

## **Recognition of professional qualifications**

### **EUA Update no.12, August 2014**

Update no.11 appeared in March 2013 – a long time ago – as the review of Directive 2005/36/EC was drawing to a close. By that stage, most stakeholders had made their positions clear. The focus switched to the legislative process and the Directive was formally amended in early 2014.

**Directive 2013/55/EU**, which lists all the amendments, came into effect on 18 January. It is available at

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:354:0132:0170:en:PDF>

Many of the amendments are directly relevant to higher education institutions (HEIs). **EUA's briefing note** on this topic can be found at <http://www.eua.be/eua-work-and-policy-area/building-the-european-higher-education-area/bologna-and-professional-qualifications.aspx>

The consolidated version of the text of the Directive is due to be posted at [http://ec.europa.eu/internal\\_market/qualifications/policy\\_developments/legislation/index\\_en.htm](http://ec.europa.eu/internal_market/qualifications/policy_developments/legislation/index_en.htm)

In addition to the Parliamentary elections and the end of the second **Barroso Commission's term**, the period since January has been dominated by three processes:

1. Discussion **of the precise roles to be played by the 'new comitology'** (delegated and implementing acts) in eventual implementation of the amended Directive.
2. Transposition of the amendments into national legislations, the vast bulk of which must be completed by January 2016.
3. Debate in the wider professional qualifications community on three points in particular: the European Professional Card (EPC); the associated implementation of the online Internal Market Information system (IMI); and the alert mechanism, which concerns professional disqualification.

None of these three points directly or immediately engage higher education institutions (HEIs), but it is important that the HE sector remains informed of developments. Hence this twelfth Update.

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## 1 The Bologna Process

1.1 Bologna ministers are due to meet in **Yerevan in 2015**. The Bologna Follow-up Group, now co-chaired by Italy and the Holy See, is currently preparing the documentation for the summit, while reflecting on the future direction of the Bologna Process. The dossier is likely to include a country-by-country report on process implementation, as well as the items listed below.

1.1.1 The **revised ECTS Users' Guide**, prepared by an *ad hoc* working group chaired by the European Commission. The latest draft points out that the European Credit Accumulation and Transfer system may now be used as an alternative way of expressing course duration in the basic training programmes of the sectoral professions, as well as in General System qualifications that are located in higher education. It also notes that ECTS has potential application in continuing professional development (CPD).

1.1.2 A report from the **Pathfinder group** of Bologna signatory countries which is exploring the viability of the automatic recognition of academic qualifications. Automatic recognition exists currently, to varying degrees, in the Benelux, Nordic and South-Eastern European countries. The Pathfinder group is likely to make recommendations for the streamlining of academic recognition procedures, rather than for automatic recognition in the sense of the Directive.

1.1.3 A report from the **Mobility and Internationalisation** working group.

1.1.4 An update report from the **National Qualifications Frameworks** network.

1.1.5 A report from the **Recognition of Prior Learning** (RPL) network. This will have a widening participation orientation, stressing the importance of flexible learning paths and alternative access routes into higher education.

1.1.6 Widening participation will also be a focal point of the report presented by the working group on the **Social Dimension and Lifelong Learning**.

1.1.7 A proposal for **Revised Standards and Guidelines for Quality Assurance in European Higher Education** (ESG), intended to display the enhanced 'clarity, applicability and usefulness' which ministers requested when they met in 2012. The revised ESG will further the gradual consolidation of quality

assurance policy and practice in the European Higher Education Area (EHEA). The proposal can be read at

[http://issuu.com/revisiões/docs/esg\\_revision\\_-\\_proposal](http://issuu.com/revisiões/docs/esg_revision_-_proposal)

1.2 The **European Quality Assurance Register** (EQAR) has expanded to include 33 quality assurance and accreditation agencies which function in line with the ESG and which, national legislations permitting, are empowered to operate on a cross-border basis. Most agencies have a national or regional remit and a generalist academic focus. Some, however, are sectoral and professional:

- the German Accreditation Agency in Health and Social Sciences (AHPGS)
- the Engineering Degree Commission (CTI), based in France
- the European Association for Public Administration Accreditation (EAPAA), based in the Netherlands
- the European Council on Chiropractic Education (ECCE), operating from Germany
- the Foundation for International Business Administration Accreditation (FIBAA), also based in Germany

The Register's 2013 Report notes that eleven EHEA countries allow the external quality assurance of their HEIs by EQAR agencies. See

[http://www.eqar.eu/fileadmin/documents/eqar/information/EQAR\\_AR13\\_web.pdf](http://www.eqar.eu/fileadmin/documents/eqar/information/EQAR_AR13_web.pdf)

## 2 The European Commission

2.1 The passage of the amended Directive into law had been a key feature of the Commission's resolve to relaunch the Single Market in response to economic and financial crisis. The legislative process was completed slightly later than planned, but in the event it served to get the **Commission's 2014 Work Plan** off to a flying start.

