

Motion

tabled by the Members of the Bundestag Dr Joachim Pfeiffer, Nadine Schön, Thomas Bareiß, Veronika Bellmann, Erich G. Fritz, Dr Michael Fuchs, Michael Grosse-Brömer, Dr Matthias Heider, Rudolf Henke, Ernst Hinsken, Robert Hochbaum, Dieter Jasper, Andreas Jung, Dr Stefan Kaufmann, Dr Rolf Koschorrek, Andreas Lämmel, Ulrich Lange, Stephan Mayer, Hans Michelbach, Dr Mathias Middelberg, Stefan Müller, Dr Philipp Murmann, Dr Georg Nüßlein, Franz Obermeier, Rita Pawelski, Ulrich Petzold, Eckhart Rehberg, Dr Heinz Riesenhuber, Albert Rupprecht, Anita Schäfer, Tankred Schipanski, Uwe Schummer, Jens Spahn, Christian von Stetten, Stephan Stracke, Lena Strothmann, Antje Tillmann, Andrea Voßhoff, Kai Wegner, Volker Kauder, Gerda Hasselfeldt and the CDU/CSU parliamentary group

and the Members of the Bundestag Dr Hermann Otto Solms, Dr Martin Lindner, Heinz Lanfermann, Claudia Bögel, Christine Aschenberg-Dugnus, Klaus Breil, Birgit Homburger, Manfred Todtenhausen, Rainer Brüderle and the FDP parliamentary group

Professional qualifications – facilitating mobility, ensuring quality

The Bundestag is requested to adopt the following motion:

I. The German Bundestag notes:

The German Bundestag welcomes the revision of Directive 2005/36/EC on the recognition of professional qualifications and Regulation on administrative cooperation through the Internal Market Information System. This is an important prerequisite for harnessing the full potential of the pool of qualified professionals in Europe and for enabling freedom of movement in Europe to be improved.

One of the indispensable elements of the European Single Market is the opportunity for all citizens to change jobs as smoothly as possible or for services to be rendered from one European country to another. We therefore welcome the objective of the proposal for a directive of increasing the recognition of professional qualifications and professional mobility in Europe through transparent and efficient procedures. Greater mobility contributes to stimulating the single market for services and can help combat youth unemployment in Europe. As an element of the current growth strategy to shore up the measures from the European Fiscal Compact, the latter is of special significance. German enterprises in turn benefit from simpler recognition procedures when recruiting qualified professionals or when exporting services.

Additional opportunities for professional mobility or for cross-border trade in services must, however, not harm existing and valued qualification levels. In light of this, it must be ensured that the excellent, high-quality dual training system in Germany, which has proven its worth over several decades now, and the high level of qualifications and skills which exists in Germany

are taken duly into account. The dual training system must not be endangered by the proposed directive.

The dual vocational training system ensures a very high level of education amongst the population as a whole by international comparison. 84% of adults in Germany have completed upper secondary level education (reference year 2009, OECD average: 82%). Unfortunately, comparative international studies all too often focus only on the percentage of university graduates. Germany regularly faces the criticism that its graduation rate of 29% (2009) is considerably lower than the OECD average of 39%.

The dual system means that Germany and other countries have an excellent vocational training system alongside the higher education system at their disposal, which not least also ensures high-quality training in the health and early-years education professions as well as in the trades. It is especially the practical skills geared towards the field of practice they gain in their training that makes the graduates sought after on the labour market. Not least the “foot in the door effect” that results from this field-of-practice focus means that youth unemployment is much lower than the OECD or EU average. According to the latest EU statistics (June 2012) in Germany only 7.9% of young people are jobless. In countries with a less pronounced vocational education and training system it is much higher: Spain 51.5%, France 22.0%. Training in the dual system attracts many school-leavers. In addition to the pedagogical advantages (“learning on the job”), for the national economy there is also the fact that the costs of the training are not borne by the taxpayer but traditionally to a large extent by business and industry, which ensure their skilled labour needs are met in this way. Here the principle of “no qualification without gratification”, that is to say only qualifications which act as a stepping stone into the world of work or further training, applies. A qualification from the vocational education and training system usually opens up a wide variety of opportunities for further qualification, either in the vocational training system (for instance, master craftsmen, technicians, business administrators) or in the higher education system (bachelor, master, doctoral degree).

Many of the vocational training courses are equivalent to academic qualifications in Germany and abroad. This is now also clearly documented by the classification of the qualifications received in the level categories defined in the German and European Qualifications Framework on the basis of skills-related descriptors.

