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Proposal for a

COUNCIL DECISION

on the position to be adopted on behalf of the Union in the Joint Committee established by the Agreement of 21 June 1999 between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part, on the free movement of persons as regards the replacement of Annex III on the mutual recognition of professional qualifications

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

Annex III to the Agreement on the free movement of persons on the mutual recognition of professional qualifications.

In 1999, the European Community and its Member States on the one part, and Switzerland, on the other part, concluded a bilateral Agreement on the free movement of persons which entered into force on the 1st June 2002 (see OJ L 114 of 30.4.2002, p. 6). A protocol which entered into force on the 1st April 2006 was concluded in order to extend the Agreement to the ten new Member States (see OJ L 89 du 28.3.2006). A second protocol was concluded in order to extend the Agreement to Bulgaria and Romania (see OJ L 124 of 20.5.2009). The Agreement was concluded for an initial duration of seven years, which came to an end on 31 May 2009. Following the success of the Swiss referendum of 8 February 2009 it was renewed for an indefinite period.

Article 9 and Annex III of the Agreement are devoted to the recognition of professional qualifications. That Annex lists the relevant Community texts which apply to relations with Switzerland. Article 18 of the Agreement provides that the amendments to Annex III be adopted by decision of the Joint Committee. This Article has been used once since the entry into force of the Agreement by Decision no. 1/2004 of the EU-Switzerland Joint Committee of 30 April 2004, amending Annex III (mutual recognition of professional qualifications) of the Agreement on the free movement of persons between the European Community and its Member States on the one part, and the Swiss Confederation on the other part.

Annex III must again be updated in order to take into account the evolution of the Community Acquis and especially the adoption of Directive 2005/36/EC as amended, the extension of the Agreement to Bulgaria and Romania and some developments in terms of professional qualifications in Switzerland.

Taking into account the acquis adopted since the last amendment of Annex III

The Acquis in terms of recognition of professional qualifications has evolved considerably since 2004 with the adoption in 2005 of Directive 2005/36/EC which consolidates 15 previous directives and modernizes the applicable regime in terms of temporary provision of services. The annexes of this directive have also been amended several times since the entry into force of the text. These amendments have all been included in the attached draft revision to Annex III.

On 18 June 2008 the Swiss Federal Council took the decision to implement Directive 2005/36/EC. However, as regards the Title II of the Directive (“Free provision of services”) the Swiss authorities have indicated the need to fulfill constitutional requirements before a binding commitment can be made by Switzerland.

Enlargement to Bulgaria and Romania

A protocol was concluded in order to extend the Agreement on the free movement of persons to Bulgaria and Romania. In the field of recognition of professional qualifications it will only

be applicable after the adoption of a decision of the Joint Committee (see article 4, paragraph 2 of the text).

Directive 2006/100/EC which amended Directive 2005/36/EC following the accession of Romania and Bulgaria is also included in the texts mentioned in the attached draft Annex III.

Taking account of developments for professional qualifications in Switzerland

For its part, Switzerland has requested several updates of Annex III. It has notified seven professional qualifications having a particular structure which have to be inserted in Annex II of Directive 2005/36/EC. The professions of optician, audiologist, boot maker, orthopedist, dental technician, mountain guide and snow sports instructor are concerned.

As regards Annex V.1.3 of Directive 2005/36/EC, Switzerland has requested that the change of denomination of its speciality in pharmacology be taken into account. It has further requested that its professional qualification for infectious diseases be inserted in this annex.

It has also notified a new title for nurses responsible for general care to be inserted in Annex V.2.2 of directive 2005/36/EC (Bachelor of Science in nursing).

Finally, it has asked for the insertion in Annex V.7.1 of new diplomas in architecture.

The question of the coexistence in Switzerland of two types of professional qualifications in general medicine has been raised during the negotiations because it is not compatible with the EU acquis. Switzerland has agreed to suppress one of its two qualifications, and only keep the general medical practitioner (Praktischer Arzt). Annex III therefore does not need to be amended on this point because it is actually this qualification which is currently listed there.

The list of acts to be taken into account which is mentioned under Section B of the current Annex III contains texts which are mainly obsolete; this was also modified.

2. LEGAL ELEMENTS OF THE PROPOSAL

Annex A: The draft Joint Committee Decision

The draft Joint Committee Decision contains four Articles.

Article 1 provides that Annex III to the Agreement shall be replaced by the Annex attached to the Decision.

Article 2 aims at clarifying that Switzerland is not entitled to impose compensatory measures on professionals which benefit from acquired rights under Directive 2005/36/EC on the recognition of professional qualifications, by providing that Switzerland shall apply without restrictions the acquired rights laid down in the said Directive according to the conditions set out in this decision and its Annex.

Article 3 lays down that the decision will be equally authentic in all the official languages.

Article 4 lays down provisions regarding the entry into force and the provisional application of the decision.

