

## **Statement on the amendments of the Professional Qualifications Directive (2005/36/EC)**

*Adopted by EFEE Executive Board on 7 March, 2012 and ETUCE Committee on 28 March, 2012.*

The social partners in education, European Trade Union Committee for Education (ETUCE) and European Federation of Education Employers (EFEE) welcome the amendments of the Professional Qualification Directive in general, which demonstrates the opinion of the professional associations voiced at numerous expert meetings of the European Commission, public consultations, and conferences.

Hereby, we would like to elaborate our viewpoints to the European Commission, the European Parliament and the Competitiveness Council on the amendments of the Directive:

1. The social partners in education welcome that one of the objectives of the amendments is to combat the decreasing workforce of different sectors, especially of the education sector, as a result of demographic changes. ETUCE and EFEE expect that the Directive will open more opportunities for teachers to practise their profession in other Member States. At the same time, we would like to emphasise that the qualification of teachers, educational employees, has to be recognised in conjunction with the **national requirements** in teaching and the provision of educational services of the host country.
2. ETUCE and EFEE also welcome the other objectives of the amendments, namely the facilitation and **simplification** of the recognition process, reduction of cost, time and complexity of the recognition procedures.
3. We would like to highlight that the non-national employees of the education sector, having obtained their recognition, should receive **equal and fair treatment** at the workplace as their fellow national teachers and educational employees. The amendments of the Directive should emphasise this issue.
4. The social partners in education agree with the fact that the European Commission changed the name of the card. Names, such as Professional Qualifications Card, Professional Mobility Card have made, and would confound the professional associations and EU citizens confused on the aim and use of the card. The **European Professional Card** sounds the most appropriate as this may not contribute to any misunderstanding.

5. ETUCE and EFEE would like to remind the relevant European Union institutions that the European Union is still struggling with the **economic and financial crises**. Thus, the additional administrative costs of the Member States to issue cards should be limited.
6. The social partners in education welcome that the European Commission did not initiate a common format and use of the card for all professions, but it allows European and national level professions (associations, orders) to apply for special, profession-related European Professional Cards. We expect that these cards of the different professions will not generate more disagreement based on diverse perceptions and requirements among the professions and the European Commission. From our point of view, this initiative will also maintain the **national competence** on issuing and using a card in the education sector.
7. We also agree that the European Commission will set up **technical details** of the specific professions' cards in parallel with consultations with the related associations. We would appreciate if the Competent Authorities and the trade unions of the related professions play a role in defining the precise technicalities of the card.
8. We support that the card can be issued voluntarily for the professions and for the individuals of these professions.
9. Concerning the modernisation of the **Internal Market Information System (IMI)**, we welcome that there will be a regulation on the compulsory use of the IMI by Competent Authorities and measures will be taken to ensure the integrity, confidentiality and accuracy of information contained in the Card and in the IMI file.
10. We are satisfied that the Directive allows more possibility for the Competent Authorities to make their decision based on European level **educational transparency tools**. We are also content that the amendments do this with cautiousness to maintain education as a national competence. ETUCE and EFEE agree with the initiative that the Competent Authorities will have free hand to compare the qualifications based on more guidelines, namely the remaining Article 11 as a reference point, the ECTS credits, and EQF. We welcome that the Competent Authorities can still refuse the application based on proper reasons, if the applicant cannot fulfil the national requirements, cannot get partial access, and cannot make compensation measures either.
11. ETUCE and EFEE welcome that the professional will be allowed to provide service in his/her profession in the host country if the profession is regulated and it requires a BA or MA qualification. As this is applicable to the majority of the teachers in the EU, we see this as a good opportunity for more teachers to get a job abroad. We also agree with the initiative that where there are less than two or more levels of difference between the **professionals' training and the requirements** in the host Member State, exclusion of people from the

profession will not be possible based solely on Article 11, but the Competent Authorities have to provide numerous reasons to do so. Therefore, no qualified teachers will be refused to practice their profession.

12. We also welcome that paragraph 18 of the Directive, which provides European and national professional associations and organisations with the opportunity to initiate the creation of **common training frameworks and tests based on common training principles**. While setting up **common training frameworks** would further facilitate the recognition of the professionals of these associations and organisations, we are content that this will also maintain the national competence in education with the conditions stated in the amended Directive: *“This should take into account the competence of Member States to decide the qualifications required for the pursuit of professions in their territory as well as the contents and the organisation of their systems of education and professional training”*.<sup>1</sup>
13. We propose, however, to alter Article 49a/2f of the amendments on *Common training framework*, as common training frameworks should be prepared by the Member States and **social partners/stakeholders** concerning both regulated and non-regulated professions. This required change is also applicable to paragraph 49a/2c of the *Common training tests* part of the amendments.
14. The **control of language skills** after the recognition is significant in the medical sector in order to ensure the health and safety of the patients during the provision of the service. While ETUCE and EFEE accept that extending a systematic language control of all professionals before and during the recognition process of the qualifications is not in conjunction with the Treaty, we have still concerns whether all teachers receiving recognition will be able to practice the language of their students in the highest level. We would like to stress that it has a direct negative impact on the teaching quality if the applicants cannot manage a sufficient level of the language in the host country. Therefore, systematic language testing of the applicants should be also applicable for teachers. Thus, we propose the following amendment on Amendment 38, Article 53:  
*“A Member State shall ensure that any controls of the knowledge of a language are carried out by a competent authority **free of charge for the applicant** ~~after~~ **while** the decisions referred to in Articles 4d, 7(4) and 51(3) have **are** taken and if there is a serious and concrete doubt about the professional’s sufficient language knowledge in respect of the professional activities this person intends to pursue.”*

