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Committee on the Environment, Public Health and Food Safety

2011/0435(COD)

8.11.2012

OPINION

of the Committee on the Environment, Public Health and Food Safety

for the Committee on the Internal Market and Consumer Protection

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

Rapporteur: Anja Weisgerber

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SHORT JUSTIFICATION

The revision of the directive on the recognition of professional qualifications is one of the 12 initiatives in the Single Market Act which are intended to promote growth and confidence in the internal market. The aim of the Commission proposal is to increase mobility within the internal market by simplifying and speeding up procedures for the recognition of professional qualifications. Although the free movement of persons is one of the four basic freedoms underpinning the internal market, today 20 % of SOLVIT cases still concern problems relating to the recognition of professional qualifications.

On the basis of the outcome of two public consultation processes, in December 2011 the Commission put forward its proposal for a revision of the directive on the recognition of professional qualifications.

Given that this opinion is for the Committee on the Environment, Public Health and Food Safety, your rapporteur has confined herself to considering the implications for sectoral health professions and aspects of the proposal linked to the health sector. In assessing the proposal, she has taken patient safety as the yardstick.

Key aspects of the proposal

European Professional Card

The key provision of the Commission proposal is the introduction of a European Professional Card (EPC), as welcomed by Parliament in its resolution adopted in November 2011. The purpose of the EPC, which could be described as an electronic certificate, is to speed up and simplify the recognition procedure and make it more transparent. The introduction of the EPC would be voluntary, at the request of the relevant professional association. If the EPC is introduced, then the use of the Internal Market Information System (IMI) would become mandatory.

Your rapporteur welcomes the introduction of the EPC and the use of the IMI, but takes the view that the voluntary nature of the EPC should be emphasised more strongly. In addition, she regards the administrative deadlines laid down in the Commission proposal as too ambitious and the principle of constructive approval, i.e. that professional qualifications are automatically deemed to have been recognised if the host Member State fails to take a decision by the relevant deadline, as inconsistent with patient safety. Should an authority fail to complete its assessment of an application by the deadline set, for example because it has to request further essential information, it would be forced to refuse recognition in order to ensure that constructive approval did not take effect. The applicant would then be required to begin the procedure again, which would create unnecessary delays, a result at odds with the rationale behind the EPC, namely that of speeding up the recognition of professional qualifications.

Minimum requirements for professions covered by the automatic recognition system

At present seven professions, including six health professions, are covered by the automatic recognition system. The health professions concerned are those of doctor, dental practitioner,

veterinary surgeon, nurse, midwife and pharmacist. Automatic recognition is based on the harmonisation of the content of training and the minimum requirements for obtaining a professional qualification in the Member States. On that basis, professional qualifications consistent with the provisions of Annex V to the directive must be recognised automatically and without further scrutiny in another Member State.

The Commission proposal provides for an updating of the minimum training requirements for doctors, nurses and midwives.

Your rapporteur opposes the introduction of a more stringent requirement for admission to training (12 rather than 10 years' general education) for nurses and midwives. Given the threat of a shortage of skilled workers, in particular in the health sector, there is no alternative to increasing mobility in the internal market. In that connection, however, steps must be taken to ensure that a tightening-up of the admission requirements, as proposed for nurses and midwives, does not serve to create new artificial barriers to mobility. A blanket tightening-up of the key admission requirement, i.e. a minimum period of general education, runs counter to the aim of combating the looming shortage of skilled workers in Europe. The Commission invokes the increased demands made on health professionals as an argument for extending the minimum period of general education required. Your rapporteur contends, however, that what is needed to take account of the increased demands made on health professionals is not extended school education, but rather improved training. What is more, given the differences between educational systems in Europe, which have developed separately over time, focusing purely on the number of years spent at school seems inappropriate. The directive coordinates the minimum training requirements. Nevertheless, the Member States are still free to specify a period of general education of more than 10 years as an admission requirement.

Partial access

Partial access allows the host Member State, by way of an exception, to restrict access to a regulated profession to those activities covered by the qualifications a person has obtained in his or her home Member State.

The concept of partial access is in principle a good one, since it can help to increase mobility in the EU. On patient safety grounds, however, it should not apply to health professions.

Alert mechanism

The Commission is proposing to introduce an alert mechanism. Under the terms of the Commission proposal, the competent authorities of a Member State would be required to warn the competent authorities of all the other Member States about persons who have been banned by an authority or a court from exercising their profession.

Your rapporteur warmly welcomes this proposal, since in the past incidents have occurred in which health professionals have had their licence revoked in their home Member State, but have been able to continue working unnoticed in another Member State.

However, the alert mechanism should be introduced for all health professions – both those covered by the automatic recognition system and those covered by the general recognition system. Drawing an artificial distinction between the two categories would seem to run

counter to the principle of patient safety.

Language requirements

If patient safety is to be guaranteed, health professionals must have adequate language knowledge. In your rapporteur's view, steps should certainly be taken to ensure that language checking is carried out prior to admission to a profession.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a directive

Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 46, 53(1), 62 **and 114** thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 46, 53(1), 62, **114 and 168** thereof,

Justification

The revised Directive must guarantee the protection of the public as an overarching objective for the free movement of professionals. To this end the proposal should have a joint legal basis of both public health (article 168 in TFEU) and internal market (article 114 in TFEU). This will ensure that Member States have the means to protect patients and consumers from potential harm, where necessary.

Amendment 2

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) In order to promote the free movement of professionals, while ensuring a more efficient and transparent recognition of qualifications it is necessary to provide for

Amendment

(3) In order to promote the free movement of professionals, while ensuring a more efficient and transparent recognition of qualifications it is necessary to provide for

a European Professional Card. In particular that card is necessary to facilitate temporary mobility and recognition under the automatic recognition system, as well as to promote a simplified recognition process under the general system. The card should be issued upon request from a professional and after submission of necessary documents and completion of related review and verification procedures by the competent authorities. The functioning of the card should be supported by the Internal Market Information System (IMI) established by Regulation (EU) No [...] on administrative cooperation through the Internal Market Information System. This mechanism should help enhance synergies and trust among competent authorities, while at the same time eliminating duplication of administrative work for the authorities and creating more transparency and certainty for professionals. The process for the application and issuing of the card should be clearly structured and incorporate safeguards and the corresponding rights of appeal for the applicant. The card and the related workflow within IMI should ensure the integrity, authenticity and confidentiality of the data stored and avoid unlawful and unauthorised access to information contained therein.

a European Professional Card. In particular that card is necessary to facilitate temporary mobility and recognition under the automatic recognition system, as well as to promote a simplified recognition process under the general system. The card should be issued upon request from a professional and after submission of necessary documents and completion of related review and verification procedures by the competent authorities. The functioning of the card should be supported by the Internal Market Information System (IMI) established by Regulation (EU) No [...] on administrative cooperation through the Internal Market Information System. This mechanism should help enhance synergies and trust among competent authorities, while at the same time eliminating duplication of administrative work for the authorities and creating more transparency and certainty for professionals. The process for the application and issuing of the card should be clearly structured and incorporate safeguards and the corresponding rights of appeal for the applicant. The card and the related workflow within IMI should ensure the integrity, authenticity and confidentiality of the data stored and avoid unlawful and unauthorised access to information contained therein. ***Underlines that the practice of recognising a professional qualification under the card is an exclusive competence of the host Member State.***

Justification

This amendment clarifies that there should be no confusion as to where the responsibility for recognition lies with the Professional Card; it must reside entirely with the host Member State to ensure integrity, safety and quality in the recognition process.

Amendment 3

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 *involving patient safety* a Member State should be able to refuse partial access. ***Partial access should not be granted to health professionals whose work has implications for patient safety.***

Justification

On patient safety grounds, the principle of partial access should not be applicable to health professions. The proposal for a directive under consideration here anyway lays down minimum training requirements for the health professions covered by the automatic recognition procedure. Partial access to these professions would thus be at odds with the principle of automatic recognition.

