



Public Consultation on the Recognition of Professional Qualifications Directive

CLGE answers

The Comité de Liaison des Géomètres Européens (CLGE) has recently been entered on the European Commission's register of interest representatives. Its ID number is 29077535421-69.

CLGE is currently the sole organization representing the surveying profession at the European level. Its main objective is to represent and promote the interests of the surveying profession in the private and public sector in Europe.

Its aim is to enhance the development of the profession administratively, educationally and scientifically, to facilitate training, continuous professional development and mutual recognition, and to promote the activities of geodetic surveyors as a highly qualified profession.

Question 1: Do you have any suggestions for further improving citizen's access to information on the recognition processes for their professional qualification in another Member State?

Question 2: Do you have any suggestions for the simplification of the current recognition procedures? If so, please provide suggestions with supporting evidence.

Question 3: Should the Code of Conduct become enforceable? Is there a need to amend the contents of the Code of Conduct? Please specify and provide the reasons for your suggestions.

The Code of conduct issued by the European Commission is just a tool at the disposal of national authorities and should not be legally binding. The purpose of the Code of conduct should be to bring guidance, examples and explanations to the Member States in the way they should apply the directive. Its purpose shall not to give a legally binding interpretation of the directive; the European Court of Justice is the only institution which can give a legally binding interpretation. Therefore, CLGE suggests that the Code of conduct should be renamed « Guidelines » to avoid any misunderstanding.

Question 4: Do you have any experience of compensation measures? Do you consider that they could have a deterrent effect, for example as regards the three years duration of an adaptation period?

Compensation measures are essential to guarantee that professionals meet all the required competences to practice their activities in a Member State different to the one where they graduated. Compensation measures do not have any deterrent effect; quite the reverse they are the corollary to the recognition of qualifications to secure a high level of consumer protection.



Question 5: Do you support the idea of developing Europe-wide codes of conduct on aptitude tests or adaptation periods?

If Europe-wide codes of conduct on aptitude tests or adaptation periods are developed, a certain margin of manoeuvre should be left to the Member States to respect national specificities professional characteristics such as for the professions with a delegation of public service or public authority. For such professions, it is necessary for the professionals to have an extensive knowledge of the national legislation and language to ensure consumer protection.

Question 6: Do you see a need to include the case-law on “partial access” into the Directive? Under what conditions could a professional who received "partial access" acquire full access?

The development of the ECJ should be integrated in the new version of the directive. The transition from partial to total access should however not be linked to the length of practice of a given activity but to the abilities of a candidate which can be determined by an aptitude test.

But even if the ECJ case law has accepted partial access for certain activities we don't see a need for a partial access for engineers (e.g. surveyors). In contrary, this would lead to an even further disharmonization of the surveying profession.

Question 7: Do you consider it important to facilitate mobility for graduates who are not yet fully qualified professionals and who seek access to a remunerated traineeship or supervised practice in another Member State? Do you have any suggestions? Please be specific in your reasons.

It is important to facilitate mobility for graduates although they are not yet fully qualified professionals. The possibility to undertake a traineeship abroad is, to say the least, an asset for their future professional career, and even sometimes an obligation for some countries or activities. Therefore, CLGE has developed a program to support students' mobility called First STEP (Students and Trainees Exchange Program). Some support and financial grants from the European bodies to support the development of such programs would be welcome and helpful.

Question 8: How should the home Member State proceed in case the professional wishes to return after a supervised practice in another Member State? Please be specific in your reasons.

The activities of some professions are very much linked to the national legal context, which is the case for the surveying profession in the area of land delimitation or valuation. Therefore, it is important to impose in those cases a minimal period of supervised practice in the home Member State if a professional wishes to settle there.

Question 9: To which extent has the requirement of two years of professional experience become a barrier to accessing a profession where mobility across many Member States in Europe is vital? Please be specific in your reasons.

When a profession is regulated in some but not all EU countries, it is necessary to keep a possibility of control and evaluation of the abilities. A two-year period of experience is not appropriate to estimate the abilities of a professional; an aptitude test would be more convenient.



We see the requirement of professional experience as an issue of quality and consumer protection and not as a barrier to mobility.

Question 10: How could the concept of "regulated education" be better used in the interest of consumers? If such education is not specifically geared to a given profession could a minimum list of relevant competences attested by a home Member State be a way forward?

A better use of the concept of « regulated education » requires first of all a clear definition of the concept. If there is no regulated education in a given country, a list of relevant competences attested by a home Member State could be a starting point but should not exclude the possibility for the host Member State to decide on measures to be taken in case of serious doubt on the level of education of a candidate.

Question 11: What are your views about the objectives of a European professional card? Should such a card speed up the recognition process? Should it increase transparency for consumers and employers? Should it enhance confidence and forge closer cooperation between a home and a host Member State?

