Procedure file

Basic information

COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2011/0435(COD)
Recognition of professional qualifications: European Professional Card supported by the Internal Market Information System (IMI) Amending Directive 2005/36/EC 2002/0061(COD) Amending Regulation (EU) No 1024/2012 2011/0226(COD) Subject 2.80 Cooperation between administrations 3.30.06 Information and communication technologies, digital technologies 4.15.06 Professional qualifications, recognition of qualifications 4.20.07 Medical and para-medical professions	Procedure completed

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
IMCO Internal Market and Consumer Protection		30/11/2011
	S&D VERGNAUD Bernadette	
	Shadow rapporteur	
	PPE LE GRIP Constance	
	ALDE BUŞOI Cristian-Silviu	
	Verts/ALE RÜHLE Heide	
	ECR MCCLARKIN Emma	
	EFD SALVINI Matteo	

Committee for opinion	Rapporteur for opinion	Appointed
EMPL Employment and Social Affairs		19/01/2012
	PPE RONZULLI Licia	
ENVI Environment, Public Health and Food Safety		15/02/2012
	PPE WEISGERBER Anja	
CULT Culture and Education	The committee decided not to give an opinion.	

Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
JURI Legal Affairs		13/06/2013
	EFD SPERONI Francesco Enrico	

Council of the European Union

Council configuration	Meeting	Date
Economic and Financial Affairs ECOFIN	3271	15/11/2013
Competitiveness (Internal Market, Industry, Research and Space)	3208	10/12/2012

	Competitiveness (Internal Market, Industry, Research and Space)	3169	30/05/2012
European Commission	Commission DG	Commissioner	
	Financial Stability, Financial Services and Capital Markets Union	BARNIER Michel	
European Economic and Social Committee			

Key events

19/12/2011	Legislative proposal published	COM(2011)0883	Summary
19/01/2012	Committee referral announced in Parliament, 1st reading		
30/05/2012	Debate in Council	3169	Summary
10/12/2012	Debate in Council	3208	
23/01/2013	Vote in committee, 1st reading		
13/02/2013	Committee report tabled for plenary, 1st reading	A7-0038/2013	Summary
09/10/2013	Results of vote in Parliament		
09/10/2013	Debate in Parliament		
09/10/2013	Decision by Parliament, 1st reading	T7-0408/2013	Summary
15/11/2013	Act adopted by Council after Parliament's 1st reading		
20/11/2013	Final act signed		
20/11/2013	End of procedure in Parliament		
28/12/2013	Final act published in Official Journal		

Technical information

Procedure reference	2011/0435(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amending Directive 2005/36/EC 2002/0061(COD) Amending Regulation (EU) No 1024/2012 2011/0226(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 062; Treaty on the Functioning of the EU TFEU 114-p1; Treaty on the Functioning of the EU TFEU 046; Treaty on the Functioning of the EU TFEU 053-p1
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	IMCO/7/08295

Documentation gateway

Legislative proposal		COM(2011)0883	19/12/2011	EC	Summary
Document attached to the procedure		SEC(2011)1558	19/12/2011	EC	
Document attached to the procedure		SEC(2011)1559	19/12/2011	EC	
Document attached to the procedure		N7-0067/2012 OJ C 137 12.05.2012, p. 0001	08/03/2012	EDPS	Summary
Economic and Social Committee: opinion, report		CES1046/2012	26/04/2012	ESC	
Committee draft report		PE494.470	16/07/2012	EP	
Amendments tabled in committee		PE496.438	17/10/2012	EP	
Amendments tabled in committee		PE498.001	17/10/2012	EP	
Amendments tabled in committee		PE498.002	17/10/2012	EP	
Committee opinion	EMPL	PE489.564	18/10/2012	EP	
Amendments tabled in committee		PE498.003	23/10/2012	EP	
Committee opinion	ENVI	PE494.475	08/11/2012	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0038/2013	13/02/2013	EP	Summary
Specific opinion	JURI	PE514.672	10/07/2013	EP	
Text adopted by Parliament, 1st reading/single reading		T7-0408/2013	09/10/2013	EP	Summary
Draft final act		00057/2013/LEX	20/11/2013	CSL	
Commission response to text adopted in plenary		SP(2013)872	27/11/2013	EC	
Follow-up document		SWD(2018)0090	09/04/2018	EC	
Follow-up document		COM(2018)0263	07/05/2018	EC	Summary
Follow-up document		COM(2020)0191	11/05/2020	EC	
Follow-up document		SWD(2020)0079	11/05/2020	EC	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

Directive 2013/55
OJ L 354 28.12.2013, p. 0132 Summary

Final legislative act with provisions for delegated acts

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

PURPOSE: to amend Directive 2005/36/EC on the recognition of professional qualifications with a view in particular to creating the European professional card and making use of the Regulation on administrative cooperation through the Internal Market Information (IMI) System.

