

VZAJEMNO PRIZNAVANJE POKLICNIH KVALIFIKACIJ

Vzajemno priznavanje kvalifikacij omogoča državljanom držav članic EU, EGP in Švice (v nadaljevanju, države članice EU) priznanje kvalifikacij za opravljanje reguliranih poklicev oziroma dejavnosti v drugih državah članicah EU. Pravila priznavanja določa direktiva 2005/36/ES o priznavanju poklicnih kvalifikacij, ki je z ustreznimi akti prenesena v slovenski pravni red.

Sistem vzajemnega priznavanja poklicnih kvalifikacij je namenjen:

- državljanom ene od držav članic EU, državljanom držav podpisnic Sporazuma o Evropskem gospodarskem prostoru (z Norveškega, iz Islandije in Liechtensteina) in Švicarske konfederacije;
- osebam, ki so svoje kvalifikacije pridobili v eni od prej navedenih držav;
- osebam, ki želijo svoj poklic opravljati v drugi državi članici (imenovani država članica gostiteljica), ki navedeni poklic regulira;
- ali državljanu tretje države, ki je svoje kvalifikacije pridobil na območju EU.

Sistem se nanaša le na osebe, ki so že polno usposobljene za opravljanje poklica v državi članici, iz katere prihajajo in ne velja za osebe, ki želijo v drugi državi članici študirati ali opravljati poklic, pa v državi iz katere prihajajo, še niso dokončali študija, ki se zahteva za opravljanje tega poklica.

OSNOVNI POJMI

Regulirani poklici oziroma dejavnosti so tisti poklici oziroma dejavnosti, katerih pogoje opravljanja določa zakon ali podzakonski akt.

Poklicne kvalifikacije so celota poklicne, strokovne oziroma univerzitetne izobrazbe in poklicne usposobljenosti, ki jo je kandidat pridobil po programih izobraževanja in usposabljanja v EU, v EGP ali v Švicarski konfederaciji, na podlagi katerih je pridobil pravico do opravljanja določenega poklica oziroma dejavnosti v EU, v EGP ali v Švicarski konfederaciji in se izkažejo s potrdilom o kompetenci, spričevalom o uspešno dokončanem srednješolskem programu in diplomo, ki potrjuje uspešno dokončano šolanje, kot tudi morebitne poklicne izkušnje, pridobljene pri opravljanju poklica oziroma dejavnosti v EU, v EGP ali v Švicarski konfederaciji.

V Sloveniji so regulirani poklici navedeni v **Evidenci reguliranih poklicev oziroma dejavnosti v Republiki Sloveniji**, ki je dostopna na spletnih straneh Ministrstva za delo, družino in socialne zadeve: http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti__pdf/evidenca_regul_poklici_dej_190908.pdf

POSTOPEK PRIZNAVANJA POKLICNIH KVALIFIKACIJ

Kandidati vložijo prošnje za priznanje kvalifikacij na predpisanih obrazcih (<http://www.mddsz.gov.si/si/obrazci/#c17026>) na naslov pristojnega organa. Pristojni organi so navedeni v Evidenci reguliranih poklicev oziroma dejavnosti v RS.

Za postopek priznavanja je potrebno plačati upravno takso v skladu z Zakonom o upravnih taksah.

Vloga mora vsebovati zlasti:

- dokazilo o državljanstvu,
- diplomo, spričevalo ter druga dokazila o izobrazbi in izkaze o strokovni usposobljenosti ter poklicnih izkušnjah,
- dokazilo o drugih kvalifikacijah.

Listine se praviloma predložijo v overjenem prevodu, ki mu je priložena kopija izvornika.

V postopku lahko pristojno ministrstvo zahteva, da kandidat poleg zgoraj navedenih dokazil predloži še druga dokazila.

