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Committee on the Environment, Public Health and Food Safety

2011/0435(COD)

18.7.2012

DRAFT 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

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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

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 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.***

Or. de

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 2

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.***

Or. de

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 Pflägern, 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 3

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 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.

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 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.

Or. de

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 4

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, 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

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 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.

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.

Or. de

Justification

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

Amendment 5

Proposal for a directive

Article 1 – paragraph 3 – subparagraph 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 ***at the request of the professional association*** to the professional ***documenting*** his qualifications ***either*** for establishment in a host Member State or to provide services in a host Member State on a temporary and occasional basis;

Or. de

Justification

The voluntary nature of the procedure, as proposed by the Commission, should be emphasised. It should also be made clear that, despite the involvement of both the home and the host Member State, the final decision on the recognition of professional qualifications rests with the host Member State.

Amendment 6

Proposal for a directive

Article 1 – paragraph 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, upon validation of the Card by the competent authority of the **host** Member State as provided for in paragraphs 3 and 4 of this Article.

Or. de

Justification

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

Amendment 7

Proposal for a directive

Article 1 – paragraph 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), the European Professional Card shall be created by the competent authority of the home Member State in accordance with Articles 4b and 4c **and validated by the host Member State**.

Or. de

Justification

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

Amendment 8

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 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 shall ensure that competent authorities inform citizens, including prospective applicants, on the advantages of a European Professional Card where it is available.

Or. de

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 9

Proposal for a directive

Article 1 – paragraph 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

Amendment

6. At the request of the relevant professional organisation, the Commission shall adopt implementing acts specifying European Professional Cards for specific professions, establishing the format of the European Professional Card,

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 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.

Or. de

Justification

The voluntary nature of the procedure, as proposed by the Commission, should be emphasised.

Amendment 10

Proposal for a directive

Article 1 – paragraph 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.

Or. de

Justification

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

Amendment 11

Proposal for a directive
Article 1 – paragraph 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.**

Or. de

Amendment 12

Proposal for a directive
Article 1 – paragraph 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.**

Or. de

Amendment 13

Proposal for a directive
Article 1 – paragraph 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.

Or. de

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 14

Proposal for a directive

Article 1 – paragraph 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

Amendment

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

State may not require a further declaration under Article 7 for the following two years.

further declaration under Article 7 for the following two years.

Or. de

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 15

Proposal for a directive

Article 1 – paragraph 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.

Or. de

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 16

Proposal for a directive

Article 1 – paragraph 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

Amendment

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.

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.

Or. de

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. The principle whereby professional qualifications are automatically deemed to have been recognised if the competent authority fails to take a decision should be done away with, on patient safety grounds.

Amendment 17

Proposal for a directive
Article 1 – paragraph 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**.

Or. de

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 18

Proposal for a directive

Article 1 – paragraph 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**.

Or. de

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 19

Proposal for a directive

Article 1 – paragraph 5

Directive 2005/36/EC

Article 4d – paragraph 5

Text proposed by the Commission

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.

deleted

Or. de

Justification

The principle whereby professional qualifications are automatically deemed to have been recognised if the competent authority fails to take a decision should be done away with, on patient safety grounds.

Amendment 20

Proposal for a directive

Article 1 – paragraph 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(**).

Or. de

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 21

Proposal for a directive

Article 1 – paragraph 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, profession, ***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.

Or. de

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.

Amendment 22

Proposal for a directive

Article 1 – paragraph 5

Directive 2005/36/EC

Article 4e – paragraph 7

Text proposed by the Commission

7. Member States shall provide that

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

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.

Or. de

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 23

Proposal for a directive

Article 1 – paragraph 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. Partial access **shall not be granted to health professionals whose work has implications for patient safety. Partial access** may be rejected if such rejection is justified by an overriding reason of general interest, it would secure the attainment of the objective pursued and it would not go beyond what is strictly necessary.

Or. de

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 those professions would thus be at odds with the principle of automatic recognition.

