


# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	1996/0031(COD) Procedure completed
Recognition of qualifications: professional activities not covered by Directives 89/48/EEC and 92/51/EEC	
Subject 4.40.07 Recognition of diplomas, equivalence of studies and training	

Key players			
European Parliament	Former committee responsible		
	<b>JURI</b> Legal Affairs, Citizens' Rights		19/03/1996
		PSE <a href="#">GEBHARDT Evelyne</a>	
	<b>JURI</b> Legal Affairs, Citizens' Rights		19/03/1996
		PSE <a href="#">GEBHARDT Evelyne</a>	
	Former committee for opinion		
<b>ECON</b> Economic and Monetary Affairs, Industrial Policy	The committee decided not to give an opinion.		
Council of the European Union	Council configuration	Meeting	Date
	Energy	<a href="#">2176</a>	11/05/1999
	<a href="#">Agriculture and Fisheries</a>	<a href="#">2157</a>	18/01/1999
	<a href="#">General Affairs</a>	<a href="#">2111</a>	29/06/1998

Key events			
08/02/1996	Legislative proposal published	COM(1996)0022	Summary
16/02/1996	Committee referral announced in Parliament, 1st reading		
18/12/1996	Vote in committee, 1st reading		Summary
18/12/1996	Committee report tabled for plenary, 1st reading	<a href="#">A4-0003/1997</a>	
19/02/1997	Debate in Parliament		Summary
20/02/1997	Decision by Parliament, 1st reading	T4-0053/1997	Summary
15/07/1997	Modified legislative proposal published	COM(1997)0363	Summary
29/06/1998	Council position published	<a href="#">08585/1/1998</a>	Summary

16/07/1998	Committee referral announced in Parliament, 2nd reading		
23/09/1998	Vote in committee, 2nd reading		Summary
23/09/1998	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A4-0319/1998</a>	
07/10/1998	Debate in Parliament		
08/10/1998	Decision by Parliament, 2nd reading	T4-0568/1998	Summary
18/01/1999	Parliament's amendments rejected by Council		
18/03/1999	Formal meeting of Conciliation Committee		Summary
22/04/1999	Final decision by Conciliation Committee		
22/04/1999	Joint text approved by Conciliation Committee co-chairs	<a href="#">3612/1999</a>	
22/04/1999	Report tabled for plenary, 3rd reading	<a href="#">A4-0253/1999</a>	
06/05/1999	Debate in Parliament		
07/05/1999	Decision by Parliament, 3rd reading	T4-0469/1999	Summary
11/05/1999	Decision by Council, 3rd reading		
07/06/1999	Final act signed		
07/06/1999	End of procedure in Parliament		
31/07/1999	Final act published in Official Journal		

### Technical information

Procedure reference	1996/0031(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (after Amsterdam) EC 047-p2-a1; EC Treaty (after Amsterdam) EC 055; EC Treaty (after Amsterdam) EC 047-p1; EC Treaty (after Amsterdam) EC 040
Stage reached in procedure	Procedure completed
Committee dossier	CODE/4/10730

### Documentation gateway

Legislative proposal	<a href="#">COM(1996)0022</a> <a href="#">OJ C 115 19.04.1996, p. 0016</a>	08/02/1996	EC	Summary
Economic and Social Committee: opinion, report	<a href="#">CES0884/1996</a> <a href="#">OJ C 295 07.10.1996, p. 0043</a>	10/07/1996	ESC	Summary
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0003/1997</a> <a href="#">OJ C 033 03.02.1997, p. 0023</a>	18/12/1996	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0053/1997 <a href="#">OJ C 085 17.03.1997, p. 0099-0114</a>	20/02/1997	EP	Summary

