

Request for a preliminary ruling from the Korkein hallinto-oikeus (Finland) lodged on 27 April 2021 — A

(Case C-270/21)

(2021/C 263/16)

Language of the case: Finnish

Referring court

Korkein hallinto-oikeus

Parties to the main proceedings

Appellant: A

Other party: Opetushallitus

Questions referred

1. Is Article 3(1)(a) of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications ('Professional Qualifications Directive'), as amended by Directive 2013/55/EU ⁽¹⁾ of the European Parliament and of the Council of 20 November 2013, to be interpreted as meaning that a regulated profession is to be regarded as a profession for which, on the one hand, the qualification requirements are laid down in a regulation adopted by the Minister for Education of a Member State and the content of the pedagogical competence required of a nursery school teacher is regulated in a professional standard and the Member State has had the profession of nursery school teacher entered in the database of regulated professions set up at the Commission, but for which, on the other hand, according to the wording of the regulation concerning the qualification requirements of that profession, the employer is granted discretion in assessing whether the qualification requirements are met, in particular as regards the requirement of pedagogical competence, and the nature of the evidence regarding the existence of pedagogical competence is not regulated either in the regulation in question or in any other laws, regulations or administrative provisions?
2. If the first question is answered in the affirmative: Can a certificate relating to a professional qualification and issued by the competent authority of the home Member State, the award of which is subject to work experience in the profession in question, be regarded as an attestation of competence or other evidence of formal qualifications within the meaning of Article 13(1) of the Professional Qualifications Directive if the professional experience on which the certificate is based originates from the home Member State during the period in which it was a Soviet Socialist Republic and from the host Member State, but not from the home Member State in the period after it had regained its independence?
3. Is Article 3(3) of the Professional Qualifications Directive to be interpreted as meaning that a professional qualification which is based on a qualification obtained at an educational establishment situated in the geographical territory of a Member State at a time when that Member State did not exist as an independent State but as a Soviet Socialist Republic and on professional experience gained on the basis of that qualification in the Soviet Socialist Republic in question before the Member State had regained its independence is to be regarded as a professional qualification obtained in a third country, with the result that the assertion of that professional qualification requires, in addition, three years' professional experience in the home Member State in the period after it had regained its independence?

⁽¹⁾ Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ 2013 L 354, p. 132).