

Update following the workshop on the sectoral professions, held at EUA on October 17, 2007

DIR 2005/36/EC on the Recognition of Professional Qualifications came into force on October 20, 2007. This update contains brief notes on relevant and related developments:

- The Bologna Process
- The European Commission
- The European Parliament
- EUA study on the Master qualification

1 The Bologna Process

1.1 The Bologna Follow-up Group [BFUG] has agreed the **work programme** which will take it up to the next ministerial summit in Leuven / Louvain-la-Neuve in 2009. It has set up working groups on mobility, employability, qualifications frameworks, lifelong learning, the social dimension (i.e. equity and affordability in access to higher education), data collection and stocktaking, and the position of the European Higher Education Area [EHEA] in the global context. Details of these can be found at

<http://www.ond.vlaanderen.be/hogeronderwijs/bologna/ActionLines/>

1.2 Of particular interest to the sectoral professions is the agreement that the 46 Bologna signatory countries will develop **national qualification frameworks**, to be referenced against the Bologna 3-tier structure, by 2010. Information on the state of play in individual countries is available at

<http://www.ond.vlaanderen.be/hogeronderwijs/bologna/qf/national.asp#D>

1.3 By 2010 the Framework of Qualifications in the EHEA [FQEHEA] will be in place and the Bologna Process completed. What is to follow in the **post-2010** era will be the subject of a ministerial summit, to be held in Budapest and Vienna in the spring of 2010. The first preparatory discussions are scheduled for a Bologna seminar in Ghent in May 2008. See

<http://www.ond.vlaanderen.be/hogeronderwijs/bologna/BolognaSeminars/Ghent2008.htm>

1.4 At the invitation of the French government, EUA has agreed to draw up a **Lifelong Learning Charter** for European universities.

[http://www.eua.be/index.php?id=48&no_cache=1&tx_ttnews\[tt_news\]=444](http://www.eua.be/index.php?id=48&no_cache=1&tx_ttnews[tt_news]=444)

1.5 EUA has also launched the first Europe-wide platform for universities offering doctoral education – the **Council for Doctoral Education** [EUA-CDE]. [http://www.eua.be/index.php?id=48&no_cache=1&tx_ttnews\[tt_news\]=467](http://www.eua.be/index.php?id=48&no_cache=1&tx_ttnews[tt_news]=467)

1.6 A major event in the field of quality assurance and enhancement is the setting up of EQAR – the **European Quality Assurance Register for Higher Education**. Launched in March 2008, it will receive applications from national, regional and sectoral quality assurance agencies wishing to feature on the register. The principal criterion is compliance with the ‘Standards and Guidelines for Quality Assurance in the EHEA’ [ESG], adopted by the Bologna ministers at the Bergen summit in 2005. If national legislations permit, higher education institutions will be able to seek quality approval from agencies beyond their national borders. EQAR will help consolidate the Bologna and national qualifications frameworks, ease recognition and facilitate mobility. For full details, visit <http://www.eqar.eu/>

1.7 The ESG guidelines contain the expectation that the quality assurance of programme and awards include ‘development and publication of explicit intended learning outcomes’. A Bologna seminar on **learning outcomes** held in Edinburgh in February 2008 stressed their key role in the student-centred pedagogy endorsed by ministers at the London summit in 2007. http://www.ond.vlaanderen.be/hogeronderwijs/bologna/BolognaSeminars/documents/Edinburgh/Edinburgh_Feb08_Final_Conclusions_and_Recommendations.pdf

2 The European Commission

2.1 The Commission’s **work programme** for 2008 includes the following:

- Recommendation on a common quality assurance framework for vocational education and training [VET]
- Recommendation on the establishment of the European Credit System for VET [ECVET]
- Green Paper on education and migration
- Green Paper on [the mobility of] health professionals in Europe

2.2 Amendments to DIR 2005/36/EC

2.2.1 Prior to the Directive’s entry into force in October 2007, the Commission sent to Council and Parliament a draft Directive amending Annexes II and III. This followed reasoned requests from Austria, Germany, Italy and Luxembourg, the principal focus of which was the designations of geriatric, pediatric and psychiatric nurses; general care nursing is not affected.

