

Recognition of professional qualifications

2002/0061(COD) - 22/10/2010 - Follow-up document

This Commission working document relates to the transposition and implementation of the Professional Qualifications Directive (Directive 2005/36/EC).

A key element of the single market: the right to work in another Member State stems directly from the Treaties. The right to work includes the right to exercise one's profession in another Member State. About 800 professions are regulated throughout the EU in as far as they require specific qualifications. As qualification requirements differ (sometimes considerably) from country to country, a person who is fully qualified for his/her profession in one country might not be considered fully qualified in another. The 2005 Directive is a key for professionals to overcome problems resulting from these differences. Thus, it enables professionals to take full advantage of the potential of the Single Market in finding a job, developing their career or extending their business.

State of transposition: Member States were required to transpose the Directive by 20 October 2007, at the latest. However, the process was slow in all Member States. By the deadline, no Member State had completed the transposition. As an immediate consequence, the Commission initiated infringement proceedings against all 27 Member States (against 25 Member States in November 2007 and against the 2 new Member States in March 2008). Even then, Member States protracted transposition and finalised it only after further action by the Commission and, in some cases, by the Court.

In December 2009 and April 2010, the Commission services published scoreboards bringing the transposition deficits to public attention. By **September 2010 - with nearly a three-year delay - all Member States had notified to the Commission all the laws, regulations and administrative provisions necessary to comply with the Directive.**

Main conclusions: at this stage, the Commission services can only draw fairly limited conclusions about some of the successful improvements ushered in by the 2005 Directive and about some less encouraging outcomes and outline questions which merit further attention:

- a) **scope:** Member States were exceedingly late in the transposition and there is no real justification for the delay. Member States tend to be cautious, even reluctant, when it comes to allowing professionals from other Member States to provide services on a temporary basis. No agreement on a common platform has been reached or is at an advanced stage of preparation. The concept of common platform, in its current form, appears to be a failure. The fact that the current Code of Conduct is not binding leads to a great number of cases where EU law is not correctly applied. This explains the frequent recourse by citizens to SOLVIT and Your Europe Advice (ex-Citizens Signpost Service). The report indicates that extending automatic recognition to new diplomas depends on Member States. They should be more proactive in notifying new diplomas, in particular for architects;
- b) **open issues:** some Member States appear to be seeking more flexibility for the training in the sectoral professions, in particular for doctors and nurses. There is a continued interest in a professional card. There is a need to enhance the understanding by stakeholders of the relationship between the [EQF](#) and the Professional Qualifications Directive. There is a need for stronger enforcement of the implementation by Member States of the new elements of the acquis introduced by Directive 2005/36/EC;

- c) **positive advances:** enlargement in 2004 and in 2007 raised some difficult technical questions. They have largely been addressed. The co-ordinators in Member States have been a good driving force to ensure that competent authorities take ownership of the Directive. The Internal Market Information System (IMI) shows much potential in allowing competent authorities to communicate more effectively. The Professional Qualifications Directive and the Services Directive complement each other in order to facilitate the free circulation of professional services.