



The Council of European Geodetic Surveyors
Comité de Liaison des Géomètres Européens

Mrs. Bernadette Vergnaud
European Parliament
Building Altiero Spinelli
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60, rue Wiertz / Wiertzstraat 60
B-1047 Bruxelles/Brussel

Brussels, 23rd September 2012

Subject: CLGE position paper on the modernisation of the directive related to the Mutual Recognition of Professional Qualifications

Dear Madam,

The European Council of Geodetic Surveyors (CLGE) is the leading association of land surveyors representing the profession, both for the public and private sectors, at the European level.

CLGE, which is composed of 36 member states, aims at representing and promoting land surveyors and licensed surveyors i.e. the professionals who hold a delegation of public service, but also at favoring a high level of training, encouraging a continuous professional development and at supporting actions of harmonization through, for instance, the adoption of a code of conduct for European surveyors.

As stakeholder, CLGE took part in the revision process of the directive 2005/36/EC on the recognition of professional qualifications and attended all the meetings organized by the European Commission and the European Parliament.

Some of our members have already had a chance to meet you either directly or through the European Council of liberal and independent professions (CEPLIS) and thank you very much for your receptiveness. CLGE has today the honor to send you its comments regarding the proposal for a directive which was published by the European Commission December 19th, 2011.

To this end, our arguments will be based on three main lines: the disposals which have been maintained from the 2005 directive, the disposals which have been erased, and the new disposals of the proposal.

The disposals which have been maintained from the 2005 directive

CLGE is pleased to note that the possibility to control language skills has been maintained (art.53). However, CLGE regrets the lack of clarity of this article and wants to highlight the difficulties that our members encounter to implement it. While it is indicated in the Commission's guidelines that the control of language skills can only be carried out in case of "serious doubt", it seems difficult for our members to assess when the doubt is serious enough. Besides, in the current system, the test of language skills can only be

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applied once the recognition of professional qualifications has been validated. However, those two elements cannot be separated as the control of language skills is essential to ensure a high quality of service as well as the consumer protection. This means that during the recognition of professional qualifications, it must be possible to check the language skills of candidates. In other words, it is impossible to grant the recognition if the level of knowledge of the language is insufficient.

Moreover, CLGE supports the preservation of the prior declaration for the free provision of services. This prior declaration, which shall be renewed every year, is essential to enable our member organizations to give the service providers all the needed information concerning the pertinent laws and rules enabling them to guarantee a high level of consumer protection.

The disposals which have been erased from the 2005 directive

CLGE regrets that the possibility to resort to compensation measures when the length of training is inferior by one year to the length required in the host member state has been erased (art 14-1-a). A difference in the length of academic and professional training, which is even inferior to one year, can generate a need for compensation measures to enable the applicants to get to know about the national laws and practices, notably in the legal field. Laws on real estate and town planning are, for instance, very country specific and require a perfect knowledge for the practice of the profession.

As surveyors have a profession with a high qualification level, CLGE also asks to maintain the current art 13-1-b which states that attestations of competence or evidence of formal qualifications shall attest a level of professional qualification at least equivalent to the level immediately prior to that which is required in the host Member State.

New disposals of the proposal for a directive

CLGE has kept itself up to date with the considerations on the creation of a European professional card. Our members understand that a European professional card could become interesting; many dread that the costs which will be generated from the card will be passed on to the professionals. Besides, the directive is not really clear on how the card will be concretely implemented and on the data which will be on the card.

CLGE noted with great interest the creation of an alert mechanism which would, according to the European Commission, mainly apply to the health professions. Now, the proposal for a directive foresees the possibility for the professionals whose activities have an impact on the environment to resort to this mechanism (art.56-2). The land surveyors' activities have a direct impact on the environment; CLGE therefore supports a clarification of this disposal so that its use by surveyors will not be subject to diverse interpretations.

CLGE supports the fact that the professional cards shall be delivered by competent authorities appointed by the state. CLGE also supports that the IMI system will be used by these competent authorities.

As regards the partial access to regulated professions, CLGE recommends to remain very cautious with this approach which has been developed by the Court of Justice of the European Union since we consider that partial access cannot be applied to the surveying profession.

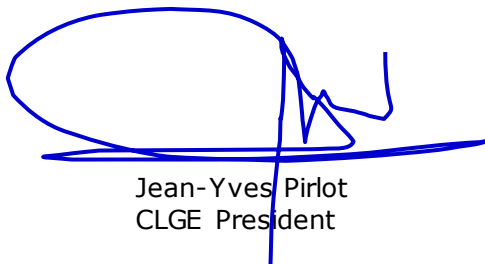
CLGE acknowledges the increase in the length of training for the architects and the obligation to combine an academic and a practical training. This corresponds to the situation of our members from the private sector who bear a delegation of public service. In the planned system, the candidates to the recognition of qualifications currently have the choice between a traineeship and an aptitude test, which is discriminatory towards the nationals who must go on a traineeship before practicing the profession. CLGE supports a wider application of dual trainings for regulated professions.

CLGE welcomes the creation of common frameworks of training which can be implemented by from 9 member states onwards. Obviously, this system will be much easier to implement than the common platforms. CLGE however wonders whether compensation measures would not be useful. Even if the content of the trainings is harmonized, compensation measures can nevertheless be beneficial for the applicants to be able to cope with national specificities regarding, for instance, the law on real estate and town planning.

Last but not least, CLGE supports the objective to carry out an audit of the regulated professions which will enable more transparency. CLGE however invites the European institutions to better communicate on this objective which can lead to worries and misunderstandings. We therefore recommend that the directive lays down more precisely what is the objective of the audit, which would guarantee to our members that the surveying profession will not be deregulated.

CLGE would be grateful if you could take our remarks into consideration and remains at your disposal for any additional information on this position paper as well as on the surveying profession.

Yours faithfully

A handwritten signature in blue ink, consisting of a large, stylized loop followed by several smaller, sharp strokes, positioned above the printed name and title.

Jean-Yves Pirlot
CLGE President