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POLICY BRIEFING

Recognition of professional qualifications

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This policy brief has four sections:

    A. The European labour market context
    B. Ukraine
    C. Developments in the higher education sector
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As they grapple with the aftermath of Covid-19 and the threat posed by global warming, European labour market(s) continue – and will no doubt continue for some time to come – to vest their hopes in digitalisation.

Higher education policy follows a similar trajectory, while at the same time lending its weight to the academic and professional integration of Ukrainian refugees. Notwithstanding the likely revival of Europe's fossil fuel industries in response to events in Ukraine, higher education institutions continue to strive for the sustainable development goals and the acceleration of the green transition.

EU-UK relations remain locked at a very low point, with commentators uncertain about whether dialogue will improve in the post-Johnson era.

We inhabit a landscape which is difficult to navigate. This briefing covers some of the relevant developments.

A. THE EUROPEAN LABOUR MARKET CONTEXT

1.1   At the beginning of July 2022, the six-month presidency of the Council of the EU passed from France to the Czech Republic. As far as the EU's digital transition is concerned, the line is one of continuity. Although couched in mainly general terms, the Czech programme makes a point of committing to "the adoption of a pan-European tool for the secure and trustworthy proving of a citizen's identity, the so-called European Digital Identity Wallet". This has implications for the recognition of qualifications which we look at more closely below (3.8). Here we focus more broadly on the labour market context.

1.2   The European Parliament is already anticipating the **Commission's work plan for 2023**. A statement by the Conference of Presidents (i.e. the EP president plus the chairs of the political groups) calls for the Commission to present "proposals for directives on teleworking, the right to disconnect, and the impact of artificial intelligence in the workplace in light of new working methods stemming from the Covid-19 pandemic and broader technological progress".

1.3   The European Social Observatory is following the **effect of digitalisation on public services**. Its DIGIQU@ LPUB project examines hospitals, the electricity supply sector, and public administrations. Universities in Denmark, Finland and Italy are active in this research.

1.4   The pandemic has accelerated the drive to digitalise healthcare provision. It has brought into public view the unequal distribution of healthcare professionals in the EU, triggering a **challenge to the traditional division of professional labour**. On the theme of 'medical deserts', the HPCB bulletin of March 2021 reported on the Health Workforce Projects Cluster. It listed five ongoing projects with a strong labour market focus. Most directly relevant to professional qualifications is TaSHI, which maps the current state of play and the future perspectives of 'task shifting' – the horizontal and upward extension of professional competences as a way of mitigating labour shortages and consolidating clinical teams. This development will very likely disrupt the regulation of stratified health systems, drive the re-design of training programmes and make recognition more complex.

1.5   The **Council of European Dentists** (CED) confirms the trend. Its annual report for 2021 speaks of the shift to large teams based on a complex and inter-disciplinary division of labour, replacing long-established one-person practices. Partly to reflect this evolution, the CED continues to lobby the Commission for amendments to Annex V of Directive 2005/36/EC.

1.6   Dental hygienists featured in Case 940/19 of the Court of Justice (CJEU). We reported previously on the Advocate General's Opinion that the Directive's provisions on **partial access** do indeed apply to the sectoral

professions. Member states segment broadly defined professions such as dentistry in different ways. The Court's judgment of February 2021 confirms that this allows national regulators to consider the possibility of partial access.

1.7   The World Health Organisation has lent its support to the upward **academic mobility of nurses and midwives**. Its Roadmap to guide implementation of the Global Strategic Directions for Nursing and Midwifery in the WHO European Region (2021) recommends that:

◈ Basic training should feature integrated practice-based learning; it should be competence-based and address European priorities: primary care, public health, mental health, long-term care, digital health.

◈ Recruitment to training programmes should favour social inclusion.

◈ Nursing and midwifery should be graduate professions, with basic training in line with the Directive; bridging courses from non-graduate programmes should be provided, together with progression routes to master's and doctorate.

