

THE LEGAL REGIME GOVERNING THE RECOGNITION OF PROFESSIONAL QUALIFICATIONS IN THE EU

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Abstract

This article analyses the legal regime governing the recognition of professional qualifications in the European Union, with a focus on the normative architecture of Directive 2005/36/EC, as substantially amended by Directive 2013/55/EU and the 2024-2025 legislative updates. The study examines the three main recognition mechanisms (the general system, automatic recognition based on coordinated minimum training conditions, and recognition based on professional experience), as well as the innovative instruments introduced by the 2013 reform: the European Professional Card, the alert mechanism, partial access to regulated professions, and common training frameworks. Special attention is paid to the 2024-2025 amendments, which update minimum training requirements by integrating digital competences, digital dentistry, pharmacogenomics, and the One Health concept. The article addresses the transposition into Romanian law through Law no. 200/2004, with particular reference to Directive (EU) 2024/505 concerning nurses trained in Romania, and the relevant case-law of the Court of Justice of the European Union, from Heylens and Vlassopoulou to the recent Artollisi and Lescolanno judgment. In light of the 2024 European Court of Auditors Special Report and the February 2026 Commission evaluation report, the article assesses current implementation challenges and reform perspectives. The central conclusion is that the EU framework is legally robust but unevenly applied, and that its future effectiveness depends on consistent administrative practice, digitalisation, proportionate regulation, and faster updating of automatic recognition standards.

Keywords: professional qualifications, regulated professions, free movement, internal market, proportionality.

1. Introduction

The free movement of persons and services constitutes one of the foundational pillars of the internal market; however, in the field of regulated professions, this freedom cannot operate solely through the mere crossing of a border. Between the right of an EU citizen to work, to establish themselves, or to provide services in another Member State, and the right of the host State to protect public health, safety, or the proper administration of justice, there lies an intermediate legal space: the procedure for the recognition of professional qualifications.¹ It is within this space that it is determined whether the training, experience, and qualifications obtained in one Member State are sufficient to permit access to the same profession in another Member State.

The topic is significant for at least four reasons. First, the recognition of professional qualifications serves a constitutional function within the EU legal order, as it gives concrete effect to Articles 45, 49, and 56 TFEU concerning the free movement of workers, the freedom of establishment, and the freedom to provide services.² Without a recognition mechanism, many of these freedoms would remain, for regulated professions, merely formal rights. Second, the subject matter exhibits a remarkable technical density, requiring the correlation of primary law, secondary law, the case law of the Court of Justice, and the administrative practices of competent national authorities. Third, the field has direct economic and social consequences, as it affects labour mobility and the filling of personnel shortages in healthcare, education, and construction. Fourth, practical difficulties demonstrate that the legal architecture, however well constructed normatively, can fail through uneven application, missed deadlines, or disproportionate administrative costs.³

The present study seeks to answer the question of the extent to which the current legal regime succeeds in coherently balancing the demands of the internal market with the protection of the public interest. The

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¹ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, OJ L 255, 30.09.2005, p. 22, consolidated text as of 29.10.2025.

² Consolidated version of the Treaty on the Functioning of the European Union, OJ C 326, 26.10.2012, Articles 45, 49 and 56.

³ European Court of Auditors, Special report 10/2024: The recognition of professional qualifications in the EU, Luxembourg, 2024.

working hypothesis is that EU law has reached an advanced level of normative sophistication, but that the effectiveness of the system depends decisively on the quality of administrative cooperation and on the manner in which Member States apply the principles of equivalence, proportionality, and mutual trust, including through the 2013 reform.⁴⁵ The research draws upon the most recent institutional evaluations, including the 2024 European Court of Auditors Report⁶ and the European Commission Report of February 2026⁷, providing an updated perspective on the challenges of European professional mobility.

2. Legal Foundations of the Recognition of Professional Qualifications

2.1. The Internal Market, Fundamental Freedoms, and Member State Competence

The recognition of professional qualifications lies at the intersection of two normative logics that can be neither conflated nor entirely separated. The first is the logic of European integration, which requires the elimination of unjustified obstacles to professional mobility. The second is the logic of Member State regulatory sovereignty, which retains the competence to organise access to professions and to define standards for the protection of the public interest.⁸ From this derives the specific character of the subject matter: the Union has not unified professions, but has constructed a legal mechanism of coordination and mutual recognition.

In Romanian legal scholarship, the foundations of EU substantive law, including the freedoms of movement underlying the recognition of professional qualifications, have been analysed by authors such as Augustin Fuerea, who examines in depth the free movement of persons and the freedom of establishment⁹, Dumitru Mazilu, who has examined the European institutional framework from the perspective of integration¹⁰, and Irina Moroianu Zlătescu and Claudia Elena Marinică, whose works systematically address European Union law¹¹. These contributions provide the doctrinal foundation in the Romanian language for understanding mutual recognition mechanisms within the broader context of internal market freedoms.

