

# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	1994/0305(COD) Procedure completed
Doctors: free movement and mutual recognition of diplomas, certificates and others formal qualifications	
Subject 2.40.01 Right of establishment 4.20.07 Medical and para-medical professions 4.40.07 Recognition of diplomas, equivalence of studies and training	

Key players			
European Parliament	Former committee responsible		
	 Legal Affairs, Citizens' Rights		02/02/1995
		PPE <a href="#">FONTAINE Nicole</a>	
	 Legal Affairs, Citizens' Rights		02/02/1995
		PPE <a href="#">FONTAINE Nicole</a>	
Council of the European Union	Council configuration	Meeting	Date
	Budget	<a href="#">2026</a>	24/07/1997
	<a href="#">Economic and Financial Affairs ECOFIN</a>	<a href="#">1986</a>	27/01/1997
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">1937</a>	18/06/1996
	<a href="#">Competitiveness (Internal Market, Industry, Research and Space)</a>	<a href="#">1929</a>	28/05/1996

Key events			
16/12/1994	Legislative proposal published	COM(1994)0626	Summary
20/01/1995	Committee referral announced in Parliament, 1st reading		
25/04/1995	Vote in committee, 1st reading		Summary
25/04/1995	Committee report tabled for plenary, 1st reading	<a href="#">A4-0099/1995</a>	
27/06/1995	Debate in Parliament		Summary
29/06/1995	Decision by Parliament, 1st reading	T4-0326/1995	Summary
27/11/1995	Modified legislative proposal published	COM(1995)0437	Summary
18/06/1996	Council position published	<a href="#">07550/1/1996</a>	Summary

18/07/1996	Committee referral announced in Parliament, 2nd reading		
02/09/1996	Vote in committee, 2nd reading		
02/09/1996	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A4-0269/1996</a>	
21/10/1996	Debate in Parliament		Summary
22/10/1996	Decision by Parliament, 2nd reading	T4-0508/1996	Summary
27/01/1997	Parliament's amendments rejected by Council		
28/05/1997	Formal meeting of Conciliation Committee		
28/05/1997	Final decision by Conciliation Committee		
27/06/1997	Joint text approved by Conciliation Committee co-chairs	<a href="#">3615/1997</a>	
10/07/1997	Report tabled for plenary, 3rd reading	<a href="#">A4-0246/1997</a>	
16/07/1997	Debate in Parliament		Summary
17/07/1997	Decision by Parliament, 3rd reading	T4-0384/1997	Summary
24/07/1997	Decision by Council, 3rd reading		
06/10/1997	Final act signed		
06/10/1997	End of procedure in Parliament		
24/10/1997	Final act published in Official Journal		

### Technical information

Procedure reference	1994/0305(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC before Amsterdam E 066; EC before Amsterdam E 049; EC before Amsterdam E 057-p1/2
Stage reached in procedure	Procedure completed
Committee dossier	CODE/4/08609

### Documentation gateway

Legislative proposal	<a href="#">COM(1994)0626</a> <a href="#">OJ C 389 31.12.1994, p. 0019</a>	16/12/1994	EC	Summary
Economic and Social Committee: opinion, report	<a href="#">CES0316/1995</a> <a href="#">OJ C 133 31.05.1995, p. 0010</a>	29/03/1995	ESC	Summary
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0099/1995</a> <a href="#">OJ C 151 19.06.1995, p. 0003</a>	25/04/1995	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0326/1995 <a href="#">OJ C 183 17.07.1995, p. 0017-0024</a>	29/06/1995	EP	Summary

