



CPME/AD/EC/27032012/009_Final/EN_CORR

On 27 March 2012, the CPME Executive Committee adopted the “CPME amendments to Proposal for a Directive of the European Parliament and of the Council amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (...) on administrative cooperation through the Internal Market Information System (COM (2011) 883 final)” – CORR adopted 3 May 2012

CPME amendments to Proposal for a Directive of the European Parliament and of the Council amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (...) on administrative cooperation through the Internal Market Information System (COM (2011) 883 final)

The Standing Committee of European Doctors (CPME) represents medical doctors across Europe and is composed of the most representative National Medical Associations of 27 European countries. CPME aims to promote the highest standards of medical training and medical practice in order to achieve the highest quality of healthcare for all patients in Europe. CPME is also concerned with the promotion of public health, the relationship between patients and doctors, and the free movement of doctors within the EU. CPME also cooperates closely with national medical associations from associated and observer countries, as well as with specialised European medical organisations and international medical associations.

- Competent authorities must not be restricted in their capacity to ensure that recognition of qualifications is carried out with the necessary care and completeness so as to ensure legal certainty and patient safety. Deadlines for processing applications must therefore be appropriate. The competent authorities of the host Member State must under all regimes and mechanisms retain the right to carry out the final validation of qualifications so as to give the recognition legal effect. An automatism of ‘tacit authorisation’ must therefore not be applied to applications for recognition of qualifications in the medical profession.
- Partial access must not be granted to the activities of the medical profession, as the integrity and completeness of medical training is essential to ensure patient safety and quality of care.
- The alert mechanism for healthcare professionals should not differentiate between the different recognition regimes with which applications are processed, but apply to all professionals. Furthermore professionals’ rights to data protection and privacy, as well as the principle of the presumption of innocence must be fully respected and only final decisions may be communicated.
- The standards of minimum training requirements in basic medical training, stipulating 6 years or 5500 hours must be upheld.
- Initiatives to develop and elaborate the minimum training requirements in basic medical training must be driven by the medical profession, in particular the competent authorities, and may not be executed in delegated acts. For non-essential provisions of the Directive to which delegated acts may be applied, delegated acts must respect both subsidiarity and enshrine appropriate consultations during its preparatory work, including at experts at both European and national level.
- Doctors’ knowledge of the language of the host Member State must be sufficient to safely communicate with patients as well as consult with their professional, regulatory, administrative and commercial infrastructure. Language verifications shall not be used as barriers to mobility.
- The differentiation between ‘specialist medical training’ and ‘specific training in general medical practice’ must be abolished to reflect with the evolution of the specialty. The regulation of both ‘specialist medical training’ and ‘specific training in general medical practice’ must converge to achieve a recognition of the specialty in family medicine on equal footing with all other specialties.



Amendment 1
Proposal for a Directive
Recital 1

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications²⁰ consolidated a system of mutual recognition which was initially based on 15 Directives. It provides for automatic recognition for a limited number of professions based on harmonised minimum training requirements (sectoral professions), a general system for the recognition of evidence of training and automatic recognition of professional experience. Directive 2005/36/EC also established a new system of free provision of services. It should be recalled that third country family members of Union citizens benefit from equal treatment in accordance with Article 24 of Directive 2004/38/EC. Third country nationals may also benefit from equal treatment with regard to recognition of diplomas, certificates and other professional qualifications, in accordance with the relevant national procedures, according to specific Union legislation such as acts on long term residence, refugees, "blue card holders" and scientific researchers.</p>	<p>Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications²⁰ consolidated a system of mutual recognition which was initially based on 15 Directives. It provides for automatic recognition for a limited number of professions based on harmonised minimum training requirements (sectoral professions), a general system for the recognition of evidence of training and automatic recognition of professional experience. Directive 2005/36/EC also established a new system of free provision of services. It should be recalled that third country family members of Union citizens benefit from equal treatment in accordance with Article 24 of Directive 2004/38/EC. Third country nationals may also benefit from equal treatment with regard to recognition of diplomas, certificates and other professional qualifications, in accordance with the relevant national procedures, according to specific Union legislation such as acts on long term residence, refugees, "blue card holders" and scientific researchers.</p>
<p><i>Justification</i></p> <p><i>The existence of Member State opt-outs which affect the legislation mentioned would translate into a fragmentation of implementation of the Directive.</i></p>	

Amendment 2
Proposal for a Directive
Recital 4

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>Directive 2005/36/EC only applies to professionals who want to pursue the same profession in another Member State. There are</p>	<p>Directive 2005/36/EC only applies to professionals who want to pursue the same profession which they are qualified to exercise</p>



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.

in their home Member State, that is to say the Member State in which access to the profession was first granted, 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 ***to the profession***. 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. ***Partial access shall not be granted to the medical profession as regulated under Title III Chapter III and including cases mentioned in Article 10 point b.***

Justification

In the case of the medical profession and other sectoral professions the potential implications for quality of care and patient safety of granting access to the profession under the principle of partial access are of a severity that necessitate for the profession to be explicitly exempted from the scope of the principle.

Amendment 3
Proposal for a Directive
Recital 14a

<i>Text proposed by the Commission</i>	<i>Amendment</i>
	<p><i>Given with the development of the medical profession, the differentiation in Directive 2005/36/EC between ‘specialist medical training’ and ‘specific training in general medical practice’ is no longer an adequate approach to regulating medical specialisations. The complex nature of the activities and tasks of practitioners with the specialisation in general practice or family medicine has necessitated an evolution due to which this specialty is equal to the other medical</i></p>



	<p><i>specialisations and treated as such in national regulations in many Member States. This equal footing should be reflected in Union legislation in order to facilitate and encourage the consolidation of the specialisation in general practice or family medicine, including the alignment of the minimum duration of the specialist medical training. The review of Directive 2005/36/EC should therefore respond to this development with a view to a complete convergence of the current provisions on 'specialist medical training' and 'specific training in general medical practice'.</i></p>
<p style="text-align: center;"><i>Justification</i></p> <p style="text-align: center;"><i>The abolition of the differentiation between 'specialist medical training' and 'specific training in general medical practice' is a necessary recognition of the developments in the medical profession and its regulation.</i></p>	

Amendment 4
Proposal for a Directive
Recital 16

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>To simplify the system for automatic recognition of medical and dental specialities, such specialities should be covered by Directive 2005/36/EC if they are common to at least one third of the Member States.</p>	<p>To simplify the system for automatic recognition of medical and dental specialities, such specialities should be covered by Directive 2005/36/EC included in point 5.1.3 or point 5.3.3 of Annex V if they are common to at least one third of the Member States.</p>
<p style="text-align: center;"><i>Justification</i></p> <p style="text-align: center;"><i>The text proposed by the Commission is inaccurate insofar as the specialities in question are covered by Directive 2005/36/EC in any case. The simplification addressed in this recital results from their inclusion in Annex V through which they fall under the scope of automatic recognition.</i></p>	



Amendment 5
Proposal for a Directive
Recital 19

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>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.</p>	<p>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. Patient safety requires that professionals can consult and otherwise communicate with their patients, both in direct contact and other through other tools, as well as communicate and consult with the professional, regulatory, administrative and commercial infrastructure he or she practices in. Language controls—knowledge verification should however be reasonable—proportionate and necessary for the jobs in question and, but at the same time should not constitute grounds for denying the recognition of professional qualifications excluding professionals from the labour market in the host Member State.</p>
<p><i>Justification</i></p> <p><i>While it is legitimate to verify professionals' language skills to ensure they have of the knowledge necessary for practising in the host Member State's language, it must be clarified that such a verification does not form part of the recognition process and must not be a reason for refusing recognition of qualifications, but can be a criterion that competent authorities can consider before granting access to the profession.</i></p>	

Amendment 6
Proposal for a Directive
Recital 20

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>Graduates wishing to pursue a remunerated traineeship in another Member State where such traineeship is possible should be covered by Directive 2005/36/EC in order to foster their mobility. It is also necessary to provide for the recognition of their traineeship by the home</p>	<p>Graduates wishing to pursue a remunerated traineeship in another Member State where such traineeship is possible should be covered by Directive 2005/36/EC in order to foster their mobility. It is also necessary to provide for the recognition of their traineeship by the home</p>



Member State.	<p>Member State.</p> <p><i>In the case of access to a profession being dependent on completing a remunerated traineeship as a mandatory component of training, graduates may wish to pursue the remunerated traineeship in a Member State other than the home Member State in which the majority of training was completed. In such cases the home Member State should take into consideration the experience gained in the remunerated traineeship in the other Member State when granting access to the profession. For the medical profession this shall apply only in Member States that require the successful completion of a remunerated traineeship as defined by the national competent authority before being eligible to receive a licence to practice.</i></p>
<p style="text-align: center;"><i>Justification</i></p> <p><i>As Directive 2005/36/EC regulates the recognition of fully qualified professionals seeking to work in another Member State, the extension of scope to include remunerated trainees is not appropriate, especially as the term is insufficiently defined. The recognition of the experience gained in such traineeships shall however be facilitated, if relevant to gaining access to the profession in the home Member State.</i></p>	

Amendment 7
Proposal for a Directive
Recital 21

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>Directive 2005/36/EC provides for a system of national contact points. Due to the entry into force of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market and the establishment of points of single contact under that Directive, there is a risk of overlap. Therefore, the national contact points established by Directive 2005/36/EC should become assistance centres which should focus their activities on providing advice to citizens, including face to face advice, in order to ensure that daily application of internal market rules in</p>	<p>Directive 2005/36/EC provides for a system of national contact points. Due to the entry into force of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market and the establishment of points of single contact under that Directive, there is a risk of overlap. Therefore, the national contact points established by Directive 2005/36/EC should become assistance centres which should focus their activities on providing advice to citizens, including face to face advice, in order to ensure that daily application of internal market rules in</p>



<p>individual cases of citizens is followed up at national level.</p>	<p>individual cases of citizens is followed up at national level. <i>The national contact points established under Directive 2005/36/EC shall retain their remit of activities for professions the services of which are exempted from the scope of Directive 2006/123/EC.</i></p>
<p style="text-align: center;"><i>Justification</i></p> <p><i>As the change in the competences of the national contact points is envisaged to reduce overlap and thus streamline the process for those professions affected by Directive 2006/123/EC, this rationale does not apply for professions the services of which are exempted from Directive 2006/123/EC and for which single points of contact currently do not exist. In these cases the current system of national contact points and their remit should be retained and the services provided improved within the existing infrastructure.</i></p>	

Amendment 8
Proposal for a Directive
Recital 22

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>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 other</p>	<p>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 <i>regulated</i> 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 <i>each other</i> if a professional due to a disciplinary action or criminal conviction <i>is no longer entitled to practice or is restricted in the practice of his profession in the home, host or other Member State following the final decision of a competent body</i> 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</p>



method provided for by that Directive. The alert procedure should comply with Union law on the protection of personal data and other fundamental rights.

