

EUROPEAN PARLIAMENT

Working Documents

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DOCUMENT 1-272/81

Report

drawn up on behalf of the Legal Affairs Committee

on the proposal from the Commission of the European Communities to the Council (Doc. 1-947/80) for a directive supplementing Directives 75/362/EEC, 77/452/EEC, 78/686/EEC and 78/1026/EEC concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications of doctors, nurses responsible for general care, dentists and veterinary surgeons respectively (Extension of acquired rights)

Rapporteur: Mr G. DONNEZ

1.2.2

By letter of 23 February 1981, the Council of the European Communities requested the European Parliament to deliver an opinion on the proposal (Doc. 1-947/80) from the Commission on a directive supplementing Directives 75/362/EEC, 77/452/EEC, 78/686/EEC and 78/1026/EEC concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications of doctors, nurses responsible for general care, dentists and veterinary surgeons respectively (Extension of acquired rights).

On 27.2.1981 this proposal was referred to the Legal Affairs Committee as the committee responsible.

On 18 March 1981 the committee appointed Mr DONNEZ rapporteur.

At its meeting of 26 and 27 May 1981 the committee considered the draft report and adopted it unanimously.

Present : Mr Ferri, chairman and acting rapporteur; Mr Turner, vice-chairman; Mr Dalziel, Mr Fischbach, Mr Geurtsen, Mr Price (deputizing for Mr Tyrrell), Mr Sieglerschmidt, Mr Vetter and Mr Vie.

The Legal Affairs Committee hereby requests Parliament to adopt its report without debate pursuant to Rule 34 of the Rules of Procedure.

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The Legal Affairs Committee hereby submits to the European Parliament the following motion for a resolution together with explanatory statement

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a directive supplementing Directives 75/362/EEC, 77/452/EEC, 78/686/EEC and 78/1026/EEC concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications of doctors, nurses responsible for general care, dentists and veterinary surgeons respectively (Extension of acquired rights).

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council (COM(80) 912 final)¹,
 - having been consulted by the Council of the European Communities pursuant to Article 57 of the EEC Treaty (Doc. 1-947/80),
 - having regard to Directives 75/362/EEC, 77/452/EEC, 78/686/EEC and 78/1026/EEC,
 - having regard to the report of the Legal Affairs Committee (Doc. 1-272/81),
1. Notes that the Commission's proposal is designed to safeguard the acquired rights of the persons concerned ;
 2. Observes that, from the point of view of safeguarding acquired rights, certain alterations need to be made to the directives already adopted by the Council in this field;
 3. Approves the Commission's proposal.

¹ OJ No C 121, 23.5.1981, p 3

EXPLANATORY STATEMENTIntroduction

1. The Commission's proposal for a Council directive is intended to ensure that acquired rights are respected and thus that freedom of movement within the EEC for persons engaged in the medical professions is legally guaranteed.

I. Respect for acquired rights

2. The Council directives concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications of doctors¹, nurses responsible for general care², dentists³ and veterinary surgeons⁴ respectively lay down that each Member State shall recognize as sufficient evidence of training the diplomas, certificates and other formal qualifications not meeting the minimum training requirements provided for and issued by the Member States before the implementation of the directive in question; the aforementioned evidence of training must be accompanied by a certificate attesting that the parties concerned have been effectively and lawfully engaged in the activities in question for at least three consecutive years in the course of the five years preceding the issue of the certificate.

3. When the directives came into effect, the Commission realized that difficulties might arise.

II. The need to fill a gap

4. The provisions of the directives do not expressly cover the diplomas, certificates and other evidence of formal qualifications which are evidence of training which had commenced before, but was completed after, the implementation of the directive in question.

5. To meet the needs of legal certainty, the Commission has chosen to fill the gap by proposing that the text of the directives be amended.

¹OJ No L 167, 30.6.1975, p.1

²OJ No L 176, 15.7.1977, p.1

³OJ No L 233, 24.8.1978, p.1

⁴OJ No L 362, 23.12.1978, p.1

6. Article 1 of the proposal for a directive is intended to supplement the text of the directives in question insofar as these do not state specifically whether training not fully satisfying the minimum training requirements which had commenced before, but was completed after, the implementation of the said directives should entitle the holders to freedom of movement.

However, since these provisions protect the acquired rights of all the professions in question, Article 1 of the proposal for a directive dispels any uncertainty on this point.

Article 2 stipulates that Member States shall take all the measures necessary to comply with this directive by 30 June 1982 at the latest.

