



Recognition of Foreign Qualifications in the EU

Gosia BINCZYK, European Commission
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The EU is not regulating professions - why do we care?

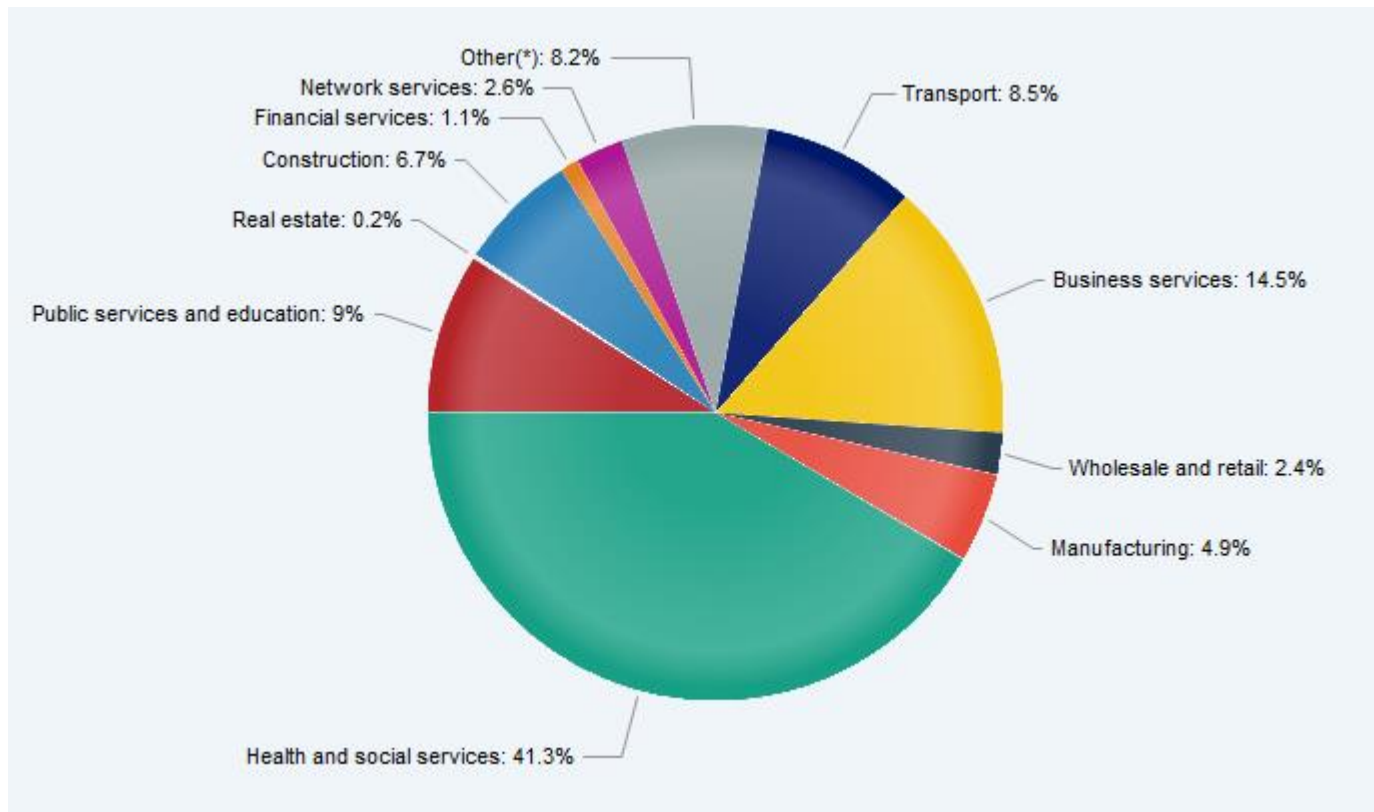
Aims and competences of the EU

- **Establishment of Internal Market with free movement of goods, persons, services and capital**
- **Common trade policy**



European
Commission

Regulated professions – 5857 (EEA)



Source: Interactive Map of Regulated Professions

Today's presentation:

- **Paths of recognition within EU**
- **Challenges** (and how we deal with it)
- **Future regulation of professions–**
The mutual evaluation exercise

Paths of recognition

Paths of recognition

1. General system

nearly all professions in EU (exemptions: auditors, notaries)

2. Automatic recognition

7 "sectoral" professions: Doctors, nurses, midwives, pharmacists, vets, architects

3. "Home Country Title" principle

Lawyers

General system of recognition

(Professional Qualifications Directive, 2005/36/EC – "PQD")

- Used for nearly all professions, where comparison is possible
- 5 levels of qualifications used
- In case of substantial differences: compensatory measures (adaptation period or aptitude test)
- Professional's choice of the type of compensatory measure, in principle

