



## Modernising the Professional Qualifications Directive

### European University Association response to European Commission's Consultation on Green Paper COM(2011)367

European University Association (EUA)  
Avenue de l'Yser/Ijserlaan, 24  
1040 Brussels

Contact: Howard Davies, Senior Adviser, [howard.davies@eua.be](mailto:howard.davies@eua.be)

A EUA represents **850 European universities and national rectors' conferences** in 47 countries. It is a full consultative member of the Bologna Process and, with other sectoral bodies, a key mover in the Bologna Follow-up Group (BFUG).

B The first decade of the Bologna Process culminated in the inception of the **European Higher Education Area** (EHEA) in 2010. In the EHEA, the recognition of academic and, by extension, professional qualifications is of paramount importance as a condition of transparency and as an aid to mobility.

C Directive 2005/36/EC and the EHEA are in **incomplete alignment**. EUA has raised awareness of the discontinuities, by:

- Convening a meeting of academic, professional and student bodies with DG MARKT at EUA, Brussels, in October 2007
- Monitoring the interface of Bologna Process and Directive at <http://www.eua.be/bologna-and-professional-qualifications.aspx>
- Convening a second meeting of academic, professional and student bodies in the European Parliament, with EP IMCO, DG MARKT, and EUA, in Brussels, October 2010
- Making submissions to the commissioned study undertaken by GHK, 2011
- Making formal presentation to the public hearing, Brussels, February 2011
- Addressing relevant issues in its *Survey of Master Degrees in Europe* (2009), *Trends 2010* and the *Bologna Handbook*
- Responding to the Commission's earlier consultation in March 2011

**Question 4:** *Do you support lowering the current threshold of two-thirds of the Member States to one-third (i.e. nine out of twenty seven Member States) as a condition for the creation of a common platform? Do you agree on the need for an Internal Market test (based on the proportionality principle) to ensure a common platform does not constitute a barrier for service providers from non-participating Member States?*

EUA agrees in principle that it is desirable to expand the scope of automatic recognition. It also supports the Commission's proposal to reshape the concept of the **common platform**, if indeed this represents a move towards the 28<sup>th</sup> regime outlined in the previous consultation. To proceed with a threshold of 9 out of 27 MS and by delegated act is in principle a constructive approach; EUA awaits further detail with interest.

EUA considers, however, that the proposed 'internal market test' requires better definition, impact assessment and a pilot project. Who is to administer the test? If it is the professional bodies who have proposed the platform in the first place, the procedure will be circular. If it is to be the Commission, what will be its criteria? EUA believes that any test of admissibility should be conducted by the full range of stakeholders, including the training providers.

Underlying EUA's anxiety about this proposal is the tension between 'harmonisation by training content' (i.e. specified parcels of knowledge) and 'reference by learning outcome'. The latter informs the Bologna Process and the European Qualifications Framework (EQF). It should also inform the common platforms. In many relevant professional disciplines, academic and professional bodies have developed competence-based curricula supported by specialist consensus. To proceed, in contrast, from a narrow definition of curricular content risks the creation of platforms which may effectively exclude qualifications which may be deemed academically comparable under the Lisbon Recognition Convention. It may also inhibit research initiatives – specialist and inter-disciplinary – and stifle the innovation on which both scientific knowledge and the dynamism of the Single Market's service sector depend.

This tension has to be resolved in the context of how the new Directive operates in the EHEA, and not merely in the context of common platforms and Article 15. It is important to stress that there is no necessary contradiction between curricular diversity and consistency of academic and professional standard.

**Question 8:** *Do you agree that the notion of "regulated education and training" could encompass all training recognised by a Member State which is relevant to a profession and not only the training which is explicitly geared towards a specific profession?*

EUA strongly agrees that the importance of **transferable skills** to employability cannot be underestimated. It agrees, too, that the Diploma Supplement is a powerful mobility instrument, but notes that – as part of EUROPASS – it is enshrined in a Recommendation rather than a Directive and that to make it compulsory might be regarded by MS as a breach of the subsidiarity principle. EUA recommends that its use be strongly recommended in the User's Guide to the new Directive. Finally, EUA has pointed out in a previous submission that in higher education the term 'regulated education' has a currency quite different to that intended by the Directive. In the EHEA it refers, not to course content, but to the legal status of the HE service provider. Retaining it will cause confusion in the minds of citizens and risk legal uncertainty. EUA suggests that the term 'professionally relevant education and training' could be sufficient for the Commission's purposes.

