The Bologna Process and Directive 2005/36/EC on the Recognition of Professional Qualifications: is there scope for creative interaction?

Report of the meeting held in the European Parliament on 14 October 2010

The meeting was convened by the European University Association [EUA], following a series of discussions with DG Internal Market and Services (Unit D4 Professional Qualifications) dating back to 2007, the year in which Directive 2005/36/EC came into force.

The cumulative reforms undertaken by the Bologna Process, initiatives such as the Tuning project and the European Qualifications Framework for Lifelong Learning [EQF], together with the current evaluation and impending review of the Directive, have drawn attention to the ways in which Bologna impacts on EU legislation on the recognition of professional qualifications. The issues have particular significance, given the intention of the Commission to re-launch the Single Market before the end of its current mandate.

Approximately 90 invited participants attended the meeting, representing academic, professional, regulatory and student bodies, as well as the EU institutions. It was the first time that a wide range of stakeholders had met to consider the relation of Bologna to the Directive.

Howard Davies (chair) gratefully acknowledges the contributions of DG MARKT (Jürgen Tiedje), the European Parliament on Internal Market and Consumer Protection [IMCO] (Malcolm Harbour, chair, and Tjalling de Vries, secretary), as well as EUA staff Ulrike Reimann, Andrew Miller, Ellen Mauritzen, Françoise van den Berghe.

Lesley Wilson (Secretary General, EUA) welcomed participants and noted that the relationship of academic to professional recognition of qualifications had been on the agenda since the drawing up of the Lisbon Convention fifteen years before. She outlined EUA's mission: to represent European universities (850 institutional members and 34 national rectors' conferences) and to assist in the steering and monitoring of the Bologna Process. The EUA publication *Trends 2010*[1] had looked at the implementation of Bologna by the sectoral disciplines. EUA and DG MARKT shared a strong interest in mobility and employability, albeit with different lines of approach. She expressed EUA's willingness, on behalf of European universities, to be involved in the evaluation and review of the Directive.

Jürgen Tiedje[2] (Head of Unit D4 – Professional Qualifications, DG Internal Market and Services, European Commission) welcomed the opportunity to address a wider audience: too much work on the topic had been conducted in silos. His presentation – a personal view – would cover a number of aspects.

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[1] See http://www.eua.be/eua-work-and-policy-area/building-the-european-higher-education-area/trends-in-european-higher-education/trends-vi.aspx

[2] His presentation is posted, together with this report, at http://www.eua.be/eua-work-and-policy-area/building-the-european-higher-education-area/bologna-and-professional-qualifications.aspx

Evaluation of Directive 2005/36/EC 2012 would be the 20th anniversary of the single market, as well as the year in which the quinquennial review of the Directive had to be completed. The move to qualified majority voting under the Lisbon Treaty, and the fact that the mandates of the Commission and Parliament would be coming to an end – these required an evaluation of the Directive to be completed in 2011. It would include a public consultation and an external study. In October 2010 the Commission would publish a comprehensive set of experience reports[3] drawn up by regulatory bodies and covering all Member States. It was already in dialogue with professional bodies.

Free movement in the Internal Market Paramount in the evaluation and review process would be the rights of the fully qualified citizen, under the Treaty, to take up economic activity in another Member State [MS]. There were now new patterns of professional mobility and a new breed of professionals with transnational educational profiles and CVs. The Morgenbesser ruling[4] meant that the rights of *stagiaires* had also to be considered. A question for the Bologna Process was how it could assist in the strengthening of labour markets and the economy.

Automatic recognition / minimum harmonisation of training requirements Jürgen Tiedje summarised the position of the sectoral professions (medical doctor, dentist, general care nurse, midwife, veterinary practitioner, pharmacist, architect) in the Directive. Here there were issues raised by the Bologna Process: the question of whether course duration or competences were the better baseline for agreed minimum training conditions; Bachelor employability; the inadequacy of ECTS as a professional recognition mechanism; issues surrounding continuing professional development [CPD] and language testing (not prohibited by the Directive).

Case-by-case recognition / comparing educational levels He also outlined the structure and logic of the General System, its provision for compensatory mechanisms (aptitude tests, adaptation periods) to be applied by host MSs. Its five-level qualifications grid was not consistent with the European Qualifications Framework for Lifelong Learning [EQF] – and did not have to be, since it was input- rather than outcome-based and served a quite different purpose.

Next steps In addition to those mentioned above, the Commission envisaged that a major external study of the impact of Bologna on the Directive would be completed by mid-2011. A Green Paper was possible in 2011 and a legislative proposal in 2012. He ended by urging participants to engage with the external study and in the public consultation.

