

ENTERING STATISTICS ON ESTABLISHMENT (DECISIONS) AND PROVISION OF SERVICES (DECLARATIONS/DECISIONS)

into the

Database on regulated professions

PRACTICAL GUIDANCE

I. Host Member States should note the following:

1. Information expected from the host Member State

- Recognition in view of establishment

Statistics should be provided for recognition of professional qualifications in view of establishment. They should be entered directly into the database of regulated professions¹.

- Declarations/decisions in view of provision of services

Statistics should be provided on the provision of services (declarations/decisions). Member States should – and are invited to do so in the table in the database – clearly differentiate between declarations received and decisions taken in exceptional cases of application of Art. 7 (4). They should be entered directly into the database of regulated professions.

- Recognition of all types of professions

All decision statistics should be entered directly into the table in the database for all types of professions (general system, professional experience and sectoral professions).

- Period

Since 2007 onwards, statistics are to be provided on a yearly basis, upon request from the Commission.

- Cross-border decisions

Statistics on cross-border recognition are requested. No decisions are to be entered on professionals from your host country wishing to work in the same country. This column is blanked out in the database for the host member state.

- Origin of the qualification and not of the citizen

Statistics should refer to the country in which the qualification was issued and not to the origin country of the citizen.

- Qualifications obtained in a third country

For professional qualifications obtained in a third country and already recognised in a first instance in a Member State, the country of origin of the qualification should be indicated as the Member State where the qualification was first recognised and in which the migrant worked for 3 years following the first recognition (Article 3(3) of Directive 2005/36/EC).

¹ <https://webgate.ec.europa.eu/regprof/index.cfm> - secure site with log-in to enter decisions.

http://ec.europa.eu/internal_market/qualifications/regprof/index.cfm (public site on Europa)

2. Types of decision or declaration/ and types of decision

For establishment:

- Types of decision

Statistics should be provided for the different types of recognition decisions that are taken by the host Member State for each migrant for each period, e.g. positive automatic, positive after compensation measures, negative, etc. (see table below for full list of types of decision).

- Undergoing adaptation period

Adaptation periods of up to three years may be required; however a migrant should only be counted once during the adaptation period. If for some reason this is not possible, then they could exceptionally be counted for each year that they are undergoing training. Please note that these figures would then be counted in the total number of decisions indicated in the database.

- Multiple decisions

- In cases where multiple decisions are taken concerning the same person during the same statistical period, all types of decision are to be entered. For example, if during the same statistical period a person received one negative decision, then appealed and at the end was given a positive decision, all the decisions should be entered. This is because if only the final positive decision is recorded, there would be neither record of the negative decision nor of the appeal.
- In cases where recognition of qualifications is granted in two stages for medical specialists, where the basic training is recognised first and then the specialisation, normally only the decision taken on the highest qualification should be entered.

However, where exceptionally, one competent authority has recognised the basic training and another has recognised the specialisation, it is often not possible to know if the same person has been calculated twice. Both types of decision taken will have to be recorded separately.

For provision of services:

- Declarations and types of decisions

Statistics should be provided for the number of declarations received and for the number of decisions taken under Art. 7 (4) by the host Member State for each migrant for each period, e.g. positive automatic with no check of qualification, positive after check of qualification and compensatory measure, etc. (see table below for full list of possibly entries for statistics).

- Calculation of statistics entered

Under the heading "Declarations received by the host country (Art. 7.1) – except cases covered by Art. 7.4)" the statistics entered should only comprise the declarations which the host Member State receives from professionals whose qualifications do not need to be checked.

The cases where a prior check of qualifications can be carried out by the competent authority in the host Member State (for the professions with health and safety implications, as foreseen in Article 7(4)) are listed under different headings:

- No check of qualifications (Article 7.4.(2)) - positive automatic
- Check of qualifications (Article 7.4.(2)) - positive automatic
- Check of qualifications (Article 7.4(3)) - positive after compensation measure
- Check of qualifications (Article 7.4(3)) - negative after compensation measure
- No reaction within deadline (Article 7.4(4)) - positive tacit
- Check of qualifications (Article 7.4.(2)) - negative automatic

Under the heading "Total declarations/ decisions" everything is counted: the number of declarations received under Art.7 (1), the declarations which respectively trigger a decision under Art. 7 (4), the statistics under "Appeal" and "Being examined"

Under the heading "Total positive" only the decisions linked to Art. 7 (4) and which are positive are counted.

Under the heading "Total negative" only the decisions linked to Art. 7 (4) and which are negative are counted.

