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*****I**
REPORT

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)0883 – C7-0512/2011 – 2011/0435(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Bernadette Vergnaud

Symbols for procedures

- * Consultation procedure.
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in bold italics. Highlighting in normal italics is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in bold. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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)0883 – C7-0512/2011 – 2011/0435(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0883),
 - having regard to Article 294(2), and Articles 46, 53(1), 62 and 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0512/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinions submitted, within the framework of the Protocol (No 2) on the application of the principles of subsidiarity and proportionality, by the French Senate, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of 26 April 2012 of the European Economic and Social Committee¹,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and to the opinions of the Committee on Employment and Social Affairs and the Committee on Environment, Public Health and Food Safety (A7-0038/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 191, 29.6.2012, p. 103.

Amendment 1

Proposal for a directive Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Dual vocational training systems are a key element for ensuring low levels of youth unemployment. Given that they are tailored to the requirements of the economy, they permit a smooth transition from training into working life. They should not just be strengthened in this Directive, but also taken into consideration in other Union legislation on reducing youth unemployment. Those vocational training systems and their specific features should, moreover, remain unaffected by Directive 2005/36/EC.

Amendment 2

Proposal for a directive Recital 3

Text proposed by the Commission

Amendment

(3) In order to promote the free movement of professionals, while ensuring a more efficient and transparent recognition of qualifications it is necessary to provide for a European Professional Card. In particular that card is necessary to facilitate temporary mobility and recognition under the automatic recognition system, as well as to promote a simplified recognition process under the general system. The *card* should be issued upon request from a professional and after submission of necessary documents and completion of related review and verification procedures by the competent authorities. The functioning of the card should be supported by the Internal Market Information System (IMI) established by Regulation (EU) No

(3) In order to promote the free movement of professionals, while ensuring a more efficient and transparent recognition of qualifications, it is necessary to provide for a European Professional Card. ***The European Professional Card should strictly be used as a tool for recognition of professional qualifications in another Member State, in order to use the full potential of mobility in the internal market, and not as a means of regulating and restricting how a profession is qualified for.*** In particular that card is necessary to facilitate temporary mobility and recognition under the automatic recognition system, as well as to promote a simplified recognition process under the general system. The ***European***

[...] on administrative cooperation through the Internal Market Information System. This mechanism should help enhance synergies and trust among competent authorities, while at the same time eliminating duplication of administrative work for the authorities and creating more transparency and certainty for professionals. The process for the application and issuing of the *card* should be clearly structured and incorporate safeguards and the corresponding rights of appeal for the applicant. *The* card and the related workflow within IMI should ensure the integrity, authenticity and confidentiality of the data stored and avoid unlawful and unauthorised access to information contained therein.

Professional Card should be issued upon request from a professional and after submission of necessary documents and completion of related review and verification procedures by the competent authorities. The functioning of the card should be supported by the Internal Market Information System (IMI) established by Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System. This mechanism should help enhance synergies and trust among competent authorities, while at the same time eliminating duplication of administrative work for the *competent* authorities and creating more transparency and certainty for professionals. The process for the application and issuing of the *European Professional Card* should be clearly structured and incorporate safeguards and the corresponding rights of appeal for the applicant. *That* card and the related workflow within IMI should ensure the integrity, authenticity and confidentiality of the data stored and avoid unlawful and unauthorised access to information contained therein.

Amendment 3

Proposal for a directive Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The European Professional Card should meet specific safety and data protection conditions. Therefore necessary safeguards against abuse and data fraud need to be established.

Amendment 4

Proposal for a directive Recital 4

Text proposed by the Commission

(4) Directive 2005/36/EC only applies to professionals who want to pursue the same profession in another Member State. There are cases where the activities concerned are part of a profession with a larger scope of activities in the host Member State. If the differences between the fields of activity are so large that in reality a full programme of education and training is required from the professional to compensate for shortcomings and if the professional so requests, a host Member State should under these particular circumstances grant partial access. However, ***in case of overriding reasons of general interest, such as in the case of a doctor of medicine or other health professionals, a Member State should be able to refuse partial access.***

Amendment

(4) Directive 2005/36/EC only applies to professionals who want to pursue the same profession in another Member State. There are cases where the activities concerned are part of a profession with a larger scope of activities in the host Member State. ***Only*** 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, ***the host Member State may refuse such partial access on the basis of overriding reasons of general interest and such access cannot be granted for professions which benefit from automatic recognition.***

Amendment 5

**Proposal for a directive
Recital 4 a (new)**

Text proposed by the Commission

Amendment

(4a) The application of partial access pursuant to this Directive, in accordance with the case-law of the Court of Justice, should never imply a withdrawal of the right of the social partners in the sector in question to organise themselves.

Amendment 6

**Proposal for a directive
Recital 4 b (new)**

Text proposed by the Commission

Amendment

(4b) The concept of "overriding reasons of general interest" to which reference is

made in certain provisions of this Directive, was developed by the Court of Justice in its case-law relating to Articles 49 and 56 TFEU and may continue to evolve.

Amendment 7
Proposal for a directive
Recital 7

Text proposed by the Commission

(7) Directive 2005/36/EC should also cover notaries. For recognition requests for establishment, Member States should be able to impose the necessary aptitude test or adaptation period to avoid any discrimination in the national selection and nomination procedures. *In the case of free provision of services, notaries should not be able to draw up authentic instruments and carry out other activities of authentication which require the seal of the host Member State.*

Amendment

(7) As regards notaries, in the case of recognition requests for establishment, Member States, *having abolished the nationality clause,* should be able to impose the necessary aptitude test *and/or* adaptation period in the national selection and nomination procedures. *The compensation measures should not exempt the applicant from fulfilling the other existing national rules, in particular any conditions imposed by the selection and designation procedures of notaries in the host Member State. Given their specific role as public officers, appointed by official act of government of Member States in their national territory in order to hold a public office, in particular by ensuring the legality and the legal certainty of acts concluded between individuals in the framework of the administration of justice, and being legally independent, impartial and obliged to conduct their activities in their designation area, it should not be possible for notaries to be established in more than one Member State. Moreover, the provisions of this Directive on the free provision of services should not be applicable to notaries given that, as public officers, notaries only have competence on the territory of the Member State in which they are established.*

Amendment 8

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) Applications for recognition from professionals coming from non-regulating Member States have to be treated in the same way as those of professionals coming from a regulating Member State. Their qualifications have to be compared to the qualifications requested in the host Member State on the basis of the qualification levels in Directive 2005/36/EC. In case of substantial differences the competent authority should be able to impose compensation measures.

Amendment

(9) Applications for recognition from professionals coming from non-regulating Member States have to be treated in the same way as those of professionals coming from a regulating Member State. Their qualifications have to be compared to the qualifications requested in the host Member State on the basis of the qualification levels ***and objective criteria set out*** in Directive 2005/36/EC. In case of substantial differences the competent authority should be able to impose compensation measures. ***Any mechanisms for assessing theoretical and practical skills, which might be required for access to the profession as compensation measures, should guarantee and comply with the principles of transparency and impartiality.***

Amendment 9

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) In the absence of harmonisation of the minimum training conditions for access to the professions governed by the general system, it should remain possible for the host Member State to impose a compensation measure. This measure should be proportionate and, in particular, take account of the knowledge, skills and competences gained by the applicant in the course of his professional experience or through lifelong learning. The decision imposing a compensatory measure should be justified in detail in order to enable the applicant to better understand his situation and to seek legal scrutiny before national

Amendment

(10) In the absence of harmonisation of the minimum training conditions for access to the professions governed by the general system, it should remain possible for the host Member State to impose a compensation measure. This measure should be proportionate and, in particular, take account of the knowledge, skills and competences gained by the applicant in the course of his professional experience or through lifelong learning ***certified by the competent authorities***. The decision imposing a compensatory measure should be justified in detail in order to enable the applicant to better understand his situation

courts under Directive 2005/36/EC.

and to seek legal scrutiny before national courts under Directive 2005/36/EC.

Amendment 10
Proposal for a directive
Recital 14

Text proposed by the Commission

(14) In the interest of enhancing the mobility of medical specialists who have already obtained a medical specialist qualification and afterwards follow another specialist training, Member States should be allowed to grant exemptions from some part of the training if such elements of the training have already been completed during the former medical specialist training programme in *that* Member State covered by the automatic recognition regime.

Amendment 11
Proposal for a directive
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14) In the interest of enhancing the mobility of medical specialists who have already obtained a medical specialist qualification and afterwards follow another specialist training, Member States should be allowed to grant exemptions from some part of the training if such elements of the training have already been completed during the former medical specialist training programme in *a* Member State covered by the automatic recognition regime.

Amendment

(14a) In order to enhance patient safety, doctors of medicine, medical specialists, nurses responsible for general care, dental practitioners, specialised dental practitioners, midwives and pharmacists should update their competencies through continuing professional education and training. Member States should make publicly available an assessment report on the continuing education and training procedures which those professionals undergo, and should exchange their best practices.

Amendment 12

Proposal for a directive Recital 15

Text proposed by the Commission

(15) The nursing and midwifery professions have significantly evolved in the last three decades: community-based healthcare, the use of more complex therapies and constantly developing technology presuppose a capacity for higher responsibilities for nurses and midwives. In order to prepare them to meet such complex healthcare needs, nursing and midwifery students need to have a solid general education background before they start the training. ***Therefore, admission to that training should be increased to twelve years of general education or success in an examination of an equivalent level.***

Amendment

(15) The nursing and midwifery professions have significantly evolved in the last three decades: community-based healthcare, the use of more complex therapies and constantly developing technology presuppose a capacity for higher responsibilities for nurses and midwives. In order to prepare them to meet such complex healthcare needs, nursing and midwifery students need to have a solid general education background before they start the training. ***Member States should ensure permeability and career advancement for the health professions.***

Amendment 13

Proposal for a directive Recital 16

Text proposed by the Commission

(16) 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.

Amendment

(16) To simplify the system for automatic recognition of medical, dental ***and veterinary*** specialities, such specialities should be covered by Directive 2005/36/EC if they are common to at least one third of the Member States.

Amendment 14

Proposal for a directive Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) The mobility of healthcare professionals should also be considered within the broader context of the

European workforce for health. Such mobility should be addressed through a specific strategy at Union level and in coordination with Member States, in order to guarantee the highest level of patient and consumer protection while maintaining the financial and organisational sustainability of national healthcare systems.

Amendment 15

Proposal for a directive Recital 18

Text proposed by the Commission

(18) Directive 2005/36/EC should promote a more automatic character of recognition of qualifications for those professions which do not currently benefit from it. This should take account of the competence of Member States to decide the qualifications required for the pursuit of professions in their territory as well as the contents and the organisation of their systems of education and professional training. Professional associations and organisations which are representative at national and Union level should be able to propose common training principles. *It* should take the form of a common test as a condition for acquiring a professional qualification, or training programmes based on a common set of knowledge, skills and competences. Qualifications obtained under such common training frameworks should automatically be recognised by Member States.

Amendment

(18) Directive 2005/36/EC should promote a more automatic character of recognition of qualifications for those professions which do not currently benefit from it. This should take account of the competence of Member States to decide the qualifications required for the pursuit of professions in their territory as well as the contents and the organisation of their systems of education and professional training. ***Before introducing such common training principles, Member States should examine possible alternatives, in particular those that exist in Member States with vocational training.*** Professional associations and organisations which are representative at national and Union level should ***also*** be able to propose common training principles. ***Common training principles*** should take the form of a common test as a condition for acquiring a professional qualification, or training programmes based on a common set of knowledge, skills and competences. Qualifications obtained under such common training frameworks should automatically be recognised by Member States.

Amendment 16

Proposal for a directive Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) Common training frameworks should also make it possible for regulated professions which are subject to an automatic recognition procedure based on coordination of minimum training conditions under Chapter III of Title III and in which new specialities are not covered by that automatic recognition procedure to secure recognition of such specialities on the basis of an automatic procedure.

Amendment 17

Proposal for a directive Recital 19

Text proposed by the Commission

Amendment

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

(19) Directive 2005/36/EC already provides for clear obligations for professionals to have the necessary language skills. ***A competent authority may check or supervise the checking of the language skills in particular*** in the interest of patients' safety ***and public health***. Language ***checks*** 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. ***The principle of proportionality should inter alia apply to professionals who provide evidence attesting the necessary language skills. In this regard, Member States should promote professional-oriented standardised language tests, which should be based on the Common European***

framework of reference for languages.

Amendment 18

Proposal for a directive Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) The language check should seek to determine how well professionals can communicate, both orally and in writing, for the purposes of exercising their professional activity, in particular with regard to patient safety and safeguarding public health.

Amendment 19

Proposal for a directive Recital 19 b (new)

Text proposed by the Commission

Amendment

(19b) In Member States with more than one official or administrative language, the knowledge of an additional language should be promoted by employers and the competent authorities. To this end, employers should offer opportunities for language training and development, for instance by providing language courses relevant to the profession carried out.

Amendment 20

Proposal for a directive Recital 19 c (new)

Text proposed by the Commission

Amendment

(19c) Employers should continue to play an important role in ensuring and in verifying the knowledge of the language necessary to carry out professional

activities, inter alia when interviewing applicants, and should alert the competent authority in the event of any serious doubts concerning the applicant's language skills.

Amendment 21
Proposal for a directive
Recital 20

Text proposed by the Commission

(20) 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.

Amendment

(20) Graduates wishing to pursue a 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. ***However, by enlarging the scope to partially qualified professionals, this Directive should also properly take into account compliance with the fundamental social rights set out in Article 151 TFEU, which provides that the Union is to have as its objectives the promotion of improved working conditions, which also apply to traineeships, and should be without prejudice to national rules regulating traineeships.***

Amendment 22
Proposal for a directive
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) A traineeship contract should specify at least the learning objectives and assigned tasks.

Amendment 23
Proposal for a directive
Recital 21

Text proposed by the Commission

(21) 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 individual cases of citizens is followed up at national level.

Amendment 24
Proposal for a directive
Recital 22

Text proposed by the Commission

(22) 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

Amendment

(21) 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 advice *in person*, in order to ensure that daily application of internal market rules in individual cases of citizens is followed up *effectively* at national level.

Amendment

(22) 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. *This Directive provides for a* specific alert mechanism 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 method provided for by that Directive. The alert procedure should comply with Union law on the protection of personal data and other fundamental rights.

disciplinary action or criminal conviction is ***temporarily or permanently restricted or prohibited from pursuing the professional activity in a*** 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 method provided for by that Directive. The alert procedure should comply with Union law on the protection of personal data and other fundamental rights.

Amendment 25

Proposal for a directive Recital 24

Text proposed by the Commission

(24) 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

Amendment

(24) 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, ***amending the list contained in Annex II***, 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

point 5.1.3 of Annex V of new medical specialities, the amendments to the list set out in points 5.2.1, 5.3.1, 5.4.1, 5.5.1 and 5.6.1 of Annex V, inclusion in point 5.3.3 of Annex V of new dental specialities, specifying the conditions of application of common training frameworks, and specifying the conditions of application of common training tests. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at **expert** level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

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 **representation and** consultations during its preparatory work, including **experts at both Union and national level which may include competent authorities, professional associations, scientific organisations, academia and social partners**. 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.

Amendment 26

Proposal for a directive Recital 26

Text proposed by the Commission

(26) 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**

Amendment

(26) 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

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.

European Professional Card.

Amendment 27
Proposal for a directive
Article 1 – point 1
Directive 2005/36/EC
Article 1 – paragraph 2

Text proposed by the Commission

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.

Amendment

This Directive also establishes rules concerning partial access to *certain* regulated *professions* and access to and recognition of traineeships pursued in another Member State.

Amendment 28
Proposal for a directive
Article 1 – point 1 a (new)
Directive 2005/36/EC
Article 1 – paragraph 3 (new)

Text proposed by the Commission

Amendment

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

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

Amendment 29
Proposal for a directive
Article 1 – point 2
Directive 2005/36/EC
Article 2 – paragraph 1

Text proposed by the Commission

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.

Amendment 30

Proposal for a directive

Article 1 – point 2 a (new)

Directive 2005/36/EC

Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment 31

Proposal for a directive

Article 1 – point 3 – point a – point i – introductory part

Directive 2005/36/EC

Article 3 – paragraph 1

Text proposed by the Commission

i) **Point** (f) *is* replaced by the following:

Amendment 32

Proposal for a directive

Article 1 – point 3 – point a – point i

Directive 2005/36/EC

Article 3 – paragraph 1 – points f and h

Amendment

1. This Directive shall apply to all nationals of a Member State wishing to pursue a regulated profession or a 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.

Amendment

(2a) In Article 2, the following paragraph is inserted:

"1a. Title II on the free provision of services shall not be applicable to the notaries."

Amendment

i) **Points** (f) **and (h) are** replaced by the following:

Text proposed by the Commission

(f) 'professional experience': the actual and lawful full-time or equivalent part-time pursuit of the profession concerned in a Member State;

Amendment

(f) 'professional experience': the actual, lawful **and unconditional** full-time or equivalent part-time pursuit of the profession concerned in a Member State;

(h) 'aptitude test': a test of the professional knowledge, skills and competences of the applicant, made or recognised by the competent authorities of the host Member State with the aim of assessing the ability of the applicant to pursue a regulated profession in that Member State. In order to permit this test to be carried out, the competent authorities shall draw up a list of subjects which, on the basis of a comparison of the education and training required in the Member State and that received by the applicant, are not covered by the diploma or other evidence of formal qualifications possessed by the applicant.

The aptitude test must take account of the fact that the applicant is a qualified professional in the home Member State or the Member State from which he comes. It shall cover subjects to be selected from those on the list, knowledge of which is essential in order to be able to pursue the profession in the host Member State. The test may also include knowledge of the professional rules applicable to the activities in question in the host Member State.

The detailed application of the aptitude test and the status, in the host Member State, of the applicant who wishes to prepare himself for the aptitude test in that State shall be determined by the competent authorities in that Member State;

Amendment 33

Proposal for a directive

Article 1 – point 3 – point a – point ii

Directive 2005/36/EC

Article 3 – paragraph 1 – point j

Text proposed by the Commission

(j) '**remunerated** traineeship': the pursuit of supervised **and remunerated** activities, with a view to access to a regulated profession **granted on the basis of an examination**;

Amendment

(j) 'traineeship: the pursuit of supervised activities **completed in the framework of a contract which form a mandatory part of the training** with a view to **gaining** access to **or being granted the right to exercise** a regulated profession;

Amendment 34

Proposal for a directive

Article 1 – point 3 – point a – point ii

Directive 2005/36/EC

Article 3 – paragraph 1 – point l

Text proposed by the Commission

(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.

Amendment

(l) 'lifelong learning': general education, vocational education and training **and** non-formal education undertaken throughout life, resulting in an improvement in knowledge, skills and competences **in terms of professional requirements and professional ethics**;

Amendment 35

Proposal for a directive

Article 1 – point 3 – point a – point ii

Directive 2005/36/EC

Article 3 – paragraph 1 – point l a (new)

Text proposed by the Commission

Amendment

(1a) 'training requirements and conditions': the common set of knowledge, skills and competences necessary for the pursuit of a given profession;

Amendment 36

Proposal for a directive

Article 1 – point 3 – point a – point ii

Directive 2005/36/EC

Article 3 – paragraph 1 – point 1 b (new)

Text proposed by the Commission

Amendment

(1b) 'European Credit Transfer System or ECTS credits': credits expressing the quantity of work each course unit requires in relation to the total quantity of work necessary to complete a full year of study under the ECTS system for accumulating study credits on the basis of transparency and comparability of qualifications; the quantity of work shall include not only lectures, practical work and seminars, but also traineeships, research or field work, private study, examinations and other assessment activities; under the ECTS system, the quantity of work for one year of study shall correspond to 60 ECTS credits, and one semester's study shall correspond to 30 ECTS credits;

Amendment 37

Proposal for a directive

Article 1 – point 3 – point a – point ii

Directive 2005/36/EC

Article 3 – paragraph 1 – point 1 c (new)

Text proposed by the Commission

Amendment

(1c) 'liberal professions': professions practised on the basis of relevant professional qualifications which provide, in a personal, responsible and professionally independent capacity, intellectual and conceptual services in the interest of the client and the public;

Amendment 38

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Proposal for a directive

Article 1 – point 3 – point a – point ii

Directive 2005/36/EC

Article 3 – paragraph 1 – point 1 d (new)

Text proposed by the Commission

Amendment

(ld) ‘dual training’: the alternating provision of vocational skills in two learning contexts – the work environment and the vocational school – on the basis of coordinated educational and quality standards. The term ‘vocational skills’ means the capacity and willingness to use knowledge, competences and personal, social and methodological skills both in work situations and for the purpose of professional and personal development;

Amendment 39

Proposal for a directive

Article 1 – point 3 – point a – point ii

Directive 2005/36/EC

Article 3 – paragraph 1 – point 1 e (new)

Text proposed by the Commission

Amendment

(le) "overriding reasons of general interest" reasons recognised as such in the case-law of the Court of Justice, including the following grounds: public policy; public security; public safety; public health; preserving the financial equilibrium of the social security system; the protection of consumers, recipients of services and workers; fairness of trade transactions; combating fraud; safeguarding the sound administration of justice; the protection of the environment and the urban environment; the health of animals; intellectual property; the conservation of the national historic and artistic heritage; social policy objectives and cultural policy objectives.

