



24.6.2010

NOTICE TO MEMBERS

Subject: Petition 1700/2009 by C.G.R. (Romanian) concerning recognition in Italy of his qualifications as a dental technician obtained in Romania

1. Summary of the petition

The petitioner is seeking intervention by the European Parliament to the Italian authorities with a view to securing recognition for his qualifications as a dental technician obtained in Romania. He indicates that, for over a year, the Italian authorities have been delaying proceedings concerning his application, constantly requesting additional documentation. He indicates that the final deadline for responding to his application, which he maintains was October 2009, was not met.

2. Admissibility

Declared admissible on 25 February 2010. Information requested from the Commission under Rule 202(6).

3. Commission reply, received on 22 April 2010.

The petitioner is the holder of dental technician qualifications obtained in Romania. He complains that for over a year after submitting a request for recognition of his qualifications (November 2008), the Italian authorities have yet to recognise them, even though they have asked him to provide further documentation on several occasions.

Recognition of dental technician qualifications is covered by Directive 2005/36/EC on the recognition of professional qualifications¹. As the profession of dental technician has not been harmonised at Community level, recognition falls under the general rules on the recognition

¹ OJ L 255, 30.9.2005, p. 22.

of qualifications. Recognition is not automatic but is based on individual examination of the training undertaken by the migrant. Where there are substantial differences between the migrant's training and that required in the host Member State, and taking into account, where appropriate, any additional training that the migrant may have undergone and/or his professional experience, the host Member State may impose compensation measures on the migrant (aptitude test or adaptation period, to be decided by the migrant).

As regards the time frame for processing a request concerning a profession falling under the general rules on recognition, Directive 2005/36/EC stipulates that the competent authority of the host Member State must acknowledge receipt of the migrant's application within one month of receiving it and, where necessary, inform the migrant if any additional documentation is required. The competent authority must take a duly substantiated decision as soon as possible after the complete application is submitted and within four months at the latest for cases falling under the general rules on the recognition of qualifications.

As Italy has transposed Directive 2005/36/EC through *Legislative Decree No 206 of 9.11.2007*, it would appear at this stage that the petitioner's case is an isolated case of incorrect application of Community law.

As the Committee on Petitions suggested to the petitioner that he submit his case to SOLVIT, the Commission contacted the petitioner in a letter dated 19 March 2010 to ask him if he had referred the matter to the SOLVIT network. The Commission is currently awaiting his reply.

As noted by the Committee on Petitions, the petitioner's refusal to allow his identity to be revealed means that the Commission does not have the option of contacting the Italian authorities about this matter.

The Commission is currently awaiting the petitioner's reply to its letter of 19 March 2010.

4. Further reply from the Commission, received on 24 June 2010

As indicated above: the Commission contacted the petitioner in a letter dated 19 March 2010 to which the petitioner has not yet replied.

In conclusion, in view of the petitioner's refusal to allow his identity to be revealed and his failure to reply to the letter of 19 March 2010, the Commission is unable to approach the Italian Authorities.