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Answer given by Executive Vice-President Mînzatu
on behalf of the European Commission
(7.1.2025)

Directive 2005/36/EC¹ facilitates free movement of professionals by setting the rules for recognition for access to a regulated profession in another Member State than the one where the qualification was obtained. The Directive only applies to public competitions related to recruitment to regulated professions in Italy. Therefore, it is not possible to assess based on the information given by the Honourable Member if the quoted practice is in breach of the Directive.

The EU is advocating for automatic recognition of qualifications for learning purposes. This commitment is evidenced by the 2018 Council Recommendation², which promotes automatic mutual recognition of higher education and training qualifications, as well as the Commission's proposal for a Council Recommendation³ on a European Quality Assurance and Recognition System. These initiatives reflect the EU's dedication to enhance learning mobility. The Lisbon Recognition Convention⁴, which is not part of EU legislation, primarily facilitates the recognition of qualifications for further education rather than for labour market access.

The organisation and classification of staff within the national public administration is the exclusive competence of Member States. In doing so, they must respect Article 45 of the Treaty⁵ and Article 7(1) of Regulation 492/2011⁶ which prohibit discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment.

Public administrations must take into account comparable qualifications, skills and training acquired in other Member States in the process of recruitment and for determining working conditions, in the same way as those acquired in the host Member State⁷.

¹ <https://eur-lex.europa.eu/eli/dir/2005/36/oj>

² [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32018H1210\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32018H1210(01))

³ <https://education.ec.europa.eu/sites/default/files/2024-03/Proposal%20for%20a%20Council%20Recommendation%20on%20a%20European%20Quality%20Assurance%20and%20Recognition%20System%20in%20Higher%20Education.pdf>

⁴ <https://www.coe.int/en/web/higher-education-and-research/lisbon-recognition-convention>

⁵ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX%3A12008E045%3Aen%3AHTML>

⁶ Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union.

⁷ Commission Staff Working Document – Free movement of workers in the public sector, SEC(2010) 1609.