



REPLIES OF THE EUROPEAN COMMISSION

TO THE EUROPEAN COURT OF AUDITORS' SPECIAL REPORT

The recognition of professional qualifications in
the EU

An essential mechanism, but used sparsely and inconsistently

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This document presents the replies of the European Commission to observations of a Special Report of the European Court of Auditors, in line with Article 259 of the [Financial Regulation](#) and to be published together with the Special Report.

I. THE COMMISSION REPLIES IN BRIEF

To address the challenge of varying professional regulations of professions in the Single Market across Member States, the EU has established a legal framework that includes the Proportionality Test Directive¹ to limit new regulations to justified cases and the Professional Qualifications Directive² to facilitate recognition of qualifications.

The number of regulated professions across the EU remains high, and the Commission continues its efforts to ensure proportionality of regulations. The aim is to have access to professions by default unrestricted unless the regulation of a profession is justified and proportionate with regard to public interest objectives.

Recognising the importance of an effective system for the recognition of professional qualifications in the cases where professions are regulated, the Commission is committed to improving effective application of the Professional Qualifications Directive. The Commission emphasizes the need for fast, affordable, and simple recognition procedures. It advocates for accessible online procedures, the elimination of fees for recognition applications where possible, and simplification of document requirements. The Commission supports digital solutions like the use of the Internal Market Information System (IMI), the Single Digital Gateway Once-only Technical System (SDG-OOTS)³ and European Digital Credentials for Learning to streamline processes and reduce administrative burdens.

Full and fast access to the profession in another Member State is the main goal of the recognition process. Compensation measures for differences in education and training should be limited and assessed case-by-case. For temporary and occasional services in another Member State, prior checks should be rare and confined to professions impacting public health or safety. Efforts to reduce prior checks have seen a number of checks removed, but more work is needed.

The Commission also pushes for faster recognition procedures through capacity building, better use of digital tools, and administrative cooperation. It has initiated infringement proceedings when Member States consistently fail to meet deadlines.

In 2013, the Directive was revised to improve recognition efficiency and flexibility, introducing the European Professional Card (EPC), partial access, common training tests (CTT) and common training frameworks (CTF), and expanded use of the Internal Market Information System (IMI). While the EPC has been successful, its use varies by profession. The Commission is considering improvements and expansion of digital processes such as the EPC, as well as the feasibility of new CTFs.

The Commission coordinates the Directive's implementation through cooperation with Member States, enforcement actions, monitoring databases, updating legal acts, providing guidance, and operating IT systems. Efforts are ongoing to improve data reporting and reliability.

Transparent information provision is essential for the effective exercise of professional rights. The EU legal framework sets general rules and minimum training requirements, but Member States

¹ Directive (EU) 2018/958.

² Directive 2005/36/EC.

³ The SDG-OOTS enables government-to-government data exchange in line with the once-only principle, ensuring that citizens and companies only need to submit certain information and documents once when using e-government and public services.

handle recognition procedures. The Commission manages several EU-level information sources, while Member States run Points of Single Contact (PSC) and authority websites.

II. COMMISSION REPLIES TO MAIN OBSERVATIONS OF THE ECA

1. Regulated professions and the EU system for recognition of professional qualifications

For workers moving in the Single Market, or for service providers who want to establish in another Member State or provide services across borders, differences in the regulation of professions can make it difficult to work in the profession they are qualified for.

To ensure that these differences in the regulation of professions do not hamper the Single Market, the EU legal framework provides for:

- a mechanism to ensure any new regulation of professions it is limited to justified and proportionate cases, on the basis of the Proportionality Test Directive, and
- a regulatory framework, primarily based on the Professional Qualifications Directive, ensuring professionals can seek recognition of their qualifications when accessing a regulated profession in another Member State.