Amendment 40

Proposal for a directive

Article 1 – point 4

Directive 2005/36/EC

Article 4 – paragraph 1

Text proposed by the Commission

1. The recognition of professional qualifications by the host Member State shall allow the beneficiary to gain access in that Member State to the same profession ***or, in the cases referred to in Article 4f, to part of the same profession,*** as that for which he is qualified in the home Member State and to pursue it in the host Member State under the same conditions as its nationals.

Amendment

1. The recognition of professional qualifications by the host Member State shall allow the beneficiary to gain access in that Member State to the same profession as that for which he is qualified in the home Member State and to pursue it in the host Member State under the same conditions as its nationals.

Amendment 41

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 a – paragraph 5

Text proposed by the Commission

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

Amendment

5. Member States shall designate competent authorities for issuing European Professional Cards. Those authorities shall ensure an impartial, objective and timely processing of applications for European Professional Cards. ***Member States may decide that the Assistance Centres*** referred to in Article 57b ***are to support the competent authorities during the preliminary stage of preparing the documentation required in order to obtain the Professional Card in accordance with this Article.*** Member States shall ensure that competent authorities inform citizens, including prospective applicants, on the advantages of a European Professional Card where it is available.

Amendment 42

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 a – paragraph 6

Text proposed by the Commission

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.

Amendment

6. The Commission shall adopt implementing acts specifying European Professional Cards, **to be issued to** specific professions **where they request them**, 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. ***In addition to the procedure laid down in Article 58, the Commission shall carry out a proper consultation of stakeholders before the adoption of such act. That procedure shall in particular ensure that the European Professional Card will primarily focus on facilitating and increasing the mobility of professionals, regardless of whether or not they are regulated, and it shall in particular avoid the creation of any additional regulatory and administrative barriers.***

Amendment 43

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 a – paragraph 7

Text proposed by the Commission

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

Amendment

7. ***The administrative procedure to issue a European Professional Card shall not entail any additional cost for the individual***

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.

professional.

Amendment 44

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 a – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Articles 4a to 4e shall not apply to professional groups that had already introduced their own European Professional Card for their professionals under the system provided for in Directives 77/249 and 98/05 before the entry into force of this Directive.

Amendment 45

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 b – paragraph 1

Text proposed by the Commission

Amendment

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

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

Amendment 46

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 b – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where the Member States consider it appropriate, the Assistance Centres referred to in Article 57b may support the competent authorities in the preliminary processing of the documentation referred to in paragraph 2 of this Article.

Amendment 47

Proposal for a directive

Article 1 – point 5

2005/36/CE

Article 4 b – paragraph 3

Text proposed by the Commission

Amendment

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 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.

3. The competent authority of the home Member State shall acknowledge receipt of the application and inform the applicant of any missing document **within three working days of** submission of the application. It shall create a file of the application containing all supporting documents, **which must be certified as valid**, within the Internal Market Information System (IMI) established by Regulation (EU) No **1024/2012** 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.

Amendment 48

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC
Article 4 c – title

Text proposed by the Commission

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

Amendment

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

Amendment 49
Proposal for a directive
Article 1 – point 5
Directive 2005/36/EC
Article 4 c – paragraph 1

Text proposed by the Commission

1. The competent authority of the home Member State shall verify the application, create and validate a European Professional Card within **two weeks** from the date it receives a complete application. It shall inform the applicant and the Member State in which the applicant envisages to provide services, of the validation of the European Professional Card. The transmission of the validation information to the host Member States concerned shall constitute the declaration provided for in Article 7. The host Member State may not require a further declaration under Article 7 for the following two years.

Amendment

1. The competent authority of the home Member State shall verify the application, create and validate a European Professional Card within **three weeks** from the date it receives a complete application. It shall inform the applicant and the Member State in which the applicant envisages to provide services, of the validation of the European Professional Card. The transmission of the validation information to the host Member States concerned shall constitute the declaration provided for in Article 7. The host Member State may not require a further declaration under Article 7 for the following two years.

Amendment 50
Proposal for a directive
Article 1 – point 5
Directive 2005/36/EC
Article 4c – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In cases where neither the profession nor the education and training leading to this profession is regulated in the home Member State, the competent authority of

this Member State shall at least verify the legal status of the applicant and the authenticity and completeness of the submitted application and supporting documentation.

Amendment 51

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 c – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 52

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 c – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 53

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 d - title

Text proposed by the Commission

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

Amendment

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

Amendment 54
Proposal for a directive
Article 1 – point 5
Directive 2005/36/EC
Article 4 d – paragraph 1

Text proposed by the Commission

1. Upon receipt of a complete application for a European Professional Card, the competent authority of the home Member State shall, within **two weeks**, verify and confirm the authenticity and validity of the submitted supporting documents, create the European Professional Card, transmit it for validation to the competent authority of the host Member State and inform that authority *on* the corresponding IMI file. The applicant shall be informed by the home Member State of the state of the procedure.

Amendment

1. Upon receipt of a complete application for a European Professional Card, the competent authority of the home Member State shall, within **three 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 *of* the corresponding IMI file. The applicant shall be informed by the home Member State of the state of the procedure.

Amendment 55
Proposal for a directive
Article 1 – point 5
Directive 2005/36/EC
Article 4 d – paragraph – 1a (new)

Text proposed by the Commission

Amendment

1a. The host Member State shall acknowledge to the professional concerned receipt of an application for validation of the European Professional Card within five days from the date of receipt of that application.

Amendment 56
Proposal for a directive
Article 1 – point 5
Directive 2005/36/EC
Article 4 d – paragraph 2

Text proposed by the Commission

2. In the cases referred to in Article 16, 21 and 49a, a host Member State shall decide on validation of a European Professional Card under paragraph 1 within one month as from the date of receipt of the European Professional Card transmitted by the home Member State. In case of justified doubts, the host Member State may request additional information from the home Member State. **That** request **shall not** suspend the period of one month.

Amendment

2. In the cases referred to in Article 16, 21 and 49a, a host Member State shall decide on validation of a European Professional Card under paragraph 1 within 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. **With regard to professions with patient safety implications, that** request **may** suspend the period of one month **by two weeks. The home Member State shall provide requested additional information within one week from the receipt of that request. The professional concerned shall be informed of any such suspension.**

Amendment 57
Proposal for a directive
Article 1 – point 5
Directive 2005/36/EC
Article 4 d – paragraph 3

Text proposed by the Commission

3. In the cases referred to in Articles 7(4) and 14, a host Member State shall decide on whether to recognise the holder's qualifications or to subject him to compensation measures within two months from the date of receipt for validation of the European Professional Card transmitted by the home Member State. In case of justified doubts, the host Member State may request additional information from

Amendment

3. In the cases referred to in Articles 7(4) and 14, a host Member State shall decide on whether to recognise the holder's qualifications or to subject him to compensation measures within 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.

the home Member State. *With regard to professions with patient safety implications, that* request **may** suspend the period of two months *by two weeks*. *The home Member State shall provide requested additional information within one week from the receipt of that request. The professional concerned shall be informed of any such suspension.*

Amendment 58

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 d – paragraph 5

Text proposed by the Commission

5. Where the host Member State fails to take a decision within the time limits set out in the paragraphs 2 and 3 or to request additional information within one month from the date of receipt of the European Professional Card by the home Member State, the European Professional Card shall be deemed to be validated by the host Member State and to constitute recognition of the professional qualification to the regulated profession concerned in the host Member State.

Amendment

5. Where the host Member State fails to take a decision within 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. ***Such tacit recognition of qualifications shall not constitute automatic recognition of the right to practise the profession in question.***

Amendment 59

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 e – paragraph 1

Text proposed by the Commission

1. The competent authorities of the home and the host Member States shall update in a timely manner the corresponding IMI file

Amendment

1. ***Without prejudice to the presumption of innocence,*** the competent authorities of the home and the host Member States shall

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.

update in a timely manner the corresponding IMI file with information regarding disciplinary action or criminal sanctions taken or any other serious specific circumstances, **including decisions taken in accordance with Article 56a**, 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 **immediately** of any updates by the competent authorities concerned.

Amendment 60

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 e – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The content of the information updates referred to in paragraph 1 shall be limited to the following:

(a) whether the professional has been restricted or prohibited from pursuing that professional's activity;

(b) whether the restriction or prohibition is provisional or definitive;

(c) for what period the restriction or prohibition applies; and

(d) the identity of the competent authority adopting the decision on restriction or prohibition.

Amendment 61

Proposal for a directive

Article 1 – point 5

2005/36/EG

Article 4 e – paragraph 2

Text proposed by the Commission

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

Amendment

2. Access to the information in the IMI file shall be limited to the competent authorities of the home and the host Member State in accordance with Directive 95/46/EC of the European Parliament and of the Council **of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data¹**.

¹ OJ L 281, 23.11.1995, p. 31.

Amendment 62

Proposal for a directive

Article 1 – point 5

2005/36/EG

Article 4 e – paragraph 4

Text proposed by the Commission

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

Amendment

4. The information included in the European Professional Card shall be limited to the information that is necessary to ascertain its holder's right to exercise the profession for which it has been issued, in particular name, surname, date and place of birth, profession, **evidence of formal qualifications in accordance with Article 49a, evidence of professional experience**, applicable regime, competent authorities involved, card number, security features and reference to a valid proof of identity.

Amendment 63
Proposal for a directive
Article 1 – point 5
Directive 2005/36/EC
Article 4 e – paragraph 5

Text proposed by the Commission

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.

Amendment 64

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

Text proposed by the Commission

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

The Commission shall adopt 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.

Amendment

5. Member States shall ensure that the holder of a European Professional Card has the right at any time **and at no cost** 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.

Amendment

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

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 **examination** procedure referred to in Article 58.

Amendment 65

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 f – paragraph 1 – introductory part

Text proposed by the Commission

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:

Amendment

1. The competent authority of the host Member State shall grant partial access ***on a case-by-case basis*** to a professional activity in its territory provided that the following ***cumulative*** conditions are fulfilled:

Amendment 66

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

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

Text proposed by the Commission

Amendment

(aa) the professional is fully qualified to exercise in the home Member State the professional activity for which partial access is requested;

Amendment 67

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4 f – paragraph 2

Text proposed by the Commission

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

Amendment

2. Partial access may be rejected if such rejection is justified by overriding ***reasons*** of general interest, it would secure the attainment of the objective pursued and it would not go beyond what is strictly necessary. ***However, partial access shall not be granted to professions which***

Amendment 68

Proposal for a directive

Article 1 – point 6 – point a

2005/36/EG

Article 5 – paragraph 1 – point b

Text proposed by the Commission

b) the service provider is accompanying the service recipient, ***provided that the service recipient's habitual residence is in the service provider's Member State of establishment*** and the profession does not appear on the list referred to in Article 7(4).

Amendment

(b) the service provider is accompanying the service recipient, ***on the condition that that service provider provides his service in the host Member State solely for that recipient*** and the profession does not appear on the list referred to in Article 7(4).

Amendment 69

Proposal for a directive

Article 1 – point 6 – point b

Directive 2005/36/EC

Article 5 – paragraph 4

Text proposed by the Commission

(b) The following paragraph 4 is added:
4. In the case of notaries, the authentic instruments and other activities of authentication which require the seal of the host Member State shall be excluded from the provision of services.

Amendment

deleted

Amendment 70

Proposal for a directive

Article 1 – point 7 – point a – point i

Directive 2005/36/EC

Article 7 – paragraph 2 – point e

Text proposed by the Commission

(e) for professions in the security sector **and in** the health sector, where the Member State so requires for its own nationals, evidence of neither temporary and final suspensions from exercising the profession nor criminal convictions.

Amendment

(e) for professions in the security sector, health sector **or for professions involving daily work with children and youth**, where the Member State so requires for its own nationals, evidence of neither temporary and final suspensions from exercising the profession nor criminal convictions.

Amendment 71

Proposal for a directive

Article 1 – point 7 – point a – point ii

Directive 2005/36/EC

Article 7 – paragraph 2 – point f

Text proposed by the Commission

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

Amendment

(f) in the case of evidence of formal qualifications referred to in Article 21 (1) and in the case of certificates of acquired rights referred to in Articles 23, 26, 27, 30, 33, 33a, 37, 39, and 43, evidence attesting knowledge of the language **in which the professional will exercise his profession, which shall be one of the official languages** of the host Member State.

Amendment 72

Proposal for a directive

Article 1 – point 7 – point c

Directive 2005/36/EC

Article 7 – paragraph 4 – subparagraph 4

Text proposed by the Commission

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

Amendment

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 the public interest**, 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.

service provider ***certified by competent authorities***, the host Member State shall give the service provider the opportunity to show, in particular by means of an aptitude test, ***adaptation period or by taking into account certificates or qualifications issued on the basis of the procedures set out in points (a) and (b) of Article 49(2)***, 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.

Amendment 73
Proposal for a directive
Article 1 – point 8
Directive 2005/36/EC
Article 8 – paragraph 1

Text proposed by the Commission

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 this information in accordance with Article 56.

Amendment

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 host Member State may take account in particular of qualifications or certificates obtained under the procedures set out in points (a) and (b) of Article 49(2)***. The competent authorities of the Member State of establishment shall provide this information in accordance with Article 56.

Amendment 74

Proposal for a directive

Article 1 – point 9 – point b

Directive 2005/36/EC

Article 11 – paragraph 1 – point c – point ii

Text proposed by the Commission

Amendment

(b) In point (c), point (ii) is replaced by the following:

deleted

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

Amendment 75

Proposal for a directive

Article 1 – point 9 – point c

Directive 2005/36/EC

Article 11 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) 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

(e) diploma certifying that the holder has successfully completed a post-secondary course of ***at least*** four years' duration, or of an equivalent duration on a part-time basis, ***which***, if applicable in the home Member State, ***corresponds to*** 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-

the post-secondary course.

secondary course.

Amendment 76

Proposal for a directive

Article 1 – point 9 – point d

Directive 2005/36/EC

Article 11 – paragraph 2

Text proposed by the Commission

(d) *The second paragraph is deleted.*

Amendment

(d) The second paragraph is replaced by the following:

"The Commission shall be empowered to adopt delegated acts in accordance with Article 58a in order to amend the list contained in Annex II to take account of forms of training which meets the requirements laid down in point (ii) of point (c) of the first paragraph."

Amendment 77

Proposal for a directive

Article 1 – point 10

Directive 2005/36/EC

Article 12 – paragraph 1

Text proposed by the Commission

Any evidence of formal qualifications or set of evidence of formal qualifications issued by a competent authority in a Member State, certifying successful completion of training in the Union, on a full or part-time basis, within ***or outside*** formal programs, which is recognised by that Member State as being of an equivalent level and which confers on the holder the same rights of access to or pursuit of a profession or prepares for the pursuit of that profession, shall be treated as evidence of formal qualifications of the type covered by Article 11, including the level in question.

Amendment

Any evidence of formal qualifications or set of evidence of formal qualifications issued by a competent authority in a Member State, certifying successful completion of training in the Union, on a full or part-time basis, within formal programs, which is recognised by that Member State as being of an equivalent level and which confers on the holder the same rights of access to or pursuit of a profession or prepares for the pursuit of that profession, shall be treated as evidence of formal qualifications of the type covered by Article 11, including the level in question.

Amendment 78

Proposal for a directive

Article 1 – point 11

Directive 2005/36/EC

Article 13 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 79

Proposal for a directive

Article 1 – point 11

Directive 2005/36/EC

Article 13 – paragraph 4

Text proposed by the Commission

4. By derogation to paragraphs 1 and 2 of this Article, the competent authority of the host Member State may refuse access to and pursuit of the profession to holders of an attestation of competence where the national qualification required to exercise the profession on its territory is classified under points (d) or (e) of Article 11.

Amendment

4. By derogation to paragraphs 1 and 2 of this Article, the competent authority of the host Member State may refuse access to and pursuit of the profession to holders of an attestation of competence ***referred to in point (a) of Article 11 or a qualification which is not of a level at least immediately prior to that required in the host Member State***, where the national qualification required to exercise the profession on its territory is classified under points (c), (d) or (e) of Article 11.

Amendment 80

Proposal for a directive

Article 1 – point 12 – point c

Directive 2005/36/EC

Article 14 – paragraph 3 – subparagraph 2

Text proposed by the Commission

For *the profession of notary*, the host Member State may, when it determines the compensation measure, take into account the specific activities of this profession on its territory, in particular as regards the law to be applied.

Amendment

For *notaries appointed by official act of government*, the host Member State may, when it determines the compensation measure, take into account the specific activities of this profession on its territory, in particular as regards the law to be applied.

The host Member State may require from the applicant to complete an adaptation period before admission to the aptitude test.

The compensation measure shall not exempt the applicant from fulfilling the other conditions imposed by the selection and designation procedure in the host Member State, given their duty as public officers.

Amendment 81

Proposal for a directive

Article 1 – point 12 – point d

Directive 2005/36/EC

Article 14 – paragraph 4

Text proposed by the Commission

4. For the purposes of paragraphs 1 and 5, ‘substantially different matters’ shall mean matters of which knowledge is essential for pursuing the profession and with regard to which the training received by the migrant shows important differences in terms of content from the training required by the host Member State.

Amendment

4. For the purposes of paragraphs 1 and 5, ‘substantially different matters’ shall mean matters of which knowledge, *skills and competence* is essential for pursuing the profession and with regard to which the training received by the migrant shows important differences in terms of *duration or* content from the training required by the host Member State.

Amendment 82

Proposal for a directive

Article 1 – point 12 – point e

Directive 2005/36/EC

Article 14 – paragraph 6 – point c

Text proposed by the Commission

(c) explain the substantial differences in terms of content;

Amendment

(c) explain the substantial differences in terms of ***duration or content and the consequences those differences have for the professional's ability to practise his profession in a satisfactory manner in the host Member State;***

Amendment 83

Proposal for a directive

Article 1 – point 12 – point e

Directive 2005/36/EC

Article 14 – paragraph 6 – point d

Text proposed by the Commission

(d) explain why due to these substantial differences, the applicant cannot perform his profession in a satisfactory manner in the host Member State territory;

Amendment

deleted

Amendment 84

Proposal for a directive

Article 1 – point 12 – point e

Directive 2005/36/EC

Article 14 – Paragraph 6 – point e

Text proposed by the Commission

(e) explain why these substantial differences cannot be compensated by the applicants knowledge, skills and competences gained in the course of his professional experience and through lifelong learning.

Amendment

(e) explain why these substantial differences cannot be compensated by the applicants knowledge, skills and competences gained in the course of his professional experience and through lifelong learning ***certified by competent authorities.***

Amendment 85

Proposal for a directive

Article 1 – point 12 – point e

Directive 2005/36/EC

Article 14 – paragraph 7

Text proposed by the Commission

7. **The** aptitude test referred to in paragraph 1 **shall be organized at least twice a year** and applicants shall be *authorized* to resit a test at least once if they failed a first test.

Amendment

7. **Member States shall ensure that applicants have the possibility of sitting the** aptitude test referred to in paragraph 1 **not later than six months after the date of imposition of a compensatory measure on a specific applicant for recognition.** Applicants shall be *authorised* to resit a test at least once if they failed a first test.

Amendment 86

Proposal for a directive

Article 1 – point 12 – point e a (new)

Directive 2005/36/EC

Article 14 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

(ea) The following paragraph is added:

"7a. For the purposes of paragraphs 1 to 7, 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, competent authorities shall submit publically available reports to the Commission and to the other Member States on their decisions on the compensation measures, including the reasons justifying them, as well as whether progress was achieved towards further coordination with other Member States, including through Common Training Principles."

Amendment 87

Proposal for a directive

Article 1 – point 14

Directive 2005/36/EC

Article 20

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts in accordance with Article 58a concerning the adaptations of the lists of activities set out in Annex IV which are the subject of recognition of professional experience pursuant to Article 16 with a view to updating or clarifying the nomenclature, provided that this **does not involve any** narrowing of the scope of the activities related to the individual categories.

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 58a concerning the adaptations of the lists of activities set out in Annex IV which are the subject of recognition of professional experience pursuant to Article 16 with a view to updating or clarifying the nomenclature, provided that this **involves neither a** narrowing of the scope of the activities related to the individual categories **nor the moving of individual activities from one list in Annex IV to another.**

Amendment 88

Proposal for a directive

Article 1 – point 14 a (new)

Directive 2005/36/EC

Chapter III – title

Text proposed by the Commission

Amendment

(14a) The title of Chapter III is replaced by the following:

"Recognition on the basis of a common set of training conditions and levels"

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Amendment 89

Proposal for a directive

Article 1 – point 15

Directive 2005/36/EC
Article 21

Text proposed by the Commission

(15) In Article 21, **paragraphs** 4, 6 and 7 are deleted.

