

WRITTEN QUESTION P-4698/06
by Henrik Lax (ALDE)
to the Commission

Subject: Discrimination through retroactive introduction of requirements relating to professional qualifications

Member States must incorporate Directive 2005/36/EC¹ on the recognition of professional qualifications into their national law by 20 October 2007 (Article 63 of the Directive). If a Member State encounters difficulties in applying the Directive, the Commission must examine those difficulties (Article 61). This is an important factor to avoid individual citizens being placed in an unreasonable situation during the reform.

Finland introduced the Directive on 1 January 2006 but difficulties have now arisen in applying it. On 22 December 2005, the Finnish Government issued a regulation (1123/2005) pursuant to Article 28, paragraph 2, of the Directive, which provides that, from 1 January 2006, the National Authority for Medicolegal Affairs must require all those applying for the right to pursue the profession of self-employed general practitioner to produce a certificate to prove they have completed a three-year supplementary period of training in primary care, in contrast to the previous requirement of a two-year period of supplementary training. The Government took the decision ten days before the regulation entered into force. Only students with Finnish or Belgian basic medical training may in future be credited with one year of supplementary training for one year of practical training completed during the basic period of medical training.

The implementation of the regulation, and thereby the Directive, means that individuals who have studied abroad and in good faith began supplementary training in Finland before 1 January 2006, but have not completed it before that date, are suddenly, in the middle of their supplementary training, forced to prolong their period of training by one year. This situation affects an approximate total of 250 individuals whose legitimate expectations are being infringed. The implementation of the regulation also means that Finnish medical students studying at universities in other Nordic countries and Estonia are now, in the middle of their studies, punished with an additional year of supplementary training since they wish to work in their home country at a later point. It is particularly common among the Swedish-speaking section of Finland's population to study in the Nordic countries. The unexpected prolongation will affect both those who have begun supplementary training and those who are now in the final phase of their basic studies and are soon to embark on supplementary training. This situation is a major retrograde step for freedom of movement of individuals in the Nordic region, which has a very long tradition of free movement and the dismantling of barriers represented by borders.

Many individuals are now encountering difficulties because good regulatory and administrative practice is not being applied.

Will the Commission take action, pursuant to Article 61 of the Directive, on grounds of the discriminatory manner in which the Directive has been implemented?

¹ OJ L 255, 30.9.2005, p. 22.