



EUROPEAN PARLIAMENT

2009 - 2014

Committee on the Internal Market and Consumer Protection

2011/0435(COD)

16.7.2012

*****I**

DRAFT REPORT

Proposal for a Directive of the European Parliament and of the Council
amending Directive 2005/36/EC on the recognition of professional
qualifications and Regulation on administrative cooperation through the
Internal Market Information System
(COM(2011)0883 – C7-0512/2011 – 2011/0435(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Bernadette Vergnaud

Symbols for procedures

- * Consultation procedure.
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in bold italics. Highlighting in normal italics is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in bold. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

CONTENTS

See Page

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	59

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

Proposal for a Directive of the European Parliament and of the Council amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation on administrative cooperation through the Internal Market Information System (COM(2011)0883 – C7-0512/2011 – 2011/0435(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0883),
- having regard to Article 294(2), and Articles 46, 53(1), 62 and 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0512/2011),
- having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
- having regard to the reasoned opinions submitted, within the framework of the Protocol (No 2) on the application of the principles of subsidiarity and proportionality, by the French Senate, asserting that the draft legislative act does not comply with the principle of subsidiarity,
- having regard to its resolution of 15 November 2011 on the implementation of the Directive on the recognition of professional qualifications (2005/36/EC)¹,
- having regard to the public hearing of the Committee on the Internal Market and Consumer Protection entitled 'Growth and mobility: modernising the Directive on the recognition of professional qualifications' held on 25 April 2012,
- having regard to the opinion of the European Economic and Social Committee²,
- having regard to the opinion of the European Data Protection Supervisor³,
- having regard to Rule 55 of its Rules of Procedure,
- having regard to the report of the Committee on the Internal Market and Consumer Protection and to the opinions of the Committee on Employment and Social Affairs and the Committee on Environment, Public Health and Food Safety (A7-0000/2012),

¹ Texts adopted, P7_TA(2011)0490.

² Not yet published in the Official Journal.

³ Not yet published in the Official Journal.

1. Adopts its position at first reading hereinafter set out;
2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1
Proposal for a directive
Recital 4

Text proposed by the Commission

(4) Directive 2005/36/EC only applies to professionals who want to pursue the same profession in another Member State. There are cases where the activities concerned are part of a profession with a larger scope of activities in the host Member State. If the differences between the fields of activity are so large that in reality a full programme of education and training is required from the professional to compensate for shortcomings and if the professional so requests, a host Member State should under these particular circumstances grant partial access. However, in case of overriding reasons of general interest, such as in the case of *a doctor of medicine or other health professionals*, a Member State should be able to *refuse* partial access.

Amendment

(4) Directive 2005/36/EC only applies to professionals who want to pursue the same profession in another Member State. There are cases where the activities concerned are part of a profession with a larger scope of activities in the host Member State. If the differences between the fields of activity are so large that in reality a full programme of education and training is required from the professional to compensate for shortcomings and if the professional so requests, a host Member State should under these particular circumstances grant partial access. However, in case of overriding reasons of general interest, such as in the case of *any profession that has public health, safety or health monitoring responsibilities*, the Member State should be able to *exclude the professions in question from the partial access arrangements*.

Or. fr

Amendment 2
Proposal for a directive
Recital 7

Text proposed by the Commission

Amendment

(7) Directive 2005/36/EC should also cover notaries. For recognition requests for establishment, Member States should be able to impose the necessary aptitude test or adaptation period to avoid any discrimination in the national selection and nomination procedures. In the case of free provision of services, notaries should not be able to draw up authentic instruments and carry out other activities of authentication which require the seal of the host Member State.

deleted

Or. fr

Justification

Given the limited mobility and the nature of the notary profession in terms of freedom of establishment and a notary's role as an officer of the public prosecutor's office in most Member States, there is no need to introduce specific provisions regarding notaries.

Amendment 3
Proposal for a directive
Recital 12

Text proposed by the Commission

Amendment

(12) The system of automatic recognition on the basis of harmonised ***minimum*** training requirements depends on the timely notification of new or changed evidence of formal qualifications by the Member States and their publication by the Commission. Otherwise, holders of such qualifications have no guarantees that they can benefit from automatic recognition. In order to increase transparency and facilitate the examination of newly notified titles, Member States should designate an appropriate body, such as an accreditation board or a ministry, to examine each notification and provide a report on compliance with Directive 2005/36/EC to the Commission.

(12) The system of automatic recognition on the basis of harmonised training requirements depends on the timely notification of new or changed evidence of formal qualifications by the Member States and their publication by the Commission. Otherwise, holders of such qualifications have no guarantees that they can benefit from automatic recognition. In order to increase transparency and facilitate the examination of newly notified titles, Member States should designate an appropriate body, such as an accreditation board or a ministry, to examine each notification and provide a report on compliance with Directive 2005/36/EC to the Commission.

Justification

See the justification for the amendment to the title of Chapter III of Title III.

Amendment 4
Proposal for a directive
Recital 14

Text proposed by the Commission

(14) In the interest of enhancing the mobility of medical specialists who have already obtained a medical specialist qualification and afterwards follow another specialist training, Member States should be allowed to grant exemptions from some part of the training if such elements of the training have already been completed during the former medical specialist training programme in *that* Member State covered by the automatic recognition regime.

Amendment

(14) In the interest of enhancing the mobility of medical specialists who have already obtained a medical specialist qualification and afterwards follow another specialist training, Member States should be allowed to grant exemptions from some part of the training if such elements of the training have already been completed during the former medical specialist training programme in *a* Member State covered by the automatic recognition regime.

Amendment 5
Proposal for a directive
Recital 16

Text proposed by the Commission

(16) To simplify the system for automatic recognition of medical *and* dental specialities, such specialities should be covered by Directive 2005/36/EC if they are common to at least one third of the Member States.

Amendment

(16) To simplify the system for automatic recognition of medical, dental *and veterinary* specialities, such specialities should be covered by Directive 2005/36/EC if they are common to at least one third of the Member States.

Amendment 6
Proposal for a directive
Recital 17

Text proposed by the Commission

(17) The functioning of the system of automatic recognition depends on confidence in the training conditions which underpin the qualifications of the professionals. Therefore, it is important that the **minimum** training conditions of architects reflect new developments in architectural education, notably with respect to the recognised need to supplement academic training with professional experience under the supervision of qualified architects. At the same time, the **minimum** training conditions should be flexible enough to avoid unduly restricting the ability of Member States to organise their education systems.

Amendment

(17) The functioning of the system of automatic recognition depends on confidence in the training conditions which underpin the qualifications of the professionals. Therefore, it is important that the training conditions of architects reflect new developments in architectural education, notably with respect to the recognised need to supplement academic training with professional experience under the supervision of qualified architects. At the same time, the training conditions should be flexible enough to avoid unduly restricting the ability of Member States to organise their education systems.

Or. fr

Justification

See the justification for the amendment to the title of Chapter III of Title III.

Amendment 7
Proposal for a directive
Recital 20

Text proposed by the Commission

(20) Graduates wishing to pursue a **remunerated** traineeship in another Member State where such traineeship is possible should be covered by Directive 2005/36/EC in order to foster their mobility. It is also necessary to provide for the recognition of their traineeship by the home Member State.

Amendment

(20) Graduates wishing to pursue a traineeship **which forms part of the training for a regulated profession** in another Member State where such traineeship is possible should be covered by Directive 2005/36/EC in order to foster their mobility. It is also necessary to provide for the recognition of their traineeship by the home Member State.

Or. fr

Justification

The recital should set out exactly which traineeships are covered. They need not necessarily be remunerated.

Amendment 8 **Proposal for a directive** **Recital 21**

Text proposed by the Commission

(21) Directive 2005/36/EC provides for a system of national contact points. Due to the entry into force of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market and the establishment of points of single contact under that Directive, there is a risk of overlap. Therefore, the national contact points established by Directive 2005/36/EC should become assistance centres which should focus their activities on providing advice to citizens, including face to face advice, in order to ensure that daily application of internal market rules in individual cases of citizens is followed up at national level.

Amendment

(21) Directive 2005/36/EC provides for a system of national contact points. Due to the entry into force of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market and the establishment of points of single contact under that Directive, there is a risk of overlap. Therefore, the national contact points established by Directive 2005/36/EC should become assistance centres which should focus their activities on providing advice to citizens, including face to face advice, in order to ensure that daily application of internal market rules in individual cases of citizens is followed up *effectively* at national level.

Or. fr

Amendment 9 **Proposal for a directive** **Recital 22**

Text proposed by the Commission

(22) Whilst the Directive already provides for detailed obligations for Member States to exchange information, such obligations should be reinforced. Member States should not only react to request for information but also alert other Member States in a proactive manner. Such alert system should be similar to that of

Amendment

(22) Whilst the Directive already provides for detailed obligations for Member States to exchange information, such obligations should be reinforced. Member States should not only react to *requests* for information but also alert other Member States in a proactive manner. Such *an* alert system should be similar to that of

Directive 2006/123/EC. A specific alert mechanism is however necessary for health professionals benefiting from automatic recognition under Directive 2005/36/EC. This should also apply to veterinary surgeons unless the Member States have already triggered the alert mechanism provided for in Directive 2006/123/EC. All Member States should be alerted if **a professional** due to a disciplinary action or criminal conviction **is no longer entitled to move to another Member State**. This alert should be activated through the IMI regardless of whether the professional has exercised any of the rights under Directive 2005/36/EC or of whether he has applied for recognition of his professional qualifications through the issuance of a European Professional Card or through any other method provided for by that Directive. The alert procedure should comply with Union law on the protection of personal data and other fundamental rights.