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~~ **Electronic Certificate** 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 rights.

Justification

As the alert mechanism is introduced to prevent professionals who have incurred sanctions or convictions restricting their professional practice from working in Member States where the relevant competent authorities' lack knowledge of that restriction it is insufficient to limit the scope of application to only those professionals benefitting from automatic recognition, as professionals of the same profession, but whose qualifications are recognised under the general system, are thus excluded from the mechanism.

The text proposed by the Commission is imprecise as to the triggers of issuing an alert, for one as regards the definition of 'disciplinary action' and 'criminal conviction' and for another as regards the consequence of such a measure.

Amendment 9
Proposal for a Directive
Recital 23

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>One of the major difficulties a citizen who is interested to work in another Member State is facing, is complexity and uncertainty of administrative procedures to comply with. Directive 2006/123/EC already obliges Member States to provide easy access to information and procedure completion through the points of single contact. Citizens seeking recognition of their qualifications under Directive 2005/36/EC can already use the points of single contact if they are covered by Directive 2006/123/EC. However, job seekers and health professionals are not covered by Directive 2006/123/EC and available information remains scarce. There is therefore a need to specify that information, from a user perspective, and to ensure that such information is easily available. It is also important that Member States not only take</p>	<p>One of the major difficulties a citizen who is interested to work in working in another Member State is facing faces, is complexity and uncertainty of the administrative procedures which to comply with. Directive 2006/123/EC already obliges Member States to provide easy access to information and procedure completion through the points of single contact. Citizens seeking recognition of their qualifications under Directive 2005/36/EC can already use the points of single contact if they are covered by Directive 2006/123/EC. However, job seekers and health professionals are not covered by Directive 2006/123/EC and available information remains scarce. There is therefore a need to specify that information, from a user perspective, and to ensure that such information is easily available through the national contact points. It is also</p>



responsibility at national level but also cooperate with each other and the Commission to ensure that professionals throughout the Union have an easy access to a user-friendly and multilingual information and to procedure completion through the points of single contact. Links should be made available through other websites, such as the Your Europe portal.

important that Member States not only take responsibility at national level but also cooperate with each other and the Commission to ensure that professionals throughout the Union have an easy access to a user-friendly and multilingual information and to procedure completion through the points of single contact. Links should be made available through other websites, such as the Your Europe portal.

Justification

Besides editorial comments, it is important to clarify that the need to improve information access and quality shall not result in the creation of a new set of single points of contact for those professions the services of which are excluded from Directive 2006/123/EC.

Amendment 10
Proposal for a Directive
Recital 24

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>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 of Annex V of new dental specialities, specifying the conditions of application of common training</p>	<p>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 referred to in 5.1.3 of Annex V and specialist dental training to scientific and technical progress, 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</p>



<p>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.</p>	<p>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 experts at both European and national level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely, transparent and appropriate transmission of relevant documents to the European Parliament and to the Council.</p>
<p><i>Justification</i></p> <p><i>The content of education and training in the medical profession shall remain a competence of the Member States in line with the provisions of Art. 165 TFEU, in particular paragraphs 1 and 4 thereof. The Commission shall therefore not be delegated power to adopt acts infringing this division of competences, as regards medical doctors' qualifications.</i></p>	

Amendment 11
Proposal for a Directive
Recital 26

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>The advisory procedure should be used for the adoption of implementing acts in order to lay down common and uniform rules regarding the specification of European Professional Cards for specific professions, the format of the European Professional Card, the translations necessary to support an application for issuing a European Professional Card, details for the assessment of the applications for a European Professional Card, the technical specifications and 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, the conditions of access to the IMI file, the technical means and the procedures for the verification of the authenticity and validity of a European Professional Card and the implementation of the alert mechanism, due to</p>	<p>The advisory examination procedure should be used for the adoption of implementing acts in order to lay down common and uniform rules regarding the specification of European Professional Electronic Certificates Cards for specific professions, the format of the European Professional Electronic Certificate Card, the translations necessary to support an application for issuing a European Professional Electronic Certificate Card, details for the assessment of the applications for a European Professional Electronic Certificate Card, the technical specifications and the measures necessary to ensure integrity, confidentiality and accuracy of information contained in the European Professional Electronic Certificate Card and in the IMI file, the conditions and the procedures for making available a European Professional Electronic Certificate Card, the conditions of access to the IMI file, the technical means and</p>



the technical nature of those implementing acts.	the procedures for the verification of the authenticity and validity of a European Professional Electronic Certificate Card and the implementation of the alert mechanism, due to the technical nature of those implementing acts.
<p><i>Justification</i></p> <p><i>The examination procedure seems the more appropriate mechanism in this context as the subject matter had direct impact on procedures at national level and therefore should involve national expertise in a more structured and meaningful way.</i></p>	

Amendment 12
Proposal for a Directive
Article 1 (Purpose)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>This Directive establishes rules according to which a Member State which makes access to or pursuit of a regulated profession in its territory contingent upon possession of specific professional qualifications (referred to hereinafter as the host Member State) shall recognise professional qualifications obtained in one or more other Member States (referred to hereinafter as the home Member State) and which allow the holder of the said qualifications to pursue the same profession there, for access to and pursuit of that profession.</p> <p>This Directive also establishes rules concerning partial access to a regulated profession and access to and recognition of remunerated traineeships pursued in another Member State.</p>	<p>This Directive establishes rules according to which a Member State which makes access to or pursuit of a regulated profession in its territory contingent upon possession of specific professional qualifications (referred to hereinafter as the host Member State) shall recognise professional qualifications obtained in one or more other Member States (referred to hereinafter as the home Member State) and which allow the holder of the said qualifications to pursue the same profession there, for access to and pursuit of that profession.</p> <p>This Directive also establishes rules concerning partial access to a regulated profession and access to and recognition of remunerated traineeships pursued in another Member State.</p>
<p><i>Justification</i></p> <p><i>Directive 2005/36/EC is a specific instrument of EU law, the role of which must be seen as complementary to other legislation regulating the free movement of persons. The details of the regulation of access to remunerated traineeships pursued in another Member State must be enshrined in separate legislation, in order to clearly demarcate the rights and procedures held by fully qualified professionals and persons pursuing a remunerated traineeship.</i></p>	



Amendment 13
Proposal for a Directive
Article 2 (Scope)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>1. This Directive shall apply to all nationals of a Member State wishing to pursue a regulated profession or a remunerated traineeship in a Member State, including those belonging to the liberal professions, other than that in which they obtained their professional qualifications, on either a self-employed or employed basis.</p> <p>2. Each Member State may permit Member State nationals in possession of evidence of professional qualifications not obtained in a Member State to pursue a regulated profession within the meaning of Article 3(1)(a) on its territory in accordance with its rules. In the case of professions covered by Title III, Chapter III, this initial recognition shall respect the minimum training conditions laid down in that Chapter.</p> <p>3. Where, for a given regulated profession, other specific arrangements directly related to the recognition of professional qualifications are established in a separate instrument of Community law, the corresponding provisions of this Directive shall not apply.</p>	<p>1. This Directive shall apply to all nationals of a Member State wishing to pursue a regulated profession or a remunerated traineeship in a Member State, including those belonging to the liberal professions, other than that in which they obtained their professional qualifications, on either a self-employed or employed basis.</p> <p>2. Each Member State may permit Member State nationals in possession of evidence of professional qualifications not obtained in a Member State to pursue a regulated profession within the meaning of Article 3(1)(a) on its territory in accordance with its rules. In the case of professions covered by Title III, Chapter III, this initial recognition shall respect the minimum training conditions laid down in that Chapter.</p> <p>3. Where, for a given regulated profession, other specific arrangements directly related to the recognition of professional qualifications are established in a separate instrument of Community law, the corresponding provisions of this Directive shall not apply.</p>
<p><i>Justification</i></p> <p><i>As Directive 2005/36/EC regulates the recognition of fully qualified professionals seeking to work in another Member State, the extension of the personal scope of the Directive to include remunerated traineeships is not appropriate, especially as the term is insufficiently defined.</i></p>	

Amendment 14
Proposal for a Directive
Article 3 (Definitions)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>1. For the purposes of this Directive, the following definitions apply:</p> <p>[...]</p>	<p>1. For the purposes of this Directive, the following definitions apply:</p> <p>[...]</p>



(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;

(k) 'European Professional Card': an electronic certificate issued to the professional proving the recognition of his 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;

(l) 'lifelong learning': all general education, vocational education and training, non-formal education and informal learning undertaken throughout life, resulting in an improvement in knowledge, skills and competences.

[...]

(j) 'remunerated traineeship': the pursuit of supervised and remunerated activities, **as a mandatory component of training**, with a view ~~to the successful completion of which is certified by a competent authority, following which~~ access to a regulated profession **is** granted;

(k) 'European Professional Card'—**Electronic Certificate**: an electronic certificate **validated by both home and host Member State**, issued to the professional **upon request proving enabling**, the recognition of his qualifications for establishment in a host Member State or ~~that he has met all the necessary conditions to provide~~ **the provision of** services in a host Member State on a temporary and occasional basis, **subject to the validation of the electronic certificate by the host Member State**;

(l) 'lifelong learning': all general education, vocational education and training, non-formal education and informal learning undertaken throughout life, resulting in an improvement in knowledge, skills and competences.

(m): 'recognition of professional qualifications': the decision taken by the competent authority of the host Member State in accordance with Article 7 paragraph 4 or Article 51 paragraph 2, or alternatively the validation of the European Professional Electronic Certificate by the competent authority of the host Member State in accordance with Article 4d shall constitute the decision on the recognition of professional qualifications within the meaning of this Directive;

(n)'partial access': the recognition of the right to practice a limited range of the professional activities falling under a regulated profession, which shall be objectively separable from the other activities of that profession, applicable to all professions barring those with health and safety implications, in particular the medical profession



Ad 'remunerated traineeship': see justification for Amendment 7
Ad 'European Professional Electronic Certificate': The need for validation by the host Member State must be made explicit. Furthermore the voluntary nature of the Electronic Certificate must be affirmed.