Modified legislative proposal	<a href="#">COM(1997)0363</a> <a href="#">OJ C 264 30.08.1997, p. 0005</a>	15/07/1997	EC	Summary
Council position	<a href="#">08585/1/1998</a> <a href="#">OJ C 262 29.08.1998, p. 0012</a>	29/06/1998	CSL	Summary
Commission communication on Council's position	SEC(1998)1136	08/07/1998	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	<a href="#">A4-0319/1998</a> <a href="#">OJ C 328 26.10.1998, p. 0005</a>	23/09/1998	EP	
Text adopted by Parliament, 2nd reading	T4-0568/1998 <a href="#">OJ C 328 26.10.1998, p. 0135-0156</a>	08/10/1998	EP	Summary
Commission opinion on Parliament's position at 2nd reading	COM(1998)0640	13/11/1998	EC	Summary
Joint text approved by Conciliation Committee co-chairs	<a href="#">3612/1999</a>	22/04/1999	CSL/EP	
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading	<a href="#">A4-0253/1999</a> <a href="#">OJ C 279 01.10.1999, p. 0010</a>	22/04/1999	EP	
Text adopted by Parliament, 3rd reading	T4-0469/1999 <a href="#">OJ C 279 01.10.1999, p. 0493-0496</a>	07/05/1999	EP	Summary

#### Additional information

European Commission

[EUR-Lex](#)

#### Final act

[Directive 1999/42](#)  
[OJ L 201 31.07.1999, p. 0077](#) Summary

## Recognition of qualifications: professional activities not covered by Directives 89/48/EEC and 92/51/EEC

OBJECTIVE: introduction of new arrangements for the recognition of diplomas for professional activities not yet covered by the general system. It seeks in particular to: . offer migrant workers a greater degree of legal security when they seek recognition of their diplomas, - revise certain provisions of the 'transitional measures' and 'liberalization' directives, for example in the trade, industry and crafts sectors, . facilitate the updating of the categories of professional experience by means of a new committee procedure which confers implementing powers on the Commission. SUBSTANCE: . the scope of the directive is defined by reference to categories of professional activity set out in Annex A to the proposal (this scope is the same as under the existing arrangements, but provision has been made for an updating procedure, if required); . the directive incorporates the following provisions: - requirement that the Member States should inform persons covered by rules governing the professions they intend to exercise that they can do so only if they meet certain conditions in respect of qualifications; - introduction of arrangements for the recognition of diplomas covering activities hitherto excluded from the general system provided for in Directive 92/51/EEC. These new arrangements will be particularly beneficial to migrant workers who do not have the experience required to gain automatic access to the same professional activity in the host Member State; - retention of the machinery for recognizing professional experience as set out in the 'transitional measures' directives and of the categories of professional experience (however, provision has been made for them to be changed, if necessary, by means of a new committee procedure); - common definition of the concept of company manager; - provision on certificates of professional experience: each Member State must accept, as proof that the requirements laid down by the directive have been met, certificates issued by the Member State of origin; - provision on proof of good repute: extracts from the judicial record, other certificates issued or declarations made in the migrant's home Member State are regarded as proof of good repute and of not having been declared bankrupt. The proposal also covers the proof of an applicant's good character and proof of not having previously been the subject of professional or administrative disciplinary measures (withdrawal of the right to hold certain offices, suspension from practice or striking-off). A paragraph also covers bank certificates as proof of financial standing; - amendment of the general system: extension to the general system of the provisions contained in certain 'transitional measures' directives regarding mutual recognition of proof of financial standing and of insurance cover against the financial consequences of professional liability. Provision is also made for the extension of the general system to nurses (for example specialists); - introduction of a committee procedure to amend the provisions relating to categories of professional experience and professional activities in the light of social and technical developments; - extension of the remit of the coordinating group set up under Directives 89/48/EEC and 92/51/EEC to cover this directive; - repeal of the directives on transitional measures and liberalization, the

main provisions of which have been included in the proposal; - provision for assessment reports every two years as from 1999. The new directive should enter into force before 1 January 1999. ?

## Recognition of qualifications: professional activities not covered by Directives 89/48/EEC and 92/51/EEC

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The Economic and Social Committee welcomes the Commission proposal, subject to the following points: Whilst the Committee recognizes that specific terminology in the text refers to existing EU legislation, it is disappointed that the Commission not once refers in the proposal to the "citizen wishing to settle or work in another Member State", preferring instead the outdated and insensitive term "migrant". The Committee would also urge the Commission to adopt gender-neutral terminology. The Committee is informed that the previous general systems worked well on the whole and that the current proposal could work on the same basis. The Commission will need to be vigilant in monitoring progress to ensure that problems do not occur with this directive when put into practice. The basic mutual recognition "assumption" principle might require fine-tuning.?