Modified legislative proposal		<a href="#">COM(1995)0437</a> <a href="#">OJ C 028 01.02.1996, p. 0007</a>	27/11/1995	EC	Summary
Council position		<a href="#">07550/1/1996</a> <a href="#">OJ C 248 26.08.1996, p. 0071</a>	18/06/1996	CSL	Summary
Commission communication on Council's position		SEC(1996)1367	15/07/1996	EC	
Committee recommendation tabled for plenary, 2nd reading		<a href="#">A4-0269/1996</a> <a href="#">OJ C 320 28.10.1996, p. 0004</a>	02/09/1996	EP	
Text adopted by Parliament, 2nd reading		T4-0508/1996 <a href="#">OJ C 347 18.11.1996, p. 0020-0031</a>	22/10/1996	EP	Summary
Commission opinion on Parliament's position at 2nd reading		COM(1996)0638	12/12/1996	EC	Summary
Joint text approved by Conciliation Committee co-chairs		<a href="#">3615/1997</a>	27/06/1997	CSL/EP	
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		<a href="#">A4-0246/1997</a> <a href="#">OJ C 286 22.09.1997, p. 0009</a>	10/07/1997	EP	
Text adopted by Parliament, 3rd reading		T4-0384/1997 <a href="#">OJ C 286 22.09.1997, p. 0177-0207</a>	17/07/1997	EP	Summary

#### Additional information

European Commission

[EUR-Lex](#)

#### Final act

[Directive 1997/50](#)  
[OJ L 291 24.10.1997, p. 0035](#) Summary

## Doctors: free movement and mutual recognition of diplomas, certificates and others formal qualifications

The objective of this proposal for a European Parliament and Council directive is to amend Directive 93/16/EEC on the free movement of doctors and recognition of their qualifications. It seeks mainly to give the Commission the powers needed to update certain articles of the directive in question in order to take account of changes affecting the training for and designations of medical specialisations in the various Member States. The Commission is asking to be assisted by a committee of senior public health officials appointed by the Member States (committee set up under Decision 75/365/EEC) acting as an advisory committee. This committee would have the authority needed to help the Commission effect technical changes to articles 5 and 7 of Directive 93/16/EEC listing the titles of specialists and the Member States which recognise them. This directive therefore seeks to allow the advisory committee to help the Commission amend these articles under the management committee procedure (procedure IIb).?

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The ESC noted that the authorisation for the Commission to 'amend' the said articles was more extensive than the aim of the draft, namely 'a more efficient updating of certain articles' warranted. It doubted, first of all, the basis in Community law for this authorisation to 'amend', since under Article 145 of the EC Treaty 'the Council shall confer on the Commission, in the acts which the Council adopts, powers for the implementation of the rules which the Council lays down'. However, when using such powers, the Commission could neither amend nor supplement the legal acts of the Council to be implemented. The ESC pointed out that the 'updating' of qualifications was not only a technical or drafting question of inclusion in the catalogue; in individual cases it entailed an evaluation of qualitative and substantive conformity with the relevant specialisations. The ESC regarded it as necessary to involve the 'Advisory Committee for further medical training' in the procedure. It was inadequate for the matter to be left to the 'Committee of Senior Officials for Public Health'. It was therefore necessary for the Standing Committee of European Doctors, as the federation of national organisations at European level, to be asked for its opinion in all procedures. Moreover, the Commission should be urged to ensure, when a draft Directive was being drawn up, that the Member States' authorities responsible for further training took account of the views of the national medical profession. The ESC recommended examination of the

question of whether the present system of individual references to the extremely varied descriptions of specialisations used in the individual Member States could not be replaced by a more simple system of mutual recognition of main specialisations and associated ?sub-specialisations?. To this end, the ESC proposed that when it took a decision on the draft Directive under review, the Council should instruct the Commission to request the Standing Committee of European Doctors to produce a proposal on the further development of the mutual recognition arrangements for specialist medical qualifications, with the aim of improving freedom of establishment and freedom to provide services.

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The Committee on Legal Affairs unanimously adopted the report by Mrs Fontaine, subject to the amendments concerning: - the scope of the amendments, which would determine the beginning of the "comitology" process; and - consideration of Parliament's rights within the framework of a codecision procedure (cf. *modus vivendi* with regard to comitology concluded between the institutions on 20 December 1994). ?