SECTION A: ACTS REFERRED TO

1.

a) With regard to Directive 2005/36/EC:

Directive 2005/36/EC recast the EU framework for the recognition of professional qualifications. It repealed with effect from 20 October 2007 all the previous existing Directives in this area: 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. Accordingly, Annex III has to be updated in this respect.

b) With regard to the amendments to Directive 2005/36/EC for the purposes of the agreement:

Directive 2005/36/EC provides for the possibility to change its annexes in accordance with a comitology procedure. The annexes contain lists of diplomas benefiting from automatic recognition, training courses to which special rules apply and minimum training requirements as well as requirements of knowledge and skills of doctors, nurses responsible for general care, dental practitioners, veterinary surgeons, midwives, pharmacists and architects. The conditions for the changes in question are laid down in several Articles of the Directive which are listed in Section A and which refer to the procedures and the Committee provided for in Article 58 of the Directive. As Switzerland is not represented in this Committee it is laid down that the Articles in question do not apply between the Contracting Parties. For the same reason it is provided for that Article 61 does not apply between the Contracting Parties. Pursuant to that Article, the above-mentioned Committee is involved in the Commission's decisions to permit Member States under specific conditions to derogate from the Directive for a limited period.

c) With regard to the text to be added to Annex II point 1:

This text lists five Swiss training courses in the area of paramedical and childcare training and gives a short description of them. They need to be added to Annex II point 1 in order to be recognized as "training with a special structure" within the meaning of Article 11 of Directive 2005/36/EC. Such training is privileged in the recognition procedure in as far as it is deemed to have a certain level within the system of Article 11.

d) With regard to the text to be added to Annex II point 4:

This text lists two Swiss training courses in the technical sector and gives a short description of them. They need to be added to Annex II point 4 in order to be recognized as "training with a special structure" within the meaning of Article 11 of Directive 2005/36/EC. Such training is privileged in the recognition procedure in as far as it is deemed to have a certain level within the system of Article 11.

e) to o) With regard to the text to be added to Annex V:

Section A e) – o) refers to Swiss qualifications of doctors, specialised doctors, titles of training courses in specialised medicine, qualifications of nurses responsible for general care,

dental practitioners, specialised dentists, veterinary surgeons, midwives, pharmacists and architects. They need to be added to Annex V in order to be automatically recognized by all Member States.

p) With regard to the text to be added to Annex VI:

This text lists qualifications in architecture. They need to be added to Annex VI in order to benefit from acquired rights under the Directive.

2. and 3.

With regard to Directives 77/249/EEC and 98/5/EC

For the purpose of the agreement, the two Directives concerning provision of services and establishment of lawyers are amended by adding the Swiss professional titles for the profession of lawyer to the respective Articles of these Directives. These amendments are necessary because they allow the Swiss titles to benefit from the Directives in question.

4 and 5.

With regard to Directives 74/556/EEC and 74/557/EEC:

For the purpose of the agreement, the two Directives concerning activities, trade in and distribution of toxic products are amended in order to extend their scope to Switzerland.

6. With regard to Directive 86/653/EEC

For the purpose of the agreement, this Directive concerning self-employed commercial agents is amended in order to take into account that Switzerland is not a Member State of the EU.

SECTION B: ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE NOTE

This section contains a Commission Recommendation concerning the training of health personnel in the matter of cancer.

Annex B: Declaration.

3. BUDGETARY IMPLICATION

The proposal does not have implications for the EU's budget.

4. OPTIONAL ELEMENTS

In the years 2007, 2008, 2009 and 2010, the Swiss requests were examined by the Commission services and discussed at a technical level with Member States' experts within the Committee or at the Coordinators Group established by Directive 2005/36/EC. These requests, fulfilling the conditions under Directive 2005/36/EC, have been considered to be acceptable.

Proposal for a

COUNCIL DECISION

on the position to be adopted on behalf of the Union in the Joint Committee established by the Agreement of 21 June 1999 between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part, on the free movement of persons as regards the replacement of Annex III on the mutual recognition of professional qualifications

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 218(9) in conjunction with Article 46, 53 and 62 thereof,

Having regard to Decision 2002/309/EC, Euratom of the Council, and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven agreements with the Swiss Confederation¹, and in particular Article 2 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part, on the Free Movement of Persons (hereinafter referred to as 'the Agreement') entered into force on 1 June 2002.
- (2) Article 18 of the Agreement provides that the Joint Committee may, by decision, adopt amendments to the Agreement, inter alia to Annex III to the Agreement, dealing with the mutual recognition of professional qualifications.
- (3) In order to preserve a coherent and correct application of EU legislation and to avoid administrative and possibly legal difficulties, Annex III to the Agreement needs to be amended to integrate new EU legislation to which the Agreement does not currently refer.
- (4) In the interests of clarity and rationality, Annex III should be consolidated,

¹ OJ L 114, 30.4.2002, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the Union in the Joint Committee established under Article 14 of the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons shall be based on the draft Decision of the Joint Committee set out in Annex A to this Decision.

Article 2

The Declaration set out in Annex B to this Decision is hereby approved and shall be made on behalf of the Union in the Joint Committee when the Joint Committee adopts its Decision referred to in Article 1.

Article 3

The Decision of the Joint Committee and the Declaration referred to in Articles 1 and 2 respectively shall be published in the *Official Journal of the European Union*.