Malcolm Harbour (Chair, Internal Market and Consumer Protection Committee [IMCO], European Parliament) reported that IMCO and DG MARKT were working closely together to an agreed timetable. He endorsed Jürgen Tiedje's remarks, welcoming the external study recently put out to tender. It was essential that the internal market fulfil its economic potential and deliver benefits to enterprises and consumers; there was no tension between the

[3] Now available at http://ec.europa.eu/internal_market/qualifications/evaluation_en.htm

[4] Morgenbesser case C313-01: 'Community law precludes the authorities of a Member State from refusing to enrol the holder of a legal diploma obtained in another Member State in the register of persons undertaking the necessary period of practice for admission to the bar solely on the ground that it is not a legal diploma issued, confirmed or recognised as equivalent by a university of the first State.'

interests of the two groups. The Services Directive had paved the way for more effective cross-border service delivery and it was now necessary to 're-boot', rather than re-launch, the internal market; the hardware (legislation) was in place, but the software (user-familiarity) remained to be developed.

IMCO would, of course, respond at the appropriate time to initiatives coming from the Commission in the form of draft legislative proposals. However, it had also been pro-active in a number of respects, working on a policy stream which ran parallel to the activities of DG MARKT:

- Its own-initiative report[5] [Louis Grech] on the future directions of the internal market had been approved in plenary by a substantial cross-party majority of 580 out of 750
- It had commissioned a report on the transposition of the Directive[6]
- It had held a public hearing in November 2009[7]
- It awaited a further report with special focus on nurses, architects, tourist guides and civil engineers
- It would meet representatives of national parliaments in October 2010
- In 2011 it would draft another own-initiative report on the operation of the Directive and would hold a second public hearing

Malcolm Harbour was in full agreement regarding better implementation of the Directive. Issues raised by Bologna had to be addressed, as did the question of continuing professional development [CPD]: sub-specialisms were proliferating, consumer and patients' bodies were more active and the transparency of professionals' credentials was now paramount. IMCO regarded professional qualifications as a flagship project. Two vice-chairs – Bernadette Vergnaud and Lara Comi were leading a reflection group which would look at all aspects of professional recognition.

Howard Davies[8] (Senior Adviser, EUA) reminded the meeting of the main Bologna action lines: the three-cycle structure; mobility of students (an agreed target of 20% of students by 2020) and staff; credit accumulation and transfer systems consistent with ECTS; cooperation in quality assurance at European level; the priority given to comprehensive lifelong learning provision; widened access to higher education and equality of opportunity; the global attractiveness of European higher education; and the importance of articulating the European Higher Education Area [EHEA] and the European Research Area [ERA].

He went on to set out the principal points on which Bologna and the Directive diverged. They had emerged from EUA's monitoring of the activities of stakeholder groups and fell under four headings: curriculum; qualifications frameworks; lifelong learning; and quality assurance.

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[5] See http://www.europarl.europa.eu/activities/committees/reportsCom.do?language=EN&body=IMCO PE 439.933 v02-00; A7-0132/2010

[6] See http://www.europarl.europa.eu/activities/committees/studies/download.do?language=en&file=27071#search=%20professional%20qualifications%20

[7] See http://www.europarl.europa.eu/activities/committees/hearingsCom.do?language=EN&page=3&body=IMCOllow

[8] His presentation is posted, together with this report, at http://www.eua.be/eua-work-and-policy-area/building-the-european-higher-education-area/bologna-and-professional-qualifications.aspx

Curriculum The texts of the Directive dated mainly from the 1970s. They referred to knowledge, competences and skills required of professionals, but did so inconsistently. They were felt to be out of date in terms of scientific knowledge, professional aspiration and pedagogic approach, omitting many competences now regarded as essential (foreign languages, business management, telemedicine, working with ethnically diverse patients, etc) and drawing an untenable distinction between theoretical and practical/clinical study. The emergence of core curricula (e.g. chemistry) and the efforts to develop them in the sectoral professions raised a number of questions. Should they be defined as bodies of knowledge or as sets of specific and generic competences? How to ensure that curricula diversity was not stifled? How to address bodies of knowledge (e.g. medical) that were too large to be accommodated in the training time available and at the same time to guarantee that students would learn to learn? The answers to these questions pointed towards student-centred learning and a focus on learning outcomes.

Qualifications frameworks The three-cycle Bologna framework, congruent with EQF, nevertheless posed problems in respect to the Directive. The long integrated Master course, preferred by many in the sectoral professions, had been given the green light by the Bologna seminar held in Helsinki in 2003, but with the proviso that it incorporated intermediate entry and departure points. This raised the questions of the employability of the Bachelor, curriculum design of Bachelor-Master sequences, and continuity of funding. There were inconsistencies, too, with the General System, the five levels of which were not consistent with Bologna or with EQF and were not based on the Dublin Descriptors or on learning outcomes.

Lifelong learning Here there were four key issues which needed to be addressed: the admissibility of the recognition of prior learning (formal, non-formal and informal); the question of whether CPD should fall within the scope of the Directive; the desirability of working towards inter-operability of mobility instruments (EUROPASS, IMI, professional smart cards) in the interests of transparency and coherence; and the question of how to deal with the acquired rights of pre-Bologna graduates.