Amendment 4

Proposal for a directive Recital 15

Text proposed by the Commission

The nursing and midwifery professions have significantly evolved in the last three decades: community-based healthcare, the use of more complex therapies and

Amendment

The nursing and midwifery professions have significantly evolved in the last three decades: community-based healthcare, the use of more complex therapies and

constantly developing technology presuppose a capacity for higher responsibilities for nurses and midwives. In order to prepare them to meet such complex healthcare needs, nursing and midwifery students *need* to have a solid general education background before they start the training. ***Therefore, admission to that training should be increased to twelve years of general education or success in an examination of an equivalent level.***

constantly developing technology presuppose a capacity for higher responsibilities for nurses and midwives. In order to prepare them to meet such complex healthcare needs, nursing and midwifery students ***must continue*** to have a solid general education background before they start the training; ***the decisive factor, however, is the quality and content of training, which must constantly be brought into line with the new challenges facing these professions.***

Justification

Die Richtlinie koordiniert die Mindestanforderungen an die Ausbildung. Durch die Kumulation von Jahren und Stunden in Artikel 31 Absatz 3 Unterabsatz 1 werden diese bereits – wie bei den Ärzten – verschärft. Wie bei den Ärzten, bei denen den unterschiedlichen Bildungssystemen in den Mitgliedstaaten durch Absenkung der Mindestausbildungsdauer in Jahren Rechnung getragen wird, ist es auch bei den Krankenschwestern und Pflägern, die für die allgemeine Pflege verantwortlich sind, notwendig, den unterschiedlichen Bildungssystemen in den Mitgliedstaaten Rechnung zu tragen und die Zulassungsvoraussetzung auf eine mindestens zehnjährige allgemeine Schulausbildung festzusetzen. Zudem kann den gestiegenen Anforderungen im Gesundheitswesen nicht durch eine längere Schulbildung, sondern durch eine verbesserte Ausbildung Rechnung getragen werden.

Amendment 5

Proposal for a directive Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) The mobility of healthcare professionals should also be considered within the broader context of the European workforce for health which should be addressed through a specific strategy at European level and in coordination with Member States, in order to guarantee the highest level of patients and consumers protection while maintaining the financial and organisational sustainability of national healthcare systems.

Amendment 6

Proposal for a directive Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) Dual vocational training systems are a key element for low youth unemployment because they are tailored to the requirements of the economy and the labour market. This ensures a smooth transition from training into working life. If common training frameworks for which a dual training system already exists in a Member State are therefore to be created in a regulated profession, then the common training frameworks should be based on this conceptual approach whilst retaining the standards that exist in the Member State concerned.

Amendment 7

Proposal for a directive Recital 19

Text proposed by the Commission

Amendment

(19) Directive 2005/36/EC already provides for ***clear*** obligations for professionals to have the necessary language skills. The review of that obligation has shown a need to clarify the role of competent authorities and employers notably in the interest of patients' safety. Language controls ***should however be reasonable and necessary for the jobs in question and*** should not constitute grounds for ***excluding professionals from the labour market in the host Member State.***

(19) Directive 2005/36/EC already provides for obligations for professionals to have the necessary language skills. The review of that obligation has shown a need ***to define these language requirements more precisely and*** to clarify the role of competent authorities and employers notably in the interest of patients' safety.

While language controls should not constitute grounds for ***refusal to recognise a professional qualification, in the case of occupations which have implications for patients, for example patient safety and***

*treatment and the provision of services and information to patients, it is essential to test language knowledge before authorising a person to practise. Knowledge of the official language(s) of the language area where the professional wishes to work is a *conditio sine qua non* here. Level C1 of the European Framework of Reference for Languages should be taken as a minimum standard for this purpose.*

Amendment 8

Proposal for a directive Recital 22

Text proposed by the Commission

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 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

Amendment

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. All Member States should be alerted if a professional, ***following*** a disciplinary action or criminal conviction ***which totally or partially restricts him from lawfully pursuing his profession,*** is no longer entitled to move to another Member State ***or if he used, or tried to use, false documents as a basis for requesting recognition of his professional qualifications.*** 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

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.

rights.

Justification

The wording proposed by the Commission would mean that the alert mechanism would be applicable only to health professions covered by the automatic recognition system. On patient safety grounds, no artificial distinction should be drawn between the health professions covered by the automatic recognition system and those covered by the general system.

Amendment 9

Proposal for a directive Recital 24

Text proposed by the Commission

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

Amendment

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, the adaptations of the list of activities set out in Annex IV, clarifying the knowledge and skills for 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

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.

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Justification

Pursuant to Article 166 TFEU, the Member States are responsible for determining the content of vocational training.

Amendment 10

Proposal for a directive

Article 1 – point 1 a (new)

Directive 2005/36/EC

Article 1 – paragraph 3 (new)

Text proposed by the Commission

Amendment

(1a) In Article 1, the following third paragraph is added:

"This Directive shall apply without prejudice to measures necessary to ensure a high level of health and consumer protection."

Amendment 11

Proposal for a directive

Article 1 – point 3 – point a – point ii

Directive 2005/36/EC

Article 3 – paragraph 1 – point -j (new)

Text proposed by the Commission

Amendment

(-j) 'dual training': the alternating provision of vocational skills in two

learning contexts – the work environment and the vocational school – on the basis of coordinated educational and quality standards. The term ‘vocational skills’ is understood to mean the capacity and willingness to use knowledge, abilities and personal, social and methodological skills both in work situations and for the purpose of professional and personal development;

Amendment 12

Proposal for a directive

Article 1 – point 3 – point a – point 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”: the pursuit of supervised activities, **to access a regulated profession pursuant to legislative, regulatory or administrative provisions in a Member State;**

Justification

The word “remunerated” should be deleted, as individuals who have undertaken a traineeship which constitutes an essential element of the professional training should not be disadvantaged if their traineeship is unpaid. The inclusion of the words “pursuant to legislative, regulatory or administrative provisions in a Member State” clarifies the fact that conditions for access to a regulated profession are determined by the Member State.

Amendment 13

Proposal for a directive

Article 1 – point 3 – point a – point ii

Directive 2005/36/EC

Article 3 – paragraph 1 – point k

Text proposed by the Commission

(k) “European Professional Card”: an electronic certificate issued to the professional **proving the recognition of his**

Amendment

(k) “European Professional Card”: an electronic certificate issued to the professional **by the competent authority to**

qualifications for establishment in a host Member State or *that he has met all the necessary conditions to provide* services in a host Member State on a temporary and occasional basis;

document his/her qualifications upon request for the purposes of establishment in a host Member State or *the provision of* services in a host Member State on a temporary and occasional basis;

Amendment 14

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4a – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the holder of a European Professional Card benefits from all the rights conferred by Articles 4b to 4e, **upon** validation of the Card by the competent authority of the **relevant** Member State as provided for in paragraphs 3 and 4 of this Article.

Amendment

2. Member States shall ensure that the holder of a European Professional Card benefits from all the rights conferred by Articles 4b to 4e, **subject to** validation of the Card by the competent authority of the **host** Member State as provided for in paragraphs 3 and 4 of this Article.

Justification

For professions with patient safety implications under the general and automatic recognition system, host Member States should have responsibility for validating the Professional Card.

Amendment 15

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4a – paragraph 3

Text proposed by the Commission

3. Where the holder of a qualification intends to provide services under Title II other than those covered by Article 7(4), the European Professional Card shall be created and **validated** by the competent authority of the home Member State in accordance with Articles 4b and 4c.

Amendment

3. Where the holder of a qualification intends to provide services under Title II other than those covered by Article 7(4), **and for health professionals benefiting from automatic recognition under Directive 2005/36/EC** the European Professional Card shall be created and **issued** by the competent authority of the home Member State in accordance with

Articles 4b and 4c *and validated by the host Member State.*

Justification

Recognition of professional qualifications is a matter for the host Member State. For professions with patient safety implications under the general and automatic recognition system, host Member States should have responsibility for validating the card.

Amendment 16

Proposal for a directive

Article 1 – paragraph 5

Directive 2005/36/EC

Article 4a – paragraph 5

Text proposed by the Commission

5. Member States shall designate competent authorities for issuing European Professional Cards. Those authorities shall ensure an impartial, objective and timely processing of applications for European Professional Cards. *The Assistance Centers referred to in Article 57b may also act in the capacity of a competent authority to issue a European Professional Card.* Member States shall ensure that competent authorities inform citizens, including prospective applicants, on the advantages of a European Professional Card where it is available.

Amendment

5. Member States shall designate competent authorities for issuing European Professional Cards. Those authorities shall ensure an impartial, objective and timely processing of applications for European Professional Cards. Member States shall ensure that competent authorities inform citizens, including prospective applicants, on the advantages of a European Professional Card where it is available.

