



European Nurse Directors Association e. V. (ENDA)

President Iris Meyenburg-Altwarg

Response to

GREEN PAPER - Modernising the Professional Qualifications Directive

European Nurse Directors Association (ENDA)

Die Europäische Nurse Directors Association (ENDA) wurde 1992 in Genf zum Aufbau eines Netzwerks zwischen Pflegedirektorinnen und -direktoren in ganz Europa gegründet.

Die wichtigsten Ziele von ENDA sind:

- Einflussnahme der Pflege bei Entscheidungsfindungen im Rahmen des Gesundheits-Managements in Europa zu stärken
- Aufbau einer Kommunikationsplattform für den Erfahrungsaustausch für Pflegemanager und ihren Organisationen aus Europa
- Weiterentwicklung der Krankenpflege und Förderung des wissenschaftlichen Lebens auf diesem Gebiet.

Jedes teilnehmende Land hat seine eigenen nationalen Vertreter im ständigen Ausschuss der ENDA. Der Vorstand wird akquiriert aus den Vertretern des ständigen Ausschusses. Die Anzahl der ENDA-Mitglieder steigt stetig. Zudem ist ENDA Mitglied der ESNO (European Specialist Nurses Organisation) und beteiligt sich in der Europäischen Nutrition for Health Alliance (EMA).



The European Nurse Directors Association (ENDA) was founded in 1992 in Geneva, Switzerland for the purpose of building a network between nurse directors throughout Europe.

ENDA's three main objectives are:-

- to strengthen the nursing contribution to policy making in the context of Healthcare Management in Europe
- to further the development of the art and science of nursing leadership and management in Europe and
- to establish formal links between Nurse Directors and Nurse Leaders across Europe to support a communication network of experts

Each participating country has its own national representative in the Standing Committee of ENDA. The Standing Committee elected a board from its membership. ENDA welcomes more participants and new members in order to extend the European network of experts.

ENDA is a member of ESNO (European Specialist Nurses Organisations. ENDA also participates in the European Nutrition for Health Alliance (ENHA).



SUMMARY

- ENDA bewertet die Überarbeitung der Richtlinie zur gegenseitigen Anerkennung von Berufsqualifikationen grundsätzlich als hilfreich und notwendig. Sie dient zur notwendigen Erleichterung für Arbeitgeber und Arbeitnehmer für die tatsächliche Umsetzung von professioneller Mobilität.
- ENDA evaluated the revision of the Directive on the Mutual Recognition of Professional Qualifications as generally helpful and necessary. Its serves primarily to create the necessary simplification for employers and employees to facilitate effective implementation of professional mobility.
- Hauptaugenmerk der Gesundheitssysteme aller EU Mitgliedstaaten muss vor allem darin bestehen, dass trotz der Mobilität von Pflegefachpersonal die Patientensicherheit auf jeden Fall gewährleistet wird/bleibt.
- The main focus of the health systems of all EU Member States must be, first and foremost, to ensure, in any event, that patients' safety will be achieved and maintained in spite of the mobility of nurses.
- Pflege ist ein Beruf, der erhebliche Auswirkungen auf die Gesundheit und Sicherheit der Bevölkerung hat. Es ist daher dringend geboten detaillierter die unterschiedlichen Qualifikationen von Pflegekräften zu erkennen und zu differenzieren um auch die Beurteilbarkeit für den Tätigkeitseinsatz durch die Arbeitgeber zu gewährleisten. Die Aufnahme des partiellen Zugangs für die Anwendung der Richtlinie ist nicht zu empfehlen.
- Nursing is a profession which has a considerable impact on the health and safety of the general population. It is therefore crucial to recognise, in detail, the differences in the qualifications of nurses, so as to ensure that employees can judge the most appropriate deployment of staff. A partial access for the application of the directive is not recommended.
- Aufgrund der sehr unterschiedlichen Aus-, Fort und Weiterbildungsrichtlinien und Gestaltung von Pflegequalifikationen in der EU ist es notwendig, strikte und eindeutige



Rahmenbedingungen in der Richtlinie zu artikulieren (z. B. Minstdauer von 12 Jahren Allgemeinbildung als Zugangsvoraussetzung, Nachweis individueller aktueller und tatsächliche Kompetenzen und Berufserfahrungen sowie der regelmäßiger Pflichtfortbildungen)

- Because of the wide range of regulations governing the design and content of nursing qualifications as well as further training education in the EU, it is necessary to have a strong and clear framework (e.g. a minimum of 12 years of general education as an entry condition, proof of the individual's present competences and practical experience as well as evidence of relevant compulsory continuing education)

Question 1: Do you have any comments on the respective roles of the competent authorities in the Member State of departure and the receiving Member State?

