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GROUP OF COORDINATORS FOR THE RECOGNITION OF PROFESSIONAL QUALIFICATIONS - SUB-GROUP ARCHITECTURE

DISCUSSION PAPER: BEST PRACTICE IN THE USE OF THE INTERNAL MARKET INFORMATION SYSTEM (IMI)

This paper is to support discussion at the meeting of 26th February 2016 on the most effective way for Member States to support each other in the evaluation of diplomas notified into IMI in order to benefit from automatic recognition. This paper will not cover the evaluation of courses against Article 46 criteria but rather the submission of the materials necessary to make such an assessment. The intention is to support both the submitting Member State and the experts in reviewing this material so as to encourage timely and robust conclusions. The following focus therefore is upon the procedural rather than legal aspects of notifications.

1. THE COMMISSION'S ROLE

Following delegated powers awarded under Article 21a, the final decision as to the outcome of a notified course lies with the Commission. This decision is reached following the information and comment exchange between the Member States and their experts in IMI. In this regard and depending on the progress of a notification there are basically three possible options:

- a. **Acceptance** of the notified diploma for inclusion into Annex V, marking it as approved for inclusion into the next delegated act and closing the procedure in IMI.
- b. **Rejection** of the notified diploma subject to an implementing act justifying this decision and close the procedure in IMI or;
- c. **Involve** experts via the Group of Coordinators' **sub-group Architecture** with a view to getting expert views on the outstanding issues and to provide input to the Commission for its decision..

The Commission will not approve notifications where material doubts remain over the adequacy of the notified course however, unanimity of views between experts is not required. Rather the Commission is guided by the views of experts. It is for this reason

that we now propose guidelines to facilitate the thorough, reliable and timely use of IMI so that the experts are provided with the full means through which to take a view.

2. TIMELINES & PROCESSES

Regarding timelines a certain amount of flexibility is available in IMI. However, as discussed during the meeting of 8 March 2013 and following the practice of CIRCAbc, we propose a total commenting period of 6 months, with initial comments having to be registered within the first 2 months¹. As necessary the remaining 4 months may then be used to further pursue any outstanding elements such as, for example, unrequited requests for supplementary information or doubts indicating that Article 46 criteria may not be sufficiently met. Should a satisfactory outcome not be found during this time the Commission will work in cooperation with the Member States concerned towards an appropriate conclusion and this may involve a request for expert views collected via the sub-group Architecture. In such circumstances the goal will be to conclude this supplementary enquiry within a 6 month period resulting in a total consultation of 1 year.

It should be noted that initiating Member States may withdraw a notification at any time and that this would not prevent them from launching the notification anew at a future time. In such circumstances IMI will retain the withdrawn information so that the Member State can create a copy of the notification and to the new notification it will need only to upload any supplementary information required for a re-launch of the consultation. The previous consultation period would not be accounted for in the 6 month timeline.

Once a notification has been accepted as compliant it will be labelled as '*published*' in IMI. IMI is a pre-existing, multipurpose tool and as such we have inherited the language of '*published*' to refer to programmes that have been approved. However, actual publication in the Official Journal will follow only after the adoption of a new delegated act to amend approved, '*published*' in IMI terminology, changes. Therefore, within IMI the term should be understood as meaning 'approved' and that the notification will be included in the next delegated act to amend Annex V.

Since Annex V has recently been completely (adopted by the European Commission on 13 January 2016) updated future amendments are expected to be swifter and simpler to execute. The Commission expects that going forward, future delegated acts should be published on a roughly annual basis and depending upon the number of amendments required. This should not, and in practice we have found does not, affect citizens holding qualifications that await official publications from being granted automatic recognition.

¹ Member States who have not commented within the initial 2 month period may not intervene in the further 4 months. Rather, the 4 months are intended for the purpose of addressing any issues remaining from the initial 2 months and as such will involve only those whose contribution is relevant to the outstanding items.

3. WHEN TO NOTIFY

There are three main types of notification available in IMI:

- a. **New title / evidence / certificate / training program or modified training program.** It is under this category where courses currently listed as 4 years but which have been amended in order to comply with new training requirements should be notified for consultation on their inclusion.
- b. **Change of denomination of the title / evidence / certificate / awarding body**
- c. **Withdrawal of a previously notified training program / evidence of formal qualification from the annex of Directive 2005/36/EC.** It is under this category where courses currently listed as 4 years which will not be amended in order to comply with new training requirements should be notified for withdrawal.

