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Capturing information on regulated professions in ESCO

1. Purpose of the document

With this document the ESCO Secretariat informs the ESCO Maintenance Committee how the first version of ESCO will capture information on regulated professions. It explains the importance of recording regulatory aspects in ESCO and distinguishes three cases of regulated professions. Based on this it outlines the solution chosen to record this information in ESCO, along with three standard formulations corresponding to the three cases of regulated professions.

2. What are regulated professions?

2.1. Regulated professions and regional mobility

A profession is called regulated if its access, scope of practice or its title is regulated by law. Regulated professions are based on certain requirements and restrictions. They can only be carried out by citizens who hold specific qualifications or fulfil other types of requirements (e.g. register with the bar association or obtain a specific license). The regulation of professions often differs between Member States. A large variety of professions are regulated at least in some Member States, ranging from medical doctors, dental practitioners, veterinary nurses, over teachers and lawyers to crafts occupations such as baker or joiner.

Regulated professions can be an obstacle to mobility. If access to a profession is bound to a qualification, the holder of a foreign qualification usually needs to obtain official recognition from the national competent authorities in order to get the same rights as the holder of a domestic qualification. Transparency of regulatory aspects and an easy recognition process are therefore crucial for jobseekers that want to move to another Member State.

2.2. Cases of regulated professions

2.2.1. Professions with automated recognition on European level

The EU established a system of automated recognition for seven of the most important regulated professions. It is covered by directive 2005/36/EC on the recognition of professional qualifications, which came into force in 2007 and has been amended several times¹. It covers the following seven professions:

- Architects
- Dentists
- Doctors
- Midwives
- Nurses
- Pharmacists
- Veterinary surgeons

2.2.2. Professions regulated on a national level

Most regulated professions are governed by Member State law. Consequently, these professions might be regulated only in some Member States and the requirements and restrictions can differ from country to country. The professional must obtain approval from the relevant authority before he/she can legally practice the profession.

¹ See http://ec.europa.eu/internal_market/qualifications/policy_developments/legislation/index_en.htm for a full overview.

In order to provide better transparency on regulated professions to citizens, the EU established a notification process. Member States regulating a specific profession inform the Commission and the information is published in a database. Currently, this "Regulated Professions Database" is managed by DG Internal Market:

"Member States shall notify to the Commission a list of existing regulated professions, specifying the activities covered by each profession, and a list of regulated education and training, and training with a special structure [...] in their territory by 18 January 2016. Any change to those lists shall also be notified to the Commission without undue delay. The Commission shall set up and maintain a publicly available database of regulated professions, including a general description of activities covered by each profession."

(art. 59 of Directive 2013/55/EU)

2.2.3. Activities that are regulated in some or all Member States

Regulatory aspects do not necessarily cover the access to the profession as such. They can also define conditions or restrictions for specific activities. Usually such provisions:

- forbid to perform activities, which are within the scope of practice of a regulated profession.

Example: A health care assistant on a hospital ward who feeds an adult because they are too frail to feed themselves would be engaging in a regulated activity.

- link the activity to the possession of a specific license.

Example: The activity of driving different types of vehicles is linked to the possession of the respective driving license.

If the regulated activities are an essential part of an occupation, the occupation becomes *de facto* regulated. For example, it is essential for a "delivery van driver" to have a driving license. Without it, a jobseeker will not be employable, even though it is the activity and not the occupation that is regulated.



3. Why it is important to record regulatory aspects in ESCO

In order to succeed in the various business cases, it is essential for ESCO to provide transparency on regulatory professions. Regulatory aspects should in particular be reflected when interlinking the occupations and the skills and competences pillar with the qualifications pillar of ESCO. The important use cases to support are:

Online job matching: Ideally, candidates would only be matched to jobs that they are allowed to work in or for which they can easily fulfil the requirements. At least candidates and employers should have transparency of regulatory aspects in order to make their decisions in the recruitment process accordingly. By providing information on regulated professions ESCO can contribute to the transparency of labour markets and job matching in Europe, and support the mobility of qualified professionals.

Career guidance: When people reflect on their future career options they need to understand, which requirements they would need to fulfil when following another career path.

Bridging the communication gap: The interplay between qualifications and occupations or labour market activities is crucial for the dialogue between the labour market and the education and training system.

