



LATVIA

REPUBLIC OF LATVIA
MINISTRY OF EDUCATION AND SCIENCE

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1-11/7825

Subject: Experience Report

Dear Mr. Tiedje,

In reply to your letter of May 12, 2010, and according to the article 60 of the Directive 2005/36/EC we are submitting the Experience Report on the recognition of professional qualifications in Latvia within the general system.

Enclosure: Experience Report on 4 pages.

Yours sincerely,

Irina Arhipova,
Acting Deputy State Secretary on Policy Issues

cc: Permanent Representation of the Republic of Latvia to the European Union

Evaluating the Professional Qualifications Directive

Experience reports established with the assistance of Co-ordinators Response to the Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (Text with EEA relevance)

In order to prepare response to the questions and clarify the previous practice of the competent authorities concerning the issues related to professional qualifications recognition all the twenty competent authorities of Latvia were requested to provide information on these issues.

The professions of tourist guides, social workers, and psychotherapists are not regulated in Latvia. Approximately twenty applications for qualifications recognition are annually registered in Latvia within the general system. In 2009 twenty-three people applied for professional qualifications recognition altogether, of whom six were sport professionals, five pedagogues, one construction engineer. Legal regulation of these issues is provided by the Law "On Regulated Professions and Recognition of Professional Qualifications", laws of relevant industries and Regulations of the Cabinet of related to Professional Qualifications Recognition.

A. RECOGNITION PROCEDURE IN CASE OF MIGRATION ON A PERMANENT BASIS

1. Do you accept applications from EU citizens for the recognition of foreign diplomas sent by email or requests made on line? Under which conditions can they send documents and declarations electronically? What are your experiences in this respect?

Documents are presented personally to the Academic Information Centre because application must be signed personally. In order to acquire professional qualification certificate original documents confirming educational and professional qualifications must be presented. IMI system is used for acquiring further information about pedagogical profession candidates.

Applicants from the member states of the European Economic Area (hereinafter - EEA) cannot currently apply for qualification recognition online on the relevant home page.

2. What is your experience with the recognition procedure for EU citizens with professional qualifications obtained in a third country and already recognised in a first Member State (see Articles 2(2) and 3(3))?

The competent authorities granting professional qualifications recognition certificates to teachers, construction engineers, sport coaches have not so far encountered the situation when applications are received from subjects of the EEA states whose qualifications were obtained in third countries and then recognised in another EEA member state.

3. *To which extent do you make use of the education levels referred to in Article 11 of the Directive?*

Levels are used in order to compare the educational level of the applicant and its compliance with the requirements determined by the relevant laws and regulations of the Republic of Latvia on the corresponding regulated profession as well as to determine the necessity of compensation measures for qualification recognition in Latvia.

4. *Did you encounter situations in which a professional from a Member State, where a profession is not regulated and who has not yet two years of working experience wishes to work in your country? How do you deal with such applications?*

We have encountered a situation when an Estonian construction engineer with two years of professional experience in Estonia, where the profession is not regulated, wished to work in Latvia. The construction engineer was required to provide educational documents in accordance with the requirements on construction engineer qualification of the Republic of Latvia.

5. *What is your experience when a citizen requests partial access to a profession according to the Court jurisprudence?*

We have not encountered a situation when a citizen requests partial access to a profession according to the European Court jurisprudence.

B. RECOGNITION OF PROFESSIONAL EXPERIENCE BASED ON ANNEX IV

The professions mentioned in Annex IV of the Directive are not regulated in the Republic of Latvia.

C. TEMPORARY MOBILITY (OF A SELF-EMPLOYED OR UNEMPLOYED WORKER)

The procedure of exercising professional activities on a temporary and occasional basis in a regulated profession in the Republic of Latvia is prescribed by the Law "On Regulated Professions and Recognition of Professional Qualifications" and the relevant regulations of the Cabinet of Ministers.

8. *Are EU citizens interested in using the new provisions for exercising their professional activities on a temporary and occasional basis in your Member State?*

The new provisions for exercising professional activities on a temporary and occasional basis are currently used by guest teachers.