Justification

Since the Member States are to designate the authorities competent to issue European Professional Cards, on the basis of existing arrangements, the reference to the Assistance Centers should be deleted.

Amendment 17

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4a – paragraph 6

Text proposed by the Commission

Amendment

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.

6. Upon request, the European Professional Cards **shall be available for selected professions covered by implementing acts adopted by the Commission** in accordance with the **examination** procedure referred to in Article 58.

Amendment 18

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4a – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Commission may introduce a European Professional Card by an implementing act, in accordance with the examination procedure referred to in Article 58, provided that there is sufficient mobility or potential for sufficient mobility in the profession concerned, there is sufficient interest by the stakeholders concerned, or the profession is regulated in a sufficient number of Member States.

Justification

The examination procedure should be used as it is viewed that the implementing act relates to 'programmes with substantial implications under article 2(2) or Regulation 182/2011.

Amendment 19

Proposal for a directive
Article 1 – point 5
Directive 2005/36/EC
Article 4a – paragraph 6 b (new)

Text proposed by the Commission

Amendment

6b. Those implementing acts shall also determine 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 the profession concerned. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 58.

Amendment 20

Proposal for a directive
Article 1 – point 5
Directive 2005/36/EC
Article 4a – paragraph 7

Text proposed by the Commission

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. ***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.***

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.

Justification

The calculation and distribution of fees are matters for the Member States, and the reference to them should therefore be deleted.

Amendment 21

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4b – paragraph 1

Text proposed by the Commission

1. The Member States shall provide that a holder of a professional qualification may **apply** for a European Professional Card **by any means, including through an on-line tool, with the competent authority of the home Member State.**

Amendment

1. The Member States shall provide that a holder of a professional qualification may **submit an application** for a European Professional Card **in written or electronic form, in accordance with Article 57.**

Amendment 22

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4b – paragraph 2

Text proposed by the Commission

2. Applications shall be supported by the documentation required by Article 7(2) and Annex VII as appropriate. **The Commission shall be empowered to adopt delegated acts in accordance with Article 58a concerning the establishment of the details of the documentation.**

Amendment

2. Applications shall be supported by the documentation required by Article 7(2) and Annex VII as appropriate. **In case of justified doubts, the host Member State may ask for the original documents to be forwarded.**

Amendment 23

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4b – paragraph 4

Text proposed by the Commission

4. The Commission may adopt implementing acts specifying the technical specifications, the measures necessary to

Amendment

4. The Commission may adopt implementing acts specifying the technical specifications, the measures necessary to

ensure integrity, confidentiality and accuracy of information contained in the European Professional Card and in the IMI file, the conditions and the procedures for making available a European Professional Card to its holder, ***including the possibility of downloading it or submitting updates for the file***. Those implementing acts shall be adopted in accordance with the ***advisory*** procedure referred to in Article 58.

ensure integrity, confidentiality and accuracy of information contained in the European Professional Card and in the IMI file, the conditions and the procedures for making available a European Professional Card to its holder. Those implementing acts shall be adopted in accordance with the ***examination*** procedure referred to in Article 58.

Justification

The Internal Market Information System is an instrument for communication between authorities. Third parties, such as the applicant, should not have access to the IMI.

Amendment 24

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4c – 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 provision of services other than those covered by Article 7(4) ***and for health professionals benefiting from automatic recognition under Directive 2005/36/EC***

Justification

For sectoral health professions, Member State competent authorities should retain responsibility to validate the European Professional Card.

Amendment 25

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4c – 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 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***.

Amendment

1. The competent authority of the home Member State shall verify the application ***and the supporting documentation, and shall issue the*** European Professional Card within ***one month*** from the date it receives a complete application. It shall ***then transmit the European Professional Card immediately to the competent authority of the host Member State concerned and inform the applicant accordingly.*** The host Member States concerned shall constitute the declaration provided for in Article 7. ***Without prejudice to Article 8(1),*** the host Member State may not require a further declaration under Article 7 for the following ***year***.

Amendment 26

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4c – 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 ***host*** Member State, or the absence of a decision within the period of ***four*** weeks referred to in paragraph 1, shall be subject to appeal under national law.

Justification

Recognition of professional qualifications is a matter for the host Member State. In order to give the competent authorities sufficient time to consider applications, the deadlines should be extended.

Amendment 27

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC
Article 4c – paragraph 3

Text proposed by the Commission

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.

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. ***The competent authority of the home Member State shall transmit the updated European Professional Card to the host Member States concerned.*** In those cases the holder of the European Professional Card shall make the declaration provided in Article 7.

Amendment 28

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

Text proposed by the Commission

4. The European Professional Card shall be valid for as long as its holder maintains the right to practice in the home Member State on the basis of the documents and information contained in the IMI file.

Amendment

4. The European Professional Card shall be valid for as long as its holder maintains the right to practice in the home Member State on the basis of the documents and information contained in the IMI file ***or unless the holder has been prohibited from practising in any Member State.***

Amendment 29

Proposal for a directive
Article 1 – point 5
Directive 2005/36/EC
Article 4d – 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 provision of services under Article 7 (4) **and for the temporary provision of services by health professionals benefiting from automatic recognition under Title III Chapter III**

Justification

Host Member States should decide on the issuance of the EPC for establishment, for the temporary and occasional provision of services under Article 7(4) (regulated professions having public health or safety implications), and for the temporary and occasional provision of services by health professionals benefitting from automatic recognition under Title III Chapter III of the Directive 2005/36/EC. The sectoral health professions are key providers of health care and present a risk to public safety; when care goes wrong this not only impacts on the migrant patient, but on the host health care system.

Amendment 30

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4d – 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 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.

Amendment

1. Upon receipt of a complete application for a European Professional Card, the competent authority of the home Member State shall, within **five** 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.

Amendment 31

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4d – 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 **eight 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 **eight weeks**.

Justification

Recognition of professional qualifications is a matter for the host Member State. In order to give the competent authorities sufficient time to consider applications, the deadlines should be extended.

Amendment 32

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4d – 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

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 **12 weeks** 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

not suspend the period of *two months*.

suspend the period of *12 weeks*.

Justification

Recognition of professional qualifications is a matter for the host Member State. In order to give the competent authorities sufficient time to consider applications, the deadlines should be extended.

Amendment 33

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4d – 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 regulated profession concerned in the host Member State.

Amendment

5. Where the host Member State fails to take a decision within *three months* 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 *temporarily* by the host Member State and to constitute recognition of the professional qualification to the regulated profession concerned in the host Member State. *The proposal to obtain further information shall prorogue the three-month approval period for a maximum of two months.*

Amendment 34

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4d – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The provisions laid down in paragraph 5 first sentence shall not apply to health professionals whose work has implications for patient safety.

Amendment 35

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4e – paragraph 2

Text proposed by the Commission

2. Access to the information in the IMI file shall be limited to the competent authorities of the home and the host Member State **and the holder of the European Professional Card** in accordance with Directive 95/46/EC of the European Parliament and of the Council(**).

Amendment

2. Access to the information in the IMI file shall be limited to the competent authorities of the home and the host Member State in accordance with Directive 95/46/EC of the European Parliament and of the Council(**).

Justification

The Internal Market Information System is an instrument for communication between authorities. Third parties, such as the applicant, should not have access to the IMI.

Amendment 36

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4e – paragraph 4

Text proposed by the Commission

4. The information included in the European Professional Card shall be limited to the information that is necessary to ascertain its holder's right to exercise the profession for which it has been issued, in particular name, surname, date and place of birth, profession, applicable regime, competent authorities involved, card number, security features and reference to a valid proof of identity.

Amendment

4. The information included in the European Professional Card shall be limited to the information that is necessary to ascertain its holder's right to exercise the profession for which it has been issued, in particular name, surname, date and place of birth, **type of qualification and** profession, **nationality at the point of recognition, current registration status**, applicable regime, competent authorities involved, card number, security features and reference to a valid proof of identity.

Amendment 37

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4e – paragraph 4

Text proposed by the Commission

4. The information included in the European Professional Card shall be limited to the information that is necessary to ascertain its holder's right to exercise the profession for which it has been issued, in particular name, surname, date and place of birth, **profession**, applicable regime, competent authorities involved, card number, security features and reference to a valid proof of identity.

