

## Provision and Use of Qualifications in Active Leisure

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## 1. Introduction

Active Leisure is defined as a combination of fitness and outdoor-based activities that are generally unstructured and non-competitive. These activities promote active, healthy lifestyles through activities, events and exercise. They are commonly provided under the direction of qualified animators, instructors and trainers so that the activities are tailored to match the abilities of the participants and to meet their needs enjoyably and safely (EuropeActive, 2018).

This sector is incredibly important to the economic and social fabric of the continent. Fitness alone is now the largest participation physical activity in Europe with over 62 million consumers, generates 26.6 billion Euro in revenues, and employs over 750,000 people (Deloitte, 2018), while the outdoor sector is also a major driver of physical activity participation and tourism across the continent. In Northern Ireland, for example, the outdoor sector contributes to between 20 and 25% of employment and value-added in the broader 'sports economy' (Gratton and Kokolakis, 2013).

As Active Leisure continues to grow in scale and importance throughout the European Union, the sector has intensively worked on its own skills agenda. As such, it recognises the importance of the need for an implementation plan based on the policy recommendations of the Expert Group on Human Resources Development in Sport and the EU New Skills Agenda. Accordingly, the Blueprint for Skills Cooperation and Employment in Active Leisure project focuses on developing new skills for current and future workers, improving the employability of young people, and supporting entrepreneurship and growth across the sector. Concretely, this means the development of new, European-wide qualifications and the establishment of a related awarding or certifying organisation.

To achieve these objectives, it is therefore essential to identify and map out the existing professional qualifications and the extent they are used by both employees and employers throughout the EU. This knowledge will then allow us to understand the current status quo around the continent, and have the information needed to identify challenges, opportunities, and gaps in the project.

To do so, both the fitness and outdoor sectors are analysed separately. Within each sector, this paper looks at the overall qualifications that exist, the extent to which employees use qualifications, and the extent employers request qualifications. Based on this information, conclusions are then drawn for each sector, culminating in final thoughts and recommendations for the overall project.

Data for this paper was obtained through a combination of methodologies. A literature review for the Active Leisure sector was undertaken to provide a summary and explanation of and current state of knowledge related to qualifications in Active Leisure, as well as to obtain data related to the existence, prevalence and use of qualifications in each sector. This literature was sourced through academic journals as well as through policy documents and industry reports. Further information was also obtained through interviews with professionals working in the sector.

Also, publicly available job postings from major fitness companies were collected and subjected to document analysis. This analysis allows for a better understanding of the qualifications requested by employers and breaks down the postings according to several factors, including if qualifications are requested and, if so, what kind.

## 2. The Fitness Sector

### 2.1. Qualifications in the Fitness Sector

Though the fitness sector is often predominantly associated with personal training, the range of qualification areas is indeed far more varied and encompasses a wide range of disciplines and target groups. The European Register for Exercise Professionals (EREPS) (2019) recognizes qualifications for personal trainers, fitness instructors, group instructors, Pilates teachers, as well as various qualifications related to specific groups or needs, such as weight management or active ageing. At present, EREPS is entirely self-regulated. Its standards are developed by EuropeActive and used by training providers who can voluntarily apply for third-party accreditation of their programmes.

Qualifications in these subjects can be obtained through vocational training programmes and certificates of varying depth, or through an academic programme such as a Bachelor or Master's. These qualifications are offered by a range of providers, including in-house training from sport clubs, academic institutions and other third-party providers.

Given the range of topics and offers, there is, therefore, a considerable amount of qualifications and training providers. These qualifications and certifications are however not always aligned to uniform standards and not always recognised in other countries. To help remedy this, the EREPS was launched in 2007 to “act as an independent register of instructors, trainers and teachers working in the European health, fitness and physical activity sector” (European Register of Exercise Professionals, 2015). Working with numerous national registers, EREPS supports the application of common European standards and the mobility of exercise professionals (European Register of Exercise Professionals, 2015).

The European Register for Exercise Professionals (2019) organises its different qualifications informally along the European Qualification Framework (EQF), ranging from EQF Level 2, reflecting basic knowledge in the selected topic, to EQF Level 5, representing comprehensive knowledge in the topic (European Commission, 2019a). As such, related Bachelor Degrees would be classified as EQF Level 6, Master Degrees as EQF Level 7 and Doctoral qualifications as EQF Level 8 (European Commission, 2019a). It must be noted that the level 6 and level 7 qualifications as mentioned below in *Table 1* are not based on standards. They are to be considered as a combination of academic content meeting a profile together with professional practice.

EuropeActive has developed a full qualification for Personal Training, informally referenced to the EQF at level 4, which is described in units of learning outcome and includes a full assessment strategy. The equivalency of this qualification can already be seen on some national qualification frameworks (NQF) such as in Belgium, Poland, and the UK.

The vocational occupational standards that define the knowledge, skills, competencies, and range of autonomy were first developed by the EuropeActive Standards Council and, from 2014 onwards, by the Professional Standards Committee (European Health and Fitness Association, 2015). Table 1 shows examples of the use of the vocational occupational standards through formal education delivery (informally referred to EQF):

Level	Qualification	Provider	Country
<b>EQF Level 2</b>	Fitness Assistant	EFAA Opleiding en Training	NL
<b>EQF Level 3</b>	Group Fitness Instructor	Université de Strasbourg	FR
<b>EQF Level 4</b>	Personal Trainer	FIVESTARS FITNESS	ES
		AT WORK	DK
	Pilates Teacher	A.F. STUDIES	EL
<b>EQF Level 5</b>	Weight Management Exercise Specialist	ISSA Europe	IT
<b>EQF Level 6</b>	<i>(BSc (Hons) Fitness and Personal Training)</i>	Solent University	UK
	<i>(BSc (Hons) Sport and Exercise Science)</i>	Leeds Beckett University	
<b>EQF Level 7</b>	<i>(MSc Exercise Science and Coaching)</i>	German Sport University	DE
<b>EQF Level 8</b>	<i>Not applicable</i>		

*Table 1. EQF Levels and Sample Fitness-related Qualifications*

Though many qualification providers are becoming more aligned with national and European registers, this has not been universally adopted throughout the industry. Indeed, with 160 accredited EREPS providers, numerous major fitness clubs and academic institutions are still not part of the EREPS system, while some European countries, such as Germany and Sweden, have still not set up national registers.. Nonetheless, there is some significant development taking place. National registers, as part of the EREPS programme, exist or are in development in Belgium, Finland, Ireland, Greece, Hungary, Italy, the Netherlands, Poland, and the Republic of Ireland and the United Kingdom through the Chartered Institute of Sport and Physical Activity (CIMSPA). Overall, EREPS currently has registered over 10,000 members in 32 different countries, (European Register of Exercise Professionals, 2015).