It is essential to invest in education and skills and increase labour mobility, including by means of reinforced cooperation between public employment services and by removing unjustified or disproportionate obstacles to access to and free movement of regulated and professional services. Tapping into the potential of key growth sectors, such as the green economy, ICT and health and social care, should be a particular priority. [...] Maximising the potential of European Structural and Investment Funds will also make a critical contribution to recovery. Additionally, drivers for boosting education, training, skills, employment and social cohesion will be reinforced through the implementation of EU wide programs such as Erasmus+, the Programme for Employment and Social Innovation, the European Globalization Adjustment Fund and the Fund for European Aid to the Most Deprived.

See [http://ec.europa.eu/atwork/pdf/cwp\\_2014\\_en.pdf](http://ec.europa.eu/atwork/pdf/cwp_2014_en.pdf)

2.2 Implementation of the 2014 Work Plan will inevitably falter as the Barroso II Commission comes to the end of its term. Whether it will be obliged to continue on a caretaker basis is not yet known. Until there is agreement on the identity of a new High Representative for Foreign Policy, effectively a post located in both Commission and Council, the **incoming Commission President Jean-Claude Juncker** will have difficulty appointing a college of commissioners and attributing

portfolios. The requisite approval by Parliament is unlikely to be given before October. The theoretical start date for the Juncker Commission is 1 November.

## 2.3 DG MARKT

2.3.1 The policy orientation of the Juncker Commission will become apparent when DG MARKT publishes its **annual report on Single Market integration** at the end of the year. This will 'present an analysis of the state of the Single Market integration in particular in areas with the highest growth potential [and] will identify the main policy challenges and set priorities for action.'

2.3.2 As mentioned earlier, the launch of the European Professional Card is exercising the minds of regulatory and professional bodies. Some of them are assisting the Commission, as focus group members, as it prepares the **EPC Implementing Act** for finalisation in December. The Commission organised a consultation which took place between April and June; its conclusions have not yet been published. It is known that Austria and the UK, in particular, have strong reservations. The **Commission's** intention is for the EPC to be gradually phased in, **with a first round involving** 'one or more of the following professions: nurses, doctors, pharmacists, physiotherapists, engineers, mountain guides, and real estate agents'; this, however, has not yet been agreed by Member States (MSs). **Background can be found in DG MARKT's April roadmap at** [http://ec.europa.eu/smart-regulation/impact/planned\\_ia/docs/2014\\_markt\\_051\\_professional\\_card\\_en.pdf](http://ec.europa.eu/smart-regulation/impact/planned_ia/docs/2014_markt_051_professional_card_en.pdf)

2.3.3 In February, a **DG MARKT conference** in Brussels – 'Modernisation of the Professional Qualifications Directive: safe mobility' – aired some of the pressing issues, among them the EPC, the alert mechanism and language competence. Also on the agenda were the recognition of traineeships and the common training frameworks (CTFs). On traineeships two points were stressed: the need to design them on a learning outcomes basis; the need to accommodate them in a more coherent Europe-wide vocational education and training (VET) framework. The introduction of CTFs was generally welcomed, in particular by representatives of medical specialties and estate agents. (For commentary on traineeships and CTFs, see the EUA briefing note cited on p.1 above.) See the conference video at <https://scic.ec.europa.eu/streaming/index.php?es=2&sessionno=a35fe7f7fe8217b4369a0af4244d1fca>

2.3.4 MSs nominate representatives to the **Group of Coordinators**. The minutes of its last meeting in December report that a sub-group is to be set up to organise transposition workshops. The architecture sub-group, meanwhile, is to be discontinued in favour of 'an alternative mechanism for the scrutiny of architecture diplomas to be included into Annex V of **the Directive**'; it is not yet clear what this will be. Coordinators also discussed the inclusion of cardiac surgery as a new medical specialty in Annex V. For the full set of minutes, see [http://ec.europa.eu/internal\\_market/qualifications/docs/coordinators/20131203\\_summary\\_en.pdf](http://ec.europa.eu/internal_market/qualifications/docs/coordinators/20131203_summary_en.pdf)

For the membership of the Group of Coordinators, go to <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=2061>

2.3.5 In May, DG MARKT launched an **interactive map of regulated professions** in EU28, EEA and Switzerland. On a country-by-country basis, it displays the number of regulated professions and their distribution by economic sector, the number of recognition decisions and the location of the national contact point. It can be consulted at

[http://ec.europa.eu/internal\\_market/qualifications/regprof/index.cfm?action=map#close](http://ec.europa.eu/internal_market/qualifications/regprof/index.cfm?action=map#close)