Amendment 15
Proposal for a Directive
Article 4a (European Professional Card)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>1. Member States shall provide a holder of a professional qualification with a European Professional Card upon his request and on condition that the Commission has adopted the relevant implementing acts provided for in paragraph 6.</p> <p>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.</p> <p>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.</p> <p>4. Where the holder of a qualification intends to establish himself in another Member State under Chapters I to IIIa of Title III or to provide services under Article 7(4), the European Professional Card shall be created by the competent authority of the home Member State and validated by the competent authority of the host Member State in accordance with Articles 4b and 4d.</p> <p>5. Member States shall designate competent authorities for issuing European Professional</p>	<p>1. Member States shall provide a holder of a professional qualification with a European Professional Electronic Certificate Card upon his request and on condition that the Commission has adopted the relevant implementing acts provided for in paragraph 6.</p> <p>2. Member States shall ensure that the holder of a European Professional Electronic Certificate Card benefits from all the rights conferred by Articles 4b to 4e, upon validation of the Card qualifications by the competent authority of the relevant host Member State as provided for in paragraphs 3 and 4 of this Article.</p> <p>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 Electronic Certificate Card shall be created and validated by the competent authority of the home Member State, and validated by the competent authority of the host Member State in accordance with Articles 4b and 4c.</p> <p>4. Where the holder of a qualification intends to establish himself in another Member State under Chapters I to IIIa of Title III or to provide services under Article 7(4), the European Professional Electronic Certificate Card shall be created by the competent authority of the home Member State and validated by the competent authority of the host Member State in accordance with Articles 4b and 4d.</p>



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.

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.

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.

8. The recognition of qualifications through a European Professional Card shall serve as a procedural alternative to the recognition of professional qualifications under the procedures provided in Title II and III of this Directive. The availability of a European Professional Card for a specific profession shall not preclude a holder of a professional qualification for that profession from seeking recognition of his qualifications under the procedures, conditions, requirements and deadlines provided for in this Directive other than those for the European Professional Card.

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

6. The Commission shall adopt implementing acts specifying European Professional **Electronic Certificate** Cards for specific professions, establishing the format of the European Professional **Electronic Certificate** Card, the translations necessary to support any application for issuing a European Professional **Electronic Certificate** 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~~ **examination** procedure referred to in Article 58.

7. Any fees which applicants may incur in relation to administrative procedures to issue a European Professional **Electronic Certificate** 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 **Electronic Certificate** 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.

8. The recognition of qualifications through a European Professional **Electronic Certificate** Card, **subject to the validation of the European Professional Electronic Certificate Card in accordance with paragraphs 3 and 4 of this**



	<p>Article, shall serve as a procedural alternative to the recognition of professional qualifications under the procedures provided in Title II and III of this Directive. The availability of a European Professional Electronic Certificate Card for a specific profession shall not preclude a holder of a professional qualification for that profession from seeking recognition of his qualifications under the procedures, conditions, requirements and deadlines provided for in this Directive other than those for the European Professional Electronic Certificate Card.</p>
<p style="text-align: center;"><i>Justification</i></p> <p style="text-align: center;"><i>The duration of the validity of the European Professional Electronic Certificate must be clarified, as well as its validity's consequences for the validity of the recognition of qualifications. Similarly the validation of the Electronic Certificate must be confirmed as the decisive step to award recognition and should therefore be the competence of the host Member State.</i></p>	

Amendment 16

Proposal for a Directive

Article 4b (Application for a European professional Card and creation of an IMI file)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>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 online tool, with the competent authority of the home Member State.</p> <p>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.</p> <p>3. The competent authority of the home Member State shall acknowledge receipt of the application and inform the applicant of any missing document without delay from submission of the application. It shall create a file of the application containing all supporting documents within the Internal Market</p>	<p>1. The Member States shall provide that a holder of a professional qualification may apply for a European Professional Electronic Certificate Card by any means, including through an online tool, with the competent authority of the home Member State.</p> <p>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. The certificate of current professional status shall not be more than three months old by the date on which it is submitted. The original documents or certified copies thereof must be made available to competent authorities upon request.</p> <p>3. The competent authority of the home</p>



<p>Information System (IMI) established by Regulation (EU) No [...] of the European Parliament and of the Council. In case of subsequent applications by the same applicant, the competent authorities of the home or the host Member State may not request the re-submission of documents which are already contained in the IMI file and which are still valid.</p> <p>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.</p>	<p>Member State shall acknowledge receipt of the application and inform the applicant of any missing document without delay from submission of the application. It shall create a file of the application containing all supporting documents within the Internal Market Information System (IMI) established by Regulation (EU) No [...] of the European Parliament and of the Council. In case of subsequent applications by the same applicant, the competent authorities of the home or the host Member State may not request the re-submission of documents which are already contained in the IMI file and which are still valid.</p> <p>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 Electronic Certificate Card and in the IMI file, the conditions and the procedures for making available a European Professional Electronic Certificate 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 examination procedure referred to in Article 58.</p>
<p><i>Justification</i></p> <p><i>The details as to the supporting documents should be enshrined in the Directive itself. The minimum duration of the validity of the documents must be clarified and set at a duration which is feasible, but also provides the highest possible protection against invalid of false documents. Similarly, the applicant must be able to produce the original documents upon request, especially in the case of online applications.</i></p>	

Amendment 17

Proposal for a Directive

Article 4c (European Professional Card for the temporary provision of services other than those covered by Article 7(4))

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>1. The competent authority of the home Member State shall verify the application, create and validate a European Professional Card within</p>	<p>1. The competent authority of the home Member State shall verify the application, endorse the qualifications of the applicant, and</p>



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.

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.

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.

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.

~~create and validate~~ a European Professional **Electronic Certificate Card** within two weeks from the date it receives a complete application. It shall inform the applicant and ~~the~~ **transmit the European Professional Electronic Certificate to the competent authority of the** Member State in which the applicant envisages to provide services, ~~of the~~ **which shall within four weeks** validation of ~~validate~~ the European Professional **Electronic Certificate Card**. The ~~transmission of the validation information to~~ **by** 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.

2. The decision of the **host** Member State, or the absence of a decision within the period of ~~two~~ **four** weeks referred to in paragraph 1, shall be subject to appeal under national law.

3. If a holder of a European Professional **Electronic Certificate 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 **Electronic Certificate Card** referred to in paragraph 1. In those cases the holder of the European Professional **Electronic Certificate Card** shall make the declaration provided in Article 7 **to the relevant host Member States**.

4. The European Professional **Electronic Certificate 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.

5. The deletion of an IMI file following the validation of the corresponding European Professional Electronic Certificate by the host Member State shall result in the expiry of the validity of the corresponding European Professional Electronic Certificate, but shall not



	<p><i>affect the validity of the declaration provided for in Article 7, unless there is an identified fault with the original validation process within the period of two years referred to in paragraph 1.</i></p>
<p style="text-align: center;"><i>Justification</i></p> <p><i>The host Member State must retain the competence to validate the European Professional Electronic Certificate in order to give legal effect to the prior declaration. The time periods for processing applications may not be prohibitively short, so as to ensure the validity and accuracy of the documents with which recognition is sought can be sufficiently safeguarded. The host Member State should have to right to decide on the extension of the validity of the prior declaration beyond the current one year duration. The applicant must be able to produce the original documents submitted in support of the application for a European Professional Electronic Certificate upon request, especially in the case of online applications. Similarly, the conditions of the validity of the Electronic Certificate and the prior declaration must be clarified.</i></p>	

Amendment 18

Proposal for a Directive

Article 4d (European Professional Card for establishment and for the temporary provision of services under Article 7 (4))

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>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.</p> <p>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.</p>	<p>1. Upon receipt of a complete application for a European Professional <i>Electronic Certificate Card</i>, the competent authority of the home Member State shall, within two <i>four</i> weeks, verify and confirm the authenticity and validity of the submitted supporting documents, create the European Professional <i>Electronic Certificate Card</i>, 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.</p> <p>2. In the cases referred to in Article 16, 21 and 49a, a host Member State shall decide on validation of a European Professional <i>Electronic Certificate Card</i> under paragraph 1 within one <i>three</i> months as from the date of receipt of the European Professional <i>Electronic Certificate Card</i> transmitted by the home Member State. In case of justified doubts, the host Member State may request additional information from the home Member State, <i>including access to the original</i></p>



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 not suspend the period of two months.

4. In case the host Member State subjects the applicant to an aptitude test under Article 7(4), the applicant shall be able to provide the service within one month of the decision being taken in accordance with paragraph 3.

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.

6. The actions taken by the home Member State in accordance with paragraph 1 shall replace any application for recognition of professional qualifications under the national law of the host Member State.

7. The decisions of the home and of the host Member State under paragraphs 1 to 5 or the absence of decision by the home Member State shall be subject to appeal under the national law of the Member State concerned.

versions or certified copies of the supporting documents submitted. That request shall not suspend the period of one month, ***starting from the date of receipt of the additional information requested. The validation of the European Professional Electronic Certificate by the host Member State shall constitute the recognition referred to in Article 51 paragraph 2.***

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~~ ***three*** months from the date of receipt for validation of the European Professional ***Electronic Certificate*** ~~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, ***including access to the original versions or certified copies of the supporting documents submitted.*** That request shall not suspend the period of two months, ***starting from the date of receipt of the additional information requested.***

4. In case the host Member State subjects the applicant to an aptitude test under Article 7(4), the applicant shall be able to provide the service within one month of the decision being taken in accordance with paragraph 3.

5. The validation of the European Professional Electronic Certificate by the competent authority of the host Member State shall constitute the recognition of qualifications as provided in Article 7 paragraph 4 and Article 51 paragraph 2.

