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REPORT

drawn up on behalf of the Committee on Youth,
Culture, Education, Information and Sport

on the academic recognition of diplomas and
periods of study

Rapporteur: Mr O. SCHWENCKE

By letter of 30 September 1981, the Bureau of the European Parliament announced that at its meeting of 28 September 1981 it had authorized the committee to draw up a report on the academic recognition of diplomas and periods of study (Communication of the Commission to the Council - COM(81) 186/final). The Legal Affairs Committee was asked for an opinion.

At its meeting of 21 October 1981, the committee appointed Mr SCHWENCKE rapporteur.

The committee decided to consider, in its own-initiative report, the motions for resolutions referred to it by the plenary sittings of 10 April 1981 and 15 February 1982 on the recognition of diplomas from the Federal Republic of Germany in German-speaking Eastern Belgium (Doc. 1-124/81) and on the recognition of the educational qualifications of social workers (Doc. 1-970/81). It later decided to include the motion for a resolution referred to it by the plenary sitting of 12 December 1983 on the need for harmonization at European level of degree courses, specialization and refresher courses in the field of medicine (Doc. 1-1087/83).

In the course of its work on this report, the committee held discussions on 25 and 26 April and on 22 and 23 June 1983 with the then President-in-Office of the Council of Education Ministers, Dr WILMS.

The committee considered the draft report at its meetings of 29 and 30 September, 18 and 19 October, 1 and 2 December 1983 and 25 and 26 January 1984, and, at the last-mentioned meeting, adopted the motion for a resolution unanimously.

The following Members took part in the vote: Mr BEUMER, chairman; Mr HAHN, vice-chairman; Mr SCHWENCKE, vice-chairman and rapporteur; Mr ALEXIADIS, Mr ARFE, Mr BORD (deputizing for Mr ROLLAND), Mrs BUCHAN, Mrs CINCIARI RODANO (deputizing for Mr FANTI), Mr COTTRELL, Mrs GAIOTTI DE BIASE, Mr GEROKOSTOPOULOS, Mr PEDINI, Mrs PERY and Mrs VIEHOFF.

The opinion of the Committee on Legal Affairs is attached.

The report was tabled on 31 January 1984

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The Committee on Youth, Culture, Education, Information and Sport hereby submits the following motion for a resolution to the European Parliament together with explanatory statement:

MOTION FOR A RESOLUTION

on the academic recognition of diplomas and of periods of study

The European Parliament,

- on the basis of the treaty establishing the European Economic Community, with particular reference to the preamble to the latter and Articles 3(c), 49, 57 and 128,
- having regard to the Council's resolution of 6 June 1974 on the mutual recognition of diplomas, certificates and other evidence of formal qualifications¹,
- having regard to the resolution of the Council and the Ministers of Education meeting in Council of 9 February 1976 on an action programme in the field of education, and with particular reference to point IV. 16² of the latter,
- having regard to the conclusions of the Presidency of the Councils of Education Ministers of 22 June 1981 and 2 June 1983 and of the European Council in Stuttgart of 21 and 22 June 1983,
- whereas the individual directives adopted by the Council hitherto with regard to medical and paramedical activities only concern the professional aspects of the problem of recognition, and do not involve the academic recognition of diplomas and periods of study,
- having regard to the report on European Union³, which calls for the problem of the equivalence of qualifications and periods of study to be solved in a pragmatic fashion,
- having regard to the Communication from the Commission to the Council on the academic recognition of diplomas and periods of study (COM(81) 186/final),
- having regard to the judgements of the European Court of Justice⁴ on the right of establishment and the problems of recognition arising from it.

¹ OJ No. C 98/74

² OJ No. C 38/76

³ Tindemans Report of 1975, Chapter IV, B. 2

⁴ Most recently, the judgment of 13 July 1983
See annex to opinion of Legal Affairs Committee

- having regard to the Council of Europe conventions on the equivalence of diplomas and periods of study and on the academic recognition of university qualifications, and the list of bogus institutions and 'degree factories' published by the Council of Europe¹,
 - having regard to the UNESCO convention on the recognition of university studies and diplomas in countries in the European region²,
 - having regard to its resolutions:
 - . on freedom of establishment for pharmacists³,
 - . on the reciprocal recognition of diplomas, certificates and other proof of formal qualifications⁴,
 - having regard to the motions for resolutions:
 - . by Mr DEL DUCA on the recognition of the educational qualifications of social workers (Doc. 1-970/81),
 - . by Mr VANDEMEULEBROUCKE and others on the recognition of diplomas from the Federal Republic of Germany in German speaking Eastern Belgium (Doc. 1-124/81),
 - . by Mr SASSANO and Mr DEL DUCA on the need for harmonization at European level of degree courses, specialization and refresher courses in the field of medicine (Doc. 1-1087/83),
 - having regard to the report by its Committee on Youth, Culture, Education, Information and Sport on higher education in the Community (Doc. 1-1351/83),
 - having regard to the report by its Committee on Youth, Culture, Education, Information and Sport and the opinion of the Legal Affairs Committee (Doc. 1-1354/83),
- A. whereas a clear distinction must be made between four different but related aspects of the problem of recognition, namely:
- (a) the academic recognition of diplomas for academic purposes,
 - (b) the recognition of non-academic vocational training qualifications,
 - (c) the recognition of certificates for professional purposes,
 - (d) the recognition of periods of schooling for scholastic purposes;
- B. whereas this resolution only concerns the first aspect of the problem, but the other three aspects also need to be considered and resolved separately and promptly;

¹ European Treaty Series No. 15, 49, 21 and 32, and the subsequently updated list drawn up in 1972, CCR/ESR(72)73

² UNESCO, Paris 1979

³ OJ No. C 277/83

⁴ OJ No. C 139/69

- C. whereas in this context the academic recognition of diplomas and periods of study for academic purposes is taken to mean formal recognition of their equivalence;
- D. whereas, 25 years after the signing of the Treaty of Rome, the prospect of solving the problems of academic recognition is still remote;
- E. regretting that, hitherto, the Council has failed to fulfil satisfactorily its Treaty obligation to issue directives on the recognition of diplomas, qualifications and other evidence of formal qualifications;
- F. concerned that the problems of recognition which remain to be solved:
- (a) are impeding the process of European integration,
 - (b) are an obstacle to the integration of the Community's educational systems,
 - (c) inhibit individuals' exercise of their right to freedom of movement;
- G. having regard to the traditional autonomy of universities and institutions of higher education in most Member States of the EC;
1. Points out that freedom of movement within the Community, as guaranteed by the Treaties, must also apply to students, teachers and those engaged in research, and should be promoted by facilitating mobility in the field of higher education;
 2. Considers that academics' freedom of movement is an important aspect of education and an objective to be regarded as a priority on social, cultural and political grounds;
 3. Considers that a solution to the problems of recognition will make a significant contribution to:
 - (a) overcoming barriers to mobility and hence achieving genuine freedom of movement;
 - (b) preparing young people for their life and work within an expanding European Community;
 4. Emphasizes that other barriers to mobility, such as language problems or the limited number of places available for foreigners, require to be considered and solved separately even though they are part of the same overall problem as questions of recognition;

