

DG Internal Market and Services, Unit E-4 "Free movement of professionals"

European Commission, Internal Market Directorate General, Unit E-4
Rue de Spa 2
Office 06/014
1049 Brussels
Belgium

MARKT-PQ-EVALUATION@ec.europa.eu

CONSULTATION ON THE MODERNISATION OF THE DIRECTIVE ON THE RECOGNITION OF PROFESSIONAL QUALIFICATIONS

General comments

The Danish government supports the work on the revision of the Directive on the Recognition of Professional Qualifications which aims to strengthen the free movement of workers in the EU through a more efficient and simple system for mutual recognition of professional qualifications. A well-functioning Internal Market with free movement of goods, capital, services and persons, respectively, is a basic condition for growth and employment in the EU.

The Danish government stresses that the revision of the directive should support the possibility for increased cross-border mobility within the EU among professionals. At the same time it should ensure promotion of quality as well as high professional standards of the services provided by professionals.

Specific comments

2. NEW APPROACHES TO MOBILITY

2.1. The European professional card

Question 1: Do you have any comments on the respective roles of the competent authorities in the Member State of departure and the receiving Member State?

Question 2: Do you agree that a professional card could have the following effects, depending on the card holder's objectives?

a) The card holder moves on a temporary basis (temporary mobility):

- Option 1: the card would make any declaration which Member States can currently require under Article 7 of the Directive redundant.

- Option 2: the declaration regime is maintained but the card could be presented in place of any accompanying documents.

b) The card holder seeks automatic recognition of his qualifications: presentation of the card would accelerate the recognition procedure (receiving Member State should take a decision within two weeks instead of three months).

c) The card holder seeks recognition of his qualifications which are not subject to automatic recognition (the general system): presentation of the card would accelerate the recognition procedure (receiving Member State would have to take a decision within one month instead of four months).

The Danish government supports the Commission's efforts to develop a "professional card", cf. question 2 in the Green Paper. The proposal can thus be supported subject to the results of the Commission's Steering Group's report on the card's contents, built-in facilities, safety, format etc. as well as the final proposal for the Directive.

The Danish government assesses that the implementation of the professional card can make the system for recognition of professional qualifications more efficient and can contribute to the removal of barriers to the free movement of workers in the EU, which is expected to contribute to the objectives with respect to a strong Internal Market creating new jobs and contributing to an increased growth and competitiveness in the EU.

With regard to the respective roles of the competent authorities in connection with the issuance of the professional card, cf. question 1 in the Green Paper, it can be supported that the initial verification mentioned in section 2.1. of the Green Paper should be carried out by the competent authority in the Member State of departure, who possesses the professional expertise related to the individual profession, with the aim of ensuring the validity of the card.

Furthermore, it can be supported that the Member State in question designates a competent public authority to issue the professional card related to professions that are not regulated by law in the professional's Member State of departure (for example contact points for the Directive or NARIC centres). In this connection it would be relevant to further define the obligations of the public authority issuing the professional card in relation to non-regulated professions as well as the obligation of the receiving Member State to accept the professional card issued by the authority in the Member State of departure.

The Danish Government supports that the issuance of a professional card will not be mandatory for citizens and that the professional card in the future can be applied both in cases of establishment and services provided on a temporary and occasional basis.

In this connection the Danish Government finds it very relevant for the Commission's Steering Group to clarify the legal status of such a card including who is the relevant target group (the competent authorities of the host Member State and/or the employers) and whether such a card is to have a binding effect or should be meant for guidance purposes only in relation to the recognition procedures of the authorities.

Furthermore, it can be supported that the application of IMI (the Internal Market Information System) be made mandatory under the scope of the Directive and that IMI be relied upon as a "back

office” for the authorities of the Member States dealing with the professional card. The Danish government assesses that IMI can contribute to ensuring better trust and a better and more efficient cooperation between the European authorities.

As a consequence of the closer cooperation between the authorities in the Member States, it may be possible to shorten the recognition procedures, cf. questions 2(b) and 2(c) in the Green Paper. It is recommended that the proposed reductions in the length of procedures in relation to the implementation of a professional card be tested in practice before they are established as requirements. This is due to the fact that it can be difficult to meet the requirements in practice, for example in the case of certain health professions where the frequency of applications for recognition of professional qualifications is high. The proposed reductions in the length of procedures could for example be tested through a pilot case study which is expected to be part of the Steering Group’s work on the development of the professional card.

