

Brussels, 19 December 2011

## Modernisation of the Professional Qualifications Directive – frequently asked questions

### 1. What is the Professional Qualifications Directive about?

According to national laws or regulations, the practice of certain professions can be subject to having certain qualifications, e.g. for those who wish to become accountants, architects, engineers or physiotherapists. Training requirements for obtaining such professional qualifications can differ from country to country and may, therefore, make the exercise of a profession in another Member State quite difficult, even impossible.

A few decades ago, a person who was a fully qualified professional in one EU country would not necessarily have met the requirements to practise in another EU country unless he/she had completed an entire training course in the latter (host Member State). European rules on mutual recognition of qualifications were introduced over the years to overcome this difficulty. These were consolidated into the Professional Qualifications Directive which came into force in 2005.

The Professional Qualifications Directive ([Directive 2005/36/EC](#)) applies to EU citizens. Certain third-country nationals can also enjoy rights under other European legislation (which does not necessarily bind all Member States): family members of EU citizens ([Directive 2004/38/EC](#)), long term residents ([Directive 2003/109/EC](#)), refugees ([Directive 2004/83/EC](#)), “blue card” holders ([Directive 2009/50/EC](#)) and researchers ([Directive/2005/71/EC](#)).

### 2. How does the recognition of qualifications work in practice under the current Directive?

If a professional wishes to relocate to another Member State in order to establish himself as either self-employed or in a job with a new employer in his professional field, he may be required to apply to have his professional qualifications recognised. The process differs depending on the national laws of the Member State in question. The Directive offers different routes:

- For a **limited number of professions** the Directive allows for **automatic recognition** of qualifications. This means that the host state only has the ability to check whether or not the qualifications are in line with what is required under the Directive. Professionals including doctors, dentists, nurses, midwives, pharmacists, veterinary surgeons, and architects are granted automatic recognition of their qualifications based on EU-wide agreed minimum training requirements throughout the EU. For example, a Dutch doctor qualified in The Netherlands must be recognised as a doctor in all other Member States. The same applies to professionals in the craft, commerce and industry sectors who can demonstrate relevant work experience either as a self-employed professional or as the manager of a company. For lawyers, separate legal instruments exist allowing for mutual recognition of the home country registration and title of a lawyer.

- For a large majority of professions a so-called '**general system**' allows for the **mutual recognition of qualifications**. Member States proceed on a case-by-case basis and have a fair bit of discretion in terms of granting access to a given profession. In principle, access to regulated professions is granted to any individual who can demonstrate that he is fully qualified in his home country. Only in cases where an individual's qualifications differ substantially from those of the host country or in cases where the length of time spent in the profession falls short of the host country's requirements may compensatory measures be imposed to make up for the disparity. In such a case the Directive allows citizens to choose between a period of supervised practice ("adaptation period") and an aptitude test. Successful completion of either ought to grant an individual full access to his/her field.
- If a professional intends to work or provide services in another Member State on **a temporary and/or occasional basis** he may, in principle, do so without a prior check of his qualifications (save for professions with public health or safety implications). There is no need to apply for recognition in a host Member State. The Directive only allows Member States to collect information on the status of temporary and occasional workers in an annual declaration. This procedure requires that a professional signal his intention to provide services in a given Member State and provide more detailed information regarding his establishment, insurance and professional competence in one of the other Member States. As a result of the 2005 Directive, professionals moving on a temporary and occasional basis were given more flexibility to practise anywhere in the EU. More detailed information is set out in a user guide published in December 2009:  
[http://ec.europa.eu/internal\\_market/qualifications/docs/guide/users\\_guide\\_en.pdf](http://ec.europa.eu/internal_market/qualifications/docs/guide/users_guide_en.pdf)

See also Question 14.