## 2.2. Employee Use of Fitness Qualifications

Through data obtained through surveys of fitness professionals commissioned by EuropeActive, we can obtain a partial picture of the type of fitness qualifications most used in Europe. Out of a total of 2774 responses from within the EU, we can see that a majority of professionals – 51% - possess some form of basic or comprehensive vocational qualification (EuropeActive, 2016). Table 2 presents an overview of these statistics.

No qualification	Basic vocational qualification	Comprehensive vocational qualification	Bachelor's degree	Graduate degree	Ph.D. / doctorate programme	Other:
5%	17%	34%	18%	13%	1%	12%

*Table 2. Highest level of fitness-related education among EU respondents (EuropeActive, 2016).*

The survey, though instructive, is not a perfect representation of the industry. The responses obtained do not form a representative sample of fitness professionals in Europe or the individual countries. Indeed, only 13 EU countries received more than 50 responses. Furthermore, while this survey does indicate the level of qualification achieved by these professionals, it does not offer specifics in terms of the providers or exact fields studied.

## 2.3. Employer Use of Fitness Qualifications

To supplement the findings from EuropeActive’s survey, desk research was conducted into the type of qualifications required by the top-10 fitness employers in Europe. Specifically, job postings from February 2019 were extracted and analysed to assess several data points, including the level of the job, if any qualifications are required and, if so, what kind of qualification. The goal was to be able to assess if major employers consistently require qualifications and if these qualifications are aligned to national or European structures such as national REPS, EREPS or the EQF. As job postings tend to be standardized, only one job posting per job title was extracted and analysed.

Data Name	Description
<b>Employer</b>	Who is the employer posting the job posting?
<b>Subsidiary (If applicable)</b>	If applicable, is this job posting for a specific subsidiary/brand of the employer?
<b>Country of Post</b>	In which country is the job located?
<b>Title</b>	What is the title of the job posted?
<b>EREPS Equivalent Title</b>	Based on the title and posting, what is the equivalent EREPS job title?
<b>Qualification Required</b>	Is there a qualification required for this job (yes /no)
<b>Specific Qualification</b>	If yes, is there a specific qualification mentioned (yes/no)
<b>If yes, which</b>	If yes, what is the name of that qualification
<b>EQF Alignment</b>	If a qualification is required, is it referred to a specific EQF level?
<b>If yes, which level</b>	If an EQF level is mentioned, which level is it?
<b>Fitness Experience Required</b>	Is a certain amount of experience required (yes/no)
<b>Experience instead of Qualification</b>	Can accumulated experience act instead of the requested qualification?

Table 3. Data extracted from fitness job postings.

Of the 30 job postings analysed, the majority of them either preferred or required applicants to have a relevant fitness qualification. However, the nature of that qualification was often unclear, as nearly half of the postings did not specify the name or level of the desired qualification. Furthermore, only one posting explicitly referred to the European Qualification Framework (EQF) and two postings referred directly to a national or European Register of Exercise Professionals. However, in the annual Employer Skills Survey conducted by EuropeActive in 2019, 56% of the employers who responded (nearly 2,000) confirmed that they knew of EREPS. From this, we can see somewhat of an imbalance between awareness and actual usage of EREPS.

	Qualification Requirements		Specific Qualifications	
	No	Yes	No	Yes
<b>No</b>	5	17%	Yes	17
<b>Yes, desired</b>	2	7%	No	13
<b>Yes, required</b>	23	76%		

Table 4. Summary of fitness job postings.

### 3. The Outdoor Sector

The Outdoor Sector is incredibly broad and diverse and has begun to gain greater shape and clarity through a continuum of three projects aiming at the definition and development of the sector. The EQFOA project (*European Qualification Framework for Outdoor Animators*), which ran from 2006 to 2008, aimed to create a first description of the outdoor sector and the competences needed to work in the sector. The EQFOA project described the sector as mainly using non-competitive “outdoor activities and related activities as the basis for delivery” and further divided it into outdoor recreation, outdoor education, and development training (EQFOA, 2006a). And, indeed, this focus on non-competitive activities has since then continued to be a focal point for EC-OE (Smulders, 2015). Following EQFOA, the CLO2 project (*Professional training & mobility for Outdoor Animators in Europe bridging the gap between sector Competences @ Learning Outcomes*), which ran from 2008 to 2010, aimed to “refine the Competence Framework developed during the previous EQFOA project”. Concretely, this meant weighting the importance and level of each competence while aligning them with the EQF levels (CLO2 Project, 2010).

These two projects fed into the ELESAs project (*European Learning Syllabus for Outdoor Animators*), which ran from 2013 to 2015 and which resulted in the creation of a comprehensive syllabus for outdoor animators usable in Higher Vocational Education, VET and adult learning contexts and applicable to a variety of outdoor activities. This syllabus outlines modules related to various outdoor-specific soft skills, such as pedagogy or safety management, and proposes further technical skills related to 16 different activities (European Confederation of Outdoor Employers, 2015). Regarding the latter technical skills (hard skills), what is important is that professionals can demonstrate those skills in ‘the appropriate natural and technical environment’ irrespective of how those skills were obtained. From the very start of the ELESAs project, the consortium agreed that Outdoor Animators should meet the ‘Professional Technical Capacity’ (PTC) requirements (as put forward by the sector) in at least 2 outdoor activities and acquire technical competence in these outdoor activities outside of the ELESAs process (European Confederation of Outdoor Employers, 2015).

Today, the outdoor sector extends to over 60 different activities, ranging from skiing, to hiking, to canoeing and so on. As a practical mapping of outdoor activities which are the vehicles for a wide range of objectives, the consortium of the EQFOA project decided to compose an arbitrary list of ‘outdoor activities’, from a pragmatic point of view (EQFOA, 2006a). A full list of these activities is below in Table 5.

Lakes and Sea	Snow	Earth	Stream	Air
Beach Games	Alpine Skiing	4x4 Driving	Canoeing	Hot Air Balloon
Board Surfing	Cross-country	Abseiling	Fishing	Parachuting
Bodyboard	Skiing	ATB Biking	Hydro Speed	Paragliding
Surfing	Ice Fishing	Bungee Jumping	Kayaking	Parapenting
Buggy Sailing	Ice Skating	Canyoning	Rafting	ULM Flying





Canoeing	Kick Sledding	Caving	Rapid Swimming	
Deep-Sea Fishing	Kite Skiing	Cycling		
Diving	Mountaineering	High Ropes		
Jet Skiing	Musher	Hiking and		
Kayaking	New tools	Walking		
Kite surfing	Sledging	Horse Riding		
Parasailing	Ski Joering	Nature		
Sailing	Ski Trekking	Discovering		
Wakeboarding	Snowboarding	Nordic Walking		
Water Skiing	Snowmobiling	Orienteering		
Wind Surfing	Snowshoeing	Quad Riding		
	Telemark Skiing	Rock Climbing		
		Roller Skating		
		Via Ferrata		

Table 5. List of Outdoor Activities (European Confederation of Outdoor Employers, 2015)

The EQFOA project also created some first definitions of the main roles in the sector, establishing definitions for four main roles as described in Table 6 below.

