

Meeting Report

Memorandum of Understanding for professional ski instructors in the EU – Meeting held on 15 December 2011

1. INTRODUCTION

The Commission invited representatives from Member States and from national ski instructor associations to finalise a Memorandum of Understanding. Representatives from AUT, BE, DK, and IT expressed an interest in the meeting but apologized for not having been able to attend. The meeting was chaired by Jürgen Tiedje, Head of the Unit “Free Movement of Professionals”, European Commission, DG Internal Market and Services.

The Chair welcomed the representatives from 14 Member States and various ski instructors associations who had followed the Commission's invitation (see the list of attendees in **Annex 1**).

The Chair recalled the objectives of the meeting which aimed principally at discussing still outstanding issues on the draft Memorandum of Understanding (MoU) but also practical challenges related to its implementation, such as the use of IMI (Internal Market Information System). He also drew the attention of delegations to the upcoming adoption of a Commission proposal for a directive modernising the Professional Qualifications Directive (Directive 2005/36/EC) – scheduled for 19 December 2012¹.

2. PRESENTATION OF THE INTERNAL MARKET INFORMATION SYSTEM (IMI)

Zoltan Magyar, assisted by Julie-Jeanne Regnault (both from unit MARKT.B.1) provided a detailed presentation of the Internal Market Information (IMI) system (see the PP-presentation in **Annex 2**). It was stressed that further to a designation by the respective MS a registration of responsible authorities would be indispensable to make an MOU work in practice; the Chair referred to § 15 of the MOU in this regard.

3. DISCUSSION OF THE DRAFT MOU

The Chair presented a comparative table, in which the positions expressed either by Member States or by professional associations have been listed, and invited participants to focus on these points which included comments from national delegates not able to attend (see **Annex 3**). The Chair also referred to the work which had been accomplished

¹ See now

http://ec.europa.eu/internal_market/qualifications/news/index_de.htm

at the level of coordinators, following an initial meeting organized for the national professional ski instructor associations on 5 May 2011.

The almost final draft remains an offer to all MS and interested circles.

3.1. Discussion of the draft MOU as such

3.1.1. Preamble (Section 1)

CZ enquired whether the MoU could be applied whilst MS training requirements were still being evaluated. The Chair pointed that the purpose of the MOU was to start a process based on the Eurotest.

The Chairman also confirmed that the list of responses for the inventory of professional ski instructor training requirements in MS is now closed. NL enquired whether it was likely that the deadline for presenting the evaluation report (31 December 2012) could be met. UK responded that responses had been slow at the beginning but the situation had improved recently. A meeting of the experts evaluating the national curricula is scheduled for January 2012. This view was confirmed by FR.

CZ requested clarifications in relation to the objective of the evaluation report foreseen in the preamble of the MoU. In their view there would be a need to clarify the minimum number of training hours required to become a professional ski instructor. This request was supported by NL. BG also suggested that future discussions should not only focus on the Eurotest. Other criteria should also be considered for regulation, such as the duration of training courses, training levels other than the highest one, other snow sports as well as the recognition of diplomas acquired in pre-accession times.

3.1.2. Sections 2 to 4 (pilot professional card, level of training required, validity of a successful passing of the Eurotest)

The Chairman noted that there were no further comments.

3.1.3. Section 5 (Exemption from the Eurotest due to a FIS classification)

NL objected to the requirement of 100 FIS points for men and 85 FIS points for ladies. In their view such requirements were unrealistic and far too tough. NL suggested replacing these thresholds by 130 FIS for men and 110 FIS for women in line with international ISIA standards.

DE took the view that a level of 130/110 FIS points was desirable also from a political point of view so as to allow a much wider participation of Member States in the MOU. This position was supported by the BG delegate who also pointed out that there was a correlation with the FIS ranking lists. DE suggested that it could also be conceivable to move to a threshold to 120 points for men and 105 for ladies.

FR strongly rejected this proposal since AT and IT, for which this would be pivotal, were not present but also considered that shifting the threshold is far too early given that the impact of such shift could be considerable also in domestic situations. FR would be ready to reconsider this during the period of implementation of the MOU in 2012 and in 2013. Similar positions expressed by other MS are reflected in the "overview table".

The Chairman concluded that the text should remain as is but further discussion, at the level of coordinators, might be necessary.

3.1.4. Section 6 (Training admission for nationals from other Member States)

The Chairman noted that none of the present delegations had comments on this point (see also the point raised by AUT in **annex 3**).

