



Plenary sitting

A9-0381/2023

30.11.2023

*****I**
REPORT

on the proposal for a directive of the European Parliament and of the Council amending and correcting Directive 2005/36/EC as regards the recognition of professional qualifications of nurses responsible for general care trained in Romania
(COM(2023)0502 – C9-0324/2023 – 2023/0307(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Adam Bielan

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a directive of the European Parliament and of the Council amending and correcting Directive 2005/36/EC as regards the recognition of professional qualifications of nurses responsible for general care trained in Romania (COM(2023)0502 – C9-0324/2023 – 2023/0307(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0502),
 - having regard to Article 294(2) and Articles 46, 53(1) and 62 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0324/2023),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 25 October 2023¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection (A9-0381/2023),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Not yet published in the Official Journal.

Amendment 1

Proposal for a directive Title

Text proposed by the Commission

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
amending **and correcting** Directive
2005/36/EC as regards the recognition of
professional qualifications of nurses
responsible for general care trained in
Romania
(Text with EEA relevance)

Amendment

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
amending Directive 2005/36/EC as regards
the recognition of professional
qualifications of nurses responsible for
general care trained in Romania
(Text with EEA relevance)

Amendment 2

Proposal for a directive Recital 2

Text proposed by the Commission

(2) Nurses responsible for general care
whose training did not meet the minimum
requirements under Directive 2005/36/EC
and started before the accession of
Romania to the **EU**, can benefit from
recognition under Article 33a of Directive
2005/36/EC if they fulfil the requirements
specified therein. ***If these requirements
are not met, the application for
recognition is assessed by the host
Member State under the general system of
recognition in line with Articles 10 to 14
of Directive 2005/36/EC.***

Amendment

(2) Nurses responsible for general care
whose training did not meet the minimum
requirements under Directive 2005/36/EC
and started before the ***date of*** accession of
Romania to the ***European Union***, can
benefit from recognition under Article 33a
of Directive 2005/36/EC if they fulfil the
requirements specified therein.

Amendment 3

Proposal for a directive Recital 3

Text proposed by the Commission

(3) *There is no specific reference to Article 33a of Directive 2005/36/EC in its Article 10(b) due to an error. To make it clear that Articles 10 to 14 of Directive 2005/36/EC apply in the situation where the nurse does not meet the requirements under Article 33a, this error should be corrected.*

Amendment

(3) *A significant number of host Member States have recognised the professional qualifications of nurses trained in Romania not meeting the requirements under Article 33a of Directive 2005/36/EC under the general system for the recognition of evidence training in Articles 10 to 14 of that Directive. This was done based on the understanding that nurses trained in Romania could benefit of that general system in the same way as nurses responsible for general care not trained in Romania and not meeting the requirements of Article 33 of that Directive. In order to protect such acquired rights and preserve legitimate expectations, Member States should ensure that any of such recognition of professional qualifications of nurses trained in Romania not meeting the requirements under Article 33(a) of Directive 2005/36/EC in its different versions applicable till the entry into force of this amending Directive are valid. In addition, in order to improve legal clarity and certainty that the assessment pursuant to Articles 10 to 14 of Directive 2005/36/EC shall be applied in the situation where the nurse does not meet the requirements under the new Article 33a, a specific reference to that new article should be included in point (b) of Article 10 for the future.*

Amendment 4

**Proposal for a directive
Recital 10**

Text proposed by the Commission

(10) Directive 2005/36/EC should therefore be amended **and corrected**

Amendment

(10) Directive 2005/36/EC should therefore be amended accordingly,

accordingly,

Amendment 5

Proposal for a directive

Article 1 – paragraph 1 – introductory part

Text proposed by the Commission

Directive 2005/36/EC is amended **and corrected** as follows:

Amendment

Directive 2005/36/EC is amended as follows:

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2005/36/EC

Article 33a – paragraph 1

Text proposed by the Commission

1. As regards the Romanian qualification as nurse responsible for general care, only the provisions on acquired rights laid down in **paragraphs 2 and 3** shall apply.