Title	Description
<b>Coordinator/Supervisor of Animators</b>	Responsible for coordinating activities among outdoor animators, assistant outdoor animator and specialized outdoor animator;
<b>Outdoor Animator</b>	Responsible for leading and supervising activities;
<b>Assistant Outdoor Animator</b>	Technical assistant with a recognized level of specific expertise generally lower than is required for an outdoor animator;
<b>Specialized Outdoor Animator</b>	Technical adviser/expert specialized in a specific area (canoeing, walking, hiking, etc.)

Table 6. Main Job Profiles in the Outdoor Sector (EQFOA, 2006b)

Based on the list of activities and definitions provided above, one can locate various qualifications across the EU and informally align them to the aforementioned EQF framework (European Commission, 2019a).

Level	Qualification	Provider	Country
<b>EQF Level 2</b>	None located		
<b>EQF Level 3</b>	None located		
<b>EQF Level 4</b>	None located		
<b>EQF Level 5</b>	Curso de Especialização Tecnológica em Turismo de Natureza e Aventura	Escola do Turismo de Portugal	PT

	DEUST (Animation et Gestion des Activités Physiques, Sportives et Culturelles)	Université de Bourgogne	FR
	Outdoor Animator	EC-OE / BFNO <sup>1</sup>	BE/FL
<b>EQF Level 6</b>	<i>(BA Hons) Adventure and Outdoor Management</i> <i>(BA Physical Education with Outdoor Education)</i>	Solent University Leeds Beckett University	UK
<b>EQF Level 7</b>	<i>(M.Sc. Sport Tourism and Recreation Management)</i>	German Sport University	DE
<b>EQF Level 8</b>	<i>Not applicable</i>		

*Table 7. EQF Levels and Sample Outdoor-related Qualifications*

Table 7 should be considered as a framework to try to better understand the use of qualifications in the Outdoors. The EQF level 5 qualifications listed in this table are respectively the Portuguese, French and Belgian / Flemish versions of ELESAs. Moreover, it must also be noted that the level 6 and level 7 qualifications as mentioned in *Table 7* are not based on the ELESAs standards. These Outdoor training programs, offered as ‘minors’ at Bachelor and Master levels, are to be considered as a combination of academic content, meeting a profile together with professional practice. From the very beginning, the ELESAs training syllabus was informally positioned at EQF level 5 which means ELESAs is dedicated to vocational education offered by Short Cycle Higher Education.

### **3.1. Provision of Qualifications in the Outdoor Sector**

Because of the size and importance of the Outdoor sector, it is currently quite difficult to obtain a clear fully comprehensive picture of the prevalence and type of qualifications most commonly obtained by workers in the Outdoor Sector. Researchers and policymakers with some distance to the Outdoor scene tend to identify at least three factors that can contribute to this situation:

- The lack of outdoor specific occupational codes,
- The absence of comprehensive mapping,
- The general lack of available data.

To document the provision of qualifications in the Outdoors the abovementioned factors will be used as a stepping-stone to further scrutinise the EU Outdoor qualifications scene.

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<sup>1</sup> BFNO: Belgian Outdoor Employers Federation.

### 3.1.1. Occupational codes

The International Standard Classification of Occupations (ISCO) is “a tool for classifying and aggregating occupational information obtained by means of surveys or statistical research” (International Labour Office, 2012). Very similar to ISCO but more appropriate for the classification of occupations at a European level are the NACE codes (*Nomenclature statistique des activités économiques dans la Communauté européenne*). However, both in ISCO and in NACE, there has long been a lack of a specific outdoor-related occupational code, and this absence continues in the present iteration of the ISCO now ISIC (*International Standard Industrial Classification of All Economic Activities*) and NACE (International Labour Office, 2012; EQFOA, 2006a). For example, in NACE the closest related category for the outdoors is 93.29: “other amusement and recreational activities” but this includes many related occupations as well (European Commission, 2010). The same issue is also present in the European ESCO codes (*European Skills/Competences qualifications and Occupations*) where various outdoor-related occupations (e.g. ski instructor or outdoor animator) are folded within broader codes (European Commission, 2018). Given this constraint, using publicly available statistics, it is currently not possible to analyse the qualification levels of workers in the outdoor sector alone.

Outside of these official statistics, there has been limited comprehensive mapping activity undertaken. One of the outcomes of the above-mentioned CLO2 project (see p. 8) was to map the Outdoor labour market. From the beginning, the project encountered difficulties in collecting data and stated i.e. that, “in countries investigated the precise identity of the sector is not strongly established, a specific definition of the field is still missing, and a systematic analysis of the sector is far to be achieved”. Referring to qualifications the report simply noted “a high level of heterogeneity within the countries investigated” (CLO2 Project, 2010).

In response to this type of obstacles, the outdoor employer federation EC-OE (*European Confederation of Outdoor Employers*) was created in August 2008 and focused on identifying, describing and defining the Outdoor sector (Smulders, 2015). Regarding qualifications, the creation of EC-OE was paramount for the sector to finally deliver the ELESA European Learning Syllabus for Outdoor Animators (European Confederation of Outdoor Employers, 2015).

### 3.1.2. Comprehensive mapping

Without going into further detail and as mentioned above, it is important to stress that ELESA was informally positioned at EQF level 5. Therefore, the functioning of education and training structures within the context of EQF was further scrutinized during the ELESA project. Five different types of institutions/organisations delivering outdoor-related training and education across the EQF levels were identified. These are:

- Tourism and Sport Education;
- Secondary education (post-primary);
- Vocational Education & Training;
- Non–University Higher education;
- University Higher Education.

Across the EU, there is a diversity of programs and awards offered at EQF level 5. Some of these are aligned with the Bologna process and are folded into the Short Cycles in Higher Education (Kirsch and Beernaert, 2011). From the mapping of the Outdoor educational environment, it was concluded that the ELESAs are the only training programs exclusively dedicated to the Outdoors (European Confederation of Outdoor Employers, 2015). Since the delivery of ELESAs in 2015, at least three national members of EC-OE (APECATE: Portugal, France Plein Air: France and BFNO: Belgium / Flanders) have successfully introduced ELESAs at their National Coordination Point (NCP), which means that in these countries ELESAs are now officially referenced against EQF level 5.

As a report on labour market intelligence - with an emphasis on the need for qualifications - is a prerequisite for referencing qualifications to EQF, Flanders, France and Portugal are probably the only Member States that have this kind of information. But this documentation is difficult to retrieve as it is available only in the national language and filed in an 'official' national database (e.g. AKOV BE/FL, 2018). Nevertheless, national facts and figures can be collected near the concerned employer federations.