◈ Relevant authorities should develop robust regulatory systems for the review and approval of training programmes.

1.8   The Standing Committee of European Doctors (CPME) has strong views on **task-shifting**. Its Policy on Healthcare Workforce is explicit: "task-shifting must always be driven by the objective of improving patient safety and quality of care, and cannot be an organisational stopgap or a cost-cutting measure. Where tasks are redistributed, this must be supported by adequate training, including on aftercare and continuity of care."

1.9   **Pharmacists**, too, are concerned about the need to plan for a better integrated healthcare workforce. The European Association of European Pharmacists (EAHP)'s updated position paper argues forcefully that the role of hospital pharmacists has changed dramatically: no longer concerned solely with dispensing medication, they play a key role in multi-disciplinary therapeutic teams with direct patient contact. But basic training standards across the EU are uneven. Although eleven member states have recognised hospital pharmacy as a distinct specialism, full EU coverage, says the EAHP, would be best ensured via the implementation of the Common Training Framework which it developed within the provisions of the Directive's article 49a. EAHP calls for the Commission to trigger the necessary delegated act.

1.10   March 2022 saw another step forward by the EU and Canada in the long drawn out CETA negotiations to conclude the **'Mutual Recognition Agreement' (MRA) on the professional qualifications of architects**. The MRA is planned to come into effect in early 2023. Once it does, it will be the first of its kind and a regulatory breakthrough for the EU. Architects meeting certain qualification- and experience-based criteria will have their qualifications recognised by the European and Canadian authorities. They will have to register with local authorities to get permission to work, and EU architects in Canada will additionally have to complete a one-off 10-hour course. But this is not the end of the story. In May, at the CETA Regulatory Cooperation Forum (RCF), EUA was informed that the MRA has yet to be formally adopted by the CETA committee. The procedure is likely to be completed in the second half of this year, at which point the final text will be published.

1.11   Readers who would appreciate a **ten-minute summary of MRA provisions by DG Trade** are directed to Thorsten Behnke's presentation on the EU-Singapore FTA webinar (at one hour, ten minutes in). A follow-up intervention by the European Services Forum comments that: MRA provisions are too complicated; they can be by-passed in some cases by using local partners; and the Commission should give more energetic encouragement to professional bodies to work on draft agreements. At the RCF meeting mentioned above, however, it became clear that Canada and the EU are not seeking to stimulate more MRAs (at least, not publicly); their expectation is that initiatives will be genuinely bottom-up and originate in the professional bodies.

1.12   The EU-Canada MRA implicitly invites reciprocity. But Europe's needs are such that historically it has been an importer of qualified labour. In our previous briefing we highlighted the upgrading of the EU's Blue Card, designed to facilitate the immigration of highly-skilled professionals. CPME's policy statement (1.8 above) stresses the importance of **ethical recruitment** from third countries and "incentives to stimulate circular migration [...] which create a bilateral win-win situation, such as partnerships at university and clinical level".

1.13   At the end of June, the EU celebrated the finalisation of its **FTA with New Zealand**. Long expected, the agreement had been effectively delayed by France until after the French presidential and parliamentary elections. The final text is not yet available. DG Trade's [website](#) points to "advanced provisions on the movement of professionals for business purposes", but makes no mention of professional qualifications. It is likely that the FTA will echo the CETA's provisions on MRAs.

1.14   There is movement, too, in **Greece**. Forthcoming legislation will allow the sealing of a [reciprocal recognition agreement of university degrees with Australia](#), which is home to a large contingent of the Greek diaspora. A rapid expansion of the number of [degrees taught in English](#), including medicine, is already under way.

1.15   Meanwhile, the EU and **Singapore** have embarked on the road to a multi-faceted [Digital Partnership](#) intended to embrace, among other things, digital identities and digital up-skilling.

