



## **Amendments suggested by the German Medical Association**

to 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, (COM (2011) 883)

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## PRELIMINARY REMARKS

The proposal COM(2011) 883 modernising the directive 2005/36/EC aims to facilitate and accelerate the recognition process of professional qualifications, which is welcomed. However, it needs to be ensured that patient safety is not compromised. Therefore, the following principles should be paradigm while revising the directive:

- Procedural clarity while applying the recognition process via professional card is necessary. The professional card may not serve as a tool to strengthen home Member State competencies in the recognition process or to even introduce the country of origin principle. It is the host Member State which recognises professional qualifications. Also, sufficient time limits should enable competent authorities to duly check on qualifications. Waivers are not reasonable.
- Partial access should explicitly not be granted to sectoral health professions.
- The Bologna process or some kind of 28th regime affecting specialist and basic training is not to be introduced “via the back door”, i. e. via levels of qualifications in Article 11, common training in Article 49a, common tests in Article 49b or via the empowerment of the Commission to adopt delegated acts to specify knowledge and skills of e. g. basic medical training in Article 24. It is up to Member States to define the structure and content of basic and specialist training.
- Raising the requirements of admission to training constrains access to the profession of nurses, i. e. skills shortages will increase.
- The creation of central assistance centres alongside competent authorities for activities which are not covered by 2006/123/EC is not reasonable. It is the Member States` competency to organise and build on existing infrastructure. “National Contact Points” should be retained for an appropriate transposition on national level.
- In the light of reducing red tape, the “screening of laws” which is implied by the transparency clause is not acceptable.
- Implementing acts according to Regulation (EU) No 182/2011 and delegated acts according to Article 290 TFEU should be applied respecting Member States` competencies. At the least, implementing acts should be applied mirroring Article 58 of 2005/36/EC which referred to the regulatory procedure in article 5 of Council Decision 1999/468/EC. The regulatory procedure (now: examination procedure) grants Member States a participation in a more structured and meaningful way than the proposed advisory procedure. This needs to be retained.

**Amendment 1**

**Recital 3**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>(3) In order to promote the free movement of professionals, while ensuring a more efficient and transparent recognition of qualifications it is necessary to provide for a European Professional Card. In particular that card is necessary to facilitate temporary mobility and recognition under the automatic recognition system, as well as to promote a simplified recognition process under the general system. The card should be issued upon request from a professional and after submission of necessary documents and completion of related review and verification procedures by the competent authorities. The functioning of the card should be supported by the Internal Market Information System (IMI) established by Regulation (EU) No [...] on administrative cooperation through the Internal Market Information System<sup>23</sup>. This mechanism should help enhance synergies and trust among competent authorities, while at the same time eliminating duplication of administrative work for the authorities and creating more transparency and certainty for professionals. The process for the application and issuing of the card should be clearly structured and incorporate safeguards and the corresponding rights of appeal for the applicant. The 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.</p>	<p>(3) In order to promote the free movement of professionals, while ensuring a more efficient and transparent recognition of qualifications it is necessary to provide for a European Professional Card. In particular that card is necessary to facilitate temporary mobility and recognition under the automatic recognition system, as well as to promote a simplified recognition process under the general system. <b><u>Provided that a European Professional Card is introduced at the request of a national professional body,</u></b> the card should be issued upon request from a professional and after submission of necessary documents and completion of related review and verification procedures by the competent authorities. The functioning of the card should be supported by the Internal Market Information System (IMI) established by Regulation (EU) No [...] on administrative cooperation through the Internal Market Information System<sup>23</sup>. This mechanism should help enhance synergies and trust among competent authorities, while at the same time eliminating duplication of administrative work for the authorities and creating more transparency and certainty for professionals. The process for the application and issuing of the card should be clearly structured and incorporate safeguards and the corresponding rights of appeal for the applicant. The 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.</p>

*Justification*

*Contrary to page 8 of the detailed explanation of the proposal, the proposal does not contain the express provision that the European Professional Card is to be introduced at the request of the profession concerned.*

**Amendment 2**

**Recital 4**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>(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.</p>	<p>(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, <del>such as in the case of a doctor of medicine or other health professionals</del>, a Member State should be able to refuse partial access. <b><u>Partial access is not granted to the profession listed under Annex V.1. including cases pursuant to Article 10 b).</u></b></p>

*Justification*

*C-330/03 is not applicable to sectoral health professions. Minimum training requirements for allowing access to sectoral health professions are coordinated in the Directive. A regime of partial access would undermine the Professional Qualifications Directive and the principle of automatic recognition on the basis of coordinated minimum training requirements to the point of absurdity.*

**Amendment 3**

**Recital 12**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>(12) The system of automatic recognition on the basis of harmonised minimum training requirements depends on the timely notification of new or changed evidence of formal qualifications by the Member States and their publication by the Commission. Otherwise, holders of such qualifications have no guarantees that they can benefit from automatic recognition. In order to increase transparency and facilitate the examination of newly notified titles, Member States should designate an appropriate body, such as an accreditation board or a ministry, to examine each notification and provide a report on compliance with Directive 2005/36/EC to the Commission.</p>	<p>(12) The system of automatic recognition on the basis of harmonised minimum training requirements depends on the timely notification of new or changed evidence of formal qualifications by the Member States and their publication by the Commission. Otherwise, holders of such qualifications have no guarantees that they can benefit from automatic recognition. In order to increase transparency and facilitate the examination of newly notified titles, Member States should designate <u><b>an appropriate body, such as an accreditation board or a ministry,</b></u> to examine each notification and <u><b>provide a report on to verify</b></u> compliance with Directive 2005/36/EC to the Commission.</p>

*Justification*

*Competent authorities are responsible for issuing professional qualifications at the member state level. These act as a “filter” and therefore there is no need for additional reports to verify notifications.*

**Amendment 4**

**Recital 14**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>(14) In the interest of enhancing the mobility of medical specialists who have already obtained a medical specialist qualification and afterwards follow another specialist training, Member States should be allowed to grant exemptions from some part of the training if such elements of the training have already been completed during the former medical specialist training programme in that Member State covered by the automatic recognition regime.</p>	<p>(14) In the interest of enhancing the mobility of medical specialists who have already obtained a medical specialist qualification and afterwards follow another specialist training, Member States should be allowed to take <del>to grant exemptions from some</del> <b><u>identical parts</u></b> of the training into account if such <del>elements parts</del> <b><u>elements parts</u></b> of the training have already been completed during the former medical specialist training programme in that Member State covered by the automatic recognition regime. <b><u>In cases of comparable parts of the training, exemptions should be possible.</u></b></p>

*Justification*

*Two situations need to be differentiated from one another:*

1. *In cases where Member States stipulate identical parts of the training for certain specialisations, physicians automatically complete these parts for several specialisations. In this case there is no need for an exemption from the completed part of the training, but rather the completed part of the training should be taken into account for the second specialisation being pursued.*
2. *A distinction should be made between the above and cases where parts of the specialist training for certain specialisations have a comparable content. This case requires an exemption. A maximum exemption of 12 months is suggested.*

**Amendment 5**

**Recital 15**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>(15) 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.</p>	<p><del>(15) 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.</del></p>

*Justification*

*Raising the requirements of admission to training constrains access to the profession of nurses, i. e. skills shortages will increase.*

**Amendment 6**

**Recital 20**

<i>Proposal of the Commission</i>	<i>Amendment</i>
(20) Graduates wishing to pursue a remunerated traineeship in another Member State where such traineeship is possible should be covered by Directive 2005/36/EC in order to foster their mobility. It is also necessary to provide for the recognition of their traineeship by the home Member State.	<del>(20) Graduates wishing to pursue a remunerated traineeship in another Member State where such traineeship is possible should be covered by Directive 2005/36/EC in order to foster their mobility. It is also necessary to provide for the recognition of their traineeship by the home Member State.</del>

*Justification*

*After recognition of their professional qualifications physicians, among others, are allowed to practise in another Member State. The recognition of traineeships is not the subject matter of the directive and should therefore be omitted.*

