

EU-System of recognition of professional qualifications

Background, concepts and implementation in Austria

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Professional Qualifications and EU-Law

- TFEU: primary law of the EU
- establishes Freedoms of Internal Market, they apply to professional activities
- Qualification requirements often refer to national qualifications; barrier to market freedom and mobility
- Art. 53 TFEU gives basis for EU-legislation on binding recognition procedures, giving access to professions
- Scope: only regulated professions; professions, by law subject to certain qualifications (Art. 3 (1) a PQ-D), only these are legal barriers to market access

Distinction:

Recognition of professional qualifications: gives access to regulated professions, based on binding EU directive (EU law is supranational for EU-MS)

Academic recognition: to gain equal status as graduates of national studies, entitled to national degree; still competence of member states and subject to international treaties

Examples

Numbers and types of regulated professions:
dependent on legal system of each MS,
Austria highly regulated

- Trade Act lists 81 regulated trades and crafts,

covering different areas:

construction, personal services, health related trades, trades dealing with sensible products

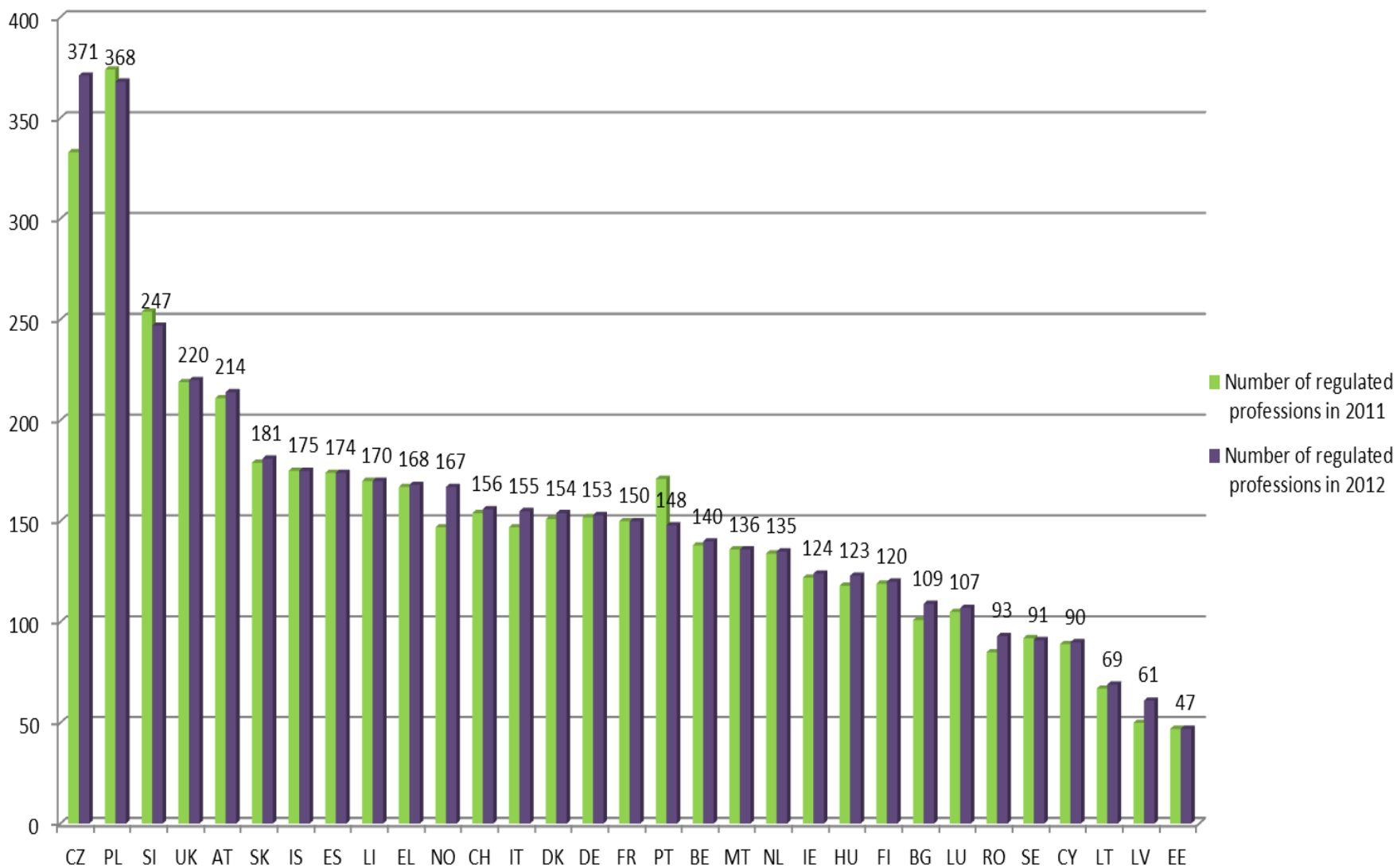
- only self-employed entrepreneur or appointed manager must have qualifications

