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AIE Position Paper regarding the EU Commission Communication: Evaluating National Regulations on Access to Professions. COM (2013) 676

Background

On 2 October 2013, the European Commission has submitted a communication regarding the issue „Evaluating National Regulations on Access to Professions “COM (2013) 676 to the European Parliament, the Council and the European Economic and Social Commission. The initiative of the Commission is based on article 59 of the reviewed Directive on the Recognition of Professional Qualifications (the so called Professional Recognition Directive 2005/36/EC of 7 September 2005).It describes the situation of regulated professions including an assessment of the regulation from the Commission’s point of view, this communication depicts a multilevel evaluation procedure divided into phases, which in the meantime has been started.

AIE specific remarks

With regard to electrical contracting services the Commission should - from the AIE’s point of view - consider the following guidelines when „Evaluating National Regulations on Access to Professions”:

- Regarding any approach to de-regulate the electrical crafts sector the Commission should first of all recognize the high importance of electricity for the Economy and the whole society while in the same time the potential risks of damages to humans and things. Electricity today is the backbone for the functioning economy be it the production sector, commerce, transport, health care, Internet, etcetera. With the increasing complexity of electrical contracting services, providing safe and reliable electrical equipment and appliances demands a high level of competence. This is why almost each member state regulates the profession in a certain form. Since the EU makes an effort to maintain and improve the service level and since the qualification in the electrical contracting sector is a key factor for the maintenance of quality and safety, the AIE considers measures as dubious if they intervene - especially on the economical level of small and medium enterprises (SMEs) - in the existing systems ensuring qualification.

- The AIE advocates a high degree of qualification in the electrical contracting services sector. The Commission has rightly recognized that there exist areas of services where a high degree of qualification on the side of the service provider protects the final consumer. Particularly with regard to the activities in the electrical contracting services sector, safety is most relevant. The execution of those activities requires knowledge and skills which can only be acquired by an extensive apprenticeship. **For the consumer’s protection, the high qualification needs to be visible for the final consumer and will build trust in an evident way.**

- In addition to safety aspects, a high qualification and the corresponding educational system in a Member State can accomplish vital functions for a national economy. The EU Commission therefore should view the guaranteed high qualifications and the corresponding educational systems in the context of their strategy for a competitive economic area. The AIE considers the following aspects as particularly significant:
 - **A high qualification level not only ensures the quality of services but equally the viability of commercial enterprises and institutions.** Qualification is thus by itself a criterion for the ongoing creation of trainees in a sector. The innovation capacity of a sector, but also the capacity to respond to new developments and to integrate them, will increase with the rise of the qualification level within the economic sector.
 - **A high qualification level normally leads to a higher earned income in the national economy.** The increase of the earned income due to a higher qualification is normally justified by the associated increase of production, respectively the capacity to render superior services. Therefore, the Commission should principally pursue a strategy that leads to increased prosperity for EU citizens by means of higher qualification.
 - In the end, **high qualification leads to guaranteed preparation of qualified employees for industry in SME structures as well.** Electrical contractors are already providing qualified staff for industry within their structures.
 - Altogether the **Commission should thus pursue a strategy which increases the competitiveness of the European Economic Area (EEA) by enhancing the qualification.**
- Transparent and recognized regulation can help to reduce administration costs for the provision of safe services. Assured qualification plays an important role in prevention.
 - With regard to possible implementation of deregulation measures in the Member States, the Commission should therefore consider the correlations between the legal system and the regulation of profession system. The economic culture has incorporated the specific qualification levels and regulatory mechanisms.
 - In simple terms, a Member State can adopt two possible strategies: either a strong deregulation; in this case compensation mechanisms need to be included in the legal system as well as a market regulating punitive component (penalties/ sanction). Or assuring a high qualification level by regulation, while providing a legal system with purely compensatory elements for losses.
- The entire EU consumer legislation is thus intensively trying to ensure a high and secure service level for the consumer as well as to resolve the problem of processing insufficient or deficient services. For instance, the rights of consumers have been extended significantly in the frame of the Directive on Consumers Rights (2011/83/EU) to protect against poor quality services. Another example shows a specific reference to the electro technical trade sector. Previously, in the frame of the Directive on the Promotion of the Use of Energy from Renewable Sources (Renewables-Directive 2009/28/EC), a certification system has been implemented to ensure the quality of the service. Those kinds of measures create a higher bureaucracy burden than any regulation on professions. The AIE is committed to find the right priorities. Since the EU makes an effort to maintain and improve the service level and since the qualification in the electrical contracting sector is a key factor for the maintenance of quality and security, the AIE considers measures as dubious if they intervene - especially on the economical level of small and medium enterprises (SMEs) - in the existing systems ensuring qualification.

- Moreover, the Commission should draw a stronger distinction between services in industrial contexts on the one hand and services in the frame of SME structures on the other. Regulation and the definition of qualification levels often concern the services and activities of SMEs. Considering that the SME field is subject to different regularities than industry performances, it is necessary to find out precisely in this area if regulation and qualification offer a possibility to ensure a level playing field regarding competitiveness as well as service quality for the consumer.

Further suggestions and recommendations

The AIE recognizes the necessity to find a short and long term solution for the currently diverging qualification levels in Europe in order to accomplish the EU internal market.

- The AIE advises to choose a constructive approach by means of qualification levels. The guiding principle should be to **acquire the highest possible qualification level altogether**. A destructive approach simply relying on deregulation does not go far enough.
- In the AIE's view, the **tool of the EQF (Education Qualification Framework)** in the frame of professional recognition **should be developed**. A reliable assignment of qualifications to an EQF level could improve the merchantability of services in the frame of the internal market. However, each Member State should still be free regarding the choice of the required qualification level on national territory. We thereby avoid lowering levels in Europe caused by a competition for the lowest qualification hurdles, granting access to the market.
- Furthermore the EU Commission should consider the **distinction between personal qualification and company certification**. The Member States must be free to ensure - particularly for SMEs - a high degree of service quality by means of personal certification of a business owner with a minimum of bureaucracy. Otherwise the SMEs will face the risk to be forced to keep highly diverse company certificates. Moreover, in the frame of free professions particularly, but for SME as well, the high qualification of the service provider himself is essential.

Looking forward to your response, we remain,

Yours sincerely,

Allan Littler,
AIE President.

Evelyne Schellekens,
General Secretary.