The Danish government assesses that the role of the receiving Member State could be made easier if the Member State of departure would play a bigger role at an earlier stage. It is precisely the responsibility of the Member State of departure to ensure that professionals exercising regulated professions in the Member State have the right qualifications, meet any other conditions and are legally established in the Member State. The competent authorities in the Member State of departure are normally in possession of the documents on which the national authorisation is based and they are already covered by the provisions on the administrative cooperation, cf. Articles 8 and 56(1) of the Directive.

In case of temporary mobility, the Danish Government agrees that the declaration regime, cf. Article 7(1) of the Directive, should be maintained and that the professional card can be presented in place of any accompanying documents in case of a required prior declaration (cf. question 2(a), option 2 in the Green Paper). It should still be possible to carry out the prior check, if necessary, cf. Article 7(4) of the Directive.

It is noted that according to the statistical reports which Denmark has submitted in the last ten years, about 4,500 Danish professionals have sought professional recognition in other Member States and Danish competent authorities have considered about 6,500 foreign applications for authorisation covered by the Directive.

2.2. Focus on economic activities: the principle of partial access

Question 3: Do you agree that there would be important advantages to inserting the principle of partial access and specific criteria for its application into the Directive? (Please provide specific reasons for any derogation from the principle.)

The Danish Government supports the insertion of the principle of partial access and the criteria according to which the principle would apply, the so-called “criteria-based approach”, into the revised Directive. However, at the same time exceptions from the principle of partial access, if justified by overriding reasons of general interest (for example within the health and safety professions), should also be possible.

In this connection it is important to clearly define the concept “overriding reasons of general interest” in the next proposal for a Directive so that the possibilities for exceptions related to the concept are interpreted and applied in a uniform manner in all Member States.

However, it cannot be recommended that the principle of partial access be made applicable to health professions and professions involving potential risks to safety or public health. In Denmark, this regards professions related to working environment legislation and certain professions related to safety in connection with working on offshore platforms.

In addition, the Danish Government finds at present that a professional who has only obtained partial recognition and partial access to the profession is to have access to certain compensation measures in order to obtain full access to the exercise of all activities within the regulated profession.

2.3. Reshaping common platforms

Question 4: Do you support lowering the current threshold of two-thirds of the Member States to one-third (i.e. nine out of twenty seven Member states) as a condition for the creation of a common platform? Do you agree on the need for an Internal Market test (based on the proportionality principle) to ensure a common platform does not constitute a barrier for service providers from non-participating Member States? (Please give specific arguments for or against this approach.)

The Danish Government supports a lowering of the current threshold of two-thirds of the Member States to one-third as a condition for the creation of a common platform as well as an introduction of an Internal Market test of the platforms.

2.4. Professional qualifications in regulated professions

Question 5: Do you know any regulated professions where EU citizens might effectively face such situations? Please explain the profession, the qualifications and for which reasons these situations would not be justifiable.

The Association of Danish Travel Agents and Tour Operators (Danmarks Rejsebureau Forening) has stated that in some Member States the tourist guide profession is a regulated profession which is an obstacle to the mobility of tourist guides from Member States where the profession is not regulated. Furthermore, it is stated that in Member States where the tourist guide profession is regulated by law, Danish tourist guides often face qualification requirements which are disproportionate or unnecessary in relation to the exercise of the profession. The Union of Salaried Architects (Arkitektforbundet) has stated that Danish architects who have completed a Master's degree and who are free to exercise the profession in Denmark often face requirements which constitute barriers when seeking employment (in a self-employed or employed capacity) in other Member States. It is the Union's opinion that these requirements often appear discriminatory.

In order to create a well-functioning Internal Market and to promote the mobility of workers in the EU, it could be relevant to examine the regulation of certain professions in the Member States in relation to a set of objective criteria, for example criteria justified by overriding reasons of general interests which have been laid down in the Treaty and which have been developed by the Court of Justice. In this connection reference can be made to recital 40 to the Services Directive.

In general, the Danish Government wishes to encourage that the Commission's assessment of Member States' rules reserving certain activities to providers with specific qualifications as stated in the communication "Towards a better functioning Single Market for services – building on the results of the mutual evaluation process of the Services Directive" of 27 January 2011 be included in the revision of the Directive. The results of the mutual evaluation of the Services Directive showed that the unjustified and disproportionate "reservation of economic activities" for providers with specific qualifications limits the cross-border economic activity and can therefore pose a barrier to the Internal Market for services.