**Amendment 7**

**Recital 21**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>(21) Directive 2005/36/EC provides for a system of national contact points. Due to the entry into force of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market and the establishment of points of single contact under that Directive, there is a risk of overlap. Therefore, the national contact points established by Directive 2005/36/EC should become assistance centres which should focus their activities on providing advice to citizens, including face to face advice, in order to ensure that daily application of internal market rules in individual cases of citizens is followed up at national level.</p>	<p>(21) Directive 2005/36/EC provides for a system of national contact points. Due to the entry into force of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market and the establishment of points of single contact under that Directive, there is a risk of overlap. Therefore, the national contact points established by Directive 2005/36/EC should become assistance centres which should focus their activities on providing advice to citizens, including face to face advice, in order to ensure that daily application of internal market rules in individual cases of citizens is followed up at national level. <b><u>The national contact points shall retain their remit for activities which are exempt from the scope of Directive 2006/123/EC.</u></b></p>

*Justification*

*The creation of central assistance centres alongside competent authorities for activities which are not covered by 2006/123/EC is not reasonable. It is the Member States' competency to organise and build on existing infrastructure. "National Contact Points" should be retained for an appropriate transposition on national level.*

**Amendment 8**

**Recital 22**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>(22) 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.</p>	<p>(22) 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 <del>move to another</del> <b><u>exercise his profession</u></b>. 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.</p>

*Justification*

*This concerns the entitlement to exercise the profession, not the possibility of migration.*

**Amendment 9**

**Recital 23**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>(23) One of the major difficulties a citizen who is interested to work in another Member State is facing, is complexity and uncertainty of administrative procedures to comply with. Directive 2006/123/EC already obliges Member States to provide easy access to information and procedure completion through the points of single contact. Citizens seeking recognition of their qualifications under Directive 2005/36/EC can already use the points of single contact if they are covered by Directive 2006/123/EC. However, job seekers and health professionals are not covered by Directive 2006/123/EC and available information remains scarce. There is therefore a need to specify that information, from a user perspective, and to ensure that such information is easily available. It is also important that Member States not only take responsibility at national level but also cooperate with each other and the Commission to ensure that professionals throughout the Union have an easy access to a user-friendly and multilingual information and to procedure completion through the points of single contact. Links should be made available through other websites, such as the Your Europe portal.</p>	<p>(23) One of the major difficulties a citizen who is interested to work in another Member State is facing, is complexity and uncertainty of administrative procedures to comply with. Directive 2006/123/EC already obliges Member States to provide easy access to information and procedure completion through the points of single contact. Citizens seeking recognition of their qualifications under Directive 2005/36/EC can already use the points of single contact if they are covered by Directive 2006/123/EC. However, job seekers and health professionals are not covered by Directive 2006/123/EC and available information remains scarce. There is therefore a need to specify that information, from a user perspective, and to ensure that such information is easily available <b><u>through the national contact points</u></b>. It is also important that Member States not only take responsibility at national level but also cooperate with each other and the Commission to ensure that professionals throughout the Union have an easy access to a user-friendly and multilingual information and to procedure completion through the points of single contact. Links should be made available through other websites, such as the Your Europe portal.</p>

*Justification*

*The creation of central assistance centres alongside competent authorities for activities which are not covered by 2006/123/EC is not reasonable. It is the Member States' competency to organise and build on existing infrastructure. "National Contact Points" should be retained for an appropriate transposition on national level.*

**Amendment 10**

**Recital 24**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>(24) 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 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.</p>	<p>(24) 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, <del>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,</del> 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 <del>medical doctors,</del> 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 <del>to take scientific and technological progress into account,</del> 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.</p>

*Justification*

*(i) The calculation of fees is the competency of the Member States. Commission powers to adopt delegated acts must be rejected.*

*(ii) The necessary documentation must be listed in this Directive. Commission powers to adopt delegated acts must be rejected.*

*(iii) It is not up to the Commission to define the knowledge and skills which are to be acquired during basic medical training. Article 168 Para. 7 TFEU clearly states that the European Union shall respect the responsibilities of the Member States for the definition of their health policy and the organisation and delivery of health services and medical care. The responsibilities of the Member States shall include the management of health services. All regulations which concern the activities of physicians come under the management of health services and are therefore subject to the responsibility of the Member States. The same applies under Article 165 of the TFEU, according to which the responsibility of the Member States for the content of teaching and the organisation of their education systems shall be fully respected.*

*(iv) Clarification with reference to the current wording of Article 25 Para. 5 of Directive 2005/36/EC.*

**Amendment 11**

**Recital 26**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>(26) The advisory procedure should be used for the adoption of implementing acts in order to lay down common and uniform rules regarding the specification of European Professional Cards for specific professions, the format of the European Professional Card, the translations necessary to support an application for issuing a European Professional Card, details for the assessment of the applications for a European Professional Card, the technical specifications and 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, the conditions of access to the IMI file, the technical means and the procedures for the verification of the authenticity and validity of a European Professional Card and the implementation of the alert mechanism, due to the technical nature of those implementing acts.</p>	<p>(26) The <del>advisory</del> procedure <b><u>referred to in Article 58 Paragraph 2</u></b> should be used for the adoption of implementing acts in order to lay down common and uniform rules regarding the specification of European Professional Cards for specific professions, the format of the European Professional Card, the translations necessary to support an application for issuing a European Professional Card, details for the assessment of the applications for a European Professional Card, the technical specifications and 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, the conditions of access to the IMI file, the technical means and the procedures for the verification of the authenticity and validity of a European Professional Card and the <b><u>implementation—application</u></b> of the alert mechanism, due to the technical nature of those implementing acts.</p>

*Justification*

*(i) Implementing acts according to Regulation (EU) No 182/2011 and delegated acts according to Article 290 TFEU should be applied respecting Member States` competencies. At the least, implementing acts should be applied mirroring Article 58 of 2005/36/EC which referred to the regulatory procedure in article 5 of Council Decision 1999/468/EC. The regulatory procedure (now: examination procedure) grants Member States a participation in a more structured and meaningful way than the proposed advisory procedure. This needs to be retained.*

*(ii) Clarification with reference to the wording of Article 56a of Directive 2005/36/EC.*

**Amendment 12**

**Recital 27**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>(27) Following the positive experience with the mutual evaluation under Directive 2006/123/EC, a similar evaluation system should be included in Directive 2005/36/EC. Member States should notify which professions they regulate, for which reasons, and discuss amongst themselves their findings. Such system would contribute to more transparency in the professional services market.</p>	<p><del>(27) Following the positive experience with the mutual evaluation under Directive 2006/123/EC, a similar evaluation system should be included in Directive 2005/36/EC. Member States should notify which professions they regulate, for which reasons, and discuss amongst themselves their findings. Such system would contribute to more transparency in the professional services market.</del></p>

*Justification*

(i) *In the light of reducing red tape, the “screening of laws” which is implied by the transparency clause is not acceptable.*

(ii) *The retention of the duty to report contained in the current Article 59 of the Directive 2005/36/EC is more appropriate.*

**Amendment 13**

**Recital 29**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>(29) In accordance with the Joint Political Declaration of Member States and the Commission on explanatory documents of [date], Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.</p>	<p><del>(29) In accordance with the Joint Political Declaration of Member States and the Commission on explanatory documents of [date], Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.</del></p>

*Justification*

(i) *In the light of reducing red tape, the “screening of laws” which is implied by the transparency clause is not acceptable.*

(ii) *The retention of the duty to report contained in the current Article 59 of the Directive 2005/36/EC is more appropriate.*

**Amendment 14**

**Article 3 (Definitions)**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>1. (...).                      (j) 'remunerated traineeship': the pursuit of supervised and remunerated activities, with a view to access to a regulated profession granted on the basis of an examination;</p> <p>(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;</p> <p>(...).</p>	<p>1. (...).  <del>(j) 'remunerated traineeship': the pursuit of supervised and remunerated activities, with a view to access to a regulated profession granted on the basis of an examination;</del></p> <p><del>(k) 'European Professional Card': an electronic certificate issued to the professional proving the recognition of his qualifications for purposes of establishment in a host Member State or that he has met all the necessary conditions to provide the provision of services in a host Member State on a temporary and occasional basis;</del></p> <p><b><u>(k) "Validation of the European Professional Card": the validation of the European Professional Card by the host Member State constitutes the recognition of the professional qualification for the regulated profession concerned in the host Member State. The recognition of qualifications through a European Professional Card respecting the requirements in Title II and Title III shall serve as a procedural alternative to the recognition under the procedures provided in Title II and III of this Directive.-</u></b></p> <p>(...).</p>

*Justification*

(i) After recognition of their professional qualifications physicians, among others, are allowed to practise in another Member State. The recognition of traineeships is not the subject matter of the directive and should therefore be omitted.

