

## Response of EFPA (March 2012)

**to the Proposal for a Directive of the European Parliament and of the Council amending Directive 2005/36/EC on the Recognition of Professional Qualifications and Regulation [...] on Administrative Cooperation Through the Internal Market Information System 2011/0435 (COD) -**

### Preliminary notes<sup>1</sup>

EFPA considers the Qualification Directive to be of great significance for the psychological profession in Europe. During the evaluation and consultation process EFPA has been in contact with other professional organizations (through CEPLIS) and communicated that:

- A. A future directive should be based on a broad view of mobility, which acknowledges the growing mobility of both professionals and clients (also virtual), and it should promote the adoption of uniform standards of qualification for each of the regulated professions throughout Europe
- B. The Single Market does not only call for removing barriers to mobility but also for raising transparency and guaranteeing client protection.
- C. Standards should not be restricted to basic educational qualifications but also include competences developed and maintained through professional activity and continuous professional development, in line with the notion of life-long learning.
- D. Standards for the recognition of professional qualifications should be congruent with the standards set by representative professional organizations at the European level (for psychology: EuroPsy established by EFPA).

EFPA appreciates that many of its observations that have been communicated to the European Commission during the consultations on the modernization of the Professional Qualifications Directive, have found a greater or lesser degree of reflection in the Commission's Proposal for modernisation.

### Comments on the proposal

The following comments are organized according to the aims of the modernization as stated in section 1.2 of the proposal.

#### **Reducing complexity of procedures through a European Professional Card (EPC) and the Internal Market Information (IMI) System (Section 4.1).**

##### *Ad 4.1. European professional card and Internal Market Information System*

EFPA believes that a European Professional Card (EPC) to be issued in the home country and linked to the Internal Market Information (IMI) system can promote mobility, by speeding up the recognition process and by facilitating automatic recognition in case of Common Training Frameworks (CTF). EFPA, therefore, endorses this part of the proposal.

While digital technologies may be helpful, the evaluation of professionals against adequate and fair standards should remain focal. This is likely to remain a bottleneck, since - at least for academic professions like psychologist, the process is rather cumbersome and requires considerable expertise and resources. EFPA recommends that representative professional organizations at the Union level that have established systems

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<sup>1</sup> Based on The [Response of EFPA](#) To The Green Paper 'Modernising The Professional Qualifications Directive. 15 September 2011

for assessing qualifications for their profession be involved in the assessment, structured communication and collaboration with Competent Authorities.

**Reforming the general rules for establishing in another Member State or moving on a temporary basis (see sections 4.2, 4.3 and 4..).**

*Ad 4.2. Free provision of services*

EFPA agrees with keeping the right of the Member State to require a prior declaration from temporary service providers.

*Ad 4.3. General system*

EFPA would like to see a strict application of common standards and to restrict the access to practice in case of significant shortcomings. Such a restriction finds a reasonable ground in the protection of patients and consumers.

EFPA agrees that Member States should justify compensation measures, particularly when these do not follow from the application of common standards.

EFPA notes that aptitude tests can only play a subordinate role in the case of psychologists. Its experience is that in the vast majority of cases where compensatory measures are imposed, the chosen compensatory measure is not an aptitude test but rather an adaptation period (i.e., supervised practice).

*Ad 4.4. Partial access*

EFPA is concerned about partial access in the area of psychology. As is clearly indicated in EuroPsy, the minimum standards for professional qualification in psychology cannot be partialised without negatively affecting service recipients by creating confusion (lack of market transparency) and evoking risks for patients and consumers. Particularly worrisome would be requests for partial access by professionals without sufficient education offering services in psychological assessment or psychotherapy.

**Modernising the system of automatic recognition, notably for nurses, midwives, pharmacists and architects (see sections 4.5, 4.6 and 4.7).**

*Ad 4.5. Automatic recognition based on professional experience*

No comments

*Ad 4.6. Automatic recognition based on minimum training*

EFPA endorses proposals to increase the transparency of training requirements in Member States for sectoral professions, and recognizes the need to update the standards for architects training in a way that is very similar to the EuroPsy training standards for psychologists.