2.3 Adaptation of DIR 2005/36/EC in line with the ‘regulatory procedure with scrutiny’

2.3.1 Comitology is also the subject of the Commission’s draft Regulation [COM(2007)741] on bringing the Directive into line with the ‘regulatory procedure with scrutiny’ set out in Decision 2006/512/EC. The procedure allows comitology to amend non-essential elements of legislative instruments. It spells out the

options open to Parliament, in the event of Parliament disagreeing either with proposed amendments or with the definition of what is deemed to be non-essential.

2.3.2 In respect of DIR 2005/36/EC, the Decision proposes a number of amendments. They concern the scope and nature of the Commission's powers to modify non-essential elements, such as: the skills and knowledge required of each sectoral profession (with the exception of medical doctors), as set out in Annex V; the introduction of new medical specialties; and the minimum periods of training for doctors and dentists.

2.3.3 The detail of the 'regulatory procedure with scrutiny' is attached in annex to this update.

2.4 Infringements

2.4.1 Since November 2007 the Commission has set in motion infringement proceedings against the following Member States:

- April 2008: against Belgium, Czech Republic and Spain, for failure to transpose DIR 2005/36/EC into national legislation.
- April 2008: against Austria, Belgium, Cyprus, France, Greece, Ireland, Luxembourg and Spain, for failure to implement DIR 2006/100/EC. These countries have not yet updated their lists of professional qualifications to accommodate the corresponding Bulgarian and Romanian qualifications. The action follows a reasoned opinion sent to 22 MSs in October 2007. In the intervening period, therefore, 14 countries came into line; the eight listed remain non-compliant.

2.4.2 On the other hand, it has suspended proceedings against Belgium and Austria. These countries had introduced quotas on the number of foreign medical and veterinary students, alleging that high volumes damaged access by national students and threatened the quality of healthcare provision. The quotas can remain in place until 2013, by which time the two countries must have fully justified their policies. The Austrian government refers to this category of cross-border mobility as 'bypass mobility', by which it means the entry of students for whom there are insufficient study places in the home country higher education system.

2.5 Healthcare services

2.5.1 Having been withdrawn from the final agreed version of the Services Directive (DIR 2006/123/EC) now in force, cross-border healthcare services are due to be the object of dedicated sectoral legislation. Many drafts of a proposed Directive have already been discussed. It is now believed that new health commissioner Androula Vassiliou will present a proposal in June 2008.

2.5.2 It is likely that in the medium term such sector-specific legislation will fall within the scope of Protocol 9 of the Draft Reform Treaty (the Lisbon Treaty) now undergoing ratification by Member States. Seven MSs have already ratified; the remainder must do so by January 2009. Protocol 9 re-asserts MS competence in the provision, commission and organisation of services of general interest. The Commission's reflections on services of general interest, contained in its Single

Market Package of November 2007, are set down in COM(2007)725. This document is available at

http://ec.europa.eu/internal_market/strategy/index_en.htm

2.6 High Level Expert Forum on Mobility

Established by DG Education and Culture in January 2008, the Forum will discuss extending the scope of the Erasmus exchange programme, increasing exchanges of young people, improving support for mobility in vocational training and adult learning, and raising the level of mobility of young artists, entrepreneurs, and volunteers. Details of the Forum's composition can be found at

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/85&format=HTML&aged=0&language=EN&guiLanguage=en>

2.7 The European Qualifications Framework

2.7.1 Having completed its legislative process, the EQF was launched in November 2007. Its status is that of Recommendation. Member States are invited to reference their national qualifications frameworks to it by 2010, in order to maximise transparency and assist mobility. By 2010 these frameworks will already have been referenced against Bologna's FQHEA. Bologna ministers, meeting in London in May 2007, agreed that the EQF descriptors for levels 6, 7 and 8 – covering higher education – were compatible with those of the FQHEA.