PROPOSED ACT: Directive of the European Parliament and of the Council.

BACKGROUND: even if mobility within the European Union of qualified professionals, a Eurobarometer poll in 2010 shows that 28% of EU citizens are considering working abroad. In this context, the recognition of professional qualifications is essential to ensure that European citizens may genuinely benefit from the fundamental freedoms of the internal market and respond to the needs of Member States facing increasing shortages of skilled workers, in particular in sectors such as health, education, construction or business services.

The Communication on the Single Market Act identified the recognition of professional qualifications as a major issue. It underlined the need for the modernisation of the existing framework. On 23 October 2011, the European Council invited the Institutions to undertake their utmost to reach a political agreement by the end of 2012 on the 12 initiatives in the Single Market Act, including on a Commission proposal for modernising Directive 2005/36/EC. The European Parliament also called for urgent action in its report dated 15 November 2011.

IMPACT ASSESSMENT: the Commission conducted an impact assessment on various policy alternatives. This analysis identified eight groups of problems, deriving mainly from the outcome of the evaluation and from the reactions to the Green Paper. These groups of problems cover: the access to information on recognition procedures, the efficiency of recognition procedures, the functioning of the automatic recognition system, the conditions applying to establishment and those applying to temporary mobility and the scope of the Directive. Since public health emerged as a particular issue during the evaluation, the protection of patients has also been mentioned in the problem definition.

The analysis identified three general objectives:

- facilitating the mobility of professionals and the intra-EU trade in services,
- addressing the challenge of filling high-skill jobs and
- offering more possibilities for job seekers.

A wide range of options were examined for each group of problems. The main conclusions of the impact assessment relating to each group of problems addressed are published in parallel with this proposal.

LEGAL BASIS: Articles 46, 53(1), Article 62 and 114 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the Commission is not proposing a new Directive but a well-targeted modernisation of the existing provisions. The main proposed changes relate to:

- The creation of a European Professional Card: to reduce the complexity of procedures, it is proposed to create a European Professional Card (EPC). The EPC will be an alternative tool which can be implemented for those professions which meet several objectives:

- bottom-up demand by members of the profession,
- significant mobility and
- better cooperation between competent authorities through IMI.

The EPC also offers potential for those professions interested mainly in temporary mobility. The introduction of the EPC will depend on whether professions request its introduction. The EPC aims to facilitate and accelerate the recognition procedure while at the same time making it more transparent. Therefore, the card requires more involvement by the home Member State, which implies the shift of certain costs and administrative burdens from the host Member State to the home Member State.

The use of the Internal Market System becomes compulsory under the Directive. Since the successive extensions of IMI to cover all recognition mechanisms under the Directive, a significant number of competent authorities use IMI regularly with good results. Therefore, the proposal obliges Member States to use IMI for the exchange of information relating to recognition of professional qualifications. The use of IMI should reduce costs.

The proposal lays down in detail the framework and the rules applicable to the issue of an EPC. The EPCs advantages include reduced deadlines for the treatment of an application on the basis of the European professional card compared to the current procedure which will continue to exist for professionals preferring not to use the EPC.

- Reforming the general rules for establishing in another Member State or moving on a temporary basis: a special regime for the free provision of services on a temporary basis was introduced through Directive 2005/36/EC. It foresees lighter rules for temporary service providers: they can provide services without the prior check of professional qualifications (except for professions with health and safety implications).

Several amendments are proposed in this context. By removing the professional experience requirement imposed on service providers from non-regulating Member States when the service provider accompanies the service recipient, the proposal seeks to better cater to the needs of consumers crossing borders. Where the requirement of professional experience still applies, the proposal foresees that it can be acquired in one or several Member States which creates more opportunities for the services providers compared to the current situation.

For professions with health and safety implications, Member States implemented the prior check of qualifications in diverse ways which has led to legal uncertainty for service providers. The proposal addresses this issue by requiring Member States not only to provide a list of all professions they consider as belonging to this category but also to justify their reasons for the inclusion of each profession. The proposal also clarifies the list of documents a Member State may require prior to the first provision of services.

