



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 12.12.1996  
COM(96) 638 final

94/0305 (COD)

**OPINION OF THE COMMISSION**

pursuant to Article 189 b (2) (d) of the EC Treaty,  
on the European Parliament's amendments  
to the Council's common position regarding the

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



## 1. BACKGROUND

- (a) On 16 December 1994 the Commission presented to the Council a proposal for a Directive amending Council Directive 93/16/EEC of 5 April 1993 which facilitates the free movement of doctors and provides for the mutual recognition of their diplomas, certificates and other evidence of formal qualifications (COM(94) 626 final).<sup>1</sup>
- (b) On 29 March 1995 the Economic and Social Committee delivered its opinion.<sup>2</sup>
- (c) On 29 June 1995 Parliament adopted at first reading a favourable opinion comprising 7 amendments to the Commission's proposal.<sup>3</sup>
- (d) On 27 November 1995 the Commission adopted pursuant to Article 189a(2) of the EC Treaty an amended proposal incorporating 5 of the 7 amendments (COM(95) 437 final).<sup>4</sup>
- (e) On 18 June 1996 the Council adopted a common position.<sup>5</sup>
- (f) On 16 July 1996 the Commission accepted the common position and presented its opinion to the European Parliament (SEC(96) 1367 final).
- (g) On 22 October 1996 the European Parliament adopted at second reading 4 amendments to the common position.

## 2. OBJECT OF THE PROPOSAL

The object of the proposal is to introduce into Directive 93/16/EEC committee procedures that would allow flexible and regular updating of the lists of medical specialisations. Directive 93/16/EEC provides for the mutual recognition of these specialisations and sets the minimum length of the corresponding training periods.

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<sup>1</sup> OJ No C 389, 31.12.1994, p. 19.

<sup>2</sup> OJ No C 133, 31.5.1995, p. 10.

<sup>3</sup> OJ No C 183, 17.7.1995, p. 24.

<sup>4</sup> OJ No C 28, 1.2.1996, p. 7.

<sup>5</sup> OJ C 248, 26.8.1996, p. 71.

### 3. COMMISSION OPINION ON THE AMENDMENTS PROPOSED BY THE EUROPEAN PARLIAMENT

Parliament adopted, at second reading, four amendments to the Council's common position.

Amendments 1 and 4 are designed to transform the regulatory committee provided for in respect of changes to the length of training courses for medical specialisations into a management committee.

The Commission had proposed a management committee (procedure of the type II b).

In the recitals of its initial proposal, the Commission set out the reasons why two different committee procedures had been proposed. Although a straightforward advisory committee was deemed sufficient for changes to the lists of medical specialisations, a management committee was proposed for changes to the length of the relevant training courses because of the financial implications of any such changes.

In its common position, the Council took the view that, in addition to financial aspects, account should be taken of the protection of public health and that, accordingly, a regulatory committee was necessary.

The Commission stated in its communication on the common position that it was able to support the amendment resulting from the discussions that took place in the Council.

Amendment 2 is intended to underline the fact that "by virtue of the Decision ... setting it up, the Advisory Committee on Medical Training must communicate to the Commission and to the Member States its opinions and recommendations in the framework of the application of Directive 93/16/EEC". This amendment takes up, in another form, amendment 3 [which would have inserted a new recital 6(b)] which had been tabled at the first reading but which was withdrawn before the plenary session. Moreover, this amendment does not have any direct link with the operative part of the directive and it creates certain ambiguity regarding the jurisdiction of the Advisory Committee which is not a committee within the meaning of Council Decision 87/373/EEC<sup>6</sup>.

Amendment 3 calls upon the Commission to present its thinking on the question of the recognition of qualifications obtained in non-Community countries. This amendment is a modified version of amendment 2 [which would have inserted a new recital 6(a)] adopted at first reading. The Commission did not accept this amendment in its amended proposal, nor did the Council it in its common position. The amendment is totally unconnected to the contents of the proposal.

In conclusion, the Commission considers that these four amendments should not be accepted.

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<sup>6</sup> OJ n°L 197 of 18.7.1987, p.33.



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