The primary law basis consists of Articles 45, 49, and 56 TFEU. Article 45 concerns the free movement of employed workers; Article 49 concerns the freedom of establishment for persons engaged in self-employed activities; Article 56 concerns the temporary provision of cross-border services. In practice, the same person may successively fall within the scope of several freedoms. A doctor employed in a hospital in another Member State falls within the logic of Article 45 TFEU; a lawyer opening a practice in another Member State falls within the scope of Article 49 TFEU; an architect providing occasional cross-border services may invoke Article 56 TFEU. Secondary law does not replace these freedoms but operationalises them in a field where differences in training could effectively block mobility.

At the same time, the Court of Justice has consistently held that, in the absence of complete harmonisation, Member States remain competent to establish the conditions of access to professions, subject to compliance with the principles of non-discrimination and proportionality. A Member State may continue to regard an activity as a regulated profession, may require membership of a professional body, may make access conditional upon a specific title or certain linguistic aptitudes, but may not use these mechanisms to empty the fundamental freedoms of their substance. It is precisely here that the disciplinary function of EU law intervenes: not to prohibit the regulation of professions, but to oblige Member States to justify their rules and to accept, within reasonable limits, the equivalence of qualifications obtained in another Member State.

⁴ Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC and Regulation (EU) No 1024/2012, OJ L 354, 28.12.2013, p. 132.

⁵ European Commission, Fit for Future Platform Opinion 2023/5, Fostering professional mobility in the Single Market, 28.11.2023.

⁶ European Court of Auditors, op. cit.

⁷ European Commission, COM(2026) 86 final, 20.02.2026, Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the application of Directive 2005/36/EC (contributing to the initiative on the portability of qualifications and competence mobility) {SWD(2026) 64 final}.

⁸ Vassilis Hatzopoulos, Forms of mutual recognition in the field of services, in Ioannis Lianos and Okeoghene Odudu (eds.), *Regulating Trade in Services in the EU and the WTO*, Cambridge University Press, 2012, pp. 59-98.

⁹ Augustin Fuerea, *Dreptul Uniunii Europene. Principii, acțiuni, libertăți* [EU Law. Principles, Actions, Freedoms], Universul Juridic Publishing, Bucharest, 2016, pp. 191-230.

¹⁰ Dumitru Mazilu, *Integrare Europeană. Drept comunitar și Instituții Europene* [European Integration. Community Law and European Institutions], Lumina Lex Publishing, Bucharest, 2006, pp. 55-64.

¹¹ Irina Moroianu Zlătescu, Claudia Elena Marinică, *Dreptul Uniunii Europene* [European Union Law], Universul Academic/Universitară Publishing, Bucharest, 2020, p. 42 și p. 249.

The relationship between the internal market and the protection of the public interest is particularly visible in professions involving risks to health, safety, or the exercise of sensitive social functions.¹² In these fields, an overly lax recognition would endanger the recipients of services; an excessively rigid recognition would transform administrative borders into economic barriers. The European regime has been built upon the idea of balance: mutual trust permits the acceptance of training obtained in another Member State, while legitimate verification allows compensatory measures where differences are significant.

2.2. The Concept of Regulated Profession and Its Distinction from Academic Recognition

The key concept of the entire subject matter is that of "regulated profession". The Directive proceeds from the premise that the need for recognition arises only where the host State makes access to a professional activity conditional upon possession of specific professional qualifications.¹³ For non-regulated professions, the market freely evaluates competences without a formal procedure based on the Directive. This dependence on national regulation explains why the European landscape remains highly fragmented: according to the European Court of Auditors, in recent years there were approximately 5,700-6,000 regulated professions in the Union, with very large variations between Member States.¹⁴

An essential clarification concerns the difference between academic recognition and professional recognition. The equivalence of a title for university purposes or the continuation of studies must not be confused with the recognition that permits access to a regulated profession. EU law treats professional recognition as a functional instrument oriented towards access to the labour market. The Court's case law insists upon this dimension: what matters is not the perfect identity of training paths, but the concrete aptitude of the applicant to pursue the professional activity in question.

3. Evolution of the Normative Framework

3.1. From Sectoral Directives to Directive 2005/36/EC

The harmonisation process began in the 1970s through sectoral directives dedicated to the medical, pharmaceutical, veterinary, and architectural professions. Recognising the limitations of the sectoral approach, the European legislator introduced a general recognition system through Directive 89/48/EEC, supplemented by Directive 92/51/EEC and Directive 1999/42/EC.¹⁵ The coexistence of over 15 directives generated a fragmented framework, which led to the adoption of Directive 2005/36/EC, consolidating into a single instrument the general system, automatic recognition, and recognition based on professional experience.

Directive 2005/36/EC was structured around four main titles: general provisions (Title I), the free provision of services (Title II), freedom of establishment (Title III, with three distinct chapters), and final provisions (Title IV). The complexity of the Directive derives from the plurality of legal pathways: it combines several regimes adapted to the nature of professional mobility and the existing degree of harmonisation. This normative architecture was designed to provide a coherent and comprehensive framework, adaptable to the diversity of regulated professions across Member States, without imposing a single model of recognition.