5. Draws attention to the binding nature for the Council and Commission of the Treaty provisions requiring them to take legislative action on the matter of recognition;
6. Regrets that, more than 25 years after the signing of the Treaty of Rome, the situation with regard to the question of recognition is still unsatisfactory due to the lack of adequate legislation;
7. Stresses that there is an increasingly urgent need, on employment policy and other grounds, for Community legislation on the academic recognition of diplomas and periods of study;
8. Considers the question of recognition the most important element of, and a necessary prerequisite for, an adequate Community approach to its tasks in the field of education, social and employment policy;
9. Calls upon the Member States to ratify immediately, if they have not already done so:
 - (a) the relevant conventions of the Council of Europe,
 - (b) the UNESCO convention on the recognition of university studies and diplomas in the countries in the European region;
10. Calls for the Community to take firm action on the question of recognition, in order to promote the implementation and further development of the multilateral agreements of the Council of Europe and UNESCO within its own sphere of influence;
11. Further calls on the Member States to take practical steps to implement and fully apply those directives which have already been issued;
12. Calls on the Council to give immediate attention to the proposals for directives submitted to it by the Commission with regard to problems of recognition for certain liberal professions;
13. Calls upon the Commission to draw up suitable proposals for directives on the question of recognition for certain other professions as well, and to submit them to Parliament and the Council;
14. Further calls on the Commission to draw up a list of measures with a view to achieving complete freedom of movement for students, teachers and those engaged in research, which should cover the following four categories of recognition:

- (a) the recognition by other Member States of national matriculation requirements for universities and institutions of higher education,
 - (b) the recognition by individual universities and institutions of periods of study spent in other Member States,
 - (c) the recognition of final examinations after a maximum period of 3-6 years' higher education, and
 - (d) the recognition of doctorates and other higher academic degrees;
15. Calls on the Commission, assisted by the national information centres, to draw up with the Member States lists of equivalent diplomas and qualifications awarded in respect of both short-term and longer-term courses or research, and ask the professional organizations concerned for their opinions;
16. Recognizes that the greatest problems arise with regard to the recognition of intermediate degrees and periods of study, particularly in certain complicated individual cases;
17. Calls for:
- (a) the majority of simple questions of recognition to be solved pragmatically and in a decentralized fashion, with most weight being given to decisions by the individual universities,
 - (b) problematic individual cases to be decided by a permanent working group to be set up by the Commission and to consist of representatives of national and European authorities;
18. Considers that, as a general principle, the recognition of diplomas and periods of study requires the exercise of the greatest possible generosity and flexibility, and calls on the relevant authorities in the Member States to allow themselves to be guided by this principle in all questions of recognition;
19. Considers that flexibility in academic recognition is particularly appropriate in those border regions of the Community where the same language is spoken on both sides of a frontier;

20. Draws attention to the need to give practical encouragement to student mobility through increased information about available opportunities, and therefore calls for the following specific measures:
- (a) better and more regular exchange of information between the national centres for the provision of information concerning equivalence and questions of recognition - with additional support from the Commission and from EURYDICE, the education information network - with a view to providing suitable counselling and information for students, their parents and other interested persons,
 - (b) greater availability of information, particularly in universities, to which end the EC Student Handbook, a useful publication produced by the Commission should be updated more frequently and contain additional facts on the various questions of recognition; the Commission should also complete and make available as soon as possible a comparative list of university and other degrees and diplomas within the Community,
 - (c) the creation of a central information office at the Commission, which should be well staffed and have access to all data relevant to recognition. These data should be precisely classified, broken down by country and locally accessible to all the relevant authorities through the education information network, EURYDICE;
21. Calls for increased cooperation in the field of higher education and, to this end, calls for the following stimulating and supporting measures:
- (a) promotion of bilateral partnerships between institutes of higher education within particular fields of study or specialities,
 - (b) promotion of agreements between institutions, on a multilateral basis if possible,
 - (c) introduction and further development of common curricula and expansion of the Community's programme of subsidies to promote the latter;
22. Calls, in this context, for an increase in the relevant budgetary appropriations over the next few years;
23. Instructs its President to forward this resolution to the Council, the Commission, the Governments of the Member States, the Council of Europe and UNESCO.

EXPLANATORY STATEMENT

1. Scarcely a day passes without complaints being received about the effective lack of freedom of movement in the European Community. Particularly since the direct elections, the European Parliament has become an address for queries and petitions from members of the public who see their rights and freedoms infringed in this area. Such complaints have already been considered by the European Court of Justice as well. The major reason is the continuing lack of mutual recognition of academic diplomas or certificates and professional training courses in the Member States of the Community. It is a sad fact, more than 25 years after the signing of the Treaty of Rome, that there is still no satisfactory, general solution to the recognition question and that day-to-day recognition problems restrict the freedom of establishment and the freedom to provide services. This not only prevents individuals from exercising their right to freedom of movement, but also stands in the way of the integration of the Community's education systems and, moreover, impedes progress towards European unification in this important area.
2. There is no lack of legal bases for such a solution in the European Community. Unlike in certain other areas, the Treaty of Rome is quite clear on this point and contains detailed provisions. Furthermore, it obliges the Council and Commission to take legislative action.

For example, the preamble declares that 'the foundations of an ever closer union among the peoples of Europe' should be established and 'the economic and social progress of their countries' should be ensured 'by common action to eliminate the barriers which divide Europe'. Article 3(c) goes on to state that the activities of the Community shall include 'the abolition, as between Member States, of obstacles to freedom of movement for persons, services and capital'.

Article 49 obliges the Council to 'issue directives or make regulations setting out the measures required to bring about ... freedom of movement', while Article 57(1) requires it to 'issue directives for the mutual recognition of diplomas, certificates and other evidence of formal qualifications' in order to 'make it easier for persons to take up and pursue activities as self-employed persons'.

The Commission is required to submit appropriate proposals for directives or regulations (Articles 49 and 57).

Finally, Article 128 obliges the Commission and Council to propose and lay down,

respectively, general principles for implementing a common vocational training policy.

The Treaty's declared aim of ensuring economic and social progress in Europe therefore requires both freedom of movement for Community citizens and the actual exercise of the right of establishment and right to provide services guaranteed in the Treaty.

The mutual recognition of certificates and periods of study by the Member States is hence one of the crucial requirements for establishing freedom of movement within the Community. This applies in principle to both employees and the self-employed, and also to those in the education system, i.e. students, teachers and research workers. All citizens should be allowed, should they so wish, to live, work or study anywhere in the Community with no obstacles and barriers to prevent them. Full recognition should be given to examinations or periods of study, whatever Community country they are completed in and whether for professional or academic purposes.

The Commission and Council have so far proved extremely remiss in meeting their respective Treaty obligations to prepare and adopt appropriate legislation. The Commission has hitherto failed to provide any impetus in this important area of European integration, even though it has made several attempts to resolve the problem of effective non-recognition and hence restricted freedom of movement. For its part, the Council has been slow to discuss and adopt the proposals for directives submitted to it and has by no means considered all of them.

3. The problem of national diplomas and examination certificates and the lack of mutual recognition has existed since the birth of the European unification movement after the Second World War, though of course equivalence problems do not just concern Community citizens, they also affect more or less all the Western European and some South East European countries.

Recognition questions have therefore preoccupied the Council of Europe from its very inception. In the 50s it adopted 3 major conventions :

- the 1953 European Convention on the equivalence of diplomas leading to admission to university (mutual recognition of school-leaving certificates),
- the 1956 European Convention on the equivalence of periods of university study (recognition of periods spent studying abroad),

- the 1959 European Convention on the academic recognition of university qualifications (recognition by universities of qualifications for the purpose of pursuing doctoral studies and holding foreign academic titles).

The 1953 Convention has been ratified by all the Community States, the 1956 Convention by all except Greece and the 1959 Convention by all except Greece and Luxembourg. The list of bogus institutions and 'degree factories' selling fake academic titles, published and updated by the Council of Europe in 1972 also continues to be useful.

