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MI 723
COMPET 691
ENT 163
EDUC 327
ETS 15
JUR 548
DELECT 220

'I/A' ITEM NOTE

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

No. Cion doc.: ST 11394/21 + ADD 1 - C(2021) 6111 Final

Subject: Commission Delegated Decision of 25.8.2021 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
- Intention not to raise objections

1. On 25 August 2021, the Commission submitted the above draft Delegated Decision to the Council, which updates Annex V of Directive (EC) 36/2005¹ with a new version, in accordance with its Article 21(7) and Article 21a(4) of Directive 2013/55/EU² which amends Directive (EC) 36/2005.

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 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);

2. Article 21(7) of Directive 2013/55 required that Member States notify the Commission of legislative, regulatory, and administrative provisions, subject to evaluation, which they adopt for issuing evidence of formal qualifications benefiting from automatic recognition. Article 21a(3) of the above Directive stipulates that the Internal Market Information (IMI) System must be used to notify new or amended evidence of formal qualifications. Article 21a(4) offers the legal basis for using delegated acts to update the relevant points of Annex V. Four delegated Decisions have so far been adopted under Directive 2013/55 after its entry into force on 17 January 2014.
3. As of 1 January 2021, no evidence of formal qualifications under Directive 2005/36 can be issued in the UK due to its withdrawal from the EU and the end of the transition period³. Any ongoing procedures for recognising UK professional qualifications should refer to Article 28 of the Withdrawal Agreement as they stand on 31 December 2020, including Commission Delegated Decision (EU) 2020/548 of 23 January 2020⁴.
4. On 26 August 2021, delegations were asked by 24 September 2021 to indicate their possible opposition to the above draft Delegated Decision. No delegation raised any relevant grounds for opposition. The official two-month deadline expires on 26 October 2021.
5. Against this background, the Permanent Representatives Committee is invited to recommend to the Council to confirm the non-opposition to the draft Delegated Regulation, as set out in document ST 11394/21 + ADD 1 as an item without discussion at one of its forthcoming meetings.

³ Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ C 384I, 12.11.2019, p. 1–177);

⁴ Commission Delegated Decision (EU) 2020/548 of 23 January 2020 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 (notified under document C(2020) 229) (OJ L 131, 24.4.2020, p. 1–104).