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Press and Information

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Judgment of the Court of Justice in Case C-311/06

Consiglio degli Ingegneri v. Ministero della Giustizia, Marco Cavallera

**THE MERE APPROVAL BY ONE MEMBER STATE OF A QUALIFICATION
AWARDED BY ANOTHER MEMBER STATE DOES NOT CONSTITUTE A
'DIPLOMA' GIVING ACCESS TO A REGULATED PROFESSION IN THE LATTER
STATE**

The Member States remain competent to fix the level of qualification necessary to guarantee the quality of professional services provided within their territory

The Directive¹ on the system for the recognition of diplomas gives any applicant who holds a 'diploma' allowing him to pursue a regulated profession in a Member State the right to pursue that profession in any other Member State.

The pursuit of the profession of engineer in both Italy and Spain is conditional on possession of a university diploma and registration in the register of the relevant professional body. In addition, the Italian system, unlike that in Spain, provides for a State examination which a candidate must pass in order to be entitled to pursue the profession.

Mr Cavallera, an Italian national, is the holder of a mechanical engineering qualification awarded in 1999 by the University of Turin (Italy) after three years' education and training.

In 2001 he applied for, and obtained, homologation in Spain of his Italian qualification, that is to say, approval of his Italian qualification allowing him to accede to the regulated profession. On the basis of the certificate of homologation, Mr Cavallera enrolled in the register of one of the 'colegios de ingenieros técnicos industriales' in Catalonia, in order to be entitled to pursue in Spain the regulated profession of industrial technical engineer, specialising in mechanical engineering.

Mr Cavallera has not worked professionally outside Italy and has not followed any course of study or taken any examinations under the Spanish education system. Likewise, he has not taken the State examination provided for under Italian legislation for the purpose of being entitled to pursue the profession of engineer.

¹ 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).

In 2002, on application by Mr Cavallera, the Italian Ministero della Giustizia (Ministry of Justice) recognised the validity of the Spanish certificate for the purpose of his enrolment in the register of engineers in Italy.

The Consiglio Nazionale degli Ingegneri (National Council of Engineers) challenged that decision, arguing that, under the Directive and the relevant national legislation, the Italian authorities could not recognise Mr Cavallera's Spanish certificate, since such recognition would have the effect of dispensing him from the State examination required under Italian law.

The Consiglio di Stato, before which, as the court of final instance, the case has now come, asks the Court of Justice whether Directive 89/48 may be relied on by Mr Cavallera for the purpose of gaining access to the profession of engineer in Italy.

The Court declares that, according to the actual definition in the Directive itself, a 'diploma' does not include a certificate issued by a Member State which does not attest any education or training covered by the education system of that Member State and is not based on either an examination taken or professional experience acquired in that Member State. The application of the Directive in such circumstances would be tantamount to allowing a person who has merely obtained a qualification in the Member State in which he studied, which does not in itself provide access to that regulated profession, nonetheless to gain access to that profession, even though the homologation certificate obtained elsewhere provides no evidence that the holder has acquired an additional qualification or professional experience. That would be contrary to the principle, enshrined in the Directive, that Member States reserve the option of fixing the minimum level of qualification necessary to guarantee the quality of services provided within their territory.

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

Languages available: FR BG DE EN ES EL IT RO

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-311/06>

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

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