

BRIEFING PAPER ON THE EEC DIRECTIVES 89/48 AND 92/51

NEW PROPOSALS

The HPC is currently processing applicants under both of the General Systems Directives 89/48 and 92/51. Recently, the Commission has formulated a number of proposals for altering some of the rules under which we are working. The European picture and the HPC's position in the larger scheme is complex and this briefing paper sets out some of the landscape and the issues we are involved in.

EU TIMETABLE

DATE	ACTION
9-10 Sept	EU Parliament Legal Affairs Committee meeting (lead committee on the Directive) Agenda TBC
9-10 Sept	EU Parliament Committee on Culture, Youth Education, Media & Sport (opinion committee on the Directive) Agenda TBC
10-11 Sept	EU Parliament Committee on Employment & Social Affairs (opinion committee on the Directive) Agenda TBC
30 Sept-1 Oct	EU Parliament Legal Affairs Committee meeting (lead committee on the Directive) Agenda TBC EU Parliament Committee on Employment and Social Affairs (opinion committee on Directive) 2 day meeting programme with key MEPs Commission officials, journalists, consumer/patient associations
1 Oct	EU Parliament public hearing on Directive for recognition of professional qualifications – Draft agenda available
2-3 Oct	EU Parliament Committee on Culture, Youth, Education, the Media & Sport (opinion committees on the Directive) Agenda TBC
7-8 Oct	EU Parliament Legal Affairs Committee meeting (lead committee on the Directive)
4-5 Nov	EU Parliament Legal Affairs Committee meeting (lead committee on the Directive) Agenda TBC – Possible vote in Committee on Commission proposal for a Directive on recognition of professional qualifications.
5 Nov	EU Parliament Committee on Employment and Social Affairs (opinion committee on Directive). Agenda TBC
11-12 Nov	EU Parliament Committee on Employment and Social Affairs (opinion committee on Directive) Agenda TBC
11-12 Nov	EU Committee on Culture Youth Education, Media & Sport (opinion committee on Directive) Agenda TBC
26-27 Nov	EU Parliament Committee on Employment and Social Affairs (opinion committee on Directive) Agenda TBC
27-28 Nov	EU Parliament Legal Affairs committee meeting (lead committee on the Directive) Agenda TBC – possible vote in the Committee on Commission proposal for a Directive on recognition of professional qualifications (TBC)
27-28 Nov	EU Parliament Committee on Culture, Youth, Education, Media & Sport (opinion committee on the Directive) Agenda TBC
16-19 Dec	Possible vote in EU Parliament Plenary on Directive on recognition of professional qualifications

A number of European Parliamentary committees will be meeting between now and December debating the new proposals. These meetings will culminate in a vote in early December. Decisions will be by Qualified Majority Voting (QMV) with no power of veto by any member state. Even if there is a Qualified Majority Vote in favour of the proposals the actual implementation of these changes may be some years ahead.

OTHER MEETINGS

There will no doubt be other meetings in Europe between now and December. Advice I have received is to attend as many of these as possible during this period and to make the HPCs views known and to network with as many allies as possible.

COMMENTS FROM OTHER BODIES

Additionally, a number of bodies have posted their comments on the Internet and the HPC has responded to the first four of these setting out its point of view.

- UNICE
- EUROCADRES
- EU Commission Section for Employment Social Affairs and Citizenship
- CPME – Standing Committee of European Doctors

The first two bodies represent business interests in Europe and are in favour of the proposals. They would like more deregulation and more involvement of employers; they want to reduce the number of regulated professions and to harmonise training.

The Section for Employment is also in principle in favour of the proposals. The section feels that they cover both regulated and non-regulated professions. However, they have commented that professional association support is absent, that quality assurance and harmonisation of education is absent, good consumer protection is absent and that common platforms are not elaborated sufficiently in the proposals.

CPME has its own agenda and favours continuing with the sectoral directives and feels that the proposals would split the medical profession into two groups.