Pristojen organ v postopku primerja pisno dokumentacijo o kandidatovih poklicnih kvalifikacijah s poklicnimi kvalifikacijami, ki jih za opravljanje posameznega reguliranega poklica oziroma dejavnosti zahtevajo predpisi Republike Slovenije. Če pristojen organ na podlagi te primerjave oceni, da kandidatove poklicne

kvalifikacije ne ustrezajo, izda kandidatu o tej ugotovitvi začasno odločbo, v kateri pozove kandidata, da glede na okoliščine primera opravi enega od naslednjih dopolnilnih ukrepov za priznavanje njegovih poklicnih kvalifikacij:

- preizkus poklicne usposobljenosti ali
- prilagoditveno obdobje, v katerem bo izpolnil manjkajoče pogoje za priznavanje ustreznosti svojih poklicnih kvalifikacij.

Pristojen organ mora izdati odločbo in jo vročiti kandidatu najkasneje v dveh mesecih od dneva, ko je prejel popolno vlogo.

OBČASNO OPRAVLJANJE STORITEV V PRIMERU OPRAVLJANJA REGULIRANIH POKLICEV OZIROMA DEJAVNOSTI

Občasno opravljanje storitev pomeni, da ponudnik storitev storitve opravlja določen čas v državi članici EU, v EGP ali v Švicarski konfederaciji, kjer nima sedeža.

Ponudnik storitev mora pred prvim opravljanjem storitev v Republiki Sloveniji, ter če so se po začetku opravljanja storitev v Republiki Sloveniji bistveno spremenile okoliščine, dati pisno prijavo pri pristojnem organu na predpisanih obrazcih, ki zajema osebne podatke ponudnika storitev ter podatke o zavarovalnem kritju ali drugih načinih osebnega ali kolektivnega zavarovanja v zvezi s poklicno odgovornostjo in ustrežno dokumentacijo:

- potrdilo o državljanstvu ponudnika storitev;
- potrdilo, da ponudnik storitev lahko v skladu s predpisi države članice EU, EGP ali Švicarske konfederacije opravlja zadevne storitve in da mu v trenutku izdaje potrdila ni prepovedano izvajanje teh storitev, niti začasno;
- dokazila o poklicnih kvalifikacijah;
- v primerih, če poklic v državi sedeža ni reguliran, dokazila, da je ponudnik storitev opravljal tako storitev neprekinjeno ali skupno vsaj dve leti v obdobju predhodnih desetih let;
- dokazilo o nekaznovanosti za poklice na področju varovanja, če države članice EU, EGP ali Švicarska konfederacija zahtevajo isto za svoje državljanje.

Pristojni organi Republike Slovenije lahko zahtevajo, da ponudnik storitev prejemniku storitev sporoči katere koli ali vse od naslednjih podatkov:

- če je ponudnik storitev vpisan v poslovni register ali podoben javni register: register, v katerem je vpisan, njegovo številko registracije ali ustrezen način ugotavljanja identitete v registru;
- če je dejavnost treba odobriti v državi članici sedeža EU, EGP ali Švicarski konfederaciji: ime in naslov pristojnega organa;
- kakršno koli poklicno združenje ali podoben organ, v katerem je registriran ponudnik storitve;
- naziv poklica oziroma, kadar tak naziv ne obstaja, poklicne kvalifikacije ponudnika

- storitev in državo članico EU, EGP ali Švicarsko konfederacijo, ki jih je podelila;
- če izvajalec storitev opravlja dejavnost, ki je predmet davka na dodano vrednost: identifikacijsko številko za DDV iz 79. člena Zakona o davku na dodano vrednost (Uradni list RS, št. 117/06);
- podrobne podatke o kakršnem koli zavarovalnem kritju ali drugih načinih osebnega ali kolektivnega zavarovanja v zvezi s poklicno odgovornostjo.

Pristojen organ mora v roku enega meseca po prejemu prijave in vseh priloženih dokumentov obvestiti ponudnika storitev, da se njegova poklicna kvalifikacija ne bo preverjala, ali mu izdati odločbo o priznanju poklicnih kvalifikacij oziroma ga obvestiti o razlogu za zamudo.

Storitev se mora prav tako prijaviti pri Zavodu republike Slovenije za zaposlovanje na predpisanem obrazcu (<http://www.ess.gov.si/slo/Dejavnost/Obrazci/Tujci/TUJ%205.doc>).

