

Sectoral professions – Update no.4, February 2010

2010 marks the formal inception of the European Higher Education Area [EHEA], as well as the coming into force of the Treaty of Lisbon and the taking up of office by the new Commission – Barroso II. It also sees the launch of the process of evaluation which will usher in the review of Directive 2005/36/EC on the Recognition of Professional Qualifications. Any decision to amend the DIR, under the new Treaty, must be taken by qualified majority voting (i.e with the support of at least 18 Member States).

This update summarises recent developments in:

- the Bologna Process
- the European Commission
- the European Court of Justice
- the European Parliament
- the professional, academic and regulatory bodies
- EUA

Previous updates are available at

<http://www.eua.be/bologna-universities-reform/bologna-and-professional-qualifications/>

1 The Bologna Process

1.1 The 46 Bologna signatory countries will convene in Budapest and Vienna on March 11-12 for an '**extraordinary ministerial anniversary conference**', to mark a decade of Bologna action and the inception, although not the completion, of the EHEA. The sequence of normal summits will resume in Bucharest in 2012. Thereafter, there will be meetings in 2015, 2018 and 2020. See http://www.ond.vlaanderen.be/hogeronderwijs/bologna/2010_conference/index.htm

1.2 In the first six months of 2010, Spain holds the **presidency of the Bologna Process** – concurrently with that of the European Union. It proposes to 'step up' the creation of the EHEA by focusing on equity and access, professional competences, mobility, quality and transparency and by driving forward the university modernisation agenda. It will also boost European higher education

cooperation with the Latin American and Mediterranean countries. See http://www.eu2010.es/export/sites/presidencia/comun/descargas/Spanish_Presidency_Program.pdf

1.3 A detailed overview of the state of play (as at March 2009) in the Bologna Process – regarding the Bachelor-Master-Doctorate structure, ECTS and the Diploma Supplement, national qualifications frameworks, and the portability of student finance – has been published by **EURYDICE**. See http://eacea.ec.europa.eu/ressources/eurydice/pdf/0_integral/099EN.pdf

1.4 Belgium and Spain have become the 49th and 50th countries to ratify the **Lisbon Convention** on the Recognition of [academic] Qualifications concerning Higher Education in the European Region. Greece has yet to sign and to ratify, while Italy has yet to ratify. See <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=165&CM=8&DF=23/07/2009&CL=ENG>

1.5 Denmark has completed the self-certification of its **national qualifications framework**, the seventh Bologna country to do so. Malta, meanwhile, has announced the referencing of its framework to Bologna and to the EQF. Ireland, the field-leader, has published an impact assessment of the first five years of its framework's operation. For details of each of these, see http://www.enic-naric.net/documents/Denmark_QF/DK-QF-report-EN.pdf
<http://www.mqc.gov.mt/malta-qualifications-framework>
<http://www.nqai.ie/documents/FIISreportFINALsept2009.pdf>

1.6 The number of quality assurance agencies on the **European Quality Assurance Register for Higher Education** [EQAR] has risen from nine to seventeen. The new registrants are: AGAE (Andalucía, Spain), AHPGS (the German accreditation agency for programmes in health and social sciences), AQA (the Austrian national agency), AQU (Catalunya, Spain), ARACIS (Romania), HETAC (Irish HE and Training Awards Council), IUQB (Irish Universities Quality Board), NEAA (Bulgaria). The register can be accessed at <http://www.eqar.eu/register.html>

2 The European Commission

2.1 The new Commissioner for the Internal Market and Services – **Michel Barnier** – stressed in his written response to Parliamentary questions that in his determination to consolidate the single market he would oversee the 'full assessment' of DIR 2005/36/EC. He added in his speech that he would work with relevant stakeholders to 'give Europeans the professional card they are waiting for'. (Immediately prior to his nomination, Michel Barnier was a member of Parliament's Internal Market Committee [IMCO]). [For more on the professional card, see Update 3, para.3.2.2.]

2.2 Jürgen Tiedje became head of DG MARKT's **Unit D4 (Professional Qualifications)** from July 1 and is now engaged on the evaluation of DIR 2005/36/EC, the first stage of its review process. The evaluation is to be retrospective and prospective. Previous head Pamela Brumter now leads Unit B1 (Policy Development and Coordination of the Internal Market).