4. PRACTICAL GUIDANCE

Since launching IMI for notifications 17th September 2014 around 111 architectural notifications have been made. The Commission has noted that often these notifications suffer unnecessary delay with much of the consultation period being focused on requests for supplementary information rather than on qualitative discussion regarding the substance and merit of the notified course. In order to be able to respond to notifications in a timely and efficient way and so as to assist the experts in their proper and complete evaluation of a notified course we therefore propose the use of best practice principles (Annex A). These principles are the same as those followed under the previous CIRCAbc notification system and given the improved functionality of IMI should not add any burden to the notifying Member State.

The Commission therefore looks forward to the views of attendees on the 26th February as to how to ensure architectural experts are best supported with the most relevant and timely materials to support concluding consultations on notifications.

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Annex A – Best practice principles in submitting notifications

In order to ensure that notifications are able to be dealt with quickly and to support Member States in evaluating a notification we suggest following the practices set out below.

1. Firstly for notifications concerning new courses please note that Directive 2005/36/EC, as amended by Directive 2013/55/EU, requires that any new measure adopted is compliant under the new provisions. Therefore, new training programmes must be in conformity with requirements under Article 46 setting out that:

1. Training as an architect shall comprise:

(a) a total of at least five years of full-time study at a university or a comparable teaching institution, leading to successful completion of a university-level examination; or

(b) not less than four years of full-time study at a university or a comparable teaching institution leading to successful completion of a university-level examination, accompanied by a certificate attesting to the completion of two years of professional traineeship in accordance with paragraph 4.

4. The professional traineeship referred to in point (b) of paragraph 1 shall take place only after completion of the first three years of the study. At least one year of the professional traineeship shall build upon knowledge, skills and competences acquired during the study referred to in paragraph 2. To that end, the professional traineeship shall be carried out under the supervision of a person or body that has been authorised by the competent authority in the home Member State. Such supervised traineeship may take place in any country. The professional traineeship shall be evaluated by the competent authority in the home Member State.’;

In line with this the notifying Member State of a diploma falling under point (b) should provide clearly the information required for other Member States’ experts to ensure conformity with the conditions as set out under Article 46.4, namely as regards the duration and organisation of professional traineeship as well as the accompanying certification where required.

2. Three categories of notification are available to Member States under Article 46:
 - a) New title / evidence / certificate / training program or modified training program. It is under this category where courses currently listed as 4 years but

which have been amended in order to comply with new training requirements should be notified for consultation on their continuing inclusion.

- b) **Change of denomination of the title / evidence / certificate / awarding body.** This option is to notify minor changes to the information previously provided such as a change of a professional title, certificate, evidence of qualification or awarding body. **More significant modifications, such as to the content of the actual training programme, should be made under category (a) above.**
- c) **Withdrawal of a previously notified training program / evidence of formal qualification from the Annex of Directive 2005/36/EC.** It is under this category where courses currently listed as 4 years which will not be amended in order to comply with new training requirements should be notified for withdrawal. Withdrawal will be automatically accepted by the Commission without need for further consultation between the Member States' experts.

For amending an already listed programme (that has been previously notified via IMI), Member States must always start by creating their new notification from the previous IMI notification. They should open their previous notification in IMI and click on the '*new version*' button.

The system will open a prefilled form for them where they can make the necessary changes. The new version of the notification will then be saved in the system and will need to be processed as normal through the consultation process. At the end of the process, when the notification is accepted for publication, the new version will automatically replace the previous version in the system, which will then be automatically deactivated and will be assigned an *inactive status*. **When notifying a modified training program it is advisable to add additional comments to the form indicating what changes have been made compared to the previous notification for the clear guidance of consulting experts** (additional comments and clarifications can not only be added to any free text field in the form, but also on the 'Comments and attachments' page of the notification form).

In the case of notifications previously made through CIRCAbc which a Member State wants to notify a change to or a withdrawal for a qualification / training program that previously was notified, a new notification of the relevant type should be created in the system. For example, if notifying modification to an already existing training program, type **(a): New title / evidence / certificate / training program or modified training program** should be chosen followed by subcategory **(a) 4: New or modified training program**. In this case the details of the training program have to be provided in the forms, in order to give the full picture of the training program with its modifications. For simplicity, Member States can copy the initially provided information from the CIRCAbc notification and upload this into the IMI notification. **As before, they should make clear for the experts what the modifications between the old to the new programme are.**