Directive 2006/123/EC. A specific alert mechanism is however necessary for health professionals benefiting from automatic recognition under Directive 2005/36/EC. This should also apply to veterinary surgeons unless the Member States have already triggered the alert mechanism provided for in Directive 2006/123/EC. All Member States should be alerted if **professionals** due to a disciplinary action or criminal conviction **are stripped of their right to pursue a profession, or if they have used or attempted to use forged documents in their application for recognition of qualifications**. This alert should be activated **immediately** through the IMI regardless of whether the professional has exercised any of the rights under Directive 2005/36/EC or of whether he has applied for recognition of his professional qualifications through the issuance of a European Professional Card or through any other method provided for by that Directive. The alert procedure should comply with Union law on the protection of personal data and other fundamental rights.

Or. fr

Justification

The alert mechanism activated if professionals are stripped of their right to pursue their professions should be supplemented by an alert activated if professionals are convicted of attempted fraud.

Amendment 10 **Proposal for a directive** **Recital 24**

Text proposed by the Commission

(24) In order to supplement or amend certain non-essential elements of Directive 2005/36/EC, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union

Amendment

(24) In order to supplement or amend certain non-essential elements of Directive 2005/36/EC, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union

should be delegated to the Commission in respect of updating of Annex I, setting the criteria for the calculation of fees related to the European Professional Card, establishing the details of the documentation necessary for the European Professional Card, the adaptations of the list of activities set out in Annex IV, the adaptations of points 5.1.1 to 5.1.4, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.5.2, 5.6.2 and 5.7.1 of Annex V, clarifying the knowledge and skills for medical doctors, nurses responsible for general care, dental practitioners, veterinary surgeons, midwives, pharmacists and architects, adapting the minimum periods of training for specialist medical trainings and specialist dental training, the inclusion in point 5.1.3 of Annex V of new medical specialities, the amendments to the list set out in points 5.2.1, 5.3.1, 5.4.1, 5.5.1 and 5.6.1 of Annex V, inclusion in point 5.3.3 of Annex V of new dental specialities, specifying the conditions of application of common training frameworks, and specifying the conditions of application of common training tests. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

should be delegated to the Commission in respect of updating of Annex I, setting the criteria for the calculation of fees related to the European Professional Card, establishing the details of the documentation necessary for the European Professional Card, the adaptations of the list of activities set out in Annex IV, the adaptations of points 5.1.1 to 5.1.4, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.5.2, 5.6.2 and 5.7.1 of Annex V, clarifying the knowledge and skills for medical doctors, nurses responsible for general care, dental practitioners, veterinary surgeons, midwives, pharmacists and architects, adapting the minimum periods of training for specialist medical trainings and specialist dental training, the inclusion in point 5.1.3 of Annex V of new medical specialities, the amendments to the list set out in points 5.2.1, 5.3.1, 5.4.1, 5.5.1 and 5.6.1 of Annex V, inclusion in point 5.3.3 of Annex V of new dental specialities, specifying the conditions of application of common training frameworks, and specifying the conditions of application of common training tests. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, ***for example with national authorities, professional bodies, representatives of academia and social partners***. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Or. fr

Justification

The process for adopting delegated acts should be transparent and based on dialogue.

Amendment 11
Proposal for a directive
Article 1 – point 1
Directive 2005/36/EC
Article 1 – paragraph 2

Text proposed by the Commission

This Directive also establishes rules concerning partial access to *a* regulated **profession** and access to and recognition of **remunerated** traineeships pursued in another Member State.

Amendment

This Directive also establishes rules concerning partial access to **certain** regulated **professions** and access to and recognition of traineeships **which form part of the training for a regulated profession, whether or not the right to pursue that profession is conditional on that training**, pursued in another Member State.

Or. fr

Justification

For public health and safety reasons, partial access should not apply to all professions. The article should also set out exactly which traineeships are covered. They need not necessarily be remunerated.

Amendment 12
Proposal for a directive
Article 1 – point 2 – introductory part
Directive 2005/36/EC
Article 2

Text proposed by the Commission

2) **Article 2(1)** is replaced by the following:

Amendment

2) **Paragraphs 1 and 2 of Article 2** are replaced by the following:

Or. fr

Amendment 13
Proposal for a directive
Article 1 – point 2
Directive 2005/36/EC
Article 2 – paragraph 1

Text proposed by the Commission

1. This Directive shall apply to all nationals of a Member State wishing to pursue a regulated profession or a **remunerated** traineeship in a Member State, including those belonging to the liberal professions, other than that in which they obtained their professional qualifications, on either a self-employed or employed basis.

Amendment

1. This Directive shall apply to all nationals of a Member State wishing to pursue a regulated profession or a traineeship ***which forms part of the training for a regulated profession, whether or not the right to pursue that profession is conditional on that training,*** in a Member State, including those belonging to the liberal professions, other than that in which they obtained their professional qualifications, on either a self-employed or employed basis.

2. Each Member State may permit Member State nationals in possession of evidence of professional qualifications not obtained in a Member State to pursue a regulated profession within the meaning of Article 3(1)(a) on its territory in accordance with its rules. In the case of professions covered by Title III, Chapter III, this initial recognition shall respect the ... training conditions laid down in that Chapter.

Or. fr

Justification

The article should set out exactly which traineeships are covered. They need not necessarily be remunerated.

Amendment 14

Proposal for a directive

Article 1 – point 3 – point a – point i – introductory part

Directive 2005/36/EC

Article 3 – paragraph 1

Text proposed by the Commission

i) **Point** (f) **is** replaced by the following:

Amendment

i) **Points** (f) **and (h) are** replaced by the following:

Or. fr

Amendment 15

Proposal for a directive

Article 1 – point 3 – subpoint a – subpoint i

Directive 2005/36/EC

Article 3 – paragraph 1 – point f

Text proposed by the Commission

(f) 'professional experience': the actual and lawful full-time or equivalent part-time pursuit of the profession concerned in a Member State;

Amendment

(f) 'professional experience': the actual, lawful **and unconditional** full-time or equivalent part-time pursuit of the profession concerned in a Member State;

(h) 'aptitude test': a test of the professional knowledge, skills and competences of the applicant, made or recognised by the competent authorities of the host Member State with the aim of assessing the ability of the applicant to pursue a regulated profession in that Member State. In order to permit this test to be carried out, the competent authorities shall draw up a list of subjects which, on the basis of a comparison of the education and training required in the Member State and that received by the applicant, are not covered by the diploma or other evidence of formal qualifications possessed by the applicant.

The aptitude test must take account of the fact that the applicant is a qualified professional in the home Member State or the Member State from which he comes. It shall cover subjects to be selected from those on the list, knowledge of which is essential in order to be able to pursue the profession in the host Member State. The test may also include knowledge of the professional rules applicable to the activities in question in the host Member State.

The detailed application of the aptitude test and the status, in the host Member State, of the applicant who wishes to prepare himself for the aptitude test in

that State shall be determined by the competent authorities in that Member State;

Or. fr

Amendment 16

Proposal for a directive

Article 1 – point 3 – subpoint a – subpoint ii

Directive 2005/36/EC

Article 3 – paragraph 1 – point j

Text proposed by the Commission

(j) '**remunerated** traineeship': the pursuit of supervised and remunerated activities, with a view to access to a regulated profession granted on the basis of an examination;

Amendment

(j) 'traineeship **which forms part of the training for a regulated profession**': the pursuit of supervised and remunerated **or non-remunerated** activities, with a view to access to a regulated profession granted on the basis of an examination;

Or. fr

Justification

The definition should set out exactly which traineeships are covered. They need not necessarily be remunerated.

Amendment 17

Proposal for a directive

Article 1 – point 3 – subpoint a – subpoint ii

Directive 2005/36/EC

Article 3 – paragraph 1 – point l

Text proposed by the Commission

(l) 'lifelong learning': all general education, vocational education and training, non-formal education and informal learning undertaken throughout life, resulting in an improvement in knowledge, skills and **competences**.

Amendment

(l) 'lifelong learning': all general education, vocational education and training, non-formal education and informal learning undertaken throughout life, resulting in an improvement in **competences, in terms of** knowledge, skills and **professional ethics**.

Or. fr

Justification

In accordance with the generally recognised definition of professional competences.

Amendment 18

Proposal for a directive

Article 1 – point 3 – subpoint a – subpoint ii

Directive 2005/36/EC

Article 3 – paragraph 1 – point 1 a (new)

Text proposed by the Commission

Amendment

(1a) 'training requirements and conditions': the common set of knowledge, skills and competences necessary for the pursuit of a given profession;

Or. fr

Justification

See the amendment to the title of Chapter III of Title III.

Amendment 19

Proposal for a directive

Article 1 – point 3 – subpoint a – subpoint ii

Directive 2005/36/EC

Article 3 – paragraph 1 – point 1 b (new)

Text proposed by the Commission

Amendment

(1b) 'ECTS credits': credits expressing the quantity of work each course unit requires in relation to the total quantity of work necessary to complete a full year of study under the ECTS system for accumulating study credits on the basis of transparency and comparability of qualifications; the workload shall include not only lectures, practical work and seminars, but also traineeships, research or field work, private study, examinations and other assessment activities; under the ECTS system, the workload for one year of study shall correspond to 60 credits,

and one semester's study shall be 30 credits.

