



C/2024/6628

11.11.2024

Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio (Italy) lodged on  
21 June 2024 – LO v Ministero dell'Istruzione e del Merito

(Case C-442/24, *Lescolanno*) <sup>(1)</sup>

(C/2024/6628)

*Language of the case: Italian*

### Referring court

Tribunale Amministrativo Regionale per il Lazio

### Parties to the main proceedings

*Applicant:* LO

*Defendant:* Ministero dell'Istruzione e del Merito

### Questions referred

1. Must Article 13 of Directive 2005/36/EU, <sup>(2)</sup> as amended by Directive 2013/55/EU, <sup>(3)</sup> read in the light of the Community objective of the abolition of obstacles to the free movement of persons and services between Member States and the freedom of movement of teachers, be interpreted, with regard to the intra-Community recognition of professional qualifications, with particular reference to the qualification as a specialised learning support teacher, as precluding the interpretation and application of national legislation, which allows the conditions for recognition to be regarded as satisfied even if the specialist qualification obtained in the home Member State does not permit the pursuit of the corresponding profession in that State and is not legally recognised as a qualification conferring the right to exercise that profession?
2. In the event that Article 13 of Directive 2005/36/EU, as amended by Directive 2013/55/EU, does not preclude such an interpretation and application of national legislation, must the provisions of Chapter I of Title III of Directive 2005/36 therefore be interpreted as meaning that the competent authorities responsible for recognising qualifications, once the relevant application has been received, are always and in any event required to assess the content of all the documents submitted by the person concerned, capable of attesting his or her professional qualification, even if they do not confer the right to pursue that profession in the home Member State, to establish whether the training which those documents certify satisfies the requirements for obtaining the professional qualification in question in the host Member State and, where appropriate, to apply compensation measures?

---

<sup>(1)</sup> The name of the present case is fictitious. It does not correspond to the real name of any of the parties to the proceedings.

<sup>(2)</sup> Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ 2005 L 255, p. 22).

<sup>(3)</sup> 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).