



EUROPEAN PARLIAMENT

2009 - 2014

Committee on the Environment, Public Health and Food Safety

2011/0435(COD)

30.10.2012

COMPROMISE AMENDMENTS

1 - 10

Draft opinion

Anja Weisgerber

(PE494.475v01-00)

on the proposal for a directive of the European Parliament and of the Council amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation on administrative cooperation through the Internal Market Information System

Proposal for a directive

(COM(2011)0883 – C7-0512/2011 – 2011/0435(COD))

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United in diversity

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Amendment 1

EPP-S&D-ALDE-Greens/EFA-ECR-GUE

Compromise amendment replacing Amendments 72, 73 and 74

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) Directive 2005/36/EC already provides for **clear** obligations for professionals to have the necessary language skills. The review of that obligation has shown a need to clarify the role of competent authorities and employers notably in the interest of patients' safety. Language controls should **however be reasonable and necessary for the jobs in question and** should not constitute grounds for **excluding professionals from the labour market in the host Member State.**

Amendment

(19) Directive 2005/36/EC already provides for obligations for professionals to have the necessary language skills. The review of that obligation has shown a need **to define these language requirements more precisely and** to clarify the role of competent authorities and employers notably in the interest of patients' safety.

While language controls should not constitute grounds for **refusal to recognise a professional qualification, in the case of occupations which have implications for patients, for example patient safety and treatment and the provision of services and information to patients, it is essential to test language knowledge before authorising a person to practise. Knowledge of the official language(s) of the language area where the professional wishes to work is a conditio sine qua non here. Level C1 of the European Framework of Reference for Languages should be taken as a minimum standard for this purpose.** **minimum standard for this purpose.**

Or. en

Justification

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Amendment 2

EPP-S&D-ALDE-Greens/EFA-ECR-GUE

Compromise amendment replacing Amendments 5, 81 and 82

Proposal for a directive

Article 1 – point 3 – point a – point ii

Directive 2005/36/EC

Article 3 – paragraph 1 – point k

Text proposed by the Commission

(k) “European Professional Card”: an electronic certificate issued to the professional ***proving the recognition of his qualifications for*** establishment in a host Member State or ***that he has met all the necessary conditions to provide*** services in a host Member State on a temporary and occasional basis;

Amendment

(k) “European Professional Card”: an electronic certificate issued to the professional ***by the competent authority to document his/her qualifications upon request for the purposes of*** establishment in a host Member State or ***the provision of*** services in a host Member State on a temporary and occasional basis;

Or. en

Amendment 3

EPP-S&D-ALDE-Greens/EFA-ECR-GUE

Compromise amendment replacing Amendments 9 and 89

Proposal for a directive

Article 1 – paragraph 5

Directive 2005/36/EC

Article 4a – paragraph 6

Text proposed by the Commission

6. The Commission shall adopt implementing acts specifying European Professional Cards for specific professions, establishing the format of the European Professional Card, the translations necessary to support any application for issuing a European Professional Card and details for the assessment of applications, taking into account the particularities of each profession concerned. Those

Amendment

6. Upon request, the European Professional Cards shall be available for selected professions covered by implementing acts adopted by the Commission in accordance with the ***examination*** procedure referred to in Article 58.

implementing acts shall be adopted in accordance with the *advisory* procedure referred to in Article 58.

Or. en

Amendment 4

EPP-S&D-ALDE-Greens/EFA-ECR-GUE

Compromise amendment replacing Amendments 14, 95 and 96

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4c – paragraph 1

Text proposed by the Commission

1. The competent authority of the home Member State shall verify the application, ***create and validate a*** European Professional Card within ***two weeks*** from the date it receives a complete application. It shall ***inform the applicant and the Member State in which the applicant envisages to provide services, of the validation of the European Professional Card. The transmission of the validation information to*** the host Member States concerned shall constitute the declaration provided for in Article 7. ***The host Member State may not*** require a further ***declaration under Article 7 for the following two years.***

Amendment

1. The competent authority of the home Member State shall verify the application ***and the supporting documentation, and shall issue the*** European Professional Card within ***one month*** from the date it receives a complete application. It shall ***then transmit the European Professional Card immediately to the competent authority of the host Member State concerned and inform the applicant accordingly.*** The host Member States concerned shall constitute the declaration provided for in Article 7. ***Without prejudice to Article 8(1) the host Member State may not*** require a further ***declaration under Article 7 for the following year.***

Or. en

Amendment 5

EPP-S&D-ALDE-Greens/EFA-ECR-GUE

Compromise amendment replacing Amendments 19, 101 and 102

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4d – paragraph 5

Text proposed by the Commission

5. Where the host Member State fails to take a decision within ***the time limits set out in the paragraphs 2 and 3 or to request additional information within one month*** from the date of receipt of the European Professional Card by the home Member State, the European Professional Card shall be deemed to be validated by the host Member State and to constitute recognition of the professional qualification to the regulated profession concerned in the host Member State.