6. 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 ***Electronic Certificate*** ~~Card~~ by the home Member State, the European Professional ***Electronic Certificate*** ~~Card~~ shall be deemed to be validated by the host Member State and to constitute recognition of the professional qualification to the regulated



	<p>profession concerned in the host Member State. <i>This paragraph shall not apply to professions regulated under Title III Chapter III and Article 10 point b.</i></p> <p>67. The actions taken by the home Member State in accordance with paragraph 1 shall replace any application for recognition of professional qualifications under the national law of the host Member State.</p> <p>78. The decisions of the home and of the host Member State under paragraphs 1 to 5 or the absence of decision by the home Member State shall be subject to appeal under the national law of the Member State concerned. <i>For applications for professions regulated under Title III Chapter III and Article 10 point b, in cases in which 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 Certificate, the professional shall have the right to submit an appeal under the national law of the Member State concerned.</i></p> <p>9. <i>The deletion of an IMI file following the validation of the corresponding European Professional Electronic Certificate by the host Member State shall result in the expiry of the validity of the corresponding European Professional Electronic Certificate, but shall not affect the validity of the recognition referred to in paragraph 5 of this Article unless there is an identified fault with the original validation process.</i></p>
<p style="text-align: center;"><i>Justification</i></p> <p><i>The time periods for processing applications may not be prohibitively short, nor may the host Member State be prevented from requesting a declaration for an excessively long period, so as to ensure the validity and accuracy of the documents with which recognition is sought can be sufficiently safeguarded. The applicant must be able to produce the original documents upon request, especially in the case of online applications. Furthermore it is imperative that administrative delays may not result in a validation by default, as the danger resulting from such a default recognition for the public interest must outweigh any considerations as to the inconvenience faced by the applicant in a lengthy recognition process.</i></p>	



Amendment 19

Proposal for a Directive

Article 4e (Processing and access to data regarding the European Professional Card)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>1. The competent authorities of the home and the host Member States shall update in a timely manner the corresponding IMI file with information regarding disciplinary action or criminal sanctions taken or any other serious specific circumstances which are likely to have consequences for the pursuit of activities of the holder of the European Professional Card under this Directive. Such updates include the deletion of information which is no longer required. The holder of the European Professional Card and the competent authorities involved in the corresponding IMI file shall be informed of any updates by the competent authorities concerned.</p> <p>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.</p> <p>3. Information on individual applicants shall only be processed by the relevant competent authorities of the home and the host Member State for the purposes of the European Professional Card in accordance with the provisions for the protection of public safety and health and Directive 95/46/EC.</p> <p>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.</p>	<p>1. The competent authorities of the home and the host Member States shall update in a timely manner the corresponding IMI file with information regarding disciplinary action or criminal sanctions taken or any other serious specific circumstances which are likely to have consequences for the pursuit of the profession for which recognition was granted and the activities comprised therein of the holder of the European Professional Electronic Certificate Card under this Directive. Such updates include the deletion of information which is no longer required. The holder of the European Professional Electronic Certificate Card and the competent authorities involved in the corresponding IMI file shall be informed of any updates by the competent authorities concerned.</p> <p>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 Electronic Certificate Card in accordance with Directive 95/46/EC of the European Parliament and of the Council.</p> <p>3. Information on individual applicants shall only be processed by the relevant competent authorities of the home and the host Member State for the purposes of the European Professional Electronic Certificate Card in accordance with the provisions for the protection of public safety and health and Directive 95/46/EC.</p> <p>4. The information included in the European Professional Electronic Certificate 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</p>



5. Member States shall ensure that the holder of a European Professional Card has the right at any time to request the rectification, deletion and blocking of his file within the IMI system upon request and that he is informed of this right at the time of issuing the European Professional Card, and reminded of it every two years after the issuance of his European Professional Card.

6. In relation to the processing of personal data in the European Professional Card and all files in the IMI, the relevant competent authorities of the Member States shall be regarded as controllers within the meaning of Directive 95/46/EC. In relation to its responsibilities under paragraphs 1 to 4 and the processing of personal data involved therein, the Commission shall be regarded as a controller within the meaning of Regulation (EC) No 45/2001 of the European Parliament and of the Council.

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.

particular name, surname, date and place of birth, profession, **certificate of good repute**, applicable regime, competent authorities involved, **Electronic Certificate** ~~card~~ number, security features and reference to a valid proof of **photographic** identity.

5. Member States shall ensure that the holder of a European Professional **Electronic Certificate** ~~Card~~ has the right at any time to request the rectification, deletion and blocking of his file within the IMI system upon request and that he is informed of this right at the time of issuing the European Professional **Electronic Certificate** ~~Card~~, and reminded of it every two years after the issuance of his European Professional **Electronic Certificate** ~~Card~~.

6. The deletion of an IMI file shall result in the expiry of the validity of the European Professional Electronic Certificate. The deletion shall not affect the validity of the recognition of professional qualifications unless there is an identified fault with the original validation process.

~~67.~~ In relation to the processing of personal data in the European Professional **Electronic Certificate** ~~Card~~ and all files in the IMI, the relevant competent authorities of the Member States shall be regarded as controllers within the meaning of Directive 95/46/EC. In relation to its responsibilities under paragraphs 1 to 4 and the processing of personal data involved therein, the Commission shall be regarded as a controller within the meaning of Regulation (EC) No 45/2001 of the European Parliament and of the Council.

~~78.~~ Member States shall **may** provide that employers, customers, patients and other interested parties may verify the authenticity and validity of a European Professional **Electronic Certificate** ~~Card~~ presented to them by the ~~card~~ **Electronic Certificate** holder without prejudice to paragraphs 2 and 3. The Commission shall adopt implementing acts specifying the conditions of access to the IMI file,



	<p>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 examination procedure referred to in Article 58.</p>
<p style="text-align: center;"><i>Justification</i></p> <p><i>It is necessary that provisions regulation the information exchange between competent authorities on a professional's status as to disciplinary or criminal sanctions is unambiguous and proportionate. Furthermore it is necessary to clarify the relationship between the IMI file, the European Professional Electronic Certificate and the recognition of professional qualifications in terms of validity.</i></p>	

Amendment 20
Proposal for a Directive
Article 4f (Partial access)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>1. The competent authority of the host Member State shall grant partial access to a professional activity in its territory provided that the following conditions are fulfilled:</p> <p>(a) differences between the professional activity legally exercised in the home Member State and the regulated profession in the host Member State as such are so large that in reality the application of compensatory measures would amount to requiring the applicant to complete the full programme of education and training required in the host Member State to have access to the full regulated profession in the host Member State;</p> <p>(b) the professional activity can objectively be separated from other activities falling under the regulated profession in the host Member State. For the purposes of point (b), an activity shall be deemed to be separable if it is exercised as an autonomous activity in the home Member State.</p> <p>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</p>	<p>1. The competent authority of the host Member State shall grant partial access to a professional activity in its territory provided that the following conditions are fulfilled:</p> <p>(a) differences between the professional activity legally exercised in the home Member State and the regulated profession in the host Member State as such are so large that in reality the application of compensatory measures would amount to requiring the applicant to complete the full programme of education and training required in the host Member State to have access to the full regulated profession in the host Member State;</p> <p>(b) the professional activity can objectively be separated from other activities falling under the regulated profession in the host Member State. For the purposes of point (b), an activity shall be deemed to be separable if it is exercised as an autonomous activity in the home Member State.</p> <p>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</p>



<p>would not go beyond what is strictly necessary.</p> <p>3. Applications for establishment in the host Member State shall be examined in accordance with Chapters I and IV of Title III in case of establishment in the host Member State.</p> <p>4. Applications for provision of temporary services in the host Member State concerning professional activities having public health and safety implications shall be examined in accordance with Title II.</p> <p>5. By derogation from the sixth subparagraph of Article 7(4) and Article 52(1), the professional activity shall be exercised under the professional title of the home Member State once partial access has been granted.</p>	<p>would not go beyond what is strictly necessary. <i>Partial access shall not be granted to the professions of doctor of medicine of general practice, or specialist doctor of medicine.</i></p> <p>3. Applications for establishment in the host Member State shall be examined in accordance with Chapters I and IV of Title III in case of establishment in the host Member State.</p> <p>4. Applications for provision of temporary services in the host Member State concerning professional activities having public health and safety implications shall be examined in accordance with Title II.</p> <p>5. By derogation from the sixth subparagraph of Article 7(4) and Article 52(1), the professional activity shall be exercised under the professional title of the home Member State once partial access has been granted.</p>
<p><i>Justification</i></p> <p><i>In the interest of public safety is imperative to ensure that the exemption of professions from the application of the principle of partial access is not optional, but explicit and mandatory.</i></p>	

Amendment 21

Proposal for a Directive

Article 7 paragraph 4 (Declaration to be made in advance, if the service provider moves)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>4. For the first provision of services, in the case of regulated professions having public health or safety implications, which do not benefit from automatic recognition under Chapter II or III of Title III , the competent authority of the host Member State may check the professional qualifications of the service provider prior to the first provision of services. Such a prior check shall be possible only where the purpose of the check is to avoid serious damage to the health or safety of the service recipient due to a lack of professional qualification of the service provider and where this does not go beyond what is necessary for that purpose.</p>	<p>4. For the first provision of services, in the case of regulated professions having public health or safety implications, which do not benefit from automatic recognition under Chapter II or III of Title III , the competent authority of the host Member State may check the professional qualifications of the service provider prior to the first provision of services. Such a prior check shall be possible only where the purpose of the check is to avoid serious damage to the health or safety of the service recipient due to a lack of professional qualification of the service provider and where this does not go beyond what is necessary for that purpose.</p>



Member States shall notify to the Commission the list of professions for which a prior check of qualifications is necessary in order to avoid serious damage to the health or safety of the service recipient under its national laws and regulations. Member States shall provide the Commission with a specific justification for the inclusion of each of those professions in the list.

Within a maximum of one month of receipt of the declaration and accompanying documents, the competent authority shall inform the service provider either of its decision not to check his qualifications or of the outcome of such check. Where there is a difficulty which would result in delay, the competent authority shall notify the service provider within the first month of the reason for the delay. The difficulty shall be solved within one month following that notification and the decision finalised within the second month following resolution of the difficulty.

Where there is a substantial difference between the professional qualifications of the service provider and the training required in the host Member State, to the extent that that difference is such as to be harmful to public health or safety, and that it cannot be compensated by professional experience or lifelong learning of the service provider, the host Member State shall give the service provider the opportunity to show, in particular by means of an aptitude test, that he has acquired the lacking knowledge or competence. In any case, it must be possible to provide the service within one month of a decision being taken in accordance with the third subparagraph.

In the absence of a reaction of the competent authority within the deadlines set in the third and fourth subparagraphs, the service may be provided.

In cases where qualifications have been verified under the first to fifth subparagraphs, the service shall be provided under the professional title of

Member States shall notify to the Commission the list of professions for which a prior check of qualifications is necessary in order to avoid serious damage to the health or safety of the service recipient under its national laws and regulations. Member States shall provide the Commission with a specific justification for the inclusion of each of those professions in the list.

Within a maximum of one month of receipt of the declaration and accompanying documents, the competent authority shall inform the service provider either of its decision not to check his qualifications or of the outcome of such check. Where there is a difficulty which would result in delay, the competent authority shall notify the service provider within the first month of the reason for the delay. The difficulty shall be solved within one month following that notification and the decision finalised within the second month following resolution of the difficulty.

Where there is a substantial difference between the professional qualifications of the service provider and **those** the training required in the host Member State, ~~to the extent that that difference is such as to be harmful to public health or safety,~~ and that it cannot be compensated by professional experience or lifelong learning of the service provider **can provide proof of at the time of application**, the host Member State shall give the service provider the opportunity to show, in particular by means of an aptitude test, that he has acquired the lacking knowledge or competence. ~~In any case, it must be possible to provide the service within one month of a decision being taken in accordance with the third subparagraph.~~

In the absence of a reaction of the competent authority within the deadlines set in the third and fourth subparagraphs, the service may be provided.

