

# EUROPEAN PARLIAMENT

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**A6-0119/2005**

28.4.2005

**\*\*\*II**

## **RECOMMENDATION FOR SECOND READING**

on the Council common position for adopting a directive of the European Parliament and of the Council on the recognition of professional qualifications (13781/2/2004 – C6-0008/2005 – 2002/0061(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Stefano Zappalà

### ***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)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Council common position for adopting a directive of the European Parliament and of the Council on the recognition of professional qualifications  
(13781/2/2004 – C6-0008/2005 – 2002/0061(COD))

(Codecision procedure: second reading)

*The European Parliament,*

- having regard to the Council common position (13781/2/2004 – C6-0008/2005),
- having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM(2002)0119)<sup>2</sup>,
- having regard to the amended Commission proposal (COM(2004)0317)<sup>3</sup>,
- having regard to Article 251(2) of the EC Treaty,
- having regard to Rule 62 of its Rules of Procedure,
- having regard to the recommendation for second reading of the Committee on the Internal Market and Consumer Protection (A6-0119/2005),

1. Approves the common position as amended;
2. Instructs its President to forward its position to the Council and Commission.

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Council common position

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Amendments by Parliament

Amendment 1  
Recital 1 a (new)

***(1a) "Liberal profession" signifies a profession practised by a person who, on the basis of specific professional qualifications, provides intellectual services personally, on his own responsibility and exercising technical independence, in the interest of the client and in the general interest. The practice of the profession is usually subject to specific professional constraints based on national legislation***

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<sup>1</sup> OJ C 97 E, 22.4.2004, p. 230.

<sup>2</sup> OJ C 181 E, 30.7.2002, p. 183.

<sup>3</sup> OJ C ... / Not yet published in OJ.

***and on the statutory provisions laid down autonomously, within that framework, by the respective professional representative bodies; those provisions safeguard and develop professionalism, quality and the relationship of trust that exists with the client.***

#### *Justification*

*The main features of this definition were confirmed by the European Court of Justice in its judgment in Case 267/99 of 11 October 2001. The definition in secondary law ensures additional legal certainty without undermining the thrust of the Directive. At the same time, due account is taken of the fact that the basic right of freedom to choose one's profession may only be framed or limited by the legislator. This removes the concern that lower-ranking statutes of professional organisations might acquire higher-ranking importance, not subject to scrutiny by the legislator.*

#### Amendment 2

##### Recital 11

(11) In the case of the professions covered by the general system for the recognition of qualifications, hereinafter referred to as "the general system", Member States should retain the right to lay down the minimum level of qualification required to ensure the quality of the services provided on their territory. However, pursuant to Articles 10, 39 and 43 of the Treaty, they should not require a national of a Member State to obtain qualifications, which they generally lay down only in terms of the diplomas awarded under their national educational system, where the person concerned has already obtained all or part of those qualifications in another Member State. As a result, it should be laid down that any host Member State in which a profession is regulated must take account of the qualifications obtained in another Member State and assess whether they correspond to those which it requires.

(11) In the case of the professions covered by the general system for the recognition of qualifications, hereinafter referred to as "the general system", Member States should retain the right to lay down the minimum level of qualification required to ensure the quality of the services provided on their territory. However, pursuant to Articles 10, 39 and 43 of the Treaty, they should not require a national of a Member State to obtain qualifications, which they generally lay down only in terms of the diplomas awarded under their national educational system, where the person concerned has already obtained all or part of those qualifications in another Member State. As a result, it should be laid down that any host Member State in which a profession is regulated must take account of the qualifications obtained in another Member State and assess whether they correspond to those which it requires. ***The general system for recognition, however, does not prevent a Member State from making any person pursuing a profession on its territory subject to specific requirements due to the***

***application of professional rules justified by the general public interest. Rules of this kind relate, for example, to organisation of the profession, professional standards, including those concerning ethics, and supervision and liability. Lastly, this Directive is not intended to interfere with Member States' legitimate interest in preventing any of their citizens from evading enforcement of the national law relating to professions.***