Two additional changes are proposed:

- general system: the revision concerns the existing possibility to exclude on the basis of Article 11 certain qualifications from the scope of the Directive when there are two ore more levels of difference between the professionals' training and the requirements in the host Member State. The qualification levels should, in principle, be used only as a benchmarking tool and not as a basis for excluding professionals from the scope of the Directive. The only exception relates to persons whose qualifications are based on professional experience who are seeking access to a profession requiring a university degree;
- partial access: it is also proposed to introduce the concept of partial access into the Directive. This will bring more legal certainty for professionals and will allow professionals fulfilling the conditions for partial access to establish themselves or to provide services where they were previously excluded from the benefits of the Directive. However, Member States may not apply this principle where there are overriding reasons such as in the case of health professions.

- Modernising the system of automatic recognition: the proposed change in this field aims at introducing more flexibility for the Commission to adapt the list of activities contained in Annex IV of this Directive. This list no longer reflects the current structure of economic activities.

As regards automatic recognition based on minimum training requirements, in order to improve transparency at EU level, the proposal requires each Member State to notify the legislative, regulatory and administrative provisions related to the issuing of new or changed qualifications. Member States will also be obliged to involve an appropriate existing authority or body, such as an accreditation board or a ministry, to report about the compliance of the qualification with the Directive's minimum training requirements.

The proposal also includes:

- new provisions to enhance the mobility of doctors (in particular specialists), nurses, architects and pharmacists;
- a series of common training principles: a common training framework or common training tests. These aim at introducing more automaticity in the recognition of qualifications currently covered by the general system and should better respond to the needs of the professions. The qualifications obtained under this regime should be automatically recognised in the Member States which might however benefit from derogations in applying them. In addition, the conditions for setting up common training principles are less difficult to fulfil than the conditions for setting up common platforms.

- Offering a legal framework in the Directive for partially qualified professionals and for notaries: the proposal extends the scope of the Directive to professionals who hold a diploma but have yet to complete a remunerated traineeship which might be required under the law of the Member State where they graduated (this can apply, for example, to lawyers, architects and teachers). Furthermore, in response to a Court of Justice decision that nationality requirements cannot be imposed on notaries, the scope of the directive needs therefore to be clarified. Considering the specificities of the profession, the rules on establishment and free provision of services have to be well tailored.

- Clarifying safeguards for patients:

- the checking of language knowledge is to take place only after the host Member State has recognised the qualification. In the case of health professionals, it also specifies that it is up to the national health care systems and patient organizations to check whether competent authorities should carry out language controls where strictly necessary;
- national competent authorities are obliged to alert each other in case a health professional benefiting from automatic recognition under the Directive is prohibited, even temporarily, to practice the profession.

- Access to information on rules applicable to recognition of qualifications: to allow an easy identification of the competent authority and the required documents for a recognition request, the proposal foresees that the points of single contact, created under the Services Directive, become central online access points for all professions covered by the Professional Qualifications Directive. Therefore, the scope of the points of single contact is extended to categories of professionals not covered by the Services Directive (health professionals and job seekers).

- Launching a systematic screening and mutual evaluation exercise for all regulated professions in the Member States: lastly, the proposal provides for the introduction of an obligation for Member States to notify a list of professions they regulate and to assess their legislation on the access to regulated professions against the principles of necessity (public interest), proportionality and non-discrimination.

BUDGETARY IMPLICATION: the proposal is expected to have implications for the EU budget to the extent that the future EPC will use the IMI System as its operational backbone. The IMI will have to be adapted to the EPC processes and storage requirements and supplemented with some additional functions, namely a specific interface, an alert mechanism and a declaration mechanism. The implications for the EU budget are already covered by planned allocations and will however be modest in view of the fact that using the IMI to underpin the EPC will provide important economies of scale and scope. The adaptation and development costs will therefore be substantially reduced.

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

Opinion of the European Data Protection Supervisor on the Commission 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

On 19 December 2011, the Commission adopted a 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 Proposal was sent to the EDPS for consultation on the same date.

Before the adoption of the Proposal, the EDPS was given the possibility to provide informal comments. Many of these comments have been taken into account in the Proposal. As a result, the data protections safeguards in the Proposal have been significantly strengthened. The EDPS welcomes the fact that he is also formally consulted by the Commission and that a reference to this Opinion is proposed to be included in the preamble of the instrument to be adopted.