Amendment

(15) In Article 21, **paragraph** 4, **the second and third subparagraphs of paragraph** 6, and **paragraph** 7 are deleted.

Amendment 90

Proposal for a directive

Article 1 – point 15 a (new)

Directive 2005/36/EC

Article 21 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(15a) The following paragraph is inserted:

"(4a) Member States shall not be required, however, to accept evidence of formal qualifications of pharmacists referred to in point 5.6.2 of Annex V, in connection with the establishment of new public pharmacies. For the purposes of this paragraph, pharmacies which have been open for less than three years shall also be regarded as new pharmacies."

Amendment 91

Proposal for a directive

Article 1 – point 16

Directive 2005/36/EC

Article 21a – paragraph 4

Text proposed by the Commission

Amendment

4. Where the Commission considers that the notified acts referred to in paragraph 1 are not in compliance with this Directive, it shall adopt an implementing decision on that non-compliance, within six months of receiving all necessary information.

4. Where the Commission considers that the notified acts referred to in paragraph 1 are not in compliance with this Directive, it shall adopt an implementing decision on that non-compliance, within six months of receiving all necessary information, ***in***

accordance with the procedure referred to in Article 58.

Amendment 92

Proposal for a directive

Article 1 – point - 17 (new)

Directive 2005/36/EC

Article 22 – paragraph 1

Text proposed by the Commission

Amendment

(-17) In Article 22(1) the following point is added:

"(c) By ... *Member States shall introduce schemes for mandatory continuing education and training for doctors of medicine, medical specialists, nurses responsible for general care, dental practitioners, specialised dental practitioners, midwives and pharmacists."

****OJ: please insert the date: five years after the entry into force of this Directive***

Amendment 93

Proposal for a directive

Article 1 – point 17

Directive 2005/36/EC

Article 22 – paragraph 2 (new)

Text proposed by the Commission

Amendment

(17) In Article 22, the following ***paragraph 2 is*** added:

"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

(17) In Article 22, the following ***second and third paragraphs are*** added:

"For the purposes of ***points (b) and (c)*** 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 ***assessment*** reports to the Commission and to the other Member States ***for the purposes of***

procedures related to doctors of medicine, medical specialists, nurses responsible for general care, dental practitioners, specialised dental practitioners, veterinary surgeons, midwives and pharmacists."

optimising the continuing education and training related to doctors of medicine, medical specialists, nurses responsible for general care, dental practitioners, specialised dental practitioners, veterinary surgeons, midwives and pharmacists.

Establishments providing continuous education or training shall be assessed by a body listed on the European Quality Assurance Register (EQAR), which shall forward its conclusions to the Commission and the Member State concerned."

Amendment 94

Proposal for a directive

Article 1 – point 18 b a (new)

Directive 2005/36/EC

Article 24 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(ba) The following paragraph is inserted:

"4a. This Directive shall not under any circumstances constitute grounds for reducing the training requirements already applicable in the Member States to general medical training."

Amendment 95

Proposal for a directive

Article 1 – point 19 – point a a (new)

Directive 2005/36

Article 25 – paragraph 2

Text proposed by the Commission

Amendment

(aa) Paragraph 2 is replaced by the following:

"2. The Member States shall ensure that specialist medical training meet the following basic conditions:

(a) it has a duration of at least five years, which may, as a complement, be expressed with the equivalent ECTS credits. Such training shall be given under the supervision of the competent authorities or bodies. It shall include personal participation of the trainee specialised doctor in the activity and responsibilities entailed by the services in question;

(b) it provides assurance that the trainee specialised doctor has acquired competences in the following fields:

(i) communication;

(ii) problem solving;

(iii) applying knowledge and science;

(iv) patient examination;

(v) patient management/treatment;

(vi) using the social and community context of healthcare; and

(vii) self reflection."

Amendment 96

Proposal for a directive

Article 1 – point 19 – point b

Directive 2005/36/EC

Article 25 – paragraph 3 a – subparagraph 1

Text proposed by the Commission

(3a) Member States may lay down in their national legislations partial exemptions from parts of the specialist medical training, if that part of the training has been followed already during the completion of another specialist training programme which is listed in point 5.1.3 of Annex V and provided that the former specialist qualification has already been obtained by the professional ***in that Member State***. Member States shall ensure that the granted exemption is not more than one-third of the minimum duration of specialist

Amendment

(3a) Member States may lay down in their national legislations partial exemptions from parts of the specialist medical training, ***to be applied on a case-by-case basis***, if that part of the training has been followed already during the completion of another specialist training programme which is listed in point 5.1.3 of Annex V and provided that the former specialist qualification has already been obtained by the professional. Member States shall ensure that the granted exemption is not more than one-third of the minimum

medical training courses as referred to in point 5.1.3 of Annex V.

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

Amendment 97

Proposal for a directive

Article 1 – point 19 – point c

Directive 2005/36/EC

Article 25 – paragraph 5

Text proposed by the Commission

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.

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 58a concerning the adaptations of the training **requirements** referred to in point 5.1.3 of Annex V to scientific and technical progress.

Amendment 98

Proposal for a directive

Article 1 – point 20 – introductory part

Directive 2005/36/EC

Article 26

Text proposed by the Commission

20) **In** Article 26, **the second paragraph** is replaced by the following:

Amendment

20) Article 26 is replaced by the following:

Amendment 99

Proposal for a directive

Article 1 – point 20

Directive 2005/36/EC

Article 26 – paragraph 2

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts in accordance with Article 58a concerning the inclusion in point 5.1.3 of Annex V of new medical specialties common to at least one third of the Member States with a view to updating

Amendment

Evidence of formal qualifications as a specialised doctor referred to in Article 21 is such evidence awarded or recognised by the competent authorities or bodies referred to in Annex V, point 5.1.2 as corresponds, for the specialised

this Directive in the light of changes in national legislation.

training in question, to the titles in use in the various Member States and referred to in Annex V, point 5.1.3.

The Commission shall be empowered to adopt delegated acts in accordance with Article 58a concerning the inclusion in point 5.1.3 of Annex V of new medical specialties common to at least one third of the Member States with a view to updating this Directive in the light of changes in national legislation.

Amendment 100

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

Text proposed by the Commission

1. Admission to training for nurses responsible for general care shall be contingent upon completion of general education of 10 years, as attested by a diploma, certificate or other evidence issued by the competent authorities or bodies in a Member State or by a certificate attesting success in an examination, of an equivalent level, *for admission to a school of nursing.*

Amendment

1. Admission to training for nurses responsible for general care shall be contingent upon:

(a) possession of a diploma, certificate or other evidence of qualification giving access, on the basis of general education of 12 years, to universities or higher education institutes of a level recognised as equivalent; or

(b) completion of general education of at least 10 years, as attested by a diploma, certificate or other evidence issued by the competent authorities or bodies in a Member State or by a certificate attesting success in an examination, of an equivalent level, and giving access to a vocational school of nursing.

Amendment 101

Proposal for a directive

Article 1 – point 22 – point c a (new)

Directive 2005/36/EC

Article 31 – paragraph 4

Text proposed by the Commission

Amendment

(ca) Paragraph 4 is replaced by the following:

"4. Theoretical training is that part of nurse training from which trainee nurses acquire the professional knowledge, skills *and competences required under paragraphs 6 and 6a*. The training shall be given by teachers of nursing care and by other competent persons, *at universities, at higher education institutes of a level recognised as equivalent or at vocational schools of nursing.*"

Amendment 102

Proposal for a directive

Article 1 – point 22 – point c b (new)

Directive 2005/36/EC

Article 31 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

(cb) Paragraph 5 is replaced by the following:

"(5) Clinical *education* is that part of nurse training in which trainee nurses learn, as part of a team and in direct contact with a healthy or sick individual and/or community, to organise, dispense and evaluate the required comprehensive nursing care, on the basis of the knowledge, skills *and competences* which they have acquired. The trainee nurse shall learn not only

how to work in a team, but also how to lead a team and organise overall nursing care, including health education for individuals and small groups, within the health institute or in the community."

Amendment 103

Proposal for a directive

Article 1 – point 22 – point c c (new)

Directive 2005/36/EC

Article 31 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

(ca) The following paragraph is inserted:

"6a. Formal qualifications as a general care nurse shall provide evidence that the person in question is able to apply at least the following knowledge, skills and core competences regardless of whether the training took place at a university, a higher education institute at a level recognised as equivalent or at a vocational school of nursing:

(a) competence to independently diagnose the nursing care required using current theoretical and clinical knowledge and to plan, organise and implement nursing care when treating patients on the basis of the knowledge and skills acquired in accordance with points (a), (b) and (c) of paragraph 6;

(b) competence to work together effectively with other actors in the health sector, including participation in the practical training of health personnel on the basis of the knowledge and skills acquired in accordance with points (d) and (e) of paragraph 6;

(c) competence to empower individuals, families and groups towards healthy lifestyles and self-care on the basis of the knowledge and skills acquired in accordance with points (a) and (b) of

paragraph 6;

(d) competence to independently initiate life-preserving immediate measures and to carry out measures in crises and disaster situations;

(e) competence to independently give advice to, instruct and support persons needing care and their attachment figures;

(f) competence to independently assure quality of and to evaluate nursing care;

(g) competence to comprehensively communicate professionally and to cooperate with members of other professions in the health sector."

Amendment 104

Proposal for a directive

Article 1 – point d

Directive 2005/36/EC

Article 31 – paragraph 7

Text proposed by the Commission

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

(a) the adequacy of knowledge of the sciences of general nursing, as referred to in point (a) of paragraph 6, in line with scientific and technological progress as well as the necessary competences such knowledge should entail in line with scientific and technological progress and recent developments in education;

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

Amendment

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

a) the adequacy of knowledge of the sciences of general nursing, as referred to in point (a) of paragraph 6 **and paragraph 6a**, in line with scientific and technological progress as well as the necessary competences such knowledge should entail in line with scientific and technological progress and recent developments in education;

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

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

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

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

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

Amendment 105

Proposal for a directive

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

Directive 2005/36/EC

Article 33 – paragraph 2

Text proposed by the Commission

Amendment

(aa) Paragraph 2 is deleted;

Amendment 106

Proposal for a directive

Article 1 – point 23 – point b

Directive 2005/36/EC

Article 33 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall recognise evidence of formal qualifications in nursing awarded in Poland, to nurses who completed training before 1 May 2004, which did not comply with the minimum training requirements laid down in Article 31, attested by the diploma “bachelor” which has been obtained on the basis of a special upgrading programme contained in Article 11 of the Act of 20 April 2004 on the

3. Member States shall recognise evidence of formal qualifications in nursing awarded in Poland, to nurses who completed training before 1 May 2004, which did not comply with the minimum training requirements laid down in Article 31, attested by the diploma ‘bachelor’ which has been obtained on the basis of a special upgrading programme contained in Article 11 of the Act of 20 April 2004 on the

amendment of the Act on professions of nurse and midwife and on some other legal acts (Official Journal of the Republic of Poland of 30 April 2004 No 92, pos. 885), and the **Regulation of the Minister of Health of 12 April 2010 amending** the Regulation of the Minister of Health of 11 May 2004 on the detailed conditions of delivering studies for nurses and midwives, who hold a certificate of secondary school (final examination - matura) and are graduates of medical lyceum and medical vocational schools teaching in a profession of a nurse and a midwife (Official Journal of the Republic of Poland of **21 April 2010, No 65, pos. 420**), with the aim of verifying that the person concerned has a level of knowledge and competence comparable to that of nurses holding the qualifications which, in the case of Poland, are defined in point 5.2.2. of Annex V.

amendment of the Act on professions of nurse and midwife and on some other legal acts (Official Journal of the Republic of Poland of 30 April 2004 No 92, pos. 885), and the Regulation of the Minister of Health of 11 May 2004 on the detailed conditions of delivering studies for nurses and midwives, who hold a certificate of secondary school (final examination — matura) and are graduates of medical lyceum and medical vocational schools teaching in a profession of a nurse and a midwife (Official Journal of the Republic of Poland of **13 May 2004 No 110, pos. 1170, with further amendments**), replaced by **Article 55.2 of the Act of 15 July 2011 on professions of nurse and midwife (Official Journal of the Republic of Poland of 23 August 2011 No 174, pos. 1039)**, and the **Regulation of the Minister of Health of 14 June 2012 on the detailed conditions of delivering higher education courses for nurses and midwives who hold a certificate of secondary school (final examination – matura) and are graduates of a medical secondary school or a post-secondary school teaching in a profession of a nurse and a midwife (Official Journal of the Republic of Poland of 6 July 2012, pos. 770)**, with the aim of verifying that the person concerned has a level of knowledge and competence comparable to that of nurses holding the qualifications which, in the case of Poland, are defined in Annex V, point 5.2.2.

Amendment 107

Proposal for a directive

Article 1 – point 24 – point a

Directive 2005/36

Article 34 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Basic dental training shall comprise a total of at least five years of full-time

Amendment

2. Basic dental training shall comprise a total of at least five years of full-time

theoretical and practical study, which may *also* be expressed with the equivalent ECTS credits, comprising at least the programme described in Annex V, point 5.3.1 and given in a university, in a higher institute providing training recognised as being of an equivalent level or under the supervision of a university.

study, which may, *as a complement*, be expressed with the equivalent ECTS credits, *consisting of at least 5000 hours of theoretical and practical study*, and comprising at least the programme described in Annex V, point 5.3.1 and given in a university, in a higher institute providing training recognised as being of an equivalent level or under the supervision of a university.

Amendment 108

Proposal for a directive

Article 1 – point 25 – point a

Directive 2005/36/EC

Article 35 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Full-time specialist dental courses shall be of a minimum of three years' duration, which may also be expressed with the equivalent ECTS credits, and shall be supervised by the competent authorities or bodies. It shall involve the personal participation of the dental practitioner training to be a specialist in the activity and in the responsibilities of the establishment concerned.

Amendment

Full-time specialist dental courses shall be of a minimum of three years' duration, which may also be expressed *as an additional criterion* with the equivalent ECTS credits, and shall be supervised by the competent authorities or bodies. It shall involve the personal participation of the dental practitioner training to be a specialist in the activity and in the responsibilities of the establishment concerned.

Amendment 109

Proposal for a directive

Article 1 – point 26 – point a

Directive 2005/36/EC

Article 38 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The training of veterinary surgeons shall comprise a total of at least five years of full-time theoretical and practical study, which may also be expressed with the equivalent ECTS credits, at a university or

Amendment

The training of veterinary surgeons shall comprise a total of at least five years of full-time theoretical and practical study, which may also be expressed *as an additional criterion* with the equivalent

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

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

Amendment 110

Proposal for a directive

Article 1 – point 26 – point a a (new)

Directive 2005/36/EC

Article 38 – paragraph 3

Text proposed by the Commission

Amendment

(aa) Paragraph 3 is replaced by the following:

"3. Training as a veterinary surgeon shall provide an assurance that the person in question has acquired the following knowledge and skills:

(a) adequate knowledge of the sciences on which the activities of the veterinary surgeon are based;

(b) adequate knowledge of the structure and functions of healthy animals, of their husbandry, reproduction and hygiene in general, as well as their feeding, including the technology involved in the manufacture and preservation of foods corresponding to their needs;

(c) adequate knowledge of the behaviour and protection of animals;

(d) adequate knowledge of the causes, nature, course, effects, diagnosis and treatment of the diseases of animals, whether considered individually or in groups, including a special knowledge of the diseases which may be transmitted to humans;

(e) adequate knowledge of preventive medicine;

(ea) the skills required for the collection, packaging, conservation and transport of samples, the performance of basic laboratory tests and the interpretation of the test results;

(f) adequate knowledge of the hygiene and technology involved in the production, manufacture and putting into circulation of animal foodstuffs or foodstuffs of animal origin intended for human consumption, providing the skills required to understand and explain good farming hygiene practice and take part in ante- and post-mortem health inspections;

(fa) knowledge of the general principles of descriptive epidemiology, providing the skills required to take part in an epidemiological investigation;

(fb) the skills required to take part in programmes for the prevention and control of zoonotic, contagious, emerging and re-emerging diseases;

(fc) the skills required for responsible and sensible use of veterinary products intended for the prevention, treatment, control or eradication of agents harmful to animals or of animal diseases, in order to guard against the emergence of a resistance to antibiotics or other products, to ensure the safety of the food chain and to protect the environment and animal health;

(fd) knowledge of the health issues involved in removing and processing carcasses and waste from health care activities carrying a risk of infection and the skills required to sterilise the necessary equipment and carry out surgical operations under appropriate aseptic conditions;

(fe) the skills required to certify the health status of individual animals or groups of animals with respect to diseases, in accordance with ethical and professional standards;

(g) adequate knowledge of the laws, regulations and administrative provisions relating to the subjects listed above;

(h) adequate clinical and other practical experience under appropriate supervision.'

Amendment 111

Proposal for a directive
Article 1 – point 26 a (new)
Directive 2005/36/EC
Article 38 a (new)

Text proposed by the Commission

Amendment

(26a) The following Article is inserted:

"Article 38a

Veterinary specialisations

By ...*, the Commission shall examine whether, in addition to medical and dental specialisations, veterinary specialisations should also fall within the scope of Directive 2005/36/EC, provided they are regulated in at least one-third of the Member States, and, if necessary, put forward a legislative proposal."

OJ: please insert the date: two years after the entry into force of this Directive.

Amendment 112

Proposal for a directive
Article 1 – point 28
Directive 2005/36/EC
Article 41– paragraph 1 – points a-c

Text proposed by the Commission

Amendment

(a) full-time training of at least three years as a midwife;

(a) full-time training of at least three years as a midwife, *which may, as a complement, be expressed with the equivalent ECTS credits, consisting of at*

least 4500 hours of theoretical and practical training, with at least one-third of those hours being spent in direct clinical practice.;

(b) full-time training as a midwife of at least two years consisting of at least 3 600 hours, contingent upon possession of evidence of formal qualifications as a nurse responsible for general care referred to in Annex V, point 5.2.2;

(b) full-time training as a midwife of at least two years *which may, as a complement, be expressed with the equivalent ECTS credits*, consisting of at least 3 600 hours, contingent upon possession of evidence of formal qualifications as a nurse responsible for general care referred to in Annex V, point 5.2.2;

(c) full-time training as a midwife of at least 18 months consisting of at least 3 000 hours, contingent upon possession of evidence of formal qualifications as a nurse responsible for general care referred to in Annex V, point 5.2.2 and followed by one year's professional practice for which a certificate has been issued in accordance with paragraph 2."

(c) full-time training as a midwife of at least 18 months *which may, as a complement, be expressed with the equivalent ECTS credits*, consisting of at least 3 000 hours, contingent upon possession of evidence of formal qualifications as a nurse responsible for general care referred to in Annex V, point 5.2.2 and followed by one year's professional practice for which a certificate has been issued in accordance with paragraph 2.

Amendment 113
Proposal for a directive
Article 1 – point 28 a (new)
Directive 2005/36/EC
Article 42

Text proposed by the Commission

Amendment

(28a) Article 42 is replaced by the following:

"Article 42

Pursuit of professional midwife activities

1. The provisions of this section shall apply to the *autonomous* activities of midwives as defined by each Member State, without prejudice to paragraph 2, and pursued under the professional titles set out in Annex V, point 5.5.2.