3. At all times, please ensure all information requested is submitted into the form in IMI and do not leave blank any of the fields requesting specific information. The consulting experts will only request clarification on the missing information and this will risk the progress of your notification.
4. As with under the previous system through the use of CIRCAbc, when submitting information regarding Article 46 training content please include the following information:
 - a. Describe the subjects, their content and how they are taught at each stage of the course. For example this should describe the qualification/programme in terms of its curriculum, content, location of delivery and its duration. IMI will ask you to input this information. Given the translation tool in IMI, it is best to make good use of this form rather than relying on the use of supplementary attachments to supply essential detail regarding the content and structure of a programme and which cannot be so easily translated by the experts.
 - b. State the number of attendance hours/ECTS for each subject over the whole period of the course and how the requirements set out under Articles 46(1) and 46(2) are met in terms of the distribution of the 11 points against the course programme. Where appropriate, indicate the distribution of these hours between lectures, tutorials, and studio work done at the school in direct contact with the teacher. Provide the necessary documentation to evidence how the qualification/programme meets the requirements of Article 46(1) and 46(2), such as a mapping of the qualification/programme against the eleven points using ECTS and/or hours to identify how the relevant subjects are distributed against the eleven points. IMI will request that you input this information as in the following example:

Ability to create architectural designs that satisfy both aesthetic and technical requirements

This attribute is demonstrated within the following academic units:

1st Cycle:

Unit 2: Design Studio 1 (9 ECTS)

Unit 4: Technical and Professional Integration 1 (2 ECTS)

Unit 5: Design Studio 2 (6 ECTS)

Unit 6: Technical and Professional Integration 2 (3 ECTS)

Unit 9: Design Studio 3 (8 ECTS)

Unit 11: Technical and Professional Integration 3 (1 ECTS)

TOTAL 1st Cycle: 29 ECTS (16%)

2nd Cycle:

Unit 1: Methodologies of Architectural Engagement (4 ECTS)

Unit 2: Innovating in Architectural Practice (30 ECTS)

Unit 3: Constructing in Detail (2 ECTS)

Unit 4: Reflecting on Professional Practice (2 ECTS)

TOTAL 2nd Cycle: 38 ECTS (32%)

TOTAL OVERALL CYCLES 1 & 2: 67 ECTS (22%)

However, experts also appreciate the additional upload of a grid format following that previously provided in CIRCabc and may request one should it not initially be uploaded thus further delaying the consultation period. It is therefore recommended that you include this grid before initial broadcast for consultation, Annex 1 provides an example.

- c. Regarding notifications for the 4+2 model (four years academic study, two years professional traineeship), information should be supplied as to how the traineeship portion will be addressed.
5. IMI provides the facility to attach documents as PDFs, this is a useful way to include further information or any which Member States may request should it not be present at the point of broadcast and can be of substantial help to them in reaching an opinion. This may encompass information such as:
- a. The required educational background of the students and the entry requirements of the school. This should include cases where entrants from previous programmes are accepted to follow a truncated programme.
 - b. A brief description of the faculty/University and its facilities, the number of students in the course and the staff/students ratio throughout the course (the number of students per class).
 - c. The assessment methods and in particular the form and the content of the final examination.
 - d. Where appropriate, the possibility that the diploma gives access to a doctorate.
 - e. The number of successful candidates per school year and whether the school diploma gives direct access to the practice of the profession. If not,

indicating which other examinations and/or formalities are necessary such as a certification accompanying the qualification.

- f. Please also always include an attachment of the curriculum in the language in which the course is taught.

6. The practice in CIRCAbc was for the notifying Member State to provide English translations². Although IMI provides machine translation facilities to text within the platform, **this does not apply to attached documents**. Since launching IMI we have noted many Member States requesting translations of attachments risking delay to the progress of a notification. To avoid this, you should endeavour to have attachments translated before launching consultation.
7. On occasion, Member States have notified requests to alter retrospectively existing programmes. Cases where this involves the academic reference year often prove especially difficult to assess. In such cases, the notification should provide supporting materials and include any changes which may have been made during the intervening period, so that experts are able to confidently evaluate the compliance of the programme covering this earlier period.

TIMELINES:

Once broadcast to the Commission and launched for comment Member States have **two months** to respond.

Once those two months have lapsed should any comments made during this initial two months period not have been addressed there is a further **4 month** period during which these outstanding comments may be pursued.

Should a common view not have been reached over this 6 month total period and should the Commission deem necessary to further enquire/assess the notification before reaching a conclusion, the Commission will work during an **additional period of 6 months** alongside the relevant authorities to find a resolution, drawing upon the capabilities of experts where necessary. Should a decision be taken to refuse a notification then this will be done by way of an implementing act as defined under Article 21a(5) and setting out the reasoning for rejection.

² To note minutes from sub-group in charge of architecture diplomas, 9th September 2010 that "The Chair made it clear that notifications should be preferably supported by an English translation to facilitate the examination by other Member States." Ref MARKT/ARES S 704185/2010-EN