



Luxembourg, 10 November 2021

PRESS RELEASE 14/2021

Judgment in Case E-17/20 *Zvonimir Cogelja v the Directorate of Health (Embætti landlæknis)*

ISSUANCE OF EVIDENCE OF FORMAL QUALIFICATIONS

In a judgment delivered today, the Court answered a question referred by Reykjavik District Court (*Héraðsdómur Reykjavíkur*) concerning the interpretation of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (“the Directive”).

The case in the main proceedings concerns a request for issuance of evidence of formal qualifications as a specialist in plastic surgery from the Directorate of Health in Iceland under the Directive. Mr Cogelja had pursued specialist training for a total of seven years and eleven months. None of this training was performed in Iceland. The Directorate of Health rejected Mr Cogelja’s request on this occasion, considering that it could only confirm that Mr Cogelja had received a licence to practise plastic surgery in Iceland. It considered itself unable to issue an evidence under the Directive on the basis that such training is not available in Iceland. Thus, it was unable to attest that the training had been in accordance with the requirements of the Directive.

The referring court essentially asked whether Article 25 of the Directive requires an EEA State itself to administer specialist training in order to issue evidence of formal qualifications, even if specialist training in the subject of qualification did not take place in the State in question.

The Court held that for the competent authority of an EEA State to issue evidence of formal qualifications in compliance with the Directive, it must be able to assess and confirm that the requirements under the Directive are fulfilled. This is possible if the EEA State offers specialist medical training that fulfils the minimum requirements within its own territory. Otherwise, the competent authority must have in place a system that secures the verification of compliance with the requirements laid down in Article 25 of the Directive. This may be achieved by having in place a curriculum or its equivalent at the national level prescribing a comprehensive programme of education and training. If that is not the case, that competent authority may not issue evidence of formal qualifications under the Directive.

The full text of the judgment may be found on the Court’s website: www.eftacourt.int.

This press release is an unofficial document and is not binding upon the Court.