



12.7.2010

NOTICE TO MEMBERS

Petition 1021/2003 by Alexandra Pentaraki (Greek) on the recognition of foreign university degrees in Greece

1. Summary of petition

The petitioner wishes for her bachelor's degree in psychology obtained at an American private college in Greece and her British master's degree to be recognised in Greece so that she can continue graduate studies. She states that until 1999, such degrees used to be accepted by the Greek state, but are not recognised any more.

2. Admissibility

Declared admissible on 6 April 2004. Information requested from Commission under Rule 175(4).

3. Commission reply, received on 6 July 2004

The petitioner, who is a Greek national, has studied psychology in an American private college in Thessaloniki and continued her studies in the UK where she took a Masters' degree at the University of Essex. She is a registered member of the British Psychological Society and is entitled to work as an assistant psychologist in the UK.

The petitioner mentions that the Greek state does not recognise the American College of Thessaloniki. She says that she wishes for her degrees to be recognised in Greece, so that she can continue her studies.

There are two types of procedures for recognition of qualifications and they have different objectives: the academic recognition procedure and the professional recognition procedure. Academic recognition, which appears to be the subject of the petition, aims to allow people

to pursue their studies in another State.

Professional recognition aims to facilitate the free movement of workers within the EU. It concerns the recognition of qualifications required for access to the professions in different Member States and is governed by Community law (mainly directives 89/48/EEC¹ and 92/51/CEE).

In the present case, and although the petitioner has a British Masters degree in psychology and is a registered member of the British Psychological Society which seems to indicate that she might have a professional qualification within the meaning of Directive 89/48/EEC and might, therefore, be eligible to benefit from this Directive, the petitioner does not seem to be seeking professional recognition.

On the contrary, the recognition of diplomas for academic purposes falls within the competence of Member States. There are no Community rules imposing mutual recognition of diplomas, each Member State being responsible for the content and organisation of its educational system.

In this context, universities that are autonomous institutions are entirely responsible for the content of their curricula and for awarding diplomas and certificates to students. The authorities of the Member States have the right to evaluate whether the education received by the holder of a diploma corresponds to the level required by the national legislation. They are equally free to fix the rules governing this type of procedure. They are obliged, however, not to apply any direct or indirect discrimination on grounds of nationality, in accordance with art. 12 of the Treaty.

From the information included in the petition, it is not clear whether the petitioner has contacted DIKATSA, the competent national authority for the academic recognition of diplomas and whether (and on what grounds) DIKATSA has not recognised her diplomas. Therefore, the Commission departments will contact the petitioner in order to clarify her situation. Having obtained the complementary information, the Commission will consider whether there has been an infringement of Community law.

Following the above-mentioned clarifications, the Commission departments will keep the European Parliament informed of the evolution of this petition.

4. Commission reply, received on 18 August 2005

The Commission Departments have contacted the petitioner on 27/07/2004 (ref. D(04)18633) explaining the rules which govern the academic recognition of qualifications. The petitioner

¹ It must be noted that Directive 89/48/EEC on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration is applicable only if the migrant is a fully qualified professional in his Home Member State and wishes to exercise the same profession in another Member State. On the basis of information available to the European Commission, the petitioner is not a fully qualified professional in the United Kingdom given that she does not hold the qualification of clinical psychologist which corresponds, in Greece, to the profession of psychologist. On this ground, the decision of the Greek authorities is not in contradiction with Community law.'

was asked to clarify whether she had already contacted DIKATSA which is the competent Greek authority for the academic recognition of qualifications. She was also asked to send to the Commission all correspondence exchanged with DIKATSA as well as all relevant documents where the reasons for the non recognition of her degrees are mentioned.

The petitioner replied on 24/8/2004. She has not transferred any supporting documents to the Commission, but mentioned that the reason for the non recognition of her qualifications is that her undergraduate studies did not take place in a public Greek university but in a private college that is not recognised by the Greek state. The petitioner also referred to a Greek law that allegedly states that Masters degrees acquired before 1997 are recognised by DIKATSA whereas those that are acquired after 1997 are not recognised. She considers that this is unfair treatment to those students who have acquired their Masters degrees after 1997.

The petitioner's file remains incomplete. The Commission departments contacted her for a second time on 19/09/2004 mentioning that DIKATSA makes formal decisions on the applications for recognition of qualifications and asked either for the transmission of this decision or of any other supporting document. They also asked her to send to the Commission copy of the law she refers to, in order to allow them to reply to the questions raised disposing all necessary elements.

The petitioner was informed that the issue of non recognition by the Greek state of the college, in which she studied, is an issue that falls within the competence of the Member States.

The Commission departments are, consequently, waiting for the petitioner to complete her file with the necessary documents which would allow to reply to the E.P as far a academic recognition is concerned.

The petitioner also mentions that she asked the Greek authorities for the professional recognition of her qualifications but without success.