KONTAKTNA TOČKA

Opravlja naslednje naloge:

- kandidatom in kontaktnim točkam drugih držav članic EU, EGP in Švicarski konfederaciji sporoča podatke, potrebne za priznavanje poklicnih kvalifikacij po tem zakonu, vključno s podatki o predpisih, ki urejajo socialno varnost, in kodeksi poklicne etike;

- v sodelovanju s pristojnimi ministrstvi ter drugimi pristojnimi organi in drugimi kontaktnimi točkami pomaga kandidatom pri uveljavljanju njihovih pravic, ki izhajajo iz tega zakona.

Kontaktna točka v RS je:

Ministrstvo za delo, družino in socialne zadeve

Kotnikova 5

1000 Ljubljana

tel: +386 1 369 7604

fax: +386 1 369 7659

e-mail: gp.mddsz@gov.si

http://www.mddsz.gov.si/si/delovna_podrocja/trg_dela_in_zaposlovanje/vzajemno_priznavanje_kvalifikacij/

Kontaktne točke v drugih državah članicah:

http://ec.europa.eu/internal_market/qualifications/docs/contact-points/info-points_en.pdf

Več informacij lahko dobite na spletnih straneh Evropske komisije:

http://ec.europa.eu/internal_market/qualifications/index_en.htm

VZAJEMNO PRIZNAVANJE POKLICNIH KVALIFIKACIJ

MUTUAL RECOGNITION OF PROFESSIONAL QUALIFICATIONS

Mutual recognition of professional qualifications enables the citizens of EU and EEA Member States and Switzerland (hereinafter: EU Member States) to obtain recognition of professional qualifications for performing regulated professions or activities in other EU Member States. The rules relating to recognition are laid down in Directive 2005/36/EC on the recognition of professional qualifications and are transposed to Slovenian legislation by appropriate instruments.

The system for mutual recognition of professional qualifications is intended for:

- nationals of one of the EU Member States, nationals of signatory states of the Agreement on the European Economic Area (Norway, Island and Liechtenstein) and the Swiss Confederation
- who have acquired qualifications in one of the 31 countries mentioned ,
- who wish to pursue their profession in another Member State (known as the host Member State) which regulates the profession concerned,
- or for third country nationals who acquired qualifications on EU territory.

This system is only applicable to persons who are fully qualified to pursue a profession in the Member State from which they come, and is not used for persons who wish to study or pursue a profession in another Member State and have not yet finished the studies required for pursuing such profession in the Member State from which they come.

BASIC TERMS

Regulated professions or professional activities are those professions or activities the pursuit of which is subject to requirements specified by law or implementing regulation.

Professional qualifications mean the entire vocational, professional or university education, together with vocational qualifications obtained by a person through education and training programmes in the EU, EEA or the Swiss Confederation, on the basis of which he/she has the right to pursue a certain profession or professional activity in the EU, EEA or the Swiss Confederation, and provided that the person concerned holds a certificate of competence, a certificate testifying to successful completion of secondary education and a diploma awarded upon successful completion of education, as well as other professional experience, if any, acquired in the pursuit of the profession or professional activity in the EU, EEA or the Swiss Confederation.

In Slovenia, regulated professions are listed in the **Register of regulated professions or professional activities in the Republic of Slovenia**, which is accessible on the website of the Ministry of Labour, Family and Social Affairs: http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti__pdf/evidenca_regul_poklici_dej_190908.pdf

PROCEDURE FOR RECOGNITION OF PROFESSIONAL QUALIFICATIONS

Applicants must file their applications for recognition of professional qualifications on the prescribed form (<http://www.mddsz.gov.si/si/obrazci/#c17026>), sent to the competent authority. The competent authorities are listed in the Register of regulated professions or professional activities in the Republic of Slovenia.

In accordance with the Administrative Fees Act, an administrative fee is charged for the recognition procedure.

The application must contain:

- evidence of nationality;
- diploma, certificate and other evidence of education, as well as certificates of professional competence and experience;
- evidence of other qualifications.

The documents are, as a rule, submitted in the form of a verified translation with a copy of the original attached.

In the course of the procedure, the competent ministry may demand that the applicant submit other evidence besides that listed above.