Objectives and scope of the Proposal : the objective of the Proposal is to modernize and amend the existing text of Directive 2005/36/EC (the Professional Qualifications Directive).

From the data protection perspective, the two key aspects of the Proposal are (i) the introduction of an alert system (Article 56a) and (ii) the introduction on a voluntary basis of a European Professional Card (Articles 4a, b, c, d and e) (5). The processing of personal data in both cases is foreseen to take place via the Internal Market Information System (IMI) :

- alerts are issued, in principle, after a decision has been made by a competent authority or a court in a Member State prohibiting an individual from pursuing his or her professional activities in its territory. Alerts can be issued concerning any professional subject to the Professional Qualifications Directive including professionals who have not applied for a European Professional Card. After being issued, alerts are stored in IMI and all Member States and the Commission have access to them;
- the introduction of a European Professional Card involves the creation and storage of an information file in IMI on the professionals who voluntarily subscribed to the card (the IMI-file). The information in the IMI-file is accessible by the professional, as well as by the host and the home Member States. At any time the professional can request the deletion, blocking or rectification of information in the IMI-file;

- the alert data and some of the data in the IMI file include information on offences or administrative sanctions, and as such, require heightened protection under Article 8(5) of Directive 95/46/EC and Article 10(5) of Regulation (EC) No 45/2001.

According to the EDPS, the alert system may affect the right to data protection of a large number of individuals of different professional groups in all Member States, including medical practitioners, whether or not they actually pursue or intend to pursue their activities outside their home countries.

Further, the Proposal also raises important issues on how the alert system and the repository function will develop in IMI in the future. This is a horizontal issue also relevant for administrative cooperation in other policy areas.

Conclusions: the EDPS takes note of the establishment of a limited alert system at the European level to exchange information about professionals who have been prohibited from pursuing their professions in a Member State, where this is justified for important public interests.

However, the EDPS considers that the alert systems must remain proportionate.

The EDPS recommends, in particular, that:

- the Proposal should specify unambiguously in which concrete cases alerts can be sent, more clearly define what personal data can be included in alerts, and limit the processing to the minimum that is necessary, taking into account proportionality and balancing of rights and interests;
- in this respect, the Proposal should unambiguously specify that alerts can only be sent after a decision has been made by a competent authority or a court in a Member State prohibiting an individual to pursue his or her professional activities in its territory;
- specify that the content of the alert must not contain more specific information regarding the circumstances and reasons for the prohibition;
- clarify and limit to the minimum strictly necessary, the period for which alerts are retained; and
- ensure that alerts are only sent to competent authorities in Member States and that these authorities shall keep alert information received confidential and not further distribute or publish it, unless the data were made public in accordance with the law of the sending Member State.

With regard to the European Professional Card and the related IMI-file, the EDPS recommends further clarifications on the conditions under which information concerning disciplinary action or criminal sanctions or any other serious specific circumstances must be included in the file, and the content of the information to be included, and also recommends clear limitation on the retention periods.

Further, the EDPS recommends that in the long term, if and when the use of Professional Cards and IMI will become widespread, the Commission undertake a review of whether the Article 56a alert systems are still necessary and whether they cannot be replaced by a more limited, and thus, from the data protection point of view, less intrusive, system.

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

The Council held a debate on a draft directive aimed at improving the system of recognition of professional qualifications with the purpose of facilitating the mobility of skilled workers across the EU. The outcome of the debate provides political guidance for future work.

During the debate, ministers expressed views on two main aspects of the reform:

1. the creation and practical implementation of the European professional card;
2. the proposed transparency exercise which would subsequently lead to mutual evaluation and, possibly, to a simplification of the national legal frameworks for the regulated professions.

Many delegations pointed out the potential possible benefits for the mobility of skilled workers arising from the introduction of a professional card, provided that the card is cost effective and has "EU added value".

Delegations broadly acknowledged the need to look into ways of reducing the number of regulated professions in the Member States so as to facilitate access to these professions by removing unjustified regulatory barriers.

The European professional card would be an electronic certificate issued by the professional's country of departure that would facilitate the automatic recognition in the host country (the country where the professional seeks establishment). Applications for professional cards would be made through the competent national authorities using the IMI system.

The introduction of professional cards would be considered for a particular profession where:

- there is clear interest from professionals, the national authorities and the business community;
- the mobility of the professionals concerned has significant potential;
- the profession is regulated in a significant number of Member States.