3.2. Modernisation through Directive 2013/55/EU

The evaluation of the implementation of Directive 2005/36/EC highlighted the need for substantial reform.¹⁶ Directive 2013/55/EU, adopted on 20 November 2013, introduced: the European Professional Card, the alert mechanism, partial access to regulated professions, common training frameworks and common training tests, transparency and mutual evaluation obligations regarding professional regulations, as well as the strengthening of the role of the Internal Market Information System. While the 2005 text aimed at codification,

¹² Dáire McCormack-George, Recognition of Professional Qualifications in the Single Market: A Recap, *European Business Law Review*, vol. 30, nr. 5, 2019, pp. 785-815.

¹³ Directive 2005/36/EC, Art. 3 on definitions, including the concept of regulated profession.

¹⁴ European Court of Auditors, *op. cit.*, paras. 31-32 and 105; Fit for Future Platform Opinion 2023/5, *cit.*, p. 3: approximately 5,700-6,000 regulated professions exist in the Union.

¹⁵ Council Directive 89/48/EEC of 21 December 1988, OJ L 19, 24.1.1989, p. 16; Council Directive 92/51/EEC of 18 June 1992, OJ L 209, 24.7.1992, p. 25; Directive 1999/42/EC, OJ L 201, 31.7.1999, p. 77.

¹⁶ European Parliament Resolution of 15 November 2011, [2011/2024(INI)]; European Council Conclusions of 23 October 2011.

the 2013 reform pursued modernisation: digitalisation, transparency, and the reduction of procedural bottlenecks.

3.3. The 2024-2025 Amendments

Directive (EU) 2024/505¹⁷ resolved the specific problem of the recognition of qualifications of general care nurses trained in Romania prior to accession, extending the acquired rights regime for diplomas obtained before 2007. Commission Delegated Directive (EU) 2024/782¹⁸ updated the minimum training requirements for nurses, dentists, and pharmacists, integrating digital competences, e-health, digital dentistry, and pharmacogenomics. Commission Delegated Directive (EU) 2025/1223¹⁹ completes the process by integrating the "One Health" concept into veterinary training. These amendments demonstrate the dynamic character of the normative framework, which requires continuous maintenance.

4. The Architecture of Directive 2005/36/EC: Systems, Procedures, and Legal Effects

4.1. Temporary and Occasional Provision of Services

Title II establishes a more liberal regime for temporary and occasional provision.²⁰ As a rule, the host State may not require prior recognition of qualifications. It may request a prior declaration, and for professions with implications for public health or safety, it may carry out a prior check.²¹ If the profession is not regulated in the State of establishment, the provider must demonstrate that they have pursued the profession for at least one year during the preceding ten years. The "temporary and occasional" character is assessed on the basis of the duration, frequency, regularity, and continuity of provision. The provider remains obliged to comply with the professional and ethical rules of the host State, insofar as these are proportionate.

An important element is also the relationship with the professional rules of the host State. Although not subject, as a rule, to a complete recognition procedure, the temporary provider remains obliged to comply with the professional, disciplinary, or ethical rules directly linked to professional qualifications and the protection of the profession. The "temporary and occasional" character cannot be assessed in a purely formal manner. The Directive requires consideration of the duration, frequency, regularity, and continuity of provision. Therefore, if the activity becomes stable, repetitive, and integrated into the economy of the host State, the legal qualification shifts towards the freedom of establishment, and the recognition requirements increase accordingly. The distinction is essential, as both the intensity of control and the procedural rights of the applicant depend on it.

4.2. The General System of Recognition

The general system, regulated under Chapter I of Title III²², applies to regulated professions that do not benefit from automatic recognition. The core consists of the comparative analysis: the host State may not automatically reject the application on the ground that the diploma bears a different name or that the duration of studies differs. It must examine the relevant knowledge, competences, and professional experience, as well as continuing education. The Directive classifies qualifications across five levels²³, and only substantial differences may justify the imposition of an adaptation period of up to three years or an aptitude test.²⁴ As a rule, the applicant chooses between the two measures. By way of exception, for professions requiring knowledge of national legislation, the host State may impose the aptitude test.

Following the 2013 reform, authorities must take into account not only formal training but also knowledge and competences acquired through lifelong learning, provided they are properly validated. The concept of "substantial difference" cannot be interpreted extensively; otherwise, the general system would become a

¹⁷ Directive (EU) 2024/505 of the European Parliament and of the Council of 7 February 2024, OJ L, 2024/505, 12.02.2024.

¹⁸ Commission Delegated Directive (EU) 2024/782 of 4 March 2024, OJ L 2024/782, 31.05.2024.

¹⁹ Commission Delegated Directive (EU) 2025/1223, concerning minimum training requirements for the veterinary profession, with a transposition deadline of 10 April 2027.

