



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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CLGE GA – Hanover

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Background

- Directive 2005/36/EC
 - Adopted in 2005
 - Horizontal document targeting the regulated professions
 - 1st 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.



Background

- Beginning of an evaluation in March 2010
- Green book in June 2011 → CLGE sent its contribution
- Presentation by the European Commission of a proposal in December 2011
- Proposal examined by the European Parliament; Bernadette VERGNAUD as rapporteur
- Position paper drafted by CLGE and sent mid-September





CLGE Position paper

- Introduction : presentation of CLGE and its commitment in the evaluation of the directive
- 3 parts :
 1. The disposals which have been maintained from the 2005 directive
 2. The disposals which have been erased
 3. New disposals



The disposals which have been maintained from the 2005 directive

- Control of language skills : not systematic but in case of serious doubt → need of clarification
 - control of language skills is essential to ensure a high quality of service as well as the consumer protection.
- Free provision of services : Prior declaration maintained
 - essential to enable CLGE 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

- 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 (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.
- Art 13-1-b : 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 1/2

- **European professional card**
 - Could be interested but warning on the costs, the concrete implementation and the data on the card
 - Cards delivered by competent authorities appointed by the State; IMI system more widely used
- **Alert mechanism**
 - Mainly targets the health professions but possibility for the professionals whose activities have an impact on the environment to resort to this mechanism (art.56-2); need for clarification so that surveyors know whether they can use it or not
- **Partial access to regulated professions**
 - Recommendation to remain cautious
 - Cannot be applied to the surveying profession



New disposals 2/2

- Architects : increase in the length of training obligation to combine an academic and a practical training
 - Same thing for surveyors in many countries
 - CLGE supports a wider application of dual trainings for regulated professions.
- Common frameworks of training
 - Easier to implement than the common platforms
 - However need for compensation measures
- Audit of the regulated professions
 - More transparency Recommendation to remain cautious
 - Better communication and clarification of the objective in the directive



Draft report

- Published in July 2012
 - Does not affect CLGE positions and comments
- Interesting points to note
 - Notaries will be excluded from the scope of application
 - Clearer definition : trainings, aptitude tests
 - Free provision of services : possibility to refuse a provider of services in case of part time professional activity (lack of experience)
 - Temporary suspension of activities : new mechanism to check the competences when there is a risk for patients or consumers
 - Extension of different deadlines : creation of the card, appeals



Next steps

- Amendments must be submitted October 15th the latest
- B.Vergnaud will come back with a final report
- Codecision procedure



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Thank you for your
attention!

