



Recognition of Professional Qualifications

Mutual recognition of Professional Qualifications under Directive 2005/36/EC

András Zsigmond (DG MARKT/E.4)

Dialogue on Regional Mobility of Professionals in CEFTA
Brussels, 29 April 2014

Directive 2005/36/EC in a nutshell

- *Beneficiaries: EU/EEA nationals wishing to pursue a profession which is regulated in the host MS*
- *Difference: academic and professional recognition*
- *Considered fully qualified professionals in the home MS*
- *Employees or self-employed*
- *2 main regimes: establishment / temporary mobility*
- *Recognition does not always mean automatic access to the profession*

Permanent establishment: 3 regimes

- 1. Automatic recognition based on harmonised minimum training requirements (7 "sectoral professions)***
- 2. Automatic recognition based on professional experience (mainly crafts, industry and commerce)***
- 3. General system of mutual recognition (primary or subsidiary application)***



Right of Establishment - Automatic recognition of qualifications based on minimum training requirements

Scope: *7 professions*

- *Doctors (basic training, 54 specialities, general practitioners)*
- *General care nurses*
- *Dental practitioners (basic training, 2 specialities)*
- *Veterinary surgeons*
- *Midwives*
- *Pharmacists*
- *Architects*

Principles

1) Minimum harmonisation

Possibility for a MS to impose further requirements

BUT it must accept diplomas of other MS respecting the minimum training requirements only

2) *the qualifications are listed in Annex V*

3) *DIPLOMAS listed IN the Annex must correspond to all the training requirements*

4) *MS shall only deliver qualifications complying with the training requirements of the Directive (except architects)*

Co-ordination of minimum training requirements

Different types of minimum requirements:

- *entry requirement,*
 - *duration of training (training hours/years); defined share of practical/theoretical training,*
 - *minimum training subjects, or*
 - *minimum list of knowledge and skills*
 - *list of competences*
- *Automatic recognition of the professional qualification - Art 21 Dir 2005/36 (or acquired rights)*

Automatic recognition

Qualifications listed in Annex V of the Directive (for new MS in Accession Treaty, its Annex) that satisfy the minimum requirements

- *Automatic recognition, in principle, without any additional conditions*
- *Only documents listed in the Directive (Annex VII) can be required in addition*
- *In principle no further examination, refusal possible*
- *Migrants have the same rights and obligations as national professionals*

GENERAL SYSTEM OF RECOGNITION

Permanent establishment

- *Comparison between migrant's qualifications and qualifications required in the host MS*
- *5 levels of qualifications used*
- *In case of substantial differences: **compensatory measures** (adaptation period or aptitude test)*
- *2 years of experience required if profession not regulated in home MS*
- *Strict deadlines for MS (4 months)*

Temporary provision of services

- *Assessment of the temporary and occasional nature on a case by case basis*
- ***Principle of free and immediate access to the profession if:***
 - **Legal establishment** in a MS
 - 2 years experience if profession not regulated in the MS of establishment
- *Possibility for host MS to request a prior declaration and accompanying documents*

Temporary provision of services

➤ ***Derogation:***

Prior check of qualifications possible for professions having health or safety implications, if not automatically recognised (Art. 7(4))

➤ ***Exercise of the profession:***

Professional and disciplinary rules of the host MS apply

Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending **Directive 2005/36/EC** on the recognition of professional qualifications and **Regulation (EU) No 1024/2012** on administrative cooperation through the Internal Market Information System ('the IMI Regulation')

published on 28 December 2013 in the Official Journal L354, p. 132.



Lawyers' Directives

Services: Directive 77/249/EEC

- A lawyer who has the right to practice the profession under the professional title of a Member State can provide services temporarily/occasionally in any other Member State (upon certain conditions)

Establishment: Directive 98/5/EC

- the right to establish under the home-country professional title (Art. 2)
- facilitating access to the host Member State professional title (Art. 10)
- joint practice (Art. 11)

Useful links

- *Professional Qualifications Directive in practice:*
http://ec.europa.eu/internal_market/qualifications/directive_in_practice/index_en.htm
- *Latest policy developments:*
http://ec.europa.eu/internal_market/qualifications/policy_developments/index_en.htm



Thank you for your attention!

Markt-E4@ec.europa.eu