Frage 1

Kein Kommentar

Question 1

No comment

Question 2: Do you agree that a professional card could have the following effects, depending on the card holder's objectives?

a) The card holder moves on a temporary basis (temporary mobility):

- Option 1: the card would make any declaration which Member States can currently require under Article 7 of the Directive redundant.

- Option 2: the declaration regime is maintained but the card could be presented in place of any accompanying documents.

b) The card holder seeks automatic recognition of his qualifications: presentation of the card would accelerate the recognition procedure (receiving Member State should take a decision within two weeks instead of three months).

c) The card holder seeks recognition of his qualifications which are not subject to automatic recognition (the general system): presentation of the card would accelerate the recognition procedure (receiving Member State would have to take a decision within one month instead of four months).



Frage 2

ENDA unterstützt die Sicht der EU-Commission ein Market Informationssystem zu etablieren, insbesondere um Prozesse zu vereinheitlichen, transparent zu gestalten sowie Kosten, Zeit und Aufwand zu reduzieren. Voraussetzung ist aber die unabhängige und fachkompetente Ausführung und kontinuierliche Adaption an neue Erfordernisse durch die entsprechenden Behörden. Problematisch erscheint die Handhabung bei EU-Mitgliedsstaaten in denen es keine oder nur nach marginalen Eckpunkten verpflichtende Registrierung gibt.

- Weitere folgende Kriterien müssen ebenfalls zwingend erfüllt sein um den Ansprüchen an ein solches System zu erfüllen und der verlässlichen Nutzung eines Berufeausweises zu gewährleisten
- Die Informationen müssen aktuell und vollständig sein, inkl. Berufsverbote und Einschränkungen, nicht Einhalten vorgeschriebener Weiterbildungsanforderungen (Qualifikationen und fehlende Qualifikationen)
- Das IMI System ist verbindlich und mit anderen nationalen entsprechenden Systemen verlinkt.
- Der Berufeausweis ist verpflichtend (wichtig da Pflegekräfte in sehr unterschiedlichen und teilweise wenig regulierten Einrichtungen und Arbeitsbeziehungen tätig sind).
- Zugriffsberechtigungen der Arbeitgeber, Arbeitgeber in spe des Aufnahmemitgliedstaates und dem Berufeausweisinhaber nach entsprechend festgelegten Datenschutzrichtlinien

Question 2

ENDA supports the view of the EU Commission to establish a market information system, in particular to standardise processes, to make them more transparent and to reduce cost, time and effort, provided however that it is carried out by independent and competent authorities and continuously adapted to new requirements. The problem appears with certain EU Member States where there have either no compulsory registration or it is only based on vague criteria. The further following criteria must be established to meet the requirements of such a system and to ensure the reliable use of a European Professional Card:

- The information must be current and complete, including prohibitions and restrictions or non-fulfilment of the prescribed training requirements (existing and missing qualifications/training)
- The IMI system is mandatory and linked to other relevant national systems
- The professional card is mandatory (important because nurses work in very different and sometimes in less regulated institutions and labour relations)



- Access rights of “home” employer, employer from the host Member State and the professional card holder must be according to established data protection and data security regulations.

Question 3: Do you agree that there would be important advantages to inserting the principle of partial access and specific criteria for its application into the Directive? (Please provide specific reasons for any derogation from the principle.)

Frage 3

Wir sind gegen die Möglichkeit der Aufnahme des partiellen Zugangs für die Anwendung der Richtlinie.

Question 3

We do not agree with partial access for the application of the Directive.

Question 4: Do you support lowering the current threshold of two-thirds of the Member States to one-third (i.e. nine out of twenty seven Member States) as a condition for the creation of a common platform? Do you agree on the need for an Internal Market test (based on the proportionality principle) to ensure a common platform does not constitute a barrier for service providers from non-participating Member States? (Please give specific arguments for or against this approach.)

Frage 4

Professionelle Krankenpflegepersonen fallen unter die allgemeine automatische Anerkennungsrichtlinie. Eine Reduktion des Schwellenwertes von zwei Dritteln hin zu einem Drittel wird dennoch befürwortet, da sich daraus die Möglichkeit der dringend notwendigen Anerkennung von Spezialisten in der Pflege entwickeln lassen könnte.