#### *Justification*

*It seems necessary to clarify what kind of additional rules a host Member State could invoke in relation to a service provider moving from one country to another. By virtue of the case law of the Court of Justice (not least the Van Binsbergen judgment), the power of host Member States to make service providers comply with rules on professional qualifications covers more than disciplinary rules. The recital, as amended above, explicitly states that the rules in question relate to organisation of the profession, professional standards, including those concerning ethics, and supervision and liability.*

#### *Amendment 3* *Recital 11 a (new)*

***(11a) This Directive concerns the recognition by Member States of professional qualifications acquired in other Member States. It does not, however, concern the recognition by Member States of recognition decisions adopted by other Member States pursuant to this Directive. Consequently, individuals holding professional qualifications which have been recognised pursuant to this Directive may not use such recognition to obtain in their Member State of origin rights different from those conferred by the professional qualification obtained in that Member State.***

#### *Justification*

*The Treaty forbids any discrimination based on residence as regards the right of establishment and free provision of services. If a national was awarded professional qualifications in a Member State and he wants to use them to pursue the profession in another*

*Member State where he resides, but he does not hold the requirements required to pursue that profession at national level, he will be in a position to benefit from this Directive provided that the recognition does not mean a simple evasion of more restrictive national regulations. In other words, if Member State X awarded professional qualification Z on its territory through the mere recognition and/or the acknowledgement of the qualifications awarded to applicants in Member State Y (qualifications which the State Y does not consider to be sufficient to pursue the profession on its territory), the abovementioned applicant may not apply for recognition of his professional qualification Z in Member State Y if he cannot prove that he has really improved his training through the acquisition of further professional training and/or experience in Member State X. The definition of a migrant was given by the Court of Justice in Case C-115/78.*

#### Amendment 4 Recital 13

(13) In order to promote the free movement of professionals, while ensuring an adequate level of qualification, various professional associations and organisations or Member States ***should be able to propose common platforms*** at European level. This Directive should take account, under certain conditions, in compliance with the competence of Member States to decide the qualifications required for the pursuit of professions in their territory as well as the contents and the organisation of their systems of education and professional training and in compliance with Community law, and in particular Community law on competition, of those initiatives, while promoting, in this context, a more automatic character of recognition under the general system. Professional associations which are in a position to submit common platforms should be representative at national and European level. A common platform is a set of criteria which make it possible to compensate for the widest range of substantial differences which have been identified between the training requirements in at least two thirds of the Member States including all the Member States which regulate that profession. These criteria could, for example, include requirements such as additional training, an adaptation period under supervised practice, an aptitude

(13) In order to promote the free movement ***and facilitate the mobility*** of professionals, while ensuring an adequate level of qualification, ***it should be possible for common platforms comprising*** various professional associations and organisations or Member States to ***be proposed at*** European level, ***and an individual professional card should also be introduced, to speed up the exchange of information between the host Member State and the Member State of origin. This professional card should make it possible to monitor the career of professionals who establish themselves in various Member States. It should contain information on the professional's training (university or institution attended, qualifications obtained), his professional experience, and any penalties received relating to his profession.*** This Directive should take account, under certain conditions, in compliance with the competence of Member States to decide the qualifications required for the pursuit of professions in their territory as well as the contents and the organisation of their systems of education and professional training and in compliance with Community law, and in particular Community law on competition, of those initiatives, while promoting, in this context, a more automatic character of recognition



test, or a prescribed minimum level of professional practice, or combinations thereof.

under the general system. Professional associations which are in a position to submit common platforms should be representative at national and European level. A common platform is a set of criteria which make it possible to compensate for the widest range of substantial differences which have been identified between the training requirements in at least two thirds of the Member States including all the Member States which regulate that profession. These criteria could, for example, include requirements such as additional training, an adaptation period under supervised practice, an aptitude test, or a prescribed minimum level of professional practice, or combinations thereof.