(ii) The wording of Art. 3 Para. 1 (j) NEW suggests that it is the home Member State's competency to recognize professional qualifications when it is, in fact, the competency of the host member state.

(iii) The term "validation of the professional card" is apparently equated with "recognition of professional qualifications" in Article 4a Para. 8 and Article 4d Para. 5. The term should be defined for the purpose of procedural clarification.

**Amendment 15**

**Article 4a (European Professional Card)**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>1. Member States shall provide a holder of a professional qualification with a European Professional Card upon his request and on condition that the Commission has adopted the relevant implementing acts provided for in paragraph 6.</p> <p>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.</p> <p>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.</p> <p>4. Where the holder of a qualification intends to establish himself in another Member State under Chapters I to IIIa of Title III or to provide services under Article 7(4), the European Professional Card shall be created by the competent authority of the home Member State and validated by the competent authority of the host Member State in accordance with Articles 4b and 4d.</p> <p>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.</p> <p>6. The Commission shall adopt implementing</p>	<p>1. Member States shall provide a holder of a professional qualification with a European Professional Card upon his request and on condition that the Commission has adopted the relevant implementing acts provided for in paragraph 6.</p> <p>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 <b><u>relevant host</u></b> Member State as provided for in paragraphs 3 and 4 of this Article.</p> <p>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 <b><u>and validated</u></b> by the competent authority of the home Member State in accordance with Articles 4b and 4c.</p> <p>4. Where the holder of a qualification intends to establish himself in another Member State under Chapters I to IIIa of Title III or to provide services under Article 7(4), the European Professional Card shall be created by the competent authority of the home Member State and validated by the competent authority of the host Member State in accordance with Articles 4b and 4d.</p> <p>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 <b><u>or National Contact Points</u></b> 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.</p> <p>6. <b><u>Provided that European Professional</u></b></p>

acts specifying European Professional Cards for specific professions, establishing the format of the European Professional Card, 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.

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.

8. The recognition of qualifications through a European Professional Card shall serve as a procedural alternative to the recognition of professional qualifications under the procedures provided in Title II and III of this Directive.

*The availability of a European Professional Card for a specific profession shall not preclude a holder of a professional qualification for that profession from seeking recognition of his qualifications under the procedures, conditions, requirements and deadlines provided for in this Directive other than those for the European Professional Card.*

**Cards have been introduced at the request of a representative national professional body,** 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 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 **paragraph 2.**

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.**

8. The recognition of qualifications through a European Professional Card shall serve as a procedural alternative to the recognition of professional qualifications under the procedures provided in Title II and III of this Directive.

*The availability of a European Professional Card for a specific profession shall not preclude a holder of a professional qualification for that profession from seeking recognition of his qualifications under the procedures, conditions, requirements and deadlines provided for in this Directive other than those for the European Professional Card.*

*Justification*

*(i) Procedural clarity while applying the recognition process via professional card is necessary. The professional card may not serve as a tool to strengthen home Member State competencies in the recognition process or to even introduce the country of origin principle. It is the host Member State, and not the “relevant Member State” which recognises professional qualifications.*

*(ii) The term “validation of the professional card” is apparently equated with “recognition of professional qualifications” in Article 4a Para. 8 and Article 4d Para. 5. The term should be deleted here for the purpose of procedural clarification.*

*(iii) The creation of central assistance centres alongside competent authorities for activities which are not covered by 2006/123/EC is not reasonable. It is the Member States` competency to organise and build on existing infrastructure. “National Contact Points” should be retained for an appropriate transposition on national level.*

*(iv) Contrary to page 8 of the detailed explanation of the proposal, the proposal does not contain the express provision that the European Professional Card is to be introduced at the request of the profession concerned.*

*(v) Implementing acts according to Regulation (EU) No 182/2011 and delegated acts according to Article 290 TFEU should be applied respecting Member States` competencies. At the least, implementing acts should be applied mirroring Article 58 of 2005/36/EC which referred to the regulatory procedure in article 5 of Council Decision 1999/468/EC. The regulatory procedure (now: examination procedure) grants Member States a participation in a more structured and meaningful way than the proposed advisory procedure. This needs to be retained.*

*(vi) The calculation of fees is the competency of the Member States. Commission powers to adopt delegated acts must be rejected.*

**Amendment 16**

**Article 4b (Application for a European Professional Card and creation of an IMI file)**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>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 online tool, with the competent authority of the home Member State.</p> <p>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.</p> <p>3. The competent authority of the home Member State shall acknowledge receipt of the application and inform the applicant of any missing document without delay from submission of the application. It shall create a file of the application containing all supporting documents within the Internal Market Information System (IMI) established by Regulation (EU) No [...] of the European Parliament and of the Council(*). In case of subsequent applications by the same applicant, the competent authorities of the home or the host Member State may not request the re-submission of documents which are already contained in the IMI file and which are still valid.</p> <p>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.</p>	<p>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 online tool, with the competent authority of the home Member State.</p> <p>2. Applications shall be supported by the documentation required by Article 7(2) and Annex VII as appropriate. <b><u>The Commission shall be empowered to adopt delegated acts in accordance with Article 58a concerning the establishment of the details of the documentation.</u></b></p> <p>3. The competent authority of the home Member State shall acknowledge receipt of the application and inform the applicant of any missing document without delay from submission of the application. It shall create a file of the application containing all supporting documents within the Internal Market Information System (IMI) established by Regulation (EU) No [...] of the European Parliament and of the Council(*). <b><u>A repository within IMI which stores the IMI file will not be created.</u></b> In case of subsequent applications by the same applicant, the competent authorities of the home or the host Member State may not request the re-submission of documents which are already contained in the IMI file and which are still valid.</p> <p>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 <b><u>advisory</u></b> procedure referred to in Article 58 <b><u>paragraph 2.</u></b></p>

*Justification*

*(i) The necessary documentation must be listed in this Directive. Commission powers to adopt delegated acts must be rejected.*

*(ii) IMI is meant to be a device for communication between competent authorities in terms of recognition of professional qualifications; it is not meant to be a register of migrating professionals.*

*(iii) Implementing acts according to Regulation (EU) No 182/2011 and delegated acts according to Article 290 TFEU should be applied respecting Member States` competencies. At the least, implementing acts should be applied mirroring Article 58 of 2005/36/EC which referred to the regulatory procedure in article 5 of Council Decision 1999/468/EC. The regulatory procedure (now: examination procedure) grants Member States a participation in a more structured and meaningful way than the proposed advisory procedure. This needs to be retained.*

**Amendment 17**

**Article 4c (European Professional Card for the temporary provision of services other than those covered by Article 7(4))**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>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 State may not require a further declaration under Article 7 for the following two years.</p> <p>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.</p> <p>3. If a holder of a European Professional Card wishes to provide services in Member States other than those initially informed pursuant to paragraph 1 or wishes to continue providing services beyond the period of two years referred to in paragraph 1, he may continue to use the European Professional Card referred to in paragraph 1. In those cases the holder of the European Professional Card shall make the declaration provided in Article 7.</p> <p>4. The European Professional Card shall be valid for as long as its holder maintains the right to practice in the home Member State on the basis of the documents and information contained in the IMI file.</p>	<p>1. <u>Upon receipt of a complete application for a European Professional Card, the competent authority of the home Member State shall, within one month, verify and confirm the authenticity and validity of the submitted supporting documents. 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.</u> It shall inform the applicant and the Member State in which the applicant envisages to provide services, of the <u>validation issuance</u> of the European Professional Card. The transmission of the <u>validation issuance</u> information to the host Member States concerned shall constitute the declaration provided for in Article 7. The host Member State may not require a further declaration under Article 7 for the following <u>two</u> years.</p> <p>2. The decision of the home Member State, or the absence of a decision within the period of <u>two weeks one month</u> referred to in paragraph 1, shall be subject to appeal under national law.</p> <p>3. If a holder of a European Professional Card wishes to provide services in Member States other than those initially informed pursuant to paragraph 1 or wishes to continue providing services beyond the period of <u>two one</u> years referred to in paragraph 1, he may continue to use the European Professional Card referred to in paragraph 1. In those cases the holder of the European Professional Card shall make the declaration provided in Article 7.</p> <p>4. The European Professional Card shall be valid for as long as its holder maintains the right to practice in the home Member State on the basis of the documents and information contained in the IMI file.</p>

