



CPME/AD/EC/24092012/123_Final/EN

On 24 September 2012, the CPME Executive Committee adopted the “CPME Statement on the Proposal for a Directive of the European Parliament and of the Council amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (...) on administrative cooperation through the Internal Market Information System (COM (2011) 883 final)”

**CPME Statement on
the proposal for a Directive of the European Parliament and of the Council amending Directive 2005/36/EC on the recognition of professional qualifications and 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.

Following the adoption of 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 IMI¹, CPME welcomes the opportunity to highlight the following issues:

▪ **Basic medical training**

CPME strongly supports the principle of automatic recognition based on minimum training requirements. To safeguard quality of care and patient safety, CPME reaffirms that the quality of basic medical training must be upheld. Therefore the minimum requirements enshrined in the Directive must not encourage changes at national level to the contrary. Exceptional exemptions to the minimum requirements of duration of training can be accommodated. The provision must also clarify that while the indication of years and the hours of training contained therein is mandatory, the indication of corresponding ECTS points is an optional addition. Given the fundamental character of these minimum training requirements, their development towards more outcome-based criteria cannot be seen as a ‘non-essential’ change to the document. Moreover, it is necessary to respect the Member States’ competence to regulate training and education as enshrined in Art. 165 and Art. 168 TFEU. CPME therefore does not support the specification of knowledge and competences through delegated acts, but instead suggests the facilitation of enhanced exchange between the national competent authorities. CPME therefore calls for the following amendments:

¹ Please find the full document [here](#) in English and [here](#) in French.



Article 24 paragraph 2 – Amendment

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 shall consist of at least 5500 hours of theoretical and practical training provided by, or under the supervision of, a university.

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.

By derogation from the first subparagraph, Member States may exceptionally notify, in accordance with the procedure set out in Article 21a, a course of training comprising less than six years of study, which in addition may also be expressed with the equivalent ECTS credits, consisting of at least 5500 hours of theoretical and practical training provided by, or under the supervision of, a university. In these cases, the report referred to in Article 21a paragraph 2 shall be accompanied by an additional assessment by an independent body confirming that the course of training is sufficiently quality assured and compliant with the relevant requirements of this Directive.

Article 24 paragraph 4 – Amendment

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

The Commission shall support and facilitate cooperation and the exchange of information among Member States working within a network connecting competent authorities designated by the Member States.

The objectives of the network of the competent authorities shall be to:

(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;

(b) work towards guidelines on:

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

~~(b)~~ ***(bii)*** 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

~~(c)~~ ***(ciii)*** 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



(div) 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-

The Commission shall, in accordance with Article 58a adopt the necessary measures for the establishment, management and transparent functioning of this network.

▪ Medical specialties

CPME would like to reaffirm its opposition to the Directive's distinction between 'specialist medical training' and 'specific training in general medical practice' as defined by Art. 25 and Art. 28 respectively. Whereas a convergence of these provisions must be the ultimate aim, CPME calls for the acknowledgement of family medicine as a speciality on equal footing with all other medical specialties under Art. 25 of the Directive. As regards the granting of partial exemptions to specialist training on the basis of previous training, it is necessary to clarify the applicable provisions according to context. CPME therefore calls for the following amendments:

Recital 14a – NEW

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 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'.

Article 25 paragraph 1 – Amendment

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.

Article 25 paragraph 3a – Amendment

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 *pursued* by the professional in that *the same* Member 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.

▪ Partial access

CPME believes that Directive 2005/36/EC not only regulates professionals' rights, but more importantly also safeguards the rights of patients and consumers. In the case of doctors, it is imperative for patient safety that there is no ambiguity concerning the activities a professional who has gained recognition under this legislation is permitted to practice. CPME therefore strongly supports an explicit exemption for doctors of medicine from the application of the principle of partial access, regardless of the recognition regime applied to their qualifications. CPME therefore calls for the following amendments:

Recital 4 – Amendment

Directive 2005/36/EC only applies to professionals who want to pursue the same profession ***which they are qualified to exercise 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.***



Article 4f paragraph 2 – Amendment

2. Partial access may be rejected if such rejection is justified by an overriding reason of general interest, such as public health, it would secure the attainment of the objective pursued and it would not go beyond what is strictly necessary. ***Partial access shall not be granted to the professions of doctor of medicine of general practice, or specialist doctor of medicine.***

▪ **Alert mechanism**

CPME strongly supports the strengthening of patient safety through the introduction of an alert mechanism. However it is necessary to clarify the provision to ensure it is applied appropriately. First the different recognition regimes should not be reflected in a differentiation in the applicability of the alert mechanism. Nor should the alert mechanism infringe on fundamental rights, such as the presumption of innocence. CPME therefore calls for the following amendments:

Recital 22 – Amendment

Whilst the Directive already provides for detailed obligations for Member States to exchange information, such obligations should be reinforced. Member States should not only react to request for information but also alert other Member States in a proactive manner. 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~~ **regulated** 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 **each other** if a professional due to a disciplinary action or criminal conviction **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** ~~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~~ **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.

Article 56a - Amendment

1. The competent authorities of a Member State shall inform the competent authorities of all other Member States ~~and the Commission~~ about the identity of a professional who has been prohibited **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:

(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;

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

(b) doctors with basic training and specialist doctors referred to in Article 10 point b;



[...]

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

[...]

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 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.

