

## BUSINESS PLAN TOPICS 2002-2003

### 1. Response to ECCE questionnaire relating to the Qualifications Directive

#### ECCE questions

- *ECCE register of professional*
- *number of migrants*
- *political/business aspects (EMF, APEC, Washington Accord, Sydney Accord)*
- *realisation of a register on the basis of bilateral contracts (see Tripartite Agreement)*
- *ECCE is partly representing EU member states (Directive)*
- *ECCE in addition is also representing non-member states*

(details below)

### 2. ISSUE OF Mutual Recognition Agreements (Commission consultation)

POSSIBLE INVOLVEMENT OF ECCE IN RESPONDING TO MRA issues as set out below:

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> > >Subject: MRAs with NAFTA countries  
> > >Date: Thu, 30 May 2002 10:48:06 +0200

Dear all,

As I stated during the last meeting held with representatives of the professions on 8 May, while we are regularly informed of contacts taking place between architects in the EU and in the NAFTA countries with a view to negotiating MRAs, we are lacking input from the engineers representatives.

I would therefore be grateful to receive information concerning your interest in pursuing the MRA initiatives and the eventual contacts that you might have had recently with representatives of the engineer profession on the other side of the Atlantic.

Yours sincerely

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## **BACKGROUND NOTE BY C. AHRENS REGARDING QUALIFICATIONS DIRECTIVE**

**Directive of the European Parliament and of the Council  
on the Recognition of Professional Qualifications**                      **2002/0061 (COD)**

Paper to discuss in the ECCE-meeting in Helsinki, 7<sup>th</sup> and 8<sup>th</sup> June 2002

This paper is a **short version** of the Directive (and will be presented in Helsinki by power point).

### **1. Explanatory Memorandum**

#### **1.1 General Background**

The Directive 2001/19/EC on professional recognition (February and May 2001) adopted the communication to the Council on

***New European Labour Markets, Open for All, with Access for All.***

It indicated, that in the field of professional recognition

- proposals for a more uniform, transparent and flexible regime based on a more widespread recognition will be presented and
- priority actions are adopted to ensure that citizens can rely on comprehensive service and information for their individual interests and rights.

A high ranked Task Force for Qualification and Mobility stated in 2001 that the EU and their member states should

- introduce till 2005 a more uniform, transparent and flexible regime for the recognition of qualification in the regulated professions and
- make it easier to manage and clearer, quicker and more friendly for users.

#### **1.2 Main Objectives**

The main objectives of the proposal are

- contribution to flexible labour and service markets
- consolidation and simplification (of numerous regulations)
- improved management, clarity and flexibility (of automatic recognition)
- better administration and improved information and advice to citizens
- a simpler and more open regulatory approach

#### **1.3 Subsidiarity and Proportionality**

EU member states have rules determining the qualification of professionals. Only common EU regulations can lay down non-discriminatory common regulations.

### **2. Directive Proposal Foreword**

(1) Abolition of obstacles to the free movement of persons and services by mutual recognition of diplomas, certificates and other formal qualifications

- (2) Free provision of services within the community has to be as simple as within an individual Member State according to the communication as entitled above.
- (3) Independent from special professional national demands migrants may undergo a non-discriminatory access procedure for access as long as this is objectively justified and proportionate.
- (4) Specific rules to facilitate profession with the original title from "home".
- (5) Different regulations for services and settlement have to be unified on the basis of simple time criteria.
- (6) The principles and safeguards underlying the different systems for recognition shall remain in force but must be improved in the light of experience.
- (7) National qualifications have to be secured but not on the basis of educational diplomas.
- (8) National minimum training conditions can be ensured by adequate professional experience and compensation measures.
- (9) Professional associations which have established a common platform of professional recognition at European level should work on a more automatic character of recognition.
- (10) In view of speed of technological change, life-long learning is of importance.
- (11) The improvement and simplification of the rules of recognition cannot be sufficiently achieved by the Member States and can therefore better achieved by the Community.

## **Adoption of the Directive (according to civil/construction engineers)**

### **Title I            General provisions (the given numbers are article numbers)**

#### **1. Purpose**

**This Directive establishes rules to accept professionals from foreign EU member states**

#### **2. Scope**

2.1 This Directive shall apply to foreign engineers to practice abroad in another EU country.

2.2 Each member state can permit professional work activities.

#### **3. Definitions**

3.1 Regulated profession is directly bounded to legislative or administrative provisions.

3.2 A regulated profession is guaranteed to members of the organisations of the list (Annex I), which includes Institutions of Engineers (IRL) and Institution of Civil Engineers (UK) an others.

