



**Recognition of professional qualifications
Report on the meeting of the Legal Committee of
May, 22, 2003**

EN only

26/05/2003

CPME Info 82-2003

Source	Legal Committee – European Parliament
Object	First reading
Date of elaboration of the document	
Date of transmission	
Object	Professional recognition
Document	
Author	M-C Bonnamour

Recognition of professional qualifications

Report on the meeting of the Legal Committee of May, 22,2003

Following all the amendments tabled on April 24, 2003 to the Zappala's report, the members of the Legal Committee expressed more clearly their position and the possible points of compromise.

MEP Zappala made an extensive presentation of the dossier and highlighted its impact on the professional life of millions of people. He reminded the audience of the main points that are still under discussion within the committee and that are reflected in the amendments tabled:

- the scope of the proposal: should the sectoral professions be included or not in this new directive ? This was presented as the crucial choice to be made. He insisted on the fact that the sectoral professions are satisfied with their system and considered the EC proposal to be very complicated. The option to whether or not include the sectoral professions in the new text has already been debated in the last meetings and is still unsolved.
- the definition of the professions concerned: how to better define the concept of intellectual professions (liberal professions, professions with specific skills)
- the definition of the provision of services that must be occasional: the time criterion proposed by the European Commission is not acceptable but should be replaced by a definition of the features of the provision of services
- the role of the common platforms and the need to have consultation of some kind for the professions concerned. He mentioned the fact that some existing committees for individual professions should be retained
- the possibility to enlarge the scope of the directive to third countries nationals with long term residence in one EU Member State (MS). Mrs Gebhardt proposed in one of her amendments not to restrict only the directive to EU nationals but to extend it to third countries nationals who have acquired their qualifications in a MS. After further explanations, Mr Zappala supported this idea.

He announced that the next meeting of the Legal committee was scheduled on June 17,2003 where decisions would need to be taken.

MEP MacCormick (Green, UK) stressed that the first decision to be taken was on the proposal of MEP Zappala to exclude the sectoral professions (amendments 3,4 and 24). This was the key issue that would determine the rest of the debate.

MEP Gebhardt (PES, Germany) explained that the aim of this legislation was to increase the level of certainty on the rules applicable to migrants. However the simplification of the rules should not lead to a reduction of the scope of the recognition. For example, the situation of medical specialities was not acceptable. Even if not recognised in all MS, the speciality should remain recognisable.

On the platforms, Mrs Gebhardt welcomed the initiative but wanted to restrict the possible effect of the solutions developed by these platforms. As professional organisations are not

“democratic”, the platforms should not interfere in the legislative area which should remain of the sole competency of the legislator.

That is for the same reason that Mrs Gebhardt proposed to include the annexes listing the minimum requirements in the text of the directive itself and not to leave it to comitology procedures because these requirements are fundamental issues with safety impacts.

She clearly stated that the socialist party was in favour of including the sectoral directives in one unique framework. To restrict the legislation to the general system has no added-value.

Moreover, it would be easier to introduce new professions in the sectoral regime in a framework directive than adopting individual sectoral directives. She mentioned that it could be a good solution for engineers and oncologists.

She also recommended the EC to withdraw its proposal if the sectoral directives were to be left out.

On the contrary, MEP Rothley (PES, Germany), member of the same political party than Mrs Gebhardt, firmly contested the inclusion of sectoral directives to the framework directive. He underlined that quality was more important than the quantity of migrants. In response to Mr Zappala, he indicated that the European Court of Justice has already defined the liberal professions and that such definition could be used. He opposed the system proposed by the EC for the free provision of services: the rule of the host MS should apply in order to maintain the quality.

For MEP Gil Robles (PPE, Spain), if rules are working well, then there is no need to change them. What is important is to have services of high quality. Some alleged barriers of the host MS are in fact established in order to guarantee ethics and quality. The adoption of a directive only governing the general system would still be however useful as hundred of professions would be concerned. This question of the scope of the directive was essential and should be solved first.

MEP Garaud (non-attached, France) supported also this approach and said that the common sense is to keep what is working well (i.e sectoral directives). Nevertheless, work still to be done on the definition.

The European Commission made some brief remarks. Mr Stoodley explained that it was difficult to give a definition of the regulated profession covered. It might also be risky to adopt a definition because it could reduce free movement for certain professions. Certain categories that are currently included, for example in the trade or craft sectors would be excluded if the concept of intellectual/liberal professions is adopted.

He indicated that the question of third country nationals getting their qualifications in one MS was addressed in a proposal tabled by the EC on the rights of long term residence.

He reminded the participants that the inclusion of new professions in the sectoral problem has never been a legal problem but a political one. He also explained that 80% of the proposal for the sectoral professions was a consolidation. If the changes proposed were not accepted (the 20%), the EC would take into consideration the position of the European Parliament.

If this last phrase was to be commented, it could be interpreted as a possible compromise. If included in the scope of the new directive, some of the changes of the sectoral regime might be dropped by the EC in its modified proposal.

To conclude, MEP Zappala detailed the timeframe of the next discussions: on June 17, 2003 there would be a choice to be taken on the fundamental option (exclusion or not of the sectoral directives). Then, the vote on the amendments will take place on September 11, 2003.

Even if this debate was not new, it showed that positions are now taken . There is a clear division on the option to be taken on the sectoral directives. This division appeared even within the same political group (socialists party) and would become highly political between the PPE and the PES.

Marie-Christine BONNAMOUR