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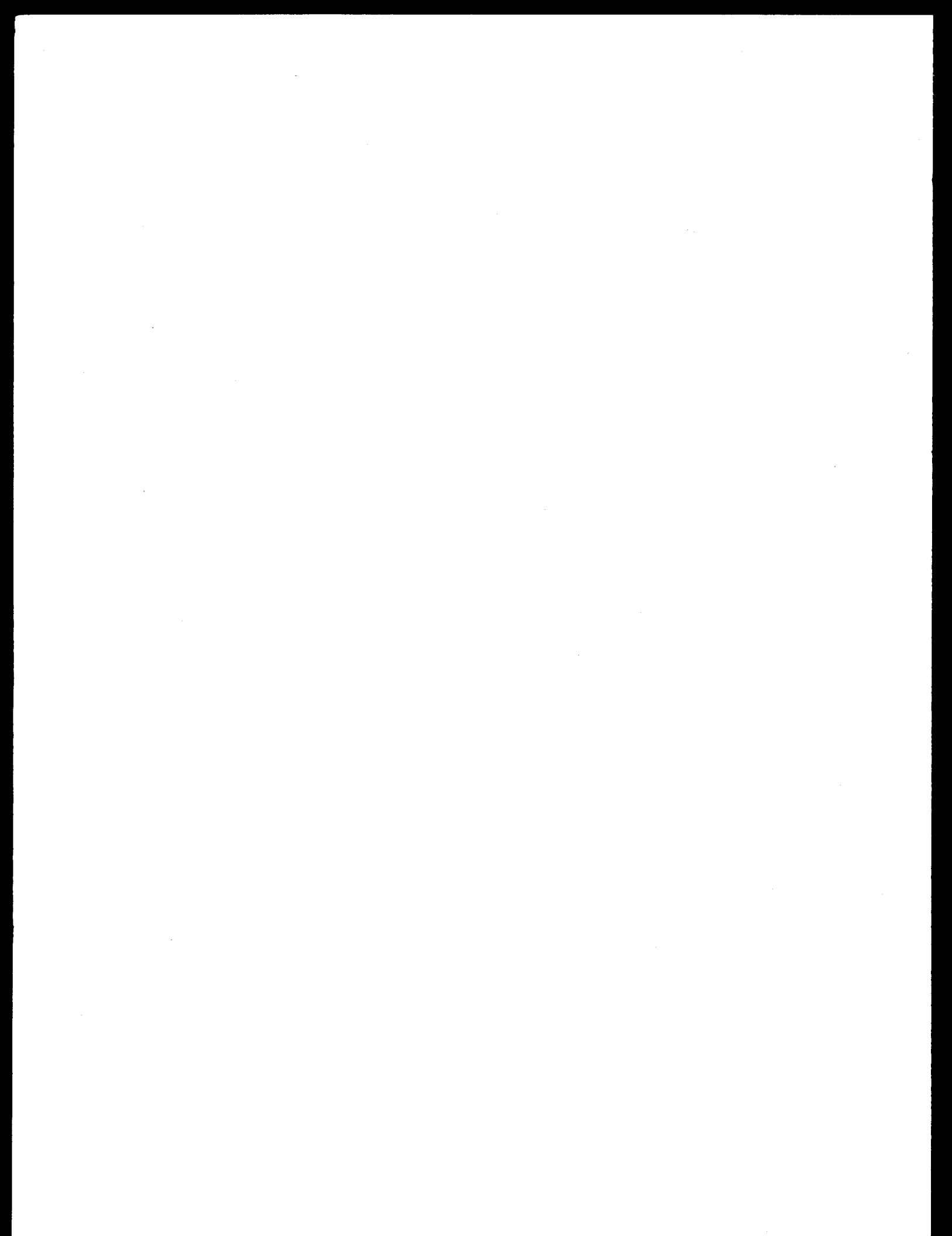
DOCUMENT 43/74

Report

drawn up on behalf of the Committee on Cultural Affairs and Youth

on the proposal from the Commission of the European Communities to the Council (Doc. 23/74) for a resolution on guidelines for the mutual recognition of diplomas, certificates and other evidence of formal qualifications by virtue of Article 57 of the EEC Treaty

Rapporteur: Mr N. HOUGARDY



By letter of 22 March 1974, the Council of the European Communities requested the European Parliament to deliver an opinion on the draft for a Council resolution on guidelines for the mutual recognition of diplomas, certificates and other evidence of formal qualifications by virtue of Article 57 of the EEC Treaty.

By letter of 29 March 1974 the President of the European Parliament referred this proposal to the Committee on Cultural Affairs and Youth as the committee responsible and to the Legal Affairs Committee for an opinion.

