



Objective: Inform the Membership on who was entitled to what, when and why with regards to working rights in France from 1989.

February 1989 – In 1989 it was a particularly bad season in the Alps with limited snow. At the time, a number of British Tour Operators were bringing clients along with their own British instructors to the Alps. This resulted in a number of British instructors working in France when there was no work for the locals. The French warned the British that if this continued the British instructors would be arrested if they did not hold the correct paperwork to work in France. The French were within their rights to do this as ski instruction was and remains a regulated industry in France. At the time, most British Instructors had not completed the required tests and therefore did not hold the correct paperwork. A number of British instructors were arrested in Col des Saisies and then subsequently other French resorts for not holding the required paperwork. This is when the issue first came to the fore for British instructors working in France.

January 1990 - A number of trainers from BASI were invited to ENSA (Ecole National de Ski Alpinisme, based in Chamonix) to Flaine to have a discussion. At this meeting, 18 BASI trainers were to be shown the Test de Capacité. With no previous warning those attending were put through the test and several were told that they had failed and were not allowed to teach in France.

April 1990 – In order to demonstrate to the French that the technical standard of the BASI Grade 1 was high enough to be allowed to teach in France, five Grade 1 non-trainers were invited to complete the French Technical Module. It was demonstrated by these BASI participants and accepted by the French that the technical standard of a BASI Grade 1 was easily high enough to meet the French technical standard.

January 1991 – The French stipulated that BASI Members were required to meet all 3 of the following criteria to work in France:

1. Pass the Test de Capacité* (timed slalom and observed/marked free run).
2. Hold the BASI Grade 1 qualification
3. Complete a mountain safety course (initially run by the French, then later run by BASI)



**Note: from 1989, if you had less than 100 FIS points (male) or 80 FIS points (female) you were exempt from the Test de Capacité. This rule still applies in 2015 but the FIS point requirement is now less than 100 for men and less than 85 for women.*

1991 – Grandfather Rights 1st Opportunity for BASI Members. If BASI Members had received their Grade 1 prior to 1988 and were over 35 years old in 1991, they were exempt from the Test de Capacité and were only required to demonstrate that they had completed the mountain safety course in their application dossiers to work in France. (This was only available in 1991 and was not extended beyond this year)

1994 – For the first time BASI ran its own equivalent mountain safety course in Austria. This course was attended and monitored by the French to ensure it reached the required standards.

1997 – The Italian, Austrian, French, Swiss and British systems all had racing aspects within their technical modules. However, they were all different (some timed, some not timed, some slalom, some GS etc.). All Alpine 'Arc' countries (France, Italy, Austria, & Switzerland) had a discussion to rationalise the format of a technical test.

1997 - Bilateral meetings with France and the UK at the EU Commission took place. BASI is obliged to compromise on requirement for a speed test. France is obliged to change from Slalom to GS for their Speed test.

1998 - BASI got agreement from French delegation to run Speed test on 2 FIS homologated slopes in Scotland.

1999 – Grandfather Rights Second Opportunity for BASI Members. BASI Members who met the following criteria could apply:

1. Held a BASI grade 1 qualification
2. Had completed the Mountain Safety course

There was no age requirement to be over 35 years in this second opportunity.

This window of opportunity expired on the 28th March 2000 when the Agreement was signed but was extended to January 2001 with further conditions (see below)



28 March 2000 – 10 Nations signed Eurotest Agreement. Grandfather rights second opportunity (see 1999) were extended to the 1st January 2001 for all 10 signatories. This provided a 3rd opportunity for BASI Members to gain recognition. It was agreed that France would co-ordinate round of grandfather rights for all 10 nations.

The process to apply was via the National Body through the submission of a personal dossier. The dossier had to include the following:

- i) Proof of a Grade 1 Qualification
- ii) Proof of having completed a Mountain Safety Course
- iii) Evidence that demonstrated that the applicant had been working as an instructor

All BASI Members wishing to apply for these Grandfather rights would need to submit their dossier to the French via BASI before the 1st of January 2001. BASI submitted two lists to the French to assist with the validation process of individual dossiers:

1. BASI submitted list of all Members that held the BASI Grade 1 qualification at that time to the French.
2. BASI submitted a second list of all BASI Grade 1s that had submitted a dossier (those who had not submitted a dossier were not on this list), this BASI Member dossier list also indicated if the Members had completed a recognised Mountain Safety course.

These lists were used by the French to verify submitted dossiers.

At this point, many BASI Grade 1's (including trainers) had to complete the Mountain Safety course in order to submit this evidence with their dossier before the cut-off date. Dossiers were considered incomplete by the French unless all 3 elements were present.

1st January 2001 – BASI Members who had not gained working rights for France prior to this date were now required to demonstrate the following in order to be able work in France as a result of the signed Eurotest Agreement (March 2000):

1. A BASI Grade 1 qualification
2. The Eurotest (which consisted of **both** the mountain safety course and the speed test)

At this time, BASI awarded ISTD certificates to all those who had gained recognition to work in France in this round of applications



2001 – BASI qualification names changed from Grades to Titles because of the ISTD being introduced which itself was a by-product of signing the Eurotest agreement.