2.3.6 In July, DG MARKT's **online Single Market Scoreboard** went live in English, French and German. It covers EU28 and EEA, offering a traffic light chart of each country's performance in transposition, infringement, public procurement, and implementation of transnational instruments such as IMI and SOLVIT. See [http://ec.europa.eu/internal\\_market/scoreboard/index\\_en.htm](http://ec.europa.eu/internal_market/scoreboard/index_en.htm)

2.3.7 High on the agenda of the Juncker Commission sits the question of whether and how to revise the **1977 Lawyers' Services Directive (LSD)** and **the 1998 Lawyers' Establishment Directive (LED)**, which regulate the professional mobility of lawyers. A number of problems have arisen in their implementation and need to be addressed: resistance to recognition (see para.6.2 below); the growth of law firms in which non-lawyers have key roles; cross-border professional indemnity insurance; and the challenges of double deontology (adherence to conflicting professional codes). In October 2013 DG MARKT convened a conference on 'a Single Market for Lawyers'. The presentations and video link are to be found at [http://ec.europa.eu/internal\\_market/conferences/2013/1028-a-single-market-for-lawyers/index\\_en.htm](http://ec.europa.eu/internal_market/conferences/2013/1028-a-single-market-for-lawyers/index_en.htm)

2.3.8 **Infringements**, or at least actions taken by the Commission, have become more rare while the Directive has been in review. Recent incidences are:

- Latvia has been referred to the European Court of Justice (ECJ) for retaining a nationality requirement for notaries (January);
- Poland has received a Reasoned Opinion (the stage prior to referral) for failing to consider experience gained with non-Polish legal firms when **assessing lawyers' eligibility for exemption from the state examination** (January);
- Cyprus, Ireland, Italy, Luxembourg and Romania have been requested to adapt their relevant legislation to the accession of Croatia (April);
- finally, the Commission has been obliged to ask Austria to respect EU rules on the cross-border mobility of ski instructors (July).

See also details of petitions heard by Parliament, at para.4.4 below.

## 2.4 DG EAC

2.4.1 In late 2013 the Commission published an **evaluation of the European Qualifications Framework for Lifelong Learning (EQF)**. It contains interesting comments on the recognition of both professional and academic qualifications. Having discussed the compatibility of the EQF with European quality assurance instruments, it goes on to note that...

[t]here is less coherence with the Directive on the recognition of professional qualifications. The directive works with five levels and input criteria such as course duration to recognise qualifications on the labour market, while the EQF has eight levels based on learning outcomes. This has caused uncertainty among stakeholders. Therefore, the new directive envisages synergies with the EQF. It keeps the five-level inputs system, but makes it possible to set up 'common training frameworks' that enable countries to agree on minimum levels of knowledge, skills and competences linked to EQF levels. Based on this, countries will be able to automatically recognise professional qualifications. [COM(2013)897 p.7]

While the creation of CTFs is indeed a positive step, the evaluation glosses over the failure to persuade Competent Authorities to convert the **General System's** five-level grid to EQF.

Turning to academic qualifications – and in a hint as to what the Pathfinder Report might contain – the Commission adds that...

Countries should increasingly use the EQF as an additional source of information for the competent authorities examining the recognition of qualifications issued in other Member States in the context of the Directive on the Recognition of Professional Qualifications and in ET2020 countries in the context of the Lisbon Recognition Convention. [ibid, p.10]

2.4.2 The Commission's report on **EUROPASS** also takes up a point urged by EUA on previous occasions:

Increased interoperability of Europass with other EU tools used for job matching, including with EURES, is needed. Similarly, synergies between Europass and Youthpass, a tool to improve the recognition of the learning outcomes of young people taking part in projects supported under the EU Youth in Action Programme, need to be improved to avoid potential overlaps. Another example is the decision recognising a professional qualification in a Member State authorising access to a regulated profession. Holders of the qualification should be able to join to Europass the recognition decision, on paper or electronically, including when obtained through the new European Professional Card's procedure. [COM(2013)899, p.7]

It is clear, however, that the articulation of EUROPASS and the EPC in the framework of the IMI has been ruled out in the short term.

2.4.3 In January the Commission turned its attention to **quality assurance**. Seeking to accelerate the consolidation of Europe-wide quality assurance in higher education, it pointed specifically to its application to academic recognition procedures. (Report on Progress in Quality Assurance in Higher Education [COM(2014)29]). A second report [COM(2014)30] **examined** 'the establishment of a European Quality Assurance Reference Framework for Vocational Education and Training' (EQAVET). It, too, identified the facilitation of cross-border recognition of qualifications as a major challenge.

