

RESPONSE OF EFPA TO THE GREEN PAPER 'MODERNISING THE PROFESSIONAL QUALIFICATIONS DIRECTIVE.

15 September 2011

Preamble

General comments

EFPA welcomes the Green Paper and its explorations into ways to modernize the Qualifications Directive. We agree that a renewed Directive can enhance mobility and thereby make a significant contribution to the realization of the Single Market. At the same time, we see a number of limitations in the scope and approach of the Green Paper that could restrict the effectiveness of the proposals entailed. We offer seven general observations and suggestions for building a stronger and more viable Qualifications Directive.

1. Mobility is just one facet of a well functioning Single Market. Transparency and consumer protection are equally important and should be addressed at the same time. A one-sided emphasis on mobility of professionals does little to improve transparency and can jeopardize consumer protection, particularly in the area of health services, and should therefore be avoided. Professionals who wish to practice a regulated profession in another Member State should meet the same minimal level of competence as the professionals of that Member State.
2. There seems to be a growing resemblance between academic professions in the qualification standards. These standards do not only cover the required education, but also professional competences acquired in supervised practice, continuous professional development and ethical conduct. These standards differ from those of non-academic professions. This diversity among the professions should be taken into account in devising tools for promoting mobility, such as the European professional Card.
3. All professions are in development and differences between Member States in educational and other requirements are quickly being reduced, particularly in the academic professions. Illustrative are: the Tuning project that emerged from the Bologna process, joint degrees in the Erasmus Mundus program and common qualification standards defined by professional associations and organizations at the European level. The use of common qualifications standards (EQF) and metrics (ECTS) is a further example. It is in the interest of transparency and quality within the Single Market to capitalize on these converging trends rather than to keep building on differences that lose their significance over time, even during the transposition of a renewed Directive.
4. In the Single Market, both service providers and consumers can be mobile and electronic media can enhance mobility considerably. Regulating only one type of mobility, i.e. where a small number of professionals are moving from one Member State to another Member State, is therefore insufficient to meet the needs of a future Europe. It does not make sense to ensure that migrating professionals are qualified while ignoring the qualifications of their non-migrating colleagues providing services to mobile clients, or electronically mediated cross-border services. By their very nature, professions differ in

the degree of mobility of those providing services, those seeking services and the variability in provider-client relationships. For instance, tour guides or ski instructors tend to be more mobile (more frequent, short episodes, more places) than clinical chemists or psychologists. The diverging needs for mobility and the barriers to mobility require a differentiated approach to the process of assessing and recognizing qualifications.

5. There are signs that the distinction between professions covered by the sectoral system and those covered by the general system is diminishing. This is at least the case for the academic professions. For instance, physicians are as much in need of continuous professional education as psychologists. This does not imply that automatic recognition for the sectoral professions should be stopped, which would have significant disadvantages, but that semi-automatic recognition for other academic professions – wherever feasible – should be promoted.
6. We realize that the Qualifications Directive must observe the principle of subsidiarity and that it is inevitable to address the differences in qualification standards that constitute Europe's professional legacy. At the same time, we note that the Europe2020 strategy calls for a future oriented approach of the Single Market. We infer that in order to support the Single Market, the Qualifications Directive needs mobility measures that go beyond accommodating past differences.
7. In the view of EFPA, providing information about the qualifications of service providers should be a permanent function and not be limited to episodes of mobility of the service provider and/or the client.

Professional qualifications of psychologists

EFPA welcomes the development of a European Professional Card (ECP), and strongly believes that to maximize effectiveness it should – as far as psychologists are concerned – be based on the 'EuroPsy' system.

EFPA has developed this system over the past dozen years and it has been accepted in 2009 by its 35 national Member Associations, which include all EU Member States with the exception of Romania (which is still to become a member EFPA).

EFPA Member Associations represent the professional associations of psychologists in the following countries: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Russia, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey and the United Kingdom.

EuroPsy is a qualification standard for professional psychologists. 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; (d) engagement in continuous professional development.

EFPA has established a system for evaluating the qualifications of psychologists. The system involves National Awarding Committees supervised by a European Awarding Committee. Psychologists can apply for EuroPsy on a voluntary basis. 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 uses a central European database, which is open for public consultation via Internet.

