

Basic information	
<p><b>2002/0061(COD)</b></p> <p>COD - Ordinary legislative procedure (ex-codecision procedure) Directive</p>	Procedure completed
<p>Recognition of professional qualifications</p> <p>Amended by <a href="#">2011/0435(COD)</a> Amended by <a href="#">2023/0307(COD)</a> See also <a href="#">2011/2024(INI)</a> See also <a href="#">2017/2073(INI)</a></p> <p><b>Subject</b></p> <p>4.40.07 Recognition of diplomas, equivalence of studies and training</p>	

Key players				
European Parliament	<b>Committee responsible</b>		<b>Rapporteur</b>	<b>Appointed</b>
	<b>IMCO</b>	Internal Market and Consumer Protection	ZAPPALA' Stefano (PPE-DE)	26/10/2004
	<b>Former committee responsible</b>		<b>Former rapporteur</b>	<b>Appointed</b>
	<b>JURI</b>	Legal Affairs and Internal Market	ZAPPALA' Stefano (PPE-DE)	27/03/2002
	<b>Former committee for opinion</b>		<b>Former rapporteur for opinion</b>	<b>Appointed</b>
	<b>EMPL</b>	Employment and Social Affairs	STAUNER Gabriele (PPE-DE)	13/03/2002
	<b>ENVI</b>	Environment, Public Health, Consumer Policy	BOWIS John (PPE-DE)	04/11/2002
	<b>CULT</b>	Culture, Youth, Education, Media and Sport	O'TOOLE Barbara (PSE)	18/04/2002
	<b>PETI</b>	Petitions	SBARBATI Luciana (ELDR)	10/07/2002
	Council of the European Union	<b>Council configuration</b>		<b>Meetings</b>
Competitiveness (Internal Market, Industry, Research and Space)		2462	2002-11-14	
Competitiveness (Internal Market, Industry, Research and Space)		2665	2005-06-06	

	Competitiveness (Internal Market, Industry, Research and Space)	2426	2002-05-21
	Agriculture and Fisheries	2633	2004-12-21
European Commission	Commission DG		Commissioner
	Financial Stability, Financial Services and Capital Markets Union		

Key events			
Date	Event	Reference	Summary
07/03/2002	Legislative proposal published	COM(2002)0119 	Summary
11/03/2002	Committee referral announced in Parliament, 1st reading		
21/05/2002	Debate in Council		
14/11/2002	Debate in Council		
27/11/2003	Vote in committee, 1st reading		Summary
27/11/2003	Committee report tabled for plenary, 1st reading	A5-0470/2003	
15/01/2004	Debate in Parliament		
11/02/2004	Decision by Parliament, 1st reading	T5-0086/2004	Summary
20/04/2004	Modified legislative proposal published	COM(2004)0317 	Summary
21/12/2004	Council position published	13781/2/2004	Summary
13/01/2005	Committee referral announced in Parliament, 2nd reading		
26/04/2005	Vote in committee, 2nd reading		
28/04/2005	Committee recommendation tabled for plenary, 2nd reading	A6-0119/2005	
10/05/2005	Debate in Parliament		
11/05/2005	Decision by Parliament, 2nd reading	T6-0173/2005	Summary
11/05/2005	Results of vote in Parliament		
06/06/2005	Act approved by Council, 2nd reading		
07/09/2005	Final act signed		
07/09/2005	End of procedure in Parliament		
30/09/2005	Final act published in Official Journal		

Technical information	
Procedure reference	2002/0061(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation

<b>Legislative instrument</b>	Directive
<b>Amendments and repeals</b>	Amended by <a href="#">2011/0435(COD)</a> Amended by <a href="#">2023/0307(COD)</a> See also <a href="#">2011/2024(INI)</a> See also <a href="#">2017/2073(INI)</a>
<b>Legal basis</b>	EC Treaty (after Amsterdam) EC 047-p1/2 EC Treaty (after Amsterdam) EC 040 Rules of Procedure EP 050
<b>Stage reached in procedure</b>	Procedure completed
<b>Committee dossier</b>	IMCO/6/22875

