

French Chamber of pharmacists – Hélène LEBLANC



Ordre national
des pharmaciens

Summary

Introduction

1. Facilitating health professionals mobility: the EU directive on the recognition of qualifications
2. Challenges for regulators



Introduction



ABC of the European Union

- At the origin of the project: aim to build an internal market
 - Founding principles: the 4 freedoms in the EU treaties
- ⇒ Free movement of persons, goods, services and capital within the Union

How are these 4 freedoms applied concretely?

- EU directives (have to be transposed into national law)
- EU regulations (directly applicable)
- ECJ case law

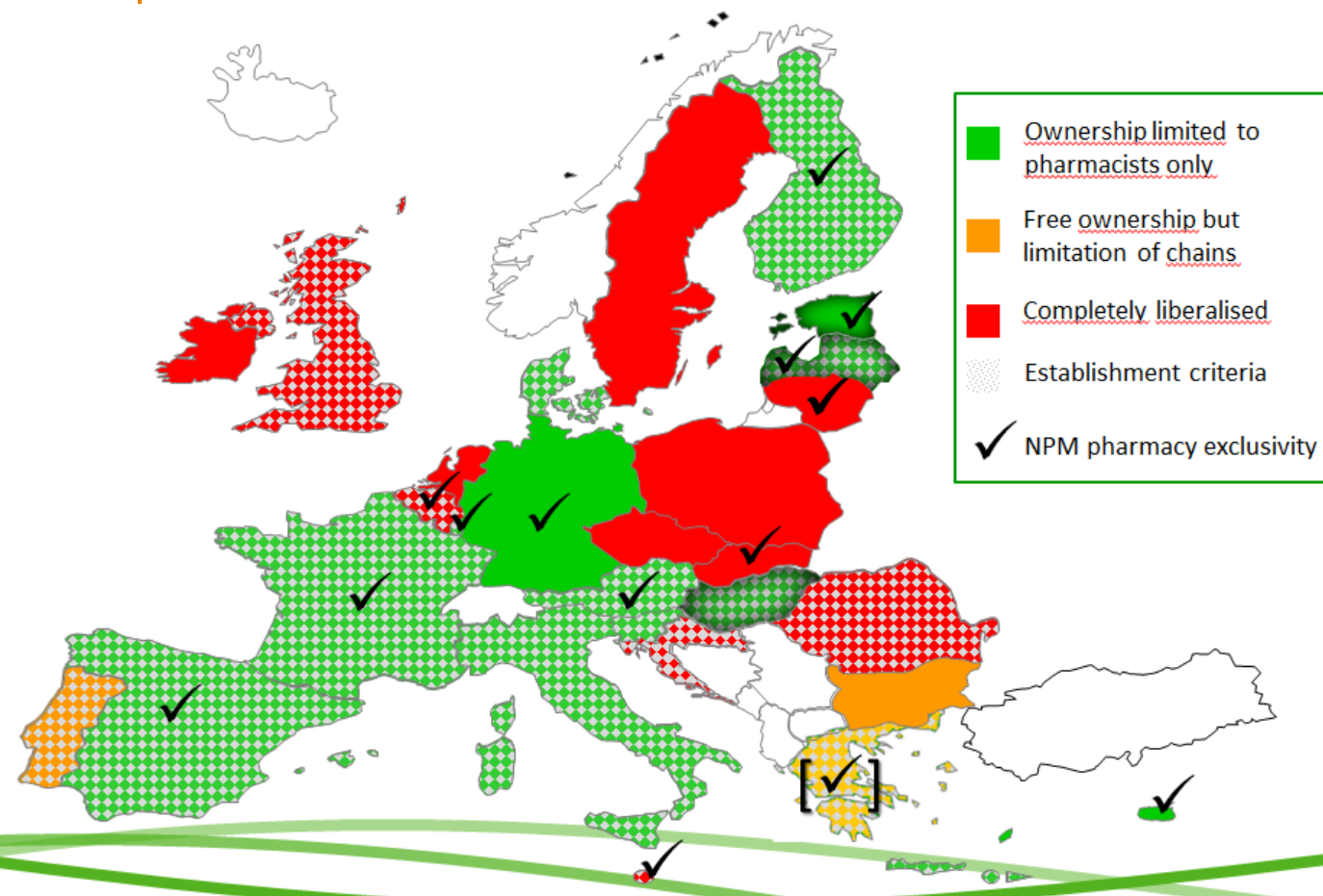
How does that apply to health professionals?

- Healthcare is in principle a national competence + the subsidiarity principle applies (Art. 168 of TFEU)
- But...internal market law can interfere

Introduction

THE CASE OF PHARMACY

A patchwork of national regulations...