2.7.2 The Recommendation also envisages full interoperability of EQF with the EUROPASS mobility instruments by 2012. In practice, it will apply to non-regulated professions, rather than to professions falling within the scope of DIR 2005/36/EC, for which the Directive already makes provision.

2.7.3 For the Commission's EQF press release, see

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/1760&format=HTML&aged=0&language=EN&guiLanguage=fr>

2.8 University-Business Forum

A Forum convened by DG Education and Culture in February 2008 discussed ways of enhancing university-business collaboration, with particular reference to curriculum development, continuing education, higher education governance, and inter-sectoral mobility. Details are available at

http://ec.europa.eu/education/policies/educ/business/index_en.html

2.9 Entrepreneurship in Higher Education, especially within non-business studies

A report on this topic, produced by an expert group convened by DG Enterprise and Industry, has been published at

http://ec.europa.eu/enterprise/entrepreneurship/support_measures/training_education/entr_highed.pdf

3 The European Parliament

3.1 CULT Committee on Culture and Education

3.1.1 An own-initiative report by Doris Pack [EPP-Germany] on **Adult Learning**, adopted in April 08, is of indirect relevance to the sectoral professions. Urging higher priority and stronger support for AL, it recommends wider use of mechanisms of recognition of prior learning (formal, non-formal and informal), as well as greater use of the EUROPASS mobility instruments and the linking of AL to the EQF.

3.1.2 A second own-initiative report, also by Doris Pack but yet to be adopted, addresses the **Bologna Process and student mobility**. The draft stresses the importance of expanding and facilitating student mobility, from a number of points of view: funding and finance, recognition, curricular reform, quality assurance. It also 'calls on the Commission and the Member States to proceed with the implementation of a European legal framework (e.g. quality assurance and recognition of degrees and study periods) in order to establish the European Higher Education Area'. Doris Pack's view is that Bologna has been implemented in a fragmentary fashion and that the absence of transnational legal competence is an impediment. The EPP group held a half-day hearing in March 2008 to explore this question further.

3.1.3 In line with this preoccupation – but at the request of the Socialist Group – CULT is to ask the EP services to prepare a study on '**the Bologna Process: achievements in each Member State**'.

3.2 IMCO Internal Market and Consumer Protection

3.2.1 IMCO considered the draft of the Commission's **proposal to amend Annexes II and III** of DIR 2005/36/EC in November 2007, under 'any other business'. The committee minute reads as follows:

The Chair presented the comitology decision which had been added to the agenda and proposed that the decision should be agreed and that procedural aspects of how the Committee should in future deliberate on decisions taken under a comitology procedure should be discussed further in the meeting of the Coordinators. These proposals were endorsed by the Committee.

3.2.2 In November 2008, IMCO heard a presentation on IMI by Nicholas Leapman of DG MARKT. IMI is the **Internal Market Information** system designed to expedite good and rapid communication between national authorities handling professional mobility within the scope of DIR 2005/36/EC. The current pilot phase involves medical doctors and pharmacists. The presentation is available at http://www.europarl.europa.eu/comparl/imco/speeches/071126_leapman_en.pdf

3.2.3 IMCO received the draft Regulation COM(2007)0741 (on adapting DIR 2005/36/EC in line with the '**regulatory procedure with scrutiny**') in February 2008. The minutes of its meeting are not yet available.

4 EUA study on the Master qualification

4.1 EUA is currently conducting an on-line survey on the state of Master degrees in Europe.

4.2 The reforms triggered by the Bologna Process have introduced new forms of Bachelor degrees, giving access to the labour market, and a growing consensus on the shape and function of the doctorate. In terms of duration, academic and professional focus, pedagogy and funding, the Master remains the most diverse of higher education qualifications.

