

Common platforms

Introduction

On 7 September 2005, the European Parliament and the Council adopted a new Directive on the recognition of professional qualifications (OJ L255 of 30.9.2005).

Article 15 of this Directive aims to facilitate the recognition of professional qualifications on the basis of common platforms.

The purely voluntary nature of these common platforms must not be forgotten. On the one hand, the professional associations or bodies concerned are in no way required either to establish a platform or to present it to the Commission with a view to transforming it into a Community act that is binding upon the Member States. On the other hand, a fully qualified professional who does not satisfy the criteria of the platform would continue to benefit from the rules on recognition, but could be required to comply with compensatory measures.

Legal context

- *General system for the recognition of professional qualifications*
- *Non harmonised professions*
- *Mutual recognition*
- *Compensation measures*

The provision on common platforms is included in Article 15 of the Directive under Title III, Chapter I which concerns the general system of recognition. Accordingly, this provision applies to professions for which the minimum training conditions are not subject to co-ordination at EU-level.

The professions concerned are subject to a regime of « mutual recognition », according to which each Member State remains competent to regulate (or not) professions on its territory, whereas it shall in principle recognise the qualifications acquired in the other Member States.

Given the absence of harmonisation and the differences which may therefore exist between the qualifications in the various Member States (in terms of duration and/or content of training), the Directive allows Member States to require a compensation measure from the migrant (an aptitude test or an adaptation period).

In this context, the new provision on common platforms aims at facilitating the free movement of professionals, on the one hand by simplifying the case-by-case assessment of individual applications by the competent national authorities and, on the other hand, by providing increased legal security to the migrant concerning the outcome of his/her application.

Stage 1: Inventory of national regulations

- *In which Member States is the profession regulated with regard to qualifications?*
- *What level of qualification is required/provided in the various Member States?*
- *What are the areas of activities of the profession and the content of the training in the various Member States?*

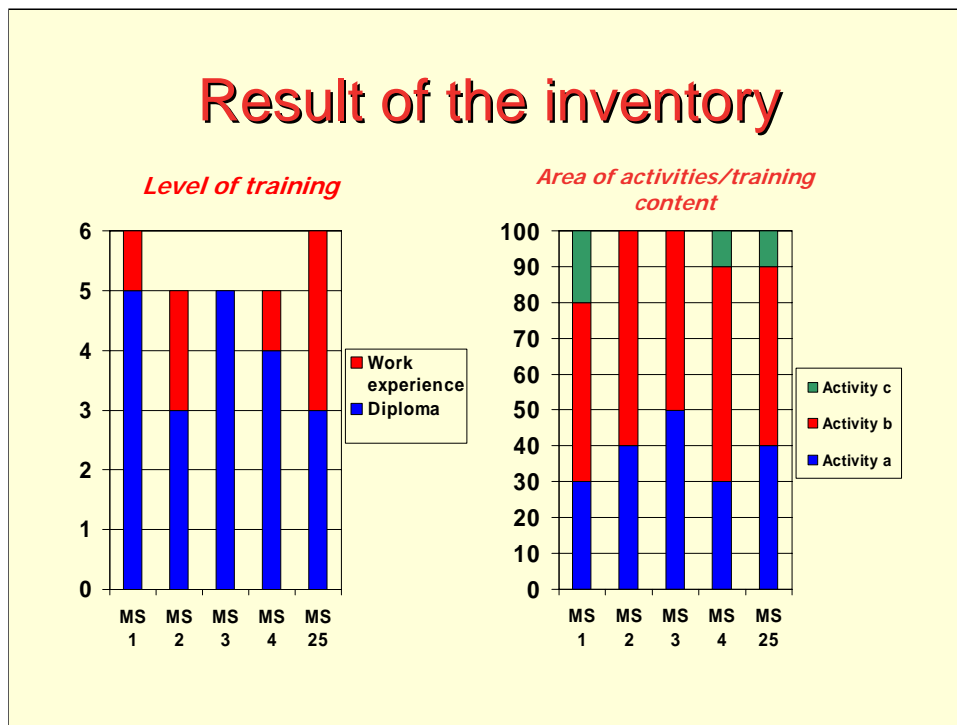
The concept of common platform is defined in Article 15(1) as a collection of criteria on professional qualifications able to bridge the substantial differences between the training conditions in the different Member States. These criteria must be established in such a manner that Member State A, which may have higher training requirements than the training provided in Member State B, would not be justified in requiring a professional from Member State B to take a test or undergo further training because, in compliance with the criteria of the platform, this professional will already have compensated for the differences in question in advance.

Consequently, the criteria in question must be understood to be predefined « compensation measures ».

Establishing a platform therefore requires firstly that a precise inventory be compiled on the existing situations in the different Member States, encompassing various aspects:

- “In which Member States is the profession regulated?”: Article 15(1) does in fact require that substantial differences requiring compensation be identified by comparing the training provided in at least 2/3 of the Member States, including all the Member States which regulate the profession with regard to qualifications.
- “What level of qualification is provided or required in the various Member States?”: the other aspect to be covered by the common platform (certainly the easiest) concerns the differences in terms of the duration or level of the training.
- “What are the profession’s area of activities and the content of the training in the various Member States?”: the principle of recognition only applies if the professional wishes to exercise in the host country the same profession for which he or she is qualified. However, this same profession is determined in reference to the activities covered. Furthermore, Article 15 (1) specifies that the platform must also cover the differences in terms of training content, which may be related to differences in the area of activities.

