

Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (Text with EEA relevance)

TITLE I

GENERAL PROVISIONS

Article 1

Purpose

This Directive establishes rules according to which a Member State which makes access to or pursuit of a regulated profession in its territory contingent upon possession of specific professional qualifications (referred to hereinafter as the host Member State) shall recognise professional qualifications obtained in one or more other Member States (referred to hereinafter as the home Member State) and which allow the holder of the said qualifications to pursue the same profession there, for access to and pursuit of that profession.

[^{F1}This Directive also establishes rules concerning partial access to a regulated profession and recognition of professional traineeships pursued in another Member State.]

Textual Amendments

- F1** Inserted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 2

Scope

1 This Directive shall apply to all nationals of a Member State wishing to pursue a regulated profession in a Member State, including those belonging to the liberal professions, other than that in which they obtained their professional qualifications, on either a self-employed or employed basis.

[^{F1}This Directive shall also apply to all nationals of a Member State who have pursued a professional traineeship outside the home Member State.]

2 Each Member State may permit Member State nationals in possession of evidence of professional qualifications not obtained in a Member State to pursue a regulated profession within the meaning of Article 3(1)(a) on its territory in accordance with its rules. In the case of professions covered by Title III, Chapter III, this initial recognition shall respect the minimum training conditions laid down in that Chapter.

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3 Where, for a given regulated profession, other specific arrangements directly related to the recognition of professional qualifications are established in a separate instrument of Community law, the corresponding provisions of this Directive shall not apply.

[^{F14} This Directive shall not apply to notaries who are appointed by an official act of government.]

Textual Amendments

- F1** Inserted by 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') (Text with EEA relevance).

Article 3

Definitions

- 1 For the purposes of this Directive, the following definitions apply:
- a 'regulated profession': a professional activity or group of professional activities, access to which, the pursuit of which, or one of the modes of pursuit of which is subject, directly or indirectly, by virtue of legislative, regulatory or administrative provisions to the possession of specific professional qualifications; in particular, the use of a professional title limited by legislative, regulatory or administrative provisions to holders of a given professional qualification shall constitute a mode of pursuit. Where the first sentence of this definition does not apply, a profession referred to in paragraph 2 shall be treated as a regulated profession;
 - b 'professional qualifications': qualifications attested by evidence of formal qualifications, an attestation of competence referred to in Article 11, point (a) (i) and/or professional experience;
 - c 'evidence of formal qualifications': diplomas, certificates and other evidence issued by an authority in a Member State designated pursuant to legislative, regulatory or administrative provisions of that Member State and certifying successful completion of professional training obtained mainly in the Community. Where the first sentence of this definition does not apply, evidence of formal qualifications referred to in paragraph 3 shall be treated as evidence of formal qualifications;
 - d 'competent authority': any authority or body empowered by a Member State specifically to issue or receive training diplomas and other documents or information and to receive the applications, and take the decisions, referred to in this Directive;
 - e 'regulated education and training': any training which is specifically geared to the pursuit of a given profession and which comprises a course or courses complemented, where appropriate, by professional training, or probationary or professional practice.
- The structure and level of the professional training, probationary or professional practice shall be determined by the laws, regulations or administrative provisions of the Member State concerned or monitored or approved by the authority designated for that purpose;
- [^{F2f} 'professional experience': the actual and lawful full-time or equivalent part-time pursuit of the profession concerned in a Member State;]
 - g 'adaptation period': the pursuit of a regulated profession in the host Member State under the responsibility of a qualified member of that profession, such period of

supervised practice possibly being accompanied by further training. This period of supervised practice shall be the subject of an assessment. The detailed rules governing the adaptation period and its assessment as well as the status of a migrant under supervision shall be laid down by the competent authority in the host Member State.

The status enjoyed in the host Member State by the person undergoing the period of supervised practice, in particular in the matter of right of residence as well as obligations, social rights and benefits, allowances and remuneration, shall be established by the competent authorities in that Member State in accordance with applicable Community law;

[^{F2}h] ‘aptitude test’: a test of the professional knowledge, skills and competences of the applicant, carried out or recognised by the competent authorities of the host Member State with the aim of assessing the ability of the applicant to pursue a regulated profession in that Member State.

In order to permit this test to be carried out, the competent authorities shall draw up a list of subjects which, on the basis of a comparison of the education and training required in the host Member State and that received by the applicant, are not covered by the diploma or other evidence of formal qualifications possessed by the applicant.

The aptitude test must take account of the fact that the applicant is a qualified professional in the home Member State or the Member State from which the applicant comes. It shall cover subjects to be selected from those on the list, knowledge of which is essential in order to be able to pursue the profession in question in the host Member State. The test may also cover knowledge of the professional rules applicable to the activities in question in the host Member State.

The detailed application of the aptitude test and the status, in the host Member State, of the applicant who wishes to prepare himself for the aptitude test in that Member State shall be determined by the competent authorities in that Member State;]

- i ‘manager of an undertaking’: any person who in an undertaking in the occupational field in question has pursued an activity:
- (i) as a manager of an undertaking or a manager of a branch of an undertaking; or
 - (ii) as a deputy to the proprietor or the manager of an undertaking where that post involves responsibility equivalent to that of the proprietor or manager represented; or
 - (iii) in a managerial post with duties of a commercial and/or technical nature and with responsibility for one or more departments of the undertaking.

[^{F1}j] ‘professional traineeship’: without prejudice to Article 46(4), a period of professional practice carried out under supervision provided it constitutes a condition for access to a regulated profession, and which can take place either during or after completion of an education leading to a diploma;

k ‘European Professional Card’: an electronic certificate proving either that the professional has met all the necessary conditions to provide services in a host Member State on a temporary and occasional basis or the recognition of professional qualifications for establishment in a host Member State;

l ‘lifelong learning’: all general education, vocational education and training, non-formal education and informal learning undertaken throughout life, resulting in an improvement in knowledge, skills and competences, which may include professional ethics;

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- m ‘overriding reasons of general interest’: reasons recognised as such in the case-law of the Court of Justice of the European Union;
- n ‘European Credit Transfer and Accumulation System or ECTS credits’: the credit system for higher education used in the European Higher Education Area.]

2 A profession practised by the members of an association or organisation listed in Annex I shall be treated as a regulated profession.

The purpose of the associations or organisations referred to in the first subparagraph is, in particular, to promote and maintain a high standard in the professional field concerned. To that end they are recognised in a special form by a Member State and award evidence of formal qualifications to their members, ensure that their members respect the rules of professional conduct which they prescribe, and confer on them the right to use a title or designatory letters or to benefit from a status corresponding to those formal qualifications.

[^{F2}On each occasion that a Member State grants recognition to an association or organisation referred to in the first subparagraph, it shall inform the Commission. The Commission shall examine whether that association or organisation fulfils the conditions provided for in the second subparagraph. In order to take due account of regulatory developments in Member States, the Commission shall be empowered to adopt delegated acts in accordance with Article 57c in order to update Annex I where the conditions provided for in the second subparagraph are satisfied.

Where the conditions provided for in the second subparagraph are not satisfied, the Commission shall adopt an implementing act in order to reject the requested update of Annex I.]

3 Evidence of formal qualifications issued by a third country shall be regarded as evidence of formal qualifications if the holder has three years' professional experience in the profession concerned on the territory of the Member State which recognised that evidence of formal qualifications in accordance with Article 2(2), certified by that Member State.

Textual Amendments

- F1** Inserted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).
- F2** Substituted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 4

Effects of recognition

[^{F21} The recognition of professional qualifications by the host Member State shall allow beneficiaries to gain access in that Member State to the same profession as that for which they are qualified in the home Member State and to pursue it in the host Member State under the same conditions as its nationals.]

2 For the purposes of this Directive, the profession which the applicant wishes to pursue in the host Member State is the same as that for which he is qualified in his home Member State if the activities covered are comparable.

[^{F13} By way of derogation from paragraph 1, partial access to a profession in the host Member State shall be granted under the conditions laid down in Article 4f.]

Textual Amendments

- F1** Inserted by 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') (Text with EEA relevance).
- F2** Substituted by 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') (Text with EEA relevance).

[^{F1} Article 4a

European Professional Card

1 Member States shall issue holders of a professional qualification with a European Professional Card upon their request and on condition that the Commission has adopted the relevant implementing acts provided for in paragraph 7.

2 When a European Professional Card has been introduced for a particular profession by means of relevant implementing acts adopted pursuant to paragraph 7, the holder of a professional qualification concerned may choose to apply for such a Card or to make use of the procedures provided for in Titles II and III.

3 Member States shall ensure that the holder of a European Professional Card benefits from all the rights conferred by Articles 4b to 4e.

4 Where the holder of a professional qualification intends to provide services under Title II other than those covered by Article 7(4), the competent authority of the home Member State shall issue the European Professional Card in accordance with Articles 4b and 4c. The European Professional Card shall, where applicable, constitute the declaration under Article 7.

5 Where the holder of a professional qualification intends to establish himself in another Member State under Chapters I to IIIa of Title III or to provide services under Article 7(4), the competent authority of the home Member State shall complete all preparatory steps with regard to the individual file of the applicant created within the Internal Market Information System (IMI) (IMI file) as provided for in Articles 4b and 4d. The competent authority of the host Member State shall issue the European Professional Card in accordance with Articles 4b and 4d.

For the purpose of establishment, the issuance of a European Professional Card shall not provide an automatic right to practise a particular profession if there are registration requirements or other control procedures already in place in the host Member State before a European Professional Card is introduced for that profession.

6 Member States shall designate competent authorities for dealing with IMI files and issuing European Professional Cards. Those authorities shall ensure an impartial, objective and timely processing of applications for European Professional Cards. The assistance centres

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referred to in Article 57b may also act in the capacity of a competent authority. Member States shall ensure that competent authorities and assistance centres inform citizens, including prospective applicants, about the functioning and the added value of a European Professional Card for the professions for which it is available.

7 The Commission shall, by means of implementing acts, adopt measures necessary to ensure the uniform application of the provisions on the European Professional Cards for those professions that meet the conditions laid down in the second subparagraph of this paragraph, including measures concerning the format of the European Professional Card, the processing of written applications, the translations to be provided by the applicant to support any application for a European Professional Card, details of the documents required pursuant to Article 7(2) or Annex VII to present a complete application and procedures for making and processing payments for a European Professional Card, taking into account the particularities of the profession concerned. The Commission shall also specify, by means of implementing acts, how, when and for which documents competent authorities may request certified copies in accordance with the second subparagraph of Article 4b(3), Articles 4d(2) and 4d(3) for the profession concerned.

The introduction of a European Professional Card for a particular profession by means of the adoption of relevant implementing acts referred to in the first subparagraph shall be subject to all of the following conditions:

- a there is significant mobility or potential for significant mobility in the profession concerned;
- b there is sufficient interest expressed by the relevant stakeholders;
- c the profession or the education and training geared to the pursuit of the profession is regulated in a significant number of Member States.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 58(2).

8 Any fees which applicants may incur in relation to administrative procedures to issue a European Professional Card shall be reasonable, proportionate and commensurate with the costs incurred by the home and the host Member States and shall not act as a disincentive to apply for a European Professional Card.

Textual Amendments

- F1** Inserted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 4b

Application for a European Professional Card and creation of an IMI file

1 The home Member State shall enable a holder of a professional qualification to apply for a European Professional Card through an on-line tool, provided by the Commission, that automatically creates an IMI file for the particular applicant. Where a home Member State allows also for written applications, it shall put in place all necessary arrangements for the creation of the IMI file, any information to be sent to the applicant and the issuance of the European Professional Card.

2 Applications shall be supported by the documents required in the implementing acts to be adopted pursuant to Article 4a(7).

3 Within one week of receipt of the application, the competent authority of the home Member State shall acknowledge receipt of the application and inform the applicant of any missing document.

Where applicable, the competent authority of the home Member State shall issue any supporting certificate required under this Directive. The competent authority of the home Member State shall verify whether the applicant is legally established in the home Member State and whether all the necessary documents which have been issued in the home Member State are valid and authentic. In the event of duly justified doubts, the competent authority of the home Member State shall consult the relevant body and may request from the applicant certified copies of documents. In case of subsequent applications by the same applicant, the competent authorities of the home and the host Member States may not request the re-submission of documents which are already contained in the IMI file and which are still valid.

4 The Commission may, by means of implementing acts, adopt the technical specifications, the measures necessary to ensure integrity, confidentiality and accuracy of information contained in the European Professional Card and in the IMI file, and the conditions and the procedures for issuing a European Professional Card to its holder, including the possibility of downloading it or submitting updates for the IMI file. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 58(2).

Textual Amendments

- F1** Inserted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 4c

European Professional Card for the temporary and occasional provision of services other than those covered by Article 7(4)

1 The competent authority of the home Member State shall verify the application and the supporting documents in the IMI file and issue the European Professional Card for the temporary and occasional provision of services other than those covered by Article 7(4) within three weeks. That time period shall start upon receipt of the missing documents referred to in the first subparagraph of Article 4b(3) or, if no further documents were requested, upon the expiry of the one-week period referred to in that subparagraph. It shall then transmit the European Professional Card immediately to the competent authority of each host Member State concerned and shall inform the applicant accordingly. The host Member State may not require any further declaration under Article 7 for the following 18 months.

2 The decision of the competent authority of the home Member State, or the absence of a decision within the period of three weeks referred to in paragraph 1, shall be subject to appeal under national law.

3 If a holder of a European Professional Card wishes to provide services in Member States other than those initially mentioned in the application referred to in paragraph 1 that

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holder may apply for such extension. If the holder wishes to continue providing services beyond the period of 18 months referred to in paragraph 1, that holder shall inform the competent authority accordingly. In either case, that holder shall also provide any information on material changes in the situation substantiated in the IMI file that may be required by the competent authority in the home Member State in accordance with the implementing acts to be adopted pursuant to Article 4a(7). The competent authority of the home Member State shall transmit the updated European Professional Card to the host Member States concerned.

4 The European Professional Card shall be valid in the entire territory of all the host Member States concerned for as long as its holder maintains the right to practice on the basis of the documents and information contained in the IMI file.

Textual Amendments

- F1** Inserted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 4d

European Professional Card for establishment and for the temporary and occasional provision of services under Article 7(4)

1 The competent authority of the home Member State shall, within one month, verify the authenticity and validity of the supporting documents in the IMI file for the purpose of issuing a European Professional Card for establishment or for the temporary and occasional provision of services under Article 7(4). That time period shall start upon receipt of the missing documents referred to in the first subparagraph of Article 4b(3) or, if no further documents were requested, upon the expiry of the one-week period referred to in that subparagraph. It shall then transmit the application immediately to the competent authority of the host Member State. The home Member State shall inform the applicant of the status of the application at the same time as it transmits the application to the host Member State.

2 In the cases referred to in Articles 16, 21, 49a and 49b, a host Member State shall decide whether to issue a European Professional Card under paragraph 1 within one month of receipt of the application transmitted by the home Member State. In the event of duly justified doubts, the host Member State may request additional information from, or the inclusion of a certified copy of a document by, the home Member State, which the latter shall provide no later than two weeks after the submission of the request. Subject to the second subparagraph of paragraph 5, the period of one month shall apply, notwithstanding any such request.

3 In the cases referred to in Articles 7(4) and 14, a host Member State shall decide whether to issue a European Professional Card or to subject the holder of a professional qualification to compensation measures within two months of receipt of the application transmitted by the home Member State. In the event of duly justified doubts, the host Member State may request additional information from, or the inclusion of a certified copy of a document by, the home Member State which the latter shall provide no later than two weeks after the submission of the request. Subject to the second subparagraph of paragraph 5, the period of two months shall apply, notwithstanding any such request.

4 In the event that the host Member State does not receive the necessary information which it may require in accordance with this Directive for taking a decision on the issuance of

the European Professional Card from either the home Member State or the applicant, it may refuse to issue the Card. Such refusal shall be duly justified.

5 Where the host Member State fails to take a decision within the time limits set out in paragraphs 2 and 3 of this Article or fails to organise an aptitude test in accordance with Article 7(4), the European Professional Card shall be deemed to be issued and shall be sent automatically, through IMI, to the holder of a professional qualification.

The host Member State shall have the possibility to extend by two weeks the deadlines set out in paragraphs 2 and 3 for the automatic issuance of the European Professional Card. It shall explain the reason for the extension and inform the applicant accordingly. Such an extension may be repeated once and only where it is strictly necessary, in particular for reasons relating to public health or the safety of the service recipients.

6 The actions taken by the home Member State in accordance with paragraph 1 shall replace any application for recognition of professional qualifications under the national law of the host Member State.

7 The decisions of the home and the host Member State adopted under paragraphs 1 to 5 or the absence of decision by the home Member State shall be subject to appeal under the national law of the Member State concerned.

Textual Amendments

- F1** Inserted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 4e

Processing and access to data regarding the European Professional Card

1 Without prejudice to the presumption of innocence, the competent authorities of the home and the host Member States shall update, in a timely manner, the corresponding IMI file with information regarding disciplinary actions or criminal sanctions which relate to a prohibition or restriction and which have consequences for the pursuit of activities by the holder of a European Professional Card under this Directive. In so doing they shall respect personal data protection rules provided for in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁽¹⁾ and Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications)⁽²⁾. Such updates shall include the deletion of information which is no longer required. The holder of the European Professional Card as well as the competent authorities that have access to the corresponding IMI file shall be informed immediately of any updates. That obligation shall be without prejudice to the alert obligations for Member States under Article 56a.

