



Department
for Business
Innovation & Skills

**TRANSPPOSITION OF THE REVISED
MUTUAL RECOGNITION OF
PROFESSIONAL QUALIFICATIONS
DIRECTIVE 2005/36/EC**

CONSULTATION RESPONSE FORM

14 AUGUST 2014

Annex V: Consultation on the transposition of the revised Mutual Recognition of Professional Qualifications Directive (2005/36/EC) response form

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The Department may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual responses.

The closing date for this consultation is 06/11/2014

Please return completed forms to:

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We would like respondents to tick a box from a list of options that best describes them as a respondent. This allows views to be presented by group type.

	Business representative organisation/trade body
	Central government
	Charity or social enterprise
	Individual
	Large business (over 250 staff)
	Legal representative
	Local Government
	Medium business (50 to 250 staff)
	Micro business (up to 9 staff)
	Small business (10 to 49 staff)
	Competent Authority
	Trade union or staff association
X	Other (please describe) The Optical Confederation represents the 12,000 optometrists, the 6,000 dispensing opticians and 7,000 optical businesses in the UK who provide high quality and accessible eye care services to the whole population. The Confederation is a coalition of the five optical representative bodies: the Association of British Dispensing Opticians (ABDO); the Association of Contact Lens Manufacturers (ACLM); the Association of Optometrists (AOP); the Federation of Manufacturing Opticians (FMO) and the Federation of Opticians (FODO). As a Confederation, we work with others to improve eye health for the public good.

General:

Question 1: Do you agree with our proposal to revoke and replace the current 2007 Regulations rather than amend them?

Comments: The Optical Confederation does not hold an opinion on this issue. Our main concern is that the Directive, in any form, is functional in scope and recognises the importance of proportionate safeguarding mechanisms for the recognition of professional qualifications regarding health care professionals.

European Professional Card (article 4a – 4d)

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As mentioned previously, the specifics of implementation are difficult to address at this stage as we are awaiting the adoption of an implementing act for the EPC. With this in mind, we have the following questions:

Question 2: Do you have any suggestions for professions that should be included in the EPC?

Comments: In principle, the Optical Confederation is supportive of the ambition to foster greater mobility of professionals.

We have no additional suggestions, at this stage, because as recognised in the consultation document it is difficult to assess the impact of the implementation of the European Professional Card (EPC) at this point in time. Furthermore opticians have been selected as one of six professions in the next wave of regulated professions to be evaluated under the Mutual Recognition of Professional Qualifications Directive (PQD) 2005/36/EC. The next step is for opticians to be evaluated on 24th November 2014 as a part of the Transparency Initiative.

The current proposal opens the door for opticians to possibly be considered for the EPC in the future. It is therefore important to address any potential issues at this early stage. It is of paramount importance because the scope of practice for optical professionals varies widely between Member States. In the UK, for example, the definition of optometry and scope of practice of optometrist differs greatly from many other Member States.

The General Optical Council (GOC), the Competent Authority for optics in the UK, differentiates between dispensing opticians (this category includes contact lens opticians) and optometrists. To consider opticians and potentially optometrists for the EPC in the future it would require harmonisation of the professions including educational standards and scope of practice across the EU. This therefore requires careful planning and guidance and we would be happy to meet to offer expert advice on these issues.

Question 3: Within the scope of article 4a.7 of the Directive relating to the power to adopt an implementing act, can you suggest any issues that we should be conscious of with regards to the EPC?

Comments: The Optical Confederation recommends that particular attention be directed towards recognising the importance of proportionate safeguarding mechanisms for health care professionals.

In the UK, there is already a system to assess EU/EEA qualifications as eye health professionals are required to be registered with the GOC, which is the Competent Authority for optical professions in the UK.

An applicant with an EU/EEA qualification who wishes to register with the GOC needs at least two years professional experience in order to be able to apply through PQD. The applicant's skills and training will be individually assessed. However graduates from EU/EEA institutions who are recognised by the GOC to meet the UK standard are exempt from the additional assessment.

