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Recognition of professional qualifications

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This policy brief has four sections:

A.   The impact of the digital transition
B.   Professional qualifications and the wider labour market context
C.   Developments in the higher education sector
D.   The legacy of Brexit

In March 2022, thanks to the mass vaccination programmes, the 'post-pandemic' is in sight – at least in Europe. Hopefully, no new 'variants of concern' will appear.

In the months since EUA's last policy briefing, Europe's recovery agenda has become clearer. The focus on digitalisation is sharper and other developments already in train have accelerated. Questions of training and qualification are back into the spotlight – in an EU labour market now smaller as a result of Brexit. As usual in times of labour market disruption, higher education is called upon to respond rapidly and innovatively to evolving perceptions of employability.

A.   THE EU'S DIGITAL TRANSITION

1.1   The Commission's work plan for 2022 addresses climate change and the geo-political challenges as they were prior to the invasion of Ukraine, but it's the push for post-pandemic digitalisation that more directly involves the professions. The **agenda for the year** includes: creating a viable domestic semi-conductor industry; building a new framework for the pharmaceutical industry; boosting Europe's cyber resilience; and speeding up the digital transformation of the energy and transport sectors. All this suggests the intensive cultivation of new digital professions, as well as a concerted attempt to eliminate digital divides. Promising EU-wide broadband connectivity (which some commentators estimate could take ten years), the Commission says it will 'propose measures to facilitate and promote digital skills in schools and higher education.' [p.5]. It goes on:

> We want to secure the future of the next generation of European scientists and scholars, and maintain the leading global status of European universities while boosting their cooperative work. To that end, we will present the EU strategy for universities and propose ways for deeper and sustainable transnational cooperation in higher education, which will be prepared together with the initiatives to improve digital [sic] in school and higher education to ensure coherence. [p.8]

We will look at the strategy for universities in a later section.

1.2   On the question of **regulation**, where the Commission has long been anxious to limit proliferation, it now commits to a 'one in, one out, approach'; for every new regulatory measure introduced, another will be withdrawn. Impact assessments, it says, will be better targeted. And the 'digital-by-default' principle will prevail.

1.3   Digital-by-default, if we take it to include **tele-working**, has been embedded by COVID-19. DG EMPL's annual review of Employment and Social Developments in Europe gives a useful snapshot of the period mid-2019 to mid-2020:

> ... employment increased in critical occupations that are teleworkable and require low social interaction, such as ICT professionals and technicians. Employment also grew in critical teleworkable jobs with high social interaction (e.g. teaching professionals and healthcare workers in telemedicine, which increased substantially during the pandemic). Conversely, employment decreased in all non-teleworkable occupations – both critical and non-critical – that necessitate either high or low levels of social interaction. The decline was less strong, however, in critical non-teleworkable occupations, such as (the majority of) healthcare personal care workers. [Executive summary, p.19]

1.4 In healthcare a high level of social interaction is sine qua non, but it's clear that tele-working can support and expedite it. Arguably, better integrated EU-wide healthcare points up the need for an overarching architecture in which all natural persons are identifiable. In education and other fields too. To this end the Commission has lodged a Proposal to amend Regulation 910/2014, which first put in place a '**framework for European digital identity**'. An app on a mobile or tablet would ensure 'that any citizen or residents can have access to a secure European e-identity, which could be used anywhere in the EU to identify and authenticate for access to services in the public and private sectors, allowing citizens to control what data is communicated and how it is used.' The framework would accommodate the European Professional Card and the EU Student eCard, as well as supporting financial transactions and electoral participation.

1.5 **Digital healthcare** is a theme taken up by the Official Programme of the French Presidency of the Council of the EU. In the first half of 2022, a strong focus will be set on the interoperability of IT systems, the ethical implications of the exchange of health data, and the working conditions of people staffing digital platforms. Four of the European-level sectoral organisations (the dentists' CED, doctors' CPME, nurses' EFN, pharmacists' PGEU, together with the European Patients Forum) have agreed a consensus framework for digitalisation policy. Welcoming technical developments in the field and the creation of a European Health Data Space, the group sets out the measures needed to retain the confidentiality and security of practitioner-patient relationships.