2 The content of the information updates referred to in paragraph 1 shall be limited to the following:

- a the identity of the professional;
- b the profession concerned;

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- c information about the national authority or court which has adopted the decision on restriction or prohibition;
- d the scope of the restriction or the prohibition; and
- e the period for which the restriction or the prohibition applies.

3 Access to the information in the IMI file shall be limited to the competent authorities of the home and the host Member States, in accordance with Directive 95/46/EC. The competent authorities shall inform the holder of the European Professional Card of the content of the IMI file upon that holder's request.

4 The information included in the European Professional Card shall be limited to the information that is necessary to ascertain its holder's right to exercise the profession for which it has been issued, namely the holder's name, surname, date and place of birth, profession, formal qualifications, and the applicable regime, competent authorities involved, Card number, security features and reference to a valid proof of identity. Information relating to professional experience acquired, or compensation measures passed, by the holder of the European Professional Card shall be included in the IMI file.

5 The personal data included in the IMI file may be processed for as long as it is needed for the purpose of the recognition procedure as such and as evidence of the recognition or of the transmission of the declaration required under Article 7. Member States shall ensure that the holder of a European Professional Card has the right at any time, and at no cost to that holder, to request the rectification of inaccurate or incomplete data, or the deletion or blocking of the IMI file concerned. The holder shall be informed of this right at the time the European Professional Card is issued, and reminded of it every two years thereafter. The reminder shall be sent automatically via IMI where the initial application for the European Professional Card was submitted online.

In the event of a request for deletion of an IMI file linked to a European Professional Card issued for the purpose of establishment or temporary and occasional provision of services under Article 7(4), the competent authorities of the host Member State concerned shall issue the holder of professional qualifications with evidence attesting to the recognition of his professional qualifications.

6 In relation to the processing of personal data in the European Professional Card and all IMI files, the relevant competent authorities of the Member States shall be regarded as controllers within the meaning of point (d) of Article 2 of Directive 95/46/EC. In relation to its responsibilities under paragraphs 1 to 4 of this Article and the processing of personal data involved therein, the Commission shall be regarded as a controller within the meaning of point (d) of Article 2 of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data⁽³⁾.

7 Without prejudice to paragraph 3, host Member States shall provide that employers, customers, patients, public authorities and other interested parties may verify the authenticity and validity of a European Professional Card presented to them by the Card holder.

The Commission shall, by means of implementing acts, lay down rules concerning access to the IMI file, and the technical means and the procedures for the verification referred to in the first subparagraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 58(2).

Textual Amendments

- F1** Inserted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

*Article 4f***Partial access**

1 The competent authority of the host Member State shall grant partial access, on a case-by-case basis, to a professional activity in its territory only when all the following conditions are fulfilled:

- a the professional is fully qualified to exercise in the home Member State the professional activity for which partial access is sought in the host Member State;
- b differences between the professional activity legally exercised in the home Member State and the regulated profession in the host Member State as such are so large that the application of compensation measures would amount to requiring the applicant to complete the full programme of education and training required in the host Member State to have access to the full regulated profession in the host Member State;
- c the professional activity can objectively be separated from other activities falling under the regulated profession in the host Member State.

For the purpose of point (c), the competent authority of the host Member State shall take into account whether the professional activity can be pursued autonomously in the home Member State.

2 Partial access may be rejected if such rejection is justified by overriding reasons of general interest, suitable for securing the attainment of the objective pursued, and does not go beyond what is necessary to attain that objective.

3 Applications for the purpose of establishment in a host Member State shall be examined in accordance with Chapters I and IV of Title III.

4 Applications for the purpose of providing temporary and occasional services in the host Member State concerning professional activities that have public health or safety implications shall be examined in accordance with Title II.

5 By derogation from the sixth subparagraph of Article 7(4) and Article 52(1), the professional activity shall be exercised under the professional title of the home Member State once partial access has been granted. The host Member State may require use of that professional title in the languages of the host Member State. Professionals benefiting from partial access shall clearly indicate to the service recipients the scope of their professional activities.

6 This Article shall not apply to professionals benefiting from automatic recognition of their professional qualifications under Chapters II, III and IIIa of Title III.]

Textual Amendments

- F1** Inserted by [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](#)

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(EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (Text with EEA relevance).

TITLE II

FREE PROVISION OF SERVICES

Article 5

Principle of the free provision of services

1 Without prejudice to specific provisions of Community law, as well as to Articles 6 and 7 of this Directive, Member States shall not restrict, for any reason relating to professional qualifications, the free provision of services in another Member State:

- a if the service provider is legally established in a Member State for the purpose of pursuing the same profession there (hereinafter referred to as the Member State of establishment), and
- [^{F2}b where the service provider moves, if he has pursued that profession in one or several Member States for at least one year during the last 10 years preceding the provision of services when the profession is not regulated in the Member State of establishment. The condition of one year's pursuit shall not apply if the profession or the education and training leading to the profession is regulated.]

2 The provisions of this title shall only apply where the service provider moves to the territory of the host Member State to pursue, on a temporary and occasional basis, the profession referred to in paragraph 1.

The temporary and occasional nature of the provision of services shall be assessed case by case, in particular in relation to its duration, its frequency, its regularity and its continuity.

3 Where a service provider moves, he shall be subject to professional rules of a professional, statutory or administrative nature which are directly linked to professional qualifications, such as the definition of the profession, the use of titles and serious professional malpractice which is directly and specifically linked to consumer protection and safety, as well as disciplinary provisions which are applicable in the host Member State to professionals who pursue the same profession in that Member State.

Textual Amendments

- F2** Substituted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 6

Exemptions

Pursuant to Article 5(1), the host Member State shall exempt service providers established in another Member State from the requirements which it places on professionals established in its territory relating to:

- (a) authorisation by, registration with or membership of a professional organisation or body. In order to facilitate the application of disciplinary provisions in force on their territory according to Article 5(3), Member States may provide either for automatic temporary registration with or for pro forma membership of such a professional organisation or body, provided that such registration or membership does not delay or complicate in any way the provision of services and does not entail any additional costs for the service provider. A copy of the declaration and, where applicable, of the renewal referred to in Article 7(1), accompanied, for professions which have implications for public health and safety referred to in Article 7(4) or which benefit from automatic recognition under Title III Chapter III, by a copy of the documents referred to in Article 7(2) shall be sent by the competent authority to the relevant professional organisation or body, and this shall constitute automatic temporary registration or pro forma membership for this purpose;
- (b) registration with a public social security body for the purpose of settling accounts with an insurer relating to activities pursued for the benefit of insured persons.

The service provider shall, however, inform in advance or, in an urgent case, afterwards, the body referred to in point (b) of the services which he has provided.

Article 7

Declaration to be made in advance, if the service provider moves

1 Member States may require that, where the service provider first moves from one Member State to another in order to provide services, he shall inform the competent authority in the host Member State in a written declaration to be made in advance including the details of any insurance cover or other means of personal or collective protection with regard to professional liability. Such declaration shall be renewed once a year if the service provider intends to provide temporary or occasional services in that Member State during that year. The service provider may supply the declaration by any means.

2 Moreover, for the first provision of services or if there is a material change in the situation substantiated by the documents, Member States may require that the declaration be accompanied by the following documents:

- a proof of the nationality of the service provider;
- b an attestation certifying that the holder is legally established in a Member State for the purpose of pursuing the activities concerned and that he is not prohibited from practising, even temporarily, at the moment of delivering the attestation;
- c evidence of professional qualifications;
- [^{F2}d for cases referred to in point (b) of Article 5(1), any means of proof that the service provider has pursued the activity concerned for at least one year during the previous 10 years;

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- e for professions in the security sector, in the health sector and professions related to the education of minors, including in childcare and early childhood education, where the Member State so requires for its own nationals, an attestation confirming the absence of temporary or final suspensions from exercising the profession or of criminal convictions;]
 - [^{F1}f for professions that have patient safety implications, a declaration about the applicant's knowledge of the language necessary for practising the profession in the host Member State;
 - g for professions covering the activities referred to in Article 16 and which were notified by a Member State in accordance with Article 59(2), a certificate concerning the nature and duration of the activity issued by the competent authority or body of the Member State where the service provider is established.]
- [^{F1}2a Submission of a required declaration by the service provider in accordance with paragraph 1 shall entitle that service provider to have access to the service activity or to exercise that activity in the entire territory of the Member State concerned. A Member State may require additional information listed in paragraph 2 concerning the professional qualifications of the service provider if:
- a the profession is regulated in parts of that Member State's territory in a different manner;
 - b such regulation is applicable also to all nationals of that Member State;
 - c the differences in such regulation are justified by overriding reasons of general interest relating to public health or safety of service recipients; and
 - d the Member State has no other means of obtaining such information.]

3 The service shall be provided under the professional title of the Member State of establishment, in so far as such a title exists in that Member State for the professional activity in question. That title shall be indicated in the official language or one of the official languages of the Member State of establishment in such a way as to avoid any confusion with the professional title of the host Member State. Where no such professional title exists in the Member State of establishment, the service provider shall indicate his formal qualification in the official language or one of the official languages of that Member State. By way of exception, the service shall be provided under the professional title of the host Member State for cases referred to in Title III Chapter III.

[^{F2}4 For the first provision of services, in the case of regulated professions that have public health or safety implications which do not benefit from automatic recognition under Chapter II, III or IIIa of Title III, the competent authority of the host Member State may check the professional qualifications of the service provider prior to the first provision of services. Such a prior check shall be possible only where the purpose of the check is to avoid serious damage to the health or safety of the service recipient due to a lack of professional qualification of the service provider and where the check does not go beyond what is necessary for that purpose.

No later than one month after receipt of the declaration and accompanying documents, referred to in paragraphs 1 and 2, the competent authority shall inform the service provider of its decision:

- a not to check his professional qualifications;
- b having checked his professional qualifications:
 - (i) to require the service provider to take an aptitude test; or
 - (ii) to allow the provision of services.

Where there is a difficulty which would result in delay in taking a decision under the second subparagraph, the competent authority shall notify the service provider of the

reason for the delay within the same deadline. The difficulty shall be solved within one month of that notification and the decision finalised within two months of resolution of the difficulty.

Where there is a substantial difference between the professional qualifications of the service provider and the training required in the host Member State, to the extent that that difference is such as to be harmful to public health or safety, and that it cannot be compensated by the service provider's professional experience or by knowledge, skills and competences acquired through lifelong learning formally validated to that end by a relevant body, the host Member State shall give that service provider the opportunity to show, by means of an aptitude test, as referred to in point (b) of the second subparagraph, that they have acquired the knowledge, skills or competence that were lacking. The host Member State shall take a decision on that basis on whether to allow the provision of services. In any case, it must be possible to provide the service within one month of the decision taken in accordance with the second subparagraph.

In the absence of a reaction of the competent authority within the deadlines set out in the second and third subparagraphs, the service may be provided.

In cases where professional qualifications have been verified under this paragraph, the service shall be provided under the professional title of the host Member State.]

Textual Amendments

- F1** Inserted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).
- F2** Substituted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 8

Administrative cooperation

[^{F21} The competent authorities of the host Member State may ask the competent authorities of the Member State of establishment, in the event of justified doubts, to provide any information relevant to the legality of the service provider's establishment and good conduct, as well as the absence of any disciplinary or criminal sanctions of a professional nature. In the event that the competent authorities of the host Member State decide to check the service provider's professional qualifications, they may ask the competent authorities of the Member State of establishment for information about the service provider's training courses to the extent necessary to assess substantial differences likely to be harmful to public health or safety. The competent authorities of the Member State of establishment shall provide that information in accordance with Article 56. In the case of non-regulated professions in the home Member State, the assistance centres referred to in Article 57b may also provide such information.]

2 The competent authorities shall ensure the exchange of all information necessary for complaints by a recipient of a service against a service provider to be correctly pursued. Recipients shall be informed of the outcome of the complaint.

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Textual Amendments

- F2** Substituted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 9

Information to be given to the recipients of the service

In cases where the service is provided under the professional title of the Member State of establishment or under the formal qualification of the service provider, in addition to the other requirements relating to information contained in Community law, the competent authorities of the host Member State may require the service provider to furnish the recipient of the service with any or all of the following information:

- (a) if the service provider is registered in a commercial register or similar public register, the register in which he is registered, his registration number, or equivalent means of identification contained in that register;
- (b) if the activity is subject to authorisation in the Member State of establishment, the name and address of the competent supervisory authority;
- (c) any professional association or similar body with which the service provider is registered;
- (d) the professional title or, where no such title exists, the formal qualification of the service provider and the Member State in which it was awarded;
- (e) if the service provider performs an activity which is subject to VAT, the VAT identification number referred to in Article 22(1) of the sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes - Common system of value added tax: uniform basis of assessment⁽⁴⁾;
- (f) details of any insurance cover or other means of personal or collective protection with regard to professional liability.

TITLE III

FREEDOM OF ESTABLISHMENT

CHAPTER I

General system for the recognition of evidence of training*Article 10***Scope**

This Chapter applies to all professions which are not covered by Chapters II and III of this Title and in the following cases in which the applicant, for specific and exceptional reasons, does not satisfy the conditions laid down in those Chapters:

- (a) for activities listed in Annex IV, when the migrant does not meet the requirements set out in Articles 17, 18 and 19;
- (b) for doctors with basic training, specialised doctors, nurses responsible for general care, dental practitioners, specialised dental practitioners, veterinary surgeons, midwives, pharmacists and architects, when the migrant does not meet the requirements of effective and lawful professional practice referred to in Articles 23, 27, 33, 37, 39, 43 and 49;
- (c) for architects, when the migrant holds evidence of formal qualification not listed in Annex V, point 5.7;
- (d) [^{X1}without prejudice to Article 21(1), 23 and 27, for doctors, nurses, dental practitioners, veterinary surgeons, midwives, pharmacists and architects holding evidence of formal qualifications as a specialist who must have taken part in the training leading to the possession of a title listed in Annex V, points 5.1.1, 5.2.2, 5.3.2, 5.4.2, 5.5.2, 5.6.2 and 5.7.1, and solely for the purpose of the recognition of the relevant specialty;]
- (e) [^{X1}for nurses responsible for general care and specialised nurses holding evidence of formal qualifications as a specialist who have taken part in the training leading to the possession of a title listed in Annex V, point 5.2.2, when the migrant seeks recognition in another Member State where the relevant professional activities are pursued by specialised nurses without training as general care nurse;]
- (f) [^{X1}for specialised nurses without training as general care nurse, when the migrant seeks recognition in another Member State where the relevant professional activities are pursued by nurses responsible for general care, specialised nurses without training as general care nurse or specialised nurses holding evidence of formal qualifications as a specialist who have taken part in the training leading to the possession of the titles listed in Annex V, point 5.22;]
- (g) for migrants meeting the requirements set out in Article 3(3).

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Editorial Information

- X1** Substituted by [Corrigendum to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications \(Official Journal of the European Union L 255 of 30 September 2005\)](#).

Article 11

Levels of qualification

[^{F2}For the purposes of Article 13 and Article 14(6), professional qualifications shall be grouped under the following levels:]

- (a) an attestation of competence issued by a competent authority in the home Member State designated pursuant to legislative, regulatory or administrative provisions of that Member State, on the basis of:
 - (i) either a training course not forming part of a certificate or diploma within the meaning of points (b), (c), (d) or (e), or a specific examination without prior training, or full-time pursuit of the profession in a Member State for three consecutive years or for an equivalent duration on a part-time basis during the previous 10 years,
 - (ii) or general primary or secondary education, attesting that the holder has acquired general knowledge;
- (b) a certificate attesting to a successful completion of a secondary course,
 - (i) either general in character, supplemented by a course of study or professional training other than those referred to in point (c) and/or by the probationary or professional practice required in addition to that course,
 - (ii) or technical or professional in character, supplemented where appropriate by a course of study or professional training as referred to in point (i), and/or by the probationary or professional practice required in addition to that course;
- (c) a diploma certifying successful completion of
 - (i) either training at post-secondary level other than that referred to in points (d) and (e) of a duration of at least one year or of an equivalent duration on a part-time basis, one of the conditions of entry of which is, as a general rule, the successful completion of the secondary course required to obtain entry to university or higher education or the completion of equivalent school education of the second secondary level, as well as the professional training which may be required in addition to that post-secondary course; or
 - (ii) [^{F2}regulated education and training or, in the case of regulated professions, vocational training with a special structure, with competences going beyond what is provided for in level b, equivalent to the level of training provided for under point (i), if such training provides a comparable professional standard and prepares the trainee for a comparable level of responsibilities and functions provided that the diploma is accompanied by a certificate from the home Member State;]

- (d) ^[F2]a diploma certifying that the holder has successfully completed training at post-secondary level of at least three and not more than four years' duration, or of an equivalent duration on a part-time basis, which may in addition be expressed with an equivalent number of ECTS credits, at a university or establishment of higher education or another establishment of equivalent level and, where appropriate, that he has successfully completed the professional training required in addition to the post-secondary course;
- (e) a diploma certifying that the holder has successfully completed a post-secondary course of at least four years' duration, or of an equivalent duration on a part-time basis, which may in addition be expressed with an equivalent number of ECTS credits, at a university or establishment of higher education or another establishment of equivalent level and, where appropriate, that he has successfully completed the professional training required in addition to the post-secondary course.]