2.4.4 Enhanced interoperability of existing transparency and mobility instruments would indeed be beneficial. Just how many there are was revealed by the Commission's **consultation on the European Area of Skills and Qualifications (EASC)**, which was open from December to April. It drew just under 400 responses. These strongly endorsed a learning-outcomes approach to education and training, as well as the need for enhanced permeability of educational sub-sectors at European level. Also firmly expressed was the view that the priority should be set on aligning existing instruments, rather than creating new ones. Regarding the Directive, ...

Many stakeholders regretted a **lack of coordination between DGs EAC, EMPL and MARKT**. In particular, the example of the recently revised directive on professional

qualifications was mentioned as a case in which better coordination would have been necessary (e.g. different system of levelling qualifications from the European Qualifications Framework (EQF)).

The report on the consultation has been posted at

[http://ec.europa.eu/dgs/education\\_culture/more\\_info/consultations/documents/skills-results\\_en.pdf](http://ec.europa.eu/dgs/education_culture/more_info/consultations/documents/skills-results_en.pdf)

2.4.5 Two more reports are due in the second half of the year: on the evaluation of the European Centre for the Development of Vocational Training (**CEDEFOP**) and the European Credit System for Vocational Education and Training (**ECVET**).

2.4.6 Worthy of mention here are three recent reports produced by **EURYDICE**:

- *Education and Training in Europe 2020. Responses from the EU Member States* (2013) contains useful information on the distribution of the recognition of non-formal and informal learning, some of which relates to continuing professional development (CPD)
- *Towards a Mobility Scoreboard: Conditions for Learning Abroad in Europe* (2014) has a chapter on the recognition of learning outcomes and, specifically, on how far – country-by-country – quality assurance processes monitor the use of the Diploma Supplement (DS) and of ECTS
- *Modernisation of Higher Education in Europe: Access, Retention and Employability* (2014) also features the recognition of prior learning, seen in the context of the need to render higher education more flexible and more amenable to labour market needs.

See [http://eacea.ec.europa.eu/education/eurydice/thematic\\_reports\\_en.php](http://eacea.ec.europa.eu/education/eurydice/thematic_reports_en.php)

2.4.7 In July the Commission launched the **European Tertiary Education Register** (ETER), presented as a one-stop shop for data on higher education institutions in EU28, EEA and candidate countries. More information on this initiative can be found at <http://eter.joanneum.at/imdas-eter/>

## 2.5 DG EMPL

2.5.1 In collaboration with DG EAC, DG EMPL has now launched the **European Skills, Competences and Occupations (ESCO)** portal. Readers of previous Updates will recall that ESCO proposes a living database in which the International Labour Organisation (ILO) classification of occupations links to the EQF, with the intention of accelerating the expansion of the European labour market. The portal address is <https://ec.europa.eu/esco/home>

## 2.6 DG ENTR

2.6.1 In the context of its Entrepreneurship 2020 Action Plan, DG ENTR convened an April **conference on 'Boosting the business of liberal professions'**. It focused on access to markets (including cross-border), access to finance, and involvement in policy-making. It included a presentation by DG MARKT on the amended Directive. A finalised set of action lines is awaited. See [http://ec.europa.eu/enterprise/policies/sme/entrepreneurship-2020/index\\_en.htm](http://ec.europa.eu/enterprise/policies/sme/entrepreneurship-2020/index_en.htm)

## 2.7 DG SANCO

2.7.1 DG SANCO is currently supporting two projects which impinge on aspects of the amended Directive:

- **Joint Action on Health Workforce Planning and Forecasting** involves many partners – ministries, professional bodies, higher education institutions. It will report on its first year of activities at a conference in Rome in December. See <http://euhwforce.weebly.com/>
- A consortium of the leading European professional body in each of the five healthcare professions – the Council of European Dentists (CED), the European Federation of Nurses Associations (EFN), the European Midwives Association (EMA), the Pharmaceutical Group of the European Union (PGEU), led by the Standing Committee of European Doctors (CPME), together with the European Public Health Alliance (EPHA) – is currently completing a 'Study concerning the review and **mapping of continuous professional development and lifelong learning for health professionals in the EU**'. It is scheduled to report in December. See <http://www.cpme.eu/study-concerning-the-review-and-mapping-of-continuous-professional-development-and-lifelong-learning-for-health-professionals-in-the-eu/>

CPD remains a Member State competence under the amended Directive, despite the pressure put on the Commission for it to assume responsibility. Nevertheless, according to a DG MARKT presentation to the liberal professions conference mentioned above, the **Directive's Group of Coordinators** will discuss CPD. The question of the locus of competence is very much alive, in view of the shift towards competence-based training (particularly in the case of nurses) evident in the amended Directive.