*Ad 4.7. Common training principles – a new regime for automatic recognition*

EFPA welcomes the proposal to replace the “Common Platform” by a “Common Training Framework”. The move from common compensation measures to common exemptions makes sense, particularly in the light of the changing academic training landscape with its growing harmonization and integration (cf Bologna process). For non-sectoral professions it opens the perspective of automatic recognition in the future, which is of interest for psychologists.

However, the CTF needs to be clarified further. Although its current definition mentions knowledge and skills, as well as competences, the CTF seems to apply to the education needed to obtain a basic qualification for which a once-per-lifetime assessment would be required. For many academic professions, including psychologist this would not be sufficient, but professional work activity and continuous professional al

development would also be required. This follows from the fact that the scientific knowledge base of the professions is continuously developing. It is also in line with the principle of life-long learning.

EFPA would prefer a broad conception of the CTF that includes both the basic education-based qualification (1<sup>st</sup> level; to be assessed once-in-a-lifetime) and a qualification based on practice and continued professional development (2<sup>nd</sup> level, to be assessed periodically). EFPA is aware that this 2<sup>nd</sup> level may not be required for all professions and that requirements may be difficult to establish due to divergence of practices within and between Member States. EFPA suggests that the 2<sup>nd</sup> level be applied to cases where the representative professional organizations propose uniform standards.

EFPA notes that the “common training tests” (Art 49a), while a meaningful tool for professions with a confined, well-delineated and stable scope, where equivalent tests can be constructed for different language areas, is of questionable use in the case of the psychological profession.

#### **Offering a legal framework in the Directive for partially qualified professionals and for notaries (see section 4.8).**

##### *Ad 4.8.1. Not fully qualified professionals*

EFPA welcomes the idea of recognizing – on the basis of CTFs – the qualifications of those in need of a (remunerated) traineeship or period of supervised work. It is highly desirable for those who have graduated from a psychology curriculum and who seek to prepare for practice elsewhere in Europe.

##### *Ad 4.8.2. Notaries*

No comments.

#### **Clarifying safeguards for patients whose concerns over language skills and risks of malpractice should be better reflected in the legal framework (see section 4.9.).**

EFPA welcomes the safeguards for patients, but thinks that the issue of patient and consumer protection should be scoped less narrowly as to also include consumers who do not qualify the definition of patients.

Moreover EFPA suggests to define “health” in such a way that it explicitly includes mental health and well-being.

##### *Ad 4.9.1. Language requirements*

The opinion of EFPA regarding language mastery is, that this is an essential and integral part of psychologists’ professional competence. Insufficient mastery of the language of clients will impede the psychologist from adequately exercising the profession. Therefore, EFPA does not see the need for language tests conducted by competent authorities.

However, EFPA would like to see that professionals – not just psychologists – who start exercising the profession in another country are made aware of the legal environment in which they operate and specific obligations pertaining to their profession.

##### *Ad 4.9.2 Alert mechanism*

An alert mechanism for medical professionals prohibited to practice seems desirable from the viewpoint of protecting the public. In the view of EFPA the principle should be extended to other professionals, including psychologists in health care and other areas, whose service offerings might bring harm to clients.

#### **Creating the legal requirement for provision of user-friendly and content-driven information on the rules governing the recognition of qualifications underpinned by comprehensive e-government facilities for the whole recognition process (see section 4.10).**

##### *Ad 4.10. E-governance: Access to information and electronic procedures*

EFPA feels that it is in the interest of mobility, transparency and consumer protection that the availability of information about the qualifications of service providers should not be restricted to episodes of mobility of the service provider and/or the client, but be made available on a permanent basis.

EFPA supports strengthening the role of the Points of Single Contact. It seems that in order for these to function effectively, they should be able to rely on the expertise of professional bodies not only in the individual Member States but also at the European level.

Organizations such as EFPA and their member associations may even be found willing (and are able) to take up a role that is similar but complementary to that of the PSCs. Particularly the professionals themselves will probably find it easier to communicate with their respective professional body.