UNESCO has also proposed a European agreement in this field, namely the 1979 Convention on the recognition of studies, diplomas and certificates in higher education in the countries in the European region.

Since the Council of Europe's conventions have been ratified by all the Community Members apart from the above exceptions there already exists a broad basis for mutual recognition of diplomas.

Unlike the Council of Europe or even UNESCO, however, the Community possesses extensive legal bases and instruments for not only implementing these conventions but also for securing binding agreements between the Ten on recognition questions. Community action on the mutual recognition of diplomas and periods of study therefore can and should, using these multilateral agreements as a basis, aim to complete and extend the scope of the latter.

Those Member States that have not yet ratified the above Conventions are urged to do so immediately. In addition, all Member States should be asked to take practical steps to implement these conventions immediately.

The Commission should quickly prepare an inventory of any gaps these international instruments may contain as regards the free movement of persons as provided for in the EEC Treaty.

4. The search for a solution to recognition problems at Community level has so far been a long drawn-out process and has lacked an overall strategy. The Commission has been slow to submit suitable proposals and a great deal of time has passed before their adoption by the Council and the eventual implementation of the individual directives in the form of national provisions that are of actual help to the individuals concerned.

Under the relevant articles in the Treaty of Rome, which represent the basic Community instrument for ensuring freedom of movement within the Community and mutual recognition of acquired qualifications, the Council has taken several decisions in the course of the years :

- Regulation No. 1612/68 of 15 October 1968 on freedom of movement for workers within the Community,
- Resolution of 6 June 1974 on the mutual recognition of diplomas, certificates and other evidence of formal qualifications (OJ C 98/74),
- Resolution of the Council and of the Ministers of Education, meeting within the Council of 9 February 1976 comprising an action programme in the field of education (including measures at Community level to increase the possibilities for academic recognition of diplomas and study periods) (OJ C 38/76).

Following proposals by the Commission, the Council has also issued directives intended to facilitate the pursuance of economic activity and professions that are regulated or require a special training, particularly in industry, commerce and the crafts and in the health sector. For example, Council directives regulate the recognition of medical university qualifications for doctors (1976), nurses (1977), dentists (1979), veterinary surgeons (1980) and midwives (1983).

All these directives provide for measures to facilitate the mobility of the people concerned and for the establishment of advisory committees. However, they only deal with the professional aspects of the recognition of diplomas without providing for their academic recognition. Such academic recognition would make it easier for students to accumulate periods of study completed in several Community countries. This question, which is central to this report, still has to be settled at European level and continues to be the subject of national provisions or bilateral agreements.

5. The 1975 report by Leo Tindermans on European Union (Chapter IV - B.2) also stresses the need for progress on this question and proposes a pragmatic solution to the problem of equivalence of academic qualifications and periods of study to allow mutual recognition of study in various sectors.

Also worthy of note are the judgements passed by the European Court of Justice on the right of establishment, extracts of which are contained in an annex to this report.

6. In spite of the good intentions that certainly exist, a real breakthrough in the recognition question has not yet been achieved. As early as 1976, the Education Committee newly set up by the Council was asked to examine the possibilities for full academic recognition of diplomas and periods of study. Since then a number of initiatives have been taken under the action programme in the field of education in order to promote and facilitate the mobility of students. Nevertheless, the recognition process has become bogged down in spite of all these attempts owing to the lack of an overall Community approach to its educational, social and employment policy tasks.
7. In its communication of 29 April 1981 (COM(81) 168 final), which also provides the basis for this report, the Commission outlined the various levels involved in the problem and indicated the major directions for future action.

Here, a distinction must be made between four different but related aspects of the recognition problem, namely

- the academic recognition of diplomas for academic purposes,
- the recognition of non-academic vocational training qualifications,
- the recognition of certificates for professional purposes,
- the recognition of periods of schooling for scholastic purposes.

This report only considers the first of these aspects, namely recognition for academic purposes and hence the conditions needed to ensure greater mobility in higher education and to guarantee freedom of movement for students, teachers and research workers as well. In this context, the academic recognition of diplomas and periods of study for academic purposes is taken to mean recognition of their formal equivalence.

The other three aspects likewise need to be considered and resolved promptly, although they should be tackled separately on account of the different problems involved.

8. What is the current situation?

Owing to the lack of a breakthrough on the recognition problem in question, the European Parliament has increasingly taken the initiative on this education issue. For example, as long ago as 1974, Parliament adopted by a large majority a report by Mr HOUGARDY urging the Council and Commission to at last take action on

Article 57 of the Treaty of Rome. Since then, the European Parliament has pressed both the Council and Commission with a large number of written questions on this point, for example

- by Mr IRMER (No. 780/79) Credit for time spent studying abroad
- by Mrs CRESSON (No. 816/79) Freedom of establishment for doctors and qualifications
- by Mr GILLOT (No. 1256/79) Training of doctors
- by Mrs CARETONI ROMAGNOLI and Mrs GAIOTTI DE BIASE and others (No. 1896/79) Employment opportunities for young graduates in the Community
- by Mr HAHN (No. 193/81) Recognition of diplomas awarded by German higher professional schools
- by Mr KEY (No. 541/81) Opportunities for UK students to study in other Member States
- by Mr ESTGEN (No. 572/81) Academic recognition of diplomas in music
- by Mr SEEFELD (No. 735/82) Recognition of in-service training
- by Mr SCHWENCKE (No. 1214/82) Harmonization of education levels in the Community
- by Mr PINTAT (No. 1805/82) Recognition of veterinary diplomas by the Member States
- by Mr WEDEKIND (No. 111/83) Training of architects
- by Mrs DURY (No. 172/83) Equivalence of diplomas
- by Mr COUSTE (No. 540/83) Mutual recognition of diplomas in the Member States

There have also been oral questions (most recently Nos. 0-99/81 and 0-109/81) calling on the Council and Commission to admit their failures and to take legislative action as required by the Treaty.

Although the Commission refers to the results achieved for the medical professions and to its initiatives for other professional groups, it openly concedes that only partial successes have been achieved for the legal professions with no progress at all in the technical professions. It also notes laconically that the results obtained bear no relation to the effort involved.

For its part, the Council draws attention to the directives already adopted and to the continuing work of the Education Committee in this area, although it has to admit that freedom of movement in the Community could be eased still further by the recognition of evidence of professional qualifications.

At each of their more or less annual meetings, the Council and the Education Ministers meeting in the Council have affirmed their intention of achieving progress in the recognition question and have instructed the Education Committee to prepare appropriate reports. They have repeatedly emphasized that measures to promote the academic recognition of diplomas and periods of study should go hand in hand with further measures to promote and facilitate the mobility of students between Member States. Other barriers to mobility, such as language problems or restrictions on the number of places available to foreigners, are not considered in the present report, since though they undoubtedly form part of the same general problem as questions of recognition they require special consideration and separate solutions.

9. The outlines of a comprehensive solution to the recognition problem are contained in the abovementioned communication of 29 April 1981 from the Commission to the Council (COM(81) 186 final), which was considered by the Council and the Education Ministers meeting in the Council at their meeting of 24 May 1982¹.

In this document, the Commission proposes the introduction of a coordinated set of measures at Community level to provide the basis for questions of academic recognition to be fully appreciated by the interested parties in the various Member States. The aim is to ensure a rapid and constant exchange of up-to-date information between Member States on developments in higher education and the constantly changing range of studies offered. The guidelines developed by the Commission to this effect should be approved - as a first stage.

