



Establishment of the Israeli National Qualifications Framework (NQF) as a mechanism to fostering the development of Israeli Human Capital  
IL 15 ENI SO 01 17(IL/14)



# EU REGULATED PROFESSIONS: A GENERAL OVERVIEW

**Avv. Simone Via**

Some mentioned source are taken from: Adamis - Császár, K., De Keyser, L., Fries-Tersch, E., et al. Labour mobility and recognition in the regulated professions, Study for the Committee on Employment and Social Affairs, Policy Department for Economic, Scientific and Quality of Life Policies, European Parliament, Luxembourg, 2019.



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- **2005/36/EC Professional Qualifications Directive (or PQD)**: a first cornerstone.
- **Regulated profession and Professional Qualifications**: What are them? PQD's Article 3, named "*Definitions*" give us those notions.



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On EU regulatory framework, **regulated profession** is:

*“... 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, directly or indirectly, by virtue of legislative, regulatory or administrative provisions 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. Where the first sentence of this definition does not apply, a profession referred to in paragraph 2 shall be treated as a regulated profession ...”.*



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**In line with this, Professional qualifications are:**

*“... qualifications attested by evidence of formal qualifications, an attestation of competence [...] and/or professional experience ...”*



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## Based on the Regulated Professions Database:

- the total number of regulated professions within EU currently exceeds **5.700**;
- Representing **800 different categories** of regulated professions (the most highly regulated are the health and social services, business services, transport, public services and education sectors);
- In **Italy** there are **183 Regulated Professions** (about 43% concern health and social services).



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**Regulated Professions are not yet included in the EQF framework**, but they will soon be included in the update of the system that is about to be completed.



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2005/36/EC Professional Qualifications Directive was amended by the **Directive 2013/55/EU**

The aim of it was to minimise difficulties to the access and the exercise of a regulated profession in a different Member State. To do so, the EU put in place three systems of recognition of professional qualifications :

1. **Automatic recognition system** (for professions with harmonised minimum training requirements, such as nurses, doctors, dental practitioners, pharmacists, architects);
2. **General recognition system** (for other regulated professions, such as teachers, translators and real estate agents);
3. **Recognition on the basis of professional experience** (for certain professional activities, such as carpenters, upholsterers, beauticians)



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The **main goals** pursued with the **Directive 2013/55/EU** was to simplify and harmonise the recognition rules to make it faster, simpler, more accessible and more transparent, with the aim to facilitate professional mobility in EU, in order to fully implement the so called "Four Freedoms" of the EU single market as follows:

- *Free movement of goods*
- *Free movement of capital*
- *Freedom to establish and provide services*
- *Free movement of persons*





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To do so, **key amendments** included:

- the introduction of the **European Professional Card (EPC)**: an electronic certificate allowing cardholders to obtain recognition of their qualifications in a simplified and accelerated manner;
- **The mandatory use of the Internal Market Information (IMI-system)**: to enhance exchange of information among Member State competent authorities, including sending of alerts or informing all other Member States of professionals suspended or prohibited from practising their professional activity (for selected professions, e.g. health professions, education of minors);
- **The mutual evaluation exercise**: it implied voluntary deregulation and removal of unnecessary professional restrictions.



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## Future path: the Directive (EU) 2018/958

EU wants to set out an analytical proportionality framework for Member States to be used when reviewing existing regulations on professions or when proposing new ones.

The deadline for transposition of this Directive into Member State laws is 30 July 2020. However, this Directive will not apply to existing regulations, leaving as a national prerogative the implementation of any required reforms, or changes to the regulations of specific professions.



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## Importance of a common system for the recognition of professional qualifications.

European citizens are often brought to move to another EU country for various reasons (for example, to reach family members or to find better career opportunities) and do it before they even have a job in the destination State.

The possibility of a common recognition system that give such recognition in short and certain times, although it may not seem like a fundamental reason for moving, it certainly is an element of strength for the higher education system.



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# PQD: FOCUS ON IMPROVED RULES

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The Professional qualification Directive, PQD issued by The European Parliament and European Union Council in 2005, introduced specific rules in order to extend the possibility of exercising professional activities abroad, using their own original professional title. The same directive harmonize the minimum conditions of training to access professions covered by this general scheme.

