

CEPLIS and UKIPG Response to Public Consultation on RPQ Directive

The European Council of the Liberal Professions (CEPLIS) is the single international forum bringing together at the Community level European and national organisations of the Liberal Professions. Its members are inter-professional federations of professional bodies in individual EU Member States and mono-professional organisations representing professional associations and regulators at EU level. CEPLIS does not represent individual practitioners. It is their professional or regulatory bodies that are members of, or are associated with, CEPLIS.

These bodies include the inter-professional federations of France (UNAPL), the UK (UKIPG), Spain (UP), Italy (Confprofessioni), Ireland (IIPA), Belgium (UNPLIB), Romania (UPLR), Malta (MFPA), etc, who have within their membership the national organisations of most of the professions; as well as the organisations representing at the European level the professions of Nurse (FEPI), Psychologist (EFPA), Engineer (ECEC & FEANI), clinical Chemist (EC4), Surveyor (CLGE), etc. At the same time, many national or oversight regulatory bodies of our professions, such as for example those of the Italian Physicians and Dentists (FNOMCeO), the French Radiologists (FNMR), the French Expert-Accountants, the United Kingdom Council for Healthcare Regulatory Excellence (CHRE) or the Nursing and Midwifery Council (NMC) of the UK participate in the activities of CEPLIS, as correspondent organisations.

The professional or regulatory bodies active in all sectors, represented within CEPLIS act as employers to thousands of persons across the EU and contribute substantially to the efficiency and quality of the European economy. As an example of the range of CEPLIS, its most recent work on Continuous Professional Development (CPD) among European Professions elicited responses from 62 professional registers, coming from 17 Member States. Our Council also sponsors a European Institute for Research on Liberal Professions (centred on the University of Leeds in the UK), comprising a number of independent universities across the member states which collaborate to mutually support and peer-review research related to professional activities.

The professions represented within CEPLIS are of course directly concerned by the revision process of the European Directive relating to the Recognition of Professional Qualifications. Our Members are grateful to the European Commission, and in particular to the Directorate-General on the Internal Market, for its availability to discuss with us in depth all the issues raised by the public consultation and remain of course at the Commission's disposal in order to assist with developing further some of the ideas included in our answers.

This response is also the response of the UK Inter Professional Group (UKIPG), which has collaborated with CEPLIS in developing this detailed but general response. Individual UKIPG member bodies will have specific points to highlight in their own responses, but are content to be associated with this CEPLIS and UKIPG overarching response.

Q1. Do you have any suggestions for improving citizen's access to information on the recognition processes for their professional qualification in another Member State?

A1. The key to success in this area is making the existence of the Directive known to all professionals, by enlisting the aid and mutual cooperation of competent authorities, professional associations and consumer bodies to make the processes open and transparent (nowadays mainly through web-site links). The next requirement is to make the existence and contact details of National Contact Points, Points of Single Contact (for 2006/123/EC), and National SOLVIT Centres well known, by links (and some editorial direction) from 'home pages' of all Competent Authority and Professional Association and Inter Professional Association web-sites, as well as from those maintained by the European Community in Member States. Also, the first opportunity to raise awareness in future professionals is likely to be during their HE course; HEIs must therefore be encouraged to be active in this field, particularly when explaining professional recognition of courses, and the significance of EUROPASS Diploma Supplements etc to prospective and new students.

Unfortunately, there is evidence of some lack of awareness among those who should know (eg officers of professional associations) of these links and of the 'Code of Conduct' itself, and sometimes a lack of mutual cooperation between different bodies in the same field. CEPLIS will do what it can, through its own events, to improve awareness and mutual cooperation. However, efforts need to be made to ensure the best possible mutual communication between National Coordinators and professional representatives, ideally through the provision of interactive workshops and other training initiatives.

Q2. Do you have any suggestions for the simplification of the current recognition procedures? If so, please provide suggestions with supporting evidence.

