

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission.

When votes are taken within the Committee, the votes of the representatives of the Member States shall be weighted in the manner set out in the aforesaid Article. The chairman shall not vote.

3. The Commission shall adopt measures which shall have immediate effect. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith.

4. In that event, the Commission shall defer application of the measures which it has decided on for a period of three months from the date of communication.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous paragraph.

Article 10

1. Member States shall bring into force the laws, regulations and administrative provisions which are necessary to comply with this Directive before 1 January 1997. They shall immediately inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The procedure for making such a reference shall be laid down by Member States.

2. The Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive.

Article 11

This Directive is addressed to the Member States.

Proposal for a European Parliament and Council Directive amending Directive 93/16/EEC which facilitates the free movement of doctors and provides for the mutual recognition of their diplomas, certificates and other evidence of formal qualifications, and conferring implementing powers on the Commission for the updating of certain articles thereof

(94/C 389/16)

(Text with EEA relevance)

COM(94) 626 final — 94/0305(COD)

(Submitted by the Commission on 16 December 1994)

THE EUROPEAN PARLIAMENT AND THE COUNCIL
OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 49, Article 57 (1) and (2), first and third sentences, and Article 66 thereof,

Having regard to the proposal from the Commission,

Having consulted the Economic and Social Committee,

Whereas it is necessary to introduce appropriate procedures for updating Articles 5 (3), 7 (2), 26 and 27 of Directive 93/16/EEC ⁽¹⁾ in keeping with the frequent

changes in the training and designations of medical specializations in Member States;

Whereas these procedures (set out in Council Decision 87/373/EEC ⁽²⁾) would improve the efficiency of the Community's decision-making in order to facilitate the effective exercise of the right of establishment of, and freedom to provide services, by those medical specialists whose rights are dependent on the updating of the said Articles of Directive 93/16/EEC;

Whereas it is necessary to update Articles 5 (3) and 7 (2) in relation to medical specializations as and when they are recognized by two or more Member States and to add those Member States to the relevant lists of designations of specializations as and when the training in those states conform with the minimum requirements in the Directive;

⁽¹⁾ OJ No L 165, 7. 7. 1993, p. 1.

⁽²⁾ OJ No L 197, 18. 7. 1987, p. 33.

Whereas it is necessary to set in Articles 26 and 27 the minimum length of the training courses for the specializations when they are introduced into the Directive and to update others as necessary;

Whereas the Commission assisted by the Committee of Senior Officials on Public Health⁽¹⁾ in an advisory capacity would be able to implement the necessary changes to Articles 5 (3) and 7 (2);

Whereas it is appropriate that in assisting the Commission to implement those changes to Articles 26 and 27, the Committee of Senior Officials on Public Health shall be acting as a management committee;

HAVE ADOPTED THIS DIRECTIVE:

Article 1

1. In Article 5 of Directive 93/16/EEC, the following new paragraph shall be added:

'4. Paragraph 3 of this Article shall be modified in accordance with the procedure set out in Article 44A (2).'

2. In Article 7 of Directive 93/16/EEC, the following new paragraph shall be added:

'3. Paragraph 2 of this Article shall be modified in accordance with the procedure set out in Article 44A (2).'

Article 2

In each of Articles 26 and 27 of Directive 93/16/EEC, there shall be added the following new sentence:

'The provisions of this Article shall be modified in accordance with the procedure set out in Article 44A (3).'

Article 3

After Article 44 of Directive 93/16/EEC, the following Article 44A shall be added:

Article 44A

1. The Commission shall be assisted by the Committee of Senior Officials on Public Health, (the

Committee) set up by Council Decision of 16 June 1975 75/365/EEC.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State may ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

3. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event, the Commission shall defer for a period of two months the application of the measures which it has decided.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous paragraph.'

Article 4

This Directive comes into force on the day following the day of its publication in the *Official Journal of the European Communities*.

Article 5

This Directive is addressed to the Member States.

(¹) Committee of representatives of Member States set up by Council Decision 75/365/EEC, OJ No L 167, 30. 6. 1975, p. 19.