“If there are significant differences you must correct this through an adaptation period (a period of further study in the UK which may be subject to assessment) or an aptitude test, carried out in the UK. If we decide that you have all the necessary qualifications, skills and experience, your name will be added to the registers and you can practise in the UK.” [GOC website](#).

This pathway to register to practice in the UK is equivalent to the process outlined under the General System of Recognition pathway of the PQD.

Question 4: Do Competent Authorities expect the EPC to deliver any cost savings from the transfer of responsibility for checking qualifications to home Member States? Please provide any detail possible on the expected cost implications of the EPC for your authority.

Comments: N/A

Partial Access (Article 4f):

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Question 5: Bearing in mind the requirements for partial access set out in the Directive (article 4f.1), which professions do you consider eligible for partial access and why?

Comments: The Optical Confederation is in favour of increased mobility of professionals. However the professions of dispensing optician and optometrist should not be eligible for partial access. It is possible that certain skills could be recognised on a case-by-case basis.

There are two main reasons why this is not desirable.

Firstly, as outlined above, the scope of practice and educational level of optometrists and dispensing opticians vary widely across the EU.

Secondly, to administer a system regarding partial access would be extremely difficult as there is currently no mechanism in place to do this. A new system would need to be created. It would have to take into account, assess and administer every EU/EEA applicants' level of skill, education and experience and match this to the relevant task they could be considered for under a partial access system. It is difficult to imagine how such a project would be manageable and able to adequately protect the public. It is the Optical Confederation's view that the risks of partial access to these professions (optometrist and dispensing optician) outweigh the benefits.

As there is no EU wide harmonisation of these professions (education, training, registration and scope of practice) the Optical Confederation recommends that the existing system is sufficient and that the GOC, as the Competent Authority, is responsible for recognising EU/EEA obtained qualifications through the already established pathway.

Question 6: Do you think that we should require applicants who wish to access a profession on a partial basis to do so using the title for that profession in English rather than the professional title of their own state? Is the answer different in relation to different professions?

Comments: The Optical Confederation does not consider that the professions of optometrist and dispensing optician should be open to partial access.

As noted above, the two professions (optometrists and dispensing opticians) perform different functions across Member States. If partial access were to be granted to an optician from a Member State to perform part of a sight test, it is possible that the registrant would not be trained or qualified to examine ocular health. This means patients would attend for a sight test that was not a sight test according to legalisation. If pathology was missed, the patient would not have the right to compensation because indemnity cover would not be valid as no insurer would cover such risk.

Question 7: Are Competent Authorities able to provide any estimate of the cost of addressing an individual partial access case as well as any costs associated with changes (such as IT systems) to their registers to accommodate partial access?

Comments: N/A

Temporary service of provisions (articles 7, 8):

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Question 8: Do the new requirements for temporary provision require clarification?

Comments: The Optical Confederation is supportive of greater mobility of professionals. However similar to the issue regarding partial access, grey areas regarding the scope of practice for optometrists, dispensing opticians or any health professional should be avoided. The GOC is best placed to assess whether EU/EEA eye health professional's qualifications are sufficient to allow an individual to practice in the UK. This is a reasonable safeguard and in our view the most cost-effective, safe and fair way of supporting mobility whilst mitigating risk to patients.

Furthermore both optometrist and dispensing optician are professions with public health dimensions. For example, optometrists in the UK are qualified to examine and test eyes, prescribe spectacles, and give patients advice on visual problems and detect disease or abnormality. Optometrists and dispensing opticians are therefore beneficiaries of article 7.4 stipulating that the Competent Authority in a Member State can demand a prior check of qualifications and deny temporary provision on grounds of protecting the public.

As outlined above, there are existing pathways and guidelines for EU/EEA optometrists and dispensing opticians to have their qualifications recognised by the GOC. The Optical Confederation recommends that these existing structures are kept in place to evaluate EU/EEA eye health professionals' qualifications.

Question 9: In relation to the option to require a language declaration in relation to professions with safety implication, which professions do you think fall within this description?

