

EUROPEAN PARLIAMENT

Working Documents

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DOCUMENT 1-222/81

MOTION FOR A RESOLUTION

tabled by Mr TYRRELL and Mr HOPPER

pursuant to Rule 47 of the Rules of Procedure

on primary qualifications for doctors

The European Parliament,

- whereas Article 7 of the EEC Treaty provides that any discrimination on grounds of nationality shall be prohibited subject to the provision that this Article is without prejudice to any special provisions in the Treaty;
- whereas Article 48 of the EEC Treaty provides for the freedom of movement of workers and that such freedom shall entail the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment;
- whereas Article 57 of the EEC Treaty empowers the Council to issue directives for the mutual recognition of diplomas and for the coordination of laws, regulations and administrative action concerning the taking up and pursuit of activities as self-employed persons;
- whereas paragraph 3 of Article 7 of the EEC Treaty expressly provides with regard to the medical professions that the progressive abolition of restrictions shall be dependent upon coordination of the conditions for their exercise in the various Member States;
- whereas Article 66 of the EEC Treaty provides that the provisions of Articles 55 to 58 shall apply to the freedom to provide services;
- whereas Council Directive 75/362 (OJ 1975, L167/1) sets out the rules for the mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine including measures to facilitate the effective exercise of the right of establishment and freedom to provide services;
- whereas Directive 75/363 (OJ 1975, L167/17) coordinates the rules for the minimum requirements of training for diplomas, certificates and other evidence of formal qualifications in medicine to be mutually recognized under Directive 75/362;
- whereas Article 2 of Council Directive 75/362 sets out the basic rule for mutual recognition of primary qualifications whereby each Member State shall recognize the diplomas, etc. awarded to nationals of Member States by other Member States by giving such qualifications, as far as the right to take up and pursue the self-employed activities of a doctor is concerned, the same effect in its territory as those which the Member State itself awards if such diplomas, etc. are in accordance with Article 1 of Directive 75/363 and listed in Article 3 of Directive 75/362;

- whereas Article 24 of Directive 75/362 provides that the Directive shall also apply to the nationals of Member States who, in accordance with Regulation (EEC) No. 1612/68, are pursuing or will pursue as employed persons one of the activities referred to in Article 1, which applies the Directive to the 'activities of doctors';
- whereas Article 16 paragraph 3 indent 3 of Directive 75/362 provides with regard to the provision of services as a doctor, that a certificate that the person concerned holds one or other of the diplomas, certificates or other evidence of formal qualification appropriate for the provision of the services in question and referred to in this Directive may be required by the host Member State;
- whereas Article 1(5) of Directive 75/363 provides that 'Nothing in this Directive shall prejudice any facility which may be granted in accordance with their own rules by Member States in respect of their own territory to authorize holders of diplomas, certificates or other evidence of formal qualifications which have not been obtained in a Member State to take up and pursue the activities of a doctor';
- noting that the derogation provided for by Article 1(5) of Directive 75/363 has resulted in the situation whereby nationals of any one Member State may be discriminated against when they are doctors who are employed in the same capacity or provide the same services or pursue the same self-employed activities on the basis of primary medical qualifications obtained in a third country as other nationals of the same State who have obtained their primary medical qualifications in a Member State of the Community, and may even be working alongside such other doctors, to the extent that the rules of the EEC Treaty governing free movement of workers, freedom to provide services and freedom of the right of establishment do not apply to them;

1. Calls on the Commission to propose an amendment to Directive 75/363 to replace Article 1(5) with a provision whereby

a selection of external primary medical qualifications mutually agreed by the Member States will be given equal status with EEC primary medical qualifications, with provision for further amendment if necessary;

or if one Member State recognizes external primary medical qualifications then all Member States shall do so and give them the same effect in accordance with Article 2 of Directive 75/362.