2.7.2 DG SANCO has issued an important call for tender relating to support for the **definition of core competences of healthcare assistants, with a view to developing a CTF**. The deadline is 18 September. The call has been posted at [http://ec.europa.eu/chafea/health/tender-04-2014\\_en.html](http://ec.europa.eu/chafea/health/tender-04-2014_en.html)

## 3 Council of EU

3.1 In May 2013, the Education Council (EDUC) endorsed the initiatives taken by the Commission and by the Bologna Process in the area of **quality assurance**. It stressed the potentially constructive role of EQAR. See [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/educ/142694.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/educ/142694.pdf)

3.2 The amended Directive passed into law at the beginning of the Greek presidency, but the task of sharing oversight of the transposition of the amended Directive falls to the current **Italian presidency** and subsequently to Latvia, Luxembourg and the Netherlands. In its presidential programme, Italy has made a plea for (another) re-launch of the Single Market:

Although the single market is the cornerstone of European integration, it has yet to be fully exploited. [...] Nevertheless, the economic and financial crisis in the past few years has put the Single Market agenda under pressure. Therefore, the Italian Presidency will



be committed to re-launching the genuine significance of the internal market throughout a focused approach to be developed during the Italian Presidency.

Special efforts will be made to complete the proposals put forward in the Single Market Act II, such as the measures on investment funds to encourage long-term investment in the real economy. Besides, other main areas include services, the digital single market, the single energy market, the definitive completion of the State Aid modernisation reforms and the intellectual property framework. [...]

Moreover, the Italian Presidency programme will be focused on a new “Approach to the Internal Market” (AIM), since the European Union now needs a strongly integrated economic platform and a coherent set of policies. The Italian Presidency will therefore launch a debate on the role of the internal market for growth, innovation and jobs within the framework of the mid-term review of the Europe 2020 Strategy.

Within this context, the Presidency will encourage each Member State to highlight a target area where action may be needed to further develop the single market and possible measures to be taken (e.g. review of EU legislation, soft law, peer reviews), in order to help find common ground on a set of measures to increase Europe’s economic integration. [p.49]

With the objective of contributing to the upcoming review of the Europe 2020 Strategy, the Presidency intends to propose a political discussion on the future role of education and training in the national and EU growth agendas, highlighting the impact of investment in education on economic sustainable growth and the role of education in fostering competitiveness and job creation. Within this framework, the Presidency will focus on vocational education and training, the inter-relationship between education and employment and entrepreneurship education. [p.72]

[http://italia2014.eu/media/1349/programma\\_en1\\_def.pdf](http://italia2014.eu/media/1349/programma_en1_def.pdf)

3.3 The **Competitiveness and Education Councils** will each meet twice before the end of the year: in September and December (COMPET) and November and December (EDUC).

## 4 The European Parliament

4.1 In May, **elections to the European Parliament**, for the eighth legislature, saw the emergence of a defensive ‘grand coalition’ of conservatives, socialists and liberals, put together to protect European policies and processes from the threat posed by increased numbers of Eurosceptics and Europhobes. The two committees most relevant to professional qualifications gained new chairs, for a 30-month term, and new memberships.

### 4.2 CULT Culture and Education

4.2.1 Italian Socialist **Silvia Costa** is the new chair, replacing Doris Pack who has retired. Costa’s parliamentary activities have thus far focused on cultural policy, women’s rights and Iraq. No CV has been posted on the Europarl site.

4.2.2 In May, as the previous legislature drew to its close, CULT published a study of **Higher Education Entrance Qualifications and Exams in Europe**. It

examines the equity and quality of admissions systems, as well as the extent to which they lend themselves to student mobility, comparing six EU Member States with Australia, Japan, Turkey and the US. The study can be accessed at [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/529057/IPOL-CULT\\_ET%282014%29529057\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/529057/IPOL-CULT_ET%282014%29529057_EN.pdf)

#### 4.3 IMCO Internal Market and Consumer Protection

4.3.1 The previous Parliament adopted in plenary session Anna Maria Corazza Bildt's report on the **state of play and next steps in the Internal Market**. The report regrets the "significant numbers of identified cases where Member States are inappropriately invoking overriding reasons of public interest for the sole purpose of protecting and favouring their domestic markets". See <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A7-2013-0273+0+DOC+XML+V0//EN&language=en>

4.3.2 In June, Parliament and Council jointly adopted the **IMI Regulation**, which sets out the principles on which the online Internal Market Information system is to be managed. IMI supports, not only aspects of the Directive (notably the EPC) mentioned earlier, but also the Directives on e-Commerce, Services, Patients' Rights, and the Posting of Workers. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:316:0001:0011:EN:PDF>

4.3.3 In the new Parliament, the UK has retained the chair of IMCO vacated by Malcolm Harbour. While Harbour was a well-regarded Europhile, the new occupant is **Vicky Ford**, whose website is stridently Eurosceptic. She favours, *inter alia*, a return to free market principles and the repatriation of employment law. As a UK Conservative, she belongs to a block (ECR) which is outside the grand coalition. It might nevertheless be argued that the integrity of the Single Market will benefit if IMCO is chaired by the largest non-Eurozone MS. Her tenure will last throughout the period leading up to the possible UK referendum on EU membership in 2017. See <http://www.vickyford.org/>

4.3.4 In July 22, IMCO began the new session with an exchange of views with Jonathan Faull, **Director-General of DG MARKT**.