### 3. Which professions are regulated in the EU?

About 800 categories of regulated professions exist across the 27 Member States. A regulated profession implies that access to a profession is subject to a person holding a specific qualification, such as a diploma from a university. In order to find out more about the specific professions regulated in Member States, please consult the Regulated Professions Database (the compiled from information made available by Member States):

[http://ec.europa.eu/internal\\_market/qualifications/regprof/index.cfm?fuseaction=home.home](http://ec.europa.eu/internal_market/qualifications/regprof/index.cfm?fuseaction=home.home)

### 4. Why does the Professional Qualifications Directive need to be modernised so soon after its entry into force?

While the primary objective of the 2005 Directive was to simplify the legislative framework by consolidating the separate directives adopted since the 1960s, the forthcoming proposal will focus on bringing the Directive into the twenty-first century and adapting it to an evolving labour market. Strong emphasis is placed in the new directive on the use of modern technologies in recognition procedures to cut through red tape and speed up procedures. For example, the systematic use of the Internal Market Information System ([IMI](#)) for the European professional card will simplify recognition procedures for applicants and for competent authorities (see questions 5 and 7).

The modernisation of the Directive also responds to the need to have a smooth system of recognition of qualifications supporting the mobility of professionals across Europe. At least 15% of all SOLVIT cases in recent years concern professional qualifications issues. Therefore, there is a need for simplification. In addition, the working age population in many Member States is shrinking by 6 million persons (1 million for health professionals) by 2020. However, the demand for a highly qualified labour force continues to increase. Demand for highly skilled people is projected to rise by over 16 million jobs in the European Union between now and 2020. From a market standpoint, it is essential that the qualifications of mobile EU professionals are recognised in a fast, simple and reliable way if we are to meet this surge in demand. Moreover, Europe's ageing population will lead to gaps in labour markets in many Member States. Mobile workers can help fill these gaps. Dealing with labour supply shortages will require a well-functioning system for recognising professional qualifications.

Thus the Single Market Act from April 2011 ([IP/11/469](#)), in which the European Commission identified 12 levers to boost growth whilst restoring consumers' trust in the Single Market, pinpoints legislation modernising the system of recognition of professional qualifications as the key action for improving mobility of EU citizens in the single market.

## **5. Is the proposal an evolution or a revolution?**

This reform concerns a modernisation of the current Professional Qualifications Directive and not a completely new Directive. It is mainly building on achievements and further developing them where necessary. However, it also introduces some brand new features like the European Professional Card.

The modernisation of the Directive does not constitute a radical change to the policy on recognition of professional qualifications. On the contrary, it reaffirms the underlying philosophy of mutual recognition and mutual trust between Member States, whilst exploring innovative ways to better reflect it in practice. It does in particular not touch on the fundamental principle of automatic recognition of qualifications for certain professions.

It introduces new ways to maximise the potential of existing tools and structures, such as the [Internal Market Information System](#) (see also [IP/10/1022](#)) and the [Points of Single Contact](#) (e-government portals for entrepreneurs active in the service sector).

## **6. What are the main elements of the proposal?**

**(1) The introduction of a European professional card** will offer to interested professionals the possibility to benefit from easier and quicker recognition of their qualifications. It should also facilitate temporary mobility. The card will be made available according to the needs expressed by the professions (for example, nurses and mountain guides expressed a strong interest in using such a card). The card is associated to an optimised recognition procedure carried out within the existing Internal Market Information System ([IMI](#)) and will take the form of an electronic certificate, allowing the professional to provide services or become established in another Member State. See also question 7.

**(2) Better access to information and access to e-government services:** the legislative proposal foresees that Member States should make available all information about recognition of qualifications (in particular, a list of competent authorities and of documents required) through the Points of Single Contact which were created under the Services Directive and are already in operation. These structures could offer the possibility to complete recognition procedures online. In addition, the existing national contact points will become assistance centres, responsible for providing advice and assistance on individual cases.