1.16   In recent months. **Palestine, Slovakia and Sweden** have ratified the UNESCO [Global Convention on the Recognition of Qualifications concerning Higher Education](#). This brings the total number of ratifiers to 17; three more are required before the Convention can enter into force.

1.17   The recognition of professional qualifications is high on the agenda of countries in the EU's **European Neighbourhood** – notably, for countries already or potentially on the road to accession and anxious to adopt the *acquis communautaire*. The signatories to the Central European Free Trade Agreement (CEFTA) – Albania, Bosnia and Herzegovina, Moldova, Montenegro, North Macedonia, Serbia and Kosovo – belong to a [Joint Working Group](#) with the Education Reform Initiative of South Eastern Europe (ERISEE) and the Social Agenda Working Group (SAWG), operating under the auspices of the [Regional Cooperation Council](#) (RCC). The Joint Working Group takes responsibility for data collection and monitors the transparency of national professional qualification systems. The CEFTA countries, currently chaired by Moldova, are currently working to align these with the General System enshrined in [Directive 2005/36/EC](#).

1.18   The Commission regularly chairs the **Group of Coordinators** which brings together national government representatives in the field of professional recognition. The Group's agendas are published promptly, but the corresponding minutes appear with a substantial time lag. The most recent minutes date from November 2021, while the agendas cover meetings in March, April and May of 2022. Of particular note in the latter are: the conclusions of the mapping studies of dentistry and pharmacy; further discussion of the 'intensivist', a medical specialty which does not exist in all member states; and Ukraine. The November 2021 minutes are strikingly informative on the question of recognition between the EU and the UK; section D below reports in detail.

B. UKRAINE

2.1   The Czech Presidency, already mentioned, has undertaken to foster effective European cooperation and solidarity so that the long-term integration of refugees is successful. This will be welcomed by the European higher education community, which has quickly mobilised **support for Ukrainian academia**. [EUA's advice](#) to its members addresses Ukraine's needs, but also advises on what position to adopt vis-à-vis relations with Russia.

2.2   **Information useful for Ukrainian citizens newly arrived** in the EU, as well as for the bodies committed to their support, is now available. The [European Commission maintains a website](#) which includes overviews

of EU and member state (and Swiss) higher education systems; some of which are generic pages destined for foreign students of all nationalities, while others are Ukraine-targeted. The European Students' Union (ESU) also offers country-by-country information, from European sources as well as from Egypt, Israel, Morocco and the USA. In addition, details of scholarships and application procedures available at institution-level, including in Turkey, are accessible at https://ukraine.uni-foundation.eu/.

2.3   More widely across Europe, the range of support initiatives is too extensive to list here. This briefing will confine itself to actions that relate specifically to the **recognition of qualifications**. To some extent, the position of Ukrainian refugees is eased by the fact that Ukraine has ratified and implemented the Lisbon Recognition Convention covering academic qualifications. As a member of the Bologna Process it has developed a national qualifications framework consistent with the EQF. But this of itself is not sufficient to integrate Ukrainian citizens in sanctuary higher education systems. The Council of Europe's Recommendation on Recognition of Qualifications Held by Refugees, Displaced Persons and Persons in a Refugee-like Situation is a key instrument of which all institutions should be aware.

2.4   In the sphere of **professional qualifications**, in April the Commission issued a timely Recommendation (2022/554) which clarified the situation insofar as it applies to Ukraine. It had already activated the 'temporary protection mechanism' provided for in Directive 2001/55/EC, which requires member states to allow refugees to undertake activities in "employed or self-employed activities, subject to rules applicable to the profession". But this principle gives no guarantee that refugees will be employed in positions which use the full range of their professional competences. Nor does it allow them instant access to regulated professions. The Commission's Recommendation is intended to complement the provisions of Directive 2005/36/EC (which makes no mention of temporary protection), while explicitly seeking to take advantage of the arrival of high-skilled Ukrainians to mitigate some of the EU labour shortages, particularly in the healthcare sector.

