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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
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Subject:	COMMISSION DELEGATED DECISION of 5.3.2024 amending 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(2024) 1357 final.

Encl.: C(2024) 1357 final



EUROPEAN
COMMISSION

Brussels, 5.3.2024
C(2024) 1357 final

COMMISSION DELEGATED DECISION

of 5.3.2024

amending 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

This Delegated Decision amends Annex V to Directive 2005/36/EC on the recognition of professional qualifications¹, as amended by Directive 2013/55/EU (Directive 2005/36/EC), which lists evidence of qualifications subject to automatic cross-border recognition.

According to Directive 2005/36/EC the following professions may qualify for automatic recognition of their qualification in another Member State, under certain conditions, for the purpose of access to and practise of a regulated profession: architect, doctor of medicine and numerous medical specialities, dental practitioner and several dental specialities, midwife, nurse responsible for general care, pharmacist and veterinary surgeon.

One pre-condition for that automatic recognition is that the qualification meets the minimum training requirements set out in Title III, Chapter III of that Directive.

Article 21a(1) of Directive 2005/36/EC requires Member States to notify the Commission of the laws, regulations and administrative provisions that they adopt for issuing of evidence of formal qualifications in the professions covered by its Title III, Chapter III of that Directive. In line with Article 21a(3) of that Directive, Member States must use the Internal Market Information System (IMI) for this purpose. The Commission then evaluates these submissions against the minimum training requirements set out in the Directive.

In order to take due account of legislative and administrative developments in the Member States, Article 21a(4) of Directive 2005/36/EC empowers the Commission to adopt delegated acts to update the relevant points of Annex V.

So far, six delegated decisions² have been adopted under Article 21a(4) of that Directive.

The main proposed amendments to Annex V reflect legislative and administrative developments in the Member States for the issuing of evidence of formal qualifications in the professions covered by Title III, Chapter III, which the Member States have notified to the Commission, and where the Commission has confirmed that these meet the agreed harmonised minimum training requirements. A different procedure applies for architects, in line with Article 21a(1) subparagraph 2 of the Directive. For this profession, Member States are consulted through IMI about whether new titles or programmes should be included in Annex V. Such a consultation has taken place for notifications concerning the profession of architect included in this Delegated Decision.

This Delegated Decision therefore consolidates all old, new and amended professional titles notified up to 30 June 2023.

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).

² Commission Delegated Decision (EU) 2016/790 of 13 January 2016 (OJ L 134, 24.5.2016, p. 135), Commission Delegated Decision (EU) 2017/2113 of 11 September 2017 (OJ L 317, 1.12.2017, p. 119), Commission Delegated Decision (EU) 2019/608 of 16 January 2019 (OJ L 104, 15.4.2019, p. 1), Commission Delegated Decision (EU) 2020/548 of 23 January 2020 (OJ L 131/1, 24.4.2020, p. 1), Commission Delegated Decision (EU) 2021/2183 of 25 August 2021 (OJ L 444, 10.12.2021, p. 16) and Commission Delegated Decision (EU) 2023/2383 of 23 May 2023 (OJ L, 2023/2383, 09.10.2023).

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The Commission consulted Member State authorities on these amendments to Annex V through the relevant expert group ('Group of coordinators for the recognition of professional qualifications'³). As a result of this consultation, the following additional changes were made to the draft delegated decision:

For the newly added medical specialty of sports medicine under point 5.1.3 of Annex V, the titles have been amended as follows: 'Medicina rada i športa' for Croatia, 'Sporto medicina' for Lithuania, and 'Mediċina tal-Isport u l-Eżerċizzju' for Malta.

For the medical specialty of child psychiatry, the title has been amended as follows for Spain under point 5.1.3 of Annex V: 'Psiquiatría Infantil y de la Adolescencia'.

Regarding the evidence of formal qualifications of orthodontics for Finland under point 5.3.3 of Annex V, 'hampaiston oikomishoito' has been added to 'Erikoishammaslääkärikoulutus / Specialisttandläkarutbildning, tandreglering'.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

This Delegated Decision is based on Article 21a(4) of Directive 2005/36/EC. 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 of 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.