#### Documentation gateway

#### European Parliament

Document type	Committee	Reference	Date	Summary
Document attached to the procedure		<a href="#">B5-0109/2002</a>	13/03/2002	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A5-0470/2003</a>	27/11/2003	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T5-0086/2004</a> OJ C 097 22.04.2004, p. 0136-0230 E	11/02/2004	<a href="#">Summary</a>
Committee recommendation tabled for plenary, 2nd reading		<a href="#">A6-0119/2005</a>	28/04/2005	
Text adopted by Parliament, 2nd reading		<a href="#">T6-0173/2005</a> OJ C 092 20.04.2006, p. 0111-0167 E	11/05/2005	<a href="#">Summary</a>

#### Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	<a href="#">15501/2004</a>	01/12/2004	
Council position	<a href="#">13781/2/2004</a> OJ C 058 08.03.2005, p. 0001-0129 E	21/12/2004	<a href="#">Summary</a>
Draft final act	<a href="#">03627/2005</a>	07/09/2005	

#### European Commission

Document type	Reference	Date	Summary
Legislative proposal	<a href="#">COM(2002)0119</a>  OJ C 181 30.07.2002, p. 0183 E	07/03/2002	<a href="#">Summary</a>
Modified legislative proposal	<a href="#">COM(2004)0317</a> 	20/04/2004	<a href="#">Summary</a>
Commission communication on Council's position	<a href="#">COM(2004)0853</a> 	06/01/2005	<a href="#">Summary</a>
	<a href="#">COM(2005)0248</a>		

Commission opinion on Parliament's position at 2nd reading		01/06/2005	<a href="#">Summary</a>
Commission response to text adopted in plenary	<a href="#">SP(2005)2482</a>	16/06/2005	
Follow-up document	<a href="#">SEC(2010)1292</a> 	22/10/2010	<a href="#">Summary</a>
<b>Other institutions and bodies</b>			
<b>Institution/body</b>	<b>Document type</b>	<b>Reference</b>	<b>Date</b>
EESC	Economic and Social Committee: opinion, report	<a href="#">CES1020/2002</a> <a href="#">OJ C 061 14.03.2003, p. 0067</a>	18/09/2002

<b>Additional information</b>		
<b>Source</b>	<b>Document</b>	<b>Date</b>
European Commission	<a href="#">EUR-Lex</a>	

<b>Final act</b>	
<a href="#">Directive 2005/0036</a> <a href="#">OJ L 255 30.09.2005, p. 0022-0142</a>	<a href="#">Summary</a>
<a href="#">Corrigendum to final act 32005L0036R(02)</a> <a href="#">OJ L 271 16.10.2007, p. 0018</a>	<a href="#">Summary</a>
<a href="#">Corrigendum to final act 32005L0036R(03)</a> <a href="#">OJ L 093 04.04.2008, p. 0028</a>	<a href="#">Summary</a>

<b>Delegated acts</b>	
<b>Reference</b>	<b>Subject</b>
<a href="#">2016/2525(DEA)</a>	Examination of delegated act
<a href="#">2019/2532(DEA)</a>	Examination of delegated act
<a href="#">2020/2546(DEA)</a>	Examination of delegated act
<a href="#">2017/2845(DEA)</a>	Examination of delegated act
<a href="#">2019/2665(DEA)</a>	Examination of delegated act
<a href="#">2021/2864(DEA)</a>	Examination of delegated act
<a href="#">2023/2577(DEA)</a>	Examination of delegated act
<a href="#">2025/2671(DEA)</a>	Examination of delegated act
<a href="#">2023/2715(DEA)</a>	Examination of delegated act
<a href="#">2025/2834(DEA)</a>	Examination of delegated act

## Recognition of professional qualifications

The Council adopted its common position by qualified majority. The German and the Greek delegations voted against. The amendments made by the common position concern in particular the provision of services, the formal reorganisation of the levels of professional qualification underlying the general regime and the reintroduction of provisions from the *acquis communautaire* which were not included in the Commission proposal.

