

**Case C-577/20****Summary of the request for a preliminary ruling pursuant to Article 98(1) of the Rules of Procedure of the Court of Justice****Date lodged:**

4 November 2020

**Referring court:**

Korkein hallinto-oikeus (Finland)

**Date of the decision to refer:**

29 October 2020

**Appellant:**

A

**Other party:**Sosiaali- ja terveystieteiden lupa- ja valvontavirasto**Subject matter and legal basis of the main proceedings**

**Request for a preliminary ruling – Article 267 TFEU – Recognition of professional qualifications and examinations – Protected professional title – Directive 2005/36/EC – Article 13 – Articles 45, 49 and 53 TFEU**

**Subject matter of the request for a preliminary ruling**

The Korkein hallinto-oikeus (Supreme Administrative Court, Finland) is called on to decide whether the national authority (Sosiaali- ja terveystieteiden lupa- ja valvontavirasto, Licensing and Supervisory Authority for Social Affairs and Health, Finland, ‘Valvira’) was entitled to reject A’s application for entitlement to use the protected professional title of psychotherapist. A had applied for that entitlement in essence on the basis of a diploma awarded by a university in the United Kingdom.

The first issue to be decided in the case is whether A’s application can be rejected on the sole ground that he has not pursued the profession of psychotherapist in another Member State in the manner referred to in the first subparagraph of Article 13(2) of Directive 2005/36/EC of the European Parliament and of the

Council of 7 September 2005 on the recognition of professional qualifications, as amended by Directive 2013/55/EU. [Or. 2]

If the application cannot be rejected on that ground alone, A's right to pursue a regulated profession must be assessed on the basis of Articles 45 and 49 of the Treaty on the Functioning of the European Union (TFEU) and the case-law of the Court of Justice on the recognition of professional qualifications and examinations (in particular the judgment of 7 May 1991, C-340/89, *Vlassopoulou* and the judgment of 6 October 2015, C-298/14, *Brouillard*). In that case, it will be necessary in the present case to take a position on whether, in the particular circumstances of the present case, the national authority was entitled to reject the application on the ground that it considered the practical implementation of the training completed by him to be so inadequate in essential respects that, in itself, the training could not be regarded as preparatory training for the profession of psychotherapist.

In that context, it will be necessary to assess the extent to which EU law, in the light of the aforementioned case-law of the Court of Justice (for example in the *Brouillard* judgment, paragraphs 55 and 56), restricts the right of the competent authority of a Member State to examine the manner of implementation in practice of the essential elements of training, for which a diploma from a university forming part the education system of another Member State is awarded.

### Questions referred

1. Are the fundamental freedoms guaranteed by the Treaty on European Union and Directive 2005/36/EC to be interpreted as meaning that the competent authority of the host Member State must assess an applicant's right to pursue a regulated profession in accordance with Articles 45 and 49 TFEU and the relevant case-law (in particular, judgment of 7 May 1991, C-340/89, *Vlassopoulou*, and judgment of 6 October 2015, C-298/14, *Brouillard*) even though the conditions for the pursuit of a regulated profession are supposed to be standardised in Article 13(2) of Directive 2005/36/EC, and, under those conditions, the host Member State must permit the pursuit of a profession by an applicant who holds evidence of formal qualifications from a Member State in which the profession is not regulated, but who does not satisfy the requirement for the pursuit of the profession laid down in that provision of the directive?
2. If the first question referred is answered in the affirmative: In the light of the statements made in Case C-298/14, *Brouillard* (paragraph 55 of the judgment) concerning the exclusive criteria for assessing the equivalence of certificates, does EU law preclude the competent authority of the host Member State, in a situation such as that at issue in the present case, from also basing its assessment of the equivalence of training on information other than that obtained from the training provider or the authorities of the

other Member State regarding the precise content of the training and the manner in which it is implemented?

### **Provisions of EU law cited**

Articles 45, 49 and 53 TFEU. [Or. 3]

Recitals 1, 3, 6, 11, 17 and 44 and Articles 1 to 4 and 10 to 14 of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, as amended by Directive 2013/55/EU.

### **Case-law of the Court of Justice cited**

Judgment of 7 May 1991, C-340/89, *Vlassopoulou*, ECLI:EU:C:1991:193, paragraph 23.

Judgment of 6 October 2015, C-298/14, *Brouillard*, ECLI:EU:C:2015:652, paragraphs 42, 47 to 48 and 51 to 57.

