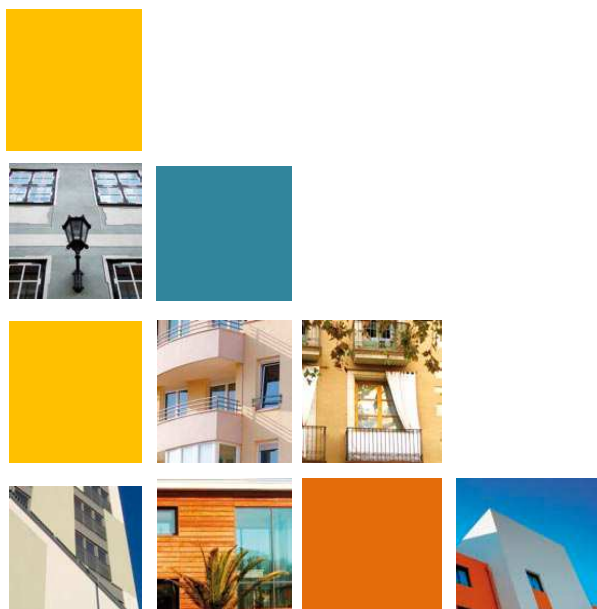




Conseil Européen des Professions Immobilières  
(European Council of Real Estate Professions)

# A Guide to the Recognition of Professional Qualifications in the EU



There are opportunities for property professionals in the increasing cross-border and second home markets for property in Europe. CEPI seeks to promote greater mobility and better recognition for the qualifications of property professionals. This guide presents some **questions and answers** on the system established in the EU for the recognition of professional qualifications and how they apply to property professionals.

## What rights do I have as a professional if I want to work abroad?

As an EU citizen you have the legal right to work in a different Member State on the same terms as a national of that Member State. For some professionals their qualifications must be recognized first. Directive 2005/36/EC on the recognition of professional qualifications sets out the rules as to how this must be done on the basis of professional activities carried out rather than title. The sectoral professions (medical professionals, architects etc.) benefit from automatic recognition of their qualifications. Property professionals (estate agents and property managers) fall within the "general system" established by the Directive which means that the rules have to be looked at on a case-by-case basis.

## What rules do I have to comply with?

This will depend on your particular case and the rules relating to your profession in both your home and host country. Your home country is the one in which you are legally established and in which you obtained your qualifications. Your host country is the country in which you want to go and work. The provision of services is subject to the rules of the country where the service is provided, so this means that the conditions will be defined by the laws of the host country. The terms of the Directive should allow you to gain access in that country to the same profession as that for which you are qualified in your home country under the same conditions as nationals of the host country.

## What first questions do I have to ask?

The first questions which you have to ask are:

*Do I want to establish my professional activities in another country on a permanent basis or is my presence there going to be temporary?*

*Is my profession regulated in my home country?*


*Is my profession regulated in my host country?*

The rules which you will have to follow will depend on your answers to these questions.

*Do I want to establish my professional activities in another country on a permanent basis or is my presence there going to be temporary?*

If you want to work in another country on a temporary basis then the rules are more flexible than if you want to establish yourself on a permanent basis (which means settling in a stable and lasting way). Whether or not the service is temporary will be assessed on a case-by-case basis. You must be physically present in the host Member State. If not and you want to provide a service in the host Member State without leaving your country of origin your activities will be covered instead by Directive 2000/31/EC on electronic commerce or Directive 2006/123/EC on services in the internal market.