#### Amendment 5

##### Recital 17

*(17) In an effort to simplify the system, particularly with a view to enlargement, the principle of automatic recognition should apply only to those medical and dental specialities which are common to at least two fifths of Member States. Medical and dental specialities which are common to a very limited number of Member States should be incorporated into the general system for recognition without prejudice to the acquired rights. In practice, the effects of this amendment should be limited for the migrant, in so far as these situations should not be subject to compensation measures. Moreover, this Directive should be without prejudice to the possibility for Member States to establish, amongst themselves, automatic recognition for certain medical and dental specialities common to them according to their own rules.*

*(17) To allow for the characteristics of the qualification system for doctors and dentists and the related acquis communautaire in the area of mutual recognition, the principle of automatic recognition of medical and dental specialities common to at least two Member States should continue to apply to all specialities recognised on the date of adoption of this Directive. To simplify the system, however, automatic recognition should apply after the date of entry into force of this Directive only to those new medical specialities common to at least two fifths of Member States. Moreover, this Directive does not prevent Member States from agreeing amongst themselves on automatic recognition for certain medical and dental specialities common to them but not automatically recognised within the meaning of this Directive, according to their own rules.*

#### Justification

*The purpose of this amendment is, in the first place, to simplify the system: to continue with the old system in an enlarged Europe would be extremely cumbersome in administrative terms and scarcely likely to secure the agreement of a qualified majority of Member States. That is why automatic recognition after the date of entry into force of the directive should apply only to those new medical specialities common to at least two fifths of the Member States (the agreement of 13 Member States at least is required for a qualified majority). However, to guarantee legal certainty for the professions concerned and help free movement, the 52 specialities covered by the existing right to automatic recognition on the date of adoption of the directive should continue to be recognised automatically in the future.*

Amendment 6  
Recital 27 a (new)

***(27a) The introduction of professional cards by professional associations or organisations which are representative at European level could facilitate the mobility of professionals. Such cards could contain information on the individual's professional qualifications, his legal establishment and details of the relevant competent authority.***

*Justification*

*Professional cards are employed by professional organisations for certain professions in some Member States; they contain relevant information identifying the professional and certifying that he is authorised to practise. Such cards could constitute a useful information tool for consumers and authorities in the host Member State when professionals migrate to another Member State. Professional organisations should therefore be encouraged to develop such cards at European level, particularly with a view to supporting and facilitating the cross-border provision of services.*

Amendment 7  
Recital 29

(29) Administering the various systems of recognition set up by the sectoral directives and the general system has proved cumbersome and complex. There is therefore a need to simplify the administration and updating of this Directive to take account of scientific and technical progress, in particular where the minimum conditions of training are coordinated with a view to automatic recognition of qualifications. A single

(29) Administering the various systems of recognition set up by the sectoral directives and the general system has proved cumbersome and complex. There is therefore a need to simplify the administration and updating of this Directive to take account of scientific and technical progress, in particular where the minimum conditions of training are coordinated with a view to automatic recognition of qualifications. A single

committee for the recognition of professional qualifications should be set up for this purpose.

committee for the recognition of professional qualifications should be set up for this purpose, ***and suitable involvement of representatives of the professional organisations, also at European level, should be ensured.***

*Justification*

*While the need to simplify the system and ensure that it is coordinated more effectively means that the large number of existing committees must be cut to one, a single committee cannot have a proper overview of all the concerns of the professional groups covered by the directive. Representatives of interested professional groups should be involved in the committee's work, at least when decisions directly affecting them are being prepared.*

Amendment 8  
Recital 29 a (new)

***(29 a) Where the European-level professional organisation or association for a regulated profession, as provided for in Article 15, requests specific provisions for the recognition of qualifications on the basis of coordination of minimum training conditions, the Commission shall assess the appropriateness of adopting a proposal for the amendment of this Directive.***

*Justification*

*This amendment seeks to make it possible for the Directive to be extended to cover other professions, should the association or organisation that is representative at European level submit a reasoned request to this effect.*

Amendment 9  
Recital 36

***(36) This Directive does not concern the activities of professions which are directly and specifically connected, even occasionally, with the exercise of official authority.***

***(36) This Directive is without prejudice to the application of Articles 39(4) and 45 of the Treaty.***

*Justification*

*This amendment is intended primarily to make for greater clarity and legal certainty: to avert*

*all possibility of confusion, it is better to refer directly to the specific Treaty provisions which explicitly lay down the permitted exceptions applying to salaried employment on the one hand and the liberal professions on the other.*

Amendment 10  
Article 2, paragraph 1

1. This Directive shall apply to all nationals of a Member State wishing to pursue a regulated profession in a Member State other than that in which they obtained their professional qualifications, on either a self-employed or employed basis.