...but a set of common rules and procedures to ensure :

- The free movement of medicines
- The free movement of patients
- The free movement of health professionals

1. Facilitating health professionals mobility in Europe



THE DIRECTIVE ON THE RECOGNITION OF PROFESSIONAL QUALIFICATIONS

The directive provides for 2 qualification recognition systems:

- ✓ Harmonisation of the minimum training conditions (minimum duration of the training, list of knowledge and skills, list of courses) allowing an **AUTOMATIC RECOGNITION** of the diploma in the European Union for 5 health professions: doctors, nurses responsible for general care, dentists, midwives, pharmacists
- ✓ For the professionals which do not fulfil conditions for the automatic recognition, the “general system” applies (mutual recognition of qualifications based on a comparison of the trainings and experience, adaptation period or aptitude test in case of important discrepancies)

1. Facilitating health professionals mobility in Europe

THE DIRECTIVE ON THE RECOGNITION OF PROFESSIONAL QUALIFICATIONS

A specific framework for temporary mobility

If professionals want to provide their services in another EU country on a temporary basis, they can do so on the basis of their establishment (i.e. their right to practice) in their home country, simply sending a prior declaration to the competent authority of the destination country.

The European professional card

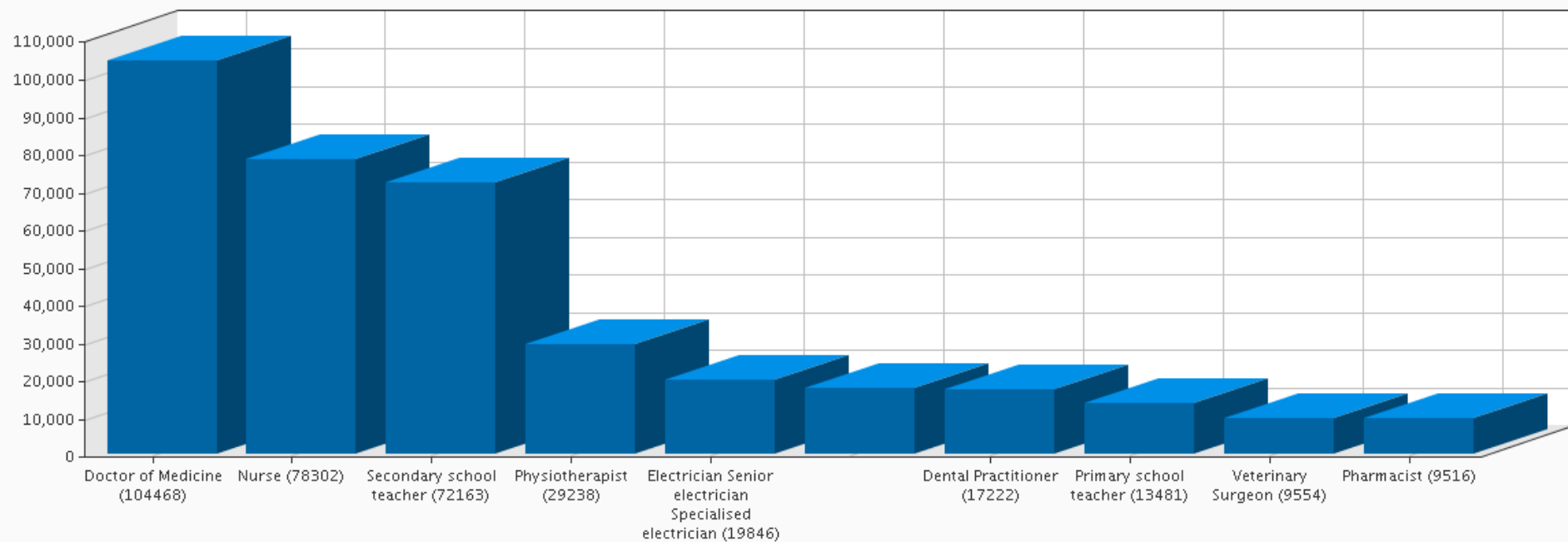
- ✓ Introduced by Directive [2013/55/EU](#) (applicable in EU countries from 18 January 2016)
- ✓ An electronic certificate aimed at accelerating the recognition of qualifications



1. Facilitating health professionals mobility in Europe

STATISTICS - PROFESSIONALS MOVING ABROAD IN EUROPE

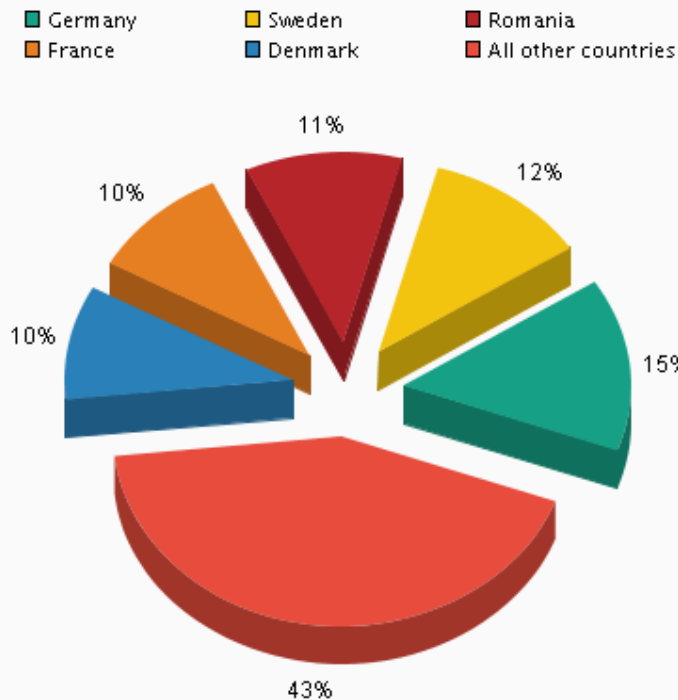
The most mobile professions (establishment)