2.5   While the two Recommendations (Council of Europe and EU) share the same rationale and approach, the **European Commission's main concern** is to expedite the measures already enshrined in the Directive. Article 3 of its Recommendation reads:

> The Commission recommends Member States to reduce the formalities for recognition of professional qualifications to a minimum. To this end, Member States are encouraged:
>
> ◊   to speed up the process by putting in place fast-track procedures for handling applications of professionals enjoying temporary protection;
>
> ◊   to ensure that only essential documents are required;
>
> ◊   to accept other forms of proof than original documents (e.g. digital copies);
>
> ◊   to dispense with certain requirements, e.g. not asking for certified translations;
>
> ◊   to reduce or eliminate costs, such as application fees, where possible.
>
> In case of doubt about the authenticity of the qualification, verification should be quick and efficient. Digital tools like the FRAUDOC - Guidelines on Diploma Mills and Document Fraud for Credential Evaluators may be used to that effect.

Note that the Recommendation cites the FRAUDOC website, but fails to mention that access is restricted. Enquiries by refugees, employers, professional bodies or HEIs are best directed to the relevant ENIC-NARIC centre.

2.6   With a view to easing the integration of Ukrainian refugees in the EU labour market, the EU Skills Profile tool, maintained by the constantly evolving database of **E**uropean **S**kills/**C**ompetences, qualifications and **O**ccupations (ESCO), is now available in Ukrainian. Designed for employers, careers advisers and individual job-seekers, it helps all parties match refugees to particular employment opportunities. Indeed, the entirety

of the ESCO taxonomy of skills has recently been launched in Ukrainian. Europass, too, with its array of employment-enhancing instruments, has its Ukrainian-language version.

C. DEVELOPMENTS IN THE HIGHER EDUCATION SECTOR

3.1 The **Conference on the Future of Europe** has finished its work and published its Conclusions. These turn out to be disappointing and leave a sense that the Conference is recommending what is already happening. To ease the demographic transition, for example, it favours "promoting the right to free movement of education within the Union, among others, through mutual recognition of degrees, grades, skills and qualifications" [p.59]. Later, it recommends that the EU "champion the recognition of non-formal and informal learning" [p.88]. On the same page, it notes that "professional degrees and training should be validated and mutually recognised in all EU Member States", as if this were a topic that had never been addressed.

3.2 In point of fact, the **Conference's panel 4**, which focused on migration, recommended [Annex p.75] that the recognition systems for both academic and professional qualifications should be geo-politically co-extensive, covering the wider European space and effectively creating a continental labour market. The final text (deriving from the plenary sessions) is a dilution of this proposal.

3.3 On the question of the **recognition of prior learning**, including the non-formal and the informal, the Eurydice Report 'Towards Equity and Inclusion in Higher Education in Europe' offers a useful reminder of how far RPL has been implemented and how much further it has to go [pp.32-36].

3. 4 The **automatic recognition of academic qualifications** has long been on the European higher education agenda. The Bologna Process set up its Pathfinder Group to explore and progress the issue ten years ago. Subsequently, the basic principles of implementation were formulated by the Dutch NARIC Nuffic. But does automatic recognition indeed function? The European Commission, having lent its support in 2018 with a Council Recommendation, has commissioned a survey by IPC International to discover how effective the Recommendation has been. Focus groups were convened in May and a report is expected in due course.

3.5 EUA's **Spotlight on Recognition (SPOT) project** concluded in May with a final conference held in Brussels. Among its outcomes are an academic recognition hub, which will function both as a forum and a resource bank, and a self-assessment tool designed to help higher educaion institutions monitor and improve the quality of their recognition procedures.

