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TRIBUNAL DE JUSTICIA DE LAS COMUNIDADES EUROPEAS  
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GERICHTSHOF DER EUROPÄISCHEN GEMEINSCHAFTEN  
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COUR DE JUSTICE DES COMMUNAUTÉS EUROPÉENNES  
CÚIRT BHREITHIÚNAIS NA gCÓMHPHOBAL EORPACH  
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EUROPEISKA GEMENSKAPERNAS DOMSTOL

Press and Information

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Judgment of the Court of Justice in Case C-274/05

*Commission v Greece*

**THE COURT HOLDS THAT THE GREEK RULES ON RECOGNITION OF  
DIPLOMAS ARE CONTRARY TO COMMUNITY LEGISLATION**

*Only the Member State where a diploma was awarded may verify its basis*

Community law has established a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration<sup>1</sup>.

Following complaints from 37 individuals, the Commission brought an action against Greece before the Court of Justice for non-compliance with the Community Directive of various aspects of its national legislation.

The Commission complains first that Greece systematically refuses to recognise **diplomas obtained following education and training provided within the framework of 'homologation agreements'** (also referred to as 'franchise agreements'), pursuant to which education and training provided by a private body in Greece is homologated by an authority of another Member State which awards the diploma on the basis of a prior agreement between the two establishments.

In this respect, the Court recalls that the general system for the recognition of higher-education diplomas is based on the mutual trust that Member States have in the professional qualifications that they award. That system does not involve recognition of a diploma for its intrinsic value, but establishes a presumption that the qualifications of a person entitled to pursue a regulated profession in one Member State are sufficient for the pursuit of that profession in the other Member States. It is for the competent authorities awarding the diplomas alone to verify, in the light of the rules applicable in their professional education and training systems, the conditions necessary for their award and the nature of the establishment in which the holder received his education and training. By contrast, the host Member State cannot examine the basis on which the diplomas have been awarded.

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<sup>1</sup> Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration (OJ 1989 L 19, p. 16), transposed into Greek law in 2000.

The Court rejects Greece's approach – which is to apply its own rules (as the Member State in which the education and training were received) – since that would have the effect of treating persons who received education and training of an equivalent quality differently, that is to say, depending on the Member State in which they undertook their education and training. The Court also notes that the education and training must not necessarily have been received in a university or in a higher-education establishment.

The Court therefore declares that, by failing to recognise the diplomas awarded by the competent authorities of another Member State following education and training provided in Greece within the framework of a homologation agreement, Greece has infringed the Community rules on recognition of diplomas.

As regards '**compensatory measures**', the directive – far from obliging the Member States to recognise diplomas automatically and unconditionally – enables the host State in certain cases to require an adaptation period or an aptitude test, the choice of which is in principle left to the person applying for recognition of the diploma. The directive provides for derogations from that principle, but the Court states that Greece's suppression of the choice of compensatory measure in more cases than those allowed by the Directive infringes that directive.

The national provisions moreover entrust **a specific body<sup>2</sup> with the power to verify, first, whether the establishment which provides the education and training is a higher-education establishment** and, second, whether the applicant has the necessary **professional experience**, in a case where the duration of the education and training falls short by at least one year of that required in Greece in order to pursue that profession. The Court holds that that provision is incompatible with the Directive. The matters which that body is called upon to verify are already definitively established by certificates and documents issued by the competent authorities of the Member State of origin.

Lastly, the Court finds that there has been an infringement of the Directive in that, in the public sector, **there is no possibility of hierarchical and/or salary reclassification** of persons recruited – as holders of a diploma awarded in another Member State – at a grade lower than that to which they would have been entitled if their diplomas had been recognised in accordance with that directive.

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<sup>2</sup> Symvoulío Anagnoriseos Epangelmatikis Isotimias Titlon Tritovathmias Ekpaidefsis or 'Saeitte' (the Council Responsible for Recognising Professional Equivalence of Higher-Education Qualifications).

*Unofficial document for media use, not binding on the Court of Justice.*

*Languages available: EL, EN, FR, IT*

*The full text of the judgment may be found on the Court's internet site  
<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=rechercher&numaff=C-274/05>*

*It can usually be consulted after midday (CET) on the day judgment is delivered.*

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