Judgment of 21 September 2017, C-125/16, *Malta Dental Technologists Association and Reynaud*, ECLI:EU:C:2017:707, paragraphs 32, 38 and 52.

Judgment of 27 June 2013, C-575/11, *Nasiopoulos*, ECLI:EU:C:2013:430, paragraphs 20 and 31 to 33.

### **Provisions of national law cited**

*Laki terveydenhuollon ammattihenkilöistä (559/1994,*<sup>1</sup> *Law on healthcare professionals, No 559/1994; 'Law on professionals')*

Pursuant to point 1 of Paragraph 1 of the Law on professionals, the purpose of that law is to improve patient safety and the quality of healthcare services by ensuring that the healthcare professionals within the meaning of that law have the training required for their professional activity, other sufficient professional qualifications and other skills required for the professional activity.

Pursuant to point 2 of Paragraph 2(1) of the Law on professionals, a healthcare professional means, inter alia, a person who, on the basis of that law, has the right to use the professional title of a healthcare professional regulated by government decree (*professional with a protected professional title*). Pursuant to subparagraph 2 of that paragraph, an authorised or licensed professional or a professional with a

<sup>1</sup> Finlex: <https://www.finlex.fi/fi/laki/ajantasa/1994/19940559>.

protected professional title is entitled to work in the profession concerned and to use the professional title concerned. Other persons who have sufficient education, experience and professional skills may also work in the profession of a professional with a protected professional title.

Pursuant to Paragraph 3a(1) of the Law on professionals, the Union's provisions on recognition for the purposes of that law are the provisions of Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications ('Professional Qualifications Directive') as well as related acts of the Commission concerning the exercise of delegated powers and related to the implementation of that directive. Pursuant to subparagraph 2 of that paragraph, where that law does not contain any provisions on the recognition of professional qualifications, the Ammattipätevyyden [Or. 4] tunnustamisesta annettu laki (1384/2015, Law on the recognition of professional qualifications, No 1384/2015) or the Professional Qualifications Directive applies. Pursuant to subparagraph 3 of that paragraph, the Licensing and Supervisory Authority for Social Affairs and Health acts as the competent authority for healthcare professionals within the meaning of the Professional Qualifications Directive and the Law on the recognition of professional qualifications.

Pursuant to Paragraph 5(2) of the Law on professionals, a person who has completed training in Finland for a profession regulated by government decree has the right to use the professional title in question. Where the training for a profession is not regulated, the entitlement to use the professional title is contingent upon the Licensing and Supervisory Authority for Social Affairs and Health having recognised the training – on application – in accordance with more detailed provisions issued by government decree.

Pursuant to Paragraph 8(2) of the Law on professionals, the Licensing and Supervisory Authority for Social Affairs and Health is to grant, upon application, entitlement to use in Finland the professional title of a healthcare professional which is regulated by government decree to an EU or EEA national who, on the basis of training received in an EU or EEA State other than Finland, has been awarded a certificate as referred to in the Union's rules on recognition or an equivalent document in respect of training which is required in the State in question in order to gain access to the professions in question. Pursuant to the first sentence of subparagraph 3 of that paragraph, that authority may, in addition to the provisions in subparagraphs 1 and 2, require an applicant either to complete an adaptation period or to take an aptitude test in accordance with the provisions of the Law on the recognition of professional qualifications.

*Asetus terveydenhuollon ammattihenkilöistä (564/1994,<sup>2</sup> Decree on healthcare professionals, No 564/1994; 'Decree on professionals')*

Pursuant to Paragraph 1 of the Decree on professionals, the professional titles of healthcare professionals within the meaning of point 2 of Paragraph 2(1) of the Law on healthcare professionals (No 559/1994) include 'psychotherapist'.

Pursuant to Paragraph 2a(1) of the Decree on professionals, the use of the protected professional title of psychotherapist is subject to the person concerned to having completed psychotherapist training organised by a university or by a university together with another training establishment. The organising university must have educational competence in the field of psychology or medicine. The university is to admit the students to the psychotherapist training. Pursuant to subparagraph 2 of that paragraph, the competence required to practice as a psychotherapist is to be acquired through studies worth at least 60 credits, consisting of study modules in theoretical studies, supervised psychotherapy work with patients, formative psychotherapy and a final dissertation. Competence is to be demonstrated in a practical examination. **[Or. 5]**

Pursuant to subparagraph 3 of the aforementioned paragraph, the use of the professional title is subject to at least two years of professional experience in the field of mental healthcare or in an equivalent role and, prior to the psychotherapy training, the completion of:

- 1) a suitable university degree or suitable degree of professional higher education in the social or health field; the degree must include a total of 30 credits for studies in psychology or psychiatry or those credits must have been attained on a supplementary basis;
- 2) a degree in nursing with an additional specialisation in psychiatry, where the degree does not include psychiatric studies; or
- 3) other training completed abroad, equivalent to that in points 1 and 2 above.