In cases where qualifications have been verified



the host Member State.	under the first to fifth subparagraphs, the service shall be provided under the professional title of the host Member State.
<p><i>Justification</i></p> <p><i>The safeguarding of patient safety and quality of care must be ensured. Therefore a difference in qualification deemed harmful to public health and safety cannot be accepted. Similarly, while administrative delays in the processing of applications are to be avoided as far as possible, they must not lead to situations in which patient safety cannot be sufficiently taken into account.</i></p>	

Amendment 22

Proposal for a Directive

Article 8 paragraph 1 (Administrative cooperation)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>1. The competent authorities of the host Member State may ask the competent authorities of the Member State of establishment, in case of doubts, to provide any information relevant to the legality of the service provider's establishment and his good conduct, as well as the absence of any disciplinary or criminal sanctions of a professional nature. In case of control of qualifications, the competent authorities of the host Member State may ask the competent authorities of the Member State of establishment information about the service provider training courses to the extent necessary to assess substantial differences likely to be harmful to public health or safety. The competent authorities of the Member State of establishment shall provide that information in accordance with Article 56.</p>	<p>1. The competent authorities of the host Member State may ask the competent authorities of the Member State of establishment, in case of doubts, to provide any information relevant to the legality of the service provider's establishment and his good conduct, as well as the absence of any disciplinary or criminal sanctions of a professional nature. In case of control of qualifications, the competent authorities of the host Member State may ask the competent authorities of the Member State of establishment for information about the service provider's training courses to the extent necessary to assess substantial differences likely to be harmful to public health or safety. The competent authorities of the Member State of establishment shall provide that information in accordance with Article 56.</p>
<p><i>Justification</i></p> <p><i>The exchange of information between competent authorities should be enabled.</i></p> <p><i>The remaining comments are editorial.</i></p>	



Amendment 23
Proposal for a Directive
Article 11 point (e) (Levels of qualification)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>(e) a diploma certifying that the holder has successfully completed a post-secondary course of more than four years' duration, or of an equivalent duration on a part-time basis, or if applicable in the home Member State, of an equivalent number of ECTS credits, at a university or establishment of higher education or another establishment of equivalent level and, where appropriate, that he has successfully completed the professional training required in addition to the post-secondary course.</p>	<p>(e) a diploma certifying that the holder has successfully completed a post-secondary course of more than four years' duration, or of an equivalent duration on a part-time basis, if applicable in the home Member State, of an equivalent number of ECTS credits, at a university or establishment of higher education or another establishment of equivalent level and, where appropriate, that he has successfully completed the professional training required in addition to the post-secondary course.</p> <p><i>Article 11 shall not be applicable to the professions regulated under Annex V point 1.</i></p>
<p><i>Justification</i></p>	

Amendment 24
Proposal for a Directive
Article 22 subparagraph 2 (Common provisions on training)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>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.</p>	<p>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.</p>
<p><i>Justification</i></p> <p><i>This listing is inconsistent with the sections' titles under Chapter III Title III of the Directive.</i></p>	



Amendment 25
Proposal for a Directive
Article 24 paragraph 2 (Basic medical training)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>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.</p> <p>For persons who began their studies before 1 January 1972, the course of training referred to in the first subparagraph may comprise six months of full-time practical training at university level under the supervision of the competent authorities.</p>	<p>2. Basic medical training shall comprise a total of at least five six years of study, which in addition may also be expressed with the equivalent ECTS credits, and or shall consist of at least 5500 hours of theoretical and practical training provided by, or under the supervision of, a university.</p> <p>For persons who began their studies before 1 January 1972, the course of training referred to in the first subparagraph may comprise six months of full-time practical training at university level under the supervision of the competent authorities.</p>
<p style="text-align: center;"><i>Justification</i></p> <p><i>The minimum duration of basic medical training must not be shortened, as any general decrease of the minimum duration would endanger the quality of the increasingly complex education and training thus delivered. Exceptional exemptions to the duration can be accommodated without downgrading the minimum training requirements as a whole.</i></p> <p><i>It must also be clarified that while the criteria of years and hours of training completed are cumulative and mandatory, the indication of the equivalent value in ECTS credits is optional and must not replace the other criteria, in line with the findings of the study 'Evaluating the Professional Qualifications Directive against recent EU educational reforms'.</i></p>	

Amendment 26
Proposal for a Directive
Article 24 paragraph 4 (Basic medical training)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>The Commission shall be empowered to adopt delegated acts in accordance with Article 58a to specify:</p> <p>(a) the adequacy of knowledge of sciences referred to in point (a) of paragraph 3 in line with scientific and technological progress and</p>	<p>The Commission shall be empowered to adopt delegated acts in accordance with Article 58a to specify:</p> <p><i>The Commission shall support and facilitate cooperation and the exchange of information among Member States working within a</i></p>



<p>the necessary competences that such knowledge should entail;</p> <p>(b) the degree of sufficiency of understanding of the items referred to in point (b) of paragraph 3 and the necessary competences for such understanding in line with scientific progress and developments in education in Member States</p> <p>(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</p> <p>(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.</p>	<p><i>voluntary network connecting competent authorities designated by the Member States.</i></p> <p><i>The objectives of the network of the competent authorities shall be to:</i></p> <p><i>(a) work towards more transparency by exchanging information and good practices on the content of basic medical training and specialist medical training, with a view to achieving a high level of trust;</i></p> <p><i>(b) work towards guidelines on:</i></p> <p><i>(a<i>i</i>) 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;</i></p> <p><i>(b<i>ii</i>) the degree of sufficiency of understanding of the items referred to in point (b) of paragraph 3 and the necessary competences for such understanding in line with scientific progress and developments in education in Member States</i></p> <p><i>(c<i>iii</i>) 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</i></p> <p><i>(d<i>iv</i>) 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-</i></p> <p><i>The Commission shall, in accordance with Article 58a adopt the necessary measures for the establishment, management and transparent functioning of this network.</i></p>
<p style="text-align: center;"><i>Justification</i></p> <p><i>The determination of competences which describe outcomes of medical training and consequently directly relate to the content of that training cannot be considered a 'non-essential' element of the</i></p>	



Directive. Furthermore the content of education and training in the medical profession is an exclusive competence of the Member States in line with the provisions of Art. 165 TFEU, in particular paragraphs 1 and 4 thereof as well as Art. 168 TFEU. The mechanism of delegated acts proposed to develop the minimum training requirements is therefore not appropriate. In order to take the development of an outcomes-based approach to minimum training requirements forward, cooperation between competent authorities of the Member States can be facilitated by creating structures for exchange of information and cooperation with a view to agreeing guidelines.

Amendment 27

Proposal for a Directive

Article 25 paragraph 1 (Specialist medical training)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
1. Admission to specialist medical training shall be contingent upon completion and validation of a basic medical training programme as referred to in Article 24(2) in the course of which the trainee has acquired the relevant knowledge of basic medicine.	1. Admission to specialist medical training, including specific training in general medical practice , shall be contingent upon completion and validation of a basic medical training programme as referred to in Article 24(2) in the course of which the trainee has acquired the relevant knowledge of basic medicine.
<i>Justification</i>	
<i>This amendment reflects the equal standing of all specialities as regards the admission requirements.</i>	

Amendment 28

Proposal for a Directive

Article 25 paragraph 3a (Specialist medical training)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
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-third of the minimum duration of specialist medical training courses as referred to in point 5.1.3 of Annex V.	3a. Member States may lay down in their national legislations partial exemptions from take parts of the specialist medical training, into account in their national legislation for no more than one-third of the national duration of specialist medical training if that part of the specialist 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 completed by the professional in that Member



Each Member State shall notify the Commission and the other Member States of their national legislation concerned together with detailed justification for such partial exemptions.

State. ***In addition to this, Member States may lay down in their national legislations partial exemptions from parts of specialist medical training for a maximum of 12 months if that part of the specialist training has been followed already during the completion of another comparable specialist training programme which is listed in point 5.1.3 of Annex V or if relevant professional experience gained within another specialist training programme is certified by a competent authority 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 third of the minimum duration of specialist medical training courses as referred to in point 5.1.3 of Annex V and ***are required to consult the relevant competent authorities when determining the rules governing the exemptions.***

Each Member State shall notify the Commission and the other Member States of their national legislation concerned together with detailed justification for such ***parts of specialist training taken into account and*** partial exemptions.

Justification

The acknowledgment of past specialist training must be differentiated as to situations in which Member States foresee the completion of identical training elements as a part of training in several specialties, and situations in which Member States grant partial exemption for the completion of similar training elements for training in a related specialty. Partial exemptions to specialist medical training must only be granted if motivated by sound evidence that the training would in fact be redundant and the professional's skills are not affected by the exemption. It is therefore necessary to involve the medical profession in regulating partial exemptions.



Amendment 29
Proposal for a Directive
Article 25 paragraph 5 (Specialist medical training)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>5. The Commission shall be empowered to adopt delegated acts in accordance with Article 58a concerning the adaptations of the minimum periods of training referred to in point 5.1.3 of Annex V to scientific and technical progress.</p>	<p>5. The Commission may adapt shall be empowered to adopt delegated acts in accordance with Article 58a concerning the adaptations of the minimum periods of training referred to in point 5.1.3 of Annex V to scientific and technical progress in accordance with the delegated acts referred to in Article 58a.</p>
<p><i>Justification</i></p> <p><i>This is the equivalent to the current provision.</i></p>	

Amendment 30
Proposal for a Directive
Article 28 (Specific training in general medical practice)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>1. Admission to specific training in general medical practice shall be contingent upon completion and validation of a basic medical training programme as referred to in Article 24(2).</p> <p>2. The specific training in general medical practice leading to the award of evidence of formal qualifications issued before 1 January 2006 shall be of a duration of at least two years on a full-time basis. In the case of evidence of formal qualifications issued after that date, the training shall be of a duration of at least three years on a full-time basis.</p> <p>Where the training programme referred to in Article 24 comprises practical training given by an approved hospital possessing appropriate general medical equipment and services or as part of an approved general medical practice or an approved centre in which doctors provide primary medical care, the duration of that</p>	<p>1. Admission to specific training in general medical practice shall be contingent upon completion and validation of a basic medical training programme as referred to in Article 24(2).</p> <p>2. The specific training in general medical practice leading to the award of evidence of formal qualifications issued before 1 January 2006 shall be of a duration of at least two years on a full-time basis. In the case of evidence of formal qualifications issued after that date, the training shall be of a duration of at least three years on a full-time basis.</p> <p>Where the training programme referred to in Article 24 comprises practical training given by an approved hospital possessing appropriate general medical equipment and services or as part of an approved general medical practice or an approved centre in which doctors provide primary medical care, the duration of that</p>



practical training may, up to a maximum of one year, be included in the duration provided for in the first subparagraph for certificates of training issued on or after 1 January 2006.