5. Commission reply, received on 3 July 2006

The petitioner, who is a Greek national, has studied psychology in an American private college in Thessaloniki. She then moved to the UK, where she obtained a Masters' degree at the University of Essex. The petitioner mentions that the Greek authorities do not recognise the American College of Thessaloniki. She wishes her degrees to be recognised, in order to continue her studies in Greece.

The Commission services have already contacted the petitioner on several occasions in 2004 and 2005. In these letters, the petitioner was informed of the following:

- As the file was incomplete, the Commission asked the petitioner to provide the Commission with DIKATSA's official decision where the exact reasons for the non recognition of her degrees are stated, as well as any other relevant correspondence or documents.

- The recognition of diplomas for academic purposes falls within the competence of Member States. Each Member State is responsible for the content and organisation of its educational system. Consequently the national authorities have the right to require the academic recognition of qualifications before allowing access their national system of education. They are allowed to evaluate whether the education received by the holder corresponds to the level required by the national legislation. They are equally free to fix the rules governing this procedure. However, any direct or indirect discrimination on grounds of nationality is prohibited, in accordance with art. 12 of the Treaty. From the information provided by the petitioner, no such discrimination appears to have occurred.

In her reply of 24.08.04, the petitioner mentioned that the reason for the non recognition of her qualifications is that her undergraduate studies did not take place in a public Greek university but in a private college that is not recognised by the Greek State. However she did not provide the Commission DIKATSA's final decision nor any other relevant document.

On 19.01.06 the petitioner informed the Commission that a Greek lawyer advised her that her degrees cannot be recognised by DIKATSA according to current Greek legislation.

The Commission has contacted the petitioner on 27.01.2006. The petitioner was informed that the Commission has no grounds to intervene in this case. The reasons are the following :

- Directive 89/48/EEC is not applicable in her case. This directive applies only if the migrant is a fully qualified professional in his home Member State and wishes to exercise the same profession in another Member State. On the basis of the information available, the petitioner is not a fully qualified professional in the United Kingdom given that she does not hold the qualification of clinical psychologist which corresponds, in Greece, to the profession of psychologist. On this ground, the decision of the Greek authorities is not contrary to Community law.
- The diploma held by the petitioner is a third country diploma therefore the Greek authorities have full competence to appreciate whether this diploma can be considered as equivalent to a Greek diploma.
- As the petitioner has not forwarded to the Commission DIKATSA's final decision, the Commission does not know whether the competent Greek authority has taken a formal decision yet on the petitioner's application. The Commission can, therefore, not prejudge any decision of the Greek competent authorities on the application for recognition of academic qualifications of the petitioner.

6. Commission reply, received on 12 July 2010

The petition

The petitioner, a Greek national, studied psychology to obtain a Bachelor's degree in an American private college in Thessaloniki and continued her studies in the UK where she obtained a Masters' degree at the University of Essex. She is a registered member of the British Psychological Society and has been entitled to work as an assistant psychologist in the UK. She was awarded her PhD degree in July 2008 (University of London, King's College).

In her letter of 26 April 2009 to the Commission, she indicates that she is a Chartered Psychologist of the British Psychological Society, which means that she can work now independently and not only as an assistant psychologist.

The petitioner initially opposed the fact that the Greek State did not recognise her Bachelor degree, issued by the American College of Thessaloniki. She had said that she wished for her degrees to be recognised in Greece, so that she can continue her studies.

In its previous communications, the Commission informed the Committee on Petitions about the evolution of its investigation of this case. In particular, the Commission pointed out that, on the basis of available information, the petitioner is not a fully qualified professional in the United Kingdom given that she does not hold the qualification of clinical psychologist which corresponds, in Greece, to the profession of psychologist. As to the academic recognition, the Commission explained the current state of EU law on this matter, which puts the responsibility for the organisation of education systems and therefore for academic recognition on the Member States and not on the EU institutions. On the basis of these elements, the file was closed by the Committee on Petitions, in 2006.

Subsequently, the petitioner complained against the publication of her personal data in the European Parliament's Internet site, in connection with her petition, and sent new information and a new request to the European Commission (abovementioned letter of 26 April 2009) and to the Committee on Petitions. On the basis of new elements, the Committee on Petitions decided, on February 2010, to re-open the petition.

The current requests of the petitioner are therefore, first, to update in the Website of the European Parliament the information about her new qualifications, academic and professional¹, and second, to obtain the recognition of these qualifications in Greece.

The Commission's observations

On the first point (publication of petitioner's personal data in the European Parliament's Internet site without prior information of the person concerned), the Commission transferred the petitioner's letter, for competence, to the Committee on Petitions and informed the petitioner about it.

