



Brussels, 7 July 2023
(OR. en)

11467/23

MI 592
COMPET 727
ENT 157
EDUC 306
ETS 5
JUR 432
DELECT 93

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

No. Cion doc.: ST 9818/23 + ADD 1 - C(2023) 3276

Subject: Commission Delegated Decision of 23.5.2023 amending and correcting 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
- Intention not to raise objections to a delegated act

1. On 23 May 2023, the Commission submitted the above draft Delegated Decision to the Council, which amends Annex V of Directive (EC) 36/2005¹.in accordance with its Article 21a (4). The Directive 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 in another Member State.

¹ 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), current consolidated version: 10/12/2021;

2. Article 21a (3) of Directive 2005/36/EC stipulates that Member States shall use the Internal Market Information System to notify the laws, regulations, and administrative provisions with regard to the issuing of evidence of formal qualifications in the professions covered by Chapter III. Article 21a (4) empowers the Commission to adopt delegated acts to update the relevant points of Annex V. This Delegated Decision consolidates all old, new, and amended professional titles that were notified until August 2022.
 3. On 25 May 2023, delegations were asked to indicate their possible opposition to the above draft Delegated decision by 27 June 2023. No delegation raised any grounds for opposition.
 4. Against this background, the Permanent Representatives Committee could invite the Council to confirm the non-opposition to the delegated act, as laid out in document ST 9818/23 + ADD 1 as an item without discussion at one of its forthcoming meetings, and that the Commission and the European Parliament are to be informed thereof. This implies that unless the European Parliament objects to it, the delegated act shall be published and adopted after 24 July 2023, in accordance with Article 21a (4) of Directive 2005/36/EC.
-