*Justification*

*Procedural clarity while applying the recognition process via professional card is necessary. The professional card may not serve as a tool to strengthen home Member State competencies in the recognition process or to even introduce the country of origin principle. It is the host Member State, which recognises professional qualifications. The term “validation of the professional card” is apparently equated with “recognition of professional qualifications” in Article 4a Para. 8 and Article 4d Para.5. The term should be deleted here for the purpose of procedural clarification. While applying the recognition process via professional card competent authorities should be enabled by sufficient time limits to duly check on documents.*

**Amendment 18**

**Article 4d (European Professional Card for establishment and for the temporary provision of services under Article 7 (4))**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>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.</p> <p>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.</p> <p>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.</p> <p>4. In case the host Member State subjects the applicant to an aptitude test under Article 7(4), the applicant shall be able to provide the service within one month of the decision being taken in accordance with paragraph 3.</p> <p>5. Where the host Member State fails to take a decision within the time limits set out in the</p>	<p>1. Upon receipt of a complete application for a European Professional Card, the competent authority of the home Member State shall, within <del>two weeks</del> <u>one month</u>, 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.</p> <p>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 <del>one</del> <u>three</u> months 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 <del>not</del> suspend the period of <u>one three</u> months.</p> <p>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 <del>two</del> <u>four</u> months from the date of receipt <del>for validation</del> 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 <del>not</del> suspend the period of <del>two four</del> months.</p> <p>4. In case the host Member State subjects the applicant to an aptitude test under Article 7(4), the applicant shall be able to provide the service within one month of the decision being taken in accordance with paragraph 3.</p> <p><del>5. Where the host Member State fails to take a decision within the time limits set</del></p>

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.

6. The actions taken by the home Member State in accordance with paragraph 1 shall replace any application for recognition of professional qualifications under the national law of the host Member State.

*7. The decisions of the home and of the host Member State under paragraphs 1 to 5 or the absence of decision by the home Member State shall be subject to appeal under the national law of the Member State concerned.*

~~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.~~

**6. 5.** The actions taken by the home Member State in accordance with paragraph 1 shall replace any application for recognition of professional qualifications under the national law of the host Member State.

**7. 6.** The decisions of the home and of the host Member State under paragraphs 1 to 5 or the absence of decision by the home Member State shall be subject to appeal under the national law of the Member State concerned.

#### *Justification*

*(i) Procedural clarity while applying the recognition process via professional card is necessary. The professional card may not serve as a tool to strengthen home Member State competencies in the recognition process or to even introduce the country of origin principle. It is the host Member State, which recognises professional qualifications. The term “validation of the professional card” is apparently equated with “recognition of professional qualifications” in Article 4a Para. 8 and Article 4d Para.5. The term should be deleted here for the purpose of procedural clarification.*

*(ii) While applying the recognition process via professional card competent authorities should be enabled by sufficient time limits to duly check on documents.*

*(iii) For reasons of patient safety waivers are not reasonable.*

**Amendment 19**

**Article 4e (Processing and access to data regarding the European Professional Card)**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>1. (...)</p> <p>5. Member States shall ensure that the holder of a European Professional Card has the right at any time to request the rectification, deletion and blocking of his file within the IMI system upon request and that he is informed of this right at the time of issuing the European Professional Card, and reminded of it every two years after the issuance of his European Professional Card.</p> <p>6. (...)</p> <p>7. (...)</p> <p>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.</p>	<p>1. (...)</p> <p>5. Member States shall ensure that the holder of a European Professional Card has the right at any time to request the rectification, deletion and blocking of his <u>IMI file <del>within the IMI system</del></u> upon request and that he is informed of this right at the time of issuing the European Professional Card, and reminded of it every two years after the issuance of his European Professional Card.</p> <p>6. (...)</p> <p>7. (...)</p> <p>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 <u>advisory</u> procedure referred to in Article 58 <u>paragraph 2</u>.</p>

*Justification*

*(i) IMI is meant to be a device for communication between competent authorities in terms of recognition of professional qualifications; it is not meant to be a register of migrating professionals.*

*(ii) Implementing acts according to Regulation (EU) No 182/2011 and delegated acts according to Article 290 TFEU should be applied respecting Member States` competencies. At the least, implementing acts should be applied mirroring Article 58 of 2005/36/EC which referred to the regulatory procedure in article 5 of Council Decision 1999/468/EC. The regulatory procedure (now: examination procedure) grants Member States a participation in a more structured and meaningful way than the proposed advisory procedure. This needs to be retained.*

**Amendment 20**

**Article 4f (Partial access)**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>1. The competent authority of the host Member State shall grant partial access to a professional activity in its territory provided that the following conditions are fulfilled:</p> <p>(...)</p> <p>5. By derogation from the sixth subparagraph of Article 7(4) and Article 52(1), the professional activity shall be exercised under the professional title of the home Member State once partial access has been granted.</p>	<p>1. The competent authority of the host Member State shall grant partial access to a professional activity in its territory provided that the following conditions are fulfilled:</p> <p>(...)</p> <p><b><u>5. Partial access is not granted to the profession listed under Annex V.1. including cases pursuant to Article 10 b).</u></b></p> <p><del>5.</del> <b>6.</b> By derogation from the sixth subparagraph of Article 7(4) and Article 52(1), the professional activity shall be exercised under the professional title of the home Member State once partial access has been granted.</p>

*Justification*

*C-330/03 is not applicable to sectoral health professions. Minimum training requirements for allowing access to sectoral health professions are coordinated in the Directive. A regime of partial access would undermine the Professional Qualifications Directive and the principle of automatic recognition on the basis of coordinated minimum training requirements to the point of absurdity.*

## Amendment 21

### Article 11 (Level of Qualifications)

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>For the purpose of Article 13 and Article 14(6), the professional qualifications shall be grouped under the following levels:</p> <p>(a) (...)</p> <p>(e) a diploma certifying that the holder has successfully completed a post-secondary course of more than four years' duration, or of an equivalent duration on a part-time basis, or if applicable in the home Member State, of an equivalent number of ECTS credits, at a university or establishment of higher education or another establishment of equivalent level and, where appropriate, that he has successfully completed the professional training required in addition to the post-secondary course.</p>	<p>For the purpose of Article 13 and Article 14(6), the professional qualifications shall be grouped under the following levels:</p> <p>(a) (...)</p> <p>(e) a diploma certifying that the holder has successfully completed a post-secondary course of more than four years' duration, or of an equivalent duration on a part-time basis, or if applicable in the home Member State, of an equivalent number of ECTS credits, at a university or establishment of higher education or another establishment of equivalent level and, where appropriate, that he has successfully completed the professional training required in addition to the post-secondary course.</p> <p><b><u>(f) Article 11 is not applicable to the profession listed under Annex V.1.</u></b></p>

#### *Justification*

*The Bologna process, or some kind of 28th regime affecting specialist and basic training, is not to be introduced "via the back door" through a combination of Art. 14, Para 6a in conjunction with the levels of qualification in Article 11. In addition to the current criteria for assessing equivalence (ascertaining substantial differences and compensation through professional experience), it is intended that the applicant's level of qualification be determined according to the level of qualification pursuant to Art. 11 of the Directive. A decision on the necessity of compensation measures is made following completion of the assessment of equivalence. The reference to qualification levels is not indicated for physicians, among others. A consensus has been reached among Member States on the minimum requirements for basic training and the minimum length of specialist training for physicians. Additional levels are not required. It is up to Member States to define the structure and content of basic and specialist training.*