2. The Member States shall ensure that midwives are able to gain access to and pursue at least the following activities:

(a) provision of sound information and advice on female reproductive health, including family planning;

(b) diagnosis of pregnancies, *assessing and* monitoring normal pregnancies, carrying out the *necessary* examinations;

(c) *advising or prescribing* on the examinations necessary for the earliest possible *identification* of pregnancies at risk;

(d) *establishing comprehensive parenthood and childbirth preparation programmes;*

(e) caring for and assisting the mother during labour *and immediately after birth* and monitoring the condition of the foetus in utero by the appropriate clinical and technical means;

(f) conducting spontaneous deliveries including where required episiotomies, *suturing* and breech deliveries;

(g) recognising the warning signs of abnormality in the mother or infant which necessitate referral to *a specialist health professional* and assisting the latter where appropriate; taking the necessary emergency measures in the doctor's absence, in particular the manual removal of the placenta, possibly followed by manual examination of the uterus;

(h) examining and caring for the newborn infant; taking all initiatives which are necessary in case of need and carrying out where necessary immediate resuscitation;

(i) caring for and monitoring the progress of the mother in the post-natal period and giving all necessary advice to the mother on infant care to enable her to ensure the optimum progress of the

new-born infant;

(j) carrying out treatment prescribed by doctors *and prescribing the medicines necessary as part of the exercise of the midwife profession;*

(k) drawing up the necessary *clinical and legal documents.*"

Amendment 114

Proposal for a directive

Article 1 – point 29 a (new)

Directive 2005/36/EC

Article 43 – paragraph 3

Text proposed by the Commission

Amendment

(29a) In Article 43, paragraph 3 is deleted;

Amendment 115

Proposal for a directive

Article 1 – point 29 b (new)

Directive 2005/36/EC

Article 43 – paragraph 4

Text proposed by the Commission

Amendment

(29b) Article 43(4) is replaced by the following:

"4. Member States shall recognise evidence of formal qualifications in midwifery awarded in Poland, to midwives who completed training before 1 May 2004, which did not comply with the minimum training requirements laid down in Article 40, attested by the diploma 'bachelor' which has been obtained on the basis of a special upgrading programme contained in Article 11 of the Act of 20 April 2004 on the amendment of the Act on professions of nurse and midwife and on some other

legal acts (Official Journal of the Republic of Poland of 30 April 2004 No 92, pos. 885), and the Regulation of the Minister of Health of 11 May 2004 on the detailed conditions of delivering studies for nurses and midwives, who hold a certificate of secondary school (final examination — matura) and are graduates of medical lyceum and medical vocational schools teaching in a profession of a nurse and a midwife (Official Journal of the Republic of Poland of 13 May 2004 No 110, pos. 1170, with further amendments), replaced by Article 55.2 of the Act of 15 July 2011 on professions of nurse and midwife (Official Journal of the Republic of Poland of 23 August 2011 No 174, pos. 1039), and the Regulation of the Minister of Health of 14 June 2012 on the detailed conditions of delivering higher education courses for nurses and midwives who hold a certificate of secondary school (final examination – matura) and are graduates of a medical secondary school or a post-secondary school teaching in a profession of a nurse and a midwife (Official Journal of the Republic of Poland of 6 July 2012, pos. 770), with the aim of verifying that the person concerned has a level of knowledge and competence comparable to that of midwives holding the qualifications which, in the case of Poland, are defined in Annex V, point 5.5.2."

Amendment 116

Proposal for a directive
Article 1 – point 30 – point a
Directive 2005/36/EC
Article 44 – paragraph 2

Text proposed by the Commission

Evidence of formal qualifications as a pharmacist shall attest to training of at least

Amendment

Evidence of formal qualifications as a pharmacist shall attest to training of at least

five years' duration, which may also be expressed with the equivalent ECTS credits, including at least:

five years' duration, which may also be expressed *as an additional criterion* with the equivalent ECTS credits, including at least:

Amendment 117

Proposal for a directive

Article 1 – point 30 – point a

Directive 2005/36/EC

Article 44 – paragraph 2 – point b

Text proposed by the Commission

(b) at the end of the theoretical and practical training, a six-month traineeship in a pharmacy which is open to the public or in a hospital under the supervision of that hospital's pharmaceutical department.

Amendment

(b) **during or** at the end of the theoretical and practical training, a six-month traineeship in a pharmacy which is open to the public or in a hospital under the supervision of that hospital's pharmaceutical department.

Amendment 118

Proposal for a directive

Article 1 – point 31

Directive 2005/36/EC

Article 45 – paragraph 2

Text proposed by the Commission

(31) **In** Article 45(2), the following *point (h)* is added:

Amendment

(31) Article 45(2) **is replaced by** the following:

"2. The Member States shall ensure that the holders of evidence of formal qualifications in pharmacy at university level or a level deemed to be equivalent, which satisfies the provisions of Article 44, are able to gain access to and pursue at least the following activities, subject to the requirement, where appropriate, of supplementary professional experience:

(a) preparation of the pharmaceutical form of medicinal products;

(b) manufacture and testing of medicinal products;

(h) *report the* adverse reactions of pharmaceutical products to the competent authorities.

(c) testing of medicinal products in a laboratory for the testing of medicinal products;

(d) storage, preservation and distribution of medicinal products at the wholesale stage;

(e) *supply*, preparation, testing, storage and *distribution of safe and high-quality* medicinal products in pharmacies open to the public;

(f) preparation, testing, storage and dispensing of medicinal products in hospitals;

(g) *monitoring of medicinal treatments and provision of information and advice on medicinal products and health-related issues, in cooperation with medical practitioners;*

(h) *reporting of* adverse reactions of pharmaceutical products to the competent authorities;

(ha) *personalised support for patients who administer their own medication;*

(hb) *contribution to institutional public health campaigns."*

Amendment 119
Proposal for a directive
Article 1 – point 32
Directive 2005/36/EC
Article 46 – paragraph 1

Text proposed by the Commission

1. *The duration of the training as an architect must be at least six years which may also be expressed with the equivalent ECTS credits. The training in a Member State shall comprise any of the following:*

(a) at least *four years* of full-time study at a university or comparable *teaching* institution *leading to successful completion of a university-level*

Amendment

1. *Training as an architect shall comprise:*

(a) *a total of* at least *five years* of full-time study at a university or a comparable *teaching* institution. *It must lead to successful completion of a university-level*

examination and at least two years of remunerated traineeship;

(b) at least five years of full-time study at a university or comparable teaching institution leading to successful completion of a university-level examination and at least one year of remunerated traineeship.

examination, or

(b) not less than four years of full-time study at a university or a comparable teaching institution leading to successful completion of a university-level examination accompanied by a certificate attesting to the completion of two years of traineeship in accordance with paragraph 5.

Amendment 120

Proposal for a directive

Article 1 – point 32

Directive 2005/36/EC

Article 46 – paragraph 3

Text proposed by the Commission

3. The *remunerated* traineeship must be carried out in a Member State, under the supervision of a person *providing adequate guarantees regarding their ability to provide practical training. It must be undertaken after the completion of the study referred to in paragraph 1.* The completion of the *remunerated* traineeship must be attested to in a certificate accompanying the evidence of formal qualifications.

Amendment

3. The traineeship must be carried out in a Member State, under the supervision of *an architect or* a person or *body approved for that purpose by a competent authority which has adequately checked their ability to provide practical training.* The completion of the traineeship must be attested to in a certificate *issued by a competent authority and* accompanying the *official* evidence of formal qualifications.

Amendment 121

Proposal for a directive

Article 1 – point 35

Directive 2005/36/EC

Article 49 a – paragraph 1

Text proposed by the Commission

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

Amendment

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.

specific profession *or post-graduate speciality of a profession regulated under Chapter III of Title III. Requirements may include the number of ECTS credits, but ECTS credits shall not form the only criteria.* 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.

Amendment 122

Proposal for a directive

Article 1 – point 35

Directive 2005/36/EC

Article 49 a – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

(b) *the exercise of* the profession *and/or the training giving access to the profession* is regulated in at least one third of all Member States;

Amendment 123

Proposal for a directive

Article 1 – point 35

Directive 2005/36/EC

Article 49 a – paragraph 2 – point c

Text proposed by the Commission

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

Amendment

(c) the common set of knowledge, skills and competences combines the knowledge, skills and competences defined in the systems of education and training applicable in at least one third of all Member States; *in that regard it shall be irrelevant whether the knowledge, skills*

and competences have been acquired as part of a general training course at a university or higher education institution or as part of a vocational training course;

Amendment 124

Proposal for a directive

Article 1 – point 35

Directive 2005/36/EC

Article 49 a – paragraph 2 – point d

Text proposed by the Commission

(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 Council on the establishment of the European Qualifications Framework for lifelong learning(*)*;

Amendment

(d) the knowledge, skills and competences for such common training framework shall refer to *the* levels of *qualifications specified in Article 11*;

Amendment 125

Proposal for a directive

Article 1 – point 35

Directive 2005/36/EC

Article 49 a – paragraph 2 – point e

Text proposed by the Commission

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

Amendment

(e) the profession *or post-graduate speciality of a profession regulated under Chapter III of Title III* concerned are neither covered by another common training framework nor regulated already under Chapter III of Title III;

Amendment 126

Proposal for a directive

Article 1 – point 35

Directive 2005/36/EC
Article 49 a – paragraph 2 – point f

Text proposed by the Commission

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

Amendment

(f) the common training framework has been prepared following a transparent due process, ***which means that initiatives in that regard shall be published and undertaken in close co-operation with professional organisations and other representatives including, where applicable, in cooperation*** with stakeholders, from Member States where the profession is not regulated;

Amendment 127

Proposal for a directive

Article 1 – point 35

Directive 2005/36/EC

Article 49 a – paragraph 2 – point g

Text proposed by the Commission

(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.

Amendment

(g) the common training framework permits nationals from any Member State to be eligible for acquiring the qualification under such framework without ***first*** being required to be a member of any professional organisation or to be registered with such organisation.

Amendment 128

Proposal for a directive

Article 1 – point 35 a (new)

Directive 2005/36/EC

Article 49 a – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(35a) In Article 49a, the following paragraph is added:

"2a. The Commission shall consider

suggestions and draft documents submitted by professional associations and Member States in order to determine whether they meet the conditions laid down in paragraph 2 and shall call on all the Member States to assess the possible implications of introducing a common training framework and to identify the bodies to which such a framework can be offered. In that regard the Member States shall consider whether and to what extent such common training frameworks can be offered as part of a general training course at a university or higher education institution or as part of a vocational training course."

Amendment 129

Proposal for a directive

Article 1 – point 35 b (new)

Directive 2005/36/EC

Article 49 b – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(35b) In Article 49a, the following paragraph is added:

"3a. Exchange of information between competent authorities of different Member States under this Article shall take place via the IMI."

Amendment 130

Proposal for a directive

Article 1 – point 38

Directive 2005/36/EC

Article 53 – paragraph 2

Text proposed by the Commission

Amendment

A Member State shall ensure that *any controls of the knowledge of a language are* carried out *by* a competent authority

A Member State shall ensure that *the language check is* carried out *under the supervision of* a competent authority after

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.

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.

Amendment 131

Proposal for a directive

Article 1 – point 39

Directive 2005/36/EC

Article 55a – Title

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. *If there is no competent authority for a particular profession, Member States shall ensure that there is a recognised body that can undertake a language check.*

For professions with public health or patient safety implications, language checks covering all professionals concerned may be organised under the supervision of the competent authority.

That language check shall be carried out after the recognition of the professional qualifications but before granting access to the profession in question.

The language check shall be limited to the knowledge of one of the official languages of the place where the applicant seeks to be established or to provide services 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. Evidence provided by professionals attesting their knowledge of the language shall be taken into account. The person concerned shall be allowed to appeal such check before national courts.

Text proposed by the Commission

Amendment

Recognition of **remunerated** traineeship

Recognition of traineeship

Amendment 132

Proposal for a directive

Article 1 – point 39

Directive 2005/36/EC

Article 55a

Text proposed by the Commission

Amendment

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 access to a regulated profession, the home Member State shall recognise the traineeship pursued in another Member State and certified by a competent authority of that Member State. ***Member States may limit the maximum duration of a traineeship in another Member State. Recognition of the traineeship shall not replace an examination which must be passed in order to gain access to the profession in question.***

Amendment 133

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

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

Text proposed by the Commission

Amendment

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

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

Amendment 134

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

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

Text proposed by the Commission

Amendment

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

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

Amendment 135

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

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

Text proposed by the Commission

Amendment

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

deleted

Amendment 136

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

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

Text proposed by the Commission

Amendment

(ba) sectoral professions subject to recognition in accordance with Article 10;

Amendment 137

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

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

Text proposed by the Commission

Amendment

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

Amendment 138

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

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

Text proposed by the Commission

Amendment

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

Amendment 139

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

Article 56 a – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

The information referred to in the first subparagraph shall be sent at the latest within ***three days*** from the date of adoption of the decision prohibiting the professional concerned from exercising a professional activity.

The information referred to in the first subparagraph shall be sent at the latest within ***48 hours*** from the date of adoption of the decision ***restricting or*** prohibiting the professional concerned from exercising a professional activity ***via IMI***.

Amendment 140

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

Article 56 a– paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Paragraph 1 shall also apply to the exchange of data relating to applicants convicted of presenting false information, including presenting false evidence of training, education or professional experience.

Amendment 141

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

Article 56 a – paragraph 3

Text proposed by the Commission

Amendment

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.

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. ***In any event, the details contained in the alert shall be restricted to the identity of the professional, the date the alert was sent and, if applicable, length of restriction or prohibition.***

Amendment 142

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

Article 56 a – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Alerts and their content received from other Member States, competent authorities and professional bodies shall remain confidential unless data is made public in accordance with the national law of the Member State sending the alert.

Amendment 143

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

Article 56 a – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Data regarding alerts may only remain in IMI for as long as they are valid.

Amendment 144

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

Article 56 a – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. Alerts shall be deleted within 24 hours from the date of adoption of the revoking decision.

Amendment 145

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

Article 56 a – paragraph 5

Text proposed by the Commission

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.

Amendment

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

Amendment 146

Proposal for a directive

Article 1 – point 43

Directive 2005/36/EC

Article 57 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the following information is available online and regularly updated through the points of single contact:

Amendment

1. Member States shall ensure that the following information is available online and regularly updated through the **competent authorities or** points of single contact, **which shall have specialised support staff to provide advice to citizens, including advice provided in person:**

Amendment 147

Proposal for a directive

Article 1 – point 43

Directive 2005/36/EC

Article 57 – paragraph 1 – point a

Text proposed by the Commission

a) a list of all regulated professions within

Amendment

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;

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 **and points of single contact** referred to in Article 57b;

Amendment 148
Proposal for a directive
Article 1 – point 43
Directive 2005/36/EC
Article 57 – paragraph 2

Text proposed by the Commission

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***.

Amendment

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 ***updated as swiftly as possible***.

Amendment 149
Proposal for a directive
Article 1 – point 43
Directive 2005/36/EC
Article 57 – paragraph 3

Text proposed by the Commission

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.

Amendment

3. Member States ***must*** ensure that ***requests for information addressed to*** the points of single contact and the competent authorities ***are dealt with*** as quickly as possible. To this end, they may also refer such request for information to the assistance centers mentioned in Article 57b and inform the citizen concerned.

Amendment 150
Proposal for a directive
Article 1 – point 43

Directive 2005/36/EC
Article 57 – paragraph 4

Text proposed by the Commission

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.

Amendment 151

Proposal for a directive

Article 1 – point 44

Directive 2005/36/EC
Article 57 a – paragraph 1

Text proposed by the Commission

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.

Amendment 152

Proposal for a directive

Article 1 – point 44

Directive 2005/36/EC
Article 57 a – paragraph 4

Text proposed by the Commission

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

Amendment

Does not affect English version.

Amendment

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, *if they fall within the scope of Directive 2005/36/EC.*

Amendment

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 when *an* application has been submitted by a citizen *to* a point of single contact.

formalities set out in this Directive shall commence at the point when *a complete* application has been submitted by a citizen *via* a point of single contact *to the competent authority*.

Amendment 153

Proposal for a directive

Article 1 – point 45

Directive 2005/36/EC

Article 57 b– paragraph 1

Text proposed by the Commission

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.

Amendment

1. Each Member State shall designate *by...* * 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. *In addition, where the Member States consider it appropriate, the assistance centres may provide support services for the competent authority during the preliminary stage in preparing the documentation required in order to obtain the Professional Card and processing that documentation in accordance with Articles 4a(5) and 4b(2a).*

** OJ: please insert the date: two years after the entry into force of this Directive.*

Amendment 154

Proposal for a directive

Article 1 – point 46

Directive 2005/36/EC

Article 58 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. The Commission shall be assisted by a Committee on the recognition of professional qualifications, ***ensuring appropriate representation and consultation at both Union and national expert level***. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

Amendment 155

Proposal for a directive

Article 1 – point 47 a (new)

Directive 2005/36/EC

Article 58 a – paragraph – - 1 a (new)

Text proposed by the Commission

Amendment

- 1. When drawing up delegated acts, the Commission shall endeavour to consult the relevant stakeholders, which may include competent authorities, professional associations, scientific organisations, academia and social partners.

Amendment 156

Proposal for a directive

Article 1 – point 48

Directive 2005/36/EC

Article 59 – paragraph 1

Text proposed by the Commission

Amendment

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

1. Member States shall notify to the Commission a list of existing regulated professions ***in their territory*** by ... *. 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

Commission shall set up and maintain a publicly available database *for such information*.

database *of regulated professions, including general description of activities covered by each profession*.

** OJ: please insert the date: one year after the entry into force of this Directive*

Amendment 157

Proposal for a directive

Article 1 – point 48

Directive 2005/36/EC

Article 59 – paragraph 2 – point b

Text proposed by the Commission

(b) requirements must be justified by an overriding *reason relating to a public* interest;

Amendment

(b) requirements must be justified by an overriding *reasons of general* interest;

Amendment 158

Proposal for a directive

Article 1 – point 48 a (new)

Directive 2005/36/EC

Article 60 – paragraph 1 (new)

Text proposed by the Commission

Amendment

(48a) In Article 60(1) the following subparagraph is added:

"As from [insert the date] that statistical summary of decisions taken shall also include decisions to reject partial access adopted in accordance with Article 4f(2)."

Amendment 159

Proposal for a directive

Article 1 – point 48 b (new)

Directive 2005/36/EC

Article 60 – paragraphs 3 to 6 (new)

Text proposed by the Commission

Amendment

(48b) In Article 60, the following

paragraphs are added:

"3. The Commission shall draw a report on the European Professional Card as an instrument for mobility, not later than That report, if appropriate, may be accompanied with the legislative proposal*

*4. By ...**, the Commission shall adopt a legislative proposal providing for an alignment with the five levels provided for in Article 11 with the eight levels of the European Qualifications Framework as well as incorporation of the ECTS into the Union acquis.*

*5. By ...***, the Commission shall submit a report on whether the specific provisions contained in Article 33(3) and Article 33a should be maintained.*

*6. As from ...**** and every three years thereafter, the Commission shall report to the European Parliament and the Council on the results of the periodic review of the provisions of Annex V of this Directive, in accordance with the objectives and adaptation requirements provided for in Article 24(4), Article 25(5), Article 26(2), Article 31(2) and (7), Article 34(2) and (4), Article 35(4), Article 38(1) and (4), Article 40(1) and (4), Article 44(2) and (4), and Article 46(4)."*

** OJ: please insert the date: three years after the entry into force of this Directive.*

*** OJ: please insert the date: two years after the entry into force of this Directive*

**** OJ: please insert the date: two years after the entry into force of this Directive*

***** OJ: please insert the date: date of entry into force of this Directive*

EXPLANATORY STATEMENT

Professional mobility is fundamental to competitiveness and employment in Europe and forms an integral part of the 2020 Strategy and the Single Market Act. Nevertheless, the level of professional mobility remains low, owing to a lack of simple and clear rules governing the recognition of professional qualifications, despite the fact that a European legal framework has existed since the 1970s. As a result, most of the complaints made by EU citizens to the ‘Solvit’ assistance centres concern problems in securing recognition of their qualifications so that they can exercise their profession in another EU Member State.

The fundamental right to freedom of movement is still not regarded as self-evident, and this legislative proposal must play a part in changing that by simplifying the procedures which people wishing to work in another country have to complete, whilst maintaining a high level of quality and safety for consumers, patients, workers and all EU citizens and improving the level of trust between Member States.

If this simplification is to be achieved, and if this relationship of trust is to be established, the joint training requirements for the professions covered by the automatic recognition system will have to be regularly revised and, ultimately, the number of professions covered by the automatic system will have to be increased (at present only seven out of more than 800 regulated professions in the EU are covered).

This process must be seen as going hand in hand with the changes brought about by the Bologna process, which involves a gradual and flexible harmonisation of the criteria governing admission to training and the definitions of the content of training, whilst leaving the Member States and the establishments concerned free to organise training as they see fit. Efforts to improve the recognition of qualifications must be based on the outcome of that process and completely open consultation and coordination involving the competent authorities, professional associations, educational establishments and the social partners.

This is a key challenge which must be met if we want to exploit the full potential of the Single Market and if we want the concept of European citizenship to mean something in practice. This is why this recast proposal was identified following the adoption of the Single Market Act as one of the 12 instruments to stimulate growth and strengthen confidence among EU citizens.

This is also why your rapporteur welcomes the Commission proposal, which contains important ideas which can help us to meet the challenge of improving the recognition of qualifications, in particular the introduction of the European Professional Card, which your rapporteur has been calling for since 2007. Attention should also be drawn to the spirit of give and take between institutions and stakeholders which characterised the drafting process, resulting in a coherent text which has secured broad approval, even if some significant improvements are still needed.

SIMPLIFYING PROCEDURES

Your rapporteur welcomes the introduction, on a voluntary basis, of the European Professional Card. This procedure, which will take its place alongside the standard system, is based on the Internal Market Information System (IMI), and therefore involves no physical documents. The aim is to simplify procedures for both professionals and competent authorities, whilst guaranteeing a high level of reliability of the information forwarded, and to improve communication between Member States, thereby generating mutual trust.