4.3 The on-line survey is the first phase of a project, designed to provide comparative information across the Bologna signatory countries on how the Master is evolving. The project addresses three particular questions:

1. Is a recognisable European Master emerging, and if so, what are its characteristics?
2. Is structural convergence compatible with increased diversity of provision?
3. How significant is the Master in terms of labour market access?

4.4 The first phase consists of a set of questionnaires addressing employers, students, academics and higher education institutions. These take about 10 minutes to complete and will stay open until mid May 2008, after which the project will move to a phase of qualitative research through site visits to a small sample of institutions.

4.5 EUA will be very grateful if you will spare a brief moment to complete one of the questionnaires. You will find the link at
[http://www.eua.be/index.php?id=48&no_cache=1&tx_ttnews\[tt_news\]=446](http://www.eua.be/index.php?id=48&no_cache=1&tx_ttnews[tt_news]=446)

Please feel free to forward this email to any contacts whose contribution you feel may assist us in our research.

Howard Davies, April 20 2008 howard.davies@eua.be tel: 00 44 77 80 700 648

ANNEX to point 2.3.3 above

Decision 2006/512/EC

Regulatory procedure with scrutiny

1. The Commission shall be assisted by a Regulatory Procedure with Scrutiny Committee composed of the representatives of the Member States and chaired by the representative of the Commission.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time-limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 205(2) and (4) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. If the measures envisaged by the Commission are in accordance with the opinion of the Committee, the following procedure shall apply:

(a) the Commission shall without delay submit the draft measures for scrutiny by the European Parliament and the Council;

(b) the European Parliament, acting by a majority of its component members, or the Council, acting by a qualified majority, may oppose the adoption of the said draft by the Commission, justifying their opposition by indicating that the draft measures proposed by the Commission exceed the implementing powers provided for in the basic instrument or that the draft is not compatible with the aim or the content of the basic instrument or does not respect the principles of subsidiarity or proportionality;

(c) if, within three months from the date of referral to them, the European Parliament or the Council opposes the draft measures, the latter shall not be adopted by the Commission. In that event, the Commission may submit to the Committee an amended draft of the measures or present a legislative proposal on the basis of the Treaty;

(d) if, on expiry of that period, neither the European Parliament nor the Council has opposed the draft measures, the latter shall be adopted by the Commission.

4. If the measures envisaged by the Commission are not in accordance with the opinion of the Committee, or if no opinion is delivered, the following procedure shall apply:

(a) the Commission shall without delay submit a proposal relating to the measures to be taken to the Council and shall forward it to the European Parliament at the same time;

(b) the Council shall act on the proposal by a qualified majority within two months from the date of referral to it;

(c) if, within that period, the Council opposes the proposed measures by a qualified majority, the measures shall not be adopted. In that event, the Commission may submit to the Council an amended proposal or present a legislative proposal on the basis of the Treaty;

(d) if the Council envisages adopting the proposed measures, it shall without delay submit them to the European Parliament. If the Council does not act within the two month period, the Commission shall without delay submit the measures for scrutiny by the European Parliament;

(e) the European Parliament, acting by a majority of its component members within four months from the forwarding of the proposal in accordance with point (a), may oppose the adoption of the measures in question, justifying their opposition by indicating that the proposed measures exceed the implementing powers provided for in the basic instrument or are not compatible with the aim or the content of the basic instrument or do not respect the principles of subsidiarity or proportionality;

(f) if, within that period, the European Parliament opposes the proposed measures, the latter shall not be adopted. In that event, the Commission may submit to the Committee an amended draft of the measures or present a legislative proposal on the basis of the Treaty;

(g) if, on expiry of that period, the European Parliament has not opposed the proposed measures, the latter shall be adopted by the Council or by the Commission, as the case may be.

...

The Decision goes on to specify the Commission's power to extend or curtail time-limits, together with the procedural consequences.