



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 1.6.2005
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2002/0061 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

**DIRECTIVE OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

ON THE RECOGNITION OF PROFESSIONAL QUALIFICATIONS

**AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty**

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(Text with EEA-relevance)

1. INTRODUCTION

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the 34 amendments proposed by Parliament.

2. BACKGROUND

Proposal transmitted to the European Parliament and the Council (document COM(2002)119 final – 2002/0061(COD) on:	7 March 2002.
European Economic and Social Committee opinion delivered on:	18 September 2002.
Parliament opinion (first reading) delivered on:	11 February 2004.
Amended proposal transmitted on:	20 April 2004.
Common position adopted on:	21 December 2004.
Date of opinion of European Parliament at second reading:	11 May 2005.

3. PURPOSE OF THE PROPOSAL

This proposal for a Directive aims to:

- Consolidate fifteen existing Directives in the field of the recognition of professional qualifications.
- Contribute to the flexibility of labour markets, particularly by facilitating the temporary and occasional provision of services.

- Simplify the existing rules regarding the recognition of professional qualifications and the management of the recognition system.
- Improve the information and advice for citizens.

4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT

At second reading, Parliament adopted 34 amendments to the Council's Common Position. They improve certain aspects of the text without affecting the substance or the principles of the Common Position and the Commission's proposal. Following inter-institutional contacts, an overall agreement on the final text has been possible and, therefore, the Commission accepts all these 34 amendments.

These amendments are as follows:

- Amendment 2

This amendment recalls that the host Member State may apply its professional rules, for reasons of general interest, in the framework of the General System.

- Amendments 5, 27, 28, 29, 54 and 55

These amendments maintain automatic recognition for medical specialities common to two or more Member States, as existing under current legislation, and limit the introduction of new medical specialities benefiting from automatic recognition to those common to at least 2/5 of Member States.

- Amendments 7, 52 and 53

These amendments refer to the involvement of representatives of the professional organisations in the management of the recognition systems, in particular through their consultation in the context of the work of the committee set up by the Directive, on which reasoned reports are made by the Commission to the Committee. Moreover, the composition of the committee is clarified.

- Amendment 10 and 39

These amendments introduce a definition of "liberal professions" and indicate that the Directive also applies to them.

- Amendment 12

This amendment introduces a definition of "competent authority" which covers public authorities and also organisations acting on the basis of delegated powers (i.e. professional orders).

- Amendment 13

This amendment clarifies that Title II of the Directive shall "only" apply to the temporary provision of services.

- Amendment 26

This amendment clarifies that professional associations "or organisations" are entitled to put forward common platforms.

- Amendment 31

This amendment clarifies, in the English version of the Directive, that migrants “shall” have the necessary language knowledge for the exercise of the profession.

- Amendment 33

This amendment clarifies, in a Recital, that the Directive cannot be invoked for the purpose of “qualification shopping” (i.e. recognition by the home Member State of a mere recognition decision granted by another Member State).

- Amendments 34, 35, 43, 44, 45, 46, 47, 48, 50 and 51

These amendments formally introduce five levels of qualification for the operation of the General System, without modifying the substantive rights of migrants in comparison to the existing legislation, the Commission’s original proposal or the Council Common Position. They also add some adjustments concerning the definition of such levels.

- Amendment 36

This amendment refers, in a Recital, to the assessment by the Commission of the appropriateness to introduce further coordinated training requirements for additional professions, in particular on the basis of reasoned requests by professional organisations.

- Amendment 37

This amendment refers, in a Recital, to the possibility for professional associations to introduce, at European level, professional cards which may in particular contain information on the professional's qualifications and his legal establishment.

- Amendment 38

This amendment makes a general reference to Articles 39§4 and 45 of the EC Treaty, with a particular mention of notaries.

- Amendments 40, 41 and 42

These amendments adjust the regime for the temporary provision of services respectively (1) by specifying the professional rules to be applied by the host Member State, (2) by clarifying that the attestation on legal establishment should also mention that the professional is not subject to any prohibition from practice and (3) by adding the possibility for the host Member State to require evidence of no criminal conviction for professions in the security sector.

- Amendment 49

This amendment clarifies that the qualification held by a professional benefiting from acquired rights in his home Member State -following the upgrading of the national qualification standards- must be assimilated to the new qualification for the purposes of recognition.

5. CONCLUSION

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.