3. BUILDING ON ACHIEVEMENTS

3.1. Access to information and e-Government

Question 6: Would you support an obligation for Member States to ensure that information on the competent authorities and the required documents for the recognition of professional qualifications is available through a central on line access point in each Member State? Would you support an obligation to enable online completion of recognition procedures for all professionals? (Please give specific arguments for or against this approach).

The Danish Government can support the proposal for a general obligation for the Member States to ensure that information on the competent authorities and the required documents for the recognition of professional qualifications is available through one central on-line access point in each Member State (for example the points of single contact created according to the provisions in the Services Directive as this would comprise taking advantage of already existing IT-platforms as well as ensuring user-friendliness) as well as an obligation to enable on-line completion of recognition procedures for all professionals. The procedures related to a central on-line access point in each Member State should be simple. However, the Danish Government finds that it is relevant that competent authorities, in their capacity as competent supervisory authorities, can reserve the right to request original documents in selected situations and in serious cases of doubt for example in case of suspicion of forged documents. In this regard, the competent authorities should make use of the online facilities in IMI for cross-border information exchange to the widest extent possible.

3.2. Temporary mobility

3.2.1. Consumers crossing borders

Question 7: Do you agree that the requirement of two years' professional experience in the case of a professional coming from a non-regulating Member State should be lifted in case of consumers crossing borders and not choosing a local professional in the host Member State? Should the host Member State still be entitled to require a prior declaration in this case? (Please give specific arguments for or against this approach.)

The Danish Government finds that the requirement of two years professional experience in the case of a professional coming from a non-regulating Member State can be regarded as a formal barrier to the mobility for certain citizens, especially the newly qualified. The citizens may be in possession of professional qualifications of high quality and of high professional standard. Also, in the Member State they may be considered as fully qualified professionals. Today this group is sanctioned in the Directive, as these citizens cannot formally rely on the Directive if the profession is not regulated in their Member State and as they do not meet the requirement of having two years professional experience as laid down in the Directive.

For the time being, it can therefore be supported to lift the requirement of two years professional experience in the case of a professional coming from a non-regulating Member State and where consumers cross borders and don't choose a local professional in the host Member State. However,

at the same time it is assessed that the host Member State always should be entitled to require a prior notification from the service provider, cf. Article 7(1) of the Directive, as the host Member State may have a legitimate interest in knowing who exercises a regulated profession in the host Member State.

In addition, the Danish Government wishes that the requirement of two years documented professional experience be maintained with regard to health professions and professions where the host Member State requires safety training of short duration due to the potential risks to safety or public health. In Denmark this regards professions related to working environment legislation and certain professions related to safety in connection with working on offshore platforms. In both cases the professions in question are extremely dangerous and safety, health and environmental requirements at an EU level as well as at a national level are imposed on companies and the industry.

3.2.2. The question of "regulated education and training"

Question 8: Do you agree that the notion of "regulated education and training" could encompass all training recognised by a Member State which is relevant to a profession and not only the training which is explicitly geared towards a specific profession? (Please give specific arguments for or against this approach.)

The Danish Government encourages that the definition of the concept "regulated education and training" be revised, as the concept at present is unclear and therefore difficult to apply in practice.

3.3. Opening up the general system

3.3.1. Levels of qualification

Question 9: Would you support the deletion of the classification outlined in Article 11 (including Annex II)? (Please give specific arguments for or against this approach).

The Danish Government can support the deletion of the classification of levels of qualification outlined in Article 11 provided that a similar legal protection is given in order for the duration of training to still be one of several relevant parameters when recognising qualifications.

As an assessment scale it might be possible to use the Bologna principles to assess areas of activity which require a higher education (for example some professions covered by the rules on automatic recognition on the basis of harmonised minimum training requirements such as doctors, dentists, pharmacists etc.). It might also be possible to apply ECTS when assessing some of these areas.

However, the Danish Government regards the use of EQF (The European Qualifications Framework) as a framework for the Directive with scepticism. The EQF is a useful transparency-tool when facilitating the recognition of foreign qualifications, i.e. "academic recognition" of qualifications not related to regulated professions. However, it is assessed that EQF will not function optimally as a framework for the Directive, as EQF includes broad descriptions of learning outcomes instead of subject-specific qualification requirements relevant in connection with professional recognition. This can create problems in particular within the health sector where minimum training requirements also in the future should be the basis for recognition.

