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#### COVER NOTE

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

date of receipt: 16 January 2019

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

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No. Cion doc.: C(2019) 78 final

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

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Delegations will find attached document C(2019) 78 final.

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Encl.: C(2019) 78 final



Brussels, 16.1.2019  
C(2019) 78 final

**COMMISSION DELEGATED DECISION**

**of 16.1.2019**

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

(Text with EEA relevance)

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE DELEGATED ACT

This delegated act replaces Annex V to Directive 2005/36/EC on the recognition of professional qualifications<sup>1</sup> with an updated version. This follows notifications from Member States of the list of professional titles that qualify for automatic recognition in accordance with Title III, Chapter III of the Directive.

The Directive, which entered into force on 20 October 2005, provides that 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 it meeting the minimum training standards set out in Title III, Chapter III, Sections 2 to 8 of the Directive.

Article 21(7) of the Directive requires Member States to notify the Commission of 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 qualifications found to meet these minimum standards can then have their qualification automatically recognised in all Member States. Annex V lists the evidence of these formal qualifications.

Directive 2005/36/EC was amended by Directive 2013/55/EU, which entered into force on 17 January 2014<sup>2</sup>. Article 21a(3) of the amended Directive stipulates that the Internal Market Information System must be used to notify new or amended evidence of formal qualifications. Article 21a(4) provides the legal basis for the use of delegated acts to update the relevant points of Annex V.

So far, two Delegated Decisions have been adopted under the new regime instituted with the entry into force of Directive 2013/55/EU that amended Directive 2005/36/EC<sup>3</sup>.

Following Member States' request that Annex V be updated on a regular basis, possibly once a year, with new and amended titles that they have notified, a new Delegated Decision is needed. This Decision therefore consolidates all old, new and amended professional titles notified by Member States since August 2017.

The proposed changes to Annex V reflect programmes of which the Commission has been notified and which it has approved as meeting agreed harmonised minimum training standards. A different procedure applies in the case of architects, whereby the Member States are consulted on whether new titles or programmes should be included in Annex V.

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<sup>1</sup> Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

<sup>2</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 L 354, 28.12.2013, p. 132).

<sup>3</sup> Commission Delegated Decision 2016/790 of 13 January 2016 (L 134/135, 24.5.2016) and Commission Delegated Decision 2017/2113 of 11 September 2017 (L 317/119, 1.12.2017).

## **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

Member States' authorities were consulted on these amendments to Annex V and no objections were raised.

## **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

The proposed measure is based on Article 21a(4) of Directive 2005/36/EC, as amended. That Article empowers the Commission to adopt delegated acts in accordance with Article 57c of that Directive 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 in Annex V. These points concern 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 16.1.2019

**amending Annex V to Directive 2005/36/EC of the European Parliament and of the Council as regards the evidence of formal qualifications and 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 qualifications<sup>1</sup>, 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 of medicine, nurses responsible for general care, dental practitioners, veterinary surgeons, midwives, pharmacists and architects.
- (2) Commission Delegated Decision (EU) 2016/790<sup>2</sup> and Commission Delegated Decision 2017/2113<sup>3</sup> updated Annex V to Directive 2005/36/EC following notifications from Member States of amendments to their legislative, regulatory and administrative provisions on the issuing of evidence of the formal qualifications in question. Since the adoption of those Decisions, several Member States have notified the Commission of further amendments. The Commission considers that the amended provisions comply with the conditions set out in Title III, Chapter III of Directive 2005/36/EC. Annex V to Directive 2005/36/EC should therefore be updated.
- (3) For reasons of clarity and legal certainty, all relevant points of Annex V to Directive 2005/36/EC on the evidence of formal qualifications and the titles of training courses should be replaced.
- (4) Directive 2005/36/EC should therefore be amended accordingly,

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<sup>1</sup> OJ L 255, 30.9.2005, p. 22.

<sup>2</sup> Commission Delegated Decision (EU) 2016/790 of 13 January 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 (OJ L 134, 24.5.2016, p. 135).

<sup>3</sup> Commission Delegated Decision (EU) 2017/2113 of 11 September 2017 amending Annex V to Directive 2005/36/EC of the European Parliament and of the Council as regards evidence of formal qualifications and the titles of training courses (OJ L 317, 1.12.2017, p. 119).

HAS ADOPTED THIS DECISION:

*Article 1*

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

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 16.1.2019

*For the Commission*  
*Elżbieta BIENKOWSKA*  
*Member of the Commission*