3.1.5. Section 7 (List of sites)

The Chairman concluded that the text does not pose a problem. The UK indicated that from their point of view the current text and the list of sites in Annex III could be considered final (the draft reflects work which had been undertaken under their chairmanship). However, CZ requested to consider urgently updating the list of sites in Annex III in order to include also a site in the Czech Republic. The Chairman invited the UK delegation to consider this request by CZ in a bilateral context in order to explore whether such site could be included in the MOU Annex.

CZ also suggested that subsequent additions of sites should not be ruled out. This is important for MS or other signatories that were to sign the MoU at a later stage. UK pointed to the need that any site for Eurotests would need prior recognition by FIS. FR remarked that the "commission d'agrément des sites" foreseen under the applicable Eurotest arrangements would have the say. Each new candidate site had to make a request for accreditation; only MoU signatories should be entitled to make such requests.

3.1.6. Section 8 (Forerunners or reference skiers)

AUT requested to foresee that reference skiers (forerunners) should have obtained either a maximum of 50 FIS points or should have obtained a coefficient equal or above 0.8700; these conditions should be alternatives and not applied in a cumulative way. DE and UK supported the request from AUT. The Chair concluded to resolve this issue bilaterally (UK, AUT, FR, DE and perhaps IT).

FR explained that it was envisaged that each signatory of the MoU (including its Annexes) would be entitled to have openers. DE requested that it should instead be in the alternative. FR believed that there was a need to take account of the fact that openers might come back to the scene after having taken a professional break. The necessary checks could only be done in the context of annual Eurotest calibrations.

3.1.7. Section 9 (juries)

The Chairman referred to the fact that even non-signatories of the MoU could have observers in juries. This condition was supported by delegates from CZ and NL.

3.1.8. Section 10 (standstill clause)

There were no further comments on section 10 (standstill clause). The reference to section 16 should be replaced by a reference to section 15.

3.1.9. Section 11 (winter sports classes)

DE (who referred also to the same position expressed by DK in writing) strongly supported the extension of this section to all schools and non-commercial organizations

(such as ski clubs) and opposed its deletion (in contrast to what is indicated in the annexed table).

FR supported deletion of § 11 as did the ES delegate given that the MOU and the Professional Qualifications Directive would only focus on professional ski instructors. NL suggested that it should be clarified in the preamble that the MoU does not concern non-for-profit sports organizations but just professional ski instructors. This view was supported by the BG delegate. In his view it was also noteworthy that FIS requirements do not apply to non-professional ski instructors. UK suggested adding the term "professional ski instructors" in the first sentence of the preamble.

The Chairman invited delegations to consider the UK proposal.

3.1.10. Section 12 (Application Period for the MOU)

The Chairman concluded that there are no further comments.

3.1.11. Section 13 (Date of issuance of pilot cards)

Instead of the date of "December 2011" (which was now ruled out) the relevant date should be "February 2012". Between now and February remaining issues should be resolved by bilateral contacts and technical cooperation.

3.1.12. Sections 14 and 15

Delegations did not make comments on these sections.

3.2. Discussion of the three Annexes

On Annex I (Eurotest), DE (and AUT in its written comments) requested to modify requirements on the profile of the Eurotest sites, notably as regards the number of gates on a ski slope.

On Annex II, the Chairman concluded that the text should be converted into operational terms but does not raise problems in substance.

4. DISCUSSION OF NEXT STEPS

The Chairman invited delegations to advance on a bilateral basis to reach a slightly revised draft MOU with all three technical annexes by 18 January at the latest. His preferred option was that both MS and their respective ski instructors associations would be signatories. The draft MOU should be signed by coordinators at a meeting scheduled for 6 February 2012 in order to be applied as from February onwards.

The UK suggested allowing signing by post in order to permit an earlier application of the MoU (the winter season having already started).

FR also insisted to consider the MOU in the longer perspective; it would not exclude accepting the holders of the Spanish diploma "Técnico Deportivo de Grado Medio" without Eurotest.

As to the bilateral contacts until 18 January, the Chairman concluded that he will talk on on the issue of FIS points and the treatment of schools and non-for-profit-making

associations on a bilateral basis with the delegations concerned. He also requested that delegations come back to the Commission by 18 January on the following issues:

- AUT, DE, FR, UK would clarify the outstanding issue as regards the requirements for forerunners (50 FIS points or 0.8700 (section 8),
- AUT, DE, and FR would also clarify the outstanding issues on Annex I (Eurotest);
- DE would provide an update of Annex II (Eurosecurity) to the Commission
- CZ would report back to the Commission whether an inclusion of a site in the Czech Republic for carrying out a Eurotest could already be included into the MOU now or in the near future – after having bilateral contacts with the UK.

The Chairman thanked the attendees for their cooperation and closed the meeting.