The Directive is a binding legal instrument which has the aim of ensuring citizens of the Member States their freedom of the Treaty to exercise regulated professions in a self-employed or employed capacity in a Member State other than that in which they have obtained their professional qualifications. Under the Directive, the competent authorities of the Member States cannot at their own discretion choose which system of recognition they wish to apply (academic recognition or the recognition of professional qualifications) when considering applications for authorisation covered by the Directive.

That is why a proviso regarding EQF is inserted in recital 11 of the Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning (EQF).

3.3.2. Compensation measures

Question 10: If Article 11 of the Directive is deleted, should the four steps outlined above be implemented in a modernised Directive? If you do not support the implementation of all four steps, would any of them be acceptable to you? (Please give specific arguments for or against all or each of the steps.)

As a starting point the Danish Government supports the proposed four-step adjustment of the system for compensation measures.

With regard to the first step, legal protection should be given in order to ensure that the duration of training will still be one of several relevant parameters when recognising qualifications.

With regard to the second step, the requirement of two years of professional experience can in principle be deleted. However, the requirement of two years of professional experience should be maintained with respect to health professions and certain professions requiring safety training of short duration due to the potential risks to safety or public health.

With regard to the third step, the Danish Government supports the more stringent requirements for the Member States' competent authorities to justify their decisions on applications for authorisation as this is already a statutory requirement in Denmark today.

With regard to the fourth step, the Danish Government's position on the requirement for competent authorities to offer aptitude tests at least twice a year will be based on specific proposals from the Commission.

3.3.3. Partially qualified professionals

Question 11: Would you support extending the benefits of the Directive to graduates from academic training who wish to complete a period of remunerated supervised practical experience in the profession abroad? (Please give specific arguments for or against this approach.)

The Danish Government can support the implementation of a regime which increases the possibilities for cross-border practical experience for graduates who wish to complete the practical part of their training in a Member State other than that in which the theoretical part of the training has been completed. In this context, it is relevant to examine if the regime could be introduced to all professions.

3.4. Exploiting the potential of IMI

3.4.1. *Mandatory use of IMI for all professions*

3.4.2. *Alert mechanism for health professions*

Question 12: Which of the two options for the introduction of an alert mechanism for health professionals within the IMI system do you prefer?

Option 1: Extending the alert mechanism as foreseen under the Services Directive to all professionals, including health professionals? The initiating Member State would decide to which other Member States the alert should be addressed.)

Option 2: Introducing the wider and more rigorous alert obligation for Member States to immediately alert all other Member States if a health professional is no longer allowed to practise due to a disciplinary sanction? The initiating Member State would be obliged to address each alert to all other Member States.)

With regard to the exploitation of the potential of IMI, the Danish Government can support on the basis of the present showing that the use of IMI be made mandatory within the scope of the Directive as it would make the cooperation between the European authorities more efficient.

In this context, the Danish Government can support the Commission's option 1 in which the alert mechanism under the Services Directive is extended to all professionals, including health professionals and that the initiating Member State decides to which other Member States the alert should be addressed. As the alert mechanism is to cover every situation in which a health professional is no longer allowed to exercise his/her profession, the amount of data exchanged would be significant (especially under option 2). Also, the authorities receiving these data may not need them and may find it difficult to deal with them. For the time being, the Danish Government has reservations with regard to the exchange of such data as it will in part imply an unnecessary administrative burden in Member States and as it in part will create doubt as to the legal rights of the individual in the Member States where he/she does not exercise nor wishes to exercise a profession.

The Danish Government suggests considering a system under which the obligation to obtain the necessary data rests on the host Member State only.

3.5. Language requirements

Question 13: Which of the two options outlines above do you prefer?

Option 1: Clarifying the existing rules in the Code of Conduct;

Option 2: Amending the Directive itself with regard to health professionals having direct contact with patients and benefiting from automatic recognition.

The Danish Government supports a clarification of the contents of the Code of Conduct with respect to language requirements applicable to health professionals seeking recognition of professional qualifications.

4. MODERNISING AUTOMATIC RECOGNITION

4.1. A three-phase approach to modernisation

Question 14: Would you support a three-phase approach to modernisation of the minimum training requirements under the Directive consisting of the following phases:

- the first phase to review the foundations, notably the minimum training periods, and preparing the institutional framework for further adaptations, as part of the modernisation of the Directive in 2011-2012;
- the second phase (2013-2014) to build on the reviewed foundations, including, where necessary, the revision of training subjects and initial work on adding competences using the new institutional framework; and
- the third phase (post-2014) to address the issue of ECTS credits using the new institutional framework?