### 3.1.3. Lack of data sharing

On the activity-specific level, it is often argued that there is a lack of concerted data collection and sharing. Even within the comparatively well-developed Alpine Ski sector, a recent mapping report by DG EAC on behalf of the European Commission concluded that "while in some countries detailed information on ski instructor qualifications/training is easily obtainable through desk research, in other countries very little, unstructured or even no information can be obtained through desk research" (European Commission, 2015). Nevertheless, a few years later the commission managed to list 26 ski qualifications registered in 24 Member States (European Commission, 2019c). However, at least some outdoor-related international organisations delivering and/or validating qualifications can be located. Some of these international organisations are organised along national sport federations, others have a more or less private and activity-specific character, for example:

- Diving: PADI (Professional Association of Diving Instructors) offering 9 qualifications;
- Mountaineering: IFMGA (International Federation of Mountain Guides Associations) offering an IFMGA mountain guide qualification;
- Ski: ISIA (International Ski Instructors Association) offering quality standards to assist its members in developing qualifications.

Apart from the above mentioned larger international organisations some smaller non-for-profit organisations – often with limited membership - do also offer specific hard skill qualifications as is the case for activities such as canyoning, rafting and mountain bike. Continuity in delivering courses and qualifications at this level however is questionable.

At a national level indisputably a multitude of 'sport' qualifications are available and used. Considering the Outdoors one can refer to qualifications as for kayak, horse riding, orienteering, caving, hiking,

climbing, sailing, ski, etc. The common denominator of these ‘sport’ qualifications however is that they are all activity-specific and technical (hard skills). In general terms, these qualifications are developed to assist clubs and federations to improve the level of performance and in many cases, the ownership of the qualifications lies with the National Governing Bodies (NGBs).

Traditionally, NGBs, professional organizations and Member States certify about 95 % of all outdoor animators. In general, these NGBs base their progression on 3 different levels of expertise. As there are 28 Member States the total number of Outdoor qualifications equals approximately: 28 MS X 64 key activities (see *Table 5*, p.9) X 3 levels. In other words, there is a theoretical potential of 5.376 Outdoor qualifications in use in Europe.

Nevertheless, it is not realistic to expect that in every Member State, qualifications for all of the 64 listed Outdoor activities would exist. To obtain a more accurate insight on the existing qualifications relevant for the Outdoors EC-OE executed a limited investigation into 14 Member States and into 7 key activities that are considered pertinent to the sector. This analysis resulted in identifying 161 qualifications.

Blueprint: Outdoor qualifications analysed								
	Mountain Biking	Climbing & High ropes	Hiking	Sailing	Canyoning	Canoe, Kayak & Raft	Ski & Snowboard	Total
Austria							3	3
Belgium		2					3	5
France	2	3	4	2	1	5	2	19
Germany							7	7
Greece				1	1	1	3	6
Holland					2	7	3	12
Ireland	4	4	1	4		9	4	26
Italy							1	1
Poland							3	3
Portugal							5	5
Slovenia	2						3	5
Spain							3	3
Switzerland		2	1	1			3	7
United-Kingdom	10	2		30		12	5	59
<b>Total</b>	<b>18</b>	<b>13</b>	<b>6</b>	<b>38</b>	<b>4</b>	<b>34</b>	<b>48</b>	<b>161</b>
Notes:	Coaching & sporting qualifications have been excluded							
	We do know that other qualifications in these member States and these activities do exist, but we have not had access to them							

*Table 8. EC-OE investigation in 14 Member States and on 7 key Outdoor activities*

There will always be exceptions to the rule but virtually none of the sport-related qualifications pay attention to ‘delivering a service to a clientele’ e.g. in the tourism business. The latter precisely being of paramount importance for the commercial delivery of Outdoor activities as conceived by EC-OE. To use a witticism: “the outdoors don’t need a F1 pilot to drive the school bus”.

On the contrary, the bus driver needs to be able to coop with children, their parents, the school, respect speed limits, drive safely, and so on.

Though in some cases (e.g. in Flanders) the ‘official sport qualifications’ delivered by the competent administration (Sport Vlaanderen) are indeed referenced against EQF, on the other hand, they are not eligible to be used at secondary, VET or higher educational levels.

To get a professional qualification referenced against EQF and consequently usable for educational purposes, it is a requirement that the formal application for referencing must be introduced by the representative national sectoral employer organisation. Hence why the ELESa qualification is eligible for referencing against EQF and for the time being ELESa is the only Outdoors training program that has been referenced against EQF.

In conclusion, the popular argument put forward that it might be quite difficult to collect data on Outdoor related qualifications throughout the EU can be supported to a certain degree. However as has been documented above, knowing where to search and consequently digging profoundly into the subject one can come across hundreds (even thousands) of related qualifications but without doubt, it is up to the Outdoor sector to at least indicate where data can be found.

## 3.2. Use of Qualifications in the Outdoors

### 3.2.1. National-level Use of Qualifications

France is one of the most demanding Member State when it comes to the use of qualifications. Through the ‘Code du Sport’ (1984) France regulated all sport and physical activities in such a way that anyone wanting to organise or teach a physical activity against remuneration is obliged to hold the activity-specific French qualification (Legifrance, 1984). In case someone wants to teach or organise more than one activity it is even compulsory to hold a qualification (brevet d’état) for every single activity one wants to engage in. Ironically, a French court ruling (2005) stating that leisure activities – in this case: paintball - cannot be considered a sport because of the absence of competition, regular training and agreed rules.

*Considérant qu’il ressort des pièces du dossier que le « paintball », largement pratiqué comme une activité de loisir, ne s’adresse pas nécessairement à des sportifs qui recherchent la performance physique au cours de compétitions organisées de manière régulière sur la base de règles bien définies ; qu’ainsi, en se fondant, pour refuser à la FEDERATION DE PAINTBALL SPORTIF l’agrément qu’elle sollicitait, sur le motif que le paintball ne présente pas le caractère d’une discipline sportive au sens du I de l’article 16 précité de la loi du 16 juillet 1984 (Smulders, 2015).*

Notwithstanding this remarkable court ruling regarding the outdoor activity paintball, and by extension all other Outdoor activities, the French Ministère des Sport kept on taking people to court (mostly non-French EU citizens) for organising or teaching Outdoor activities in France without the proper qualification.

The paradox and irony of this regulation is that on the one hand the EU promotes mobility of workers throughout the EU and on the other hand a Member State, in this case, France, deliberately restricts this mobility. The latter dramatically leading to numerous, expensive and long-lasting court cases as well as to Parliamentary questions at both the EU and national levels. To a lesser degree, Austria and Italy (Trentino region) apply a similar regulation particularly (but not exclusively) for ski instructors.

### *3.2.2. Regional-level Use of Qualifications*

The position of Trentino is remarkable in this context as it is only the region and not the EU Member State 'Italy' that seems to regulate the ski instructor profession. In 2019 the Flemish MEPs Anneleen van Bossuyt (ECR) and Ralph Packet (ECR) introduced a written question to the Commission on this issue. The answers provided by Commissioner Ms Bieńkowska (dd. 21 May 2019) on behalf of the European Commission are straightforward and stipulate that Directive 2005/36/EC as amended by Directive 2013/55/EU (European Parliament, 2013), is also applicable to the Autonomous Province of Trentino. Moreover, Ms Bieńkowska even stated that the Autonomous Province of Trentino is not entitled to impose additional conditions or demand the fulfilment of additional requirements.