The implementation of EuroPsy is being implemented in three phases.

- Phase I (current stage): France, Norway, Austria, Italy, Spain and Finland.
- Phase II (2011-12): Czech Republic, Denmark, Germany, Hungary, Latvia, Slovenia and United.
- Phase III (2012-13): Cyprus, Greece, Ireland, Lithuania, Malta, Netherlands, Poland, Russia, Slovakia and Turkey.

Answers to questions

Question 1: *Do you have any comments on the respective roles of the competent authorities in the Member State of departure and the receiving Member State?*

Involving the competent authorities in the Member State of departure in issuing an EPC or recognizing a professional's qualifications may help to facilitate mobility. Yet, evaluating applicants on a case-to-case basis, regardless whether it takes place in the Member State of departure or the receiving Member State, is prone to constitute a bottleneck, since the competent authorities need specialized criteria and standards, as well as expertise and capacity for evaluation.

A system like EuroPsy, developed and maintained by a representative and formally recognized European professional association, can be very instrumental in removing this bottleneck. This advantage will be even more significant in cases where professionals have gained qualifications in more than one country. As such, an approach based on co-operation with European professional associations would also facilitate a higher degree of mobility within the field of higher education. Another advantage would be that such an approach (with one European database) would allow for better follow-up, e.g. regarding the consequences of ethical misconduct.

Question 2: *Do you agree that a professional card could have the following effects, depending on the cardholder's objectives?*

a) The card holder moves on a temporary basis (temporary mobility):

- Option 1: the card would make any declaration which Member States can currently require under Article 7 of the Directive redundant.

Yes. This is certainly an option, and it would be attractive in cases where e.g. a psychological experts from another country would travel for short-term consultation or intervention.

- *Option 2: the declaration regime is maintained but the card could be presented in place of any accompanying documents.*

Yes. This is also an option.

b) The card holder seeks automatic recognition of his qualifications: presentation of the card would accelerate the recognition procedure (receiving Member State should take a decision within two weeks instead of three months).

Yes.

c) The card holder seeks recognition of his qualifications which are not subject to automatic recognition (the general system): presentation of the card would accelerate the recognition procedure (receiving Member State would have to take a decision within one month instead of four months).

Yes. In the case of a qualification like EuroPsy, recognition by competent authorities in both countries could be speeded up even more, since reassessment would be unnecessary ("semi-automatic recognition").

Question 3: *Do you agree that there would be important advantages to inserting the principle of partial access and specific criteria for its application into the Directive? (Please provide specific reasons for any derogation from the principle.)*

This will apparently differ with the type of profession. For psychology, we see only disadvantages of the system of partial take up. The EuroPsy standard is a minimum standard. Fulfilling activities in the home Member State that are part of the psychologists profession as defined by EuroPsy should not be a sufficient ground for fulfilling these activities in a host Member State where EuroPsy is applied. It would imply a total lack of transparency and unacceptable risks for consumers or patients. A case in point would be the admission of service providers who practice as psychotherapist in their home country (e.g., Austria) under a law that has no equivalent in most other EU Member States.

Question 4: *Do you support lowering the current threshold of two-thirds of the Member States to one-third (i.e. nine out of twenty seven Member States) as a condition for the creation of a common platform? Do you agree on the need for an Internal Market test (based on the proportionality principle) to ensure a common platform does not constitute a barrier for service providers from non-participating Member States? (Please give specific arguments for or against this approach.)*

Lowering the threshold may or may not help. We find it worth exploring. We are not against a Single Market test, as long as it is complemented by a Quality Test and a Consumer Protection test to avoid that the Single Market test would lead to competition for the lowest education standards and lowest quality. Particularly in the domain of psychology where

clients are often in a precarious position, this would be most unwanted from the viewpoint of consumer and patient protection.

Question 5: *Do you know any regulated professions where EU citizens might effectively face such situations? Please explain the profession, the qualifications and for which reasons these situations would not be justifiable.*

We are not aware of such situations. As stated above, the proposed 'EuroPsy' qualification standard for psychologists has been accepted in 2009 by its 35 national Member Associations, which include all EU Member States with the exception of Romania. Moreover, this entirely voluntary and consensus-based standard has also inspired several universities and professional associations to make improvements to their training and supervision programs – which illustrates that it is found to be much more than justifiable by all stakeholders.