At its meeting of 8 April 1974, the Committee on Cultural Affairs and Youth appointed Mr Norbert Hougardy rapporteur. At the same meeting it unanimously adopted the motion for a resolution and accompanying explanatory statement.

The following were present: Mr Broeksz, chairman; Mr McDonald, vice-chairman; Mr Hougardy, rapporteur; Mrs Caretoni Romagnoli, Lady Elles, Mr Glesener, Mr John Hill, Mr Klepsch, Mr Laban, Mr Knud Nielsen, Mr Noé (deputizing for Mr Giraud), Mr Petersen, Mr Premoli, Mr Rivierez (deputizing for Mr Hunault), Mr van der Sanden, Mr Schulz, Mr Seefeld, Mr Terrenoire, Mr Thornley, Mr Verhaegen, Mr Walkhoff.

The opinion of the Legal Affairs Committee will be delivered orally in plenary session.

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The Committee on Cultural Affairs and Youth hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the draft for a Council resolution on guidelines for the mutual recognition of diplomas, certificates and other evidence of formal qualifications by virtue of Article 57 of the EEC Treaty

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council (COM(74) 254 final),
 - having been consulted by the Council (Doc. 23/74),
 - having regard to the report of the Committee on Cultural Affairs and Youth and the opinion of the Legal Affairs Committee (Doc. 43 /74),
1. Strongly deplores the Council's delay in adopting the numerous Commission proposals for directives concerning freedom of establishment and the recognition of degrees and diplomas, on which Parliament delivered opinions months, indeed even years ago;
 2. Appreciates the Commission's endeavours to evolve the broad lines for the mutual recognition of degrees and diplomas with a view to accelerating the adoption of the relevant directives;
 3. Approves the broad lines proposed, particularly the idea that directives for the mutual recognition of professional qualifications and the co-ordination of conditions of access to the professions should resort as little as possible to the prescription of detailed training requirements;
 4. Suggests that, subject to each Member State's internal regulations, the freedom of establishment and the mutual recognition of degrees and diplomas should be introduced without delay in respect of those self-employed persons pursuing the professions referred to in the various draft directives who wish to enter group practice in a Member State other than their country of origin;
 5. Believes that the public interest requires that educational standards should not be lowered but should in fact be improved by the most advanced methods;

6. Approves the idea of setting up an advisory committee, on condition that its members include teachers and practitioners of the relevant professions;
7. Supports unreservedly the principle which it has itself upheld, that mutual recognition of professional qualifications should be extended to employed persons;
8. Requests the Commission of the European Communities to adopt the following amendments, pursuant to Article 149 of the EEC Treaty;
9. Instructs its President to forward this resolution to the Council and Commission of the European Communities.

Draft Council Resolution
on guidelines for the mutual recognition of
diplomas, certificates and other evidence
of formal qualifications by virtue of Article 57
of the EEC Treaty

Introduction and recitals unchanged

Paragraph 1

Given that despite the differences existing between one Member State and another in the courses of training there is in practice broad comparability between the final qualifications giving access to identical fields of activity, the directives for the mutual recognition of professional qualifications and for the coordination of the conditions of access to the professions should resort as little as possible to the prescription of detailed training requirements.

Paragraph 1

unchanged

Without prejudice to the provisions in the draft directives on freedom of establishment and subject to the internal administrative and professional rules of the individual Member States, recognition of degrees and diplomas and freedom of establishment shall be automatically accorded to persons exercising one of the non-salaried activities referred to in the draft directives who settle in a Member State other than their country of origin in order to pursue that activity in a group practice.

The Commission shall, within three months, submit proposals for detailed rules for the application of this principle.

Paragraphs 2, 3 and 4 unchanged

Paragraph 5

To this end the Commission should consider, in relation to each profession or field of activity which is to be the subject of such directives, whether it should propose the creation of an advisory committee with the tasks of assisting and advising the Commission with regard to the promotion

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To this end the Commission should consider, in relation to each profession or field of activity which is to be the subject of such directives, whether it should propose the creation of an advisory committee with the tasks of assisting and advising the

¹ For complete text see COM(74) 254 final

TEXT PROPOSED BY THE COMMISSION OF
THE EUROPEAN COMMUNITIES

of a high standard of training for access to the profession, and advising the Commission on any matters relating to the profession concerned, as necessary.

AMENDED TEXT

Commission with regard to the promotion of a high standard of training aimed at the practice of the profession, and advising the Commission on any matters relating to the profession concerned, as necessary.

Representatives of the practitioners and teachers of the profession concerned shall participate as full members on this advisory committee.