Pursuant to subparagraph 4 of the aforementioned paragraph, the university is to issue to students a certificate attesting the completion of the training. The certificate is to state the date and scope of the training, the study modules and the competence demonstrated in a practical examination.

<sup>2</sup> Finlex: <https://www.finlex.fi/fi/laki/ajantasa/1994/19940564>.

*Laki ammattipätevyiden tunnustamisesta (1384/2015, <sup>3</sup> Law on the recognition of professional qualifications, No 1384/2015; ‘Law on professional qualifications’)*

Pursuant to Paragraph 1(1) of the Law on professional qualifications, that law governs the recognition of professional qualifications in accordance with the Professional Qualifications Directive and the freedom to provide services. Pursuant to subparagraph 2 of that paragraph, that law applies to the recognition of a professional qualification acquired by a national of a Member State of the European Union in another Member State.

Pursuant to Paragraph 3 of the Law on professional qualifications, the following definitions apply for the purposes of that law:

- 1) *regulated profession*:<sup>4</sup> a post or function, access to which or the pursuit of which is subject to the condition that a person satisfies certain professional qualification requirements regulated by law;
- 2) *professional qualification*: a qualification attested by evidence of formal qualifications, an attestation of competence or professional experience, or a combination thereof;
- 3) *evidence of formal qualifications*: diplomas, certificates and other evidence issued by the competent authority in a Member State certifying successful completion of professional [Or. 6] training obtained mainly in the Community, and evidence of professional training completed by a national of a Member State in a third country;
- 7) *home Member State*: the State in which an employed person who has moved to Finland acquired his or her professional qualification;
- 10) *competent authority*: a body that issues diplomas and other documents as the basis for a recognition decision, and an authority that receives applications and takes decisions on the recognition of a professional qualification;

Pursuant to Paragraph 6(1) of the Law on professional qualifications, recognition of a professional qualification is based on an attestation of competence, a single document providing evidence of formal qualifications or a combination of such documents issued by a competent authority in another Member State. Recognition of a professional qualification is subject to a person having the right in his or her

<sup>3</sup> Finlex: <https://www.finlex.fi/fi/laki/ajantasa/2015/20151384>.

<sup>4</sup> Point 1 of Paragraph 3 of the Law on professional qualifications was amended as follows by Amending Law No 518/2020, which entered into force on 1 July 2020: 1) a *regulated profession*: a post or function, access to which or the pursuit of which is subject to the condition that a person satisfies the detailed statutory requirements for professional qualifications. Finlex: <https://www.finlex.fi/fi/laki/alkup/2020/20200518>

home Member State to work in the profession for the pursuit of which he or she is applying for the decision concerning recognition of the professional qualification. Pursuant to subparagraph 2 of that paragraph, recognition of professional qualifications also applies to applicants who, during the last ten years, have pursued their profession on a full-time basis for one year or on a part-time basis for an equivalent period in another Member State in which the profession in question is not regulated and who possess one or more attestations of competence or documents providing evidence of formal qualifications. Those attestations or documents must attest that the holder is qualified for the pursuit of the profession in question. However, the one year of professional experience is not required where the evidence of formal qualifications which the applicant possesses certifies regulated professional training.