As regards the debated issue of temporary or occasional cross border services, the Council has introduced the possibility for the professional qualifications of the provider of temporary or occasional cross-border services to be checked prior to the first provision of services in clearly-defined cases: in the case of regulated professions having public health or safety implications, which do not benefit from automatic recognition under Title III, Chapter III; only where the purpose of the check is to avoid serious damage to the health or safety of the service recipient due to a lack of professional qualification of the service provider and where this does not go beyond what is necessary for the purposes. The appropriate body to be informed is the competent authority in the host Member State, which should be aware that the service provider is providing a service on its territory; to require the service provider to inform both Member States and to impose further administrative tasks on the competent authority of the Member State of establishment (as the European Parliament has proposed) would be contrary to the aim of facilitating cross-border service provision. Moreover, the Council considers that the service provider should make a corresponding declaration only if the host Member State so requires, and that this declaration may be required only on the first occasion when the service provider moves to the host Member State to provide a service and thereafter once a year if he intends to provide such services in the host Member State in that year. The Council has also introduced the possibility for Member States to require that the declaration be accompanied by a limited number of documents.

In the interests of protecting the health and safety of the service recipient, the Council has added the possibility for the competent authorities of the host member State to ask its counterparts in the Member State of establishment to provide any information concerning the absence of any disciplinary or criminal sanctions of a professional nature.

The points of divergence between the amended proposal and the common position should be highlighted:

- it deletes the reference to a presumption based on a 16-week period to distinguish between the provision of services and establishment;
- the common position enables the Member States to require pro forma registration for all regulated professions in order to facilitate the application of the rules of conduct applying on their territory. This is acceptable insofar as the common position states that it is the responsibility of the competent authority of the host Member State to send a copy of the service provider's declaration to the professional body, thus preventing any additional administrative burden on the provider.

In order to guarantee the availability of information for the host Member State, it is foreseen that the declaration must be addressed by the service provider directly to the competent authority of the host Member State for all regulated professions. This initial declaration must be accompanied by a certain number of documents and updated annually in a simpler form (only the proof of professional insurance must also be renewed annually). The administrative cooperation is limited, according to the common position, to enabling the host Member State to check whether the information it has is precise.

The host Member State with the possibility of carrying out an *ex ante* check of the service provider's professional qualifications, but only for professions with implications for public health or safety that do not have coordinated minimum training conditions and only insofar as this check is in proportion to the objective of preventing serious damage to the health or safety of the recipient of the service due to a lack of professional qualifications.

Moreover, the common position : introduces notification to the Commission and to the other Member States for diplomas of architects; reintroduces a derogation from the automatic recognition of evidence of training as a pharmacist in cases where a new pharmacy is being established; sets out the principle of automatic recognition for medical and dental specialisations common to 2/5 of the Member States; deletes the references in the amended proposal to the role of the Member States with regard to knowledge of languages and to the express ruling out of systematic examination of such knowledge; adopts existing legislation and limits to the professions of doctor and dental practitioner the obligation of Member States not to require migrants to complete a preparatory period of in-service training and/or a period of professional experience in order to be approved by a health insurance fund.

The Council has introduced new provisions which aim to : clarify the Commission proposal with regard to the cases of subsidiary application of the general regime of recognition, listing the specific situations concerned which are currently governed either by *ad hoc* rules, provisions of the Treaty, or the general system of recognition; clarify the concept of common platforms and the way in which the substantial differences to be overcome are identified. It also expands the possibility of submitting common platforms to the Member States; lay down a framework for the delegation of powers with a view to the amendment of Annexes IV and V, point 5.1.4; reintroduce the four-month period given to the host Member State for recognition in the case of professions that do not have coordinated minimum training conditions; reintroduces some elements of the *acquis* (automatic derogation from the migrant's choice for professions requiring precise knowledge of national law and in which the provision of advice and/or legal assistance constitutes an essential aspect; special system of automatic derogation for activities covered by Directive 1999/42/EC), and the possibility of automatic derogation from the migrant's choice for cases not currently covered by the general system of recognition and which, by virtue of Article 10 of the proposal, will in future be covered by the general regime.

The common position : introduces the provisions relating to acquired rights of the Accession Treaty of Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Czech Republic, Slovakia and Slovenia; adds derogations resulting in acquired rights to ensure automatic recognition for members of the profession who have completed this supplementary training; adds provisions in respect of qualifications for nurses and midwives awarded in Poland, which take account of legislation introduced in Poland since the conclusion of the Acts of Accession; reintroduces the derogation currently applied to Luxembourg with regard to the recognition of professional experience acquired in another Member State for the purposes of granting a State concession to operate a pharmacy open to the public; stipulates that the Commission will draw up a report on the implementation of this Directive every five years.