^[F3]]

Textual Amendments

- F2** Substituted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).
- F3** Deleted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 12

Equal treatment of qualifications

^[F2]Any evidence of formal qualifications or set of evidence of formal qualifications issued by a competent authority in a Member State, certifying successful completion of training in the Union, on a full or part-time basis, within or outside formal programmes, which is recognised by that Member State as being of an equivalent level and which confers on the holder the same rights of access to or pursuit of a profession or prepares for the pursuit of that profession, shall be treated as evidence of formal qualifications referred to in Article 11, including the level in question.]

Any professional qualification which, although not satisfying the requirements contained in the legislative, regulatory or administrative provisions in force in the home Member State for access to or the pursuit of a profession, confers on the holder acquired rights by virtue of these provisions, shall also be treated as such evidence of formal qualifications under the same conditions as set out in the first subparagraph. This applies in particular if the home Member State raises the level of training required for admission to a profession and for its exercise, and if an individual who has undergone former training, which does not meet the requirements of the new qualification, benefits from acquired rights by virtue of national legislative, regulatory or administrative provisions; in such case this former training is considered by the host Member State, for the purposes of the application of Article 13, as corresponding to the level of the new training.

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Textual Amendments

- F2** Substituted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

[^{F2}Article 13

Conditions for recognition

1 If access to or pursuit of a regulated profession in a host Member State is contingent upon possession of specific professional qualifications, the competent authority of that Member State shall permit applicants to access and pursue that profession, under the same conditions as apply to its nationals, if they possess an attestation of competence or evidence of formal qualifications referred to in Article 11, required by another Member State in order to gain access to and pursue that profession on its territory.

Attestations of competence or evidence of formal qualifications shall be issued by a competent authority in a Member State, designated in accordance with the laws, regulations or administrative provisions of that Member State.

2 Access to, and pursuit of, a profession as described in paragraph 1 shall also be granted to applicants who have pursued the profession in question on a full-time basis for one year or for an equivalent overall duration on a part-time basis during the previous 10 years in another Member State which does not regulate that profession, and who possess one or more attestations of competence or evidence of formal qualifications issued by another Member State which does not regulate the profession.

Attestations of competence and evidence of formal qualifications shall satisfy the following conditions:

- a they are issued by a competent authority in a Member State, designated in accordance with the laws, regulations or administrative provisions of that Member State;
- b they attest that the holder has been prepared for the pursuit of the profession in question.

The one year of professional experience referred to in the first subparagraph may not, however, be required if the evidence of formal qualifications which the applicant possesses certifies regulated education and training.

3 The host Member State shall accept the level attested under Article 11 by the home Member State, as well as the certificate by which the home Member State certifies that regulated education and training or vocational training with a special structure referred to in point (c)(ii) of Article 11 is equivalent to the level provided for in point (c)(i) of Article 11.

4 By way of derogation from paragraphs 1 and 2 of this Article and from Article 14, the competent authority of the host Member State may refuse access to, and pursuit of, the profession to holders of an attestation of competence classified under point (a) of Article 11 where the national professional qualification required to exercise the profession on its territory is classified under point (e) of Article 11.]

Textual Amendments

- F2** Substituted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 14

Compensation measures

[^{F21} Article 13 shall not preclude the host Member State from requiring the applicant to complete an adaptation period of up to three years or to take an aptitude test if:

- a the training the applicant has received covers substantially different matters than those covered by the evidence of formal qualifications required in the host Member State;
- b the regulated profession in the host Member State comprises one or more regulated professional activities which do not exist in the corresponding profession in the applicant's home Member State, and the training required in the host Member State covers substantially different matters from those covered by the applicant's attestation of competence or evidence of formal qualifications.]

2 If the host Member State makes use of the option provided for in paragraph 1, it must offer the applicant the choice between an adaptation period and an aptitude test.

Where a Member State considers, with respect to a given profession, that it is necessary to derogate from the requirement, set out in the previous subparagraph, that it give the applicant a choice between an adaptation period and an aptitude test, it shall inform the other Member States and the Commission in advance and provide sufficient justification for the derogation.

[^{F2}Where the Commission considers that the derogation referred to in the second subparagraph is inappropriate or that it is not in accordance with Union law, it shall adopt an implementing act, within three months of receiving all necessary information, to ask the relevant Member State to refrain from taking the envisaged measure. In the absence of a response from the Commission within that deadline, the derogation may be applied.]

3 By way of derogation from the principle of the right of the applicant to choose, as laid down in paragraph 2, for professions whose pursuit requires precise knowledge of national law and in respect of which the provision of advice and/or assistance concerning national law is an essential and constant aspect of the professional activity, the host Member State may stipulate either an adaptation period or an aptitude test.

[^{X1}This applies also to the cases provided for in Article 10 points (b) and (c), in Article 10 point (d) concerning doctors and dental practitioners in Article 10 point (f) when the migrant seeks recognition in another Member State where the relevant professional activities are pursued by nurses responsible for general care or specialised nurses holding evidence of formal qualifications as a specialist who have taken part in the training] leading to the possession of the titles listed in Annex V, point 5.2.2 and in Article 10 point (g).

In the cases covered by Article 10 point (a), the host Member State may require an adaptation period or an aptitude test if the migrant envisages pursuing professional

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activities in a self-employed capacity or as a manager of an undertaking which require the knowledge and the application of the specific national rules in force, provided that knowledge and application of those rules are required by the competent authorities of the host Member State for access to such activities by its own nationals.

[^{F1}By way of derogation from the principle of the right of the applicant to choose, as laid down in paragraph 2, the host Member State may stipulate either an adaptation period or an aptitude test in the case of:

- a a holder of a professional qualification referred to in point (a) of Article 11, who applies for recognition of his professional qualifications where the national professional qualification required is classified under point (c) of Article 11; or
- b a holder of a professional qualification referred to in point (b) of Article 11, who applies for recognition of his professional qualifications where the national professional qualification required is classified under point (d) or (e) of Article 11.

In the case of a holder of a professional qualification referred to in point (a) of Article 11 who applies for recognition of his professional qualifications where the national professional qualification required is classified under point (d) of Article 11, the host Member State may impose both an adaptation period and an aptitude test.]

[^{F24} For the purposes of paragraphs 1 and 5, ‘substantially different matters’ means matters in respect of which knowledge, skills and competences acquired are essential for pursuing the profession and with regard to which the training received by the migrant shows significant differences in terms of content from the training required by the host Member State.

5 Paragraph 1 shall be applied with due regard to the principle of proportionality. In particular, if the host Member State intends to require the applicant to complete an adaptation period or take an aptitude test, it must first ascertain whether the knowledge, skills and competences acquired by the applicant in the course of his professional experience or through lifelong learning, and formally validated to that end by a relevant body, in any Member State or in a third country, is of such nature as to cover, in full or in part, the substantially different matters defined in paragraph 4.]

[^{F16} The decision imposing an adaptation period or an aptitude test shall be duly justified. In particular, the applicant shall be provided with the following information:

- a the level of the professional qualification required in the host Member State and the level of the professional qualification held by the applicant in accordance with the classification set out in Article 11; and
- b the substantial differences referred to in paragraph 4 and the reasons for which those differences cannot be compensated by knowledge, skills and competences acquired in the course of professional experience or through lifelong learning formally validated to that end by a relevant body.

7 Member States shall ensure that an applicant has the possibility of taking the aptitude test referred to in paragraph 1 not later than six months after the initial decision imposing an aptitude test on the applicant.]

Editorial Information

- X1** Substituted by [Corrigendum to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications \(Official Journal of the European Union L 255 of 30 September 2005\)](#).

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Textual Amendments

- F1** Inserted by 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') (Text with EEA relevance).
- F2** Substituted by 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') (Text with EEA relevance).

^{F3}Article 15

[^{F3}Waiving of compensation measures on the basis of common platforms]

Textual Amendments

- F3** Deleted by 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') (Text with EEA relevance).

CHAPTER II

Recognition of professional experience

Article 16

Requirements regarding professional experience

If, in a Member State, access to or pursuit of one of the activities listed in Annex IV is contingent upon possession of general, commercial or professional knowledge and aptitudes, that Member State shall recognise previous pursuit of the activity in another Member State as sufficient proof of such knowledge and aptitudes. The activity must have been pursued in accordance with Articles 17, 18 and 19.

Article 17

Activities referred to in list I of Annex IV

1 For the activities in list I of Annex IV, the activity in question must have been previously pursued:

- a for six consecutive years on a self-employed basis or as a manager of an undertaking; or
- b for three consecutive years on a self-employed basis or as a manager of an undertaking, where the beneficiary proves that he has received previous training of at least three years for the activity in question, evidenced by a certificate recognised by the Member State or judged by a competent professional body to be fully valid; or

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- c for four consecutive years on a self-employed basis or as a manager of an undertaking, where the beneficiary can prove that he has received, for the activity in question, previous training of at least two years' duration, attested by a certificate recognised by the Member State or judged by a competent professional body to be fully valid; or
 - d for three consecutive years on a self-employed basis, if the beneficiary can prove that he has pursued the activity in question on an employed basis for at least five years; or
 - e for five consecutive years in an executive position, of which at least three years involved technical duties and responsibility for at least one department of the company, if the beneficiary can prove that he has received, for the activity in question, previous training of at least three years' duration, as attested by a certificate recognised by the Member State or judged by a competent professional body to be fully valid.
- 2 In cases (a) and (d), the activity must not have finished more than 10 years before the date on which the complete application was submitted by the person concerned to the competent authority referred to in Article 56.
- 3 Paragraph 1(e) shall not apply to activities in Group ex 855, hairdressing establishments, of the ISIC Nomenclature.

Article 18

Activities referred to in list II of Annex IV

- 1 For the activities in list II of Annex IV, the activity in question must have been previously pursued:
- a for five consecutive years on a self-employed basis or as a manager of an undertaking, or
 - b for three consecutive years on a self-employed basis or as a manager of an undertaking, where the beneficiary proves that he has received previous training of at least three years for the activity in question, evidenced by a certificate recognised by the Member State or judged by a competent professional body to be fully valid, or
 - c for four consecutive years on a self-employed basis or as a manager of an undertaking, where the beneficiary can prove that he has received, for the activity in question, previous training of at least two years' duration, attested by a certificate recognised by the Member State or judged by a competent professional body to be fully valid, or
 - d for three consecutive years on a self-employed basis or as a manager of an undertaking, if the beneficiary can prove that he has pursued the activity in question on an employed basis for at least five years, or
 - e for five consecutive years on an employed basis, if the beneficiary can prove that he has received, for the activity in question, previous training of at least three years' duration, as attested by a certificate recognised by the Member State or judged by a competent professional body to be fully valid, or
 - f for six consecutive years on an employed basis, if the beneficiary can prove that he has received previous training in the activity in question of at least two years' duration, as attested by a certificate recognised by the Member State or judged by a competent professional body to be fully valid.
- 2 In cases (a) and (d), the activity must not have finished more than 10 years before the date on which the complete application was submitted by the person concerned to the competent authority referred to in Article 56.

Article 19

Activities referred to in list III of Annex IV

1 For the activities in list III of Annex IV, the activity in question must have been previously pursued:

- a for three consecutive years, either on a self-employed basis or as a manager of an undertaking, or
- b for two consecutive years, either on a self-employed basis or as a manager of an undertaking, if the beneficiary can prove that he has received previous training for the activity in question, as attested by a certificate recognised by the Member State or judged by a competent professional body to be fully valid, or
- c for two consecutive years, either on a self-employed basis or as a manager of an undertaking, if the beneficiary can prove that he has pursued the activity in question on an employed basis for at least three years, or
- d for three consecutive years, on an employed basis, if the beneficiary can prove that he has received previous training for the activity in question, as attested by a certificate recognised by the Member State or judged by a competent professional body to be fully valid.

2 In cases (a) and (c), the activity must not have finished more than 10 years before the date on which the complete application was submitted by the person concerned to the competent authority referred to in Article 56.

[^{F2} Article 20

Adaptation of lists of activities in Annex IV

The Commission shall be empowered to adopt delegated acts in accordance with Article 57c concerning the adaptation of the lists of activities set out in Annex IV which are the subject of recognition of professional experience pursuant to Article 16, with a view to updating or clarifying the activities listed in Annex IV in particular in order to further specify their scope and to take due account of the latest developments in the field of activity-based nomenclatures, provided that this does not involve any narrowing of the scope of the activities related to the individual categories and that there is no shift of activities between the existing lists I, II and III of Annex IV.]

Textual Amendments

- F2** Substituted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

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CHAPTER III

Recognition on the basis of coordination of minimum training conditions

Section 1

General Provisions

Article 21

Principle of automatic recognition

1 Each Member State shall recognise evidence of formal qualifications as doctor giving access to the professional activities of doctor with basic training and specialised doctor, as nurse responsible for general care, as dental practitioner, as specialised dental practitioner, as veterinary surgeon, as pharmacist and as architect, listed in Annex V, points 5.1.1, 5.1.2, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.6.2 and 5.7.1 respectively, which satisfy the minimum training conditions referred to in Articles 24, 25, 31, 34, 35, 38, 44 and 46 respectively, and shall, for the purposes of access to and pursuit of the professional activities, give such evidence the same effect on its territory as the evidence of formal qualifications which it itself issues.

Such evidence of formal qualifications must be issued by the competent bodies in the Member States and accompanied, where appropriate, by the certificates listed in Annex V, points 5.1.1, 5.1.2, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.6.2 and 5.7.1 respectively.

The provisions of the first and second subparagraphs do not affect the acquired rights referred to in Articles 23, 27, 33, 37, 39 and 49.

2 Each Member State shall recognise, for the purpose of pursuing general medical practice in the framework of its national social security system, evidence of formal qualifications listed in Annex V, point 5.1.4 and issued to nationals of the Member States by the other Member States in accordance with the minimum training conditions laid down in Article 28.

The provisions of the previous subparagraph do not affect the acquired rights referred to in Article 30.

3 Each Member State shall recognise evidence of formal qualifications as a midwife, awarded to nationals of Member States by the other Member States, listed in Annex V, point 5.5.2, which complies with the minimum training conditions referred to in Article 40 and satisfies the criteria set out in Article 41, and shall, for the purposes of access to and pursuit of the professional activities, give such evidence the same effect on its territory as the evidence of formal qualifications which it itself issues. This provision does not affect the acquired rights referred to in Articles 23 and 43.

[^{F24} In respect of the operation of pharmacies that are not subject to territorial restrictions, a Member State may, by way of derogation, decide not to give effect to evidence of formal qualifications referred to in point 5.6.2 of Annex V, for the setting up of new pharmacies open to the public. For the purposes of this paragraph, pharmacies which have been open for less than three years shall also be considered as new pharmacies.

That derogation may not be applied in respect of pharmacists whose formal qualifications have already been recognised by the competent authorities of the host Member State for other purposes and who have been effectively and lawfully engaged

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in the professional activities of a pharmacist for at least three consecutive years in that Member State.]

5 Evidence of formal qualifications as an architect referred to in Annex V, point 5.7.1, which is subject to automatic recognition pursuant to paragraph 1, proves completion of a course of training which began not earlier than during the academic reference year referred to in that Annex.

[^{F26} Each Member State shall make access to, and pursuit of, the professional activities of doctors, nurses responsible for general care, dental practitioners, veterinary surgeons, midwives and pharmacists subject to possession of evidence of formal qualifications referred to in points 5.1.1, 5.1.2, 5.1.4, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.5.2 and 5.6.2 of Annex V respectively, attesting that the professional concerned, over the duration of his training, has acquired, as appropriate, the knowledge, skills and competences referred to in Articles 24(3), 31(6), 31(7), 34(3), 38(3), 40(3) and 44(3).

In order to take account of generally acknowledged scientific and technical progress, the Commission shall be empowered to adopt delegated acts in accordance with Article 57c to update the knowledge and skills referred to in Articles 24(3), 31(6), 34(3), 38(3), 40(3), 44(3) and 46(4) to reflect the evolution of Union law directly affecting the professionals concerned.

Such updates shall not entail an amendment of existing essential legislative principles in Member States regarding the structure of professions as regards training and conditions of access by natural persons. Such updates shall respect the responsibility of the Member States for the organisation of education systems, as set out in Article 165(1) of the Treaty on the Functioning of the European Union (TFEU).]

^{F37}

Textual Amendments

- F2** Substituted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).
- F3** Deleted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

[^{F1}Article 21a

Notification procedure

1 Each Member State shall notify the Commission of the laws, regulations and administrative provisions which it adopts with regard to the issuing of evidence of formal qualifications in the professions covered by this Chapter.

In the case of evidence of formal qualifications referred to in Section 8, notification in accordance with the first subparagraph shall also be addressed to the other Member States.

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2 The notification referred to in paragraph 1 shall include information about the duration and content of the training programmes.

3 The notification referred to in paragraph 1 shall be transmitted via IMI.

4 In order to take due account of legislative and administrative developments in the Member States, and on condition that the laws, regulations and administrative provisions notified pursuant to paragraph 1 of this Article are in conformity with the conditions set out in this Chapter, the Commission shall be empowered to adopt delegated acts in accordance with Article 57c 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 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.