Amendment 24

Proposal for a directive

Article 1 – paragraph 9 – point b

Directive 2005/36/EC

Article 11 – point c – point ii

Text proposed by the Commission

Amendment

(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;

deleted

Or. de

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 25

Proposal for a directive

Article 1 – paragraph 9 - point d

Directive 2005/36/EC

Article 11 – paragraph 2

Text proposed by the Commission
(d) The second paragraph is deleted.

Amendment
deleted

Or. de

Justification

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

Amendment 26

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

Text proposed by the Commission

Amendment

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).

Or. de

Justification

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

Amendment 27

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

Text proposed by the Commission

Amendment

3. In case of an attestation of competence or evidence of formal qualifications

3. In case of an attestation of competence or evidence of formal qualifications

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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.

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.

Or. de

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 28

Proposal for a directive
Article 1 – paragraph 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.

Or. de

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 29

Proposal for a directive

Article 1 – paragraph 11

Directive 2005/36/EC

Article 13 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

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.

Or. de

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 30

Proposal for a directive

Article 1 – paragraph 18 – point a

Directive 2005/36/EC

Article 24 – paragraph 2

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 five years of study, which may also be expressed **as an additional criterion** 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.

Or. de

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 31

Proposal for a directive

Article 1 – paragraph 18 – point b

Directive 2005/36/EC

Article 24 – 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 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

Amendment

deleted

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.

Or. de

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 32

Proposal for a directive

Article 1 – paragraph 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 admission to a school of nursing.

Amendment

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

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. Die Mitgliedstaaten haben jedoch die Möglichkeit, auf nationaler Ebene über diesen Mindestansatz hinauszugehen und mehr als zehn Jahre allgemeine Schulbildung als Zulassungsvoraussetzung zur Ausbildung vorzuschreiben. Zudem kann den gestiegenen Anforderungen im Gesundheitswesen nicht durch eine längere Schulbildung, sondern durch eine verbesserte Ausbildung Rechnung getragen werden.

Amendment 33**Proposal for a directive****Article 1 – paragraph 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.

Or. de

Justification

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

Amendment 34

Proposal for a directive

Article 1 – paragraph 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

Basic dental training shall **last** a total of at least five years **and comprise at least 5000 hours** of full-time theoretical and practical study, which may also be expressed **as an additional criterion** with the equivalent ECTS 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.

Or. de

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 35

Proposal for a directive

Article 1 – paragraph 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.

Or. de

Justification

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

Amendment 36

Proposal for a directive

Article 1 – paragraph 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.

Or. de

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 37

Proposal for a directive

Article 1 – paragraph 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.

Or. de

Justification

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

Amendment 38

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

Text proposed by the Commission

Amendment

Within two years following the entry into force of this Directive, the Commission shall examine whether, in addition to medical and dental specialisms, veterinary specialisms 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.

Or. de

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 39

Proposal for a directive
Article 1 – paragraph 27 – point b
Directive 2005/36/EC
Article 40 – paragraph 2 – point a

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Text proposed by the Commission

Amendment

(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;

(a) completion of at least the **10 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. ***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.***

Or. de

Justification

What is needed to take account of the increased demands on health professionals is not extended school education, but rather improved training. Differing national traditions make worthwhile comparisons of school education impossible. Against the background of a possible shortage of skilled staff in the health sector, the Member States' education systems, which have developed over time, should not be disrupted unnecessarily.

Amendment 40

Proposal for a directive

Article 1 – paragraph 27 – point c

Directive 2005/36/EC

Article 40 – 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 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 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.

Or. de

Justification

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

Amendment 41

Proposal for a directive

Article 1 – paragraph 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

Or. de

Justification

The rules set out in Directive 2005/36/EC have proved their worth in practice and should be retained.

Amendment 42

Proposal for a directive

Article 1 – paragraph 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;

Or. de

Justification

The rules set out in Directive 2005/36/EC have proved their worth in practice and should be retained.

Amendment 43

Proposal for a directive

Article 1 – paragraph 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:

Or. de

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 44

Proposal for a directive

Article 1 – paragraph 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.

