



EUROPEAN COMMISSION

Internal Market and Services DG

Knowledge-based Economy
Regulated professions

Directive 2005/36/EC on the mutual recognition of qualifications / the European qualifications framework

On 5 September 2006, the Commission adopted a proposal for a Recommendation of the European Parliament and of the Council on the establishment of the European Qualifications Framework for lifelong learning (EQF). The main purpose of the EQF is to act as a translation device and neutral reference point for comparing qualifications across different education and training systems. To achieve this objective, eight levels have been fixed in which qualifications will be classified. Member States are invited to indicate the EQF level on each qualification by 2011.

Under the draft Recommendation, Member States are encouraged to promote the validation of informal learning. However, it is only when Member States have accepted to validate such informal learning that classification in one of the EQF levels will be possible. Under Directive 2005/36/EC, informal learning, once validated in a Member State, can be taken into consideration through the concept of "parallel courses" found under Article 12 of the Directive.

Recital 9 of the draft Recommendation states that "This Recommendation does not apply to situations covered by Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications which confers rights and obligations on both the relevant national authority and the migrant. Reference to the European Qualifications Framework levels on qualifications should not affect access to the labour market where professional qualifications have been recognised in accordance with Directive 2005/36/EC".

We would like here to explain further the meaning of this recital:

1) Consequences for national authorities responsible for the recognition of qualifications for access to a regulated profession (more or less 800 regulated professions)

The EQF is not a system of recognition of qualifications for access to regulated professions.

When national authorities receive an application for the recognition of a qualification with a view to accessing a regulated profession, the examination of such a qualification must be done exclusively by applying Directive 2005/36/EC. No use can be made of the EQF level in which the qualification will be classified.

As far as the professions of the general system are concerned, this means that the examination must refer exclusively to the five levels of qualifications fixed in the directive.

2) Consequences in the labour market

For professions of the general system, there could be situations where migrants would submit two documents to potential employers which, in appearance, attest different levels of qualifications:

- the certificate, delivered by the competent authority of the host Member State in accordance with Directive 2005/36/EC, attesting the equivalence of the migrant's qualification with the national one and,
- the qualification itself that will indicate an EQF level that might be much lower than the EQF level indicated on the national qualification.

This could generate confusion in the mind of employers which could be detrimental to migrants whereas in reality there is no contradiction between the two documents.

The main reason for this difference is that under the EQF, the personal curriculum of the migrant (professional experience, on going training, seminars etc.) is not taken into consideration. It is only the level and content of the qualification which is relevant for the purpose of classification in one of the EQF levels.

On the other hand, under Directive 2005/36/EC, the national competent authorities have the obligation, when going through the process of recognition, to take into account the personal curricula of the migrant. When national authorities receive an application for recognition of a qualification from another Member State, they will first compare the trainings. If trainings are equivalent then recognition is granted immediately. If substantial differences between the two trainings are identified, the competent authorities will then check if the personal curriculum of the migrant can compensate for these differences. If such is the case then the certificate of equivalence is delivered. If not, they can impose on the migrant a compensatory measure (aptitude test or training period at the choice on the migrant) and it is only when the migrant has passed the compensatory measure that recognition is granted. As a result, at the end of the recognition process, a certificate of equivalence can be delivered even if the qualification held by the migrant has a lower level than the national qualification.

The certificate of equivalence delivered under Directive 2005/36/EC in effect attests that a professional of another Member State has a level equivalent to a host Member State professional whereas the EQF only gives indication on the level of the qualification.

The certificate of equivalence delivered under Directive 2005/36/EC is thus a very useful tool for employers as it provides more information about the professional himself.