each applicant in order to fulfil their purpose. The CAs develop the compensation measures separately based on the national traditions for education and preferences. While it is unavoidable that the compensation measures in themselves postpone the recognition of professional qualifications their actual development may in some instance take longer and be more costly than necessary because CAs that are unsure of how to develop a compensation measure spend unnecessary resources ensuring that it is sufficient.

As described in the cross-cutting conclusions above, **problems are seen when citizens travel with qualifications which are not regulated in their home MS to a MS where the profession is regulated**. This is particularly true for professions regulated under the general system. In addition to the problem of identifying the relevant CA professionals may also face problems relating to providing the documents requested of them in the host MS as the home MS may not be able to help the applicant deliver these.

Furthermore, under the general system the CAs do not have the possibility to consult a central overview of qualifications and curricula as is possible for automatically recognised professions. Instead, **each CA is responsible for collecting data on qualifications** and updates on qualification from the other MS. This is not done systematically by the CA as this would require far too many resources. Rather, the information collection is done ad hoc and often in relation to the individual applications. Particularly where CAs do not have prior relations with one another this may lead to delays as CAs work to identify what kind of information they need to collect and where they can find it.

8. Recommendations

By way of introduction it should be recalled that the present study is an update of a study on the transposition of the Directive on recognition of professional qualifications conducted by the Parliament. The findings of the present study support and confirm the five recommendations presented in the previous study and these will therefore not be treated further here[40].

Recommendation number one: Consider making the use of IMI mandatory and develops its functionalities further

The use of the IMI is currently voluntary and this leads to delays in the recognition processes. It is therefore recommended that the use of the IMI be made mandatory under the Directive. Furthermore, the recognition process would benefit from rules specifying deadlines for replies to questions posed through the IMI. To assist the recognition process even further the IMI could be expanded to encompass more functionalities relevant to the Directive. Suggestions along these lines include, e.g. an alert-function for exchanging important fit to practice information, enabling the attachments of files to questions, developing templates for posing general questions that are not related to a specific case, and developing a dialogue interface which would enable CAs to discuss the answers given to a question.

In some cases the Directive specifies that information may be given to the MS by any means, thus including electronic means (see article seven of the Directive). However, in other instances the Directive is less clear. It is therefore recommended to promote the use of electronic documents or scanned diplomas and intelligent online application forms.

Recommendation number two: Improve the update of Annex V of the Directive

It is important that the MS be encouraged to update the annex frequently by feeding their notifications of developments in the national diplomas into the system set up by the Commission to update the Annex. This is the only way the Annex can contain the latest information necessary to give recognition under the automatic recognition. As for consistency across the EU it is important to ensure that all MS update the annex to the same level of detail and with the same type of information. It must be avoided that MS either include too many complex requirements in the annex or choose to omit certain information. The successful implementation of this recommendation thus presupposes a constructive dialogue between MS and between MS and the Commission. The national coordinators are very well placed to manage this work but must be supported actively at CA level.

---

[40] Study on transposition of the directive on recognition of professional qualifications, The European Parliament, September 2009. The five recommendations were: Ensure that transposition and implementation is conducted as soon as possible, Overcome MS lack of trust in each other's systems, Exploit the synergies between related directives, Increase the communication from the Commission to the national contact points and the coordination among national contact points, and Include industry organisations in the assessment of professions from other MS.

_____

Recommendation number three: Ensure mutual recognition even if the profession is not regulated in the home MS.

Applicants seeking recognition under the general system in host MS that regulates a profession when the home MS does not regulate the profession may experience problems and it is therefore recommended that effort is put into ensuring mutual recognition even if the profession is not regulated in the home MS. While efforts to alleviate this situation should clearly not lead to any pressure on non-regulating MS to begin to regulate a profession, initiatives may nevertheless be made to ensure recognition for professionals coming from MS that do not regulate a given profession. One approach would be to strengthen the role of the NCP in the home MS vis-a-vis professions that are not regulated. More specifically, the NCP should be more active in assisting the host MS in identifying organisations or individuals within the home MS that would be able to assist the CA from the host MS in the recognition process. A clear overview of where CAs exist and for which MS the NCP should be contacted would also improve the situation.

Another approach would be to guide MS on what types of documentation could be accepted as sufficient proof of professional qualifications in cases where the home MS does not regulate the profession. This would help reduce processing time for applications and help build trust between MS. The Code of Conduct developed by the Group of Coordinators would be a possible platform for this approach.

Recommendation number four: Develop best practices for processes to develop compensation measures

Compensation measures are resource demanding for both the applicant and the CA that needs to develop it. While the content of a compensation measure must by definition be tailored to the individual applicant it is recommended that information on best practices is exchanged at EU level. Furthermore, certain types of compensation measures or specific tools – for instance biannual aptitude test in a central location, adaptation periods with intermediate and final reporting, the use of online aptitude tests, and final evaluation of an adaptation period - could also be developed and coordinated. The NCPs or the Group of Coordinators would be useful platforms for this work but it would be important to include the CAs that actually plan and carry out the compensation measures in the development of the best practices as they are the holders of lessons already learned.

