



European Network of Medical
Competent Authorities

ENMCA response to the updated Implementing Act

24 April 2015

1. The European Network of Medical Competent Authorities (ENMCA) was first convened at the behest of the European Commission (EC) in spring 2010 and brings together organisations responsible for recognising medical qualifications under Directive 2013/55/EU. As doctors are one of the most mobile professions in Europe, ENMCA participants have significant experience with both the benefits and challenges of high levels of mobility and recognition procedures.

We call on the national Coordinators to vote against the Implementing Act on the European Professional Card (EPC) and alert mechanism proposed for written vote on 28 April and on the European Commission to include the below clarifications in the Implementing Act before it is adopted.

2. Both the alert mechanism and the EPC need to be fit for purpose. Unfortunately the revised Implementing Act does still not address many of the patient safety concerns ENMCA raised about the EPC part of the Regulation on 9 February and 16 March.
3. We realise that doctors are not proposed to be in the first phase of implementation for the EPC. However, as the intention of the Commission is to extend the Act to the medical profession in a future phase, it is essential for the legislation not to undermine patient safety and address the outstanding issues highlighted below. The risks of an ill-drafted EPC text with the corresponding implications for patient safety are far greater than the political risk of delaying its adoption and implementation until the Act is fit for purpose.

Independent evaluation – recital 2

4. The Act should mention that a full and independent evaluation of the first phase would take place before the EPC is rolled out to other professions. This assessment needs to establish the reliability and effectiveness of recognition with an EPC so that any operational difficulties or patient safety risks arising as a result of phase 1 can be addressed.

Temporary and occasional - article 20.2

5. The Act must make explicit provisions to allow the host authority to challenge the issuance of a temporary and occasional (T&O) EPC if it suspects that the moving doctor is not eligible for recognition under this regime.
6. Host authorities must be consulted on any decision to extend the validity of the EPC as it is most likely to have information about the duration, frequency, regularity and continuity¹ of a T&O service provider.
7. Host authorities need to know when they can require the evidence they are entitled to request under articles 7.1 (insurance cover or other means of personal or collective protection with regard to professional liability), 7.2(e) (evidence of good standing), and 7.2(f) (language declaration) in the Directive before authorisation to practice in the host state is granted.

¹ These criteria are set out in art. 5.2 states that "the temporary & occasional nature of the provision of services shall be assessed case by case, in particular in relation to its duration, its frequency, its regularity and its continuity"

Disclaimer on the EPC – article 21.2

8. It is essential that the disclaimer extends to an EPC for T&O to ensure compliance with articles 7.1, 7.2(e) & (f) of the Directive, which permit us to seek assurances on language knowledge and good standing before allowing a T&O applicant access to the profession. Article 21.2 should also make reference to recognition based on acquired rights. In these cases the electronic EPC must clearly state that it will expire two years after the date of issue².

Transition period – article 29

9. Given the substantial changes the EPC procedure will introduce to operational processes, the lack of information as to how IMI will interact with competent authorities' own internal IT systems and the substantial new role and responsibilities for home authorities, it would be highly advisable for the EC to introduce a transition period for the EPC of at least 6 months from the date of entry into force. In contrast to the alert mechanism, whose deadline is mandated in the Directive, it is within the EC's gift to introduce a longer transposition period to give authorities sufficient time to adapt their systems and ensure a successful roll out of the EPC.

To discuss our position, please contact: Nicola While, General Medical Council (+44 161 250 6954); Alexander Jäkel, German Medical Association (+49 30 400 456-369); Marie Colegrave-Juge, French Medical Council (+32 2 401 61 58) or visit the ENMCA [website](#) for more information.

² In line with MARKT D/3418/6/2006FAQs Group of Coordinator for the Recognition of Professional Qualifications, p12.