## Recognition of qualifications: professional activities not covered by Directives 89/48/EEC and 92/51/EEC

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The committee, chaired by Mrs PALACIO VALLELERSUNDI (PPE, E), adopted the report by Mrs GEBHARDT (PSE, D) on the proposal for a mechanism for recognising diplomas in respect of professional activities covered by the liberalisation directives and complementing the general system for recognizing diplomas. This directive is basically a compilation of 35 "liberalization and transitional measures" directives adopted between 1963 and 1982. The purpose of adopting a single directive is to simplify and improve the transparency of Community legislation. The new directive introduces procedural guarantees which benefit the applicant vis-à-vis the host state. The amendments adopted by the committee include an amendment relating to commitmentology. Article 4 of the proposal sets out which categories of professional experience must be recognized in the various Member States as equivalent to the qualifications required. According to the proposal, this article can only be amended under the commitmentology procedure. However, as these are essential aspects associated with professional training, the Legal Affairs Committee is against this and considers that the European Parliament should reserve the right to participate in any decision concerning an amendment of the directive. The Commission should also report to the European Parliament within five years on the application of this directive in the Member States.?

## Recognition of qualifications: professional activities not covered by Directives 89/48/EEC and 92/51/EEC

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With regard to the directive on the recognition of qualifications, the rapporteur welcomed the Commission's initiative but stressed that only slight progress had been made through this proposal. She therefore criticised the lack of enthusiasm in the approach taken. Commissioner Monti said that all the amendments tabled could be accepted but rejected the criticism of the Commission, pointing out that a whole series of initiatives, for example "Citizens First", proved the Commission's enthusiasm.

## Recognition of qualifications: professional activities not covered by Directives 89/48/EEC and 92/51/EEC

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In adopting the report by Mrs Evelyne GEBHARDT (PSE, D) Parliament approved this proposal for a directive with the following amendments: - with regard to commitmentology, Article 4 of the proposal sets out which categories of professional experience must be recognized in the various Member States as equivalent to the qualifications required. According to the proposal, the amendment of this article should relate to the commitmentology. With regard to the essential aspects associated with professional training, Parliament reserves the right to participate in any decision concerning a modification of the directive (and not by a decision of the simple commitmentology type); - with regard to the information to be forwarded to other institutions: the Commission must report to the European Parliament and the Council within five years on the application of this directive in the Member States. If necessary it will at the same time submit proposals for improving the existing arrangements with the aim of facilitating the freedom of movement, the right of establishment and the free movement of services. ?

## Recognition of qualifications: professional activities not covered by Directives 89/48/EEC and 92/51/EEC

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In its amended proposal, the Commission has adopted all the amendments approved by the European Parliament in first reading. The principal amendments concern the modification and application of the directive : - as far as the modification of the directive is concerned, the Commission adopts the amendment of the European Parliament on commitmentology. It therefore proposes to limit the opinions of the committee to categories of professional activities (the duration of professional experience which must be subjected to the codecision procedure, in association with the European Parliament), -as far as the application of the directive is concerned, the Commission is requested to submit a report to the Council and the European Parliament, 5 years after the deadline for transposition. Other minor amendments provide details on the compensation measures for the recognition of diplomas, the definition of the concept of company manager, the form of proof of qualifications held, the role of the coordinating group and the content of the annexes. ?