Furthermore, it is suggested to foster networks for CAs for highly mobile professions. The networks should enable the CAs to meet face-to-face to discuss the profession and specific and problematic applications. The involvement of CAs in the current activities related to the review of the Directive could be used as starting point for this exercise.

Recommendation number five: assist MS in overcoming problems related to the requirement to document two years work experience in cases of written declarations in advance for provision of temporary services.

It is recommended that the MS be assisted to overcome problems for applicants from non-regulated MS are compounded in cases where the professional is highly mobile and/or works on a free-lance bases or on short-term contract, e.g. tourist guides or ski-instructors. In all cases the essence of the problem is that proof of two years working experience may very difficult or even impossible to obtain for the applicants and hard for the CA in the host MS to define. One approach would be to inculcate in the MS that the Directive states that MS may require a written declaration in advance, but that the declaration is in fact not an obligation under the Directive. Furthermore, clarifications as to the intended use of article seven should also be given. The intention of the article is to provide for a simple and optional administrative system to inform a host MS that a particular service is being provided on a temporary basis on its territory.

However, the provision has in some cases been developed into a more elaborate system of permission which hinders mobility by making the provision of temporary services dependent on a costly and time consuming administrative process. Efforts should lead a decrease in the (unreasonable) use of written declarations in advance. The other approach would be to assist the MS in developing common agreements at EU level or bilaterally as to what a sufficient proof of work experience should consist of.

Recommendation number six: Facilitate the development of professional cards
As the first professional cards are coming into maturity it is recommended to assist the development of professional cards by helping the organisations to share knowledge and know how. Furthermore, it is also suggested to explore which professions could benefit from a professional card, how they would do so, and what conditions are for the development of a successful professional card for these professions.

REFERENCES

- Eurobarometer realized by DG MARKT (March 2010),
  http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=847&furtherNews=y
  es

- The mobility of professionals in practice - A report by the Citizens Signpost Service on
  the recognition of professional qualifications ("RPQ"), 26 February 2010,
  http://ec.europa.eu/citizensrights/prq.pdf

- Summary report – meeting 17 March 2010 with professional organisations on evaluation
  of Directive regarding professional qualifications,
  http://ec.europa.eu/internal_market/qualifications/docs/03082010_evaluation_Directive
  _en.pdf

- Study on Transposition of the Directive on the recognition of professional qualifications,
  PE 416.238 (IP/A/IMCO/ST/2009-05), European Parliament, DG for Internal Policies,
  Policy Department A

- The SOLVIT report 2009, http://ec.europa.eu/solvit/site/docs/solvit_2009_report_en.pdf

- Internal Market Scoreboard Internal Market Scoreboard # 21, Internal Market and
  Services Directorate-General, The European Commission, 2010,
  http://ec.europa.eu/internal_market/score/docs/score21_en.pdf

- Proposal for a Directive of the European Parliament and of the Council on the recognition
  of professional qualifications; COM/2002/119/Final; Brussels, 07.03.2002; p. 3.

- Directive 2005/36/EC of 7 September 2005 on the recognition of professional
  qualifications

- Scoreboard on the Professional Qualifications Directive
  http://ec.europa.eu/internal_market/qualifications/docs/scoreboard_2010_en.pdf

- Collaborative Response to the Nursing Tuning Brochure,
  http://www.efnweb.org/version1/en/documents/FinalCollaborativeResponsetoNursin
  gTuningBrochureValidation22062007EN_000.pdf

- Article on the EngineerING card in FEANI NEWS magazine, sep.2010.
  http://www.feani.org/webfeani/

ANNEX 1: OVERVIEW OF TYPES AND NUMBERS OF INTERVIEWS

Country	Topic
DK	National contact point
DK	The Danish association of constructing architects
DK	Nurses
DK	Civil Engineers
DE	National contact point
DE	Tourist guides
DE	Architects
DE	Tourist guides (studiosus)
DE	Civil Engineers
ES	National contact point
ES	Architects
ES	Nurses
ES	Civil engineers
FR	National contact point
FR	National coordinator
FR	Architects
FR	Tourist guides
IT	National contact point
IT	Nurses
IT	Tourist guides
PL	National contact point
PL	Nurses
SI	National contact point
SI	Nurses
SI	Tourist guides
UK	National contact point
UK	Nurses
UK	Civil engineers
UK	Architects
EU	European Federation of Tourist Guide Association
EU	The Association of German Engineers (in lieu of FEANI)
EU	European Network of Architects' Competent Authorities
Total	**32**

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT **A**
ECONOMIC AND SCIENTIFIC POLICY

Role

Policy departments are research units that provide specialised advice
to committees, inter-parliamentary delegations and other parliamentary bodies.

Policy Areas

- Economic and Monetary Affairs
- Employment and Social Affairs
- Environment, Public Health and Food Safety
- Industry, Research and Energy
- Internal Market and Consumer Protection

Documents

Visit the European Parliament website: **http://www.europarl.europa.eu/studies**

PHOTO CREDIT: iStock International Inc.