**Amendment 22**

**Article 14 (Compensation measures)**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>1. (...)</p> <p>4. For the purpose of paragraphs 1 and 5, 'substantially different matters' shall mean matters of which knowledge is essential for pursuing the profession and with regard to which the training received by the migrant shows important differences in terms of content from the training required by the host Member State.</p> <p>6. The decision imposing an adaptation period or an aptitude test shall be duly motivated. In particular, it shall include the following motivation:</p> <p>(a) indicate the level of the qualification required in the host Member State and the level of the qualification held by the applicant in accordance with the classification set out in Article 11;_</p> <p>(b) indicate the subject or subjects for which substantial differences have been identified;</p> <p>(c) explain the substantial differences in terms of content;</p> <p>(d) explain why due to these substantial differences, the applicant cannot perform his profession in a satisfactory manner in the host Member State territory;</p> <p>(e) explain why these substantial differences cannot be compensated by the applicant's knowledge, skills and competences gained in the course of his professional experience and through lifelong learning._</p> <p>7. (...)</p>	<p>1. (...)</p> <p>4. For the purpose of paragraphs 1 and 5, 'substantially different matters' shall mean matters of which knowledge is essential for pursuing the profession and with regard to which the training received by the migrant shows important differences in terms of <b><u>duration or</u></b> content from the training required by the host Member State.</p> <p>6. The decision imposing an adaptation period or an aptitude test shall be duly motivated. In particular, it shall include the following motivation:</p> <p>(a) indicate the level of the qualification required in the host Member State and the level of the qualification held by the applicant in accordance with the classification set out in Article 11; <b><u>this does not apply to the profession listed under Annex V.1.</u></b></p> <p>(b) indicate the subject or subjects for which substantial differences have been identified;</p> <p>(c) explain the substantial differences in terms of content;</p> <p>(d) explain why due to these substantial differences, the applicant cannot perform his profession in a satisfactory manner in the host Member State territory;</p> <p>(e) explain why these substantial differences cannot be compensated by the applicant's knowledge, skills and competences gained in the course of his professional experience and through lifelong learning._</p> <p>7. (...)</p>

*Justification*

*(i) The current wording of Article 14 Para. 4 needs to be retained. The duration is part of the coordinated minimum training requirements pursuant to Art. 24 and 25. No reason can be found for the deletion.*

*(ii) The Bologna process, or some kind of 28th regime affecting specialist and basic training, is not to be introduced “via the back door” through a combination of Art. 14, Para 6a in conjunction with the levels of qualification in Article 11. In addition to the current criteria for assessing equivalence (ascertaining substantial differences and compensation through professional experience), it is intended that the applicant’s level of qualification be determined according to the level of qualification pursuant to Art. 11 of the Directive. A decision on the necessity of compensation measures is made following completion of the assessment of equivalence. The reference to qualification levels is not indicated for physicians, among others. A consensus has been reached among Member States on the minimum requirements for basic training and the minimum length of specialist training for physicians. Additional levels are not required. It is up to Member States to define the structure and content of basic and specialist training.*

**Amendment 23**

**Article 21a (Notification procedure)**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>1. Each Member State shall notify the Commission of the legislative, regulatory and administrative provisions which it adopts with regard to the issuing of evidence of formal qualifications in the area covered by this Chapter.</p> <p>In the case of evidence of formal qualifications referred to in Section 8, notification in accordance with the first subparagraph shall also be addressed to the other Member States.</p> <p>2. The notification referred to in paragraph 1 shall be accompanied by a report demonstrating compliance of the notified evidence of formal qualifications with the relevant requirements of this Directive. The report shall be issued by an appropriate authority or body which has been designated by the Member State and which has the capability to assess the compliance of evidence of formal qualifications with this Directive.</p> <p>3. The Commission shall be empowered to adopt delegated acts in accordance with Article 58a in order to adapt 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, by listing and updating the titles adopted by the Member States for evidence of formal qualifications and, where appropriate, the body which issues the evidence of formal qualifications, the certificate which accompanies it and the corresponding professional title.</p> <p>4. Where the Commission considers that the notified acts referred to in paragraph 1 are not in compliance with this Directive, it shall adopt an implementing decision on that non-compliance, within six months of receiving all necessary information.</p>	<p>1. Each Member State shall notify the Commission of the legislative, regulatory and administrative provisions which it adopts with regard to the issuing of evidence of formal qualifications in the area covered by this Chapter.</p> <p>In the case of evidence of formal qualifications referred to in Section 8, notification in accordance with the first subparagraph shall also be addressed to the other Member States.</p> <p><del>2. The notification referred to in paragraph 1 shall be accompanied by a report demonstrating compliance of the notified evidence of formal qualifications with the relevant requirements of this Directive. The report shall be issued by an appropriate authority or body which has been designated by the Member State and which has the capability to assess the compliance of evidence of formal qualifications with this Directive.</del></p> <p><del>3.</del> <u>2.</u> The Commission shall be empowered to adopt delegated acts in accordance with Article 58a in order to adapt 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, by listing and updating the titles adopted by the Member States for evidence of formal qualifications and, where appropriate, the body which issues the evidence of formal qualifications, the certificate which accompanies it and the corresponding professional title.</p> <p><del>4.</del> <u>3.</u> Where the Commission considers that the notified acts referred to in paragraph 1 are not in compliance with this Directive, it shall adopt an implementing <u>decision with the procedure referred to in Article 58 paragraph 2</u> on that non-compliance, within six months of receiving all necessary information.</p>

*Justification*

*(i) Competent authorities are responsible for issuing professional qualifications at the member state level. These act as a “filter” and therefore there is no need for additional reports to verify notifications.*

*(ii) Implementing acts according to Regulation (EU) No 182/2011 and delegated acts according to Article 290 TFEU should be applied respecting Member States` competencies. At the least, implementing acts should be applied mirroring Article 58 of 2005/36/EC which referred to the regulatory procedure in article 5 of Council Decision 1999/468/EC. The regulatory procedure (now: examination procedure) grants Member States a participation in a more structured and meaningful way than the proposed advisory procedure. This needs to be retained.*

**Amendment 24**

**Article 22 (Common provisions on training)**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>1. With regard to the training referred to in Articles 24, 25, 28, 31, 34, 35, 38, 40, 44 and 46:</p> <p>(a) Member States may authorise part-time training under conditions laid down by the competent authorities; those authorities shall ensure that the overall duration, level and quality of such training is not lower than that of continuous full-time training;</p> <p>(b) in accordance with the procedures specific to each Member State, continuing education and training shall ensure that persons who have completed their studies are able to keep abreast of professional developments to the extent necessary to maintain safe and effective practice.</p> <p>2. For the purposes of point (b) of the first paragraph, as from [insert date - the day after the date set out in first subparagraph of paragraph 1 of Article 3] and every five years thereafter, the competent authorities in Member States shall submit publicly available reports to the Commission and to the other Member States on their continuing education and training procedures related to doctors of medicine, medical specialists, nurses responsible for general care, dental practitioners, specialized dental practitioners, veterinary surgeons, midwives and pharmacists.</p>	<p>1. With regard to the training referred to in Articles 24, 25, 28, 31, 34, 35, 38, 40, 44 and 46:</p> <p>(a) Member States may authorise part-time training under conditions laid down by the competent authorities; those authorities shall ensure that the overall duration, level and quality of such training is not lower than that of continuous full-time training;</p> <p>(b) in accordance with the procedures specific to each Member State, continuing education and training shall ensure that persons who have completed their studies are able to keep abreast of professional developments to the extent necessary to maintain safe and effective practice.</p> <p><b><u>2. For the purposes of point (b) of the first paragraph, as from [insert date - the day after the date set out in first subparagraph of paragraph 1 of Article 3] and every five years thereafter, the competent authorities in Member States shall submit publicly available reports to the Commission and to the other Member States on their continuing education and training procedures related to doctors of medicine, medical specialists, nurses responsible for general care, dental practitioners, specialized dental practitioners, veterinary surgeons, midwives and pharmacists.</u></b></p>

*Justification*

*In the light of reducing red tape and respecting the principle of cost-effectiveness the obligation to report should be deleted.*