5 Where the legislative, regulatory and administrative provisions notified pursuant to paragraph 1 are not in conformity with the conditions set out in this Chapter, the Commission shall adopt an implementing act in order to reject the requested amendment of 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 or 5.7.1 of Annex V.]

Textual Amendments

- F1** Inserted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 22

Common provisions on training

With regard to the training referred to in Articles 24, 25, 28, 31, 34, 35, 38, 40, 44 and 46:

- (a) Member States may authorise part-time training under conditions laid down by the competent authorities; those authorities shall ensure that the overall duration, level and quality of such training is not lower than that of continuous full-time training;
- (b) [^{F2}Member States shall, in accordance with the procedures specific to each Member State, ensure, by encouraging continuous professional development, that professionals whose professional qualification is covered by Chapter III of this Title are able to update their knowledge, skills and competences in order to maintain a safe and effective practice and keep abreast of professional developments.]

[^{F1}Member States shall communicate to the Commission the measures taken pursuant to point (b) of the first paragraph by 18 January 2016.]

Textual Amendments

- F1** Inserted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).
- F2** Substituted by [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](#)

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(EU) No 1024/2012 on administrative cooperation through the Internal Market Information System
(‘the IMI Regulation’) (Text with EEA relevance).

Article 23

Acquired rights

1 Without prejudice to the acquired rights specific to the professions concerned, in cases where the evidence of formal qualifications as doctor giving access to the professional activities of doctor with basic training and specialised doctor, as nurse responsible for general care, as dental practitioner, as specialised dental practitioner, as veterinary surgeon, as midwife and as pharmacist held by Member States nationals does not satisfy all the training requirements referred to in Articles 24, 25, 31, 34, 35, 38, 40 and 44, each Member State shall recognise as sufficient proof evidence of formal qualifications issued by those Member States insofar as such evidence attests successful completion of training which began before the reference dates laid down in Annex V, points 5.1.1, 5.1.2, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.5.2 and 5.6.2 and is accompanied by a certificate stating that the holders have been effectively and lawfully engaged in the activities in question for at least three consecutive years during the five years preceding the award of the certificate.

2 The same provisions shall apply to evidence of formal qualifications as doctor giving access to the professional activities of doctor with basic training and specialised doctor, as nurse responsible for general care, as dental practitioner, as specialised dental practitioner, as veterinary surgeon, as midwife and as pharmacist, obtained in the territory of the former German Democratic Republic, which does not satisfy all the minimum training requirements laid down in Articles 24, 25, 31, 34, 35, 38, 40 and 44 if such evidence certifies successful completion of training which began before:

- a 3 October 1990 for doctors with basic training, nurses responsible for general care, dental practitioners with basic training, specialised dental practitioners, veterinary surgeons, midwives and pharmacists, and
- b 3 April 1992 for specialised doctors.

The evidence of formal qualifications referred to in the first subparagraph confers on the holder the right to pursue professional activities throughout German territory under the same conditions as evidence of formal qualifications issued by the competent German authorities referred to in Annex V, points 5.1.1, 5.1.2, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.5.2 and 5.6.2.

3 Without prejudice to the provisions of Article 37(1), each Member State shall recognise evidence of formal qualifications as doctor giving access to the professional activities of doctor with basic training and specialised doctor, as nurse responsible for general care, as veterinary surgeon, as midwife, as pharmacist and as architect held by Member States nationals and issued by the former Czechoslovakia, or whose training commenced, for the Czech Republic and Slovakia, before 1 January 1993, where the authorities of either of the two aforementioned Member States attest that such evidence of formal qualifications has the same legal validity within their territory as the evidence of formal qualifications which they issue and, with respect to architects, as the evidence of formal qualifications specified for those Member States in Annex VI, point 6, as regards access to the professional activities of doctor with basic training, specialised doctor, nurse responsible for general care, veterinary surgeon, midwife, pharmacist with respect to the activities referred to in Article 45(2), and architect with respect to the activities referred to in Article 48, and the pursuit of such activities.

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Such an attestation must be accompanied by a certificate issued by those same authorities stating that such persons have effectively and lawfully been engaged in the activities in question within their territory for at least three consecutive years during the five years prior to the date of issue of the certificate.

4 Each Member State shall recognise evidence of formal qualifications as doctor giving access to the professional activities of doctor with basic training and specialised doctor, as nurse responsible for general care, as dental practitioner, as specialised dental practitioner, as veterinary surgeon, as midwife, as pharmacist and as architect held by nationals of the Member States and issued by the former Soviet Union, or whose training commenced

- a for Estonia, before 20 August 1991,
- b for Latvia, before 21 August 1991,
- c for Lithuania, before 11 March 1990,

where the authorities of any of the three aforementioned Member States attest that such evidence has the same legal validity within their territory as the evidence which they issue and, with respect to architects, as the evidence of formal qualifications specified for those Member States in Annex VI, point 6, as regards access to the professional activities of doctor with basic training, specialised doctor, nurse responsible for general care, dental practitioner, specialised dental practitioner, veterinary surgeon, midwife, pharmacist with respect to the activities referred to in Article 45(2), and architect with respect to the activities referred to in Article 48, and the pursuit of such activities.

Such an attestation must be accompanied by a certificate issued by those same authorities stating that such persons have effectively and lawfully been engaged in the activities in question within their territory for at least three consecutive years during the five years prior to the date of issue of the certificate.

With regard to evidence of formal qualifications as veterinary surgeons issued by the former Soviet Union or in respect of which training commenced, for Estonia, before 20 August 1991, the attestation referred to in the preceding subparagraph must be accompanied by a certificate issued by the Estonian authorities stating that such persons have effectively and lawfully been engaged in the activities in question within their territory for at least five consecutive years during the seven years prior to the date of issue of the certificate.

[^{F45} Without prejudice to Article 43b, each Member State shall recognise evidence of formal qualifications as doctor giving access to the professional activities of doctor with basic training and specialised doctor, as nurse responsible for general care, as dental practitioner, as specialised dental practitioner, as veterinary surgeon, as midwife, as pharmacist and as architect held by nationals of the Member States and issued by the former Yugoslavia, or whose training commenced,

- a for Slovenia, before 25 June 1991; and
- b for Croatia, before 8 October 1991;

where the authorities of the aforementioned Member States attest that such evidence has the same legal validity within their territory as the evidence which they issue and, with respect to architects, as the evidence of formal qualifications specified for those Member States in Annex VI, point 6, as regards access to the professional activities of doctor with basic training, specialised doctor, nurse responsible for general care, dental practitioner, specialised dental practitioner, veterinary surgeon, midwife, pharmacist with respect to the activities referred to in Article 45(2), and architect with respect to the activities referred to in Article 48, and the pursuit of such activities.

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Such an attestation must be accompanied by a certificate issued by those same authorities stating that such persons have effectively and lawfully been engaged in the activities in question within their territory for at least three consecutive years during the five years prior to the date of issue of the certificate.]

6 Each Member State shall recognise as sufficient proof for Member State nationals whose evidence of formal qualifications as a doctor, nurse responsible for general care, dental practitioner, veterinary surgeon, midwife and pharmacist does not correspond to the titles given for that Member State in Annex V, points 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.5.2 and 5.6.2, evidence of formal qualifications issued by those Member States accompanied by a certificate issued by the competent authorities or bodies.

The certificate referred to in the first subparagraph shall state that the evidence of formal qualifications certifies successful completion of training in accordance with Articles 24, 25, 28, 31, 34, 35, 38, 40 and 44 respectively and is treated by the Member State which issued it in the same way as the qualifications whose titles are listed in Annex V, points 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.5.2 and 5.6.2.

Textual Amendments

- F4** Substituted by [Act concerning the conditions of accession of the Republic of Croatia and the adjustments to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community](#).

F5 Article 23a

Specific circumstances

1 By way of derogation from the present Directive, Bulgaria may authorise the holders of the qualification of ‘фелдшер’ (feldsher) awarded in Bulgaria before 31 December 1999 and exercising this profession under the Bulgarian national social security scheme on 1 January 2000 to continue to exercise the said profession, even if parts of their activity fall under the provisions of the present Directive concerning doctors of medicine and nurses responsible for general care respectively.

2 The holders of the Bulgarian qualification of ‘фелдшер’ (feldsher) referred to in paragraph 1 are not entitled to obtain professional recognition in other Member States as doctors of medicine nor as nurses responsible for general care under this Directive.]

Textual Amendments

- F5** Inserted by [Council Directive 2006/100/EC of 20 November 2006 adapting certain Directives in the field of freedom of movement of persons, by reason of the accession of Bulgaria and Romania](#).

Section 2

Doctors of medicine

Article 24

Basic medical training

1 Admission to basic medical training shall be contingent upon possession of a diploma or certificate providing access, for the studies in question, to universities.

[^{F2} Basic medical training shall comprise a total of at least five years of study, which may in addition be expressed with the equivalent ECTS credits, and shall consist of at least 5 500 hours of theoretical and practical training provided by, or under the supervision of, a university.

For professionals who began their studies before 1 January 1972, the course of training referred to in the first subparagraph may comprise six months of full-time practical training at university level under the supervision of the competent authorities.]

3 Basic medical training shall provide an assurance that the person in question has acquired the following knowledge and skills:

- a adequate knowledge of the sciences on which medicine is based and a good understanding of the scientific methods including the principles of measuring biological functions, the evaluation of scientifically established facts and the analysis of data;
- b sufficient understanding of the structure, functions and behaviour of healthy and sick persons, as well as relations between the state of health and physical and social surroundings of the human being;
- c adequate knowledge of clinical disciplines and practices, providing him with a coherent picture of mental and physical diseases, of medicine from the points of view of prophylaxis, diagnosis and therapy and of human reproduction;
- d suitable clinical experience in hospitals under appropriate supervision.

Textual Amendments

- F2** Substituted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 25

Specialist medical training

[^{F1} Admission to specialist medical training shall be contingent upon completion and validation of a basic medical training programme as referred to in Article 24(2) in the course of which the trainee has acquired the relevant knowledge of basic medicine.]

2 Specialist medical training shall comprise theoretical and practical training at a university or medical teaching hospital or, where appropriate, a medical care establishment approved for that purpose by the competent authorities or bodies.

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The Member States shall ensure that the minimum duration of specialist medical training courses referred to in Annex V, point 5.1.3 is not less than the duration provided for in that point. Training shall be given under the supervision of the competent authorities or bodies. It shall include personal participation of the trainee specialised doctor in the activity and responsibilities entailed by the services in question.

3 Training shall be given on a full-time basis at specific establishments which are recognised by the competent authorities. It shall entail participation in the full range of medical activities of the department where the training is given, including duty on call, in such a way that the trainee specialist devotes all his professional activity to his practical and theoretical training throughout the entire working week and throughout the year, in accordance with the procedures laid down by the competent authorities. Accordingly, these posts shall be the subject of appropriate remuneration.

[^{F1}3a Member States may provide, in national legislation, for partial exemptions from parts of the specialist medical training courses listed in point 5.1.3 of Annex V, to be applied on a case-by-case basis provided that that part of the training has been followed already during another specialist training course listed in point 5.1.3 of Annex V, for which the professional has already obtained the professional qualification in a Member State. Member States shall ensure that the granted exemption equates to not more than half of the minimum duration of the specialist medical training course in question.]

Each Member State shall notify the Commission and the other Member States of the national legislation concerned for any such partial exemptions.]

4 The Member States shall make the issuance of evidence of specialist medical training contingent upon possession of evidence of basic medical training referred to in Annex V, point 5.1.1.

[^{F2}5 The Commission shall be empowered to adopt delegated acts in accordance with Article 57c concerning the adaptation of the minimum periods of training referred to in point 5.1.3 of Annex V to scientific and technical progress.]

Textual Amendments

- F1** Inserted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).
- F2** Substituted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 26

Types of specialist medical training

Evidence of formal qualifications as a specialised doctor referred to in Article 21 is such evidence awarded by the competent authorities or bodies referred to in Annex V, point 5.1.2 as corresponds, for the specialised training in question, to the titles in use in the various Member States and referred to in Annex V, point 5.1.3.

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[^{F2}In order to take due account of changes in national legislation and with a view to updating this Directive, the Commission shall be empowered to adopt delegated acts in accordance with Article 57c concerning the inclusion in point 5.1.3 of Annex V of new medical specialties common to at least two-fifths of the Member States.]

Textual Amendments

- F2** Substituted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 27

Acquired rights specific to specialised doctors

1 A host Member State may require of specialised doctors whose part-time specialist medical training was governed by legislative, regulatory and administrative provisions in force as of 20 June 1975 and who began their specialist training no later than 31 December 1983 that their evidence of formal qualifications be accompanied by a certificate stating that they have been effectively and lawfully engaged in the relevant activities for at least three consecutive years during the five years preceding the award of that certificate.

2 Every Member State shall recognise the qualification of specialised doctors awarded in Spain to doctors who completed their specialist training before 1 January 1995, even if that training does not satisfy the minimum training requirements provided for in Article 25, in so far as that qualification is accompanied by a certificate issued by the competent Spanish authorities and attesting that the person concerned has passed the examination in specific professional competence held in the context of exceptional measures concerning recognition laid down in Royal Decree 1497/99, with a view to ascertaining that the person concerned possesses a level of knowledge and skill comparable to that of doctors who possess a qualification as a specialised doctor defined for Spain in Annex V, points 5.1.2 and 5.1.3.

[^{F12a} Member States shall recognise the qualifications of specialised doctors awarded in Italy, and listed in points 5.1.2 and 5.1.3 of Annex V, to doctors who started their specialist training after 31 December 1983 and before 1 January 1991, despite the training concerned not satisfying all the training requirements set out in Article 25, if the qualification is accompanied by a certificate issued by the competent Italian authorities stating that the doctor concerned has effectively and lawfully been engaged, in Italy, in the activities of a medical specialist in the same specialist area concerned, for at least seven consecutive years during the 10 years preceding the award of the certificate.]

3 Every Member State which has repealed its legislative, regulatory or administrative provisions relating to the award of evidence of formal qualifications as a specialised doctor referred to in Annex V, points 5.1.2 and 5.1.3 and which has adopted measures relating to acquired rights benefiting its nationals, shall grant nationals of other Member States the right to benefit from those measures, in so far as such evidence of formal qualifications was issued before the date on which the host Member State ceased to issue such evidence for the specialty in question.

The dates on which these provisions were repealed are set out in Annex V, point 5.1.3.

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Textual Amendments

- F1** Inserted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 28

Specific training in general medical practice

[^{F21} Admission to specific training in general medical practice shall be contingent upon completion and validation of a basic medical training programme as referred to in Article 24(2) in the course of which the trainee has acquired the relevant knowledge of basic medicine.]

2 The specific training in general medical practice leading to the award of evidence of formal qualifications issued before 1 January 2006 shall be of a duration of at least two years on a full-time basis. In the case of evidence of formal qualifications issued after that date, the training shall be of a duration of at least three years on a full-time basis.

Where the training programme referred to in Article 24 comprises practical training given by an approved hospital possessing appropriate general medical equipment and services or as part of an approved general medical practice or an approved centre in which doctors provide primary medical care, the duration of that practical training may, up to a maximum of one year, be included in the duration provided for in the first subparagraph for certificates of training issued on or after 1 January 2006.

The option provided for in the second subparagraph shall be available only for Member States in which the specific training in general medical practice lasted two years as of 1 January 2001.

3 The specific training in general medical practice shall be carried out on a full-time basis, under the supervision of the competent authorities or bodies. It shall be more practical than theoretical.

The practical training shall be given, on the one hand, for at least six months in an approved hospital possessing appropriate equipment and services and, on the other hand, for at least six months as part of an approved general medical practice or an approved centre at which doctors provide primary health care.

The practical training shall take place in conjunction with other health establishments or structures concerned with general medicine. Without prejudice to the minimum periods laid down in the second subparagraph, however, the practical training may be given during a period of not more than six months in other approved establishments or health structures concerned with general medicine.

The training shall require the personal participation of the trainee in the professional activity and responsibilities of the persons with whom he is working.

4 Member States shall make the issuance of evidence of formal qualifications in general medical practice subject to possession of evidence of formal qualifications in basic medical training referred to in Annex V, point 5.1.1.

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5 Member States may issue evidence of formal qualifications referred to in Annex V, point 5.1.4 to a doctor who has not completed the training provided for in this Article but who has completed a different, supplementary training, as attested by evidence of formal qualifications issued by the competent authorities in a Member State. They may not, however, award evidence of formal qualifications unless it attests knowledge of a level qualitatively equivalent to the knowledge acquired from the training provided for in this Article.

Member States shall determine, *inter alia*, the extent to which the complementary training and professional experience already acquired by the applicant may replace the training provided for in this Article.

The Member States may only issue the evidence of formal qualifications referred to in Annex V, point 5.1.4 if the applicant has acquired at least six months' experience of general medicine in a general medical practice or a centre in which doctors provide primary health care of the types referred to in paragraph 3.

Textual Amendments

- F2** Substituted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 29

Pursuit of the professional activities of general practitioners

Each Member State shall, subject to the provisions relating to acquired rights, make the pursuit of the activities of a general practitioner in the framework of its national social security system contingent upon possession of evidence of formal qualifications referred to in Annex V, point 5.1.4.

Member States may exempt persons who are currently undergoing specific training in general medicine from this condition.