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

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.

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

The European Parliament adopted by 596 votes to 37, with 312 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation on administrative cooperation through the Internal Market Information System.

Parliament adopted its position at first reading, following the ordinary legislative procedure. The amendments adopted in plenary were the result of a compromise reached between the European Parliament and the Council. They amend the Commission proposal as follows:

Subject-matter and scope: Directive 2005/36/EC is amended to stipulate that it seeks to establish rules concerning partial access to a regulated profession and recognition of professional traineeships pursued in another Member State.

It should be noted that this Directive should not apply to notaries who are appointed by an official act of government.

Professional traineeships: when a graduate completes a professional traineeship in another Member State, the traineeship in question should be recognised when the graduate applies for accessing a regulated profession in the home Member State. The recognition of a professional traineeship completed in another Member State should be based on a clear written description of learning objectives and assigned tasks, to be determined by the trainee's supervisor in the host Member State. Professional traineeships completed in third countries should be taken into account by Member States when considering a request to access a regulated profession.

Partial access: the recognition of professional qualifications by the host Member State should allow beneficiaries to gain access in that Member State to the same profession as that for which they are qualified in the home Member State and to pursue it in the host Member State under the same conditions as its nationals.

By way of derogation, the competent authority of the host Member State should grant partial access, on a case-by-case basis, to a professional activity in its territory only when all the following conditions are fulfilled:

- the professional is fully qualified to exercise in the home Member State the professional activity for which partial access is sought in the host Member State;
- differences between the professional activity legally exercised in the home Member State and the regulated profession in the host Member State as such are so large that the application of compensation measures would amount to requiring the applicant to complete the full programme of education and training required in the host Member State to have access to the full regulated profession in the host Member State;

Where there are overriding reasons of general interest, a Member State should be able to refuse partial access. This may in particular be the case for health professions if they have public health or patient safety implications.

Requirement of a minimum of one years professional experience: in the interest of protecting local consumers in the host Member State, temporary and occasional provision of services in Member States should be subject to safeguards, in particular a requirement of a minimum of one year's professional experience during the last ten years preceding the provision of services, in cases where the profession is not regulated in the home Member State.

The condition of one year's pursuit shall not apply if the profession or the education and training leading to the profession is regulated.

European Professional Card: it is stated that the purpose of the European Professional Card is to simplify the recognition process and to introduce cost and operational efficiencies that will benefit professionals and competent authorities. The introduction of a European Professional Card should take into account the views of the profession concerned and should be preceded by an assesssment of its suitability for the profession concerned and its impact on Member States. The European Professional Card should be issued at the request of a professional and after submission of necessary documents and completion of related verification procedures by the competent authorities.

Where the European Professional Card is issued for the purpose of establishment, it should constitute a recognition decision and be treated as any other recognition decision under Directive 2005/36/EC. It should complement rather than replace any registration requirements associated with access to a particular profession.

For the purpose of establishment, the issuance of a European Professional Card should not provide an automatic right to practise a particular profession if there are registration requirements or other control procedures already in place in the host Member State before a European Professional Card is introduced for that profession.

A European Professional Card may be issued for establishment or for the temporary and occasional provision of services according to strict conditions laid down in the amendment to the Directive.

Provisions are laid down to establish a framework for the introduction of a European Professional Card for particular professions, by implementing acts.

There is no need to introduce a European Professional Card for the legal professions for which professional cards already exist (e.g. for lawyers).

Professional Card and Internal Market Information System (IMI): the amended Directive stipulated that the functioning of the European Professional Card should be supported by the Internal Market Information System (IMI) established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council. The Card and IMI should enhance synergies and trust among competent authorities, while at the same time eliminating duplication of administrative work and recognition procedures for the competent authorities, and creating more transparency and certainty for professionals.

The process for the application and issuing of the European Professional Card should be clearly structured and incorporate safeguards and the corresponding rights of appeal for the applicant. Implementing acts should specify translation requirements and the methods of payment of any fees to be provided by an applicant so that the workflow in IMI is not disrupted or impaired and the processing of the application is not delayed.

Fees: setting the level of fees is a matter for Member States. Member States should however notify the Commission about the level of fees set.

Professional card and data protection: the European Professional Card and the related workflow within IMI should ensure the integrity, authenticity and confidentiality of the data stored and avoid unlawful and unauthorised access to information contained therein.