EN

E-001544/2019

Answer given by Ms Bieńkowska on behalf of the European Commission  
(21.5.2019)

Directive 2005/36/EC as amended by Directive 2013/55/EU is applicable to all Member States, including Italy and its Autonomous Province of Trento. Any EU citizen can rely on the provisions of Directive 2005/36/EC, when seeking the recognition of a professional qualification or professional experience in another Member State. This also includes EU citizens with a Belgian ski instructor qualification aiming at establishing or providing services in the Autonomous Province of Trento.

Where Directive 2005/36/EC regulates a subject-matter exhaustively, such as the documents and certificates that applicants might be required to submit, it is not possible to impose additional conditions or demand the fulfilment of additional requirements.

The Commission is currently assessing numerous issues regarding the transposition and application of the Professional Qualifications Directive, including the articles above, in several infringement proceedings with the EU Member States, including Italy (European Parliament, 2019a).



Though France is commonly considered to be amongst the more demanding of all EU Member States regarding the recognition of professional qualifications, at least acts as one identity, and consequently, decisions on qualifications are valid on a national level.

In EU Member States such as Spain and Portugal, things become more complicated because (outdoor) professions tend to be regulated at the regional level. In Spain (17 autonomous regions) the Outdoors is regulated in such a way that per region one needs a specific 'regional permission' (qualification) to be eligible to deliver Outdoor services. To work across Spain a Spanish Outdoor professional theoretically would need 17 regional admittances.<sup>2</sup>

In Portugal, the autonomous regions (islands) Madera and Azores regulate the Outdoor profession whilst the Portuguese mainland does not impose any regulation/restriction at all. Consequently, Outdoor professionals from Madera or the Azores can work all over the country whilst 'mainland' Portuguese are not entitled to work on the autonomous islands.

Ironically, both Spain and Portugal do apply the EU Directives on the recognition of professional qualifications and as such enable the mobility of workers from outside their respective countries. The latter means that within Spain, EU citizens - following the rules set out in the EU Directives – are free to move and work whilst the radius of action for Spanish citizens is limited to their home region. In Portugal on the other hand - depending on the region - some Portuguese Outdoor professionals seem to be more equal than others. Outdoor professionals from Madera and the Azores are free to operate on mainland Portugal, whilst mainland Portuguese Outdoor professionals cannot even revert to EU legislation if they want to work on the autonomous islands. After all, the Directive 2005/36/EC is an agreement between the EU Member States and not between Autonomous Regions.

### *3.2.3. European-level Use of Qualifications*

In general terms - but certainly very important for the Outdoor sector - and over the years, the EU has progressed on the issue of the recognition of professional qualifications. The Directive 2005/36/EC amended by Directive 2013/55/EU pointed out how Member States should approach the recognition of professional qualifications and as such enhance the mobility of workers in the EU. Meanwhile (as per 18 January 2016) the above-mentioned directives have been transposed into French legislation, but in 2020 the French 'protectionist' reflex has not yet come to an end. The above-mentioned court cases in France mostly run along the lines set out by these EU Directives.

At the EU regulatory level, the use of two outdoor-related qualifications (mountain guide and ski instructor) has been dealt with and in both cases, a different regime or pathway was applied. In both cases, however, it is pointed out that the proposed solution does not replace the traditional procedures under the Professional Qualifications Directive, but it does offer an advantageous option

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<sup>2</sup> These regional issues are reported to the European Confederation of Outdoor Employers (EC-OE) by the member employers federations ANETA (ES) and Apecate (PT).



for professionals who wish to work either temporarily or permanently in another EU country (Adamis-Csazar *et al.*, 2019).

### *Mountain guide*

Since January 2016, a European Professional Card (EPC) has been implemented for five professions, including Mountain Guides (European Commission, 2016). The application mechanism behind this professional card is such that, provided a profession is regulated:

- The home country assists the applicant and certifies the authenticity and validity of the documents.
- The host country authorities are in charge of the application.

This procedure implies that a host country that has not regulated the Mountain Guide profession cannot deliver an EPC for Mountain guide. To avoid obstruction by the host country the 'Commission Implementing Regulation (EU) 2015/983' also stipulated that:

- If the host country does not make a final decision within a set deadline, recognition will be granted automatically.
- If the host country refuses to issue an EPC the competent authority has to guide on how to appeal the decision.

The administration of the EPC is fully digitalised and bases on the Internal Market Information System (IMI). According to statistics (2016-2019) provided by IMI, 10 Member States have regulated the Mountain Guide profession, 3.426 applications were submitted and 2.493 EPCs were issued (European Commission, 2019b).

<b>Mountain guides</b>											
<b>Host &gt;</b>	<b>AT</b>	<b>CZ</b>	<b>DE</b>	<b>FR</b>	<b>IT</b>	<b>PL</b>	<b>RO</b>	<b>SE</b>	<b>SI</b>	<b>SK</b>	<b>ALL</b>
<b>AT</b>			4	223	266		1		1	1	<b>496</b>
<b>BE</b>	2			1	2						<b>5</b>
<b>CZ</b>	16			9	11	1		5		9	<b>51</b>
<b>DE</b>	186	3		155	166	2	3	1	11	10	<b>537</b>
<b>DK</b>				2	1						<b>3</b>
<b>ES</b>	2			54	13						<b>69</b>
<b>FI</b>	1			2							<b>3</b>
<b>FR</b>	37				777	2	1	2	3	2	<b>824</b>
<b>IT</b>	29		2	189				7			<b>227</b>
<b>PL</b>	5	2	1	4	3		5		1	42	<b>63</b>
<b>SE</b>	7			25	23						<b>55</b>
<b>SI</b>	8			18	19					1	<b>46</b>
<b>SK</b>	15			25	10						<b>50</b>
<b>UK</b>	7		1	23	32	1					<b>64</b>
<b>ALL</b>	<b>315</b>	<b>5</b>	<b>8</b>	<b>730</b>	<b>1323</b>	<b>6</b>	<b>10</b>	<b>15</b>	<b>16</b>	<b>65</b>	<b>2493</b>

Table 9. EPCs for Mountain guides issued between 2016 – 2019

*Ski instructor*

The recognition of ski qualifications has always been a tricky problem in particular between the Alpine countries Austria, France and Italy on the one side and the remaining Member States on the other side.

Skiing started as early as the '60s in Austria, France, Italy, and Switzerland and rapidly developed a domestic mass-market. On the other hand, this commercial outdoor activity only developed mass-market appeal in the '80s for British holidaymakers while other nations such as Russia became mass consumers as late as the early part of the 21<sup>st</sup> century. Due to financial and economic benefits linked to the development of tourism in the Alpine countries, local ownership has been of paramount importance over the last three decades and rapidly transformed major destinations in the EU into 'protectorates' organised around strong corporations using their lobby power to keep the labour market as closed and as exclusive as possible to 'the locals'. Hence, the issue of the 'regional use of qualifications' as discussed above (see p. 16).