**(3) Modernisation of harmonised minimum training requirements:** the legislative proposal introduces some changes in the definition of the minimum training requirements for the professions benefiting from automatic recognition, in particular for doctors, nurses, midwives and architects:

- **For doctors**, the proposal clarifies that basic medical education should be based on 5,500 training hours, which can be done within a minimum of five years. In addition, the proposal introduces the possibility for Member States to give partial exemptions to specialist doctors willing to follow a second specialist training.
- **For nurses and midwives**, it is proposed to upgrade the entry level to nursing / midwifery training from 10 years to 12 years of general education. That said, the proposal would not require Member States to introduce university training for nurses and midwives and would also allow Member States to provide for solutions equivalent to the 12 school years. Nurses or midwives who have started their training before the entry into force of the new Directive would still benefit from automatic recognition because their acquired rights will be protected. The change to 12 school years reflects the evolution of the nursing and midwifery professions and the international trend in nursing and midwifery education. In addition, the Commission services will review the regime applicable to Polish and Romanian nurses, who do not benefit from the same acquired rights as nurses from other Member States having joined the EU in 2004 and in 2007.
- **For architects**, the proposal sets the training at 6 years, consisting of either a university training of a minimum of four years, supplemented by supervised practical experience of a minimum of two years or a university training of at least five years, supplemented by supervised practical experience of a minimum of one year. This solution will bring the Directive's requirements more closely in line with the commonly accepted standards. In addition, it offers the necessary flexibility to accommodate different approaches in the Member States (the duration of both the academic and practical components varies between Member States).

**(3a) Ensuring compliance with minimum training requirements:** the proposal foresees a new obligation for Member States: they should designate a national body in charge of examining the compliance of new diplomas with the minimum training requirements defined in the Directive (for the seven sectoral professions: doctors, nurses, midwives, dentists, pharmacists, veterinary surgeons and architects).

**(4) An alert mechanism for health professions benefiting from automatic recognition will be set up:** the legislative proposal introduces an obligation for competent authorities of a Member State to inform the competent authorities of all other Member States about a health professional who has been prohibited, even temporarily, from exercising his professional activity. This exchange of information will be based on the use of the Internal Market Information system (IMI). This obligation applies only to health professionals benefiting from automatic recognition (doctors, nurses, midwives, dentists, pharmacists, veterinary surgeons). Other professions are covered by the alert mechanism already existing in the Services Directive and a complementary alert mechanism for other professionals in the Professional Qualifications Directive.

**(5) Common training principles:** the legislative proposal introduces the possibility to set up "common training frameworks" and "common training tests", aimed at offering a new avenue for automatic recognition. A common training framework should be based on a common set of knowledge, skills and competences necessary to pursue a profession. A common training framework or test could be set up for a profession regulated in at least nine Member States. Qualifications obtained under such common training frameworks should automatically be recognised in the other participating Member States. However, Member States may be granted a derogation from applying these common training frameworks (notably if their implementation would imply that a Member State should regulate a profession or substantially modify the training and the conditions of access to a profession).

**(6) Mutual evaluation exercise on regulated professions:** a new mechanism is introduced in the Directive to ensure greater transparency and justification of the professions they regulate through a specific qualification requirement. Member States will have to provide a list of their regulated professions and justify the need for regulation. This should be followed up by a mutual evaluation exercise facilitated by the European Commission.

**(7) Rules on partial access to a regulated profession:** the principle of partial access – access to some activities of a certain profession - is included in the legislative proposal. . It can benefit professionals who engage in a genuine economic activity in their home Member State which does not exist, in its own right, in the Member State to which they wish to move. Instead, the economic activity can only be carried out as part of a profession regrouping a whole range of activities. For example, a hydraulic engineer who travels to a Member State where the professional activities he pursues are performed by engineers also qualified to work on roads, channels and ports, might be able to gain partial access to the profession there. He/she would, then, only be authorised to perform activities relating to hydraulics. However, Member States could refuse such partial access if it is justified by a rule of general interest like for instance public health. The principle of partial access derives from a judgement of the EU Court of Justice ([Case C-330/03](#))