Comments: Both optometrists and dispensing opticians interact with patients, it is therefore important that a language declaration is mandatory for these professions. This is for the GOC to evaluate through the pathway for recognition of EU/EEA eye health professionals.

Question 10: Do any Competent Authorities anticipate additional costs incurred from the temporary service provision amendments?

Comments: N/A

Conditions for recognition (article 13):

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Question 11: Are the conditions for recognition sufficiently clear?

Comments: Yes.

Compensation measures (article 14):

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Question 12: Although the applicant has the right to choose, Members States' can stipulate, by way of derogation, an adaptation period or aptitude test. Do you think there is a case, in relation to a profession, for expanding the category of cases where we may stipulate either an aptitude period or adaptation test as set out in Article 14.3? If so, please provide reasons for this.

Comments: As outlined above, the education level and scope of practice for optometrists and dispensing opticians varies widely between Member States. Hence the GOC, the Competent Authority in the UK for these professions, created a pathway for recognising professional qualifications obtained at institutions for higher education in other EU/EEA countries.

The list of requirement for EU/EEA optometrists and dispensing opticians to have their qualifications recognised by the GOC are outlined in our response to question three. More information can be found [here](#).

The Optical Confederation recommends that the current pathway for recognition of qualifications in the UK remains in place.

Question 13: Does applying a compensation measure raise the administrative costs of processing an application?

Comments: N/A

Recognition of professional traineeship (article 55a)

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Question 14: What limits to the duration of professional traineeships should be set, if any, in relation to a relevant profession?

Comments: The Optical Confederation is in favour of setting up common training principles and a framework for the professions of optometrists and dispensing opticians. However the role and scope of practice of optometrists and dispensing opticians differs greatly across the EU. This creates a hindrance in pursuing a harmonisation of the professions. The UK demands a high standard of skills and educational level for both optometrists and dispensing opticians. The Optical Confederation feels it is essential that appropriate standards are maintained, emphasising the public health implications of the professions, continually argued in favour of and potentially used as the benchmark.

Question 15: Are there any current guidelines on organisation and recognition of professional traineeships?

Comments: The Optical Confederation consider both optometrists and dispensing opticians to be outside the scope of the CTF and CTT. This is mainly because, as outlined previously, the nature of the professions differs greatly from member state to member state. This is particularly true in terms of educational requirements and the scope of practice concerning optometrist and dispensing opticians.

Automatic recognition on the basis of common training principles (articles 49a and 49b):

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These principles are subject to delegated acts adopted by the Commission. Therefore we are interested in your views in general terms only at this stage.

Question 16: Is the provision for setting up common training principles/frameworks of interest to your profession?

Comments: N/A

Question 17: Do you consider your profession to be outside the scope of a CTF or CTT and why?

Comments: In the UK both optometry and dispensing optician students must be enrolled in GOC accredited programmes and be registered with the regulator. It is the responsibility of the GOC to define what constitutes adequate educational standards and safeguarding.

Question 18: Do Competent Authorities expect common frameworks and tests to reduce administrative costs in processing PQD applications?

Comments: The Optical Confederation is not aware of any existing guidelines on recognition of traineeships. As mentioned previously, students of optical professions are required to enrol in a GOC accredited programme and to be registered with the Regulator.

As a part of the process to be registered as an optometrist the student is required to undergo a period of supervised work experience. In the case of dispensing opticians the student is required to complete either suitable employment or a period of supervision depending on the completed programme.

Access to information (articles 50.3, 57, 57a):

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Question 19: Are your procedures already available online?

Yes

No

Not sure

Comments: The GOC is the regulator for optical professions. Materials relating to registration as an optical professional in the UK, costs and existing requirements are available on their [website](#).

Question 20: Do you accept electronic payments?

Yes

No

Not sure

Comments: N/A

Question 21: Is your Competent Authority already linked in to the PSC?

Yes No Not sure

Comments: The Optical Confederation is not aware of any such link.

Question 22: Are Competent Authorities able to provide any information about the expected costs and time taken to make available information through the Points of Single Contact?

Comments: N/A

Question 23: Do any Competent Authorities expect substantive costs to arise from providing electronic application processes? Could you please specify expected costs?