Article 30

Acquired rights specific to general practitioners

1 Each Member State shall determine the acquired rights. It shall, however, confer as an acquired right the right to pursue the activities of a general practitioner in the framework of its national social security system, without the evidence of formal qualifications referred to in Annex V, point 5.1.4, on all doctors who enjoy this right as of the reference date stated in that point by virtue of provisions applicable to the medical profession giving access to the professional activities of doctor with basic training and who are established as of that date on its territory, having benefited from the provisions of Articles 21 or 23.

The competent authorities of each Member State shall, on demand, issue a certificate stating the holder's right to pursue the activities of general practitioner in the framework of their national social security systems, without the evidence of formal qualifications referred to in Annex V, point 5.1.4, to doctors who enjoy acquired rights pursuant to the first subparagraph.

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2 Every Member State shall recognise the certificates referred to in paragraph 1, second subparagraph, awarded to nationals of Member States by the other Member States, and shall give such certificates the same effect on its territory as evidence of formal qualifications which it awards and which permit the pursuit of the activities of a general practitioner in the framework of its national social security system.

Section 3

Nurses responsible for general care

Article 31

Training of nurses responsible for general care

[^{F21} Admission to training for nurses responsible for general care shall be contingent upon either:

- a completion of general education of 12 years, as attested by a diploma, certificate or other evidence issued by the competent authorities or bodies in a Member State or a certificate attesting success in an examination of an equivalent level and giving access to universities or to higher education institutions of a level recognised as equivalent; or
- b completion of general education of at least 10 years, as attested by a diploma, certificate or other evidence issued by the competent authorities or bodies in a Member State or a certificate attesting success in an examination of an equivalent level and giving access to a vocational school or vocational training programme for nursing.]

2 Training of nurses responsible for general care shall be given on a full-time basis and shall include at least the programme described in Annex V, point 5.2.1.

[^{F2}The Commission shall be empowered to adopt delegated acts in accordance with Article 57c concerning amendments to the list set out in point 5.2.1 of Annex V with a view to adapting it to scientific and technical progress.

The amendments referred to in the second subparagraph shall not entail an amendment of existing essential legislative principles in Member States regarding the structure of professions as regards training and conditions of access by natural persons. Such amendments shall respect the responsibility of the Member States for the organisation of education systems, as set out in Article 165(1) TFEU.]

3 [^{F2}The training of nurses responsible for general care shall comprise a total of at least three years of study, which may in addition be expressed with the equivalent ECTS credits, and shall consist of at least 4 600 hours of theoretical and clinical training, the duration of the theoretical training representing at least one third and the duration of the clinical training at least one half of the minimum duration of the training. Member States may grant partial exemptions to professionals who have received part of their training on courses which are of at least an equivalent level.]

The Member States shall ensure that institutions providing nursing training are responsible for the coordination of theoretical and clinical training throughout the entire study programme.

[^{F24} Theoretical education is that part of nurse training from which trainee nurses acquire the professional knowledge, skills and competences required under paragraphs 6 and 7. The training shall be given by teachers of nursing care and by other competent persons, at

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universities, higher education institutions of a level recognised as equivalent or at vocational schools or through vocational training programmes for nursing.]

[^{F25} Clinical training is that part of nurse training in which trainee nurses learn, as part of a team and in direct contact with a healthy or sick individual and/or community, to organise, dispense and evaluate the required comprehensive nursing care, on the basis of the knowledge, skills and competences which they have acquired. The trainee nurse shall learn not only how to work in a team, but also how to lead a team and organise overall nursing care, including health education for individuals and small groups, within health institutes or in the community.]

This training shall take place in hospitals and other health institutions and in the community, under the responsibility of nursing teachers, in cooperation with and assisted by other qualified nurses. Other qualified personnel may also take part in the teaching process.

Trainee nurses shall participate in the activities of the department in question insofar as those activities are appropriate to their training, enabling them to learn to assume the responsibilities involved in nursing care.

[^{F26} Training for nurses responsible for general care shall provide an assurance that the professional in question has acquired the following knowledge and skills:

- a comprehensive knowledge of the sciences on which general nursing is based, including sufficient understanding of the structure, physiological functions and behaviour of healthy and sick persons, and of the relationship between the state of health and the physical and social environment of the human being;
- b knowledge of the nature and ethics of the profession and of the general principles of health and nursing;
- c adequate clinical experience; such experience, which should be selected for its training value, should be gained under the supervision of qualified nursing staff and in places where the number of qualified staff and equipment are appropriate for the nursing care of the patient;
- d the ability to participate in the practical training of health personnel and experience of working with such personnel;
- e experience of working together with members of other professions in the health sector.]

[^{F17} Formal qualifications as a nurse responsible for general care shall provide evidence that the professional in question is able to apply at least the following competences regardless of whether the training took place at universities, higher education institutions of a level recognised as equivalent or at vocational schools or through vocational training programmes for nursing:

- a competence to independently diagnose the nursing care required using current theoretical and clinical knowledge and to plan, organise and implement nursing care when treating patients on the basis of the knowledge and skills acquired in accordance with points (a), (b) and (c) of paragraph 6 in order to improve professional practice;
- b competence to work together effectively with other actors in the health sector, including participation in the practical training of health personnel on the basis of the knowledge and skills acquired in accordance with points (d) and (e) of paragraph 6;
- c competence to empower individuals, families and groups towards healthy lifestyles and self-care on the basis of the knowledge and skills acquired in accordance with points (a) and (b) of paragraph 6;
- d competence to independently initiate life-preserving immediate measures and to carry out measures in crises and disaster situations;
- e competence to independently give advice to, instruct and support persons needing care and their attachment figures;

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- f competence to independently assure the quality of, and to evaluate, nursing care;
- g competence to comprehensively communicate professionally and to cooperate with members of other professions in the health sector;
- h competence to analyse the care quality to improve his own professional practice as a nurse responsible for general care.]

Textual Amendments

- F1** Inserted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).
- F2** Substituted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 32

Pursuit of the professional activities of nurses responsible for general care

For the purposes of this Directive, the professional activities of nurses responsible for general care are the activities pursued on a professional basis and referred to in Annex V, point 5.2.2.

Article 33

Acquired rights specific to nurses responsible for general care

1 Where the general rules of acquired rights apply to nurses responsible for general care, the activities referred to in Article 23 must have included full responsibility for the planning, organisation and administration of nursing care delivered to the patient.

^{F3}2

[^{F23} Member States shall recognise evidence of formal qualifications in nursing that:

- a were awarded in Poland, to nurses who completed training before 1 May 2004, which did not comply with the minimum training requirements laid down in Article 31; and
- b are attested by the diploma 'bachelor' which was obtained on the basis of a special upgrading programme contained in:

- (i) Article 11 of the Act of 20 April 2004 on the amendment of the Act on professions of nurse and midwife and on some other legal acts (Official Journal of the Republic of Poland of 2004 No 92, pos. 885 and of 2007, No 176, pos. 1237) and the Regulation of the Minister of Health of 11 May 2004 on the detailed conditions of delivering studies for nurses and midwives, who hold a certificate of secondary school (final examination — matura) and are graduates of medical lyceum and medical vocational schools teaching in a profession of a nurse and a midwife (Official Journal of the Republic of Poland of 2004 No 110, pos. 1170 and of 2010 No 65, pos. 420); or

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- (ii) Article 52.3 point 2 of the Act of 15 July 2011 on professions of nurse and midwife (Official Journal of the Republic of Poland of 2011 No 174, pos. 1039) and the Regulation of the Minister of Health of 14 June 2012 on the detailed conditions of delivering higher education courses for nurses and midwives who hold a certificate of secondary school (final examination – matura) and are graduates of a medical secondary school or a post-secondary school teaching in a profession of a nurse and a midwife (Official Journal of the Republic of Poland of 2012, pos. 770),

for the purpose of verifying that the nurse concerned has a level of knowledge and competence comparable to that of nurses holding the qualifications listed for Poland in point 5.2.2 of Annex V.]

Textual Amendments

- F2** Substituted by 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') (Text with EEA relevance).
- F3** Deleted by 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') (Text with EEA relevance).

[^{F5}Article 33(a)]

[^{F2}As regards the Romanian qualification of nurse responsible for general care, only the following acquired rights provisions shall apply:

In the case of nationals of Member States who were trained as a nurse responsible for general care in Romania and whose training does not satisfy the minimum training requirements laid down in Article 31, Member States shall recognise the following evidence of formal qualifications as a nurse responsible for general care as being sufficient proof, provided that that evidence is accompanied by a certificate stating that those Member State nationals have effectively and lawfully been engaged in the activities of a nurse responsible for general care in Romania, including taking full responsibility for the planning, organisation and carrying out of the nursing care of patients, for a period of at least three consecutive years during the five years prior to the date of issue of the certificate:

- (a) Certificat de competențe profesionale de asistent medical generalist with post-secondary education obtained from a școală postliceală, attesting to training started before 1 January 2007;
- (b) Diplomă de absolvire de asistent medical generalist with short-time higher education studies, attesting to training started before 1 October 2003;
- (c) Diplomă de licență de asistent medical generalist with long-time higher education studies, attesting to training started before 1 October 2003.]]

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Textual Amendments

- F2** Substituted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).
- F5** Inserted by [Council Directive 2006/100/EC of 20 November 2006 adapting certain Directives in the field of freedom of movement of persons, by reason of the accession of Bulgaria and Romania.](#)

Section 4

Dental practitioners

Article 34

Basic dental training

1 Admission to basic dental training presupposes possession of a diploma or certificate giving access, for the studies in question, to universities or higher institutes of a level recognised as equivalent, in a Member State.

[^{F2} Basic dental training shall comprise a total of at least five years of study, which may in addition be expressed with the equivalent ECTS credits, and shall consist of at least 5 000 hours of full-time theoretical and practical training that comprises at least the programme described in point 5.3.1 of Annex V and that is provided in a university, in a higher institute providing training recognised as being of an equivalent level or under the supervision of a university.

The Commission shall be empowered to adopt delegated acts in accordance with Article 57c concerning the amendment of the list set out in point 5.3.1 of Annex V with a view to adapting it to scientific and technical progress.

The amendments referred to in the second subparagraph shall not entail an amendment of existing essential legislative principles in Member States regarding the structure of professions as regards training and conditions of access by natural persons. Such amendments shall respect the responsibility of the Member States for the organisation of education systems, as set out in Article 165(1) TFEU.]

3 Basic dental training shall provide an assurance that the person in question has acquired the following knowledge and skills:

- a adequate knowledge of the sciences on which dentistry is based and a good understanding of scientific methods, including the principles of measuring biological functions, the evaluation of scientifically established facts and the analysis of data;
- b adequate knowledge of the constitution, physiology and behaviour of healthy and sick persons as well as the influence of the natural and social environment on the state of health of the human being, in so far as these factors affect dentistry;
- c adequate knowledge of the structure and function of the teeth, mouth, jaws and associated tissues, both healthy and diseased, and their relationship to the general state of health and to the physical and social well-being of the patient;
- d adequate knowledge of clinical disciplines and methods, providing the dentist with a coherent picture of anomalies, lesions and diseases of the teeth, mouth, jaws and associated tissues and of preventive, diagnostic and therapeutic dentistry;

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- e suitable clinical experience under appropriate supervision.

This training shall provide him with the skills necessary for carrying out all activities involving the prevention, diagnosis and treatment of anomalies and diseases of the teeth, mouth, jaws and associated tissues.

Textual Amendments

- F2** Substituted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 35

Specialist dental training

[^{F21} Admission to specialist dental training shall be contingent upon completion and validation of basic dental training referred to in Article 34, or possession of the documents referred to in Articles 23 and 37.]

2 Specialist dental training shall comprise theoretical and practical instruction in a university centre, in a treatment teaching and research centre or, where appropriate, in a health establishment approved for that purpose by the competent authorities or bodies.

[^{F2} Full-time specialist dental courses shall be of a minimum of three years' duration and shall be supervised by the competent authorities or bodies. They shall involve the personal participation of the dental practitioner training to be a specialist in the activity and in the responsibilities of the establishment concerned.]

[^{F3}]

3 The Member States shall make the issuance of evidence of specialist dental training contingent upon possession of evidence of basic dental training referred to in Annex V, point 5.3.2.

[^{F14} The Commission shall be empowered to adopt delegated acts in accordance with Article 57c concerning the adaptation of the minimum period of training referred to in paragraph 2 to scientific and technical progress.

5 In order to take due account of changes in national legislation, and with a view to updating this Directive, the Commission shall be empowered to adopt delegated acts in accordance with Article 57c concerning the inclusion in point 5.3.3 of Annex V of new dental specialties common to at least two-fifths of the Member States.]

Textual Amendments

- F1** Inserted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).
- F2** Substituted by [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](#)

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- (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (Text with EEA relevance).
- F3** Deleted by 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') (Text with EEA relevance).

Article 36

Pursuit of the professional activities of dental practitioners

1 For the purposes of this Directive, the professional activities of dental practitioners are the activities defined in paragraph 3 and pursued under the professional qualifications listed in Annex V, point 5.3.2.

2 The profession of dental practitioner shall be based on dental training referred to in Article 34 and shall constitute a specific profession which is distinct from other general or specialised medical professions. Pursuit of the activities of a dental practitioner requires the possession of evidence of formal qualifications referred to in Annex V, point 5.3.2. Holders of such evidence of formal qualifications shall be treated in the same way as those to whom Articles 23 or 37 apply.

3 The Member States shall ensure that dental practitioners are generally able to gain access to and pursue the activities of prevention, diagnosis and treatment of anomalies and diseases affecting the teeth, mouth, jaws and adjoining tissue, having due regard to the regulatory provisions and rules of professional ethics on the reference dates referred to in Annex V, point 5.3.2.

Article 37

Acquired rights specific to dental practitioners

1 Every Member State shall, for the purposes of the pursuit of the professional activities of dental practitioners under the qualifications listed in Annex V, point 5.3.2, recognise evidence of formal qualifications as a doctor [^{F6}issued in Italy, Spain, Austria, the Czech Republic, Slovakia and Romania] to persons who began their medical training on or before the reference date stated in that Annex for the Member State concerned, accompanied by a certificate issued by the competent authorities of that Member State.

The certificate must show that the two following conditions are met:

- a that the persons in question have been effectively, lawfully and principally engaged in that Member State in the activities referred to in Article 36 for at least three consecutive years during the five years preceding the award of the certificate;
- b that those persons are authorised to pursue the said activities under the same conditions as holders of evidence of formal qualifications listed for that Member State in Annex V, point 5.3.2.

Persons who have successfully completed at least three years of study, certified by the competent authorities in the Member State concerned as being equivalent to the training referred to in Article 34, shall be exempt from the three-year practical work experience referred to in the second subparagraph, point (a).

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With regard to the Czech Republic and Slovakia, evidence of formal qualifications obtained in the former Czechoslovakia shall be accorded the same level of recognition as Czech and Slovak evidence of formal qualifications and under the same conditions as set out in the preceding subparagraphs.

2 Each Member State shall recognise evidence of formal qualifications as a doctor issued in Italy to persons who began their university medical training after 28 January 1980 and no later than 31 December 1984, accompanied by a certificate issued by the competent Italian authorities.

The certificate must show that the three following conditions are met:

- a that the persons in question passed the relevant aptitude test held by the competent Italian authorities with a view to establishing that those persons possess a level of knowledge and skills comparable to that of persons possessing evidence of formal qualifications listed for Italy in Annex V, point 5.3.2;
- b that they have been effectively, lawfully and principally engaged in the activities referred to in Article 36 in Italy for at least three consecutive years during the five years preceding the award of the certificate;
- c that they are authorised to engage in or are effectively, lawfully and principally engaged in the activities referred to in Article 36, under the same conditions as the holders of evidence of formal qualifications listed for Italy in Annex V, point 5.3.2.

Persons who have successfully completed at least three years of study certified by the competent authorities as being equivalent to the training referred to in Article 34 shall be exempt from the aptitude test referred to in the second subparagraph, point (a).

Persons who began their university medical training after 31 December 1984 shall be treated in the same way as those referred to above, provided that the abovementioned three years of study began before 31 December 1994.

[^{F13} As regards evidence of formal qualifications of dental practitioners, Member States shall recognise such evidence pursuant to Article 21 in cases where the applicants began their training on or before 18 January 2016.

4 Each Member State shall recognise evidence of formal qualifications as a doctor issued in Spain to professionals who began their university medical training between 1 January 1986 and 31 December 1997, accompanied by a certificate issued by the Spanish competent authorities.

The certificate shall confirm that the following conditions have been met:

- a the professional in question has successfully completed at least three years of study, certified by the Spanish competent authorities as being equivalent to the training referred to in Article 34;
- b the professional in question was effectively, lawfully and principally engaged in the activities referred to in Article 36 in Spain for at least three consecutive years during the five years preceding the award of the certificate;
- c the professional in question is authorised to engage in or is effectively, lawfully and principally engaged in the activities referred to in Article 36, under the same conditions as the holders of evidence of formal qualifications listed for Spain in point 5.3.2 of Annex V.]

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Textual Amendments

- F1** Inserted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).
- F6** Substituted by [Council Directive 2006/100/EC of 20 November 2006 adapting certain Directives in the field of freedom of movement of persons, by reason of the accession of Bulgaria and Romania.](#)

Section 5

Veterinary surgeons

Article 38

The training of veterinary surgeons

[^{F21} The training of veterinary surgeons shall comprise a total of at least five years of full-time theoretical and practical study, which may in addition be expressed with the equivalent ECTS credits, at a university or at a higher institute providing training recognised as being of an equivalent level, or under the supervision of a university, covering at least the study programme referred to in point 5.4.1 of Annex V.