Under the heading "Total neutral" are counted the "Declarations under Art. 7 (1)", the statistics under "Appeal" and "Being examined".

3. Validation

- Validation of statistics

New decision statistics for establishment or declaration and decision statistics for the provision of services entered are only visible on Europa after validation by the Commission.

II. Hands-on guidance- how to enter decision statistics on establishment and provision of services statistics into the database

Introductory remark: the system to enter statistics is the same for establishment and provision of services

Use the decisions management form and declarations/decisions form to input decisions and declarations/decisions directly in the database².

A special "provider" log-in and password is needed for this purpose. New coordinators needing this log-in should send a request by e-mail to: MARKT-E4@ec.europa.eu

NB: There are different entry routes to enter decisions for establishment, depending on the type of profession.

- **General system and professional experience**

Decisions attached to and collected at level of specific regulated profession in a host country.

Coordinator has to select:

1. Regulated profession in the host country
2. Decisions
3. Period (e.g. 2008)
→ Table opens up to enter decisions.

- **Sectoral professions**

As there is harmonised training, the type of training must first be selected. Decisions are attached to and collected at the level of the sectoral profession.

Coordinator has to select:

1. Professions
2. Find a profession
3. Choose "harmonised training requirements" (tick box yes) + search
4. Choose, for example "Nurse"
5. Decisions
6. Period (e.g. 2008)
7. Type of training requirement:
 - a. Nurse responsible for General Care (Directive 2005/36/EC)
 - b. Specialist nurse training (national training requirements) + next.
→ Table opens up to enter decisions.

N.B. There is one preferred single entry route to enter declarations/decisions for the provision of services.

Declarations/decisions attached to and collected at level of specific regulated profession in a host country.

Coordinator has to select:

4. Regulated profession in the host country
5. Declarations (visible on the tab "Provision of Services")
6. Choose, for example "secondary teacher"
7. Period (e.g. 2008)
→ Table opens up to enter declarations/decisions.

² <https://webgate.ec.europa.eu/regprof/index.cfm> - log-in required

STATISTICS ON ESTABLISHMENT

Types of decisions available for you to choose in the database

Type of decision	Explanation	i.e.: Example
Positive Automatic Sectoral Professions (no compensatory measures possible)	<p>Automatic recognition according to Title III, Chapter III of Directive 2005/36/EC (coordination of minimum training conditions)</p> <p>Legally speaking, there is no possibility of imposing compensatory measures</p> <p>Only for professions listed in Annex V and VI of Directive 2005/36/EC</p>	Nurse responsible for General Care (Annex V.2)
Automatic recognition of professional experience	<p>Automatic recognition according to Title III, Chapter II of Directive 2005/36/EC (the actual and lawful pursuit of the profession concerned in a Member State).</p> <p>Only for professions listed in Annex IV of Directive 2005/36/EC ("crafts")</p>	Manufacturer of textiles (Annex IV, List I)
Positive Automatic General System (no compensation measures imposed)	<p>Automatic recognition according to Title III, Chapter I of Directive 2005/36/EC (General System).</p> <p>Any general system profession when the migrant is recognised with no compensation measures imposed (so-called positive automatic general system).</p> <p>Or for application of general system for sectoral professions or "crafts" not eligible for automatic recognition under Title III, Chapter III or Title III, Chapter II of Directive 2005/36/EC.</p>	<p>Any general system profession, e.g. Secondary School Teacher;</p> <p>Cases of Art. 10 of Directive 2005/36/EC (sectoral professions)</p>
Positive after aptitude test (general system)	<p>Recognition according to Title III, Chapter I, Article 14 of Directive 2005/36/EC (General system - compensation measures).</p> <p>Positive after a test limited to the professional knowledge of the applicant, made by the competent authorities of the Member State with the aim of assessing the ability of the applicant to pursue a regulated profession in that Member State.</p> <p>Any general system profession</p> <p>Or for application of general system for sectoral professions or crafts not eligible for automatic recognition.</p>	Physiotherapist
Positive after adaptation period (general system)	<p>Recognition according to Title III, Chapter 1, Article 14 of Directive 2005/36/EC (General System - compensation measures).</p> <p>Positive after the pursuit of a regulated profession in the host Member State under the responsibility of a qualified member of that profession, such period of supervised practice possibly being accompanied by further training.</p> <p>Any general system profession</p> <p>Or for application of general system for sectoral professions or crafts not eligible for automatic recognition.</p>	Acupuncturist

