

ANNEX

7. INTERNAL MARKET

Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications⁽¹⁾

As regards Directive 2005/36/EC, the Commission should be empowered in particular to lay down the criteria needed to form the common platforms with the aim of waiving compensation measures. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2005/36/EC, *inter alia*, by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 2005/36/EC is hereby amended as follows:

1. Article 11 shall be amended as follows:

- (a) the second sentence of point (c)(ii) shall be deleted;
- (b) the following paragraph shall be added:

The Commission may adapt the list in Annex II to take account of training which meets the requirements provided for in point (c)(ii) of the first paragraph. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3).;

2. the third sentence of the third subparagraph of Article 13(2) shall be replaced by the following:

The Commission may adapt the list in Annex III to take account of regulated education and training which provides a comparable professional standard and which prepares the trainee for a comparable level of responsibilities and functions. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3).;

3. Article 15 shall be amended as follows:

- (a) the second sentence of paragraph 2 shall be replaced by the following:

If the Commission, after consulting the Member States, is of the opinion that a draft common platform facilitates the mutual recognition of professional qualifications, it may present draft measures with a view to their adoption. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3).;

- (b) paragraph 5 shall be replaced by the following:

5. If a Member State considers that the criteria established in a measure adopted in accordance with paragraph 2 no longer offer adequate guarantees with regard to professional qualifications, it shall inform the Commission accordingly. The Commission shall, if appropriate, present a draft measure for adoption. That measure, designed to amend non-

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essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3).;

4. Article 20 shall be replaced by the following:

Article 20

Adaptation of the lists of activities in Annex IV

The Commission may adapt the lists of activities in Annex IV which are the subject of recognition of professional experience pursuant to Article 16 with a view to updating or clarifying the nomenclature, provided that this does not involve any change in the activities related to the individual categories. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3).;

5. the second subparagraph of Article 21(6) shall be replaced by the following:

The Commission may adapt the knowledge and skills referred to in Articles 24(3), 31(6), 34(3), 38(3), 40(3) and 44(3) to scientific and technical progress. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3).;

6. Article 25(5) shall be replaced by the following:

5. The Commission may adapt the minimum periods of training referred to in Annex V, point 5.1.3, to scientific and technical progress. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3).;

7. the second subparagraph of Article 26 shall be replaced by the following:

The Commission may include in Annex V, point 5.1.3, new medical specialties common to at least two-fifths of the Member States with a view to updating this Directive in the light of changes in national legislation. That measure, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3).;

8. the second subparagraph of Article 31(2) shall be replaced by the following:

The Commission may adapt the content listed in Annex V, point 5.2.1, to scientific and technical progress. That measure, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3).;

9. the second subparagraph of Article 34(2) shall be replaced by the following:

The Commission may adapt the content listed in Annex V, point 5.3.1, to scientific and technical progress. That measure, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3).;

10. the third subparagraph of Article 35(2) shall be replaced by the following:

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The Commission may adapt the minimum period of training referred to in the second subparagraph to scientific and technical progress. That measure, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3).;

11. the second subparagraph of Article 38(1) shall be replaced by the following:

The Commission may adapt the content listed in Annex V, point 5.4.1, to scientific and technical progress. That measure, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3).;

12. the third subparagraph of Article 40(1) shall be replaced by the following:

The Commission may adapt the content listed in Annex V, point 5.5.1, to scientific and technical progress. That measure, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3).;

13. the second sentence of the second subparagraph of Article 44(2) shall be replaced by the following:

The Commission may adapt the content listed in Annex V, point 5.6.1, to scientific and technical progress. That measure, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3).;

14. the first subparagraph of Article 46(2) shall be replaced by the following:

The Commission may adapt the knowledge and skills listed in paragraph 1 to scientific and technical progress. That measure, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 58(3).;

15. Article 58 shall be replaced by the following:

Article 58

Committee procedure

- 1 The Commission shall be assisted by a Committee on the recognition of professional qualifications.

- 2 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period provided for in Article 5(6) of Decision 1999/468/EC shall be set at two months.

- 3 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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- (1) [OJ L 255, 30.9.2005, p. 22.](#)

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