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Proposal for a Directive on the recognition of professional qualifications - frequently asked questions

(see also IP/02/393)

What are the effects of the recognition of professional qualifications?

The recognition of professional qualifications enables beneficiaries to gain access in host Member States to the professions in which they are qualified and to enjoy the same rights as nationals when practising these professions. They are also subject to the same obligations as the nationals of the host Member State if these are justified and proportionate.

On what terms may nationals of Community Member States provide services in Member States other than the one in which they are established?

According to the proposal, any nationals of a Community Member State legally established in a given Member State may, in principle, provide services on a temporary and occasional basis in another Member State under their original professional title without having to apply for recognition of their qualifications. However, if they relocate, they must provide evidence of two years' professional experience if the profession in question is not regulated in the Member State of establishment.

In the interests of consumer protection, service providers must conform with certain obligations to provide the recipients of the services and the administration concerned with information - particularly on their situation in the Member State of establishment.

What must one do to obtain recognition of professional qualifications with a view to getting established in a different Member State?

An individual application must be submitted to the competent authority in the host Member State, accompanied by certain documents and certificates as listed in the proposal. According to the new proposal, the competent authorities will in future have one month to acknowledge receipt of an application and to draw attention to any missing documents. A decision will have to be taken within three months of the date on which the application was received in full. Reasons will have to be given for any rejection and it will have to be possible for a rejection or a failure to take a decision by the deadline to be contested in the national courts.

Who should one consult in the event of doubts or problems?

The proposal provides for the designation by the Member States of contact points, whose task would be to provide citizens with all information relevant to the recognition of professional qualifications and to help them exercise their rights, particularly through contacts with the competent authorities for rulings on applications for recognition.

Why consolidate and standardise the system for the recognition of professional qualifications?

Recognition of professional qualifications is currently covered at Community level by a large number of Directives and Decisions adopted over the past forty years. These legal instruments have established a variety of unconnected recognition systems, with the result that certain situations are not covered by any of the arrangements. Moreover, each of these systems has specific rules - for example, as regards the recognition procedures. There is no justification for maintaining these differences.

The proposal for a Directive creates a single, consistent legal framework which, while maintaining the guarantees afforded by each of the existing recognition systems, standardises the rules as far as possible.

Why is it necessary to change the system?

The recognition rules in force and the practical procedures for applying the existing systems were established in a very different context from the one emerging with the forthcoming enlargement. An enlarged Union will require simpler and more flexible rules for applying and updating the Directive, together with increased cooperation between all the parties concerned.

What professional activities are covered by the proposal for a Directive?

According to the proposal, all situations in all the regulated professions will henceforth be covered by the Directive.

For example, in so far as they are regulated in the host Member States, the professions of doctor, dentist, pharmacist, veterinary surgeon, architect, nurse, midwife, engineer, accountant, tax consultant, physiotherapist, radiologist, psychologist, sports instructor, tourist guide, surveyor, estate agent, electrician and hairdresser will be covered.

It should be borne in mind, however, that in the case of lawyers the recognition of the authorisation to practise will continue to be the subject of specific Directives in so far as the nature of the recognition is different, since it concerns the authorisation to practice and not the professional qualifications (thus, lawyers authorised to practise in Berlin may register with the bar in Brussels under their German titles without their qualifications being examined). The recognition of lawyers' professional qualifications is, on the other hand, covered by the proposal for a Directive.

If migrants wish to practise professions that are not regulated in the host countries, there are no legal constraints regarding professional qualifications that restrict access to or the exercise of the professions in question. Consequently, the Community provisions do not apply in such cases.

How can one identify the provisions that apply to a given professional activity?

As regards establishment, the proposal retains the three existing recognition systems:

Automatic recognition of training qualifications on the basis of coordination of the minimum training conditions in the case of doctors, nurses responsible for general care, dental practitioners, veterinary surgeons, midwives, pharmacists and architects.

Automatic recognition of qualifications attested by professional experience in the case of the industrial, craft and commercial activities listed in the proposal.

Otherwise, the general system applies to all other professions and to situations that do not meet the specific conditions underlying the other recognition systems. This general system is based on the principle of mutual recognition without prejudice to the application of compensatory measures if there are substantial differences between the training acquired by the migrant and the training required in the host Member State. The compensatory measure may take the form of an adaptation period or an aptitude test.

In the case of services, a single system applies to all professions.

What will be the advantages of a common platform?

Several professional associations have set up common platforms at European level, defining standards that are particularly aimed at providing adequate guarantees as to applicant's level of qualification.

When, on the basis of existing or future common platforms, qualification criteria are set by a decision taken at Community level, the Member States will no longer impose compensatory measures. In this way, recognition for the professions in question will become more automatic under the general system.

The Member States and the Community institutions will be able to benefit more from the work done by the professions in question with a view to promoting free movement. This work has sometimes been subsidised out of Community funds, for example under the Leonardo da Vinci (professional training) programme.

When will the proposal become law?

Once the proposal was adopted by the Council of Ministers of the EU and the European Parliament under the "codecision procedure", the Directive would have to be transposed into national legislation by the Member States.