



EUROPEAN COMMISSION

Brussels, 30.7.2012
C(2012) 5431 final

Dear Lord Boswell,

The Commission would like to thank the House of Lords for its report "Safety First: Mobility of Health Professionals in the EU" {COM(2011) 367 final} which examines a number of questions raised in the Green Paper on the modernisation of the Professional Qualifications Directive (Directive 2005/36/EC) and highlights the concerns of UK stakeholders, including the competent authorities. Your contribution helped us in preparing the final proposal, published on 19 December 2011 {COM(2011) 883 final}.

The first issue raised in the report relates to the harmonised training requirements for the five health professions benefiting from automatic recognition (doctors, general care nurses, dentists, midwives and pharmacists). According to the report, UK stakeholders are concerned that these training requirements, adopted in some cases more than thirty years ago, might not fully reflect modern medical practice. The Commission took these comments into consideration in its work on the proposal, updating and clarifying a number of provisions.

The second concern expressed in your report relates to the lack of information sharing on the professional history of a health professional. The report suggests that the ability and willingness of competent authorities to share relevant information in a timely manner is key to building confidence in the free movement of healthcare professionals. The Commission has now proposed to create an alert mechanism for all health care professions. The proposal intends to strike the right balance between patient safety and the right of the professionals concerned to the protection of their personal data.

In the case of health care professionals benefiting from automatic recognition, each Member State will be required to inform all other Member States if a professional is banned from practicing in their territory as a result of a disciplinary sanction or a court judgement.

Lord Boswell
Chairman of the European Union
Select Committee
House of Lords
Palace of Westminster
UK-LONDON SW1A 0PW

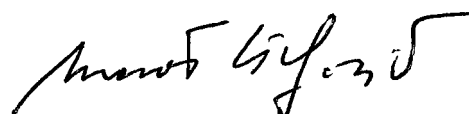
In the case of health professionals not benefiting from automatic recognition an alert mechanism similar to the one already existing under the Services Directive (Directive 2006/123/EC) will apply. Member States will be required to inform the Member States concerned and the Commission when they gain knowledge of any conduct, specific acts or circumstances which are related to a regulated professional activity and which could cause serious damage to the health or safety of persons or to the environment in another Member State. The legislative proposal is here in line with the Directive's legal basis which is limited to the implementation of the Single Market freedoms.

Another issue raised in your report concerns the language skills of health professionals. The Commission has clarified in the legislative proposal that the checking of the language knowledge of a professional should take place only after the host Member State has recognised the qualification. In the case of professions with implications for patient safety, the competent authorities check the language knowledge of every professional if such systematic language checking is requested by the national healthcare system, or, in the case of self-employed health care professionals, by national patients' organisations. It should also be noted that the UK Government has already requested that the Commission services assess the compliance with European law of its planned language control scheme for doctors.

Lastly, your report raises questions about the potential added value of a European Professional Card, as proposed by the Commission. The Commission has assessed the merits of introducing such a card as a means to simplify the recognition procedures, both for citizens and competent authorities, whilst allowing for safeguards for the host Member State. The use of a professional card would be underpinned by strong cooperation between the competent authorities of the home and host Member States via the Internal Market Information system (IMI).

I hope these explanations address the issues raised in the House of Lords' report and look forward to continuing our political dialogue on this and other issues.

Yours sincerely,



*Maroš Šefčovič
Vice-President*