#### **Launching a systematic screening and mutual evaluation exercise for all regulated professions in the Member States (see section 4.11).**

##### *Ad 4.11. Transparency and mutual evaluation*

EFPA supports the idea that Member States shall proactively identify which professions are regulated and assess the appropriateness of their legislation on access to the regulated professions, taking into account principles of necessity, proportionality and non-discrimination. EFPA feels that protection of patients, clients and consumers should be included as well.

#### **In summary**

According to EFPA the proposal is “A step forward towards automatic recognition, but not sufficient to make the Single Market work for psychologists and their clients.” EFPA’s position can be summarized in the following main points.

1. The European Professional Card linked to the Internal Market Information System will promote transparency and mobility.
2. The Common Training Framework is an important step towards automatic recognition. Psychologists are likely to benefit from this, provided that the level and content of the standards are congruent with those of EuroPsy.
3. The Common Training Framework should not generally be restricted to educational qualifications that can be assessed once-in-a-lifetime (basic qualification, 1<sup>st</sup> level). For certain professions – such as psychologist – it should be extended to include competence and expertise based on practice and continued learning that need periodic assessment (life-long learning, 2<sup>nd</sup> level) for those professions.
4. The possibility for professionals to obtain the European Professional Card in the home country – without the necessity to move – promotes the uniformity of standards needed to enable European citizens to freely choose any member of a given profession.
5. The alert mechanism for health professionals is an important improvement, but it is insufficient to protect clients of professionals outside of the health care system. In line with the principle of consumer protection, the IMI system should be developed further to include alerts on other professions.
6. The recognition of partially qualified professionals should be restricted to cases that are without risks for patients or consumers.
7. It is desirable to recognise – on the basis of CTFs – the qualifications of those in need of a (remunerated) traineeship or period of supervised work.
8. Language mastery is tightly connected with the professional competences of psychologists. Therefore, there is no need for separate language tests conducted by competent authorities.
9. It is desirable that EU Member States provide greater transparency regarding the professions that are regulated and establish Points of Single Contact.
10. Professional organizations that are representative of the profession at the European level can and should play a greater role. They should be consulted on standards for recognition, and have the opportunity to collaborate with or provide advice to competent authorities.

## Annex: EuroPsy and the professional qualifications of psychologists

EuroPsy is a European qualification standard for professional psychologists.

The EuroPsy system was developed by EFPA to promote common qualification standards in the area of psychology. The careful and thorough development took more than 10 years, and the resulting consensus was accepted in 2009 by all of EFPA's 35 national Member Associations, which include all EU Member States with the exception of Romania (which is in the process of becoming a member of EFPA).

EFPA has established a standardized system for evaluating the qualifications of psychologists. The system involves a central European database which is open for public consultation via the Internet and National Awarding Committees supervised by a European Awarding Committee.



EuroPsy  
European Certificate in Psychology

Psychologists can apply for EuroPsy on a voluntary basis in their home country. When they meet the requirements they receive a EuroPsy Certificate stating that they are deemed competent to practice as a psychologist in a defined area of practice, i.e. Health, Education, Work & Organization or Other (includes Traffic, Law, Sports).

EuroPsy aims:

- 1) to guarantee a basic level of qualification of psychologists across Europe,
- 2) to protect patients, clients and consumers seeking and using the services of a psychologist, and
- 3) to promote the mobility of psychologists and their clients

EuroPsy requires:

- a) an academic education of at least five years in accordance with the Tuning Reference Points for Psychology,
- b) demonstration of professional competences acquired by supervised practice of at least one year,
- c) a commitment to an ethical regime, and
- d) engagement in continuous professional development.

The EuroPsy implementation process consists of the following phases:

- I. Phase I (till 2011): Austria, Denmark, Finland, France, Germany, Italy, Norway, Spain and the United Kingdom
- II. Phase II (2012): Czech Republic, Hungary, Latvia, Slovenia, Lithuania and Greece. By the end of Phase II, the EuroPsy [register](#) is expected to hold the names of 3000-4000 psychologists.
- III. Phase III (2013): Cyprus, Ireland, Malta, the Netherlands, Poland, Russia, Slovakia and Turkey.
- IV. Phase IV (2014-...): continued rollout across Europe.

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