4. Solution for recording regulatory aspects in ESCO v1

4.1. Making use of existing information sources

The regulation of a large amount of professions differs per Member State. As a consequence, there are thousands of different regulatory situations that would need to be covered in ESCO. This information cannot be compiled as part of the ESCO revision process. It would also be very time and cost intensive to permanently update this information.

Instead ESCO will make use of the existing information, namely directive 2005/36/EC and the Regulated Professions Database. This database is structured according to “generic professions” (in EN, FR, DE) that link to national regulated professions in different Member States (in the local language). The scope of practice can differ by Member State.

Information on the regulation of access to the profession as such (ch. 2.2.1 and 2.2.2) will be recorded as metadata of one or more corresponding occupation concepts in ESCO. Information on the regulation of activities will be recorded in the metadata of corresponding skill or competence concepts.²

4.2. Standard formulations

In order to reduce translation costs and to facilitate implementation, ESCO will use a set of standard formulations to inform users on regulatory requirements. They will be translated into all ESCO languages. The standard formulations correspond to the cases of regulated professions listed in ch. 2.2:

- *Automated recognition on European level:*

"This occupation might be a regulated profession in some or all Member States.

[Directive 2005/36/EC](#) (and its amendments) on the recognition of professional qualifications might foresee a process of automated recognition for this profession.

For further information see the [Regulated Professions Database](#) of the European Commission: [veterinary nurse](#); [veterinary professions not elsewhere classified](#)."

- *Professions regulated on national level:*

"This occupation might be a regulated profession in some or all Member States.

For further information see the [Regulated Professions Database](#) of the European Commission: [patent agent/trademark agent](#)"

- *Regulated activities:*

"This concept relates to activities that might be regulated in some or all Member States. Exercising these activities might be subject to certain restrictions or conditions, e.g. possession of a specific qualification."

Please note that there is not necessarily a 1:1 match between ESCO occupations and the generic professions listed in the "Regulated Professions Database". Therefore, more than one regulated

² At a later stage, Europe-wide regulations could also be captured in a different manner. If specific qualifications are required to access an occupation or to develop a skill or competences, a qualified relationship between the qualification and the occupation or skill/competence could provide this information.

profession can appear in the information field of an ESCO occupation. Vice versa, a regulated profession can appear in more than one ESCO occupation.



Mandataire agree en matiere de brevets d'invention/erkende gemachtigde inzake uitvindingsoctrooien (Belgium)

General | Establishment | Temporary mobility | Decisions | Statistics | Declarations | Statistics | Competent authorities

Generic name of profession
Title: Patent Agent / Trademark agent

Identification
Name of regulated profession: Mandataire agree en matiere de brevets d'invention/erkende gemachtigde inzake uitvindingsoctrooien
Translation(s): Nihil
Country: Belgium
Region: All regions

Data
Recognition under Directive 2005/36/EC: General system of recognition - primary application
National legislation: Arrêté royal du 24 octobre 1988 relatif à la composition et au fonctionnement de la Commission d'agrément des mandataires en matière de brevets d'invention et à l'inscription et la radiation du registre des mandataires agréés en matière de brevets d'invention./Koninklijk besluit van 24 oktober 1988 betreffende de samenstelling en werking van de Commissie tot erkenning van de gemachtigden inzake uitvindingsoctrooien en de inschrijving en doorhaling in het register van de erkende gemachtigden inzake uitvindingsoctrooien.
Qualification level: PS3 - Diploma of post-secondary level (3-4 years) , Art. 11 d
Free provision of services: Not specified
Useful link: http://economie.fgov.be/en/entreprises/Intellectual_property/Aspects_institutionnels_et_pratiques/Need_an_exp

Activities
Description of activities: Le mandataire en brevets conseille les entreprises et les particuliers en matière de

Example of a data record in the Regulated Professions Database

5. Limitations

The solution described above has several advantages:

- Implementation and translation effort is limited;
- Users have access to a very complete set of information;
- ESCO is developed in full consistency with other European tools;
- No duplication of effort.

However, the ESCO Secretariat would also like to point out a limitation of this solution: Information provided as free text in metadata fields is only useful for a human reader. As the content of the Regulated Professions Database is not machine readable the information cannot be recorded in ESCO in a structured format. Therefore, information on regulatory aspects cannot be exploited by software, e.g. in automated job matching. This could be a focal point for future improvement.