Or. fr

Justification

Given that the proposal introduces a reference to ECTS credits, these should be defined.

Amendment 20

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 a – paragraph 6

Text proposed by the Commission

6. The Commission shall adopt implementing acts *specifying* European Professional Cards **for** specific professions, establishing the format of the European Professional Card, the translations necessary to support any application for issuing a European Professional Card and details for the assessment of applications, taking into account the particularities of each profession concerned. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 58.

Amendment

6. The Commission shall adopt implementing acts *establishing* European Professional Cards **to be issued to** specific professions **where they request them**, establishing the format of the European Professional Card, the translations necessary to support any application for issuing a European Professional Card and details for the assessment of applications, taking into account the particularities of each profession concerned. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 58.

Or. fr

Justification

European Professional Cards are introduced on a voluntary basis.

Amendment 21

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 a – paragraph 7

Text proposed by the Commission

7. Any fees which applicants may incur in relation to administrative procedures to issue a European Professional Card shall be reasonable, proportionate and commensurate with the costs incurred by the home and host Member States and shall not act as a disincentive to apply for a European Professional Card. **The** Commission shall be empowered to adopt delegated acts in accordance with Article 58a concerning the setting of criteria for the calculation and distribution of fees.

Amendment

7. Any fees which applicants may incur in relation to administrative procedures to issue a European Professional Card shall be reasonable, proportionate and commensurate with the costs incurred by the home and host Member States and shall not act as a disincentive to apply for a European Professional Card, **and shall, in any event, be of an amount comparable to the fees required under the procedures provided for in Titles II and III of this Directive. If these principles are not observed, the** Commission shall be empowered to adopt delegated acts in accordance with Article 58a concerning the setting of criteria for the calculation and distribution of fees.

Or. fr

Justification

The choice of the European Professional Card recognition procedure should not incur any additional costs for the applicant.

Amendment 22

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 b – paragraph 3

Text proposed by the Commission

3. The competent authority of the home Member State shall acknowledge receipt of the application and inform the applicant of any missing document **without delay from** submission of the application. It shall create a file of the application containing all supporting documents within the Internal Market Information System (IMI) established by Regulation (EU) No [...] of the European Parliament and of the Council(*). In case of subsequent

Amendment

3. The competent authority of the home Member State shall acknowledge receipt of the application and inform the applicant of any missing document **within three days of** submission of the application. It shall create a file of the application containing all supporting documents, **which must be certified as valid**, within the Internal Market Information System (IMI) established by Regulation (EU) No [...] of the European Parliament and of the

applications by the same applicant, the competent authorities of the home or the host Member State may not request the re-submission of documents which are already contained in the IMI file and which are still valid.

Council(*)). In case of subsequent applications by the same applicant, the competent authorities of the home or the host Member State may not request the re-submission of documents which are already contained in the IMI file and which are still valid.

Or. fr

Justification

In the first phase of implementation of the system, the deadlines for processing applications should be extended to ensure that the system functions as well as possible and offers better quality of service.

Amendment 23

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 c - title

Text proposed by the Commission

European Professional Card for the temporary provision of services other than those covered by Article 7(4)

Amendment

European Professional Card for the temporary **and occasional** provision of services other than those covered by Article 7(4)

Or. fr

Amendment 24

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 c – paragraph 1

Text proposed by the Commission

1. The competent authority of the home Member State shall verify the application, create and validate a European Professional Card within **two** weeks from the date it receives a complete application. It shall inform the applicant and the Member State

Amendment

1. The competent authority of the home Member State shall verify the application, create and validate a European Professional Card within **three** weeks from the date it receives a complete application. It shall inform the applicant and the Member State

in which the applicant envisages to provide services, of the validation of the European Professional Card. The transmission of the validation information to the host Member States concerned shall constitute the declaration provided for in Article 7. The host Member State may not require a further declaration under Article 7 for the following *two years*.

in which the applicant envisages to provide services, of the validation of the European Professional Card. The transmission of the validation information to the host Member States concerned shall constitute the declaration provided for in Article 7. The host Member State may not require a further declaration under Article 7 for the following *year*.

Or. fr

Justification

In the first phase of implementation of the system, the deadlines for processing applications should be extended to ensure that the system functions as well as possible and offers better quality of service. The principle of an annual declaration renewal should be reinserted so that host Member States are suitably informed about the presence of services providers in their territory.

Amendment 25

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 c – paragraph 2

Text proposed by the Commission

2. The decision of the home Member State, or the absence of a decision within the period of *two* weeks referred to in paragraph 1, shall be subject to appeal under national law.

Amendment

2. The decision of the home Member State, or the absence of a decision within the period of *three* weeks referred to in paragraph 1, shall be subject to appeal under national law.

Or. fr

Amendment 26

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 c – paragraph 3

Text proposed by the Commission

3. If a holder of a European Professional

Amendment

3. If a holder of a European Professional

Card wishes to provide services in Member States other than those initially informed pursuant to paragraph 1 or wishes to continue providing services beyond the period *of two years* referred to in paragraph 1, he may continue to use the European Professional Card referred to in paragraph 1. In those cases the holder of the European Professional Card shall make the declaration provided in Article 7.

Card wishes to provide services in Member States other than those initially informed pursuant to paragraph 1 or wishes to continue providing services beyond the *one-year* period referred to in paragraph 1, he may continue to use the European Professional Card referred to in paragraph 1. In those cases the holder of the European Professional Card shall make the declaration provided in Article 7 *to the host Member State concerned*.

Or. fr

Justification

The principle of an annual declaration renewal should be reinserted so that host Member States are suitably informed about the presence of services providers in their territory.

Amendment 27

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 d - title

Text proposed by the Commission

European Professional Card for establishment and for the temporary provision of services under Article 7 (4)

Amendment

European Professional Card for establishment and for the temporary *and occasional* provision of services under Article 7 (4)

Or. fr

Amendment 28

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 d – paragraph 1

Text proposed by the Commission

1. Upon receipt of a complete application for a European Professional Card, the competent authority of the home Member

Amendment

1. Upon receipt of a complete application for a European Professional Card, the competent authority of the home Member

State shall, within **two** weeks, verify and confirm the authenticity and validity of the submitted supporting documents, create the European Professional Card, transmit it for validation to the competent authority of the host Member State and inform that authority on the corresponding IMI file. The applicant shall be informed by the home Member State of the state of the procedure.

State shall, within **three** weeks, verify and confirm the authenticity and validity of the submitted supporting documents, create the European Professional Card, transmit it for validation to the competent authority of the host Member State and inform that authority *of* the corresponding IMI file. The applicant shall be informed by the home Member State of the state of the procedure.

Or. fr

Justification

In the first phase of implementation of the system, the deadlines for processing applications should be extended to ensure that the system functions as well as possible and offers better quality of service.

Amendment 29

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 d – paragraph 2

Text proposed by the Commission

2. In the cases referred to in Article 16, 21 and 49a, a host Member State shall decide on validation of a European Professional Card under paragraph 1 within **one month** as from the date of receipt of the European Professional Card transmitted by the home Member State. In case of justified doubts, the host Member State may request additional information from the home Member State. That request shall not suspend the period of **one month**.

Amendment

2. In the cases referred to in Article 16, 21 and 49a, a host Member State shall decide on validation of a European Professional Card under paragraph 1 within **five weeks** as from the date of receipt of the European Professional Card transmitted by the home Member State. In case of justified doubts, the host Member State may request additional information from the home Member State. That request shall not suspend the period of **five weeks**.

Or. fr

Justification

In the first phase of implementation of the system, the processing deadlines should be extended to ensure that the system functions as well as possible and offers better quality of service.

Amendment 30
Proposal for a directive
Article 1 – point 5
Directive 2005/36/EC
Article 4 d – paragraph 3

Text proposed by the Commission

3. In the cases referred to in Articles 7(4) and 14, a host Member State shall decide on whether to recognise the holder's qualifications or to subject him to compensation measures within **two months** from the date of receipt for validation of the European Professional Card transmitted by the home Member State. In case of justified doubts, the host Member State may request additional information from the home Member State. That request shall not suspend the period of **two months**.

Amendment

3. In the cases referred to in Articles 7(4) and 14, a host Member State shall decide on whether to recognise the holder's qualifications or to subject him to compensation measures within **eight weeks** from the date of receipt for validation of the European Professional Card transmitted by the home Member State. In case of justified doubts, the host Member State may request additional information from the home Member State. That request shall not suspend the period of **eight weeks**.

Or. fr

Justification

In the first phase of implementation of the system, the processing deadlines should be extended to ensure that the system functions as well as possible and offers better quality of service.

Amendment 31
Proposal for a directive
Article 1 – point 5
Directive 2005/36/EC
Article 4 d – paragraph 5

Text proposed by the Commission

5. Where the host Member State fails to take a decision within the time limits set out in the paragraphs 2 and 3 or to request additional information within **one month** from the date of receipt of the European Professional Card by the home Member State, the European Professional Card shall be deemed to be validated by the host Member State and to constitute recognition of the professional qualification to the

Amendment

5. The host Member State shall acknowledge receipt of an application for validation of the European Professional Card within a period of five days. Where the host Member State fails to take a decision within the time limits set out in the paragraphs 2 and 3 or to request additional information within **five weeks** from the date of receipt of the European Professional Card by the home Member

regulated profession concerned in the host Member State.

