

NÁZEV PŘÍSPĚVKU ANGLICKY

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There are two distinguishable types of recognition of qualifications – the academic recognition and the professional recognition.

The academic recognition means recognition of diplomas, qualifications or study periods of any (domestic or foreign) educational institution by another one, either in order to entrance to an advanced study, or in order to reduce the study duties duplication. It's a very important tool for a student's mobility.

Even if the European Union is concerning about the education (inside its competences boundaries), it is not concerned about the academic recognition at all. The professional recognition, on the other hand, is a very in the scope of view of the European Union.

The free movement of persons as well as the free movement of services fall into the basic freedoms of the European Union. It is necessary to withdraw all obstructions – present and prospective - in order to reach those free movements. One of such an obstruction is the natural difference between qualifications gained in various member states. This difference is being overcome by the professional recognition of qualifications.

The professional recognition concerns in the evaluation knowledge and competence of the certain person. They can be proved by a diploma confirming successful completion of the educational level, by a document proving exercise of the regulated profession de facto or somehow else (by the compensatory measures). The result of the process is a decision whether the person is capable to practise the profession or not.

The old system of professional recognition of qualifications was growing up in the 1970's, 1980's and 1990's and was consisted of the general system of the recognition of qualifications and the sector system.

The general system was covered by the three general system's directives:

Directive 89/48/EEC on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration; Directive 92/51/EEC on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC; and Directive 1999/42/EC establishing a mechanism for the recognition of qualifications in respect of the professional activities covered by the Directives on liberalisation and transitional measures and supplementing the general systems for the recognition of qualifications.

This general system should ensure, that any European Union Member States' citizens have right to have vocational qualifications gained in one member state recognized by other. There were a few conditions to be discharged in order to be covered by the general system directives which were covering all various professions, except those, which were regulated by the sectoral directives.

The sector system was consisting from the several sectoral directives, which represented the special regulation on certain professions.

Those professions and their directives were following:

Advocates – 77/249/EEC and 98/5/EC;

General care nurses – directive 77/452/EEC;

Dentists – directive 78/686/EEC;

Veterinarians – directive 78/1026/EEC;

Midwives – directive 80/154/EEC;

Architects – directive 85/384;

Pharmacists – directive 85/433/EEC; and

Doctors – directive 93/16/EEC.

By the time administering the various systems of recognition set up by the sectoral directives and the general system had proved cumbersome and complex. There was therefore a need to simplify the administration and updating the directive system to take account of scientific and technical progress, in particular where the minimum conditions of training are coordinated with a view to automatic recognition of qualifications. In order to ensure the effectiveness of the system for the recognition of professional qualifications, uniform formalities and rules of procedure should have been defined for its implementation, as well as certain details of the pursuit of the profession.

So that, the new complex Directive 2005/36/EC on the recognition of professional qualifications, has been issued. It covers almost all of the substance into the one directive,

except the advocate's profession, and set up a lot of practical measures. It makes the process easier, faster and more available for all potential migrant workers or service providers.

In some points of view, the directive does not set up a new system at all, however it makes it easier and better working. It simplifies the rules allowing access to a number of industrial, commercial and craft activities, in Member States where those professions are regulated, in so far as those activities have been pursued for a reasonable and sufficiently recent period of time in another Member State and extends the general system to those cases which are not covered by a specific system, either where the profession is not covered by one of those systems or where, although the profession is covered by such a specific system, the applicant does not for some particular and exceptional reason meet the conditions to benefit from it.

The Member States should bring into force the laws, regulations and administrative provisions necessary to comply with the directive 20 October 2007 at the latest. The Czech Republic still has not been on time. The Act on the Recognition of Professional Qualifications has already existed since 2004. The novel transforming rules done by the new directive, unfortunately, is still waiting to be completed.