Amendment

4. The information included in the European Professional Card shall be limited to the information that is necessary to ascertain its holder's right to exercise the profession for which it has been issued, in particular name, surname, date and place of birth, **professional title, evidence of formal qualifications, evidence of professional experience**, applicable regime, competent authorities involved, card number, security features and reference to a valid proof of identity.

Justification

Formal qualifications and professional experience are the decisive factors in the recognition of professional qualifications. It should therefore be mandatory for the European Professional Card to contain details of the holder's formal qualifications and professional experience. The directive deals with the recognition of professional qualifications, not of professions per se, and consequently the Professional Card should show that the holder has the professional title which gives access to the profession in question.

Amendment 38

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4e – paragraph 7

Text proposed by the Commission

7. Member States shall provide that employers, customers, patients and other interested parties may verify the authenticity and validity of a European Professional Card presented to them by the card holder without prejudice to paragraphs 2 and 3. The Commission shall adopt

Amendment

7. Member States shall provide that employers, customers, patients and other interested parties may verify the authenticity and validity of a European Professional Card presented to them by the card holder without prejudice to paragraphs 2 and 3. The Commission shall adopt

implementing acts specifying the conditions of access to the IMI file, the technical means and the procedures for the verification referred to in the first subparagraph. Those implementing acts shall be adopted in accordance with the *advisory* procedure referred to in Article 58.

implementing acts specifying the conditions of access to the IMI file, the technical means and the procedures for the verification referred to in the first subparagraph. Those implementing acts shall be adopted in accordance with the *examination* procedure referred to in Article 58.

Justification

Acts of general scope should be adopted in accordance with the examination procedure, as provided for in Regulation (EU) No 182/2011. That procedure ensures that the Commission cannot adopt implementing acts which are not consistent with the committee opinion. The examination procedure thus seems more appropriate in this case.

Amendment 39

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4e – paragraph 7 – subparagraph 1

Text proposed by the Commission

7. Member States shall provide that employers, customers, patients and other interested parties may verify the authenticity and validity of a European Professional Card presented to them by the card holder without prejudice to paragraphs 2 and 3.

Amendment

7. **Host** Member States shall provide that employers, customers, patients and other interested parties may verify the authenticity and validity of a European Professional Card presented to them by the card holder without prejudice to paragraphs 2 and 3.

Amendment 40

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4f – paragraph 1 – subparagraph 1 – point -a (new)

Text proposed by the Commission

Amendment

(-a) the professional is fully qualified to exercise in the home Member State the professional activity for which partial access may be granted in the host Member

State;

Amendment 41

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4f – 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 can grant partial access on a case by case basis to health professionals whose work has no implications for patient safety. Partial access may be rejected if such rejection is justified by reasons of general **interest to safeguard** public health **and patient safety**.

Amendment 42

Proposal for a directive

Article 1 – point 7 – point a – point ii

Directive 2005/36/EC

Article 7 – paragraph 2 – point f

Text proposed by the Commission

(f) in the case of evidence of formal qualifications referred to in Article 21 (1) and in the case of certificates of acquired rights referred to in Articles 23, 26, 27, 30, 33, 33a, 37, 39, and 43, evidence attesting knowledge of the language of the host Member State

Amendment

(f) for professions with patient safety implications, in the case of evidence of formal qualifications referred to in Article 21 (1) and in the case of certificates of acquired rights referred to in Articles 23, 26, 27, 30, 33, 33a, 37, 39, and 43, evidence attesting knowledge of the **official language(s) of the language area** of the host Member State **where the professional wishes to work**.

Amendment 43

Proposal for a directive

Article 1 – point 9 – point b

Directive 2005/36/EC

Article 11 – point c – point ii

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Text proposed by the Commission

Amendment

(ii) regulated education and training or, in the case of regulated professions, vocational training with a special structure, with competences going beyond what is provided for in level b, equivalent to the level of training provided for under point (i), if such training provides a comparable professional standard and prepares the trainee for a comparable level of responsibilities and functions provided the diploma is accompanied by a certificate from the home Member State; ***deleted***

Justification

Article 11(c)(ii) of Directive 2005/36/EC contains a reference to Annex II, which covers health professions such as physiotherapist and speech therapist. Article 11(c)(ii) should be retained in its current form.

Amendment 44

Proposal for a directive
Article 1 – point 9 - point d
Directive 2005/36/EC
Article 11 – paragraph 2

Text proposed by the Commission

Amendment

(d) The second paragraph is deleted. ***deleted***

Justification

The possibility of revising the list in Annex II should be retained.

Amendment 45

Proposal for a directive
Article 1 – point 9 – point d a (new)
Directive 2005/36/EC
Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(da) The following paragraph is added:

„2a. The Commission shall be empowered to adopt delegated acts in accordance with Article 58a in order to revise the list contained in Annex II to take account of forms of training which meet the requirements laid down in paragraph 1(c)(ii).”

Justification

The possibility of revising the list in Annex II should be retained.

Amendment 46

Proposal for a directive

Article 1 – point 11

Directive 2005/36/EC

Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. In case of an attestation of competence or evidence of formal qualifications referred to in paragraphs 1 and 2 or a certificate certifying regulated education and training or a vocational training with special structure equivalent to the level provided for in **Article 11(c)(i)**, the host Member State shall accept the level attested or certified by the home Member State.

3. In case of an attestation of competence or evidence of formal qualifications referred to in paragraphs 1 and 2 or a certificate certifying regulated education and training or a vocational training with special structure equivalent to the level provided for in **Article 11(c)**, the host Member State shall accept the level attested or certified by the home Member State.

Justification

Article 11(c)(ii) contains a reference to Annex II to the directive, which also covers health professions and health-related occupations. On mobility grounds, the formal qualifications certified by the home Member State should be recognised for these forms of training with special structure as well.

Amendment 47

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

Justification

Durch die von der Kommission vorgeschlagene Regelung wird ein Durchstieg von Niveaustufe 1 auf Niveaustufe 3 ermöglicht. Jedoch ist Niveaustufe 3 – ebenso wie die Niveaustufen 4 und 5, bei denen kein Durchstieg von Niveaustufe 1 möglich ist – eine postsekundäre Ausbildung. Daneben können die Mitgliedstaaten nach der von der Kommission vorgeschlagenen Regelung einen Durchstieg von Niveaustufe 3 auf Niveaustufe 4 versagen. Dies könnte in der Folge zu einer Mobilitätseinschränkung für die Gesundheitshandwerke wie Augenoptiker oder Hörgeräteakustiker führen, da diese Berufe in den Mitgliedstaaten unterschiedlich in Niveau 3 oder in Niveau 4 angesiedelt sind. Durch eine Aufnahme von Buchstabe c wird dieser Mobilitätsbarriere entgegen gewirkt.

Amendment 48

Proposal for a directive

Article 1 – point 15 a (new)

Directive 2005/36/EC

Article 21 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(15a) In Article 21, the following paragraph is inserted:

„4a. Member States shall not be required, however, to accept evidence of formal qualifications in accordance with Annex V, point 5.6.2, in connection with the establishment of new public pharmacies. For the purposes of this paragraph,

pharmacies which have been open for less than three years shall also be regarded as new pharmacies.”

Justification

Aus der vielfach von der Kommission angeführten Rechtsprechung des EuGH ergibt sich keine Notwendigkeit, die sogenannte „3-Jahresklausel“ zu streichen. Der EuGH hat in seiner ständigen Rechtsprechung keine Zweifel an der Rechtmäßigkeit der Regelung geäußert, sondern vielmehr darauf hingewiesen, dass die Mitgliedstaaten befugt sind, grundlegende Entscheidungen zur Organisation ihres Apothekenwesens in eigener Verantwortung zu treffen. Die Vorschrift ist im Vergleich zu denkbaren Ersatzregelungen auch weniger einschränkend, da sie auf Eignungsprüfungen oder Zugangskriterien wie Berufserfahrung verzichtet und so den Weg in die Selbständigkeit (durch Übernahme einer bestehenden Apotheke) relativ einfach und ohne zusätzliche Hürde eröffnet.