With reference to the action programme of 9 February 1976 in the field of education, the Council and the Education Ministers meeting within the Council, at their last meeting of 2 June 1983, declared the promotion of mobility in higher education to be one of the main objectives of education cooperation within the Community. In their conclusions², they referred to the report by the working party set up by the Council on the academic recognition of diplomas and proposed the following priority aims :

- The bodies responsible in the Member States for recognition questions should be as generous and flexible as possible in their approach to the recognition of certificates and evidence of qualifications acquired in other Member States of the Community.

¹See PE 80.086 (Council Documents 7276/82 EDVC 38 and 6937/82 EDVC 29)

²See PE 85.270 (Council Documents 7533/83 EDVC 57, 7097/83 EDVC 47 and 5724/2/83 EDVC 22)

- Regular exchanges of information should be expanded between the information centres appointed by the Member States to deal with recognition questions and also between the persons responsible in the individual higher education institutions for the registration of foreign students; in addition, the information material and counselling facilities available should be increased.
- The Member States should, in particular, increase support for temporary periods of study abroad.
- In addition, the system of joint study programmes should be expanded and greater use made of twinning arrangements between institutions of higher education.
- Finally, comparative statistical data on the various categories of diplomas and periods of study abroad within the Community should be improved.

10. The Commission's guidelines and this latest declaration of intent by the Council must now be followed by prompt action. As a first stage, the present situation calls for

- the Member States to take practical steps to implement and fully apply those directives that have already been issued,
- the Council to give immediate attention to the proposals for directives submitted to it by the Commission concerning problems of recognition for certain liberal professions (particularly the legal profession, architects and other technical professions),
- the Commission to draw up suitable proposals for directives on the question of recognition for certain other professions as well, and to submit them to Parliament and the Council.

With a view to ensuring complete freedom of movement for students, teachers and research workers, the Commission should be requested to compile a list of measures covering the following categories of recognition :

- the recognition by other Member States of national matriculation requirements for universities and institutions of higher education,
- the recognition by individual universities and institutions of periods of study spent in other Member States,

- the recognition of final examinations after a maximum period of 3-6 years' higher education, and
- the recognition of doctorates and other higher academic degrees¹.

11. Examination of the individual recognition problems that occur shows that mutual recognition of certificates allowing entrance to the first level of higher education (A-levels or similar qualifications) and, at least academically, the mutual recognition of higher education qualifications at doctorate or similar level do not present any major problem. The main difficulties are encountered in the range between these two extremes, namely in the recognition of intermediate degrees and periods of study, particularly in complicated individual cases. The reasons for these particular difficulties are to be found in the differences from country to country, and even from university to university, in the way study and the intermediate degrees are structured, in the content of study and in the order in which the various subjects are taught and learned.

A set of Community, national and also university-level measures is required to eliminate or at least alleviate these difficulties. Any action at Community level should always take into account the traditional autonomy of universities in most of the Member States.

12. Although resolving recognition problems by harmonizing periods and courses of study is a sensible principle that must be accepted, it must not be applied rigidly. An illustration of such rigidity is the still unresolved question of a recognition procedure for architects and engineers. For example, training for architects in the Federal Republic of Germany lasts three years and ends with the 'Fachhochschuldiplom' (technical college diploma). The other Member States, which insist on a four-year period, do not recognize this diploma as they regard a three-year period of study as too short. An extension of the period of training has however been rejected by the German authorities for educational and financial reasons. This rigidity means that it is currently impossible to establish equivalence within the Community on this point.

This case shows that a pragmatic rather than a conventional approach is called for in the recognition problems still to be settled. Hence, if directives cannot be introduced under the old procedure, a new, flexible procedure needs to be found

¹Reference may be made here to the list of bogus institutions awarding academic titles and degrees published and updated by the Council of Europe (CCC/ESR(72) 73)

instead. In fact, some cases will not require a new directive at all; power of decision should be delegated instead, as a matter of principle, to the university concerned. This seems to be a particularly sensible approach to adopt in view of the large number of simple recognition problems. Also, as regards the numerous cases relating to particular professions and courses which must be decided on an individual rather than a general basis, priority should be given to the decision of the university concerned. Only in really problematic individual cases, which in fact occur only rarely, should consideration be given to referring decisions to a central, permanent working group to be set up by the Commission and to consist of representatives of national and European authorities.

13. As a matter of principle, decisions on recognition questions should not be characterized by bureaucratic pettiness. Indeed, all the responsible bodies in the Member States are urged to adopt a generous and flexible approach as far as possible to the recognition of diplomas and periods of study.

Furthermore, agreements between the individual Member States on the mutual recognition of diplomas, periods of study and courses should dispense with detailed rules for recognition and allow for flexibility in recognizing periods of study completed abroad without particular formalities. Such agreements would create a framework for flexible decisions on recognition questions and hence increase the incentive to study abroad. In general, the adoption of a generous and flexible approach to all recognition questions, at all decision-making levels, will help resolve the majority of current problems. Flexibility in recognition problems is particularly desirable in those border regions within the Community where the same language is spoken on both sides of the frontier. Further, special attention should be given to the additional problems generally affecting universities in the Community's peripheral regions, whether geographical, linguistic or economic in nature.

14. In addition to regulating recognition problems by means of the legal instruments at its disposal, the Community has another important role to play in this major area of educational policy : it should give practical encouragement to student mobility by providing more information on available opportunities. The following specific measures could be considered :

- better and more regular exchange of information between the national centres responsible for recognition questions - with additional support from the Commission and from EURYDICE, the education information network - with a view to providing suitable counselling and information for students, their parents and other interested persons,

- greater availability of information, particularly in universities, to which end the Community Handbook for Students, a useful publication produced by the Commission, should be updated more frequently and include additional facts on the various questions of recognition; the Commission should also prepare and make available as soon as possible the planned comparative list of higher education degrees and diplomas within the Community,
- the creation of a central information office at the Commission, which should be well staffed and have access to all data relevant to recognition. These data should be precisely classified, be broken down by country and be locally accessible to all the relevant authorities through the education information network, EURYDICE,
- the preparation of lists of equivalent diplomas and qualifications for both short- and longer-term periods of study; this task should be carried out by the Commission, assisted by the national information centres, in conjunction with the Member States and after having consulted the professional organizations concerned.

15. The Community has a further role to play in encouraging and supporting cooperation in higher education¹. This could involve the following measures :

- Promotion of agreements and twinning arrangements between universities, preferably on a multilateral basis. It should be made clear to these universities that they will be free, within generously defined limits, to negotiate student exchanges independently with other universities within the Community without any disadvantage to themselves or their students.
- Activities such as these and any policies to secure uniformity and compatibility of curricula which they would like to pursue in conjunction with corresponding universities in other Community countries should be supported and encouraged by the Community. Initial financial aid provided by the Commission would be the main way of giving universities a direct incentive to adopt a positive attitude to mobility within higher education.

A Community policy on student mobility must however distinguish between a full course of study and a partial period of study that can be integrated into a course of study completed in the home country. Without preventing complete courses of study abroad, Community support should concentrate on temporary

¹See the report by Mrs PERY on higher education in the Community

periods of study abroad that contribute towards the final qualification and are assessed in the host country. Special consideration should be given to, and special arrangements made for, postgraduate studies that build on previously acquired academic qualifications.

- In particular, the Community subsidy system established in 1976 for the development and implementation of joint study programmes for universities should be continued and considerably expanded. These joint study programmes represent a particularly valuable instrument for securing progress towards agreements between individual institutions on mutual recognition. Even though this system cannot be expanded ad infinitum, it serves as a model for a particularly close form of university cooperation and offers the best solution to recognition problems. In addition, it helps to link useful studies abroad with studies in the home country without the danger of isolation abroad and without the problems that can arise in the recognition of periods of study abroad.