**Amendment 25**

**Article 24 (Basic medical training)**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>1. Admission to basic medical training shall be contingent upon possession of a diploma or certificate providing access, for the studies in question, to universities.</p> <p>2. Basic medical training shall comprise a total of at least <del>six</del> five years of study—<del>or</del>, which may also 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.</p> <p>(...)</p> <p>3. (...)</p> <p>4. The Commission shall be empowered to adopt delegated acts in accordance with Article 58a to specify:</p> <p>(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;</p> <p>(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</p> <p>(c) the adequacy of knowledge of clinical disciplines and practices, as referred to in point (c) of paragraph 3, and the necessary competences such knowledge should lead to in the light of scientific and technological progress</p> <p>(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.</p>	<p>1. Admission to basic medical training shall be contingent upon possession of a diploma or certificate providing access, for the studies in question, to universities.</p> <p>2. Basic medical training shall comprise a total of at least <del>six</del> <u>five-six</u> years of study—<del>or</del>, which may also 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.</p> <p>(...)</p> <p>3. (...)</p> <p><b><u>4. The Commission shall be empowered to adopt delegated acts in accordance with Article 58a to specify:</u></b></p> <p><b><u>(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;</u></b></p> <p><b><u>(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</u></b></p> <p><b><u>(c) the adequacy of knowledge of clinical disciplines and practices, as referred to in point (c) of paragraph 3, and the necessary competences such knowledge should lead to in the light of scientific and technological progress</u></b></p> <p><b><u>(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.</u></b></p>

*Justification*

*(i) Medicine is becoming more and more complex which requires in-depth training. A high quality training lasting 5,500 hours cannot be achieved within five years, it can only be achieved within six years.*

*(ii) It is not up to the Commission to define the knowledge and skills which are to be acquired during basic medical training. Article 168 Para. 7 TFEU clearly states that the European Union shall respect the responsibilities of the Member States for the definition of their health policy and the organisation and delivery of health services and medical care. The responsibilities of the Member States shall include the management of health services. All regulations which concern the activities of physicians come under the management of health services and are therefore subject to the responsibility of the Member States. The same applies under Article 165 of the TFEU, according to which the responsibility of the Member States for the content of teaching and the organisation of their education systems shall be fully respected.*

**Amendment 26**

**Article 25 (Specialist Medical Training)**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>1. (...).</p> <p>3a. Member States may lay down in their national legislations partial exemptions from parts of the specialist medical training, if that part of the training has been followed already during the completion of another specialist training programme which is listed in point 5.1.3 of Annex V and provided that the former specialist qualification has already been obtained by the professional in that Member State. Member States shall ensure that the granted exemption is not more than one-third of the minimum duration of specialist medical training courses as referred to in point 5.1.3 of Annex V.</p> <p>Each Member State shall notify the Commission and the other Member States of their national legislation concerned together with detailed justification for such partial exemptions.</p> <p>4. The Member States shall make the issuance of evidence of specialist medical training contingent upon possession of evidence of basic medical training referred to in Annex V, point 5.1.1.</p> <p>5. The Commission shall be empowered to adopt delegated acts in accordance with Article 58a concerning the adaptations of the</p>	<p>1. (...).</p> <p>3a. Member States may <b><u>take parts of the specialist medical training lay down into account</u></b> in their national legislations <b><u>for no more than one-third of the national duration of specialist medical training partial exemptions from parts of the specialist medical training</u></b> if that part of the <b><u>specialist</u></b> training has been followed already during the completion of another specialist training programme which is listed in point 5.1.3 of Annex V and provided that the former specialist qualification has already been obtained by the professional in that Member State. <b><u>In addition to this, Member States may lay down in their national legislations partial exemptions from parts of specialist medical training for a maximum of 12 months if that part of the specialist training has been followed already during the completion of another comparable specialist training programme which is listed in point 5.1.3 of Annex V and provided that the former specialist qualification has already been obtained by the professional in that Member State. Member States shall ensure that the granted exemption is not more than one-third of the minimum duration of specialist medical training courses as referred to in point 5.1.3 of Annex V.</u></b></p> <p>Each Member State shall notify the Commission and the other Member States of their national legislation concerned together with detailed justification for such <b><u>parts of specialist training taken into account and</u></b> partial exemptions.</p> <p>4. The Member States shall make the issuance of evidence of specialist medical training contingent upon possession of evidence of basic medical training referred to in Annex V, point 5.1.1.</p> <p>5. The Commission <b><u>may adapt shall be empowered to adopt delegated acts concerning the adaptations of</u></b> the minimum</p>

minimum periods of training referred to in point 5.1.3 of Annex V,—to scientific and technical progress.

periods of training referred to in point 5.1.3 of Annex V **to scientific and technical progress in accordance with Article 58a.**

*Justification*

*(i) There is a fundamental problem that two reference parameters (national duration and European minimum duration according to point 5.1.3 of Annex V) must be taken in consideration together. This is systematically impossible. In Germany, for example, the duration of specialist training for surgeons is 6 years, according to point 5.1.3 of Annex V, however, the minimum period of training is only 5 years. In view of this, Para. 3a can only represent the national duration of specialist medical training parameter, which naturally also fulfils the minimum period of training regulated by point 5.1.3 of Annex V. Otherwise those Member States with longer durations of specialist medical training than those stipulated by point 5.1.3 of Annex V would be disadvantaged.*

*(ii) Two situations need to be differentiated from one another:*

*In cases where Member States stipulate identical parts of the training for certain specialisations, physicians automatically complete these parts for several specialisations. In this case there is no need for an exemption from the completed part of the training, but rather the completed part of the training should be taken into account for the second specialisation being pursued.*

*A distinction should be made between the above and cases where parts of the specialist training for certain specialisations have a comparable content. This case requires an exemption. A maximum exemption of 12 months is suggested.*

*(iii) The current wording of Article 25 Para. 5 should be retained.*

**Amendment 27**

**Article 31 (Training of nurse responsible for general care)**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>1. Admission to training for nurses responsible for general care shall be contingent upon completion of general education of 102 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.</p> <p>(...).</p>	<p>1. Admission to training for nurses responsible for general care shall be contingent upon completion of general education of <u>102</u> 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.</p> <p>(...).</p>

*Justification*

*Raising the requirements of admission to training constrains access to the profession of nurses i. e. skills shortages will increase.*

**Amendment 28**

**Article 49a (Common training framework)**

<i>Proposal of the Commission</i>	<i>Amendment</i>
1. (...). 2. (...).  (e) the profession concerned is neither covered by another common training framework nor regulated already under Chapter III of Title III;  (...)	1. (...). 2. (...).  (e) the profession concerned is neither covered by another common training framework nor regulated already under Chapter III of Title III <b><u>or in cases referred to in Article 10 b)</u></b> ;  (...)

*Justification*

*The Bologna process, or some kind of 28th regime affecting specialist and basic training, is not to be introduced “via the back door” through a combination of Art. 49a and the power of the Commission to adopt delegated acts pursuant to Art. 49a, Para. 3. It is up to Member States to define the structure and content of basic and specialist training.*

**Amendment 29**

**Article 49b (Common training tests)**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>1. (...).</p> <p>2. The common training test shall comply with the following conditions::</p> <p>(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;</p> <p>(b) the profession concerned is regulated in at least one third of all Member States;</p> <p>(...).</p>	<p>1. (...).</p> <p>2. The common training test shall comply with the following conditions::</p> <p>(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;</p> <p>(b) the profession concerned is regulated in at least one third of all Member States;</p> <p>(...).</p> <p><b><u>(e) the profession concerned is not regulated already under Chapter III of Title III or in cases referred to in Article 10 b);</u></b></p>

*Justification*

*The Bologna process, or some kind of 28th regime affecting specialist and basic training, is not to be introduced “via the back door” through a combination of Art. 49a and the power of the Commission to adopt delegated acts pursuant to Art. 49a, Para. 3. It is up to Member States to define the structure and content of basic and specialist training.*