A2. The basic problem is that the current recognition procedures have evolved piece by piece, as the EU has grown and the range of conflicting interests has multiplied, over the years. Complications have tended to be added both to achieve political agreement as the deadline for legislation approaches, and later by *ad hoc* decisions of the ECJ which, in the long term, add complications. Although it might have been an aim, the Directive does NOT truly consolidate and simplify 15 previous Directives.

It would be better if the successor to 2005/36 could be a true 'new beginning', taking the EU as it is, and not as it was or even how some people might wish it to be. There cannot possibly be a need to recognise 4,700 different 'professions' and 'occupations' as separate entities, or even 800 categories.

Instead, we should take the 'EQF approach', with the core development of an associated '**European Professional Framework**' (EPF), itself a meta-framework of outcomes, competences and levels, against which national and Europe-wide

professional qualification routes and outcomes could be matched and accredited, and specific and specialised skills of professionals be certified. Key parts of an emerging EPF can be related to the 'Levels' and statements of 'Knowledge', 'Skills' and 'Competence' of Annex II of the EQF (2008), using work done for the Tuning and CoRe Projects, whilst others could be related to the EU's eight 'Key competences for lifelong learning' (2006). The aim would be to show how different pathways can lead to comparable results. Additionally, there is a foundation for a 'professional ethics' section, derived from CEPLIS work already done for the Services Directive on '*Common Values of the Liberal Professions*'.

The Commission has already tasked GHK Consulting with a study evaluating the Professional Qualifications Directive against recent educational reforms in EU Member States. CEPLIS strongly recommends that they be asked to focus on how a useable meta-framework ('EPF') could emerge from these developments. This, plus wider publication of what truly is possible (eg through easy-to-use NCPs and mutual training), is ultimately the key to simplification.

Q3. Should the Code of Conduct be enforceable? Is there a need to amend the contents of the Code of Conduct? Please specify and provide reasons for your suggestions.

A3. The way to make the essential principles enforceable is to make them as clear as possible in the Directive in the first place. However, as with all primary legislation, its application has to develop as the world in which it works changes. There is, therefore, a role for a 'Code of Practice' developed and updated by those involved in making the system work, which aims to share good emerging practice, and to give mutual guidance on the issues most commonly referred to National Coordinators, National SOLVIT Centres and the Commission for resolution. There are, however, some matters referred to later in this document (eg *mutual alerting*) which must be enforceable – therefore must be explicit in the Directive itself. Additionally, some competent authorities are concerned that the current 'Code of Conduct' does not provide sufficient protection against current levels of document and identity fraud, and needs to be strengthened to protect consumer safety.

[The term 'Code of Conduct' must not be used in this context, as it has a completely different understanding in most professional bodies, and indeed in Directive 2006/123/EC, where it relates to professional ethics.]

Q4. Do you have any experience of compensation measures? Do you consider that they could have a deterrent effect, for example as regards the three years duration of an adaptation period?

A4. CEPLIS is a network of professional associations and professional regulatory bodies across Europe, either Europe-wide mono-professional organisations or

national inter-professional organisations. Many of those member bodies are Competent Authorities or Professional Associations for regulated professions; between them, they have vast experience of both applying compensation measures to incoming professionals, and of the effect of compensation measures on their own registrants or members seeking to work elsewhere. This is well articulated in the Experience Reports to the Commission. Because there is less to argue about in the 'automatic recognition' areas, most difficulties arise under the General System. Because there is less certainty about comparisons of 'competence' than about academic levels under Article 11, compensation measures relating to specialist training, development and experience tend to be at the root of difficulties. Moreover, the majority of SOLVIT Centre referrals are focused on relatively few MS. The present system, devoid of an agreed outcomes-based framework, can lead to 'protectionism' or legal process.

Some objective data should be accessible from National SOLVIT Centre referrals. Also, the Commission and the National Coordinators should ensure that all concerned in the professions are aware of the 'Experience Reports', and so be able to look for evidence of trends in their area of special interest. Ultimately, there will be necessary and reasonable variations between professional areas, as there are significant differences in the level, content and range of formation, and also in the detrimental consequences of inadequate practice.