2.3 In November, Unit D4 produced two publications: a **Scoreboard** showing which Member States had transposed DIR 2005/36/EC, whether the Court of

Justice had been forced to intervene, and whether the appropriate national contact points had been put in place; and a **User's Guide** directed at the would-be mobile professional. For both documents, go to http://ec.europa.eu/internal_market/qualifications/news_en.htm

In parallel to the User's Guide, the Group of Coordinators has drawn up a code of conduct aimed at defining best and good practice for the competent authorities in the Member States. The code of conduct is available at http://ec.europa.eu/internal_market/qualifications/docs/future/cocon_en.pdf

2.4 The DG MARKT Scoreboard showed that by December five Member States had failed to transpose DIR 2005/36/EC: Austria, Belgium, France, Greece, Luxembourg. The same month saw the deadline for implementation of the **Services Directive**, to which DIR is closely linked. Here, 16 MSs had failed to implement. Infringement procedures are expected. Meanwhile, the 'mutual evaluation' to be conducted by MSs on a peer review basis is likely to be hampered.

2.5 Amendments to DIR 2005/36/EC

In November, the Official Journal carried a Communication recording recent amendments to **Annex V** of the Directive, as notified by Member States. These concern evidence of formal qualifications, awarding bodies and professional titles. Communication 2009/C 279/01 can be found at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:279:0001:0003:EN:PDF>

2.6 Infringements

2.6.1 In July, the ECJ upheld the Commission's allegation of **non-transposition of the Directive** by Belgium [C-469/08], Greece [C-465/08], Luxembourg [C-576/08] and UK [C-556/08]. Judgement against Austria [C-477/08] followed in September. In October, the Commission sent formal notice to Belgium, Greece and UK, pointing out their continuing failure to transpose.

2.6.2 A second ongoing issue is the failure of EU25 Member States to update their legislation to accommodate the **accession of Bulgaria and Romania**. In October the Commission sent formal notice to Greece and Portugal regarding their failure to abide by the relevant ECJ rulings; Luxembourg received a reasoned opinion on the same matter.

2.6.3 The difficult position of **Greece** was compounded by further proceedings against it. According to the Commission, it failed to recognise opticians' qualifications awarded under franchise agreements with Italian training providers (October); it refused to process applications for recognition of diplomas by veterinary surgeons from other MSs (October); it failed to deal in the General System with applications from engineers (November). In separate cases [C-422/09, -425/09, -426/09], Greece has asked the ECJ for clarification of the definition of 'professional experience' in the application of the General System.

2.6.4 **Other issues** were: the apparent failure by Luxembourg to ensure that its legislation applied the minimum training conditions to its nursing education programmes; the practice of dentistry by specialist medical doctors in Spain, which is regarded as being incompatible with the Directive.

2.7 In her Parliamentary hearing, **Androulla Vassiliou**, the new Commissioner for Education, Culture, Multilingualism and Youth, focused on the need to raise skill levels, develop lifelong learning and stimulate knowledge generation. She singled

out the European Institute of Innovation and Technology, the Marie Curie research mobility programme previously run by DG Research, and ERASMUS MUNDUS. Also in DG EAC, the position of Jordi Curell, acting Director of Lifelong Learning, has been made permanent.

2.7.1 Mrs Vassiliou indicated that she would prioritise matching skills development to labour market needs. Among the recommendations of the Expert Group on **New Skills for New Jobs** are actions to promote the recognition of prior learning, the involvement of professional bodies in learning outcomes-based curricular design, and the consolidation of compatible national qualifications frameworks and quality assurance systems. The report can be found at http://ec.europa.eu/education/focus/focus2043_en.htm

2.7.2 The 'New Skills for New Jobs' report was commissioned jointly by DG EAC and DG Employment and Social Affairs. It is accompanied by a number of sectoral analyses, including **health and social work**. This can be found on the DG EMPL website at <http://ec.europa.eu/social/main.jsp?langId=en&catId=782&newsId=583&furtherNews=yes>