As long as you are already legally established in an EU Member State, in most cases you do not need to submit your qualifications for approval if your activity is temporary. However you do need to inform the competent authority of your presence and may be obliged to provide information about your activities. Such information includes your full name, contact information, nationality, the profession for which you are qualified in the state in which you are legally established and the profession that you wish to practice on the host state, and information about professional liability insurance. If your profession is not regulated in your home country then proof may be required that you have pursued the activity concerned for at least two years during the previous ten years. →



The first time that you provide a professional service in a different state that state **may** (but does not have to) require you to submit a declaration. If required, such a declaration is valid for one year, after which if you again wish to provide such a service another declaration may be required. This declaration can be submitted at any time before this service is provided for the first time. Such a declaration can be submitted either to the national contact point in the host state (see [http://ec.europa.eu/internal\\_market/qualifications/docs/contact-points/info-points\\_en.pdf](http://ec.europa.eu/internal_market/qualifications/docs/contact-points/info-points_en.pdf)) or the point of single contact provided for in the Services Directive (see [http://ec.europa.eu/internal\\_market/eu-go/index\\_en.htm](http://ec.europa.eu/internal_market/eu-go/index_en.htm)). Supporting documents may be required.

The national authority can then decide:

- not to check your qualifications, or;
- to check your qualifications and then authorize or prohibit you from providing this service, or require you to take additional measures if there are substantial differences between your training and that in the host Member State and these differences are liable to be harmful to the health or safety of the beneficiaries of the service. The national authority must check whether your professional experience, further or any other training could demonstrate the required knowledge. If you cannot prove this, then the authority may require you to do an aptitude test or short traineeship. The authority may also require information to be given to the recipients of the service including information about professional associations and professional liability insurance.

You must respect the professional rules of conduct directly related to the professional qualifications in force in the host Member State.

### *Is my profession regulated in my home country?*

If not and you want to move to a country in which the same profession is regulated then you may do so but the competent authority may require you to prove that you have two years' professional experience obtained during the last ten years.

In the case of establishment, you must have one or more attestations of competence or documents providing evidence of formal qualifications. These must demonstrate a level of professional qualification at least equivalent to the level immediately prior to that required in the host country.

### *Is my profession regulated in my host country?*

You must find out if your profession is regulated in your host country (and remember that titles may be different). There is a database of regulated professions at [http://ec.europa.eu/internal\\_market/qualifications/regprof/index.cfm?newlang=en](http://ec.europa.eu/internal_market/qualifications/regprof/index.cfm?newlang=en).

A profession is "regulated" when access to it is subject to the possession of a specific qualification, by way of legal, regulatory or administrative rules.

**If it is not regulated**, then you do not have to have your qualifications recognised. You have the right to work as a professional in that country in the same way as if you were a national of that country.

**If it is regulated**, then you have to look at the rules for the general system of recognition. If there are substantial differences between qualifications then the competent authority in your host country is entitled to ask you to comply with compensation measures as defined by the general system

## How does the general system for recognition work?

The general system for recognition is intended to facilitate the free movement of professionals who do not benefit from the right of automatic recognition available to those in the sectoral professions. It defines the rules to be followed and procedures for applications.

Member States retain the right to impose a minimum level of qualification required. However, any host Member State in which a profession is regulated must take account of qualifications obtained in another Member State and assess whether they correspond. The general system does not prevent a Member State from making any person pursuing a profession on its territory subject to specific requirements due to the application of professional rules justified by the general public interest.

## How do I apply for my qualifications to be recognized?

The application has to be made to the national recognition authority which checks:

- that the profession you are qualified to practice in your home country is the same as the profession regulated in your host country;
- that the duration and content of your training do not differ substantially from that required in the host country.

Documents will be required, which may vary from country to country, but are likely to include your CV, copies of educational and professional diplomas, and a completed registration form, a copy of your ID or criminal/police record and certified translations of important documents.

The competent authority must take a decision within 4 months and may:

- recognize your qualifications;
- make recognition contingent upon a compensation measure;
- or, refuse your application.

If there are no substantial differences between the training requirements in the Member States concerned then the competent authorities must recognize your qualifications. On the other hand if substantial differences are identified the competent authority can require you to take certain steps by way of compensation measures.