1.6 The EU has its own Digital Competence Framework. Individually, the sectoral professions have evolved, or are in the process of evolving, more elaborated positions on **digital competencies**. See, for example, those for medical doctors, nurses, pharmacists, and veterinary surgeons.

B. THE WIDER LABOUR MARKET CONTEXT

2.1 DG SANTE's Companion Report on the State of Health in the EU probes the topic further. Reviewing the range of now familiar digital health tools (online consultations, contact tracing apps, e-prescriptions), it highlights their uneven geographical distribution. It notes that national levels of expenditure, digital infrastructure, and regulatory frameworks are out of alignment. The **distribution of professional healthcare workers**, both in and between Member States, is seriously unbalanced. COVID-19 triggered various emergency measures, including regional redeployments, the call-up of retired staff, launching rapid training programmes, and mobilising final year medical and nursing students. To some extent, these substituted for professional lives curtailed by death, burn-out or migration into other sectors. The need for more qualified staff remains urgent. DG SANTE's Report (p.29) gives the numbers of medical and nursing graduates by EU/EEA country, over the period 2009-2019: 'good' performers were Croatia, Finland, Greece, Iceland, Norway, Romania, Slovenia, but this list masks the realities of brain drain. DG SANCO calls for better planning, requiring:

> … some countries to re-evaluate their forecasts of future staff needs and increase their investment in training and education to replenish their health workforce and support its expansion. Besides increasing caps on medical and nursing education programmes, this will also require increasing support for clinical placements and setting up incentives to reduce drop-out rates and support students throughout their healthcare studies. [p.31]

2.2 The identification and analysis of **labour market dysfunctions** features in the remit of the new European Labour Authority, set up under Regulation 2019/1149 and not yet fully up and running. It's not clear how relevant its work will prove to the higher education sector. To some extent, certainly. It has taken over responsibility for EURES, the European network of employment services, and will work closely with the VET-focused CEDEFOP, the Neighbourhood-focused ETF, and the agency dealing with professional recognition complaints – SOLVIT.

2.3 In 2020 the Commission published a **mapping** of the profession of general care nurse. It was designed to reveal any need to revise the basic training prescriptions (areas of knowledge, skills, competences) set down in the Directive. SPARK Legal Network, the consultancy which undertook the study, was subsequently contracted to map the profiles of pharmacists, dentists and veterinary surgeons. These are well under way: the agenda of a veterinary workshop held last October gives an idea of the topics covered.

2.4 Recognising that healthcare, ICT and other key professionals are in short supply, the EU has upgraded its Blue Card arrangements to facilitate the **immigration of highly skilled personnel**[1]. Directive 2021/1883 supplements, without limiting, Member State competence by easing the movement of Blue Card holders and their families across EU internal borders. 'Highly skilled' means that the professional holds a Bachelor qualification or above (EQF levels 6, 7 and 8). An alternative route is available for ICT professionals with three full-time years of relevant work experience – a facility that can be extended to other professions as need dictates. The Standing Committee of European Doctors (CPME) insisted in a recent policy statement that the Blue Card and other instruments be used within an ethical recruitment framework; they should support circular migration and be referenced against 'minimum ratios of [human] resources per population unit'.

2.5 The December 2021 edition of Healthcare Professions Crossing Borders, a partnership of healthcare regulators in Europe, carried two news items concering the **recognition of foreign medical doctors in the USA**. The Educational Commission for Foreign Medical Graduates (ECFMG) has published its approach to the recognition of refugee doctors whose evidence of qualification is either missing or denied by the home country for political reasons. The second item reviews ECFMG's methods of identifying and dealing with fraudulent qualifications.

2.6 Movement on the proposed **Mutual Recognition Agreement (MRA) of professional qualifications in architecture** has been particularly slow. Not only, as we reported in the last briefing, because of resistance from a source which the Commission did not disclose, but also because of the status of the CETA trade agreement with Canada. The CETA is still in provisional application only and awaiting further ratifications. Despite the climate of uncertainty, the CETA's Committee on the Mutual Recognition of Professional Qualifications held an intensive series of meetings in the final quarter of 2021. Among other matters, they discussed:

◊ whether recognition decisions could be 'grandfathered' in the event of the CETA being terminated;

◊ the effect on the MRA of 'non-conforming measures' lodged in the CETA by various Member States;