State, the European Professional Card shall be deemed to be **temporarily** validated by the host Member State and to constitute **temporary** recognition of the professional qualification to the regulated profession concerned in the host Member State.

Or. fr

Justification

In the context of extended time limits, applicants should be kept regularly informed about the status of their applications. The mechanism of tacit recognition also prevents applications from being processed in an unsuitable manner by the host Member State, but cannot under any circumstances constitute a definitive validation, given that the host authority has the possibility to defer validation if it requests additional information.

Amendment 32

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 e – paragraph 1

Text proposed by the Commission

1. The competent authorities of the home and the host Member States shall update in a timely manner the corresponding IMI file with information regarding disciplinary action or criminal sanctions taken or any other serious specific circumstances which are likely to have consequences for the pursuit of activities of the holder of the European Professional Card under this Directive. Such updates shall include the deletion of information which is no longer required. The holder of the European Professional Card and the competent authorities involved in the corresponding IMI file shall be informed of any updates by the competent authorities concerned.

Amendment

1. The competent authorities of the home and the host Member States shall update in a timely manner the corresponding IMI file with information regarding disciplinary action or criminal sanctions taken or any other serious specific circumstances which are likely to have consequences for the pursuit of activities of the holder of the European Professional Card under this Directive. Such updates shall include the deletion of information which is no longer required. The holder of the European Professional Card and the competent authorities involved in the corresponding IMI file shall be informed **immediately** of any updates by the competent authorities concerned.

Or. fr

Amendment 33
Proposal for a directive
Article 1 – point 5
Directive 2005/36/EC
Article 4 e – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that the holder of a European Professional Card has the right at any time to request the rectification, deletion and blocking of his file within the IMI system upon request and that he is informed of this right at the time of issuing the European Professional Card, and reminded of it every **two years** after the issuance of his European Professional Card.

Amendment

5. Member States shall ensure that the holder of a European Professional Card has the right at any time to request the rectification, deletion and blocking of his file within the IMI system upon request and that he is informed of this right at the time of issuing the European Professional Card, and reminded of it every **year** after the issuance of his European Professional Card.

Or. fr

Amendment 34
Proposal for a directive
Article 1 – point 5
Directive 2005/36/EC
Article 4 f – paragraph 2

Text proposed by the Commission

2. Partial access **may be rejected** if such rejection is justified by an overriding reason of general interest, such as public health, it would secure the attainment of the objective pursued and it would not go beyond what is strictly necessary.

Amendment

2. Member States may refuse to apply the principle of partial access to certain professions if such rejection is justified by an overriding reason of general interest, it would secure the attainment of the objective pursued and it would not go beyond what is strictly necessary.

Or. fr

Justification

Where overriding reasons of general interest, such as health protection and public safety, justify the non-application of the principle of partial access, it should be possible to apply this provision to a profession as a whole, and not on a case-by-case basis.

Amendment 35

Proposal for a directive

Article 1 – point 6 – point a

Directive 2005/36/EC

Article 5 – paragraph 1 – point b – subparagraph 1

Text proposed by the Commission

(b) where the service provider moves, if he has pursued that profession in one or several Member States for at least two years during the last 10 years preceding the provision of services when the profession is not regulated in the Member State of establishment.

Amendment

(b) where the service provider moves, if he has pursued that profession ***on a full-time basis*** in one or several Member States for at least two years during the last 10 years preceding the provision of services when the profession is not regulated in the Member State of establishment.

Or. fr

Justification

Service providers who have pursued the profession only on a part-time basis may not have acquired the requisite experience.

Amendment 36

Proposal for a directive

Article 1 – point 6 – point a

Directive 2005/36/EC

Article 5 – paragraph 1 – subparagraph 2 - point b

Text proposed by the Commission

(b) the service provider ***is accompanying*** the service recipient, provided that the service recipient's habitual residence is ***in the service provider's*** Member State ***of establishment*** and the profession does not appear on the list referred to in Article 7(4).

Amendment

(b) the service provider ***has concluded a contract beforehand with*** the service recipient ***outside the host Member State***, provided that the service recipient's habitual residence is ***outside the host*** Member State and the profession does not appear on the list referred to in Article 7(4).

Or. fr

Justification

The provisions of the text proposed by the Commission would be difficult to apply in practice.

Amendment 37

Proposal for a directive

Article 1 – point 6 – point a a (new)

Directive 2005/36/EC

Article 5 – paragraph 2 – subparagraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) In paragraph 2, the second subparagraph is replaced by the following:

The temporary and occasional nature of the provision of services shall be assessed case by case, in particular in relation to its duration, its frequency, its regularity and its continuity, and service providers may not carry out more than 50 % of their regular annual activity in the host Member State.

Or. fr

Justification

Temporary provision of services should be limited to a specific duration to prevent people from circumventing the establishment procedures.

Amendment 38

Proposal for a directive

Article 1 – point 6 – point b

Directive 2005/36/EC

Article 5 – paragraph 4

Text proposed by the Commission

Amendment

(b) The following paragraph 4 is added:

deleted

4. In the case of notaries, the authentic instruments and other activities of authentication which require the seal of the host Member State shall be excluded from the provision of services.

Or. fr

Justification

Given the limited mobility and the nature of the notary profession in terms of freedom of establishment and a notary's role as an officer of the public prosecutor's office in most Member States, there is no need to introduce specific provisions regarding notaries.

Amendment 39

Proposal for a directive

Article 1 – point 7 – subpoint a – subpoint i

Directive 2005/36/EC

Article 7 – paragraph 2 – point e

Text proposed by the Commission

(e) for professions in the security sector and in the health sector, where the Member State so requires for its own nationals, evidence of neither temporary and final suspensions from exercising the profession nor criminal convictions.

Amendment

(e) for professions in the security sector and ***those with public health implications***, where the Member State so requires for its own nationals, evidence of neither temporary and final suspensions from exercising the profession nor criminal convictions.

Or. fr

Justification

Certain professions which have a significant role in public health protection are not necessarily recognised as health professions.

Amendment 40

Proposal for a directive

Article 1 – point 7 – point a – point ii a (new)

Directive 2005/36/EC

Article 7 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(iia) The following point (fa) is added:

(fa) proof of insurance guaranteeing professional indemnity cover for the service provider in respect of the services provided in the territory of the host Member State.

Or. fr

Amendment 41

Proposal for a directive

Article 1 – point 7 (c)

Directive 2005/36/EC

Article 7 – paragraph 4 – subparagraph 4

Text proposed by the Commission

Where there is a substantial difference between the professional qualifications of the service provider and the training required in the host Member State, to the extent that that difference is such as to be harmful to public health or safety, and that it cannot be compensated by professional experience or lifelong learning of the service provider, the host Member State shall give the service provider the opportunity to show, in particular by means of an aptitude test, that he has acquired the lacking knowledge or competence. In any case, it must be possible to provide the service within one month of a decision being taken in accordance with the third subparagraph.

Amendment

Where there is a substantial difference between the professional qualifications of the service provider and the training required in the host Member State, to the extent that that difference is such as to be harmful to public health or safety, and that it cannot be compensated by professional experience or lifelong learning of the service provider, the host Member State shall give the service provider the opportunity to show, in particular by means of an aptitude test ***or by taking into account certificates or qualifications issued on the basis of the procedures in points (a) and (b) of Article 49***, that he has acquired the lacking knowledge or competence. In any case, it must be possible to provide the service within one month of a decision being taken in accordance with the third subparagraph.

Or. fr

Justification

The recognition of competences by means of the mechanisms in points (a) and (b) of Article 49 could be an effective tool for assessing a professional's level of competence.

Amendment 42

Proposal for a directive

Article 1 – point 8

Directive 2005/36/EC

Article 8 – paragraph 1

Text proposed by the Commission

1. The competent authorities of the host

Amendment

1. The competent authorities of the host

Member State may ask the competent authorities of the Member State of establishment, in case of doubts, to provide any information relevant to the legality of the service provider's establishment and his good conduct, as well as the absence of any disciplinary or criminal sanctions of a professional nature. In case of control of qualifications, the competent authorities of the host Member State may ask the competent authorities of the Member State of establishment information about the service provider training courses to the extent necessary to assess substantial differences likely to be harmful to public health or safety. The competent authorities of the Member State of establishment shall provide this information in accordance with Article 56.

Member State may ask the competent authorities of the Member State of establishment, in case of doubts, to provide any information relevant to the legality of the service provider's establishment and his good conduct, as well as the absence of any disciplinary or criminal sanctions of a professional nature. In case of control of qualifications, the competent authorities of the host Member State may ask the competent authorities of the Member State of establishment information about the service provider training courses to the extent necessary to assess substantial differences likely to be harmful to public health or safety. ***The host Member State may take account in particular of qualifications or certificates obtained under the procedures in points (a) and (b) of Article 49.*** The competent authorities of the Member State of establishment shall provide this information in accordance with Article 56.

Or. fr

Justification

The recognition of competences by means of the mechanisms in points (a) and (b) of Article 49 could be an effective tool for assessing a professional's level of competence

Amendment 43
Proposal for a directive
Article 1 – point 11
Directive 2005/36/EC
Article 13 – paragraph 4

Text proposed by the Commission

4. By derogation to paragraphs 1 and 2 of this Article, the competent authority of the host Member State may refuse access to and pursuit of the profession to holders of an attestation of competence where the national qualification required to exercise the profession on its territory is classified under points (d) or (e) of Article 11.