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

*Justification*

*The liberal professions are characterised, as a professional group, in particular by the requirement to have a particular professional qualification. They are therefore particularly concerned by the recognition of professional qualifications. The amendment is intended to take this fact into account.*

Amendment 11  
Article 2, paragraph 3 a (new)

***3a. This Directive shall not apply to notaries exercising official authority.***

*Justification*

*In the system that applies in continental Europe, notaries are appointed by Member States as public officials whose tasks include drawing up official documents with special value as evidence and immediate enforceability, which are equivalent to court documents (see Article 57 of Regulation (EC) No 44/2001, Article 46 of Regulation (EC) No 2201/2003 and Article 3 of Regulation (EC) No 805/2004).*

*In drawing up such documents, notaries are exercising official authority with regard to the authenticity of both the signature and the entire content of each document (see Court of Justice judgment in Case C-260/97 and Article 4 of Regulation (EC) No 805/2004). They also take on extensive work of investigation and scrutiny on behalf of the State in matters relating to non-judicial legal protection, particularly in connection with company law - under Community law in some cases (see Article 10 of Directive 68/151/EEC, Article 16 of Directive 78/855/EEC and Article 14 of Directive 82/891/EEC)). As part of this work they are subject to disciplinary supervision by the relevant Member State that is comparable to that applying to judges and civil servants.*

*Furthermore, in its judgments of 30 September 2003 in *Anker ea* (Case C-47/02) and *Colegio**

*de Oficiales de la Marina Mercante Española (Case C-405/01), the Court of Justice established the principle that Member States may reserve for their own citizens jobs in which official authority is exercised on a regular basis and does not represent a very minor part of the job holder's activities.*

#### Amendment 12

Article 3, paragraph 1, point c a (new)

**(ca) “competent authority”: any authority or body empowered by a Member State specifically to issue or receive training diplomas and other documents or information and to receive the applications, and take the decisions, referred to in this Directive;**

#### *Justification*

*This amendment is intended to make the text clearer and more straightforward: by adopting a general definition of the ‘competent body’ and invariably referring to it, we are bringing the directive into line, once and for all, with the actual situation in most Member States, where the authorities to some extent delegate responsibility for management of the professions to independent bodies such as professional associations. In other words, management of the professions is encompassed within each Member State’s internal affairs, and bodies other than government departments may consequently be made responsible for it.*

#### Amendment 13

Article 5, paragraph 2, subparagraph 1

2. The provisions of this title shall apply where the service provider moves to the territory of the host Member State to pursue, on a temporary and occasional basis, the profession referred to in paragraph 1.

2. The provisions of this title shall **only** apply where the service provider moves to the territory of the host Member State to pursue, on a temporary and occasional basis, the profession referred to in paragraph 1.

#### *Justification*

*A European provision cannot in any way benefit some citizens to the detriment of others. It is therefore necessary to avoid 'masked establishment', that is to say where provisions relating to the free provision of services allow a migrant to avoid the provisions relating to the right of establishment in the country where he practises, in fact by enabling him to benefit, without*

*any reason, from more advantageous regulations than those laid down for national citizens.*

Amendment 14  
Article 5, paragraph 3

3. Where a service provider moves, he shall be subject to the ***disciplinary provisions*** of a professional or administrative nature which are directly linked to professional qualifications, such as the definition of the profession, the use of titles and serious professional malpractice which is directly and specifically linked to consumer protection and safety, which are applicable in the host Member State to professionals who pursue the same profession in that Member State.

