

**Question for written answer E-001619/2012**  
**to the Commission**  
Rule 117  
**Alajos Mészáros (PPE)**

Subject: Limiting the freedom of employment

It is clear from documents at my disposal that certain persons have obtained qualifications in Hungary necessary for employment as teachers, and Slovak authorities/institutions have recognised their education as equivalent<sup>1</sup>. They were excluded from the PaedDr (*paedagogicae doctor*) programme, most of them immediately prior to their final examinations, only on the grounds that the relevant Slovak regulations allow participation in this programme for people with Mgr university qualifications only.

I agree that the applicability of Directive 2005/36/EC may be considered uncertain in these circumstances. EU law, however, requires Member States not to limit, inter alia, freedom of employment when exercising their power related to education<sup>2</sup>. Secondly, the principle according to which Member States should recognise qualifications obtained in other Member States is one of the fundamental freedoms provided for by the Treaties and therefore cannot depend on the adoption/applicability of a directive<sup>3</sup>.

If the PaedDr qualification is not a condition *sine qua non* for employment of a teacher in Slovakia, this qualification offers an advantage in obtaining employment – it makes faster professional development and higher salaries possible<sup>4</sup>. Those who, during the period when they obtained their teacher's qualifications, were not in Slovakia, get into a more difficult situation as compared to Slovak citizens, which raises the issue of discrimination on grounds of citizenship in relation to the freedom of employment<sup>5</sup>.

In light of the decisions referred to and the case-law of the Court, does the Commission consider that there is clear evidence for the infringement of EU law in this situation?

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<sup>1</sup> P-TE 140/2004-s

<sup>2</sup> Court of Justice, C-19/22, Section 28

<sup>3</sup> Court of Justice, C-31/00, Section 25

<sup>4</sup> Court of Justice, C-19/92, Sections 19–21 and 390/2011

<sup>5</sup> Court of Justice, C-281/98, Sections 39–41