Automatic recognition

- For 7 "sectoral" professions: Doctors, nurses, midwives, pharmacists, vets, architects
- Minimum harmonisation
- Similar minimum training requirements
- Automatic recognition, without any additional conditions
- no further examination of training conditions or refusal possible

"Home Country Title" principle

- Lawyers and "Lawyers Directives (Lawyers Services Directive - 77/249/EEC and Lawyers Establishment Directive – 98/5/EC)
- Professional can perform the regulated profession using his home country title without any further recognition procedure
- Consumer protection on "caveat emptor" principle - consumer makes a choice based on information
- Ongoing close cooperation of the authorities

Challenges

Administrative cooperation

Compulsory the Internal Market Information System (IMI) – an electronic tool for exchange of information between competent authorities for:

- Issues on documentation and formalities;
- Disciplinary sanctions, criminal sanctions or any other circumstances which are likely to have consequences on the pursuit of the profession (bilateral basis); and
- General cooperation and mutual assistance.

European Professional Card –EPC (new)

Streamlined, electronic recognition procedure (via the Internal Market Information System):

- Shortened deadlines, less administrative burden
- based on an enhanced cooperation between competent authorities
- Strengthen mutual trust between Member States



EUROPEAN
PROFESSIONAL CARD

Electronic certificate (not a plastic card)

To be implemented in phases (mobility)

Conduct issues - alert system (new)

- A warning to **all** Member States, **quickly**, through the IMI-System
- On professionals: exercising a **health-**, or **child-related profession**
- Restriction or prohibition, fake diplomas
- Strong data protection safeguards
- Alert mechanism to be in place from January 2016

Different levels of regulation

E.g. non regulation in one country while regulated in another

Our solution:

- 1 year of professional experience required - out of last 10 years (previously 2 years)
- Any attestation of competence

Different scope of professions

Partial access to the profession

(following a judgment of the European Court of Justice)

- **Professional gets recognition of the part of the profession for which he obtained qualifications in the home Member State**
- **E.g. different age-coverage in early child-care professions, landscape architects**

Language differences

- **Professionals shall have the necessary knowledge of languages (profession specific)**
- **Control in case of serious and concrete doubt**
- **Systematic control possible for professions with patient safety implications**
- **Safeguards for the professional**
 - Check only after a recognition of a qualification but before accessing the profession
 - Proportionality and possibility of appeal



Future regulation of professions

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The mutual evaluation exercise

Mutual evaluation exercise

Objectives:

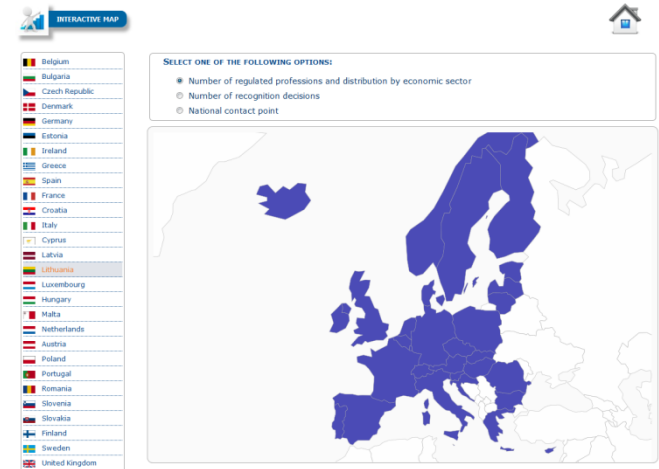
- **Modernise, simplify and improve access to professions across Member States**
- **Ensure that the regulation of professional services in Member States is fit for purpose**
- **A better regulation exercise, not a deregulation exercise**

Process - Transparency

- Notification by Member States of all regulated professions
 - almost 6,000 professions notified

Information on:

Type of regulation
National and/or EU legal basis
Recognition
Description of activities
Reserves of activities where applicable



[European map of regulated professions published in May 2014](#)

Process - Screening

- Information on methods to obtain qualification
- Existence of other additional restrictions
 - Registration in professional body/ quantitative/territorial restrictions
 - Restrictions on corporate form, shareholding structure
 - Restrictions on joint practices, professional indemnity insurance

Objectives

- ▶ Overview of all restrictions affecting professional activities in regulated professions
- ▶ Basis for assessment of cumulative effect

Mutual evaluation meetings

- **12 professions selected to serve as example for sectors (divided in 2 clusters)**
- **Sector reports prepared by each country**
- **Discussions in small groups, government officials and/or appointed experts**

Objectives:

- **Exchange practices**
- **stimulate discussions**

Timeline

By early 2016

Final reports and national action plans
professions: concrete measures on improvements
and timetable

Caveat

This system works only for European citizens within the European Union. For qualifications obtained in countries outside the EU by non EU nationals EU regulators decide autonomously unless there is an MRA negotiated.

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!

Gosia BINCZYK
European Commission
Grow-e5@ec.europa.eu