Overall, the number of regulated professions in the EU remains high⁴. However, the numbers alone do not give the full picture of the existing regulatory restrictions. On one hand, the available data on the number of regulated professions per country is based on notifications from Member States. As a result, those who fully meet their notification obligations may have more regulated professions listed in the Regulated Professions Database⁵ than countries that have not notified all their regulated professions yet. On the other hand, sometimes several specific regulated professions in a given sector could actually mean less regulation than one profession with very broad scope of reserved activities. Therefore, Commission focuses its monitoring activities on the proportionality of professional regulation and the level of restrictiveness, rather than the overall number of regulated professions. To address issues of potentially disproportionate and overly restrictive regulation of professions, the Commission uses a mix of policy instruments such as enforcement action (e.g. ongoing infringement procedures against 10 Member States for non-conformity of national transposing measures with the Directive), regular reports on the restrictiveness of professional services accompanied by reform recommendations to Member States⁶, and country-specific recommendations in the context of the European Semester process.

The Commission calls upon Member States to keep up their efforts to ensure that professions are only regulated where justified and proportionate, and in a manner that keeps restrictions to the minimum that is needed to achieve the policy objectives.

⁴ See ECA special report, paragraphs 25-34.

⁵ [Regulated Profession Database \(europa.eu\)](https://european-council.europa.eu/media/en/press-room/default.aspx?id=14122)

⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on taking stock of and updating the reform recommendations for regulation in professional services of 2017, COM/2021/385 final.

In cases where the regulation of professions is justified, it is crucial that workers and service providers have access to an effective system for the recognition of their professional qualifications. The Commission is fully committed to ensure the effective functioning and use of the system of recognition of professional qualifications to avoid “skills waste” and overqualification and to ensure freedom of movement for service providers in the Single Market. Over 1 million recognition decisions that have been taken since the entry into force of the Professional Qualifications Directive, impressively demonstrate the importance of this system for EU citizens.

2. Effective application of the Professional Qualifications Directive

The effective application of the Directive requires that it is fast, easy and cheap for professionals to obtain recognition of their professional qualifications. In its efforts the Commission therefore puts a strong focus on remedying administrative barriers, additional costs or undue burden.

To lower the threshold for professionals to seek recognition, the Commission considers access to electronic procedures essential⁷. Online procedures must be accessible through the relevant point of single contact or the relevant competent authorities. This existing obligation was covered by infringement proceedings initiated by the Commission. As a result of these infringement proceedings, Member States generally improved availability of online procedures for the recognition of professional qualifications. There may still be cases where some of the procedures are not available fully on-line (i.e., by on-line forms). The Single Digital Gateway Regulation provides an additional impulse for Member States to improve the functioning of e-administration in general and thus to better cover also the electronic procedures for the recognition of professional qualifications. It is paramount that Member States keep implementing the Regulation, especially the digitalisation of procedures and the exchange of electronic evidence through the Once-only Technical System.

When it comes to fees⁸ charged for the recognition of professional qualifications, the Commission fully supports the view expressed in the Code of Conduct approved by the Group of Coordinators, that the best practice is not to charge any fee to professionals for their applications. Digitisation offers the opportunity to further reduce costs for recognition procedures in the competent authorities and to accordingly lower fees and make more recognition procedures free.

The requirement to provide many supporting documents, often in the form of certified copies and/or certified translations is a costly and cumbersome for applicants.⁹ Annex VII of the Professional Qualifications Directive provides an exhaustive list of the documents competent authorities may request in recognition procedures, it is a *maximum* list, and there is ample room to further simplify the application process. Through the channels of administrative cooperation that have been put in place and for which the Commission provides the IMI system, certified copies and translations often became obsolete, as authenticity can be verified directly between Member States authorities. The EU legal framework on electronic signatures, the framework for European Digital Credentials for Learning, and the SDG-OOTS system provide for additional means to obtain trusted information and documents. The Commission also made available its eTranslation service to all Member State authorities to reduce the need for document translations. The Commission will continue its effort to reduce administrative burden for applicants by using digital solutions and by calling on Member

⁷ On the lack of electronic procedures see ECA special report, paragraphs 37-40.

⁸ See ECA special report, paragraphs 41-45.

⁹ See ECA special report, paragraphs 46-47.

States to make full use of the opportunities to simplify the application process. Ultimately, the Commission also initiates infringement procedures where relevant.