The following points in the proposed directive are of particular importance for the German Bundestag in the context of the revision:

a) Notaries public

The profession of notary public should not come under the scope of the professional qualifications directive, as the aim of the directive is difficult to reconcile with the fundamental principles of preventive justice, as enshrined in the majority of Member States, and the competence for the establishment and structuring of a system of preventive justice is in the hands of the Member States.

b) Training of nurses and midwives

The admission requirements for entry onto nursing and midwifery training must continue to be a ten-year general school education and must not be extended to a twelve-year general school education. In Germany, in the future as well, the nursing staff trained for three years

at schools of nursing – admitted on the basis of completing lower secondary level education – must continue to be the strongest pillar of the occupational field of nursing. These trained nurses must continue to enjoy automatic recognition of their vocational qualifications within the European Union in the future as well. Tightened admission requirements, on the other hand, would have severe consequences for the German labour market. Approximately 50% percent of a training cohort today in the area of health-care and nursing would then be excluded from training. This in turn would make it impossible to maintain the very high proportion of qualified specialised staff key to the quality of the German health service. Training in the professions of health-care, nursing and midwifery must continue to be possible for school-leavers who have completed lower secondary education, as it is also these types of vocational qualifications that are responsible for the low youth unemployment rate in Germany. These considerations must be taken into account when deciding how to modernise the directive. Here, the focus must be on both ensuring mobility in the internal market and on quality assurance. In the future, too, what must count is the vocational knowledge, abilities and skills acquired through the training and not first and foremost the number of years of school education as the entry requirement to training.

c) Pharmacists

In contrast to other Member States, in Germany pharmacists enjoy freedom of establishment. For this reason, deletion of the provision which does not require Member States to accept training certificates of other EU nationals for the establishment of new (up to three years old) public pharmacies is not acceptable. Article 21 (4) of the directive continues to be necessary in order to prevent market distortions resulting from pharmacists from Member States with restricted freedom of establishment trying to circumvent this restriction.

d) New competences for the European Commission regarding the contents of training programmes/delegated acts

The proposed further-reaching transfer of competences to the European Commission, for instance through delegated acts, is unnecessary for the coordination of minimum requirements for training courses and interferes with the Member States' competence for the area of vocational training. The competence of the Member States in this area must be preserved. There must be no further-reaching competences transferred to the European Commission.

e) Language skills

In many cases, language skills are of crucial importance for integrating a qualified professional in the host country. They are the basic prerequisite, *inter alia*, for the quality of the services rendered, for the protection of consumers and for the safety of patients. The provisions on the language requirements for occupations, especially in the health sector, must therefore allow the host country to test language skills for selected occupations and it must also be left up to the host country to devise such tests.

The provision for determining language skills in Article 53 (2) is problematic in this regard. In particular, it is geared one-sidedly to language testing by an authority and provides too little flexibility in the case of re-tests. This needs improving.

f) European Professional Card

The introduction of a European Professional Card aimed to help facilitate mobility in the EU must be viewed as fundamentally positive. The final decision on the recognition of the qualification must however be the reserve of the host country. Regarding the selection of the professions to be chosen for the professional card, sufficient participation by the Member States must be provided for.

g) Early warning mechanism

For professions which affect patient safety, it is absolutely essential that the competent authorities be swiftly informed in the event of a health care professional being banned from exercising the profession in order to protect patients.

It is important therefore to have an early warning mechanism, as proposed for health occupations with automatic recognition in the draft directive, in which all Member States and the European Commission are informed of bans on exercising of the professional activity in question. The mechanism must be practicable, however. The three-day period envisaged may be justified objectively, but seems virtually impossible to put into practice.

h) Common training frameworks and examinations

Strengthening automatic recognition by means of common training principles is important. This will allow other suited professions to be transferred to automatic recognition. In principle other health professions warrant being considered for this. If not all Member States can agree on common training frameworks, as a last resort it must be possible for a large group of Member States to take the lead. However, the Member States must be free to not take part in the training frameworks or qualification examinations. A decision-making competence for the European Commission on an opt-out is not compatible with this.

i) Partial access

The principle of partial access to a profession is problematic, even with the possibility of refusal due to an overriding reason of public interest such as public health. Partial access must remain confined to isolated cases in order to protect consumers and patients. Otherwise there is the risk of traditional and established professions unravelling and considerable legal uncertainty. The country-of-origin principle proposed by the European Commission relating to the separability of one area of activity as a profession in its own right would lead to a downward spiral of fragmentation. Whether a profession can be divided up into separate aspects or not must be determined objectively in each case.

j) Internal Market Information System (IMI)

A directive which dictates in detail to the Member States how IMI must be structured organisationally goes beyond the principle of proportionality. It must suffice to define the form of communication (use of the IMI platform) and the timeframe for processing enquiries. Requirements over and above this are not necessary to implement the aims of Article 26 TFEU in the context of IMI.

k) Electronic procedures

We welcome the introduction of optional electronic procedures as per the services directive. Such procedures facilitate cross-border applications and take into account the widespread use of digital communication modes. If there are doubts as to authenticity, however, it must be possible for necessary proof to be presented in hard-copy in case verification is not possible via the IMI Internal Market Information System.

II. The German Bundestag calls on the Federal Government

to take into account these points in the ongoing negotiations on the proposal for a Directive of the Council and of the European Parliament amending Directive 2005/36/EC on the recognition of professional qualifications and the Regulation on administrative cooperation through the Internal Market Information System and to endeavour to ensure that these points are largely implemented.

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Volker Kauder, Gerda Hasselfeldt and the CDU/CSU parliamentary group
Rainer Brüderle and the FDP parliamentary group