

MINISTRY OF NATIONAL EDUCATION AND SCIENTIFIC RESEARCH

**National Centre for Recognition and Equivalence of Diplomas
- Romania-**

Recognition of Professional Qualifications of Third Country Nationals: Key Action for Improving Intra-EU Mobility

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General background

In the actual context of the increased migration at international level, **professional mobility** represents one of the laborious subjects for all European countries that must find specific solutions while the international and European legislation, national interest and the protection of the rights of the migrants should be taken into account.

The European Union (EU) did set up a legal framework on the rights of the citizens from the third countries who want to exercise a profession/occupation in the Internal Market area.

The common migration policy of the EU is built upon solidarity and responsibility.

General background

The EU measures on legal immigration cover the conditions of entry and residence for certain categories of immigrants, such as highly qualified workers subject to the 'EU Blue Card Directive' and students and researchers; family reunification and long-term residents are also provided for.

The recognition of the professional qualifications is one of the instruments facilitating the freedom of the movement of the third country citizens for the work purposes.

Terms definition

The professional recognition - *de facto* refers to situations of unregulated recognition for professional purposes, such as where no national legal authorization to practice a particular profession exists or is required (it is considered being the most problematic area of professional recognition).

The professional recognition - *de jure* refers to the recognition of the right to work in a specific country in a regulated profession (e.g. medical doctor, psychologist) in the European Union or European Economic Area; these situations are subject to the European Union Directive 2005/36/EC whereby if a citizen is a fully qualified professional in one Member State, he or she has the right to exercise that profession and be recognized as a professional in another Member State.

The recognition of the professional qualifications is done by the ENIC/NARIC Centres, the Ministries of the Education or the competent public authorities or professional bodies, under a specific procedure in correlation with Lisbon Convention rules and/or the EU law.

Recognition of the professional experience

The Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (Blue Card directive) address to third-country nationals who apply to be admitted to the territory of a Member State for the purpose of highly qualified employment.

The EU Blue Card means the authorization entitling its holder to reside and work in the territory of a Member State under the terms of this Directive.

“**Higher professional qualifications**” means qualifications attested by evidence of higher education qualifications or, by way of derogation, when provided for by national law, attested by at least five years of professional experience of a level comparable to higher education qualifications and which is relevant in the profession or sector specified in the work contract or binding job offer

Recognition of the professional experience

“Higher education qualification” means any diploma, certificate or other evidence of formal qualifications issued by a competent authority attesting the successful completion of a post-secondary higher education programme, namely a set of courses provided by an educational establishment recognized as a higher education institution by the State in which it is situated. For the purposes of this Directive, a higher education qualification shall be taken into account, on condition that the studies needed to acquire it lasted at least three years.

The EU Blue Card holders shall enjoy **equal treatment** with nationals of the Member State issuing the Blue Card, as regards:

- working conditions, including pay and dismissal, as well as health and safety requirements at the workplace;
- education and vocational training;
- **recognition of diplomas, certificates and other professional qualifications** in accordance with the relevant national procedures.

Recognition of the professional experience

This Directive is under revision and the amendments are important in terms of definitions involving the new procedures of recognition of the professional qualifications and professional experience.

So, it may be possible for the Member States to comply with the recognition of the professional experience from 3 or 5 years acquired in a third country with a Bachelor degree, for example.

At this moment, a specific procedure of the recognition of the professional experience obtained within the territory of a Member State is still not in place in the majority of the EU Member States and the European Commission has proposed, in the new Directive, to give these States 2 years after the transposition deadline to recognize higher professional skills obtained in a third country as higher professional qualifications.

Recognition of the professional qualifications without documentation

The migration flows has already raised a lot of concern for the European countries - the recognition of the qualifications obtained in a third country that are not attested by documents.

The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions - Action Plan on the integration of third country nationals COM (2016) 377 final states a calendar for the European Commission and the Member States for the adoption of the measures improving the recognition of academic qualifications of third country nationals through among other things:

- Training of staff in reception facilities to allow faster launch of recognition procedures;

Recognition of the professional qualifications without documentation

- Improve access to procedures for recognition of academic qualifications for beneficiaries of international protection;
- Improve the communication channels for the sharing of information between ENIC-NARIC centers and relevant stakeholders, including NGO's undertaking education activities in reception facilities;
- Develop a toolkit for credential evaluators supporting recognition of academic qualifications of refugees.

Recognition of the professional qualifications without documentation

In **Romanian ENIC/NARIC's** view, the recognition of the qualifications which are not attested by a evidence of formal qualification could be realized by the ENIC/NARIC Centres / Ministry of Education in collaboration with schools/universities on the basis of a national unified procedure which must be focused on:

- Establishment of a committee/commission for the recognition composed by the representatives of the ENIC/NARIC Centres/ Ministry of Education, schools/universities and/or Ministry of Labour and National Authority for Qualifications;
- Elaboration of the recognition procedure based on tests and interviews and other specific mechanisms;
- Designation of the competent authority to award the attestation of the recognition;
- Rights given by the recognition.

Recognition of the professional qualifications without documentation

The **ENIC/NARIC Network** proposes a set of minimum rules for establishing a standardized, accessible, fair and transparent process for applicants without documentation consisting on:

1. Prepare a background paper;
2. Evaluate qualifications based upon the background paper;
3. Arrange additional steps (if necessary);
4. Complete the evaluation process;
5. Issue an official document (if necessary).

The recognition of professional qualifications obtained in a third country by the European citizens

The recognition of professional qualifications obtained in a third country by a European citizen is **done in accordance with the provisions of the Directive 2005/36/EC on the recognition of professional qualifications and the case-law of the Court of Justice of the European Union, Lisbon Convention, bilateral agreements and other international rules.**

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Thank you for your attention!

www.cnred.edu.ro

<http://www.enic-naric.net/recognise-qualifications-held-by-refugees.aspx>

<http://ear.enic-naric.net/emanual>

<http://ec.europa.eu>