

The UK Inter-Professional Group

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Dear Mr Tiedje

Response of UK Inter Professional Group (UKIPG) to the Green Paper on Modernising the Professional Qualifications Directive

The UKIPG acts as a Forum for the major Professional and Regulatory Bodies in the United Kingdom. With 30 bodies in membership, some are statutory bodies; others regulate under a Royal Charter or are representative associations. Many are Competent Authorities; others are Professional Associations with a direct interest. UKIPG is independent of Government and is funded through by its members. UKIPG is an active member of CEPLIS, the *Conseil Europeen des Professions Liberales*, which provides a forum for European professional associations and professional regulatory bodies. UKIPG has, for many years, been directly involved in the management of CEPLIS and is a major contributor to CEPLIS policy and papers.

The UKIPG thanks the Commission for providing this opportunity to respond formally to the Green Paper. This Consultation, together with the parallel Study on HE developments, should enable a major step forward to be made in this important area. Rather than duplicate work, UKIPG has put significant effort into a collective and comprehensive CEPLIS response, which has been tested with UKIPG representatives prior to completion. There are some differences in emphasis; the responses are not identical. Moreover, many UKIPG members will also respond independently and with emphasis on issues specific to their role and professional sector.

Working within CEPLIS, the UKIPG notes the range of views – and in some cases ignorance or denial – related to ‘educational developments’ (EQF, Bologna, Tuning etc). We believe that these tools are important to the restructure of Art 11, to the development of ‘platforms’ and to the data structure of ‘cards’. We hope that the GHK Consulting Study informs all.

Peter Swindlehurst
UKIPG Secretary

Response of the United Kingdom Inter Professional Group (UKIPG) to the Green Paper 'Modernising the Professional Qualifications Directive'

2. New Approaches to Mobility

2.1 The European Professional Card

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?

A1. This question reflects the increased significance given to the 'European Professional Card' concept, both to the Commission and the Parliament. This emphasis has increased significantly since the Public Consultation, and to an extent which is not believed to be justified by the Commission's own 'Summary of Responses' document of 5th July 2011 (Section 11.2.1). We believe that the evidence does suggest that there is considerable interest among professional associations and trade unions (and perhaps individual professionals) for various forms of 'professional card' or 'electronic portfolio' which indicate adherence to a Europe-wide professional body with a set of professional and ethical standards, and which can be used voluntarily to record 'CV / Resume' type of data, CPD etc. On the contrary, however, we find that there is very limited support at present from those bodies which are Competent Authorities, most of whom would want to see current arrangements (inclusive of full use of IMI) made much more reliable, expeditious, and worthy of mutual trust. Competent Authorities need to establish both 'qualification and competence' and 'current fitness to practice' at the point of registration in the host member state, implying real time access to authoritative data, whether for 'establishment' or for 'temporary and occasional' practise. The Directive exists primarily to support this process, for which there is little evidence that a card would add sufficient reliability or value except at disproportionate cost. It is not the direct purpose of the Directive to support professional body or trade union aspirations, but to provide the minimum statutory framework.

For the purposes of answering the question as put in the Green Paper only, we will start with the premise in Section 2.1 that: "A European professional card could be built around fast communication technologies of the 21st century to create a mechanism which will give it concrete and well-tailored effects under a modernised Professional Qualifications Directive. The Internal Market Information system (IMI) could facilitate much faster cooperation between the issuing Member State (the professional's country of departure) and the receiving Member State (the country where the professional seeks establishment). Even then, there are difficulties. In the apparently simple case, involving a single Member State (MS) of departure and a single receiving MS, it cannot be assumed that the MS of departure would be the registration authority for the individual, and hence the one with the complete antecedent record or qualifications to practise, and with the ongoing monitoring responsibility for continuing fitness to practise. Qualifications may have been acquired elsewhere, or before a time when they were mutually recognised. The receiving MS will also need to be satisfied that its standards have been met. In theory, both

MS will in future have full access to IMI to resolve queries. There are, however, still some underlying issues to resolve:

- In the case of the Automatic Recognition (Sectoral) professions, there is a clearly identified Competent Authority (CA) at both ends, and therefore an authoritative issuer, and both CAs have access rights to IMI. But, as this already works well, the cost / benefit of the card may not be so obvious – one reason for hesitation by some regulators.
- Complications could potentially arise when there are several CAs involved. As educational and employment mobility increases, there are more combinations to legislate for, eg will the issuing CA be in the MS in which some or all of the education and training was provided, or in the ‘home nation’ of the prospective registrant who was permitted to undergo recognised education and training in a different MS. Perhaps this affects only a minority, but these questions will arise.
- In the case of the General System professions, there will be many which are regulated in some MS and not in others. There will not be an obvious public CA for a profession which is not formally regulated, therefore some other form of ‘issuing authority’ would be required to be the *de facto* CA. Several places will have such ‘intermediate’ organisations which are already (or which could be) appointed for this purpose (normally from professional bodies with independent registers, such as those currently listed in Annex 1 of the Directive). Care must be taken in defining ‘commercial entities’ to avoid the exclusion of these bodies, which must operate within commercial realities albeit with ‘public good’ objectives. They are the very bodies needed to make this Directive work, with or without ‘cards’, in the General System where there is not universal regulation. They have better profession-specific resource and expertise compared with NCPs or NARICS which primarily should be ‘signposts’.

Question 2: Do you agree that a professional card could have the following effects, depending on the card holder'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.

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

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).

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).

A2. Accepting 'cards' for the purposes of answering this question only, the effect would be dependent upon how well *"A European professional card could be built around fast communication technologies of the 21st century"*. We know that it is possible to use such technologies for ATMs and internet banking worldwide, so it ought to be technically feasible to do so for professional recognition, registration, notification etc. The issue would be around the means of engineering the software, communication and information systems to ensure accessibility to real-time data, reliability and security at an affordable and proportionate cost. In all three cases in the question, the answers would depend on the 'information system architecture' and on the the degree of inherent security and reliability of the overall system, and on its interface with IMI. That is why most regulators would want to put the emphasis first on the IMI and on making current systems work quickly and reliably across the EU. At present, many 'automatic recognition' cases can be resolved within a month, although some 'general systems' applications may take three because of added complexity and the fact that the process is not simply an administrative process but a peer judgement. This could be made easier if the data structure were to provide clear reference to any future 'common platform' criteria, and to any other EU wide systems such as Diploma Supplements and any Degree Programme Profiles arising from Tuning Projects, or agreements on 'day one competences' for a particular profession. In addition, something like 'European Certificate of Current Professional Status' of the Edinburgh Agreement of Health Professionals Crossing Borders could facilitate 'fitness to practise' decision making.

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.)

A3. No. As already answered when this question was raised in the public consultation, partial access is considered to be a retrograde step, based on false premises and a simplistic understanding of the nature of professional work. This idea really needs to be stopped in its tracks, otherwise it can be used to undermine the whole meaning of the Directive and simply become 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 this provides a basis for learning other things, and a foundation on which other specialist skills, knowledge and practice can develop. Migrants should be given access to the generality of their 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 also reinforce this point.. Moreover, CPD recorded on any future professional card could indicate, more reliably than initial qualification, the range of work for which the migrant is suitable. The examples given in favour or partial access are more likely to be a 'cover' for anti-migrant protection than a true case of 'recognition of professional qualifications'.

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.)

A4. The detail of Question 4 must be supplementary to the principle of what a 'common platform' is intended to achieve, what form it might take, and whether it is an appropriate solution. In the current Directive (Art 15), the 'common platform' is a means of reducing the need for individual compensation measures for those who meet a set of commonly agreed criteria. This is still a valuable and laudable aim which attracts strong support. It does not provide automatic recognition, but should go a long way towards reducing the number of disproportionate and arbitrary variations.

We strongly support the idea of 'common platforms' in the form of a meta-framework for professional qualifications, on to which national formation arrangements can be mapped. This can then allow for variations in approach and help to ensure that the platform '*does not contain excessive detail so as to become an obstacle to the mobility of professionals.....*'.