The Commission shall be empowered to adopt delegated acts in accordance with Article 57c concerning the amendment of the list set out in point 5.4.1 of Annex V with a view to adapting it to scientific and technical progress.

The amendments referred to in the second subparagraph shall not entail an amendment of existing essential legislative principles in Member States regarding the structure of professions as regards training and conditions of access by natural persons. Such amendments shall respect the responsibility of the Member States for the organisation of education systems, as set out in Article 165(1) TFEU.]

2 Admission to veterinary training shall be contingent upon possession of a diploma or certificate entitling the holder to enter, for the studies in question, university establishments or institutes of higher education recognised by a Member State to be of an equivalent level for the purpose of the relevant study.

[^{F23} Training as a veterinary surgeon shall provide an assurance that the professional in question has acquired the following knowledge and skills:

- a adequate knowledge of the sciences on which the activities of a veterinary surgeon are based and of the Union law relating to those activities;
- b adequate knowledge of the structure, functions, behaviour and physiological needs of animals, as well as the skills and competences needed for their husbandry, feeding, welfare, reproduction and hygiene in general;
- c the clinical, epidemiological and analytical skills and competences required for the prevention, diagnosis and treatment of the diseases of animals, including anaesthesia, aseptic surgery and painless death, whether considered individually or in groups, including specific knowledge of the diseases which may be transmitted to humans;
- d adequate knowledge, skills and competences for preventive medicine, including competences relating to inquiries and certification;

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- e adequate knowledge of the hygiene and technology involved in the production, manufacture and putting into circulation of animal feedstuffs or foodstuffs of animal origin intended for human consumption, including the skills and competences required to understand and explain good practice in this regard;
- f the knowledge, skills and competences required for the responsible and sensible use of veterinary medicinal products, in order to treat the animals and to ensure the safety of the food chain and the protection of the environment.]

Textual Amendments

- F2** Substituted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 39

Acquired rights specific to veterinary surgeons

Without prejudice to Article 23(4), with regard to nationals of Member States whose evidence of formal qualifications as a veterinary surgeon was issued by, or whose training commenced in, Estonia before 1 May 2004, Member States shall recognise such evidence of formal qualifications as a veterinary surgeon if it is accompanied by a certificate stating that such persons have effectively and lawfully been engaged in the activities in question in Estonia for at least five consecutive years during the seven years prior to the date of issue of the certificate.

Section 6

Midwives

Article 40

The training of midwives

- 1 The training of midwives shall comprise a total of at least:
 - a specific full-time training as a midwife comprising at least three years of theoretical and practical study (route I) comprising at least the programme described in Annex V, point 5.5.1, or
 - b specific full-time training as a midwife of 18 months' duration (route II), comprising at least the study programme described in Annex V, point 5.5.1, which was not the subject of equivalent training of nurses responsible for general care.

The Member States shall ensure that institutions providing midwife training are responsible for coordinating theory and practice throughout the programme of study.

[^{F2}The Commission shall be empowered to adopt delegated acts in accordance with Article 57c concerning the amendment of the list set out in point 5.5.1 of Annex V with a view to adapting it to scientific and technical progress.

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The amendments referred to in the third subparagraph shall not entail an amendment of existing essential legislative principles in Member States regarding the structure of professions as regards training and conditions of access by natural persons. Such amendments shall respect the responsibility of the Member States for the organisation of education systems, as set out in Article 165(1) TFEU.]

[^{F22} Admission to training as a midwife shall be contingent upon one of the following conditions:

- a completion of at least 12 years of general school education or possession of a certificate attesting success in an examination, of an equivalent level, for admission to a midwifery school for route I;
- b possession of evidence of formal qualifications as a nurse responsible for general care referred to in point 5.2.2 of Annex V for route II.]

[^{F23} Training as a midwife shall provide an assurance that the professional in question has acquired the following knowledge and skills:

- a detailed knowledge of the sciences on which the activities of midwives are based, particularly midwifery, obstetrics and gynaecology;
- b adequate knowledge of the ethics of the profession and the legislation relevant for the practice of the profession;
- c adequate knowledge of general medical knowledge (biological functions, anatomy and physiology) and of pharmacology in the field of obstetrics and of the newly born, and also knowledge of the relationship between the state of health and the physical and social environment of the human being, and of his behaviour;
- d adequate clinical experience gained in approved institutions allowing the midwife to be able, independently and under his own responsibility, to the extent necessary and excluding pathological situations, to manage the antenatal care, to conduct the delivery and its consequences in approved institutions, and to supervise labour and birth, postnatal care and neonatal resuscitation while awaiting a medical practitioner;
- e adequate understanding of the training of health personnel and experience of working with such personnel.]

Textual Amendments

- F2** Substituted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 41

Procedures for the recognition of evidence of formal qualifications as a midwife

[^{F21} The evidence of formal qualifications as a midwife referred to in point 5.5.2 of Annex V shall be subject to automatic recognition pursuant to Article 21 in so far as they satisfy one of the following criteria:

- a full-time training of at least three years as a midwife, which may in addition be expressed with the equivalent ECTS credits, consisting of at least 4 600 hours of theoretical and practical training, with at least one third of the minimum duration representing clinical training;

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- b full-time training as a midwife of at least two years, which may in addition be expressed with the equivalent ECTS credits, consisting of at least 3 600 hours, contingent upon possession of evidence of formal qualifications as a nurse responsible for general care referred to in point 5.2.2 of Annex V;
- c full-time training as a midwife of at least 18 months, which may in addition be expressed with the equivalent ECTS credits, consisting of at least 3 000 hours, contingent upon possession of evidence of formal qualifications as a nurse responsible for general care referred to in point 5.2.2 of Annex V, and followed by one year's professional practice for which a certificate has been issued in accordance with paragraph 2.]

2 The certificate referred to in paragraph 1 shall be issued by the competent authorities in the home Member State. It shall certify that the holder, after obtaining evidence of formal qualifications as a midwife, has satisfactorily pursued all the activities of a midwife for a corresponding period in a hospital or a health care establishment approved for that purpose.

Textual Amendments

- F2** Substituted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 42

Pursuit of the professional activities of a midwife

1 The provisions of this section shall apply to the activities of midwives as defined by each Member State, without prejudice to paragraph 2, and pursued under the professional titles set out in Annex V, point 5.5.2.

2 The Member States shall ensure that midwives are able to gain access to and pursue at least the following activities:

- a provision of sound family planning information and advice;
- b diagnosis of pregnancies and monitoring normal pregnancies; carrying out the examinations necessary for the monitoring of the development of normal pregnancies;
- c prescribing or advising on the examinations necessary for the earliest possible diagnosis of pregnancies at risk;
- d provision of programmes of parenthood preparation and complete preparation for childbirth including advice on hygiene and nutrition;
- e caring for and assisting the mother during labour and monitoring the condition of the foetus *in utero* by the appropriate clinical and technical means;
- f conducting spontaneous deliveries including where required episiotomies and in urgent cases breech deliveries;
- g recognising the warning signs of abnormality in the mother or infant which necessitate referral to a doctor and assisting the latter where appropriate; taking the necessary emergency measures in the doctor's absence, in particular the manual removal of the placenta, possibly followed by manual examination of the uterus;
- h examining and caring for the new-born infant; taking all initiatives which are necessary in case of need and carrying out where necessary immediate resuscitation;

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- i caring for and monitoring the progress of the mother in the post-natal period and giving all necessary advice to the mother on infant care to enable her to ensure the optimum progress of the new-born infant;
- j carrying out treatment prescribed by doctors;
- k drawing up the necessary written reports.

Article 43

Acquired rights specific to midwives

1 Every Member State shall, in the case of Member State nationals whose evidence of formal qualifications as a midwife satisfies all the minimum training requirements laid down in Article 40 but, by virtue of Article 41, is not recognised unless it is accompanied by a certificate of professional practice referred to in Article 41(2), recognise as sufficient proof evidence of formal qualifications issued by those Member States before the reference date referred to in Annex V, point 5.5.2, accompanied by a certificate stating that those nationals have been effectively and lawfully engaged in the activities in question for at least two consecutive years during the five years preceding the award of the certificate.

[^{F1a} As regards evidence of formal qualifications of midwives, Member States shall recognise automatically those qualifications where the applicant started the training before 18 January 2016, and the admission requirement for such training was 10 years of general education or an equivalent level for route I, or completed training as a nurse responsible for general care as attested by evidence of formal qualification referred to in point 5.2.2 of Annex V before starting a midwifery training falling under route II.]

2 The conditions laid down in paragraph 1 shall apply to the nationals of Member States whose evidence of formal qualifications as a midwife certifies completion of training received in the territory of the former German Democratic Republic and satisfying all the minimum training requirements laid down in Article 40 but where the evidence of formal qualifications, by virtue of Article 41, is not recognised unless it is accompanied by the certificate of professional experience referred to in Article 41(2), where it attests a course of training which began before 3 October 1990.

^{F3}

[^{F24} Member States shall recognise evidence of formal qualifications in midwifery that:

- a were awarded in Poland, to midwives who completed training before 1 May 2004, which did not comply with the minimum training requirements laid down in Article 40; and
- b are attested by the diploma ‘bachelor’ which was obtained on the basis of a special upgrading programme contained in:
 - (i) Article 11 of the Act of 20 April 2004 on the amendment of the Act on professions of nurse and midwife and on some other legal acts (Official Journal of the Republic of Poland of 2004 No 92, pos. 885 and of 2007 No 176, pos. 1237) and the Regulation of the Minister of Health of 11 May 2004 on the detailed conditions of delivering studies for nurses and midwives, who hold a certificate of secondary school (final examination — matura) and are graduates of medical lyceum and medical vocational schools teaching in a profession of a nurse and a midwife (Official Journal of the Republic of Poland of 2004 No 110, pos. 1170 and of 2010 No 65, pos. 420); or

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- (ii) Article 53.3 point 3 of the Act of 15 July 2011 on professions of nurse and midwife (Official Journal of the Republic of Poland of 2011 No 174, pos. 1039) and the Regulation of the Minister of Health of 14 June 2012 on the detailed conditions of delivering higher education courses for nurses and midwives who hold a certificate of secondary school (final examination – matura) and are graduates of a medical secondary school or a post-secondary school teaching in a profession of a nurse and a midwife (Official Journal of the Republic of Poland of 2012, pos. 770),

for the purpose of verifying that the midwife concerned has a level of knowledge and competence comparable to that of midwives holding the qualifications listed for Poland in point 5.5.2 of Annex V.]

Textual Amendments

- F1** Inserted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).
- F2** Substituted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).
- F3** Deleted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

[^{F5} Article 43(a)]

As regards the Romanian qualifications in midwifery, only the following acquired rights provisions will apply:

In the case of nationals of the Member States whose evidence of formal qualifications as a midwife (asistent medical obstetrică-ginecologie/obstetrics-gynecology nurse) were awarded by Romania before the date of accession and which do not satisfy the minimum training requirements laid down in Article 40, Member States shall recognise the said evidence of formal qualifications as being sufficient proof for the purposes of carrying out the activities of midwife, if they are accompanied by a certificate stating that those Member State nationals have effectively and lawfully been engaged in the activities of midwife in Romania, for at least five consecutive years during the seven years prior to the issue of the certificate.]

Textual Amendments

- F5** Inserted by [Council Directive 2006/100/EC of 20 November 2006 adapting certain Directives in the field of freedom of movement of persons, by reason of the accession of Bulgaria and Romania.](#)

[^{F7} Article 43b]

Acquired rights in midwifery shall not apply to the following qualifications which were obtained in Croatia before 1 July 2013: viša medicinska sestra ginekološko-

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opstetričkog smjera (High Gynaecology-Obstetrical Nurse), medicinska sestra ginekološko-opstetričkog smjera (Gynaecology-Obstetrical Nurse), viša medicinska sestra primaljskog smjera (High Nurse with Midwifery Degree), medicinska sestra primaljskog smjera (Nurse with Midwifery Degree), ginekološko-opstetrička primalja (Gynaecology-Obstetrical Midwife) and primalja (Midwife).]

Textual Amendments

- F7** Inserted by [Act concerning the conditions of accession of the Republic of Croatia and the adjustments to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community.](#)

Section 7

Pharmacist

Article 44

Training as a pharmacist

1 Admission to a course of training as a pharmacist shall be contingent upon possession of a diploma or certificate giving access, in a Member State, to the studies in question, at universities or higher institutes of a level recognised as equivalent.

[^{F2} Evidence of formal qualifications as a pharmacist shall attest to training of at least five years' duration, which may in addition be expressed with the equivalent ECTS credits, comprising at least:

- a four years of full-time theoretical and practical training at a university or at a higher institute of a level recognised as equivalent, or under the supervision of a university;
- b during or at the end of the theoretical and practical training, six-month traineeship in a pharmacy which is open to the public or in a hospital under the supervision of that hospital's pharmaceutical department.

The training cycle referred to in this paragraph shall include at least the programme described in point 5.6.1 of Annex V. The Commission shall be empowered to adopt delegated acts in accordance with Article 57c concerning the amendment of the list set out in point 5.6.1 of Annex V with a view to adapting it to scientific and technical progress, including the evolution of pharmacological practice.

The amendments referred to in the second subparagraph shall not entail an amendment of existing essential legislative principles in Member States regarding the structure of professions as regards training and conditions of access by natural persons. Such amendments shall respect the responsibility of the Member States for the organisation of education systems, as set out in Article 165(1) TFEU.]

3 Training for pharmacists shall provide an assurance that the person concerned has acquired the following knowledge and skills:

- a adequate knowledge of medicines and the substances used in the manufacture of medicines;
- b adequate knowledge of pharmaceutical technology and the physical, chemical, biological and microbiological testing of medicinal products;

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- c adequate knowledge of the metabolism and the effects of medicinal products and of the action of toxic substances, and of the use of medicinal products;
- d adequate knowledge to evaluate scientific data concerning medicines in order to be able to supply appropriate information on the basis of this knowledge;
- e adequate knowledge of the legal and other requirements associated with the pursuit of pharmacy.

Textual Amendments

- F2** Substituted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 45

Pursuit of the professional activities of a pharmacist

1 For the purposes of this Directive, the activities of a pharmacist are those, access to which and pursuit of which are contingent, in one or more Member States, upon professional qualifications and which are open to holders of evidence of formal qualifications of the types listed in Annex V, point 5.6.2.

[^{F2} The Member States shall ensure that the holders of evidence of formal qualifications in pharmacy at university level or a level recognised as equivalent, which satisfies the requirements of Article 44, are able to gain access to and pursue at least the following activities, subject to the requirement, where appropriate, of supplementary professional experience:

- a preparation of the pharmaceutical form of medicinal products;
- b manufacture and testing of medicinal products;
- c testing of medicinal products in a laboratory for the testing of medicinal products;
- d storage, preservation and distribution of medicinal products at the wholesale stage;
- e supply, preparation, testing, storage, distribution and dispensing of safe and efficacious medicinal products of the required quality in pharmacies open to the public;
- f preparation, testing, storage and dispensing of safe and efficacious medicinal products of the required quality in hospitals;
- g provision of information and advice on medicinal products as such, including on their appropriate use;
- h reporting of adverse reactions of pharmaceutical products to the competent authorities;
- i personalised support for patients who administer their medication;
- j contribution to local or national public health campaigns.]

3 If a Member State makes access to or pursuit of one of the activities of a pharmacist contingent upon supplementary professional experience, in addition to possession of evidence of formal qualifications referred to in Annex V, point 5.6.2, that Member State shall recognise as sufficient proof in this regard a certificate issued by the competent authorities in the home Member State stating that the person concerned has been engaged in those activities in the home Member State for a similar period.

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4 The recognition referred to in paragraph 3 shall not apply with regard to the two-year period of professional experience required by the Grand Duchy of Luxembourg for the grant of a State public pharmacy concession.

5 If, on 16 September 1985, a Member State had a competitive examination in place designed to select from among the holders referred to in paragraph 2, those who are to be authorised to become owners of new pharmacies whose creation has been decided on as part of a national system of geographical division, that Member State may, by way of derogation from paragraph 1, proceed with that examination and require nationals of Member States who possess evidence of formal qualifications as a pharmacist referred to in Annex V, point 5.6.2 or who benefit from the provisions of Article 23 to take part in it.