Compensation measures need to be strictly limited to substantial differences in education and training that cannot be compensated by knowledge, skills and competences the applicant acquired.¹⁰ Accordingly, it is important that compensation measures related to “knowledge of the national law” must be assessed on a case-by-case basis, with focus on the scope of the compensation measures in question in relation to the specific regulation of the profession. For potential cases of bad application, the Commission intervenes where it has solid proof of consistent practice.

In the cases where qualified professionals want to temporarily and occasionally provide services in another Member State, prior checks¹¹ should be the exception and need to be limited to professions with public health or safety implications. In the context of SMET, the Commission in a joint effort with Member States managed to reduce the number of professions with prior checks. In total MS committed to removing a considerable number of prior checks. However, further effort is needed to ensure that prior checks are strictly limited to the cases where they are necessary. The Commission is monitoring and assessing the situation in Member States and will initiate infringement proceedings if necessary.

Lengthy recognition procedures¹² are a nuisance to applicants and often mean a loss of earnings of several months. The Commission believes that capacity building including sufficient staffing of competent authorities, good information management, an effective use of digital tools, and good administrative cooperation between Member States are key to speed up recognition procedures, and it will continue to work closely together with Member States in that direction. While Member States have no legal obligation stemming from EU law to track the length of their recognition procedures, it should be considered good practice to do so and take measures to reduce the average duration for taking recognition decisions. The Commission also opened infringement procedures when it had evidence of a constant practice of not respecting the deadlines set out in the Directive.

3. Instruments introduced in 2013 to facilitate recognition of professional qualifications further

In 2013 the co-legislators revised the Professional Qualifications Directive to make the recognition of professional qualifications more efficient and transparent and to make the Directive more flexible. The reform introduced, among other issues, the European Professional Card (EPC), the principle of partial access, the possibility to establish common training tests (CTT) and common training frameworks (CTF), as well as extended the use of IMI.

The European Professional Card (EPC) is currently available for 5 different professions. Its actual use varies considerably by profession.¹³ Overall, the EPC has been well perceived, as it reduces overall costs, is easily accessible to applicants and provides for a transparent procedure. The Commission is discussing possibilities for future improvement of the EPC with Member States in the Group of Coordinators for the recognition of professional qualifications, including revising the process to make better use of new technological possibilities, a potential expansion to new professions or its mainstreaming into the recognition process.

¹⁰ On the practice of compensation measures see ECA special report, paragraphs 48-51.

¹¹ On the differences in the application of prior checks see ECA special report, paragraphs 52-56.

¹² See ECA special report, paragraphs 57-63.

¹³ See ECA special report, paragraphs 64-67.

Partial access to a profession¹⁴ can be an adequate solution where full access cannot be granted and the application would have to be rejected otherwise. Then, under certain conditions listed in the Directive, there is a possibility of partial access. It should be stressed that partial access can be a solution in exceptional cases, while the ultimate goal of the recognition process is full access to the profession.

Common training principles (CTT and CTF) offer a means to extend the principle of automatic recognition to additional professions.¹⁵ A CTT for ski instructors, the most mobile profession for temporary mobility during the auditing period, was established in 2019. The Commission recently updated the legal act establishing the CTT for ski instructors.¹⁶

In order to be able to successfully establish a CTF, the conditions of Article 49a (2) of the Professional Qualifications Directive need to be met, and a certain degree of similarity in the regulation of the education and training leading to the profession needs to be in place. While CTFs for healthcare assistants and for civil engineers have not been considered feasible some years ago, the Commission is still fully committed to a continuous assessment of the feasibility to establish CTFs¹⁷. It recently launched discussions on the feasibility of a CTF for physiotherapists with the Group of Coordinators, which decided on 13 March 2024 to establish a new sub-group for the work on CTFs.

The abovementioned revision of the Directive also extended the use of the Internal Market Information System (IMI) for the newly introduced mechanisms.¹⁸ IMI's role is essential in implementing and enforcing the applicable rules, in particular regarding cooperation obligations between Member States. It facilitates and supports the administrative cooperation between competent authorities, and connects them across borders and languages. However, it remains key for its success that Member States regularly update information in IMI and provide timely replies to incoming requests.

