

**Planned closure of complaint CHAP 2010/19**

(2010/C 253/03)

The Commission's services have completed their investigation of complaint CHAP 2010/19 regarding the remuneration of persons who do not hold a basic medical qualification but who have, in Italy, access to specialist training in the six fields of clinical biochemistry, microbiology and virology, clinical pathology, medical genetics, food science and medical pharmacology.

Following examination of the complaint and of the documentation submitted by the complainants in the light of the applicable Community law, the Commission services have concluded that it is not possible, at this stage, to identify an infringement of Directive 2005/36/EC in the case in question.

Since Directive 93/16/EEC applies only to doctors, the obligation for Member States to ensure that trainee specialist doctors must receive appropriate remuneration applies only to persons having completed basic medical training. This obligation arises specifically from Directive 82/76/EEC which amended Directive 75/363/EEC; both directives were consolidated by Directive 93/16/EEC, which was in turn repealed by Directive 2005/36/EC. Doctors having completed basic medical training must receive appropriate remuneration under Article 25(3) of Directive 2005/36/EC.

The deadline for transposing Directive 82/76/EEC was 1 January 1983. In its judgment of 7 July 1987, the Court of Justice of the European Communities acknowledged that Italy had failed to comply with its obligations by not transposing Directive 82/76/EEC within the deadline laid down. Italy transposed the directive through legislative decree No 257/91, which was adopted in 1991 and entered into force on 1 September 1991.

The fact that Italy allows persons having completed certain types of scientific training other than basic medical training to undergo specialist medical training does not in any way alter the Member States' obligation to guarantee appropriate remuneration to all doctors in specialist medical training.

Consequently, the Commission services will close the registered complaint unless new information indicating the existence of an infringement is introduced within four weeks of publication of this notice.

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