3. Where a service provider moves, he shall be subject to the ***rules of conduct*** of a professional, ***statutory*** or administrative nature which are directly linked to professional qualifications, such as the definition of the profession, the use of titles and serious professional malpractice which is directly and specifically linked to consumer protection and safety, which are applicable in the host Member State to professionals who pursue the same profession in that Member State.

*Justification*

*It seems necessary to clarify what kind of additional rules a host Member State could invoke in relation to a service provider moving from one country to another. By virtue of the case law of the Court of Justice (not least the Van Binsbergen judgment), the power of host Member States to make service providers comply with rules on professional qualifications covers more than disciplinary rules. The general system for recognition does not prevent a Member State from making any person pursuing a profession on its territory subject to specific requirements due to the application of professional rules justified by the general public interest. The rules in question relate to organisation of the profession, professional standards, including those concerning ethics, and supervision and liability. This amendment also clarifies the situation for professional groups (such as the liberal professions) which do not consider themselves in that light.*

Amendment 15  
Article 7, paragraph 2, point (b)

(b) an attestation certifying that the holder is legally established in a Member State for the purpose of pursuing the activities concerned,

(b) an attestation certifying that the holder is legally established in a Member State for the purpose of pursuing the activities concerned ***and that he is not prohibited from practising at any time during his intended***

*provision of services,*

*Justification*

*In some Member States, a professional found guilty of professional misconduct will not be removed from the register altogether, except in the most serious cases. Rather, his right to practise may be suspended for some time, such as a few months or a year. During this suspension, he will still be regarded by his competent authority as 'legally established', but may not practise until the end of the prescribed time. A service provider wishing to move should therefore be required to certify to the host country's authority that he will not be in such a position during the time that he wants to practise in that country.*

Amendment 16

Article 7, paragraph 2, point (d a) (new)

***da) an attestation from the Member State of origin concerning any criminal convictions of the service provider and of his colleagues in respect of security-related activities.***

*Justification*

*In the interest of ensuring a high degree of security it must be possible for the Member States to require an assessment of the trustworthiness of individuals working in security-related areas (e.g. handling and trade in arms, explosives, pyrotechnical items and other substances posing a risk of explosion).*

Amendment 17

Article 11, paragraph 1

1. For the purpose of applying Article 13, ***four*** levels of professional qualification are established.

1. For the purpose of applying Article 13, ***five*** levels of professional qualification are established.

*Justification*

*To reflect better the differences in the Member States as regards training and the professions, and move towards the training system harmonisation model proposed in the Bologna Declaration to help fulfil the Lisbon strategy, it would be more appropriate to keep the two levels of qualification proposed here, which are in the process of implementation in many*

Amendment 18  
Article 11, paragraph 2, point (a)

(a) either a training course not forming part of a certificate or diploma within the meaning of paragraphs 3, 4 **and** 5, or a specific examination without prior training, or full-time pursuit of the profession in a Member State for three consecutive years or for an equivalent duration on a part-time basis during the previous 10 years,

(a) either a training course not forming part of a certificate or diploma within the meaning of paragraphs 3, 4, 5 **and 5a**, or a specific examination without prior training, or full-time pursuit of the profession in a Member State for three consecutive years or for an equivalent duration on a part-time basis during the previous 10 years,

*Justification*

*The five levels of qualification are a better reflection of the way in which training is structured in the various Member States.*

Amendment 19  
Article 11, paragraph 4, point (a)

(a) either training at post-secondary level other than that referred to in **paragraph 5** of a duration of at least one year, one of the conditions of entry of which is, as a general rule, the successful completion of the secondary course required to obtain entry to university or higher education, as well as the professional training which may be required in addition to that post-secondary course;

(a) either training at post-secondary level other than that referred to in **paragraphs 5 and 5a** of a duration of at least one year **or of an equivalent duration on a part-time basis**, one of the conditions of entry of which is, as a general rule, the successful completion of the secondary course required to obtain entry to university or higher education, as well as the professional training which may be required in addition to that post-secondary course;