#### 4.4 PETI Petitions

4.4.1 A **medical specialist** sought to move from an MS, in which the speciality is both regulated and notified to the Commission, to another MS in which this is **not the case**. An appeal against the host MS's failure to recognise the specialty was turned down on the grounds that it is not within the Commission's competence to register specialties without the authorisation of the relevant MS. Details are at [http://www.europarl.europa.eu/sides/getDoc.do?type=COMPARL&reference=PE-527.895&format=PDF&language=EN&secondRef=01&dm\\_i=CUG,26A0Y,7OALZG,7V20W,1](http://www.europarl.europa.eu/sides/getDoc.do?type=COMPARL&reference=PE-527.895&format=PDF&language=EN&secondRef=01&dm_i=CUG,26A0Y,7OALZG,7V20W,1)

4.4.2 PETI received a petition alleging infringement of the amended Directive by Hungary, on the grounds that it does not allow **Hungarian midwives** to engage in the full range of legitimate professional activities. PETI referred the matter to the Commission. [http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/peti/dv/sir1954-12/\\_sir1954-12\\_en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/peti/dv/sir1954-12/_sir1954-12_en.pdf)

The HPCB April Update reports that the Commission will launch an EU Pilot investigation; EU Pilot is the normal route of inquiry preceding formal infringement proceedings.  
[http://www.hpcb.eu/Issue\\_29\\_HPCB\\_Update\\_Briefing.pdf\\_55830028.pdf](http://www.hpcb.eu/Issue_29_HPCB_Update_Briefing.pdf_55830028.pdf)

## 5 European Economic and Social Committee

5.1 The EESC has recently published a study (undertaken by the University of Cologne) of the **State of the Liberal Professions, concerning their functions and relevance to European civil society**. It examines the existing parameters (socio-economic, legal, educational etc.) of practice by lawyers, auditors, tax advisers, notaries, architects, engineers, dentists and pharmacists. See <http://www.eesc.europa.eu/resources/docs/summary-final-en.pdf>

## 6 European Court of Justice

6.1 In Case C-365/13, the Court ruled that a host MS cannot impose the requirement of a **work placement** on an incoming professional who is duly qualified according to the provisions of the amended Directive.  
<http://curia.europa.eu/juris/document/document.jsf?docid=151527&mode=req&pageIndex=1&dir=&occ=first&part=1&text=&doclang=EN&cid=289188>

6.2 In cases C-58/13 and C-59/13, the Court ruled that it is in the spirit and letter of the amended Directive for MS nationals to travel to a host MS, to acquire a professional qualification and to return to the home MS to practise. The Italian Bar Council was wrong to regard such mobility as an abuse of the **right of establishment**.  
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=155111&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=74967>

## 7 New comitology

7.1 It is worth recalling that under the Treaty of Lisbon the 'regulatory procedure by scrutiny' – the basis of the co-decision procedure – is being gradually replaced by what is called the **ordinary legislative procedure**, in which Council and Parliament have comparable powers. The EUROPA website summarises the procedure at <http://www.europarl.europa.eu/aboutparliament/en/0081f4b3c7/Law-making-procedures-in-detail.html>

7.2 Under the new procedure, Directives typically feature **implementing and delegated acts**. So, for example, the IMCO Newsletter of March 2013 reported as follows:

In October 2010 European Parliament and European Commission signed a Framework Agreement to improve and facilitate their cooperation. One of the major highlights of the agreement was granting European Parliament access to the Commission expert group meetings.

In practical terms it means that when the Commission holds meetings with national experts in the framework of preparation and implementation of Union legislation, including soft law and delegated acts, the European Parliament has to be fully informed of such meetings, be provided with full documentation and more importantly can also request attendance at those meetings.

Since 2011 IMCO Committee Secretariat staff members in their capacity as observers have attended over 60 expert group meetings in the areas of public procurement, implementation of services directive, mutual recognition of professional qualifications, e-commerce, product safety, customs etc. The information received and contacts established at those meetings are invaluable for the considerations of legislative dossiers as well as for strengthening the overall knowledge and expertise in the respective areas.

Implementing and delegated acts allow a legal text to be both fleshed out following enactment and modified in advance of the next scheduled review – in the case of the Directive, in 2017.