Question 4

General care nurses have automatic recognition under the Qualification Directives. A lowering of the current minimum requirements from two third to one third will still be agreed in the case that it would bring about the possibility to implement the urgent and necessary recognition of specialist nurse qualifications.



Question 5: Do you know any regulated professions where EU citizens might effectively face such situations? Please explain the profession, the qualifications and for which reasons these situations would not be justifiable.

Frage 5

Die Frage der reglementierten Berufe ist relevant für die Berufsaus- und Weiterbildung als Voraussetzung für die gegenseitige Anerkennung von Spezialisten im Gesundheitswesen (z.B. einer Fachkrankenschwester)

Question 5

The question of regulated professions is relevant to the professional training requirements as a condition for mutual recognition of specialist health care professionals (e.g. a specialist nurse).

Question 6: Would you support an obligation for Member States to ensure that information on the competent authorities and the required documents for the recognition of professional qualifications is available through a central on line access point in each Member State? Would you support an obligation to enable online completion of recognition procedures for all professionals? (Please give specific arguments for or against this approach).

Frage 6

ENDA unterstützt den Vorschlag einer verpflichtenden zentralen online Kontaktstelle in Zusammenarbeit mit den nationalen Behörden. Wesentlich ist dabei, neben den Anerkennungsqualifikationen und Dokumentationen, auch eine up to date Information über den Entzug bzw. Einschränkungen von Zulassungen z. B. aufgrund von Verfehlungen oder nicht ausreichenden Fortbildungen

Question 6

ENDA supports the proposal to build a central mandatory online platform in cooperation with existing national online points of contact. Essential is to facilitate the completion online of all procedures related to the recognition of qualifications as well as an up-to-date register of withdrawal or partial withdrawal of qualifications, e.g. based on misconduct or insufficient continuous training.



Question 7: Would you support an obligation for Member States to ensure that information on the competent authorities and the required documents for the recognition of professional qualifications is available through a central on line access point in each Member State? Would you support an obligation to enable online completion of recognition procedures for all professionals? (Please give specific arguments for or against this approach).

Frage 7

Wir sprechen uns gegen eine Aufhebung der zweijährigen Berufserfahrung aus wegen der vielfältigen und hochkomplexen Arbeitsplätze von Krankenpflegekräften und weil Patientensicherheit immer Vorrang behalten muss.

Question 7

We oppose the cancellation of the two years professional experience requirement because workplaces for nurses have such a diverse and complex working environment and patient safety must always have highest priority.

Question 8: Do you agree that the notion of "regulated education and training" could encompass all training recognised by a Member State which is relevant to a profession and not only the training which is explicitly geared towards a specific profession? (Please give specific arguments for or against this approach.)

Frage 8

Wir halten diesen Vorschlag nicht für gangbar und aufgrund sich stetig veränderbaren Anforderungen ist es eine Frage der Qualität und Vergleichbarkeit von Qualifikationen

Question 8

We do not think that this suggestion is practicable and, because of constant changing requirements, it is also a question of quality and comparability of qualifications.

Question 9: Would you support the deletion of the classification outlined in Article 11 (including Annex II)? (Please give specific arguments for or against this approach).



Frage 9

Wir schließen uns in vollem Umfang den Ausführungen von FINE zu diesem Thema an: "Die festgelegten 5 Level Einstufungen in Artikel 11 dürfen nicht ohne die vorherige Einbeziehung der Artikel des EQR gelöscht werden"(Übersetzung aus dem Englischen).

Question 9

We support in full the response of FINE on this subject as: "The 5 level classification identified in article 11 must not be deleted without the prior articles inclusion of the EQF".

Question 10: If Article 11 of the Directive is deleted, should the four steps outlined above be implemented in a modernised Directive? If you do not support the implementation of all four steps, would any of them be acceptable to you? (Please give specific arguments for or against all or each of the steps.)

Frage 10

[Siehe oben](#)

Question 10

See above

Question 11: Would you support extending the benefits of the Directive to graduates from academic training who wish to complete a period of remunerated supervised practical experience in the profession abroad? (Please give specific arguments for or against this approach.)