**(8) Extending the scope of the Directive to professionals who are not fully qualified:** professionals who hold a diploma but have yet to complete a remunerated traineeship before getting full access to the profession will be able to benefit from the Directive. This remunerated traineeship is required under the law of some Member States, for example for lawyers, architects and teachers. If they want to carry out this remunerated traineeship in another Member State, these professionals will benefit from the procedural safeguards of the Directive (notably in terms of deadlines for processing an application)

**(9) Clarifying the scope of the Directive for notaries:** In May 2011, the Court of Justice ruled (Cases C-47/08, C-50/08, C-51/08, C-52/08, C-53/08, C-54/08 and C-61/08 of 24 May 2011) that national requirements cannot be imposed on notaries but took the view that the Member States concerned could not reasonably be expected to consider that the Directive should have been transposed for notaries before the judgment of the Court. It is therefore proposed that Member States may impose an aptitude test or an adaptation period on a foreign notary if he or she wishes to establish himself or herself in that Member State. This should avoid any discrimination in the access to existing national selection and nomination procedures for notaries. Temporary provision of services would not be possible to draw up authentic deeds or to carry out any other activities of authentication which require the seal of the host Member State.

**(10) Improving choice for consumers:** the legislative proposal includes a provision to further facilitate temporary mobility in cases where a professional accompanies consumers from his Member State of establishment to another Member State. Examples could be an architect visiting a secondary residence with a potential buyer from abroad or a teacher accompanying a school class. According to this new provision, the professional chosen by the consumer would not have to demonstrate two years of professional experience in order to be allowed to provide services in another Member State. He would however have to send a prior declaration if this is requested by the host Member State.

**(11) Comparison of qualifications and use of compensation measures under the general system:** the proposal removes the possibility for competent authorities to exclude an application on the basis of the classification of education levels set out in Article 11 of the current Directive (classification of qualifications based on five levels of education). The classification of education levels would in principle be maintained but should in future be used only as a reference point to compare qualifications and assess the need for compensation measures. The proposal also includes an obligation for competent authorities to better justify their decisions to impose compensation measures.

**(12) Rules on language skills:** the proposal clarifies that the checking of the language knowledge of a professional should take place only after the host Member State has recognised the qualification. In the case of professions with implications for patient safety, competent authorities can carry out the language examination if it is requested by the national healthcare system or by national patients' organisations, notably in the case of self-employed health professionals.

## **7. What is the European Professional Card and how will it work?**

The European professional card is an innovative tool to make it easier for professionals to work in another Member State.

The European professional card will in essence be an electronic certificate to be exchanged between competent authorities via the Internal Market Information System (IMI). It should accordingly not take the form of a smart card or any other type of physical card as this would run the risks of falsification or becoming outdated.

The European Professional Card could be available as an option to interested professions, and professionals could use it regardless of whether they intended to become established on a permanent basis in another country or to offer their services on a temporary basis anywhere in the EU.

The introduction of the European Professional Card responds to the need to streamline recognition procedures. It is based on stronger involvement of the competent authority in the home Member State. This authority will communicate any requisite information about the professional to the competent authority in the host Member State by using the IMI. A professional card could also take much of the administrative burden and costs off the professional's shoulders and expedite the process because the home Member State would assist the professional (for instance, by confirming that his diploma is valid).

With a European professional card:

- professionals wishing to become established in another Member State would be able to obtain recognition of their qualifications within six weeks instead of 12 (in case of automatic recognition) and ten weeks instead of 12 (in case of non-automatic recognition). This shortening of deadlines will also lead to a reduction in costs for the professional;
- professionals interested in providing services in other Member States on a temporary basis would be able to use their professional card for two years, without other administrative requirements;
- competent authorities of the home and host Member States would work more closely in order to check the qualifications of the professionals thereby exploiting the potential of IMI which is able to deal with a great number of applications for a card.