The Danish Government supports a three-phase approach to modernisation of the automatic recognition regime with regard to certain health professions and architects as proposed in the Green Paper.

4.2. Increasing confidence in automatic recognition

4.2.1. Clarifying the status of professionals

Question 15: Once professionals seek establishment in a Member State other than that in which they acquired their qualifications, they should demonstrate to the host Member State that they have the right to exercise their profession in the home Member State. This principle applies in the case of temporary mobility. Should it be extended to cases where a professional wishes to establish himself? (Please give specific arguments for or against this approach.) Is there a need for the Directive to address the question of continuing professional development more extensively?

The Danish Government supports that professionals seeking establishment in a Member State other than that in which they acquired their qualifications should demonstrate to the host Member State that they have the right to exercise their profession in their home Member State. The Danish health authorities state that the above is already carried out in practice as an administrative procedure, as the Certificate of Current Professional Status (CCPS) is issued directly by the competent authority in the Member State of departure at the request of the host Member State and as the Certificate is not to be older than 3 months. The Danish coordinator for the Directive notes that the question of legal establishment in the Member State (with regard to professionals seeking establishment) should be implemented in IMI.

The Danish Government recommends a clarification of the CPD concept (Continuing Professional Development) in relation to other continuing training concepts. The Danish Government also recommends that the requirements for CME (Continuing Medical Education) be enshrined at national level.

4.2.2. Clarifying minimum training periods for doctors, nurses and midwives

Question 16: Would you support clarifying the minimum training requirements for doctors, nurses and midwives to state that the conditions relating to the minimum years of training and the minimum hours of training apply cumulatively? (Please give specific arguments for or against this approach.)

The Danish Government supports clarifying the minimum training requirements for doctors, nurses and midwives to state that the conditions relating to the minimum years of training and the minimum hours of training apply cumulatively. In addition, the Danish Government supports the use of ECTS points (European Credit Transfer System).

The Danish Government recommends that the training for regulated health professions is described in minimum years of training, ECTS points and minimum hours of supervised training. Furthermore, the Danish Government recommends that the number of ECTS points for self-studies, the preparation for exams and the completion of exams be determined. For financial reasons, the Danish health authorities find that there is a risk related to altering programmes of education and training so that they increasingly contain self-studies, distance learning etc. without giving visibility to the duration of training or ECTS. With regard to the training courses in specialised medicine listed in Annex V.5.1.3. in the Directive, the Danish health authorities find that the minimum period of training should still be listed. However, an increased transparency should be developed by the Member States making available the descriptions of the professional contents of these training courses in specialised medicine, the amount of the theoretical training and the profile of the fully trained specialised doctor etc.

4.2.3. Ensuring better compliance at national level

Question 17: Do you agree that Member States should make notifications as soon as a new program of education and training is approved? Would you support an obligation for Member States to submit a report to the Commission on the compliance of each programme of education and training leading to the acquisition of a title notified to the Commission with the Directive? Should Member States designate a national compliance function for this purpose? (Please give specific arguments for or against this approach.)

The Danish Government can support that Member States should make notifications as soon as a new programme of education and training covered by the sectoral provisions in the Directive is approved at national level.

Furthermore, the Danish Government can support that changes in programmes of education and training leading to changes in titles or the scopes of professional activity should be notified for a comitology amendment of the Annex of the Directive as soon as possible. However, the Danish Government notes that this obligation of notification should not involve minor adjustments of curricula etc. which have no influence on the above.

4.3. Doctors: Medical Specialists

Question 18: Do you agree that the threshold of the minimum number of Member States where the medical speciality exists should be lowered from two-fifths to one-third? (Please give specific arguments for or against this approach.)

The Danish Government can support that the minimum number of Member States where the medical speciality exists be lowered from two-fifths to one-third which implies a simplification in relation to the present number of Member States.

Question 19: Do you agree that the modernisation of the Directive could be an opportunity for Member States for granting partial exemptions if part of the training has been already completed in the context of another specialist training programme? If yes, are there any conditions that should be fulfilled in order to benefit from a partial exemption? (Please give specific arguments for or against this approach.)