16. Community support for universities, like the common European higher education policy as a whole¹, requires a secure financial basis in the Community budget. Article 630 in the budget is intended to implement the education action programme and promote cooperation within higher education, including the launching of joint study programmes for universities. The new item, 6302, now covers the implementation of these programmes. A continued expansion of Community-supported university cooperation, in particular the system of joint study programmes, which facilitates the recognition of diplomas and periods of study, will require the Community's subsidy programme to be expanded and the above appropriations to be continuously raised in the course of the next few years.
17. Mutual academic recognition of diplomas and periods of study for the Community and third countries, particularly the ACP countries, would appear to be even more difficult to achieve in view of the continuing existence of major recognition problems within the Community itself. Nevertheless, the question of mutual recognition of diplomas should be raised within the context of cultural and educational cooperation with the ACP countries with a view to moving towards a long-term solution in stages.
18. A solution to the recognition problems in the Community leading to true mobility within higher education and hence guaranteed freedom of movement for academics as well will be a long drawn-out process. The Community is urged to use all the instruments at its disposal without delay and prepare a common policy for supporting and promoting the universities and their initiatives in this field. Both the

¹See report by Mrs PERY on higher education in the Community

Member States and the universities should play their part. Only rapid and solid advances in this area will enable us to prepare the younger generation for life and work in an evolving European Community and provide them from the outset with better prospects for their professional careers.

DIPLOMAS, CERTIFICATES AND OTHER EVIDENCE OF FORMAL QUALIFICATIONS
(Articles 57(1) of EEC Treaty)

I. DIRECTIVES ADOPTED
(listed in order of their date of adoption)

D I R E C T I V E	Date submitted by Commission to Council	Date adopted by Council
1. Wholesale trade and intermediaries in commerce, industry and small craft industries Council directive laying down detailed provisions concerning transitional measures in respect of activities in wholesale trade and activities of intermediaries in commerce, industry and small craft industries	11.1.1963	Directive 64/222/EEC of 25 February 1964 (OJ No. 56 of 4 April 1964)
2. Industry and small craft industries Council directive laying down detailed provisions concerning transitional measures in respect of activities of self-employed persons in manufacturing and processing industries falling within ISIC Major Groups 23-40 (industry and small craft industries) *amended by Directive 69/77/EEC of 4 March 1969 (OJ No. L 59 of 10 March 1969)	9.4.1963	Directive 64/427/EEC of 7 July 1964 (OJ No. 117 of 23 July 1964)
3. Retail trade Council directive laying down detailed provisions concerning transitional measures in respect of activities of self-employed persons in the retail trade (ISIC-ex Group 612)	30.3.1965	Directive 68/364/EEC of 15 October 1968 (OJ No. L 260 of 22 October 1968)

I. DIRECTIVES ADOPTED

D I R E C T I V E	Date submitted by Commission to Council	Date adopted by Council
<p>4. Personal Services Council directive laying down detailed provisions concerning transitional measures in respect of activities of self-employed persons in the personal services sector (ISIC ex Major Group 85</p> <p>1. restaurants, cafés, taverns and other drinking and eating places (ISIC Group 852)</p> <p>2. hotels, rooming houses, camps and other lodging places (ISIC Group 853)</p>	8.4.1965	<p>Directive 68/368/EEC of 15 October 1968 (OJ No. L 260 of 22 October 1968)</p>
<p>5. Food manufacturing and beverage industries Council directive laying down detailed provisions concerning transitional measures in respect of activities of self-employed persons in the food manufacturing and beverages industries (ISIC Major Groups 20 and 21)</p>	15.4.1965	<p>Directive 68/366/EEC of 15 October 1968 (OJ No. L 260 of 22 October 1968)</p>
<p>6. Wholesale coal trade Council directive laying down detailed provisions concerning transitional measures in respect of activities of self-employed persons in the wholesale coal trade and in respect of intermediaries in the coal trade (ISIC ex Group 6112)</p>	<p>13.9.1969 (OJ No. C 152 of 28 November 1969)</p>	<p>Directive 70/523/EEC of 30 November 1970 (OJ No. L 267 of 10 December 1970)</p>
<p>7. Toxic products Council directive laying down detailed provisions concerning transitional measures relating to activities, trading and distribution of toxic products and activities entailing the professional use of such products including activities of intermediaries</p>	<p>21.12.1968 (OJ No. C 12 of 4 February 1969)</p>	<p>Directive 74/556/EEC of 4 June 1974 (OJ No. L 307 of 18 November 1974)</p>

I. DIRECTIVES ADOPTED

D I R E C T I V E	Date submitted by Commission to Council	Date adopted by Council
<p>8. Various activities</p> <p>Council directive on measures to facilitate the effective exercise of freedom of establishment and freedom to provide services in respect of various activities (ex ISIC division 01 to 85) and, in particular, transitional measures in respect of those activities</p>	<p>30.11.1970 (OJ No. C 6 of 22 January 1971)</p>	<p>Directive 75/368/EEC of 16 June 1975 (OJ No. L 167 of 30 June 1975)</p>
<p>9. Medicine¹</p> <p>Council directive concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services</p>	<p>3.3.1969 (OJ No. C 54 of 28 April 1969)</p>	<p>Directive 75/362/EEC of 16 June 1975 (OJ No. L 167 of 30 June 1975)</p>
<p>10. Itinerant activities</p> <p>Council directive on measures to facilitate the effective exercise of freedom of establishment and freedom to provide services in respect of itinerant activities and, in particular, transitional measures in respect of those activities</p>	<p>4.6.1970 (OJ No. C 99 of 14 July 1970)</p>	<p>Directive 75/369/EEC of 16 June 1975 (OJ No. L 167 of 30 June 1975)</p>
<p>11. Lawyers</p> <p>Council directive to facilitate the effective exercise by lawyers of freedom to provide services</p>	<p>17.4.1969 (OJ No. C 78 of 20 June 1969) and 19.8.1975 (OJ No. C 213 of 17 September 1975)</p>	<p>Directive 77/259/EEC of 22 March 1977 (OJ No. L 78 of 26 March 1977)</p>

¹ Amended by Directives 81/1057/EEC of 14.12.81 (OJ No. L 385 of 31.12.61) and 82/76/EEC of 16.1.82 (OJ No. L 43 of 15.2.82)

I. DIRECTIVES ADOPTED

D I R E C T I V E	Date submitted by Commission to Council	Date adopted by Council
<p>12. Nurses responsible for general care¹</p> <p>Council directive concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of nurses responsible for general care, including measures to facilitate the effective exercise of this right of establishment and freedom to provide services</p>	<p>14.10.1969 (OJ No. C 156 of 8 December 1969)</p>	<p>Directive 77/452/EEC of 27 June 1977 (OJ No. L 176 of 15 July 1977)</p>
<p>13. Haulage and transport operators</p> <p>Council directive aiming at the mutual recognition of diplomas, certificates and other evidence of formal qualifications for goods haulage operators and road passenger transport operators including measures intended to encourage these operators effectively to exercise their right to freedom of establishment</p>	<p>14.10.1975 (OJ NO. C 1 of 5 January 1976)</p>	<p>Directive 77/796/EEC of 12 December 1977 (OJ No. L 334 of 24 December 1977)</p>
<p>14. Practitioners of dentistry¹</p> <p>Council directive concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners of dentistry, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services</p>	<p>3.3.1969 (OJ No. C 54 of 28 April 1969)</p>	<p>Directive 78/686/EEC of 25 July 1978 (OJ No. L 223 of 24 August 1978)</p>
<p>15. Veterinary medicine¹</p> <p>Council directive concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in veterinary medicine, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services</p>	<p>1.6.1970 (OJ No. C 92 of 20 July 1970)</p>	<p>Directive 78/1026/EEC of 18 December 1978 (OJ No. L 362 of 23 December 1978)</p>