Q5. Do you support the idea of developing Europe-wide codes of conduct on aptitude tests or adaptation periods?

A5. **No.** What we need is a European Professional Framework to enable comparisons to be criterion-referenced, thereby reducing the need for compensation measures in many cases. Where there is a need, it should be clear which outcomes need to be achieved (not how long or what kind of training or experiential learning).

[The term 'Code of Conduct' must not be used in this context, as it has a completely different understanding in most professional bodies, and indeed in Directive 2006/123/EC, where it relates to professional ethics.]

Q6. Do you see a need to include the case-law on 'partial access' into the Directive? Under what conditions could a professional who received 'partial access' acquire full access?

A6. Whilst we can see how some special cases have given rise to ECJ referrals, the ultimate answer must be a strong '**No**'. This really needs to be addressed at source, otherwise it can be used to undermine the whole meaning of the Directive. Logically, it is simply a means of adding to the number of regulated professions. In all professional work, there is a tension between 'depth' and 'range'. In initial formation, the full range of the professional discipline must be covered at some level, with

opportunity for some in-depth specialisation. The key point is that it has provided a basis for learning other things, and is a foundation on which other specialist skills, knowledge and practice can develop. Some individuals' professional work will be general in nature – and sometimes using skills derived from other areas. In other cases, people will become very focused specialists, and simply not seem to use much of their earlier formation, although it informs their work. It is too easy for this to be used as a spurious reason to grant only 'partial access'. People should be given access to the generality of the profession under the Directive, leaving it to employers or clients to decide whether the person is 'right' for the particular work to be undertaken. The 'professional ethics duty' not to undertake work outside one's field, except for developmental reasons and under supervision, should suffice.

Q7. Do you consider it important to facilitate mobility for graduates who are not yet fully qualified professionals and who seek access to a remunerated traineeship or supervised practice in another Member State? Do you have any suggestions? Please be specific in your reasons.

A7. **Yes**, this is a fundamental requirement for free movement of people in the EU. In many professions at the higher levels, there can be a period of several years of formal training and professional development, after graduation and before full professional recognition. For some professional areas, it may be particularly beneficial for some of that learning to occur in another Member State. It should not matter where it is undertaken. Although the overall formation process can have elements taken in different places, the home MS professional regulator would normally be expected to oversee the process, taking evidence of achievement from whatever source. Again, a European Professional Framework would be an enormous help in structuring the process.

Q8. How should the home Member State proceed in case the professional wishes to return after a supervised practice in another Member State? Please be specific in your reasons.

A8. The home member state professional regulator would assess the evidence of achievement of the necessary learning outcomes and competences from whatever the source, so as to achieve full recognition against the home MS legislation and professional regulatory requirements. It would simplify the process if there was a European Professional Framework against which the post graduate learning and development could be both provided and assessed. The process could be further facilitated by mutual 'programme accreditation' arrangements within Europe-wide professions, as occurs now for the academic part of formation for many professions.

Q9. To which extent has the requirement of two years professional experience become a barrier to accessing a profession where mobility across many member States in Europe is vital? Please be specific in your reasons.

A9. There are several concepts mixed into this section of the paper and related question. In the transport sector, where intercontinental working may be the norm, under international agreements and law, the 'licenses' of the home member state are accepted. An airline pilot does not have to have a separate license from the civil aviation regulator of every state which he overflies. At the opposite end of the spectrum are those areas of work which only a few member states choose to regulate; the majority do not – and the learning is often 'on the job'. What is needed again is the European Qualifications Framework, of learning outcomes, competences and levels, against which peoples' achievements can be referenced, appropriate evidence adduced, and profession-wide 'common competence statements' developed. This would then feature in the revised Directive in place of the current Article 15 mention of 'common platforms'.