Textual Amendments

- F2** Substituted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Section 8

Architect

[^{F2}Article 46

Training of architects

- 1 Training as an architect shall comprise:
 - a a total of at least five years of full-time study at a university or a comparable teaching institution, leading to successful completion of a university-level examination; or
 - b not less than four years of full-time study at a university or a comparable teaching institution leading to successful completion of a university-level examination, accompanied by a certificate attesting to the completion of two years of professional traineeship in accordance with paragraph 4.
- 2 Architecture must be the principal component of the study referred to in paragraph 1. The study shall maintain a balance between theoretical and practical aspects of architectural training and shall guarantee at least the acquisition of the following knowledge, skills and competences:
 - a the ability to create architectural designs that satisfy both aesthetic and technical requirements;
 - b adequate knowledge of the history and theories of architecture and the related arts, technologies and human sciences;
 - c knowledge of the fine arts as an influence on the quality of architectural design;
 - d adequate knowledge of urban design, planning and the skills involved in the planning process;
 - e understanding of the relationship between people and buildings, and between buildings and their environment, and of the need to relate buildings and the spaces between them to human needs and scale;

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- f understanding of the profession of architect and the role of the architect in society, in particular in preparing briefs that take account of social factors;
 - g understanding of the methods of investigation and preparation of the brief for a design project;
 - h understanding of the structural design, and constructional and engineering problems associated with building design;
 - i adequate knowledge of physical problems and technologies and of the function of buildings so as to provide them with internal conditions of comfort and protection against the climate, in the framework of sustainable development;
 - j the necessary design skills to meet building users' requirements within the constraints imposed by cost factors and building regulations;
 - k adequate knowledge of the industries, organisations, regulations and procedures involved in translating design concepts into buildings and integrating plans into overall planning.
- 3 The number of years of academic study referred to in paragraphs 1 and 2 may in addition be expressed with the equivalent ECTS credits.

4 The professional traineeship referred to in point (b) of paragraph 1 shall take place only after completion of the first three years of the study. At least one year of the professional traineeship shall build upon knowledge, skills and competences acquired during the study referred to in paragraph 2. To that end, the professional traineeship shall be carried out under the supervision of a person or body that has been authorised by the competent authority in the home Member State. Such supervised traineeship may take place in any country. The professional traineeship shall be evaluated by the competent authority in the home Member State.]

Textual Amendments

- F2** Substituted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

[^{F2}Article 47

Derogations from the conditions for the training of architects

By way of derogation from Article 46, the following shall also be recognised as complying with Article 21: training as part of social betterment schemes or part-time university studies which satisfies the requirements set out in Article 46(2), as attested by an examination in architecture passed by a professional who has been working for seven years or more in the field of architecture under the supervision of an architect or architectural bureau. The examination must be of university level and be equivalent to the final examination referred to in point (b) of Article 46(1).]

Textual Amendments

- F2** Substituted by [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](#)

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(EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (Text with EEA relevance).

Article 48

Pursuit of the professional activities of architects

1 For the purposes of this Directive, the professional activities of an architect are the activities regularly carried out under the professional title of 'architect'.

2 Nationals of a Member State who are authorised to use that title pursuant to a law which gives the competent authority of a Member State the power to award that title to Member States nationals who are especially distinguished by the quality of their work in the field of architecture shall be deemed to satisfy the conditions required for the pursuit of the activities of an architect, under the professional title of 'architect'. The architectural nature of the activities of the persons concerned shall be attested by a certificate awarded by their home Member State.

Article 49

Acquired rights specific to architects

1 Each Member State shall accept evidence of [^{X1}formal qualifications as an architect listed in Annex VI,] awarded by the other Member States, and attesting a course of training which began no later than the reference academic year referred to in that Annex, even if they do not satisfy the minimum requirements laid down in Article 46, and shall, for the purposes of access to and pursuit of the professional activities of an architect, give such evidence the same effect on its territory as evidence of formal qualifications as an architect which it itself issues.

Under these circumstances, certificates issued by the competent authorities of the Federal Republic of Germany attesting that evidence of formal qualifications issued on or after 8 May 1945 by the competent authorities of the German Democratic Republic is equivalent to such evidence listed in that Annex, shall be recognised.

[^{F1}1a Paragraph 1 shall also apply to evidence of formal qualifications as an architect listed in Annex V, where the training started before 18 January 2016.]

2 Without prejudice to paragraph 1, every Member State shall recognise the following evidence of formal qualifications and shall, for the purposes of access to and pursuit of the professional activities of an architect performed, give them the same effect on its territory as evidence of formal qualifications which it itself issues: certificates issued to nationals of Member States by the Member States which have enacted rules governing the access to and pursuit of the activities of an architect as of the following dates:

- a 1 January 1995 for Austria, Finland and Sweden;
- b 1 May 2004 for the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia;

[^{F8}ba 1 July 2013 for Croatia;]

- c 5 August 1987 for the other Member States.

[^{X1}The certificates referred to in the first subparagraph shall certify that the holder was authorized, no later than the respective date, to use the professional title of architect,] and that he has been effectively engaged, in the context of those rules, in the activities in

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question for at least three consecutive years during the five years preceding the award of the certificate.

[^{F13} Each Member State shall give the following evidence the same effect on its territory as evidence of formal qualifications it itself issues for the purposes of access to and pursuit of the professional activities of an architect: evidence of completion of training existing as of 5 August 1985 and commenced no later than 17 January 2014, provided by ‘Fachhochschulen’ in the Federal Republic of Germany over a period of three years, satisfying the requirements set out in Article 46(2) and giving access to the activities referred to in Article 48 in that Member State under the professional title of ‘architect’, in so far as the training was followed by a four-year period of professional experience in the Federal Republic of Germany, as attested by a certificate issued by the competent authority in whose roll the name of the architect wishing to benefit from the provisions of this Directive appears.]

Editorial Information

- X1** Substituted by [Corrigendum to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications \(Official Journal of the European Union L 255 of 30 September 2005\)](#).

Textual Amendments

- F1** Inserted by [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 \(‘the IMI Regulation’\)](#) (Text with EEA relevance).
- F8** Inserted by [Council Directive 2013/25/EU of 13 May 2013 adapting certain directives in the field of right of establishment and freedom to provide services, by reason of the accession of the Republic of Croatia](#).

[^{F1}CHAPTER IIIA

Automatic recognition on the basis of common training principles

Article 49a

Common training framework

1 For the purpose of this Article, ‘common training framework’ means a common set of minimum knowledge, skills and competences necessary for the pursuit of a specific profession. A common training framework shall not replace national training programmes unless a Member State decides otherwise under national law. For the purpose of access to and pursuit of a profession in Member States which regulate that profession, a Member State shall give evidence of professional qualifications acquired on the basis of such a framework the same effect in its territory as the evidence of formal qualifications which it itself issues, on condition that such framework fulfils the conditions laid down in paragraph 2.

- 2 A common training framework shall comply with the following conditions:
- a the common training framework enables more professionals to move across Member States;

- b the profession to which the common training framework applies is regulated, or the education and training leading to the profession is regulated in at least one third of the Member States;
 - c the common set of knowledge, skills and competences combines the knowledge, skills and competences required in the systems of education and training applicable in at least one third of the Member States; it shall be irrelevant whether the knowledge, skills and competences have been acquired as part of a general training course at a university or higher education institution or as part of a vocational training course;
 - d the common training framework shall be based on levels of the EQF, as defined in Annex II of the Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning⁽⁵⁾;
 - e the profession concerned is neither covered by another common training framework nor subject to automatic recognition under Chapter III of Title III;
 - f the common training framework has been prepared following a transparent due process, including the relevant stakeholders from Member States where the profession is not regulated;
 - g the common training framework permits nationals from any Member State to be eligible for acquiring the professional qualification under such framework without first being required to be a member of any professional organisation or to be registered with such organisation.
- 3 Representative professional organisations at Union level, as well as national professional organisations or competent authorities from at least one third of the Member States, may submit to the Commission suggestions for common training frameworks which meet the conditions laid down in paragraph 2.
- 4 The Commission shall be empowered to adopt delegated acts in accordance with Article 57c to establish a common training framework for a given profession based on the conditions laid down in paragraph 2 of this Article.
- 5 A Member State shall be exempted from the obligation of introducing the common training framework referred to in paragraph 4 on its territory and from the obligation of granting automatic recognition to the professional qualifications acquired under that common training framework if one of the following conditions is fulfilled:
- a there are no education or training institutions available in its territory to offer such training for the profession concerned;
 - b the introduction of the common training framework would adversely affect the organisation of its system of education and professional training;
 - c there are substantial differences between the common training framework and the training required in its territory, which entail serious risks for public policy, public security, public health or for the safety of the service recipients or the protection of the environment.
- 6 Member States shall, within six months of the entry into force of the delegated act referred to in paragraph 4, notify to the Commission and to the other Member States:
- a the national qualifications, and where applicable the national professional titles, that comply with the common training framework; or
 - b any use of the exemption referred to in paragraph 5, along with a justification of which conditions under that paragraph were fulfilled. The Commission may, within three months, request further clarification if it considers that a Member State has provided no

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or insufficient justification that one of these conditions has been fulfilled. The Member State shall reply within three months of any such request.

The Commission may adopt an implementing act to list the national professional qualifications and national professional titles benefiting from automatic recognition under the common training framework adopted in accordance with paragraph 4.

7 This Article also applies to specialties of a profession, provided such specialties concern professional activities the access to and the pursuit of which are regulated in Member States, where the profession is already subject to automatic recognition under Chapter III of Title III, but not the specialty concerned.

Article 49b

Common training tests

1 For the purpose of this Article, a ‘common training test means’ a standardised aptitude test available across participating Member States and reserved to holders of a particular professional qualification. Passing such a test in a Member State shall entitle the holder of a particular professional qualification to pursue the profession in any host Member State concerned under the same conditions as the holders of professional qualifications acquired in that Member State.

2 The common training test shall comply with the following conditions:

- a the common training test enables more professionals to move across Member States;
- b the profession to which the common training test applies is regulated, or the education and training leading to the profession concerned is regulated in at least one third of the Member States;
- c the common training test has been prepared following a transparent due process, including the relevant stakeholders from Member States where the profession is not regulated;
- d the common training test permits nationals from any Member State to participate in such a test and in the practical organisation of such tests in Member States without first being required to be a member of any professional organisation or to be registered with such organisation.

3 Representative professional organisations at Union level, as well as national professional organisations or competent authorities from at least one third of the Member States, may submit to the Commission suggestions for common training tests which meet the conditions laid down in paragraph 2.

4 The Commission shall be empowered to adopt delegated acts in accordance with Article 57c to establish the contents of a common training test, and the conditions required for taking and passing the test.

5 A Member State shall be exempted from the obligation of organising the common training test referred to in paragraph 4 on its territory and from the obligation of granting automatic recognition to professionals who have passed the common training test if one of the following conditions is fulfilled:

- a the profession concerned is not regulated on its territory;
- b the contents of the common training test will not sufficiently mitigate serious risks for public health or the safety of the service recipients, which are relevant on its territory;

- c the contents of the common training test would render access to the profession significantly less attractive compared to national requirements.

6 Member States shall, within six months of the entry into force of the delegated act referred to in paragraph 4, notify to the Commission and to the other Member States:

- a the available capacity for organising such tests; or
- b any use of the exemption referred to in paragraph 5, along with the justification of which conditions under that paragraph were fulfilled. The Commission may, within three months, request further clarification, if it considers that a Member State has provided no or insufficient justification that one of these conditions has been fulfilled. The Member State shall reply within three months of any such request.

The Commission may adopt an implementing act to list the Member States in which the common training tests adopted in accordance with paragraph 4 are to be organised, the frequency during a calendar year and other arrangements necessary for organising common training tests across Member States.]

CHAPTER IV

Common provisions on establishment

Article 50

Documentation and formalities

1 Where the competent authorities of the host Member State decide on an application for authorisation to pursue the regulated profession in question by virtue of this Title, those authorities may demand the documents and certificates listed in Annex VII.

The documents referred to in Annex VII, point 1(d), (e) and (f), shall not be more than three months old by the date on which they are submitted.

The Member States, bodies and other legal persons shall guarantee the confidentiality of the information which they receive.

2 In the event of justified doubts, the host Member State may require from the competent authorities of a Member State confirmation of the authenticity of the attestations and evidence of formal qualifications awarded in that other Member State, as well as, where applicable, confirmation of the fact that the beneficiary fulfils, for the professions referred to in Chapter III of this Title, the minimum training conditions set out respectively in Articles 24, 25, 28, 31, 34, 35, 38, 40, 44 and 46.

3 In cases of justified doubt, where evidence of formal qualifications, as defined in Article 3(1)(c), has been issued by a competent authority in a Member State and includes training received in whole or in part in an establishment legally established in the territory of another Member State, the host Member State shall be entitled to verify with the competent body in the Member State of origin of the award:

- a whether the training course at the establishment which gave the training has been formally certified by the educational establishment based in the Member State of origin of the award;
- b whether the evidence of formal qualifications issued is the same as that which would have been awarded if the course had been followed entirely in the Member State of origin of the award; and

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- c whether the evidence of formal qualifications confers the same professional rights in the territory of the Member State of origin of the award.

[^{F1}3a In the event of justified doubts, the host Member State may require from the competent authorities of a Member State confirmation of the fact that the applicant is not suspended or prohibited from the pursuit of the profession as a result of serious professional misconduct or conviction of criminal offences relating to the pursuit of any of his professional activities.

3b Exchange of information between competent authorities of different Member States under this Article shall take place via IMI.]

4 Where a host Member State requires its nationals to swear a solemn oath or make a sworn statement in order to gain access to a regulated profession, and where the wording of that oath or statement cannot be used by nationals of the other Member States, the host Member State shall ensure that the persons concerned can use an appropriate equivalent wording.

Textual Amendments

- F1** Inserted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 51

Procedure for the mutual recognition of professional qualifications

1 The competent authority of the host Member State shall acknowledge receipt of the application within one month of receipt and inform the applicant of any missing document.

2 The procedure for examining an application for authorisation to practise a regulated profession must be completed as quickly as possible and lead to a duly substantiated decision by the competent authority in the host Member State in any case within three months after the date on which the applicant's complete file was submitted. However, this deadline may be extended by one month in cases falling under Chapters I and II of this Title.

3 The decision, or failure to reach a decision within the deadline, shall be subject to appeal under national law.

Article 52

Use of professional titles

1 If, in a host Member State, the use of a professional title relating to one of the activities of the profession in question is regulated, nationals of the other Member States who are authorised to practise a regulated profession on the basis of Title III shall use the professional title of the host Member State, which corresponds to that profession in that Member State, and make use of any associated initials.

2 Where a profession is regulated in the host Member State by an association or organisation within the meaning of Article 3(2), nationals of Member States shall not be authorised to use the professional title issued by that organisation or association, or its

abbreviated form, unless they furnish proof that they are members of that association or organisation.

If the association or organisation makes membership contingent upon certain qualifications, it may do so, only under the conditions laid down in this Directive, in respect of nationals of other Member States who possess professional qualifications.

[^{F13} A Member State may not reserve the use of the professional title to the holders of professional qualifications if it has not notified the association or organisation to the Commission and to the other Member States in accordance with Article 3(2).]

Textual Amendments

- F1** Inserted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

TITLE IV

DETAILED RULES FOR PURSUING THE PROFESSION

[^{F2}Article 53

Knowledge of languages

1 Professionals benefiting from the recognition of professional qualifications shall have a knowledge of languages necessary for practising the profession in the host Member State.

2 A Member State shall ensure that any controls carried out by, or under the supervision of, the competent authority for controlling compliance with the obligation under paragraph 1 shall be limited to the knowledge of one official language of the host Member State, or one administrative language of the host Member State provided that it is also an official language of the Union.

3 Controls carried out in accordance with paragraph 2 may be imposed if the profession to be practised has patient safety implications. Controls may be imposed in respect of other professions in cases where there is a serious and concrete doubt about the sufficiency of the professional's language knowledge in respect of the professional activities that that professional intends to pursue.

Controls may be carried out only after the issuance of a European Professional Card in accordance with Article 4d or after the recognition of a professional qualification, as the case may be.

4 Any language controls shall be proportionate to the activity to be pursued. The professional concerned shall be allowed to appeal such controls under national law.]

Textual Amendments

- F2** Substituted by [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](#)

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(EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (Text with EEA relevance).

Article 54

Use of academic titles

Without prejudice to Articles 7 and 52, the host Member State shall ensure that the right shall be conferred on the persons concerned to use academic titles conferred on them in the home Member State, and possibly an abbreviated form thereof, in the language of the home Member State. The host Member State may require that title to be followed by the name and address of the establishment or examining board which awarded it. Where an academic title of the home Member State is liable to be confused in the host Member State with a title which, in the latter Member State, requires supplementary training not acquired by the beneficiary, the host Member State may require the beneficiary to use the academic title of the home Member State in an appropriate form, to be laid down by the host Member State.

Article 55

Approval by health insurance funds

Without prejudice to Article 5(1) and Article 6, first subparagraph, point (b), Member States which require persons who acquired their professional qualifications in their territory to complete a preparatory period of in-service training and/or a period of professional experience in order to be approved by a health insurance fund, shall waive this obligation for the holders of evidence of professional qualifications of doctor and dental practitioner acquired in other Member States.

[^{F1}Article 55a

Recognition of professional traineeship

1 If access to a regulated profession in the home Member State is contingent upon completion of a professional traineeship, the competent authority of the home Member State shall, when considering a request for authorisation to exercise the regulated profession, recognise professional traineeships carried out in another Member State provided the traineeship is in accordance with the published guidelines referred to in paragraph 2, and shall take into account professional traineeships carried out in a third country. However, Member States may, in national legislation, set a reasonable limit on the duration of the part of the professional traineeship which can be carried out abroad.

2 Recognition of the professional traineeship shall not replace any requirements in place to pass an examination in order to gain access to the profession in question. The competent authorities shall publish guidelines on the organisation and recognition of professional traineeships carried out in another Member State or in a third country, in particular on the role of the supervisor of the professional traineeship.]

Textual Amendments

- F1** Inserted by 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') (Text with EEA relevance).