With this aim and concept in mind, we welcome the rehabilitation of the common platform concept, support the lowering of the 'quorum' threshold as proposed (and so the implied voluntary and collaborative nature of such projects), and believe that proportionality can best be achieved by use of a meta-framework against which national routes can be mapped. Some examples would be work done by FEANI for engineers and ACOVENE for veterinary nurses. The Commission should also be guided by the results of its 'Study Evaluating Educational Developments' on the potential value of other Frameworks and Profiles to the further development and acceptance of common platforms.

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.

A5. This question relates to cases where compensation measures equal to the full initial qualification package are asked for, even from a migrant who has been satisfactorily working in the professional field in his own member state. We do know of examples from among the UKIPG

membership, but the cases are best put you by the most relevant professional bodies in their own responses.

3. Building on Achievements

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).

A6. With the current stage of development of E-Government and E-Commerce, it must be possible for the necessary information to be available through the National Contact Point (NCP) or via the Point of Single Contact (PSC), and for these two to be linked electronically. This does not mean that the NCP has to have all of the information but that the NCP should clearly identify 'regulated professions' within its jurisdiction, and provide electronic links to all relevant Competent Authorities, and to relevant professional associations, in that MS.

For professionals in the 21st Century, on-line work is becoming a normal way of doing business, with the necessary identification and security protocols built into the systems. However, on-line completion of all recognition procedures is seen to be a step too far at this stage. What is needed first is a Europe-wide minimum standard for NCPs, for visibility (to search engines), content and electronic accessibility, and for this to be subject to periodic peer evaluation (as was done for the 'screening exercise' in relation to the Services Directive).

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.)

A7. It should be at the consumers' choice, except in those cases where there is a greater public interest or a need for interaction with the professional services of the host member state (eg a visiting health or veterinary professional). The prior notification requirement should remain but, in future, should be more easily met by the electronic means.

Question 8: Do you agree that the notion of "regulated education and training" could encompass all training recognised 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.)

A8. There are a range of views on this question, with regulators being concerned that it might open the way for a less specific and more general education which would undermine professional competence. Others would agree that the notion of regulated education should be

extended to encompass any education and training relevant to the profession, because good professional practice means an ability to understand cultures, languages, finance and business management etc. A professional is first and foremost an educated person who uses knowledge, skill, understanding and judgement, and not just a limited list of skills and knowledge.

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).

A9. This is the most contentious proposal in the entire Green Paper – and the response must be analysed carefully. The answer is ‘Yes’ to the possible deletion of the five ‘level’s’ as currently expressed in Article 11 (not so much levels as such, but length of education and training used as an analogue). However, this ‘Yes’ is conditional on their replacement by levels based on the EQF levels (to which national qualifications must be referenced by 2012) and expressed in terms of learning outcomes. *[At least one of our contributors has suggested that ‘c’ can be related to EQF Level 4, ‘d’ to 6, and ‘e’ to 8.]*

The answer is a very strong ‘No’ to the idea that no level at all should be used. To make the ‘common platform’ work in an acceptable way, there needs to be a way of relating the general intellectual level of the professional work, and the volume of learning required to achieve it, to a commonly accepted framework. Normally accepting one level below, compensated by other forms of further learning, is a sensible degree of flexibility appreciated by regulators and professionals alike. It limits the range of uncertainty. To have no prescribed level with which to start risks introducing for too much uncertainty and scope for idiosyncrasy, and will not reduce – but increase - the number of disproportionate and arbitrary variations in compensation measures.

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.)

A10. We do not recommend that Article 11 be deleted, nor do we wish to see systems retained simply because of the administrative convenience which comes from being able to count ‘years’ without any real evidence of what use was made of those years. The acceptance of ‘one level lower’ for the start of consideration for compensation measures allows for reasonable but not disproportionate compensation measures, whilst minimising the administrative burden of inappropriate applications. All compensation measures should be applied in such a way that they can be justified both by ‘level’ and by an illustration of the ‘substantial differences’ which have been noted.

The ‘two year rule’ has been found to be valuable by some professions which are unregulated in many MS, and for which there is no real vestige of a mutually recognised *de facto* competent authority.

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.)