Comments: N/A

Question 24: Do Competent Authorities who have switched to online application systems have any information on the impact this may have had on number of applications?

Comments: N/A

Exchange of Information (article 56)

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Question 25: Are you aware of IMI?

Yes No Not sure

Comments: Not applicable as the Optical Confederation is not the Competent Authority.

Question 26: Are you registered with IMI?

Yes No Not sure

Comments: Not applicable as the Optical Confederation is not the Competent Authority.

Question 27: If you are already registered on IMI:

- a. do you find the system easy to use?
- b. do you find the information exchanged useful?

- a. Yes No Not sure
- b. Yes No Not sure

Comments: Not applicable as the Optical Confederation is not the Competent Authority.

Question 28: Do you consider you should be designated as a coordinator? Please provide reasons.

Comments: Not applicable as the Optical Confederation is not the Competent Authority.

Question 29: Are affected Competent Authorities able to provide more information on how many additional staff may need to use IMI for the alert mechanism and the potential on-going costs of using the system?

Comments: N/A

Alert Mechanism (article 56a):

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As with the EPC, the specifics of implementation are difficult to address at this stage as we are awaiting the adoption of an implementing act for the Alert Mechanism. With this in mind, we have the following questions:

Question 30: Within the scope of the implementing act (article 56a.8), can you suggest any issues that we should be conscious of with regards to the Alert Mechanism including:

- Eligible authorities or coordinators
- Procedures on treatment of alerts
- Security of processing alerts?

Comments: The Optical Confederation recommends that the Competent Authority is the most suitable body to implement and define the scope of alert mechanisms for optical professions. Furthermore the overall hallmarks ought to be that any implementation of alert mechanisms is in the interest of the public, proportionate and not excessively burdensome. We are supportive of initiatives embodying these ambitions.

Transparency initiative (article 59):

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Question 31: Do you have any views on the most effective exercise of the transparency process?

Comments: The transparency process is both relevant and important to the Optical Confederation as opticians have been selected for an evaluation meeting on 24th November 2014 under the Transparency Initiative. The Optical Confederation is positive about harmonisation of optical professions and in favour of increased mobility for professionals in general.

The Optical Confederation recommends that the current system for recognising qualifications is maintained as it is proportionate, not excessively burdensome and takes public health implications into consideration. The current system complies with the conditions stipulated under the General System of PQD. A key objective for the Optical Confederation is to maintain excellent and proportionate standards for optometrists and dispensing opticians.

Moreover as outlined throughout the consultation, the UK is an outlier in the EU in terms of training and the scope of practice of optical professionals. The evaluation of opticians is methodologically problematic as dispensing opticians and optometrists are defined differently, trained differently and enjoy different scope of practice throughout the EU.

“Optometry and optics are linked professions and are in some countries of Europe considered to be one profession. In other countries they reflect separate areas of professional activity and are considered as separate professions”. [European Council of Optometry and Optics \(ECOO\)](#).

This puts these professions in a different category than for example architects where a specific skill can be evaluated and recognised across the EU. Moreover there are public health implications to consider when evaluating optical professions, which do not apply to some of the other professions designated for evaluation.

Question 32: Do you know of any Chartered Bodies that should be either removed or added from Annex I? Please give reasons for your answer.

Comments: No.

Question 33: Do you know of any regulated professions that should either be removed or added from Schedule I? (<http://www.legislation.gov.uk/uksi/2007/2781/schedule/1/made>) Please give reasons for your answer

Comments: No.

Question 34: Has your Competent Authority updated the information on the database (A request to complete the 'Proportionality' tab was sent on 18 July 2014)?

Comments: Do not know.

Do you have any other comments that might aid the consultation process as a whole?

Please use this space for any general comments that you may have, comments on the layout of this consultation would also be welcomed.

No further comments.

Thank you for your views on this consultation.

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply

At BIS we carry out our research on many different topics and consultations. As your views are valuable to us, would it be okay if we were to contact you again from time to time either for research or to send through consultation documents?

Yes

No

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