In the procedure, the competent authority compares written documentation on the applicant's professional qualifications with the professional qualifications required by

the regulations in the Republic of Slovenia for the pursuit of the regulated profession or professional activity. If, based on the comparison, the competent authority assesses that the applicant's professional qualifications are not adequate, it issues a provisional decision and calls on the applicant to take one of the following supplementary actions, depending on the circumstances, to obtain recognition of his/her professional qualifications:

- aptitude test; or
- adaptation period, during which the applicant will satisfy the conditions for recognition of professional qualifications which he/she initially failed to meet.

The competent authority must issue a decision and serve it on the applicant no later than within two months of the date on which the completed application is received.

PROVISION OF SERVICES ON A TEMPORARY OR OCCASIONAL BASIS IN THE CASE OF REGULATED PROFESSIONS OR PROFESSIONAL ACTIVITIES

Provision of services on a temporary or occasional basis means that the service provider provides services for a limited period of time in a Member State of the EU, EEA or the Swiss Confederation where he/she is not legally established.

Prior to the first provision of services in the Republic of Slovenia and if a material change in the situation occurs after the commencement of services, the service provider must submit a written declaration, done on the official forms, to the competent authority, including the personal data of the service provider and data on insurance coverage or other means of personal or collective protection with regard to professional liability; the declaration must be accompanied by the following documents:

- a) proof of the nationality of the service provider;
- b) an attestation certifying that the service provider is legally established in a Member State of the EU, EEA or the Swiss Confederation for the purpose of pursuing the activities concerned, and that he/she is not prohibited from practicing, even temporarily, at the time of delivering the attestation;
- c) evidence of professional qualifications;
- d) when the profession is not regulated in the Member state of establishment, proof that the service provider has pursued the activity concerned continuously or in a total duration of at least 2 years during the previous 10 years;
- e) for professions in the security sector, where a Member State of the EU, EEA or the Swiss Confederation so requires for its own nationals, evidence of no criminal conviction.

The competent authorities of the Republic of Slovenia may require the service provider to furnish the recipient of the service with any or all of the following information:

- a) if the service provider is registered in a commercial register or similar public register, the register in which he/she is registered, his/her registration number, or equivalent means of identification contained in that register;
- b) if the activity is subject to authorisation in the Member State of the EU, EEA or

the Swiss Confederation where he/she is established, the name and address of the competent supervisory authority;

- c) any professional association or similar body with which the service provider is registered;
- d) the professional title or, where no such title exists, the formal qualification of the service provider and the Member State of the EU, EEA or the Swiss Confederation in which it was awarded;
- e) if the service provider performs an activity which is subject to VAT, the VAT identification number referred to in Article 79 of the Value Added Tax Act (Uradni list RS, No. 117/06);
- f) details of any insurance coverage or other means of personal or collective protection with regard to professional liability.

Within one month of receipt of the application and accompanying documents, the competent authority must either inform the service provider of its decision not to check his/her qualifications or issue a decision on the recognition of professional qualifications, or notify the service provider of the reason for the delay.

Services are subject to notification to the Employment Service of Slovenia on the official form (<http://www.ess.gov.si/slo/Dejavnost/Obrazci/Tujci/TUJ%205.doc>).

CONTACT POINT

Performs the following tasks:

- provides applicants and contact points in other Member States of the EU, EEA and the Swiss Confederation with information relevant to the recognition procedure, including data on regulations governing social security and codes of professional ethics;
- assists, in cooperation with competent ministries, other competent authorities and contact points, the applicants in realising the rights conferred on them by the Act.

The contact point in the Republic of Slovenia:

Ministry of Labour, Family and Social Affairs

Kotnikova 5

1000 Ljubljana

Tel.: +386 1 369 7604

Fax: +386 1 369 7669

E-mail: gp.mddsz@gov.si

http://www.mddsz.gov.si/si/delovna_podrocja/trg_dela_in_zaposlovanje/vzajemno_priznavanje_kvalifikacij/

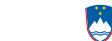
Contact points in other Member States:

http://ec.europa.eu/internal_market/qualifications/docs/contact-points/info-points_en.pdf

For further information, see the European Commission website:

http://ec.europa.eu/internal_market/qualifications/index_en.htm

MUTUAL RECOGNITION OF PROFESSIONAL QUALIFICATIONS



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