³ As set up by Commission Decision 2007/172/EC of 19 March 2007 setting up the group of coordinators for the recognition of professional qualifications (OJ L 79, 20.3.2007, p. 38).

Commission Delegated Decision of 5.3.202 amending 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 qualifications¹, and in particular Article 21a(4) and Article 26 thereof,

Whereas:

- (1) Annex V to Directive 2005/36/EC contains lists of the evidence of formal qualifications of doctors of medicine, specialist doctors, nurses responsible for general care, dental practitioners, specialist dental practitioners, veterinary surgeons, midwives, pharmacists and architects.
- (2) Article 21a(1) of that Directive requires Member States to notify to the Commission any legislative, regulatory and administrative provisions that Member States adopt for issuing evidence of formal qualifications benefiting from automatic recognition. The Commission then evaluates these submissions against agreed minimum training standards.
- (3) The Commission has assessed the notifications from Member States and concluded that amended provisions notified by Member States comply with the conditions set out in Articles 24, 25, 28, 31, 34, 35, 38, 40, 41, 44 and 46 of Directive 2005/36/EC. The outcome of the assessment of those notifications is reflected in this Decision, in the amendments to Annex V to Directive 2005/36/EC.
- (4) In accordance with Article 26 of Directive 2005/36/EC, this Decision introduces sports medicine as a new category of specialist medical training under point 5.1.3 of Annex V to that Directive. Titles in sports medicine for 11 Member States are included in that new category. Those qualifications meet the requirements for specialist medical training set out in Article 25 and share a minimum training duration of 4 years.
- (5) Commission Delegated Decision (EU) 2023/2383² introduced for France under point 5.1.3 of Annex V to Directive 2005/36/EC, the title ‘Chirurgie orale’ under the medical specialty of ‘Dental, oral and maxillo-facial surgery (basic medical and dental training)’. Commission Delegated Decision (EU) 2020/548 introduced for France under point 5.1.1 of Annex V to Directive 2005/36/EC, the evidence of formal qualifications ‘Diplôme de formation approfondie en sciences médicales’ and the certificate accompanying the qualifications ‘Certificat de compétence clinique’. Under

¹ OJ L 255, 30.9.2005, p. 22, ELI: <http://data.europa.eu/eli/dir/2005/36/oj>.

² Commission Delegated Decision (EU) 2023/2383 of 23 May 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 (OJ L, 2023/2383, 09.10.2023, p.1.)

point 5.3.2 of Annex V to Directive 2005/36/EC, the same Delegated Decision included the evidence of basic formal qualifications of dental practitioners the ‘Diplôme de formation approfondie en sciences odontologiques’ and as certificate accompanying the evidence of qualifications the ‘Certificat de synthèse clinique et thérapeutique’. These titles, evidence of formal qualifications and certificates accompanying the qualifications should not have been added to Directive 2005/36/EC. Thus, they should be removed from points 5.1.1, 5.1.3 and 5.3.2 of Annex V to Directive 2005/36/EC.

- (6) In the past, Latvia notified the title ‘Mutes, sejas un žokļu ķirurģija’ under the medical specialty ‘maxillo-facial surgery (basic medical training)’ under point 5.1.3 of Annex V to Directive 2005/36/EC. In a new notification Latvia indicated that this title should be removed from that part of point 5.1.3 and added instead to the medical specialty ‘Dental, oral and maxilla-facial surgery (basic medical and dental training)’. Thus, the title ‘Mutes, sejas un žokļu ķirurģija’ should be moved under the medical specialty ‘Dental, oral and maxilla-facial surgery (basic medical and dental training)’ under point 5.1.3 of Annex V to Directive 2005/36/EC.
- (7) Annex V to Directive 2005/36/EC should therefore be updated. 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 titles of training courses should be replaced.
- (8) 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.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 5.3.2024

For the Commission

Thierry BRETON

Member of the Commission