3.3 Evidence of formal training issued by non-member states is a three years professional experience.

#### **4. Effects of recognition**

4.1 Professional recognition by host member states allows migrants to practice with the same right as nationals - if they are qualified.

4.2 For this purpose the profession is the same as at home.

4.3 When the profession needs a broader profile the migrant should get the allowance or entry permit for this profession only.

#### **5. Principles of the free provision of services**

5.1 EU member states shall not restrict free provisions of services, if

- the service provider is legally established at home
- has practised at least two years and the

5.2 Professional activity is allowed only for 16 weeks per year.

5.3 The service shall be provided under the host and if not possible under the home professional title.

## **6. Exemptions**

6.1 The host member state shall exempt service providers who are established from

- authorisation by, registration or membership of a professional organisation or body
- registration with a public social body for settling accounts
- the service provider shall inform in advance or later about his services

## **7. Contact points (are introduced)**

## **8. Administrative cooperation**

The respective competent authorities of the involved states question, ask, wish to know the legality of profession of the migrant. These authorities may ask - so called - contact points.

## **9. Information to be given to the recipients of the services**

The member states shall ensure to give additional information about

- his commercial register inscription
- name and address of the competent supervisory authority
- professional association or similar body
- the awarded professional qualification
- a reference to the professional rules and to the means of gaining access to these.

## **Title III**

### **Freedom of Establishment**

#### **Chapter I**

#### **General System for the Recognition of Evidence of Training**

## **10. Scope (for engineers)**

## **11. Levels of qualifications**

- level 1: attestation of competence
- level 2: certificate
- level 3: diploma certifying successful completion of a short training course
- level 4: diploma certifying successful completion of an intermediate training course (min. 3 years but less than 4 years)
- level 5: diploma certifying successful completion of a higher training course (at least 4 years)

## **12. Equivalent conditions for recognition**

## **13. Conditions for recognition**

13.1 The host country permits access to and pursuit of that profession in the same manner in the host country as at home, if this profession is regulated at home.

The attestations of competence shall

- have been obtained in another member state and
- attest a level of professional qualification at least „one level below“ .

13.2 The same conditions are granted to a migrant from non-member states if he has professionally worked for at least two years during the last ten years. Conditions are:

- the attestations have to be given by a member state
- the formal training has to be equivalent at least to the level immediately below that required in the host country
- the holder has to be prepared for the practice of this profession.

#### **14. Compensation measures**

14.1 There is no hindrance from requiring the applicant to complete an adequate period of up to three years or to take an aptitude test if:

- the education period is less than one year than that of the host country
- the education topics are too different
- the regulated profession from the home country does not fit well enough.

14.2 If the host country uses this option the applicant can choose between

- an adaptation period and an aptitude test

If the host country does not offer these possibilities it has to inform the other member states and the commission and has to provide sufficient justification for the derogation. If this procedure is not accepted the Commission asks the member state in question to refrain from taking the envisaged measure.

#### **15. Waiving of compensation measures on the basis of common platforms**

15.1 Professional associations may inform the Commission about their respective platforms which in this case means a set of criteria of professional qualifications which attests a sufficient level of competence. If the Commission is of the opinion that the platform facilitates the mutual recognition of professional qualifications it informs the member states.

15.2 If a member state does not see adequate guarantees with regard to professional recognition it shall inform the Commission.

### **Chapter II**

#### **Recognition of professional experience**

This is not applicable for civil engineers but shows a very sophisticated regulation procedure.

### **Chapter IV**

#### **Common provisions of establishment**

#### **46. Documentation and formalities**

46.1 The decision of the host member states can be based on the demands of Annex VII.

The documents shall not older than three months.

The documents and the included information have to be treated confidentially.

46.2 If serious specific circumstances have become to knowledge the sending countries have to be informed. The sending countries shall examine the veracity.

46.3 If necessary a code of professional conduct has to be signed.

#### **47. Procedure for the mutual recognition of professional qualifications**

47.1 The competence authority of the host country acknowledges the receipt of application.

47.2 The procedure for examining an application has to be finished within three months.

#### **48. Use of professional titles**

48.1 Normally the migrants are given the title of the host country. If there are restrictions necessary the title is getting an additional respective reference.

48.2 Where a profession is regulated by associations as listed in Annex I the title can be used only if the applicants are members of this organisation.

If associations or organisations make membership contingent upon certain qualifications they have to follow the guidelines of this directive article 3.

#### **49. Knowledge of language**

49.1 Engineers benefiting from recognition shall have sufficient knowledge of language which is necessary for practising the profession in the member state.

49.2 The member states shall ensure that applicants have the possibility to perform the necessary language knowledge.

### **Title IV**

#### **Detailed rules for pursuing the profession**

#### **50. Use of titles**

50.1 The host member state shall ensure that the applicants can use their „home title“ in connection with additional specifications about university etc.