Amendment

1. As regards the Romanian qualification as nurse responsible for general care, only the provisions on acquired rights laid down in **paragraph 2** shall apply.

Amendment 7

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2005/36/EC

Article 33a – paragraph 2 – introductory part

Text proposed by the Commission

2. In the case of nationals of Member States who were trained as a nurse responsible for general care in Romania and whose training does not satisfy the minimum training requirements laid down in Article 31, Member States shall recognise as sufficient proof any of the following evidence of formal qualification as nurse responsible for general care,

Amendment

2. In the case of nationals of Member States who were trained as a nurse responsible for general care in Romania and whose training does not satisfy the minimum training requirements laid down in Article 31, Member States shall recognise as sufficient proof:

provided that that evidence is accompanied by a certificate stating that those Member State nationals have effectively and lawfully been engaged in the activities of a nurse responsible for general care in Romania, including taking full responsibility for the planning, organisation and carrying out of the nursing care of patients, for a period of at least three consecutive years during the five years prior to the date of issue of the certificate:

(a) any of the following evidence of formal qualification as nurse responsible for general care, provided that that evidence is accompanied by a certificate stating that those Member State nationals have effectively and lawfully been engaged in the activities of a nurse responsible for general care in Romania, including taking full responsibility for the planning, organisation and carrying out of the nursing care of patients, for a period of at least three consecutive years during the five years prior to the date of issue of the certificate:

Amendment 8

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2005/36/EC

Article 33a – paragraph 2 – point a

Text proposed by the Commission

(a) Certificat de competențe profesionale de asistent medical generalist with post-secondary education obtained from a școală postliceală, attesting to training started before 1 January 2007;

Amendment

(i) Certificat de competențe profesionale de asistent medical generalist with post-secondary education obtained from a școală postliceală, attesting to training started before 1 January 2007;

Amendment 9

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2005/36/EC
Article 33a – paragraph 2 – point b

Text proposed by the Commission

(b) Diplomă de absolvire de asistent medical generalist with short-time higher education studies, attesting to training started before 1 October 2003;

Amendment

(ii) Diplomă de absolvire de asistent medical generalist with short-time higher education studies, attesting to training started before 1 October 2003; **or**

Amendment 10

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2005/36/EC

Article 33a – paragraph 2 – point c

Text proposed by the Commission

(c) Diplomă de licență de asistent medical generalist with long-time higher education studies, attesting to training started before 1 October 2003.

Amendment

(iii) Diplomă de licență de asistent medical generalist with long-time higher education studies, attesting to training started before 1 October 2003;

Amendment 11

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2005/36/EC

Article 33a – paragraph 3

Text proposed by the Commission

3. Member States shall recognise the following evidence of formal qualification as nurse responsible for general care:

(a) the evidence of formal qualification referred to in paragraph 2, as well as the evidence of formal qualifications of post-secondary level listed under Article 4 of the Order of the Minister of National Education No 5114/2014 on the approval of the methodology for organising, conducting and completing the special upgrading programme for the initial training of nurse responsible for general

Amendment

(b) any of the evidence of formal qualification listed in points (ii) and (iii) of point (a), provided that such evidence is accompanied by the following evidence of formal qualification obtained on the basis of a special upgrading programme:

care acquired prior to 1 January 2007 for graduates of post-secondary education (Official Journal of Romania No 5 of 6 January 2015), provided that such evidence is accompanied by either of the following:

(b) *the evidence of formal qualifications obtained on the basis of a special upgrading programme:*

(i) *Diplomă de licență referred to in Article 3(2) of the Joint Order of the Minister of National Education and of the Minister of Health No 4317/943/2014 of 11 August 2014 on the approval of the special upgrading programme for the initial training of nurse responsible for general care acquired prior to 1 January 2007 for graduates of post-secondary education and higher education (Official Journal of Romania No 624 of 26 August 2014), accompanied by a diploma supplement stating that the student has completed the special upgrading programme, or*