¹ Amended by Directive 82/76/EEC of 26.1.1982 (OJ No. L 43 of 15.2.1982)

I. DIRECTIVES ADOPTED

D I R E C T I V E	Date submitted by Commission to Council	Date adopted by Council
<p>16. Midwifery</p> <p>Council directive concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in midwifery and including measures to facilitate the effective exercise of the right of establishment and freedom to provide services</p>	<p>12.12.1969 (OJ No. C 18 of 12 February 1970)</p>	<p>Directive 80/154/EEC of 21 January 1980 (OJ No. L 33 of 11 February 1980)</p>
<p>17. Services incidental to transport</p> <p>Council directive on measures to facilitate the effective exercise of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in certain services incidental to transport and travel agencies (ISIC Group 718) and in storage and warehousing (ISIC Group 720)</p>	<p>21.12.1965 (OJ No. C 73 of 23 April 1966)</p>	<p>Directive 82/470/EEC of 29 June 1982 (OJ No. L 213 of 21 July 1982)</p>
<p>18. Hairdressers</p> <p>Council directive laying down measures to facilitate the effective exercise of the right of establishment and freedom to provide services in hairdressing</p>	<p>29.7.1971 (OJ No. C 106 of 23 October 1971)</p>	<p>Directive 82/489/EEC of 19 July 1982 (OJ No. L 218 of 27 July 1982)</p>

II. PROPOSALS FOR DIRECTIVES BEING CONSIDERED BY THE COUNCIL

(listed according to the date of their submission by the Commission to the Council)

P R O P O S A L S	Date submitted by the Commission to the Council
1. Architects Directive aimed at the mutual recognition of diplomas, certificates and other evidence of formal qualifications relating to the self-employed activities of architects	16.5.1967 (OJ No. C 239 of 4 October 1967)
2. Engineering activities Directive laying down detailed provisions concerning transitional measures for access to activities in the field of research, design, consultation and technical application	8.5.1969 (OJ No. C 99 of 30 July 1969)
3. Pharmacists Directive concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy, including measures to facilitate the effective exercise of the right of establishment relating to certain activities in the fields of pharmacy	3.2.1989 (OJ No. C 35 of 18 February 1981)

MOTION FOR A RESOLUTION DOCUMENT 1-124/81

tabled by Mr VANDEMEULEBROUCKE, Mr VERNIMMEN,
Mrs LIZIN, Mr VERROKEN and Mr DALSSASS

pursuant to Rule 25 of the Rules of Procedure

on the recognition of diplomas from the Federal Republic of Germany in
German-speaking Eastern Belgium

The European Parliament,

- whereas German-speaking Eastern Belgium was incorporated into the territory of Belgium in 1918,
 - whereas these Eastern cantons acquired cultural autonomy in 1970 and yet all main educational matters, including diplomas, come under the authority of the Belgian national government,
 - whereas, moreover, no higher or university teaching may be given in German and students are therefore forced to go to the Federal Republic of Germany for higher or university education in their own language,
 - whereas there is no automatic mutual recognition of diplomas between the FRG and Belgium and the endorsement of these diplomas therefore requires a lengthy administrative procedure,
 - having regard to Article 57(1) of the Treaty concerning the mutual recognition of diplomas,
 - having regard to the existence of a similar arrangement between the Netherlands and Flanders and to the recognition of foreign diplomas by the Grand Duchy of Luxembourg,
 - having regard in particular to the agreement between the Austrian Republic and the Italian Republic on the mutual recognition of diplomas which enables German speakers in South Tyrol to follow higher courses of study in Austria without any administrative difficulties,
1. Requests the Commission to draft a proposal on the automatic mutual recognition of higher-education or university diplomas in Belgium and Germany, with particular reference to the special position of the German-speaking population in Belgium;
 2. Requests the Council to issue a recommendation to Belgium and the Federal Republic of Germany with a view to ensuring the mutual recognition of such diplomas without delay.

tabled by Mr DEL DUCA

pursuant to Rule 47 of the Rules of Procedure

on the recognition of the educational qualifications of
social workers

The European Parliament,

- whereas the EEC Treaty provides for the freedom of movement of persons,
 - whereas the absence of mutual recognition of educational qualifications may obstruct the free movement of persons,
 - whereas it is desirable for social workers to be able to assist their fellow-countrymen who have emigrated to other Community countries,
1. Calls on the Commission to submit to the Council a directive on the mutual recognition of the educational qualifications of social workers, on the minimum amount of training required before such qualifications may be awarded and on the conditions to be fulfilled by those wishing to pursue the occupation of social worker;
 2. Instructs its President to forward this resolution to the Commission.

MOTION FOR A RESOLUTION DOCUMENT 1-1087/83

tabled by Mr SASSANO and Mr DEL DUCA

pursuant to Rule 47 of the Rules of Procedure

on the need for harmonization at European level of degree courses,
specialization and refresher courses in the field of medicine

The European Parliament,

- A. having given particular consideration to the results of the 35th World Assembly in Venice,
- B. having regard to the final resolution of the Council of the European Union of Medical Specialists on the occasion of the 25th anniversary of the foundation of the UEMS in Brussels on 14 and 15 October 1983,
- C. having regard to the importance attributed to future harmonization measures by the chairman of the Community's Advisory Committee on Medical Training,
- D. convinced that greater attention should be paid to the profession and vocation of medicine and that certain problems are generally recognized as being urgent,
- E. whereas only two Member States of the Community, Italy and Belgium, have so far failed to adopt a restricted entry system for medicine faculties,
- F. whereas in those countries using a restricted entry system unemployment amongst doctors is only 3,500 in Britain, for example, 1,500 in Germany, and 3,700 in France, while in Italy it is 40,000,
- G. concerned at the reduction in periods of specialization in some countries and at the inadequate training within the hospital system,
- H. approving the recent Council of Europe proposal for human rights teaching as part of degree courses in medicine,

- I. concerned at the potential difficulty of safeguarding medical secrets when readily-accessible computer records are kept,
 - J. convinced of the vital need for continual refresher courses for doctors and the modernization of vital technical equipment,
1. Calls on the Commission to take steps to issue a formal request to those Member States which have not yet adopted a restricted entry system to do so in the interests of the Community as a whole;
 2. Wishes to see Community harmonization of medical specialization achieve the aim of a comparably high standard of training in all countries as regards final objectives, even if training methods are left to the independent initiative of the individual Member States;
 3. Calls for doctors to be given adequate training within hospital systems and for this training to be harmonized taking the highest standards in the Community as an objective;
 4. Draws the attention of the Community authorities responsible to the vital need, in an age of easily-accessible computer records, for common rules to ensure that medical secrets are kept and to guarantee both the legal and natural personality of patients;
 5. Wishes to see human rights teaching introduced as part of study programmes for degree courses in medicine to ensure the proper application of a code of medical ethics;
 6. Considers that the Community should provide continual training throughout a doctor's professional life, on a voluntary basis, but encouraged by certificates of attendance and achievement, obtained in the individual Member States or on European level courses coordinated by the Community, which will make it possible to exchange experience and innovations;
 7. Calls finally for the Community to grant aid for expensive new equipment (such as new types of CAT or new large-scale ultrasound machines) by means of loans to help the major university institutes to acquire these vital instruments;
 8. Instructs its President to forward this resolution to the Council and Commission of the European Communities.

