

# Improving qualification recognition procedures for sectoral profession specialisms

*"Recognition of professional qualifications is key to making the fundamental Internal Market freedoms work effectively for EU citizens."*

Proposal from the European Commission for amending Directive 2005/36.

December 2011

A briefing from the European Association of Hospital Pharmacists (EAHP), the European Board of Veterinary Specialisation (EBVS), and the European Specialist Nurses Organisation (ESNO) to the trilogue participants on proposed IMCO amendments 13, 16, 121 and 125

## APRIL 2013



## Briefing Aim:

This briefing has been prepared and distributed with the purpose of informing participants in the April-June trilogue discussions on modernisation of Directive 2005/36 as to the purpose, intent and labour mobility benefit of certain amendments passed by the European Parliament Internal Market Committee (IMCO) in January 2013, especially those concerned with opening use of the common training framework tool for mutual recognition of chapter III professional specialisms.

The amendments concerned are primarily numbers 13, 16, 121 and 125.

## Introduction

European legislation governing the cross-border recognition of qualifications has evolved in a piecemeal fashion over a period of more than forty years. As professions develop new roles, or become governed by new qualifications, there is an almost constant requirement to keep qualification recognition legislation under review to ensure fitness for purpose.

It is the considered opinion of the organisations associated with this document that there is clear scope for improvement in terms of current arrangements for recognising post-graduate specialisations of the 7 automatically recognised professions across borders. For example, current requirements prevent recognition of many medical specialties due to strict requirements for alignment of qualification duration basis (as opposed to, say, agreed competencies) and there is **no** formal mechanism for establishing recognition within the Directive of post-graduate specialisations of the pharmacy, nursing and veterinary professions.

For these reasons, throughout 2012 sectoral specialist organisations associated with this briefing have promoted the need for two sets of amendments to be made to the European Commission's December 2011<sup>i</sup> proposals. That is:

1. Lifting the restriction on Chapter III professions using common training frameworks to establish recognition of post graduate specialties (article 49a); and,
2. Recognising existence of sectoral post-graduate specialties beyond medicine & dentistry.

We trust this briefing will assist trilogue participants in their understanding and appreciation of the issues, and the need to ensure the opportunity to enact long-term improvement in terms of the mobility of highly qualified and experienced professionals is not missed. Patients and consumers across Europe have much to benefit from such individuals being more easily able to take their skillsets and unique services to wherever they are in most demand in the European community.

In this sense, the supported amendments herein are integral to the initial purposes of the Commission's December 2011 proposals: *to make qualification recognition procedures faster, simpler and more reliable*<sup>ii</sup>.

## Amendments 16, 125 and 121 on the Common Training Framework

**Amendment 16 on the Common Training Framework: beneficial for general system qualification recognition; beneficial for Chapter III professional specialty recognition too**

Amendment 16: Recital 18 a (new)	
Text proposed by the Commission	Parliament's proposed amendment (Feb 2013)
	<p style="text-align: center;"><i><b>(18a) Common training frameworks should also make it possible for regulated professions which are subject to an automatic recognition procedure based on coordination of minimum training conditions under Chapter III of Title III and in which new specialities are not covered by that automatic recognition procedure to secure recognition of such specialities on the basis of an automatic procedure.</b></i></p>

The organisations associated with this briefing support the concept of the Common Training Framework introduced in the Commission's December 2011 proposal. The guiding ambitions of the framework, to introduce "*more automaticity in the recognition of qualifications*" by reducing or eliminating the need for compensation measures, are reasonable and sensible.

Furthermore, the concept of forming platforms for cross border recognition of qualifications based upon agreed competencies, rather than an over-emphasis on an agreed duration period (as exists in current recognition procedures for medicine and dentistry specialisms) appears very much in line with modern thinking in relation to qualification attainment and alignment (e.g. Bologna, Tuning, ECTS etc).

Yet, as the December 2011 proposals are currently written (see Article 49a and overleaf), specialisations of any of the 7 automatically recognised professions in Chapter III of Directive 2005/36 would be prohibited from making use of this new and more flexible recognition tool.

Amendment 16 makes clear that Common Training Frameworks should have the intention of supporting Chapter III specialist professional mobility **as well as** General System professional mobility. The Common Training Framework should be allowed to benefit **both** systems.

## Amendment 125: Addressing any concerns of duplicated procedures

<b>Article 1 – point 35</b> <b>Article 49 a – paragraph 2 – point e</b>	
Text proposed by the Commission	Parliament’s proposed amendment (Feb 2013)
(e) the profession concerned is neither covered by another common training framework nor regulated already under Chapter III of Title III;	(e) the profession <b><i>or post-graduate speciality of a profession regulated under Chapter III of Title III</i></b> concerned are neither covered by another common training framework nor regulated already under Chapter III of Title III

One concern that was initially expressed about enabling the common training framework to be used for recognition of Chapter III professional specialties was the possibility that it could enable a duplication of processes e.g. for an existing specialism, for example in medicine, to have two different routes towards recognition – that is, the existing procedure through Directive 2005/36’s annex, and a separate route through a Common Training Framework.

It is the firm belief of the organisations associated with this briefing that this concern can be fully addressed through both appropriate wording of amendment and the Delegated Act to govern a common training framework.

Amendment 125 makes clear that, just as in the General System a common training framework cannot be initiated for a profession already recognised by an existing framework, so a common training framework for a Chapter III professional specialty cannot be established if it is already regulated “under Chapter III of Title III” (e.g. through the annexes).

This amendment effectively addresses the duplication concern and sets useful parameters for how such recognition procedures for Chapter III specialties would operate.

The organisations associated with this briefing furthermore consider there will be opportunities to build additional structures of operation if within future delegated acts.