▪ Language knowledge

CPME welcomes the proposal to clarify the process on the verification of professionals' language knowledge. The provision must ensure that the language verification is appropriate to ensure a professional's ability to practice in the host Member State, but remains separate from the recognition of qualifications. The competence to carry out systematic verifications, e.g. for doctors of medicine must lie with the competent authorities. CPME therefore calls for the following amendments:

Recital 19 – Amendment

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.

Article 53 paragraph 2 – Amendment

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(32) 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~~ **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 verifications 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. **Any fees which professionals may incur in relation to administrative procedures for the verification of language knowledge shall be reasonable, proportionate and commensurate with the costs incurred by the competent authority carrying out the language verification.** The person concerned shall be allowed to appeal such ~~controls~~ **verifications** before national courts.

▪ **European Professional Card**

CPME welcomes the proposal to modernise the recognition process by introducing a regime of electronic certificates. While this innovative regime has the potential to simplify and expedite the recognition process, it is necessary to ensure that recognitions issued thus adhere to the same quality standards as those granted under the existing regimes. This includes setting appropriate deadlines for processing applications and respecting the competence of the host Member State's competent authority to validate the recognition of qualifications. Tacit authorisation of applications due to elapsed deadlines cannot be applicable to doctors' qualifications if patient safety is to be safeguarded. Also it is necessary to clarify the circumstances of validity of recognitions under this regime, as well as that of the supporting documentation and its accessibility. CPME therefore calls for the following amendments:



Article 4a – Amendment

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.

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.

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.

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.

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 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**.

Article 4b – Amendment

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.

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.**

[...]

4. The Commission ~~may~~ **shall** 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.

Article 4c – Amendment

1. The competent authority of the home Member State shall verify the application, **endorse the qualifications of the applicant**, and 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 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.

Article 4d – Amendment

1. Upon receipt of a complete application for a European Professional **Electronic Certificate Card**, the competent authority of the home Member State shall, within ~~two~~ **four** weeks, verify and confirm the authenticity and validity of the submitted supporting documents, create the European Professional **Electronic Certificate 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.

2. In the cases referred to in Article 16, 21 and 49a, a host Member State shall decide on validation of a European Professional **Electronic Certificate Card** under paragraph 1 within ~~one~~ **three** months as from the date of receipt 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 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~~ **the timelines indicated in paragraphs 2 and 3 starting** 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 profession concerned in the host Member State. **This paragraph shall not apply to professions regulated under Title III Chapter III and Article 10 point b.**

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.

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. **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.**

9. **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.**

Article 4e – Amendment

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.

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.

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.

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 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, 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.

▪ Delegated acts

Any delegated acts provided for in the Directive must be developed with the meaningful involvement of experts at both national and European level. In several instances, delegated acts are not the appropriate tool to specify provisions. This would apply in particular to Article 24 paragraph 4. CPME therefore calls for the following amendments:

Recital 24 – Amendment

In order to supplement or amend certain non-essential elements of Directive 2005/36/EC, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of updating of Annex I, ~~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 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.

Article 58a – Amendment

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
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 the amending Directive].
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.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
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.



▪ **Competent authorities**

CPME welcomes the emphasis on enhancing the role of and cooperation between competent authorities. In addition to the competences addressed by the amendments above, it is necessary to ensure that the exchange of information and documentation is safeguarded and enshrined in clear provisions.

Article 50 paragraph 3a – Amendment

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.

Article 56 – Amendment

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

▪ **Common training frameworks and Common training test**

For the regulation of requirements pertaining to the qualifications of doctors, it is necessary to prevent any ambiguity with the existing mechanism. CPME therefore calls for the following amendments:

Article 49a paragraph 2 – Amendment

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

[...]

(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;**

[...]

Article 49b paragraph 2 – Amendment

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

[...]



(e) the profession concerned is not regulated already under Title III Chapter III and cases mentioned in Article 10 point b.

▪ **Remunerated traineeships**

CPME welcomes the initiative to facilitate the mobility of professionals in training and supports a clarification of the corresponding provisions, in particular with regard to doctors in training. However, it is not appropriate to extend the scope of the Directive, due to the legal uncertainty caused by the insufficient definition of the term and the lack of clarity regarding the extent to which partially qualified professionals would be subject to other mechanisms established by the Directive. CPME therefore calls for the following amendments:

Recital 20 – Amendment

~~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 Member State.~~

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.

Article 1 – Amendment

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.

~~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.~~

Article 2 paragraph 1 – Amendment

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.



Article 55a – Amendment

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**.

▪ **Controls in the case of lengthy periods of professional inactivity (Amendment 75 of draft report of IMCO committee)**

CPME does not support the establishment of additional controls for professionals who have been granted recognition of qualifications following periods of professional inactivity since such a provision may contradict equivalent measures at national level and risks imposing disproportionately discriminatory requirements against professionals from other Member States.

Article 55b - Amendment

~~In cases of professionals whose qualifications have been recognised, as listed in points 5.1.1, 5.1.2, 5.1.3, 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, but who cannot prove that they have pursued their profession in the four years preceding the request for establishment or the renewal of the declaration, the host Member State may, in the event of material doubt about the level of knowledge, competences and skills of a professional that may put patients and consumers at risk, allow the competent authority to require additional controls, provided that they are proportionate, non-discriminatory and free of charge for the professional. The person concerned shall be allowed to appeal such controls before national courts.~~