



17/09/12

Mrs Bernadette Vergnaud MEP
European Parliament

Dear Mrs Vergnaud,

The Modernisation of the Directive on the Recognition of Professional Qualifications – A Response to the Report for IMCO of 16 July 2012 on Behalf of Real Estate Professionals

CEPI welcomes the proposals published by the European Commission on 19 December 2011 for the modernisation of Directive 2005/36 on the Recognition of Professional Qualifications. It also welcomes the interest in the proposals taken by the Parliament and its general support for the proposal. We have read with interest the draft report prepared for IMCO and appreciate the detailed and targeted approach which is taken.

Having followed this topic for several years and taken a close interest in the implementation of the current Directive and the proposal for its modernisation we would like to make a few observations on the report which we ask be taken into consideration in the deliberations of IMCO.

Overall we support the development of a European professional card on a voluntary basis and the new regime for automatic recognition on the basis of common training principles. This administrative framework needs to be supported by greater clarity as to the terms of the Directive, and also a “common language” which can be readily understood. We need more evidence about how the Directive will function in a concrete way, and to be sure that these proposals will work as intended. Last, but not least, we need to be confident that the quality of professional services will be maintained.

In particular, with reference to the draft report:

1. CEPI welcomes support for the common training frameworks and also the Parliament’s insistence that the appropriate consultations take place with different bodies including professional associations.
2. The proposal for the modernisation of the Directive includes a form of deemed acceptance so that if a host Member State does not take a decision within the prescribed time limit a professional card is deemed to be validated. The Parliament suggests (amendment 31) that this be changed to a form of temporary validity constituting temporary recognition. **This is a point of some concern because the mechanism of tacit recognition could lead to uncertainty, making it difficult for a professional to invest without risk.**

We suggest that amendment 31 be deleted.

3. CEPI welcomes the Parliament’s recognition of the need to define what is meant by the temporary and occasional provision of services. However it is concerned at the suggestion that this could be subject to an upper limit of one half of a professional’s regular annual activity (amendment 37). For the semi-regulated professions, and estate agents in particular, this could have an undesirable result, particularly in view of the provision in the Commission’s proposal that the requirement for two years of experience (in the case of a professional from an unregulated country) shall not apply in the case of a service provider accompanying a service recipient (from the same Member State). This could create opportunities for national regulation to be circumvented. **For this reason the upper limit of one half of**

a professional's regular annual activity is too high. There is also an important question about who would control this level of activity?

We suggest that amendment 37 be deleted.

Rather than settle on such a limit it would be preferable to leave the general interpretation on a general basis **but develop guidelines for what is meant by temporary and occasional basis on a sector by sector basis.** This should be addressed in the consideration of the development of a professional card or common training framework for a particular profession. This is an important element of the added value of the card as it must be clear what the actual incentive is for the individual professional to apply for a card.

We suggest that an additional amendment be considered to the effect that if an application is made by a particular profession for a professional card then the Commission may issue guidelines as to what is meant by temporary and occasional mobility for that particular profession, upon consultation of course with the appropriate authorities and stakeholders.

4. CEPI is in favour of the introduction of a European professional card on a voluntary basis in such a way that it is open to all interested professions (including the semi-regulated) and for clear and accessible terms for the establishment of common training frameworks, again for all interested professions.

We ask that the potential value of a professional card for the semi-regulated professions be recognised and that the procedure for its creation be as accessible as possible to all on a voluntary basis.

5. It is also important that the need for high quality services and consumer protection is recognised in the debate. This is something that we fear is missing in the discussion of the proposal, particularly with regard to the requirement for Member States to conduct a mutual evaluation of remaining professional restrictions.

We rely on IMCO, as the committee concerned both with the internal market and consumer protection to pay close attention to the need to ensure that consumers receive the highest level of professional services and that this is not overlooked in discussion on deregulation.

We look forward to a positive and constructive consideration of the report in the Parliament and remain at your disposal for any information you may require about the position of property professionals concerning the modernisation of the Directive.

Yours sincerely,

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Managing Director

Janet Griffiths
Policy Analyst

CEPI, the European Real Estate Council, is a unifying and representative organization at European level, defending the interests of its members towards the EU and promoting best professional practices including professional ethics and quality of education and training. It represents twenty six national professional associations of estate agents and property managers based in seventeen EU and EFTA countries.