Question 6: *Would you support an obligation for Member States to ensure that information on the competent authorities and the required documents for the recognition of professional qualifications is available through a central on line access point in each Member State? Would you support an obligation to enable online completion of recognition procedures for all professionals? (Please give specific arguments for or against this approach)*

Yes, information on the competent authorities and the required documents should be available through a central on line access point. This could indeed be set up on a national basis across various professions. However, in our opinion there are more benefits to be gained by setting up a European level access point per specific profession – e.g., through a formally recognized European representative association (cf. our answer to question 1).

On-line completion of applications will be increasingly acceptable as well, but is sensitive to fraud. It depends on which information will be needed. We prefer a model where professional associations do a primary, in-depth evaluation of qualifications and the results are submitted to the competent authority for a much more simple, secondary evaluation.

Question 7: *Do you agree that the requirement of two years' professional experience in the case of a professional coming from a non-regulating Member State should be lifted in case of consumers crossing borders and not choosing a local professional in the host Member State? Should the host Member State still be entitled to require a prior declaration in this case? (Please give specific arguments for or against this approach.)*

No, we do not favor such a waiver, as it would create intransparency and unequal standards, which might jeopardize consumers or patients.

Question 8: *Do you agree that the notion of "regulated education and training" could encompass all training recognized by a Member State which is relevant to a profession and*

not only the training which is explicitly geared towards a specific profession? (Please give specific arguments for or against this approach.)

This might in exceptional cases apply to psychologists. However, we fear that determining the relevance of a particular training will prove to be difficult and subjective and this may result in a decrease of quality.

Question 9: *Would you support the deletion of the classification outlined in Article 11 (including Annex II)? (Please give specific arguments for or against this approach).*

Yes. We do not consider this classification adequate to assess qualification levels of psychologists, and prefer replacement by the EQF system.

Question 10: *If Article 11 of the Directive is deleted, should the four steps outlined above be implemented in a modernised Directive? If you do not support the implementation of all four steps, would any of them be acceptable to you? (Please give specific arguments for or against all or each of the steps.)*

For psychologists the requirements of EuroPsy are sufficiently transparent and fair. Compensation measures should be proportionate and limited to parts of the education and training and/or the amount of supervised practice that are lacking. None of the four steps is adequate for the case of psychologists.

Question 11: *Would you support extending the benefits of the Directive to graduates from academic training who wish to complete a period of remunerated supervised practical experience in the profession abroad? (Please give specific arguments for or against this approach.)*

Yes, we feel that graduate mobility is an essential part of the future Europe and that it is already very much needed today. We see no reasons why a psychology graduate should not be permitted to conduct supervised practice in any other Member State (provided sufficient language mastery to communicate with clients and/or stakeholders).

Question 12: *Which of the two options for the introduction of an alert mechanism for health professionals within the IMI system do you prefer? Option 1: Extending the alert mechanism as foreseen under the Services Directive to all professionals, including health professionals? (The initiating Member State would decide to which other Member States the alert should be addressed.) Option 2: Introducing the wider and more rigorous alert obligation for Member States to immediately alert all other Member States if a health professional is no longer allowed to practise due to a disciplinary sanction? (The initiating Member State would be obliged to address each alert to all other Member States.)*

This may differ with the type of profession. For health professionals in general and for psychologists we would favor the second approach.

Question 13: Which of the two options outlines above do you prefer? Option 1: Clarifying the existing rules in the Code of Conduct; Option 2: Amending the Directive itself with regard to health professionals having direct contact with patients and benefiting from automatic recognition.

We would prefer option 1. It is preferable to have general rules that apply to all professionals, and not just an arbitrary subset.

Question 14: Would you support a three-phase approach to modernisation of the minimum training requirements under the Directive consisting of the following phases: - the first phase to review the foundations, notably the minimum training periods, and preparing the institutional framework for further adaptations, as part of the modernisation of the Directive in 2011-2012; - the second phase (2013-2014) to build on the reviewed foundations, including, where necessary, the revision of training subjects and initial work on adding competences using the new institutional framework; and - the third phase (post-2014) to address the issue of ECTS credits using the new institutional framework?