It therefore occurs as singularly incorrect to legislate in the Directive for prohibition of use of the common training framework for Chapter III specialisms when the apparent motivating concerns can be straight-forwardly addressed by more proportionate and flexible methods.

## Amendment 121: Enabling the use of ECTS credits

**Article 1 – point 35;  
Article 49 a – paragraph 1**

<b>Text proposed by the Commission</b>	<b>Parliament’s proposed amendment</b>
<p>1. For the purpose of this Article, “common training framework” shall mean a common set of knowledge, skills and competences necessary for the pursuit of a specific profession. For the purpose of access to and pursuit of such profession, a Member State shall give evidence of qualifications acquired on the basis of such framework the same effect in its territory as the evidence of formal qualifications which it itself issues, on condition that such framework fulfils the criteria set under paragraph 2. Such criteria shall respect the specifications referred to in paragraph 3.</p>	<p>1. For the purpose of this Article, “common training framework” shall mean a common set of knowledge, skills and competences necessary for the pursuit of a specific profession <b><i>or post-graduate speciality of a profession regulated under Chapter III of Title III. Requirements may include the number of ECTS credits, but ECTS credits shall not form the only criteria.</i></b> For the purpose of access to and pursuit of such profession, a Member State shall give evidence of qualifications acquired on the basis of such framework the same effect in its territory as the evidence of formal qualifications which it itself issues, on condition that such framework fulfils the criteria set under paragraph 2. Such criteria shall respect the specifications referred to in paragraph 3.</p>

Again this amendment makes clear that common training frameworks may be used for the purposes of achieving mutual recognition across borders of Chapter III profession post graduate specialisations. Accordingly it is warmly welcomed by the organisations associated with this briefing.

Furthermore, it underlines the possible use of the ECTS credit system, helping to bring specialty recognition in line with modern concepts of qualification recognition based on shared competences rather than an over-emphasis on agreeing duration periods.

## Amendment 13: Reference to the existence of Chapter III specialties

Recital 16	
Text proposed by the Commission	Parliament's proposed amendment (Feb 2013)
<p>(16) To simplify the system for automatic recognition of medical and dental specialties, such specialties should be covered by Directive 2005/36/EC if they are common to at least one third of the Member States.</p>	<p>(16) To simplify the system for automatic recognition of medical, dental <b>and veterinary</b> specialties, such specialties should be covered by Directive 2005/36/EC if they are common to at least one third of the Member States.</p>

The organisations associated with this briefing support moves to bring the primary Directive governing cross-border recognition of qualifications up-to-date with the reality of professional developments. Whilst medical and dentistry specialisms were well-established thirty years ago at the commencement of initial governance frameworks for qualification recognition, in the intervening 30 year period the development of specialisms of other Chapter III professions has not stood at a standstill. Specialties of pharmacy, veterinary medicine and nursing are now well established across Europe.

Therefore whilst Amendment 13 marks an improvement in the current situation, our preferred amendment is given below. We urge trilogue participants to consider further improvement in this regard.

<p>(16) To simplify the system for automatic recognition of medical and dental specialties, such specialties should be covered by Directive 2005/36/EC if they are common to at least one third of the Member States.</p>	<p>(16) To simplify the system for automatic recognition of medical, dental, <b>pharmacy, nursing and veterinary</b> specialties, such specialties should be covered by Directive 2005/36/EC if they are common to at least one third of the Member States.</p>
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## **About the European Association of Hospital Pharmacists (EAHP)**

The European Association of Hospital Pharmacists is an association of 32 national organisations representing hospital pharmacists at European and international levels. It represents and develops the hospital pharmacy profession within Europe in order to ensure the continuous improvement of care and outcomes for patients in the hospital setting. This is achieved through science, research, education, practice, as well as sharing best-practice and responsibility with other healthcare professionals. <http://www.eahp.eu>

## **About the European Board of Veterinary Specialisation (EBVS)**

The European Board of Veterinary Specialisation is the governing body for veterinary speciality boards in Europe. The main objectives and duties of the EBVS are to:

- recognise new speciality Colleges;
- set up and maintain a register of European veterinary specialists;
- assure the quality of these specialists by monitoring the Colleges; and,
- encourage and promote the enhanced utilisation and availability of speciality services to the public and the veterinary profession <http://www.ebvs.org>

## **About the European Specialist Nurses Organisations (ESNO)**

The European Specialists Nurses Organisations represents European associations of different nursing specialties such as diabetes nurses, oncology nurses, nurse anaesthetists, intensive care unit nurses, operating room nurses, dialysis and renal transplant nurses, neuroscience nurses, mental health nurses, urology nurses and also nurse educators and nurse directors. <http://www.esno.org/>

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**The organisations associated with this briefing are willing, able and enthusiastic to meet with and brief any interested parties about the issues described in this document.**

**Please contact as above.**

<sup>i</sup> "Proposal for a Directive of the European Parliament and of the Council amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation on administrative cooperation through the Internal Market Information System", 19 December 2011. [http://ec.europa.eu/internal\\_market/qualifications/docs/policy\\_developments/modernising/COM2011\\_883\\_en.pdf](http://ec.europa.eu/internal_market/qualifications/docs/policy_developments/modernising/COM2011_883_en.pdf) accessed 10 April, 2013

<sup>ii</sup> "Modernising the Professional Qualifications Directive will make it easier for professionals to find skilled jobs across Europe," European Commission press release, 19 December 2011. [http://europa.eu/rapid/press-release\\_IP-11-1562\\_en.htm?locale=en](http://europa.eu/rapid/press-release_IP-11-1562_en.htm?locale=en) accessed 10 April, 2013