The option provided for in the second subparagraph shall be available only for Member States in which the specific training in general medical practice lasted two years as of 1 January 2001.

3. The specific training in general medical practice shall be carried out on a full-time basis, under the supervision of the competent authorities or bodies. It shall be more practical than theoretical.

The practical training shall be given, on the one hand, for at least six months in an approved hospital possessing appropriate equipment and services and, on the other hand, for at least six months as part of an approved general medical practice or an approved centre at which doctors provide primary health care.

The practical training shall take place in conjunction with other health establishments or structures concerned with general medicine. Without prejudice to the minimum periods laid down in the second subparagraph, however, the practical training may be given during a period of not more than six months in other approved establishments or health structures concerned with general medicine.

The training shall require the personal participation of the trainee in the professional activity and responsibilities of the persons with whom he is working.

4. Member States shall make the issuance of evidence of formal qualifications in general medical practice subject to possession of evidence of formal qualifications in basic medical training referred to in Annex V, point 5.1.1.

5. Member States may issue evidence of formal qualifications referred to in Annex V, point 5.1.4

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3. The specific training in general medical practice shall be carried out on a full-time basis, under the supervision of the competent authorities or bodies. It shall be more practical than theoretical.

The practical training shall be given, on the one hand, for at least six months in an approved hospital possessing appropriate equipment and services and, on the other hand, for at least six months as part of an approved general medical practice or an approved centre at which doctors provide primary health care.

The practical training shall take place in conjunction with other health establishments or structures concerned with general medicine. Without prejudice to the minimum periods laid down in the second subparagraph, however, the practical training may be given during a period of not more than six months in other approved establishments or health structures concerned with general medicine.

The training shall require the personal participation of the trainee in the professional activity and responsibilities of the persons with whom he is working.

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5. Member States may issue evidence of formal qualifications referred to in Annex V, point 5.1.4



<p>to a doctor who has not completed the training provided for in this Article but who has completed a different, supplementary training, as attested by evidence of formal qualifications issued by the competent authorities in a Member State. They may not, however, award evidence of formal qualifications unless it attests knowledge of a level qualitatively equivalent to the knowledge acquired from the training provided for in this Article.</p> <p>Member States shall determine, inter alia, the extent to which the complementary training and professional experience already acquired by the applicant may replace the training provided for in this Article.</p> <p>The Member States may only issue the evidence of formal qualifications referred to in Annex V, point 5.1.4 if the applicant has acquired at least six months' experience of general medicine in a general medical practice or a centre in which doctors provide primary health care of the types referred to in paragraph 3.</p>	<p>to a doctor who has not completed the training provided for in this Article but who has completed a different, supplementary training, as attested by evidence of formal qualifications issued by the competent authorities in a Member State. They may not, however, award evidence of formal qualifications unless it attests knowledge of a level qualitatively equivalent to the knowledge acquired from the training provided for in this Article.</p> <p>Member States shall determine, inter alia, the extent to which the complementary training and professional experience already acquired by the applicant may replace the training provided for in this Article.</p> <p>The Member States may only issue the evidence of formal qualifications referred to in Annex V, point 5.1.4 if the applicant has acquired at least six months' experience of general medicine in a general medical practice or a centre in which doctors provide primary health care of the types referred to in paragraph 3.</p>
<p style="text-align: center;"><i>Justification</i></p> <p><i>CPME supports the idea to abolish the distinction made in the Directive between 'specialist medical training' and 'specific training in general medical practice'. The specialisation of family medicine is equal to the other medical specialties and should be recognised as such by EU legislation and primary care (general practice) should be considered as a part of health care systems like others. CPME policies affirming this position include: 'Reaction of CPME and its associated independent organisations on the proposal on the recognition of professional qualifications', adopted on 18 June 2002 (link to policy); 'CPME endorsement of the UEMO statements on GP/Family medicine as a medical speciality', adopted on 7 November 2003 (links to policy); 'CPME endorsement of the UEMO declaration on training for general practice/family medicine in Europe', adopted on 11 September 2004 (link to policy); 'CPME response to letter from the Presidents of the Nordic Medical Associations on Family Medicine', adopted on 27 November 2010 (link to policy).</i></p>	

Amendment 31
Proposal for a Directive
Article 49a (Common training framework)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
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1. For the purpose of this Article, 'common training framework' shall mean a common set of knowledge, skills and competences necessary for the pursuit of a specific profession. For the purpose of access to and pursuit of such profession, a Member State shall give evidence of qualifications acquired on the basis of such framework the same effect in its territory as the evidence of formal qualifications which it itself issues, on condition that such framework fulfils the criteria set under paragraph 2. Such criteria shall respect the specifications referred to in paragraph 3.

2. A common training framework shall comply with the following conditions:

(a) the common training framework 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 already regulated in at least one third of all Member States;

(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;

(d) the knowledge, skills and competences for such common training framework shall refer to levels of the European Qualifications Framework, as defined in Annex II of the Recommendation of the European Parliament and of the of the European Parliament and of the Council on the establishment of the European Qualifications Framework for lifelong learning;

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

(f) the common training framework has been prepared following a transparent due process, including with stakeholders from Member States

1. For the purpose of this Article, 'common training framework' shall mean a common set of knowledge, skills and competences necessary for the pursuit of a specific profession. For the purpose of access to and pursuit of such profession, a Member State shall give evidence of qualifications acquired on the basis of such framework the same effect in its territory as the evidence of formal qualifications which it itself issues, on condition that such framework fulfils the criteria set under paragraph 2. Such criteria shall respect the specifications referred to in paragraph 3.

2. A common training framework shall comply with the following conditions:

(a) the common training framework 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 already regulated in at least one third of all Member States;

(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;

(d) the knowledge, skills and competences for such common training framework shall refer to levels of the European Qualifications Framework, as defined in Annex II of the Recommendation of the European Parliament and of the of the European Parliament and of the Council on the establishment of the European Qualifications Framework for lifelong learning;

(e) the profession concerned is neither covered by another common training framework nor regulated already under Chapter III of Title III **or Article 10 point b;**

(f) the common training framework has been prepared following a transparent due process,



<p>where the profession is not regulated;</p> <p>(g) the common training framework permits nationals from any Member State to be eligible for acquiring the qualification under such framework without being required to be a member of any professional organisation or to be registered with such organisation.</p> <p>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.</p> <p>4. Member States shall notify to the Commission the professional title to be acquired in accordance with the common training framework referred to in paragraph 3.</p> <p>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.</p>	<p>including with stakeholders from Member States where the profession is not regulated;</p> <p>(g) the common training framework permits nationals from any Member State to be eligible for acquiring the qualification under such framework without being required to be a member of any professional organisation or to be registered with such organisation.</p> <p>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.</p> <p>4. Member States shall notify to the Commission the professional title to be acquired in accordance with the common training framework referred to in paragraph 3.</p> <p>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.</p>
<p style="text-align: center;"><i>Justification</i></p> <p style="text-align: center;"><i>Common training frameworks shall not be introduced as parallel requirements to the existing mechanisms of regulating the medical profession.</i></p>	



Amendment 32
Proposal for a Directive
Article 49b (Common training tests)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>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.</p> <p>2. The common training test shall comply with the following conditions:</p> <p>(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;</p> <p>(b) the profession concerned is regulated in at least one third of all Member States;</p> <p>(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;</p> <p>(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.</p> <p>3. The Commission shall be empowered to adopt delegated acts in accordance with Article 58a concerning the conditions for such common training test</p>	<p>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.</p> <p>2. The common training test shall comply with the following conditions:</p> <p>(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;</p> <p>(b) the profession concerned is regulated in at least one third of all Member States;</p> <p>(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;</p> <p>(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-;</p> <p><i>(e) the profession concerned is not regulated already under Title III Chapter III and cases mentioned in Article 10 point b.</i></p> <p>3. The Commission shall be empowered to adopt delegated acts in accordance with Article 58a concerning the conditions for such common</p>



	training tests.
<p><i>Justification</i></p> <p><i>Common training tests shall not be introduced as parallel requirements to the existing mechanisms of regulating the medical profession.</i></p>	

Amendment 33

Proposal for a Directive

Article 50 paragraph 3a (Documentation and formalities)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
3a. In the event of justified doubts, the host Member State may require from the competent authorities of a Member State confirmation of the fact that the applicant is not suspended or prohibited from the pursuit of the profession as a result of serious professional misconduct or conviction of criminal offences relating to the pursuit of any of his/her professional activities.	3a. In the event of justified doubts, the host Member State may at any time require from the competent authorities of a Member State confirmation of the fact that the applicant is not suspended or prohibited from the pursuit of the profession as a result of serious professional misconduct or conviction of criminal offences relating to the pursuit of any of his/her professional activities.
<p><i>Justification</i></p> <p><i>The added value of this provision would be to ensure competent authorities have the right to proactively demand information on professional at all times of his or her professional practice.</i></p>	

Amendment 34

Proposal for a Directive

Article 53 paragraph 2 (Knowledge of languages)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
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.	A Member State shall ensure that any controls verifications 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 2) 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.



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.

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.

In case of professions with patient safety implications, Member States may confer to the competent authorities the right to ~~carry out~~ **verify the** language checking **knowledge** covering all professionals concerned ~~if it is expressly requested by the national health care system, or in case of~~ **including** self-employed professionals not affiliated to the national health care system, ~~by representative national patient organisations.~~ **The verification of language knowledge shall establish that the professional is able to communicate with patients, both in direct contact and other through other tools, as well as consult and otherwise communicate with the professional, regulatory, administrative and commercial infrastructure he or she practices in.**

Member States shall ensure the consultation of the national health care system and representative national patient organisations when establishing and reviewing the language controls carried out by the competent authorities.

Any **verification** language ~~control~~ **knowledge** 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.

Justification

It is necessary to ensure that language verification is not the exclusive remit of competent authorities, but that the rights of employer, i.e. national healthcare systems to check language skills are upheld. In parallel, the verification carried out by the competent authorities should present the professional with a certificate knowledge, so this verification can be proven.