Result of the inventory

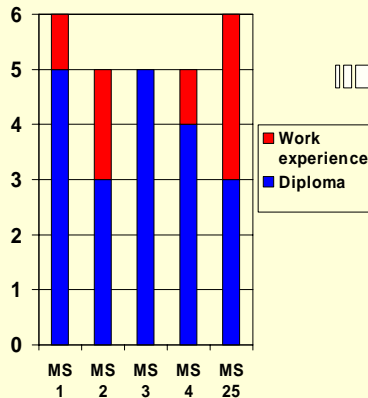


The inventories compiled as described above will provide the information needed to establish a platform that meets the requirements of the Directive:

- **Level of training:** the inventory will show the level of training that is provided or even compulsory in each Member State, as well as the different training modules required to be a fully qualified professional (academic training, traineeship, professional experience, ...).
- **Area of activities/content of the training:** these inventories will precisely document the differences in terms of the area of activities for the given profession. In this way, it will be apparent that one or other activity constitutes a more or less important component for the profession depending on the country, or even that an activity covered by the profession in certain Member States may not be included in the profession as it is defined in another Member State. In principle, the training content should vary in consequence.

Stage 2 : Establishing the platform

Level of training



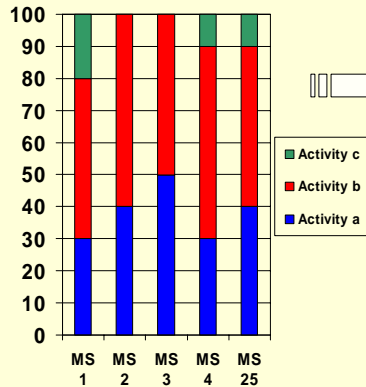
- Training of an overall minimum duration of 6 years
- Minimum diploma Bac +3
- Minimum 1 year of professional experience
- Flexibility over the two remaining years (academic training, work experience, traineeships, etc.)

Once the precise inventory has been compiled, the platform can be established on the basis of the information collected on the situation of profession in the various Member States. It must be emphasised that the purpose of the platform cannot in any way be to force national authorities to modify nor to harmonise their national legislation. This is explicitly stated in Article 15(4) of the Directive. The purpose of the platform is to “predefine” the qualification criteria able to overcome the differences between the various national training courses so as to obviate the need for any compensatory measure.

•Level of training: for Member States with higher requirements in terms of the level of training to be able to waive compensatory measures, the platform must guarantee that the professional has genuinely acquired the required level of training. As regards defining the different components of the professional qualification, the platform should take into account the training structures of the greatest number of Member States, and especially all those that regulate the profession.

Stage 2: Establishing the platform

Training content



- Preparation for activities a, b and c
- Activity a at least 30 %
- Activity b at least 50 %
- Activity c at least 10 %
- Flexibility as to the remaining 10 % (a, b or c)

- Training content: the Member States that regulate the profession will only be able to waive the requirement to pass a test or complete a traineeship if the criteria established by the platform provide the guarantee that the qualification of the professional in question prepares him or her to exercise all the activities covered by the profession. Furthermore, the platform should take account of the relative importance of each activity in the greatest possible number of Member States, and without fail in all those that regulate the profession.

Stage 3 : Adopting the platform

- *Presenting the platform to the European Commission*
- *Consulting the Member States – Discussing the platform within the Group of Experts*
- *Submitting a set of draft measures to the “Article 58 Committee”*
- *Adoption of a Commission decision*
- *Following-up the Commission decision*

The procedure for adopting the common platform is set out in Article 15(2) of the Directive.

• Once the platform has been established by a professional association or organisation that represents the profession at national and European level, the association/organisation can submit it to the European Commission. Article 15(2) also confers upon the Member States the possibility of submitting a platform to the Commission.

• It is up to the Commission to check whether the common platform is such as to facilitate the recognition of professional qualifications. It therefore consults the Member States to this end. In practice, the platform will be discussed within a Group of Experts. This group will be composed of members selected from the competent national authorities. Depending on the agenda, additional experts with specific competencies regarding the issues to be addressed may be designated to supplement the group. Furthermore, the professional association or organisation that submitted the platform could be invited to present it to the Group. On the basis of the discussions within the Group of Experts, the professional association or organisation could be requested to make amendments to the common platform.

• If the Commission considers that the platform is such as to facilitate the recognition of professional qualifications, it can submit a set of draft measures to the Committee established by Article 58 of the Directive, with a view to its adoption. This Committee is composed of representatives from the Member States and chaired by the Commission.

• The Committee's remit is to rule by qualified majority on the set of draft measures that have been referred to it (according to the regulation procedure provided for in Article 5 of Council Decision 1999/468/EC). Once it has been adopted in the form of a Commission decision, the platform has legal force as described in Article 15(3). Accordingly, no compensation measure can be required from a professional whose qualifications meet the criteria of the platform.

• Lastly, Article 15(5) provides for the possibility of re-examining a platform if a Member State considers that it no longer offers sufficient guarantees as regards professional qualifications. In such a situation, the professional association or organisation that submitted the platform could be invited to the Expert Group to examine such a request. Depending on the case, this re-examination could lead to an amendment of the Commission decision, or even to its abrogation.