

Appropriate regulation for the practice of civil engineering in Europe

Position Paper proposal

Why is this position paper needed?

- Deactivate EC 'reckless' initiatives towards deregulating a profession with justifiable overriding reasons of general interest.
- Ensure a stable framework as primary requisite to implement extra-EU professional mobility under the coverage of EU's current and future Free Trade Agreements - FTAs
- Identify potential enhancements and procedure streamlining for the current recognition procedures under Directive 55/2013 on recognition of professional qualifications.

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European Commission initiatives

Common Training Framework stance in Directive 55/2013. - Article 49a

European Commission regulated potential automatic recognition on the basis of common training principles by implementing a 'common training framework' -CTF means a common set of minimum knowledge, skills and competences necessary for the pursuit of a specific profession.

Preliminary studies provided by the European Council of Engineering Chambers on CTF have shown the difficulties to implement such framework, among others, addressed by ECCE's contribution to such discussion.

European Commission initiatives

Transparency Exercise stance in Directive 55/2013. - Article 59

European Commission regulated that Member States shall examine whether requirements under their legal system restricting the access to a profession or its pursuit to the holders of a specific professional qualification, including the use of professional titles and the professional activities allowed under such title, referred to in this Article as 'requirements' are compatible with the following principles:

requirements must be neither directly nor indirectly discriminatory on the basis of nationality or residence;

requirements must be justified by overriding reasons of general interest;

requirements must be suitable for securing the attainment of the objective pursued and must not go beyond what is necessary to attain that objective.

European Commission initiatives

Proportionality Test Directive Proposal before adoption of new regulation of professions.

EC considers a current uneven scrutiny of the regulation of professions across the EU has a negative impact on the provision of services and the mobility of professionals. To address the issue, the EC announced in the Single Market Strategy an initiative laying down a proportionality test to be used by Member States before adopting or amending national regulations of professions.

In terms of job creation alone, an academic study 'wrongly' suggests around 700 000 more jobs could be created in the EU through addressing unnecessary and disproportionate regulations.

European Commission Initiatives

European Services e-Card Directive & legal's and operational framework.

The European Commission considers there is still a large potential for growth and jobs that remains to be captured and that EU services markets would benefit from faster productivity growth and a more efficient allocation of resources due to low services cross-border trade and investment.

On May 10th, the European social partners of the construction sector, among others expressed their fundamental concerns about the legislative proposals on the European services e-card, questioning their real added-value to strengthen the European Single market.

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EU Free Trade Agreements in force

EU-Canada Comprehensive and Economic Trade Agreement

Its Chapter 11 creates a framework that would allow Canada to recognise professional qualifications earned in the EU, and vice versa. This would mean professionals on both sides of the Atlantic could practise in each other's territory. CETA leaves it to the relevant authorities or professional bodies in both the EU and Canada to negotiate a proposal on so-called mutual recognition that can then be integrated into CETA.

Professional practice of civil engineering is regulated in Canada through Professional Engineering provincial licensure bodies coordinated under Engineers Canada.

EU-Mexico Global Agreement

EU-CELAC (Community of Latin American and Caribbean States) Summit of 2013 the EU and Mexico agreed to check how to update to the Global Agreement signed back in 2001.

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EU FTAs in negotiation

Transatlantic Trade and Investment Partnership (TTIP)

Although currently dormant, TTIP would create a framework that would allow US states to recognise professional qualifications earned in the EU, and vice versa. This would mean professionals on both sides of the Atlantic could practise in each other's territory. TTIP leaves it to the relevant authorities or professional bodies in both the EU and US states to negotiate a proposal on so-called mutual recognition that can then be integrated into TTIP.

Professional practice of civil engineering is regulated in US through Professional Engineering licensing boards coordinated under the National Council of Examinations of Engineers and Surveyors - NCEES. Pilot projects are being explored under this potential framework.

The Mercosur Free Trade Agreement

Currently in negotiation, this FTA would provide EU professionals practice in the 6 MERCOSUR countries and vice versa.

Professional practice of civil engineering is regulated in MERCOSUR countries through their respective competent authorities and professional mobility within MERCOSUR is addressed by an specific mobility frame called

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Potential Enhancements

Professional practice monitoring

Professional practice monitoring should be a must regarding professional mobility. Non communication of professional malpractice to IMI would entail negligence by all the stakeholders in the process. Current wording sidelines national registration providing access to the framework by non-registered professionals. Non-registration would entail risks of inter EU practice provided by professionals with forbidden or restricted country in their original country or professional returning to their home country once restricted in another host country.

Liability requirements

Liability requirements for health professions within the Directive 55/2013 should be applicable to civil engineering; cross-border services should require proof of license certificate for professional practice but also proof of liability insurance. The current framework does not cover such requisites.

Procedure Streamlining

Involving Professional chambers in cross-border services

The involvement of professional chambers, even when they do not hold competent authority status, should be a must regarding in order to streamline both cross-border services and free establishment procedures. Such involvement would reduce costs and will commit professional chambers in bringing awareness of the existing procedures to registered professional practicing civil engineering “under the radar”.

Thank you

CONTRIBUTIONS WILL BE ALWAYS WELCOME!!!!

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of
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