



Brussels, 15 June 2012
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To MEPs:

Bernadette VERGNAUD, Constance LE GRIP, Cristian Silviu BUȘOI, Emilie TURUNEN, Emma MCCLARKIN, Mikael GUSTAFSSON, Matteo SALVINI.

European Parliament
60 Rue Wiertz
1047 Brussels

via e-mail

Re: Proposed amendments by ETUC, ETUCE, EPSU, EUROCADRES and CEPLIS on the Professional qualification Directive 2005/36/EC

Dear Sir, Madam,

You will be soon dealing with the Commission's proposal to revise the above mentioned Directive.

The **ETUCⁱ, ETUCEⁱⁱ, EPSUⁱⁱⁱ, EUROCADRES^{iv} and CEPLIS^v** and their affiliated member organisations attach a great interest to this revision, which should facilitate the mobility of the professionals around Europe.

In view of the input that the European Parliament will deploy to this piece of legislation, we want to draw your attention to what in our view are the **key issues**, and which amendments therefore should be considered to improve the current text.

Please find enclosed the joint statements of the European social partners in hospital/health and in education sectors as well as Ceplis and Eurocadres joint position. A full list of the amendments proposed is also attached to this letter.

In our view the revision should:

- Contribute non-national employees having obtained their recognition to receive equal and fair treatment at the workplace as the national employees. **We propose to amend "1. Context and Aim of the proposal / 1.1. General context/paragraph 2"**
- Strengthen social partners and professional associations' role at both European and national level in the adoption and implementation of acts related to the European Professional Card, on decisions on providing partial access to professionals and on common training frameworks. **We propose to amend Article 4a/6, 4b/4, 4e7, 4f1, 4f3, 49a**
- Adopt a gender neutral language throughout the text of the Directive. **We propose to amend "1. Context and Aim of the proposal / 1.1. General context/Paragraph (10)" and accordingly: Paragraph (17),**

Art.3/1/k,Art.4/1, Art. 4.a/1, Art.4.a/4 and 8, Art. 4c/3, Art. 4.e/5 (3 times),Art.5 paragraph 1/b, Art.7 paragraph 4 (twice), Art.8 paragraph 1, Art.11.d and e, Art.14 paragraph 1,5, 6d and 6e, Art.50/3a

- Address the need to safeguard the qualification of teachers and educational employees which has to be recognised in conjunction with the national requirements on teaching and on the provision of educational services of the host country. **We propose to amend "1. Context and Aim of the proposal / 1.1. General context/Paragraph (8)"**
- Make sure that the cost of the card for the applicants is zero and that language testing are free. **Delete Article 4a/7 and amend Article 53 paragraph 1 and text of Grounds for the proposal/ initiative/ 6.5.1. Requirement(s) to be met in the short or long term**
- Extend systematic language control to all professions and not only the ones in the medical sector in order to ensure the quality of service and safety during the service provision. **Amend Article 53 paragraph 1**
- In case of professions with patient safety implications, ensure a maximum of patient health and safety levels, functioning communication amongst colleagues and the capacity of correct documentation of work processes by systematically assessing language competences of the applicants. **Amend Article 53 paragraph 2**
- Extend the alert mechanism to all professionals in case there is a conduct against the professional and after a decision of the competent authority to prohibit the pursuit of the relevant professional activity, whose work would have negative effect not only on the health and safety of the people and the environment, but also the generally on any citizens and consumers. **Amend Article 56a paragraph 2**
- Review the existing rule of the prior declaration and the new initiative on temporary card. We ask to change the expressions "temporary regime" and "temporary card" in all parts of the Amendment of the Directive to "temporary and occasional mobility regime" and "temporary and occasional card", taking into account that the term "temporary and occasional" was mentioned at numerous cases in the 2005 Directive, namely in paragraph 5, 6, Art.5/2 and Art. 7/1. Furthermore, we request the Commission to explain in the Directive what the Commission means under temporary and occasional period of provision of service. **We propose to amend Article 4c**
- Avoid a relaxation of rules, short deadlines for competent authorities and a lighter regime for health professionals providing services temporarily in another country, also if this is being done by means of an EPC; make sure that the applications for temporary and occasional provision of service are checked up by the host competent authorities before providing permit to work under the temporary regime as proposed in the 2005 Directive and finally Member States should provide a list to the European Commission on certain professions for whom working with the temporary mobility card and under the prior declaration regime must go through a strict prior check, only by which the provision of service would be possible. **We propose to amend with new text in Article 4c1 and 4d1**
- Oppose the introduction of partial access for the sectoral professions falling under the regime of automatically recognised professions and for health professions in general and reject the case-by-case approach suggested by the proposal. **We propose to amend Article 4f2**
- Ensure a maximum level of patient safety and health. **We propose to amend Article Art. 7, 4. 3rd paragraph, 3rd sentence**

- Establish that professionals having obtained a qualification many years ago but not having worked in the same profession or in the same economic sector for a longer period to be requested by the competent authority to provide evidence of recent practice according to the requirements applicable to those working in the host country in the same profession. Furthermore ensure that Member States have in place systems that facilitate access to continued professional development. **We propose to amend Article 22 and 22b**
- Ensure a reliable, trust-creating and transparent process, system and cooperation of competent authorities in the home and host Member State. Once this is achieved procedures should be speeded up. **We propose to amend Article 4f2**

We trust in your support and we remain at your disposal should you need any further clarification with regard to the proposed amendments.

Yours sincerely,

For ETUC



Luca Visentini
Confederal
Secretary

For EPSU



Carola Fischbach-
Pyttel
General Secretary

For ETUCE



Martin Rømer
European
Director

For Eurocadres



Carlo Parietti
President

For CEPLIS



Jacques
Reignault
President

ⁱ The **European Trade Union Confederation** (ETUC) speaks on behalf of 85 national trade union organisations from 36 European countries, as well as 12 European trade union federations, making a total of 60 million members, plus observer organisations in Macedonia, Serbia, and Bosnia and Herzegovina (www.etuc.org)

ⁱⁱ The **European Trade Union Committee for Education** (ETUCE) represents 135 Teacher Unions and 12.8 million teachers in all countries of Europe, 5.5 million teachers in the EU, from all levels of the education sector. ETUCE is a Social Partner in education at the EU level and a European Trade Union Federation within ETUC. ETUCE is the European Region of Education International, the global federation of teacher unions (http://etuce.homestead.com/etuce_en.html).

ⁱⁱⁱ **EPSU** represents a total of about 8 million workers in more than 270 trade unions in 47 countries across Europe. 60% of the members of EPSU's affiliates are women. EPSU organises workers in the energy, water and waste sectors, local and national administration, and health and social services (3.5 million affiliates), in all European countries including in the EU's Eastern Neighborhood. EPSU is the recognised regional organisation of Public Services International (<http://www.epsu.org>).

^{iv} With more than 15% of employees holding professional or managerial position, **EUROCADRES** represents almost 6 million employees in all sectors of business, in industry as well as in the civil and public services (www.eurocadres.org)

^v The **European Council of the Liberal Professions** (CEPLIS) is the only inter-professional association bringing together the liberal professionals at the Community level. Its members are European associations aiming at representing a single profession to the institutions of the EU and national associations grouping all the liberal professions at the level of Member States. (<http://www.ceplis.org>)