A11. Whilst it is technically possible to argue that, in some cases, the new graduate does not have a professional qualification *per se*, it is a negative and inappropriate approach which is at odds with the culture, labour market, and needs of the Single Market in the 21st Century. Naturally, some safeguards are required to ensure quality of training provision, appropriate range of work experiences, and necessary mentoring and assessment. This would include both ‘work placements’ during the academic part of formation, and periods of experiential learning in a real workplace, leading towards full professional qualification. Ideally, a student should be in touch with the Competent Authority either in his / her own-nation MS, or that in which the formation process has begun. That CA should arrange for the necessary oversight of the work-based learning and supervised practice, which could be in more than one MS for a particular trainee. Administrative response times must be consistent with reasonable job or placement offer and acceptance times – and preferably pre-arranged. There are examples of this working well in several professions, including some automatic recognition ones, which will be provided by the specialist bodies concerned.

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.)

A12. Whilst the health professions most immediately come to mind, they should not drive this discussion to the exclusion of the general requirement. The alert could be appropriate in the case of an accountant found guilty of fraud, a lawyer who acted corruptly, a real estate professional who misused money in a client’s account, an engineer who provided a professional service well outside his / her area of expertise and competence etc. ‘Fitness to practise’ issues come in many forms.

Option 1 would apply the alert to all professionals, as recommended above. However, it is not clear what criteria a MS would use to decide which MS to inform and which not. Irrespective of profession, serious professional misconduct is the same, wherever the person goes to try to work.

Option 2 is the preferred option overall. However, as written, it would apply only to health professionals and so is not recommended, because it should apply to all professional misconduct.

In all cases, there must have been proper investigation and adjudication, and a subsequent right of appeal. The review of Directive 95/46 on Data Protection should aim to minimise discrepancies between MS on this ground, and not just on 'fitness to practise' alerts, but in relation to the ability of HEIs to answer relevant questions to authenticate a presented qualification.

The matter yet to be addressed, and in which there is no pan-European consensus, is the case of those suspended from practise while an allegation is being dealt with (especially when it concerns possible abuse of children and vulnerable adults). Some jurisdictions require the immediate sharing of such information between agencies, whilst others maintain reticence until the issue is finally resolved. This aspect is unlikely to be resolved by 2012.

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.

A13. There is little new evidence to change the view given in response to Q 30 of the Public Consultation. The question is fraught with difficulty and the possibility of 'own goals' in providing an excuse for 'protectionist' responses to professional services being provided in commonly accepted languages.

Across the range of membership of UKIPG, there is little evidence of major problems related to the language regime as foreseen and expressed in Article 53, other than from the healthcare sector. However, there is evidence that some national implementing legislation may not have adequately transposed Article 53, or ensured that other national profession-specific legislation does not countermand it. There is always the duty on employers (including the self-employed) to ensure safe systems of work. Some language competence will normally be necessary for compliance in a particular working environment. This responsibility should continue to rest with employers, irrespective of any checks by the CA under an amended Art 53.

In some areas of work, involving direct and personal interaction with members of the public as patients or clients, 'knowledge of languages' in Art 53 needs to be assured by the regulating Competent Authority at the time of registration, in order to meet the national standards for registration. Moreover, in these areas of work, it is evidence of appropriate communication skill, rather than a formal language test level, that is really needed to implement Article 53. Although the language primarily required may not always be the native language of the host nation – it may be a common major language or that of a group of expatriates who wish to consult a visiting professional in their native language, local communication skill is also required to interface with host nation professional colleagues and administrative systems.

Accepting that the Code of Conduct should be called something else (as argued previously in response to the Public Consultation), the language requirement is best dealt with by the Code in most cases, but something more rigorous would be required for health-related professions.

4. Modernising Automatic Recognition

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?

A 14. Given the political drive for a modernised Directive during 2012 (rather than a completely new one later), and the concurrent changes to the functioning of the European Union (ending of comitology etc), some phasing of the changes required to bring the automatic recognition system fully up to date may well be necessary. The key phase will be the Second, during which the training requirements will need to be revised in both essence and presentation, and particularly to specify required competences as well as knowledge and understanding. The Third Phase has turned out to be contentious, particularly in advance of the outcome of the Study on Educational Developments. Some general educational developments, such as ECTS Credits, are less used within the automatic recognition professional education, than in HE more generally. There may be some general support in principle but not enough to make this a definite way forward at this time.

