DIRECTIVE 97/50/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 6 October 1997

amending Directive 93/16/EEC to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission (1),

Having consulted the Economic and Social Committee (2),

Acting in accordance with the procedure laid down in Article 189b of the Treaty (3) in the light of the joint text approved on 28 May 1997 by the Conciliation Committee,

Whereas it is necessary to introduce appropriate procedures for updating Articles 5 (3), 7 (2), 26 and 27 of Directive 93/16/EEC (4) to take into account the frequent changes in the training and designations of medical specializations in the various Member States;

Whereas use of these procedures which are set out in Council Decision 87/373/EEC of 13 July 1987 laying down the procedures for the exercise of implementing powers conferred on the Commission (5) would make it possible to 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 provisions;

Whereas the procedures laid down in Decision 87/373/EEC will be applied on the basis of the *modus vivendi* (6) relating to the committee procedure as agreed by the European Parliament, the Council and the Commission until such time as a revision of the Treaties is carried out pursuant to Article N (2) of the Treaty on European Union;

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 Member States complies with the minimum requirements set out in Directive 93/16/EEC;

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

Whereas the Commission assisted by the Committee of Senior Officials on Public Health set up by Decision 75/365/EEC (7) in an advisory capacity will be able to carry out the necessary changes to Articles 5 (3) and 7 (2);

Whereas it is appropriate that in assisting the Commission to carry out those changes to Articles 26 and 27, the said Committee should be acting as a management committee;

Whereas the Advisory Committee on Medical Training established within the Commission by virtue of Decision 75/364/EEC (8) communicates to the Commission and to the Member States its opinion and recommendations in the framework of the application of Directive 93/16/EEC;

Whereas for the nationals of Member States who hold qualifications awarded in third countries, relevant problems in the context of the application of the sectoral Directives should be addressed in the framework of the general system of recognition of higher education diplomas awarded on completion of professional education and training,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 93/16/EEC shall be amended as follows:

1. the following paragraph 4 shall be added in Article 5:

   '4. The list of designations in paragraph 3 shall be amended in accordance with the procedure laid down in Article 44a (2).';

2. the following paragraph 3 shall be added to Article 7:

   '3. The list of designations in paragraph 2 shall be amended in accordance with the procedure laid down in Article 44a (2).';

(1) OJ C 389, 31. 12. 1994, p. 19 and OJ C 28, 1. 2. 1996, p. 7.
(2) OJ C 133, 31. 5. 1995, p. 10.
(3) Opinion of the European Parliament of 29 June 1995 (OJ C 183, 17. 7. 1995, p. 24), Council common position of 18 June 1996 (OJ C 248, 26. 8. 1996, p. 71) and Decision of the European Parliament of 22 October 1996 (OJ C 347, 18. 11. 1996, p. 31). Decision of the European Parliament of 17 July 1997. Council Decision of 24 July 1997.
(4) OJ L 165, 7. 7. 1993, p. 1. Directive as amended by the 1994 Act of Accession.
(5) OJ L 197, 18. 7. 1987, p. 33.
(6) OJ C 102, 4. 4. 1996, p. 1.
(7) OJ L 167, 30. 6. 1975, p. 19. Decision as last amended by Decision 80/157/EEC (OJ L 33, 11. 2. 1980, p. 15).
(8) OJ L 167, 30. 6. 1975, p. 17.