

Information package on notifications under Article 21(7) of Directive 2005/36/EC

NOTIFICATIONS UNDER ARTICLE 21(7) OF DIRECTIVE 2005/36/EC - QUALIFICATIONS OF DOCTORS, NURSES, DENTISTS, VETERINARY SURGEONS, MIDWIVES, PHARMACISTS AND ARCHITECTS

Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 *on the recognition of professional qualifications* (“Directive 2005/36”) has been incorporated into the EEA Agreement by Joint Committee Decision 142/2007 on 26 October 2007. It became applicable in the European Economic Area on 1 July 2009.

Article 21(7) of Directive 2005/36/EC stipulates that each EU Member State must notify the Commission of the legislative, regulatory and administrative provisions which it adopts with regard to the issuing of evidence of formal qualifications for the seven professions which benefit from the automatic recognition scheme. On this basis, the Commission publishes an appropriate communication in the Official Journal of the European Union updating the relevant entries in the Directive. According to **Point 4(a) of Protocol 1 to the EEA Agreement** on horizontal adaptations, where an EC Member States is to submit information to the EC Commission, an EFTA State shall submit such information to the EFTA Surveillance Authority (“the Authority”) which shall pass it on to the Standing Committee. Therefore, all notifications under this article by EFTA States have to be sent to the Authority.

The notification referred to in Article 21(7) of Directive 2005/36/EC concerns the **updating of Annex V to Directive 2005/36/EC**. For professions in the health sector, veterinary surgeons and architects, such notification can become necessary in the following cases:

- A new diploma in these fields is introduced.
- An already existing diploma is replaced or amended:
 - In cases where the notification affects **the substance of the curriculum of a diploma** which has already been published (*e.g.* the curriculum has been amended to fit into the Bologna scheme, the number of years of studies has been changed or courses have been changed or newly introduced), a **full notification** is required;
 - In cases where the notification concerns **purely formal adjustments of a diploma** which has already been published, without affecting the content of the diploma (*e.g.* the title of the diploma or the awarding body has changed)

a **limited notification** is required, solely focussing on the elements directly related to the changes.

1. The Member State must send the notification electronically to the **Internal Market Affairs Directorate of the EFTA Surveillance Authority** so that it can be officially registered.
2. The following **documents must be annexed** to the notification:
 - the specific form [**FORM 21(7)**], prepared by the Authority, duly completed. It is in particular necessary to:
 - use only **one form for one profession at a time**;
 - name the **relevant provisions of the legislation** to which the notification relates;
 - give a **concise explanation** concerning the notification in question (*e.g.* reason for amendments).
 - the **legislative, regulatory and administrative provisions** which are the subject of the notification (The information would be easier to process if it was translated into English).
 - for notifications of a **diploma in architecture**, the following **additional information** shall be submitted:
 - an academic year of reference (to be mentioned in row 13 of Form 21(7));
 - a presentation of the curriculum in form of a table (see Annex I);
 - a curriculum in the language, in which the training is provided and in English, attached to the notification containing the main elements as set out below.

The Authority follows the same approach as the European Commission regarding the curriculum. It is, therefore, referred to two Commission documents which shall be duly taken into account for notification to the Authority:

A) According to a Recommendation¹, Education and training leading to diplomas, certificates and other evidence of formal qualifications referred to in **Article 21(1) of Directive 2005/36/EC**² shall be provided through courses of studies at university level concerned principally with architecture. Such studies shall be balanced between the theoretical and practical aspects of architectural training and shall ensure the acquisition of:

1. an ability to create architectural designs that satisfy both aesthetic and technical requirements;

¹ Extract from the Recommendation concerning a guideline document on establishing an opinion regarding Diplomas in Architecture and their compliance with the Architects Directive 85/384/EEC and adopted by the Committee at its meeting on 7 April 2006 - Advisory Committee on Education and Training in the Field of Architecture (**Document MARKT/D/4984/2/2006-EN**). See also Article 46(1) of Directive 2005/36/EC.

² See Article 2 of former Directive 85/384/EEC.

2. an adequate knowledge of the history and theories of architecture and the related arts, technologies and human sciences;
3. a knowledge of the fine arts as an influence on the quality of architectural design;
4. an adequate knowledge of urban design, planning and the skills involved in the planning process;
5. an 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;
6. an understanding of the profession of architecture and the role of the architect in society, in particular in preparing briefs that take account of social factors;
7. an understanding of the methods of investigation and preparation of the brief for a design project;
8. an understanding of the structural design, constructional and engineering problems associated with building design;
9. an adequate knowledge of the 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;
10. the necessary design skills to meet building users' requirements within the constraints imposed by cost factors and building regulations;
11. an adequate knowledge of the industries, organisations, regulations and procedures involved in translating design concepts into buildings and integrating plans into overall planning.

B) Guidance for Schools of Architecture which are notifying the Commission about a new Course in Architectural Education or an existing course whose curriculum is being revised.³

A School should present documentation that describes the proposed course in terms of its curriculum, its content and its duration.

Furthermore, it should also present a document that describes how the particular course, as proposed, satisfies the two basic criteria, i.e. that a minimum of four years of the educational process are principally concerned with architecture and are clearly dedicated to the eleven points set out in Article 46(1) of Directive 2005/36/EC.

Compliance with the Directive should in no way be influenced by the title of the qualification at the end of the educational process, or by whether or not interim qualifications are granted during the process. Only the end qualification should be taken into account in the context of a School's application for recognition under the Directives. The responsibility for the entire architectural education will rest with the School which confers the end qualification.

³ Extract from the Recommendation concerning a guideline document on establishing an opinion regarding Diplomas in Architecture and their compliance with the Architects Directive 85/384/EEC, Advisory Committee on Education and Training in the Field of Architecture (**Document MARKT/D/4984/2/2006-EN**).

The Advisory Committee on Training and Education in the Field of Architecture adopted a model of the communication of a new Diploma at its meeting on 4 and 5 March 1997 (Ref. XV/E/8479/4/95 – EN).

