



THE MUTUAL RECOGNITION OF DIPLOMAS

The freedom of establishment and the freedom to provide services are cornerstones of the single market, enabling the mobility of businesses and professionals throughout the EU. In order to implement these freedoms, diplomas and qualifications issued nationally need to be widely recognised. Different measures for harmonisation and mutual recognition have been adopted, and further legislation on the subject is underway.

LEGAL BASIS

Articles 26 and 53 of the Treaty on the Functioning of the European Union (TFEU).

OBJECTIVES

In order for self-employed persons and professionals to establish themselves in another Member State or offer their services there on a temporary basis, diplomas, certificates and other documents serving as proof of professional qualifications issued in other Member States need to be mutually recognised. All national provisions governing access to different professions need to be coordinated and harmonised.

ACHIEVEMENTS

Article 53(1) TFEU enables the mutual recognition of diplomas and other qualifications required in each Member State for access to regulated professions to facilitate the freedom of establishment and the provision of services. It also addresses the need to coordinate national rules on the taking-up and pursuit of activities as self-employed persons. Paragraph 2 of the same article subordinates mutual recognition 'in cases where such harmonisation is a difficult process' to the coordination of the conditions governing its exercise in the various Member States. The harmonisation process has evolved through a number of directives since the mid-1970s. On these bases, legislation on mutual recognition is adjusted to the needs of different situations. It varies in completeness according to the profession concerned, and in recent cases has been adopted using a more general approach.

A. The sector-specific approach (by profession)

1. Mutual recognition after harmonisation

Harmonisation has progressed faster in the healthcare sector, for the obvious reason that professional requirements, and especially training courses, do not vary much from one country to the other (unlike in other professions). Therefore, it has not been



difficult to achieve harmonisation in a substantial number of professions (e.g. doctors, nurses, veterinary surgeons, midwives and self-employed commercial agents). The Professional Qualifications Directive ([Directive 2005/36/EC](#)) clarified, simplified and modernised the existing directives, and brought together the regulated professions of doctors, dentists, nurses, veterinary surgeons, midwives, pharmacists and architects in one legislative text. This directive specifies how the 'host' Member State should recognise professional qualifications obtained in another ('home') Member State. The recognition of professionals includes both a general system for recognition and specific systems for each of the abovementioned professions. Among many other aspects, it focuses on the level of qualification, training and professional experience (of both a general and a specialist nature). The directive also applies to professional qualifications within the transport sector, and to insurance intermediaries and statutory auditors. These professions were previously regulated under separate directives. On 22 June 2011, the Commission adopted a Green Paper on Modernising the Professional Qualifications Directive ([COM\(2011\)0367](#)), which proposed a reform of the systems for the recognition of professional qualifications, with a focus on facilitating the mobility of workers and adapting training and current labour market requirements. On 19 December 2011, the Commission published a proposal for a revision of the Professional Qualifications Directive ([COM\(2011\)0883](#)) based on the outcome of the various consultation processes and in response to Parliament's resolution of 15 November 2011. The most important key proposals included: the introduction of the European professional card; harmonisation of the minimum training requirements; automatic recognition for seven professions, namely architects, dentists, doctors, nurses, midwives, pharmacists and veterinary surgeons; and the introduction of the Internal Market Information System allowing for enhanced cooperation in diploma recognition. The main objectives of the revision were to facilitate and enhance the mobility of professionals across the EU and to help alleviate personnel shortages in some Member States. The amended directive ([Directive 2013/55/EU](#)) was adopted on 20 November 2013.

At the beginning of the COVID-19 pandemic, the Commission gave guidance in a communication on facilitating the mutual recognition of health workers' qualifications and highlighted the importance of their free movement to the greatest extent possible to ensure patient safety ([C\(2020\)3072](#)).

2. Mutual recognition without harmonisation

For other professions, differences between national rules have prevented harmonisation. This has made achieving mutual recognition more challenging. The diversity of legal systems has prevented the full mutual recognition of diplomas and qualifications that would have secured immediate freedom of establishment on the basis of a diploma obtained in the country of origin. Council [Directive 77/249/EEC](#) of 22 March 1977 granted lawyers the freedom to provide occasional services. However, free establishment otherwise requires a diploma from the host country. [Directive 98/5/EC](#) of 16 February 1998 was a significant step forward, allowing lawyers holding a diploma from any Member State to establish themselves in another Member State and pursue their profession, although the host country could require them to be assisted by a local lawyer when representing and defending their clients in court. After three



years operating on this basis, lawyers can acquire the right to fully exercise their profession, after passing an aptitude test set by the host country and without having to take a qualifying examination. Other directives have applied the same principle to other professions, such as road haulage operators, insurance agents and brokers, as well as hairdressers and architects.