*Justification*

*The five levels of qualification are a better reflection of the way in which training is structured in the various Member States.*



Amendment 20  
Article 11, paragraph 4 point a

(a) either training at post-secondary level other than that referred to in paragraph 5 of a duration of at least one year, one of the conditions of entry of which is, as a general rule, the successful completion of the secondary course required to obtain entry to university or higher education, as well as the professional training which may be required in addition to that post-secondary course;

(a) either training at post-secondary level other than that referred to in paragraph 5 of a duration of at least one year, one of the conditions of entry of which is, as a general rule, the successful completion of the secondary course required to obtain entry to university or higher education ***or the completion of equivalent school education of the second secondary level***, as well as the professional training which may be required in addition to that postsecondary course;

*Justification*

*The condition of entitlement to entry to university or higher education is inappropriate for the heavily compartmentalised and differentiated school and training systems in some Member States.*

Amendment 21  
Article 11, paragraph 5

5. Level D corresponds to a diploma certifying successful completion of training at post-secondary level of at least three years' duration, at a university or establishment of higher education or another establishment providing the same level of training, as well as the professional training which may be required in addition to that post-secondary course.

5. Level D corresponds to a diploma certifying successful completion of training at post-secondary level of at least three ***and not more than four*** years' duration, ***or of an equivalent duration on a part-time basis***, at a university or establishment of higher education or another establishment providing the same level of training, as well as the professional training which may be required in addition to that post-secondary course.

*Justification*

*The five levels of qualification are a better reflection of the way in which training is structured in the various Member States.*

Amendment 22  
Article 11, paragraph 5 a (new)

***5a. Level E corresponds to a diploma certifying that the holder has successfully completed a post-secondary course of more than four years' duration, or of an equivalent duration on a part-time basis, at a university or establishment of higher education or another establishment of equivalent level and, where appropriate, that he has successfully completed the professional training required in addition to the post-secondary course.***

*Justification*

*The five levels of qualification are a better reflection of the way in which training is structured in the various Member States.*

Amendment 23  
Article 11, paragraph 5 b (new)

***5b. If the level of training laid down for admission to a profession has been raised in the home Member State, the host Member State shall allow professionals who have been admitted to the profession by virtue of a qualification obtained at the lower level to be recognised at the higher level.***

*Justification*

*The five levels of qualification are a better reflection of the way in which training is structured in the various Member States.*

Amendment 24  
Article 13, paragraph 2, subparagraph 3

The two years' professional experience referred to in the first subparagraph may not, however, be required if the evidence of formal qualifications which the applicant possesses certifies regulated education and training within the meaning of Article 3(1)(d) at levels B, C **or** D as

The two years' professional experience referred to in the first subparagraph may not, however, be required if the evidence of formal qualifications which the applicant possesses certifies regulated education and training within the meaning of Article 3(1)(d) at levels B, C, D **or E** as

described in Article 11. The regulated education and training listed in Annex III shall be considered as such regulated education and training at level C. The list in Annex III may be amended in accordance with the procedure referred to in Article 58(2) in order to take account of regulated education and training which provides a comparable professional standard and which prepares the trainee for a comparable level of responsibilities and functions.

described in Article 11. The regulated education and training listed in Annex III shall be considered as such regulated education and training at level C. The list in Annex III may be amended in accordance with the procedure referred to in Article 58(2) in order to take account of regulated education and training which provides a comparable professional standard and which prepares the trainee for a comparable level of responsibilities and functions.

