

Recognition of professional qualifications: European Professional Card supported by the Internal Market Information System (IMI)

2011/0435(COD) - 13/02/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted the report by Bernadette VERGNAUD (S&D, FR) 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.

The committee recommends that Parliament adopt its position in first reading following the ordinary legislative procedure, and amend the Commission proposal as follows:

Definitions: Members clarified certain definitions in the proposal, including the current definition of 'aptitude test' in the Directive. They also inserted some new definitions, including one of 'overriding reasons of general interest'.

European Professional Card: the following points were made:

- the administrative procedure to issue a European Professional Card **must not entail any additional cost** for the individual professional;
- in order to speed up procedures, **Assistance Centres may support competent authorities** in the preliminary processing of the documentation referred to in the text;
- the competent authority of the home Member State shall validate a European Professional Card **within three weeks** (rather than 2 weeks, as provided in the proposal) from the date it receives a complete application;
- **time limits regarding validation of a card are amended for professions with patient safety implications.**

Where the host Member State fails to take a decision within the time limits set out for the European Professional Card, the latter will be deemed to be validated by the host Member State and to constitute recognition of the professional qualification to the regulated profession concerned. Such tacit recognition of qualifications shall not, however, constitute automatic recognition of the right to practice the profession in question.

Partial access to a professional activity: the notion of **partial access** had been part of the Commission proposal, but Members make the following points:

- the host Member State will grant partial access on a case-by-case basis to a professional activity in its territory provided that certain cumulative conditions are fulfilled;
- the professional must be fully qualified to exercise in the home Member State the professional activity for which partial access is requested;
- partial access shall not be granted to professions which benefit from automatic recognition;
- the host Member State may refuse such partial access on the basis of overriding reasons of general interest.

Compensation measures for notaries: it is clarified that:

- the host Member State may require 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.

The amended text states that, 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, it **will not be possible for notaries to be established in more than one Member State**. Moreover, the provisions of the Directive on the free provision of services will 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.

Training: the following provisions are inserted into the text:

- five years after the entry into force of the Directive, 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;
- **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;
- the Directive shall not under any circumstances constitute grounds for reducing the training requirements already applicable in the Member States to general medical training;

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.

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

Alerts: the following points are made:

- 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;
- 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;
- data regarding alerts may only remain in the Internal Market Information System (IMI) for as long as they are valid;
- alerts shall be **deleted within 24 hours** from the date of adoption of a revoking decision.

It should be noted that 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 must be provided that there are of neither temporary nor final suspensions from exercising the neither profession nor criminal convictions.

Delegated acts: the Commission will be empowered to adopt delegated acts in order to amend the list contained in Annex II on the list of courses having a special structure, to take account of forms of training which meets the requirements laid down in the text.

Reports: Members asked for several reports to be produced at different times, on the implementation of the amended directive.