9. *How are the provisions of Directive 2005/36/EC concerning temporary mobility applied by the competent authorities in practice taking into account the relevant provisions of the Code of Conduct? For instance:*

- *How is the "legal establishment" criteria foreseen by Article 5(1) (a) interpreted in practice? What conditions does a migrant need to fulfil in his home Member State in order to be able to provide services?*
- *How are the "temporary and occasional basis" criteria foreseen by Article*

5.2 interpreted in practice? Do Member States assess duration, frequency, regularity and continuity of an activity and if so according to which criteria?

The Law "On Regulated Professions and Recognition of Professional Qualifications" prescribes that a person whose country of residence is a European Union member state or a European Free Trade Association member state and whose professional qualifications are obtained in a European Union member state or in a European Free Trade Association member state, regarded as professional services provider in a profession regulated in the Republic of Latvia on a temporary and casual basis, if their professional activity within their professional qualifications in corresponding profession is regulated in the Republic of Latvia in terms of duration, frequency, regularity and continuity, the Republic of Latvia is not their permanent place of residence and this person exercises their permanent professional activity in their state of residence.

Thus, if a person applies for exercising professional services on a temporary and casual basis within a profession regulated in the Republic of Latvia for the first time, competent authorities require the following documents:

- Documents from state competent authorities in original or notarised derivatives of the relevant documents (excerpts or duplicates), which confirm the applicant's right to exercise professional activity within the corresponding profession (translation of these documents into the state language should be supplied)
- Document confirming acquisition of education relevant for the profession and professional qualification documents (original or notarised identical copies) or derivatives of the relevant documents (excerpts or duplicates) (translation of the documents into the state language should be supplied)
- if the profession is not regulated in the applicant's state of residence, documents which confirm that within the last ten years the applicant exercised professional services in the regulated profession for minimum two years are required or notarised derivatives of such documents (excerpts or duplicates) (translation of the documents into the state language should be supplied).

The Cabinet Regulations prescribe that competent authorities should register temporary professional activity declarations.

10. Why is prior declaration system necessary? What do competent authorities do with the information received? Are other possibilities conceivable?

The competent authorities insist that prior declaration system is necessary in order to assess the applicant's ability to provide high-quality professional services.

Cabinet Regulations prescribe that before the applicant starts exercising professional activities in the Republic of Latvia for the first time, professional qualifications recognition institution has the right to check the applicant's education and professional qualification for professions in which substantial differences in the professional qualification of the services provider may damage the health or safety of the services recipient.

Preservation of temporary professional activity declaration is within the competence of the competent authority.

11. To your knowledge, are there situations where people decide not to exercise a certain profession in another Member State because they lack the two years of experience required?

We have no information on such cases.

D. ADMINISTRATIVE COOPERATION

12. To which extent does administrative cooperation, as outlined in Articles 8, 50, and 56 of the Directive, simplify procedures for the migrant professionals?

Our competent institutions cooperate with the corresponding institutions of other states. This cooperation has been positively evaluated so far, although problems arise occasionally if a profession is not regulated in a certain member state. Pedagogical competent authority uses the IMI system for communication.

13. Is the competent authority in your country registered with IMI? Under which circumstances does your competent authority use IMI? If not registered, why not and what would be the conditions for changing this situation?

Pedagogical competent authority is registered with IMI and actively uses the system in order to clarify the status of the applicant, the origin of educational documents, any cases of violation, professional experience. Pedagogical competent professional recognition authority provides responses to requests from other member states through the IMI system. Engineers and sport coaches are not registered in the IMI system.

14. How could a professional card (see Recital 32 of the Directive) facilitate recognition of professional qualifications and provision of temporary services? Under which conditions could it be issued by professional associations?

A professional card could facilitate recognition of professional qualifications if it contained all the information on the applicant's education, professional experience and any cases of violation.

Professional card introduction and implementation could be a complicated and fund-consuming process.

E. OTHER OBSERVATIONS

15. How and when are the necessary language skills of migrants checked after recognition of the professional qualifications? Are you aware of any complaints (especially from consumers/clients/employers) about insufficient language skills of migrants?

Professional qualifications recognition process does not include checks on language skills. Language skills requirements are prescribed by the State Language Law. Construction engineers cannot work without the Latvian language skills because all documentation is in the state language. Educational process in the education institutions of the Latvian Republic is carried out in the state language; therefore advanced level of the state language skills is required of teaching staff. The competent authority informs that there have been complaints about state language skills level of sport coaches.