Amendment 49

Proposal for a directive

Article 1 – point 15 a (new)

Directive 2005/36/EC

Article 21 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

(15a) In Article 21, the following paragraph is added:

"7a. Member States may require that professionals possessing evidence of formal qualifications listed in Annex V, points 5.1.1, 5.1.2, 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 shall only benefit from the provisions in paragraph 1 if they have qualified within the preceding 3 years or can demonstrate through an attestation from a competent authority or other relevant organisation, that they have effectively and lawfully been engaged in the activities in question for at least three consecutive years during the five years prior to the date of issue of the attestation. Where this is not provided, Member States may assess a professional's qualification either under the provisions outlined in Title III, Chapter I or grant limited access to the

profession according to national law."

Justification

Currently, competent authorities have to automatically recognise and give access to the profession to professionals that may not have practiced for many years since they qualified. The Directive should open the possibility for competent authorities to link automatic recognition to a requirement to demonstrate recent and relevant professional experience. If this cannot be met, professionals could have their application considered under the general system.

Amendment 50

Proposal for a directive

Article 1 – point 17

Directive 2005/36/EC

Article 22 – paragraph 2

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

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.**(c)**
Member States must have a system in place to ensure health professionals regularly update their competencies through Continuing Professional Development.

Amendment 51

Proposal for a directive

Article 1 – point 18 – point a

Directive 2005/36/EC

Article 24 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Basic medical training shall comprise a total of at least **five** years of study, which may **also** be expressed **with** the equivalent ECTS credits, and shall consist of at least 5500 hours of theoretical and practical training provided by, **or under the supervision of**, a university.

Amendment

2. Basic medical training shall comprise a total of at least **six** years of study (which may, **in addition**, be expressed **by means of** the equivalent ECTS credits), and shall consist of at least 5500 hours of **actual** theoretical **training at a university** and practical training provided by a university **or under the supervision of a university at a non-university hospital. At least 5500 hours of actual training shall not include any components such as private study, examinations or writing of a thesis.**

Justification

Shortening basic medical training will seriously jeopardise the quality of that training. At present, the vast majority of Member States have basic medical training consisting of at least six years of study. Changing this to five years could initiate a race to the bottom, which is extremely undesirable. It should be possible for theoretical training to be provided at a university, while practical training should be possible at both university and non-university hospitals.

Amendment 52

Proposal for a directive

Article 1 – point 18 – point b

Directive 2005/36/EC

Article 24 – paragraph 4

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts in accordance with Article 58a to specify:

(a) the adequacy of knowledge of sciences referred to in point (a) of paragraph 3 in line with scientific and technological progress and the necessary competences that such knowledge should entail;

(b) the degree of sufficiency of understanding of the items referred to in point (b) of paragraph 3 and the necessary competences for such

Amendment

deleted

understanding in line with scientific progress and developments in education in Member States

(c) the adequacy of knowledge of clinical disciplines and practices, as referred to in point (c) of paragraph 3, and the necessary competences such knowledge should lead to in the light of scientific and technological progress

(d) the suitability of clinical experience referred to in point (d) of paragraph 3 and the necessary competences that such experience should entail in the light of scientific and technological progress as well as developments in education in Member States.

Justification

Pursuant to Article 166 TFEU, the Member States are responsible for determining the content of vocational training. Although at present there is no minimum training programme for doctors as the basis for the automatic recognition of qualifications, a broadening of the Commission's powers as proposed here cannot be justified and would even go beyond what is necessary in the context of a minimum training programme.

Amendment 53

Proposal for a directive

Article 1 – point 19 – point b

Directive 2005/36/EC

Article 25 – paragraph 3a – 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-

Amendment

3a. Member States may lay down in their national legislations partial exemptions from parts of the specialist medical training, ***to be applied on a case-by-case basis***, 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

third of the minimum duration of specialist medical training courses as referred to in point 5.1.3 of Annex V.

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 54

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

Text proposed by the Commission

1. Admission to training for nurses responsible for general care shall be contingent upon completion of general education of **12 years**, as attested by a diploma, certificate or other evidence issued by the competent authorities or bodies in a Member State or by a certificate attesting success in an examination, of an equivalent level, for admission to a school of nursing.

Amendment

1. Admission to training for nurses responsible for general care ***in accordance with paragraph 3*** shall be contingent ***of a minimum age of 16 and*** upon completion of general education of ***at least 10 years***, as attested by a diploma, certificate or other evidence issued by the competent authorities or bodies in a Member State or by a certificate attesting success in an examination, of an equivalent level, for admission to a school of nursing. ***This provision shall be without prejudice to the right of Member States to set a longer period of general education as a criterion governing admission to training.***

Amendment 55

Proposal for a directive
Article 1 – point 22 – point d
Directive 2005/36/EC
Article 31 – paragraph 7

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts in accordance with Article 58a to specify:

(a) the adequacy of knowledge of the sciences of general nursing, as referred to in point (a) of paragraph 6, in line with

Amendment

deleted

scientific and technological progress as well as the necessary competences such knowledge should entail in line with scientific and technological progress and recent developments in education;

(b) the degree of sufficiency of understanding of the items referred to in point (a) of paragraph 6 and the necessary competences following from such understanding in line with scientific and technological progress and recent developments in education;

(c) the degree of sufficiency of knowledge about the items referred to in point (b) of paragraph 6 and the necessary competences following from such knowledge in line with scientific progress and recent developments in education;

(d) the adequacy of clinical experience referred to in point (c) of paragraph 6 and the necessary competences following from such adequate clinical experience in line with scientific and technological progress and recent developments in education.

Justification

Pursuant to Article 166 TFEU, the Member States are responsible for determining the content of vocational training.

Amendment 56

Proposal for a directive

Article 1 – point 23 – point a a (new)

Directive 2005/36/EC

Article 33 – paragraph 2

Text proposed by the Commission

Amendment

(aa) Paragraph 2 is deleted;

Justification

All nurses in Poland, regardless of their training in current or previous education system have the same competences. According to the Polish legal provisions nurses are obliged to continuously upgrade their knowledge and professional skills. The qualifications of Polish

nurses acquired before Poland's accession to the EU should be therefore recognised on the basis of the acquired rights principle, as stated in Article 23 of the directive. Thus, Article 33 paragraph 2 shall be repealed.

Amendment 57

Proposal for a directive

Article 1 – point 23 – point b

Directive 2005/36/EC

Article 33 – paragraph 3

Text proposed by the Commission

3. Member States shall recognise evidence of formal qualifications in nursing awarded in Poland, to nurses who completed training before 1 May 2004, which did not comply with the minimum training requirements laid down in Article 31, attested by the diploma “bachelor” which has been obtained on the basis of a special upgrading programme contained in Article 11 of the Act of 20 April 2004 on the amendment of the Act on professions of nurse and midwife and on some other legal acts (Official Journal of the Republic of Poland of 30 April 2004 No 92, pos. 885), and the Regulation of the Minister of Health of **12 April 2010 amending** the Regulation of the Minister of Health of **11 May 2004** on the detailed conditions of delivering *studies* for nurses and midwives, who hold a certificate of secondary school (final examination - matura) and are graduates of medical *lyceum and medical vocational schools* teaching in a profession of a nurse and a midwife (Official Journal of the Republic of Poland of **21 April 2010, No 65, pos. 420**), with the aim of verifying that the person concerned has a level of knowledge and competence comparable to that of nurses holding the qualifications which, in the case of Poland, are defined in **point 5.2.2. of Annex V**.

Amendment

3. Member States shall recognise evidence of formal qualifications in nursing awarded in Poland, to nurses who completed training before 1 May 2004, which did not comply with the minimum training requirements laid down in Article 31, attested by the diploma 'bachelor' which has been obtained on the basis of a special upgrading programme contained in Article 11 of the Act of 20 April 2004 on the amendment of the Act on professions of nurse and midwife and on some other legal acts (Official Journal of the Republic of Poland of 30 April 2004 No 92, pos. 885), and the Regulation of the Minister of Health of **11 May 2004 on the detailed conditions of delivering studies for nurses and midwives, who hold a certificate of secondary school (final examination — matura) and are graduates of medical lyceum and medical vocational schools teaching in a profession of a nurse and a midwife (Official Journal of the Republic of Poland of 13 May 2004 No 110, pos. 1170, with further amendments), replaced by Article 55.2 of the Act of 15 July 2011 on professions of nurse and midwife (Official Journal of the Republic of Poland of 23 August 2011 No 174, pos. 1039), and** the Regulation of the Minister of Health of **14 June 2012** on the detailed conditions of delivering *higher education courses* for nurses and midwives who hold a certificate of secondary school (final

examination – matura) and are graduates of **a medical secondary school or a post-secondary** teaching in a profession of a nurse and a midwife (Official Journal of the Republic of Poland of **6 July 2012, pos. 770**), with the aim of verifying that the person concerned has a level of knowledge and competence comparable to that of nurses holding the qualifications which, in the case of Poland, are defined in Annex V, **point 5.2.2**.