In the first phase of implementation of the system, however, the deadlines for processing applications should be extended to ensure that the system functions as well as possible and offers a better quality of service. Training in the use of the new IMI functionalities should also be offered. Aside from these practical aspects, it should be emphasised that the European Professional Card can develop into an important symbol of professional mobility and a means of making European citizenship a reality.

As things stand, the shortcomings in the current system are a major source of problems and frustration for professionals wishing to work in another Member State. In order to help them complete the relevant formalities, it is essential that they should be able to draw on reliable and effective sources of information, so that the procedures can be speeded up. With that aim in view, your rapporteur regards it as vital to strengthen the role of the assistance centres and to ensure that the one-stop shops cover the whole of the territory of the EU, making them accessible to all professionals.

GUARANTEEING RELIABILITY, QUALITY AND SAFETY

One of the main obstacles to mobility is the lack of confidence felt by consumers, patients, competent authorities and professionals. This is linked to disparities in training, working methods and the criteria governing the exercise of a profession and the failure to acknowledge those disparities. This lack of confidence is particularly marked in the professions covered by the automatic recognition system, even though the common minimum training requirements in theory guarantee an adequate level of qualifications.

The proposal puts forward a number of ways of improving the situation, including the more systematic use of the possibilities offered by the IMI and the European Professional Card, in particular the validation of documents by the competent authority of the home Member State and the use of the alert mechanism in cases of disbarment, an arrangement which should be extended to cover professionals who submit forged documents in an effort to obtain recognition of their qualifications.

In more general terms, mutual confidence in levels of qualifications can be strengthened by regular updating and upward harmonisation of training requirements, which calls for regular consultation of stakeholders with a view to revising the annexes to the directive in strict compliance with the principle of autonomy as regards the practical organisation of training.

In that connection, your rapporteur welcomes the proposals to update the training requirements for the professions of nurse, midwife, pharmacist and architect, whilst acknowledging the problems which this process of adjustment may cause in some Member States.

As regards the professions not covered by the automatic recognition system, the new provisions on common training frameworks and common tests are likely to give rise to a range of expectations which reflect the disappointment felt at the failure of the existing common platform. Your rapporteur takes the view that these tools, if used wisely on the basis of broad consultation, can serve as an effective link between the general and the automatic recognition system and thus facilitate mobility whilst guaranteeing a high level of quality and mutual trust.

The directive could also introduce a mechanism for checking the quality of the training given by establishments in the light of the requirements laid down in the directive, in order to guard against any doubts as to the true value of the training involved.

Thus, in the context of the exercise of a profession, language checking offers a guarantee which is fundamental to public safety, and to patient safety in particular. By the same token, a mechanism for checking the quality of the training given by establishments in the light of the requirements laid down in the directive could guard against any doubts as to the true value of the training involved.

Conversely, your rapporteur takes the view that provisions such as those on partial access or the extension to two years of the period of validity of the compulsory declaration are likely to create new doubts and uncertainties. Member States should therefore be allowed to refuse partial access to any profession with implications for public health, patient safety or health monitoring and, during the initial implementation phase, the deadline for processing applications should be extended so as to ensure optimum functioning of the system and a better quality of service.

Against the background of a financial, economic and social crisis the like of which it has not experienced since its inception, the EU must take steps to generate a new spirit of dynamism and innovation based on the values of unity, diversity and solidarity. For many EU citizens, and in particular young people, who have been affected to a worrying degree by unemployment, professional mobility may be the only way they have of creating a future for themselves and regaining trust in the European integration process.

This recast must achieve the goal of demonstrating to the Member States that by upholding the principles of subsidiarity and proportionality and by creating genuine value added in policy areas which have a major bearing on people's everyday lives EU legislation can help to strengthen citizenship and democracy in Europe.

18.10.2012

OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS

for the Committee on the Internal Market and Consumer Protection

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

Rapporteur: Licia Ronzulli

SHORT JUSTIFICATION

Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications consolidated and standardised the previously fragmented systems for recognising regulated professions.

The entry into force of this legislation had dual benefits, for both workers and companies. On the one hand, the directive promoted and facilitated the mobility of qualified workers in the European jobs market, helping to promote the development of cross-border services. The removal of several barriers to mobility has played a role in the building of the single European market. On the other, it has made it easier for professionals to become integrated into specific sectors in which there has sometimes been a large gap between supply and demand, thereby remedying – in some cases – the lack of skills.

This new situation has contributed to economic growth, boosted competitiveness and created new jobs.

However, the number of professionals who decide to pursue their profession in a Member State other than their own, is still limited and the current economic situation is having a negative effect on future prospects.

Mobility helps to considerably improve mutual knowledge among Member States, which can be enhanced only by taking a common approach with a view to ensuring a high quality of education and training.

The professions market is continually being updated and many traditional occupations are giving way to new qualifications which call for increasingly specific skills and knowledge.

The legal framework for the recognition of professional qualifications thus needs to be updated in order to ensure greater flexibility, genuine recognition of the real skills acquired by individual professionals and a reduction in administrative costs.

The proposal for the revision of Directive 2005/36/EC aims to simplify the rules concerning the mobility of professionals within the European Union; one of its innovative aspects relates to the introduction of a European Professional Card which would not only simplify and speed up the recognition of qualifications but would also lead to reduced administrative costs.

The new text proposes that minimum training requirements be updated for doctors, pharmacists, nurses, midwives, veterinary surgeons and architects, to take account of how those professions and the relevant training for them has evolved.

Member States will also have to furnish a list of the regulated professions, providing justification for the need for such regulation. The ultimate aim is to avoid setting up artificial barriers to the free movement of persons.

One way to encourage mobility, especially for the younger generations, could be to focus on merit and competition in the liberal professions, lowering the barriers to entry and reducing the areas of activity reserved exclusively for those who are on registers or lists.

AMENDMENTS

The Committee on Employment and Social Affairs calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a directive Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Modernizing the system for recognizing professional qualifications is vital to spur economic growth and innovation, add more flexibility to the labour market and respond to demographic shortages and structural unemployment in the EU.

Amendment 2

Proposal for a directive Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The Commission should evaluate 5 years after the adoption of the European Professional Card the impact of making such a Professional Card compulsory and indicate whether further action seems advisable at a later stage.

Amendment 3

Proposal for a directive Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) The card should meet specific safety and data protection conditions, the necessary safeguards against abuse and data fraud need to be established.

Amendment 4

Proposal for a directive Recital 4

Text proposed by the Commission

Amendment

(4) Directive 2005/36/EC only applies to professionals who want to pursue the same profession in another Member State. There are cases where the activities concerned are part of a profession with a larger scope of activities in the host Member State. If the differences between the fields of activity are so large that in reality a full programme of education and training is required from the professional to compensate for shortcomings and if the professional so requests, a host Member State should under these particular circumstances grant partial

(4) Directive 2005/36/EC only applies to professionals who want to pursue the same profession in another Member State. There are cases where the activities concerned are part of a profession with a larger scope of activities in the host Member State. If the differences between the fields of activity are so large that in reality a full programme of education and training is required from the professional to compensate for shortcomings and if the professional so requests, a host Member State should under these particular circumstances grant partial

access. However, in case of overriding reasons *of general* interest, such as *in the case of a doctor of medicine or other health professionals*, a Member State should be able to refuse partial access.

access. However, in case of overriding reasons *relating to the public* interest, such as *patient safety or consumer protection*, a Member State should be able to refuse partial access. *In such a case, Member States may refuse to apply the principle of partial access to certain professions such as professions providing health services or otherwise related to public health.*

Amendment 5
Proposal for a directive
Recital 7

Text proposed by the Commission

Amendment

(7) Directive 2005/36/EC should also cover notaries. For recognition requests for establishment, Member States should be able to impose the necessary aptitude test or adaptation period to avoid any discrimination in the national selection and nomination procedures. In the case of free provision of services, notaries should not be able to draw up authentic instruments and carry out other activities of authentication which require the seal of the host Member State.

deleted

Amendment 6

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) It seems necessary for notaries appointed by the Member States to areas under national jurisdiction, who are committed by law to proceed in an independent and unbiased manner and who ensure the legality of legislative acts and legal certainty in the context of preventive justice, to be excluded from the scope of the Directive. In view of the special tasks undertaken by notaries in

the justice system, neither the fundamental principle of the free movement of services nor recognition of professional qualifications gained abroad may apply to their profession.

Amendment 7
Proposal for a directive
Recital 9

Text proposed by the Commission

(9) Applications for recognition from professionals coming from non-regulating Member States have to be treated in the same way as those of professionals coming from a regulating Member State. Their qualifications have to be compared to the qualifications requested in the host Member State on the basis of the qualification levels in Directive 2005/36/EC. In case of substantial differences the competent authority should be able to impose compensation measures.

Amendment

(9) Applications for recognition from professionals coming from non-regulating Member States have to be treated in the same way as those of professionals coming from a regulating Member State. Their qualifications have to be compared to the qualifications requested in the host Member State on the basis of the qualification levels ***and objective criteria*** in Directive 2005/36/EC. In case of substantial differences the competent authority should be able to impose compensation measures. ***Any mechanisms for assessing theoretical and practical skills, which might be required for access to the profession as compensation measures, should guarantee and comply with the principles of transparency and impartiality.***

Amendment 8
Proposal for a directive
Recital 10

Text proposed by the Commission

(10) In the absence of harmonisation of the minimum training conditions for access to the professions governed by the general system, ***it should remain possible for*** the host Member State ***to impose*** a compensation measure. This measure should be proportionate and, in particular,

Amendment

(10) In the absence of harmonisation of the minimum training conditions for access to the professions governed by the general system, the host Member State ***should be guaranteed the option of establishing*** a compensation measure. This measure should be proportionate and, in particular,

take account of the knowledge, skills and competences gained by the applicant in the course of his professional experience or through lifelong learning. The decision imposing a compensatory measure should be **justified** in detail in order to enable the applicant to better understand his situation and to seek legal scrutiny before national courts under Directive 2005/36/EC.

take account of the knowledge, skills and competences gained by the applicant in the course of his professional experience or through lifelong learning. The **reasons for the** decision imposing a compensatory measure should be **set out** in detail in order to enable the applicant to better understand his situation and to seek legal scrutiny before national courts under Directive 2005/36/EC.

Amendment 9
Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Directive 2005/36/EC should promote a more automatic character of recognition of qualifications for those professions which do not currently benefit from it. This should take account of the competence of Member States to decide the qualifications required for the pursuit of professions in their territory as well as the contents and the organisation of their systems of education and professional training. Professional associations and organisations which are representative at national and Union level should be able to propose common training principles. It should take the form of a common test as a condition for acquiring a professional qualification, or training programmes based on a common set of knowledge, skills and competences. Qualifications obtained under such common training frameworks should automatically be recognised by Member States.

Amendment

(18) Directive 2005/36/EC should promote a more automatic character of recognition of qualifications for those professions which do not currently benefit from it. This should take account of the competence of Member States to decide the qualifications required for the pursuit of professions in their territory as well as the contents and the organisation of their systems of education and professional training. Professional associations and organisations which are representative at national and Union level should be able to propose common training principles. It should take the form of a common test as a condition for acquiring a professional qualification, or training programmes based on a common set of knowledge, skills and competences. Qualifications obtained under such common training frameworks should automatically be recognised by Member States.

Member States should be encouraged to develop a system to ensure all professionals regularly update their competencies and new required skills through Continuing Professional Development.

Amendment 10
Proposal for a directive
Recital 19

Text proposed by the Commission

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

Amendment

(19) Directive 2005/36/EC already provides for clear obligations for professionals to have the language skills ***that are necessary for pursuing their profession in the host Member State***. The review of that obligation has shown a need to clarify the role of competent authorities and employers notably in the interest of patients' ***and consumers'*** safety. Language controls for the jobs in question should not constitute grounds for excluding professionals from the labour market in the host Member State ***and should therefore be reasonable and necessary. The concept of reasonable and necessary should be defined in cooperation between the competent authorities, the national social partners and the national professional associations within a given sector.***

Justification

Necessary language skills should not be required in relation to patients only. Moreover, since an important right of employers is to decide on the criteria that employees should have for certain work, employers as part of the social partners should be included along with the competent authorities in the Member States in defining what is considered reasonable and necessary.

Amendment 11
Proposal for a directive
Recital 20

Text proposed by the Commission

(20) 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***

Amendment

(20) Graduates wishing to pursue a 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 ***guarantee*** the recognition of their

the recognition of their traineeship by the home Member State.

traineeship by the home Member State.

Justification

In some professions it is normal to complete unpaid traineeships. However, persons who undertake such traineeships should not be disadvantaged because they are not officially recognised.

Amendment 12

Proposal for a directive Recital 22

Text proposed by the Commission

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

Amendment

(22) 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 ***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 if a professional ***is temporarily or permanently removed from the right to practice or if any restrictions to practice or conditions on the right to practice have been imposed in their home or host 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 method provided for by that Directive. The alert procedure should

rights.

comply with Union law on the protection of personal data and other fundamental rights. ***Member States should be encouraged to publicly share information about their national arrangements for basic education and training and their quality assurance arrangements for the purposes of improving trust and confidence in Member States' education and training systems and to ensure that all relevant courses are compliant with the requirements of this Directive.***

Amendment 13

Proposal for a directive Recital 24

Text proposed by the Commission

(24) In order to supplement or amend certain non-essential elements of Directive 2005/36/EC, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of updating of Annex I, setting the criteria for the calculation of fees related to the European Professional Card, establishing the details of the documentation necessary for the European Professional Card, the adaptations of the list of activities set out in Annex IV, the adaptations of points 5.1.1 to 5.1.4, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.5.2, 5.6.2 and 5.7.1 of Annex V, clarifying the knowledge and skills for medical doctors, nurses responsible for general care, dental practitioners, veterinary surgeons, midwives, pharmacists and architects, adapting the minimum periods of training for specialist medical trainings and specialist dental training, the inclusion in point 5.1.3 of Annex V of new medical specialities, the amendments to the list set out in points 5.2.1, 5.3.1, 5.4.1, 5.5.1 and 5.6.1 of Annex V, inclusion in point 5.3.3

Amendment

(24) 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 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.

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 *representation and* consultations during its preparatory work, including *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.

Amendment 14

Proposal for a directive Recital 30 a (new)

Text proposed by the Commission

Amendment

(30a) This Directive is without prejudice to measures necessary to ensure a high level of health and consumer protection.

Amendment 15

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

Text proposed by the Commission

Amendment

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.

This Directive also establishes rules concerning partial access to a regulated profession and access to and recognition of traineeships pursued in another Member State.

Amendment 16

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2005/36/EC

Article 2 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. This Directive shall apply to all nationals of a Member State wishing to pursue a regulated profession or a traineeship in a Member State, including those belonging to the liberal professions¹, other than that in which they obtained their professional qualifications, on either a self-employed or employed basis.

¹ *In accordance with the definition of liberal professions given in the CJEU judgment of 11 October 2001 in the Adam case, C-267/99, source: European Court reports 2001, page I-07467.*

Justification

In some professions it is normal to complete unpaid traineeships. However, persons who undertake such traineeships should not be disadvantaged because they are not officially recognised.

Amendment 17

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2005/36/EC

Article 2 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

This Directive shall not apply to notaries appointed by the Member States by an official act of government.

Justification

Notaries are appointed by their national public authorities for the purpose of guaranteeing the lawfulness and legal certainty of instruments concluded between private individuals, and form part of the preventive justice system of the country in question. They are required by law to act in an independent and impartial way. Given the special nature of the ancillary role they play in the judicial system, it is not appropriate for the freedom to provide services and the recognition of professional qualifications to apply to their profession.

Amendment 18

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a – point i

Directive 2005/36/EC

Article 3 – paragraph 1 – point f

Text proposed by the Commission

(f) “professional experience”: the actual and lawful ***full-time or equivalent part-time*** pursuit of the profession concerned in a Member State;

Amendment

(f) “professional experience”: the actual and lawful pursuit of the profession concerned in a Member State; ***which facilitates in relation to a specific profession, the achievement of standards of knowledge, competence, ability and skills;***

Justification

The notion of full-time or part-time does not take into account the full range of time-options. Therefore it has a restricting effect. It should be ensured that any "actual and lawful pursuit" is considered as professional experience.

Amendment 19

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a – point ii

Directive 2005/36/EC

Article 3 – paragraph 1 – point j

Text proposed by the Commission

(j) ‘***remunerated*** traineeship’: the pursuit of supervised ***and remunerated*** activities, with a view to access to a regulated profession granted on the basis of an

Amendment

(j) ‘traineeship’: the pursuit of supervised activities, with a view to access to a regulated profession granted on the basis of an examination;

examination;

Justification

In some professions it is normal to complete unpaid traineeships. However, persons who undertake such traineeships should not be disadvantaged because they are not officially recognised.

Amendment 20

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a – point ii

Directive 2005/36/EC

Article 3 – paragraph 1 – point k

Text proposed by the Commission

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

Amendment

(k) 'European Professional Card': an electronic certificate issued to the professional ***by his home Member State or by an appropriate body***, proving the recognition of his qualifications ***and skills*** 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;

Amendment 21

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a – point ii

Directive 2005/36/EC

Article 3 – paragraph 1 – point l

Text proposed by the Commission

(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***.

Amendment

(l) “lifelong learning”: all general education, vocational education and training, non-formal education and informal learning undertaken throughout life, resulting in an improvement in ***competencies*** (knowledge, skills, ***attitudes*** and ***values***).

Amendment 22

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a – point ii

Directive 2005/36/EC

Article 3 – paragraph 1 – point 1 a (new)

Text proposed by the Commission

Amendment

(la) "continuing professional development": the means by which members of professional associations maintain, improve and broaden their knowledge and skills and develop the personal qualities required in their professional lives.

Amendment 23

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2005/36/EC

Article 4a – paragraph 5

Text proposed by the Commission

Amendment

5. Member States shall designate competent authorities for issuing European Professional Cards. Those authorities shall ensure an impartial, objective and timely processing of applications for European Professional Cards. 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.

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

Amendment 24

Proposal for a directive

Article 1 – paragraph 1 – point 5

Text proposed by the Commission

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.

Amendment

6. The Commission shall adopt implementing acts specifying European Professional Cards for specific professions, establishing the format of the European Professional Card, the translations necessary to support any application for issuing a European Professional Card and details for the assessment of applications, taking into account the particularities of each profession concerned. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 58. ***The Commission shall consult the competent national authorities and European and national level social partners and professional associations representing the sectoral professions of the related professions on the precise technicalities of the cards of specific professions. The Commission may also conduct pilot projects taking into account the particularities of each profession concerned.***

Amendment 25
Proposal for a directive
Article 1 – paragraph 1 – point 5
Directive 2005/36/EC
Article 4a – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Commission may introduce a European Professional Card by an implementing act provided that the following criteria are fulfilled:

- 1. the profession should be regulated in more than five Member States;***
- 2. the profession should have a high mobility potential within the European***

Union;

3. considerable interest should have been expressed by the professionals or professional associations.

The Commission shall support those Member States which wish to make the use of the European Professional Card compulsory for the professions for which it has been introduced. This process may be preceded by an impact assessment.

Amendment 26

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2005/36/EC

Article 4a – paragraph 7

Text proposed by the Commission

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.

Amendment

7. The administrative procedure to issue a European Professional Card shall not entail any additional cost for the individual professional.

Amendment 27

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2005/36/EC

Article 4b – paragraph 3

Text proposed by the Commission

1. The competent authority of the home Member State shall verify the application, create and validate a European Professional

Amendment

1. In sectors others than health and social care, the competent authority of the home Member State shall verify the application,

Card within two weeks from the date it receives a complete application. **It shall inform the applicant and the Member State in which the applicant envisages to provide services, of the validation of the European Professional Card. The transmission of the validation information to the host Member States concerned shall constitute the declaration provided for in Article 7.** The host Member State may not require a further declaration under Article 7 for the following two years.

create and validate a European Professional Card within two weeks from the date it receives a complete application. **The competent authority of the host Member State shall ensure the prior check of the complete application of the professional for temporary provision of service whether his or her qualifications are in conjunction with the national requirements of the host country on qualifications to provide the same service.** Member States shall **provide a list to the Commission on certain professions where working with the temporary mobility card and under the prior declaration regime must require a prior check of application.** The host Member State may not require a further declaration under Article 7 for the following two years, **unless overriding concerns are expressed.**

Amendment 28

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2005/36/EC

Article 4b – paragraph 4

Text proposed by the Commission

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

Amendment

4. The Commission may adopt implementing acts specifying the technical specifications, the measures necessary to ensure integrity, confidentiality and accuracy of information contained in the European Professional Card and in the IMI file, the conditions and the procedures for making available a European Professional Card to its holder, including the possibility of downloading it or submitting updates for the file. Those implementing acts shall be adopted in accordance with the **examination** procedure referred to in Article 58.