Evidence of academic learning about a subject, and of the time taken to achieve it, is no substitute for having the skills necessary to practice, just as being able to perform certain procedures is not in itself sufficient without the educational basis for making decisions about whether they are appropriate etc. The next stage of development is to agree what must have been learned and achieved in the two years, and assess that. And if it did not take two years, question why? Was there pre-existing knowledge and skill from other work?

Q10. How could the concept of 'regulated education' be better used in the interests of consumers? If such education is not specifically geared to a profession could a minimum list of relevant competences attested by a home Member State be a way forward?

A10. It depends upon who is seen as the 'consumer'; the potential employer or the potential client or patient or customer. In principle, a minimum list of competences, with their related expectation of knowledge and understanding, cross-referred to an overarching European Professional Framework, is the way forward.

Q11. What are your views about the objectives of a European professional card? Should such a card speed up the recognition process? Should it increase transparency for consumers and employers? Should it enhance confidence and forge closer cooperation between a home and host member state?

A11. Currently, there is much debate about European Professional Cards, both within CEPLIS and more widely. It is not always clear and about the same thing. There are two broad sets of objectives about, which can be characterised as:

- A minimalist but authoritative card, issued on request by the Competent Authority of the home Member State, which identifies the holder as being on the professional register of the home Member State for the profession stated, and gives a means of quick referral to the Register in order to confirm some 'identity details' (as with internet or phone banking) and that the registrant is in good standing with his / her home nation regulator at that time, and that there are no 'fitness to practice' questions under review.
- An electronic portfolio or CV of a professional person, which contains information about academic and professional qualifications, certificates of competence, formal work-related training undertaken, work experience and professional achievements, and possibly other 'life long learning' outcomes. This may start with a Europass Diploma Supplement or similar. It may offer incidental other 'membership benefits' from a professional association.

The two types of objectives are not necessarily mutually exclusive, but may be in practice, because of the needs of the former for very secure means of verification by Competent Authority and minimal cost on the one hand, and the need for the card holder to be able to get other qualifications, work experience and achievements uploaded and verified by the appropriate person (eg employer or awarding body) on the other hand, as well as to be able to deal with personal development planning etc.

Both types could potentially be of value in reducing the time taken to process mobility applications, but the value of this may not be worth the cost of development and real-time updating. Many Competent Authorities say they can quickly check the registration status of a person, either using traditional contact systems or the IMI, always provided the IMI is universally available with mandatory use and sensible response times. Basically, CEPLIS does not know the answer at this stage. However, it does believe that interoperability of card systems would be enhanced if there was a common European Professional Framework against which the card data architecture could be designed. Of course as a member of the Steering Group on Professional Cards set up by the European Commission, our Council is open to discuss the ideas of the other members of the Group in question with an open mind and to contribute towards a consensus.

Q12. Do you agree with the proposed features of the card?

A12. In principle, the features seem reasonable. However, which ones will be paramount will depend on some of the issues raised in response to Q11, and hence the 'type' of card envisaged. There are concerns about the strength of final sentence

of the first 'bullet point' in the consultation document, prior to all matters relating to the aim of the card (see A11) and issuing authority having been resolved. It will always be difficult to make a card system work for a person coming from a MS where the activity is so unregulated that there is neither Competent Authority nor peer-recognised Professional Body for that area of work.

Q13. What information would be essential on the card?

A.13. Again, this depends entirely on the purpose of the card (as A11). However, it is currently believed that progress is most likely to be made in a reasonable timescale if the card provided access to a database rather than carrying all data on a 'chip'.

Q14. Do you think that the title 'professional card' is appropriate? Would the title 'professional passport', with its connotation of mobility, be more appropriate?

A14. **Yes.** It has some currency already, although it should not imply a physical plastic card. However, in future, it may be useful (and even mandatory) to distinguish between those cards which formally certify registration with the Competent Authority of a regulated profession, and those which are offered as a 'member benefit' by a professional association, perhaps some form of 'Trademark' or 'Copyrighted Logo' on the former. The words 'identity card' and 'passport' should be avoided, because of their already specialised and 'official' meaning.