# Recognition of professional qualifications

2002/0061(COD) - 01/06/2005 - Commission opinion on Parliament's position at 2nd reading

At second reading, Parliament adopted 34 amendments to the Council's Common Position. They improve certain aspects of the text without affecting the substance or the principles of the Common Position and the Commission's proposal. Following inter-institutional contacts, an overall agreement on the final text has been possible and, therefore, the Commission accepts all these 34 amendments.

These amendments aim in particular to :

- recall that the host Member State may apply its professional rules, for reasons of general interest, in the framework of the General System;
- maintain automatic recognition for medical specialities common to two or more Member States, as existing under current legislation, and limit the introduction of new medical specialities benefiting from automatic recognition to those common to at least 2/5 of Member States;
- refer to the involvement of representatives of the professional organisations in the management of the recognition systems, in particular through their consultation in the context of the work of the committee set up by the Directive, on which reasoned reports are made by the Commission to the Committee. Moreover, the composition of the committee is clarified;
- introduce a definition of "liberal professions" and indicate that the Directive also applies to them;
- introduce a definition of "competent authority" which covers public authorities and also organisations acting on the basis of delegated powers (i.e. professional orders);
- clarify that Title II of the Directive shall "only" apply to the temporary provision of services;
- clarify that professional associations "or organisations" are entitled to put forward common platforms;
- clarify, in the English version of the Directive, that migrants "shall" have the necessary language knowledge for the exercise of the profession;
- clarify, in a Recital, that the Directive cannot be invoked for the purpose of "qualification shopping" (i.e. recognition by the home Member State of a mere recognition decision granted by another Member State);
- formally introduce five levels of qualification for the operation of the General System, without modifying the substantive rights of migrants in comparison to the existing legislation, the Commission's original proposal or the Council Common Position. They also add some adjustments concerning the definition of such levels;
- refer to the assessment by the Commission of the appropriateness to introduce further coordinated training requirements for additional professions, in particular on the basis of reasoned requests by professional organisations;
- refer, in a Recital, to the possibility for professional associations to introduce, at European level, professional cards which may in particular contain information on the professional's qualifications and his legal establishment;
- make a general reference to Articles 39, paragraph 4 and 45 of the EC Treaty, with a particular mention of notaries;
- adjust the regime for the temporary provision of services respectively (a) by specifying the professional rules to be applied by the host Member State, (b) by clarifying that the attestation on legal establishment should also mention that the professional is not subject to any prohibition from practice and (c) by adding the possibility for the host Member State to require evidence of no criminal conviction for professions in the security sector;
- clarify that the qualification held by a professional benefiting from acquired rights in his home Member State -following the upgrading of the national qualification standards- must be assimilated to the new qualification for the purposes of recognition.

# Recognition of professional qualifications

2002/0061(COD) - 20/04/2004 - Modified legislative proposal

Of the 125 amendments proposed by the European Parliament the Commission can accept 55 either in their entirety, in a redrafted form or for formal purposes. The remaining 70 amendments have been rejected. Below is a summary of the Commission's position vis-à-vis the amendments proposed by the European Parliament.

1) Scope of the Directive : the Commission accepted the general objective of the Directive. The provision stating that professions whose activities are connected with the exercise of official authority should be excluded from the scope of the Directive; the recognition by a Member State under national regulations of educational qualifications acquired in a third country does not entitle the holder of those qualifications to perform the professional activity in question in another Member State.

On the other hand, the Commission has rejected a reference to a high level of human health and consumer protection; initiatives to bring national legislation on education and training closer together; encouraging young people to learn another language at an early age; exclusion of notaries from the scope of the Directive; provisions extending the scope by including non- EU countries' citizens; references to the "liberal professions".

2) Freedom to provide services (temporary and occasional) : on this controversial issue, the Commission has accepted a requirement applicable to all professions subject to a special professional liability regime in the host Member State, for automatic temporary registration with, or pro forma membership of, a professional organisation or body in the host Member State in order to ensure compliance with the professional or administrative rules applying in that Member State. The Commission can accept such a requirement only for healthcare professionals, and only in cases where the service-provider travels to provide services; to supply information on his/her service to consumers in a user-friendly manner; reinforces exchange of information between Member States on the legal establishment of the service-provider.