Amendment 29
Proposal for a directive
Article 1 – paragraph 1 – point 5
Directive 2005/36/EC
Article 4c – paragraph 1

Text proposed by the Commission

1. The competent authority of the home Member State shall verify the application, create and validate a European Professional Card within **two** weeks from the date it receives a complete application. It shall inform the applicant and the Member State in which the applicant envisages to provide services, of the validation of the European Professional Card. The transmission of the validation information to the host Member States concerned shall constitute the declaration provided for in Article 7. The host Member State may not require a further declaration under Article 7 for the following two years.

Amendment

1. The competent authority of the home Member State shall verify the application, create and validate a European Professional Card within **four** 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, ***unless justified overriding concerns are expressed.***

Two years after the entry into force of the provisions providing for a European Professional Card, the Commission shall complete an impact study designed to assess the duration of the procedure.

Amendment 30
Proposal for a directive
Article 1 – paragraph 1 – point 5
Directive 2005/36/EC
Article 4c – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 31
Proposal for a directive
Article 1 – paragraph 1 – point 5
Directive 2005/36/EC
Article 4d – paragraph 1

Text proposed by the Commission

1. **Upon** receipt of a complete application for a European Professional Card, the competent authority of the home Member State shall, within **two** weeks, verify and confirm the authenticity and validity of the submitted supporting documents, create the European Professional Card, transmit it for validation to the competent authority of the host Member State and inform that authority on the corresponding IMI file. The applicant shall be informed by the home Member State of the state of the procedure.

Amendment

1. ***In sectors other than health and social care, upon*** receipt of a complete application for a European Professional Card, the competent authority of the home Member State shall, within **four** 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. ***Two years after the entry into force of the provisions providing for a European Professional Card, the Commission shall complete an impact study designed to assess the duration of the procedure.***

Amendment 32

Proposal for a directive
Article 1 – paragraph 1 – point 5
Directive 2005/36/EC
Article 4d – paragraph 2

Text proposed by the Commission

2. In the cases referred to in Article 16, 21 and 49a, a host Member State shall decide on validation of a European Professional Card under paragraph 1 within one month as from the date of receipt of the European Professional Card transmitted by the home Member State. In case of justified doubts, the host Member State may request additional information from the home Member State. That request shall **not**

Amendment

2. In the cases referred to in Article 16, 21 and 49a, a host Member State shall decide on validation of a European Professional Card under paragraph 1 within 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 suspend

suspend the *period of* one month.

the one month *period*.

Amendment 33

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2005/36/EC

Article 4e – paragraph 1

Text proposed by the Commission

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.

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 *also* regarding disciplinary action or criminal *or administrative* 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 *shall* include the deletion of information which is no longer required. *Any updates shall be based on a prior decision by a court or a competent authority prohibiting a professional to pursue his or her professional activity.* The holder of the European Professional Card and the competent authorities involved in the corresponding IMI file shall be informed *without delay* of any updates by the competent authorities concerned.

Amendment 34

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2005/36/EC

Article 4e – paragraph 4

Text proposed by the Commission

4. The information included in the European Professional Card shall be limited to the information that is necessary to ascertain its holder's right to exercise the

Amendment

4. The information included in the European Professional Card shall be limited to the information that is necessary to ascertain its holder's right to exercise the

profession for which it has been issued, in particular name, surname, date and place of birth, profession, applicable regime, competent authorities involved, card number, security features and reference to a valid proof of identity.

profession for which it has been issued, in particular name, surname, date and place of birth, applicable regime, competent authorities involved, card number, security features, **education, formal professional qualifications and experiences, training courses of importance to public safety** and reference to a valid proof of identity.

Justification

In order for an employer to determine whether a service provider lives up to the requirements of a given job function, information on the service provider's education and completed training courses as well as professional experience should appear from the professional card.

Amendment 35

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2005/36/EC

Article 4e – paragraph 5

Text proposed by the Commission

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.

Amendment

5. Member States shall ensure that the holder of a European Professional Card has the right at any time **and at no cost** 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.

Amendment 36

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2005/36/EC

Article 4e – paragraph 7 – subparagraph 2

Text proposed by the Commission

The Commission shall adopt implementing acts specifying the conditions of access to the IMI file, the technical means and the

Amendment

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.

procedures for the verification referred to in the first subparagraph. Those implementing acts shall be adopted in accordance with the *examination* procedure referred to in Article 58.

Amendment 37

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2005/36/EC

Article 4f – paragraph 1 – introductory part

Text proposed by the Commission

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:

Amendment

1. The competent authority of the host Member State shall grant partial access to a professional activity in its territory, *after consulting with the relevant national social partners and professional associations representing the sectoral professions the applicant belongs to*, provided that the following conditions are fulfilled:

Amendment 38

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2005/36/EC

Article 4f – paragraph 1 – point a

Text proposed by the Commission

(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;

Amendment

(a) *the* differences *that subsist* between the professional activity legally exercised in the home Member State and the regulated profession in the host Member State as such are *objectively* so large that the *necessary* 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 *be able to benefit from full* access to the regulated profession in the host Member State;

Amendment 39

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2005/36/EC

Article 4f – paragraph 1 – point b

Text proposed by the Commission

(b) the professional activity can objectively be separated from other activities falling under the regulated profession in the host Member State.

Amendment

(b) the professional activity can objectively be separated from other activities falling under the regulated profession in the host Member State. ***During the overall assessment of whether the activity shall be deemed to be separable from other activities, the host Member State's competent authorities shall consider among other things whether the activity is exercised as an autonomous activity in the home Member State.***

Justification

The Commission's formulation in this article goes further than what the European Court of Justice decided in its ruling of 19th January 2006 (C-330/03(Colegio)). Whereas, the Commission is of the opinion that the Member state has to accept that an activity is separable when the activity can be exercised as an autonomous activity in the home Member State, the ECJ is less categorical saying that this criterion should constitute an essential element in the process of determining partial access.

Amendment 40

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2005/36/EC

Article 4f – paragraph 1 – point b – subparagraph 2

Text proposed by the Commission

1. 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.

Amendment

deleted

Justification

Following the changes in article 4f, point 1.

Amendment 41

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2005/36/EC

Article 4f – paragraph 2

Text proposed by the Commission

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

Amendment

2. ***Member States may refuse to apply the principle of partial access*** if such rejection is justified by an overriding reason of ***public*** interest, such as public health, ***patient safety or consumer protection***, it would secure the attainment of the objective pursued and it would not go beyond what is necessary.

Amendment 42

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2005/36/EC

Article 4f – paragraph 3

Text proposed by the Commission

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.

Amendment

3. ***In case of*** establishment in the host Member State, ***applications for establishment*** shall be examined in accordance with Chapters I and IV of Title III ***by the competent authorities of the Member State together with the relevant national social partners and professional associations representing the sectoral professions.***

Justification

The competent authorities in the Member states should involve the national social partners whenever providing partial access to a given service provider belonging to a sectoral profession that the social partners represent.

Amendment 43

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point a

Directive 2005/36/EC

Article 5 – paragraph 1 – point b – subparagraph 1

Text proposed by the Commission

(b) where the service provider moves, if he has pursued that profession in one or several Member States for at least two years during the last 10 years preceding the provision of services when the profession is not regulated in the Member State of establishment.

Amendment

(b) where the service provider moves, if he has pursued that profession in one or several Member States for at least two years during the last 10 years preceding the provision of services when the profession is not regulated in the Member State of establishment. ***The provision of services in the construction industry shall be excluded from this general freedom to provide services. The condition requiring two years' pursuit shall not apply when either the profession or the education and training leading to the profession is regulated.***

Justification

There is a danger that subcontractors in the construction industry would perform work in a Member State other than their own without having the requisite minimum qualifications. This must be ruled out in order to protect workers in the construction industry against social dumping.

Amendment 44

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point a

Directive 2005/36/EC

Article 5 – paragraph 1 – point b – subparagraph 2 – point b

Text proposed by the Commission

(b) the service provider is accompanying the service recipient, provided that the service recipient's habitual residence is in the service provider's Member State of establishment and the profession does not appear on the list referred to in Article 7(4).

Amendment

deleted

profession nor criminal convictions.

Amendment 47

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point a – point ii

Directive 2005/36/EC

Article 7 – paragraph 2 – point f

Text proposed by the Commission

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

Amendment

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

Amendment 48

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point a – point ii a (new)

Directive 2005/36/EC

Article 7 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

***ii a) the following point (fa) is added:
fa) for all professionals, proof of knowledge of the language of the host Member State.";***

Amendment 49

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point c

Directive 2005/36/EC

Article 7 – paragraph 4 – subparagraph 1

Text proposed by the Commission

4. For the first provision of services, in the case of regulated professions **having** public

Amendment

4. For the first provision of services, in the case of regulated professions **with**

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.

overriding reasons relating to the public interest, which do not benefit from automatic recognition under Chapter 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 damage to the health or safety of the service recipient, **the service provider or the public in general** due to a lack of professional qualification of the service provider and where this does not go beyond what is necessary for that purpose.

Justification

Exempting professions under chapter II of title III could have negative consequences for public health and safety, as the exemption would mean that self-employed and managers without prior qualification checks are allowed to perform services in another member state. Since many workers from abroad work as self-employed in the building and construction sector of some member states, exempting self-employed from prior checks could have severe implications for health and safety at work in this sector

Amendment 50

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point c

Directive 2005/36/EC

Article 7 – paragraph 4 – subparagraph 2

Text proposed by the Commission

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.

Amendment

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 **public interest** 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.

Justification

See justification to amendment 22 on recital 4

Amendment 51

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point c

2011/0435(COD)

Article 7 – paragraph 4 - subparagraph 3

Text proposed by the Commission

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.

Amendment

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 ***as quickly as possible*** following that notification and the decision finalised within the second month following resolution of the difficulty.

Amendment 52

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point c

Directive 2005/36/EC

Article 7 – paragraph 4 – subparagraph 4

Text proposed by the Commission

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

Amendment

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 ***the public interest***, the host Member State shall give the service provider the opportunity to show, in particular by means of an aptitude test, that

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.

he has acquired the knowledge or competence lacking. 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.

Justification

Informal learning ('learning by doing') is no substitute for formal training and further training (for example in the form of sandwich courses).

Amendment 53

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point c

Directive 2005/36/EC

Article 7 – paragraph 4 – subparagraph 5

Text proposed by the Commission

Amendment

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.

deleted

Amendment 54

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 2005/36/EC

Article 8 – paragraph 1

Text proposed by the Commission

Amendment

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

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.

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 **the public interest**. The competent authorities of the Member State of establishment shall provide that information in accordance with Article 56.

Justification

See justification to amendment 5 to recital 4.

Amendment 55

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive 2005/36/EC

Article 12 – paragraph 1

Text proposed by the Commission

Any evidence of formal qualifications or set of evidence of formal qualifications issued by a competent authority in a Member State, certifying successful completion of training in the Union, on a full or part-time basis, within **or outside** formal programs, which is recognised by that Member State as being of an equivalent level and which confers on the holder the same rights of access to or pursuit of a profession or prepares for the pursuit of that profession, shall be treated as evidence of formal qualifications of the type covered by Article 11, including the level in question.

Amendment

Any evidence of formal qualifications or set of evidence of formal qualifications issued by a competent authority in a Member State, certifying successful completion of training in the Union, on a full or part-time basis, within formal programs, which is recognised by that Member State as being of an equivalent level and which confers on the holder the same rights of access to or pursuit of a profession or prepares for the pursuit of that profession, shall be treated as evidence of formal qualifications of the type covered by Article 11, including the level in question.

Justification

Non-formal training ('learning by doing') cannot be equated with formal training involving performance assessments. The status of formal training would be jeopardised and the quality of services provided would be severely undermined.

Amendment 56

Proposal for a directive

Article 1 – paragraph 1 – point 11

Directive 2005/36/EC

Article 13 – paragraph 4

Text proposed by the Commission

Amendment

4. By derogation to paragraphs 1 and 2 of this Article, the competent authority of the host Member State may refuse access to and pursuit of the profession to holders of an attestation of competence where the national qualification required to exercise the profession on its territory is classified under points (d) or (e) of Article 11. **deleted**

Justification

Article 13(4) would prevent master craftsmen from engaging in cross-border activities. They belong in the category dealt with in Article 11c.

Amendment 57

Proposal for a directive

Article 1 – paragraph 1 – point 11 a (new)

Directive 2005/36/EC

Article 13 a (new)

Text proposed by the Commission

Amendment

(11 a) The following Article 13a is inserted:

"Article 13a

Where a Member State requires its own professionals to undertake and demonstrate continuing professional development, this Member State will also have the right of extending this requirement to professionals from other Member States intending to practice within its territory."

Amendment 58

Proposal for a directive

Article 1 – paragraph 1 – point 12 – point a

Directive 2005/36/EC

Article 14 – paragraph 1

Text proposed by the Commission

1. Article 13 shall not preclude the host Member State from requiring the applicant to complete an adaptation period of up to three years or to take an aptitude test if the training he has received covers substantially different matters with regard to professional activities than those covered by the training in the host Member State.

Amendment

1. Article 13 shall not preclude the host Member State from requiring the applicant to complete an adaptation period of up to three years or to take an aptitude test if the training he has received covers substantially different matters with regard to professional activities than those covered by the training in the host Member State, ***if the duration of the training of which it provides evidence is at least one year shorter than the minimum period required by the host Member State, and/or if in the host Member State the regulated profession comprises one or more regulated professional activities which do not exist in the corresponding profession in the applicant's Member State of origin, and if this difference consists in specific training which is required in the host Member State and which covers substantially different matters from those covered by the applicant's attestation of competence or evidence of formal qualifications.***

Justification

It is not clear why criteria (a) and (c) of Article 14(1) should no longer apply in the future. They have proved to be very effective instruments for the competent authorities in the Member States. The amendment seeks to ensure that criteria (a) and (c) are retained.

Amendment 59

Proposal for a directive

Article 1 – paragraph 1 – point 12 – point c

Directive 2005/36/EC

Article 14 – paragraph 3

Text proposed by the Commission

Amendment

(c) In paragraph 3, the following subparagraph is inserted after the first subparagraph:

deleted

"For the profession of notary, the host Member State may, when it determines the compensation measure, take into account the specific activities of this profession on its territory, in particular as regards the law to be applied."

Amendment 60

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2005/36/EC

Article 20

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 58a concerning ***the adaptations of*** the lists of activities set out in Annex IV which are the subject of recognition of professional experience pursuant to Article 16 with a view to updating or clarifying the nomenclature, provided that this does not involve any narrowing of the scope of the activities related to the individual categories.

The Commission shall be empowered to adopt delegated acts in accordance with Article 58a concerning ***additions to*** the lists of activities set out in Annex IV which are the subject of recognition of professional experience pursuant to Article 16 with a view to updating or clarifying the nomenclature, provided that this does not involve any narrowing of the scope of the activities related to the individual categories. ***Professional activities which have already been included in a given list shall not be moved to another.***

Amendment 61

Proposal for a directive

Article 1 – paragraph 1 – point 22 – point b

Directive 2005/36/EC

Article 31 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts in accordance with Article 58a concerning amendments to the list set out in point 5.2.1 of Annex V with a view to adapting it to the educational, scientific and technical progress.

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 58a concerning amendments to the list set out in point 5.2.1 of Annex V with a view to adapting it to the educational, scientific and technical progress, ***and the development and evolution of the nursing profession***".

Amendment 62

Proposal for a directive

Article 1 – paragraph 1 – point 22 – point c

Directive 2005/36/EC

Article 31 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The training of nurses responsible for general care shall comprise at least three years of study consisting of at least 4 600 hours of theoretical and clinical training, the duration of the theoretical training representing at least one third and the duration of the clinical training at least one half of the minimum duration of the training. Member States may grant partial exemptions to persons who have received part of their training on courses which are of at least an equivalent level.

Amendment

The training of nurses responsible for general care shall comprise at least three years of study, ***which may also be expressed with the equivalent ECTS credits***, consisting of at least 4 600 hours of theoretical and clinical training, the duration of the theoretical training representing at least one third and the duration of the clinical training at least one half of the minimum duration of the training. Member States may grant partial exemptions to persons who have received part of their training on courses which are of at least an equivalent level.

Amendment 63

Proposal for a directive

Article 1 – point 23 a (new)

Directive 2005/36/EC

Article 33 b (new)

Text proposed by the Commission

Amendment

(23a) The following Article 33b is

inserted:

"Article 33b

Transitional provisions

As from [insert date of the entry into force of this Directive], Member States shall have a period of six years within which to adapt their training systems to the new requirements of Article 31(1) concerning the requirement of 12 years of general education for nurses and midwives or success in an examination of an equivalent level."

Amendment 64

Proposal for a directive

Article 1 – paragraph 1 – point 24 – point a

Directive 2005/36/EC

Article 34 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Basic dental training shall comprise a total of at least five years *of full-time theoretical and practical study*, which may also be expressed with the equivalent ECTS credits, comprising at least the programme described in Annex V, point 5.3.1 and given in a university, in a higher institute providing training recognised as being of an equivalent level or under the supervision of a university.

Amendment 65

Proposal for a directive

Article 1 – paragraph 1 – point 30 – point a

Directive 2005/36/EC

Article 44 – paragraph 2 – point b

Text proposed by the Commission

(b) at the end of the theoretical and practical training, a six-month traineeship in a pharmacy which is open to the public

Amendment

Basic dental training shall comprise a total of at least five years, which may also be expressed with the equivalent *of 300 ECTS credits, and shall consist of at least 5000 hours of full-time theoretical and practical study*, comprising at least the programme described in Annex V, point 5.3.1 and given in a university, in a higher institute providing training recognised as being of an equivalent level or under the supervision of a university.

Amendment

(b) *during or* at the end of the theoretical and practical training, a six-month traineeship in a pharmacy which is open to

or in a hospital under the supervision of that hospital's pharmaceutical department.

the public or in a hospital under the supervision of that hospital's pharmaceutical department.

Amendment 66

Proposal for a directive

Article 1 – paragraph 1 – point 32

Directive 2005/36/EC

Article 46 – paragraph 1 – point a

Text proposed by the Commission

(a) at least four years of full-time study at a university or comparable teaching institution leading to successful completion of a university-level examination and at least two years of **remunerated** traineeship;

Amendment

(a) at least four years of full-time study at a university or comparable teaching institution leading to successful completion of a university-level examination and at least two years of traineeship;

Amendment 67

Proposal for a directive

Article 1 – paragraph 1 – point 32

Directive 2005/36/EC

Article 46 – paragraph 3

Text proposed by the Commission

3. The **remunerated** traineeship must be carried out in a Member State, under the supervision of a person providing adequate guarantees regarding their ability to provide practical training. It must be undertaken after the completion of the study referred to in paragraph 1. The completion of the **remunerated** traineeship must be attested to in a certificate accompanying the evidence of formal qualifications.

Amendment

3. The traineeship must be carried out in a Member State, under the supervision of a person providing adequate guarantees regarding their ability to provide practical training. It must be undertaken after the completion of the study referred to in paragraph 1. The completion of the traineeship must be attested to in a certificate accompanying the evidence of formal qualifications.

Amendment 68

Proposal for a directive

Article 1 – paragraph 1 – point 35

Directive 2005/36/EC

Article 49a – paragraph 2 – point d

Text proposed by the Commission

(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 Council on the establishment of the European Qualifications Framework for lifelong learning(*)*;

Amendment

(d) the knowledge, skills and competences for such common training framework shall refer to *the* levels of *Article 11 of this Directive*;

Article 11 shall not be applicable to the professions regulated under Annex V point 1.

Amendment 69

Proposal for a directive

Article 1 – paragraph 1 – point 35

Directive 2005/36/EC

Article 49a – paragraph 2 – point e

Text proposed by the Commission

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

Amendment

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

Amendment 70

Proposal for a directive

Article 1 – paragraph 1 – point 35

Directive 2005/36/EC

Article 49 a – paragraph 2 – point f

Text proposed by the Commission

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

Amendment

(f) the common training framework has been prepared following a transparent due process, including with *national social partners, professional associations representing the sectoral professions, and*

stakeholders from Member States where the profession is *regulated or* not regulated;

Amendment 71

Proposal for a directive

Article 1 – paragraph 1 – point 35

Directive 2005/36/EC

Article 49 b – paragraph 2 – point c

Text proposed by the Commission

(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;

Amendment

(c) the common training test has been prepared following a transparent due process, including with ***national social partners, professional associations representing the sectoral professions, and*** stakeholders from Member States where the profession is ***regulated or*** not regulated;

Amendment 72

Proposal for a directive

Article 1 – paragraph 1 – point 38

Directive 2005/36/EC

Article 53 – paragraph 2 – subparagraph 1

Text proposed by the Commission

A Member State shall ensure that any ***controls*** of the knowledge of a language are carried out by a competent authority ***after the decisions referred to in Articles 4d, 7(4) and 51(3) have been taken*** and if there is a serious and concrete doubt about the professional's sufficient language knowledge in respect of the professional activities this person intends to pursue.

