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 (Text with EEA relevance)

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

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications[(1)], and in particular its Articles 11(c)(ii) and 13(2), third subparagraph,

Whereas:

(1) Germany, Luxembourg, Austria and Italy have submitted reasoned requests for amendments to Annex II to Directive 2005/36/EC. The Netherlands has submitted a reasoned request for an amendment to Annex III to Directive 2005/36/EC.

(2) Germany has requested the addition of the word 'health' ('Gesundheit') to the title of paediatric nurse ('Kinderkrankenschwester/Kinderkrankenpfleger'). The Act of 16 July 2003 on nursing care, which entered into force on 1 January 2004, amended the content of the relevant training course and changed its title to 'healthcare and paediatric nurse' ('Gesundheits- und Kinderkrankenpfleger(in)'). The structure and conditions for access to the training remain unchanged.

(3) Germany has requested the removal from Annex II of the profession of psychiatric nurse ('Psychiatrische(r) Krankenschwester/Krankenpfleger') because this training complements the training programme for nurses responsible for general care and is therefore included in the definition of the diploma.

(4) Germany has requested the addition of the profession of geriatric nurse ('Altenpflegerin und Altenpfleger'), which meets the conditions provided for in Article 11(c)(ii) of the Directive 2005/36/EC, as is apparent from the Act of 17 November 2000 on geriatric care and the Ordinance of 26 November 2002 concerning training and examinations for geriatric nursing.

(5) Lastly, Germany has asked that the professions of surgical truss maker ('Bandagist') and orthopaedic technician ('Orthopädiemechaniker') be merged under the term orthopaedic technician ('Orthopädietechniker'), in accordance with the Crafts Ordinance (Handwerksordnung in the version published on 24 September 1998 (BGBl.

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I p. 3074; 2006 I p. 2095), last amended by Article 146 of the Ordinance of 31 October 2006 (BGBl. I p. 2407)).

(6) Luxembourg has requested the replacement of the titles 'paediatric nurse' ('infirmier puériculteur') by 'infirmier en pédiatrie' (no amendment to the English translation), 'nurse — anaesthetics' ('infirmier anesthésiste') by 'nurse — anaesthetics and intensive care' ('infirmier en anesthésie et réanimation') and 'qualified masseur/masseuse' ('masseur diplômé') by 'masseur/masseuse' ('masseur'), following the amended Act of 26 March 1992 on the performance and revaluation of certain health professions. The training arrangements have not changed.

(7) Austria has requested greater detail in the description of training for psychiatric nurses and paediatric nurses, as laid down in the Act on nursing care (BGBl. I No 108/1997).

(8) Italy has requested the removal from Annex II of the professions of building surveyor ('geometra') and land surveyor ('perito agrario') because they require training which is covered by the definition of the diploma contained in Article 55 of Presidential Decree No 328 of 5 June 2001 and Annex I to Legislative Decree No 227 of 8 July 2003.

(9) Germany, Luxembourg and Austria have requested the insertion in Annex II of a number of training programmes which lead to the title of Master (Meister/Maître). These training programmes are essentially regulated by the following legislation: for Germany: the Crafts Ordinance (Handwerksordnung, in the version published on 24 September 1998 (BGBl. I p. 3074; 2006 I p. 2095), last amended by Article 146 of the Order of 31 October 2006 (BGBl. I p. 2407)); for Luxembourg: the Act of 28 December 1988 (OJ of 28 December 1988 A No. 72) and the Grand-Ducal Regulation of 4 February 2005 (OJ of 10 March 2005 A — No 29); for Austria: the Trade and Industry Ordinance (Gewerbeordnung) of 1994 (BGBl. No 194/1994, as amended in BGBl. I No 15/2006). They meet the conditions set out in Article 11(c)(ii) of Directive 2005/36/EC.