²⁰ Directive 2005/36/EC, Title II, Articles 5-9.

²¹ Directive 2005/36/EC, Art. 7(4).

²² Directive 2005/36/EC, Title III, Chapter I, Articles 10-14.

²³ Directive 2005/36/EC, Art. 11; the article classifies qualifications across five levels, compatible with the European Qualifications Framework (EQF).

²⁴ Directive 2005/36/EC, Art. 14.

disguised re-education procedure. Compensatory measures are subsidiary in nature and are admissible only where the differences concern areas essential to the exercise of the profession.

From a legal perspective, the core of the general system lies in the fact that the host State may not oppose an opaque or stereotypical refusal. The obligation to concretely examine the knowledge, competences, and aptitudes attested by the titles obtained, as well as the relevant professional experience, corresponds to a philosophy of functional rather than formalistic evaluation. Sometimes, the main difficulty does not lie in comparing studies but in identifying the relevant profession in the host State: the same occupation may be regulated in one State and unregulated in another, and the delimitation of reserved professional acts varies considerably. In other words, the question is not only "is my diploma sufficient?" but also "which profession in the host State corresponds to my activity?". Furthermore, the Directive provides that where a qualification was obtained in a third State but recognised in a Member State, and the holder has practised the profession for at least three years on that State's territory, the qualification may subsequently enter the European recognition circuit. This solution confirms that the system operates not solely on the basis of the diploma's origin but also on the basis of effective professional integration. This complexity justifies both the role of the assistance centres provided for in the Directive and the need for clear and accessible information for professionals.

4.3. Automatic Recognition for Sectoral Professions

Automatic recognition constitutes the most advanced level of integration and applies to the seven sectoral professions.²⁵ The principle is one of normative trust: if the training meets the harmonised minimum standards and the title appears in Annex V, the host State is obliged to recognise it without a substantive comparative examination.²⁶ The advantage is predictability; the risk is rigidity, if standards are not updated in time.²⁷ The 2024-2025 delegated directives modernised the requirements, integrating digital competences, digital dentistry, and the "One Health" concept.

Articles 49a and 49b provide for common training frameworks and common training tests, which enable automatic recognition for professions not included in the sectoral group, provided at least one third of the Member States participate. A concrete example is the common training test for ski instructors, established by Commission Delegated Regulation (EU) 2019/907. The Fit for Future Platform explicitly recommended the extension of these instruments, finding that they remain underutilised.

Automaticity should not be idealised. It functions well only if the minimum standards and the Directive's annexes are updated in a timely manner. The European Court of Auditors explicitly recommended faster updating of the Annex V lists, finding delays that affect the predictability of the system. Moreover, automatic recognition does not suspend all host State requirements: ethical, disciplinary, and professional liability obligations remain governed by the domestic law of the State in which the professional effectively exercises their activity. The Directive primarily regulates access to the profession, not the entirety of subsequent professional conduct. This distinction is essential for understanding that professional mobility does not equate to the suspension of domestic standards of practice.

4.4. Recognition Based on Professional Experience

The third mechanism concerns activities in the fields of crafts, commerce, and industry, for which the Directive provides automatic recognition based on sufficient professional experience.²⁸ The conditions vary according to the category of activity, including cumulative requirements concerning the duration of experience and prior training. This mechanism confirms that EU law does not operate exclusively with the classical university model of qualification, but recognises the plurality of legitimate forms of competence acquisition.

The main advantage of this mechanism lies in its procedural simplicity: once the applicant demonstrates compliance with the objective conditions of professional experience provided for in the Directive, the host Member State may not require additional compensatory measures. The professional experience must have been effectively and lawfully pursued on the territory of a Member State, and certification is carried out through

²⁵ Directive 2005/36/EC, Title III, Chapter III, Articles 21-49. Sectoral professions: doctor, general care nurse, dentist, veterinary surgeon, midwife, pharmacist, and architect.

²⁶ Article 24 of Directive 2005/36/EC: basic medical training, at least 5 years/5,500 hours; Art. 31: nurses, at least 3 years/4,600 hours; Art. 44: pharmacists, at least 5 years.

²⁷ European Court of Auditors, *op. cit.*, recommendations on the annual updating of the Annex V lists.

²⁸ Directive 2005/36/EC, Title III, Chapter II, Articles 16-20; covered activities are listed in Annex IV.

certificates issued by the competent authority of the Member State of origin. This mechanism is less visible in public debate than automatic recognition for medical or legal professions, but has real economic importance, particularly for the construction, installation, and technical services sectors, where cross-border mobility is frequent.

Table 1: Recognition Systems under Directive 2005/36/EC

Mechanism	Applicable Professions	Main Instruments	Legal Effect
Temporary provision (Title II)	All regulated professions	Prior declaration; limited verification	Temporary access, without full recognition
General system (Title III, Ch. I)	Non-harmonised professions	Comparison of qualifications; adaptation period or aptitude test	Access to profession following recognition
Professional experience (Title III, Ch. II)	Crafts, commerce, industry	Proof of sufficient professional practice	Automatic recognition for Annex IV activities
Automatic recognition (Title III, Ch. III)	7 sectoral professions	Harmonised minimum standards; Annex V	Host State obligation to recognise

Source: own synthesis based on Directive 2005/36/EC and subsequent amendments.