50.2 If confusion is possible about the qualification the applicant has to use his home titles.

### **Title V**

#### **Administrative cooperation and responsibility for implementation**

#### **52. Competent authorities**

52.1 The competent authorities of the host and home member state shall work closely together and ensure the confidentiality.

52.2 Every member state shall designate the authorities and bodies competent to award or receive the respective certificates and papers and additionally inform the other member states.

52.3 Every member state shall designate a co-ordinator for the activities of the authorities and inform the other member states thereof.

The coordinators remit shall be

- to promote uniform application of this Directive
- to collect all the information necessary within this context.

The coordinators can use the help of the contact points referred to in Article 53.

#### **53. Contact points**

Each member state shall designate a contact point whose remit shall be:

- to provide the citizens and the contact points of the other member states with „all“ information
- to assist citizens in realising the rights in connection with this Directive.

The contact points shall inform the Commission of the enquiries with which they are dealing within two months.

#### **54. Committee on the recognition of professional qualifications**

The Commission shall be assisted by a Committee on the recognition of professional qualifications comprising of the member states and chaired by the Commission.

### **Professional Engineering Recognition worldwide**

1. Washington Accord
2. Engineering Mobility Forum

3. Tripartite Agreement
4. APEC Agreement
5. Sidney Accord
6. ECCE Register

### **1. Washington Accord**

Members: The Institution of Engineers, Australia  
 Canadian Council of Professional Engineers  
 The Institution of Engineers of Ireland  
 The Institution of Professional Engineers, New Zealand  
 The Engineering Council, UK  
 Accreditation Board for Engineering and Technology, USA  
 The Engineering Council of South Africa  
 Hong Kong Institution of Engineers

Conditions: see EMF

### **2. Engineering Mobility Forum**

Members: The Institution of Engineers, Australia  
 Canadian Council of Professional Engineers  
 The Institution of Engineers of Ireland  
 The Institution of Professional Engineers, New Zealand  
 The Engineering Council, UK  
 The US Council for International Engineering Practice , USA  
 The Engineering Council of South Africa  
 Hong Kong Institution of Engineers  
 The Institution of Professional Engineers , Japan  
 The Institution of Engineers, Malaysia  
 The Korean Professional Engineers Association

Conditions: completed an accredited or recognised engineering programme  
 assessed within their own jurisdiction as eligible for independent practice  
 gained a minimum of 7 years practical experience since graduation  
 spent at least two years in responsible charge of significant engineering  
 work  
 maintained their continuing professional development at a satisfactory  
 level

### **3. Tripartite Agreement**

Members: Consiglio Nazionale degli Ingeneri (CNI), IT  
 Conseil National des Ingenieurs et Scientifiques de France (CNISF), FR  
 Engineering Council (EngC), UK

Application: Long and short cycle engineers

Conditions: be listed in the Register of the (home and) third country  
 be able to demonstrate an appropriate level of academic achievement  
 Education period at least/normally 3 to 5 years at an  
 institution of higher education  
 be able to demonstrate at least 4 years of verifiable post academic  
 professional experience as an employee or as a free professional  
 be capable of operating as a professional in the language of the  
 receiving country

### **4. APEC Engineer Framework**

Members: The Institution of Engineers, Australia

Canadian Council of Professional Engineers  
The Institution of Engineers of Ireland  
The Institution of Professional Engineers, New Zealand  
The Engineering Council, UK  
Accreditation Board for Engineering and Technology, USA  
The Engineering Council of South Africa  
Hong Kong Institution of Engineers

Conditions: completed an accredited or recognised engineering programme  
assessed within their own jurisdiction as eligible for independent practice  
gained a minimum of 7 years practical experience since graduation  
spent at least two years in responsible charge of significant engineering

work

maintained their continuing professional development at a satisfactory

level

### 5. Sydney Accord (see APEC Agreement)

### 6. ECCE Register

Members: Institution of Civil Engineers  
Czech Institution of Civil Engineers  
Romanian Institution of Civil Engineers (UAICR)  
?????

Conditions: 4 years education at an institution of higher education  
x years of professional experience after completing university education  
y years of work experience in a high ranked position in the building

industry

z amount of certificates about continuous professional development  
signing the code of professional conduct

### ECCE questions

- *ECCE register of professional*
- *number of migrants*
- *political/business aspects (EMF, APEC, Washington Accord, Sydney Accord)*
- *realisation of a register on the basis of bilateral contracts (see Tripartite Agreement)*
- *ECCE is partly representing EU member states (Directive)*
- *ECCE in addition is also representing non-member states*
- *lobbying in Brussels*

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