(10) The Netherlands has requested an amendment in Annex III of the description of the regulated training courses in order to take account of changes introduced by the Act on education and vocational training (WEB Act of 1996). These training courses meet the conditions set out in the third subparagraph of Article 13(2) of Directive 2005/36/EC.

(11) Directive 2005/36/EC should therefore be amended accordingly.

(12) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the recognition of professional qualifications,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II and III to Directive 2005/36/EC are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 December 2007.

For the Commission

Charlie McCREEVY

Member of the Commission

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ANNEX

Annexes II and III to Directive 2005/36/EC are amended as follows:

I. Annex II is amended as follows:

1. Point 1 is amended as follows:

(a) under ‘in Germany’,

(i) the first indent is replaced by the following:

— healthcare and paediatric nurse (“Gesundheits- und Kinderkrankenpfleger(in)”),;

(ii) the fourteenth indent is deleted;

(iii) the following indent is added:

— geriatric nurse (“Altenpflegerin und Altenpfleger”);

(b) under ‘in Luxembourg’, the fifth, sixth and seventh indents are replaced by the following:

— paediatric nurse,

— nurse — anaesthetics and intensive care,

— masseur,

(c) under ‘in Austria’,

(i) following the first indent relating to the special basic training for nurses specialising in the care of children and young people (‘spezielle Grundausbildung in der Kinder- und Jugendlichenpflege’), the following text is added:

> which represents education and training courses of a total duration of at least thirteen years, including at least ten years' general school education and three years' professional education in a nursing school, culminating in an examination which must be passed in order to obtain the diploma;

(ii) following the second indent relating to the special basic training for nurses specialising in psychiatric care (‘spezielle Grundausbildung in der psychiatrischen Gesundheits- und Krankenpflege’), the following text is added:

> which represents education and training courses of a total duration of at least thirteen years, including at least ten years' general school education and three years' professional education in a nursing school, culminating in an examination which must be passed in order to obtain the diploma;

2. in point 2, the heading ‘in Germany’ is amended as follows:

(i) the third indent is replaced by the following:

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— orthopaedic technician (“Orthopädietechniker”),;

(ii) the fifth indent is deleted;

3. the following text is added after point 2:

2a Meister/Maître (education and professional training leading to the title of Meister/Maître) in the following professions:

in Germany:

— metal worker (“Metallbauer”),
— surgical instrument maker (“Chirurgiemechaniker”),
— coachbuilder (“Karosserie- und Fahrzeugbauer”),
— automotive mechatronics technician (“Kraftfahrzeugtechniker”),
— motorbike and bicycle mechanic (“Zweiradmechaniker”),
— refrigeration mechanic (“Kälteanlagenbauer”),
— communication technician (“Informationstechniker”),
— mechanic for agricultural and construction machinery (“Landmaschinenmechaniker”),
— gunsmith (“Büchsenmacher”),
— plumber (“Klempner”),
— installer and heating fitter (“Installateur und Heizungsbauer”),
— electrical engineer (“Elektrotechniker”),
— electrical machine engineer (“Elektromaschinenbauer”),
— boat and ship builder (“Boots- und Schiffbauer”),
— bricklayer and concrete worker (“Maurer und Betonbauer”),
— stove and air heating mechanic (“Ofen- und Luftheizungsbauer”),
— carpenter (“Zimmerer”),
— roofer (“Dachdecker”),
— road construction worker (“Straßenbauer”),
— thermal and acoustic insulation fitter (“Wärme-, Kälte- und Schallschutzisolierer”),
— well-sinker (“Brunnenbauer”),
— stonemason (“Steinmetz und Steinbildhauer”),
— plasterer (“Stuckateur”),
— painter and varnisher (“Maler und Lackierer”),
— scaffolder (“Gerüstbauer”),
— chimney sweep (“Schornsteinfeger”),
— precision engineer (“Feinwerkmechaniker”),
— joiner (“Tischler”),
— ropemaker (“Seiler”),
— baker (“Bäcker”),
— pastry chef (“Konditor”),
— butcher (“Fleischer”),