**Amendment 30**

**Article 53 (Knowledge of languages)**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>Persons benefiting from the recognition of professional qualifications shall have a knowledge of languages necessary for practicing the profession in the host Member State.</p> <p>A Member State shall ensure that any controls of the knowledge of a language are carried out by a competent authority after the decisions referred to in Articles 4d, 7(4) and 51(3) have been taken and if there is a serious and concrete doubt about the professional's sufficient language knowledge in respect of the professional activities this person intends to pursue.</p> <p>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.</p> <p>Any language control shall be limited to the knowledge of one of the official languages of the Member State according to the choice of the person concerned, it shall be proportionate to the activity to be pursued and free of charge for the professional. The person concerned shall be allowed to appeal such controls before national courts.</p>	<p>Persons benefiting from the recognition of professional qualifications shall have a knowledge of languages necessary for practicing the profession in the host Member State.</p> <p>A Member State shall ensure that any controls of the knowledge of a language are carried out by a competent authority after the decisions referred to in Articles 4d, 7(4) and 51(3) have been taken and if there is a serious and concrete doubt about the professional's sufficient language knowledge in respect of the professional activities this person intends to pursue.</p> <p>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; <b><u>or also</u></b> in case of self-employed professionals not affiliated to the national health care system; <b><u>by representative national patient organisations</u></b>.</p> <p>Any language control shall be limited to the knowledge of one of the official languages of the Member State according to the choice of the person concerned, it shall be proportionate to the activity to be pursued and free of charge for the professional. The person concerned shall be allowed to appeal such controls before national courts.</p>

*Justification*

*There are competent authorities for professions with patient safety implications – irrespective of the organisation of the health care system.*

**Amendment 31**

**Article 55a (Recognition of remunerated traineeship)**

<i>Proposal of the Commission</i>	<i>Amendment</i>
With a view to grant access to a regulated profession, the home Member State shall recognise the remunerated traineeship pursued in another Member State and certified by a competent authority of that Member State.	<b><u>With a view to grant access to a regulated profession, the home Member State shall recognise the remunerated traineeship pursued in another Member State and certified by a competent authority of that Member State.</u></b>

*Justification*

*After recognition of their professional qualifications physicians, among others, are allowed to practise in another Member State. The recognition of traineeships is not the subject matter of the directive and should therefore be omitted.*

**Amendment 32**

**Article 56a (Alert mechanism)**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>1. The competent authorities of a Member State shall inform the competent authorities of all other Member States and the Commission about the identity of a professional who has been prohibited by national authorities or courts from pursuing, even temporarily, on the territory of that Member State the following professional activities:</p> <p>(a) doctor of medicine of general practice possessing evidence of a formal qualification referred to in point 5.1.4 of Annex V;</p> <p>(b) specialist doctor of medicine possessing a title referred to in point 5.1.3 of Annex V;</p> <p>(...).</p> <p>4. Member States shall provide that professionals on which alerts are sent to other Member States are informed in writing of decisions on alerts at the same time as the alert as such, may appeal to national courts against the decision or apply for rectification of such decisions and shall have access to remedies in respect of any damage caused by false alerts to other Member States and in such cases the decision shall be qualified to indicate that it is subject to proceedings by the professional.</p> <p>5. The Commission shall adopt implementing acts for the application of the alert mechanism. The implementing act shall include provisions on the competent authorities entitled to sending and/or receiving alerts, on complementing the alerts with additional information, on the withdrawal and closure of alerts, on rights of access to data, ways of correcting the information contained in the alerts, and measures to ensure the security of processing and</p>	<p>1. The competent authorities of a Member State shall inform the competent authorities of all other Member States <del>and the Commission</del> about the identity of a professional who has been prohibited by national authorities or courts from pursuing, even temporarily, on the territory of that Member State the following professional activities:</p> <p>(a) doctors of medicine listed under <del>doctors of medicine: of general practice possessing evidence of a formal qualification referred to in point 5.1.1, 5.1.4 of Annex V and (b) specialist doctor of medicine possessing a title of training courses in specialised medicine referred to in point 5.1.3 of Annex V.1.</del> <u>or in cases referred to in Article 10 b);;</u></p> <p><del>(b) specialist doctor of medicine possessing a title referred to in point 5.1.3 of Annex V;</del></p> <p>(...).</p> <p>4. Member States shall provide that professionals on which alerts are sent to other Member States are informed in writing <u>by competent authorities</u> of decisions on alerts at the same time as the alert as such, may appeal to national courts against the decision or apply for rectification of such decisions and shall have access to remedies in respect of any damage caused by false alerts to other Member States and in such cases the decision shall be qualified to indicate that it is subject to proceedings by the professional.</p> <p>5. The Commission shall adopt implementing acts for the application of the alert mechanism. The implementing act shall include provisions on the competent authorities entitled to sending and/or receiving alerts, on complementing the alerts with additional information, on the withdrawal and closure of alerts, on rights of access to data, ways of correcting the information contained in the alerts, and measures to ensure the security of processing and</p>

retention periods. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 58.

retention periods. Those implementing acts shall be adopted in accordance with the **advisory** procedure referred to in Article 58 **paragraph 2.**

*Justification*

*(i) There is no need to alert the Commission.*

*(ii) Physicians are listed under Annex V.1. Cases relating to Article 10b must also be taken into account.*

*(iii) The process of informing those affected must be clearly regulated.*

*(v) Administrative procedural law requires that retractions must also be taken into account.*

*(v) Implementing acts according to Regulation (EU) No 182/2011 and delegated acts according to Article 290 TFEU should be applied respecting Member States` competencies. At least, implementing acts should be applied mirroring Article 58 of 2005/36/EC which referred to the regulatory procedure in article 5 of Council Decision 1999/468/EC. The regulatory procedure (now: examination procedure) grants Member States a participation in a more structured and meaningful way than the proposed advisory procedure. This needs to be retained.*

**Amendment 33**

**Article 57 (Central online access to information)**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>1. Member States shall ensure that the following information is available online and regularly updated through the points of single contact:</p> <p>(a) a list of all regulated professions within the meaning of Article 3(1)(a) in the Member State including contact details of the competent authorities for each regulated profession and the assistance centre referred to in Article 57b;</p> <p>(...)</p> <p>3. Member States shall ensure that the points of single contact and the competent authorities respond as quickly as possible to any request for information addressed to the point of single contact. To this end, they may also refer such request for information to the assistance centers mentioned in Article 57b and inform the citizen concerned.</p> <p>4. Member States and the Commission shall take accompanying measures in order to ensure that points of single contact make the information provided for in paragraph 1 available in other official languages of the Union. This shall not affect the legislation of Member States on the use of languages in their territory.</p> <p>5. Member States shall cooperate with each other and the Commission for the purpose of implementing paragraph 1, 2 and 4.</p>	<p>1. Member States shall ensure that the following information is available online and regularly updated through <b><u>competent authorities and bodies the points of single contact:</u></b></p> <p>(a) a list of all regulated professions within the meaning of Article 3(1)(a) in the Member State including contact details of the competent authorities for each regulated profession and the assistance centre <b><u>and the national contact points</u></b> referred to in Article 57b;</p> <p>(...)</p> <p>3. Member States shall ensure that <b><u>any request for information addressed the points of single contact and the competent authorities is responded to</u></b> as quickly as possible <b><u>to to the point of single contact.</u></b> To this end, they may also refer such request for information to the assistance centers <b><u>and the national contact points</u></b> mentioned in Article 57b and inform the citizen concerned.</p> <p>4. Member States and the Commission shall take accompanying measures in order to ensure that <b><u>points of single contact make</u></b> the information provided for in paragraph 1 available in other official languages of the Union. This shall not affect the legislation of Member States on the use of languages in their territory.</p> <p>5. Member States shall cooperate with each other and the Commission for the purpose of implementing paragraph 1, and 2 and 4.</p>

*Justification*

*The creation of central assistance centres alongside competent authorities for activities which are not covered by 2006/123/EC is not reasonable. It is the Member States' competency to organise and build on existing infrastructure. "National Contact Points" should be retained for an appropriate transposition on national level.*

**Amendment 34**

**Article 57a (Procedure by electronic means)**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>1. Member States shall ensure that all requirements, procedures and formalities relating to matters covered by this Directive may be easily completed, at a distance and by electronic means, through the relevant point of single contact.</p> <p>(...).</p> <p>4. All procedures shall be carried out in accordance with the provisions of Directive 2006/123/EC relating to the points of single contact. Any time limits for Member States to be complied with procedures or formalities set out in this Directive shall commence at the point when an application has been submitted by a citizen to a point of single contact.</p> <p>(...).</p>	<p>1. Member States shall ensure that all requirements, procedures and formalities relating to matters covered by this Directive may be easily completed, at a distance and by electronic means. <del>through the relevant point of single contact.</del></p> <p>(...).</p> <p>4. <b><u>If activities covered under Directive 2006/123/EC are affected</u></b> <del>and</del> procedures shall be carried out in accordance with the provisions of Directive 2006/123/EC relating to the points of single contact. Any time limits for Member States to be complied with procedures or formalities set out in this Directive shall commence at the point when an application has been submitted by a citizen to a point of single contact.</p> <p>(...)</p>