Common training frameworks: common training framework should mean a common set of minimum knowledge, skills and competences necessary for the pursuit of a specific profession. A common training framework shall not replace national training programmes unless a Member State decides otherwise under national law.

It should be possible for common training frameworks also to cover specialties that currently do not benefit from automatic recognition provisions under Directive 2005/36/EC and that relate to professions encompassed by Chapter III of Title III and that have clearly defined specific activities reserved to them. Common training frameworks on such specialties, in particular medical specialties, should offer a high level of public health and patient safety. Professional qualifications obtained under common training frameworks should automatically be recognised by Member States.

Professional organisations which are representative at Union level and, under certain circumstances, national professional organisations or competent authorities should be able to submit suggestions for common training principles to the Commission, in order to allow for an assessment with the national coordinators of the possible consequences of such principles for the national education and training systems, as well as for the national rules governing access to regulated professions.

Regulated professions: specific provisions are provided for a certain number of regulated professions in the Member States. These professions include:

(1) Doctors: to ensure a high level of public health and patient safety within the Union and modernising Directive 2005/36/EC, it is necessary to modify the criteria used to define the basic medical training so that conditions relating to the minimum number of years and hours become cumulative. The objective of this modification is not to lower the training requirements for basic medical education.

(2) Nurses: nurse training, the organisation of which still differs according to national traditions, should provide a more robust and more output-oriented assurance that the professional has acquired certain knowledge and skills during the training, and is able to apply at least certain competences in order to pursue the activities relevant to the profession. New provisions have been introduced to strengthen the minimum level of training for nurses. They should be able to prove by a diploma or certificate that they received at least 10 years of general education.

(3) Midwives: in order to prepare midwives to meet complex healthcare needs relating to their activities, midwifery trainees should have a solid general education background before they start midwifery training. Therefore, admission to midwifery training should be increased to 12 years of general education or successful examination of an equivalent level, except in the case of professionals who are already qualified as a nurse responsible for general care.

(4) Pharmacist: a significant number of Member States have decided to allow access to all activities in the field of pharmacy and the pursuit of these activities based on the recognition of qualifications of pharmacists acquired in another Member State since the entry into force of Directive 2005/36/EC. Such recognition of a professional qualification acquired in another Member State should not, however, prevent a Member State from maintaining non-discriminatory rules governing any geographical distribution of pharmacies on their territory because Directive 2005/36/EC does not coordinate such rules. However, any derogation from the automatic recognition of qualifications which is still necessary for a Member State should no longer exclude pharmacists who are already recognised by the Member State using such derogation and who have already been lawfully and effectively practising as a pharmacist for a certain period on the territory of that Member State.

(5) Other regulated professions: specific measures have also been provided to improve the professional recognition of architects and veterinary surgeons.

Continuous professional development: Member States should in particular encourage continuous professional development for doctors of medicine, medical specialists, general practitioners, nurses responsible for general care, dental practitioners, specialised dental practitioners, veterinary surgeons, midwives, pharmacists and architects. The measures taken by Member States to promote continuous professional development for those professions should be communicated to the Commission, and Member States should exchange best practice in that area. Continuous professional development should cover technical, scientific, regulatory and ethical developments and motivate professionals to participate in lifelong learning relevant to their profession.

Language controls: competent authorities should be able to apply language controls after recognition of professional qualifications. Language controls should however be reasonable and necessary for the professions in question and should not aim at excluding professionals from other Member States from the labour market in the host Member State. In order to ensure respect of the principle of proportionality, and in the interests of enhancing the mobility of professionals in the Union, the controls carried out by, or under the supervision of, a competent authority should be limited to the knowledge of one official language of the host Member State, or one administrative language of the host Member State, provided that it is also an official language of the Union. This should not preclude host Member States from encouraging professionals to acquire another language at a later stage if necessary.

Alert mechanism: a specific alert mechanism should apply to veterinary surgeons as well as to professionals exercising activities relating to the education of minors, including professionals working in childcare and early childhood education. All Member States should be alerted if a professional is no longer entitled, due to a disciplinary action or criminal conviction, to practise, even temporarily, the professional activities in a Member State. The alert should contain any available details of the definite or indefinite period to which the restriction or prohibition applies. The alert procedure should comply with Union law on the protection of personal data and fundamental rights.

Delegated acts: in order to take account of generally acknowledged scientific and technical progress, the Commission shall be empowered to adopt delegated acts to update the knowledge and skills to reflect the evolution of Union law directly affecting the professionals concerned.

