

HOW TO OBTAIN RECOGNITION OF PROFESSIONAL QUALIFICATIONS?

The recognition of professional qualifications is the process of verifying the professional qualifications held by an individual and leading to the issue of an authorisation by a **competent authority, such as public administration organisations and public professional associations**, which grants access and the pursuing a given regulated or ruled profession or professional activity.

For European citizens or third country nationals holding qualifications obtained within the European Union, the recognition of professional qualifications can be obtained by means of the rules laid down in Directive 2005/36/EC of 7 September, as amended by Directive 2013/55/EU of the 20 November issued by the European Parliament and of the Council, transposed into national law by the Law No 9/2009 of 4 March 2009, in its current wording.

This mechanism allows a Member State **conditioning access to or pursuit of a regulated profession on its territory to the possession of certain professional qualifications** (referred to as the "host Member State") to **recognise qualifications** acquired in other Member States (referred to as the "home Member State"), which allow the holder to access and pursue that profession.

WHO CAN BENEFIT FROM THE fDIRECTIVE 2005/36/EC?

Directive 2005/36/EC applies to any national of a Member State or a qualified third country national with qualifications obtained within the European Union who wishes to pursue a regulated or ruled profession in a Member State other than that where this person acquired his professional qualifications.

WHO CAN YOU CONTACT?

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In Portugal, the Directorate-General for Employment and Labour Relations (DGERT), a department of the central administration, supervised by the Ministry of Labour, Solidarity and Social Security (MTSSS), is responsible for the coordination of the recognition of professional qualifications, in close coordination with the national competent authorities.

The following questions aim to help you determining whether or not you can benefit from the rules set out in Directive 2005/36/EC, bearing in mind that these rules do not apply unless certain conditions are met.

Is your intention to work in another Member State?

Directive 2005/36/EC is aimed at suitably qualified professionals who wish to pursue the same profession in another Member State.

Which profession do you want to pursue?

In order to obtain this information, you can consult a list of the professions covered by the Directive 2005/36/EC, in the [European Commission's Regulated Professions Database - REGPROF](#). If you wish further clarification on the professions covered by the Directive 2005/36/EC, you can address the Competent Authority of the host Member State.

The Directive 2005/36/EC does not apply to professions covered by specific directives, such as statutory auditors, who are included within the scope of the Directive 2006/43/EC, insurance intermediaries, covered by the Directive 2002/92/EC, or lawyers wishing to work in another Member State under their home-country professional title, covered by the Directive 77/249/EEC and 98/5/EC. As far as the transport sector is concerned, there are as well several specific directives.

What is your nationality?

Directive 2005/36/EC applies to nationals of 30 countries: **the 27 Member States of the European Union, Iceland, Norway and Liechtenstein**. The Directive concerns every person who, at the moment they apply for recognition, hold the nationality of one of these 30 countries, even if they had previously another nationality. It concerns to persons with dual

nationality too. Thus, it may concern, for example, an Argentinean who also holds Italian nationality.

If you are a third-country national, are you allowed to benefit from the Directive?

The Directive 2005/36/EC also concerns **third-country nationals who:**

- Hold a professional **qualification previously obtained and/or recognised in another Member State of the European Union;**
- **Are family members of a European Union citizen** exercising his or her right of free movement within the European Union's internal market;
- **Hold a valid residence permit, allowing them to exercise a professional activity in Portugal;**
- **Possess refugee status** in a Member State. The refugee must be treated in the Member State that granted him or her that status as one of its nationals. If a refugee holds a professional qualification obtained in another Member State of the European Union, the Member State that granted him or her refugee status must recognise that professional qualification in accordance with the Directive 2005/36/EC.

Which country did you obtain your professional qualification in?

Directive 2005/36/EC is to be applied if you have acquired your professional qualification in any of the 30 above-mentioned countries. If you obtained your professional qualification in a third country, the Directive 2005/36/EC will be applicable only under the conditions defined in question 4.

Is the profession that you wish to pursue in another Member State regulated or ruled in that Member State (i.e. the host Member State)?

The Directive 2005/36/EC applies only to regulated or ruled professions in the host Member State, i.e., to professions whose access or pursuit are subject in the host Member State, in legislative, regulatory or administrative terms, to the possession of given professional qualifications. The Directive 2005/36/EC will thus concern you if the profession you wish to pursue in a host Member State is regulated or ruled in that Member State.

