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Agreement on the review of the Professional Qualifications Directive

The Committee of Permanent Representatives[1] today endorsed the agreement reached on 12 June between the Irish Presidency of the Council and the European Parliament representatives for the review of the Professional Qualifications Directive. The agreement paves the way for the formal adoption of the new directive by the European Parliament and the Council through a vote in the coming months *(10003/2/13)*.

The review is aimed at making the current system of mutual recognition of professional qualifications more efficient in order to achieve greater mobility of skilled workers across the EU.

The proposal for amending the current Professional Qualifications Directive (2005/36/EC[2]) was presented by the Commission in December 2011 *(18899/11)* as a part of the twelve priority measures contained in the Single Market Act for promoting growth and job creation.

The main features of the agreement include the creation of a European professional card; changes to the current system, such as the insertion of the principle of partial access to certain professions and the clarification of training requirements, as well as measures for a better use of existing instruments such as the Internal Market Information (IMI) system[3].

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1 The Committee of Permanent Representatives (COREPER) of the governments of the EU member states is responsible for preparing the work of the Council.

2 Official Journal of the EU L 255 of 30.9.2005.

3 Internal Market Information System

P R E S S

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European professional card

The European professional card will be an electronic certificate issued by the professional's country of departure that will facilitate automatic recognition in the host country (the country where the professional seeks to establish himself).

The introduction of professional cards will be considered for a particular profession where:

– there is clear interest from professionals, the national authorities and the business community;
– the mobility of the professionals concerned has significant potential; and
– the profession is regulated in a significant number of member states.

Transparency of regulated professions

Currently, some 800 categories of regulated professions exist across the 27 EU member states. A regulated profession means that access to the profession is subject to a person holding a specific qualification, such as a university diploma, and that activities are reserved to holders of such qualifications.

The new directive, which seeks to reduce the number of regulated professions and to remove unjustified regulatory barriers, provides for a transparency exercise involving an evaluation of the justification of the need for regulation against the principles of necessity, proportionality and non-discrimination.

Individual professions

Under the new rules, the member states will promote the continuous professional development of professionals who benefit from the automatic recognition of their professional qualification, in particular, for doctors of medicine, medical specialists, general practitioners, nurses responsible for general care, dental practitioners, specialised dental practitioners, veterinary surgeons, midwives, pharmacists and architects.

The new directive foresees updating the minimum training requirements for these sectors.

Notaries have been excluded from the scope of the directive in view of the specific and differing regimes applicable to them in individual member states to access and exercise the profession.

Partial access

Directive 2005/36/EC only applies to professionals who want to pursue the same profession in another Member State. However, there are cases where the activities concerned are part of a profession with a larger scope of activities in the host member state. If the differences between the fields of activity are so large that in reality a full programme of education and training is required from the professional to compensate for shortcomings and if the professional so requests, a host member state shall under these circumstances grant partial access.

A member state will be able to refuse a partial access to a profession on the grounds of public health concerns. This may in particular be the case for health professionals.

Alert mechanism

The existing rules already provide for detailed obligations for member states to exchange information.These obligations will be reinforced. In future, competent authorities of member states will have to proactively alert the authorities of other member states about professionals who are no longer entitled to practice their profession due to a disciplinary action or criminal conviction, through a specific alert mechanism.

Common training principles

While taking into account the competence of member states to decide on the qualifications required for the pursuit of professions in their territory and on the organisation of their education systems,

the development of common training principles will try to better respond to the needs of the professions.

Qualifications obtained under common training frameworks, based on a common set of knowledge, skills and competences or standardised training tests, will automatically be recognised by member states.

Professional associations and organisations which are representative at national or Union level will be able to propose common training principles.

Language skills

The review seeks to clarify certain provisions of the current rules that already provide for obligations for professionals to have the necessary language skills.

Competent authorities will be able to apply language controls after the recognition of the qualifications. It is important for professions with patient safety implications in particular that a language control be exercised before the professional accesses to such a profession. Language controls should however be reasonable and necessary for the jobs in question and should not aim at excluding professionals from the labour market in the host member state.

Employers will also continue to play an important role in ascertaining the knowledge of languages necessary to carry out professional activities in their workplaces.

Recognition of traineeships

Given that national rules organising the access to regulated professions should not constitute an obstacle to the mobility of young graduates, when a graduate completes a professional traineeship in another member state, the traineeship will be recognised when the graduate applies for accessing a regulated profession in the home member state.

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See also statement by the Irish presidency:
http://eu2013.ie/news/news-items/20130612professionalqualificationspr/