2.8 In September 2009, the Barroso I Commission published a report on **Progress in Quality Assurance in Higher Education** – the first triennial report requested by Recommendation 2006/143/EC. It welcomes the growth of quality assurance and accreditation agencies, but has reservations regarding their heterogeneity and their national remits. (The Commission is funding a web-based database of all accredited and quality-assured HE programmes in Europe; www.grossroads.eu is scheduled for launch in June 2010.) The Report celebrates the Commission's support for field-specific initiatives in chemistry (the EuroBachelor) and engineering (EUR-ACE). It also welcomes the wide implementation of the European Standards and Guidelines [ESG], but notes that they have yet to be aligned with other Bologna action lines such as qualifications frameworks, mobility and employability. It suggests *inter alia* that compliance with the three-cycle qualifications structure be made a 'basic quality requirement in the EHEA'.
http://ec.europa.eu/education/higher-education/doc/report09_en.pdf

2.8.1 **EUA has expressed reservations** regarding this report. Responding to the Commission's references to a 'limited European dimension' in QA, EUA stresses that there has been considerable progress and rapid change in the last five years, for example through the ongoing implementation of ESG and the creation of EOAR. The report fails to discuss 'the willingness of member states' to open up their national QA markets. See http://www.eua.be/fileadmin/user_upload/files/newsletter2010/EUA_response_to_EC_Progress_Report_on_Quality_Assurance.pdf

2.9 For DG SANCO, newly re-amalgamated as DG Health and Consumer Policy, Commissioner **John Dalli** addressed a range of policy strands in his written and oral submissions to Parliament, but made no explicit mention of the training of healthcare professionals. This is probably because the next step in progressing the Green Paper on the European Workforce for Health [COM(2008)725] will depend on the final shape of the EU 2020 Strategy.

2.9.1 The Commission received 197 responses to its **consultation on the Green Paper**. Seven came from higher education institutions; many more from the professional, regulatory and student bodies featured in this and previous updates. In general the Green Paper was well received; its proposals on training received the third highest level of approval, with support for CPD, a workforce

planning observatory, language training and return-to-work training. In its report, the Commission concludes that 'any action would need to be cross-cutting, in other words, taking into account not just delivery of healthcare but the development of human resources, education and training strategies as well as EU employment, social affairs, internal market and cohesion policies.' See http://ec.europa.eu/health/archive/ph_systems/docs/workforce_report.pdf

2.9.2 DG SANCO's **Working Group on the EU workforce for health** met in September. Participants included a number of Member States, DG MARKT, CED, CPME, EFN and PGEU. Minutes are available at http://ec.europa.eu/health/workforce/docs/ev_20090924_mi_en.pdf

2.9.3 DG SANCO has put out a call to develop a **pilot group of nursing regulators and trainers**. See http://ec.europa.eu/health/workforce/call_workforce_en.htm

3 The European Parliament

3.1 CULT Committee on Culture and Education

3.1.1 The new Chair of CULT is **Doris Pack** [EPP]. Since 1999 Frau Pack has produced a number of reports on the SOCRATES and Lifelong Learning Programmes, adult learning and the Bologna Process.

3.2 IMCO Internal Market and Consumer Protection

3.2.1 The new chair of IMCO is **Malcolm Harbour** [EPP]. On taking office, Mr Harbour described professional qualifications as one of the crucial internal market dossiers. He told EurActiv that he also anticipated an increase in the workload of IMCO, as it takes on the responsibility of monitoring comitology decisions taken via the regulatory procedure with scrutiny. [For the detail of this procedure, refer to Update 1, para.2.3 + Annex.]
<http://www.euractiv.com/en/infosociety/harbour-public-procurement-drive-recovery/article-184423>

3.2.2 IMCO will establish a 'reflection group', led by one of the committee vice-chairs, to consider DIR 2005/36/EC. It will make a formal submission to the Commission in 2012, to coincide with the first quinquennial review of the Directive. It is likely that it will take note of a **report on the transposition of the DIR**, which IMCO commissioned in 2009. The report concluded that Member States 'lack trust in each other's educational systems, and [that] it is important to establish this trust if Directive is to work properly'. The report does not mention the Bologna Process, the prime purpose of which is to establish mutual trust...
See <http://www.europarl.europa.eu/activities/committees/studies/download.do?language=en&file=27071>

3.2.3 In November IMCO held a **public (web-streamed) hearing** on the Directive, taking testimonies from FEANI and GMC among others, as well as a CEDEFOP representative speaking on the European Qualifications Framework. The Bologna Process as such was not addressed. For the presentations, see <http://www.europarl.europa.eu/activities/committees/hearingsCom.do?language=EN&body=IMCO>

3.3 PETI Petitions

3.3.1 The agenda of the February meeting shows that eight of the 59 items concern perceived injustices in the recognition of professional and academic qualifications. (It is worth noting in passing that 24% of SOLVIT queries concern professional qualifications.)

http://www.europarl.europa.eu/meetdocs/2009_2014/organes/peti/peti_20100223_0900.htm

4 Professional, academic and regulatory bodies

This section has insufficient space to reference and summarise the many and varied responses to DG SANCO's Green Paper (see para.2.9.1 above).