Amendment

4. By derogation to paragraphs 1 and 2 of this Article, the competent authority of the host Member State may refuse access to and pursuit of the profession to holders of an attestation of competence ***or a qualification which is not of a level at least immediately prior to that required in the host Member State,*** where the national

qualification required to exercise the profession on its territory is classified under points (d) or (e) of Article 11.

Or. fr

Justification

Reintroduction of a provision to prevent disproportionate differences in qualification levels.

Amendment 44

Proposal for a directive

Article 1 – point 12 (c)

Directive 2005/36/EC

Article 14 – paragraph 3

Text proposed by the Commission

Amendment

(c) In paragraph 3, the following subparagraph is inserted after the first subparagraph:

deleted

For the profession of notary, the host Member State may, when it determines the compensation measure, take into account the specific activities of this profession on its territory, in particular as regards the law to be applied.

Or. fr

Justification

Given the limited mobility and the nature of the notary profession in terms of freedom of establishment and a notary's role as an officer of the public prosecutor's office in most Member States, there is no need to introduce specific provisions regarding notaries.

Amendment 45

Proposal for a directive

Article 1 – point 14 a (new)

Directive 2005/36/EC

Chapter III, title and provisions

Text proposed by the Commission

Amendment

(14a) The title of Chapter III is replaced

by the following:

**Recognition on the basis of coordination
of training conditions**

*(This amendment applies to the whole of
Chapter III of the text. Adopting it will
necessitate corresponding changes
throughout the text.)*

Or. fr

Justification

*The training requirements on which the principle of automatic recognition is based should
not be considered minimum criteria. Instead, they should be seen as the basis for further work
towards establishing higher quality standards.*

Amendment 46

Proposal for a directive

Article 1 – point 15

Directive 2005/36/EC

Article 21

Text proposed by the Commission

15) In Article 21, **paragraphs** 4, 6 and 7
are deleted.

Amendment

15) In Article 21, **paragraph** 4,
subparagraphs 2 and 3 of paragraph 6,
and **paragraph 7** are deleted.

Or. fr

Justification

*The first subparagraph of paragraph 6 should be reinserted, given its vital importance for the
automatic recognition of qualifications system as a whole*

Amendment 47

Proposal for a directive

Article 1 – point 17 – introductory part

Directive 2005/36/EC

Article 22

Annex II – paragraph 2 – subparagraph 3

17) In Article 22, the following second
paragraph is added:

Amendment

17) In Article 22, the following **point (c)**
and second subparagraph **are** added:

Amendment 48
Proposal for a directive
Article 1 – point 17
 Directive 2005/36/EC
 Article 22

Text proposed by the Commission

For the purposes of point (b) of the first paragraph, as from [insert date - the day after the date set out in first subparagraph of paragraph 1 of Article 3] and every five years thereafter, the competent authorities in Member States shall submit publicly available reports to the Commission and to the other Member States ***on their continuing education and training procedures*** related to doctors of medicine, medical specialists, nurses responsible for general care, dental practitioners, specialised dental practitioners, veterinary surgeons, midwives and pharmacists.

Amendment

(c) Member States shall make sure that establishments which provide one of the types of training in question undergo at least every five years from [the date of entry into force of this Directive] an assessment into compliance with the training requirements that shall be carried out by a body listed on the European Quality Assurance Register (EQAR), which shall forward its conclusions to the Member State concerned and to the Commission.

For the purposes of point (b) of the first paragraph, as from [insert date - the day after the date set out in first subparagraph of paragraph 1 of Article 3] and every five years thereafter, the competent authorities in Member States shall submit publicly available ***assessment*** reports to the Commission and to the other Member States ***for the purposes of optimising the continuous professional development systems*** related to doctors of medicine, medical specialists, nurses responsible for general care, dental practitioners, specialised dental practitioners, veterinary surgeons, midwives and pharmacists.

Justification

The directive could also introduce a mechanism for checking the quality of the training given by establishments in respect of the requirements laid down in the Directive, in order to guard

against any doubts as to the true value of the training. It is also important to specify the purpose of the continuous training assessment reports.

Amendment 49

Proposal for a directive

Article 1 – point 19 – point a a (new)

Directive 2005/36/EC

Article 25 – paragraph 2

Text proposed by the Commission

Amendment

(aa) Paragraph 2 is replaced by the following:

2. Specialist medical training shall comprise theoretical, practical *and professional ethics* training at a university or medical teaching hospital or, where appropriate, a medical care establishment approved for that purpose by the competent authorities or bodies.

The Member States shall ensure that *the specialist medical training has a duration of at least five years, which may also be expressed in terms of ECTS credits.*

Training shall be given under the supervision of the competent authorities or bodies. It shall include personal participation of the trainee specialised doctor in the activity and responsibilities entailed by the services in question.

Or. fr

Justification

In order to update the provisions on the training of medical specialists.

Amendment 50

Proposal for a directive

Article 1 – point 19 – point b

Directive 2005/36/EC

Article 25 – paragraph 3 a - subparagraph 1

Text proposed by the Commission

(3a) Member States may lay down in their national legislations partial exemptions from parts of the specialist medical training, if that part of the training has been followed already during the completion of another specialist training programme which is listed in point 5.1.3 of Annex V and provided that the former specialist qualification has already been obtained by the professional ***in that Member State***. Member States shall ensure that the granted exemption is not more than one-third of the minimum duration of specialist medical training courses as referred to in point 5.1.3 of Annex V.

Amendment

(3a) Member States may lay down in their national legislations partial exemptions from parts of the specialist medical training, if that part of the training has been followed already during the completion of another specialist training programme which is listed in point 5.1.3 of Annex V and provided that the former specialist qualification has already been obtained by the professional. Member States shall ensure that the granted exemption is not more than one-third of the minimum duration of specialist medical training courses as referred to in point 5.1.3 of Annex V.

Or. fr

Justification

A Member State should be able to recognise a partial qualification obtained in another Member State.

Amendment 51

Proposal for a directive

Article 1 – point 19 - point c

Directive 2005/36/EC

Article 25 – paragraph 5

Text proposed by the Commission

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 58a concerning the adaptations of the ***minimum periods of*** training referred to in point 5.1.3 of Annex V to scientific and technical progress.

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 58a concerning the adaptations of the training ***requirements*** referred to in point 5.1.3 of Annex V to scientific and technical progress.

Or. fr

Amendment 52

Proposal for a directive

Article 1 – point 20 – introductory part

Directive 2005/36/EC

Article 26

Text proposed by the Commission

20) ***In*** Article 26, ***the second paragraph*** is replaced by the following:

Amendment

20) Article 26 is replaced by the following:

Or. fr

Amendment 53

Proposal for a directive

Article 1 – point 20

Directive 2005/36/EC

Article 26 – paragraph 2

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts in accordance with Article 58a concerning the inclusion in point 5.1.3 of Annex V of new medical specialties common to at least one third of the Member States with a view to updating this Directive in the light of changes in national legislation.

Amendment

Evidence of formal qualifications as a specialised doctor referred to in Article 21 is such evidence awarded or recognised by the competent authorities or bodies referred to in Annex V, point 5.1.2 as corresponds, for the specialised training in question, to the titles in use in the various Member States and referred to in Annex V, point 5.1.3.

The Commission shall be empowered to adopt delegated acts in accordance with Article 58a concerning the inclusion in point 5.1.3 of Annex V of new medical specialties common to at least one third of the Member States with a view to updating this Directive in the light of changes in national legislation.

Or. fr

Justification

In order to update the provisions on the training of medical specialists.

Amendment 54
Proposal for a directive
Article 1 – point 22 – point b
Directive 2005/36/EC
Article 31 – paragraph 2

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts in accordance with Article 58a concerning amendments to the list set out in point 5.2.1 of Annex V with a view to adapting it to the educational, scientific and technical progress.

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 58a concerning amendments to the list set out in point 5.2.1 of Annex V with a view to adapting it to the educational, scientific and technical progress, ***and to the development and evolution of the role of the profession.***

Or. fr

Justification

In order to update the provisions on the training of nurses.

Amendment 55
Proposal for a directive
Article 1 – point 22 - point c
Directive 2005/36/EC
Article 31 – paragraph 3

Text proposed by the Commission

The training of nurses responsible for general care shall comprise at least three years of study or 4 600 hours of theoretical and clinical training, the duration of the theoretical training representing at least one-third and the duration of the clinical training at least one half of the minimum duration of the training. Member States may grant partial exemptions to persons who have received part of their training on courses which are of at least an equivalent level.

Amendment

The training of nurses responsible for general care shall comprise at least three years of study, ***which may also be expressed with the equivalent ECTS credits,*** or 4 600 hours of theoretical and clinical training, the duration of the theoretical training representing at least one-third and the duration of the clinical training at least one half of the minimum duration of the training. Member States may grant partial exemptions to persons who have received part of their training on courses which are of at least an equivalent level.

Or. fr

Justification

In line with the insertion of the reference to ECTS credits in the context of other types of training.