CLGE supports the development of European professional cards but thinks that this initiative should only be applied to the professions with a high level of mobility. Moreover, we think that this kind of cards is only suited for regulated activities.

Question 12: Do you agree with the proposed features of the card?

CLGE globally agrees with the proposed features such as the choice for every profession and professional to resort to such a card, but thinks that this card is not meant to replace the system of prior declaration for the provision of services. Besides, CLGE kindly asks the Commission to wait for the conclusions of the steering group on professional cards before making a final decision on the features of the card. For memory, CLGE is represented by the CEPLIS within this steering group.

Question 13: What information would be essential on the card? How could a timely update of such information be organised?

Information regarding the education, the length of professional practice, insurance, the registration to a professional body (order, chamber, institute, council, ...) for regulated professions and the professional sanctions and disciplinary measures would be the most essential.

The update of such information should be organized by national competent authorities under the regulating authority of a European Body, in our case CLGE.

Question 14: Do you think that the title professional card is appropriate? Would the title professional passport, with its connotation of mobility, be more appropriate?

The title « professional passport » renders more the idea of mobility. Moreover, the card gives the idea of a real plastic card, while a passport can be more easily interpreted as a digital document.



Question 15: What are your views about introducing the concept of a European curriculum – a kind of 28th regime applicable in addition to national requirements? What conditions could be foreseen for its development?

It is quite difficult for the time being to have a precise view on the concept of a European curriculum but it seems that, from the information given by the Commission, the objective of this curriculum would be quite different compared to the common platforms' one as it may not seek to cope with the differences in terms of education and training. Besides, in the case of the platforms, the European professionals were the ones to suggest a solution, which will not be the case anymore with the European curriculum.

Question 16: To what extent is there a risk of fragmenting markets through excessive numbers of regulated professions? Please give illustrative examples for sectors which get more and more fragmented.

Even if the question tries to imply this, we don't see fragmented markets in the surveying field due to regulation. Regulation can and should ensure quality of service and consumer protection

Question 17: Should lighter regimes for professionals be developed who accompany consumers to another Member State?

No, lighter regimes for accompanying professionals would lead to discrimination of the resident professional and further to a leveling down of service quality.

Question 18: How could the current declaration regime be simplified, in order to reduce unnecessary burdens? Is it necessary to require a declaration where the essential part of the services is provided online without declaration? Is it necessary to clarify the terms "temporary or occasional" or should the conditions for professionals to seek recognition of qualifications on a permanent basis be simplified?

Question 19: Is there a need for retaining a pro-forma registration system?

A pro-forma registration system could facilitate the actions to be undertaken by the candidates.

Question 20: Should Member States reduce the current scope for prior checks of qualifications and accordingly the scope for derogating from the declaration regime?

It is fully justified that regulated professions which activities target public health, security but also consumer protection, can resort to prior checks of qualifications. In such cases, Member States should not reduce the current scope for prior checks of qualifications and accordingly the scope for derogating from the declaration regime.

Question 21: Does the current minimum training harmonisation offer a real access to the profession, in particular for nurses, midwives and pharmacists?

Question 22: Do you see a need to modernise the minimum training requirements? Should these requirements also include a limited set of competences? If so what kind of competences should be considered?



Question 23: Should a Member State be obliged to be more transparent and to provide more information to the other Member States about future qualifications which benefit from automatic recognition?

Question 24: Should the current scheme for notifying new diplomas be overhauled? Should such notifications be made at a much earlier stage? Please be specific in your reasons.

Question 25: Do you see a need for modernising this regime on automatic recognition, notably the list of activities listed in Annex IV?

Question 26: Do you see a need for shortening the number of years of professional experience necessary to qualify for automatic recognition?

Question 27: Do you see a need for taking more account of continuing professional development at EU level? If yes, how could this need be reflected in the Directive?

Continuing professional development is a common feature to many regulated professions and contributes to guarantee a high level of consumer protection. Professional development is already compulsory in many EU countries and CLGE Code of conduct encourages every European surveyor to be committed in this field. Therefore, CLGE strongly supports the consideration of this issue in the Directive.

Question 28: Would the extension of IMI to the professions outside the scope of the Services Directive create more confidence between Member States? Should the extension of the mandatory use of IMI include a proactive alert mechanism for cases where such a mechanism currently does not apply, notably health professions?

Question 29: In which cases should an alert obligation be triggered?

Question 30: Have you encountered any major problems with the current language regime as foreseen in the Directive?

The current language regime as foreseen in the Directive enables the national competent authorities to control the language knowledge of a candidate, which is fundamental for the surveying profession as it has the duty to advise the consumers. This possibility should absolutely be maintained in the Directive.