Done at Brussels,

*For the Council
The President*

ANNEX A

Draft

DECISION No .../2011 OF THE EU-SWISS JOINT COMMITTEE ON THE FREE MOVEMENT OF PERSONS

of 2011

replacing Annex III on the mutual recognition of professional qualifications

THE JOINT COMMITTEE,

Having regard to the Agreement of 21 June 1999 between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons (hereinafter referred to as 'the Agreement'), and in particular Articles 14 and 18 thereof,

Having regard to Protocol of 27 May 2008 to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons regarding the participation, as contracting parties, of the Republic of Bulgaria and Romania, and in particular Article 4(2) thereof,

Whereas:

- (1) The Agreement was signed on 21 June 1999 and entered into force on 1 June 2002.
- (2) Annex III was last amended by Decision 1/2004² of the EU-Swiss Joint Committee of 30 April 2004 and should be updated to take account of the new legal acts of the European Union that have been adopted since 2004, in particular Directive 2005/36/EC³ of the European Parliament and of the Council of 7 September 2005.
- (3) Annex III should be adapted to the accessions to the European Union that took place on 1 January 2007.
- (4) In the interest of clarity and rationality, Annex III should be consolidated in a legally binding version.
- (5) Switzerland will, in accordance with Council Directive 93/16/EEC and Directive 2005/36/EC, provide for a single professional qualification and a single professional title for general practitioners which will be the same for all general practitioners (already exercising and future general practitioners).
- (6) Considering that an effective application of Directive 2005/36/EC between the Parties must be ensured, the Commission will continue to cooperate closely with Switzerland

² OJ L 352, 27.11.2004, p. 129.

³ OJ L 255, 30.9.2005, p. 22.

and in particular will continue to provide for an appropriate consultation of Swiss experts.

HAS ADOPTED THIS DECISION:

Article 1

Annex III to the Agreement on the mutual recognition of professional qualifications shall be replaced by the text in the Annex to this Decision.

Article 2

Switzerland shall apply without restrictions the acquired rights of Directive 2005/36/EC according to the conditions set out in this Decision and its Annex.

Article 3

This Decision is established in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, the texts in each of these languages being equally authentic.

Article 4

This Decision shall enter into force on the day following the date of notification of completion by the Swiss Confederation of its internal procedures for the transposition into national law of Directive 2005/36/EC.

It shall be applied on a provisional basis from the first day of the second month after its adoption, with the exception of Title II of Directive 2005/36/EC which shall apply from the date of entry into force of the Decision.

In the event that the notification referred to by the first paragraph has not been made by 31 October 2012, this Decision shall lapse.

Done at Brussels, 2011

For the Joint Committee

*The Chairman
The Secretaries*

ANNEX

'Annex III

Mutual Recognition of Professional Qualifications

(Diplomas, certificates and other evidence of formal qualifications)

1. The Contracting Parties agree to apply amongst themselves, in the field of the mutual recognition of professional qualifications, the acts and communications of the European Union to which reference is made under Section A of this present Annex, in accordance with the scope of the Agreement.
2. Unless otherwise specified, the term "Member State(s)" in the acts to which reference is made in Section A of this Annex is considered to apply to Switzerland in addition to the states covered by the acts of the European Union in question.
3. For the purposes of applying the present annex, the contracting parties take note of the acts of the European Union to which reference is made in Section B of this annex.

SECTION A: ACTS REFERRED TO

- 1a. 32005 L 0036 Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22),

as amended 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 (OJ L 363, 20.12.2006, p. 141),
- Commission Regulation (EC) No 1430/2007 of 5 December 2007 amending Annexes II and III to Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications (OJ L 320, 6.12.2007, p. 3),
- Commission Regulation (EC) No 755/2008 of 31 July 2008 amending Annex II to Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications (OJ L 205, 1.8.2008, p. 10),
- Commission Regulation (EC) No 279/2009 of 6 April 2009 amending Annex II to Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications (OJ L 93, 7.4.2009, p. 11),
- Notification of Titles of Qualification in Architecture (OJ C 332, 30.12.2006, p. 35),
- Notification of Titles of Qualification in Architecture (OJ C 148, 24.6.2006, p. 34)