<p>Negative Automatic Sectoral professions</p>	<p>Negative automatic for all professions which cannot be recognised automatically neither can compensation measures be applied under the general system. For example:</p> <ul style="list-style-type: none"> -Sectoral professions where evidence of the formal qualification of basic doctor is not accompanied by the required accompanying certificate listed in Annex V.1. of Directive 2005/36/EC. 	<p>Sectoral: Irish "Primary qualification of basic doctor" is not accompanied by the "Certificate of experience".</p> <p>Sectoral: A Heilpraktiker wants to apply for recognition as a nurse.</p>
<p>Negative Automatic General System and professional experience</p>	<p>Negative automatic for all professions which cannot be recognised automatically neither can compensation measures be applied under the general system. This can apply for example to:</p> <ol style="list-style-type: none"> 1) Sectoral professions where evidence of the formal qualification of basic doctor is not accompanied by the required accompanying certificate listed in Annex V.1. of Directive 2005/36/EC. 2) General system or sectoral or professional experience professions which cannot be recognised under the general system because of, for example: <ul style="list-style-type: none"> - difference of scope of activities/profession; - difference in length of training; - difference in levels of qualification; - a falsified diploma. 	<p>General system: A tour operator who wants to exercise the profession of tourist guide.</p> <p>Professional experience: A beautician who has no professional experience in the profession nor in a similar profession and holds a Article 11a qualification but the host member state requires 11d.</p>
<p>Negative after aptitude test (general system)</p>	<p>Negative after a test limited to the professional knowledge of the applicant, made by the competent authorities of the host member state with the aim of assessing the ability of the applicant to pursue a regulated profession in that member state.</p> <p>Title III, Chapter 1, Article 14 of Directive 2005/36/EC (General system – compensation measures)</p> <p>General system professions</p> <p>Or for application of general system for sectoral professions or crafts not eligible for automatic recognition.</p>	<p>Any general system profession when the migrant fails the aptitude test.</p>
<p>Negative after adaptation period (general system)</p>	<p>Negative after the pursuit of a regulated profession in the host Member State under the responsibility of a qualified member of that profession, such period of supervised practice possibly being covered by further training.</p> <p>Title III, Chapter 1, Article 14 of Directive 2005/36/EC (General System – compensation measures)</p> <p>General system professions</p> <p>Or for application of general system for sectoral professions or crafts not eligible for automatic recognition.</p>	<p>Any general system profession when the migrant fails after the adaptation period</p>
<p>Being examined</p>	<p>All cases where no final decision has been taken for whatever reason by competent authorities.</p>	<p>For instance, because migrant has not submitted all relevant</p>

	It does not cover cases of migrants undergoing adaptation period (see below).	documents or because the deadline has not elapsed.
Undergoing adaptation period	Applicable to general system only. This entry was created separately because the adaptation period can last up to 3 years and therefore the same person could be undergoing training during different statistical exercises. Title I, Article 3 (g) of Directive 2005/36/EC	Any general system profession when the migrant is undergoing an adaptation period
Appeal	Appeal under Article 51 (3) of Directive 2005/36/EC	Migrant can appeal any of the decisions as well as the lack of decision within the deadline.

STATISTICS ON PROVISION OF SERVICES

Declarations and types of decisions available for you to choose in the database

Type of declaration	Explanation
Declarations received by the host country (Art. 7 (1))- except cases covered by Art. 7 (4)	Declarations received by the host Member State (Art. 7.1)- all professions, except cases covered by Art 7.4
No check of qualifications (Article 7.4.(2)) - positive automatic	No check of qualifications (Article 7.4.(2)) - positive automatic
Check of qualifications (Article 7.4.(2)) - positive automatic	Check of qualifications (Article 7.4.(2)) - positive automatic
Check of qualifications (Article 7.4(3)) - positive after compensation measure	Check of qualifications (Article 7.4(3)) - positive after compensation measure
Check of qualifications (Article 7.4(3)) - negative after compensation measure	Check of qualifications (Article 7.4(3)) - negative after compensation measure
No reaction within deadline (Article 7.4(4)) - positive tacit	No reaction within deadline of one month after receipt of declaration (Article 7.4(4)) - positive tacit agreement by host country.
Check of qualifications (Article 7.4.(2)) - negative automatic	Check of qualifications (Article 7.4.(2)) - negative automatic
Appeal	Appeal under Article 51 (3) of Directive 2005/36/EC.
Being examined	All cases where no final decision has been taken for whatever reason by competent authorities.

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