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*****III REPORT**

on the joint text approved by the Conciliation Committee for a European Parliament and Council directive amending Directives 89/48/EEC and 92/51/EEC on the general system for the recognition of professional qualifications and supplementing Directives 77/452/EEC, 77/453/EEC, 78/686/EEC, 78/687/EEC, 78/1026/EEC, 78/1027/EEC, 80/154/EEC, 80/155/EEC, 85/384/EEC, 85/432/EEC, 85/433/EEC and 93/16/EEC concerning the professions of nurse responsible for general care, dental practitioner, veterinary surgeon, midwife, architect, pharmacist and doctor (C5-0680/2000 – 1997/0345(COD))

European Parliament delegation to the Conciliation Committee

Rapporteur: Rainer Wieland

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

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PROCEDURAL PAGE

At the sitting of 2 July 1998 Parliament adopted its position at first reading on the proposal for a European Parliament and Council directive amending Directives 89/48/EEC and 92/51/EEC on the general system for the recognition of professional qualifications and supplementing Directives 77/452/EEC, 77/453/EEC, 78/686/EEC, 78/687/EEC, 78/1026/EEC, 78/1027/EEC, 80/154/EEC, 80/155/EEC, 85/384/EEC, 85/432/EEC, 85/433/EEC and 93/16/EEC concerning the professions of nurse responsible for general care, dental practitioner, veterinary surgeon, midwife, architect, pharmacist and doctor (COM(1997) 638 - 1997/0345 (COD)).

At the sitting of 30 March 2000 the President of Parliament announced that the common position had been received and referred to the Committee on Legal Affairs and the Internal Market (5103/3/2000 - C5-0162/2000).

At the sitting of 5 July 2000 Parliament adopted amendments to the common position.

By letter of 26 September 2000 the Council stated that it was unable to approve all Parliament's amendments.

By letter of 8 November 2000 the Council informed the Parliament that the extension of the deadline for convening the Conciliation Committee pursuant to Article 251(7) of the EC Treaty was necessary.

The President of the Council, in agreement with the President of Parliament, convened a meeting of the Conciliation Committee on 22 November 2000.

By letter of 12 December 2000 the President of Parliament informed the Council that the extension of the deadline for the work in committee pursuant to Article 251(7) of the EC Treaty was necessary.

At subsequent trialogues and delegation meetings the common position was considered on the basis of the amendments proposed by Parliament. Final agreement was reached by exchange of letters of 12 December 2000 and 13 December 2000.

On 15 January 2001 the co-chairmen of the Conciliation Committee established that the joint text had been approved, pursuant to paragraph III.8 of the Joint declaration on practical arrangements for the new co-decision procedure,¹ and forwarded it to Parliament and the Council in all the official languages.

On 18 January 2001 Parliament's delegation to the Conciliation Committee adopted the draft legislative resolution unanimously.

The following took part in the vote: Ingo Friedrich, Vice-President and chairman of the delegation; Renzo Imbeni and James L.C. Provan, Vice-Presidents; Ana Palacio Vallelersundi, chairman of the Committee on Legal Affairs and the Internal Market; Rainer

¹ OJ C 148, 28.5.1999, p. 1.

Wieland, rapporteur; Maria Berger (for Arlene McCarthy), Evelyne Gebhardt, The Lord Inglewood, Klaus-Heiner Lehne, Donald Neil MacCormick, Luis Marinho and Manuel Medina Ortega.

The report was tabled on 23 January 2001.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the joint text approved by the Conciliation Committee for a European Parliament and Council directive on amending Directives 89/48/EEC and 92/51/EEC on the general system for the recognition of professional qualifications and supplementing Directives 77/452/EEC, 77/453/EEC, 78/686/EEC, 78/687/EEC, 78/1026/EEC, 78/1027/EEC, 80/154/EEC, 80/155/EEC, 85/384/EEC, 85/432/EEC, 85/433/EEC and 93/16/EEC concerning the professions of nurse responsible for general care, dental practitioner, veterinary surgeon, midwife, architect, pharmacist and doctor (C5-0680/2000 – 1997/0345(COD))

(Codecision procedure: third reading)

The European Parliament,

- having regard to the joint text approved by the Conciliation Committee and the relevant Council, Commission and Parliament statements (C5-0680/2000),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(1997) 638²),
 - having regard to its position at second reading on the Council common position³,
 - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2000) 527 - C5-0435/2000⁴),
 - having regard to Article 251(5) of the EC Treaty,
 - having regard to Rule 83 of its Rules of Procedure,
 - having regard to the report of its delegation to the Conciliation Committee (A5-0012/2001),
1. Approves the joint text, confirms its statement thereon and draws attention to the Council and Commission statements thereon;
 2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
 3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Communities;
 4. Instructs its President to forward this legislative resolution to the Council and

¹ OJ C 226 of 20.7.1998 p. 26.

