Basic information

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

Key players

European Parliament

Former committee responsible	Former rapporteur	Appointed
JURI Legal Affairs, Citizens' Rights	FONTAINE Nicole (PPE)	02/02/1995
JURI Legal Affairs, Citizens' Rights	FONTAINE Nicole (PPE)	02/02/1995

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	1986	1997-01-27
Competitiveness (Internal Market, Industry, Research and Space)	1929	1996-05-28
Transport, Telecommunications and Energy	1937	1996-06-18
Budget	2026	1997-07-24

Key events

Date	Event	Reference	Summary
16/12/1994	Legislative proposal published	COM(1994)0626	Summary
20/01/1995	Committee referral announced in Parliament, 1st reading		
25/04/1995	Vote in committee, 1st reading		Summary
25/04/1995	Committee report tabled for plenary, 1st reading	A4-0099/1995	
27/06/1995	Debate in Parliament		Summary
27/11/1995	Modified legislative proposal published	COM(1995)0437	Summary
18/06/1996	Council position published	07550/1/1996	Summary
18/07/1996	Committee referral announced in Parliament, 2nd reading		

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

Technical information

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

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0099/1995 OJ C 151 19.06.1995, p. 0003	25/04/1995	
Text adopted by Parliament, 1st reading/single reading		T4-0326/1995 OJ C 183 17.07.1995, p. 0017-0024	29/06/1995	Summary
Committee recommendation tabled for plenary, 2nd reading		A4-0269/1996 OJ C 320 28.10.1996, p. 0004	02/09/1996	
Text adopted by Parliament, 2nd reading		T4-0508/1996 OJ C 347 18.11.1996, p. 0020-0031	22/10/1996	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A4-0246/1997 OJ C 286 22.09.1997, p. 0009	10/07/1997	

Text adopted by Parliament, 3rd reading		T4-0384/1997 OJ C 286 22.09.1997, p. 0177-0207	17/07/1997	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	07550/1/1996 OJ C 248 26.08.1996, p. 0071	18/06/1996	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1994)0626 OJ C 389 31.12.1994, p. 0019	16/12/1994	Summary
Modified legislative proposal	COM(1995)0437 OJ C 028 01.02.1996, p. 0007	27/11/1995	Summary
Commission communication on Council's position	SEC(1996)1367	15/07/1996	
Commission opinion on Parliament's position at 2nd reading	COM(1996)0638	12/12/1996	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0316/1995 OJ C 133 31.05.1995, p. 0010	29/03/1995	Summary
CSL/EP	Joint text approved by Conciliation Committee co-chairs	3615/1997	27/06/1997	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 1997/0050
OJ L 291 24.10.1997, p. 0035 Summary

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

1994/0305(COD) - 29/06/1995 - Text adopted by Parliament, 1st reading/single reading

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

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

1994/0305(COD) - 27/11/1995 - Modified legislative proposal

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

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

1994/0305(COD) - 18/06/1996 - Council position

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

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.

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

1994/0305(COD) - 12/12/1996 - Commission opinion on Parliament's position at 2nd reading

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

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

1994/0305(COD) - 16/12/1994 - Legislative proposal

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

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

1994/0305(COD) - 17/07/1997 - Text adopted by Parliament, 3rd reading

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

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

1994/0305(COD) - 22/10/1996 - Text adopted by Parliament, 2nd reading

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

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

1994/0305(COD) - 18/06/1996

The Council adopted the common position by qualified majority, with the UK delegation voting against the proposal.

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

1994/0305(COD) - 06/10/1997 - Final act

OBJECTIVE : to introduce adequate procedures for the implementation of the provisions of Directive 93/16/EEC on the free movement of doctors. COMMUNITY MEASURE : European Parliament and Council Directive 97/50/EC amending Directive 93/16/EEC which seeks to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other qualifications. CONTENT : In view of the frequent changes

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