Q15. What are your views about introducing the concept of a European curriculum – a kind of 28th regime applicable in addition to national requirements? What conditions could be foreseen for this development?

A15. We do not believe that, in principle, the 'Common Platform' concept of Article 15 was flawed, although we accept that the 'quorum' constraints, uncertainties caused by widening of accession, and MS Higher Education systems at the time, made somehow difficult their successful implementation. We understand that, by '28th Regime', the Commission wishes to see something other than Common Platforms, and other than the system of any one of the 27 Member States. Fortunately, more recent changes in the HE systems in Member States, now the subject of the GHK Consulting study, make such a meta-framework a possibility. At the beginning of this response, CEPLIS argued the need for a meta-framework for professional qualifications in Europe; a **European Professional Framework (EPF)** to parallel the European Qualifications Framework (EQF). The one thing that we do not want to try to achieve is a 'European Curriculum', in the common English language understanding of the term, implying a precise specification for course

design, what to be taught when, where, and how etc. A number of Member States already have a HE QA system which uses tools such as 'subject benchmark statements' and these may already be related to the 'professional registration criteria' that accredited courses underpin. Fixed curricula lead to stagnation.

There are specific elements of a professional formation process that can be identified as key parts of an emerging EPF. Some of these can be related to the 'Levels' and statements of 'Knowledge', 'Skills' and 'Competence' of Annex II of the EQF (2008). Others can perhaps be related to the EU's eight '*Key competences for lifelong learning*' (2006). The Tuning Project has exemplified how several discipline-related strands of HE (eg nursing) can express the output from programmes in terms of course or module 'learning outcomes', as well as in a more broadly based outcome of generic and discipline-specific competences. The aim now must be to show how different pathways can lead to comparable results. However, it is still likely that criteria for 'professional ethics' will need some separate identification, perhaps based on the CEPLIS work already done for the Services Directive on '*Common Values of the Liberal Professions*'.

This is a most fundamental area of work on the revision of the Directive. Getting this right will provide a means of criterion-referencing achievements to simplify the General System, provide a basis for a 'new graduate into full professional' recognition, provide a fundamental part of the 'data architecture' for a professional card (if one was to be developed), reduce the need for so many 'regulated professions' and 'partial access' to be separately identified, and provide a common base for launching a simple CPD system. It is directly related to the GHK Education Study. **CEPLIS wishes to undertake collaborative development, in this area and has specific proposals to make to the Commission on a way ahead.**

Q16. To what extent is there a risk of fragmenting markets through excessive numbers of regulated professions? Please give illustrative examples for sectors which get more and more fragmented. Should lighter regimes for professionals be developed who accompany consumers to another Member State?

A16. This is another 'first principles' question for the Evaluation. Before the Directive is adjusted in detail to do what it sets out to do slightly better than now, the EU collectively ought to ask whether it is trying to do the right thing. Fundamental to the implementation of the Services Directive was the screening of regulatory legislation to see whether it needed to be there, and then a mutual evaluation process among sets of Member States to see how well this was done. Perhaps such a mutual evaluation of the need for a particular profession or occupation to be regulated should be a mandatory part of any new Directive.

Another source of fragmentation is the second 'automatic recognition' system, based on Articles 16-20 and Annex IV. By using Standard Industrial Classifications (SIC) as the basis for much of Annex IV, it opens the way for anyone in that Sector from the highest level scientist to a plant operative, and all the administrative and support people, to claim recognition. A move to a more focused list (or SOC) would be a reasonable first move. Annex IV could also be purged of 'non professions', such as astrology and fortune telling, which bring the Directive into disrepute. All sectors are at risk of fragmentation, especially through the 'partial access' ruling (A6).

Q17. Should lighter regimes for professionals be developed who accompany consumers to another Member State?

