



STUDY ON RECOGNITION OF PROFESSIONAL QUALIFICATIONS



OBJECTIVES OF THE STUDY

- General overview of the **state of play** regarding the transposition, implementation and enforcement of Directive in the 27 MS
- Analysis of possible **legal and administrative challenges** in the transposition, implementation and enforcement
- Examples of **good practices in MS**, or with regard to other (related) regulation, to enhance the effectiveness and efficiency of the implementation and enforcement of Directive
- Case studies on **real life stories** of problems encountered in different MS for citizens when attempting to get their qualifications recognised

STARTING POINT: DIRECTIVE 2005/36/EC

- Proposal for Directive set out within the framework of the Lisbon Summit's intention of further facilitating the free provision of services.
- Directive 2005/36/EC adopted on 7 September 2005
 - Consolidates 15 directives, 12 Main (Sectoral) Directives and three General System Directives into a single text
- Main objectives to rationalise, simplify and improve the rules for the recognition of professional qualifications
 - Contribution to flexible labour and services markets
 - Consolidation and simplification
 - Improved management, clarity and flexibility
 - Better administration and improved information and advice to citizens
 - A simpler and more open regulatory approach

MAIN FINDINGS

State of play

- All MS except Greece have now transposed the Directive
- 17 out of 27 MS have fully implemented the Directive.
- Still too early to provide a proper enforcement status due to the delayed transposition and implementation
- Neither transposition nor implementation have met the deadlines mentioned in the Directive. Main reasons:
 - Complexity of Directive (covers many sectors and competent bodies)
 - Great number of measures to be communicated, including existing measures under previous sectoral directives (COM asked for in accordance with Article 63)

MAIN FINDINGS CONT'D

Challenges related to transposition, implementation and enforcement

- Transposing the Directive within the timeframe
- Establishing well-functioning administrative structures
- Creating a simpler and more transparent system for administrators
- Creating increased transparency for citizens
- Ensuring a well-functioning system both for professions with much cross border activity and for professions with less
- Establishing a mutual understanding between MS
- Establishing well functioning cooperation between stakeholders at national and at EU level
- Ensuring adaptation to changes and flexibility in transposition

MAIN FINDINGS CONT'D

Good Practise

- Using the experience from transposition and implementation of the Directive when transposing and implementing other, seemingly related directives (Services Directive) not common practise in MS
- Creation of interdepartmental working groups to support the transposition phase
- Creating and using a network - formal structures (meetings arranged for coordinators), informal structures
- Clear communication and explanations on how to understand the national legislation – e.g. guiding documents or handbooks
- IMI system good practise for the exchange of information, but not used enough

MAIN FINDINGS CONT'D

Lessons learned from cases

Problems with the recognition procedure are often due to:

- Lack of trust – MS do not trust each other's education systems .
Also true for separately regulated professions
- Delays, in the sense that the MS do not respect the 3-month deadline stated in the Directive
- Protectionism, meaning that the MS favour own nationals and delay/hinder the recognition of professionals from other MS

RECOMMENDATIONS

- Ensure that transposition and implementation is concluded in all MS as soon as possible
 - Regular committee meetings between Commission and national contact points used to put pressure on remaining MS
 - Lesson learned: Less ambitious deadline, consultations between Commission and responsible national ministries to ensure realistic deadline
- Overcome the MS's lack of trust in each other's systems
 - Proper functioning of Directive and ability for citizens to move rather freely within the EU requires that MS trust each other's systems and interpretation of the Directive
 - Regular meetings between the national contact points
 - IMI system – develop Code of Conduct for use

RECOMMENDATIONS

- Exploit the synergies between related directives
 - EU level: arrange regular meetings between all contact points for this Directive and Services Directive
 - EU level: Identify most active contact points in terms of cooperation, bring them together and have them act as an inspiration towards other MS
 - Budget restraint in national ministries: focus especially on how results can be reached without spending a large amount of money
- Include industry organisations in the assessment of professions from other MS
 - Assist the competent bodies in assessing the suitability of a certain profession from another MS -> help the MS gain trust in each other's systems

RECOMMENDATIONS

- Increase the communication from the Commission to the national contact points as well as the coordination among National Contact Points
 - National Contact Points request :
 - Simple text explaining the interpretation of the Directive to communicate to competent bodies
 - Simple text explaining the directive to citizens
 - Information from COM on of specific themes such as new court rulings
 - Some MS already working on providing the needed documents - > increase coordination between the National Contact Points could help secure more uniform approach across MS.
 - Regular meetings between the national contact points to serve as a forum for this



THANK YOU