The alert mechanism about professionals whose pursuit of profession has been restricted or prohibited covers health professionals, veterinary surgeons and professionals exercising activities relating to the education of minors, including in childcare and early childhood education.¹⁹ While the Directive imposes the obligation on the Member State regulating the given profession to alert other Member States in such cases, it does not contain any rules on the follow up to alerts which remain a national matter under the current rules. Alerts in IMI cover a large variety of reasons restricting or prohibiting the exercise of the profession in the home Member State, ranging from administrative reasons such as non-payment of membership fees, to substantial breaches of ethical behaviour. There is a scope for improvement to assist Member States with the management of incoming alerts.

¹⁴ See ECA special report, paragraphs 68-69.

¹⁵ See ECA special report, paragraphs 70-73.

¹⁶ Commission Delegated Regulation (EU) 2023/865 of 23 February 2023 amending Delegated Regulation (EU) 2019/907 as regards the certificates of competency and the professional qualifications in certain Member States.

¹⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, The Single Market at 30, COM/2023/162 final.

¹⁸ See ECA special report, paragraphs 74-77.

¹⁹ See ECA special report, paragraphs 78-81.

4. Coordination role of the Commission to ensure effective implementation of the Professional Qualifications Directive

The Commission takes responsibility for the overall coordination of an effective implementation and application of the Professional Qualifications Directive²⁰ through a wide range of instruments:

- **Cooperation with Member States:** In the Group of Coordinators, the Commission continuously works together with Member States to ensure consistent application of the Directive, e.g. by jointly developing a Guide for citizens, a Code of Conduct and by discussing questions of recognition policy. Moreover, the Commission regularly holds package meetings with Member States to discuss complaints and ongoing infringement cases.
- **Enforcement action:** The Commission carried out a comprehensive compliance check of national measures transposing the Directive and opened various infringement procedures when necessary (e.g. covering a wide number of issues in 2018 including reporting obligations, lack of electronic procedures), which led to significant progress in the respective areas.
- **Monitoring the Regulated Professions Database:** The Commission is responsible for monitoring the database of regulated professions to ensure Member States comply with their reporting obligations.
- **Use of delegated powers** to ensure the regular updating of the Directive (regular updates the list of qualifications in Annex V of the Directive²¹, review of the minimum training requirements for various professions²²).
- **Provision of guidance and recommendations to Member States**, e.g. recommendations on the reform of professional services, country-specific recommendations through the European Semester process, recommendations in the context of Covid emergency measures²³, on recognition for people fleeing Russia's invasion of Ukraine²⁴, and on recognition for third country nationals²⁵;
- **Single Market Enforcement Taskforce (SMET):** A joint effort with Member States to reduce barriers in the Single Market through the work in SMET to address differences in prior checks and remove them where possible.
- **Regular assessments of the implementation of legal acts**, such as the upcoming implementation report according to Article 60(2) of the Directive in 2025, and the assessment of Commission Recommendation (EU) 2022/554 of 5 April 2022 on the

²⁰ See ECA special report, paragraphs 86-94.

²¹ These updates are adopted every 1-2 years. If Member States notify the Commission timely upon the introduction of new or updated qualifications, this leaves sufficient time to ensure automatic recognition of the qualification by the time learners are awarded the qualification.

²² On 4 March 2024 it adopted a delegated directive to modernise the minimum training requirements for nurses, dental practitioners and pharmacists: https://single-market-economy.ec.europa.eu/news/modernising-minimum-training-requirements-nurses-dental-practitioners-and-pharmacists-across-eu-2024-03-04_en

²³ Communication from the Commission, Guidance on free movement of health professionals and minimum harmonisation of training in relation to COVID-19 emergency measures – recommendations regarding Directive 2005/36/EC 2020/C 156/01, C/2020/3072.

²⁴ Commission Recommendation (EU) 2022/554 of 5 April 2022 on the recognition of qualifications for people fleeing Russia's invasion of Ukraine.