Amendment

5. Where the host Member State fails to take a decision within ***three months*** from the date of receipt of the European Professional Card by the home Member State the European Professional Card shall be deemed to be validated ***temporarily*** by the host Member State and to constitute recognition of the professional qualification to the regulated profession concerned in the host Member State. ***The proposal to obtain further information shall prorogue the three-month approval period for a maximum of two months.***

Or. en

Amendment 6
EPP-S&D-ALDE-Greens/EFA-ECR-GUE

Proposal for a directive
Article 1 – point 5 a (new)
Directive 2005/36/EC
Article 4d – paragraph 5

Text proposed by the Commission

Amendment

5a. The provisions laid down in article 4d paragraph 5 sentence 1 shall not apply to health professions where work has implications for patient safety.

Or. en

Amendment 7
EPP-S&D-ALDE-Greens/EFA-ECR-GUE

Compromise amendment replacing Amendments 23, 107, 108, 109

Proposal for a directive

Article 1 – point 5

Directive 2005/36/EC

Article 4f – paragraph 2

Text proposed by the Commission

2. Partial access may be rejected if such rejection is justified by an overriding reason of general interest, such as public health, it would secure the attainment of the objective pursued and it would not go beyond what is strictly necessary.

Amendment

2. Member states can grant partial access on a case by case basis to health professionals whose work has no implications for patient safety. Partial access may be rejected if such rejection is justified by reasons of general **interest to safeguard** public health **and patient safety**.

Or. en

Amendment 8

EPP-GREENS/EFA-ECR

Consolidated amendment replacing Amendments 32, 115, 116, 117,118, 119

Proposal for a directive

Article 1 – paragraph 22 – point a

Directive 2005/36/EC

Article 31 – paragraph 1

Text proposed by the Commission

1. Admission to training for nurses responsible for general care shall be contingent upon completion of general education of **12 years**, as attested by a diploma, certificate or other evidence issued by the competent authorities or bodies in a Member State or by a certificate attesting success in an examination, of an equivalent level, for admission to a school of nursing.

Amendment

1. Admission to training for nurses responsible for general care **according to paragraph 3** shall be contingent **of a minimum age of 16 and** upon completion of general education of **at least 10 years**, as attested by a diploma, certificate or other evidence issued by the competent authorities or bodies in a Member State or by a certificate attesting success in an examination, of an equivalent level, for admission to a school of nursing. **This provision shall be without prejudice to the right of Member States to set a longer period of general education as a criterion governing admission to training.**

Or. en

Amendment 9

EPP-S&D-Greens/EFA-ECR-GUE

Consolidated amendment replacing Amendments 55, 56, 131, 133

Proposal for a directive

Article 1 – point 38

Directive 2005/36/EC

Article 53 – paragraph 2 – subparagraph 2

Text proposed by the Commission

In case of professions with *patient safety* implications, *Member States may confer to the competent authorities the right to carry out language checking covering all professionals concerned if it is expressly requested by the national health care system, or in case of self-employed professionals not affiliated to the national health care system, by representative national patient organisations.*

Amendment

In the case of professions with implications for patients, including for patient safety, and in the case of treatment of and the provision of services and information to patients, the language knowledge required in order to practise the profession (namely knowledge of the official language(s) of the language area where the professional wishes to work, in accordance with the institutional organisation of the receiving Member State) must be tested or supervised by the competent authorities for all professionals concerned.

Language checking must be separate from the recognition of professional qualifications, but must be carried out prior to admission to the profession. Level C1 of the European Framework of Reference for Languages shall be taken as a minimum standard for this purpose.

Or. en

Amendment 10

EPP-S&D-Greens/EFA-ECR-GUE

Consolidated amendment replacing Amendments 134, 135

Proposal for a directive

Article 1 – point 38

Directive 2005/36/EC

Article 53 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Any language control shall be limited to the knowledge of one of the official languages of the Member State according to the choice of the person concerned, it shall be proportionate to the activity to be pursued and free of charge for the professional. The person concerned shall be allowed to appeal such controls before national courts.

Amendment

Evaluating knowledge of the official language(s) of the language area where the professional wishes to work shall take Level C1 of the Common European Framework of Reference for Languages as a minimum standard. Any fees which the applicant may incur in relation to the verification of language shall be reasonable and proportionate and of an amount comparable to the fees required of domestic or non-EU professionals. The person concerned shall be allowed to appeal such controls before national courts.

Or. en