3.6 The **European Quality Assurance Register for Higher Education (EQAR)** has announced its participation in a new project coordinated by the Italian NARIC CIMEA: "Constructing Recognition in the EHEA". In the build-up to the next Bologna ministerial meeting in Tirana in 2024, the project will examine how far national legislations have aligned with the Lisbon Recognition Convention in respect of three policy strands in particular: alternative pathways, automatic recognition and digitalisation.

3.7 In March, the European Commission staged a webinar organised by three of its Directorates-General: Communications Networks, Content and Technology (CNECT), Education, Youth, Sport and Culture (EAC) and Employment, Social Affairs and Inclusion (EMPL). Its theme was **European digital identity and its implications for the development of digital credentials**. A number of initiatives were highlighted, all of which have ancillary developments and are related to other R&D structures:

◇ EBSI: European Blockchain Services Infrastructure;
◇ eIDAS: Electronic i/d Authentification and trust Services;
◇ EDCL (European Digital Credentials for Learning) and Europass;
◇ ESC: European Student Card.

After the event, the organisers candidly acknowledged that non-specialist participants had been confused by the proliferation of initiatives and acronyms. Sadly, the recording of the webinar has not been uploaded to YouTube and the draft report circulated by DG EMPL is no longer available. This emphasises the need

for the Commission to produce, once the portfolio of pilot projects has been completed, a user-friendly demonstration of how the user-controlled European Digital Identity Wallet can be deployed to the advantage of students, institutions and professional bodies. The draft report cites four applications:

◊ Applying for higher education funding;
◊ Applying for admission to a public HEI;
◊ Academic recognition of diplomas, certificates etc.;
◊ Recognition of professional qualifications in line with Directive 2005/36/EC.

3.8   EQAR is also active in this field. It is enabling the use of its DEQAR data on external quality assurance within the EBSI ecosystem, allowing higher education institutions to issue digitally-signed and tamper-proof confirmation of their compliance with the European Standards and Guidelines on Quality Assurance (ESG). But EQAR is not the only pioneer. DG EMPL's draft report footnotes other examples:

> Flanders (Belgium) operates an official Database of Qualifications and Professional Experience Attestations, called 'LED', the 'Leer- en Ervaringsbewijzendatabank'. LED confirms the authenticity of these qualifications and professional experience proofs. LED can be consulted by using the official electronic identity card (eID) of the owner of the obtained qualifications via Itsme, app, sms or token. http://www.leerenervaringsbewijzendatabank.be/ (Dutch only).
>
> The Groningen Declaration Network operates a TRUST hub to promote digital student data portability. https://www.groningendeclaration.org/trust-hub/

In addition, UNESCO has published a report on digital credentialing and its implications for cross-border higher education service delivery.

3.9   The European Tertiary Education Register (ETER) is an evolving database which offers new routes into the data held by **DEQAR**, which our previous briefings have noted. DEQAR contains some 70,000 quality assurance reports submitted voluntarily by higher education institutions following evaluation by ENQA-compliant quality assurance agencies. ETER allows the same data collection to be searched by ISCED levels 6, 7 and 8 (bachelor, master and doctorate), as well as by higher education institution filter.

D. THE LEGACY OF BREXIT

4.1   The UK has been active on the **academic recognition** front. It has signed the UNESCO Global Convention (1.16 above) and discussions are ongoing regarding the updating of the UK's mutual recognition agreement with Mexico. But the UK's choice of foreign institutions to which to extend its high priority individual (HPI) visa facility has provoked consternation and dismay. Fifty institutions are listed: Africa and India are notable for their absence; Europe is represented only by one French, one Swedish and two Swiss universities.

4.2   The decision by the UK to withdraw from the **Erasmus+** programme continues to elicit statements of regret. EUA and UniversitiesUK both expressed their views at a European Parliament hearing in June.