5. Instruments of Modernisation: From Recognition to Administrative Governance

5.1. The European Professional Card

The European Professional Card (EPC) is not a physical card but a standardised electronic recognition procedure through the IMI.²⁹ The procedure, detailed in Regulation (EU) 2015/983³⁰, is available for five professions: general care nurses, physiotherapists, pharmacists, mountain guides, and real estate agents. The applicant submits the application to the authority of the home State; the host State decides within one month (temporary services) or two months (establishment). In the absence of a decision, the EPC is deemed automatically issued.

Notwithstanding, the European Court of Auditors found that the use of the EPC remains modest.³¹ One of the explanations is cost: both the home State and the host State may charge fees, which can make the procedure more expensive than the standard one. The conclusion is not that the instrument has failed, but that digitalisation alone cannot compensate for administrative fragmentation and differences in practice between authorities.

5.2. IMI, the Alert Mechanism, and Partial Access

The Internal Market Information System (IMI) constitutes the institutional infrastructure of mutual trust.³² The alert mechanism³³ obliges Member States to immediately notify restrictions or prohibitions imposed on health professionals and those working in the education of minors. The specialised literature emphasises that, in the case of doctors, this mechanism introduced a dimension of transnational accountability previously absent.³⁴ The Court of Auditors recommended closer integration of alerts into the recognition procedure.

The alert mechanism should not be viewed as an exception to free movement but as a condition of its legitimacy. Mutual trust is sustainable only if Member States loyally communicate not only positive information concerning qualifications but also serious risks regarding fitness to practise. The mechanism was influenced by healthcare scandals, where insufficient cooperation between authorities allowed professionals with serious

²⁹ Directive 2005/36/EC, Articles 4a-4e, introduced by Directive 2013/55/EU.

³⁰ Commission Implementing Regulation (EU) 2015/983 of 24 June 2015, OJ L 159, 25.06.2015, p. 27.

³¹ European Court of Auditors, op. cit., paras. 66-68: the EPC is significantly used only for certain professions; for general care nurses, the share of decisions issued in the form of an EPC has remained very low.

³² Regulamentul (UE) nr. 1024/2012, JO L 316, 14.11.2012, p. 1.

³³ Directive 2005/36/EC, Art. 56a, introduced by Directive 2013/55/EU.

³⁴ Barend van Leeuwen, "The Doctor in Free Movement Law: Expertise, Duty, and Accountability", Cambridge Yearbook of European Legal Studies, vol. 25, 2023, pp. 198-224.

disciplinary problems to move between jurisdictions. Accordingly, alerts contribute to transforming free movement from a principle vulnerable to abuse into a right accompanied by transnational accountability.

Partial access³⁵ permits the exercise of only an autonomous part of the profession, where the training differences are so substantial that compensatory measures would amount to requiring completion of the entire national training. The refusal must be justified by overriding reasons of general interest. The professional carries out the activity under the title of the home State, informing consumers of the scope of authorised activities.

6. The Case Law of the Court of Justice: From Equivalence to Proportionality

The case law of the Court of Justice has played a constitutive role, not merely an interpretive one. Many of the ideas that today appear natural in the text of the Directive were formulated or prefigured by the Court before being codified by the European legislator.

6.1. Heylens: The Obligation to State Reasons and Effective Judicial Protection

The judgment in Heylens remains a cornerstone.³⁶ The Court held that, if the exercise of a fundamental freedom depends on the decision of a national authority, the person concerned must be able to know the reasons for the refusal and must benefit from effective judicial review. The obligation to state reasons disciplines the authority, limits arbitrariness, and enables the court to verify the compatibility of the refusal with EU law. Heylens introduced requirements of good administration in this field before the concept was enshrined in other instruments of European law.

The contribution of the Heylens case is essential because it demonstrates that the recognition of qualifications is not merely a matter of substance but also one of administrative procedure. An opaque, stereotypical, or purely formal refusal does not satisfy the requirements of EU law. The applicant must be able to know what is held against them in order to effectively challenge the decision. This obligation disciplines national authorities and limits the margin of arbitrariness, transforming recognition from an act of administrative goodwill into a justiciable right.

6.2. Vlassopoulou and Gebhard: Substantive Equivalence and Proportionality

Case Vlassopoulou³⁷ formulated the material canon of recognition: authorities must examine the diplomas, knowledge, and aptitudes acquired in another Member State and compare them with the qualifications required under domestic law. Where there is partial correspondence, this must be recognised; where essential elements are missing, additional measures may be imposed, but only to the extent necessary. The "Vlassopoulou test" shifted the focus from the formal identity of titles to the substantive equivalence of competences, and professional experience may compensate for training differences.

