

Recognition of professional qualifications

2002/0061(COD) - 07/09/2005 - Final act

PURPOSE: The recognition of professional qualifications

LEGISLATIVE ACT: Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications.

CONTENT: The purpose of this Directive is to establish rules whereby a “host” Member State must recognise the qualifications of a regulated profession from another Member State, otherwise referred to as the “home” Member State. This Directive applies to all nationals wishing to pursue a regulated profession across the EU and also includes those in the liberal professions. Following much debate between the EU institutions the final Directive strikes a balance between the free movement of skilled professionals and consumer protection. As far as the provision of services is concerned, the Directive follows the principle of mutual recognition with host country control. The Directive states that the recognition of professional qualifications by the host Member State will allow the beneficiary to gain access to the same profession to which he/she is qualified and to pursue their profession under the same conditions as those offered to nationals, on either a self-employed or an employed basis. The provisions in this Directive do not apply to those regulated profession already covered by Community law.

The Directive has been divided into a number of Titles. Title I lays down the General Provisions, including the relevant definitions and scope of the Directive. Title II lays down the provisions relating to the Free Provisions of Services, whilst Title III relates to, Freedom of Establishment. Under this heading a “*general system for the recognition of evidence of training*”, is established. This relates to all profession which are not covered by Chapters II and III of the Directive. In the general system of recognition, the various national education and training systems are grouped together according to a number of levels solely for the purpose of the arrangements’ operation, without in any way affecting each Member State’s educational structures. Under the general system, professional qualifications may be recognised on the basis of co-ordination of minimum training conditions or based on professional experience.

At the same time, the Directive recognises that there are certain special cases, which need to be taken into account. As regards doctors and dentists, the principle of automatic recognition of medical or dental specialities common to two or more Member States applies. In the case of new medical specialities which may appear following the adoption of this Directive, an extension of the automatic recognition will be confined to those common to at least two-fifths of the Member States.

As far as transposition is concerned, the Member States have two years to transpose the Directive into national law, i.e. 20 October 2007.

ENTRY INTO FORCE: 20 October 2005.