- **Implementing acts** concern the putting into effect of measures spelt out in the Directive. They create the legal authority necessary for MSs to enshrine particular requirements in their own national legislation. Examples are the mechanics of the European Professional Card (EPC), its accommodation in the IMI system, and the putting in place of the alert mechanism. The Commission is subject to the oversight of a Committee composed of MS representatives. Although the Commission chairs the meetings of the Committee, it has no vote. The Commission is already engaged on the drafting of implementing acts for the EPC and the alert mechanism.
- **Delegated acts**, meanwhile, allow the Commission to modify so-called non-essential elements of the Directive. Both Council and Parliament nevertheless have power of veto over whatever measures the Commission might propose in this respect – and both can revoke the decision to delegate. Examples from the amended Directive are: introducing new medical and dental specialties; updating the knowledge and skills itemised in the Articles dealing with the sectoral professions; introducing CTFs; and updating the various lists contained in Annex V. These are non-essential in the sense that they render the Directive more relevant to the circumstances which it is designed to address, without changing the underlying logic of recognition which informs it.
- However, simply to state that an act is delegated to the Commission is not the end of the matter. The text of the amended Directive is followed by a **'statement' by the Commission**:

The Commission will, when preparing the delegated acts referred to in Article 57c(2), ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council, and will carry out appropriate and transparent consultations well in advance, in particular with experts from competent authorities and bodies, professional associations and educational establishments of all the Member States, and where appropriate with experts from social partners.

7.3 It remains to be seen what precisely '**consultation**' means in practice. In May the European Ombudsman announced an own-initiative investigation into the composition and transparency of the **Expert Groups** on which the Commission calls for advice. She has subsequently opened a public consultation which closes on 31 August. For details, go to

<http://www.ombudsman.europa.eu/en/cases/correspondence.faces/en/54300/html.bookmark>

7.4 **Comitology experts**, moreover, regard the new instruments as controversial – essentially for three reasons:

- Commission, Council and Parliament do not necessarily agree on whether a particular action should be undertaken by implementing act or by delegated act: in such cases the ECJ may have to pronounce.
- How delegated acts, in particular, have been determined is far from transparent.
- There is dispute over what degree of control MSs can exert over the content of delegated acts.

See the Newsletters produced by <http://www.comitology.eu/>

## 8 Professional, academic, regulatory and student bodies

### Medical doctor

- The **Standing Committee of European Doctors** (CPME), along with CED, FVE (see entries on dentists and veterinary surgeons below) and the European Council of Engineers Chambers (ECEC) has drawn up a **Charter for Liberal Professions**. It is a statement of definitions and principles, designed primarily to forestall moves by governments to dramatically expand market access. See para.2.6.1 above. See also [http://cpme.dyndns.org:591/adopted/2013/CPME\\_AD\\_EC\\_10102013\\_140\\_Final\\_EN\\_Charter\\_Liberal\\_Professions.pdf](http://cpme.dyndns.org:591/adopted/2013/CPME_AD_EC_10102013_140_Final_EN_Charter_Liberal_Professions.pdf)
- CPME's response to the **EASQ consultation** welcomes the exchange of good practice, while objecting to the confusing proliferation of transparency instruments. It affirms that the amended Directive is the only legal reference point for the mobility of medical doctors. See [http://cpme.dyndns.org:591/adopted/2014/CPME\\_AD\\_Board.05042014\\_021\\_Final\\_EN\\_consultation.skills.competences.pdf](http://cpme.dyndns.org:591/adopted/2014/CPME_AD_Board.05042014_021_Final_EN_consultation.skills.competences.pdf)
- In February, the **European Union of Medical Specialists** (UEMS) held a conference on continuing medical education (**CME-CPD**). See <http://www.uems.eu/news-and-events/news/news-more/uems-conference-on-cme-cpd-in-europe-brussels-28.02.2014>
- The September conference of the **Association of Medical Schools in Europe** (AMSE) is to be devoted to the risks implied by uncontrolled growth in the sector. See <http://www.amse-med.eu/conference.html>

### Dentist

- In June, the **Council of European Dentists** (CED) published the fifth edition of its voluminous **EU Manual of Dental Practice**. In addition to

country data, it gives an overview of issues regarding education and training, mobility and recognition.

<http://www.eudental.eu/library/eu-manual.html>

### General care nurse

- The **European Federation of Nurses Associations** (EFN) is a member of the focus group on the EPC and, as such, a participant in the design of the implementing act. It is also preparing to contribute to the drafting of the delegated act which will be needed to update **Annex V** of the amended Directive. EFN has also participated in the setting up of the ESCO taxonomy of occupations. For details, see [http://www.efnweb.be/?page\\_id=5247](http://www.efnweb.be/?page_id=5247)
- The September conference of the **European Federation of Nurse Educators** (FINE) will take as its theme the future of training and professional practice. Details are available at <http://www.fine-europe.eu/Program%20FINE%20NANCY.pdf>