- Notification of Titles of qualification in architecture (OJ C 3, 6.1.2006, p. 12)
 - Communication from the Commission — Notification of evidence of formal qualifications of practitioners of dentistry (OJ C 165, 19.07.2007, p. 18),
 - Communication from the Commission — Notification of evidence of formal Qualifications of specialised doctors and general practitioners (OJ C 165, 19.7.2007, p. 13),
 - Communication from the Commission — Notification of evidence of formal qualifications of specialised doctors, nurses responsible for general care, specialised dental practitioners, midwives and architects (OJ C 137, 4.6.2008, p. 8),
 - Communication — Notification of evidence of formal qualifications — Directive 2005/36/EC on the recognition of professional qualifications (Annex V) (OJ C 322, 17.12.2008, p. 3),
 - Communication from the Commission — Notification of the professional associations or organisations fulfilling the conditions of Article 3(2) listed under Annex I to Directive 2005/36/EC (OJ C 111, 15.5.2009, p. 1),
 - Communication from the Commission — Notification of evidence of formal qualifications — Directive 2005/36/EC on the recognition of professional qualifications (Annex V) (OJ C 114, 19.5.2009, p. 1),
 - Communication from the Commission — Notification of evidence of formal qualifications — Directive 2005/36/EC on the recognition of professional qualifications (Annex V) (OJ C 279, 19.11.2009, p. 1),
 - Communication from the Commission — Notification of evidence of formal qualifications — Directive 2005/36/EC on recognition of professional qualifications (Annex V) (OJ C 129, 19.5.2010, p. 3),
 - Corrigendum to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 271, 16.10.2007, p. 18),
 - Corrigendum to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 93, 4.4.2008, p. 28).
- b. For the purposes of the present Agreement, Directive 2005/36/EC shall be adapted as follows:
1. The procedures laid down in the following Articles of the Directive shall not apply between the Contracting Parties:
 - Article 3 paragraph 2, third subparagraph – procedure for the update of Annex I to the Directive,

- Article 11 (c) ii last sentence – procedure for the update of Annex II to the Directive,
 - Article 13 paragraph 2 third subparagraph – procedure for the update of Annex III to the Directive,
 - Article 14 paragraph 2, second and third subparagraph – procedure in the case of a derogation to the migrant's choice between an adaptation period and an aptitude test,
 - Article 15 paragraph 2 and paragraph 5 – procedure to adopt or revoke common platforms,
 - Article 20 – procedure to amend Annex IV to the Directive,
 - Article 21 paragraph 6, second subparagraph – procedure to update knowledge and skills,
 - Article 21 paragraph 7 – procedure to update Annex V to the Directive,
 - Article 25 paragraph 5 – procedure to update the minimum periods of training for specialised doctors,
 - Article 26 subparagraph 2 – procedure for inserting new medical specialties,
 - Article 31 paragraph 2, subparagraph 2 – procedure to update the training of nurses responsible for general care,
 - Article 34 paragraph 2, subparagraph 2 – procedure to update the training of dental practitioners,
 - Article 35 paragraph 2 subparagraph 3 – procedure to update the minimum periods of training for specialised dentists,
 - Article 38 paragraph 1, subparagraph 2 – procedure to update the training of veterinary surgeons,
 - Article 40 paragraph 1 subparagraph 3 – procedure to update the training of midwives,
 - Article 44 paragraph 2, subparagraph 2 – procedure to update the training of pharmacists,
 - Article 46 paragraph 2 – procedure to update knowledge and skills in the case of architects
 - Article 61 – derogation clause.
2. Article 56 paragraphs 3 and 4 shall be implemented as follows:

The information of Member States on the competent authorities and on the coordinator designated by Switzerland is done by the Commission, once Switzerland has informed the Commission with copy to the Joint Committee.

3. Article 57, last subparagraph, shall be implemented as follows:

The coordinator designated by Switzerland informs the Commission with copy to the Joint Committee.

4. Article 63 shall not apply. However, the Swiss coordinator designated by Switzerland in conformity with Article 56 of Directive 2005/36/EC informs the Commission with copy to the Joint Committee of the legislation adopted on the basis of the Act and communications referred to under point 1 a.5. Articles 58 and 64 shall not apply.

c. The following text shall be added to Annex II point 1:

in Switzerland:

- Opticien diplômé, diplomierter Augenoptiker, ottico diplomato (Optometrist with Federal Diploma of Higher Vocational Education and Training)

Requires a minimum of 17 years education, consisting of at least nine years basic education, four years vocational education and training provided partly in the workplace and partly by a professional institution, followed by a four-year apprenticeship or work placement, of which two years can be spent following full-time private education, and finally a higher vocational examination. This entitles the holder to adapt contact lenses or carry out eye tests either independently or in an employed capacity.

- Audioprothésiste avec brevet fédéral, Hörgeräte-Akustiker mit eidg. Fachausweis, audioprotesista con attestato professionale federale (Dispenser of hearing aids with Advanced Federal Certificate of Higher Vocational Education and Training)

Requires a minimum of 15 years education, consisting of at least nine years basic education, a minimum of three years vocational education and training provided partly in the workplace and partly by a professional institution, followed by a three-year apprenticeship or work placement, including private education, and finally a vocational examination. This entitles the holder to pursue this profession either independently or in an employed capacity.

- Bottier-orthopédiste diplômé, diplomierter Orthopädie-Schuhmacher, calzolaio ortopedico diplomato (Orthopaedic footwear maker with Federal Diploma of Higher Vocational Education and Training)

Requires a minimum of 17 years education, consisting of at least nine years basic education, four years vocational education and training provided partly in the workplace and partly by a professional institution, followed by a four-year apprenticeship or work placement, including private education, and finally a higher vocational examination. This entitles the holder to pursue this profession either independently or in an employed capacity.

- Technicien dentiste, maître, Zahntechnikermeister, odontotecnico, maestro (Dental Technician with Federal Diploma of Higher Vocational Education and Training)

Requires a minimum of 18 years education, consisting of at least nine years basic education, four years vocational education and training provided partly in the workplace and partly by a professional institution, followed by a five-year apprenticeship or work placement, including private education, and finally a higher vocational examination. This entitles the holder to pursue this profession either independently or in an employed capacity.