Healthcare professions

- The EU-funded European Interprofessional Education Network in health and social care [**EIPEN**] is a 13-partner consortium. It intends to apply for Thematic Network support from the Lifelong Learning Programme and to focus its activities on quality assurance.
http://eipen.org//index.php?option=com_frontpage&Itemid=1
- The **Health Regulation Worldwide** website maintains a database of regulatory and professional bodies in Europe
<http://www.healthregulation.org/continent.asp?name=europe>
- The **World Health Professions Alliance** will discuss regulation, migration, and the relationship between education, regulation and standards of practice, at its February 2010 conference. See
<http://www.whpa.org/whpcr2010/>
- **Healthcare Professionals Crossing Borders**, an informal grouping of healthcare regulators, publishes periodical news updates. The December issue covers developments in the Patients' Rights draft directive, the HPROcard project, as well as the European Parliament's plenary debate on DIR 2005/36/EC.
http://www.hpcb.eu/news/update_briefings.asp

Medical doctor

- **CPME** secretary general Lisette Tiddens, interviewed by EurActiv, gave her views on the Directive, telemedicine, the Green Paper and the Patients Rights draft directive. See
<http://www.euractiv.com/en/health/doctors-favour-greater-mobility/article-183763>
- At its October conference, **UEMS** discussed the possibility of revising the Directive, with a view to including new medical specialties, with particular reference to medical genetics, already proposed by the Czech Republic and France. See
<http://admin.uems.net/uploadedfiles/1370.doc>

- A policy statement on Bologna, agreed by **AMEE, EMSA and IFMSA**, is forthcoming. The September 2010 conference of AMEE will include a Bologna workshop.
<http://www.amee.org/documents/AMEE%202010%20Provisional%20Programme.pdf>
- At a recent board meeting, the European Students Union [ESU], one of the E4 group of Bologna stakeholder organisations, welcomed **IFMSA** as an associate member.
<http://esu-online.org/index.php/News/newsletter-student-voice/221-issue-15-the-student-voice/576-esu-visits-ifmsa-workshop-on-the-bologna-process>
- The June 2010 conference of **AMSE** will consider the internationalisation of medical schools.
<http://www.amse-med.eu/documents/WebstatementreBerlin2.pdf>

General care nurse

- **EFN** has lobbied the EU institutions about reforms undertaken by the Slovakian government. These appear to downgrade the nursing profession and to put at risk the agreed minimum training standards. EFN has similar concerns in respect of Italy and Romania.
<http://www.efnweb.org/version1/EN/news2009.html>
- The French **Ordre National des Infirmiers** has launched a new website. Among its projects is the commitment to a July 2010 deadline for a mutual recognition agreement for nursing qualifications between France and Quebec. This will join those already signed for medical doctors, dentists, midwives and pharmacists.
<http://www.ordre-infirmiers.fr/>
http://www.mri.gouv.qc.ca/fr/grands_dossiers/qualifications_professionnelles/index.asp
- **FEPI** has set up a new Working Group on policy, to be chaired by Professor Tony Hazell of the NMC. It will have a strong focus on the Directive.
<http://www.fepi.org/en/working-groups.php>

Midwife

- The second **Summit of European Midwifery Regulators** was held in Brussels in November. Report and presentations are available at
<http://www.ordre-sages-femmes.fr/actualites/dossiers/europe/sommeten.html>
- Following its annual general meeting in September, **EMA** urged action in Slovenia, where the midwifery profession is unable to engage in the full range of duties enshrined in the Directive.
<http://ema.hetwepsysteem.nl/ema/files/EMA%20Press%20Statement%20OAGM%202009.pdf>
- DG EAC's executive agency website carries a progress report on the design of a **European MSc in Midwifery**, scheduled to recruit students for September 2009.
http://eacea.ec.europa.eu/llp/project_reports/documents/erasmus/erasmus_2007_progress_reports/cd/europeanmasterinscieceandmidwifery.pdf