Amendment 56

Proposal for a directive

Article 1 – point 23 a (new)

Directive 2005/36/EC

Article 33 b (new)

Text proposed by the Commission

Amendment

(23a) The following Article 33b is inserted:

Article 33b

Transitional provisions

As from [insert date of the entry into force of this Directive], Member States shall have a period of six years within which to adapt their training systems to the new requirements of Article 31(1) concerning the duration of general school education.

Or. fr

Amendment 57

Proposal for a directive

Article 1 – point 24 – point a

Directive 2005/36/EC

Article 34 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Basic dental training shall comprise a total of at least five years of ***full-time theoretical and practical*** study, which may also be expressed with the equivalent ECTS credits, comprising at least the programme described in Annex V, point 5.3.1 and given in a university, in a higher institute providing training recognised as being of an equivalent level or under the supervision of a university.

Basic dental training shall comprise a total of at least five years of study, which may also be expressed with the equivalent ECTS credits, ***representing at least 5 000 hours of theoretical and practical study, and*** comprising at least the programme described in Annex V, point 5.3.1 and given in a university, in a higher institute providing training recognised as being of an equivalent level or under the

supervision of a university.

Or. fr

Justification

The number of hours of study required should be specified in order to prevent part-time qualifications, which may be inadequate, from being recognised.

Amendment 58

Proposal for a directive

Article 1 – point 27 – point b a (new)

Directive 2005/36/EC

Article 40 – paragraph 3

Text proposed by the Commission

Amendment

(ba) Paragraph 3 is replaced by the following:

3. Training as a midwife shall provide an assurance that the person in question has acquired the following knowledge and skills:

(a) adequate knowledge of the sciences on which the activities of midwives are based, particularly obstetrics, gynaecology and neonatology;

(b) adequate knowledge of the ethics of the profession and the professional legislation;

(c) detailed knowledge of biological functions, anatomy, physiology, psychology and pharmacology in the field of obstetrics and of the newly born, and also a knowledge of the relationship between the state of health and the physical and social environment of the human being, and of his behaviour;

(d) adequate clinical experience gained in approved institutions under the supervision of staff qualified in midwifery and obstetrics;

(e) adequate understanding of the training of health personnel and

experience of working with such.

Or. fr

Justification

In order to update the provisions on the training of midwives.

Amendment 59

Proposal for a directive

Article 1 – point 28

Directive 2005/36/EC

Article 41 – paragraph 1 – point a

Text proposed by the Commission

(a) full-time training of at least three years as a midwife:

Amendment

(a) full-time training of at least three years as a midwife, ***consisting of at least 5 000 hours of theoretical and practical training, which may also be expressed with the equivalent ECTS credits:***

Or. fr

Justification

In order to update the provisions on the training of midwives and to ensure coherence with the insertion of the reference to ECTS credits in the context of other types of training.

Amendment 60

Proposal for a directive

Article 1 – point 28

Directive 2005/36/EC

Article 41 - paragraph 1 – point b

Text proposed by the Commission

(b) full-time training as a midwife of at least two years consisting of at least 3 600 hours, contingent upon possession of evidence of formal qualifications as a nurse responsible for general care referred to in Annex V, point 5.2.2;

Amendment

(b) full-time training as a midwife of at least two years consisting of at least 3 600 hours, ***which may also be expressed with the equivalent ECTS credits,*** contingent upon possession of evidence of formal qualifications as a nurse responsible for general care referred to in Annex V, point 5.2.2;

Justification

In line with the insertion of the reference to ECTS credits in the context of other types of training.

Amendment 61

Proposal for a directive

Article 1 – point 28

Directive 2005/36/EC

Article 41 - paragraph 1 – point c

Text proposed by the Commission

(c) full-time training as a midwife of at least 18 months consisting of at least 3 000 hours, contingent upon possession of evidence of formal qualifications as a nurse responsible for general care referred to in Annex V, point 5.2.2 and followed by one year's professional practice for which a certificate has been issued in accordance with paragraph 2.

Amendment

(c) full-time training as a midwife of at least 18 months consisting of at least 3 000 hours, ***which may also be expressed with the equivalent ECTS credits***, contingent upon possession of evidence of formal qualifications as a nurse responsible for general care referred to in Annex V, point 5.2.2 and followed by one year's professional practice for which a certificate has been issued in accordance with paragraph 2.

Justification

In line with the insertion of the reference to ECTS credits in the context of other types of training.

Amendment 62

Proposal for a directive

Article 1 – point 28 a (new)

Directive 2005/36/EC

Article 42

Text proposed by the Commission

Amendment

(28a) Article 42 is replaced by the following:

Article 42

Pursuit of professional midwife activities

1. The provisions of this section shall apply to the *autonomous* activities of midwives as defined by each Member State, without prejudice to paragraph 2, and pursued under the professional titles set out in Annex V, point 5.5.2.

2. The Member States shall ensure that midwives are able to gain access to and pursue at least the following activities:

(a) provision of sound information and advice *on female reproductive health, including family planning*;

(b) diagnosis of pregnancies, *assessing and monitoring normal pregnancies*, carrying out the *necessary* examinations;

(c) *advising or prescribing* on the examinations necessary for the earliest possible *identification* of pregnancies at risk;

(d) *establishing comprehensive parenthood and childbirth preparation programmes*;

(e) caring for and assisting the mother during labour *and immediately after birth* and monitoring the condition of the foetus in utero by the appropriate clinical and technical means;

(f) conducting spontaneous deliveries including where required episiotomies, *suturing* and breech deliveries;

(g) recognising the warning signs of abnormality in the mother or infant which necessitate referral to a *specialist health professional* and assisting the latter where appropriate; taking the necessary emergency measures in the doctor's absence, in particular the manual removal of the placenta, possibly followed by manual examination of the uterus;

(h) examining and caring for the new-born infant; taking all initiatives which

are necessary in case of need and carrying out where necessary immediate resuscitation;

(i) caring for and monitoring the progress of the mother in the post-natal period and giving all necessary advice to the mother on infant care to enable her to ensure the optimum progress of the new-born infant;

(j) carrying out treatment prescribed by doctors *and prescribing the medicines necessary as part of the exercise of the midwife profession*;

(k) drawing up the necessary *clinical and legal documents*.

Or. fr

Justification

In order to update the provisions on the training of midwives.

Amendment 63

Proposal for a directive

Article 1 – point 30 – point a

Directive 2005/36/EC

Article 44 – paragraph 2 – point b

Text proposed by the Commission

(b) at the end of the theoretical and practical training, a six-month traineeship in a pharmacy which is open to the public or in a hospital under the supervision of that hospital's pharmaceutical department.

Amendment

(b) **during or** at the end of the theoretical and practical training, a six-month traineeship in a pharmacy which is open to the public or in a hospital under the supervision of that hospital's pharmaceutical department.

Or. fr

Justification

Given that training is organised differently from one Member State to the next, they should be accorded a degree of autonomy.

Amendment 64

Proposal for a directive

Article 1 – point 31 – introductory part

Directive 2005/36/EC

Article 45 – paragraph 2

Text proposed by the Commission

31) ***In*** Article 45(2), the following ***point (h) is added***:

Amendment

31) Article 45(2) ***is replaced by*** the following:

Or. fr

Amendment 65

Proposal for a directive

Article 1 – point 31

Directive 2005/36/EC

Article 45 – paragraph 2 – point h

Text proposed by the Commission

(h) report the adverse reactions of pharmaceutical products to the competent authorities.

Amendment

2. The Member States shall ensure that the holders of evidence of formal qualifications in pharmacy at university level or a level deemed to be equivalent, which satisfies the provisions of Article 44, are able to gain access to and pursue at least the following activities, subject to the requirement, where appropriate, of supplementary professional experience:

(a) preparation of the pharmaceutical form of medicinal products;

(b) manufacture and testing of medicinal products;

(c) testing of medicinal products in a laboratory for the testing of medicinal products;

(d) storage, preservation and distribution of medicinal products at the wholesale stage;

(e) supply, preparation, testing, storage and distribution of safe and high-quality medicinal products in pharmacies open to

the public;

(f) preparation, testing, storage and dispensing of medicinal products in hospitals;

(g) monitoring of medicinal treatments and provision of information and advice on medicinal products and health-related issues;

(h) reporting of adverse reactions of pharmaceutical products to the competent authorities;

(i) personalised support for patients who administer their own medication;

(j) contribution to institutional public health campaigns.

Or. fr

Justification

In order to update the provisions on training as a pharmacist.

Amendment 66

Proposal for a directive

Article 1 – point 32

Directive 2005/36/EC

Article 46 – paragraph 1

Text proposed by the Commission

1. The duration of the training as an architect must be at least six years ***which may also be expressed with the equivalent ECTS credits***. The training in a Member State shall comprise any of the following:

Amendment

1. The duration of the training as an architect must be at least six years. The training in a Member State shall comprise any of the following:

Or. fr

Justification

The reference to ECTS credits should be made in respect of theoretical training.

Amendment 67
Proposal for a directive
Article 1 – point 32
Directive 2005/36/EC
Article 46 – paragraph 1 – point a

Text proposed by the Commission

(a) at least four years of full-time study at a university or comparable teaching institution leading to successful completion of a university-level examination and at least two years of remunerated traineeship;

Amendment

(a) at least four years of full-time study, ***or their equivalent expressed in ECTS credits***, at a university or comparable teaching institution leading to successful completion of a university-level examination ***conferring a formal qualification*** and at least two years of remunerated traineeship ***for practical training conferring a professional qualification***;

Or. fr

Amendment 68
Proposal for a directive
Article 1 – point 32
Directive 2005/36/EC
Article 46 - paragraph 1 - point b

Text proposed by the Commission

(b) at least five years of full-time study at a university or comparable teaching institution leading to successful completion of a university-level examination and at least one year of remunerated traineeship.

