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Summary of EP hearing on mutual recognition of professional qualifications

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In a well-attended public hearing organised by the Legal Affairs Committee representatives of professional associations, the social partners, independent experts and representatives of the Commission, the ESOC, the Council and the Court of Justice exchanged views with MEPs on the Commission's proposal to issue a Directive on the recognition of professional qualifications. Over 40 persons stated their views under which dr. Reiner Brettenthaler (as president of CPME), dr. Cees Leibrandt and a representative of French state and hospital employed doctors.

The purpose of this Directive is together with simplification and modernisation to integrate into a single text all existing sectoral Directives ("horizontal" instead of the previous "vertical" approach) and at the same time to establish as a common rule the principle of mutual recognition of professional qualifications in the regulated professions, meaning that a Member State which requires from its citizens specific professional qualifications for allowing them to access a certain profession (= "regulated profession") will be obliged to accept professional qualifications obtained by an individual in another Member State, which allow him to pursue the same profession there, as a sufficient condition for access and pursuit of that profession in its territory. The scope of the Directive covers in effect all regulated professions except of lawyers.

In his opening statement Stefano **ZAPPALA'** (EPP-ED, I) who is reporting for the Legal Affairs Committee pointed out the tremendous effect that this directive will have on Member States, especially with an eye on enlargement and said that his goal will be to generate a simple and not bureaucratic piece of legislation, which will ensure universality and transparency.

Speaking on behalf of the European Commission, Deputy General Director for the Internal Market Alfonso **MATTERA** reminded that the draft Directive refers to a wish by Parliament and responds to the right of a professional to provide a service in another Member State on the basis of the qualifications obtained in his home country. In outlining its content Professor **MATTERA** emphasised that the proposal aims at simplifying and clarifying Member States' laws while at the same time respecting the principle of subsidiarity as it does not seek to harmonise national legislation but only to recognise it as equivalent, thus enabling Member States to maintain national identities and professional cultures.

The overwhelming majority of speaker was critical of the Commission proposal. Especially the professions covered by the sectoral directives were very sceptical and preferred to keep the existing

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system. They do not believe that the proposed system will provide enough guarantees to adapt speedily to the developments in the sectors (due to the disappearance of the advisory committees). Moreover they feared that the possibility to provide services cross border freely for a maximum of four months was impossible to check (unless a registration system would be set in place) and in the case of health service this could endanger the quality of public health. Finally, many speakers questioned the instrument of common platforms because it was unclear how this would operate. These common platforms should provide the European Commission with the criteria of professional qualifications, which attest to a sufficient level of competence. The regulated professions on the other hand were less harsh in their criticism but the majority gave the impression that the present general system of recognition is satisfactory.

Vitalino **GEMELLI** (EPP-ED, I), Chairman of the Petitions Committee noted that after decades of application the vertical approach has reached its limits and the current situation favours the horizontal approach on the basis of the mutual recognition of diplomas and the freedom of establishment. Gabriele **STAUNER** (EPP-ED, D), on the other hand, who is reporting for the Employment Committee expressed her concerns that the simplification or in other words the deregulation which lies in the heart of the Commission's proposal will lead to a substantial diminishing of the quality of the provided services, thus having negative effects on consumer protection.

MEPs of the Legal Affairs Committee Kurt **LECHNER** (EPP-ED, D), Evelyne **GEBHARDT** (shadow rapporteur PES, D), Ioannis **KOUKIADIS** (PES, GR), Malcolm **HARBOUR** (EPP-ED, UK) and Willi **ROTHLEY** (PES, D) while in principle welcoming the Commission's aim to simplify and modernise the existing legislation were concerned about the scepticism and criticism which was expressed by the overwhelming majority of the invitees towards the Commission's proposal.

Regards the involvement of professional associations to replace the existing consultative committees the **European Commission** informed the MEPs that it would adopt a Decision to create an expert group as soon as the Council reached a common position. This expert group, advising the Commission, will comprise representatives of national authorities. The Commission will act as an intermediary between the expert group and the professional associations. The latter can suggest actions to the group and will be informed on the results of the group discussions. The Commission stressed however, that this approach will not preclude other interested parties submitting information and views to the Commission.

In summarising, rapporteur Stefano **ZAPPALA**¹ noticed the division between the invitees regarding the vertical or the horizontal approach and suggested that the European Parliament's representatives at the European Convention should co-ordinate their action with a view to include in the new Treaty a clear definition of the liberal professions as a first major step towards the creation of a single European regime for these. He also said that while noticing the sharp criticism expressed towards the Commission's proposal, he, nevertheless, considers, that it has some positive aspects. Finally, he asked all interested parties to communicate their views to him or his colleagues before October 15.

Most likely the rapporteur will present a first draft proposal in November. A vote in committee could be expected in December, but in case the number of amendments is very high, postponement to January is most likely. Vote in plenum could be expected end of January or beginning of February.

Rob Vierhout
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