Dental practitioner

- In October, **ADEE** ran a web-based questionnaire on the Bologna qualifications framework and ECTS. The results are not yet accessible.
http://www.adee.org/cms/uploads/adee/TFII_Questionnaire_Sept09.doc

Veterinary surgeon

- For a detailed presentation of the institutional evaluation programme run jointly by **FVE** and **EAEVE**, see
http://www.fve.org/news/position_papers/education/060_oie_education%20_conference_october_2009_presentation_jvaarten.pdf
- The **EAEVE** website provides more context for the above. It reports that 17 veterinary schools have failed to reach the level required. Moreover, entry to the profession is declining, while the specialisms contained within it are proliferating. The authors see the Bologna Process two-cycle system as an opportunity to address these problems: a common first cycle, followed by a range of specialist Master programmes.
- http://www.eave.org/news/detail/article/veterinary-education-in-europe-2009-and-beyond.html?tx_ttnews%5BbackPid%5D=23&cHash=493cc19e34

Pharmacist

- The next conference of **EAFP**, is scheduled for June 2010, will focus on the interdisciplinary aspects of pharmacy education. The programme is available at
<http://www.eafp.it/index.php?page=program>

Architect

- In September ACE published a declaration on '**architecture and sustainability**' which commits to supporting 'the creation of programmes to teach sustainable design skills to all undergraduate and graduate students of urban design and architecture, and encourage continuing professional education and research in relevant areas'.
http://www.ace-cae.org/MemberN/Content/EN//docs/brochure_06-2009.pdf
- **ACE and EAAE** held a joint workshop in January which paved the way for closer collaboration on the quality of training provision and the definition of architects' core competences. ACE reports that collaboration has also allowed better liaison with the architecture sub-group of the Directive's Coordinators Group.
http://www.ace-cae.org/MemberN/Content/EN/cms/ShowDocument.asp?idt=aceinfo_news&RowId=15
- The Royal Institute of Architects of Ireland [RIAI] has introduced a system of **compulsory CPD**, based on a requirement of 40 hours per annum, of which half must be gained from formal learning outcomes-based provision.
http://www.riai.ie/downloads/cpd/RIAI_CPDPolicy_2009.pdf

5 The European University Association

EUA engages in a broad range of activities across a number of policy fronts: the Bologna Process, in which it is a major stakeholder, research and knowledge transfer, higher education governance and funding, quality assurance and capacity building. Of particular relevance to the sectoral professions and to the interface of Bologna with Directive 2005/36/EC are the recent initiatives listed below:

5.1 A report on a **quality assurance** project conducted by EUA with ACQUIN, the UK Higher Education Academy and the National University of Ireland Maynooth. 'Improving quality, enhancing creativity: change processes in European higher education institutions' is available at http://www.eua.be/fileadmin/user_upload/files/Publications/QAHECA_Report.pdf

5.2 A groundbreaking report on **University Autonomy in Europe**, with a focus on organisational, academic, financial and staffing autonomy. The report heralds the establishment by EUA of a country-referenced autonomy scoreboard. http://www.eua.be/fileadmin/user_upload/files/Publications/EUA_Autonomy_Report_Final.pdf

5.3 The EUA's **institutional evaluation programme** [IEP] has been granted full membership of ENQA, the European Association of Quality Assurance Agencies. <http://www.eua.be/index.php?id=658>

5.4 The fourth **European Quality Assurance Forum** convened in Copenhagen in the autumn. Presentations included coverage of issues relating to professional education and qualifications. <http://www.eua.be/events/eqaf-copenhagen/presentations/>

5.5 A major new report on **institutional diversity in European higher education**, with particular focus on England, France, Norway, Slovakia and Switzerland. http://www.eua.be/fileadmin/user_upload/files/Publications/Institutional_Diversity_in_European_Higher_Education.pdf

5.6 Finally, a reminder that the EUA's **Bologna Handbook** carries articles on a broad range of issues, among which the concerns of the sectoral professions are well represented. See <http://www.bologna-handbook.com/>

**Please feel free to forward this update to any other interested parties.
Comments, corrections and news items will be very welcome.**

<http://www.eua.be/bologna-universities-reform/bologna-and-professional-qualifications/>

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