In order to know whether a profession is regulated or ruled in the host Member State, you can consult the list of regulated professions covered by the Directive 2005/36/EC, available in the [REGPROF database](#).

It should be stressed that the professions of doctor, nurse responsible for general care, midwife, pharmacist, veterinary, dentist and architect are regulated in all Member States and are automatically recognised (see Annex V of the Directive 2005/36/EC).

What shall happen if the profession you wish to pursue is not regulated or ruled in the host Member State?

In that case, access to it is free and you do not need to apply for your professional qualifications' recognition. You can start practising your profession in the host Member State under the same conditions as nationals of that Member State. You do not have to present a recognition document issued by an official authority. In this case, the recognition of your qualifications will depend on the labour market situation and not on legal provisions.

Is the regulated or ruled profession that you wish to pursue exactly the same as the one for which you possess qualifications?

The Directive 2005/36/EC is applicable in the sole case the regulated or ruled profession that you wish to pursue in the host Member State is the same one for which you are qualified in your home Member State.

Is your intention to pursue a professional activity in another Member State on a temporary basis, or to establish there permanently?

The regime applicable will be different depending on whether you wish to establish yourself in another Member State or to work there on a temporary basis only, sby going to that Member State.

There is a establishment when ain individual moves permanently to another Member State. In such cases, he or she benefits from the rules of the Directive 2005/36/EC, applicable to establishment matters.

On the other hand, if you are already legally established in a Member State, as defined in the Directive 2005/36/EC, and wish to exercise your profession temporarily in another Member State, you will be providing a service in the latter and will therefore benefit from the rules stated in the Directive 2005/36/EC, applicable to service provision matters.

Where should you go to apply for recognition?

The competent authority of the host Member State is able to tell you where to apply for recognition and on the procedures that must be followed.

If you so wish, you may also submit your application for recognition at the [one-stop shop](#), where you can fulfil all the necessary formalities that are required to pursue your profession in the host Member State.

What documents may the competent authority in the Member State where you wish to work ask you for?

Documents relating to all professions

The competent authority of the Member State in which you wish to pursue a professional activity may ask you to produce the following documents:

- **Proof of nationality**, for example a copy of your identity card;
- **Proof that you possess the declaration of professional skills or the certificate of the qualifications** preparing or giving access to the profession at stake (e.g. copy of the declaration or the certificate of qualifications); you may not, however, be asked to do so if you meet the conditions required for automatic recognition based solely on professional experience;
- **Proof of professional experience** if you obtained a qualification certificate in a third-country and if that qualification has already been recognised by another Member State; in that case, the competent authority of the Member State in which you intend to pursue a professional activity may require a certificate, issued by the Member State that recognised your qualification, attesting that you have effectively pursued that profession for at least three years on your territory;
- **Whenever nationals are also required to do it:**

- Evidence of your good repute, good conduct or that they are not in situation of bankruptcy, or that you have not been suspended or prohibited from exercising the profession at stake due to grave professional misconduct or criminal offence;
- A medical certificate of ability, issued by a competent authority, that may be an non-contracted doctor (whether a general practitioner or a specialist, depending on the certificate requested);
- **Proof of your financial ability as well as your insurance cover.**

Note: You may be asked to produce other specific documents, each one by profession.

Can you provide any additional documents on your own initiative and is this desirable?

Whenever your profession is covered by the general regime, it is in your interest to provide to the competent authority as much information as possible in the following matters: professional experience, continuing vocational training, seminars and other training additional to the initial training. This may facilitate the recognition of your qualification and, in particular, allows you to avoid, in whole or in part, the need for an aptitude test or an adaptation period, prior to your qualification's recognitions.

Can the competent authority in the host Member State require you to provide original documents or certified copies?

The competent authority of the host Member State is not allowed to demand you to provide original documents; on the contrary, it may demand you certified copies of essential documents, such as professional qualifications and documents attesting to your professional experience.

The competent authority may itself verify the authenticity of the document or documents with the competent authority of the home-country Member State, in particular through the Internal Market Information System (IMI).

Must all documents be translated?

The competent authority within the host Member State may require a translation of the documents if this is imperative to process your application for recognition.

May you be required to know the language of the host Member State?

The host Member State may require you to know its language whenever this is justified by the nature of the profession you wish to pursue. In any case, the verification of your language knowledge shall be proportionate to the activity your pursue.

Useful Link: <https://www.dgert.gov.pt>