Examples

- liberal professions: doctors, dentists, vets, lawyers, tax advisors, architects
- public services: teacher, kindergarten teacher
- health professions: nurses, physiotherapists, other therapists, medical-technical professions, psychologists
- sports professions: ski instructors, mountain guides

non regulated professions: most of employees except health professions, vocational education for employees (apprenticeship, schools etc.), free crafts and trades: IT, trade of goods, advertising; everything not regulated

Number of regulated professions by country comparison 2011 - 2012



Main Methods of Directive

Automatic recognition of Diplomas

Scope: Seven Professions

- Doctors (basic training, specialities, general practitioners)
- General care nurses
- Midwives
- Dental Practitioners (basic training, specialities)
- Veterinary surgeons
- Pharmacists
- Architects

Automatic Recognition

Principles:

- Minimum standards of training requirements at EU-level, content and duration of training
- MS have to observe minimum standards in national education
- Automatic recognition of diplomas (listed in Annex), access to the profession in the MS dependent on the possession of relevant diplomas: must be presented to host MS for access to profession (registration in host MS)
- language requirements: additional requirement for registration in health professions
- Acquired rights for past situations without minimum standards

General System

- Case by case recognition
- Host MS makes a comparison
- Substantial differences in essential parts of training: aptitude test or adaptation period

Specific declaration regime

- Professional remains established in home member state, moves cross-border
- Generally no prior control of qualification
- Except professions with health and safety risk
- Yearly declaration to be made to host member state

Role of Ministry of Economy

1. Coordinator acc. to Art. 56 (4) PQD
 - Intermediary between EC and national competent authorities, creates users Guide, Code of Conduct –

Deputy Coordinator: Expert from MoHealth

2. Assistant Center acc. to Art. 57 PQD
 - Assistance to citizens and other centers

Network of experts for legislation and application PQ-Recognition

3. Competent Authority for Crafts and Trades, Architects, Consulting Engineers

Implementation

- High grade of regulation in Austria (~220 regulated professions)
- General System: decentral and sectoral approach
No single law for recognition procedures, amendment of different existing laws
124 notifications to EC, implementation from 2006 to September 2010, some provinces introduced single recognition law
- Different competent authorities for recognition procedures (as laid down in the specific law): Ministries, provincial authorities, professional organisations
- Procedures can differ

Implementation

- Advantage of decentralisation: procedure can be adjusted to the profession or regional situation: simpler access, no declarations for temporary services for less hazardous professions
- Disadvantage: competent authority may be difficult to find, amendments in different laws are complicated, no uniform application

Implementation

Automatic Recognition:

- National education had to be adapted to minimum standards;

- Change of dentist studies:

before EU dentist was specialisation after basic medical studies

- Inclusion and Notification of Diplomas in the Annex (Titel, issuing body): checked by Commission before Annexes are updated, early notification

- Architects: also other MS give their expertise in notification procedures
- notification procedures for MS via IMI-System: online interface, where competent authorities, coordinators and Commission are connected, one application of many is notification of diplomas for automatic recognition
- because of Bologna Process there were many notifications of new study courses, now rarely, for new study courses

Application

appr. 2000 **establishment** procedures per year, 40 % in sectoral system, 90 % positive, most diplomas from Germany (no language barrier), eastern and southern neighbours

Procedures on **temporary** mobility:

1. Crafts and Trades: 2000 declarations, 8 % neg.
2. Skiing instructors: 200

Conclusions

1. Austria is attractive for incoming migrants
2. Recognition has relevant role in Austrian administration, not used in every area
3. System is complicated,
4. Administrative Improvements are important: f.e. Internal Market Information System, European Professional Card, regional contact points for persons with foreign qualifications

Further Information

- Website of Unit „Professional Qualifications“ of European Commission, GD Growth:
<http://ec.europa.eu/growth/single-market/services/free-movement-professionals/>
- List of assistant centers and contact points of all member states
- Users guide, code of conduct
- Database of regulated professions

Contact in Austria

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