Frage 11

Die Sammlung von Berufserfahrung setzt eine Anerkennung des Ausbildungsnachweises voraus und sollte nicht unter Dir. 36 abgehandelt werden

Question 11

To gain professional experience abroad needs as a prerequisite the recognition of the qualification. This should not be dealt by the Dir 36.



Question 12: Which of the two options for the introduction of an alert mechanism for health professionals within the IMI system do you prefer?

Option 1: Extending the alert mechanism as foreseen under the Services Directive to all professionals, including health professionals? The initiating Member State would decide to which other Member States the alert should be addressed.)

Option 2: Introducing the wider and more rigorous alert obligation for Member States to immediately alert all other Member States if a health professional is no longer allowed to practise due to a disciplinary sanction? The initiating Member State would be obliged to address each alert to all other Member States.)

Frage 12

Option 2

Question 12

Option 2

Question 13: Which of the two options outlines above do you prefer?

Option 1: Clarifying the existing rules in the Code of Conduct;

Option 2: Amending the Directive itself with regard to health professionals having direct contact with patients and benefiting from automatic recognition.

Frage 13

Option 2: Wir erwarten das die Sprachtests inklusive der notwendigen berufsspezifischen Anforderungen durch kompetente und unabhängige Institutionen entsprechend durchgeführt werden. Arbeitgeber müssen sicher sein können, dass die Antragsteller im Rahmen ihrer Registrierung und angestrebten Beschäftigung eingesetzt werden können. Wir beziehen uns hierbei auch auf das EuGH von 2000 (Rs.C-424/97).

Question 13

Option 2: We expect that the language tests, including necessary job-specific requirements, be carried out accordingly by competent and independent institutions. The employers must be sure that applicants can be suitably deployed within the framework of their registration and the post that has been applied for. We refer to the decision by the European Court of Justice from 2000 (C-424/97)



Question 14: Would you support a three-phase approach to modernisation of the minimum training requirements under the Directive consisting of the following phases:

- the first phase to review the foundations, notably the minimum training periods, and preparing the institutional framework for further adaptations, as part of the modernisation of the Directive in 2011-2012;
- the second phase (2013-2014) to build on the reviewed foundations, including, where necessary, the revision of training subjects and initial work on adding competences using the new institutional framework; and
- the third phase (post-2014) to address the issue of ECTS credits using the new institutional framework?

Frage 14

ENDA befürwortet das Bestreben von kompetenzorientierten Anforderungen statt des Kriteriums nach Mindestanzahl von Ausbildung in Jahren (outcome statt input). Berücksichtigung sollte allerdings das die Methode und Geschwindigkeit bei der Änderung mögliche Risiken berücksichtigt und es nicht zu unerwünschten negativen Konsequenzen führt. ENDA unterstützt das European ECTS (Credit Transfer and Accumulation System) zur Vereinfachung der automatischen Anerkennung einzusetzen, betont aber gleichzeitig, dass der ausgedrückte Zeitaufwand mit klar definierten Lernergebnissen und Kompetenzen in enger Verbindung notwendig ist.

Question 14

ENDA supports the aspiration to move toward a competence rather than time based approach to minimum training requirements, however care must be taken in the manner and pace of change to the Directive to minimise the risk of unintended negative consequences. We promote the European ECTS (Credit Transfer and Accumulation System) to facilitate the use of automatic recognition, but want to emphasize, that it is a necessity that the proposed timeline be closely tied to clearly defined learning outcomes and competencies.



Question 15: Once professionals seek establishment in a Member State other than that in which they acquired their qualifications, they should demonstrate to the host Member State that they have the right to exercise their profession in the home Member State. This principle applies in the case of temporary mobility. Should it be extended to cases where a professional wishes to establish himself? (Please give specific arguments for or against this approach.) Is there a need for the Directive to address the question of continuing professional development more extensively?

Frage 15

Einverstanden

Question 15

We agree

Question 16: Would you support clarifying the minimum training requirements for doctors, nurses and midwives to state that the conditions relating to the minimum years of training and the minimum hours of training apply cumulatively? (Please give specific arguments for or against this approach.)

Frage 16

Einverstanden

Question 16

We agree

Question 17: Do you agree that Member States should make notifications as soon as a new program of education and training is approved? Would you support an obligation for Member States to submit a report to the Commission on the compliance of each programme of education and training leading to the acquisition of a title notified to the Commission with the Directive? Should Member States designate a national compliance function for this purpose? (Please give specific arguments for or against this approach.)