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.) Is there a need for the Directive to address the question of continuing professional development more extensively?

A15. It is clearly an anomaly that the requirements for establishment are different, and less rigorous, than those required for 'temporary and occasional'. This should be rectified. Continuing professional development (CPD) is a fundamental requirement of all professionals, but it is not simply a matter of requiring formal study, attendance at courses etc. It is as much about maintaining 'currency' in the selected area of practice, and reflecting on and reviewing that practise with peers. In some respects, it is even more important than simply confirming an approved qualification from many years ago. Moreover, this CPD will not just be about the

'technical' matters of practise, but the current expectations of ethics and customer service.

Certainly, if a receiving MS requires a level of validated CPD from its own professionals to assure itself of their fitness to practise, it should expect evidence of the same from those coming from elsewhere. The important thing will be to devise a mechanism which ensures that this principle can be achieved – perhaps in different ways from those expected – but that the whole process does not become '*disproportionate and arbitrary*' in the way complained about with reference to compensation measures. CPD – alongside an ethical requirement – must be part of a future requirement, whether in relation to 'automatic recognition' or 'common platform' under the 'general system'.

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.)

A16. The requirement must be clearly stated, according to the needs of the particular professions. They should not be so rigid as to preclude the flexibility to introduce some non-traditional entry to these professions, eg the graduate entry programmes for medicine. Beyond that, UKIPG will rely upon appropriate professional bodies and regulators to give their advice.

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.)

A17. Once a new programme is approved, so that it leads unequivocally to registration in its home MS, then there is no reason why all other MS should not be informed of this. Ideally, the course would be publicly listed as compliant before the first graduates seek the next phase of their formation or employment, but this is not always possible for newly introduced courses. The notification duty should apply also to other significant changes in nomenclature or recognition of courses.

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.)

A18. UKIPG will leave response to this question to professional regulators and associations concerned with medical education.

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.)

A 19. UKIPG will leave response to this question to professional regulators and associations concerned with medical education.

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

A20. If nursing is to be mutually recognised as an independent, fully professional role, then it should require the same entry level as other comparable professions. Beyond that, UKIPG will leave response to this question to professional regulators and associations concerned with nurse education.

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.)

A21. We support these proposals, to bring pharmacist formation and scope of practice up-to-date, and broadly consistent with those for other comparable health care professionals. Business ownership issues do not relate to professional qualifications *per se* and do not belong in this Directive. Beyond that, UKIPG will leave response to this question to professional regulators and associations concerned with pharmacist education.

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.

A22. Option 2 would seem to be consistent with maintaining standards, whilst allowing some reasonable variation in the formation frameworks. Beyond that, UKIPG will leave response to this question to professional regulators and associations concerned with architect education.

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.

A 23. There is a real dilemma. The provisions of Articles 16 – 20 and Annex IV are valuable for truly craft, trade, industry or indeed commercial occupations at levels below Major Groups 2 and 3 ('Professionals and 'Associate Professionals and Technicians'). Rewriting Annex IV, with reference to the International Standard Classification of Occupations, to achieve this result is the most desirable outcome. It is not acceptable to re-issue an updated Directive with Annex IV as it is, based on ISIC of the 1950s. Moreover, the ISIC is inappropriate anyway, and could enable the provisions of both the Sectoral and General Systems to be bypassed, simply by claiming years of experience in a listed Industrial Sector.

Number 3 is the preferred Option. However, a two-phase approach may possibly be necessary due to timing constraints, but delay until 2014 is far too long. The aim should be Option 3. Moreover, the revision really only needs to address ISOC Major Groups 4 and below. In doing so, it will safeguard the valued recognition of craft, trade, industrial and commercial workers' positions relative to the Directive, and not introduce ambiguities for those who should properly be dealt with via the Sectoral or General Systems.

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.)

A24. A person with 3rd Country qualifications should have been assessed against the 'home nation' requirements of the first EU country in which he / she sought recognition. However, there is evidence from Competent Authorities that this is not always the case. The consensus at present is for the *status quo*.