

Diploma magistrale - le conclusioni ufficiali della Commissione Europea

Il diploma magistrale è una qualifica completa all'insegnamento in Italia nelle scuole dell'infanzia e primaria. Il concorso a cattedra non rappresenta una procedura di abilitazione, ma solo una procedura di reclutamento nella scuola statale. Pertanto i possessori di diploma di maturità magistrale sono pienamente abilitati ad insegnare in tutta Europa.

Queste sono le conclusioni a cui è giunta la Commissione Europea, confermata dalla risposta inviata dal MIUR alla Commissione Europea già in data 21 agosto 2013 - come emerge dal documento, che ha permesso al sottoscritto - e ad altri diplomati magistrale - di ottenere il riconoscimento del diploma in un altro Stato europeo.

Di seguito l'atto pubblico ed ufficiale - 31 gennaio 2014 - con il quale la Commissione Europea ha chiarito definitivamente sia il valore pienamente abilitante del diploma, sia il fatto che il concorso era una semplice procedura di reclutamento nella scuola statale senza alcun valore abilitante. L'atto è stato trasmesso al Parlamento Europeo e chiude definitivamente, unitamente al recedente Parere espresso dal Consiglio di Stato - che il Miur deve attuare entro il 3 marzo, ovvero entro 30 giorni dalla diffida inviata dal CUB scuola il 1 febbraio 2014 - ogni possibile interpretazione fantasiosa ed illegittima sul valore pienamente abilitante del titolo.

Fabio Albanese

18/02/2014



31.01.2014

NOTICE TO MEMBERS

Subject: **Petition 0567/2011 by Fabio Albanese (Italian), on the refusal of the Italian Ministry of Education to certify the conformity of the ‘Diploma di maturità magistrale’ (secondary school teacher training certificate) with Directive 2005/36/EC**

1. Summary of petition

On 26 November 2010 the petitioner submitted a request to the Ministry of Education to issue a document certifying that the ‘Diploma di maturità magistrale’ conforms to the definition laid down in Directive 2005/36/EC. The purpose of that request was to document the petitioner’s qualification in a potential procedure for its recognition by Member States. The Italian Ministry of Education refused to issue such a certificate on the grounds that acquisition of the status of ‘teacher’ required possession of an appropriate bachelor’s degree. The petitioner argues that this refusal is contrary to Directive 2005/36/EC.

2. Admissibility

Declared admissible on 23 September 2011. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 28 August 2013

The petitioner states that the Italian Ministry of Education, University and Research refuses to certify, on the basis of his "di Maturità Magistrale" diploma, that he is fully qualified to teach in Italy in nursery and primary schools. The petitioner explains that this authority only certifies qualifications giving right to accessing teaching posts attached to permanent contracts in Italian state schools.

As a result of not being considered a fully qualified teacher, the petitioner cannot work in the United Kingdom as a nursery or a primary school teacher either. Directive 2005/36/EC concerning the recognition of professional qualifications does not apply to cases where a professional is not fully qualified in his home Member State.

In order to determine whether the position of the Italian authorities was justified, the Commission sought to get more information on how the professions of nursery and primary school teachers were regulated in Italy. To this end, the Commission exchanged several letters with the Italian authorities, mainly via EU Pilot (an information exchange and problem solving between the Commission and the Member States).

In their replies, the Italian authorities explained that according to the Italian legislation holders of the “di Maturità Magistrale” diploma can be recruited through fixed-term contracts in state schools and can also work on fixed-term contracts or contracts of indefinite duration in private schools. However, in order to work on permanent positions in state schools, holders of these diplomas must pass a competition.

On the basis of the above, the Commission believes that holders of the “di Maturità Magistrale” diplomas are fully qualified to teach in Italy and that the competition is just a recruitment procedure necessary to obtain a permanent position in a state school.

On 31 May 2013, the Commission addressed a letter to the Italian authorities on this issue through EU Pilot.

The Commission will inform the European Parliament about the reply from the Italian authorities.

4. Commission reply (REV), received on 31 January 2014

The petitioner complained that the Italian Ministry for Education, University and Research refused to certify that he was fully qualified to teach in Italy in nursery and primary schools on the basis of his diploma "di Maturità Magistrale" because this authority only certified qualifications giving right to accessing teaching posts attached exclusively to permanent contracts in Italian State schools. He could therefore not obtain the recognition of his qualification in the United Kingdom.

After analysis of the Italian legislation, the Commission came to the conclusion that holders of the diploma di “Maturità Magistrale” were fully qualified to teach in Italy and that the competition was just a recruitment procedure to get a permanent position in State schools.

The Commission addressed a letter to the Italian authorities on this issue through EU Pilot on 31/05/2013. The Italian authorities replied on 21/08/2013. They acknowledged that the concours was only a recruitment procedure. Then, they delivered to the petitioner an attestation certifying that he was qualified to teach in Italy and confirmed that to the UK authorities.

Conclusion

On the basis of this information the qualification of the petitioner was recognised by the UK authorities. He is therefore now authorised to teach in the United Kingdom.