◊ whether a dispute over an individual recognition decision would trigger the over-arching CETA dispute resolution procedure;

◊ the formal role of Canadian regulatory authorities in the Provinces and Territories;

◊ a language requirement for recognition: normally, language requirements are applied subsequent to recognition, but in view of the fact that French is required of all Canadian architects (both in Quebec and elsewhere in Canada) it was agreed that the MRA could accommodate such provisions;

◊ the definition of 'good standing' and the criteria by which it might be evaluated;

◊ whether criminal records should be added to the dossier of information required by applicants to the MRA;

◊ the status in the MRA of third country qualifications already recognised by either Canada or an EU Member State.

The minutes of the Group of Coordinators meeting of June 2021 gives detail of some of the above points. Later minutes have yet to be published. The most intractable issue concerns residence requirements. However, during a CETA Civil Society Forum webinar on 8 February 2022, the Commission reported good progress and anticipated an imminent announcement.

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1   This does not include incoming third country researchers, who are covered by Directive 2016/801.

2.7 Meanwhile, in the internal market, doubts over the scope of the prescriptions on **partial access** set out in Directive 2005/36/EC have been provisionally dispelled by the Court of Justice (CJEU) Opinion C 940/19. Partial access is a provision which allows professionals qualified in a particular discipline to practise in what, in other regulatory frameworks, is a sub-field of a more widely defined discipline. The issue has proved problematic in the seven sectoral professions which enjoy automatic recognition in the EU – because national jurisdictions define and segment bodies of professional expertise in different ways (a current example is the intensive care doctor). Case 940/19 concerned the position of dental hygienists within the wider dental profession. The Court confirmed that the partial provisions of the Directive do indeed apply to the sectoral professions. The Commission, in its comments to the Group of Coordinators in March 2021, was happy with the judgement and felt free to push ahead with pending infringement procedures. The same set of Minutes summarises the recognition measures applicable to mobility involving the EEA countries (Iceland, Liechtenstein, Norway).

2.8 Elsewhere in the internal market, **infringements** continue to occur. (Note that a newly consolidated version of the Directive went online in December 2021.) The July 2021 infringement package referred the Czech Republic to the CJEU, while in October the Commission sent 'reasoned opinions' to Belgium, Cyprus and Ireland regarding their failure to fully implement Directive 2018/0598 on the proportionality of regulatory measures.

2.9 **Brexit**, of course, has shrunk the size of the EU's professional labour force. It has also nullified one of the most powerful internal migratory pull factors which had exacerbated the regional disparities. A delegated act has now amended the UK references in Annex V of the Directive, limiting recognition to qualifications obtained prior to January 1 2021. More on Brexit in section 4 below.

2.10 The current semester will see the EU's French Presidency pushing ahead with work on **Individual Learning Accounts** (ILAs). The concept has been gaining ground as a means of reaching the target set out in the 2021 European Pillar of Social Rights Action Plan: by 2030, 60% of the EU adult population should be participating in training programmes. ILAs will contain training entitlements which individuals can trade in for micro-credentials, placements or other routes to re- and up-skilling. The problems envisaged include funding (which might be national, private sector, or via the EU's Recovery and Resilience Facility), accreditation and quality assurance. France already has a *compte personnel de formation* system up and running; hence the Presidency's initiative. EUA's response to an earlier consultation welcomed the prospect of ILAs and set out the role that could be played by higher education institutions, many of which are Adult Education providers. It urged the link-up of ILAs with Bologna Process instruments, as well as with the EU's Europass, and stressed the importance of cross-border portability. In December, the Commission published a Proposal for a Recommendation, yet to be adopted by Council. Consideration of the cross-border portability of ILAs will wait until such time as they exist in all MSs.

2.11 What are the **implications of ILAs for highly-qualified professionals**? It's clear from the Proposal that they are not the principal target group. Even so, all working-age adults fall within its scope. ILA schemes therefore represent an opportunity for professional bodies to explore their potential to support continuing professional development (CPD). The Council of European Dentists (CED), in an updated CPD policy statement, makes it clear that CPD should be based on credit accumulation. Insisting that credit systems should be national, on the grounds that CPD is a Member State competence, it omits to mention ECTS, with which national systems should be compatible. It also notes that the "mutual cross-border recognition of formal CPD needs to be well established", adding that the "EU must ensure that available resources and efforts at European level are employed to facilitate the exchange of information and best practice." But DG GROW has always been reluctant to tackle questions of CPD.