Nevertheless, after many years of hard work by the European Commission on the one hand and continuous pressure piloted by several (ski instructor) organisations on the other hand, the EU facilitated the recognition of ski qualifications only and exclusively for the highest national qualifications by applying article 49b of Dir. 2005/36/EC on 'common training test'. As of the 4<sup>th</sup> of May 2019, the 'Commission Delegated Regulation (EU) 2019/907' came into force. Annex 1 of the delegated regulation lists 26 national ski instructor qualifications eligible for EU recognition (European Parliament, 2019b)<sup>3</sup>.

As is the case for the EPC Mountain guide qualification, the administration (control and validation) of the delegated regulation will also be done through the use of the IMI system. Because of the very recent introduction of the Delegated Regulation 2019/907 facts and figures on the use of the delegated act are unavailable at this point. Basically, and parallel to some practical clauses regarding the recognition of the mountain guide qualifications, it is essential to note that:

- The Delegated Regulation does not replace Directive 2005/36/EC amended by Dir. 2013/55/EU. The directive remains applicable for all (ski) qualifications.
- The Delegated Regulation is only applicable for the highest ski instructor qualifications as listed in Annex 1 of the Delegated Regulation.
- Ski instructors eligible for using the delegated regulation must declare themselves in the host Member State (provided the profession is regulated in the host MS).

## 4. Conclusions

### 4.1. Challenges in The Fitness Sector

Though the fitness sector is reasonably well developed in terms of defining and tracking the qualifications in its sector, improvement can still be made by both employees and employers in uniformly adopting a standardised set of qualifications or requirements. From the employee perspective, the EuropeActive survey shows that 18% of respondents either have no qualification or do not possess an exercise-related qualification (EuropeActive, 2016). In an industry with over 750,000 employees, that means that over 135,000 of them do not have a related qualification.

The abovementioned EuropeActive survey also forecasted a 4% annual growth indicating that – based on the 2016 figures – every year the sector would need an estimated 30.000 extra fitness trainers. Moreover, a recent CEDEFOP survey showed that, at the European level, there were currently 88,000 fitness job vacancies, and that with a 4% annual growth there is a current demand for approximately 180,000 (= 88.000 + 3x30.000) additional fitness trainers (Cedefop, 2019). These two factors – the number of employees without fitness-specific qualifications and the growing demand for workforce – point to an ever-greater need for more qualified employees and more accessible, widespread

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<sup>3</sup> See also BLUEPRINT IO 10 Active Leisure Sector qualifications incorporated into NQFs.

qualifications. And, indeed, this education is crucial as international research has shown that exercise professionals can be integral parts of the overall allied health system (Warburton and Bredin, 2009). The top-10 fitness employers in Europe also do not uniformly require qualifications, but the vast majority of employers either desire or require a qualification. Indeed, the analysis of job postings showed that 77% of the analysed job postings require a qualification. Instead, what is more, problematic is that, of those job postings, only 57% ask for a specific qualification or qualification standard.

Furthermore, the quantity of qualification providers that are part of EREPS remains limited. With currently just over 160 organisations on the list (European Register of Exercise Professionals, 2019), there is still ample room for growth in that area. EuropeActive is putting significant resources to promoting the use of its occupational standards and the introduction of its Personal Trainer qualification onto national qualification frameworks and in line with the expectations of the Expert Group on Skills and Human Resources Development (DG EAC / Sport Unit).

For some years the fitness sector has taken a two-pronged approach in order to generate a maximal level of buy-in and adoption of its proposed qualifications. Namely, that means both further engagement with employers and training providers plus the recognition of individual achievements through EREPS.

Employers require continued lobbying, education and incentives to consistently demand European-standard qualifications of their employees. In the end, this should translate to more employers specifically requesting EREPS-recognized qualifications in their job postings. These job postings reflect real positions that need to be quickly filled at the local level and represent a relevant measure of employer adoption and are an invaluable tool to communicate to potential employees the exact type of qualification they are expected to have to work in the industry. Along with the technical skills needed to ensure quality, soft and social skills must be part of any European-wide qualification as well. Research on the European fitness sector has shown that social skills can sometimes be more highly valued than technical skills (Lloyd, 2008; Lloyd and Payne, 2018).

However, EREPS-recognised qualifications must also become easier to access for the potential employees. Thus, it is important to maximize the number of EREPS-recognized qualification providers around the continent. One potential way of boosting this number is to map out and approach providers that are likely of high quality and work with them to fold them into the current EREPS structure.

Research conducted by EuropeActive shows a strong trend for the need for higher-skilled fitness trainers – especially, to work alongside other healthcare professionals. There is a need for closer cooperation with universities to deliver these higher-skilled fitness trainers at EQF levels 5 and 6. A few universities already embed some vocational training in their academic programmes but more needs to be done. For example, a group of 20 European universities together with EuropeActive, the Chartered Institute for the Management of Sport and Physical Activity (CIMSPA) and the American

College of Sports Medicine (ACSM) are currently cooperating to develop a qualification at EQF level 5 which covers the area of fitness trainers working as specialists alongside health professionals.

#### **4.2. The Provision and Use of Qualifications in the Outdoor Sector**

The Outdoor sector is immensely broad, stretching across numerous activities which makes it quite difficult for an ‘outsider’ to grasp the provision and the use of qualifications in the Outdoor sector. However as has been documented above, knowing where to search one can come across hundreds (even thousands) of related qualifications.

It must be mentioned that umbrella structures for certain activities have been working for a long time on the development of common professional standards across the EU, namely in Mountaineering and Skiing and that others like Mountain Biking, Rafting and Canyoning are currently working on similar issues.

In this context, however, it must also be stressed that ‘mutual’ recognition of professional qualifications has no link with ‘Member State’ recognition of qualifications. Both types of recognition are completely different issues and mixing them up very often creates profound misunderstandings. The structure of the qualifications, although not recorded in detail, is generally as such:

- Most qualifications are issued by professional organizations and federations, otherwise called National Governing Bodies (NGBs) which represent an estimated 80% of certifications. In any case, certification is widely supervised by the private sector;
- The remaining 20% is being delivered by the State as well as by (higher) education, although the bulk of these certifications are those delivered in France;
- The level of training is in most cases (informally) positioned at EQF level 3 as an entry to the profession, level 4 for the ‘middle-man’ and EQF level 5 for the most senior qualification;
- As for the content of the training, it is essentially technical.