## **8. What are the costs associated with the European professional card?**

The European professional card will significantly reduce the costs incurred by the professionals seeking recognition of their qualifications:

- Under the current regime, professionals often lose time and money in identifying the host Member State's competent authorities. Under the process foreseen for the European professional card, **the professionals will contact the authority in the Member State in which they are established**. This authority will then get in contact, through the IMI system, with the relevant competent authority in the host Member State.
- **Professionals will be able to submit most of the documents in the original language**. The need for translation and certification of documents will be reduced due to the involvement of the home competent authorities in the process, which would check the authenticity of the documents.
- **Recognition procedures should be less expensive for professionals**: competent authorities should only be able to charge fees which are directly linked and proportionate to the direct administrative costs of the recognition procedure.

In addition, the systematic use of the IMI, funded by the European Union, would allow recognition procedures to be rationalised and could generate cost savings for competent authorities. In addition, an online application tool for such a card will be made available to professionals and competent authorities for further streamlining the process.

## **9. How can interested professions obtain the right to use the professional card?**

Professions interested in using the European professional card should express their interest at European level, for example through a European professional organisation. The Commission has the right of initiative on implementing acts and will consult professions, preferably at European level, and Member States to sound out the interest for a European professional card. Nurses and mountain guides have already expressed an interest in using such a card.

## **10. The proposal provides for a mutual evaluation exercise on regulated professions, what is its purpose?**

Across the 27 Member States, the Professional Qualifications Directive applies to about 800 categories of regulated professions. The rationale for regulating the professions is clear in many cases (43% of regulated professions belong to the health sector and 9% to education) but it is essential that Member States review which regulated professions exist on their national territory and for what reasons.

The Commission's proposal introduces an obligation for Member States to list and describe the professions they regulate and explain why the regulation is necessary. In addition, the proposal foresees a mutual evaluation of the national legislations regulating the professions. This exercise will bring a better understanding of the reasons justifying the regulation of the professions and will encourage Member States to compare their regulatory approaches and share best practices.

The objective of this exercise is to avoid situations in which qualifications requirements create artificial barriers to the free movement of EU citizens.

## **11. Will the modernisation result in weaker requirements, thereby putting quality of services and consumer protection at risk?**

No. One of the objectives of the modernisation is to ensure consistently high quality of services across the EU. To this end, the legislative proposal introduces an alert mechanism for health professionals, clarifies the rules applying to the control of language skills and updates the minimum training requirements for doctors, nurses, midwives and architects.

## **12. Overall, will the proposal increase or reduce the costs linked to the recognition of qualifications?**

The proposal will reduce costs of recognition procedures for professionals, notably through the use of the European professional card and the role given to the Points of Single Contact. It may entail some one-off costs for national administrations (e.g. extension of the Points of Single Contact and the setting-up of online recognition procedures; or participation in the mutual evaluation exercise); however these costs will be balanced in the long run by gains in terms of effectiveness. Further details can be found in the impact assessment.

### **13. Has the Commission consulted the professional sectors affected before making its proposal?**

In March 2010, the European Commission launched an evaluation of the 2005 Professional Qualifications Directive<sup>1</sup>. This was a comprehensive exercise involving around two hundred competent authorities and national coordinators. A number of reports (about 200) described their experience with the implementation of the Directive on the ground.

In January 2011 DG Internal Market and Services launched the first public consultation which attracted more than 370 contributions from citizens, professionals, professional organisations and competent authorities. A summary of the responses is available:

[http://ec.europa.eu/internal\\_market/qualifications/docs/news/20110706-summary-replies-public-consultation-pdq\\_en.pdf](http://ec.europa.eu/internal_market/qualifications/docs/news/20110706-summary-replies-public-consultation-pdq_en.pdf)

In the framework of this consultation, the Commission's DG Internal Market and Services organised a public hearing on 21 February 2011 with all interested stakeholders.

Building on the outcome of the first consultation and the evaluation, a Green Paper on the modernisation of the Directive was published on 22 June 2011 ([IP/11/767](#)). The European Commission received more than 400 contributions from citizens, professionals and competent authorities. A public conference was organised on 7 November to discuss the main issues raised in the Green Paper and the responses received.