2.12 We've noted in previous Briefings the slow take-up of the opportunities to construct **common training frameworks** (Article 49a of Directive 2005/36/EC). The EAHP appears to be making the best progress, having reached the stage of calling for the Commission and Member States to institute the CTF in hospital pharmacy by delegated act. Here are some other ongoing ventures. The InnoLAND project in landscape architecture aims to have agreed a CTF by its conclusion in October 2022. Fifteen Member States are working on a CTF for specialists in laboratory medicine under the auspices of EFLM. An application for a CTF in psychotherapy was submitted to the Commission in 2021. The dental hygienists are in discussion with DG GROW. Evidence of progress on all of these initiatives will only become clear once they show up on the agenda of the Group of Coordinators.

2.13 The Commission's dynamic database of **E**uropean **S**kills/**C**ompetences, qualifications and **O**ccupations (ESCO) straddles the academic/professional divide. Our briefings have kept track of it throughout its evolution. A burst of pandemic-driven energy has prompted a new ESCO v1.1 portal and a significant expansion of its scope and resources. Readers will be aware that, while ESCO's principal users are policy makers and human resource practitioners, its taxonomy of occupations derives from analysis of the ever-growing corpus of learning outcomes generated by academics. ESCO v1.1 promises that its judicious marrying of artificial intelligence techniques and human monitoring for quality will enable:

◈ Linking of transversal and specific skills

◈ Identifying duplicate and ambiguous skill definitions

◈ Labelling green, digital and research skills

◈ Linking its taxonomy to national and US taxonomies, as well as to Europass

ESCO is searchable and downloadable in all European languages, plus Arabic. Online tutorials will be available for new users.

C. DEVELOPMENTS IN THE HIGHER EDUCATION SECTOR

3.1 Also of equal concern to professional bodies and higher education actors is **quality assurance.** The level of mutual trust achieved by the EHEA's Standards and Guidelines (ESG) has been questioned by both sides. Professional and regulatory bodies at European level in dentistry have already called for an accreditation system capable of guaranteeing a minimum common standard of course delivery. They argue that existing quality assurance systems, although compliant with ESG, are essentially national in scope and formally unharmonised, to the detriment of the mutual confidence that the Directive requires of Competent Authorities.

3.2 In the same vein, the Commission – reflecting on the accumulated experience of the alliances nurtured in the European University Initiative – makes a similar assessment in respect of **transnational joint degrees**:

In countries where external quality assurance and accreditation is primarily programme-based, the **European Approach for the Quality Assurance of Joint Programmes** is still insufficiently implemented across the Member States, hence impeding the creation and accreditation of joint educational programmes at short-cycle, Bachelor, Master and Doctoral level. Consequently, different external quality assurance procedures are applied for joint programmes possibly in each country involved, with different national rules that create an administrative burden and hamper the implementation of innovative interdisciplinary pedagogies across different countries. At the same time, countries with institutional-level external quality assurance can set up transnational joint programmes more easily.

3.3 The Commission's proposal for a Recommendation on building bridges for effective European higher education cooperation goes on to list other factors inhibiting the smooth operation of joint degrees: inconsistent application of ECTS, absence of long-term funding, lack of adequate student counselling, insufficient interoperability of IT systems, obstacles to the design of interdisciplinary modules, and non-participatory institutional governance arrangements. A long list indeed. The remedy? – a legal statute for university alliances, paving the way for a 'European joint degree', backed up by a fully functioning and universally recognised European Student eCard. On quality assurance, the draft Recommendation urges Member States to:

