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(Announcements)

COURT PROCEEDINGS

EFTA COURT

JUDGMENT OF THE COURT

of 25 March 2021

in Case E-3/20

The Norwegian Government, represented by the Ministry of Health and Care Services (*Helse- og omsorgsdepartementet*) v Anniken Jenny Lindberg

(Freedom of movement of persons – Directive 2005/36/EC – Recognition of professional qualifications – Access to profession of dental practitioner – Automatic recognition)

(2021/C 303/07)

In Case E-3/20, The Norwegian Government, represented by the Ministry of Health and Care Services (*Helse- og omsorgsdepartementet*) v Anniken Jenny Lindberg – 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 the Supreme Court of Norway (*Norges Høyesterett*) 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, in particular Article 21, 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 25 March 2021, the operative part of which is as follows:

1. In order to benefit from the automatic recognition provided for in Article 21(1) of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, an applicant must be in possession of all certificates accompanying the evidence of formal qualifications listed in Annex V to the Directive in line with the requirements of the home State for the relevant profession.
 2. Articles 28 and 31 EEA must be interpreted as requiring a host State to carry out an individual assessment of the knowledge and training attested by the professional qualifications of an applicant also where the applicant seeks access to a profession which falls within the category of professions with coordinated minimum training conditions but does not satisfy the conditions set out in Articles 10 or 21 of Directive 2005/36/EC.
 3. An individual assessment of the knowledge and skills of an applicant by the host State must entail a comparison of all diplomas, certificates and other evidence of formal qualifications and experience of the applicant with its own requirements to pursue the profession in question. If the applicant's knowledge and qualifications attested by the diploma and relevant working experience are not equivalent, or only partially correspond to those required by the host State, that State must specify which training is lacking in order for the applicant to complete or supplement the training.
 4. The fact that an applicant does not have full access to the profession in the home State cannot be decisive for the assessment of whether the applicant may be given access to the same profession in the host State.
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