### Veterinary surgeon

- Along with professional bodies in other sectors, the veterinarians have been collaborating on the ESCO taxonomy. Three bodies have enjoyed long cooperation at European level: the European Association of Establishments for Veterinary Education (EAEVE), the European Board for Veterinary Specialisation (EBVS) and the Federation of Veterinarians of Europe (FVE). Together, they support the **European Coordination Committee for Veterinary Training** (ECCVT). Its Action Plan for 2014 includes expanding its quality assurance provision to cover postgraduate programmes (VETCEE), pursuing its application for full membership of the European Association for Quality Assurance in Higher Education (ENQA), and exploring the possibility of gaining recognition of postgraduate specialties through the amended Directive. The EBVS is contemplating the development of a CTF. See [http://www.eaeve.org/fileadmin/downloads/news/ECCVT\\_NEW\\_YEAR\\_new\\_sletter\\_FINAL\\_VERSION.pdf](http://www.eaeve.org/fileadmin/downloads/news/ECCVT_NEW_YEAR_new_sletter_FINAL_VERSION.pdf)

### Pharmacist

- Members of the **Pharmine** consortium are running a consultation on **competences for industrial pharmacy practice in biotechnology**, with a view to developing training modules at Bachelor and CPD levels, together with a distance Master programme. Details can be found at <http://www.phar-in.eu/>
- Pharmine is also developing its **PHAR-QA** quality assurance system with the help of a current consultation. The EU-funded project has been extended, consequent on the sudden death of its coordinator, Dr Bart Rombaut of VUB Brussels. See <http://www.phar-qa.eu/>
- The **European Association of Hospital Pharmacists** (EAHP) has elaborated a set of **European Statements of Hospital Pharmacy**. They contain a chapter on education and training which, in anticipation of a CTF, **declares that 'a European-wide framework for initial postgraduate education and training in hospital pharmacy with an assessment of individual competence is essential'**.

<http://www.eahp.eu/sites/default/files/files/European%20Statements%20of%20Hospital%20Pharmacy.pdf>

## Architect

- The **Architects Council of Europe** (ACE) released a manifesto for the European elections which called, *inter alia*, for the future Parliament to:

- promote the importance of life-long learning;
- encourage investment in education to deliver high-quality, globally competitive graduates;
- align levels of training in architecture with international standards;
- facilitate cross-border services and establishment, but resist undue deregulation that blurs professional boundaries and undermines public confidence;
- support the negotiation of mutual recognition agreements for architectural services between the EU and third countries.

[http://www.ace-cae.eu/fileadmin/user\\_upload/Publications/ACE\\_2014\\_Manifesto\\_EN\\_.pdf](http://www.ace-cae.eu/fileadmin/user_upload/Publications/ACE_2014_Manifesto_EN_.pdf)

- On the agenda of the next meeting of the **European Network of Heads of School of Architecture** (ENHSA) is a discussion of the future of architecture education under the amended Directive.  
<http://www.enhsa.net/>

## 9 The European University Association

**EUA** engages in a range of activities on a number of policy fronts: the Bologna Process, in which it is a major stakeholder, research, higher education governance and funding, quality assurance and capacity building.

9.1 The crisis in the **World Trade Organisation's** multilateral policy-making process has led to the emergence of a number of incipient 'plurilateral' and bilateral trade deals, notably the **Transatlantic Trade and Investment Partnership** (TTIP) between the EU and the US. These have major implications for a broad range of service sectors, including adult education. EUA has therefore decided to monitor developments. Its background paper and Updates are available at <http://www.eua.be/eua-work-and-policy-area/building-the-european-higher-education-area/international-trade-agreements.aspx>

9.2 EUA is leading a consortium of institutions in a project aimed at building quality assurance capacity in Albania, Bosnia-Herzegovina and Kosovo. Details of '**Empowering Universities to fulfil their responsibility for Quality Assurance**' (EUREQA) are posted at <http://www.eua.be/eureqa>

9.3 The **9<sup>th</sup> European Quality Assurance Forum** (EQAF), to be held in **Barcelona**, will examine 'Quality Assurance and the shift from teaching to learning'. Registration is now open at <http://www.eua.be/eqaf-barcelona.aspx>

9.4 Meanwhile, a selection of papers from the **8<sup>th</sup> EQAF** meeting can be downloaded from <http://www.eua.be/eua-work-and-policy-area/quality-assurance/eqaf/previous-eqafs.aspx>

9.5 EUA's **Institutional Evaluation Programme** (IEP) has seen its ENQA membership renewed until 2019. More information on IEP is available at <http://www.eua.be/iep/Home.aspx>

**Please feel free to forward this Update to any other interested parties.**

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**<http://www.eua.be/eua-work-and-policy-area/building-the-european-higher-education-area/bologna-and-professional-qualifications.aspx>**