## Recognition of qualifications: professional activities not covered by Directives 89/48/EEC and 92/51/EEC

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In its common position on the revision of the directives on the general mechanism for the recognition of qualifications, the Council has incorporated all the amendments adopted by Parliament at first reading, with some changes. It has also made some technical changes to the initial text, in the following areas: - choice of the compensatory measure by the host Member State: the Council considers that the host Member State should be able to choose whether the migrants should attend an adaptation period or take an aptitude test to compensate for their lack of training. The migrants' preferences should, however, be taken into account as far as possible; - professional training systems based on skills evaluation rather than on the duration of the training: the existing system did not take sufficient account of the fact that many Member States attach greater importance to acquired skills than to the duration of training; for this reason, the Council has included a new Article 5 which allows Member States to treat certificates issued on the basis of acquired skills as equivalent to two or three years' professional training, if the skills acquired are equivalent; it has also added a new Article 6 allowing the length of professional experience to compensate proportionally for a shorter training period. The Council has also deleted the former Articles 8, 9 and 10 of the initial proposal, the first concerning the general system of recognition of professional qualifications because it was considered more appropriate to include this in the 'SLIM' proposal (COD 97345) amending the general directives on the recognition of professional qualifications, and the latter two articles (on comitology) because it considered that this modification should be the subject of a new codecision procedure. The Council has allowed for the possibility of appointing an additional coordinator to the coordinating group set up under Directive 89/48/EEC; it also provides for an evaluation report on the application of the new Article 5 inserted by the Council. ?

## Recognition of qualifications: professional activities not covered by Directives 89/48/EEC and 92/51/EEC

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In its communication on the Council's common position on the revision of the Directives on the general system for recognition of qualifications, the Commission considers that the Council text is acceptable. ?

## Recognition of qualifications: professional activities not covered by Directives 89/48/EEC and 92/51/EEC

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Evelyne Gebhardt (D, PES) for the legal committee will be reporting on Commission proposals to tidy up existing rules regarding recognition of qualifications for working in other EU states with a view to making it easier to secure employment. At first reading, in February 1997, Parliament put forward a series of amendments of a mainly technical nature which have been accepted by Commission and Council. Council has made a series of further amendments in the common position and Mrs Gebhardt has no problems with most of them. She does, however, take issue with Council proposals that would give the Member State the right to choose how a migrant worker should provide proof of his or her knowledge and qualifications to perform a job; i.e. by means of a transition period or by an aptitude test. In contrast she believes that it should be the migrant worker who has the opportunity to choose the method of displaying his or her ability. She is also tabling a couple of amendments on comitology and linguistic questions.?

## Recognition of qualifications: professional activities not covered by Directives 89/48/EEC and 92/51/EEC

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In adopting the recommendation for second reading by Mrs Evelyne GEBHARDT (PSE, D) on the recognition of qualifications, the European Parliament approved the common position of the Council. However, it indicated that it would prefer applicants - who must prove their knowledge and qualifications - to be allowed a free choice between an adaptation period and an aptitude test (whereas the common position would allow the host Member State to choose which of these it requires).?

## Recognition of qualifications: professional activities not covered by Directives 89/48/EEC and 92/51/EEC

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Following the European Parliament's reading, the Commission accepts the Parliament's amendment which gives migrants a choice between taking an aptitude test and completing the adaptation period. ?

## Recognition of qualifications: professional activities not covered by Directives 89/48/EEC and 92/51/EEC

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Following the meeting of the European Parliament delegation, chaired by Josep VERDE I ALDEA (PES, I), agreement was reached with the Council on the directive establishing a mechanism for the recognition of qualifications in respect of professional activities and supplementing the first two directives (89/48 EEC and 92/51/EC). The rapporteur, Evelyne GEBHARDT (PES, D), welcomed the significant progress achieved by Parliament by comparison with the original text in removing obstacles to freedom of movement. The principle at issue is the free movement of migrants. The difficulty between the Council and Parliament is the question of proof of the qualifications held by a migrant skilled craftsman, a problem which is aggravated by the fact that national rules on the training of skilled craftsmen vary greatly and are sometimes anchored in traditions that go back to the Middle Ages. At present, under Court of Justice case law, the host Member State may choose to impose upon an

applicant either an adaptation period (of up to three years, to be completed by some form of final assessment) or an aptitude test. Under the new directive, as amended by Parliament, the principle is reversed: it is the migrant who chooses between the adaptation period and the aptitude test. He is thus better able to defend his interests against any protectionist measures he may encounter. This will apply to all remunerated work. For the self-employed or company directors, however, the choice may be made by the Member State. In conciliation, Parliament managed to have the scope of this exception narrowed: the professional activities will have to entail a knowledge and the application of the specific national rules in force. To ensure equal treatment, the legislative text states that the same requirement must apply to nationals of the country. In addition, the Member States must try to take account of the beneficiary's own preference.?