Having attended a number of meetings in Brussels and Maastricht I can report that certain member states have expressed concerns about the proposals. The UK, Germany, Ireland, France and Italy are all concerned about the 16 week provision. Language testing arrangements give concern to France, Finland, Belgium and the UK. A number of member states including Germany are concerned about the fragmentation of the professions.

Many delegates have reiterated that healthcare is different from other professions and should therefore be treated differently in the Directives.

HPC COMMENTS

The following bodies have asked the HPC to send its comments on to them:

- Department for Education and Skills (DfES)
- Department for Trade and Industry (DTI)
- Internal Market DG
- Department of Health (DoH)

HPC INVOLVEMENT

The HPC is involved with three UK bodies that are taking part in this debate on the proposals:

- Committee of Senior Officials on Public Health (CESOPH)
 - this used to be a body that only contained those involved in the Sectoral Directives. Since the announcement that the new proposals will probably mean the end of the Sectoral Directives the HPC has been invited to attend its meetings. Membership is composed of all the UK healthcare regulators together with the DoH.

- European Council of Liberal Professions (CEPLIS).
- Pan European organisation and part of the UK Inter Professional Group. Membership is composed of a number of different regulators such as engineers etc. This makes for an interesting forum since some members are happy with the proposed changes. CEPLIS is meeting again in September to have a look at 'common platforms' – the commission's idea on how some aspects of the proposals might work.
- Alliance of Health Regulators on Europe (AURE). This is a recently formed independent body of all the healthcare regulators in the UK. AURE has drawn up a remit based on common concerns among its members and is using a PR company to lobby and influence a number of EU committees against the proposals. (The Council agreed to join this organisation at its June meeting). Since then AURE has been had coverage in the Times, Telegraph, Daily Express, LBC Drivetime, BB Radio Wales, BBC 3 Counties Radio, BBC Online and articles in Doctor, GP, Insurance Today, Therapy Weekly etc. A number of MPs have been contacted and lobbying will continue to take place after the summer recess. Additionally, four parliamentary questions will be tabled on this issue and there will also be a cross parliamentary briefing in late October. The Welsh Assembly is expected to formulate a response to the DfES consultation.

OTHER AREAS OF INTEREST

SYSEX – this is a database set up by the Belgian authorities to assist with mutual recognition of qualifications. Member states are asked to join and upload their approved qualifications and to maintain them (add new qualifications or indicate when qualifications are no longer approved etc). SYSEX will be made available on the Internet shortly.

SYSEX will be developed further and will include a decision tree for applicants (ie if I have this qualification and want to apply here what will I have to do? and what are my chances of gaining registration?). Additionally, it will also provide practical information on completing application forms.

From the demonstration I saw in Maastricht one of the greatest benefits of SYSEX would be that applicants from host member states would be able to look up all the approved UK qualifications.

The Grabner judgement – A decision on this case came from the European Court of Justice (ECJ) on 11 July 2002. Mr Grabner is an Austrian national living in Austria. He saw an advert in an Austrian paper for distance learning course as a lay health practitioner. The advert was from a German school and lay health practitioners are able to work there unregulated. The Austrian authorities felt that both the training and practice of this profession should be restricted to doctors and ran counter to public protection in Austria. They took Mr Grabner to the ECJ.

The Austrian authorities won their case. The judgement prohibits a person from practising a profession that can only be practised by a regulated professional. Additionally the authorities also won the case on prohibiting the advertising a course of training for a profession that cannot be practised in the host member state (if this is not explicitly stated in the advert).

John Bowis MEP – We have recently contacted Mr Bowis who is involved with the EU regulatory area and sent him a briefing paper setting out our concerns with the proposals. We are hoping to set up a meeting with him after the end of the parliamentary recess.

CONCLUSION

There will be no final decision from the European Commission on the new proposals until December 2002 (date not confirmed). The issues flagged up by the new proposals are a cause for concern to the HPC and appear to cut across its remit of public protection. If the Commission wishes to implement the new proposals without any amendments the Council may need to consider a legal defence of its position and take its case to the ECJ.

Between now and December 2002 the only purposeful activity to follow would be to lobby as many of those involved as possible to ensure that the Council's point of view is as widely disseminated as possible.