Implementing acts: the Commission shall, by means of implementing acts, adopt measures necessary to ensure the uniform application of the provisions on the European Professional Cards, including measures concerning the format of the European Professional Card, the processing of written applications, the translations to be provided by the applicant to support any application for a European Professional Card, details of the documents required to present a complete application and procedures for making and processing payments for a European Professional Card.

Evaluations: several evaluations shall be carried out by the Commission to assess the need to review the current provisions governing the acquired rights regime applicable to the Romanian evidence of formal qualifications as nurse responsible for general care.

Coordinator for the activities of the competent authorities: each Member State should designate a coordinator for the activities of the competent authorities and should inform other Member States and the Commission thereof.

The coordinators' tasks shall be:

- to promote uniform application of this Directive;
- to collect all the information which is relevant for application of this Directive, such as on the conditions for access to regulated professions in the Member States;

- to examine suggestions for common training frameworks and common training tests;
- to exchange information and best practice for the purpose of optimising continuous professional development in Member States;
- to exchange information and best practice on the application of compensation measures.

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

PURPOSE: the rationalisation, simplification and improvement of the rules for the recognition of professional qualifications.

LEGISLATIVE ACT: Directive 2013/55/EU of the European Parliament and of the Council amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (the IMI Regulation).

BACKGROUND: Directive 2005/36/EC consolidated a system of mutual recognition which was initially based on 15 Directives. It provided for automatic recognition for a limited number of professions based on harmonised minimum training requirements, a general system for the recognition of evidence of training and automatic recognition of professional experience.

However, the Commissions Communication on the Single Market Act identified the need to modernise Union law in this area.

CONTENT: this Directive makes certain amendments to Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 (the IMI Regulation.), the main ones being as follows:

European Professional Card (EPC): the Directive establishes the EPC. Holders of a professional qualification must be issued with a European Professional Card upon their request and on condition that the Commission has adopted the relevant implementing acts as prescribed in the text. The EPC is an electronic certificate proving either that the professional has met all the necessary conditions to provide services in a host Member State on a temporary and occasional basis or the recognition of professional qualifications for establishment in a host Member State.

The purpose of the European Professional Card is to simplify the recognition process and to introduce cost and operational efficiencies that will benefit professionals and competent authorities. The introduction of a European Professional Card should take into account the views of the profession concerned and should be preceded by an assessment of its suitability for the profession concerned and its impact on Member States.

There is no need to introduce a European Professional Card for the legal professions for which professional cards already exist.

Application for an EPC: the Directive lays down in detail the framework and the rules applicable to the issue of an EPC. The process is clearly structured and incorporates safeguards and the corresponding rights of appeal for the applicant. Implementing acts will specify translation requirements and the methods of payment of any fees to be provided by an applicant so that the workflow in IMI is not disrupted or impaired and the processing of the application is not delayed. Setting the level of fees is a matter for Member States.

Internal Market Information System (IMI): the functioning of the European Professional Card is supported by the Internal Market Information System (IMI) established by Regulation (EU) No 1024/2012. The home Member State shall enable a holder of a professional qualification to apply for a European Professional Card through an on-line tool, provided by the Commission, that automatically creates an IMI file for the particular applicant.

Partial access: there are cases where, in the host Member State, the activities concerned are part of a profession with a larger scope of activities than in the home Member State. If the differences between the fields of activity are so large that a full programme of education and training would be required from the professional to compensate for shortcomings, and if the professional so requests, a host Member State may grant partial access. However, a Member State will be able to refuse partial access, and this may in particular be the case for health professions if they have public health or patient safety implications.

The competent authority of the host Member State should grant partial access, on a case-by-case basis, to a professional activity in its territory only when all the following conditions are fulfilled:

- the professional is fully qualified to exercise in the home Member State the professional activity for which partial access is sought in the host Member State;
- differences between the professional activity legally exercised in the home Member State and the regulated profession in the host Member State as such are so large that the application of compensation measures would amount to requiring the applicant to complete the full programme of education and training required in the host Member State to have access to the full regulated profession in the host Member State;
- the professional activity can objectively be separated from other activities falling under the regulated profession in the host Member State.

