



Public Hearing on
Professional Qualifications Directive
2005/36/EC

Brussels – 21.2.2011

Michal Janeba

Deputy Minister for Regional
Development of the Czech Republic



Legislation EU x CZ

- Directive 2005/36/EC has been implemented into Czech legislation through the Act No 18/2004 Coll., on the recognition of professional qualifications and other qualifications of EU Member States citizens and citizens from other countries (the Act on recognizing Professional Qualifications)
- Directive 2005/36/EC has introduced into national legal regulations:
 - Uniformity
 - Transparency
 - Facilitation of the process of recognition of professional qualifications = equal approach to performance of all professions (including tourist guides)



Profession of Tourist Guide EU x CZ

Conditions for practising the profession of the tour guide:

- ❑ Profession of the tourist guide is subject to the professional qualification in 15 Member States EU (regulated trade) (for example: France, Slovenia, Austria, Italy, Poland)
- ❑ Profession of the tourist guide is unregulated trade in certain Member States EU, carrying out of the trade is subject to specific conditions (for example Germany, Denmark)
- ❑ Profession of the tourist guide is regulated in certain Third Countries (for example: Croatia, Turkey).



Profession of the Tourist Guide in CZ

Definition: Tourist Guide X Tour Manager

- *Tourist guide* = person who guides visitors in the language of their choice and interprets the cultural and natural heritage of an area, which person normally possesses an area-specific qualification usually issued and/or recognized by the appropriate authority
- *Tour manager* = person who manages and supervises the itinerary on behalf of the tour operator, ensuring the programme is carried out as described in the tour operator's literature and sold to the traveller/consumer and who gives local practical information



Profession of the Tourist Guide – Czech Legislation

Regulation of the Trade:

- Until 2008 – profession of the Tourist Guide was regulated trade subject to professional qualification.
- Since 2008 – Due to the amendment to Act No. 455/1991 Coll., Trades Act was profession of the Tourist Guide transferred to unregulated trade (decree on performing of Examination of qualification contents for practising of the Tourist Guide was abolished.) Professional qualification is not specified.
- Unregulated trade in CZ – licence entitling to practising of the trade, to which Trades Act does not require proof of professional or any other (language) qualification.



Profession of the Tourist Guide- EU x CZ

- Tourist Guides from EU Member States in CZ (the temporary provision of services)
 - Czech authorities must not require from the Tourist Guides from EU Member States notification prior first provision of services in the Czech republic (unregulated trade)
- Tourist Guides from the Czech republic in the EU Member States (the temporary provision of services)
 1. where profession of the Tourist Guide is regulated
 - Czech Tourist Guides have to present in the EU Member States a certificate proving that they performed the activity as tourist guides for at least 2 years in past 10 years (This certificate is granted to Czech citizens by Ministry of industry and trade of the Czech republic), prove of the citizenship, trade licence (translation of the documents), etc.
 2. where profession of the Tourist Guide is not regulated

Czech Tourist Guides is not obliged to support notification prior first provision of services



Concept of introduction of the European Professional Card

- Minister for the Regional Development of the CZ has sent a letter to the commissioner of the EU stating the support of the introduction of the European professional card.
- Possible solution in the issue of the tourist guides – Introduction of the European Professional Card
- Advantages of the Introduction of the Professional Card:
 - Uniform modification of the profession of the tourist guide in all EU Member States (issue of professional qualification, language skills, etc.)
 - Establishment of equal conditions of access to practising the profession of the tourist guide in all EU Member States
 - Facilitation of the conditions for free movement of persons within EU (guides' cross - border mobility)
 - Reduction of the administrative burden for the tourist guides (required data would be saved on smart card or any other electronic media) = convenient in practising of the trade (frequent travelling)
 - Issue of the multi-lingual versions of the card.



Concept of introduction of the European Professional Card

- Opportunity to adjust the conditions of the control mechanism (records of cross-border checks carried out in individual EU Member States could be stored on intelligent card).
 - Inspecting authority would instantly find out essential information about the tourist guide for example by reading the smart card or any other electronic media (frequency and number of guided tours carried out by the tourist guide in given state, etc.)
- = assessing the issue of „temporary“ and „occasional“ activity.



IMI System

- ❑ IMI (Internal Market Information System) – system for electronic exchange of information.
- ❑ Profession of the tourist guide has been included since September 2010.
- ❑ Obligatory use for all licensing and inspecting authorities for services falling under the Act on free movement of services.
- ❑ Contains data about particular entrepreneur (tourist guide)
 - Existence of legal domicile in the given EU Member State
 - Integrity
 - Holding of appropriate trade license in his/her home country.



Conclusion

Thank you for your attention.

Michal Janeba

Deputy Minister for Regional Development

Staroměstské náměstí 6, Prague 1

www.mmr.cz