---

<sup>1</sup> Further quotations from the Directive: *“While the common training principles would not replace national training programmes, professionals with a qualification under this regime would benefit from the same advantages as the professions for which the minimum training requirements are specified in the Directive.”*  
*“(10) In the absence of harmonisation of the minimum training conditions for access to the professions governed by the general system, it should remain possible for the host Member State to impose a compensation measure.”*

15. Concerning the amendment on **provision of service on temporary basis** (“free provision of services on a temporary basis”), Article 4c states that only the home country can recognise, validate, and issue a card, and a professional in the general system can perform his/her service during 2 years without his/her qualifications being checked by the host country. ETUCE and EFEE are against issuing temporary cards for educational staff, as well as they have been dissatisfied with the existing rule of the prior declaration, taking into account that the European Commission created both procedures based on a false assumption, that a 1-year (prior declaration) or 2-year provision (temporary card) of “temporary” service would be only occasional. However, as far as we are concerned, neither the European Commission, nor the Competent Authorities can assure whether the professional would misuse the two regimes and would work in the host country enjoying a loophole on the national legislations, which was created by the Directive.

Therefore, the social partners in education would like to urge the relevant European Union institutions to require a list from the Member States on certain professions where working with the temporary mobility card and under the prior declaration regime must require a prior check of applications and a fast recognition of qualifications.

At the same time the word “temporary” should be changed to “occasional”, as this would better reflect the European Commission’s intention, the occasionality of work for 1-2 years would not create a loophole in the national legislations, and finally the validity of the period of prior declaration and temporary mobility would not be misused.

16. ETUCE and EFEE well received that the competent authorities can offer **partial access** to the part of the same profession if the differences between the qualification of the applicant and the required qualification of the host Member State is so much that the applicant should repeat his/her all education and training programme.

Article 4f also says that the host Member State will examine the application for partial access, which it also can reject. According to ETUCE and EFEE, the inclusion of partial access in the Directive partially allows appropriate and well-qualified teachers (but not entirely qualified on the same content of the subject to be taught) in the profession. We welcome that the provision of partial access is not obligatory for the Competent Authorities, as the provision is national competence.

17. ETUCE and EFEE would like to stress that the Member States must ensure that the teachers gaining partial recognition of their qualifications have to possess equal rights in their workplaces as the national teachers with equivalent qualifications and experience. Competent Authorities should involve the educational social partners whenever they make a **decision on providing partial access** to teachers, educational employees ETUCE would like to ask the relevant European Union institutions to include this requirement in the Directive.

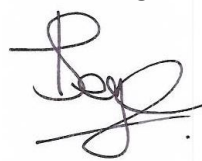
18. The social partners in education welcome the introduction of an **alert mechanism** in the Directive, but we would like to highlight, that information on the prohibited provision of the service of a professional in the home country is similarly important for the teachers as the professions in the medical sector. Therefore, we would like to ask the relevant European Union institutions to introduce the alert mechanism for a wider number of professions, including teachers.
19. Finally, the social partners in education welcome the insertion of Article 57 on the provision of **online information** to citizens on the full list of all regulated professions, the list of professions the card is available for, and Assistance centres. This will provide also better coordination and transparency on the recognition procedure for the citizens.

Martin Rømer

A handwritten signature in black ink, appearing to read 'Martin Rømer'.

European Director  
ETUCE

Bianka Stege

A handwritten signature in black ink, appearing to read 'Bianka Stege'.

General Secretary  
EFEE

*The European Trade Union Committee for Education (ETUCE) represents 135 Teacher Unions and 12.8 million teachers in all countries of Europe, 5.5 million teachers in the EU, from all levels of the education sector. ETUCE is a Social Partner in education at the EU level and a European Trade Union Federation within ETUC, the European Trade Union Confederation. ETUCE is the European Region of Education International, the global federation of teacher unions.*

*The European Federation of Education Employers (EFEE) represents the interests of employers in the education sector at European level. EFEE represents the education sector at all levels from pre-primary all the way through to vocational education and higher education of 18 EU and EFTA Member States.*