Amendment

(b) at least five years of full-time study, ***or their equivalent expressed in ECTS credits***, at a university or comparable teaching institution leading to successful completion of a university-level examination ***conferring a formal qualification*** and at least one year of remunerated traineeship ***for practical training conferring a professional qualification***;

Or. fr

Amendment 69
Proposal for a directive
Article 1 – point 32
Directive 2005/36/EC
Article 46 – paragraph 3

Text proposed by the Commission

3. The remunerated traineeship must be carried out in a Member State, under the supervision of a person ***providing adequate guarantees regarding*** their ability to provide practical training. ***It must be undertaken after the completion of the study referred to in paragraph 1.*** The completion of the remunerated traineeship must be attested to in a certificate accompanying the evidence of formal qualifications.

Amendment

3. The remunerated traineeship must be carried out in a Member State, ***and must be undertaken*** under the supervision of ***an architect or a person or body approved for that purpose by a competent authority which has adequately checked*** their ability to provide practical training. The completion of the remunerated traineeship must be attested to in a certificate ***issued by a competent authority and*** accompanying the evidence of formal qualifications.

Or. fr

Amendment 70
Proposal for a directive
Article 1 – point 38
Directive 2005/36/EC
Article 53 – paragraph 1

Text proposed by the Commission

A Member State shall ensure that any ***controls*** of the knowledge of a language are carried out ***by*** a competent authority after the decisions referred to in Articles 4d, 7(4) and 51(3) have been taken and if there is a serious and concrete doubt about the professional's sufficient language knowledge in respect of the professional activities this person intends to pursue.

Amendment

A Member State shall ensure that any ***verification*** of the knowledge of a language are carried out ***under the supervision of*** a competent authority after the decisions referred to in Articles 4d, 7(4) and 51(3) have been taken and if there is a serious and concrete doubt about the professional's sufficient language knowledge in respect of the professional activities this person intends to pursue.

Or. fr

Justification

The concept of verification is less specific than that of controls, and the competent authority

should be able to choose who carries out the verification.

Amendment 71

Proposal for a directive

Article 1 – point 38

Directive 2005/36/EC

Article 53 – paragraph 2

Text proposed by the Commission

In case of professions with patient safety implications, Member States may confer to the competent authorities the right to **carry out** language **checking covering** all professionals concerned **if it is expressly requested by the national health care system, or in case of self-employed professionals not affiliated to the national health care system, by representative national patient organisations.**

Amendment

In case of professions with **public health** and patient safety implications, Member States may confer to the competent authorities the right to **verify the** language **skills of** all professionals concerned. **Verification of language knowledge shall seek to determine how well professionals can communicate, both orally and in writing, for the purposes of exercising their professional activity, particularly with regard to patient safety and safeguarding public health.**

Or. fr

Justification

The concept of verification is less specific than that of controls, and the competent authority should be the only body authorised to make the request for verification. The framework within which such verifications are carried out should be clearly defined.

Amendment 72

Proposal for a directive

Article 1 – point 38

Directive 2005/36/EC

Article 53 – paragraph 3

Text proposed by the Commission

Any language **control** shall be limited to the knowledge of one of the official languages of the Member State according to the choice of the person concerned; it shall be proportionate to the activity to be pursued and free of charge for the professional. The person concerned shall

Amendment

Verification of language **knowledge** shall be limited to the knowledge of one of the official languages of the Member State according to the choice of the person concerned; it shall be proportionate to the activity to be pursued and free of charge for the professional. The person concerned

be allowed to appeal such controls before national courts.

shall be allowed to appeal such controls before national courts.

Or. fr

Justification

The concept of verification is less specific than that of control.

Amendment 73

Proposal for a directive

Article 1 – point 39

Directive 2005/36/EC

Article 55 a – title

Text proposed by the Commission

Amendment

Recognition of **remunerated** traineeship

Recognition of *traineeships*

Or. fr

Justification

The title should make it clear exactly which traineeships are covered. They need not necessarily be remunerated.

Amendment 74

Proposal for a directive

Article 1 – point 39

Directive 2005/36/EC

Article 55 a

Text proposed by the Commission

Amendment

With a view to grant access to a regulated profession, the home Member State shall recognise the **remunerated** traineeship pursued in another Member State and certified by a competent authority of that Member State.

With a view to grant access to a regulated profession, the home Member State shall recognise the traineeship ***which forms part of the training for a regulated profession, whether or not the right to pursue that profession is conditional on that training,*** pursued in another Member State and certified by a competent authority of that Member State.

Or. fr

Justification

The article should make it clear exactly which traineeships are covered. They need not necessarily be remunerated.

Amendment 75

Proposal for a directive

Article 1 – point 39 a (new)

2011/0534

Article 55 b (new)

Text proposed by the Commission

Amendment

(39a) In Title IV, the following Article 55b is inserted:

Article 55b

Controls in the case of lengthy periods of professional inactivity

In cases of professionals whose qualifications have been recognised, as listed in points 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.5.2, 5.6.2, and 5.7.1, but who cannot prove that they have pursued their profession in the four years preceding the request for establishment or the renewal of the declaration, the host Member State may, in the event of material doubt about the level of knowledge, competences and skills of a professional that may put patients and consumers at risk, allow the competent authority to require additional controls, provided that they are proportionate, non-discriminatory and free of charge for the professional. The person concerned shall be allowed to appeal such controls before national courts.

Or. fr

Justification

Having regard to the right to pursue a professional activity, and with a view to ensuring a high level of patient and consumer safety, a mechanism should be created for verifying the competences of professionals whose qualifications have been recognised in the past but who have not pursued their profession for an extended period of time.

Amendment 76
Proposal for a directive
Article 1 – point 41
Directive 2005/36/EC
Article 56 – paragraph 2

Text proposed by the Commission

The competent authorities of the host and home Member States shall exchange information regarding disciplinary action or criminal sanctions taken or any other serious, specific circumstances which are likely to ***have consequences for the pursuit of*** activities under this Directive, respecting personal data protection legislation provided for in Directive 95/46/EC and Directive 2002/58/EC of the European Parliament and of the Council (*).

Amendment

The competent authorities of the host and home Member States shall exchange information regarding disciplinary action or criminal sanctions taken or any other serious, specific circumstances which are likely to ***lead to professionals being stripped of their right to pursue*** activities under this Directive, respecting personal data protection legislation provided for in Directive 95/46/EC and Directive 2002/58/EC of the European Parliament and of the Council (*).

Or. fr

Justification

The authorities should be informed only in cases involving circumstances that could lead to professionals being stripped of their right to pursue their professional activities.

Amendment 77
Proposal for a directive
Article 1 – point 41 a (new)
Directive 2005/36/EC
Article 56 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(41a) In Article 56, the following paragraph 4a is added:

(4a) With the support of the Commission, Member States shall make sure to provide training and appropriate support to the competent authorities with regard to the use of the IMI system, and in particular of the new procedures provided for in this

Directive.

Or. fr

Amendment 78

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

Article 56 a – paragraph 1 – point a

Text proposed by the Commission

(a) doctor ***of medicine of general practice*** possessing evidence of a formal qualification referred to in point 5.1.4 of Annex V;

Amendment

(a) doctor ***with basic medical training*** possessing evidence of a formal qualification referred to in point 5.1.1 of Annex V;

Or. fr

Amendment 79

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

Article 56 a – paragraph 1 – point b

Text proposed by the Commission

(b) specialist doctor of medicine possessing a title referred to in ***point*** 5.1.3 of Annex V;

Amendment

(b) ***doctor of medicine of general practice and*** specialist doctor of medicine possessing a title referred to in ***points*** 5.1.3 ***and 5.1.4*** of Annex V;

Or. fr

Amendment 80

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

Article 56 a – paragraph 1 – point j a (new)

Text proposed by the Commission

Amendment

(ja) professionals listed in point (b) of Article 10, except architects, and who have obtained recognition of their qualifications under Title III, Chapter I.

Or. fr

Justification

The alert mechanism should apply to all professionals concerned, regardless of the method they used to obtain recognition of their qualifications.

Amendment 81

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

Article 56 a – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

The information referred to in the first subparagraph shall be sent at the latest within **three days** from the date of adoption of the decision prohibiting the professional concerned from exercising a professional activity.

The information referred to in the first subparagraph shall be sent **immediately, and in any event** at the latest within **48 hours** from the date of adoption of the decision prohibiting the professional concerned from exercising a professional activity.

Or. fr

Justification

For safety reasons, the information should be sent as quickly as possible.

Amendment 82

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

Article 56 a – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) The provisions of paragraph 1 shall

also apply in the case of professionals who have been convicted of using or attempting to use forged documents when applying for recognition of their qualifications.

Or. fr

Justification

The alert mechanism activated if professionals lose their right to pursue their professional activity should be supplemented by an alert activated if professionals are convicted of attempted fraud.

Amendment 83

Proposal for a directive

Article 1 – point 43

Directive 2005/36/EC

Article 57 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the information referred to in paragraph 1 is provided in a clear and comprehensive way for users, that it is easily accessible at a distance and by electronic means and that it is *kept up to date*.