² OJ C 28 of 26.1.1998 p. 1.

³ OJ C not yet published.

⁴ OJ C not yet published.

Commission.

EXPLANATORY STATEMENT

Nature of the proposal

On 3 December 1997, the Commission submitted its proposal for a Directive amending Directives 89/48/EEC and 92/51/EEC on the general system for the recognition of professional qualifications and supplementing Directives 77/452/EEC, 77/453/EEC, 78/686/EEC, 78/687/EEC, 78/1026/EEC, 78/1027/EEC, 80/154/EEC, 80/155/EEC, 85/384/EEC, 85/432/EEC, 85/433/EEC and 93/16/EEC concerning the professions of nurse responsible for general care, dental practitioner, veterinary surgeon, midwife, architect, pharmacist and doctor.

The purpose of the Directive, which is a Directive relating to the SLIM-initiative (Simpler legislation for the Internal Market), is to incorporate into the general system of mutual recognition of professional qualifications the legal requirement to take into account experience gained after obtaining the qualification in question. The directive is designed to achieve more uniform application and interpretation of the general system directives in Member States. It also modifies the sectoral directives by facilitating the efficient updating of technical provisions and aims to ensure legal certainty as regards the examination of education and training undergone in third countries by Community nationals.

The procedure up to European Parliament second reading

After the European Parliament adopted its first reading position on 2 July 1998, the Council adopted its Common position on 27 April 2000.

The European Parliament accepted it with 11 amendments which were adopted on 5 July 2000. The amendments concerned:

- Importance of lifelong learning and requirement of evidence of participation in continuing training,
- Addition of one more year to the training course of general medical practitioners (from two to three years) and addition of adequate knowledge of general medical practice to the qualifications in specialised medicine.
- Setting a deadline for the issue of first diplomas in conformity with the stricter requirements.
- Demand for availability of consolidated versions of legal texts.
- Call for a Commission study relating to qualifications acquired in third countries.
- Relating to the determination of the level of a higher education establishment, replacement of the word "similar" with the word "equivalent" in the Article 1 of the General System Directive.
- Setting a deadline for conclusion of Italian pharmacist studies started before 31 October 1993 in order to be recognised by this Directive.

Conciliation procedure

As the Council in its second reading on 26 September 2000 did not accept all EP amendments, the Conciliation procedure was opened at a meeting of the Conciliation Committee on 22 November 2000. After four triilogue meetings between the European Parliament, the Council and the Commission, and after five meetings of the EP delegation, agreement was reached and the procedure concluded by an exchange of letters between the Parliament and the Council in December 2000.

During the conciliation procedure the EP delegation was able to reach a compromise with the Council which is close to the original amendments on all the main questions :

- As regards continuing training, its importance is recognised in the text of the Directive and it is left to the Member States to choose the modalities as to how the continuing training ensures that doctors keep up with progress in medicine after the completion of their studies.
- As a general rule, the specific training course of general practitioners is extended from two to three years, with a possibility for Member States in which an obligatory training course in general medicine is also included in the basic studies to count one year of this training as part of the three year course required for general practitioners. This option is available only to those two current Member States in which the duration of this training is two years on 1 of January 2001. A deadline is set for the issue of diplomas according to the new standards.
- The compromise includes a joint declaration of the three institutions concerning the production of consolidated versions of legislative text along with a timetable. It also includes a Commission declaration that it will identify problems in the recognition of diplomas obtained outside the EU Member States in third countries and propose appropriate solutions.
- The EP amendments of a linguistic nature and on setting deadlines for certain pharmacist studies were approved as they stood.

Conclusion

This Directive is an important step forward in simplifying the legislation covering mutual recognition of professional qualifications. The EP position at second reading, aiming to improve the qualifications of doctors, is well reflected in the outcome of the conciliation. The delegation therefore recommends that the Plenary adopt the Joint Text approved by the Conciliation Committee.