The Commission has rejected the following amendments : provision to oblige service providers to register with professional associations; obligation to make them temporarily register with the social security bodies of the host Member State; the scrapping of the 16-week deadline for the provision of temporary services. Obligation for Member States to systematically inform the competent body of the host Member State when a migrant registers with them; specification that service-providers must be able to guarantee safety in their professional environment; requirement for the competent body or professional association to provide proof of the service provider's competence.

3) General system of recognition : the Commission is maintaining its original position concerning the training conditions. Amendments accepted include the franchising agreements with teaching institutions located outside of the host Member State; reformulation of the measures concerning the levels of qualifications; compensatory measures if a Member State considers it necessary to derogate from the requirement, it should give the applicant a choice between an adaptation period and an aptitude test; the broadening of the "professional organisations".

The evaluation of the workability in practice of the level system five years after the entry into force of the Directive has been rejected as well as the amendment calling on the Commission to come forward with proposal for a points and credits system linked to the quality and contents of training in the Member States. - the idea of requiring migrant workers to pay social insurance in the host Member State.

4) Recognition of professional experience : the Commission accepts the amendment which increases the minimum time the activities in question must have been practised on a self-employed basis or as the manager of a business by one year (raising it from five to six years). As regards the recognition of the qualifications for sectoral professions, the Commission has accepted the transfer of the lists of knowledge and skills for general practitioners, nurses responsible for general care, dental practitioners, veterinary surgeons, midwives and pharmacists into the body of the proposal, thereby deleting the relevant annexes. This is acceptable insofar as the content of the lists of knowledge and skills has not changed. The deletion of references to the exceptional nature of part-time training for midwives, nurses, doctors and general practitioners. It has, on the other hand, rejected the obligation to remunerate training of general practitioners and nurses; introduction of the principle of automatic recognition for psychotherapists; deletion of the use of the comitology procedure for updating the minimum periods for specialist medical training courses; facilitate the automatic recognition of medical specialisations and dental specialisations common to certain Member States; provide for external audits of veterinary schools; a specialisation in hospital pharmacy be created; re-introduces a derogation from the automatic recognition of evidence of training as a pharmacist in cases where a new pharmacy is being set up.

On a general level, the Commission has accepted the introduction, for all professions concerned, of a provision on the exchange of information between Member States of information on any serious circumstances that arose when the individual in question was established on their territory; the creation of a database is not envisaged at this stage, neither is the European professional card which was proposed by the Parliament; the introduction of a provision allowing Member States to ask migrants to provide proof of language proficiency prior to granting access to the profession. This provision must be applied proportionately, which rules out the systematic imposition of language tests before a professional activity can be practiced; increasing the transparency of the system of recognition by establishing a network of contact points with the task of providing assisting and informing the citizens of the Member States.

The Commission has rejected the setting up of two comitology committees; setting up a group of experts from Member States whose role would be to assist in the implementation of the Directive and to put in place a flexible method of consultation with the European associations that represent the professions and with educational establishments. The Commission supports these two instruments, but the Directive is not the appropriate legal instrument for implementing them.

## Recognition of professional qualifications

2002/0061(COD) - 07/09/2005 - Corrigendum to final act

PURPOSE: **Corrigendum** to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (*Directive initially published in Official Journal of the European Union L 255 of 30 September 2005*).

This Directive aims to simplify the rules relating to the recognition of professional qualifications in the European Union.

The corrigendum concerns technical issues in the Annex to the Directive. In particular, details relating to the titles of certain professions in a number of Member States.

## Recognition of professional qualifications

2002/0061(COD) - 06/01/2005 - Commission communication on Council's position

The Commission takes the view that the common position reflects overall the key elements of its initial proposal and of the amendments of the European Parliament as set out in its amended proposal. With regard to the provision of services, the Commission regrets that the common position does not further facilitate the conditions imposed on the service provider, but accepts the principle of control by the host Member State. The Commission finds that in view of the current level of administrative cooperation between the Member States, the common position strikes an

acceptable balance between making the provision of services easier and enabling the host Member State to verify the services provided on its territory. The Commission therefore supports the common position adopted by the Council by qualified

majority.