C O N T E N T S

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OPINION OF THE LEGAL AFFAIRS COMMITTEE

Draftsman: Mrs E. BOOT

By letter of 30 September 1981, the Committee on Youth, Culture, Education Information and Sport was authorized to draw up a report on this subject. By letter of 8 October 1981, the Legal Affairs Committee was asked for an opinion.

On 27 October 1981, Mrs BOOT was appointed draftsman of the opinion.

The Legal Affairs Committee considered the draft opinion (PE 77.091), at its meeting of 29 and 30 April 1982.

In the light of the discussions at that meeting, Mrs BOOT submitted the revised draft opinion (PE 77.091 rev. II) to the meeting of 15 - 16 February 1983.

At this meeting the conclusions were adopted unanimously.

The following took part in the vote: Mrs VEIL, chairman; Mr TURNER, vice-chairman; Mrs BOOT, draftsman (deputizing for Mr FISCHBACH); Mr DALZIEL, Mr JANSSEN van RAAY, Mrs MACCIOCHI, Mr PONIRIDIS, Mr PROUT, Mr SIEGLERSCHMIDT and Mr VIE.

Introduction

1. The academic recognition of diplomas and periods of study is of direct importance for the achievement of progress with regard to the right of establishment and freedom to provide services.

In its resolution of 6 June 1974 the Council recognized the potential influence of educational policy on freedom of establishment particularly with regard to the free professions¹.

In its resolution of 9 February 1976², the Council made provision in its action programme in the field of education for a number of measures to be undertaken by the Community with a view to improving the possibilities of academic recognition of diplomas.

1. LEGAL BASES

A. Community legal provisions

2. The Commission's communication to the Council rightly refers to the preamble to the EEC Treaty and to Articles 49, 57(1) and 128.

The preamble to the Treaty proclaims the Member States' resolve 'to ensure the economic and social progress of their countries by common action to eliminate the barriers which divide Europe'.

In the same spirit, Article 3(c) provides that the activities of the Community shall include 'the abolition as between Member States of obstacles to freedom of movement for persons, services and capital'.

3. The recognition of diplomas also comes within the ambit of provisions on the free movement of persons and freedom to provide services.

Article 49 of the EEC Treaty empowers the Council to adopt the measures required to bring about, by progressive stages, freedom of movement for workers, in particular by removing obstacles to the liberalization of the movement of workers and the free choice of employment (Article 49(b) and (c)).

Article 57 provides expressly that the Council shall issue directives for the mutual recognition of diplomas, certificates and other evidence of formal qualifications, in order to make it easier for persons to take up and pursue activities as self-employed persons.

¹ OJ No. C 98, 20.8.1974

² OJ No. C 38, 19.2.1976

Lastly, mention should perhaps be made of Article 128 of the Treaty which requires the Council to lay down general principles for implementing a common vocational training policy.

B. Non-Community conventions

4. There is a European Convention concluded under the auspices of the Council of Europe on the equivalence of diplomas giving access to university establishments¹.

All the EEC Member States have ratified this convention.

The European Convention on the equivalence of periods of university study provides for the recognition of such periods of study², while the European Convention on the academic recognition of university qualifications provides for the academic recognition of foreign university diplomas³. The first has been ratified by all the EEC Member States (except Greece), and the second has been ratified by all except Greece and Luxembourg.

UNESCO has prepared a convention on the recognition of university studies and diplomas in the countries of Europe generally which permits the recognition of the qualifications required for admission to universities.

5. There can be no doubt that the European Community has at its disposal proper legal bases and legal instruments to evolve a policy for the academic recognition of diplomas and periods of study.

II. AIMS

6. The Commission of the European Communities rightly considers that the question of the academic recognition of diplomas and periods of study is one of the essential elements in an overall strategy aimed at removing obstacles to the free movement of persons.

The Legal Affairs Committee is pleased to note that the Commission has now decided to launch a series of coordinated measures at Community level, thus providing the basis for a fair assessment of the problems of academic recognition by the parties concerned in the various Member States.

¹ Série des Traités européens n° 15, Paris 11.12.1953.- Protocol
Série des Traités européens n° 49, Strasbourg 3.3.1964

² Série des Traités européens n° 21, Paris 15.12.1956

³ Série des Traités européens n° 32, Paris 14.12.1959

7. However, the measures proposed must be such as to really promote the free movement of students and to contribute to the practical realization of the provisions of Articles 49 and 57 of the Treaty.

The Commission hopes that Community activity will complement the application by the Member States of the various Council of Europe conventions.

The Commission takes the view that it is preferable to rely on the provisions of these conventions rather than to envisage a new multilateral agreement at Community level.

On the basis of further experience it expects to be able to identify the gaps existing in the present European conventions.

The Commission believes that in the long term it may be possible to achieve a framework of Community agreements by creating a network of bilateral agreements.

III. CONCLUSIONS

8. The Legal Affairs Committee approves the proposals contained in the Commission's communication to the Council on the academic recognition of diplomas and of periods of study.

It considers that:

- having regard to the free movement of persons as laid down in the Treaty;
- having regard to the need to find a solution to the problems which hinder the mobility of persons and in particular the problems of the academic recognition of diplomas and periods of study;
- whereas, of the ~~three~~ European conventions, the two conventions concluded most recently, i.e. the 1956 convention on the equivalence of periods of university study and the 1959 convention on the academic recognition of university qualifications, have remained more or less a dead letter in the majority of Member States;
- whereas under the UNESCO Convention a regional committee must be set up to further implementation of the convention (Articles 10 and 11);
- whereas this committee's activities might represent the most practical aspect of this convention through efforts to attain greater student mobility, in particular by proposals for practical solutions with regard to the evaluation of diplomas in the context of movements between the countries concerned;

The Legal Affairs Committee recommends that the Committee on Youth, Culture, Education, Information and Sport should consider the following points:

- a. Member States should be urged to ratify the European conventions where this has not been done: 1956 convention on the equivalence of periods of university study (Greece); 1959 convention on the academic recognition of university qualifications (Greece and Luxembourg);
 - b. Member States must apply the three European conventions as quickly as possible;
 - c. Those Member States which have not already done so should be urged to ratify the UNESCO convention;
 - d. The Commission must act quickly to ascertain the gaps in these conventions with respect to achieving free movement of persons as laid down in the EEC Treaty. Attention should be paid to the practical implementation of the various conventions in view of the problems experienced by the various higher education institutions in interpreting these conventions.
9. The Legal Affairs Committee also considers that the Commission must be invited to expand the programme of action in the following areas:
- a. Analysis of academic equivalence procedures in the ten Member States:
 - i. inventory of existing procedures,
 - ii. identification of common criteria, standards and working methods;
 - b. On the basis of these common characteristics a proposal should be drawn up for a Community equivalence procedure (regulation on the basis of Article 235 EEC Treaty);
 - c. Methods of securing acceptance of the principle that the academic entrance level and the yearly curriculum should be generally uniform throughout the Member States. On this basis, mutual recognition of similar periods of study could be encouraged, provided that the syllabuses concerned show sufficient similarity. Article 235 of the EEC Treaty could form the legal basis for appropriate rules, which could be supplemented by bilateral agreements.
 - d. A proposal should be drawn up for a recommendation on the introduction of certificates, to be awarded at the end of each year of study. The mobility of students at intermediate levels would thus encounter fewer obstacles;
 - e. Lastly, it is urgently hoped that the Commission will submit a proposal for a directive on the elimination of technical and administrative obstacles which impede the free movement of students.