Amendment 35
Proposal for a Directive
Article 55a (Recognition of remunerated traineeship)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
With a view to grant access to a regulated profession, the home Member State shall recognise the remunerated traineeship pursued in another Member State and certified by a competent authority of that Member State.	With a view to grant granting access to a regulated profession, the home Member State shall recognise take into consideration experience gained in the completion of a the remunerated traineeship pursued in another Member State and certified by a competent authority of that Member State, as applicable .
<i>Justification</i>	
<i>See justification to amendment 4.</i>	

Amendment 36
Proposal for a Directive
Article 56 (Competent authorities)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
The competent authorities of the host and home Member States shall exchange information regarding disciplinary action or criminal sanctions taken or any other serious, specific circumstances which are likely to have consequences for the pursuit of activities under this Directive, respecting personal data protection legislation provided for in Directive 95/46/EC and Directive 2002/58/EC of the European Parliament and of the Council	The competent authorities of the host and home Member States shall exchange information regarding disciplinary action or criminal sanctions taken or any other serious, specific circumstances which are likely to have consequences for the pursuit of activities under this Directive, respecting personal data protection legislation provided for in Directive 95/46/EC and Directive 2002/58/EC of the European Parliament and of the Council
<i>Justification</i>	
<i>The current wording is vague and ambiguous.</i>	



Amendment 37
Proposal for a Directive
Article 56a (Alert mechanism)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>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:</p> <p>(a) doctor of medicine of general practice possessing evidence of a formal qualification referred to in point 5.1.4 of Annex V;</p> <p>(b) specialist doctor of medicine possessing a title referred to in point 5.1.3 of Annex V;</p> <p>[...]</p> <p>(i) holders of certificates mentioned in point 2 of Annex VII attesting that the holder completed a training which satisfies the minimum requirements listed in Articles 24, 25, 31, 34, 35, 38, 40, or 44 respectively, but which started earlier than the reference dates of the qualifications listed in points 5.1.3, 5.1.4, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.5.2, 5.6.2 of Annex V.</p> <p>(j) holders of certificates of acquired rights as referred to in Articles 23, 27, 29, 33, 37 and 43.</p> <p>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.</p> <p>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</p>	<p>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 a final decision of national authorities or courts from pursuing, even temporarily, on the territory of that Member State the following professional activities:</p> <p>(a) doctors of medicine of general practice possessing evidence of a formal qualification referred to in point 5.1.1, 5.1.3 and 5.1.4 of Annex V;</p> <p>(b) specialist doctor of medicine possessing a title referred to in point 5.1.3 of Annex V;</p> <p>(b) doctors with basic training and specialist doctors referred to in Article 10 point b;</p> <p>[...]</p> <p>(i) holders of certificates mentioned in point 2 of Annex VII attesting that the holder completed a training which satisfies the minimum requirements listed in Articles 24, 25, 31, 34, 35, 38, 40, or 44 respectively, but which started earlier than the reference dates of the qualifications listed in points 5.1.3, 5.1.4, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.5.2, 5.6.2 of Annex V.</p> <p>(j) holders of certificates of acquired rights as referred to in Articles 23, 27, 29, 33, 37 and 43.</p> <p>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.</p> <p>2. In the cases not covered by Directive</p>



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.

3. The processing of personal data of the purpose of the exchange of information according to paragraphs 1 and 2 shall be carried out in accordance with Directives 95/46/EC and 2002/58/EC. The processing of personal data by the Commission shall be carried out in accordance with Regulation (EC) No 45/2001.

4. Member States shall provide that professionals on which alerts are sent to other Member States are informed in writing of decisions on alerts at the same time as the alert as such, may appeal to national courts against the decision or apply for rectification of such decisions and shall have access to remedies in respect of any damage caused by false alerts to other Member States and in such cases the decision shall be qualified to indicate that it is subject to proceedings by the professional.

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.

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 States may request further information under the conditions set out in Articles 8 and 56.

3. The processing of personal data of the purpose of the exchange of information according to paragraphs 1 and 2 shall be carried out in accordance with Directives 95/46/EC and 2002/58/EC. The processing of personal data by the Commission shall be carried out in accordance with Regulation (EC) No 45/2001.

4. Member States shall provide that **the** professionals on which ~~an~~ alerts ~~are~~ **is** sent ~~to other Member States~~ ~~are~~ **is** informed in writing of decisions on **the** alerts **by the competent authority sending the alert** at the same time as the alert as such **is sent to the competent authorities of the other Member States. The professional,** may appeal to national courts against the decision or apply for rectification of such decisions and shall have access to remedies in respect of any damage caused by false alerts to other Member States and in such cases the decision shall be qualified to indicate that it is subject to proceedings by the professional.

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



	<p>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 examination procedure referred to in Article 58.</p>
<p><i>Justification</i></p> <p><i>It is necessary to ensure that all medical professionals regardless of the regime used to grant recognition of qualifications are captured by the scope of the alert.</i></p>	

Amendment 38

Proposal for a Directive

Article 57 (Central online access to information)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>1. Member States shall ensure that the following information is available online and regularly updated through the points of single contact:</p> <p>(a) a list of all regulated professions within the meaning of Article 3(1)(a) in the Member State including contact details of the competent authorities for each regulated profession and the assistance centre referred to in Article 57b;</p> <p>(b) a list of the professions for which a European Professional Card is available, the functioning and the competent authorities for issuing the card;</p> <p>(c) a list of all professions for which the Member State applies Article 7(4) in the national laws and regulation;</p> <p>(d) a list of regulated education and training and training with a special structure, referred to in Article 11(c)(ii);</p> <p>(e) all requirements, procedures and formalities referred to in this Directive for each profession regulated in the Member State, including all</p>	<p>1. Member States shall ensure that the following information is available online and regularly updated through the points of single contact or <i>national contact points referred to in Article 57b paragraph 5:</i></p> <p>(a) a list of all regulated professions within the meaning of Article 3(1)(a) in the Member State including contact details of the competent authorities for each regulated profession and the assistance centre or <i>national contact point</i> referred to in Article 57b;</p> <p>(b) a list of the professions for which a European Professional <i>Electronic Certificate Card</i> is available, the functioning and the competent authorities for issuing the <i>Electronic Certificate card</i>;</p> <p>(c) a list of all professions and <i>qualifications</i> for which the Member State applies Article 7(4) in the national laws and regulation;</p> <p>(d) a list of regulated education and training and training with a special structure, referred to in Article 11(c)(ii);</p>



<p>related fees to be paid by citizens and documents to be submitted by citizens;</p> <p>(f) how to appeal decisions of competent authorities under national laws and regulations.</p> <p>2. Member States shall ensure that the information referred to in paragraph 1 is provided in a clear and comprehensive way for users, that it is easily accessible at a distance and by electronic means and that it is kept up to date.</p> <p>3. Member States shall ensure that the points of single contact and the competent authorities respond as quickly as possible to any request for information addressed to the point of single contact. To this end, they may also refer such request for information to the assistance centers mentioned in Article 57b and inform the citizen concerned.</p> <p>4. Member States and the Commission shall take accompanying measures in order to ensure that points of single contact make the information provided for in paragraph 1 available in other official languages of the Union. This shall not affect the legislation of Member States on the use of languages in their territory.</p> <p>5. Member States shall cooperate with each other and the Commission for the purpose of implementing paragraph 1, 2 and 4.</p>	<p>(e) all requirements, procedures and formalities referred to in this Directive for each profession regulated in the Member State, including all related fees to be paid by citizens and documents to be submitted by citizens;</p> <p>(f) how to appeal decisions of competent authorities under national laws and regulations.</p> <p>2. Member States shall ensure that the information referred to in paragraph 1 is provided in a clear and comprehensive way for users, that it is easily accessible at a distance and by electronic means and that it is kept up to date.</p> <p>3. Member States shall ensure that the points of single contact, national contact points and the competent authorities respond as quickly as possible to any request for information addressed to the point of single contact or national contact point, as applicable. To this end, they may also refer such request for information to the assistance centers mentioned in Article 57b and inform the citizen concerned.</p> <p>4. Member States and the Commission shall take accompanying measures in order to ensure that points of single contact make the information provided for in paragraph 1 available in other official languages of the Union. This shall not affect the legislation of Member States on the use of languages in their territory.</p> <p>54. Member States shall cooperate with each other and the Commission for the purpose of implementing paragraph 1, and 2 and 4.</p>
<p style="text-align: center;"><i>Justification</i></p> <p style="text-align: center;"><i>For professions the services of which are excluded from the scope of Directive 2006/123/EC the current system of national contact points and their remit should be retained and the services provided within the existing infrastructure. As regards Article 7 paragraph 4, it is necessary not only to specify which profession falls under the scope of this provision, but also the qualifications, in case of professions as such benefitting from automatic recognition, but specific qualifications within these professions falling outside the scope of application of automatic recognition.</i></p>	



Amendment 39
Proposal for a Directive
Article 57a (Procedure by electronic means)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>1. Member States shall ensure that all requirements, procedures and formalities relating to matters covered by this Directive may be easily completed, at a distance and by electronic means, through the relevant point of single contact.</p> <p>2. Paragraph 1 shall not apply to the carrying out of an aptitude test or the adaptation period within the meaning of Article 14(1).</p> <p>3. Where it is justified for Member States to ask for advanced electronic signatures, within the meaning of Directive 1999/93/EC of the European Parliament and of the Council, for the completion of procedures referred to in paragraph 1, Member States shall accept electronic signatures in compliance with Commission Decision 2009/767/EC and provide for technical measures to process advanced e-signature formats defined by Commission Decision 2011/130/EU.</p> <p>4. All procedures shall be carried out in accordance with the provisions of Directive 2006/123/EC relating to the points of single contact. Any time limits for Member States to be complied with procedures or formalities set out in this Directive shall commence at the point at the point when an application has been submitted by a citizen to a point of single contact.</p>	<p>1. Member States shall ensure that all requirements, procedures and formalities relating to matters covered by this Directive may be easily completed, at a distance and by electronic means, through the relevant point of single contact or <i>national contact point, as applicable.</i></p> <p>2. Paragraph 1 shall not apply to the carrying out of an aptitude test or the adaptation period within the meaning of Article 14(1).</p> <p>3. Where it is justified for Member States to ask for advanced electronic signatures, within the meaning of Directive 1999/93/EC of the European Parliament and of the Council, for the completion of procedures referred to in paragraph 1, Member States shall accept electronic signatures in compliance with Commission Decision 2009/767/EC and provide for technical measures to process advanced e-signature formats defined by Commission Decision 2011/130/EU.</p> <p>4. All procedures shall be carried out in accordance with the provisions of Directive 2006/123/EC relating to the points of single contact. Any time limits for Member States to be complied with procedures or formalities set out in this Directive shall commence at the point at the point when an application has been submitted by a citizen to a point of single contact or <i>national contact point, as applicable.</i></p>
<p><i>Justification</i></p> <p><i>For professions the services of which are excluded from the scope of Directive 2006/123/EC the current system of national contact points and their remit should be retained and the services provided within the existing infrastructure.</i></p>	