**Question 9:** *Would you support the deletion of the classification outlined in Article 11 (including Annex II)?*

EUA has consistently said that the **five levels of qualification used in the General System** (Article 11) are – at least in respect of higher education – misleading and confusing, insofar as levels d) and e) needlessly overlap. It therefore welcomes the Commission's suggestion that they be deleted. However, it does not share the view (quoted in footnote 22) that EQF levels are 'overly complex'. On the contrary, they are clearly defined, intelligible, and compatible with the Bologna qualifications framework. Bologna ministers have confirmed that EQF levels 5-8 correspond to the short-cycle undergraduate programme, the Bachelor, the Master and the Doctorate. Moreover, it is likely that UNESCO, at its Paris conference in

October 2011, will confirm the alignment of its ISCED classification with EQF levels 5-8. Given the future congruence of EQF with the global higher education template, it will be difficult to argue that it lacks clarity and currency. Moreover, the convergence of Bologna, EQF and ISCED will assist MSs in matters of recognition of third country qualifications. EUA urges the Commission to adopt an EQF-based classification for the areas in the General System which concern higher education.

The Commission's subsequent proposal – that the five levels be abandoned in favour of the identification of 'substantial difference of training' – is hazardous. It could invite vexatious objection, offer a cover to protectionism, and require complex procedures of arbitration and dispute resolution. EUA believes that more thought would have to be given to how 'difference' is identified, by whom, at what stage of the curriculum development process, in what it consists, and in whose judgement it becomes 'substantial'. It would be crucial for HE providers and sectoral bodies to be involved in this process. The concept of 'substantial difference' has been imported from the Lisbon Recognition Convention (see response to Q4 above). Ongoing discussions by the ENIC-NARIC networks and others lead back to the key feature of the learning outcome, on which the Bologna and EQF frameworks are based<sup>1</sup>. Better, therefore, to move directly to a General System re-modelled on the EQF. This will allow the handling of substantial differences in academic and professional qualifications to proceed within a common frame of reference.

**Question 10:** *If Article 11 of the Directive is deleted, should the four steps outlined above be implemented in a modernised Directive? If you do not support the implementation of all four steps, would any of them be acceptable to you?*

See the response to Q9 above.

**Question 11:** *Would you support extending the benefits of the Directive to graduates from academic training who wish to complete a period of remunerated supervised practical experience in the profession abroad?*

Yes, EUA strongly supports the recognition of **supervised practical experience** undertaken abroad. EUROPASS (see response to Q8 above) contains 'EUROPASS Mobility', a secure instrument which validates periods abroad spent learning, training and working; it records the sending and receiving organisations, details of framework programme if any, duration and dates, objectives of the experience, competences and skills acquired. As such, it can document the remunerated work placements and supervised (and effectively quality assured) practice across EU internal borders, which fall within the scope of the Directive. As in the case of the Diploma Supplement, its use could be highly recommended in the User's Guide and via the national contact points and its format be made IMI-compatible.

---

<sup>1</sup> Cf. Hunt, E S & Bergen, S (eds), *Developing attitudes to recognition: substantial differences in an age of globalisation*, Council of Europe, 2009

**Question 14:** *Would you support a three-phase approach to modernisation of the minimum training requirements under the Directive consisting of the following phases:*

- *the first phase to review the foundations, notably the minimum training periods, and preparing the institutional framework for further adaptations, as part of the modernisation of the Directive in 2011-2012;*
- *the second phase (2013-2014) to build on the reviewed foundations, including, where necessary, the revision of training subjects and initial work on adding competences using the new institutional framework; and*
- *the third phase (post-2014) to address the issue of ECTS credits using the new institutional framework?*

Yes, EUA supports in principle the proposal to use **new comitology** to progressively phase in changes to the Directive. This is particularly appropriate in view of the fact that, during the period in question, the EHEA will be further consolidated by: the referencing and self-certification of national qualifications frameworks to the Bologna framework and to EQF; the embedding of common standards and practices of quality assurance; the widespread adoption of a learning-outcomes-based approach to curriculum design; and the refinement of the ISCED classification mentioned above (see response to Q9).

In respect of the three phases, EUA looks forward to the Commission's further proposals on quality assurance (phase 1), welcomes its readiness to take on board competences (phase 2) and ECTS (phase 3). However, the last-named may pose problems of legislation and implementation, since the Bologna Process requests only that signatory countries put in place credit accumulation and transfer systems which are compatible with ECTS. EUA welcomes the Commission's view that the three phases will require the engagement of the higher education sector and declares its readiness to participate in making the new comitology work.