Amendment

A Member State shall ensure that any ***verifications*** of the knowledge of a language are carried out by a competent authority ***free of charge for the applicant,*** and if there is a serious and concrete doubt about the professional's sufficient language knowledge in respect of the professional activities this person intends to pursue.

Amendment 73

Proposal for a directive

Article 1 – paragraph 1 – point 38

Directive 2005/36/EC
Article 53 – paragraph 2 – subparagraph 2

Text proposed by the Commission

In case of professions with patient safety implications, Member States may confer to the competent authorities the right to carry out language checking covering all professionals concerned if it is expressly requested by the national health care system, or in case of self-employed professionals not affiliated to the national health care system, by representative national patient organisations.

Amendment

In case of professions with **public health and patient safety or quality in education** 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 **or social partners. Language control performed by the competent authority shall be without prejudice to an employer's right to carry out further checks as appropriate.**

Amendment 74

Proposal for a directive

Article 1 – paragraph 1 – point 38

Directive 2005/36/EC

Article 53 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Any language **control shall be limited to the knowledge of one of the official languages of the Member State according to the choice of the person concerned**, it shall be proportionate to the activity to be pursued and free of charge for the professional. The person concerned shall be allowed to appeal such controls before national courts.

Amendment

Any language knowledge **verification** shall be proportionate to the activity to be pursued and free of charge for the professional. The person concerned shall be allowed to appeal such controls before national courts.

Amendment 75

Proposal for a directive

Article 1 – paragraph 1 – point 39

Directive 2005/36/EC

Article 55a – Title

Text proposed by the Commission

Amendment

Recognition of **remunerated** traineeship

Recognition of traineeship

Amendment 76

Proposal for a directive

Article 1 – paragraph 1 – point 39

Directive 2005/36/EC

Article 55a

Text proposed by the Commission

Amendment

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 access to a regulated profession, the home Member State shall **take proportionate account of** the traineeship pursued in another Member State and certified by a competent authority of that Member State.

Amendment 77

Proposal for a directive

Article 1 – paragraph 1 – point 42

Directive 2005/36/EC

Article 56a – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

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

1. The competent authorities of a Member State shall inform the competent authorities of all other Member States and the Commission about the identity of a professional who has been **temporarily or permanently removed** from the **right to practice in their home or host** Member State the following professional activities:

Amendment 78

Proposal for a directive

Article 1 – paragraph 1 – point 42

Directive 2005/36/EC
Article 56a – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) nurses recognised under the scope of Article 10;

Amendment 79

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

Text proposed by the Commission

Amendment

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

2. ***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 damage to the health or safety of persons, ***the public interest*** 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.

Justification

The alert mechanism should not be reserved for cases not covered by Directive 2006/123/EC but extended to all professionals in case of actions which may cause damage not only to the health and safety of persons or to the environment in another member state but the public interest as well.

Amendment 80

Proposal for a directive

Article 1 – paragraph 1 – point 44

Directive 2005/36/EC

Article 57a – paragraph 4

Text proposed by the Commission

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 when **an** application has been submitted by a citizen **to** a point of single contact.

Amendment

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 when **a complete** application has been submitted by a citizen **via** a point of single contact **to the competent authority**.

Amendment 81

Proposal for a directive

Article 1 – paragraph 1 – point 44

Directive 2005/36/EC

Article 57a – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The functioning of points of single contact shall be without prejudice to the allocation of functions and powers among the authorities within national systems.

Amendment 82

Proposal for a directive

Article 1 – paragraph 1 – point 46

Directive 2005/36/EC

Article 58 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall be assisted by a

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..

Committee on the recognition of professional qualifications, *ensuring appropriate representation and consultation at both European and national expert level*. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

PROCEDURE

Title	Amendment of Directive 2005/36/EC on the recognition of professional qualifications and of Regulation [...] on administrative cooperation through the Internal Market Information System
References	COM(2011)0883 – C7-0512/2011 – 2011/0435(COD)
Committee responsible Date announced in plenary	IMCO 19.1.2012
Opinion by Date announced in plenary	EMPL 19.1.2012
Rapporteur Date appointed	Licia Ronzulli 19.1.2012
Discussed in committee	20.6.2012 8.10.2012
Date adopted	9.10.2012
Result of final vote	+: 40 -: 2 0: 3
Members present for the final vote	Regina Bastos, Edit Bauer, Heinz K. Becker, Jean-Luc Bennahmias, Phil Bennion, Pervenche Berès, Vilija Blinkevičiūtė, Philippe Boulland, Milan Cabrnoch, Alejandro Cercas, Ole Christensen, Derek Roland Clark, Minodora Cliveti, Emer Costello, Karima Delli, Richard Falbr, Thomas Händel, Marian Harkin, Nadja Hirsch, Stephen Hughes, Danuta Jazłowiecka, Ádám Kósa, Jean Lambert, Patrick Le Hyaric, Veronica Lope Fontagné, Olle Ludvigsson, Thomas Mann, Elisabeth Morin-Chartier, Csaba Óry, Siiri Oviir, Konstantinos Poupakis, Sylvana Rapti, Licia Ronzulli, Elisabeth Schroedter, Joanna Katarzyna Skrzydlewska, Jutta Steinruck, Traian Ungureanu, Andrea Zannoni
Substitute(s) present for the final vote	Malika Benarab-Attou, Edite Estrela, Ingeborg Gräßle, Ria Oomen-Ruijten, Antigoni Papadopoulou, Csaba Sógor, Gabriele Zimmer

8.11.2012

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on the Internal Market and Consumer Protection

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

Rapporteur: Anja Weisgerber

SHORT JUSTIFICATION

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

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

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

Key aspects of the proposal

European Professional Card

The key provision of the Commission proposal is the introduction of a European Professional Card (EPC), as welcomed by Parliament in its resolution adopted in November 2011. The purpose of the EPC, which could be described as an electronic certificate, is to speed up and

simplify the recognition procedure and make it more transparent. The introduction of the EPC would be voluntary, at the request of the relevant professional association. If the EPC is introduced, then the use of the Internal Market Information System (IMI) would become mandatory.

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

Minimum requirements for professions covered by the automatic recognition system

At present seven professions, including six health professions, are covered by the automatic recognition system. The health professions concerned are those of doctor, dental practitioner, veterinary surgeon, nurse, midwife and pharmacist. Automatic recognition is based on the harmonisation of the content of training and the minimum requirements for obtaining a professional qualification in the Member States. On that basis, professional qualifications consistent with the provisions of Annex V to the directive must be recognised automatically and without further scrutiny in another Member State.

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

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

Partial access

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

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

Alert mechanism

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

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

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

Language requirements

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

AMENDMENTS

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

Amendment 1

Proposal for a directive Citation 1

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 2

Proposal for a directive

Recital 3

Text proposed by the Commission

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

Amendment

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

the integrity, authenticity and confidentiality of the data stored and avoid unlawful and unauthorised access to information contained therein.

the integrity, authenticity and confidentiality of the data stored and avoid unlawful and unauthorised access to information contained therein. ***Underlines that the practice of recognising a professional qualification under the card is an exclusive competence of the host Member State.***

Justification

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

Amendment 3

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) Directive 2005/36/EC only applies to professionals who want to pursue the same profession in another Member State. There are cases where the activities concerned are part of a profession with a larger scope of activities in the host Member State. If the differences between the fields of activity are so large that in reality a full programme of education and training is required from the professional to compensate for shortcomings and if the professional so requests, a host Member State should under these particular circumstances grant partial access. However, in case of overriding reasons of general interest, ***such as in the case of a doctor of medicine or other health professionals***, a Member State should be able to refuse partial access.

Amendment

(4) Directive 2005/36/EC only applies to professionals who want to pursue the same profession in another Member State. There are cases where the activities concerned are part of a profession with a larger scope of activities in the host Member State. If the differences between the fields of activity are so large that in reality a full programme of education and training is required from the professional to compensate for shortcomings and if the professional so requests, a host Member State should under these particular circumstances grant partial access. However, in case of overriding reasons of general interest ***involving patient safety*** a Member State should be able to refuse partial access. ***Partial access should not be granted to health professionals whose work has implications for patient safety.***

Justification

On patient safety grounds, the principle of partial access should not be applicable to health professions. The proposal for a directive under consideration here anyway lays down

minimum training requirements for the health professions covered by the automatic recognition procedure. Partial access to these professions would thus be at odds with the principle of automatic recognition.

Amendment 4

Proposal for a directive Recital 15

Text proposed by the Commission

The nursing and midwifery professions have significantly evolved in the last three decades: community-based healthcare, the use of more complex therapies and constantly developing technology presuppose a capacity for higher responsibilities for nurses and midwives. In order to prepare them to meet such complex healthcare needs, nursing and midwifery students *need* to have a solid general education background before they start the training. ***Therefore, admission to that training should be increased to twelve years of general education or success in an examination of an equivalent level.***

Amendment

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

Justification

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

Amendment 5

Proposal for a directive Recital 16 a (new)

Text proposed by the Commission

Amendment

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

Amendment 6

Proposal for a directive Recital 18 a (new)

Text proposed by the Commission

Amendment

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

Amendment 7

Proposal for a directive Recital 19

Text proposed by the Commission

Amendment

(19) Directive 2005/36/EC already

(19) Directive 2005/36/EC already

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

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

While language controls should not constitute grounds for *refusal to recognise a professional qualification, in the case of occupations which have implications for patients, for example patient safety and treatment and the provision of services and information to patients, it is essential to test language knowledge before authorising a person to practise. Knowledge of the official language(s) of the language area where the professional wishes to work is a conditio sine qua non here. Level C1 of the European Framework of Reference for Languages should be taken as a minimum standard for this purpose.*

Amendment 8

Proposal for a directive Recital 22

Text proposed by the Commission

Whilst the Directive already provides for detailed obligations for Member States to exchange information, such obligations should be reinforced. Member States should not only react to request for information but also alert other Member States in a proactive manner. *Such alert system should be similar to that of Directive 2006/123/EC. A specific alert mechanism is however necessary for*

Amendment

Whilst the Directive already provides for detailed obligations for Member States to exchange information, such obligations should be reinforced. Member States should not only react to request for information but also alert other Member States in a proactive manner. All Member States should be alerted if a professional, *following* a disciplinary action or criminal conviction *which totally or partially*

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

restricts him from lawfully pursuing his profession, is no longer entitled to move to another Member State *or if he used, or tried to use, false documents as a basis for requesting recognition of his professional qualifications.* This alert should be activated through the IMI regardless of whether the professional has exercised any of the rights under Directive 2005/36/EC or of whether he has applied for recognition of his professional qualifications through the issuance of a European Professional Card or through any other method provided for by that Directive. The alert procedure should comply with Union law on the protection of personal data and other fundamental rights.

Justification

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

Amendment 9

Proposal for a directive Recital 24

Text proposed by the Commission

In order to supplement or amend certain non-essential elements of Directive 2005/36/EC, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of updating of Annex I, ***setting the criteria for the calculation of fees related to the European Professional Card,***

Amendment

In order to supplement or amend certain non-essential elements of Directive 2005/36/EC, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of updating of Annex I, the adaptations of the list of activities set out in Annex IV, clarifying the knowledge and

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 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.

skills for architects, adapting the minimum periods of training for specialist medical trainings and specialist dental training, the inclusion in point 5.1.3 of Annex V of new medical specialities, the amendments to the list set out in points 5.2.1, 5.3.1, 5.4.1, 5.5.1 and 5.6.1 of Annex V, inclusion in point 5.3.3 of Annex V of new dental specialities, specifying the conditions of application of common training frameworks, and specifying the conditions of application of common training tests. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Justification

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

Amendment 10

Proposal for a directive

Article 1 – point 1 a (new)

Directive 2005/36/EC

Article 1 – paragraph 3 (new)

Text proposed by the Commission

Amendment

(1a) In Article 1, the following third

paragraph is added:

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

Amendment 11

Proposal for a directive

Article 1 – point 3 – point a – point ii

Directive 2005/36/EC

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

Text proposed by the Commission

Amendment

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

Amendment 12

Proposal for a directive

Article 1 – point 3 – point a – point ii

Directive 2005/36/EC

Article 3 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(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**;

(j) “traineeship”: the pursuit of supervised activities, **to access a regulated profession pursuant to legislative, regulatory or administrative provisions in a Member State**;

Justification

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

Amendment 13

Proposal for a directive

Article 1 – point 3 – point a – point ii

Directive 2005/36/EC

Article 3 – paragraph 1 – point k

Text proposed by the Commission

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

Amendment

(k) “European Professional Card”: an electronic certificate issued to the professional ***by the competent authority to document his/her qualifications upon request for the purposes of*** establishment in a host Member State or ***the provision of*** services in a host Member State on a temporary and occasional basis;

Amendment 14

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4a – paragraph 2

Text proposed by the Commission

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

Amendment

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

Justification

For professions with patient safety implications under the general and automatic recognition

system, host Member States should have responsibility for validating the Professional Card.

Amendment 15

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4a – paragraph 3

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 16

Proposal for a directive

Article 1 – paragraph 5

Directive 2005/36/EC

Article 4a – paragraph 5

Text proposed by the Commission

5. Member States shall designate competent authorities for issuing European Professional Cards. Those authorities shall ensure an impartial, objective and timely processing of applications for European Professional Cards. ***The Assistance Centers referred to in Article 57b may also act in the capacity of a competent***

Amendment

5. Member States shall designate competent authorities for issuing European Professional Cards. Those authorities shall ensure an impartial, objective and timely processing of applications for European Professional Cards. Member States shall ensure that competent authorities inform citizens, including prospective applicants,

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.

on the advantages of a European Professional Card where it is available.

Justification

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

Amendment 17

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4a – paragraph 6

Text proposed by the Commission

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.

Amendment

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

Amendment 18

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4a – paragraph 6 a (new)

Text proposed by the Commission

Amendment

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

Justification

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

Amendment 19

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4a – paragraph 6 b (new)

Text proposed by the Commission

Amendment

6b. Those implementing acts shall also determine the format of the European Professional Card, the translations necessary to support any application for issuing a European Professional Card and details for the assessment of applications, taking into account the particularities of the profession concerned. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 58.

Amendment 20

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC
Article 4a – paragraph 7

Text proposed by the Commission

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.***

Amendment

7. Any fees which applicants may incur in relation to administrative procedures to issue a European Professional Card shall be reasonable, proportionate and commensurate with the costs incurred by the home and host Member States and shall not act as a disincentive to apply for a European Professional Card.

Justification

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

Amendment 21

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC
Article 4b – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 22

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC
Article 4b – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 23

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4b – paragraph 4

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 24

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4c – title

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 25

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4c – paragraph 1

Text proposed by the Commission

1. The competent authority of the home Member State shall verify the application, **create and validate a** European Professional Card within **two weeks** from the date it receives a complete application. It shall **inform the applicant and the Member State in which the applicant envisages to provide services, of the validation of the European Professional Card. The transmission of the validation information to** the host Member States concerned shall constitute the declaration provided for in Article 7. The host Member State may not require a further declaration under Article 7 for the following **two years**.

Amendment

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

Amendment 26

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4c – paragraph 2

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 27

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4c – paragraph 3

Text proposed by the Commission

3. If a holder of a European Professional Card wishes to provide services in Member States other than those initially informed pursuant to paragraph 1 or wishes to continue providing services beyond the period of two years referred to in paragraph 1, he may continue to use the European Professional Card referred to in paragraph 1. In those cases the holder of the European Professional Card shall make the declaration provided in Article 7.

Amendment

3. If a holder of a European Professional Card wishes to provide services in Member States other than those initially informed pursuant to paragraph 1 or wishes to continue providing services beyond the period of two years referred to in paragraph 1, he may continue to use the European Professional Card referred to in paragraph 1. ***The competent authority of the home Member State shall transmit the updated European Professional Card to the host Member States concerned.*** In those cases the holder of the European Professional Card shall make the declaration provided in Article 7.

Amendment 28

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4c – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 29

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4d – title

Text proposed by the Commission

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

Amendment

European Professional Card for establishment and for the temporary provision of services under Article 7 (4) ***and for the temporary provision of services by health professionals benefiting from automatic recognition under Title III Chapter III***

Justification

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

Amendment 30

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4d – paragraph 1

Text proposed by the Commission

1. Upon receipt of a complete application for a European Professional Card, the competent authority of the home Member State shall, within **two** weeks, verify and confirm the authenticity and validity of the submitted supporting documents, create the European Professional Card, transmit it for validation to the competent authority of the host Member State and inform that authority on the corresponding IMI file. The applicant shall be informed by the home Member State of the state of the procedure.

Amendment

1. Upon receipt of a complete application for a European Professional Card, the competent authority of the home Member State shall, within **five** weeks, verify and confirm the authenticity and validity of the submitted supporting documents, create the European Professional Card, transmit it for validation to the competent authority of the host Member State and inform that authority on the corresponding IMI file. The applicant shall be informed by the home Member State of the state of the procedure.

Amendment 31

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4d – paragraph 2

Text proposed by the Commission

2. In the cases referred to in Article 16, 21 and 49a, a host Member State shall decide on validation of a European Professional Card under paragraph 1 within **one month** as from the date of receipt of the European Professional Card transmitted by the home Member State. In case of justified doubts, the host Member State may request additional information from the home Member State. That request shall not suspend the period of **one month**.

Amendment

2. In the cases referred to in Article 16, 21 and 49a, a host Member State shall decide on validation of a European Professional Card under paragraph 1 within **eight weeks** as from the date of receipt of the European Professional Card transmitted by the home Member State. In case of justified doubts, the host Member State may request additional information from the home Member State. That request shall not suspend the period of **eight weeks**.

Justification

Recognition of professional qualifications is a matter for the host Member State. In order to

give the competent authorities sufficient time to consider applications, the deadlines should be extended.

Amendment 32

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4d – paragraph 3

Text proposed by the Commission

3. In the cases referred to in Articles 7(4) and 14, a host Member State shall decide on whether to recognise the holder's qualifications or to subject him to compensation measures within **two months** from the date of receipt **for validation** of the European Professional Card transmitted by the home Member State. In case of justified doubts, the host Member State may request additional information from the home Member State. That request shall not suspend the period of **two months**.

Amendment

3. In the cases referred to in Articles 7(4) and 14, a host Member State shall decide on whether to recognise the holder's qualifications or to subject him to compensation measures within **12 weeks** from the date of receipt of the European Professional Card transmitted by the home Member State. In case of justified doubts, the host Member State may request additional information from the home Member State. That request shall not suspend the period of **12 weeks**.

Justification

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

Amendment 33

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4d – paragraph 5

Text proposed by the Commission

5. Where the host Member State fails to take a decision within **the time limits set out in the paragraphs 2 and 3 or to request additional information within one month** from the date of receipt of the European Professional Card by the home

Amendment

5. Where the host Member State fails to take a decision within **three months** from the date of receipt of the European Professional Card by the home Member State the European Professional Card shall be deemed to be validated **temporarily** by

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.

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

Amendment 34

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4d – paragraph 5 a (new)

Text proposed by the Commission

Amendment

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

Amendment 35

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4e – paragraph 2

Text proposed by the Commission

Amendment

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

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

Justification

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

Amendment 36

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4e – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 37

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4e – paragraph 4

Text proposed by the Commission

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

Amendment

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

Justification

Formal qualifications and professional experience are the decisive factors in the recognition

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

Amendment 38

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4e – paragraph 7

Text proposed by the Commission

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

Amendment

7. Member States shall provide that employers, customers, patients and other interested parties may verify the authenticity and validity of a European Professional Card presented to them by the card holder without prejudice to paragraphs 2 and 3. The Commission shall adopt implementing acts specifying the conditions of access to the IMI file, the technical means and the procedures for the verification referred to in the first subparagraph. Those implementing acts shall be adopted in accordance with the **examination** procedure referred to in Article 58.

Justification

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

Amendment 39

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4e – paragraph 7 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 40

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

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

Text proposed by the Commission

Amendment

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

Amendment 41

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4f – paragraph 2

Text proposed by the Commission

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.

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

Amendment 42

Proposal for a directive

Article 1 – point 7 – point a – point ii

Directive 2005/36/EC

Article 7 – paragraph 2 – point f

Text proposed by the Commission

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

Amendment

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

Amendment 43

Proposal for a directive

Article 1 – point 9 – point b

Directive 2005/36/EC

Article 11 – point c – point ii

Text proposed by the Commission

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

Amendment

deleted

Justification

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

Amendment 44

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

Text proposed by the Commission

Amendment

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

Justification

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

Amendment 45

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

Text proposed by the Commission

Amendment

(da) The following paragraph is added:

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

Justification

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

Amendment 46

Proposal for a directive
Article 1 – point 11
Directive 2005/36/EC
Article 13 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 47

Proposal for a directive

Article 1 – point 11

Directive 2005/36/EC

Article 13 – paragraph 4

Text proposed by the Commission

4. By derogation to paragraphs 1 and 2 of this Article, the competent authority of the host Member State may refuse access to and pursuit of the profession to holders of an attestation of competence where the national qualification required to exercise the profession on its territory is classified under points (d) or (e) of Article 11.