- Orthopédiste diplômé, diplomierter Orthopädist/Bandagist, ortopedista diplomato ((Prosthetist with Advanced Federal Certificate of Higher Vocational Education and Training)

Requires a minimum of 18 years education, consisting of at least nine years basic education, four years vocational education and training provided partly in the workplace and partly by a professional institution, followed by a five-year apprenticeship or work placement, including private education, and finally a higher vocational examination. This entitles the holder to pursue this profession either independently or in an employed capacity.

d. The following text shall be added to Annex II point 4:

in Switzerland:

- Guide de montagne avec brevet fédéral, Bergführer mit eifg. Fachausweis, guida alpina con attestato professionale federale (Mountain Guide with Advanced Federal Certificate of Higher Vocational Education and Training)

Requires a minimum of 13 years education, consisting of at least nine years basic education, four years vocational training under the supervision of a qualified professional, including private education, and finally a vocational examination. This entitles the holder to pursue this profession independently.

- Professeur de sports de neige avec brevet fédéral, Schneesportlehrer mit eidg. Fachausweis, Maestro di sport sulla neve con attestato professionale fédérale (Snow Sport Teacher with Advanced Federal Certificate of higher Vocational Education and Training)

Requires a minimum of 15 years education, consisting of at least nine years basic education, four years vocational education and training provided partly in the workplace and partly by a professional institution or a professional experience of four years, followed by a two-years education and experience as apprenticeship, and finally a vocational examination. This entitles the holder to pursue this profession independently.

e. The following text shall be added to Annex V.1.1:

Country	Evidence of formal qualifications	Body awarding the qualifications	Certificate accompanying the	Reference date

			qualifications	
Switzerland	Eidgenössisches Arztdiplom Diplôme fédéral de médecin Diploma federale di medico	Eidgenössisches Departement des Innern Département fédéral de l'intérieur Dipartimento federale dell'interno		1 June 2002

f. The following text shall be added to Annex V.1.2:

Country	Evidence of formal qualifications	Body awarding the qualifications	Reference date
Switzerland	Diplom als Facharzt Diplôme de médecin spécialiste Diploma di medico specialista	Eidgenössisches Departement des Innern und Verbindung der Schweizer Ärztinnen und Ärzte Département fédéral de l'intérieur et Fédération des médecins suisses Dipartimento federale dell'interno e Federazione dei medici svizzeri	1 June 2002

g. The following text shall be added to Annex V.1.3:

Country	Title
Anaesthetics	
Minimum period of training: 3 years	
Switzerland	Anästhesiologie Anesthésiologie Anestesiologia

Country	Title of diploma
General surgery	
Minimum period of training: 5 years	
Switzerland	Chirurgie Chirurgie Chirurgia

Country	Title
Neurological surgery Minimum period of training: 5 years	
Switzerland	Neurochirurgie Neurochirurgie Neurochirurgia

Country	Title
Obstetrics and Gynaecology Minimum period of training: 4 years	
Switzerland	Gynäkologie und Geburtshilfe Gynécologie et obstétrique Ginecologia e ostetricia

Country	Title
General (internal) medicine Minimum period of training: 5 years	
Switzerland	Innere Medizin Médecine interne Medicina interna

Country	Title
Ophthalmology Minimum period of training: 3 years	
Switzerland	Ophthalmologie Ophtalmologie Oftalmologia

Country	Title
Otorhinolaryngology Minimum period of training: 3 years	
Switzerland	Oto-Rhino-Laryngologie Oto-rhino-laryngologie Otorinolaringoiatria

Country	Title
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Paediatrics Minimum period of training: 4 years	
Switzerland	Kinder- und Jugendmedizin Pédiatrie Pediatria

Country	Title
Respiratory Medicine Minimum period of training: 4 years	
Switzerland	Pneumologie Pneumologie Pneumologia

Country	Title
Urology Minimum period of training: 5 years	
Switzerland	Urologie Urologie Urologia

Country	Title
Orthopaedics Minimum period of training: 5 years	
Switzerland	Orthopädische Chirurgie und Traumatologie des Bewegungsapparates Chirurgie orthopédique et traumatologie de l'appareil locomoteur Chirurgia ortopedica e traumatologia del sistema motorio

Country	Title
Pathological anatomy Minimum period of training: 4 years	
Switzerland	Pathologie Pathologie Patologia

Country	Title
Neurology Minimum period of training: 4 years	

Switzerland	Neurologie Neurologie Neurologia
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Country	Title
Psychiatry Minimum period of training: 4 years	
Switzerland	Psychiatrie und Psychotherapie Psychiatrie et psychothérapie Psichiatria e psicoterapia

Country	Title
Diagnostic radiology Minimum period of training: 4 years	
Switzerland	Radiologie Radiologie Radiologia

Country	Title
Radiotherapy Minimum period of training: 4 years	
Switzerland	Radio-Onkologie/Strahlentherapie Radio-oncologie/radiothérapie Radio-oncologia/radioterapia

