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Case No: 80103
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EFTA SURVEILLANCE
AUTHORITY

Ministry of Health and Care Services
PO Box 8011 Dep
0030 Oslo
Norway

Dear Sir/Madam,

Subject: Complaint against Norway on the recognition of qualifications in order to work as a psychologist in Norway

On 10 January 2017 (Doc No 834738), the EFTA Surveillance Authority (“the Authority”) received a complaint against Norway concerning the recognition of qualifications in order to work as a psychologist in Norway.

According to the complainant, the Norwegian authorities have refused to recognise his diploma in psychology, obtained from Eötvös Loránd (ELTE) University in Hungary, as equivalent to the qualification required in order to be authorised to work as a psychologist in Norway. The complainant asserts that until very recently, this diploma from ELTE University was recognised as equivalent. In the view of the complainant, the handling of his application for recognition has not been in line with Directive 2005/36/EC on the recognition of professional qualifications¹ (“the Directive” or “Directive 2005/36/EC”).

The complainant contends that, although the profession of psychologist is not regulated in Hungary, the education is. As a consequence, the complainant asserts that the third subparagraph of Article 13(2) of Directive 2005/36/EC is applicable to his case and, therefore, the Norwegian authorities cannot require two years of professional experience.

Directive 2005/36/EC enables the free movement of professionals within the EEA. The Directive applies to EEA nationals wishing to pursue a regulated profession in an EEA State other than that in which they obtained their professional qualification.

Article 13 of the Directive lays down a general system for the recognition of professional qualifications. Pursuant to the first subparagraph of Article 13(2) of the Directive, in cases where a profession is not regulated in the EEA State in which the qualification was obtained, access to and pursuit of a profession shall also be granted to applicants who have pursued that profession on a full-time basis for two years during the previous 10 years in another EEA State.

¹ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the Recognition of Professional Qualifications. The act referred to at point 1 of Annex VII to the EEA Agreement.

However, as an exception to that rule, according to the third subparagraph of Article 13(2) of the Directive, the two years' professional experience referred to in the first subparagraph may not be required if the evidence of formal qualifications which the applicant possesses certifies regulated education and training, within the meaning of Article 3(1)(e) of the Directive, at the levels of qualifications described in points (b), (c), (d) or (e) of Article 11 of the Directive.

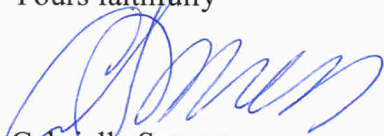
Article 14(1) of the Directive provides that EEA States can require an applicant to complete an adaptation period of up to three years or to take an aptitude test in the circumstances prescribed in points (a), (b) and (c) of that Article. Such as if the duration of the training of which the applicant provides evidence, under the terms of Article 13(1) or (2) of the Directive, is at least one year shorter than that required by the host EEA State. Additionally, this is possible if the training received by the applicant covers substantially different matters than those covered by the evidence of formal qualifications required by the host EEA State.

In order for the Authority to examine and assess the complaint, the Norwegian Government is invited to provide the following information:

1. Is the profession of psychologist a regulated profession in Norway? Please refer to any relevant legislation and/or regulations.
2. Does the Norwegian Government consider that Directive 2005/36/EC applies to the complainant's case? If not, please provide reasons for your view.
3. Please elaborate on the new information and reasons that led Norwegian authorities to no longer accept as equivalent the qualification obtained by the complainant.
4. Please elaborate on the differences in the qualification obtained by the complainant that led the Norwegian authorities to conclude that the qualification was not equivalent to the qualification required under Norwegian law.
5. Does the Norwegian Government consider that the third subparagraph of Article 13(2) of the Directive applies to the qualification obtained by the complainant?
6. Does the Norwegian Government consider that the qualification obtained by the complainant constitutes "regulated education and training" within the meaning of Article 3(1)(e) of the Directive?
7. Does the Norwegian Government consider that the qualification obtained by the complainant is at the levels described in points (b), (c), (d) or (e) of Article 11 of the Directive?
8. Were compensation measures offered to the complainant in the form of an adaptation period or aptitude test? If not, please provide detailed reasons for your answer.

The Norwegian Government is invited to submit the above information, as well as any other information it deems relevant to the case, so that it reaches the Authority by *1 March 2017*. Please enclose copies of any relevant national legislation, including English translations if available.

Yours faithfully



Gabrielle Somers

Deputy Director

Internal Market Affairs Directorate