[^{F2}TITLE V

ADMINISTRATIVE COOPERATION AND RESPONSIBILITY TOWARDS CITIZENS FOR IMPLEMENTATION]

Article 56

Competent authorities

1 The competent authorities of the host Member State and of the home Member State shall work in close collaboration and shall provide mutual assistance in order to facilitate application of this Directive. They shall ensure the confidentiality of the information which they exchange.

2 [^{F2}The competent authorities of the home and the host Member States shall exchange information regarding disciplinary action or criminal sanctions taken or any other serious, specific circumstances which are likely to have consequences for the pursuit of activities under this Directive. In so doing, they shall respect personal data protection rules provided for in Directives 95/46/EC and 2002/58/EC.]

The home Member State shall examine the veracity of the circumstances and its authorities shall decide on the nature and scope of the investigations which need to be carried out and shall inform the host Member State of the conclusions which it draws from the information available to it.

[^{F1}2a For the purposes of paragraphs 1 and 2, the competent authorities shall use IMI.]

3 Each Member State shall, no later than 20 October 2007, designate the authorities and bodies competent to award or receive evidence of formal qualifications and other documents or information, and those competent to receive applications and take the decisions referred to in this Directive, and shall forthwith inform the other Member States and the Commission thereof.

[^{F2}4 Each Member State shall designate a coordinator for the activities of the competent authorities referred to in paragraph 1 and shall inform other Member States and the Commission thereof.

The coordinators' tasks shall be:

- a to promote uniform application of this Directive;
- b to collect all the information which is relevant for application of this Directive, such as on the conditions for access to regulated professions in the Member States;
- c to examine suggestions for common training frameworks and common training tests;
- d to exchange information and best practice for the purpose of optimising continuous professional development in Member States;

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- e to exchange information and best practice on the application of compensation measures referred to in Article 14.

For the purpose of carrying out the task set out in point (b) of this paragraph, the coordinators may solicit the help of the assistance centres referred to in Article 57b.]

Textual Amendments

- F1** Inserted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

F1 Article 56a

Alert mechanism

1 The competent authorities of a Member State shall inform the competent authorities of all other Member States about a professional whose pursuit on the territory of that Member State of the following professional activities in their entirety or parts thereof has been restricted or prohibited, even temporarily, by national authorities or courts:

- a doctor of medicine and of general practice possessing evidence of a formal qualification referred to in points 5.1.1 and 5.1.4 of Annex V;
- b specialist doctor of medicine possessing a title referred to in point 5.1.3 of Annex V;
- c nurse responsible for general care possessing evidence of a formal qualification referred to in point 5.2.2 of Annex V;
- d dental practitioner possessing evidence of a formal qualification referred to in point 5.3.2 of Annex V;
- e specialist dentists possessing evidence of a formal qualification referred to in point 5.3.3 of Annex V;
- f veterinary surgeon possessing evidence of a formal qualification referred to in point 5.4.2 of Annex V;
- g midwife possessing evidence of a formal qualification referred to in point 5.5.2 of Annex V;
- h pharmacist possessing evidence of a formal qualification listed in point 5.6.2 of Annex V;
- i holders of certificates mentioned in point 2 of Annex VII attesting that the holder completed a training which satisfies the minimum requirements listed in Articles 24, 25, 31, 34, 35, 38, 40, or 44 respectively, but which started earlier than the reference dates of the qualifications listed in points 5.1.3, 5.1.4, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.5.2, 5.6.2 of Annex V;
- j holders of certificates of acquired rights as referred to in Articles 23, 27, 29, 33, 33a, 37, 43 and 43a;
- k other professionals exercising activities that have patient safety implications, where the professional is pursuing a profession regulated in that Member State;
- l professionals exercising activities relating to the education of minors, including in childcare and early childhood education, where the professional is pursuing a profession regulated in that Member State.

2 Competent authorities shall send the information referred to in paragraph 1 by way of alert via IMI at the latest within three days from the date of adoption of the decision restricting or prohibiting pursuit of the professional activity in its entirety or in part by the professional concerned. That information shall be limited to the following:

- a the identity of the professional;
- b the profession concerned;
- c information about the national authority or court adopting the decision on restriction or prohibition;
- d the scope of the restriction or the prohibition; and
- e the period during which the restriction or the prohibition applies.

3 The competent authorities of a Member State concerned shall, at the latest within three days from the date of adoption of the court decision, inform the competent authorities of all other Member States, by way of alert via IMI, about the identity of professionals who have applied for the recognition of a qualification under this Directive and who have subsequently been found by courts to have used falsified evidence of professional qualifications in this context.

4 The processing of personal data for the purpose of the exchange of information referred to in paragraphs 1 and 3 shall be carried out in accordance with Directives 95/46/EC and 2002/58/EC. The processing of personal data by the Commission shall be carried out in accordance with Regulation (EC) No 45/2001.

5 The competent authorities of all Member States shall be informed without delay when a prohibition or a restriction referred to in paragraph 1 has expired. For that purpose, the competent authority of the Member State which provides the information in accordance with paragraph 1 shall also be required to provide the date of expiry as well as any subsequent change to that date.

6 Member States shall provide that professionals, in respect of whom alerts are sent to other Member States, are informed in writing of decisions on alerts at the same time as the alert itself, may appeal under national law against the decision or apply for rectification of such decisions and shall have access to remedies in respect of any damage caused by false alerts sent to other Member States, and in such cases the decision on the alert shall be qualified to indicate that it is subject to proceedings by the professional.

7 Data regarding alerts may be processed within IMI for as long as they are valid. Alerts shall be deleted within three days from the date of adoption of the revoking decision or from the expiry of the prohibition or the restriction referred to in paragraph 1.

8 The Commission shall adopt implementing acts for the application of the alert mechanism. Those implementing acts shall include provisions on the authorities entitled to send or receive alerts and on the withdrawal and closure of alerts, and measures to ensure the security of processing. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 58(2).]

Textual Amendments

- F1** Inserted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

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[^{F2}Article 57

Central online access to information

1 Member States shall ensure that the following information is available online through the points of single contact, referred to in Article 6 of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market⁽⁶⁾, and regularly updated:

- a a list of all regulated professions in the Member State including contact details of the competent authorities for each regulated profession and the assistance centres referred to in Article 57b;
- b a list of the professions for which a European Professional Card is available, the functioning of that Card, including all related fees to be paid by professionals, and the competent authorities for issuing that Card;
- c a list of all professions for which the Member State applies Article 7(4) under national laws, regulations and administrative provisions;
- d a list of regulated education and training, and training with a special structure, referred to in point (c)(ii) of Article 11;
- e the requirements and procedures referred to in Articles 7, 50, 51 and 53 for the professions regulated in the Member State, including all related fees to be paid by citizens and documents to be submitted by citizens to competent authorities;
- f details on how to appeal, under national laws, regulations and administrative provisions, decisions of competent authorities adopted under this Directive.

2 Member States shall ensure that the information referred to in paragraph 1 is provided in a clear and comprehensive way for users, that it is easily accessible remotely and by electronic means and that it is kept up to date.

3 Member States shall ensure that any request for information addressed to the point of single contact is replied to as soon as possible.

4 Member States and the Commission shall take accompanying measures in order to encourage points of single contact to make the information provided for in paragraph 1 available in other official languages of the Union. This shall not affect the legislation of Member States on the use of languages in their territory.

5 Member States shall cooperate with each other and the Commission for the purpose of implementing paragraphs 1, 2 and 4.]

[^{F1}Article 57a

Procedures by electronic means

1 Member States shall ensure that all requirements, procedures and formalities relating to matters covered by this Directive may be easily completed, remotely and by electronic means, through the relevant point of single contact or the relevant competent authorities. This shall not prevent competent authorities of Member States from requesting certified copies at a later stage in the event of justified doubts and where strictly necessary.

2 Paragraph 1 shall not apply to the carrying out of an adaptation period or aptitude test.

3 Where it is justified for Member States to ask for advanced electronic signatures, as defined in point 2 of Article 2 of Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures⁽⁷⁾, for the completion of procedures referred to in paragraph 1 of this Article, Member States shall accept electronic signatures in compliance with Commission Decision 2009/767/EC of 16 October 2009 setting out measures facilitating the use of procedures by electronic means through the points of single contact under Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market⁽⁸⁾ and provide for technical means to process documents with advanced electronic signature in formats defined by Commission Decision 2011/130/EU of 25 February 2011 establishing minimum requirements for the cross-border processing of documents signed electronically by competent authorities under Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market⁽⁹⁾.

4 All procedures shall be carried out in accordance with Article 8 of Directive 2006/123/EC relating to the points of single contact. The procedural time limits set out in Article 7(4) and Article 51 of this Directive shall commence at the point when an application or any missing document has been submitted by a citizen to a point of single contact or directly to the relevant competent authority. Any request for certified copies referred to in paragraph 1 of this Article shall not be considered as a request for missing documents.

Textual Amendments

- F1** Inserted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 57b

Assistance centres

1 Each Member State shall designate, no later than 18 January 2016, an assistance centre whose remit shall be to provide citizens, as well as assistance centres of the other Member States, with assistance concerning the recognition of professional qualifications provided for in this Directive, including information on the national legislation governing the professions and the pursuit of those professions, social legislation, and, where appropriate, the rules of ethics.

2 The assistance centres in host Member States shall assist citizens in exercising the rights conferred on them by this Directive, in cooperation, where appropriate, with the assistance centre in the home Member State and the competent authorities and the points of single contact in the host Member State.

3 Any competent authority in the home or host Member State shall be required to fully cooperate with the assistance centre in the host Member State and where appropriate the home Member State, and provide all relevant information about individual cases to such assistance centres upon their request and subject to data protection rules in accordance with Directives 95/46/EC and 2002/58/EC.

4 At the Commission's request, the assistance centres shall inform the Commission of the result of enquiries with which they are dealing within two months after receiving such a request.

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Textual Amendments

- F1** Inserted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

Article 57c

Exercise of the delegation

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in the third subparagraph of Article 3(2), Article 20, the second subparagraph of Article 21(6), Article 21a(4), Article 25(5), the second paragraph of Article 26, the second subparagraph of Article 31(2), the second subparagraph of Article 34(2), Article 35(4) and (5), the second subparagraph of Article 38(1), the third subparagraph of Article 40(1), the second subparagraph of Article 44(2), Article 49a(4) and Article 49b(4) shall be conferred on the Commission for a period of five years from 17 January 2014. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The power to adopt delegated acts referred to in the third subparagraph of Article 3(2), Article 20, the second subparagraph of Article 21(6), Article 21a(4), Article 25(5), the second paragraph of Article 26, the second subparagraph of Article 31(2), the second subparagraph of Article 34(2), Article 35(4) and (5), the second subparagraph of Article 38(1), the third subparagraph of Article 40(1), the second subparagraph of Article 44(2), Article 49a(4) and Article 49b(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5 A delegated act adopted pursuant to the third subparagraph of Article 3(2), Article 20, the second subparagraph of Article 21(6), Article 21a(4), Article 25(5), the second paragraph of Article 26, the second subparagraph of Article 31(2), the second subparagraph of Article 34(2), Article 35(4) and (5), the second subparagraph of Article 38(1), the third subparagraph of Article 40(1), the second subparagraph of Article 44(2), Article 49a(4) and Article 49b(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.]

Textual Amendments

- F1** Inserted by [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 \('the IMI Regulation'\)](#) (Text with EEA relevance).

[F2 Article 58

Committee procedure

- 1 The Commission shall be assisted by a Committee on the recognition of professional qualifications. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
- 2 Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.]

[F2 Article 59

Transparency

- 1 Member States shall notify to the Commission a list of existing regulated professions, specifying the activities covered by each profession, and a list of regulated education and training, and training with a special structure, referred to in point (c)(ii) of Article 11, in their territory by 18 January 2016. Any change to those lists shall also be notified to the Commission without undue delay. The Commission shall set up and maintain a publicly available database of regulated professions, including a general description of activities covered by each profession.
- 2 By 18 January 2016, Member States shall notify to the Commission the list of professions for which a prior check of qualifications is necessary under Article 7(4). Member States shall provide the Commission with a specific justification for the inclusion of each of those professions on that list.
- 3 Member States shall examine whether requirements under their legal system restricting the access to a profession or its pursuit to the holders of a specific professional qualification, including the use of professional titles and the professional activities allowed under such title, referred to in this Article as 'requirements' are compatible with the following principles:
 - a requirements must be neither directly nor indirectly discriminatory on the basis of nationality or residence;
 - b requirements must be justified by overriding reasons of general interest;
 - c requirements must be suitable for securing the attainment of the objective pursued and must not go beyond what is necessary to attain that objective.
- 4 Paragraph 1 shall also apply to professions regulated in a Member State by an association or organisation within the meaning of Article 3(2) and any requirements for membership of those associations or organisations.
- 5 By 18 January 2016, Member States shall provide the Commission with information on the requirements they intend to maintain and the reasons for considering that those requirements comply with paragraph 3. Member States shall provide information on the

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requirements they subsequently introduced, and the reasons for considering that those requirements comply with paragraph 3, within six months of the adoption of the measure.

6 By 18 January 2016, and every two years thereafter, Member States shall also submit a report to the Commission about the requirements which have been removed or made less stringent.

7 The Commission shall forward the reports referred to in paragraph 6 to the other Member States which shall submit their observations within six months. Within the same period of six months, the Commission shall consult interested parties, including the professions concerned.

8 The Commission shall provide a summary report based on the information provided by Member States to the Group of Coordinators established under Commission Decision 2007/172/EC of 19 March 2007 setting up the group of coordinators for the recognition of professional qualifications⁽¹⁰⁾, which may make observations.

9 In light of the observations provided for in paragraphs 7 and 8, the Commission shall, by 18 January 2017, submit its final findings to the European Parliament and the Council, accompanied where appropriate by proposals for further initiatives.]

TITLE VI

OTHER PROVISIONS

Article 60

Reports

1 As from 20 October 2007, Member States shall, every two years, send a report to the Commission on the application of the system. In addition to general observations, the report shall contain a statistical summary of decisions taken and a description of the main problems arising from the application of this Directive.

[^{F1}As from 18 January 2016 the statistical summary of decisions taken referred to in the first subparagraph shall contain detailed information on the number and types of decisions taken in accordance with this Directive, including the types of decisions on partial access taken by competent authorities in accordance with Article 4f, and a description of the main problems arising from application of this Directive.]

[^{F2} By 18 January 2019, and every five years thereafter, the Commission shall publish a report on the implementation of this Directive.

The first such report shall focus in particular on the new elements introduced in this Directive and consider in particular the following issues:

- a the functioning of the European Professional Card;
- b the modernisation of the knowledge, skills and competences for the professions covered by Chapter III of Title III, including the list of competences referred to in Article 31(7);
- c the functioning of the common training frameworks and common training tests;
- d the results of the special upgrading programme laid down under Romanian laws, regulations and administrative provisions for holders of the evidence of formal qualifications mentioned in Article 33a, as well as for holders of evidence of formal qualifications of post-secondary level, with a view to assessing the need to review the

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current provisions governing the acquired rights regime applicable to the Romanian evidence of formal qualifications as nurse responsible for general care.

Member States shall provide all necessary information for the preparation of that report.]

Textual Amendments

- F1** Inserted by 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') (Text with EEA relevance).
- F2** Substituted by 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') (Text with EEA relevance).

Article 61

Derogation clause

If, for the application of one of the provisions of this Directive, a Member State encounters major difficulties in a particular area, the Commission shall examine those difficulties in collaboration with the Member State concerned.

[^{F2}Where appropriate, the Commission shall adopt an implementing act to permit the Member State in question to derogate from the relevant provision for a limited period of time.]

Textual Amendments

- F2** Substituted by 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') (Text with EEA relevance).

Article 62

Repeal

Directives 77/452/EEC, 77/453/EEC, 78/686/EEC, 78/687/EEC, 78/1026/EEC, 78/1027/EEC, 80/154/EEC, 80/155/EEC, 85/384/EEC, 85/432/EEC, 85/433/EEC, 89/48/EEC, 92/51/EEC, 93/16/EEC and 1999/42/EC are repealed with effect from 20 October 2007. References to the repealed Directives shall be understood as references to this Directive and the acts adopted on the basis of those Directives shall not be affected by the repeal.

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Article 63

Transposition

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 20 October 2007 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 64

Entry into force

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 65

Addressees

This Directive is addressed to the Member States.

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- (1) [^{F1}OJ L 281, 23.11.1995, p. 31.]
- (2) [^{F1}OJ L 201, 31.7.2002, p. 37.]
- (3) [^{F1}OJ L 8, 12.1.2001, p. 1.]
- (4) OJ L 145, 13.6.1977, p. 1. Directive as last amended by Directive 2004/66/EC (OJ L 168, 1.5.2004, p. 35).
- (5) [^{F1}OJ C 111, 6.5.2008, p. 1.]
- (6) [^{F2}OJ L 376, 27.12.2006, p. 36.]
- (7) [^{F1}OJ L 13, 19.1.2000, p. 12.]
- (8) [^{F1}OJ L 274, 20.10.2009, p. 36.]
- (9) [^{F1}OJ L 53, 26.2.2011, p. 66.]
- (10) [^{F2}OJ L 79, 20.3.2007, p. 38.]

Textual Amendments

- F1** Inserted by 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') (Text with EEA relevance).
- F2** Substituted by 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') (Text with EEA relevance).