Amendment 40
Proposal for a Directive
Article 57b (Assistance centres)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>1. Each Member State shall designate, no later than [insert date – transposition deadline] an assistance centre whose remit shall be to provide citizens and centres of the other Member States with assistance concerning the recognition of professional qualifications provided for in this Directive, including information on the national legislation governing the professions and the pursuit of those professions, social legislation, and, where appropriate, the rules of ethics.</p> <p>2. The assistance centres in host Member States shall assist citizens in exercising the rights conferred on them by this Directive, in cooperation, where appropriate, with the assistance centre in the home Member State and the competent authorities and the points of single contact in the host Member State.</p> <p>3. Any competent authority in the host Member State shall be required to fully cooperate with an assistance centre in the host Member State and provide information about individual cases to such assistance centres in the host Member States upon their request.</p> <p>4. At the Commission’s request, the assistance centres shall inform the Commission concerning enquiries with which the Commission is dealing within two months after receiving such a request.</p>	<p>1. Each Member State shall designate, no later than [insert date – transposition deadline] an assistance centre whose remit shall be to provide citizens and centres of the other Member States with assistance concerning the recognition of professional qualifications provided for in this Directive, including information on the national legislation governing the professions and the pursuit of those professions, social legislation, and, where appropriate, the rules of ethics.</p> <p>2. The assistance centres in host Member States shall assist citizens in exercising the rights conferred on them by this Directive, in cooperation, where appropriate, with the assistance centre in the home Member State and the competent authorities and the points of single contact in the host Member State.</p> <p>3. Any competent authority in the host Member State shall be required to fully cooperate with an assistance centre in the host Member State and provide information about individual cases to such assistance centres in the host Member States upon their request.</p> <p>4. At the Commission’s request, the assistance centres shall inform the Commission concerning enquiries with which the Commission is dealing within two months after receiving such a request.</p> <p>5. For professions the activities of which are not covered by Directive 2006/123/EC, each Member State shall designate, no later than [insert date – transposition deadline] a national contact point whose remit shall be equivalent that of the points of single contact and assistance centres.</p>



Justification

For professions the activities of which are excluded from the scope of Directive 2006/123/EC the current system of national contact points and their remit should be retained and the services provided within the existing infrastructure.

Amendment 41
Proposal for a Directive
Article 58

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>1. The Commission shall be assisted by a Committee on the recognition of professional qualifications. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</p> <p>2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.</p>	<p>1. The Commission shall be assisted by a Committee on the recognition of professional qualifications. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</p> <p>2. Where reference is made to this paragraph, Article 4 5 of Regulation (EU) No 182/2011 shall apply.</p>
<p><i>Justification</i></p> <p><i>The examination procedure seems the more appropriate mechanism in this context as the subject matter had direct impact on procedures at national level and therefore should involve national expertise in a more structured and meaningful way.</i></p>	

Amendment 42
Proposal for a Directive
Article 58a

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</p> <p>2. The power to adopt delegated acts referred to in Articles 3(2), 4a(7), 4b(2), 20, 21a(3), 24(4), 25(5), 26(2), 31(2), 31(7), 34(2), 34(4), 35(4), 38(1), 38(4), 40(1), 40(4), 44(2), 44(4), 46(4) 49a(3) and 49b(3) shall be conferred on the Commission for an indeterminate period of time from [insert the date - date of entry into force of</p>	<p>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</p> <p>2. The power to adopt delegated acts referred to in Articles 3(2), 4a(7), 4b(2), 20, 21a(3), 24(4), 25(5), 26(2), 28(6), 31(2), 31(7), 34(2), 34(4), 35(4), 38(1), 38(4), 40(1), 40(4), 44(2), 44(4), 46(4) 49a(3) and 49b(3) shall be conferred on the Commission for an indeterminate period of time from [insert the date - date of entry into force of</p>



<p>the amending Directive].</p> <p>3. The delegation of power referred to in Articles 3(2), 4a(7), 4b(2), 20, 21a(3), 24(4), 25(5), 26(2), 31(2), 31(7), 34(2), 34(4), 35(4), 38(1), 38(4), 40(1), 40(4), 44(2), 44(4), 46(4), 49a(3) and 49b(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</p> <p>4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p> <p>5. A delegated act adopted pursuant to Articles 3(2), 4a(7), 4b(2), 20, 21a(3), 24(4), 25(5), 26(2), 31(2), 31(7), 34(2), 34(4), 35(4), 38(1), 38(4), 40(1), 40(4), 44(2), 44(4), 46(4), 49a(3) and 49b(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.</p>	<p>the amending Directive].</p> <p>3. The delegation of power referred to in Articles 3(2), 4a(7), 4b(2), 20, 21a(3), 24(4), 25(5), 26(2), 28(6), 31(2), 31(7), 34(2), 34(4), 35(4), 38(1), 38(4), 40(1), 40(4), 44(2), 44(4), 46(4), 49a(3) and 49b(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</p> <p>4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p> <p>5. A delegated act adopted pursuant to Articles 3(2), 4a(7), 4b(2), 20, 21a(3), 24(4), 25(5), 26(2), 28(6), 31(2), 31(7), 34(2), 34(4), 35(4), 38(1), 38(4), 40(1), 40(4), 44(2), 44(4), 46(4), 49a(3) and 49b(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.</p>
<p><i>Justification</i></p> <p><i>The amendments reflect the changes in the articles above.</i></p>	



Amendment 43
Proposal for a Directive
Article 59 (Transparency)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>1. Member States shall notify to the Commission a list of existing regulated professions according to their national law by [insert date – end of transposition period]. Any change to this list of regulated professions shall also be notified to the Commission without delay. The Commission shall set up and maintain a publicly available database for such information.</p> <p>2. Member States shall examine whether under their legal system requirements restricting the access to a profession or its pursuit to the holders of a specific professional qualification, including the use of professional titles and the professional activities allowed under such title, is compatible with the following principles:</p> <p>(a) requirements must be neither directly nor indirectly discriminatory according to the nationality nor the residence;</p> <p>(b) requirements must be justified by an overriding reason relating to a public interest;</p> <p>(c) requirements must be suitable for securing the attainment of the objectives pursued and must not go beyond what is necessary to attain the objective.</p> <p>3. Paragraph 1 shall also apply to professions regulated in a Member State by an association or organisation within the meaning of Article 3(2) and any requirements related to the need for membership.</p> <p>4. By [insert date - end of transposition period], Member States shall provide information on the requirements they intend to maintain and the reasons for considering that their requirements comply with paragraph 2. Member States shall provide information on the requirements they</p>	<p>1. Member States shall notify to the Commission a list of existing regulated professions according to their national law by [insert date – end of transposition period]. Any change to this list of regulated professions shall also be notified to the Commission without delay. The Commission shall set up and maintain a publicly available database for such information.</p> <p>2. Member States shall examine whether under their legal system requirements restricting the access to a profession or its pursuit to the holders of a specific professional qualification, including the use of professional titles and the professional activities allowed under such title, is compatible with the following principles:</p> <p>(a) requirements must be neither directly nor indirectly discriminatory according to the nationality nor the residence;</p> <p>(b) requirements must be justified by an overriding reason relating to a public interest;</p> <p>(c) requirements must be suitable for securing the attainment of the objectives pursued and must not go beyond what is necessary to attain the objective.</p> <p>3. Paragraph 1 shall also apply to professions regulated in a Member State by an association or organisation within the meaning of Article 3(2) and any requirements related to the need for membership.</p> <p>4. By [insert date – end of transposition period], Member States shall provide information on the requirements they intend to maintain and the reasons for considering that their requirements comply with paragraph 2. Member States shall provide information on the requirements they</p>



subsequently introduced and the reasons for considering that those requirements comply with paragraph 2 within six months of the adoption of the measure.

5. By [insert date - end of transposition period], and every two years thereafter, Member States shall also provide a report about the requirements which have been removed or made less stringent.

6. The Commission shall forward the reports to the other Member States which shall submit their observations within six months. Within the same period, the Commission shall consult interested parties, including the professions concerned.

7. The Commission shall provide a summary report based on the information provided by Member States to the Group of Coordinators established under Commission Decision No 2007/172/EC*, which may make observations.

8. In light of the observations provided for in paragraphs 6 and 7, the Commission shall [insert date – one year after end of transposition period] submit its final findings to the Council and to the European Parliament, accompanied where appropriate by proposals for further initiatives

~~subsequently introduced and the reasons for considering that those requirements comply with paragraph 2 within six months of the adoption of the measure.~~

~~5. By [insert date – end of transposition period], and every two years thereafter, Member States shall also provide a report about the requirements which have been removed or made less stringent.~~

~~6. The Commission shall forward the reports to the other Member States which shall submit their observations within six months. Within the same period, the Commission shall consult interested parties, including the professions concerned.~~

~~7. The Commission shall provide a summary report based on the information provided by Member States to the Group of Coordinators established under Commission Decision No 2007/172/EC*, which may make observations.~~

~~8. In light of the observations provided for in paragraphs 6 and 7, the Commission shall [insert date – one year after end of transposition period] submit its final findings to the Council and to the European Parliament, accompanied where appropriate by proposals for further initiatives~~

1. As from [insert date], the Commission shall draw up every three years a report on the operation of this Directive and submit it to the European Parliament and to the Council.

2. The report shall in particular include information on cross-border flows of professional migration, financial dimensions of mobility and on the implementation of Articles 4a to 4e.

Justification

The current reporting requirements are appropriate and should be maintained.



Amendment 44

Proposal for a Directive

Annex VII (Documents and certificates which may be required in accordance with Article 4b(2) and Article 50 (1))

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>1. Documents (a) Proof of the nationality of the person concerned. (b) Copies of the attestations of professional competence or of the evidence of formal qualifications giving access to the profession in question, and an attestation of the professional experience of the person concerned where applicable. [...]</p>	<p>1. Documents (a) Proof of the nationality of the person concerned. (b) Copies of the attestations of professional competence or of the evidence of formal qualifications giving access to the profession in question, and an attestation of the professional experience of the person concerned where applicable. [...]</p> <p><i>(h) a Certificate of Current Professional Status</i></p>
<p style="text-align: center;"><i>Justification</i></p> <p style="text-align: center;"><i>The Certificate of Current Professional Status should become a mandatory supporting document for applicants to submit.</i></p>	