

Recognition of professional qualifications

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The European Parliament adopted the report drafted by Stefano ZAPPALA (EPP-ED, I) making many amendments to the Commission's proposal. The main amendments are as follows: - Parliament clarified that the directive will not apply to notaries; - there is a definition for the term "liberal profession"; - in order to avoid possible confusion for consumers, they must be provided with explanations concerning professional qualifications. Where necessary, the migrant professional may be authorised to bear the professional title of his country of origin; - the strict time-limit (16 weeks) introduced by the Commission for determining what constitutes a temporary provision of services in a Member State by a professional established in another Member State should be replaced by a more flexible criterion. Parliament therefore proposed that the temporary nature of the services provided should be evaluated taking into account the "presence of infrastructure, the duration and main purpose of the activity, and its frequency, regularity and continuity"; - the service provider must have the necessary capability and aptitude to operate safely in the professional environment concerned. In particular, where the service provider moves in order to provide services, he must comply with the national legislation of the host Member State where such legislation is necessary to guarantee public safety. A service provider will benefit from the same rights and be subject to the same obligations as the nationals of the host Member State. Furthermore, where the service provider is practising a profession covered by Chapter III, under Title III, he will be subject to the rules of conduct of a professional or administrative nature which apply in the host Member State. For this purpose a Member States may require automatic temporary registration which can be the pro forma membership of a professional organisation provided that such registration does not complicate the provision of services or impose any additional costs on the person concerned; - if a service provider wishes to pursue activities in the context of professions that are subject to a special professional liability regime, he must provide the services on the basis of the same rights and obligations as established professionals in those professions in the host Member State. In particular, he will be subject to the rules of conduct of a professional nature applicable in that Member State. For this purpose, Member States may require either automatic temporary registration or pro forma membership of a professional organization, on the understanding that such registration does not delay or complicate the provision of services or impose any additional costs on the person providing the services. Where the profession that is subject to a special professional liability regime is regulated in the host Member State but not in the Member State of origin of the service provider, the host Member State may require full registration with the appropriate authorities of the host Member State before the service provider pursues the professional activities; - the service provider must be able to provide the recipient of services proof that the service provider is insured against the financial risks connected with any challenge to his professional liability, where this requirement is laid down for professionals of the same profession established in the territory. Where relevant, the host Member State may require the service provider to furnish this information; - if the level of training laid down for admission to a profession has been raised in the home Member State, the host Member State must allow professionals who have been admitted to the profession by virtue of a qualification obtained at the lower level to be recognised at the higher level; - the Commission will evaluate 5 years after the entry into force of the Directive the workability in practice of the level system. If in practice the level of qualifications of the diplomas shows an evident difference between the Member States, the Commission will come forward with proposals for a points and credit system linked to the quality and contents of the education and professional training in the different Member States. The Committee will supervise the allocation of points to the various training courses; - however, a professional qualification which, although not satisfying the requirements contained in the provisions in force in the home Member State for access to or the practice of a profession, has been recognised as valid in another Member State for the purpose of exercising the profession in question, without imposing any requirement for additional training, will not be regarded as evidence of equivalent training. In such circumstances, if a citizen applies for recognition in his own State of origin of a qualification issued by the host Member State, his application may be declared inadmissible by the competent organization in his State of origin; - account must be taken of the

possibility that, in a given profession, a legal or administrative provision in the Member State of origin may recognise professional experience as a determining factor in advancing the university level of those with such experience to the level immediately above, in the classification laid down in the Directive; - Parliament added some new provisions on the validity of diplomas; - a new amendment proposes a procedure in cases where a Member State or the Commission has doubts as to whether a diploma, degree, certificate or other evidence of formal qualifications meets the minimum training conditions. -new clauses prescribe the basic training for doctors and nurses, dental practitioners, veterinary surgeon, midwife, pharmacist, psychotherapist which provides an assurance that the person in question has acquired certain prescribed knowledge and skills; - the Commission will be assisted by an expert group, with advisory functions, composed of a representative from each Member State; - several amendments are made to Annex V.