UPDATED SUMMARY OF THE JURISPRUDENCE OF THE COURT OF JUSTICE
OF THE EUROPEAN COMMUNITIES

concerning the recognition of diplomas and periods of study within the
framework of the freedom of establishment

Extracts from the relevant rulings:

- 1) By a judgment of 7 February 1979 in the case against Vincent Auer (request for a preliminary ruling by the Cour d'appel, Colmar) the Court of Justice ruled (Vol. 1979, p. 448, paragraphs 15 to 18)
 15. These provisions of Articles 52 to 57 of the Treaty must be interpreted in the light of their place in the general structure of the Treaty and of its objectives.
 16. Under Article 3 of the Treaty the activities of the Community with a view to the establishment of the Common Market include, inter alia, the abolition of obstacles to freedom of movement for persons and services.
 17. In the words of Article 7 of the Treaty, within the scope of its application, any discrimination on grounds of nationality is prohibited.
 18. Thus freedom of movement for persons is intended to contribute to the establishment of a common market, in which nationals of the Member States have opportunity to carry on their economic activities by establishing themselves or by providing services in any place within the territory of the Community.

Paragraphs 21 and 22 further state:

21. However, it may be seen from the provisions of Articles 54 and 57 of the Treaty that freedom of establishment is not completely ensured by the mere application of the rule of national treatment, as such application retains all obstacles other than those resulting from the non-possession of the nationality of the host State and, in particular, those resulting from the disparity of the conditions laid down by the different national laws for the acquisition of an appropriate professional qualification.
22. With a view to ensuring complete freedom of establishment, Article 54 of the Treaty provides that the Council shall draw up a general programme for the abolition of existing restrictions on such freedom and Article 57 provides that the Council shall issue directives for the mutual recognition of diplomas, certificates and other evidence of qualifications.

2) By a judgment of 28 June 1977 - Richard Hugh Patrick v the Minister for Cultural Affairs, request for a preliminary ruling by the Tribunal Administratif Paris - the Court of Justice pronounced the following ruling (Vol. 1977, p. 1205, paragraphs 12 and 13):

12. It is not possible to invoke against the direct effect of the rule on equal treatment with nationals contained in Article 52 the fact that the Council has failed to issue the directives provided for by Articles 54 and 57 or the fact that certain of the directives actually issued have not fully attained the objectives of non-discrimination required by Article 52.
13. After the expiry of the transitional period the directives provided for by the chapter on the right of establishment have become superfluous with regard to implementing the rule on nationality, since this is henceforth sanctioned by the Treaty itself with direct effect.

under paragraphs 16 and 17:

16. In this connection the legal requirement, in the various Member States, relating to the possession of qualifications for admission to certain professions constitutes a restriction on the effective exercise of the freedom of establishment the abolition of which is, under Article 57(1), to be made easier by directives of the Council for the mutual recognition of diplomas, certificates and other evidence of formal qualifications.
17. Nevertheless, the fact that those directives have not yet been issued does not entitle a Member State to deny the practical benefit of that freedom to a person subject to Community law when the freedom of establishment provided for by Article 52 can be ensured in that Member State by virtue in particular of the provisions of the laws and regulations already in force.

3) By a judgment of 28 April 1977 - Jean Thieffry v Conseil de l'Ordre des avocats, request for a preliminary ruling by the Cour d'appel Paris - the Court of Justice ruled (Vol. 1977, p. 776, paragraphs 11 - 12):

11. With a view to making it easier for persons to take up and pursue activities as self-employed persons, Article 57 assigns to the Council the duty of issuing directives concerning, first, the mutual recognition of diplomas, and secondly, the coordination of the provisions laid down by law or administrative action in Member States concerning the taking up and pursuit of activities as self-employed persons.

12. That article is therefore directed towards reconciling freedom of establishment with the application of national professional rules justified by the general good, in particular rules relating to organization, qualifications, professional ethics, supervision and liability, provided that such application is effected without discrimination.

under paragraphs 24-25, the Court of Justice explains:

24. Consequently, it is for the competent national authorities, taking account of the requirements of Community law set out above, to make such assessments of the facts as will enable them to judge whether a recognition granted by a university authority can, in addition to its academic effect, constitute valid evidence of a professional qualification.

25. The fact that a national legislation provides for recognition of equivalence only for university purposes does not of itself justify the refusal to recognize such equivalence as evidence of a professional qualification.

4) Already by a judgment of 21 June 1974 - Jean Reyners v the Belgian state, request for a preliminary ruling by the Belgian Conseil d'Etat - the Court of Justice had ruled (Vol. 1974, p.651, paragraphs 16-20):

16. Article 52 provides for the implementation of this general provision in the special sphere of the right of establishment.

17. The words 'within the framework of the provisions set out below' refer to the Chapter relating to the right of establishment taken as a whole and require, in consequence, to be interpreted in this general context.

18. After having stated that 'restrictions on the freedom of establishment of nationals of a Member State in the territory of another Member State shall be abolished by progressive stages in the course of the transitional period', Article 52 expresses the guiding principle in the matter by providing that freedom of establishment shall include the right to take up and pursue activities as self-employed persons 'under the conditions laid down for its own nationals by the law of the country where such establishment is effected'.

19. For the purpose of achieving this objective by progressive stages during the transitional period Article 54 provides for the drawing up by the Council of a 'general programme' and, for the implementation of this programme, directives intended to attain freedom of establishment in respect of the various activities in question.

20. Besides these liberalizing measures, Article 57 provides for directives intended to ensure mutual recognition of diplomas, certificates and other evidence of formal qualifications and in a general way for the coordination of laws with regard to establishment and the pursuit of activities as self-employed persons.

In addition, under paragraphs 21-22:

21. It appears from the above that in the system of the Chapter on the right of establishment the 'general programme' and the directives provided for by the Treaty are intended to accomplish two functions, the first being to eliminate obstacles in the way of attaining freedom of establishment during the transitional period, the second being to introduce into the law of Member States a set of provisions intended to facilitate the effective exercise of this freedom for the purpose of assisting economic and social interpenetration within the Community in the sphere of activities as self-employed persons.
22. This second objective is the one referred to, first, by certain provisions of Article 54(3), relating in particular to cooperation between the competent authorities in the Member States and adjustment of administrative procedures and practices, and, secondly, by the set of provisions in Article 57.

Finally, under paragraphs 29-31:

29. It is not possible to invoke against such an effect the fact that the Council has failed to issue the directives provided for by Articles 54 and 57 or the fact that certain of the directives actually issued have not fully attained the objective of non-discrimination required by Article 52.
30. After the expiry of the transitional period the directives provided for by the Chapter on the right of establishment have become superfluous with regard to implementing the rule on nationality, since this is henceforth sanctioned by the Treaty itself with direct effect.
31. These directives have however not lost all interest since they preserve an important scope in the field of measures intended to make easier the effective exercise of the right of freedom of establishment.

The Court of Justice passed the following judgment after the Legal Affairs had adopted its opinion on 15/16 February 1983:

- 5) By a judgment of 13 July 1983 - S. Forcheri and M. Masino v. (i) the Belgian state, (ii) Institut Supérieur de Sciences Humaines Appliquées A.s.b.l. (request for a preliminary ruling) - Rs. 152/82, the Court of Justice ruled on the question whether the provisions of the Treaty are applicable to access to educational courses and whether the prohibition on discrimination by reason of nationality contained in Article 7 of the Treaty also applies to students.

The Court of Justice ruled as follows on the questions referred to it:

'If a Member State organizes educational courses relating in particular to vocational training, to require of a national of another Member State lawfully established in the first Member State an enrolment fee which is not required of its own nationals in order to take part in such courses constitutes discrimination by reason of nationality, which is prohibited by Article 7 of the Treaty.'