> 3. Enable higher education institutions to **develop and implement innovative joint transnational education activities** by allowing them to put in place suitable approaches and measures in relation to : [...]
>
> f.   The use of information on external quality assurance of European higher education programmes and/or institutions according to the Standards and Guidelines of Quality Assurance in the European Higher Education Area (ESG), included in the Database of External Quality Assurance Results (DEQAR) to implement automatic mutual recognition for the purposes of further learning, [...]
>
> 7.   Strengthen mutual trust through **external quality assurance and accreditation of joint educational programmes** and other forms of joint educational offers developed by European Universities and similar institutional transnational cooperation models.
>
> a.   Move further towards the use of **institutional-based external quality assurance**. This supports the development of a genuine institutional quality culture that leads to a greater accountability and compatibility of systems across Europe, building on tools and frameworks already in place in the context of the European Education Area, the European Research Area and the European Higher Education Area.
>
> b.   Consider the possibility to allow for self-accreditation of programmes based on institutional quality assurance to underpin the self-responsibility of higher education institutions.
>
> c.   In countries still relying on programme-based external quality assurance, consider the possibility to:
>
> > i.   enable the full implementation of the **European Approach for the Quality Assurance of Joint Programmes**, without further additional national requirements or conditions to the use of the European Approach;
> >
> > ii.   ensure that the external evaluation of joint transnational programmes can be done by one single agency registered in the **European Quality Assurance Register for Higher Education (EQAR)** and that the outcomes are automatically accepted in all other higher education systems concerned, without adding further national requirements or procedural steps; and
> >
> > iii. ensure that re-accreditation of joint transnational programmes is required only for clearly substantial changes, with a view to enhance their agility.

3.4 If these recommendations were taken on board by Member State higher education systems, well-funded and prestigious transnational joint programmes could trigger further alignments of good practice throughout the EHEA. This is the implicit assumption of the Commission's 'higher education package' which, in addition to the draft Recommendation, includes a [Communication on a European Strategy for Universities](#) and a [staff working document](#). The wider-ranging Strategy aims to future-proof higher education (green and digital skills, inclusivity, academic freedom, competitiveness – these are the watchwords) and, specifically, 'to further develop a **European Quality Assurance and Recognition System**, where the quality of qualifications is assured, the qualifications are digitised and recognised automatically across Europe, doing away with the bureaucracy that hinders mobility, access to further learning and training or entering the labour market.'

3.5 It has to be said that the **implications of the recommendations for professional qualifications** are unclear. What of the agreed minimum training conditions in the seven sectoral professions? How might Common Training Frameworks be affected? At some stage, inter-service consultation will have to include DG GROW.

3.6 But these are early days. The steps which the Commission proposes come in response to the Council's conclusions on countering the COVID-19 crisis in education and training. These give a detailed overview of **the disruptions wrought by the pandemic** and the compensatory measures taken. They stress the challenge of maintaining an equitable and coherent transition from secondary to higher education. The Council urges the Commission and Member States to cooperate on restoring the quality and inclusivity of educational processes with more intensive recourse to existing and new digital tools. In November 2021, the Council held a web-streamed public meeting on digital education. It revealed a gearing up by all Member States, the main emphasis being on primary, secondary education and VET. Unsurprisingly, Estonia emerged as the field-leader. The discussion covered issues of privacy, data protection, especially with regard to commercial providers, and the question of how far information technology and artificial intelligence were separable in curricular and policy terms.

3.7 A cloud of uncertainty has long hung over **learning outcomes**. Specifically, the extent to which apparently equivalent LOs may be assigned to different levels in different national qualifications frameworks (NQFs). The Commission's EQF Advisory Group, of which EUA is a member, has just finalised its report on how better to 'level' qualifications. The report (not yet publicly available) analyses in great detail the LOs inscribed in IT and social care qualifications at EQF levels 4, 5 and 6 in Flanders, Latvia, Luxembourg, Poland and Slovakia. Covering the threshold between VET and HE is useful, in view of the need to increase its permeability. The Advisory Group's conclusions and recommendations are too extensive to summarise here. Suffice it to say that, in the use of LOs to reference NQFs to the EQF, greater attention should be paid to their social, cultural and labour market context and purpose; the gain in transparency will benefit all stakeholders.

D. THE LEGACY OF BREXIT

4.1 The terms of Brexit meant that the UK fell out of the scope of the Directive on professional qualifications. As a third country, it can in principle conclude MRAs with the EU, but no such initiative is on the horizon. Indeed, **UK's relations with the EU** remain strained and unresolved, notably in respect of the rights of EU citizens in the UK and problems surrounding trade in goods with and through Northern Ireland. Brexit is far from 'done', as the UK government would wish. Its full impact will not be felt for many years.