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Mrs FONTAINE recalled the precedents to the draft Directive, in particular the legislation of April 1993. It was precisely the absence from this last Directive of rules on comitology that was the subject of Amendment No 1, which referred to the agreement on comitology of the previous December. Furthermore, Mrs Fontaine felt that the Directive should include a reference to the involvement of members of the industry in the management committees. Commissioner MONTI stated that he could take over the amendments on the scope of implementation (Amendments Nos 4, 5, 6 and 7). He could also take over Amendment No 1 as it referred to the ?modus vivendi? relating to comitology. However, according to the Commissioner, Amendment No 2, which implied almost automatic recognition of qualifications awarded in third countries, would pose difficulties for certain Member States. In addition, the recognition in question was not directly linked to the proposal. As a result, Amendment No 2 could not be taken over. Nor could Amendment No 3, because by seeking to require that the Commission consult the committees of experts appointed by the Member States (before consulting the Committee of Senior Officials on Public Health) it extended the comitology procedure; even the Council would be involved, which would completely contradict the flexible nature of the committee procedure. Amendments Nos 8, 9 and 10 were rejected as they posed the same problem, in relation to the ?arrangements?, as Amendment No 3, which related to the ?grounds?.

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In adopting the report by Mrs Fontaine, Parliament approved the proposal with the following amendments concerning: - the scope of the amendments, which would determine the beginning of the comitology process, and consideration of the European Parliament's rights within the framework of a codecision procedure; - the Commission should give greater consideration to the problem of nationals of Member States who held qualifications awarded by third countries, which constituted a "major difficulty" for certain Member States within the meaning of Directive 93/16/EEC; - the Commission should consult the Standing Committee of European Doctors before submitting any proposals for amendments. ?

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In its amended proposal, the Commission took over most of the amendments put forward by the European Parliament at first reading, particularly those aimed at: - highlighting the existence of the interinstitutional *modus vivendi* relating to comitology mentioned in the preamble to the directive; - clarifying the nature of the authority granted to the Commission by stating that the Commission could amend the list of designations and the list of the minimum lengths of training courses for doctors mentioned in the directive. However, the Commission did not accept the EP's amendment aimed at ensuring that before a matter was referred to the Committee of Senior Officials on Public Health, the Commission should consult both the Standing Committee of European Doctors (which, according to the Commission, was a private professional organisation which could not be consulted in this respect on a compulsory basis) and the Advisory Committee on Medical Training. This situation would place an additional burden on the consultation procedure and distort Decision 87/373/EEC, which established the rules on comitology in relation to this matter, by adding an additional and unnecessary stage. In any case, where necessary the Commission could consult these bodies if their opinion was deemed to be of use. Similarly, the Commission did not accept the amendment calling on the Commission to give greater consideration to the question of nationals of Member States holding qualifications awarded in third countries. This amendment served no purpose in the current proposal. ?

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The Council common position follows the amended Commission proposal, incorporating the 5 European Parliament amendments which were, in their essentials, accepted by the Commission. The Council nevertheless opted for the variant III(a) comitology procedure (regulatory, rather than management, committee) for the purpose of updating the list of designations of specialist medical training courses and the corresponding

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The rapporteur, Mrs Fontaine (EPP, F), was critical of the fact that the common position of the Council had only retained the editorial aspects of the amendments drawn up by Parliament. She took the view that nothing inordinate had been demanded at first reading, since the aim had been to adopt a dynamic approach to the issue of the free movement of doctors. As a result the Committee on Legal Affairs, by way of Amendment No 1, had reaffirmed its preference for a management committee (procedure IIb) instead of a regulatory committee; under Amendment No 2 it had restored the Consultative Committee for the training of doctors; finally, Amendment No 3 focused on the question of nationals from Member States who held diplomas awarded by third countries. While recognising that in its initial proposal the Commission has suggested setting-up a management committee, Commissioner Monti declared that his institution would finally accept the Council position; this would essentially mean rejecting Amendments Nos 1 and 4. As far as Amendments Nos 2 and 3 were concerned, the Commission shared Parliament's views on the role of the committee responsible for doctors' training and for the recognition of training qualifications acquired outside the EU. In conclusion, however, the Commissioner stressed that the Commission intended to abide by the common position of the Council, as this was well-balanced, comprehensive and legally correct.