Amendment 58

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

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.

Amendment

Basic dental training shall **last** a total of at least five years **and comprise at least 5000 hours** of full-time theoretical and practical study, which may also be expressed **as an additional criterion** with the equivalent ECTS credits, **on the basis that one academic year corresponds to 60 training credits**, comprising at least the programme described in Annex V, point 5.3.1 and given in a university or in a higher institute providing training recognised as being of an equivalent level or under the supervision of a university.

Justification

On quality control grounds, where basic dental training is concerned the criterion of minimum duration in terms of years should be replaced by one based on the minimum number of hours of study. In this way, spasmodically organised or weekend courses can be excluded. ECTS credits are awarded in widely differing ways in the Member States. Expression with the equivalent ECTS credits must not replace the other criteria, but rather be an additional criterion.

Amendment 59

Proposal for a directive

Article 1 – point 24 – point b

Directive 2005/36/EC

Article 34 – paragraph 4

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 58a to specify:

deleted

(a) the adequacy of knowledge of science of dentistry and the degree of understanding of scientific methods, as referred to in point (a) of paragraph 3, and the necessary competences following from such degree of knowledge and understanding in line with scientific and technological progress and recent developments in education;

(b) the adequacy of knowledge of the items referred to in point (b) of paragraph 3, and the necessary competences following from such degree of knowledge in line with scientific and technological progress and recent developments in education;

(c) the adequacy of knowledge of the items referred to in point (c) of paragraph 3, and the necessary competences following from such degree in line with scientific and technological progress;

(d) the adequacy of knowledge of clinical disciplines and methods, as referred to in point (d) of paragraph 3, and the necessary competences following thereof in line with scientific and technologic progress;

(e) the suitability of clinical experience as referred to in point (e) of paragraph 3 in line with recent developments in education.

Justification

Pursuant to Article 166 TFEU, the Member States are responsible for determining the content of vocational training.

Amendment 60

Proposal for a directive

Article 1 – point 26 – point a

Directive 2005/36/EC

Article 38 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The training of veterinary surgeons 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, at a university or at a higher institute providing training recognized as being of an equivalent level, or under the supervision of a university, covering at least the study programme referred to in Annex V, point 5.4.1.

Amendment

The training of veterinary surgeons shall comprise a total of at least five years of full-time theoretical and practical study, which may also be expressed **as an additional criterion** with the equivalent ECTS credits, at a university or at a higher institute providing training recognized as being of an equivalent level, or under the supervision of a university, covering at least the study programme referred to in Annex V, point 5.4.1.

Justification

ECTS credits are awarded in widely differing ways in the Member States. Expression with the equivalent ECTS credits must not replace the other criteria, but rather be an additional criterion.

Amendment 61

Proposal for a directive

Article 1 – point 26 – point b

Directive 2005/36/EC

Article 38 – paragraph 4

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts in accordance with Article 58a to specify:

(a) the adequacy of knowledge of the sciences, as referred to in point (a) of

Amendment

deleted

paragraph 3, and the necessary competences following from such degree of knowledge in line with scientific and technological progress;

(b) the adequacy of knowledge of the structure and functions of healthy animals, as set out in point (b) of paragraph 3, and the necessary competences such degree of knowledge entails in line with scientific and technological progress;

(c) the adequacy of knowledge of behaviour, protection and diseases of animals, as set out in points (c) and (d) of paragraph 3, and the necessary competences such degree of knowledge entails in line with scientific and technological progress;

(d) the adequacy of knowledge of preventive medicine, as referred to in point (e) of paragraph 3, and the necessary competences such degree of knowledge entails in line with scientific and technological progress;

(e) the adequacy of knowledge of the items set out in point (f) of paragraph 3, and the necessary competences such degree of knowledge entails in line with scientific and technological progress;

(f) the adequacy of knowledge of clinical and other practical experience as referred to in point (h) of paragraph 3 and the necessary competences such degree of knowledge should entail in line with recent educational developments.

Justification

Pursuant to Article 166 TFEU, the Member States are responsible for determining the content of vocational training.

Amendment 62

Proposal for a directive

Article 1 – point 26 a (new)

Directive 2005/36/EC

Article 38 a (new)

Text proposed by the Commission

Amendment

(26a) The following Article is inserted:

„Article 38a

Veterinary specialisations

Within two years following the entry into force of this Directive, the Commission shall examine whether, in addition to medical and dental specialisations, veterinary specialisations should also fall within the scope of Directive 2005/36/EC, provided they exist in at least one-third of the Member States, and, if necessary, put forward a legislative proposal.”

Justification

In veterinary medicine as well there are a series of specialisms which are increasingly coming to be recognised at European level. These specialisms should in future also be covered by the automatic recognition system.

Amendment 63

Proposal for a directive

Article 1 – point 27 – point b

Directive 2005/36/EC

Article 40 – paragraph 2 –point a

Text proposed by the Commission

Amendment

(a) completion of at least ***the 12*** years of general school education or a certificate attesting success in an examination, of an equivalent level, for admission to a midwifery school for route I;

(a) completion of at least ***10*** years of general school education ***up to the age of 16 at least*** or a certificate attesting success in an examination, of an equivalent level, for admission to a midwifery school for route I;

Amendment 64

Proposal for a directive

Article 1 – point 27 – point c

Directive 2005/36/EC

Article 40 – paragraph 4

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 58a to specify:

deleted

(a) the adequacy of knowledge of the sciences on which the activities of midwives are based, as set out in point (a) of paragraph 3 and the necessary competences such degree of knowledge entails in line with scientific and technological progress;

(b) the adequacy of knowledge of the items set out in point (c) of paragraph 3, and the necessary competences such degree of knowledge entails in line with scientific and technological progress;

(c) the adequacy of clinical experience, as referred to in point (d) of paragraph 3, and the necessary competences such degree of knowledge entails in line with recent educational reforms as well as scientific and technological progress;

(d) the adequacy of understanding of the training of health personnel and experience of working with such, as referred to in point (e) of paragraph 3 and the necessary competences such degree of understanding entails in line with recent educational reforms as well as scientific and technological progress.

Justification

Pursuant to Article 166 TFEU, the Member States are responsible for determining the content of vocational training.

Amendment 65

Proposal for a directive

Article 1 – point 28

Directive 2005/36/EC

Article 41 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) either made contingent upon possession of a diploma, certificate or other evidence of a qualification giving access to universities or higher education institutes, or otherwise guaranteeing an equivalent level of knowledge; or

Justification

The rules set out in Directive 2005/36/EC have proved their worth in practice and should be retained.

Amendment 66

Proposal for a directive

Article 1 – point 28

Directive 2005/36/EC

Article 41 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) followed by two years of professional practice for which a certificate has been issued in accordance with paragraph 2;

Justification

The rules set out in Directive 2005/36/EC have proved their worth in practice and should be retained.

Amendment 67

Proposal for a directive

Article 1 – point 30 – point a

Directive 2005/36/EC

Article 44 – paragraph 2

Text proposed by the Commission

2. Evidence of formal qualifications as a pharmacist shall attest to training of at least five years' duration, which may also be expressed with the equivalent ECTS credits, including at least:

Amendment

2. Evidence of formal qualifications as a pharmacist shall attest to training of at least five years' duration, which may also be expressed *as an additional criterion* with the equivalent ECTS credits, including at least:

Justification

ECTS credits are awarded in widely differing ways in the Member States. Expression with the equivalent ECTS credits must not replace the other criteria, but rather be an additional criterion.

Amendment 68

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.

Justification

Member States and their universities should continue to be able to schedule student traineeships when they see fit. In the Scandinavian countries in particular, the traineeship takes place in blocks spread across a student's period of study.