#### *Justification*

*To bring the text into line with the new wording of Article 11.*

#### Amendment 25 Article 13, paragraph 3

***3. The host Member State shall not be obliged to apply this Article where access to a regulated profession is contingent in its territory upon possession of a level D qualification certifying successful completion of higher or university education of more than four years' duration, and where the applicant possesses a level C qualification.*** ***deleted***

#### *Justification*

*The inclusion of the fifth level of qualification makes paragraph 3 redundant.*

#### Amendment 26 Article 15, paragraph 2

2. Common platforms as defined in paragraph 1 may be submitted to the Commission by Member States or by professional associations which are representative at national and European level. If the Commission, after consulting the Member States, is of the opinion that a draft common platform facilitates the mutual recognition of professional

2. Common platforms as defined in paragraph 1 may be submitted to the Commission by Member States or by professional associations ***or organisations*** which are representative at national and European level. If the Commission, after consulting the Member States, is of the opinion that a draft common platform facilitates the mutual recognition of

qualifications, it may present draft measures with a view to their adoption in accordance with the procedure referred to in Article 58(2).

professional qualifications, it may present draft measures with a view to their adoption in accordance with the procedure referred to in Article 58(2).

### *Justification*

*In order to be truly effective, common platforms must be put forward by European-level professional associations or organisations that are in themselves made up of associations or organisations which are representative at national level. No scope must be left for national initiatives that would result in the fragmentation of the system, making it difficult to manage.*

### Amendment 27 Article 27, paragraph 3

***Every Member State which applies relevant legislative, regulatory or administrative provisions shall accept as sufficient proof evidence of formal qualifications as a specialised doctor issued by other Member States which correspond, for the specialist training in question, to the titles listed in Annex VI, point 6.1, insofar as they attest a course of training which began before the reference date referred to in Annex V, point 5.1.2 and are accompanied by a certificate stating that the holders have been effectively and lawfully engaged in the activities in question for at least three consecutive years during the five years preceding the award of the certificate.*** ***deleted***

***The same provisions shall apply to evidence of formal qualifications as a specialised doctor obtained in the territory of the former German Democratic Republic if it attests a course of training which began before 3 April 1992 and confers on the holder the right to pursue the professional activities throughout German territory under the same conditions as evidence of formal qualifications awarded by the competent German authorities referred to in***

***Annex VI, point 6.1.***

*Justification*

*To bring the text into line with the new wording of Article 26.*

Amendment 28  
Article 27, paragraph 4

<b><i>4. Every Member State which applies relevant legislative, regulatory or administrative provisions shall accept evidence of formal qualifications as a specialised doctor corresponding, for the specialist training in question, to the titles listed in Annex VI, point 6.1, awarded by the Member States listed therein and attesting a course of training which began after the reference date laid down in Annex V, point 5.1.2 and before...*, and shall, for the purposes of access to and pursuit of the professional activities of specialised doctor, give such evidence the same effect on its territory as evidence of formal qualifications which it itself issues.</i></b>	<b><i>deleted</i></b>
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***\* Two years after entry into force of this Directive.***

*Justification*

*To bring the text into line with the new wording of Article 26.*

Amendment 29  
Article 27, paragraph 5

**5.** Every Member State which has repealed its legislative, regulatory or administrative provisions relating to the award of evidence of formal qualifications as a specialised doctor referred to in Annex V, ***point 5.1.2 and Annex VI, point 6.1*** and which has adopted measures relating to acquired rights benefiting its nationals, shall grant nationals of other Member

**3.** Every Member State which has repealed its legislative, regulatory or administrative provisions relating to the award of evidence of formal qualifications as a specialised doctor referred to in Annex V, ***points 5.1.2 and 5.1.3*** and which has adopted measures relating to acquired rights benefiting its nationals, shall grant nationals of other Member States the right

States the right to benefit from those measures, insofar as such evidence of formal qualifications was issued before the date on which the host Member State ceased to issue such evidence for the specialty in question.

The dates on which these provisions were repealed are set out in Annex V, point 5.1.3 **and Annex VI, point 6.1.**

to benefit from those measures, insofar as such evidence of formal qualifications was issued before the date on which the host Member State ceased to issue such evidence for the specialty in question.

The dates on which these provisions were repealed are set out in Annex V, point 5.1.3.

#### *Justification*

*To bring the text into line with the new wording of Article 26.*

#### Amendment 30 Article 50, paragraph 1, subparagraph 2

The documents referred to in Annex VII, point 1, d), e) and f), shall not be more than three months old by the date on which they are submitted.