Quality assurance While European quality assurance was steadily gaining in substance and momentum, through the European Standards and Guidelines [ESG] and the Quality Register [EQAR], there remained problems with the quality assurance of transnational inter-cycle mobility. Who would assure that a Bachelor in country A and a Master in country B will constitute compliance with the Directive? As European QA develops – on the basis of student-centred learning, learning outcomes, student participation in QA – it becomes more out of step with the Directive. It was clear that this divergence had to be addressed.

There then followed **contributions from the floor**, as follows:

European Network of Architects' Competent Authorities	CPD is not a relevant topic, since it does not concern access to the profession IMI cannot be inter-operable with other mobility instruments, as it is confidential In transnational vertical student mobility, the body awarding the Master takes responsibility for the Bachelor EQAR activities are based on peer review and are not appropriate for regulators DIR lists 11 points of knowledge and skills; competences have been mapped onto these

Council of European Dentists	Bologna is academic, DIR is professional; the two are distinct. Two-cycle programmes pose no problem academically, but raise the question of whether HEIs can declare Bachelors to be employable as dentists.
Pharmine thematic network	Academic recognition in the Bachelor-Master sequence is guaranteed when both awarding institutions hold the ERASMUS Charter. There is work to be done on the impact of Bologna on paramedical and para-pharmaceutical professions.
Medine thematic network	Core curricula and learning outcomes are not mutually exclusive, as long as the former are expressed in terms of the latter. Learning outcomes are not at all incompatible with specifications of course duration. Development of competence-based curricula is wholly in line with the need to strengthen automatic recognition and to raise the level of professional mobility.
European University Association	ECTS can assist in automatic recognition, since it uses both student workload and learning outcomes to measure study and practical work.
European Commission DG EAC	DG MARKT and IMCO are correct to assign paramount importance to citizen mobility and consumer rights. Transparency and mutual trust are essential – and Bologna, EQF and DIR all promote these. However, ECTS is not uniformly applied and the 3-cycle structure is not yet up and running in all MSs. Is the time ripe for the application of Bologna to DIR? It will take time to develop a legal framework which can accommodate future change. The question of the rights of pre-Bologna graduates cannot be avoided.
European Network of Heads of Schools of Architecture	AN ENHSA survey shows that 72% of architecture schools run Bachelor-Master programmes on a 3+2 basis. A minority of 18%-20% operate systems of 4+1 or 4+2. As DIR requires four years, a 4-year Bachelor is compliant. This reduces quality – and the growing private sector will take advantage of this. Professional consensus is that DIR should in future require a 5-year minimum training programme.
German Rectors Conference [HRK]	HRK welcomes multi-stakeholder discussion, but how can these important issues be followed up in the timeframe indicated by speakers? A permanent platform, to include the thematic networks, should be considered.
General Medical Council	Automatic recognition has been a success, insofar as it can be operationalised relatively simply by competent authorities. But this does not mean that the qualifications listed in the Annexes of DIR are transparent.

Summary remarks by Jürgen Tiedje

The meeting has discussed how the Directive can accommodate Bologna. The question can usefully be turned around. How can Bologna assist professional mobility and strengthen the internal market? Transnational mobility of students (e.g. in architecture) poses a real problem. The case of the student obtaining a Bachelor in country A, a Master in country B, and undertaking supervised practice in country C demands coordination. How can automatic recognition operate when there is no country of origin? The General System is witnessing rapid proliferation in the number of engineering specialisms, stimulated by the diversity which Bologna encourages. How can this professional fragmentation be managed in the context of

the Directive? Bologna has no answer to these questions. Higher education faces a great challenge: how to ensure that diversity of provision remains compatible with automatic recognition? Automatic recognition has been a major achievement of the internal market and must be strengthened rather than undermined.

Summary remarks by Lesley Wilson

Behind these questions lies the deeper issue of how much regulation of higher education at European level is desirable. Bologna is intergovernmental and has no powers of enforcement; it cannot provide easy answers. But it has achieved much – it has made this meeting possible and brought important matters into the public domain.

Summary remarks by Howard Davies

The meeting illustrates the need to align the instruments of academic and professional recognition and mobility; discontinuity and opacity are not in the interests of any party. The question of trust has been stressed, but it is difficult to measure. It can be argued that while Bologna has raised the level of trust between HEIs, it has reduced trust in automatic recognition by shedding light on the curricular diversity which predated the Bologna reforms. While it is true that the Directive, as part of the *acquis*, has raised professional standards in accession countries, it is also true that enlargement has helped promote Bologna. The problems associated with the relationship of Bologna and the Directive has thus been extended to a greater number of countries; this makes the challenge of addressing them all the more urgent.

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