Amendment 69

Proposal for a directive

Article 1 – point 30 – point b

Directive 2005/36/EC

Article 44 – paragraph 4

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 58a to specify:

deleted

(a) the adequacy of knowledge of medicines and the substances used in the manufacture of medicines, as set out in point (a) of paragraph 3, and the necessary competences such degree of knowledge entails in line with scientific and technological progress;

(b) the adequacy of knowledge of the items set out in point (b) of paragraph 3, and the necessary competences such degree of knowledge entails in line with scientific and technological progress;

(c) the adequacy of knowledge of the items set out in point (c) of paragraph 3, and the necessary competences such degree of knowledge entails in line with scientific and technological progress;

(d) the adequacy of knowledge to evaluate scientific data, as referred to in point (d) of paragraph 3, and the necessary competences such degree of knowledge entails in line with scientific and technological progress.

Justification

Pursuant to Article 166 TFEU, the Member States are responsible for determining the content of vocational training.

Amendment 70

Proposal for a directive

Article 1 – point 30 a (new)

Directive 2005/36/EC

Article 45 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(30a) In paragraph 2 of Article 45, the

following point (ea) is added:

(ea) ordering, manufacture, testing, storage and dispensing of safe, high-quality medicinal products in public pharmacies;

Justification

The duties of a pharmacist have developed, and the relevant rules must therefore be revised accordingly. Today, quickly obtaining medicinal products which are not in stock and dispensing them to patients is part of a pharmacist's daily work. It is also important that pharmacists should only dispense medicinal products which they know to be safe and genuine.

Amendment 71

Proposal for a directive

Article 1 – point 30 b (new)

Directive 2005/36/EC

Article 45 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(30b) In paragraph 2 of Article 45, the following point (fa) is added:

„(fa) medication management and provision of information and advice about medicinal products and general health information;”

Justification

The duties of a pharmacist have developed, and the relevant rules must therefore be revised accordingly. It is important that people taking a course of drugs should observe certain habits, so that the drugs can have their full effect. In that connection, pharmacists can be an important source of information.

Amendment 72

Proposal for a directive

Article 1 – point 30 c (new)

Directive 2005/36/EC

Article 45 – paragraph 2 – point f b (new)

Text proposed by the Commission

Amendment

(30c) In paragraph 2 of Article 45, the following point (fb) is added:

„(fb) provision of advice and support to patients in connection with the use of non-prescription medicines and self-medication;”

Justification

The duties of a pharmacist have developed, and the relevant rules must therefore be revised accordingly. People suffering from very minor ailments, such as colds, tend to turn first to their pharmacist and should be able to obtain comprehensive information from him or her.

Amendment 73

Proposal for a directive

Article 1 – paragraph 31 a (new)

Directive 2005/36/EC

Article 45 – paragraph 2 – point h a (new)

Text proposed by the Commission

Amendment

(31a) In paragraph 2 of Article 45, the following point (ha) is added:

„(ha) contributions to public health and information campaigns.”

Justification

Many diseases, such as cancer, and medical phenomena, such as resistance to antibiotics, can be combated more effectively by means of awareness-raising campaigns. Providing information about healthy lifestyles or the correct use of antibiotics can help to make society healthier.

Amendment 74

Proposal for a directive

Article 1 – point 35

Directive 2005/36/EC

Article 49a – paragraph 2 – point c

Text proposed by the Commission

(c) the common set of knowledge, skills and competences combines the knowledge, skills and competences defined in the systems of education and training applicable in at least one third of all Member States;

Amendment

(c) the common set of knowledge, skills and competences combines the knowledge, skills and competences defined in the systems of education and training applicable in at least one third of all Member States; ***if the profession in question is already regulated in a Member State by a dual training system as defined in Article 3(1)(m), the common training framework should provide for training in a dual system whilst retaining existing standards;***

Justification

Dual vocational training systems make a key contribution to combating youth unemployment because they are tailored to the requirements of the labour market and facilitate the early integration of trainees into companies. Common training principles should therefore be structured along the lines of dual training, where this is appropriate and a dual training system already exists in at least one Member State.

Amendment 75

Proposal for a directive

Article 1 – point 35

Directive 2005/36/EC

Article 49a – paragraph 2 – point e

Text proposed by the Commission

(e) the profession concerned is neither covered by another common training framework nor regulated already under Chapter III of Title III;

Amendment

(e) the profession concerned is neither covered by another common training framework nor regulated already under ***Chapter II or*** Chapter III of Title III;

Justification

The common training framework is welcome in principle, because its introduction will bring more health professions within the scope of the automatic recognition system. However, professions covered by Chapter II should not fall within the scope of the common training framework.

Amendment 76

Proposal for a directive

Article 1 – point 35

Directive 2005/36/EC

Article 49a – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The provisions of paragraph 1 shall not apply to the professions of doctors, nurses responsible for general care, dental practitioners, veterinary surgeons, midwives, pharmacists and architects which are based on the fundamental principle of automatic recognition of the evidence of formal qualifications on the basis of coordinated minimum conditions for training.

Justification

The Directive must not introduce a third recognition regime in addition to automatic recognition and general systems. This would bring confusion to the professional and the competent authority. It should be made explicit that common training frameworks do not apply to any sectoral profession.

Amendment 77

Proposal for a directive

Article 1 – point 35

Directive 2005/36/EC

Article 49a – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 58a specifying the common set of knowledge, skills and competences as well as the qualifications on the common training framework.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 58a specifying the common set of knowledge, skills and competences as well as the qualifications on the common training framework. ***The degree of detail shall not exceed that of the minimum training requirements laid down in Chapter III of Title III.***

Justification

Vocational training is a matter for the Member States. The common set of knowledge, skills

and competences and the qualifications should not therefore be any more detailed than the minimum training requirements.

Amendment 78

Proposal for a directive

Article 1 – point 35

Directive 2005/36/EC

Article 49b – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3a) Exchange of information between competent authorities of different Member States under this Article shall take place via the Internal Market Information system (IMI).

Amendment 79

Proposal for a directive

Article 1 – point 35

Directive 2005/36/EC

Article 49a – paragraph 5

Text proposed by the Commission

Amendment

5. A Member State may ***request a derogation from the application of*** common training framework referred to in paragraph 3 on its territory if it were otherwise compelled to introduce a new regulated profession in its territory, if it were required to amend existing fundamental domestic principles relating to the structure of professions as regards training and the conditions of access to such professions or if the Member State does not wish to relate its national qualifications system to the qualifications set out in that common training framework. ***The Commission may adopt an implementing decision, in order to grant such derogation to the Member States concerned.***

5. Within six months following the entry into force of the delegated act referred to in paragraph 3, a Member State may inform the Commission that it does not wish to apply the common training framework referred to in paragraph 3 on its territory. ***It may do so*** if it were otherwise compelled to introduce a new regulated profession in its territory, if it were required to amend existing fundamental domestic principles relating to the structure of professions as regards training and the conditions of access to such professions or if the Member State does not wish to relate its national qualifications system to the qualifications set out in that common training framework.

Justification

Member States should be free to decide whether or not they want to take part in the common training framework.

Amendment 80

Proposal for a directive

Article 1 – point 35

Directive 2005/36/EC

Article 49b

Text proposed by the Commission

Amendment

Common training tests

deleted

1. For the purpose of this Article, a common training test shall mean an aptitude test assessing the ability of a professional to pursue a profession in all Member States which regulate it. Successful completion of a common training test shall allow for access to and pursuit of the professional activities concerned in a Member State under the same conditions as the holders of professional qualifications acquired in that Member State.

2. The common training test shall comply with the following conditions::

(a) the common training test enables more professionals to move across Member States in comparison to the general system for recognition of evidence of training provided for in Chapter I of Title III;

(b) the profession concerned is regulated in at least one third of all Member States;

(c) the common training test has been prepared following a transparent due process, including with stakeholders from Member States where the profession is not regulated;

(d) the common training test permits nationals from any Member State to participate in such a test and in the

practical organisation of such tests in Member States without being required to be a member of any professional organisation or to be registered with such organisation.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 58a concerning the conditions for such common training test

Justification

The common training test represents an encroachment on the powers of the Member States and is therefore unacceptable.

Amendment 81

Proposal for a directive

Article 1 – point 38

Directive 2005/36/EC

Article 53 – paragraph 2 - subparagraph 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 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.
Language verification undertaken by the competent authority shall not prevent an employer from carrying out additional checks, as appropriate.