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In adopting the report by Mrs Nicole FONTAINE (PPE, F), Parliament amended at second reading the common position of the Council relating to the amendment of the 1993 Directive to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications. The European Parliament emphasized that the Committee to assist the Commission should act as a management committee and not as a regulatory committee as proposed by the Council. It also called for an examination of the question of nationals of Member States who hold diplomas awarded by third countries. ?

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In its opinion on the amendment to the 1993 directive seeking to facilitate the free movement of doctors and the mutual recognition of their diplomas, the Commission pointed out that it was unable to incorporate the amendments approved by the European Parliament at second reading, the main purpose of which is to change the type of committee provided for by the Council (regulatory committee) to a management committee (type IIb). The Commission had already stated that it was able to support the Council's common position and therefore accept the regulatory committee for the purpose of updating the list of designations of specialist medical training courses and the corresponding lists of minimum lengths of training because of the "health protection" aspects of the changes. This was why it had accepted the type of committee provided for by the Council and had not incorporated Parliament's amendments on this point. The other amendments were not incorporated either, for reasons of legal coherence (the Commission considered them immaterial to the proposal).?

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While welcoming the generally positive result of the conciliation (on all three points under discussion, namely: qualifications awarded by third countries to Community nationals, the role of the Advisory Committee on Medical Training and comitology), the rapporteur mentioned the problems still to be resolved. In particular the problem of the equivalence of medical qualifications obtained outside the European Union (an issue on which the Commission had agreed to annex a declaration to the joint conciliation text) needed to be resolved within the more general framework of the system of mutual recognition of diplomas. The same applied to the issue of the numerus clausus which threatened to arise more and more frequently as professionals became increasingly mobile within the Community. Commissioner Brittan agreed with the rapporteur's assessment of the conciliation results and confirmed that the Commission's declaration on the need to ensure the equivalence of medical qualifications awarded outside the EU could be regarded as the first step towards solving the problem.

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By adopting the report by Mrs Nicole FONTAINE (PPE, F), the European Parliament approved the joint text. The text adopted incorporated the essence of the 4 amendments adopted by the European Parliament at second reading, namely : - the preference for a management committee instead of a regulatory committee, - an effective role for the Advisory Committee on Medical Training in connection with the application of the Directive to facilitate the free movement of doctors and the mutual recognition of their diplomas (the Committee would have the task of helping to ensure a comparably demanding standard of medical training in the Community, with regard both to the training both of doctors and of medical specialists). It also took into account the question of nationals of the Member States who hold qualifications awarded in third countries.?

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OBJECTIVE : to introduce adequate procedures for the implementation of the provisions of Directive 93/16/EEC on the free movement of doctors. COMMUNITY MEASURE : European Parliament and Council Directive 97/50/EC amending Directive 93/16/EEC which seeks to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other qualifications. CONTENT : In view of the frequent changes affecting the training and appointment of medical specialisations in the different Member States, Directive 93/16/EEC on the free movement of doctors requires alignment on a regular basis. The present Directive mainly seeks to give the European Commission implementing powers for the regular updating of the Directive in question. The amendments apply to: -medical specialisations recognised by a minimum of 2 Member States (in order to include them in the appropriate lists of designations); -the minimum lengths of training corresponding to the newly introduced specialisations. To help it in this task, the Commission will be assisted by the high-level committee on public health set up by Decision 75/365/EEC, which is to act as an advisory committee or as a management committee according to the subject matter in question. At the same time it is proposed that the consultative committee for the training of doctors will present appropriate opinions and recommendations within the framework of the Directive and that the question of nationals of Member States who hold diplomas awarded by third countries will be examined under the general system of recognition of diplomas. ENTRY INTO FORCE OF THE DIRECTIVE : 25/10/1997. ?