Regulated professions: specific provisions are made with regard to training requirements for a certain number of regulated professions in the Member States. These professions include:

(1) Doctors: the Directive modifies the criteria used to define the basic medical training so that conditions relating to the minimum number of years and hours become cumulative. The objective of this modification is not to lower the training requirements for basic medical education. Basic medical training shall comprise a total of at least five years of study, which may in addition be expressed with the equivalent ECTS credits, and shall consist of at least 5 500 hours of theoretical and practical training provided by, or under the supervision of, a university.

(2) Nurses: nurse training, the organisation of which still differs according to national traditions, should provide a more robust and more output-oriented assurance that the professional has acquired certain knowledge and skills during the training, and is able to apply at least certain competences in order to pursue the activities relevant to the profession. New provisions have been introduced to strengthen the minimum level of training for nurses. They should be able to prove by a diploma or certificate that they received at least 10 years of general education.

(3) Midwives: in order to prepare midwives to meet complex healthcare needs relating to their activities, midwifery trainees should have a solid

general education background before they start midwifery training. Therefore, admission to midwifery training should be increased to 12 years of general education or successful examination of an equivalent level, except in the case of professionals who are already qualified as a nurse responsible for general care.

(4) Pharmacist: a significant number of Member States have decided to allow access to all activities in the field of pharmacy and the pursuit of these activities based on the recognition of qualifications of pharmacists acquired in another Member State since the entry into force of Directive 2005/36/EC. Such recognition of a professional qualification acquired in another Member State should not, however, prevent a Member State from maintaining non-discriminatory rules governing any geographical distribution of pharmacies on their territory because Directive 2005/36/EC does not coordinate such rules. However, any derogation from the automatic recognition of qualifications which is still necessary for a Member State should no longer exclude pharmacists who are already recognised by the Member State using such derogation and who have already been lawfully and effectively practising as a pharmacist for a certain period on the territory of that Member State.

(5) Other regulated professions: specific measures have also been provided to improve the professional recognition of architects and veterinary surgeons.

DELEGATED ACTS: the Commission is empowered to adopt delegated acts in respect of the updating of knowledge and skills of certain professions as well as adapting minimum periods of training of regulated professions, specifying the conditions of application of common training frameworks, and specifying the conditions of application of common training tests.

ENTRY INTO FORCE: 17.01.2014

TRANSPOSITION: 18.01.2016.

DELEGATED ACTS: the Commission can adopt delegated acts in respect of the updating of skills and aptitudes for access to the professional activities of doctors, nurses responsible for general care, dentists, veterinarians, midwives and pharmacists as well as the updating of certain annexes of the directive on required levels of training. The power to adopt delegated acts is granted to the Commission for a period of five years, effective as of 17 January 2014. The European Parliament or the Council may object to a delegated act within two months from the date of notification (which may be extended by two months.) If the European Parliament or Council express objections, the delegated act will not enter into force.

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

The Commission presented a report on the exercise of the power to adopt delegated acts conferred on the Commission pursuant to Directive 2013/55/EU of the European Parliament and of the Council amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market information System ('the IMI Regulation').

Directive 2005/36/EC, as amended by Directive 2013/55/EU, confers the power on the Commission to adopt delegated acts concerning the matters listed therein for a period of five years from 17 January 2014. The Commission is required to report on the exercise of that delegation at the latest nine months before the end of the five-year period, and accordingly, the Commission presents this report.

Delegated powers: the Commission has exercised the following delegated powers since January 2014: two Commission Delegated Decisions have been adopted amending Annex V to Directive

2005/36/EC as regards evidence of formal qualifications. These are:

- Commission Delegated Decision (EU) 2016/790 of 13 January 2016 amending Annex V to Directive 2005/36/EC of the European Parliament and of the Council as regards the evidence of formal qualifications and the titles of training courses; and
- Commission Delegated Decision (EU) 2017/2113 of 11 September 2017 amending Annex V to Directive 2005/36/EC of the European Parliament and of the Council as regards evidence of formal qualifications and the titles of training courses

The Group of Coordinators on the recognition of professional qualifications was involved in the preparation of the acts and its observations were taken into consideration when preparing the final versions of delegated acts.

Neither the European Parliament nor the Council objected to either of the delegated acts.

Possible future delegated acts: the Commission considers that it has exercised the delegated powers conferred upon it within the limits and in respect of the conditions laid down in the legislation and sees the need to extend the empowerments because further delegated acts amending amongst others Annex V of Directive 2005/36/EC as regards evidence of formal qualifications will be required in the future. In this respect, the Commission notes that it is working on a possible delegated Regulation establishing a common training test for ski instructors under the Directive.