



2023/0307(COD)

4.10.2023

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DRAFT 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 ...¹,
 - having regard to Rule 59 of its Rules of Procedure,
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 ...

Amendment 1

Proposal for a directive Title

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 2

Proposal for a directive Article 1 – paragraph 1 – point 2 Directive 2005/36/EC Article 33a

Text proposed by the Commission

Article 33a

Acquired rights specific to nurses
responsible for general care trained in
Romania

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.
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,
provided that that evidence is accompanied

Amendment

Article 33a

Acquired rights specific to nurses
responsible for general care trained in
Romania

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.
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:

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) *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;

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

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

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

(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:

(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;

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

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

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 *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

(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 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

(b) *any of* the evidence of formal qualification ***listed in point (a) of this paragraph***, provided that such evidence is accompanied by *any* of the following 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

(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 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).’

January 2015); or

(c) any evidence of formal qualification 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 evidence of formal qualification referred to in point (ii) of point (b) of this paragraph.

Or. en

Justification

Linguistic amendment to improve the clarity of the text.

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.