Amendment

4. By derogation to paragraphs 1 and 2 of this Article, the competent authority of the host Member State may refuse access to and pursuit of the profession to holders of an attestation of competence where the national qualification required to exercise the profession on its territory is classified under points **(c)**, (d) or (e) of Article 11.

Justification

Durch die von der Kommission vorgeschlagene Regelung wird ein Durchstieg von Niveaustufe 1 auf Niveaustufe 3 ermöglicht. Jedoch ist Niveaustufe 3 – ebenso wie die Niveaustufen 4 und 5, bei denen kein Durchstieg von Niveaustufe 1 möglich ist – eine postsekundäre Ausbildung. Daneben können die Mitgliedstaaten nach der von der Kommission vorgeschlagenen Regelung einen Durchstieg von Niveaustufe 3 auf Niveaustufe 4 versagen. Dies könnte in der Folge zu einer Mobilitätseinschränkung für die

Gesundheitshandwerke wie Augenoptiker oder Hörgeräteakustiker führen, da diese Berufe in den Mitgliedstaaten unterschiedlich in Niveau 3 oder in Niveau 4 angesiedelt sind. Durch eine Aufnahme von Buchstabe c wird dieser Mobilitätsbarriere entgegen gewirkt.

Amendment 48

Proposal for a directive

Article 1 – point 15 a (new)

Directive 2005/36/EC

Article 21 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

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

„4a. Member States shall not be required, however, to accept evidence of formal qualifications in accordance with Annex V, point 5.6.2, in connection with the establishment of new public pharmacies. For the purposes of this paragraph, pharmacies which have been open for less than three years shall also be regarded as new pharmacies.”

Justification

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

Amendment 49

Proposal for a directive

Article 1 – point 15 a (new)

Directive 2005/36/EC

Article 21 – paragraph 7 a (new)

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

"7a. Member States may require that professionals possessing evidence of formal qualifications listed in Annex V, points 5.1.1, 5.1.2, 5.1.4, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.5.2, 5.6.2 and 5.7.1 shall only benefit from the provisions in paragraph 1 if they have qualified within the preceding 3 years or can demonstrate through an attestation from a competent authority or other relevant organisation, that they have effectively and lawfully been engaged in the activities in question for at least three consecutive years during the five years prior to the date of issue of the attestation. Where this is not provided, Member States may assess a professional's qualification either under the provisions outlined in Title III, Chapter I or grant limited access to the profession according to national law."

Justification

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

Amendment 50

Proposal for a directive

Article 1 – point 17

Directive 2005/36/EC

Article 22 – paragraph 2

Text proposed by the Commission

Amendment

For the purposes of point (b) of the first paragraph, as from [insert date - the day after the date set out in first subparagraph

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.

of paragraph 1 of Article 3] and every five years thereafter, the competent authorities in Member States shall submit publicly available reports to the Commission and to the other Member States on their continuing education and training procedures related to doctors of medicine, medical specialists, nurses responsible for general care, dental practitioners, specialised dental practitioners, veterinary surgeons, midwives and pharmacists. **(c) Member States must have a system in place to ensure health professionals regularly update their competencies through Continuing Professional Development.**

Amendment 51

Proposal for a directive

Article 1 – point 18 – point a

Directive 2005/36/EC

Article 24 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 52

Proposal for a directive

Article 1 – point 18 – point b

Directive 2005/36/EC

Article 24 – paragraph 4

Text proposed by the Commission

Amendment

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

deleted

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

(b) the degree of sufficiency of understanding of the items referred to in point (b) of paragraph 3 and the necessary competences for such understanding in line with scientific progress and developments in education in Member States

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

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

Justification

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

necessary in the context of a minimum training programme.

Amendment 53

Proposal for a directive

Article 1 – point 19 – point b

Directive 2005/36/EC

Article 25 – paragraph 3a – subparagraph 1

Text proposed by the Commission

3a. Member States may lay down in their national legislations partial exemptions from parts of the specialist medical training, if that part of the training has been followed already during the completion of another specialist training programme which is listed in point 5.1.3 of Annex V and provided that the former specialist qualification has already been obtained by the professional in that Member State. Member States shall ensure that the granted exemption is not more than one-third of the minimum duration of specialist medical training courses as referred to in point 5.1.3 of Annex V.

Amendment

3a. Member States may lay down in their national legislations partial exemptions from parts of the specialist medical training, ***to be applied on a case-by-case basis***, if that part of the training has been followed already during the completion of another specialist training programme which is listed in point 5.1.3 of Annex V and provided that the former specialist qualification has already been obtained by the professional in that Member State. Member States shall ensure that the granted exemption is not more than one-third of the minimum duration of specialist medical training courses as referred to in point 5.1.3 of Annex V.

Amendment 54

Proposal for a directive

Article 1 – point 22 – point a

Directive 2005/36/EC

Article 31 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Admission to training for nurses responsible for general care ***in accordance with paragraph 3*** shall be contingent ***of a minimum age of 16 and*** upon completion of general education of ***at least 10 years***, as attested by a diploma, certificate or other evidence issued by the competent authorities or bodies in a Member State or by a certificate attesting success in an

admission to a school of nursing.

examination, of an equivalent level, for admission to a school of nursing. ***This provision shall be without prejudice to the right of Member States to set a longer period of general education as a criterion governing admission to training.***

Amendment 55

Proposal for a directive

Article 1 – point 22 – point d

Directive 2005/36/EC

Article 31 – paragraph 7

Text proposed by the Commission

Amendment

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

deleted

(a) the adequacy of knowledge of the sciences of general nursing, as referred to in point (a) of paragraph 6, in line with scientific and technological progress as well as the necessary competences such knowledge should entail in line with scientific and technological progress and recent developments in education;

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

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

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

and recent developments in education.

Justification

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

Amendment 56

Proposal for a directive

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

Directive 2005/36/EC

Article 33 – paragraph 2

Text proposed by the Commission

Amendment

(aa) Paragraph 2 is deleted;

Justification

All nurses in Poland, regardless of their training in current or previous education system have the same competences. According to the Polish legal provisions nurses are obliged to continuously upgrade their knowledge and professional skills. The qualifications of Polish nurses acquired before Poland's accession to the EU should be therefore recognised on the basis of the acquired rights principle, as stated in Article 23 of the directive. Thus, Article 33 paragraph 2 shall be repealed.

Amendment 57

Proposal for a directive

Article 1 – point 23 – point b

Directive 2005/36/EC

Article 33 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall recognise evidence of formal qualifications in nursing awarded in Poland, to nurses who completed training before 1 May 2004, which did not comply with the minimum training requirements laid down in Article 31, attested by the diploma “bachelor” which has been obtained on the basis of a special upgrading programme contained in Article 11 of the Act of 20 April 2004 on the amendment of the Act on professions of

3. Member States shall recognise evidence of formal qualifications in nursing awarded in Poland, to nurses who completed training before 1 May 2004, which did not comply with the minimum training requirements laid down in Article 31, attested by the diploma 'bachelor' which has been obtained on the basis of a special upgrading programme contained in Article 11 of the Act of 20 April 2004 on the amendment of the Act on professions of

nurse and midwife and on some other legal acts (Official Journal of the Republic of Poland of 30 April 2004 No 92, pos. 885), and the Regulation of the Minister of Health of **12 April 2010 amending** the Regulation of the Minister of Health of **11 May 2004** on the detailed conditions of delivering **studies** for nurses and midwives, who hold a certificate of secondary school (final examination - matura) and are graduates of medical **lyceum and medical vocational schools** teaching in a profession of a nurse and a midwife (Official Journal of the Republic of Poland of **21 April 2010, No 65, pos. 420**), with the aim of verifying that the person concerned has a level of knowledge and competence comparable to that of nurses holding the qualifications which, in the case of Poland, are defined in **point 5.2.2. of Annex V**.

nurse and midwife and on some other legal acts (Official Journal of the Republic of Poland of 30 April 2004 No 92, pos. 885), and the Regulation of the Minister of Health of **11 May 2004 on the detailed conditions of delivering studies for nurses and midwives, who hold a certificate of secondary school (final examination — matura) and are graduates of medical lyceum and medical vocational schools teaching in a profession of a nurse and a midwife (Official Journal of the Republic of Poland of 13 May 2004 No 110, pos. 1170, with further amendments), replaced by Article 55.2 of the Act of 15 July 2011 on professions of nurse and midwife (Official Journal of the Republic of Poland of 23 August 2011 No 174, pos. 1039), and** the Regulation of the Minister of Health of **14 June 2012** on the detailed conditions of delivering **higher education courses** for nurses and midwives who hold a certificate of secondary school (final examination – matura) and are graduates of **a medical secondary school or a post-secondary** teaching in a profession of a nurse and a midwife (Official Journal of the Republic of Poland of **6 July 2012, pos. 770**), with the aim of verifying that the person concerned has a level of knowledge and competence comparable to that of nurses holding the qualifications which, in the case of Poland, are defined in Annex V, **point 5.2.2.**

Amendment 58

Proposal for a directive

Article 1 – point 24 – point a

Directive 2005/36/EC

Article 34 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Basic dental training shall **comprise** a total of at least five years of full-time theoretical and practical study, which may also be

Amendment

Basic dental training shall **last** a total of at least five years **and comprise at least 5000 hours** of full-time theoretical and practical

expressed with the equivalent ECTS credits, comprising at least the programme described in Annex V, point 5.3.1 and given in a university, in a higher institute providing training recognised as being of an equivalent level or under the supervision of a university.

study, which may also be expressed *as an additional criterion* with the equivalent ECTS credits, *on the basis that one academic year corresponds to 60 training credits*, comprising at least the programme described in Annex V, point 5.3.1 and given in a university or in a higher institute providing training recognised as being of an equivalent level or under the supervision of a university.

Justification

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

Amendment 59

Proposal for a directive

Article 1 – point 24 – point b

Directive 2005/36/EC

Article 34 – paragraph 4

Text proposed by the Commission

Amendment

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

deleted

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

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

progress and recent developments in education;

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

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

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

Justification

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

Amendment 60

Proposal for a directive

Article 1 – point 26 – point a

Directive 2005/36/EC

Article 38 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 61

Proposal for a directive

Article 1 – point 26 – point b

Directive 2005/36/EC

Article 38 – paragraph 4

Text proposed by the Commission

Amendment

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

deleted

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

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

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

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

(e) the adequacy of knowledge of the

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

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

Justification

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

Amendment 62

Proposal for a directive

Article 1 – point 26 a (new)

Directive 2005/36/EC

Article 38 a (new)

Text proposed by the Commission

Amendment

(26a) The following Article is inserted:

„Article 38a

Veterinary specialisations

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

Justification

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

Amendment 63

Proposal for a directive

Article 1 – point 27 – point b

Directive 2005/36/EC

Article 40 – paragraph 2 –point a

Text proposed by the Commission

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

Amendment

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

Amendment 64

Proposal for a directive

Article 1 – point 27 – point c

Directive 2005/36/EC

Article 40 – paragraph 4

Text proposed by the Commission

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

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

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

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

Amendment

deleted

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

Justification

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

Amendment 65

Proposal for a directive

Article 1 – point 28

Directive 2005/36/EC

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

Text proposed by the Commission

Amendment

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

Justification

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

Amendment 66

Proposal for a directive

Article 1 – point 28

Directive 2005/36/EC

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

Text proposed by the Commission

Amendment

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

Justification

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

Amendment 67

Proposal for a directive

Article 1 – point 30 – point a

Directive 2005/36/EC

Article 44 – paragraph 2

Text proposed by the Commission

Amendment

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

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

Justification

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

Amendment 68

Proposal for a directive

Article 1 – point 30 – point a

Directive 2005/36/EC

Article 44 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) at the end of the theoretical and practical training, a six-month traineeship in a pharmacy which is open to the public

(b) ***during or*** at the end of the theoretical and practical training, a six-month traineeship in a pharmacy which is open to

or in a hospital under the supervision of that hospital's pharmaceutical department.

the public or in a hospital under the supervision of that hospital's pharmaceutical department.

Justification

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

Amendment 69

Proposal for a directive

Article 1 – point 30 – point b

Directive 2005/36/EC

Article 44 – paragraph 4

Text proposed by the Commission

Amendment

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

deleted

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

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

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

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

technological progress.

Justification

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

Amendment 70

Proposal for a directive

Article 1 – point 30 a (new)

Directive 2005/36/EC

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

Text proposed by the Commission

Amendment

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

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

Justification

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

Amendment 71

Proposal for a directive

Article 1 – point 30 b (new)

Directive 2005/36/EC

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

Text proposed by the Commission

Amendment

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

„(fa) medication management and provision of information and advice about

medicinal products and general health information;”

Justification

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

Amendment 72

Proposal for a directive

Article 1 – point 30 c (new)

Directive 2005/36/EC

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

Text proposed by the Commission

Amendment

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

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

Justification

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

Amendment 73

Proposal for a directive

Article 1 – paragraph 31 a (new)

Directive 2005/36/EC

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

Text proposed by the Commission

Amendment

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

„(ha) contributions to public health and

information campaigns.”

Justification

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

Amendment 74

Proposal for a directive

Article 1 – point 35

Directive 2005/36/EC

Article 49a – paragraph 2 – point c

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 75

Proposal for a directive

Article 1 – point 35

Directive 2005/36/EC

Article 49a – paragraph 2 – point e

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 76

Proposal for a directive

Article 1 – point 35

Directive 2005/36/EC

Article 49a – paragraph 2 a (new)

Text proposed by the Commission

Amendment

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

Justification

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

Amendment 77

Proposal for a directive

Article 1 – point 35

Directive 2005/36/EC

Article 49a – paragraph 3

Text proposed by the Commission

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.

Amendment

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

Justification

Vocational training is a matter for the Member States. The common set of knowledge, skills and competences and the qualifications should not therefore be any more detailed than the minimum training requirements.

Amendment 78

Proposal for a directive

Article 1 – point 35

Directive 2005/36/EC

Article 49b – paragraph 3 a (new)

Text proposed by the Commission

Amendment

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

Amendment 79

Proposal for a directive

Article 1 – point 35

Directive 2005/36/EC

Article 49a – paragraph 5

Text proposed by the Commission

Amendment

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

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

Justification

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

Amendment 80

Proposal for a directive

Article 1 – point 35

Directive 2005/36/EC

Article 49b

Text proposed by the Commission

Amendment

Common training tests

deleted

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

professional qualifications acquired in that Member State.

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

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

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

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

(d) the common training test permits nationals from any Member State to participate in such a test and in the practical organisation of such tests in Member States without being required to be a member of any professional organisation or to be registered with such organisation.

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

Justification

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

Amendment 81

Proposal for a directive

Article 1 – point 38

Directive 2005/36/EC

Article 53 – paragraph 2 - subparagraph 1

Text proposed by the Commission

A Member State shall ensure that any controls of the knowledge of a language are carried out by a competent authority after the decisions referred to in Articles 4d, 7(4) and 51(3) have been taken and if there is a serious and concrete doubt about the professional's sufficient language knowledge in respect of the professional activities this person intends to pursue.

Amendment

A Member State shall ensure that any controls of the knowledge of a language are carried out by a competent authority after the decisions referred to in Articles 4d, 7(4) and 51(3) have been taken and if there is a serious and concrete doubt about the professional's sufficient language knowledge in respect of the professional activities this person intends to pursue.

Language verification undertaken by the competent authority shall not prevent an employer from carrying out additional checks, as appropriate.

Amendment 82

Proposal for a directive

Article 1 – point 38

Directive 2005/36/EC

Article 53 – paragraph 2 – subparagraph 2

Text proposed by the Commission

In case of professions with *patient safety* implications, ***Member States may confer to the competent authorities the right to carry out language checking covering all professionals concerned if it is expressly requested by the national health care system, or in case of self-employed professionals not affiliated to the national health care system, by representative national patient organisations.***

Amendment

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

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

Amendment 83

Proposal for a directive

Article 1 – point 38

Directive 2005/36/EC

Article 53 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Any language control shall be limited to the knowledge of one of the official languages of the Member State according to the choice of the person concerned, it shall be proportionate to the activity to be pursued and free of charge for the professional. The person concerned shall be allowed to appeal such controls before national courts.

Amendment

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

Amendment 84

Proposal for a directive

Article 1 – point 39

Directive 2005/36/EC

Article 55a – Title

Text proposed by the Commission

Recognition of *remunerated* traineeship

Amendment

Recognition of *mandatory supervised* traineeship

Justification

The reference to remuneration should be deleted.

Amendment 85

Proposal for a directive

Article 1 – point 42

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

Text proposed by the Commission

Amendment

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

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

Amendment 86

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

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

Text proposed by the Commission

Amendment

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

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

Justification

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

Amendment 87

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

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

Text proposed by the Commission

Amendment

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

deleted

of Annex V;

Justification

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

Amendment 88

Proposal for a directive

Article 1 – paragraph 42

Directive 2005/36/EC

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

Text proposed by the Commission

Amendment

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

Justification

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

Amendment 89

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

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

Text proposed by the Commission

Amendment

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

Justification

Against the background of patient safety, no artificial distinction should be drawn between sectoral health professions, which are covered by the automatic recognition system, and

health professions in which recognition on a case-by-case basis applies.

Amendment 90

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

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

Text proposed by the Commission

Amendment

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

Amendment 91

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

Article 56a – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

The information referred to in the first subparagraph shall be sent at the latest within three days from the date of adoption of the decision prohibiting the professional concerned from exercising a professional activity.

The information referred to in the first subparagraph shall be sent at the latest within three days from the date of adoption of the decision prohibiting the professional concerned from exercising a professional activity ***via the Internal Market Information System (IMI).***

Amendment 92

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

Article 56a – paragraph 2

Text proposed by the Commission

Amendment

2. In the cases not covered by Directive 2006/123/EC, where a professional established in a Member State carries out

deleted

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

Justification

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

Amendment 93

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

Article 56a – paragraph 2 a (new)

Text proposed by the Commission

Amendment

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

Justification

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

Amendment 94

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

Article 56a – paragraph 2 b (new)

Text proposed by the Commission

Amendment

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

Amendment 95

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

Article 56a – paragraph 2 c (new)

Text proposed by the Commission

Amendment

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

Justification

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

Amendment 96

Proposal for a directive

Article 1 – point 42

Directive 2005/36/EC

Article 56a – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall adopt

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.

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

PROCEDURE

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

PROCEDURE

Title	Amendment of Directive 2005/36/EC on the recognition of professional qualifications and of Regulation [...] on administrative cooperation through the Internal Market Information System			
References	COM(2011)0883 – C7-0512/2011 – 2011/0435(COD)			
Date submitted to Parliament	19.12.2011			
Committee responsible Date announced in plenary	IMCO 19.1.2012			
Committee(s) asked for opinion(s) Date announced in plenary	EMPL 19.1.2012	ENVI 2.2.2012	CULT 19.1.2012	
Not delivering opinions Date of decision	CULT 23.1.2012			
Rapporteur(s) Date appointed	Bernadette Vergnaud 30.11.2011			
Discussed in committee	9.1.2012	28.2.2012	25.4.2012	18.9.2012
	10.10.2012	6.11.2012	29.11.2012	10.1.2013
Date adopted	23.1.2013			
Result of final vote	+: -: 0:	33 4 2		
Members present for the final vote	Preslav Borissov, Cristian Silviu Buşoi, Jorgo Chatzimarkakis, Sergio Gaetano Cofferati, Birgit Collin-Langen, Lara Comi, Anna Maria Corazza Bildt, Cornelis de Jong, Christian Engström, Evelyne Gebhardt, Małgorzata Handzlik, Malcolm Harbour, Philippe Juvin, Toine Manders, Sirpa Pietikäinen, Phil Prendergast, Zuzana Roithová, Heide Rühle, Andreas Schwab, Catherine Stihler, Emilie Turunen, Bernadette Vergnaud, Barbara Weiler			
Substitute(s) present for the final vote	Raffaele Baldassarre, Ashley Fox, Anna Hedh, Constance Le Grip, Morten Løkkegaard, Emma McClarkin, Konstantinos Poupakis, Sylvana Rapti, Kyriacos Triantaphyllides, Sabine Verheyen			
Substitute(s) under Rule 187(2) present for the final vote	Zigmantas Balčytis, Elisa Ferreira, Claudio Morganti, Angelika Niebler, Hermann Winkler, Patricia van der Kammen			
Date tabled	13.2.2013			