Diplomă de licență referred to in Article 3(2) of the Joint Order of the Minister of National Education and of the Minister of Health No 4317/943/2014 of 11 August 2014 on the approval of the special upgrading programme for the initial training of nurse responsible for general care acquired prior to 1 January 2007 for graduates of post-secondary education and higher education (Official Journal of Romania No 624 of 26 August 2014), accompanied by a diploma supplement stating that the student has completed the special upgrading programme, or

(c) *any of the evidence of formal qualifications of post-secondary level listed under Article 4 of the Order of the Minister of National Education No 5114/2014 on the approval of the methodology for organising, conducting and completing the special upgrading programme for the initial training of nurse responsible for general care acquired prior to 1 January 2007 for graduates of post-secondary education (Official Journal of Romania No 5 of 6 January 2015), provided that such evidence is accompanied by the following evidence of formal qualification obtained on the basis of a special upgrading programme:*

(ii) *Certificatul de revalorizare a competențelor profesionale referred to in Article 3(1) and in Annex 3 to the Joint Order of the Minister of National Education and of the Minister of Health No 4317/943/2014 of 11 August 2014 and in Article 16 of the Order of the Minister of*

Certificatul de revalorizare a competențelor profesionale referred to in Article 3(1) and in Annex 3 to the Joint Order of the Minister of National Education and of the Minister of Health No 4317/943/2014 of 11 August 2014 and in Article 16 of the Order of the Minister of National

National Education No 5114/2014 on the approval of the methodology for organising, conducting and completing the special upgrading programme for the initial training of nurse responsible for general care acquired prior to 1 January 2007 for graduates of post-secondary education (Official Journal of Romania No 5 of 6 January 2015).’.

Education No 5114/2014 on the approval of the methodology for organising, conducting and completing the special upgrading programme for the initial training of nurse responsible for general care acquired prior to 1 January 2007 for graduates of post-secondary education (Official Journal of Romania No 5 of 6 January 2015).’;

Paragraph 3 of Article 33a is merged with paragraph 2.

Amendment 12

Proposal for a directive

Article 1 – paragraph 1 – point 2 a (new)

Directive 2005/36/EC

Article 33 b (new)

Text proposed by the Commission

Amendment

(2a) The following article is inserted:

‘Article 33b

Validity of acquired rights specific to nurses responsible for general care trained in Romania recognised under the general system for recognition before ... [date of entry into force of this amending Directive]

Host Member States shall guarantee the validity of the recognition of Romanian qualification as nurse responsible for general care granted pursuant to Articles 10 to 14 of this Directive before ... [date of entry into force of this amending Directive] in the case of nationals of Member States who were trained as a nurse responsible for general care in Romania and did not meet the requirements of:

(a) Article 33(a) of this Directive in the version in force on 1 January 2007, or

(b) Article 33(a) of this Directive, as amended by Directive 2013/55/EU of the European Parliament and of the

Council^{1a}.

^{1a} Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (“the IMI Regulation”) (OJ L 354, 28.12.2013, p. 132.’;

Amendment 13

Proposal for a directive Article 2 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [OP, please insert date: one year after the entry into force of this Directive] **at the latest**. They shall **forthwith** communicate **to the Commission** the text of those **provisions**.

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ... [OP, please insert date: one year after the **date of** entry into force of this Directive]. They shall **immediately** communicate the text of those **measures to the Commission**.

Amendment 14

Proposal for a directive Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

When Member States adopt those **provisions**, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Amendment

When Member States adopt those **measures**, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Amendment 15

Proposal for a directive Article 2 – paragraph 2

Text proposed by the Commission

2. Member States shall communicate to the Commission the text of the main ***provisions*** of national law which they adopt in the field covered by this Directive.

Amendment

2. Member States shall communicate to the Commission the text of the main ***measures*** of national law which they adopt in the field covered by this Directive.