## Recognition of professional qualifications

2002/0061(COD) - 07/03/2002 - Legislative proposal

**PURPOSE** : to simplify the rules relating to the recognition of professional qualifications. **CONTENT** : the European Commission has put forward a proposal for a Directive to clarify and simplify the rules in order to facilitate the free movement of qualified people between the Member States, particularly in view of an enlarged European Union. The proposed Directive would replace fifteen existing Directives in the field of the recognition of professional qualifications. The proposal constitutes the first comprehensive modernisation of the Community system since it was conceived forty years ago. A number of changes are proposed compared with the existing rules, including greater liberalisation of the provision of services, more automatic recognition of qualifications and increased flexibility in the procedures for updating the Directive. The Commission also proposes to develop its co-operation with the Member States in order to keep citizens better informed about their rights and give them more help in getting their qualifications recognised. The proposal for a Directive takes account of the results of a process of consulting interested circles launched by the Commission in June 2001. It maintains the safeguards that the various existing recognition systems offer to migrating professionals, and even strengthens them with a number of new rules. With regard to the liberalisation of cross-border services, the proposal is in line with the conclusions of the Lisbon European Council and the Internal Market Strategy for Services. It establishes the principle of the free provision of services under the original professional title, subject to certain conditions with a view to protecting consumers. Under the general system for the recognition of qualifications, the Commission's proposal will introduce a more flexible and automatic procedure based on common platforms established by professional associations at European level, stemming from increased co-operation between the public and private sectors. The proposal for a Directive also involves a simplification of the management and updating of the rules, particularly as regards adapting them to scientific and technological progress. In addition, the proposal provides for developing co-operation amongst national administrations and between them and the Commission, with a view to informing citizens of their rights and resolving any difficulties they might encounter with regard to recognition of their professional qualifications.

## 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 coordinators 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.

## Recognition of professional qualifications

2002/0061(COD) - 11/02/2004 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report drafted by Stefano ZAPPALA (EPP-ED, I) making many amendments to the Commission's proposal. The main amendments are as follows: - Parliament clarified that the directive will not apply to notaries; - there is a definition for the term "liberal profession"; - in order to avoid possible confusion for consumers, they must be provided with explanations concerning professional qualifications. Where necessary, the migrant professional may be authorised to bear the professional title of his country of origin; - the strict time-limit (16 weeks) introduced by the Commission for determining what constitutes a temporary provision of services in a Member State by a professional established in another Member State should be replaced by a more flexible criterion. Parliament therefore proposed that the temporary nature of the services provided should be evaluated taking into account the "presence of infrastructure, the duration and main purpose of the activity, and its frequency, regularity and continuity"; - the service provider must have the necessary capability and aptitude to operate safely in the professional environment concerned. In particular, where the service provider moves in order to provide services, he must comply with the national legislation of the host Member State where such legislation is necessary to guarantee public safety. A service provider will benefit from the same rights and be subject to the same obligations as the nationals of the host Member State. Furthermore, where the service provider is practising a profession covered by Chapter III, under Title III, he will be subject to the rules of conduct of a professional or administrative nature which apply in the host Member State. For this purpose a Member States may require automatic temporary registration which can be the pro forma membership of a professional organisation provided that such registration does not complicate the provision of services or impose any additional costs on the person concerned; - if a service provider wishes to pursue activities in the context of professions that are subject to a special professional liability regime, he must provide the services on the basis of the same rights and obligations as established professionals in those professions in the host Member State. In particular, he will be subject to the rules of conduct of a professional nature applicable in that Member State. For this purpose, Member States may require either automatic temporary registration or pro forma membership of a professional organization, on the understanding that such registration does not delay or complicate the provision of services or impose any additional costs on the person providing the services. Where the profession that is subject to a special professional liability regime is regulated in the host Member State but not in the Member State of origin of the service provider, the host Member State may require full registration with the appropriate authorities of the host Member State before the service provider pursues the professional activities; - the service provider must be able to provide the recipient of services proof that the service provider is insured against the financial risks connected with any challenge to his professional liability, where this requirement is laid down for professionals of the same profession established in the territory. Where relevant, the host Member State may require the service provider to furnish this information; - if the level of training laid down for admission to a profession has been raised in the home Member State, the host Member State must allow professionals who have been admitted to the profession by virtue of a qualification obtained at the lower level to be recognised at the higher level; - the Commission will evaluate 5 years after the entry into force of the Directive the workability in practice of the level system. If in practice the level of qualifications of the diplomas shows an evident difference between the Member States, the Commission will come forward with proposals for a points and credit system linked to the quality and contents of the education and professional training in the different Member States. The Committee will supervise the allocation of points to the various training courses; - however, a professional qualification which, although not satisfying the requirements contained in the provisions in force in the home Member State for access to or the practice of a profession, has been recognised as valid in another Member State for the purpose of exercising the profession in question, without imposing any requirement for additional training, will not be regarded as evidence of equivalent training. In such circumstances, if a citizen applies for recognition in his own State of origin of a qualification issued by the host Member State, his application may be declared inadmissible by the competent organization in his State of origin; - account must be taken of the possibility that, in a given profession, a legal or administrative provision in the Member State of origin may recognise professional experience as a determining factor in advancing the university level of those with such experience to the level immediately above, in the classification laid down in the Directive; - Parliament added some new provisions on the validity of diplomas; - a new amendment proposes a procedure in cases where a Member State or the Commission has doubts as to whether a diploma, degree, certificate or other evidence of formal qualifications meets the minimum training conditions. -new clauses prescribe the basic training for doctors and nurses, dental practitioners, veterinary surgeon, midwife, pharmacist, psychotherapist which provides an assurance that the person in question has acquired certain prescribed knowledge and skills; - the Commission will be assisted by an expert group, with advisory functions, composed of a representative from each Member State; - several amendments are made to Annex V.