Frage 17

Einverstanden

Question 17

We agree



Question 18: Do you agree that the threshold of the minimum number of Member States where the medical speciality exists should be lowered from two-fifths to one-third? (Please give specific arguments for or against this approach.)

Frage 18

Keine Anmerkungen

Question 18

No comments

Question 19: Do you agree that the modernisation of the Directive could be an opportunity for Member States for granting partial exemptions if part of the training has been already completed in the context of another specialist training programme? If yes, are there any conditions that should be fulfilled in order to benefit from a partial exemption? (Please give specific arguments for or against this approach.)

Frage 19

Keine Anmerkungen

Question 19

No comments

Question 20: Which of the options outlined above do you prefer?

Option 1: Maintaining the requirement of ten years of general school education

Option 2: Increasing the requirement of ten years to twelve years of general school education

Frage 20

Option 2 - in Übereinstimmung der aufgeführten Begründungen innerhalb der Richtlinie. Wir sind davon überzeugt, dass eine mindestens 12jährige Allgemeinbildung oder gleichwertiger Bildungsstand als Zugangsvoraussetzung notwendig sind.

Question 20

Option 2 - in accordance with the reasons described in the directive. We are convinced that a minimum of 12 years of general education (or equivalent) as an entry requirement is necessary



Question 21: Do you agree that the list of pharmacists' activities should be expanded? Do you support the suggestion to add the requirement of six months training, as outlined above? Do you support the deletion of Article 21(4) of the Directive? (Please give specific arguments for or against this approach.)

Frage 21

Für Pflegeprofession nicht relevant

Question 21

Not applicable for the nursing profession

Question 22: Which of the two options outlined above do you prefer?

Option 1: Maintaining the current requirement of at least four years academic training?

Option 2: Complementing the current requirement of a minimum four-year academic training by a requirement of two years of professional practice. As an alternative option, architects would also qualify for automatic recognition after completing a five-year academic programme, complemented by at least one year of professional practice.

Frage 22

Für Pflegeprofession nicht relevant

Question 22

Not applicable for the nursing profession



Question 23: Which of the following options do you prefer?

Option 1: Immediate modernisation through replacing the ISIC classification of 1958 by the ISIC classification of 2008?

Option 2: Immediate modernisation through replacing Annex IV by the common vocabulary used in the area of public procurement?

Option 3: Immediate modernisation through replacing Annex IV by the ISCO nomenclature as last revised by 2008?

Option 4: Modernisation in two phases: confirming in a modernised Directive that automatic recognition continues to apply for activities related to crafts, trade and industry activities. The related activities continue to be as set out in Annex IV until 2014, date by which a new list of activities should be established by a delegated act. The list of activities should be based on one of the classifications presented under options 1, 2 or 3.

Frage 23

Für Pflegeprofession nicht relevant

Question 23

Not applicable for the nursing profession

Question 24: Do you consider it necessary to make adjustments to the treatment of EU citizens holding third country qualifications under the Directive, for example by reducing the three years rule in Article 3 (3)? Would you welcome such adjustment also for third country nationals, including those falling under the European Neighbourhood Policy, who benefit from an equal treatment clause under relevant European legislation? (Please give specific arguments for or against this approach.)

Frage 24

Ausbildungen aus Drittstaaten sollten dann anerkannt werden, wenn sie tatsächlich den Mindestanforderungen entsprechen und gleichwertig sind. Hier ist auch zu beachten, dass in einzelnen Ländern z.B. Deutschland die Anforderungen bisher unter dem erforderlichen Mindestniveau z.B. der Zugangsqualifikationen liegen. Der zukünftige Mangel an qualifizierten Pflegekräften darf jedoch nicht dazu führen, dass Mindestanforderungen an Zugangsvoraussetzungen und Ausbildung abgesenkt werden wie bzw. derzeit in Deutschland beabsichtigt.



Die Entscheidung einer Absenkung der dreijährigen Berufserfahrung sollte dem jeweiligen aufnehmenden Mitgliedsstaat überlassen bleiben.

Question 24

We agree to recognize third country qualifications as long as it is clear that they are the equivalent of the European minimum standard (e.g. entry requirements and competence levels). The future shortages of qualified nurses should not be used as an escape-route to lower the entry-requirements for the nursing profession as it is planned, at the moment, in Germany.

The decision to lower the three years of professional experience should be left to the individual hosting EU member state.