### **Brief summary of the facts and procedure**

#### *Valvira*

- 1 A applied to *Valvira* for the right to use the protected professional title of psychotherapist. A attached to the application, inter alia, a diploma issued by the University of the West of England, Bristol on 27 November 2017 ('has been awarded the POSTGRADUATE DIPLOMA with Merit having followed an approved postgraduate programme of study in SOLUTION FOCUSED THERAPY at Helsinki Psychotherapy Institute').
- 2 The training was organised by the University of the West of England, Bristol ('UWE') in cooperation with the Finnish company limited by shares 's Psykoterapiainstituutti Oy ('HPI'), which operates in Finland. The training was delivered in Finland and in Finnish.
- 3 *Valvira* had been contacted at various times by concerned parties about the psychotherapy training at issue. During 2017, *Valvira* received correspondence from individuals who had participated in UWE and HPI's Solution Focused [Or. 7] Therapy training programme. The individuals who made contact referred to deficiencies in the supervised work carried out as part of the training and in the formative psychotherapy.
- 4 Those individuals also stated that the time actually spent on formative psychotherapy did not correspond to the time documented in the students' workbook. They said that the actual content of the studies did not correspond to the learning objectives and content as per the programme specification and promises made by the training providers.
- 5 In September 2017, *Valvira* contacted by telephone five people who had applied for the right to use the protected professional title of psychotherapist after having completed, in June 2016, the training organised by UWE in cooperation with HPI. The descriptions provided by those five people in relation to the implementation

of the supervised work and formative psychotherapy aligned with the statements described above.

- 6 By decision of 29 June 2018, Valvira rejected A's application for the right to use the protected professional title of psychotherapist, in essence on the ground that A had not provided Valvira with sufficient information on the content of the training.
- 7 By decision of 10 September 2018, Valvira rejected the objection which A had lodged. A had asserted that the training had been completed in Finland. Valvira's decision stated that the training was considered to have been completed in a foreign education system. Valvira had not been able to ascertain whether the training had been carried out in such a way as to meet the requirements imposed on psychotherapy training in Finland, particularly with regard to the supervised psychotherapeutic patient work and the students' individual formative psychotherapy.

*Helsingin hallinto-oikeus (Helsinki Administrative Court, Finland)*

- 8 By decision of 25 April 2019, the *Helsinki Administrative Court* dismissed the action brought by A. The Administrative Court held that the UWE-HPI training must be regarded as having been completed in the United Kingdom, irrespective of the fact that it was actually organised in Finland and in Finnish. The provisions of the general system for recognition did not require the application to be granted, because A had not practised the profession of psychotherapist either in the United Kingdom or in another Member State in which the profession of psychotherapist and the training for that profession are not regulated.
- 9 In its reasoning, the Administrative Court stated that Valvira had previously clarified, in the context of dealing with other cases in the United Kingdom, whether the profession of psychotherapist or the training for that profession was regulated there in the manner defined in Article 3(1)(a) and (e) of the Professional Qualifications Directive. According to the information obtained, both the British Association for Counselling and Psychotherapy and the Health and Care Professions Council had stated that the profession of psychotherapist is not regulated in the United Kingdom. The UK National Contact Point for Professional Qualifications had stated **[Or. 8]** that, in its view, the profession of psychotherapist and the training for that profession are not regulated in the United Kingdom.
- 10 It is also apparent from the Administrative Court's reasoning that Valvira had received an opinion from the Centre for Professional Qualifications from a similar application procedure before the competent authority in Sweden, *Socialstyrelsen* that the profession of psychotherapist and the training for that profession are not regulated in the United Kingdom in the manner referred to in the Professional Qualifications Directive.

- 11 The Administrative Court then also assessed the conditions for granting the application from the point of view of the fundamental freedoms guaranteed by the EU Treaty, referring to the judgments of the Court of Justice in C-298/14, *Brouillard*, and C-340/89, *Vlassopoulou*.
- 12 The Administrative Court stated, inter alia, that when assessing the conditions for granting the application from the point of view of fundamental freedoms, the psychotherapy training completed abroad must be compared with the corresponding Finnish training currently provided, as Valvira had done. Valvira did not question the qualification conferred by the diploma issued by UWE Bristol as such, but compared the actual content of the training completed by A with the Finnish training.
- 13 The Administrative Court considered that it had been established that there were considerable shortcomings and differences in the training in question compared with Finnish psychotherapy training. It found that Valvira was therefore entitled to assume that it had not been proven that A's knowledge and qualifications were equivalent to those of a person who had completed the Finnish psychotherapy training. According to the Administrative Court, it also does not follow from the fundamental freedoms guaranteed in the TFEU that Valvira's decision to reject the application was unlawful.