A17. The answer probably depends upon whether the accompanying professional is simply acting as an advisor to his / her own principal and not in any other way interacting with the profession or public in the host member state, or whether there really is an inevitable interaction (eg in the need to refer a patient, prescribe a restricted medicine etc, undertake a procedure, address a court etc). Several of our members have indicated that the 'temporary and occasional' provisions already allow for a lighter regime in these circumstances.

Q18. How could the current declaration regime be simplified, in order to reduce unnecessary burdens? Is it necessary to require a declaration where the essential part of the services is provided on-line without declaration?

A18. CEPLIS has not investigated in detail. However, it seems reasonable to expect that future IT systems could be developed that allow for on-line notification via IMI linked web-sites, using PIN numbers etc, rather like on-line banking, thus eventually enabling more widespread use of self-certification arrangements. There must also be congruence in the EU between this and the E-Commerce Directive,

Q19. Is there a need for retaining a pro-forma registration system?

A19. CEPLIS has not investigated in detail. Although the Directive rightly provides for pro-forma registration areas where there are true 'public health and safety implications', it is unreasonable for this requirement to be applied disproportionately to try to justify a full check on registration and good standing where those criteria do not truly apply. The question then will be about which areas; the suggestion in the answer to Q16, proposing a 'peer review' process comparable to that of the Services Directive, may offer a way ahead.

Q20. Should Member States reduce the current scope for prior checks of qualifications and accordingly the scope for derogating from the the declaration regime?

A20. CEPLIS has not investigated in detail. However, it does seem that the boundaries have been stretched unreasonably in some Member States, resulting in a disproportionate number of referrals to National Coordinators, National SOLVIT Centres etc, with consequential delays. Again, the suggestion in the answer to Q16, proposing a 'peer review' process comparable to that of the Services Directive, may offer a way ahead.

Q21. Does the current minimum training harmonisation offer a real access to the professions, in particular for nurses, midwives and pharmacists?

A21. Overall, the Experience Reports do seem to suggest that 'minimum training harmonisation' does offer real access to the professions. The concerns tend to be the obverse; whether the system is able to ensure that practice is as up to date as is required for current professional expectations. Some confusion may be caused for nurses, as some parts of the profession are 'automatic recognition' and others 'general system'; a distinction difficult to explain to non-specialists. Many 'course length' issues could be resolved by better 'competence statements', although some assurance is always likely to be required that students have been exposed to a quality learning experience in the academic, applied, practical and affective domains. Moreover, these systems must take into account the need for appropriate CPD in areas of practice.

Q22. Do you see a need to modernise the minimum training requirements? Should these requirements also include a limited set of competences? If so, what kind of competences should be considered?

A22. **Yes** – in content (to match changes in underpinning science and professional practise), to ensure adequate exposure to issues of professional ethics, and to encourage a more holistic and outcomes-based pedagogy and assessment. The Tuning project and the EQF can indicate the types of competences which could be considered for use in new specifications of requirements, as well as some currently specified 'first day competences', and key safety aspects (eg infection control, radiation safety etc) which are sometimes essential elements of annual revalidation or relicensing.

Q23. Should a Member State be obliged to be more transparent and to provide more information to the other Member States about future qualifications which benefit from automatic recognition?

A23. **Yes** – mutual confidence in other Member States' systems is vital. This is best achieved by transparent, cooperative mutual accreditation arrangements.

Q24. Should the current scheme for notifying new diplomas be overhauled? Should such notifications be made at a much earlier stage? Please be specific in your reasons.

A24. It is difficult to see, from the point of view of this Directive, why notification is required prior to the first graduates seeking first jobs or practice placements. However, notification should be available one year before the first graduation from a new programme, so that final year students may confidently enter the new job or training regime selection process. At the same time, the same procedures should also see that the process for issuing Diploma Supplements is updated, to ensure that the correct new data is entered into Section 5.2 and any experiential learning from placements is recorded in Section 6.1 of Diploma Supplements for graduates from these newly approved courses.

