



Council of the
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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 13 January 2016

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: C(2016) 1 final

Subject: COMMISSION DELEGATED DECISION of 13.1.2016 amending Annex V
to Directive 2005/36/EC of the European Parliament and of the Council as
regards the evidence of formal qualifications and the titles of training
courses

Delegations will find attached document C(2016) 1 final.

Encl.: C(2016) 1 final



Brussels, 13.1.2016
C(2016) 1 final

COMMISSION DELEGATED DECISION

of 13.1.2016

amending Annex V to Directive 2005/36/EC of the European Parliament and of the Council as regards the evidence of formal qualifications and the titles of training courses

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The present delegated act aims to replace the existing sections of Annex V to the Directive 2005/36/EC (“the Directive”) by this updated version that includes new professional titles notified by Member States in order to inform the public and Member States of all professional titles which currently qualify for automatic recognition in accordance with Chapter III, Title III of the Directive.

The Directive entered into force on the 20th October 2005¹. Under the Directive, seven sectoral professions (architect, doctor of medicine, dental practitioner, midwife, nurse responsible for general care, pharmacist and veterinary surgeon) may qualify for automatic recognition of their qualification subject to that qualification meeting minimum training standards as set out in Sections 2 to 8 of the Directive.

Article 21(7) requires that Member States must notify the Commission of the legislative, regulatory and administrative provisions they adopt with regard to the issuing of evidence of formal qualifications benefiting from automatic recognition. These submissions are then evaluated against agreed minimum training standards. Holders of those qualifications which are found to be in compliance then benefit from the automatic recognition of their qualification across Member States. A list of evidence of formal qualifications which offer this benefit is included in Annex V to the Directive.

In accordance with Article 21(7) of the Directive, Member States have been notifying changes to their respective evidence of formal qualification to the Commission and the latter has published the updates by way of Commission Communications in the Official Journal of the EU. There have been so far 16 such Communications²

The Directive has been amended by Directive 2013/55/EU, which entered into force on the 17th January 2014³(“the revised Directive”). Article 21a(3) of the revised Directive prescribes the use of the Internal Market Information system (IMI) for the notification of new or amended evidence of formal qualifications. In addition, Article 21a(4) of the revised Directive provides the legal basis for the use of delegated acts in order to update the relevant points of its Annex V.

The proposed changes to Annex V to the revised Directive reflect programmes notified to and approved by the Commission as meeting the conditions of agreed harmonised standards. The procedure is different in the case of architects where all the Member States are consulted on the inclusion of new titles or programmes.

¹ OJ L 255, 30.9.2005, p.22.

² OJ C 301, 17.10.2013, p. 1; OJ C 183, 28.6.2013, p. 4; OJ C 396, 21.12.2012, p. 1; OJ C 244, 14.8.2012, p. 1; OJ C 367, 16.12.2011, p. 5; OJ C 183, 24.6.2011, p. 1; OJ C 337, 14.12.2010, p. 10; OJ C 129, 19.5.2010, p. 3; OJ C 279, 19.11.2009, p. 1; OJ C 114, 19.5.2009, p. 1; OJ C 322, 17.12.2008, p. 3; OJ C 137, 4.6.2008, p. 8; OJ C 165/06, 19.07.2007, p. 13; OJ C 165/07 19.07.2007, p. 18; OJ C 148/1, 24.06.2006, p. 34; OJ C 003/6, 06.01.2006, p. 12.

³ OJ L 354, 28.12.2013, p. 132.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Member States' authorities have been consulted on the content of the amended points of Annex V to the revised Directive and no objections have been raised.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The proposed measure is based on the express provision of Article 21(a)(4) of the revised Directive which empowers the Commission to adopt delegated acts in accordance with Article 57c of the revised Directive in order to amend points 5.1.1 to 5.1.4, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.5.2, 5.6.2 and 5.7.1 of its Annex V, concerning the updating of the titles adopted by the Member States for evidence of formal qualifications and, where appropriate, the body which issues the evidence of formal qualifications, the certificate which accompanies it and the corresponding professional title.

COMMISSION DELEGATED DECISION

of 13.1.2016

amending Annex V to Directive 2005/36/EC of the European Parliament and of the Council as regards the evidence of formal qualifications and the titles of training courses

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications⁴, and in particular Article 21a(4) thereof,

Whereas:

- (1) Annex V to Directive 2005/36/EC contains lists of the evidence of formal qualifications of doctors, nurses responsible for general care, dental practitioners, veterinary surgeons, midwives, pharmacists and architects.
- (2) Several Member States have notified to the Commission of updates to legislative, regulatory and administrative provisions with regard to the issuing of evidence of formal qualifications of Doctor of Medicine, Nurse responsible for general care, Dentists, Veterinary Surgeons, Midwife, Pharmacist and Architect. The Commission considers that the notified legislative, regulatory and administrative provisions are in conformity with conditions set out in Chapter III of Title III of Directive 2005/36/EC. It is therefore necessary to update Annex V to Directive 2005/36/EC.
- (3) For reasons of clarity and legal certainty, it is necessary to replace all of the relevant points of Annex V to Directive 2005/36/EC on the evidence of formal qualifications and the titles of training courses.
- (4) Directive 2005/36/EC should therefore be amended accordingly.

HAS ADOPTED THIS DECISION:

Article 1

Annex V to Directive 2005/36/EC is amended in accordance with the Annex to this Decision.

⁴ OJ L 255, 30.9.2005, p. 22.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 13.1.2016

For the Commission
Elżbieta BIEŃKOWSKA
Member of the Commission