**Question 15:** *Once professionals seek establishment in a Member State other than that in which they acquired their qualifications, they should demonstrate to the host Member State that they have the right to exercise their profession in the home Member State. This principle applies in the case of temporary mobility. Should it be extended to cases where a professional wishes to establish himself? Is there a need for the Directive to address the question of continuing professional development more extensively?*

EUA believes that it is for regulatory, professional and consumer bodies to say whether **continuing professional development** (CPD), revalidation and re-licensing should feature in the Directive. If stakeholders and the Commission conclude that they should, then EUA urges that they be set into the framework of the comprehensive lifelong learning framework which is a feature both of the EHEA and of the EU's flexicurity policy.

**Question 16:** *Would you support clarifying the minimum training requirements for doctors, nurses and midwives to state that the conditions relating to the minimum years of training and the minimum hours of training apply cumulatively?*

Yes, for ‘standard full-time students’ the perceived ambiguity of ‘years **or** total hours’ should be resolved in the way the Commission suggests, pending the eventual adoption of a credit accumulation mechanism. However, the urgency of labour needs in some professions should allow for the admissibility of accelerated training programmes, conversion programmes, flexible entry points, and the recognition of prior learning (RPL) where appropriate. This, however, is hugely complex – and an issue to which the gradualist approach outlined by the Commission, using the new comitology, may be well suited.

**Question 17:** *Do you agree that Member States should make notifications as soon as a new program of education and training is approved? Would you support an obligation for Member States to submit a report to the Commission on the compliance of each programme of education and training leading to the acquisition of a title notified to the Commission with the Directive? Should Member States designate a national compliance function for this purpose?*

EUA agrees that **notification** of a compliant qualification should take place at the time of validation or accreditation, rather than when the first cohort of students graduate. This would simplify the work of the Commission; it would also give students, at the time of admission to the programme, the guarantee that their eventual qualification will be recognised in the framework of the Directive. It will not be difficult to identify at MS level designated bodies capable of taking on the ‘national compliance function’ mentioned by the Commission. However, quality assurance and accreditation agencies (both national and sectoral) are increasingly operating across national borders. EUA feels that further discussion will be necessary to establish the best way of accommodating these developments.

**Question 19:** *Do you agree that the modernisation of the Directive could be an opportunity for Member States for granting partial exemptions if part of the training has been already completed in the context of another specialist training programme? If yes, are there any conditions that should be fulfilled in order to benefit from a partial exemption?*

Yes, EUA is strongly in favour of the **recognition of prior learning**, always provided that it is robustly quality assured. However, its potential use goes far beyond medical specialties. It is a key feature of comprehensive lifelong learning and therefore a crucial instrument in the development of a flexible European labour force. Currently, it is admissible in the Directive only in respect of nurses (Art.31.3), yet its use in higher education is required or permitted in 36 of the 49 Bologna jurisdictions<sup>2</sup>. EUA urges the Commission to explore with relevant stakeholders the possibilities for including it in the remit of common platforms and the bodies engaged in the new comitology.

---

<sup>2</sup> See the country diagrams in Eurydice, *Focus on Higher Education in Europe 2010*, [http://eacea.ec.europa.eu/education/eurydice/documents/thematic\\_reports/122EN.pdf](http://eacea.ec.europa.eu/education/eurydice/documents/thematic_reports/122EN.pdf)

**Question 20:** Which of the options outlined above do you prefer?

*Option 1: Maintaining the requirement of ten years of general school education*

*Option 2: Increasing the requirement of ten years to twelve years of general school education*

EUA supports option 2. In its discussions with academic, professional and regulatory bodies, it has heard no arguments in favour of allowing **entry to nursing** school after only ten years of general education.

**Question 22:** Which of the two options outlined above do you prefer?

*Option 1: Maintaining the current requirement of at least four years academic training?*

*Option 2: Complementing the current requirement of a minimum four-year academic training by a requirement of two years of professional practice. As an alternative option, architects would also qualify for automatic recognition after completing a five-year academic programme, complemented by at least one year of professional practice.*

EUA has no specific policy on **architecture qualifications**. However, it supports the second option on the grounds that it will bring the prescriptions of the Directive closer to current practice, thus clarifying issues of professional recognition both for higher education institutions and for students. It will also expedite the notification process discussed in Q17.

Brussels, September 10 2011