Vlassopoulou also carries systemic value. The judgment affirmed that, in the absence of complete harmonisation, primary law itself imposes on Member States an obligation of comparative examination. Consequently, the subsequent directives did not create this obligation *ex nihilo*, but formalised and ordered a standard already present in the case law. In legal scholarship, the "Vlassopoulou test" is viewed as the legal expression of functional mutual recognition: the host State is not required to regard different national systems as identical, but to seriously evaluate whether the identified differences have real significance for the exercise of the profession.

In the Gebhard case³⁸, the Court formulated the general proportionality test: restrictive measures must be applied in a non-discriminatory manner, justified by overriding reasons of general interest, suitable for securing the attainment of the objective pursued, and must not go beyond what is necessary. This test governs the entire recognition regime and has been incorporated into the Directive and subsequent case law.

³⁵ Directive 2005/36/EC, Art. 4f, introduced by Directive 2013/55/EU.

³⁶ Judgment of the ECJ of 15 October 1987, Case 222/86, *Unectef v. Heylens and Others*, ECLI:EU:C:1987:442.

³⁷ Judgment of the ECJ of 7 May 1991, Case C-340/89, *Irene Vlassopoulou v. Ministerium für Justiz*, ECLI:EU:C:1991:193.

³⁸ Judgment of the CJEU of 30 November 1995, Case C-55/94, *Gebhard v. Consiglio dell'Ordine degli Avvocati e Procuratori di Milano*, ECLI:EU:C:1995:411.

6.3. Hocsman and Morgenbesser: Complex Qualification Trajectories

Case Hocsman³⁹ addressed the situation of professionals whose qualifications have links to third States but which have been recognised in a Member State. The Court insisted on the need for a concrete analysis, rejecting the simplistic approach: authorities may not circumvent the logic of recognition by mechanically invoking the extra-Community origin of a title, where legal and professional integration in a Member State exists.

This case law remains current, since real professional mobility is often more complex than the classical model of an EU citizen holding a diploma obtained exclusively in a single Member State. Mixed training trajectories, naturalisation, professional experience accumulated across multiple jurisdictions, and prior recognitions necessitate a functional rather than schematic approach. The Court rejected a mechanical logic and insisted on the need for a comprehensive evaluation of the applicant's qualifications and concrete experience.

Case Morgenbesser⁴⁰ extended the Vlassopoulou logic to access to the preparatory professional stage: authorities may not automatically refuse registration in the trainee register simply because the diploma is not national. The judgment prevents the blocking of mobility through the closure of access to the compulsory traineeship, even where the refusal formally does not yet concern the actual exercise of the profession.

Morgenbesser is valuable because it demonstrates that the protection conferred by EU law does not begin only at the moment of effective entry into the profession, but also operates during the preparatory stages, where these constitute a necessary condition for access to the profession. In practical terms, the judgment confirms that Member States may not artificially segment the process of access to the profession in order to remove certain stages from the control of EU law.

6.4. Nasiopoulos, Brouillard, and Artollisi: Recent Developments

Case Nasiopoulos⁴¹ established the logic of partial access: a total refusal is disproportionate where the qualifications cover only an autonomous part of the regulated profession. The legislator codified this approach in Article 4f. In the Brouillard case⁴², the Court clarified that the obligation of individual examination also applies to competitive recruitment procedures for public functions.

More recently, in the Artollisi and Lescolanno cases⁴³, the Court specified the limits of the obligation to recognise: Directive 2005/36/EC does not apply where the invoked title is not legally recognised in the issuing State and lacks official character. This judgment underscores the importance of the quality of the title as a constitutive element of the right to recognition.

Viewed as a whole, these judgments reveal three major jurisprudential operations: the proceduralisation of fundamental freedoms (Heylens), the materialisation of the equivalence principle (Vlassopoulou), and the introduction of proportionality review (Gebhard, Nasiopoulos). These landmarks function as normative standards of review whenever the text of the Directive leaves room for interpretation.

Table 2: Key CJEU Case Law on the Recognition of Professional Qualifications

Case	Year	Established Principle
Heylens (222/86)	1987	Obligation to state reasons for refusal; effective judicial protection
Vlassopoulou (C-340/89)	1991	Comparative examination of diplomas and experience; substantive equivalence
Gebhard (C-55/94)	1995	Four-pronged proportionality test

³⁹ Judgment of the ECJ of 14 September 2000, Case C-238/98, Hugo Fernando Hocsman v. Ministre de l'Emploi et de la Solidarité, ECLI:EU:C:2000:440.

⁴⁰ Judgment of the ECJ of 13 November 2003, Case C-313/01, Christine Morgenbesser v. Consiglio dell'Ordine degli avvocati di Genova, ECLI:EU:C:2003:612.

⁴¹ Judgment of the CJEU of 27 June 2013, Case C-575/11, Nasiopoulos, ECLI:EU:C:2013:430.