4.3   Meanwhile, the **UK labour market** continues to suffer from shortages of high-skilled professionals. In May, the government was obliged – for the fourth time – to postpone the introduction of sanitary and phyto-sanitary checks on products entering the UK from the EU. Veterinarians exist in insufficient numbers to deliver the service. There is no mutual recognition of professional qualifications between the UK and the EU. Symptomatic of the increasing distance between the two regimes is the regrettable decision by the Healthcare Professionals Crossing Borders (HPCB) partnership to discontinue its activities.

4.4   Partly to address its difficulty at the borders and partly to assert its regulatory independence, the UK Parliament passed into law a **Professional Qualifications Act** in May. Compared with the 75 pages (annexes excluded) of the Directive, which it formally revokes, the UK Act is a lean document, sixteen pages in length.

This is due to its doubly devolutionary character. First, it sets out the general principles within which the English, Scottish, Welsh and Northern Irish administrations may operate. Secondly, it devolves the legal competence of recognition to sectoral regulators, empowering them to reach mutual agreements with peer regulators in other countries, while limiting their domestic scope to the specific demands of the sectoral labour market. It makes no mention of needs tests.

4.5   In the prior consultation, **UniversitiesUK** broadly welcomed the draft legislation, but pressed for the effective involvement of parties other than regulators, in particular the bodies delivering the qualifications with which the regulators would be concerned. It noted the lack of detail regarding the manner in which recognition would be demand-led and expressed concern about the potential negative effect on international student recruitment.

4.6   UUK also considered that the HE sector should have some participation in the **negotiation of MRAs**. The Act does not provide for this. UK trade policy under the Johnson government was keen to include professional recognition in its free trade agreements and it is possible that, with the Prime Minister's resignation, opportunities to amend the legislation will occur in the future.

4.7   The recently signed **FTA between the UK and Australia** has been [scrutinised](#) by the International Trade Committee of the House of Commons. The Committee heard from the Architects Registration Board (ARB) that MRA talks with Australia, New Zealand and the USA were already well advanced. The Committee had reservations about the constraints imposed on regulators by the need to bow to market demand. These might inhibit the finalising of MRAs. Its conclusion was nevertheless positive: "There is clearly an appetite from stakeholders for free trade agreements to establish mutual recognition of professional qualifications. While this Agreement does not go that far, it does contain useful provisions to facilitate the achievement of mutual recognition by the Parties' respective regulatory bodies." [p.130]

4.8   As far as the [Trade and Cooperation Agreement](#) (TCA) between the EU and the UK is concerned, MRAs are permissible even though an overarching agreement on recognition has proved to be out of reach. The impasse in talks on the Northern Ireland Protocol has meant that the TCA's Specialised Committees have not met since the end of 2021. Here again, the resignation of Prime Minister Johnson may lead to an improvement in the negotiating climate. As mentioned above (1.18), the [November 2021 minutes](#) of the Group of Coordinators heard the **Commission's views on the mechanisms of recognition** which are potentially operational. The discussion turned on the admissibility of bilateral agreements between individual member states and the UK. For outsiders to the Group, terse minutes are not easy to interpret. It is nevertheless reasonable to extrapolate the following points:

◇ The correct procedure for the establishment of formal recognition procedures is via the MRA provisions enshrined in Article 158 of the TCA;
◇ No such procedure has thus far been initiated;
◇ A bilateral agreement between a member state and the UK would be illegal;
◇ However, 'mutual unilateral recognition' is possible, although the Commission does not encourage it.

Readers should not assume that this summary offers legal clarity. Further discussion by the two Domestic Advisory Groups (DAGs) might well be useful. EUA and UUK are members of their respective Groups and joint meetings are envisaged in the TCA.

Comments and corrections are welcome:

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The European University Association (EUA) is the representative organisation of universities and national rectors' conferences in 48 European countries. EUA plays a crucial role in the Bologna Process and in influencing EU policies on higher education, research and innovation. Thanks to its interaction with a range of other European and international organisations, EUA ensures that the voice of European universities is heard wherever decisions are being taken that will impact their activities.

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