EXPLANATORY STATEMENT

A fast and efficient recognition of professional qualifications for access to regulated professions is essential in order to make the fundamental internal market freedoms work for EU citizens. To facilitate the recognition of qualifications of nurses responsible for general care whose qualifications did not meet the minimum training requirements upon accession, Romania has set up an upgrading programme following a recommendation introduced in recital 36 of Directive 2013/55/EU that amended Directive 2005/36/EC. Romania has therefore ensured that the training levels of nurses meet the minimum requirements under Directive 2005/36/EU. The Commission proposal is of technical nature and is consistent with a similar approach that was taken in the past in the case of nurses and midwives in Poland.

The Rapporteur welcomes the Commission proposal, which will allow graduates of the Romanian upgrading programme to benefit from acquired rights without the need to prove professional experience. The draft report contains only technical changes to enhance the clarity of the text, without modifying the substance.

**ANNEX: ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteur declares that he has received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

Entity and/or person
Team Leader, DG GROW, European Commission

The list above is drawn up under the exclusive responsibility of the rapporteur.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Amending and correcting Directive 2005/36/EC as regards the recognition of professional qualifications of nurses responsible for general care trained in Romania	
References	COM(2023)0502 – C9-0324/2023 – 2023/0307(COD)	
Date submitted to Parliament	1.9.2023	
Committee responsible Date announced in plenary	IMCO 2.10.2023	
Committees asked for opinions Date announced in plenary	EMPL 2.10.2023	CULT 2.10.2023
Not delivering opinions Date of decision	EMPL 19.9.2023	CULT 19.9.2023
Rapporteurs Date appointed	Adam Bielan 25.9.2023	
Discussed in committee	9.10.2023	
Date adopted	28.11.2023	
Result of final vote	+: 39	–: 0
	0: 2	
Members present for the final vote	Andrus Ansip, Pablo Arias Echeverría, Laura Ballarín Cereza, Alessandra Basso, Adam Bielan, Biljana Borzan, Vlad-Marius Botoș, Anna Cavazzini, Dita Charanzová, Deirdre Clune, David Cormand, Sandro Gozi, Virginie Joron, Eugen Jurzyca, Włodzimierz Karpiński, Arba Kokalari, Marcel Kolaja, Kateřina Konečná, Andrey Kovatchev, Jean-Lin Lacapelle, Antonius Manders, Beata Mazurek, Leszek Miller, Anne-Sophie Pelletier, Miroslav Radačovský, René Repasi, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Róza Thun und Hohenstein, Tom Vandenkendelaere, Kim Van Sparrentak, Marion Walsmann	
Substitutes present for the final vote	Francisco Guerreiro, Ivars Ijabs, Kosma Złotowski, Marco Zullo	
Substitutes under Rule 209(7) present for the final vote	João Albuquerque, Petar Vitanov, Stefania Zambelli	
Date tabled	30.11.2023	

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

39	+
ECR	Adam Bielan, Eugen Jurzyca, Beata Mazurek, Kosma Złotowski
ID	Alessandra Basso
NI	Miroslav Radačovský
PPE	Pablo Arias Echeverría, Deirdre Clune, Włodzimierz Karpiński, Arba Kokalari, Andrey Kovatchev, Antonius Manders, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Tom Vandenkendelaere, Marion Walsmann, Stefania Zambelli
Renew	Andrus Ansip, Vlad-Marius Botoș, Dita Charanzová, Sandro Gozi, Ivars Ijabs, Róza Thun und Hohenstein, Marco Zullo
S&D	João Albuquerque, Laura Ballarín Cereza, Biljana Borzan, Leszek Miller, René Repasi, Christel Schaldemose, Petar Vitanov
The Left	Kateřina Konečná, Anne-Sophie Pelletier
Verts/ALE	Anna Cavazzini, David Cormand, Francisco Guerreiro, Marcel Kolaja, Kim Van Sparrentak

0	-

2	0
ID	Virginie Joron, Jean-Lin Lacapelle

Key to symbols:

+ : in favour

- : against

0 : abstention