#### **Principal arguments of the parties to the main proceedings**

- 14 Before the Supreme Administrative Court, A submitted, inter alia, that the training was to be regarded as having been completed in Finland and that UWE, as the competent authority, has declared that the training complies with the Finnish Decree on healthcare professionals. The UWE-HPI training fulfils the requirements for psychotherapy training set out in Paragraph 2a of the Decree on healthcare professionals and must therefore be recognised as training leading to the protected professional title of psychotherapist. A maintained that psychotherapy training cannot be required to go beyond what results from the wording of the decree. However, if it is assumed by way of interpretation that the training had not been completed in Finland, that training must be assessed on the basis of the documents submitted by A and the training providers concerning the programme specification, the studies and the quality of those studies. According to A, Valvira did not carry out a comparison based on those documents, but assessed the UWE-HPI training on the basis of anonymous letters, an expert report obtained from the University of Oulu, which is to be regarded as a competitor of UWE-HPI, and interviews that it conducted itself. The principle of sincere cooperation under EU law [Or. 9] requires that Valvira not call into question the content of a document issued by UWE, which is to be regarded as the competent authority of another Member State.
- 15 In its submissions before the Supreme Administrative Court, *Valvira* considered that it was legally unclear whether the application should be assessed in the light

of the fundamental freedoms guaranteed by the TFEU despite the fact that the application must already be rejected on the basis of the provision of national law by which Article 13(2) of Directive 2005/36/EC was transposed into national law and pursuant to which, in cases where the profession and training are not regulated in the home Member State, the recognition of a professional qualification requires that the profession has been pursued for a period of one year in another Member State.

- 16 Valvira also took the view that psychotherapy training completed in another Member State is compared with the training provided at that time by Finnish universities in order to identify significant differences between the content of the training courses or to establish that there are no significant differences. According to Valvira, two out of three key areas of the psychotherapy training organised by UWE-HPI – supervised client work and formative psychotherapy – were found to be so deficient that the training does not meet the requirements of psychotherapy training in terms of content and quality. The training is not such training as to lead to the entitlement to use the protected professional title of psychotherapist.
- 17 Valvira also stated that, in principle, it relies on the certificates and information regarding the content of training that are provided by universities in other Member States and by other training providers and does not investigate the content or practical implementation of training to an extent greater than is necessary to ascertain whether there are differences between the training completed and the Finnish training. The circumstances of the present case are particular in nature and exceptional. Students who had completed the training had made contact to express concerns about the actual implementation of the training and also about the resulting implications for patient safety, as part of the course consists in receiving patients.

### **Brief summary of the grounds for the request**

- 18 In its case-law, the Supreme Administrative Court has held, in relation to a different case, that the UWE-HPI training in question in the present case cannot be regarded as training completed in Finland within the meaning of Paragraph 5(2) of the Law on professionals (Supreme Administrative Court, 1 July 2020, archive number 2846, brief summary of the decision<sup>5</sup>). A's application cannot therefore be granted on the basis of the provisions of national law applicable to the right to use a professional title on the basis of training completed in Finland.
- 19 Since the conditions of access to the profession of psychotherapist have not been harmonised at European Union level, the Member States are entitled to lay down the knowledge and qualifications required in order to [Or. 10] pursue it and to require the production of a diploma certifying that the holder has that knowledge

<sup>5</sup> Finlex: <https://www.finlex.fi/fi/oikeus/kho/lyhyet/2020/202002846>.

and those qualifications (see judgment of 6 October 2015, C-298/14, *Brouillard*, paragraph 48). Directive 2005/36/EC does not restrict the powers of the Member States on that point, but they must exercise their powers in this area in a manner which respects the basic freedoms guaranteed by the Treaty (see judgment of 27 June 2013, C-575/11, *Nasiopoulos*, paragraph 20 and the case-law cited).