The Danish Government can support that Member States grant partial exemptions if part of the training has already been completed in the context of another specialist training programme. A condition for granting an exemption should be that the medical competences which have been acquired in the context of a partially completed specialist training programme correspond to the medical competences in the other specialist training programme from which the exemption is granted. The Danish health authorities recommend that this exemption should be based on a case-by-case assessment of the training of the specialist and not be based on an established general framework. This is motivated by the substantial differences which exist in the Member States as to how high a degree of detail is included in the curricula of the specialities.

4.4. Nurses and midwives

Question 20: Which of the options outlined above do you prefer?

Option 1: Maintaining the requirement of ten years of general school education

Option 2: Increasing the requirement of ten years to twelve years of general school education

The Danish Government supports increasing the admission requirements for nurse and midwifery training to twelve years of general school education, cf. option 2, in order to ensure that the students have the necessary basis skills and knowledge prior to the training.

4.5. Pharmacists

Question 21: Do you agree that the list of pharmacists' activities should be expanded? Do you support the suggestion to add the requirement of six months training, as outlined above? Do you support the deletion of Article 21(4) of the Directive? (Please give specific arguments for or against this approach.)

In order to decide if the list of pharmacists' activities should be expanded, the Danish Government requests a description of the broad concepts mentioned in the Green Paper and arguments for expanding the list.

For the time being, the Danish Government does not see a need for amending the provision so that the period of practical training is placed immediately after the completion of the academic training. The requirements of the Directive are defined as minimum requirements enabling an organisation of the training to meet national requirements. The Danish Government finds that it should still appear that the practical training must take place at a pharmacy or at a hospital, as practical training at a pharmacy in Denmark is a condition for working as a pharmacist in a pharmacy. Furthermore, the practical training should take place during the training period and not as it is stated in the Green Paper "directly after completing academic training".

The relevant competent authorities have stated that they have not experienced issues related to Article 21(4) of the Directive in Denmark. This is probably related to the current system of pharmacy licensing in Denmark under which available licenses are regulated by law and are granted on a case-by-case assessment of the applicants for the license.

4.6. Architects

Question 22: Which of the two options outlined above do you prefer?

Option 1: Maintaining the current requirement of at least four years academic training?

Option 2: Complementing the current requirement of a minimum four-year academic training by a requirement of two years of professional practice. As an alternative option, architects would also qualify for automatic recognition after completing a five-year academic programme, complemented by at least one year of professional practice.

The Danish Government welcomes an increase of the minimum duration of training for architects from the current duration of four years to five years.

Of the two proposed options in the Green Paper, option 2 can be considered with a view to upgrading the practical competences of newly qualified architects.

4.7. Automatic recognition in the areas of craft, trade and industry

Question 23: Which of the following options do you prefer?

Option 1: Immediate modernisation through replacing the ISIC classification of 1958 by the ISIC classification of 2008?

Option 2: Immediate modernisation through replacing Annex IV by the common vocabulary used in the area of public procurement?

Option 3: Immediate modernisation through replacing Annex IV by the ISCO nomenclature as last revised by 2008?

Option 4: Modernisation in two phases: confirming in a modernised Directive that automatic recognition continues to apply for activities related to crafts, trade and industry activities. The related activities continue to be as set out in Annex IV until 2014, date by which a new list of activities should be established by a delegated act. The list of activities should be based on one of the classifications presented under options 1, 2 or 3.

The Danish Government welcomes a modernisation of the automatic recognition system on the basis of relevant professional experience. Also, specific safety training requirements must be taken into account with regard to certain professions related to working environment legislation and certain professions related to safety in connection with working on offshore platforms.

Therefore, option 4 can be supported subject to the scope, contents and provisions of the delegated act, as this option includes possibilities for a continuous technical update.

4.8. Third country qualifications

Question 24:

Do you consider it necessary to make adjustments to the treatment of EU citizens holding third country qualifications under the Directive, for example by reducing the three years rule in Article 3 (3)? Would you welcome such adjustment also for third country nationals, including those falling under the European Neighbourhood Policy, who benefit from an equal treatment clause under relevant European legislation? (Please give specific arguments for or against this approach.)

The Danish Government cannot support a reduction of the three years of professional experience rule to two years of professional experience, cf. Article 3(3). Furthermore, the requirement for three years of professional experience is in line with the duration mentioned in Article 23 of the Directive on acquired rights.

Finally, the Danish Government refrains from answering the second part of question 24 regarding third country nationals as the Directive does not apply automatically to third country nationals seeking professional recognition in Denmark due to the Danish opt-out on justice and home affairs.