



The **Council** of European Geodetic Surveyors

**Comité** de Liaison des Géomètres Européens

# European Affairs

## Engagements with the EU

### Directive on the mutual recognition of professional qualifications

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## Background

- Directive 2005/36/EC
  - Adopted in 2005
  - Horizontal document targeting the regulated professions
  - 1<sup>st</sup> definition of professional activities : a professional activity or group of professional activities, access to which, the pursuit of which, or one of the modes of pursuit of which is subject [...] to the possession of specific professional qualifications; in particular, the use of a professional title limited by legislative, regulatory or administrative provisions to holders of a given professional qualification shall constitute a mode of pursuit.
  - Transposed with much delay in many EU MS



## Background

- Beginning of an evaluation in March 2010
- Public consultation in January 2011
- Green book in June 2011 → CLGE sent its contribution
- Presentation by the European Commission of a proposal in December 2011
- 1<sup>st</sup> presentation of the proposal to the stakeholders (CLGE included) by the EC in February 2012



## New proposal at a glance

- Modifications of existing disposals
- New disposals
- Revocation of disposals



## Modifications of existing proposals

- Scope of application extended to the notaries and the partially qualified professionals
- Free provision of services : Prior declaration maintained
- Control of language skills : not systematic but in case of serious doubt; special regime for professions with patient safety implications
- Compensation measures : more justification needed



## New disposals

- European professional card :
  - An electronic certificate;
  - A voluntary tool for the professions
- Alert mechanism :
  - To reinforce the exchange of information between MS in a proactive manner
  - EU Wide alert for the health professions but also for the professionals whose activities have an impact on the environment (art 56a)
- Minimal length of training : extended for architects (4 → 6 ; academic training + traineeship) and health professions



## New disposals

- Common training principles :
  - 2 new venues for automatic recognition for the professions covered by the general system
  - Common training frameworks : harmonisation of training on the basis of a common set of knowledge, skills and competences
  - Common training tests : no harmonisation of training but common aptitude test for access to the professions
  - Conditions : profession regulated in at least 1/3 of MS; combination of the training existing in at least 1/3 of MS
  - Qualifications obtained under the CTP will be automatically recognised (no compensation measures)
  - Process must be transparent and the proposals must be submitted to the European Commission





## New disposals

- Partial access :
  - ECJ case law
  - Applies both to establishment and the free provision of services
  - Can apply in case where the activity in question can be carried out in the home MS
  - Use of partial access to be decided on a case-by-case basis
- Audit of regulated professions :
  - 15 November : Resolution of the European Parliament calling for a diminution of the number of regulated professions (4700)
  - Audit to be carried out by the MS : List of existing regulated professions + MS shall examine the conditions to access those professions





## Revocation of disposals

- The possibility for the Member States to resort to compensation measures is erased when the difference of the length of the academic training is inferior to one year.



## Next steps

- Text examined by the EP and the Council of the EU
- Cooperation procedure
- B.Vergnaud – rapporteur
- Public hearing 25 April 2012
- Amendments must be submitted October 15th the latest



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Thank you for your  
attention!