To improve and harmonize the recognition procedures among EU Member states, the PQD has been modified by Directive 2013/55/EU, aimed to make the mutual recognition procedures faster, easier and more transparent. The most important changes introduced are:

- **The European Professional Card (EPC)**
- **The mandatory use of the IMI system**
- **Partial access to professional activities**
- **The Single Point of Contacts**
- **Sectorial Amendments**



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- the **European Professional Card (EPC)** is an electronic certificate that allows the EU citizens to obtain recognition of their professional qualifications in a simpler and faster way; It is presently available for five professions (nurses, physiotherapists, pharmacists, mountain guides and real estate agents.)
- The **mandatory use of the IMI (Internal Market Information) system**, which allows the competent authorities of the Member States to have fast and transparent access to the necessary information
- **Partial access to professional activities:** the competent authority of host Member State must grant partial access without imposing compensation measures when such conditions exist:
  - the imposition of compensation measures would not be proportionate;
  - the professional is fully qualified to practise in the home Member State the professional activity for which partial access is requested in the host Member State
  - specific activities can be objectively separated from other activities falling under the regulated profession in the Member State.



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- the **Single Points of Contact** which grant a better access to information and to the recognition process. Information on the procedures and formalities for obtaining recognition of professional qualifications in another EU country must be available at the single contact point and professionals should be able to submit their applications online.
- **Sectoral amendments** concerning minimum training requirements for health professions and linguistic rules necessary for recognition.



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## A COMMON SET OF RULES: OUTCOMES AND PERSPECTIVES

Avv. Teresa Colantonio

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## **Trends in recognition rates of professional qualifications, with particular regard to the health related professions**

- The number of decisions has increased continuously since 2012
- Nearly all positive decisions are taken either through the automatic recognition regime
- For Italy and Spain, two of the most relevant countries of qualification in terms of number of decisions taken, almost all decisions were taken under the automatic (sectoral) regime of recognition



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Member States may therefore adopt **specific measures in order to retain their own workers** but also **incentives to be more attractive** for workers coming from other countries

Policy initiatives aimed to increase mobility, may **fostering the harmonisation tools**, facilitate in the meantime **fast recognition of qualifications**.

Furthermore, policy initiatives aimed to retain or **attract workers in crucial sectors such health professions** are often **addressed not only to EU citizens but also to third country nationals**; actions addressed to attracting not EU professional are based on the conviction that labor shortages cannot be filled only by EU movers.

Mobility of EU citizens is already facilitated by a number of regulations, including legal guarantees to ensure the free movement of workers, such as rules on the recognition of qualifications.



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## **The main issues related to the recognition process:**

- complexity and fragmentation of the process
- Duration
- Costs

## **Possible solutions:**

- parallel administrative processes for the recognition of professional qualifications
- EU registration of professionals in the relevant professional registers
- creation of a central authority for the assessment of equivalence



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Main obstacles to the effective recognition of qualifications in the general system as opposed to the automatic system:

- differences in education and training requirements
- possible fragmentation of the recognition procedures
- any lack of transparency of the procedure

Not all Member States provide clear and comprehensive information for users (also not in languages other than the official language of the country), and procedures often cannot be completed by electronic means.



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## Italy as an host country to professional mobility

in 2016 Italy was the third most important country of destination after Germany and the UK, especially in the health sector. The vast majority of the health (associate) professionals in mobility towards Italy are nursing associate professionals. Decisions on recognitions of qualifications increased since 2009, summarized as follows:

- Share of negative decisions seems rather high compared to the EU average:
  - increased since 2013 (17 %, compared to 8 % EU average);
  - decisions on doctors around 10 percentage points higher than the EU average in recent years
- The share of neutral/ongoing decisions is quite high

Both (high negative and neutral decisions) might be linked to the barriers in access to information for applicants, e.g. language.



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## Italy as a country of origin

In 2016 up to 9 % of EU movers working as health (associate) professionals in another EU country, were requests made by Italian health professionals, with an increase by 30 % respect the previous five years.

Doctors represented by far the largest group (35 %)

The majority of positive decisions (around 90%) are made under the automatic recognition regime.



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The possibility to receive a professional recognition in short and fixed time, as well as through homogeneous tools, are elements of strength of a national system.

This have a positive reflection also on facilitation to the transfer and stabilization of workers also to third countries.



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# Thank you for your attention

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