⁴² Judgment of the CJEU of 6 October 2015, Case C-298/14, Brouillard, ECLI:EU:C:2015:652.

⁴³ Judgment of the CJEU of 20 November 2025, joined cases C-340/24 and C-442/24, Artollisi and Lescolanno.

Hocsmán (C-238/98)	2000	Evaluation of qualifications in situations with complex foreign elements
Morgenbesser (C-313/01)	2003	Access to the preparatory professional stage (compulsory traineeships)
Nasiopoulos (C-575/11)	2013	Proportionality of total refusal; the logic of partial access
Artollisi/Lescolanno (C-340/24, C-442/24)	2025	Limits of recognition: the title must be legally recognised in the issuing State

Source: own synthesis based on CJEU case law.

7. Transposition into Romanian Domestic Law

Romania transposed the European framework through Law No. 200/2004⁴⁴, as amended by Emergency Government Ordinance (OUG) No. 109/2007 (transposing Directive 2005/36/EC) and Government Ordinance (OG) No. 43/2015 (transposing Directive 2013/55/EU).⁴⁵ CNRED operates as the national point of contact (official designation used in the context of Directive 2005/36/EC and Law No. 200/2004)⁴⁶, while for healthcare professions, the Ministry of Health and the professional orders exercise competent authority functions.

Directive (EU) 2024/505 resolved the specific problem of general care nurses trained prior to accession, extending the acquired rights regime. Diplomas obtained before 2007 are automatically recognised on the condition that the revalorisation programme (2014-2020) was completed. Qualifications obtained after 3 March 2024 benefit from full automatic recognition. Romania transposed the 2024-2025 delegated directives through Government Decision No. 840/2025⁴⁷, updating the training requirements with digital competences and the "One Health" concept. Law No. 257/2024⁴⁸ introduced the admission examination for professions where knowledge of Romanian law is essential. The proportionality test provided for by Directive (EU) 2018/958 was transposed through Law No. 245/2020⁴⁹, which requires Romanian authorities to carry out a rigorous assessment prior to the introduction of any new professional regulations. The legislative framework is supplemented by OUG No. 49/2009 on the freedom of establishment of service providers⁵⁰. Recognition decisions are administrative acts and may be challenged through administrative contentious proceedings⁵¹. A particular aspect concerns the regime applicable to lawyers, who benefit from additional specific directives (Directive 77/249/EEC and Directive 98/5/EC).⁵²

8. Current Problems of the System: Between Normative Robustness and Uneven Application

Recent official evaluations⁵³ show that practical performance remains uneven. The first difficulty relates to national fragmentation: with 5,700-6,000 regulated professions, mobility is affected not only by diploma

⁴⁴ Law No. 200/2004 on the recognition of diplomas and professional qualifications, published in Official Gazette No. 500 of 3 June 2004, as subsequently amended.

⁴⁵ OUG No. 109/2007, Official Gazette No. 706 of 18.10.2007; OG No. 43/2015, Official Gazette No. 660 of 31.08.2015.

⁴⁶ CNRED operates as the national contact point, pursuant to Art. 37¹ of Law No. 200/2004. See also the official CNRED documents and IMI PQ statistics (the designation "contact point" is consistently used in the transposition acts).

⁴⁷ Government Decision No. 840/2025, Official Gazette No. 940 of 10.10.2025, transposing Commission Delegated Directives (EU) 2024/782 and (EU) 2025/1223.

⁴⁸ Law No. 257/2024, Official Gazette No. 1023 of 11.10.2024.

⁴⁹ Law No. 245/2020 on performing a proportionality test prior to the adoption of new professional regulations, published in Official Gazette No. 1012 of 30 October 2020, transposing Directive (EU) 2018/958.

⁵⁰ OUG No. 49/2009 on the freedom of establishment of service providers and the freedom to provide services in Romania, published in Official Gazette No. 366 of 1 June 2009.

⁵¹ Decisions taken in the recognition procedure are administrative acts and may be challenged before the administrative courts pursuant to Law No. 554/2004 on administrative contentious proceedings.

⁵² Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services, OJ L 78, 26.3.1977, p. 17; Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained, OJ L 77, 14.3.1998, p. 36.

⁵³ European Court of Auditors, op. cit., conclusions and recommendations.

recognition but also by the identification of the target profession in the host State. The second concerns excessive deadlines, fees, and documentary burdens: the Court of Auditors found that some authorities request more documents than the Directive permits, carry out additional verifications, and exceed the maximum time limits. An excessively delayed recognition is, in reality, a temporarily refused recognition.

The quantitative data from the Court of Auditors are telling: the European average is 212 regulated professions per Member State, and recognition procedures are used by only approximately 6% of mobile EU citizens aged between 20 and 64. The instruments introduced by the 2013 reform have not fully produced the expected results: partial access was invoked in less than 1% of decisions issued, and common training principles applied, at the time of evaluation, practically only to ski instructors.⁵⁴ These figures do not demonstrate the futility of the system but rather show that European law effectively resolves only part of the mobility challenge, the remainder being either unregulated or discouraged by indirect barriers.