## What extra steps can I be required to take?

Compensation measures required may include additional training, work experience or an exam. Your existing professional experience must be taken into account. If you are required to complete a period of adaptation or take an exam, you have the choice as to which you prefer to do unless the authority has the right to require you to fulfill one of the other measures because the occupation you wish to pursue requires a precise knowledge of national law, or it is your intention to pursue a commercial occupation on a self-employed basis or as a manager of an enterprise, and this profession requires a knowledge and application of specific national rules.

However the competent authority may not require you to complete more than one compensation measure.

## What about language?



The competent authority may require you to have some knowledge of the local language if this is justified by the nature of the profession. Any language requirements must not exceed what is objectively necessary for practicing that profession.



## What if my application is refused?

The Directive provides for deadlines. The competent authority has 1 month to acknowledge receipt of an application and to draw attention to any missing documents. In principle a decision has to be taken within 3 months of the date on which the application was received in full, with the possibility of extending this by another month in cases covered by the general system for the recognition of qualifications. If no decision is made within the deadline then you have the right of appeal on the grounds of non-observance of the deadline.

If a decision is made within the time limits, and the application refused or compensation measures required, the decision must be justified and there must be a possibility of appeal. Reasons have to be given which can be challenged in the national courts.

## What do common platforms do?

The idea of common platforms is to pre-define compensation measures for given professions so that if your qualifications meet the agreed level then your application does not have to be considered on a case by case basis. Unfortunately the terms of Article 15 of the Directive, which set out the requirements for the establishment of common platforms are so restrictive as to make it impossible to comply with. This problem, together with the Directive as a whole is currently being evaluated by the European Commission. It is possible that a future revision of the Directive could either dispense with this idea all together or reform the system so as to make it more practicable. This is an issue which CEPI follows closely.





## What about a European professional card?

The Directive suggests that professional cards could be introduced at a European level, to be issued by professional associations. Information about a professional's training and qualifications could be included in such a card which could serve as a useful tool for mobility. CEPI is interested in developing such a card for property professionals and is working on ideas as to its content and purpose.

## Where can I find more information?

This guide is intended as an introduction. For more information see the sources listed in Annex II. In particular there is a lot of information available on the website of the European Commission <http://ec.europa.eu> about the rights of EU citizens and the free movement of people and services generally.

Remember also that the Directive deals with the recognition of qualifications. Professionals wishing to establish a business in another Member State or to provide services cross-border should also refer to the Services Directive which requires Member States to set up "points of single contact" for service providers to obtain information and complete procedures. For more information please refer to CEPI's guide on the Services Directive.




## What if I continue to have a problem getting my qualifications recognized?

There are various options open to you. There is a service known as SOLVIT in the form of a network of centres funded by the European Commission dealing with problems with the application of the rules concerning the internal market. This service is free of charge and using it does not prevent you from resorting to legal action later if no acceptable solution is found.

Also CEPI, as a European professional association which takes an active interest in the Directive and the system of recognition of qualifications, would like to hear from you if you have problems exercising your rights under the Directive. If you experience problems dealing with the system established by the Directive we can refer those problems to the European authorities and discuss them with them to try and improve the system of recognition for property professionals.

Otherwise only competent national authorities can overturn a decision taken by a national authority. However, the European Court of Justice can declare a state to be in breach of its obligations, either because it has applied EU law incorrectly, or because its national legislation is incompatible with EU law. If the Court rules that a decision has been incorrectly taken then the competent authorities in that country must amend it.

*CEPI aisbl  
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For further information about the contents of this guide and also CEPI and its activities please refer to [www.cepi.eu](http://www.cepi.eu) or contact us :

**Xavier Ortegat**

Managing Director  
xavier.ortegat @ cepi.eu

**Janet Griffiths**

Policy Analyst  
janet.griffiths @ cepi.eu

Avenue de Tervueren 36 bte 2B  
1040 Bruxelles  
t. +32 2 735 49 90  
f. +32 2 735 99 88



CEPI is the main European professional association for estate agents and property managers representing 42 member associations in 25 countries.