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

1994/0305(COD) - 29/03/1995 - Economic and Social Committee: opinion, report

The ESC noted that the authorisation for the Commission to ‘amend’ the said articles was more extensive than the aim of the draft, namely ‘a more efficient updating of certain articles’ warranted. It doubted, first of all, the basis in Community law for this authorisation to ‘amend’, since under Article 145 of the EC Treaty ‘the Council shall confer on the Commission, in the acts which the Council adopts, powers for the implementation of the rules which the Council lays down’. However, when using such powers, the Commission could neither amend nor supplement the legal acts of the Council to be implemented. The ESC pointed out that the ‘updating’ of qualifications was not only a technical or drafting question of inclusion in the catalogue; in individual cases it entailed an evaluation of qualitative and substantive conformity with the relevant specialisations. The ESC regarded it as necessary to involve the ‘Advisory Committee for further medical training’ in the procedure. It was inadequate for the matter to be left to the ‘Committee of Senior Officials for Public Health’. It was therefore necessary for the Standing Committee of European Doctors, as the federation of national organisations at European level, to be asked for its opinion in all procedures. Moreover, the Commission should be urged to ensure, when a draft Directive was being drawn up, that the Member States’ authorities responsible for further training took account of the views of the national medical profession. The ESC recommended examination of the question of whether the present system of individual references to the extremely varied descriptions of specialisations used in the individual Member States could not be replaced by a more simple system of mutual recognition of main specialisations and associated ‘sub-specialisations’. To this end, the ESC proposed that when it took a decision on the draft Directive under review, the Council should instruct the Commission to request the Standing Committee of European Doctors to produce a proposal on the further development of the mutual recognition arrangements for specialist medical qualifications, with the aim of improving freedom of establishment and freedom to provide services.