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### Judgment in Case E-3/20 *The Norwegian Government v Anniken Jenny Lindberg*

#### RECOGNITION OF PROFESSIONAL QUALIFICATIONS – DENTAL PRACTITIONER

In a judgment delivered today, the Court answered questions referred by the Supreme Court of Norway (*Norges Høyesterett*) regarding the interpretation of Directive 2005/36/EC on the recognition of professional qualifications (“the Directive”).

The case concerns the rejection of an application by Ms Lindberg for authorisation and licence to practice as a dental practitioner in Norway (the host State). Ms Lindberg is a Norwegian national, with a *cand. odont.* degree from Aarhus University in Denmark (the home State). She was granted authorisation as a dental practitioner, with the right to pursue the professional activities of a dental practitioner in Denmark. However, an additional certificate following the completion of post-graduate practice of at least 12 months, is required to practice independently.

The referring court sought clarification of Article 21(1) of the Directive. That provision states that formal qualifications must be accompanied, “where appropriate”, by further certificates if listed in the Directive. The Court held that the term “where appropriate” must be interpreted in the context of automatic recognition of professional qualifications. The term must be understood as referring to any additional certificate required in the home State and listed in Annex V to the Directive for access to the profession. Thus, an applicant must be in possession of all certificates accompanying the evidence of formal qualification as listed and in line with the home State’s requirements for the relevant profession, in order to benefit from automatic recognition under the Directive.

The referring court also sought guidance on whether the host State is obliged to examine an application for recognition under Articles 28 and 31 EEA if an applicant does not fulfil the criteria for recognition under Articles 10 and 21 of the Directive, and if so, the relevant factors in that assessment. The Court held that Articles 28 and 31 EEA must be interpreted as requiring a host State to carry out an individual assessment of the knowledge and training attested by the applicant’s professional qualifications. The assessment must entail a comparison of all diplomas, certificates and other evidence of formal qualifications and experience as compared to its own requirements to pursue the profession in question. If the applicant’s knowledge and qualifications attested by the diploma and relevant working experience are not equivalent, or only partially correspond to those required, the host State must specify which training is lacking in order for the applicant to complete or supplement the training in order to facilitate the effective exercise of the fundamental freedoms guaranteed by the EEA Agreement. The fact that an applicant does not have full access to the profession in the home State cannot be decisive for the assessment of whether the applicant may be given access to the same profession in the host State.

The full text of the judgment may be found on the Court’s website: [www.eftacourt.int](http://www.eftacourt.int).

This press release is an unofficial document and is not binding upon the Court.