In the same year, holders of the former BASI Grade 2 qualification could complete additional modules in order to receive their ISIA stamp, i.e. they were exempt from the Level 3 ISIA Technical and Teaching courses.

2001 - Four countries apply for derogations to Article 14 of Council Directive 92/51/EEC. A derogation to this law exists for four different countries (France, Italy, Austria and Germany) based on safety. The derogation was granted for caving, paragliding, diving and skiing. This was made permanent in 2004 and allows them to ask any skiing instructor applicant to do a test under option 2 listed under **1st January 2001**.

DIRECTIVE 2005/36/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 7 September 2005 on the recognition of professional qualifications

There are two options for individuals wishing to have Rights of establishment/ Provision of service.

1. Do a test i.e. Eurotest

OR

2. Provide the following evidence :
 - a. Have worked at the top level of qualification for min 2 years
 - b. Evidence of work
 - c. Medical certificate
 - d. Clean Criminal Record

Free movement of professionals and recognition of professional qualifications in the EU

Meeting between EU-Commission and Representatives from Reparis Countries in cooperation with the World Bank

Brussels, 28.10.2010

Agnieszka Matuszak, Legal Officer, DG MARKT, Unit D4- Recognition of Professional Qualifications

Article 53 TFEU

Facilitation of free movement of persons by directives for the mutual recognition of professional qualifications

History

- Rules for craft, commerce and industry sectors
- Harmonisation approach
- mid 1980s: move away from harmonisation approach towards mutual recognition (Directive 89/48/EEC)



- 2005: Directive 2005/36/EC on the recognition of professional qualifications

Today's EU law on the recognition of professional qualifications

- Directive 2005/36/EC on the recognition of professional qualifications
- Rules applying to lawyers concerning the provision of services and the establishment under the title of country of origin (Directives 98/5/EC and 77/249/EEC)

What is the 2005 Directive about?

- Consolidation of existing Community law
- Facilitation of provision of services on a temporary or occasional basis
- Increasing administrative cooperation

http://siteresources.worldbank.org/EXTCENFINREPREF/Resources/4152117-1270824012230/6954188-1286280811885/professional_qualifications.pdf

2007 – BASI qualification names changed from a three-tier Titles system to a four-tier Level (as the BASI system currently stands).

2008 – ISIA Card issued to level 4s. ISIA General Assembly agreed to adopt Pyramid system, which introduces the ISIA Card to those instructors who also complete a Mountain Safety course and a Speed test. But France and Austria do not adopt these ISIA standards as they assume they already have higher standard modules in place within their training schemes.

2008 – **BASI** Members who held the former Grade 1 qualification and had completed a mountain safety course were awarded ISTD certificates by BASI, **but** this did not extend to give them automatic exemption from the Euro Speed Test to work in France. So, now BASI has ISTD Members who **have completed the speed test** and are entitled to working rights in France and ISTD Members **who have not completed the speed test** and who are not entitled to working rights in France.

The Act sets out 2 routes to Rights of Establishment. These are:

- a) Do a test i.e. The Eurotest (EMS + Speed Test)
Or
- b) Provide the following evidence to support your right to establishment claim:
 - i) Have worked at a top level of qualification for a min of 2 years and;
 - ii) Evidence the relevant work undertaken and;
 - iii) Submit a medical certificate stating you are fit to undertake the profession and;
 - iv) Provide evidence of a clean criminal record

In 2001, 4 countries (France, Italy, Austria and Germany) applied for a derogation to the original act based on safety. The EU granted the derogation for 4 professions (Caving, Paragliding, Diving and



Skiing). The derogation was made permanent in 2004. The implication of the derogation is it allows these 4 countries to ask any applicant to do the test as specified in a) above.

15 September 2012 – Memorandum of Understanding (MoU) Pilot Scheme launched. This was at the request of the EU Parliament bidding the Commissioner for EU internal free movement of professionals, Michel Barnier, to better enact the Mutual Recognition of Professional Qualifications (MRPQ) Directive, which itself is an evolution of the EC 2005/36 directive for recognition of European qualifications, and reduce bureaucracy. Snowsports was included in the 800 regulated professions.

The MoU is a pilot scheme that moves towards a delegated act that allows Rights of Establishment & Freedom of Movement for those holding the highest national skiing qualifications.

The MoU stamp was agreed as a recognition icon for the pilot scheme.

Those entitled to the MoU stamp are those who;

1. Are already recognised by bilateral agreements

OR

2. Have completed the highest national qualification including the Eurotests (i.e. BASI ISTD + European Mountain Safety + Speed Test)

15 September 2012 – **At the start of the 2012/13 Membership year** BASI issues MoU stamps to all BASI members with ISTD Certificate (see 2008) **but** BASI failed to remove from the full BASI ISTD list those members who had failed to meet the full requirements of the MoU, i.e. those who had not undertaken the Speed test. This was an administrative search error by BASI.

February 2013 – BASI became aware of the administrative search error and proceeded to contact the 16 members that were issued a MoU stamp in error to inform them of the mistake. These MoU stamps were invalidated.

September/October 2013 – **At the start of the 2013/14 membership year** BASI issues MoU stamps only to those BASI ISTD's who meet the correct criteria.