²⁵ Commission Recommendation of 15.11.2023 on the recognition of qualifications of third-country nationals, C(2023) 7700 final.

recognition of qualifications for people fleeing Russia's invasion of Ukraine²⁶, which can help inform discussions on exploring further reforms as mentioned in the Skills and Talent Mobility Communication²⁷.

- **Provision of information to professionals**, e.g. on the Commission website, or through the User Guide²⁸;
- **Operation of IT systems supporting transparency and administrative cooperation**, in particular the IMI and the Regulated Professions Database (currently in the process of migration to IMI).

In addition, the Commission supports transparency and evidence-based policy making through the Regulated Professions Database which enables reporting of comparable information on the regulation of professions, and on statistics of recognition procedures and decisions. While the Commission provides the technical infrastructure and follows up with Member States, the provision of this information and data is primarily a Member State responsibility. Taking note of gaps and inconsistencies in the data provided by Member States, the Commission seeks to find new solutions for a better use of digitisation that help reducing the reporting burden on competent authorities while at the same time making data and reports more reliable and complete.

5. Information provision

Transparent information on the recognition of professional qualifications is essential for professionals to exercise their rights effectively.²⁹ While the EU legal framework sets general rules for the recognition of professional qualifications and establishes minimum training requirements for some professions, the actual recognition procedures are not fully harmonised. Information on the recognition of professional qualifications therefore needs to be provided in an interplay by EU-level and Member State authorities.

The Commission is managing several EU-level sources of information:

- The **Regulated Professions Database** which provides information on regulated professions notified by Member States and statistical information on recognition,
- **"Your Europe"** which provides high level information on recognition of professional qualifications and signposting to national authorities,
- A **dedicated website** explaining the EU-level policy framework for recognition of professional qualifications (revamp of information architecture and content scheduled for 2024).

The Commission also outlined how to boost access to information on the recognition of professional qualifications obtained in third countries in its Skills and Talent Mobility Communication.

The Member States manage the Points of Single Contact (PSC) and websites of competent authorities at a national or regional level. Member States decide whether profession-specific information would be available directly on the PSC webpage or whether the PSC webpage would be a gateway leading

²⁶ https://migrant-integration.ec.europa.eu/library-document/assessment-ec-recommendation-recognition-qualifications-people-fleeing-ukraine_en

²⁷ COM(2023) 715 final.

²⁸ European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, User guide, Directive 2005/36/EC – All you need to know about recognition of professional qualifications, Publications Office, 2020, <https://data.europa.eu/doi/10.2873/49563>

²⁹ See ECA special report, paragraphs 95-101.

to the specific information provided by competent authorities. EU law requires PSC to provide certain key information such as:

- list of all regulated professions in the Member State;
- a list of the professions for which a European Professional Card is available;
- a list of all professions subject to prior check of qualifications under Article 7(4) PQD;
- document and other administrative requirements, including all related fees to be paid by citizens and documents to be submitted by citizens to competent authorities; and
- details on how to appeal against negative decisions.

III. COMMISSION REPLIES TO THE RECOMMENDATIONS OF THE ECA

1. Recommendation 1 – Ensure uniform application of the recognition of professional qualification system

The Commission should:

- (a) clarify, such as by means of proposing changes in the legislation or issuing Commission recommendations:
 - the importance for the Commission and/or an independent body to review the proportionality tests carried out by the member states;
 - the concept of public health and safety implications, to avoid a restrictive interpretation of the rules by authorities that would hinder an effective procedure on the recognition of professional qualifications; and
- (b) monitor the effectiveness of the whole system and take timely and effective remedial action if weaknesses are identified, particularly focusing on obtaining harmonised data from member states in line with their reporting obligations and ensuring deadlines established in the Directive are respected for each of the different recognition procedures.

Target implementation date: 2025

The Commission **accepts** this recommendation.

The Commission shares the view that involvement of an independent body in the proportionality test can improve the impact of the test, and thus initially included this in its proposal for the Proportionality Test Directive. However, the final legal act as adopted by the co-legislators does not include this requirement. The Commission will follow up with Member States to highlight the benefits of involving an independent body in proportionality tests, provide concrete guidance to Member States and facilitate the exchange of best practices.