¹ Her last letter to the Committee on Petitions of 30 March 2010 is signed as follows:

Dr Alexandra Pentaraki PhD, CPsychol
Clinical Psychologist-Neuropsychologist
Honorary Visiting Research Fellow
Institute of Psychiatry King's College London
Division of Psychological Medicine
De Crespigny Park, London

Scientific Fellow
Psychiatric Department
Hippocraton General Hospital
Thessaloniki, Greece

On the second point (recognition), the Commission informed the petitioner about the judgement of the Court of Justice of 23 October 2008, *Commission v Greece*, case C-274/05, which dealt with related problems of non-recognition of diplomas in Greece. Greece failed to fulfil its obligations under Directive 89/48, the predecessor of Directive 2005/36/EC, concerning the recognition of professional qualifications. Greece actually rejected recognition requests immediately in the past and did not compare foreign qualifications with domestic qualification requirements.

As regards academic recognition:

In the re-opened petition file, there are two decisions of DOATAP (the Greek authority responsible for the recognition of university or technological degrees that are granted by accredited Higher Education Institutions abroad), concerning academic recognition:

- 19 November 2009, number 25 1-2964, refusing the recognition of the petitioner's PhD degree, on the basis of non-recognition of her Bachelor degree, obtained in a private college in Thessaloniki.
- 19 November 2009, number 25 1-2970, refusing the recognition of her Master degree, with a similar motivation.

However, an excerpt of statement of DOATAP of 18 January 2010, gives the impression of modification of DOATAP's practice in this matter.

A demand to reconsider these decisions has been submitted to DOATAP by the petitioner the 8 March 2010.

The Commission points out that the main reason for the petitioner to request the academic recognition of her qualifications was to be able to continue her studies. This reason is no longer valid because she has already reached the top level, having obtained her PhD. Consequently, as it results from the entire file, what matters to her is rather the recognition of her professional qualifications.

As regards recognition of professional qualifications :

The legal instrument governing the recognition of professional qualifications is Directive 2005/36/EC. This Directive is currently under evaluation by DG Internal Market and Services until 2011. The Directive applies provided that the profession is regulated in the host Member State. The profession of psychologist is regulated in Greece, requiring a diploma of post-secondary level (3-4 years), see article 11 d of Directive 2005/36/EC.

The profession of psychologist is not harmonised in the EU. Therefore, the recognition of a psychologist qualification falls under the provisions of the so-called general system, as set out in Title III, Chapter I of the Directive. The rationale of this system is that the host Member State must allow the EU citizen to exercise a profession in its territory even if he does not have the diploma required under domestic rules, provided that he holds the diploma required in another Member State for the taking up or pursuit of the same profession. However, the Directive does not require Member States to automatically recognize professional

qualifications of psychologists. Where there are substantial differences between the migrant's education and training (in duration or scope of activities) and the requirements in the host Member State, the latter can impose on the migrant a compensatory measure (an adaptation period or an aptitude test). It is however up to the migrant and not to the Member State to choose the one or the other.

In line with Article 14 (4) of Directive 2005/36/EC, "*substantially different matters*" means *matters of which knowledge is essential for pursuing the profession and with regard to which the training received by the migrant shows important differences in terms of duration or content from the training required by the host Member State.*

It is up to the Greek competent authorities to explain and demonstrate to the requesting citizen that such substantial differences exist when they invite the petitioner to comply with eventual compensatory measures. In line with the above mentioned Court indictment of October 2008, it can no longer immediately reject such request.

The Greek authority on the recognition of professional qualifications, in its decision dated 29 September 2009, indicates that the programmes of study (curricula) followed by the petitioner for the acquisition of her degrees have substantial differences in comparison with corresponding programmes of study of the corresponding branches of Greek universities and, on the other hand, that her professional experience in the City College was related to teaching and not to exercising the profession; as to the teaching, the authority found that she did not teach the matters related to the deficiencies noticed on her academic training.

The Greek competent authority came to the conclusion that the petitioner has deficiencies in her education and decided unanimously to impose compensatory measures in the following sectors: (1) Psychometrics and (2) Clinical Psychology. Alternatively, if the petitioner, instead of an aptitude test in these matters, chooses an adaptation period, the authority decided that the period should be of six months.

The Commission is not in a position to assess the technical details of national qualifications nor the details of the requirements to have access to the profession of psychologist in Greece but the Greek authorities are allowed to impose a compensatory measure under the Directive in case of substantially different matters.

If the petitioner opposes to the requested compensatory measure she can first appeal against the decision made by the Greek authorities. The Commission services would like to draw attention to Presidential Decree n° 38 (Official Journal of Greek Government (FEK), A, n° 78, 25.05.2010, p. 01537-01652) which transposes into Greek law Directive 2005/36/EC, especially to article 57 (which transposes article 51 of the Directive). Article 51 of the Directive states that the decision of a competent authority for the recognition of professional qualifications should be subject to appeal under national law. Since the Directive should have been transposed on 20 October 2007 this right does exist for decisions taken by the competent authorities before the adoption of Presidential Decree n° 38 as well. If this does not help her in finding a satisfying solution, the petitioner can contact Solvit, an on-line problem solving network in which Member States work together to solve - without legal proceedings - problems caused by the misapplication of Internal Market law by public authorities. Using Solvit is free of charge.