



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 15.07.1999
COM(1999) 177 final

Proposal for a

COUNCIL DECISION

**repealing Decisions 75/364/EEC, 77/454/EEC, 78/688/EEC, 78/1028/EEC
80/156/EEC and 85/434/EEC setting up advisory committees for the training
nurses responsible for general care, dental practitioners, veterinary surgeons
midwives, pharmacists and doctors**

(presented by the Commission)

EXPLANATORY MEMORANDUM

Purpose

The proposal for a decision follows on from the *Communication to the Council and the European Parliament on the SLIM initiative*¹ presented by the Commission on 6 November 1996.

In this communication, the Commission indicated in particular that, in response to the request of the SLIM team on recognition of qualifications, it would present proposals aimed at rationalising the operation of the advisory committees on training.

The Commission envisages formal adoption in 2000 of decisions giving practical shape to the guidelines set out under point 2 below.

Reform of the advisory committees

It should first be noted that the advisory committees were set up by the Council when the sectoral Directives were adopted. The same rules² govern their composition, with each committee comprising 90 members (45 full members and 45 alternates), i.e. six experts from each Member State: two from the profession concerned, two from educational establishments and two from the competent authorities. Each member is appointed to the committee for three years.

While this structure appeared appropriate and desirable at the time that the first sectoral Directives were put in place (29 years ago, when one of the aims was to promote exchanges of information on training methods and on the content, level and structure of theoretical and practical instruction provided in the Member States),³ it must be acknowledged that some of the provisions contained in the Council decisions setting up the advisory committees have become obsolete.

In this context, it should also be noted that, while it is true that Article 47 of the EC Treaty conferred certain powers on the Community as regards education and training (thereby enabling it, among other things, to adopt the Directives on recognition of qualifications and coordination of education and training), Articles 149 and 150 of the EC Treaty spell out clearly the fundamental responsibility of the Member States for the structure and content of education and training systems. They specifically exclude any harmonisation of those systems, as indicated by the Council, for example, in Decision 94/819/EEC of 6 December 1994 establishing an action programme for the implementation of a European Community vocational training policy.⁴

What is more, the committees have virtually doubled in size as a result of the accessions that have taken place since 1975.

¹ COM(1996) 559 final, 6.11.1996.

² See Council Decisions 75/364/EEC (doctors - OJ No L 167, 30.6.1975), 77/454/EEC (nurses - OJ No L 176, 15.7.1977), 78/688/EEC (dental practitioners - OJ No L 233, 21.8.1978), 78/1028/EEC (veterinary surgeons - OJ No L 362, 23.12.1978), 80/156/EEC (midwives - OJ No L 33, 11.2.1980) and 85/434/EEC (pharmacists - OJ No L 253, 24.9.1985).

³ See Article 2(2) of the Council Decisions referred to at footnote 2.

⁴ OJ No L 340, 29.12.1994.

This situation has given rise to practical difficulties since the Commission does not have the human, material and budgetary resources needed to operate the committees in the manner originally intended. The meetings have become less effective, and the difficulties would only be compounded by further accessions.

Lastly, the three-yearly renewal exercise likewise gives rise to practical difficulties and a substantial workload.

These drawbacks were also highlighted by the SLIM team on the recognition of qualifications.

In these circumstances, the Commission proposes several measures for the six existing advisory committees on training in certain health-care professions.⁵

Composition

The Commission considers it essential to scale down the advisory committees by reducing the number of experts on each of them. For this to be effective and in order to achieve the desired effect, i.e. to improve the way the committees operate, it proposes limiting each Member State to one member, i.e. a representative of the profession concerned.

This would mean that total membership would be reduced to 15 for the EU as it now stands and an increase of only one member on the occasion of each new accession.

It should be noted that the category of experts from the competent authorities is already represented on the Committee of Senior Officials on Public Health (set up by Decision 75/365/EEC⁶), the Pharmaceutical Committee (set up by Decision 75/320/EEC⁷) and the ad hoc Group of Senior Veterinary Officials.

⁵ See footnote 2. There is a seventh advisory committee for training in the field of training of architecture. However, this committee is not concerned here because of its particular responsibilities under Directive 85/384/EEC. The situation regarding this committee will be examined in the future in the light of the developments with the current proposal.

⁶ OJ No L 167, 30.6.1975, p. 19.

⁷ OJ No L 147, 9.6.1975, p. 23.

Term

The current term is three years, but the Commission would prefer six. The justification for this is not only the practical difficulties encountered during each renewal exercise, but above all the fact that - as also emphasised by the SLIM team - experience has shown that the current three-year term is too short in that it only rarely allows an advisory committee to complete its work before that period expires.

Appointment procedure

Under the existing procedure, the Member States submit a list of their experts to the Council, which appoints them formally. The Commission intends to simplify the procedure by allowing the Member States to notify it directly of their experts' names. Alongside the effects that reducing the number of members and extending the term of office would have, this procedure would considerably lighten the workload involved in renewing the advisory committees.