4.2 UK service delivery into the EU has declined. Our previous briefing reported on the difficulties experienced by auditors and lawyers. 'Equivalence' and 'adequacy' in financial services and data management are not assured in the long term. The UK government has recently appointed a senior minister to investigate the possibilities of greater regulatory divergence. However, it is the dramatic reduction in the numbers of **EU migratory workers** that most directly strikes the attention of the public. Shortages of truck drivers, farm labourers and healthcare workers have immediate and visible impact. Among the sectoral professions, there is a huge shortfall in the cadres of veterinary specialists required to inspect and certify food and animal feed traded across the border with the EU. The UK food industry's SPS (sanitary and phyto-sanitary) Certification Working Group has called for an agreement on veterinary equivalence, mirroring the one existing between the EU and New Zealand. Such an agreement would entail recognition of professional qualifications, but not necessarily the right to practise in the other Party's territory.

4.3 Problems and proposals of this nature are the business of the various committees set up in the framework of the Trade and Cooperation Agreement (TCA) between the EU and the UK. The TCA provides for numerous **specialised committees** reporting to the overarching Partnership Council. Those with potential relevance to higher education are:

◈ **Trade Specialised Committee on Services, Investment and Digital Trade**. In October 2021 it met, for the first time, to discuss the implementation of TCA Article 158 on professional qualifications. The Minutes reported that:

> The EU outlined its proposals for the formal steps towards the adoption of a Decision on a recognition arrangement under Article 158 of the TCA to be dealt with by the Partnership Council, whereas the text of such an arrangement would be discussed and prepared in advance by technical experts. The EU also explained that the Partnership Council could adopt an arrangement by written procedure. The UK took note of the proposals, and noted the need for a flexible and efficient process. The Parties noted that they would discuss how to perform, in accordance with article 8.3.c of the TCA, the joint preparatory technical work for reviewing any joint recommendation submitted by the professional bodies or authorities and for developing any recognition arrangement in a given sector of activity. **The Parties acknowledge that authorities and professional bodies in the EU and the UK can engage with their counterparts in developing and submitting to the Partnership Council joint-recommendations for specific professions of interest to them.** [EUA emphasis]

◈ **Trade Specialised Committee on Public Procurement**. The first meeting did little other than allow each Party to express its scepticism about the other Party's compliance with the WTO's Government Procurement Agreement.

◈ **Specialised Committee on Participation in Union Programmes**. The first meeting in December reviewed the state of play, presumably regarding the Horizon Europe research programme. The Minutes have not yet been published.

4.4 Membership of these Committees is confined to EU, Member State and UK officials. The EU and UK parliaments will meet in a Parliamentary Partnership Assembly. Social partners and civil society organisations are represented in **Domestic Advisory Groups** (DAGs); these meet both separately and jointly. EUA is a member of the EU DAG and thus has a direct line to DG Trade. The UK DAG has still to be launched.

4.5 Elsewhere on the trade front, the **UK and New Zealand** have signed a free trade agreement, still to be ratified by their respective Parliaments. It features priorities set on data flows and government procurement. Its approach to professional qualifications is generous, particularly where architects and lawyers are concerned (see Annex 9A). The finalisation of a UK-Australia agreement is expected soon. With regard to professional qualifications, it will probably be similar. More interesting will be the UK's progress in applying for membership of the 11-country Comprehensive and Progressive Agreement on Trans-Pacific Partnership (CPTPP), to which Australia and New Zealand belong. This will be a long process, involving bilateral talks with Brunei, Canada, Chile, Japan, Malaysia, Mexico, Peru, Singapore and Vietnam – not to mention eventually three other applicant countries, China, Ecuador and Taiwan.

4.6 Regulatory and professional bodies in the UK continue to gear up to **recruitment from beyond the EU**. A good example is the Nursing and Midwifery Council, which has upgraded its Test of Competence complementing the recognition process.

Comments and corrections are welcome:

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The European University Association (EUA) is the representative organisation of universities and national rectors' conferences in 48 European countries. EUA plays a crucial role in the Bologna Process and in influencing EU policies on higher education, research and innovation. Thanks to its interaction with a range of other European and international organisations, EUA ensures that the voice of European universities is heard wherever decisions are being taken that will impact their activities.

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