



Maastricht University

Institute for Transnational and Euregional Cross border Cooperation and Mobility / ITEM

Cross-border knowledge for policy and practice



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B-solutions

Roadmap & Factsheet for the Recognition of Qualifications for Highly Demanded Professions

Word of Welcome

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The Basis of the Recognition of Qualifications

Two types of recognition and competences

- Professional recognition
 - Internal market competence
- Academic recognition
 - Education and culture competence



Focus on Professional Recognition

- 60 years of European cooperation
 - First competence Art. 57 Treaty of Rome
- Large number of legal instruments
- Two-tier development
 - Secondary legislation
 - Case law
- Resulting in → Professional Qualifications Directive
 - Directive 2005/36/EC as amended by Directive 2013/55/EU



The 1960s

- EEC General Programmes for establishment and services
- First Directives based on Articles 57 EEC Treaty and 47 EC Treaty
 - Present Art. 53 TFEU
- Transitional Directives → professional experience



Developments in the 1970s and 80s

- Sectoral approach → European professions
 - Sectoral system with two Directives per profession
 - Directive with minimum training requirements
 - Directive for mutual recognition of professional qualifications when they fulfilled the training requirements
- For doctors, nurses, dentists, veterinarians, midwives and pharmacists
- Separate system for architects and lawyers



Developments in the 1970s and 80s II

- Case 120/78 *Cassis de Dijon*
 - Principle of mutual recognition
 - Free movement of goods
- C-340/89 *Vlassopoulou*
 - Extension principle of mutual recognition to qualifications
- White Paper “Completing the Internal Market”
 - COM(85)310 final



Developments in the '80s and '90s

- 1984 European Council Fontainebleau
 - Principle of Mutual Recognition
- 1993 Maastricht Treaty:
- Concept of EU Citizenship
- Education

- Development of a “horizontal system”
 - Based on *mutual recognition*
 - Exceptions: compensation when there are substantial differences between qualifications

- Horizontal Directives:
 - Directive 89/48
 - Directive 92/51
 - Directive 99/42



Important Case Law

- Reyners 1974
- Van Binsbergen 1974
- Knoors
- **Cassis de Dijon 1981**
- Broekmeulen
- Klopp
- **Vlassopoulou 1991**
- Kraus
- Gebhard
- Haim
- Hoczman
- Neri
- Aranitis
- Beutenmüller
- Burbaud
- **Morgenbesser 2003**
 - Non-fully qualified professionals
- **Colegio 2006**
 - Partial access
- Pesla 2009
- Koller 2010
- **Brouillard 2015**
- Reynaud 2017



2000 and Beyond

- Professional Qualifications Directive
 - Directive 2005/36/EC
 - Replaced *all* sectoral and horizontal directives (except for lawyers)
- Modernising Directive 2013/55/EU
 - European Professional Card
 - Alert Mechanism
 - Codification: principle of partial access to profession
 - Common Training Principles
 - Specification language requirements
 - Transparency and mutual evaluation exercise



The Professional Qualifications Directive Post-Modernisation, Directive 2005/36, 2013/55

- Two regimes for recognition depending on the duration of the exercise of the profession:
 - Service provision
 - Temporary and occasionally
 - Establishment
 - Long-term
- Freedom of Establishment, 3 systems
 - 2 Systems automatic recognition
 - 1 General System



Focus on automatic recognition

- 2 system for automatic recognition, based on:
 1. Professional experience
 - Industry, crafts, small crafts industry
 2. Minimum training requirements
 - Doctors
 - Nurses
 - Dentists
 - Veterinarians
 - Midwives
 - Pharmacists
 - Architects



Focus of the General System

- Applies to all levels of education and training
- **Recognition is presumed: principle of mutual trust**
- *Unless*
 - Substantial differences
 - Differences in the range of activities
- Compensation measures:
 - When the required knowledge is really missing
 - When proportionate
 - When motivated by the authority



Challenges

- When do obstacles arise?
- ITEM Case studies
 - Different issues
 - Different professions, for example:
 - Physiotherapists
 - Real estate agents
 - Childcare workers
- Common features?
 - General system professions



Thank you

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