

EFTA COURT

JUDGMENT OF THE COURT

of 10 November 2021

in Case E-17/20

Zvonimir Cogelja v the Directorate of Health (*Embætti landlæknis*),

(Free movement of persons and services – Directive 2005/36/EC – Evidence of formal qualifications – Issuance of evidence – Competent authority)

In Case E-17/20, Zvonimir Cogelja v the Directorate of Health (*Embætti landlæknis*) – REQUEST to the Court under Article 34 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice by Reykjavík 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, and in particular Article 25, in conjunction with Articles 3(1)(c), 21 and 26 of that directive, as adapted to the Agreement on the European Economic Area, the Court, composed of Páll Hreinsson, President, Per Christiansen (Judge-Rapporteur) and Bernd Hammermann, Judges, gave judgment on 10 November 2021, the operative part of which is as follows:

In order for the competent authority of an EEA State to issue evidence of formal qualifications for specialist medical training in compliance with Article 25 of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, it must be able to assess and confirm that the requirements for issuing the evidence of formal qualifications are fulfilled. This is possible if the EEA State offers specialist medical training that fulfils the minimum requirements under Directive 2005/36/EC within its own territory. Otherwise, that competent authority must have in place a system that secures the verification of compliance with the requirements laid down in Article 25 of Directive 2005/36/EC, for example by having in place a curriculum or its equivalent describing a comprehensive programme of education and training. If not, that competent authority may not issue such evidence of formal qualifications under Directive 2005/36/EC.