Amendment 82

Proposal for a directive

Article 1 – point 38

Directive 2005/36/EC

Article 53 – paragraph 2 – subparagraph 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 the case of professions with implications for patients, including for patient safety, and in the case of treatment of and the provision of services and information to patients, the language knowledge required in order to practise the profession (namely knowledge of the official language(s) of the language area where the professional wishes to work, in accordance with the institutional organisation of the receiving Member State) must be tested or supervised by the competent authorities for all professionals concerned.

Language checking must be separate from the recognition of professional qualifications, but must be carried out prior to admission to the profession. Level C1 of the European Framework of Reference for Languages shall be taken as a minimum standard for this purpose.

Amendment 83

Proposal for a directive

Article 1 – point 38

Directive 2005/36/EC

Article 53 – paragraph 2 – subparagraph 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 be allowed to appeal such controls before national courts.

Amendment

Evaluating knowledge of the official language(s) of the language area where the professional wishes to work shall take Level C1 of the Common European Framework of Reference for Languages as a minimum standard. Any fees which the applicant may incur in relation to the verification of language shall be reasonable and proportionate and of an amount comparable to the fees required of domestic or non-EU professionals. The person concerned shall be allowed to appeal such controls before national courts.

Amendment 84

Proposal for a directive

Article 1 – point 39

Directive 2005/36/EC

Article 55a – Title

Text proposed by the Commission

Amendment

Recognition of *remunerated* traineeship

Recognition of *mandatory supervised* traineeship

Justification

The reference to remuneration should be deleted.

Amendment 85

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

Article 56a – paragraph 1 – subparagraph 1 – introductory wording

Text proposed by the Commission

Amendment

1. The competent authorities of a Member State shall inform the competent authorities of all other Member States and the Commission about the identity of a professional who has been prohibited by national authorities or courts from pursuing, even temporarily, on the territory of that Member State the following professional activities:

1. The competent authorities of a Member State shall inform the competent authorities of all other Member States and the Commission about the identity of a professional who has been prohibited *or restricted* by national authorities or courts from pursuing, even temporarily, on the territory of that Member State the following professional activities:

Amendment 86

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

Article 56a – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

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

(a) **doctors** possessing evidence of a formal qualification referred to in **points 5.1.1, 5.1.3 and 5.1.4** of Annex V;

Justification

Against the background of patient safety, no artificial distinction should be drawn between sectoral health professions, which are covered by the automatic recognition system, and health professions in which recognition on a case-by-case basis applies.

Amendment 87

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

Article 56a – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

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

deleted

Justification

Against the background of patient safety, no artificial distinction should be drawn between sectoral health professions, which are covered by the automatic recognition system, and health professions in which recognition on a case-by-case basis applies.

Amendment 88

Proposal for a directive

Article 1 – paragraph 42

Directive 2005/36/EC

Article 56a – paragraph 1 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) sectoral professions subject to recognition pursuant to Article 10;

Justification

Against the background of patient safety, no artificial distinction should be drawn between sectoral health professions, which are covered by the automatic recognition system, and health professions in which recognition on a case-by-case basis applies.

Amendment 89

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

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

Text proposed by the Commission

Amendment

(ja) members of professions which are not covered by Directive 2006/123/EC and which have a bearing on public health and safety.

Justification

Against the background of patient safety, no artificial distinction should be drawn between sectoral health professions, which are covered by the automatic recognition system, and health professions in which recognition on a case-by-case basis applies.

Amendment 90

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

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

Text proposed by the Commission

Amendment

(jb) professionals subject to the general system of recognition, under Title III chapters I and II, which have implications for patient safety.

Amendment 91

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC
Article 56a – paragraph 1 – subparagraph 2

Text proposed by the Commission

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.

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 **via the Internal Market Information System (IMI)**.

Amendment 92

Proposal for a directive
Article 1 – point 42
Directive 2005/36/EC
Article 56a – paragraph 2

Text proposed by the Commission

2. In the cases not covered by Directive 2006/123/EC, where a professional established in a Member State carries out a professional activity under a professional title other than those referred to in paragraph 1 and within the framework of this Directive, a Member State shall inform without delay other Member States concerned and the Commission upon gaining actual knowledge of any conduct, specific acts or circumstances which is related to such activity and which could cause serious damage to the health or safety of persons or to the environment in another Member State. That information shall not go beyond what is strictly necessary to identify the professional concerned and shall include the reference to the decision of a competent authority prohibiting him or her from pursuing the professional activities. Other Member State may request further information under the conditions set out in Articles 8 and 56.

Amendment

deleted

Justification

Against the background of patient safety, no artificial distinction should be drawn between sectoral health professions, which are covered by the automatic recognition system, and health professions in which recognition on a case-by-case basis applies.

Amendment 93

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

Article 56a – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. If an applicant submits forged identity documents or certificates, the competent authority shall inform the competent authorities of all the other Member States.

Justification

The alert system should also be used to counter the dangers linked to the use of forged identity documents or certificates.

Amendment 94

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

Article 56a – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Where the competent authority of a host Member State has grounds for believing that an applicant obtained his title without having completed a regular course of study, the host Member State may require the application of compensatory measures.

Amendment 95

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC
Article 56a – paragraph 2 c (new)

Text proposed by the Commission

Amendment

(2c) Member States should inform without delay other Member States included in paragraphs 1 and 2, when an applicant presents false information including false evidence of training and education.

Justification

The alert mechanism should be extended to cover when professionals present false information.

Amendment 96

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

Article 56a – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall adopt implementing acts for the application of the alert mechanism. The implementing act shall include provisions on the competent authorities entitled to sending and/or receiving alerts, on complementing the alerts with additional information, on the withdrawal and closure of alerts, on rights of access to data, ways of correcting the information contained in the alerts, and measures to ensure the security of processing and retention periods. Those implementing acts shall be adopted in accordance with the ***advisory*** procedure referred to in Article 58.

5. The Commission shall adopt implementing acts for the application of the alert mechanism. The implementing act shall include provisions on the competent authorities entitled to sending and/or receiving alerts, on complementing the alerts with additional information, on the withdrawal and closure of alerts, on rights of access to data, ways of correcting the information contained in the alerts, and measures to ensure the security of processing and retention periods. Those implementing acts shall be adopted in accordance with the ***examination*** procedure referred to in Article 58.

PROCEDURE

Title	Amendment of Directive 2005/36/EC on the recognition of professional qualifications and of Regulation [...] on administrative cooperation through the Internal Market Information System		
References	COM(2011)0883 – C7-0512/2011 – 2011/0435(COD)		
Committee responsible Date announced in plenary	IMCO 19.1.2012		
Opinion by Date announced in plenary	ENVI 2.2.2012		
Rapporteur Date appointed	Anja Weisgerber 15.2.2012		
Discussed in committee	30.5.2012	20.9.2012	5.11.2012
Date adopted	6.11.2012		
Result of final vote	+: -: 0:	58 2 0	
Members present for the final vote	Martina Anderson, Elena Oana Antonescu, Kriton Arsenis, Sophie Auconie, Pilar Ayuso, Paolo Bartolozzi, Sergio Berlato, Lajos Bokros, Nessa Childers, Yves Cochet, Chris Davies, Anne Delvaux, Edite Estrela, Jill Evans, Karl-Heinz Florenz, Elisabetta Gardini, Matthias Groote, Françoise Grossetête, Cristina Gutiérrez-Cortines, Satu Hassi, Jolanta Emilia Hibner, Karin Kadenbach, Christa Kläß, Eija-Riitta Korhola, Holger Kraemer, Jo Leinen, Peter Liese, Zofija Mazej Kukovič, Linda McAvan, Radvilė Morkūnaitė-Mikulėnienė, Miroslav Ouzký, Vladko Todorov Panayotov, Antonia Parvanova, Andres Perello Rodriguez, Mario Pirillo, Pavel Poc, Anna Rosbach, Oreste Rossi, Dagmar Roth-Behrendt, Kārlis Šadurskis, Carl Schlyter, Horst Schnellhardt, Richard Seeber, Salvatore Tatarella, Thomas Ulmer, Anja Weisgerber, Åsa Westlund, Marina Yannakoudakis		
Substitute(s) present for the final vote	Frieda Brepoels, Nikos Chrysogelos, Christof Fjellner, Julie Girling, Jutta Haug, Riikka Manner, Britta Reimers, Alda Sousa, Marita Ulvskog, Vladimir Urutchev, Kathleen Van Brempt, Andrea Zanoni		