Or. de

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 45

Proposal for a directive

Article 1 – paragraph 30 – point b

Directive 2005/36/EC

Article 44 – 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 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

Amendment

deleted

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.

Or. de

Justification

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

Amendment 46

Proposal for a directive

Article 1 – paragraph 30 – point b

Directive 2005/36/EC

Article 45 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Ordering, manufacture, testing, storage and dispensing of safe, high-quality medicinal products in public pharmacies.

Or. de

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 47

Proposal for a directive

Article 1 – paragraph 30 – point b

Directive 2005/36/EC

Article 45 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

Medication management and provision of information and advice about medicinal products and general health information.

Or. de

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 48

Proposal for a directive

Article 1 – paragraph 30 – point a

Directive 2005/36/EC

Article 45 – paragraph 2 – point h (new)

Text proposed by the Commission

Amendment

Provision of advice and support to patients in connection with the use of non-prescription medicines and self-medication

Or. de

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 49

Proposal for a directive

Article 1 – paragraph 30 – point a

Directive 2005/36/EC

Article 45 – paragraph 2 – point i (new)

Text proposed by the Commission

Amendment

Contributions to public health and information campaigns

Or. de

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 50

Proposal for a directive

Article 1 – paragraph 35

Directive 2005/36/EC

Article 49a – paragraph 2 – point b

Text proposed by the Commission

Amendment

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

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

Or. de

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, the prerequisite for the creation of a common training framework should be that a profession is regulated in at least half the Member States.

Amendment 51

Proposal for a directive

Article 1 – paragraph 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;

Or. de

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 52

Proposal for a directive

Article 1 – paragraph 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.***

Or. de

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 53

Proposal for a directive
Article 1 – paragraph 35
Directive 2005/36/EC
Article 49a – paragraph 5

Text proposed by the Commission

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.***

Amendment

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.

Or. de

Justification

Member States should be free to decide whether or not they want to take part in the common training framework.

Amendment 54

Proposal for a directive
Article 1 – paragraph 35
Directive 2005/36/EC
Article 49b

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 55

Proposal for a directive
Article 1 – paragraph 38
Directive 2005/36/EC
Article 53 – paragraph 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 patient safety implications, Member States may confer to the competent authorities the right to carry out language checking covering 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.***

Or. de

Justification

A high degree of patient and consumer protection can only be guaranteed if health professionals have adequate language knowledge.

Amendment 56

Proposal for a directive
Article 1 – paragraph 38
Directive 2005/36/EC
Article 53 – paragraph 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

Amendment

In case of professions with patient safety implications, ***systematic*** language checking covering all professionals concerned ***must be carried out by the competent***

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.*

authorities. Member States may confer the right to carry out such checking on other bodies as well.

Or. de

Justification

A high degree of patient and consumer protection can only be guaranteed if health professionals have adequate language knowledge. Given their staffing levels and resources, however, it does not seem realistic to involve national patient organisations.

Amendment 57

Proposal for a directive

Article 1 – paragraph 42

Directive 2005/36/EC

Article 56a – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

(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;

Or. de

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 58

Proposal for a directive

Article 1 – paragraph 42

Directive 2005/36/EC

Article 56a – paragraph 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***

Or. de

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 59

Proposal for a directive

Article 1 – paragraph 42

Directive 2005/36/EC

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

Text proposed by the Commission

Amendment

***(ba) sectoral professions subject to
recognition pursuant to Article 10.***

Or. de

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 60

Proposal for a directive

Article 1 – paragraph 42

Directive 2005/36/EC

Article 56a - paragraph 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.

Or. de

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 61

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

Text proposed by the Commission

Amendment

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

deleted

activities. Other Member State may request further information under the conditions set out in Articles 8 and 56.

Or. de

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 62

**Proposal for a directive
Article 1 – paragraph 42**

Directive 2005/36/EC

Article 56a – paragraph 2 a (new)

Text proposed by the Commission

Amendment

If an applicant submits forged identity documents or certificates, the competent authority shall inform the competent authorities of all the other Member States.

Or. de

Justification

The alert system should also be used to counter the dangers linked to the use of forged identity documents or certificates.