

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2023/865

of 23 February 2023

amending Delegated Regulation (EU) 2019/907 as regards the certificates of competency and the professional qualifications in certain Member States

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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 Article 49b(4) thereof,

Whereas:

- (1) The Internal Market Information System (IMI) was established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council ⁽²⁾ as an electronic tool provided by the Commission to facilitate administrative cooperation among the IMI actors.
- (2) In the area of the recognition of professional qualifications, Article 56 of Directive 2005/36/EC requires the competent authorities of the host Member State and of the home Member State to use IMI for the purposes of administrative cooperation.
- (3) IMI has been further developed to allow national authorities to issue to ski instructors certificates of competency introduced by Article 8 of Commission Delegated Regulation (EU) 2019/907 ⁽³⁾. Consequently, the requirement under Article 8(3) of that Delegated Regulation that the certificate of competency be accompanied by a sticker to be affixed to the national card of the ski instructor has become obsolete. Article 8 of Delegated Regulation (EU) 2019/907 should therefore be amended to require the use of IMI for the issuance of certificates of competence to ski instructors and to delete the reference to a sticker.
- (4) Due to the withdrawal of the United Kingdom from the Union and the end of the transition period provided for in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽⁴⁾, as of 1 January 2021 no evidence of formal qualifications, as defined in Article 3(1), point (c), of Directive 2005/36/EC, can be issued in the United Kingdom. However, evidence of formal qualifications awarded before 1 January 2021 is still valid.

⁽¹⁾ OJ L 255, 30.9.2005, p. 22.

⁽²⁾ Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316, 14.11.2012, p. 1).

⁽³⁾ Commission Delegated Regulation (EU) 2019/907 of 14 March 2019 establishing a Common Training Test for ski instructors under Article 49b of Directive 2005/36/EC of the European Parliament and of the Council on the recognition of the professional qualifications (OJ L 145, 4.6.2019, p. 7).

⁽⁴⁾ OJ C 384 I, 12.11.2019, p. 1.

- (5) Union citizens in possession of qualifications issued before 1 January 2021 in the United Kingdom are eligible to take the CTT.
- (6) In order to provide more flexibility, it should be possible for any competent entity in a Member State and listed in Annex I to register information in IMI. This should generally be the competent entity responsible for the CTT, including upon request from a Union citizen in possession of qualifications issued before 1 January 2021 in the United Kingdom, but may be any other competent entity, for example in the case of acquired rights, including upon request from a Union citizen in possession of qualifications issued before 1 January 2021 in the United Kingdom.
- (7) Finland has requested to remove 'Vuokatti Sports Institute' from Annex I to Delegated Regulation (EU) 2019/907 as that entity does not award the Level 3 qualification for Finland listed in that Annex.
- (8) The Regions and Autonomous Provinces of Trento and Bolzano have exclusive competence to award the qualification 'Maestro di Sci' and may delegate it to the other Italian entities listed in Annex I to Delegated Regulation (EU) 2019/907.
- (9) The Lithuanian Snowsports Instructors Association was established in 2018. It awards the Qualification 'Ski instructor Level 4'. Annex I to Delegated Regulation (EU) 2019/907 should be amended to reflect this qualification and thus to ensure that ski instructors having completed successfully the corresponding training can benefit from the Common Training Test. On the other hand, Lithuania has requested that the National Russian League of Instructors (NRLI) be removed from that Annex.
- (10) The fact that the British Association of Snow sport Instructors (BASI), listed as a competent entity for the United Kingdom, is no longer competent to organise a CTT should be reflected in Annex I to Delegated Regulation (EU) 2019/907.
- (11) Delegated Regulation (EU) 2019/907 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2019/907 is amended as follows:

- (1) Article 8 is amended as follows:

- (a) paragraph 1 is replaced by the following:

'1. Ski instructors who fall within the scope of this Regulation and have either successfully passed the CTT or who enjoy acquired rights pursuant to Article 7 of this Regulation shall be issued a certificate of competency through the Internal Market Information System (IMI) established by Regulation (EU) No 1024/2012. The certificate shall take the form of proof of a CTT and shall be issued by a competent entity in a Member State.';

- (b) paragraph 3 is deleted;

- (2) Annex I is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 23 February 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In Annex I to Delegated Regulation (EU) 2019/907, the table is amended as follows:

(1) in the entry for Finland, in the third column, the second indent is deleted;

(2) in the entry for Italy, in the third column, the following indent is added:

‘— Regioni e le Province autonome di Trento e Bolzano’;

(3) the entry for Lithuania is replaced by the following:

Lithuania	Ski instructor Level 4	Lithuanian Snowsports Instructors Association (LSIA)
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(4) the entry for the United Kingdom is replaced by the following:

United Kingdom	Alpine Level 4 – International Ski Teacher Diploma *	BASI – British Association of Snowsport Instructors **
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(5) the following notes are added:

‘Notes:

* Issued before 1 January 2021.

** As of 1 January 2021, BASI is no longer competent to organise the CTT.’.