Q25. Do you see a need for modernising this regime on automatic recognition, notably the list of activities in Annex IV?

A25. **Yes** – for some of the reasons already mentioned in A16. Annex IV is 50 years old and illogically based on Standard Industrial Classifications rather than Standard Occupational Classifications (SOC). It can be a valuable method to streamline cross-border movement of those in SOCs below the top three Major Groups. It should **not** be available for occupations in the three upper groups Viz: 'Managers, Directors and Senior Officials'; 'Professional Occupations'; and 'Associate Professional and Technical Occupations', where it could be used to circumvent the academic levels required by Article 11, or indeed other specialist Directives (eg Annex IV List III (1) in relation to the Insurance mediation Directives). To keep things simple, use an updated Annex IV for administrative, caring, craft and operative occupations, and then move from simply years of service to a criterion-referenced model based on the EQF.

Q26. Do you see a need for shortening the number of years of professional experience necessary to qualify for automatic recognition?

A26. **Not at all**, in the absence of any major reform of the system. If it was to cover the administrative, caring, craft and operative occupations mentioned above, then

the combinations of periods mentioned in Articles 16-20 can be reconsidered, especially if matched to competences achieved during those years.

Q27. Do you see a need for taking more account of continuing professional development at EU level? If yes, how could this be reflected in the Directive?

A27. Firstly, it is necessary to make clear what is meant by Continuing Professional Development (CPD), particularly in relation to what might be described as Initial Professional Development (IPD) of the kind relevant to Questions 7 and 8. We believe that the term should be applied only to the learning for continued practice that is required after full admission to a profession.

Any European Professional Framework must have an element to cover professional ethics. The need for CPD, either to keep up to date in the current area of practise or to move into new areas, is a professional obligation. Moreover, where revalidation is a requirement for relicensing in a host Member State, the home Member State Competent Authority may need to assure the host Member State Competent Authority that the necessary minimum has been done.

This could well be an aspect that needs specific attention in a new Code of Practice relating both to CPD in general and to Revalidation requirements in particular. **Again, it is something that the Commission might like to develop with the European professional associations, and in which CEPLIS would be prepared to enter into a collaborative project, making use of the extensive body of work already done by CEPLIS collectively, and by some of its member bodies.**

Q28. Would the extension of the IMI to the professions outside the scope of the Services Directive create more confidence between Member States? Should the extension of the mandatory use of IMI include a proactive alert mechanism for cases where such a mechanism currently does not apply, notably health professions?

A28. Having developed the IMI, it should be exploited to the full, and made equally mandatory for the successor to Directive 2005/36/EC and to Directive 2006/123/EC. Although some technical improvements may still be necessary, the IMI needs to be made to work and be mandatory for use by all Competent Authorities, and with appropriate response times. A smooth working IMI might take some pressure off the need for a comprehensive real-time system of professional cards, and allow a more measured development to take place to meet market needs.

Q29. In which cases should an alert obligation be triggered?

A29. An alert must be triggered whenever a home Member State Competent Authority suspends or deregisters anyone. Care must be taken when there is a dual responsibility for overall regulation, perhaps between a national competent authority

and a regional or local professional body, order or chamber, to ensure that all alerts are notified. The concurrent review of Directive 95/46 must ensure that European and national Data Protection law does not provide an excuse not to trigger a justified alert from any Member State.

Q30. Have you encountered any major problems with the current language regime as foreseen in the Directive?

A30. Across the range of membership of CEPLIS, there is little evidence of major problems related to the language regime as foreseen in Article 53. However, there is evidence that some national implementing legislation has either not transposed Article 53, or ensured that other national profession-specific legislation does not countermand it. There is always the duty on employers to ensure safe systems of work; language competence may be necessary. In some areas of work, involving direct and personal interaction with members of the public, 'knowledge of languages' in Art 53 may need to be broadened to include 'appropriate cultural awareness'. Moreover, in these limited areas of work, some evidence of communication skill, rather than a formal language test level, may be essential to implement Article 53.