Although issued in different Member States by uncoordinated organizations, certain key matters are systematically included in the Outdoor training. Most training, however, happens to be structured around the following items:

- Qualifications are normally split within 3 levels determined according to content and duration and for a vast majority not referring neither to Learning Outcomes nor to the EQF.
- Face-to-face learning plus professional experience typically totals up to +/- 800 hours
- Soft skills such as ‘language’ and ‘group management’ may represent 1 or 2% of the face to face time whilst ‘communication concepts and principles’, ‘emotional intelligence’, ‘social skills’, ‘psychology’ or ‘interpersonal relationship’, in general, are not taken into account.

The trend in all of these qualifications remains to produce highly competent technicians who, depending on the concerned Member State and the concerned activity, may even be technically

overqualified and as such not matching the expectations of employers. In some extreme situations, the training offered is so technical that it even disqualifies potential newcomers who probably would be excellent outdoor animators but who simply cannot match the 'obtained technical skills' - that later on prove to be unnecessary – with the requirements to handle the clientele of the employers.

Combining the indispensable and vital soft and hard skills required to become an Outdoor Animator was the challenge EC-OE engaged in and which after +/- 10 years of hard work, in 2015 finally resulted in the ELESAs training syllabus for Outdoor Animators. Anno 2020 the ELESAs syllabus is still the only training program exclusively dedicated to the Outdoors.

Since the delivery of ELESAs in 2015, at least three national members of EC-OE (APECATE: Portugal, France Plein Air: France & BFNO: Belgium / Flanders) have successfully introduced ELESAs at their National Coordination Point (NCP) which means that in these countries ELESAs is now officially referenced against EQF level 5. In three more Member States EC-OE members are progressing along the same lines (HATEOA: Greece, VeBON, The Netherlands and SOA, Switzerland).

### 4.3. Regulated Professions: The Crux for Protectionism (In Active Leisure)

In general terms, the concept of a 'regulated profession' does not seem to be of great concern to the larger public within the EU. EU citizens enjoy travelling and don't bother too much about minor inconveniences they might experience such as crossing borders from Schengen MS to non-Schengen MS or having to exchange money when entering or leaving non-euro-zone MS. Nevertheless, over the years the EU did encounter problems with the regulation of professional qualifications linked to the mobility of professionals within the EU. Gradually the EU succeeded in achieving agreements on the recognition of professional qualifications for a limited number of professions.<sup>4</sup>

These professions were finally incorporated in Directive 2005/36/EC under a specific Chapter III: *Recognition on the basis of coordination of minimum training conditions*. As from 2005 on, the recognition of (all other) professional qualifications is regulated by Dir. 2005/36/EC amended by Dir. 2013/55/EU. This directive no longer focuses on identifying and defining specific professions but deals with the recognition of professional qualifications in a general and systematic way.

In most cases, when it comes to regulating professions, initially one can expect positive appreciation from both the professionals involved as well as from public authorities. The professionals often consider 'official recognition' as their ultimate goal to prove they are engaged in a responsible, high-quality profession, while also closing the profession to certain people or groups. Public authorities on the other hand tend to motivate regulation to prove they are capable administrators and governors, promote safety and protect the interests of consumers.

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<sup>4</sup> Doctors of medicine; Nurses responsible of general care; Dental practitioners; Veterinary surgeons; Midwives; Pharmacists and Architects.

Nevertheless, within the shortest time and regardless of all respectful intentions, regulating a profession - and certainly regulating a profession within the Active Leisure Sector - inevitably ends up in some level of protectionism and the derived limitation of mobility. The initial 'good intentions' nearly automatically get put aside, even forgotten and replaced by considerations such as 'protecting my job' against perceived non-qualified competitors. Hence, conflicts of interest, disagreement, unbridgeable differences of opinion and court cases, etc., whilst e.g. the initial focus on safety and the delivery of well-organized services to the clientele are pushed to the background.

An example in this context is the case of a Greek citizen willing to launch a fitness centre in Athens. A prerequisite to run a fitness centre in Greece is to possess a Greek diploma in Physical Education (as such already a violation of EU legislation). The lady in question however holding the Greek nationality, unfortunately also holds an Italian diploma in Physical Education and consequently was refused to start her fitness business in her home Member State.

The abovementioned examples from Trentino, France, Spain, Portugal and also Greece clearly illustrate the process of derivation from idealism to protectionism. And above all, Spanish and Portuguese citizens - having to comply with regional regulations - are even deprived of benefitting from Directive 2005/36/EC within their own country. After all, the Directive 2005/36/EC is an agreement between the EU Member States and not between Autonomous Regions.

It must be taken into account that every EU Member State is entitled to regulate professions. But on the other hand, if a Member State decides to regulate a profession, it must also adhere to the guidelines set out by Dir. 2005/36/EC.

Other countries such as Belgium, Germany and the UK have not regulated active leisure professions and therefore don't experience professional or mobility issues within and between their regions. These Member States seem to prove - at least for the active leisure sector - that regulating professions can be contra-productive in promoting mobility.

Based on the above-mentioned observations and particularly regarding the conflict of interest between regionally regulated professional qualifications, it probably would be worthwhile to examine the possibility of introducing the recognition of EU sectoral or international qualifications as a means to solve the mobility problem of professionals within the EU and also solve the mutual mobility between regions. The latter being complementary to the existing EU Directive 2005/36/EC amended by Dir. 2013/55/EU.

It must be taken into account however, that within the European context of subsidiarity regarding education by the Member States, harmonizing qualifications does not automatically lead to juridical sound solutions for the EU-wide recognition of specific professions.

#### 4.4. Certification Organisation for Active Leisure

Ultimately, the sector aims to give birth to a Certification Organisation for the Active Leisure Sector that is recognized, valid and used across the EU, hence enhancing the use of qualifications and mobility of employees in the sector and throughout the EU. Therefore, employers and employees must have confidence in the qualifications being offered by both EuropActive and EC-OE.

From an EC-OE point of view as is demonstrated in the ELESA syllabus that a Certification Organisation for Active Leisure must not be conceived as a treat or conflicting with existing technical qualifications managed by NGBs or other relevant (inter)-national organisations. The ELESA Outdoor Animator is a standardised fit for purpose training program build upon 12 Module Descriptors and 16 Professional Technical Capacities (**PTCs**). Every Outdoor Animator should take the common training program (the 12 Descriptors) plus demonstrate a specialisation in min. 2 outdoor activities (out of the list of 16, but extendable).

Regarding these PTCs, there are no restrictions or guidelines on how or where the potential candidate must get his or her technical training for any specific Outdoor activity. However, a dedicated assessment will check if the candidate can demonstrate the PTCs as requested by the sector. The Fitness sector, though less complex than the Outdoor sector, can certainly, and probably more easily fit into a Certification Organisation for Active Leisure.