Country	Title
Plastic surgery Minimum period of training: 5 years	
Switzerland	Plastische, Rekonstruktive und Ästhetische Chirurgie Chirurgie plastique, reconstructive et esthétique Chirurgia plastica, ricostruttiva ed estetica

Country	Title
Thoracic surgery Minimum period of training: 5 years	
Switzerland	Herz- und thorakale Gefässchirurgie Chirurgie cardiaque et vasculaire thoracique Chirurgia del cuore e dei vasi toracici

Country	Title
Paediatric surgery Minimum period of training: 5 years	
Switzerland	Kinderchirurgie Chirurgie pédiatrique Chirurgia pediatrica

Country	Title
Cardiology Minimum period of training: 4 years	
Switzerland	Kardiologie Cardiologie Cardiologia

Country	Title
Gastroenterology Minimum period of training: 4 years	
Switzerland	Gastroenterologie Gastroentérologie Gastroenterologia

Country	Title
Rheumatology Minimum period of training: 4 years	
Switzerland	Rheumatologie Rhumatologie Reumatologia

Country	Title
General Haematology Minimum period of training: 3 years	
Switzerland	Hämatologie Hématologie Ematologia

Country	Title
Endocrinology Minimum period of training: 3 years	

Switzerland	Endokrinologie-Diabetologie Endocrinologie-diabétologie Endocrinologia-diabetologia
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Country	Title
Physiotherapy Minimum period of training: 3 years	
Switzerland	Physikalische Medizin und Rehabilitation Médecine physique et réadaptation Medicina fisica e riabilitazione

Country	Title
Dermato-venereology Minimum period of training: 3 years	
Switzerland	Dermatologie und Venerologie Dermatologie et vénéréologie Dermatologia e venerologia

Country	Title
Tropical medicine Minimum period of training: 4 years	
Switzerland	Tropen- und Reisemedizin Médecine tropicale et médecine des voyages Medicina tropicale e medicina di viaggio

Country	Title
Child psychiatry Minimum period of training: 4 years	
Switzerland	Kinder - und Jugendpsychiatrie und –psychotherapie Psychiatrie et psychothérapie d'enfants et d'adolescents Psichiatria e psicoterapia infantile e dell'adolescenza

Country	Title
Renal diseases Minimum period of training: 4 years	
Switzerland	Nephrologie Néphrologie Nefralogia

Country	Title
Communicable diseases Minimum period of training: 4 years	
Switzerland	Infektiologie Infectiologie Malattie infettive

Country	Title
Community medicine Minimum period of training: 4 years	
Switzerland	Prävention und Gesundheitswesen Prévention et santé publique Prevenzione e salute pubblica

Country	Title
Pharmacology Minimum period of training: 4 years	
Switzerland	Klinische Pharmakologie und Toxikologie Pharmacologie et toxicologie cliniques Farmacologia e tossicologia cliniche

Country	Title
Occupational medicine Minimum period of training: 4 years	
Switzerland	Arbeitsmedizin Médecine du travail Medicina del lavoro

Country	Title
Allergology Minimum period of training: 3 years	
Switzerland	Allergologie und klinische Immunologie Allergologie et immunologie clinique Allergologia e immunologia clinica

Country	Title
Nuclear medicine Minimum period of training: 4 years	

Switzerland	Nuklearmedizin Médecine nucléaire Medicina nucleare
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Country	Title of diploma
Dental, oral and maxillo-facial surgery (basic medical and dental training) Minimum period of training: 4 years	
Switzerland	Mund-, Kiefer- und Gesichtschirurgie Chirurgie orale et maxillo-faciale Chirurgia oro-maxillo-facciale

h. The following text shall be added to Annex V.1.4:

Country	Evidence of formal qualifications	Professional title	Reference date
Switzerland	Diplom als praktischer Arzt/praktische Ärztin Diplôme de médecin praticien Diploma di medico generico	Médecin praticien Praktischer Arzt Medico generico	1 June 2002

i. The following text shall be added to Annex V.2.2:

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Professional title	Reference date
Switzerland	1. Diplomierte Pflegefachfrau, diplomierter Pflegefachmann Infirmière diplômée et infirmier diplômé Infermiera diplomata e infermiere diplomato	Schulen, die staatlich anerkannte Bildungsgänge durchführen Ecoles qui proposent des filières de formation reconnues par l'État Scuole che propongono dei cicli di formazione riconosciuti dallo	Pflegefachfrau, Pflegefachmann Infirmière, infirmier Infermiera, infermiere	1 June 2002

		Stato		
	2. Bachelor of Science in nursing	Schulen, die staatlich anerkannte Bildungsgänge durchführen Ecoles qui proposent des filières de formation reconnues par l'État Scuole che propongono dei cicli di formazione riconosciuti dallo Stato	Pflegefachfrau, Pflegefachmann Infirmière, infirmier Infermiera, infermiere	[date of decision of Joint Committee]

j. The following text shall be added to Annex V.3.2:

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Professional title	Reference date
Switzerland	Eidgenössisches Zahnarztdiplom Diplôme fédéral de médecin-dentiste Diploma federale di medico-dentista	Eidgenössisches Departement des Innern Département fédéral de l'intérieur Dipartimento federale dell'interno		Zahnarzt Médecin-dentiste Medico-dentista	1 June 2002

k. The following text shall be added to Annex V.3.3:

Orthodontics			
Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Reference date
Switzerland	Diplom für Kieferorthopädie	Eidgenössisches Departement des	1 June 2002

	Diplôme fédéral d'orthodontiste Diploma di ortodontista	Innern und Schweizerische Zahnärzte-Gesellschaft Département fédéral de l'intérieur et Société Suisse d'Odonto-stomatologie Dipartimento federale dell'interno e Società Svizzera di Odontologia e Stomatologia	
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Oral surgery			
Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Reference date
Switzerland	Diplom für Oralchirurgie Diplôme fédéral de chirurgie orale Diploma di chirurgia orale	Eidgenössisches Departement des Innern und Schweizerische Zahnärzte-Gesellschaft Département fédéral de l'intérieur et Société Suisse d'Odonto-stomatologie Dipartimento federale dell'interno e Società Svizzera di Odontologia e Stomatologia	30 April 2004

1. The following text shall be added to Annex V.4.2:

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Reference date
Switzerland	Eidgenössisches Tierarztdiplom Diplôme fédéral de vétérinaire Diploma federale di veterinario	Eidgenössisches Departement des Innern Département fédéral de l'intérieur		1 June 2002

		Dipartimento federale dell'interno		
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m. The following text shall be added to Annex V.5.2:

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Professional title	Reference date
Switzerland	Diplomierter Hebamme Sage-femme diplômée Levatrice diplomata	Schulen, die staatlich anerkannte Bildungsgänge durchführen Ecoles qui proposent des filières de formation reconnues par l'État Scuole che propongono dei cicli di formazione riconosciuti dallo Stato	Hebamme Sage-femme Levatrice	1 June 2002

n. The following text shall be added to Annex V.6.2:

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Reference date
Switzerland	Eidgenössisches Apothekerdiplom Diplôme fédéral de pharmacien Diploma federale di farmacista	Eidgenössisches Departement des Innern Département fédéral de l'intérieur Dipartimento federale dell'interno		1 June 2002

o. The following text shall be added to Annex V.7.1:

Country	Evidence of	Body awarding	Certificate	Reference
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	formal qualifications	the evidence of qualifications	accompanying the evidence of qualifications	academic year
Switzerland	Diploma di architettura (Arch. Dipl. USI)	Accademia di Architettura dell'Università della Svizzera Italiana		1996-1997
	Master of Arts BFH / HES-SO en architecture, Master of Arts BFH / HES-SO in Architecture	Haute école spécialisée de Suisse occidentale (HES-SO) together with Berner Fachhochschule (BFH)	-	2007-2008
	Master of Arts BFH / HES-SO in Architektur, Master of Arts BFH / HES-SO in Architecture	Haute école spécialisée de Suisse occidentale (HES-SO) together with Berner Fachhochschule (BFH)		2007-2008
	Master of Arts FHNW in Architektur	Fachhochschule Nordwestschweiz FHNW	-	2007-2008
	Master of Arts FHZ in Architektur	Fachhochschule Zentralschweiz (FHZ)	-	2007-2008
	Master of Arts ZFH in Architektur	Zürcher Fachhochschule (ZFH), Zürcher Hochschule für Angewandte Wissenschaften (ZHAW), Departement Architektur, Gestaltung und Bauingenieurwesen	-	2007-2008
	“Master of Science MSc in	Ecole Polytechnique		2007-2008

	Architecture”, “Architecte (arch. dipl. EPF)”	Fédérale deLausanne		
	Master of Science ETH in Architektur”, “MSc ETH Arch”	Eidgenössische Technische Hochschule Zurich		2007-2008

p. The following text is added to Annex VI:

Country	Evidence of formal qualifications	Reference academic year
Switzerland	1. Dipl. Arch. ETH, arch. dipl. EPF, arch. dipl. PF	2004/2005
	2. Architecte diplômé EAUG	2004/2005
	3. Architekt REG A Architecte REG A Architetto REG A	2004/2005

2a. **377 L 0249:** Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services (OJ L 78, 26.3.1977, p. 17),

as amended by:

- 1 79 H: Act concerning the conditions of accession of the Hellenic Republic to the European Communities and the adjustments to the treaties (OJ L 291, 19.11.1979, p. 91),
- 1 85 I: Act concerning the conditions of accession of the Kingdom of Spain and the Portuguese Republic to the European Communities (OJ L 302, 15.11.1985, p. 160),
- 95/1/EC, Euratom, ECSC, adjusting the instruments concerning the accession of new Member States to the European Union (OJ L 1, 01.01.1995, p. 1),
- Treaty of Accession and Act concerning the conditions of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (OJ L 236, 23.09.2003, p. 17 and p. 33),
- 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 (OJ L 363, 20.12.2006, p. 141).

b. For the purposes of the present agreement, the Directive shall be adapted as follows:

1. The following text shall be added to Article 1(2):

Switzerland:

Advokat, Rechtsanwalt, Anwalt, Fürsprecher, Fürsprech

Avocat

Avvocato.