B. The general approach

The drafting of legislation for mutual recognition sector by sector (sometimes with more extensive harmonisation of national rules) has historically been a long and tedious procedure. Therefore, the need for a general system of mutual recognition of diplomas, valid for all regulated professions that have not been the subject of specific EU legislation, became apparent. This new general approach changed the perspective. Before, 'recognition' was subordinate to the existence of EU rules concerning 'harmonisation' in the specific regulated profession or activity. Afterwards, 'mutual recognition' became almost automatic, under the established rules, for all the regulated professions concerned, without any need for sector-specific secondary legislation. From that moment on, both the 'harmonisation' and the 'mutual recognition' methods continued to be used under a parallel system and, in some cases, both have been used under a complementary system taking the form of both a regulation and a directive ([Council resolutions of 3 December 1992](#) and [15 July 1996](#) on transparency of qualifications and vocational training certificates). The host Member State cannot refuse applicants access to the occupation in question if they possess the qualifications required in their country of origin. However, if the training they received was of a shorter duration than in the host country, it may demand a certain length of professional experience and, if the training differs substantially, it may require an adaptation period or aptitude test at the discretion of the applicant, unless the occupation requires knowledge of national law.

Nevertheless, in May 2018, the Commission issued a proposal for a Council recommendation ([COM\(2018\)270](#)) to push for the automatic mutual recognition of higher education and upper secondary education periods abroad. This [recommendation](#) was adopted by the Council on 26 November 2018 and marks a significant milestone in the Commission's ambition to establish the European Education Area (EEA) ([COM\(2020\)625](#)) by 2025, which entails automatic mutual recognition without separate recognition procedures across the EU.

Despite this commitment to establishing the EEA by 2025, some Member States, in an effort to implement automatic mutual recognition more quickly, have found interregional solutions outside of the EU framework. The Benelux (Belgium, Netherlands and Luxembourg) and the Baltic (Estonia, Latvia and Lithuania) countries signed an [agreement](#) for the automatic recognition of diplomas on 27 September 2021.

In response to the Russian war against Ukraine, the Commission issued a [recommendation](#) in April 2022 on the recognition of qualifications for people fleeing Ukraine.



ROLE OF THE EUROPEAN PARLIAMENT

On 15 November 2011, Parliament adopted a [resolution](#) on the implementation of the Professional Qualifications Directive calling for its modernisation and improvement, and encouraging the use of the most efficient and appropriate technologies. Parliament proposed the introduction of a European professional card, an official to be document recognised by all competent authorities, as a way to facilitate the recognition process.

In response to Parliament's resolution, on 19 December 2011 the Commission presented a proposal for a revision of the Professional Qualifications Directive. After successful trilogue negotiations, Parliament secured its proposed changes, including the introduction of a voluntary professional card, the creation of an alert mechanism, clarification of the rules regarding partial access to a regulated profession, rules regarding language skills and the creation of a mechanism for mutual evaluation of regulated professions to ensure greater transparency. This led to the adoption, on 20 November 2013, of [Directive 2013/55/EU](#) of the European Parliament and of the Council amending Directive 2005/36/EC on the recognition of professional qualifications. As of October 2023, Parliament's Committee on Internal Market and Consumer Protection is deliberating measures to [correct this directive](#) to allow Romanian nursing graduates to have their qualifications recognised across the EU without needing to prove professional experience in the area.

Subsequently, Parliament and the Council adopted the Proportionality Test Directive ([Directive \(EU\) 2018/958](#)), which introduces a harmonised proportionality test to be used by all Member States before adopting national regulations on professions. On 25 October 2018, Parliament adopted a [resolution](#) on promoting automatic mutual recognition of diplomas.

In November 2020, the Policy Department for Economic, Scientific and Quality of Life Policies published a [study](#)^[1], at the request of the Committee on the Internal Market and Consumer Protection, which analysed national obstacles to free movement in the single market, including the free movement of services and access to regulated professions. The study found that differences in qualifications, such as different levels or lengths of education, in the rules regarding the recognition of professional qualifications, and in the administrative procedures related to access to professional bodies, act as a barrier to the free movement of professional services in the single market.

For more information on this topic, please see the website of the [Committee on Internal Market and Consumer Protection](#).

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[1]Dahlberg, E. et al., Legal obstacles in Member States to Single Market rules, Publication for the Committee on the Internal Market and Consumer Protection, Policy Department for Economic, Scientific and Quality of Life Policies, European Parliament, Luxembourg, 2020.