Remit

The Commission is pleased to note that the principal objectives for which the advisory committees on training were originally set up have been attained overall. Thanks to improved mutual knowledge of educational objectives and training levels and structures, it has been possible to establish the basic climate of trust necessary for the mutual recognition of qualifications.

In addition, the professions concerned have generally organised themselves at European level, and this too has contributed to the proliferation of exchanges of information and views on training matters.

Moreover, based as they are on qualitative and quantitative criteria that have proved satisfactory, without prejudice to the possible need to adapt them, the minimum training requirements stipulated by the sectoral Directives are generally considered acceptable as regards the mutual recognition of qualifications.

Consequently, the nature of the expert advice that the Commission can seek from the advisory committees should be redefined. The intention is that their future discussions should relate to any request for an opinion submitted by Commission departments concerning freedom of movement in the various professions covered by the sectoral Directives. These Directives are an integral part of the internal market exercise, especially the free movement of persons.

Conclusion

The measures giving practical shape to these guidelines, which the Commission plans to adopt formally in 2000, will constitute a genuine legislative simplification in so far as a single Commission decision regarding the six advisory committees concerned will replace six Council decisions (which the Commission proposes to repeal), while at the same time the numerous Council decisions appointing committee members will be dispensed with. The administrative aspects will thus likewise be simplified. Lastly, the Member States' administrative workload will be lightened in that they will in future have to submit the names of the experts only once every six years instead of submitting six experts' names once every three years, and the committees will also operate in a less cumbersome fashion.

The Council is asked to adopt the attached proposal.

Proposal for a

COUNCIL DECISION

repealing Decisions 75/364/EEC, 77/454/EEC, 78/688/EEC, 78/1028/EEC, 80/156/EEC and 85/434/EEC setting up advisory committees for the training of nurses responsible for general care, dental practitioners, veterinary surgeons, midwives, pharmacists and doctors

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the proposal from the Commission,

- (1) Whereas, by its Decisions 75/364/EEC⁸, 77/454/EEC⁹, 78/688/EEC¹⁰, 78/1028/EEC¹¹, 80/156/EEC¹² and 85/434/EEC¹³, the Council set up Advisory Committees on the training of doctors, nurses responsible for general care, dental practitioners, veterinary surgeons, midwives and pharmacists;
- (2) Whereas these Committees have completed their tasks as defined by the Council in the aforementioned Decisions;
- (3) Whereas it is appropriate to rationalise the operation of these Committees, as indicated by the Commission in its *Communication to the Council and to the European Parliament on the SLIM initiative*¹⁴, its *Communication to the Council and to the European Parliament on the implementation of the recommendations of the SLIM "Recognition of Diplomas" team* and the explanatory text to its *proposal for a Directive of the European Parliament and of the Council amending Directives 89/48/EEC and 92/51/EEC concerning the general system of recognition of professional qualifications and supplementing Directives 77/452/EEC, 77/453/EEC, 78/686/EEC, 78/687/EEC, 78/1026/EEC, 78/1027/EEC, 80/154/EEC, 80/155/EEC, 85/384/EEC, 85/432/EEC, 85/433/EEC and 93/16/EEC concerning the occupations of nurse responsible for general care, dental practitioner, veterinary surgeon, midwife, architect, pharmacist and doctor*¹⁵;

⁸ OJ No 167 of 30.6.1975

⁹ OJ No L 176 of 15.7.1977

¹⁰ OJ No L 233 of 21.8.1978

¹¹ OJ No L 362 of 23.12.1978

¹² OJ No L 33 of 11.2.1980

¹³ OJ No L 253 of 24.9.1985

¹⁴ COM (1996) 559 final of 6.11.1996.

¹⁵ COM (1997) 638 final of 2.12.1997

- (4) Whereas, with a view to implementing this rationalisation, the Commission indicated in the said explanatory text its intention to set up new Advisory Committees on nurses responsible for general care, dental practitioners, veterinary surgeons, midwives, pharmacists and doctors; whereas the mandate of these new committees will be for a period of six years; whereas their new remit will cover all aspects of the sectoral Directives intended to facilitate the free movement of the professions concerned and the mutual recognition of their diplomas, certificates and other formal qualifications; whereas the method of nominating members will be simplified, and the number of members reduced to one expert per Member State;
- (5) Whereas these measures constitute legislative and administrative simplification;
- (6) Whereas it is desirable to delay the entry into force of this Decision until a date close to the dates of expiry of the mandates of the existing Committees, i.e. until 31 December 2000, given that the Commission Decision setting up the new Committees will come into force after this date;
- (7) Whereas the Committees set up by the Council Decisions referred to above will therefore be able to continue functioning until 31 December 2000,

HAS DECIDED AS FOLLOWS:

Article 1

Decisions 75/364/EEC, 77/454/EEC, 78/688/EEC, 78/1028/EEC, 80/156/EEC and 85/434/EEC are repealed.

Article 2

This Decision shall enter into force on 31 December 2000.

Article 3

This Decision is addressed to the Member States.

Done at Brussels,

*For the Council
The President*

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DOCUMENTS

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