Amendment

2. Member States shall ensure that the information referred to in paragraph 1 is provided in a clear and comprehensive way for users, that it is easily accessible at a distance and by electronic means and that it is *updated as swiftly as possible*.

Or. fr

Amendment 84

Proposal for a directive

Article 1 – point 43

Directive 2005/36/EC

Article 57 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that the points of single contact and the competent authorities respond as quickly as possible to any request for information addressed to the point of single contact. To this end, they may also refer such request for

Amendment

3. *Does not affect English version.*

information to the assistance centers mentioned in Article 57b and inform the citizen concerned.

Or. fr

Amendment 85
Proposal for a directive
Article 1 – point 43
Directive 2005/36/EC
Article 57 – paragraph 4

Text proposed by the Commission

4. Member States and the Commission shall take accompanying measures in order to ensure that points of single contact make the information provided for in paragraph 1 available in other official languages of the Union. This shall not affect the legislation of Member States on the use of languages in their territory.

Amendment

4. *Does not affect English version.*

Or. fr

Amendment 86
Proposal for a directive
Article 1 – point 47 a
Directive 2005/36/EC
Article 58 a – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) In the drawing-up of delegated acts, the Commission shall endeavour to consult the relevant stakeholders, which may include competent authorities, professional associations, representatives of academic bodies, and social partners.

Or. fr

Justification

The process for adopting delegated acts should be transparent and based on dialogue.

Amendment 87

Proposal for a directive

Article 1 – point 48

Directive 2005/36/EC

Article 59 – paragraph 1

Text proposed by the Commission

1. Member States shall notify to the Commission a list of existing regulated professions according to their national law by *[insert date – end of transposition period]*. Any change to this list of regulated professions shall also be notified to the Commission without delay. The Commission shall set up and maintain a publicly available database for such information.

Amendment

1. Member States shall notify to the Commission a list of existing regulated professions according to their national law by *[one year after the entry into force of this Directive]*. Any change to this list of regulated professions shall also be notified to the Commission without delay. The Commission shall set up and maintain a publicly available database for such information.

Or. fr

Amendment 88

Proposal for a directive

Article 1 – point 48 a (new)

Directive 2005/36/EC

Article 60 - paragraphs 3 and 4 (new)

Text proposed by the Commission

Amendment

(48a) In Article 60, the following paragraphs 3 and 4 are added:

3. As from [date of entry into force of this Directive], the Commission shall report to the European Parliament and the Council every three years on the results of the periodic review of the provisions of Annex V of this Directive, in accordance with the objectives and adaptation requirements provided for in Article 24(4), Article 25(5), Article 26(2), Article 31(2) and (7), Article 34(2) and (4), Article 35(4), Article

**38(1) and (4), Article 40(1) and (4),
Article 44(2) and (4), and Article 46(4).**

**4. On [two years after the entry into force
of this Directive] at the latest, the
Commission shall submit a report on
whether the specific provisions contained
in Article 33(2) and (3) and in Article 33a
should be maintained.**

Or. fr

Justification

It is essential to update regularly the provisions contained in Annex V in order to ensure a high level of training and mutual trust between Member States.

EXPLANATORY STATEMENT

Professional mobility is fundamental to competitiveness and employment in Europe and forms an integral part of the 2020 Strategy and the Single Market Act. Nevertheless, the level of professional mobility remains low, owing to a lack of simple and clear rules governing the recognition of professional qualifications, despite the fact that a European legal framework has existed since the 1970s. As a result, most of the complaints made by EU citizens to the ‘Solvit’ assistance centres concern problems in securing recognition of their qualifications so that they can exercise their profession in another EU Member State.

The fundamental right to freedom of movement is still not regarded as self-evident, and this legislative proposal must play a part in changing that by simplifying the procedures which people wishing to work in another country have to complete, whilst maintaining a high level of quality and safety for consumers, patients, workers and all EU citizens and improving the level of trust between Member States.

If this simplification is to be achieved, and if this relationship of trust is to be established, the joint training requirements for the professions covered by the automatic recognition system will have to be regularly revised and, ultimately, the number of professions covered by the automatic system will have to be increased (at present only seven out of more than 800 regulated professions in the EU are covered).

This process must be seen as going hand in hand with the changes brought about by the Bologna process, which involves a gradual and flexible harmonisation of the criteria governing admission to training and the definitions of the content of training, whilst leaving the Member States and the establishments concerned free to organise training as they see fit. Efforts to improve the recognition of qualifications must be based on the outcome of that process and completely open consultation and coordination involving the competent authorities, professional associations, educational establishments and the social partners.

This is a key challenge which must be met if we want to exploit the full potential of the Single Market and if we want the concept of European citizenship to mean something in practice. This is why this recast proposal was identified following the adoption of the Single Market Act as one of the 12 instruments to stimulate growth and strengthen confidence among EU citizens.

This is also why your rapporteur welcomes the Commission proposal, which contains important ideas which can help us to meet the challenge of improving the recognition of qualifications, in particular the introduction of the European Professional Card, which your rapporteur has been calling for since 2007. Attention should also be drawn to the spirit of give and take between institutions and stakeholders which characterised the drafting process, resulting in a coherent text which has secured broad approval, even if some significant improvements are still needed.

SIMPLIFYING PROCEDURES

Your rapporteur welcomes the introduction, on a voluntary basis, of the European Professional Card. This procedure, which will take its place alongside the standard system, is based on the Internal Market Information System (IMI), and therefore involves no physical documents. The aim is to simplify procedures for both professionals and competent authorities, whilst guaranteeing a high level of reliability of the information forwarded, and to improve communication between Member States, thereby generating mutual trust.

In the first phase of implementation of the system, however, the deadlines for processing applications should be extended to ensure that the system functions as well as possible and offers a better quality of service. Training in the use of the new IMI functionalities should also be offered. Aside from these practical aspects, it should be emphasised that the European Professional Card can develop into an important symbol of professional mobility and a means of making European citizenship a reality.

As things stand, the shortcomings in the current system are a major source of problems and frustration for professionals wishing to work in another Member State. In order to help them complete the relevant formalities, it is essential that they should be able to draw on reliable and effective sources of information, so that the procedures can be speeded up. With that aim in view, your rapporteur regards it as vital to strengthen the role of the assistance centres and to ensure that the one-stop shops cover the whole of the territory of the EU, making them accessible to all professionals.

GUARANTEEING RELIABILITY, QUALITY AND SAFETY

One of the main obstacles to mobility is the lack of confidence felt by consumers, patients, competent authorities and professionals. This is linked to disparities in training, working methods and the criteria governing the exercise of a profession and the failure to acknowledge those disparities. This lack of confidence is particularly marked in the professions covered by the automatic recognition system, even though the common minimum training requirements in theory guarantee an adequate level of qualifications.

The proposal puts forward a number of ways of improving the situation, including the more systematic use of the possibilities offered by the IMI and the European Professional Card, in particular the validation of documents by the competent authority of the home Member State and the use of the alert mechanism in cases of disbarment, an arrangement which should be extended to cover professionals who submit forged documents in an effort to obtain recognition of their qualifications.

In more general terms, mutual confidence in levels of qualifications can be strengthened by regular updating and upward harmonisation of training requirements, which calls for regular consultation of stakeholders with a view to revising the annexes to the directive in strict compliance with the principle of autonomy as regards the practical organisation of training.

In that connection, your rapporteur welcomes the proposals to update the training requirements for the professions of nurse, midwife, pharmacist and architect, whilst acknowledging the problems which this process of adjustment may cause in some Member States.

As regards the professions not covered by the automatic recognition system, the new provisions on common training frameworks and common tests are likely to give rise to a range of expectations which reflect the disappointment felt at the failure of the existing common platform. Your rapporteur takes the view that these tools, if used wisely on the basis of broad consultation, can serve as an effective link between the general and the automatic recognition system and thus facilitate mobility whilst guaranteeing a high level of quality and mutual trust.

The directive could also introduce a mechanism for checking the quality of the training given by establishments in the light of the requirements laid down in the directive, in order to guard against any doubts as to the true value of the training involved.

Thus, in the context of the exercise of a profession, language checking offers a guarantee which is fundamental to public safety, and to patient safety in particular. By the same token, a mechanism for checking the quality of the training given by establishments in the light of the requirements laid down in the directive could guard against any doubts as to the true value of the training involved.

Conversely, your rapporteur takes the view that provisions such as those on partial access or the extension to two years of the period of validity of the compulsory declaration are likely to create new doubts and uncertainties. Member States should therefore be allowed to refuse partial access to any profession with implications for public health, patient safety or health monitoring and, during the initial implementation phase, the deadline for processing applications should be extended so as to ensure optimum functioning of the system and a better quality of service.

Against the background of a financial, economic and social crisis the like of which it has not experienced since its inception, the EU must take steps to generate a new spirit of dynamism and innovation based on the values of unity, diversity and solidarity. For many EU citizens, and in particular young people, who have been affected to a worrying degree by unemployment, professional mobility may be the only way they have of creating a future for themselves and regaining trust in the European integration process.

This recast must achieve the goal of demonstrating to the Member States that by upholding the principles of subsidiarity and proportionality and by creating genuine value added in policy areas which have a major bearing on people's everyday lives EU legislation can help to strengthen citizenship and democracy in Europe.