## Recognition of qualifications: professional activities not covered by Directives 89/48/EEC and 92/51/EEC

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In adopting the report drafted by Ms. Evelyne GEBHARDT (PES, D) on the recognition of diplomas in respect of professional activities, the European Parliament approves the Joint Text and recalls the Council and Commission declarations.?

## Recognition of qualifications: professional activities not covered by Directives 89/48/EEC and 92/51/EEC

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**PURPOSE :** to establish a new mechanism for the recognition of qualifications in respect of the professional activities not covered by the general system. **COMMUNITY MEASURE :** Directive 1999/42/EC of the European Parliament and of the Council on establishing a mechanism for the recognition of qualifications in respect of the professional activities covered by the Directive on liberalisation and transitional measures and supplementing the general systems for the recognition of qualifications. **CONTENTS :** the Directive directly concerns European citizens to the extent that it constitutes an important contribution to the free movement of persons. It aims : - on the one hand, to consolidate a certain number of sectorial directives; - on the other hand, to establish a mechanism for the recognition of qualifications which takes much of its inspiration from the jurisprudence of the European Court of Justice and seeks to complement the 2 previous systems implemented by Directives 89/48/EEC and 92/51/EEC (notably for the professional activities listed in Annex A of the Directive and which were not covered by the 2 earlier Directives). This Directive will apply to Member State nationals who wish to continue their activity in another Member State either in a self-employed capacity or an employed capacity. It will permit, in particular, migrants to ask for the recognition of their qualifications even if they do not have the professional experience required by Community legislation. In this respect, it fixes the rules of recognition applicable to: 1) formal qualifications awarded by another Member State; 2) professional qualifications acquired in another Member State; 3) other professional qualifications obtained in another Member State. It abrogates 35 sectorial Directives adopted between 1963 and 1982 under the former vertical harmonisation approach that is to say 25 liberalisation directives and 10 directives providing transitional measures. The Directive provides a comparison of knowledge and skills (certified by diplomas, certificates or other evidence of formal qualifications) of a national from an another Member State with a view to pursuing the same activity elsewhere in the Community with those required under its own national rules. Where the comparative examination shows that the knowledge and skills certified by a diploma, certificate or other evidence of formal qualifications awarded by another Member State correspond to those required by the national rules, the host Member State cannot refuse the holder the right to pursue the activity in question. If the comparison shows a substantial difference, the host Member State shall give the beneficiary the opportunity to demonstrate that he has acquired the knowledge and skills which were lacking. As a general rule, the Member State must leave the person concerned the choice between the adaptation period and an aptitude test. By way of derogation from this rule, the host Member State may require an adaptation period or an aptitude test if the migrant envisages exercising professional activities in a self-employed capacity or as a manager of an undertaking which require the knowledge and the application of specific national rules in force. In this case, the Member States shall endeavour to take into consideration the beneficiary's preference as between those alternatives. The Directive also places an obligation on Member States to inform the migrants who ask for the conditions of qualification asked for by the host Member States before establishing themselves or starting work. In addition, the Directive also provides for measures relating to the recognition of other professional qualifications acquired in an other Member State. If a Member State requires its own nationals to provide proof of good character and proof that they are not and have not previously been declared bankrupt; it can demand the same information from a migrant who wishes to settle in the Member State. In addition, the Directive provides the designation of a national coordinator in charge of facilitating the implementation of this Directive within the coordinating group (set up by Directive 89/48/EEC). Finally, as from 01/01/2001, Member States shall transmit to the Commission, every 2 years, a report on the application of the system introduced. No later than 5 years after 31/12/2001, the Commission shall report to the European Parliament and the Council on the state of application of this Directive. It is worth noting that the present Directive does not deal with 2 important aspects which are linked to the recognition of qualifications : 1) the demand by a host Member State of the proof of financial standing and the proof of an insurance against financial risks; 2) the free movement of specialised nurses who do not have any of the qualifications listed in Article 3 of Directive 77/452/EEC. These 2 points will be subject to subsequent proposals. **ENTRY INTO FORCE:** 31.07.1999. **DEADLINE SET FOR THE TRANSPOSITION:** 31.07.2001.?