



## The Implementation of the Professional Qualifications Directive (2005/36/EC) Briefing for Members of the European Parliament

CEPI, the European Council of Real Estate Professions,  
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The mission of CEPI, the European Real Estate Council, is to support European and cross-border transactions by enhancing and strengthening the work and activities of property professionals. We represent more than thirty national professional associations of estate agents and property managers based in 20 EU and EFTA countries.

CEPI follows with interest the debate in the European Parliament concerning the implementation of the Directive and welcomes the publication of the draft report dated 27 July 2011. In particular we would like to draw attention to the following points which we see as crucial to the interests of professionals:

1. We welcome the emphasis of the report on simplification and modernisation of the Directive.

This should include greater clarity for professionals and the updating of the Directive making use of modern forms of communication. In particular it would be helpful to clarify the distinction between temporary provision of services and permanent establishment.

2. We ask the Parliament to look at improvements of the Directive that accelerate and make administrative procedures between Member States more transparent.

But we also insist that improvements focus on the effective and efficient working of the Single Market and encourage professionals to provide services cross border. In order to do so it is necessary to look at more than improvements to administrative procedure and ensure that changes are of real value to the market.

3. We are well aware of concerns that the number of regulated professions may hinder the functioning of the Single Market and the need to facilitate the mobility of European professionals in the interests of economic growth.

Deregulation, if taking place, must be accompanied by stronger initiatives to safeguard common standards and quality service to consumers. Greater mobility must also be balanced by attention to the necessity for professional standards and maintaining the quality of professional services.

4. The report highlights the fact that the concept of common platforms as outlined in Article 15 of the Directive has not been successful. We have studied carefully the terms of the Directive in this respect and compared the article in the final version of the Directive with the initial 2002 proposal for a Directive and are convinced that it is not possible for such a common platform to be established on the basis of the current wording, for the following main reasons:

- the requirement to compare the duration and contents of training, and to define a least common denominator in at least two thirds of Member States presents a major obstacle;
- it is very difficult to establish multiple sets of criteria suitable for compensating for substantial differences in different countries;
- the wording in the 2005 Directive represents a crucial shift from the original intention expressed in the 2002 proposal in that it no longer emphasises the initiative of professional association to work out one set of necessary or sufficient qualification criteria that are submitted to the European Commission's approval, but focuses on the final responsibility and decision of EU Member States to adopt multiple sets of compensation measures to enable professionals to access their respective national markets.
- Under the current version of Article 15, the Directive creates a two-class society detrimental to competition, because a common platform can be created exclusively within the framework of regulated systems.

This hinders national and European professional organisations in non-regulated systems from creating high qualification requirements to protect consumers in particular and to provide transparency for services on a voluntary basis without state pressure. Furthermore, the goal regarding the quality of services set out in Article 26 of the Services Directive is therefore not attained in non-regulated systems.



We ask the European Parliament to look again at the concept of common platforms and in particular to reconsider the terms of Article 15 and simplify it along the lines of the 2002 proposal to make it possible for common platforms to be established. We also encourage consideration of the creation of a European curriculum or 28<sup>th</sup> regime, the use of the European Qualification Framework, or other initiatives which represent examples of necessary points of reference and support the movement of unregulated or semi regulated professionals under the general system established by the Directive leading to a more automatic recognition of their qualifications.

5. We welcome the support of the Parliament for the introduction of a voluntary European professional card. We encourage the introduction of such a card both as an instrument to facilitate mobility and to provide an added value for professionals which we consider to be essential for the success of the card.

It is important that certain safeguards are built into the development of a card. These include a secure system of online registration ensuring the proper exchange of information by means of the IMI system. It also means enhancing mutual trust between EU Member States and an important role for the competent authority in the home Member State of the professional in checking the qualifications of the professional and issuing the card. As a consequence an effective means of facilitating discussion between the home and host Member State is crucial.

6. We encourage the interest of the Parliament in assessing the basis upon which such a professional card can be issued. We believe that it is very important that such an assessment includes a full consideration of a common point of reference. Indeed we feel very strongly that in order for the card to have a real added value, mainly for those falling under the general system under the Directive, it is vital that it is connected from the start to an agreed common point of reference as represented by a common platform or other relevant initiatives as mentioned above in point 4.

These would also establish criteria on the basis of which a card could be issued in countries which do not regulate the profession and so support the movement of unregulated or semi regulated professionals under the general system established by the Directive towards a more automatic recognition of their qualifications

If it was to be feared that such point of reference would imply a two speed Europe, we encourage the legislator to consider complementary issues such as the enlargement of qualifications to experience and competence as developed in the Copenhagen process, the possibility for a professional to associate with a legally recognized professional in the host Member State, the development of an aptitude test that could usefully be shared by different Member States. Such initiatives would not have to replace existing ones but offer alternative ways to get acquainted with foreign markets and get recognition for acquired qualifications and competences.

We urge that the need for such a common point of reference be given full consideration at the same time as the development of the professional card as we see a strong and necessary connection between the two which is important for its success, especially with regard the unregulated and semi regulated professions within the General System.