- 20 In Finland, the profession of psychotherapist must be regarded as a regulated profession within the meaning of Article 3(1)(a) of Directive 2005/36/EC, since only a person who satisfies the conditions for professional qualifications under the Law on professionals and the Decree on professionals is entitled to use the professional title in question.
- 21 The profession of psychotherapist is a regulated profession in Finland, with a view, in particular, to ensuring patient safety.
- 22 Since the profession of psychotherapist is not covered by Chapters II and III of Title III of Directive 2005/36/EC, it is therefore subject to the general system for the recognition of evidence of training, laid down in Chapter I of that title, and in particular Articles 10 to 14 of that directive (see, by analogy, judgment of 21 September 2017, C-125/16, *Malta Dental Technologists Association and Reynaud*, paragraph 38). According to the information obtained, the profession of psychotherapist is not a regulated profession in the United Kingdom and there is no regulated professional training for the pursuit of the profession. Therefore, Article 13(2), in particular, of the directive is relevant.
- 23 Since A has not pursued the profession of psychotherapist in another Member State in which the profession in question is not regulated, the Supreme Administrative Court considers that he is not entitled, on the basis of the provisions of the directive, to take up the regulated profession of psychotherapist in Finland. Since national law – Paragraph 6(2) (as amended by Legislative Amendment No 1384/2015) of the Law on professional qualifications – in a manner which corresponds to that in the directive also requires at least one year’s professional experience in another Member State, the right to use the professional title of psychotherapist also cannot be granted under national law.
- 24 Attached to the Postgraduate Diploma awarded by the University of the West of England (Bristol) is a document stating that ‘The program has been planned in accordance with the requirements of Finland’s Health Care Professionals Decree (564/1994) 2 a § and so that graduates fulfil the requirements in 2 a § Paragraph 3’. The Supreme Administrative Court takes the view that a declaration by a university in the United Kingdom’s education system stating that the training complies with the requirements of the Finnish Decree on healthcare professionals does not allow such evidence of qualifications to be categorised as evidence of formal qualifications within the meaning of the third subparagraph of Article 13(2) of the directive. **[Or. 11]**

- 25 Different views have been expressed in the case as to whether, notwithstanding the provisions of the directive, the case should also be assessed in the light of the fundamental freedoms guaranteed by Articles 45 and 49 TFEU and the relevant case-law of the Court of Justice.
- 26 The interpretation that it is not necessary that a situation such as that in the present case also be assessed in the light of fundamental freedoms can be justified on the ground that this case comes within the scope of Directive 2005/36/EC and the general system under it and that the conditions for the exercise of a regulated profession in the host Member State, such as are at issue here, are harmonised by the provisions of Article 13(2) of Directive 2005/36/EC (see judgment of 21 September 2017, C-125/16, *Malta Dental Technologists Association and Reynaud*, paragraph 52). On the other hand, the reasoning in judgments of the Court of Justice (for example in Case C-298/14, *Brouillard*, in particular paragraph 54, and in Case C-575/11, *Nasiopoulos*, in particular paragraph 32) may support an interpretation that it is necessary to assess the case from the point of view of the fundamental freedoms.
- 27 The Supreme Administrative Court is not aware that the Court of Justice has expressly taken a position on the need, when dealing with individual applications, to assess separately from the point of view of the TFEU the conditions for the pursuit of a regulated profession – such as those in the present case – which are harmonised in the general scheme of Directive 2005/36/EC. This is the subject of the first question referred by the Supreme Administrative Court.
- 28 If the Court of Justice considers that, in a situation such as that at issue here, the application must also be assessed from the point of view of the fundamental freedoms guaranteed by the TFEU, notwithstanding the detailed rules laid down in Directive 2005/36/EC, the Supreme Administrative Court must determine what significance is to be attributed to the diploma awarded by UWE. In that context, it is also necessary to take a position on whether the authority of the host Member State, when seeking to ascertain that a foreign diploma attests that the holder possesses the same or at least equivalent knowledge and qualifications as those attested by a national diploma, may also base its assessment on information obtained from other sources concerning the implementation of the training, or whether, even in the specific circumstances of a situation such as that at issue in the present case, it must rely on the information concerning the content of the training issued by the organiser of that training in respect of a certificate issued by a university forming part of the education system of another Member State.
- 29 In Case C-298/14, *Brouillard*, the Court of Justice held that the assessment of the equivalence of the foreign diploma must be carried out exclusively in the light of the level of knowledge and qualifications which its holder can be assumed, by virtue of that diploma, to possess, having regard to the nature and duration of the studies and practical training to which the diploma relates (paragraph 55 of the judgment). The Supreme Administrative Court takes the view that the purpose of those statements, as well as of the provision of Article 50(3) of Directive

2005/36/EC in the specific cases falling within its scope, is to limit the possibilities of the competent authority of the host Member State to assess the specific content and practical implementation of training completed in the education system of another Member State. If the Court of Justice answers the first question referred [Or. 12] in the affirmative, it is necessary to determine in the present case whether, in the specific circumstances of the present case, EU law precludes the competent authority of the host Member State from also basing its assessment of the equivalence of training on information, obtained from sources other than the training provider or the competent authorities of another Member State, concerning the precise content and implementation of the training.

WORKING DOCUMENT