



Press and Information

Court of Justice of the European Union  
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Judgment in Case C-675/17  
Ministero della Salute v Hannes Preindl

**Academic qualifications obtained as a result of taking partially overlapping courses must be automatically recognised in all Member States if the minimum training conditions, laid down by EU law, are complied with**

*It is for the Member State in which the qualification is issued to ensure that those conditions are complied with*

In 2013 the Ministero della Salute (Ministry of Health, Italy; 'the Ministry') upheld the request by Mr Hannes Preindl, an Italian citizen, to recognise his qualification as 'Doktor der Zahnheilkunde' in order to practise as a dentist in Italy. That qualification was issued to him by the Medical University of Innsbruck (Austria).

In 2014 Mr Preindl submitted a request to the Ministry for recognition of his qualification as 'Doktor der Gesamten Heilkunde', also issued by the Medical University of Innsbruck, in order to also practise as a 'surgeon'.

The Ministry refused to recognise the latter on the ground that Directive 2005/36 on the recognition of professional qualifications<sup>1</sup> does not provide that a person can undertake two training courses at the same time. Numerous examinations taken by Mr Preindl were taken into account both for the purpose of awarding a degree in dentistry and also for the purpose of awarding a degree in medicine. The enrolment on two degree courses at the same time, while permitted under Austrian law, is expressly prohibited by Italian law, which imposes an obligation to undertake full-time training.

Following this refusal, Mr Preindl brought an action before the Italian administrative courts. In that context, the Consiglio di Stato (Council of State, Italy) asks the Court of Justice whether that directive obliges a Member State, whose legislation creates a requirement to pursue full-time training and a prohibition on being enrolled on two courses at the same time, to recognise automatically the evidence of formal qualifications issued by another Member State on the completion of partially concurrent training. The Council of State also asks the Court whether, where a qualification has been issued following part-time training, the host Member State (in the present case, Italy) can verify compliance with the condition that the overall duration, level and quality of part-time training are not lower than those of continuous full-time training.

In today's judgment, the Court holds, first of all, as regards the professions of doctor and dentist, that the directive creates a **system for the automatic recognition of qualifications**, based on minimum training conditions established by mutual agreement between the Member States.

Next, the Court declares that the directive (i) **permits Member States to authorise part-time training**, as long as the overall duration, level and quality of that training are not lower than those of continuous full-time training, and (ii) **does not preclude Member States from authorising simultaneous enrolment on a number of training courses**.

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<sup>1</sup> Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ 2005, L 255, p.22).

Therefore, a Member State, whose legislation creates a requirement to pursue full-time training and a prohibition on being enrolled on two courses at the same time, **must automatically recognise the evidence of formal qualifications** covered by that directive and issued by another Member State, **even if the person concerned has undertaken training part-time or has taken a number of courses at the same time, or during periods with partially overlap**, as long as the requirements of the directive in relation to training are met.

The Court emphasises that **it is for the home Member State** (in the present case, Austria), **and not the host Member State, to ensure that the overall duration, level and quality of the part-time training are not lower than those of continuous full-time training, and, more generally, that all the requirements in that directive are complied with.** The system for the automatic and unconditional recognition of evidence of formal qualifications, such as that provided for in Directive 2005/36, would be seriously jeopardised if it were open to Member States at their discretion to call into question the merits of a decision taken by the competent authority of another Member State to issue those qualifications.

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**NOTE:** A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised

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*The [full text](#) of the judgment is published on the CURIA website on the day of delivery.*

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