This seems a reasonable approach to us.

Question 15: Once professionals seek establishment in a Member State other than that in which they acquired their qualifications, they should demonstrate to the host Member State that they have the right to exercise their profession in the home Member State. This principle applies in the case of temporary mobility. Should it be extended to cases where a professional wishes to establish himself? (Please give specific arguments for or against this approach.)

Given that the rights to exercise a profession are different for various professions and in various Member States, this seems to be an unpractical approach that may create lack of clarity, anxiety, paper work, and does not fulfill the purpose. Moreover, it would be open to fraud.

Question 16: Would you support clarifying the minimum training requirements for doctors, nurses and midwives to state that the conditions relating to the minimum years of training and the minimum hours of training apply cumulatively? (Please give specific arguments for or against this approach.)

This seems reasonable to us.

Question 17: Do you agree that Member States should make notifications as soon as a new program of education and training is approved? Would you support an obligation for Member States to submit a report to the Commission on the compliance of each programme

of education and training leading to the acquisition of a title notified to the Commission with the Directive? Should Member States designate a national compliance function for this purpose? (Please give specific arguments for or against this approach.)

We think the process should be the other way around and start from the professional field. It could be a sequel to harmonization in the educational realm (e.g., by the way of Tuning reference points) and then affect several countries at the same time.

Question 18: *Do you agree that the threshold of the minimum number of Member States where the medical speciality exists should be lowered from two-fifths to one-third? (Please give specific arguments for or against this approach.)*

Yes, because of innovations and not all Member States moving at the same speed.

Question 19: *Do you agree that the modernisation of the Directive could be an opportunity for Member States for granting partial exemptions if part of the training has been already completed in the context of another specialist training programme? If yes, are there any conditions that should be fulfilled in order to benefit from a partial exemption? (Please give specific arguments for or against this approach.)*

Yes.

Question 20: *Which of the options outlined above do you prefer? Option 1: Maintaining the requirement of ten years of general school education Option 2: Increasing the requirement of ten years to twelve years of general school education*

We have no opinion on this and expect this question to be answered by professional associations for which it has direct relevance.

Question 21: *Do you agree that the list of pharmacists' activities should be expanded? Do you support the suggestion to add the requirement of six months training, as outlined above? Do you support the deletion of Article 21(4) of the Directive? (Please give specific arguments for or against this approach.)*

We have no opinion on this and expect this question to be answered by professional associations for which it has direct relevance.

Question 22: *Which of the two options outlined above do you prefer? Option 1: Maintaining the current requirement of at least four years academic training? Option 2: Complementing the current requirement of a minimum four-year academic training by a requirement of two years of professional practice. As an alternative option, architects would also qualify for automatic recognition after completing a five-year academic programme, complemented by at least one year of professional practice.*

For academic education, we prefer the 5+1 model (option 2), which is part of EuroPsy.

Question 23: *Which of the following options do you prefer? Option 1: Immediate modernisation through replacing the ISIC classification of 1958 by the ISIC classification of 2008? Option 2: Immediate modernisation through replacing Annex IV by the common vocabulary used in the area of public procurement? Option 3: Immediate modernisation through replacing Annex IV by the ISCO nomenclature as last revised by 2008? Option 4: Modernisation in two phases: confirming in a modernised Directive that automatic recognition continues to apply for activities related to crafts, trade and industry activities. The related activities continue to be as set out in Annex IV until 2014, date by which a new list of activities should be established by a delegated act. The list of activities should be based on one of the classifications presented under options 1, 2 or 3.*

We have no opinion on this and expect this question to be answered by professional associations for which it has direct relevance.

Question 24: *Do you consider it necessary to make adjustments to the treatment of EU citizens holding third country qualifications under the Directive, for example by reducing the three years rule in Article 3 (3)? Would you welcome such adjustment also for third country nationals, including those falling under the European Neighbourhood Policy, who benefit from an equal treatment clause under relevant European legislation? (Please give specific arguments for or against this approach.)*

EuroPsy is supported beyond the Member States of the EU. The requirements are roughly equivalent to those in other parts of the world, including the US, Australia and New Zealand. We would not favor any special adjustments for EU citizens holding third country qualifications.

EFPA, September 2011