*Justification*

*It is the Member States` competency to organise and build on existing infrastructure.*

**Amendment 35**

**Article 57b (Assistance centres and National Contact Points)**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>1. Each Member State shall designate, no later than [insert date – transposition deadline] an assistance centre whose remit shall be to provide citizens and centres of the other Member States with assistance concerning the recognition of professional qualifications provided for in this Directive, including information on the national legislation governing the professions and the pursuit of those professions, social legislation, and, where appropriate, the rules of ethics.</p> <p>2. The assistance centres in host Member States shall assist citizens in exercising the rights conferred on them by this Directive, in cooperation, where appropriate, with the assistance centre in the home Member State and the competent authorities and the points of single contact in the host Member State.</p> <p>3. Any competent authority in the host Member State shall be required to fully cooperate with an assistance centre in the host Member State and provide information about individual cases to such assistance centres in the host Member States upon their request.</p> <p>4. At the Commission’s request, the assistance centres shall inform the Commission concerning enquiries with which the Commission is dealing within two months after receiving such a request.</p>	<p>1. Each Member State shall designate, no later than [insert date – transposition deadline] an assistance centre whose remit shall be to provide citizens and centres of the other Member States with assistance concerning the recognition of professional qualifications provided for in this Directive, including information on the national legislation governing the professions and the pursuit of those professions, social legislation, and, where appropriate, the rules of ethics. <b><u>For activities not covered by Directive 2006/123/EC, each Member State shall designate, no later than [insert date – transposition deadline] one or more national contact points with the remit of sentence 1.</u></b></p> <p>2. The assistance centres <b><u>or national contact points</u></b> in host Member States shall assist citizens in exercising the rights conferred on them by this Directive, in cooperation, where appropriate, with the assistance centre <b><u>or national contact points</u></b> in the home Member State and the competent authorities <b><u>and the points of single contact</u></b> in the host Member State.</p> <p>3. Any competent authority in the host Member State shall be required to fully cooperate with <b><u>an</u></b> assistance centre <b><u>or national contact points</u></b> in the host Member State and provide information about individual cases to such assistance centres <b><u>or national contact points</u></b> in the host Member States upon their request.</p> <p>4. At the Commission’s request, the assistance centres <b><u>or national contact points</u></b> shall inform the Commission concerning enquiries with which the Commission is dealing within two months after receiving such a request.</p>

*Justification*

*The creation of central assistance centres alongside competent authorities for activities which are not covered by 2006/123/EC is not reasonable. It is the Member States' competency to organise and build on existing infrastructure. "National Contact Points" should be retained for an appropriate transposition on national level.*

**Amendment 36**

**Article 58 (Committee procedure)**

<i>Proposal of the Commission</i>	<i>Amendment</i>
1. The Commission shall be assisted by a Committee on the recognition of professional qualifications. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a Committee on the recognition of professional qualifications. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article <b><u>4</u></b> <b><u>5</u></b> of Regulation (EU) No 182/2011 shall apply.

*Justification*

*Implementing acts according to Regulation (EU) No 182/2011 and delegated acts according to Article 290 TFEU should be applied respecting Member States` competencies. At the least, implementing acts should be applied mirroring Article 58 of 2005/36/EC which referred to the regulatory procedure in article 5 of Council Decision 1999/468/EC. The regulatory procedure (now: examination procedure) grants Member States a participation in a more structured and meaningful way than the proposed advisory procedure. This needs to be retained.*

**Amendment 37**

**Article 59 (Transparency Reports)**

<i>Proposal of the Commission</i>	<i>Amendment</i>
<p>1. Member States shall notify to the Commission a list of existing regulated professions according to their national law by [insert date – end of transposition period]. Any change to this list of regulated professions shall also be notified to the Commission without delay. The Commission shall set up and maintain a publicly available database for such information.</p> <p>2. Member States shall examine whether under their legal system requirements restricting the access to a profession or its pursuit to the holders of a specific professional qualification, including the use of professional titles and the professional activities allowed under such title, is compatible with the following principles:</p> <p>(a) requirements must be neither directly nor indirectly discriminatory according to the nationality nor the residence;</p> <p>(b) requirements must be justified by an overriding reason relating to a public interest;</p> <p>(c) requirements must be suitable for securing the attainment of the objectives pursued and must not go beyond what is necessary to attain the objective.</p> <p>3. Paragraph 1 shall also apply to professions regulated in a Member State by an association or organisation within the meaning of Article 3(2) and any requirements related to the need for membership.</p> <p>4. By [insert date - end of transposition period], Member States shall provide information on the requirements they intend to maintain and the reasons for considering that their requirements comply with paragraph 2. Member States shall provide information on the requirements they subsequently introduced and the reasons for</p>	<p><del>1. Member States shall notify to the Commission a list of existing regulated professions according to their national law by [insert date – end of transposition period]. Any change to this list of regulated professions shall also be notified to the Commission without delay. The Commission shall set up and maintain a publicly available database for such information.</del></p> <p><del>2. Member States shall examine whether under their legal system requirements restricting the access to a profession or its pursuit to the holders of a specific professional qualification, including the use of professional titles and the professional activities allowed under such title, is compatible with the following principles:</del></p> <p><del>(a) requirements must be neither directly nor indirectly discriminatory according to the nationality nor the residence;</del></p> <p><del>(b) requirements must be justified by an overriding reason relating to a public interest;</del></p> <p><del>(c) requirements must be suitable for securing the attainment of the objectives pursued and must not go beyond what is necessary to attain the objective.</del></p> <p><del>3. Paragraph 1 shall also apply to professions regulated in a Member State by an association or organisation within the meaning of Article 3(2) and any requirements related to the need for membership.</del></p> <p><del>4. By [insert date – end of transposition period], Member States shall provide information on the requirements they intend to maintain and the reasons for considering that their requirements comply with paragraph 2. Member States shall provide information on the requirements they subsequently</del></p>

*considering that those requirements comply with paragraph 2 within six months of the adoption of the measure.*

5. By [insert date - end of transposition period], and every two years thereafter, Member States shall also provide a report about the requirements which have been removed or made less stringent.

6. The Commission shall forward the reports to the other Member States which shall submit their observations within six months. Within the same period, the Commission shall consult interested parties, including the professions concerned.

7. The Commission shall provide a summary report based on the information provided by Member States to the Group of Coordinators established under Commission Decision No 2007/172/EC\*, which may make observations.

8. In light of the observations provided for in paragraphs 6 and 7, the Commission shall [insert date – one year after end of transposition period] submit its final findings to the Council and to the European Parliament, accompanied where appropriate by proposals for further initiatives.

(\*) OJ L 79, 20.3.2007, p. 38.

~~introduced and the reasons for considering that those requirements comply with paragraph 2 within six months of the adoption of the measure.~~

~~5. By [insert date - end of transposition period], and every two years thereafter, Member States shall also provide a report about the requirements which have been removed or made less stringent.~~

~~6. The Commission shall forward the reports to the other Member States which shall submit their observations within six months. Within the same period, the Commission shall consult interested parties, including the professions concerned.~~

~~7. The Commission shall provide a summary report based on the information provided by Member States to the Group of Coordinators established under Commission Decision No 2007/172/EC\*, which may make observations.~~

~~8. In light of the observations provided for in paragraphs 6 and 7, the Commission shall [insert date – one year after end of transposition period] submit its final findings to the Council and to the European Parliament, accompanied where appropriate by proposals for further initiatives.~~

~~(\*) OJ L 79, 20.3.2007, p. 38.~~

~~1. As from---, Member States shall, every two years, send a report to the Commission on the application of the system. In addition to general observations, the report shall contain a statistical summary of decisions taken and a description of the main problems arising from the application of this Directive.~~

~~3. As from---, the Commission shall draw up every five years a report on the implementation of this Directive.~~

~~4.---~~

*Justification*

*(i) In the light of reducing red tape, the “screening of laws” which is implied by the transparency clause is not acceptable.*

*(ii) The retention of the duty to report contained in the current Article 60 of the Directive 2005/36/EC is more appropriate.*