Insufficient legal information constitutes another obstacle.⁵⁵ If the applicant cannot clearly ascertain whether the profession is regulated, which authority is competent, or what documents are required, their right to mobility is affected before even entering the procedure. Directive (EU) 2018/958⁵⁶ introduced the proportionality test prior to the adoption of new professional regulations, and the Commission has periodically evaluated its implementation.⁵⁷ Notwithstanding, problems persist: new instruments remain underutilised, and the simplification promised by digitalisation has been only partially achieved.

A recurring criticism of the recognition regime is that it privileges mobility to the detriment of public interest protection. Such a thesis is, however, overly simplistic. In reality, EU law achieves both objectives simultaneously. Sectoral professions benefit from automatic recognition only because training standards are harmonised and updatable. The alert mechanism exists precisely to prevent the cross-border transfer of professional risks. Linguistic checks are admissible where patient safety depends on communication. The real problem is not the abstract conflict between mobility and safety, but the identification of the point of equilibrium: if authorities interpret every risk in a maximalist sense, procedures become restrictive; if control is reduced to formalism, public trust is affected. The proportionality principle responds to this tension: protective measures are legitimate, but must be suitable, necessary, and must not go beyond what is indispensable.

The future of the system depends primarily not on a comprehensive rewrite of the Directive but on four reform directions: strengthening proportionality control over the regulation of professions; reducing procedural costs through the effective reuse of data available in the IMI; standardising and centralising information for professionals; and revitalising underutilised instruments — the EPC and common training principles. The challenges generated by artificial intelligence and digital transformation also raise fundamental questions regarding the adequacy of the normative framework to the new realities of the labour market.

9. Conclusions

The legal regime governing the recognition of professional qualifications in the European Union is one of the most instructive examples of how the internal market was constructed not through total uniformisation but through the legal coordination of diversity. It does not abolish the competence of Member States to regulate professions, but disciplines it through the obligation to respect free movement, the proportionality principle, the requirement to state reasons, and the logic of mutual trust.

The analysis of Directive 2005/36/EC shows that EU law has developed a differentiated and coherent architecture. The distinction between temporary provision and establishment avoids the uniform control of different situations. The general system allows for the accommodation of non-harmonised professions through comparative evaluation. Automatic recognition provides predictability where common minimum standards exist. Recognition of professional experience completes the picture for activities where practical competence is decisive. The 2013 reform added modern instruments, and the 2024-2025 amendments demonstrate the framework's capacity to evolve alongside scientific and technological advances.

⁵⁴ European Court of Auditors, *op. cit.*, paras. 05, 18 and 73: the average is 212 regulated professions per Member State; only approximately 6% of mobile EU citizens use the recognition procedures; partial access was invoked in less than 1% of decisions.

⁵⁵ European Court of Auditors, *op. cit.*, paras. 96-102; Fit for Future Platform Opinion 2023/5, Suggestion 6: Improve access to information.

⁵⁶ Directive (UE) 2018/958, JO L 173, 09.07.2018, p. 25.

⁵⁷ European Commission, COM(2020) 191 final, 11.05.2020 and COM(2026) 86 final, 20.02.2026 (periodic reports on the application of Directive 2005/36/EC, published at five-year intervals pursuant to Art. 60(2) of the Directive).

The case law of the Court of Justice confirms that the regime cannot be understood solely through the text of the Directive. Heylens guaranteed procedural transparency; Vlassopoulou imposed substantive equivalence; Gebhard enshrined proportionality; Hocsman and Morgenbesser prevented formalism; Nasiopoulos grounded partial access; and Artollisi and Lescolanno specified the limits of the recognition obligation. These landmarks function as normative standards of review whenever the text of the Directive leaves room for interpretation.

Notwithstanding, the 2024 European Court of Auditors and 2026 European Commission evaluations compel a more reserved conclusion regarding practical effectiveness: normative robustness does not automatically guarantee uniformity of application. The Romanian transposition, through Law No. 200/2004, GD No. 840/2025, and Directive (EU) 2024/505, reflects the alignment effort but also highlights the inherent difficulties. The central problem of the present no longer lies in the absence of a legal framework but in the persistent gap between the norm and practice. Improvement depends on proportionality control, administrative cooperation through the IMI, reduction of procedural burdens, and faster updating of standards for professions with automatic recognition.

Ultimately, the recognition of professional qualifications in the European Union is not merely a legal technique for the validation of diplomas. It is a test of the maturity of the European legal order: the extent to which the Union can reconcile freedom of movement, the pluralism of national systems, and the imperative of protecting the public interest. As long as these three imperatives remain in balance, the system preserves its legitimacy. When the balance breaks — whether through administrative protectionism or through the formalism of insufficiently controlled recognition — internal market law loses its coherence. For this reason, the topic remains open and will continue to be a significant test for the evolution of European integration.

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