On one specific issue - the need for and feasibility of a European Professional Card the Commission set up, in January 2011, a steering group with external experts. The Group brought together representatives of various professional associations and competent authorities. The Group completed a number of case studies on the benefits that the card could bring in the context of several particular professions.

These cases studies can be consulted on:

[http://ec.europa.eu/internal\\_market/qualifications/policy\\_developments/european\\_professional\\_card\\_en.htm](http://ec.europa.eu/internal_market/qualifications/policy_developments/european_professional_card_en.htm)

The results of this process were presented to the Single Market Forum in Krakow, Poland on 3 and 4 October 2011. This event was attended by around 1,200 representatives from professional, consumer and employers' organisations, from government and local authorities and also citizens. The declaration following the Single Market Forum underlined that "*a European professional card could help promote cross-border mobility in the EU, in particular by speeding up and simplifying recognition procedures, giving more certainty to professionals and enhancing trust among national authorities*".

DG Internal Market and Services also commissioned a study to evaluate the Directive in the light of the recent educational reforms in Member States. The final study has been published on 31 October:

[http://ec.europa.eu/internal\\_market/qualifications/docs/policy\\_developments/final\\_report\\_en.pdf](http://ec.europa.eu/internal_market/qualifications/docs/policy_developments/final_report_en.pdf)

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<sup>1</sup> [http://ec.europa.eu/internal\\_market/qualifications/docs/policy\\_developments/final\\_report\\_en.pdf](http://ec.europa.eu/internal_market/qualifications/docs/policy_developments/final_report_en.pdf)

#### **14. Two concrete examples of how recognition works in practice:**

*Example 1:* Hans is a general care nurse from Germany who obtained his qualifications in Berlin. Hans speaks French and wishes to relocate to Bordeaux to work there as a nurse. This is possible because the training requirements of general care nurses were harmonised under an EU Directive. According to these rules, Hans is required to apply to the country's relevant authority to demonstrate his qualifications, in this case the French Ministry of Health. The Ministry should grant him automatic recognition within a period of no more than three months, after which Hans can begin working permanently in France. Relevant authorities can differ across the Member States. In the case of France, Hans wrote to the health ministry; if he had wanted to work in the UK, he would have made an application to a country-wide agency or in Germany to a regional authority.

Hans' younger sister, Ulrike, is a childcare nurse and would like to follow her brother to Bordeaux. However, as a childcare nurse, she is not subject to the same automatic recognition procedure as her brother. This is because nurses who are not general care nurses are not recognised under the EU's automatic recognition rules. Instead, she would be required to apply to the French health ministry, who would then assess her on an individual basis. The training she acquired in Germany would be considered and compared against French requirements. If the French ministry concluded that her qualifications fell short of the French requirements, she may be asked to sit additional tests or undergo a probation period. According to the Directive the French ministry's decision to require a test or require Ulrike to complete a training period would need to be taken within a maximum period of four-months.

*Example 2:* Anne is an engineer from the UK seeking better job opportunities elsewhere in the EU. However, training requirements for engineers are not harmonised at EU level and can differ by Member State. Anne could check whether access to her profession is regulated in the country she wants to work in or not by a certain qualification (for instance a certain numbers of years of university studies). In France and Germany, for example, Anne would note that access to her profession is not regulated, while in Greece, Italy and Spain she would find that national legislation is in place for many types of engineers. For these countries, Anne would need to apply to the relevant authority there and would be assessed on the basis of the training she received in the UK. If there were any substantial differences between her training and that in, for example, Spain, the relevant authority there may require her either to take further tests or undergo a probation period. As in Ulrike's case, Anne's assessment ought to be made within a four-month period.

#### **15. How many citizens have sought to have their profession recognised?**

To date more than 230,000 citizens have taken advantage of the EU rules in seeking recognition of their professional qualifications since 1998 when Member States began collecting statistics. (The actual number is estimated to be much higher as notified statistics have been incomplete and in any event did not cover professionals moving just on a temporary basis).