## 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.

## Recognition of professional qualifications

2002/0061(COD) - 07/09/2005 - Corrigendum to final act

PURPOSE: **Corrigendum** to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (*Directive initially published in Official Journal of the European Union L 255 of 30 September 2005*).

This Directive aims to simplify the rules relating to the recognition of professional qualifications in the European Union.

The corrigendum concerns technical issues in the Annex to the Directive. In particular, details relating to the duration of certain training courses in a number of Member States.

## Recognition of professional qualifications

2002/0061(COD) - 11/05/2005 - Text adopted by Parliament, 2nd reading

In adopting the report by Stefano ZAPPALÀ's (EPP-ED, IT), the European Parliament approved the common position. The text adopted is the result of a compromise with the Council. This agreement will, without doubt, allow conciliation to be avoided.

MEPs spelt out that professions linked to the exercise of public authority, in particular notaries, are to be excluded from scope of the directive. In this regard, the adopted amendment makes direct reference to specific provisions of the Treaty which provide explicitly the possible exceptions which apply, on the one hand, to employed workers and, on the other hand, to liberal professions, in order to exclude any confusion.

Parliament also insists on including a definition of liberal professions in the directive and it stresses that it will apply to people wishing to practise a regulated profession "including those belonging to the liberal professions". MEPs maintain the automatic recognition of medical and dental specialisations common to at least two Member States, which conflicts with the Council position but is in line with existing EU law.

An EU national wishing to have access to a regulated profession will be subject to the same conditions, in terms of qualifications, as nationals of the host country. This rule applies, for example, to the certificates of competence or the training qualifications required. The individuals concerned must meet a number of conditions, for example they must show evidence of having a level of training at least equivalent to the level immediately below that required in the host Member State.

The directive lays down a number of reference levels reflecting levels of education and training, which in turn enable equivalences to be established between levels of qualifications in different Member States. MEPs propose to increase the number of reference levels to five (instead of the four proposed by the Council), but without attaching any number, letter or other sign indicating a hierarchy. Parliament is redefining certain levels in order to better respond to the reality of training cycles in the different Member States. The professions affected by these measures are listed, by level, in the annexes. The annexes also contain the naming designation of professions in the official languages of the EU.

In a number of amendments, MEPs focus on the role played by professional bodies in the procedure for recognising qualifications. To streamline the management of the various recognition regimes set up by different sectoral directives and the general system, a single committee for the recognition of professional qualifications will be created to replace the existing bodies. It will be composed of representatives from the Member States and presided over by a representative from the Commission. Given the differing national systems and the number of qualifications, professions and skills, MEPs want experts of the professional categories concerned to take part in this committee. To smooth freedom of movement and professional mobility, Parliament is proposing the introduction of an individual professional card. This would contain information on the worker's career (training, experience and any penalties imposed relating to his profession) and would speed up the exchange of information between the country of origin and the host country. The cards would be issued by the agencies and professional associations.