



19.2.2024

## NOTICE TO MEMBERS

**Subject: Petition No 0866/2023 by Garyfalia Ampanozi (Greek) on the automatic recognition of the medical specialty ‘Forensic medicine/ forensic pathology’ in the EU**

### 1. Summary of petition

The petitioner is complaining that forensic Medicine/Forensic Pathology is not listed on Annex V of the EU Directive 2005/36. She explains that, as a result, it does not enjoy an automatic recognition in the EU/EFTA Member States, which allegedly creates a difficult and unfair situation for forensic pathologists, preventing them from enjoying equal job opportunities. She asks the European Parliament whether and how the medical specialty of forensic pathology can be added and, if not, how a professional holding a forensic pathology specialty title from one Member State can gain an equal professional status in another Member State.

### 2. Admissibility

Declared admissible on 6 December 2023. Information requested from Commission under Rule 227(6).

### 3. Commission reply, received on 19 February 2024

Automatic recognition of qualifications of medical specialists for the purpose of practising a profession regulated in another EU Member State under Article 21(1) of [Directive 2005/36/EC](#) applies only if the specialised training in question corresponds to the titles listed in Annex V point 5.1.3 to the Directive 2005/36/EC. Forensic medicine/ forensic pathology is a medical specialty which is currently not listed in Annex V point 5.1.3 to Directive 2005/36/EC. Thus, specialist doctors in forensic medicine/ forensic pathology currently do not benefit from cross-border automatic recognition.

- How to add forensic medicine/forensic pathology to Annex V point 5.1.3 to Directive 2005/36/EC?

As per Article 26 of Directive 2005/36/EC, the Commission can add a new medical specialty to Annex V point 5.1.3 to Directive 2005/36/EC via a delegated act if a medical specialty is common to at least two-fifths of the Member States i.e. 11 Member States. It is up to the Member States to notify the medical specialty of forensic medicine/ forensic pathology to the Commission via the Internal Market Information System (IMI). Please note that Member States have the possibility to notify this medical specialty, but it is not an obligation. Once notified, these notifications will be assessed by the Commission to establish if the notified medical specialties fulfil the minimum requirements set out in the Directive. Once the threshold of 11 Member States is reached, the Commission can adopt a delegated act to add a new medical specialty to Annex V point 5.1.3 to Directive 2005/36/EC. In such a case, the holders of the titles listed under this new medical specialty would benefit from automatic recognition. Please note that currently there is only one notification concerning forensic medicine in the IMI database and it was sent by Spain.

- How a professional holding a forensic medicine/forensic pathology specialty title from one Member State can gain an equal professional status in a Host-Member State, if direct recognition of his title does not apply?

When a medical specialty is not covered by the automatic recognition system as explained above, the specialist doctor who holds an evidence of formal qualifications in basic medical training listed in Annex V point 5.1.1 to Directive 2005/36/EC (which is subject to automatic recognition), would benefit from the general system of recognition as per Article 10(d) of Directive 2005/36/EC with regard to the specialty. The competent authority that receives a request for recognition of qualifications for the purpose of access to a regulated profession in this country will then compare the specialist training of the applicant with the national training requirements for access to the profession to check whether there are any substantial differences. Substantial differences mean major differences which are essential for the exercise of the profession. If the competent authority identifies substantial differences between the specialist training of the applicant and the national training requirements for access to the regulated profession, it may impose compensatory measures on the applicant, such as an aptitude test or an adaptation period, before granting access to the profession. It should however first verify whether these differences may be compensated by professional experience of the applicant or any additional training the professional may have taken (Article 14(5) of Directive 2005/36/EC). Any decision of the competent authority must be duly justified (Article 14(6) of Directive 2005/36/EC).

## Conclusion

It is up to the Member States to notify the medical speciality of forensic medicine/ forensic pathology to the Commission. If the threshold of 11 Member States is reached, the Commission can, via a delegated act, add forensic medicine/ forensic pathology to Annex V point 5.1.3 to Directive 2005/36/EC. Meanwhile, the general system of recognition applies to doctors specialised in forensic medicine/ forensic pathology.

In case the petitioner considers that a Member State does not apply the rules of the general system under the Directive correctly, the petitioner may want to contact the assistance centre for Directive 2005/36/EC, [SOLVIT](#) or file a formal complaint with the Commission through the online [complaint form](#). Any Commission action has the goal of ensuring compliance with EU law in general and may not solve individual cases. The petitioner needs to use the means of redress available at national level (administrative or judicial) to challenge decisions taken by national authorities or to obtain any compensation.