The documents referred to in Annex VII, point 1, d), e) and f), **together with the documents concerning acquired rights listed in this Directive** shall not be more than three months old by the date on which they are submitted.

#### *Justification*

*This amendment is intended to make it clear that the date of a document matches the timing of an application for a non-complying diploma to be recognised on the grounds of acquired rights. According to the Common Position, for instance a document which provided evidence of three years' practice of the activity during the five years preceding the issue of the document, without any indication of how recently the document was issued. As a consequence, that document would still be valid if it had been issued many years before the time of application, even if the activity had not been practised at all in the intervening period. The proposed text ensures a tight chronological connection between the issue of the document and the activity that it thereby certifies, and the time of the application.*

#### Amendment 31 Article 53

Persons benefiting from the recognition of professional qualifications **should** have a knowledge of languages necessary for practising the profession in the host Member State.

Persons benefiting from the recognition of professional qualifications **shall** have a knowledge of languages necessary for practising the profession in the host Member State.

State.

*Justification*

*It is sometimes necessary to require migrants to provide proof of language proficiency prior to granting access to the profession, particularly healthcare professions. The quality of medical care depends enormously on the exchange of information between the healthcare provider and the patient. Competent authorities should be able to test, where necessary, in the interests of patient safety.*

Amendment 32  
Article 58, paragraph 1

1. The Commission shall be assisted by a Committee on the recognition of professional qualifications, hereinafter referred to as "the Committee".

1. The Commission shall be assisted by a Committee on the recognition of professional qualifications, hereinafter referred to as "the Committee", ***made up of representatives of the Member States and chaired by a representative of the Commission.***

***The Committee shall consult experts from the professional groups concerned.***

## PROCEDURE

<b>Title</b>	Council common position for adopting a directive of the European Parliament and of the Council on the recognition of professional qualifications
<b>References</b>	13781/2/2004 – C6-0008/2005 – 2002/0061(COD)
<b>Legal basis</b>	Articles 251(2), 40 and 47 EC
<b>Basis in Rules of Procedure</b>	Rule 62
<b>Date of Parliament's first reading – P5</b>	11.2.2004 P5_TA(2004)0086
<b>Commission proposal</b>	COM(2002)0119 – C5-0113/2002
<b>Amended Commission proposal</b>	COM(2004)0317
<b>Date receipt of common position announced in plenary</b>	10.01.2005
<b>Committee responsible</b> Date announced in plenary	IMCO 13.1.2005
<b>Rapporteur(s)</b> Date appointed	Stefano Zappalà 26.10.2004
<b>Previous rapporteur(s)</b>	
<b>Discussed in committee</b>	24.11.2004 18.1.2005 15.3.2005 19.4.2005 26.4.2005
<b>Date adopted</b>	26.04.2005
<b>Result of final vote</b>	for: 32 against: 0 abstentions: 0
<b>Members present for the final vote</b>	Mia De Vits, Bert Doorn, Evelyne Gebhardt, Małgorzata Handzlik, Malcolm Harbour, Anna Hedh, Edit Herczog, Henrik Dam Kristensen, Alexander Lambsdorff, Lasse Lehtinen, Arlene McCarthy, Manuel Medina Ortega, Bill Newton Dunn, Béatrice Patrie, Zita Pleštinšká, Zuzana Roithová, Luisa Fernanda Rudi Ubeda, Heide Rühle, Leopold Józef Rutowicz, Andreas Schwab, József Szájer, Marianne Thyssen, Barbara Weiler, Phillip Whitehead, Joachim Wuermeling
<b>Substitutes present for the final vote</b>	Jean-Claude Fruteau, Joel Hasse Ferreira, Konstantinos Hatzidakis, Gisela Kallenbach, Alexander Stubb, Stefano Zappalà
<b>Substitutes under Rule 178(2) present for the final vote</b>	Wolf Klinz, Anne Laperrouze, Jan Mulder, Willem Schuth
<b>Date tabled – A6</b>	28.4.2005 A6-0119/2005
<b>Comments</b>	...