#### 4.5. Active Leisure, the EQF and NQFs – Current Position

International organisations and some NQFs have recognised that there are a growing number of sectors which already informally use the EQF and informally reference their 'qualifications' to EQF and that some form of cooperation is desirable. The original 2008 working document of the EQF provided the possibility of sector qualification frameworks to be directly linked to the EQF, and this was confirmed at the Dublin Castle EQF Conference in April 2010. However, in the New Skills Agenda review, containing the Council Recommendation on the EQF in May 2017 this connection was ruled out. However, the Council Recommendation on the EQF did leave some possibility of international qualifications being recognised through NQFs (European Council, 2017). It was left for a sub-group of the EQF Advisory Group to work with officers at DG EMPL to find the right form of words, which could provide a solution.

The draft proposal which was developed by the sub-group of the EQF AG was for international qualifications to apply for inclusion on a selected NQF whilst 3-4 other NQFs would independently level the qualification. If the 'home' NQF considered that the international qualification met its national requirements for suitability, content, assessment, quality assurance etc. and the other NQFs agreed on its level (of the EQF), then it will be approved. This opened the prospect for other NQFs working within its approved EQF referencing to accept the same international qualification without any further deep or bureaucratic processes.



It must be recognised that the EQF is an entirely voluntary process and that this international qualification process could have opened the possibility for the wider use of active leisure qualifications to be included on many NQFs. By March 2020, however, the EQF AG had not agreed on any wording, and it seems unlikely that this will be resolved within the next few years.

#### 4.6. Proportionality Test Directive (EU) 2018/958

As discussed above on the use of qualifications in the Outdoors (see p.17), the Directive 2005/36/EC - as amended by Directive 2013/55/EU and complemented in 2019 by the Commission Delegated Regulation (EU) 2019/907 (on ski instructors) - is key to understanding the EU regulation on the recognition of regulated professions.

This EU regulation has recently been enriched with a new Directive "on a proportionality test before adoption of new regulation of professions". This new Proportionality Test Directive (EU) 2018/958 requires Member States to limit new regulation regarding regulated professions to what is necessary for achieving the envisaged public policy objective. If Member States consider a new regulation, they need to thoroughly assess and demonstrate the proportionality of the envisaged rules.

The undermentioned citations are just the first 4 (out of 35) preliminary observations regarding Dir. (EU) 2018/958.<sup>5</sup>

*(1) "The freedom to choose an occupation is a fundamental right. The Charter of Fundamental Rights of the European Union ('the Charter') guarantees the freedom to choose an occupation, as well as the freedom to conduct a business. The free movement of workers, the freedom of establishment and the freedom to provide services are fundamental principles of the internal market enshrined in the Treaty on the Functioning of the European Union (TFEU). National rules organising access to regulated professions should therefore not constitute an unjustified or disproportionate obstacle to the exercise of those fundamental rights."*

*(2) "In the absence of specific provisions harmonising the requirements on access to a regulated profession or the pursuit thereof laid down in Union law, it is a Member State competence to decide whether and how to regulate a profession within the limits of the principles of non-discrimination and proportionality."*

*(3) "The principle of proportionality is one of the general principles of Union law. It follows from case-law that national measures liable to hinder, or to make less attractive, the exercise of fundamental freedoms guaranteed by the TFEU should fulfil four conditions, namely, they should: be applied in a non-discriminatory manner; be justified by public interest objectives; be suitable for securing the attainment of the objective which they pursue; and not go beyond what is necessary in order to attain that objective."*

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<sup>5</sup> The underlining in these observations is by the author.

(4) "Directive 2005/36/EC of the European Parliament and of the Council includes an obligation for Member States to assess the proportionality of their requirements restricting access to, or the pursuit of, regulated professions, and to communicate the results of that assessment to the Commission, launching the 'mutual evaluation process'. That process means that Member States had to carry out a screening of all their legislation on all of the professions that were regulated in their territory."

The fifth preliminary observation gives a clear insight into the main reason and concern for why the Commission has considered it necessary to promote this directive.

(5) "The results of the mutual evaluation process revealed a lack of clarity as regards the criteria to be used by Member States when assessing the proportionality of requirements restricting access to, or the pursuit of, regulated professions, as well as an uneven scrutiny of such requirements at all levels of regulation. To avoid fragmentation of the internal market and to eliminate barriers to the taking-up and pursuit of certain employed or self-employed activities, there should be a common approach at Union level, preventing disproportionate measures from being adopted."

Directive (EU) 2018/958 should be transposed into Member States law by 30 July 2020 (Art.13), and so it is currently too early to estimate the scope of implementation for this new Directive. It is, however, expected that this new EU Directive will improve the quality of national professional regulation in line with better regulation principles and will prevent the creation of new unjustified barriers for European citizens.

#### 4.7. Final Conclusions: Provision and/or Use of Qualifications

This analysis of the provision and use of qualifications (in the EU) gradually makes clear that from an operational and policy point of view one has to deal with both aspects of provision and use.

Notwithstanding the difficulties in gathering data on the provision of qualifications it is obvious that some information can be retrieved. It is also clear that the content and the level of most qualifications are not dedicated to the needs of the Active Leisure sector as conceived by the European Confederation of Outdoor Employers (EC-OE) and EuropActive. This is why, for example it took EC-OE to be engaged in a +/- 10years endeavour to create the ELISA training syllabus.

The key for vocational education is to attempt to establish some compatibility of a training programme with the National / European Qualification Framework (EQF) expectations. Without this link with the EQF it is simply impossible to integrate a training programme into any Member State vocational educational framework. If only for this reason, the focus on EQF is paramount and as a meta-framework is widely understood across the Active Leisure Sector.

Active Leisure has taken the position to informally reference its standards/qualifications against the EQF, but in recent times the Member States have taken more "control" of the EQF and consider sectoral or international organisations to be excluded.



And finally, it must also be stressed that 'mutual' recognition of qualifications e.g. by national governing bodies, has no link with 'Member State' recognition of qualifications. Both types of recognition are completely different issues and mixing them up can often create profound misunderstandings.

In view of the principle of subsidiarity, it is reasonably utopian to expect that harmonising (through the EQF) minimum training requirements will facilitate the mutual recognition of qualifications in the coming years.

The development of essential skills, quality-assured training, and the recognition of individual competences, etc., are essential for the quality of the services delivered by Active Leisure providers. Holding even the highest possible (national) qualification is still no guarantee anyone will be allowed to work in another country. Even the EU piloted Mountain Guide and Ski Instructor qualifications are not to be taken for granted and there is little evidence of mutual recognition. If a profession is regulated in one Member State, it doesn't mean inter alia that another Member State will reciprocate its recognition and interference is always at stake. This is why Dir.2005/36/EC is potentially of such importance, for both employers and employees although it is a lengthy process, and needs the full support and compliance of the European Commission (DG GROW)

It is therefore essential for any employer federation such as EC-OE or EuropActive to focus on both the provision and the use of qualifications. Both issues are paramount for the functioning of their sub-sectors who have created their own demands for solutions. Moreover, this double track is also noticeable in EU decision-making where different DGs operate in the field of Education (DG EAC and DG EMPL) or in the field of the Internal Market (DG GROW) for entrepreneurship and SMEs.

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