Paragraph 6 unchanged

EXPLANATORY STATEMENT

1. The draft resolution on guidelines for the mutual recognition of diplomas was referred to the European Parliament for an opinion by letter of 22 March. In that same letter the Council requested Parliament to deliver its opinion at its part-session of 22 - 26 April in view of the fact that the Council and the Conference of Ministers of Education of the Member States would be meeting on 2 May.

Once again, Parliament is being asked to give an opinion on a proposal - and a highly important one at that - at extremely short notice. Indeed, the proposed directives submitted to the Council since 1967 with a view to ensuring freedom of establishment and the freedom to provide services for various non-salaried professions 'raise no fundamental difficulties' (Commission text); it is the mutual recognition of diplomas and the related question of the coordination of training requirements pursuant to Article 57(2) and (3) of the EEC Treaty which have given rise to 'serious differences of opinion'.¹

2. After lengthy consideration at Council level, the Commission was instructed to examine the difficulties connected with the mutual recognition of diplomas. For this purpose it set up a working party in 1972, at the last meeting of which - in October of that year - the new Member States took part.

Following the deliberations of the working party and in view of the delay in adopting the draft directives (40 of them) submitted to the Council since 1967, the Commission took the initiative by proposing to the Council the resolution now before Parliament intended, by laying down certain guidelines, to facilitate and speed up the discussions which still have to take place before the directives in question are adopted by the Council.

3. The Committee on Cultural Affairs and Youth deeply regretted the situation in which it found itself. In the event it had only a very limited amount of time available in which to deliver an opinion on a text which, despite its fairly general tenor, is extremely important. However, since the Ministers of Education of the Member States meet only rarely, the committee felt it could not let the conference of May 2 next consider and adopt this document without the benefit of Parliament's opinion.

It thus felt able to deliver an opinion on these guidelines, reserving the right, however, to reconsider the matter in greater depth should the guidelines lead the Commission to modify the draft directives, which would in turn necessitate Parliament being consulted afresh on the modified proposals.

¹ See Doc.23/74, page 2, para.2 of Explanatory Statement

4. The Committee on Cultural Affairs and Youth was of the opinion that, taken as a whole, the guidelines issued by the Commission were acceptable.

5. As to the first point, the question of comparability between the final qualifications certifying attainment of the goals of a particular training course is more important than the prescription of detailed training requirements for all candidates as proposed in the draft directives. Parliament pointed out in a report in 1969 (Doc. 87 of 18 August 1969, para. 6 of the explanatory statement) that it would have been preferable to have laid down, in the directives themselves, various general common criteria for diplomas.... This concept of common criteria for diplomas was not far removed from the idea of professional qualification or 'final-product of training' which reappears in the notes and reports attached to the Commission's draft Resolution.

6. The second principle, i.e. the maintenance of the quality of training in all Member States, can be approved.

7. Similarly the third principle, according to which Community rules and procedures should allow for changes in training which may come to seem desirable in the light of developments in science, in educational thinking, or in the demands made on the practising professions, can be approved without reservation.

8. The fourth principle, which provides for continuous and organised consultation with practitioners and teachers, is essential. It should be considered together with the proposal for the possible creation of a consultative committee charged with assisting and advising the Commission. It is not enough to consult, on occasion, members of a profession on measures of interest to them and then have the decisions drafted by experts who do not have, or no longer have, any contact with the day-to-day realities of the profession concerned.

The Committee on Cultural Affairs and Youth is proposing an amendment to take account of this.

9. The final principle, according to which mutual recognition of professional qualifications should be extended to salaried members of the relevant profession, has been supported by Parliament on several occasions during consideration of the draft directives.

10. The Committee on Cultural Affairs and Youth is submitting to Parliament, in Paragraph 4 of the motion for a resolution and in an amendment, a proposal which would grant mutual recognition of diplomas and freedom of establishment to persons exercising non-salaried professions mentioned in the various directives, when those persons establish themselves in a country other than their own in order to carry out their activity in a group practice.

The committee is aware of the difficulties which such a proposal could cause. Group practices do not in fact exist for all professions nor in all countries. Moreover, in the case of certain professions, the professional organisations or guilds are not always in favour of the creation of such practices. The committee felt, however, that this was a factor which would allow an immediate step forward in the implementation of freedom of establishment and recognition of diplomas. Moreover, the integration of a member of a profession into a group practice appeared to it to offer all necessary guarantees with regard both to professional qualifications and the problems of responsibility.

11. The Committee on Cultural Affairs and Youth has asked the Commission to give detailed consideration to this proposal and to submit, as soon as possible, a proposal to this effect, which should then be examined as a matter of urgency.