The concept of public health and safety implications is subject to the interpretation of the European Court of Justice. The Commission will provide guidance to Member States on this issue through the Group of Coordinators, to ensure its uniform application.

The Commission continues to be fully committed to monitoring the effectiveness of the whole system of recognition of professional qualifications, taking timely and effective remedial action where weaknesses can be identified and documented. It will continue to give highest priority to areas that have direct impact on professionals and recruiting businesses, and to include obligations on data provision and reporting in its monitoring activities.

2. Recommendation 2 – Integrate the alert mechanism into the recognition procedure

The Commission should:

- (a) for the alert mechanism, clarify, such as by means of an implementing act, the concept of “substantial reasons”; and
- (b) make it obligatory for member states to use the alert mechanism under the Internal Market Information System during the recognition procedures, ensuring that alerts received for substantial reasons are treated appropriately. This is of particular relevance for professionals who are in direct contact with patients or minors.

Target implementation date: as soon as possible and the latest by 2025

The Commission **accepts** this recommendation.

The Commission shares the view that the alert mechanism could be improved in particular by:

- providing more context about the underlying reasons making it easier for Member States to distinguish cases that require follow up from those that don't (including providing more clarity on the concept of “substantial reasons”);
- by providing guidance and to facilitate the exchange of best practice on the follow up of alerts. It notes however, that the legal consequences of the alerts remain in the Member States' competence.

The Commission will also discuss with Member States to jointly identify other actions that could enhance the effectiveness of the alert mechanism.

3. Recommendation 3 – Update Annex V and reduce deadline for recognition through the automatic system for sectoral professions

When proposing changes to the legislation, the Commission should consider:

- (a) requiring an annual update of Annex V to the Directive; and
- (b) for the automatic system based on Annex V, reducing the deadline for competent authorities to issue a substantiated decision to 1 month from the date on which the applicant's complete file was submitted.

Target implementation date: 2026

The Commission **accepts** this recommendation.

The Commission is fully committed to finding means that simplify the management of Annex V, improve its accessibility and ensure it is updated at least annually, in particular through a better use of digital solutions. It will identify concrete steps within the current legal framework.

The Commission also shares the view that a shorter deadline for competent authorities to issue a substantiated decision in cases falling under automatic recognition is worth exploring. The Commission will therefore discuss with Member States which information and support, including through digital tools, competent authorities would need to be able to comply with a shorter deadline.

In case it was preparing any potential proposals for legislative amendments in the future, the Commission would on this occasion, in line with the recommendation, make sure to consider further improvements regarding the management of regular updates of annex V, and the shortened deadline for taking decisions on automatic recognition. However, before any legislative proposal can be made, other steps might need to be undertaken in line with the better regulation principles. The outcome of this process can therefore not be prejudged.

4. Recommendation 4 – Ensure provision of reliable and consistent information for citizens

The Commission should encourage member states to provide citizens with a single source of information at EU level (or reference to it), and ensure that the information provided – including e.g. whether a specific profession is regulated, subject to prior checks, or compensation measures, and the expected fees for the recognition procedure – is reliable at all times.

Target implementation date: 2025

The Commission **accepts** this recommendation.

The Commission will encourage Member States to use the information provided on EU-level as the single source of information on the EU legal framework, and for information on the regulation of specific professions. It will also take measures to improve the reliability and completeness of the information including:

- Revamp of the DG GROW website on the recognition of professional qualifications, including an update of the information architecture and the content, to ensure better accessibility of information;
- Regular follow up with Member States through the Group of Coordinators and through bilateral contacts in identified cases of incomplete or inconsistent information.

The Commission believes that the single source of information for matters that are regulated in national law in compliance with EU law, such as information on fees and the practical steps of the recognition procedure, should be the respective host country.

The Commission also expects that the advent of AI powered Large Language Model (LLM) chatbots will over the coming years change the way how people search for information and might gradually replace the traditional information architecture of websites. The Commission will therefore explore the opportunities LLM chatbots offer for bringing together information from national and EU level in a reliable way, tailored to individual questions.