2. Article 8 shall not apply. However, the Swiss coordinator designated by Switzerland in conformity with Article 56 of Directive 2005/36/EC informs the Commission with copy to the Joint Committee of the legislation adopted on the basis of the Act referred to under point 2a.

- 3a. **398 L 0005:** Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained (OJ L 77, 14.3.1998, p. 36),

as amended by:

- Treaty of Accession and Act concerning the conditions of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (OJ L 236, 23.9.2003, p. 17 and p. 33)
- 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 (OJ L 363, 20.12.2006, p. 141).

- b. For the purposes of the present agreement, the Directive shall be adapted as follows:

1. The following text shall be added to Article 1(2)(a):

Switzerland:

Advokat, Rechtsanwalt, Anwalt, Fürsprecher, Fürsprech

Avocat

Avvocato.

2. Articles 16 and 17 shall not apply. However, the Swiss coordinator designated by Switzerland in conformity with Article 56 of Directive 2005/36/EC informs the Commission with copy to the Joint Committee of the legislation adopted on the basis of the Acts referred to under point 3a.

3. Article 14 shall be implemented as follows:

The information of Member States on the competent authorities designated by Switzerland is done by the Commission, once Switzerland has informed the Commission with copy to the Joint Committee.

4a. **374 L 0556:** Council Directive 74/556/EEC of 4 June 1974 laying down detailed provisions concerning transitional measures relating to activities, trade in and distribution of toxic products and activities entailing the professional use of such products including activities of intermediaries (OJ L 307, 18.11.1974, p. 1).

b. For the purposes of the present agreement, the Directive shall be adapted as follows:

1. Article 4 (3) shall be implemented as follows:

The information of Member States on the competent authorities designated by Switzerland is done by the Commission, once Switzerland has informed the Commission with copy to the Joint Committee.

2. Article 7 shall not apply. However, the Swiss coordinator designated by Switzerland in conformity with Article 56 of Directive 2005/36/EC informs the Commission with copy to the Joint Committee of the legislation adopted on the basis of the Act referred to under point 4a.

5a. **374 L 0557:** Council Directive 74/557/EEC of 4 June 1974 on the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons and of intermediaries engaging in the trade and distribution of toxic products (OJ L 307, 18.11.1974, p. 5),

b. as amended by:

- 95/1/EC, Euratom, ECSC, adjusting the instruments concerning the accession of new Member States to the European Union (OJ L 1, 1.1.1995, p. 1),
- Treaty of Accession and Act concerning the conditions of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (OJ L 236, 23.9.2003, p. 17 and p. 33),
- Council Directive 2006/101/EC of 20 November 2006 adapting Directives 73/239/EEC, 74/557/EEC and 2002/83/EC in the field of freedom to provide services, by reason of the accession of Bulgaria and Romania (OJ L 363, 20.12.2006, p. 238).

c. For the purposes of the present agreement, the Directive shall be adapted as follows:

1. in Switzerland:

All the products and toxic substances set out in the poisons act (classified compilation of federal law (CC) 813.1), and in particular those on the ordinances thereto relating (CC 813) and on the poisonous substances for the environment (CC 814.812.31, 814.812.32 and 814.812.33)

2. Article 7 (5) shall be implemented as follows:

The information of Member States on the competent authorities designated by Switzerland is done by the Commission, once Switzerland has informed the Commission with copy to the Joint Committee.

3. Article 8 shall not apply. However, the Swiss coordinator designated by Switzerland in conformity with Article 56 of Directive 2005/36/EC informs the Commission with copy to the Joint Committee of the legislation adopted on the basis of the Acts referred to under point 5a.

6a. **386 L 0653**: Council Directive 86/653/EEC of 18 December 1986 on the coordination of the laws of the Member States relating to self-employed commercial agents (OJ L 382, 31.12.1986, p. 17).

b. For the purposes of the present agreement, the Directive shall be adapted as follows:

Article 22 shall not apply. However, the Swiss coordinator designated by Switzerland in conformity with Article 56 of Directive 2005/36/EC informs the Commission with copy to the Joint Committee of the legislation adopted on the basis of the Act referred to under point 6a.

SECTION B: ACTS OF WHICH THE PARTIES SHALL TAKE NOTE

The contracting parties shall take note of the content of the following act:

7. **389 X 0601**: Commission Recommendation 89/601/EEC of 8 November 1989 concerning the training of health personnel in the matter of cancer (OJ L 346, 27.11.1989, p. 1).’

ANNEX B

DECLARATION OF THE COUNCIL OF THE EUROPEAN UNION

on the Declaration on Swiss Attendance of Committees

The Coordination Group on the mutual recognition of higher-education diplomas referred to in the third indent of the Declaration on Swiss attendance of committees (OJ L 114 of 30.4.2002, p. 72) has been replaced by the Group of Coordinators for the recognition of professional qualifications established by Commission Decision 2007/172/EC of 19 March 2007 setting up the group of coordinators for the recognition of professional qualifications (OJ L 79 of 20.3.2007, p. 38).