1. Facilitating health professionals mobility in Europe

GEOGRAPHY OF MOBILITY (NURSES, ESTABLISHMENT, 2014-2015)

Country of qualification



The graph on the left presents the top five countries where migrating professionals obtained their professional qualifications.

The graph on the right presents the top five countries where migrating professionals had their qualifications recognized.

The graphs are based on the statistics provided by the Member States, displayed also in the table below. They are updated according to the search criteria introduced in the filter above.

Period from: **2014**

Period to: **2015**

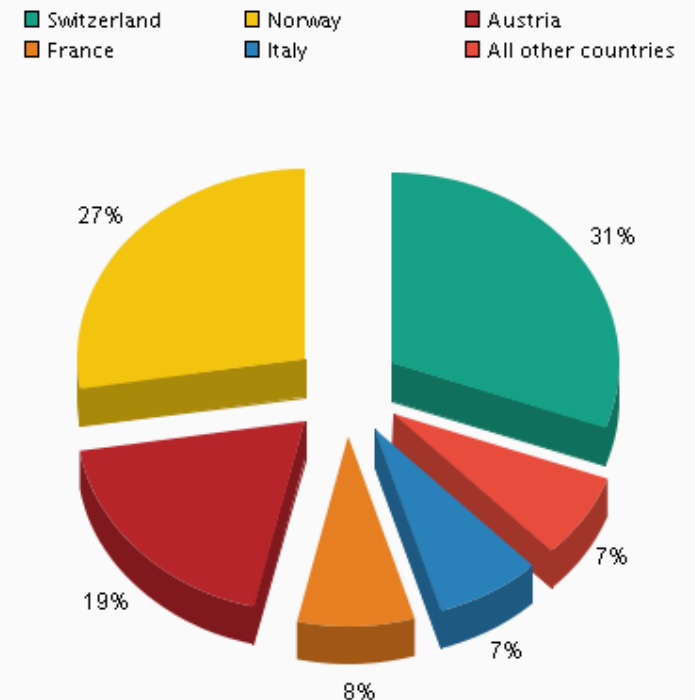
Decisions taken
by host country: **All**

Country of
qualification: **All**

Host country: **All**

Profession: **Nurse**

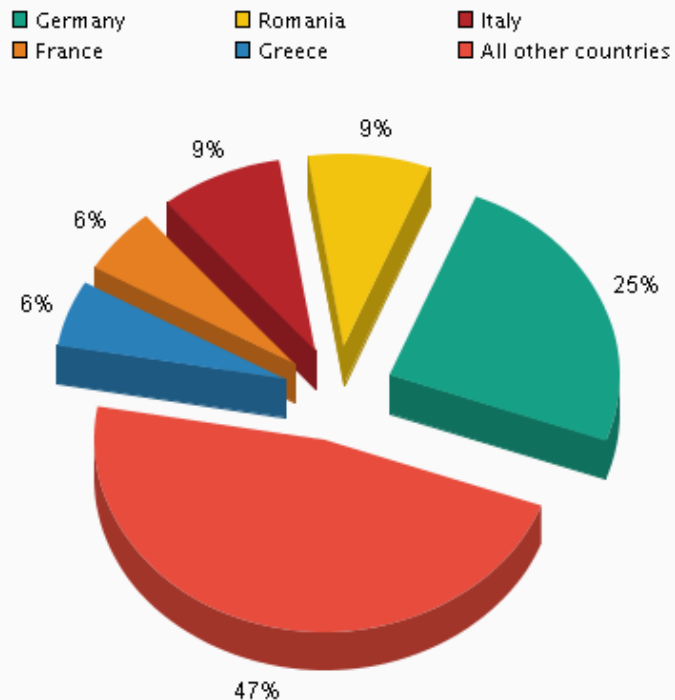
Host country



1. Facilitating health professionals mobility in Europe

GEOGRAPHY OF MOBILITY (DOCTORS, ESTABLISHMENT, 2014-2015)

Country of qualification



The graph on the left presents the top five countries where migrating professionals obtained their professional qualifications.

The graph on the right presents the top five countries where migrating professionals had their qualifications recognized.

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Period from: **All**

Period to: **All**

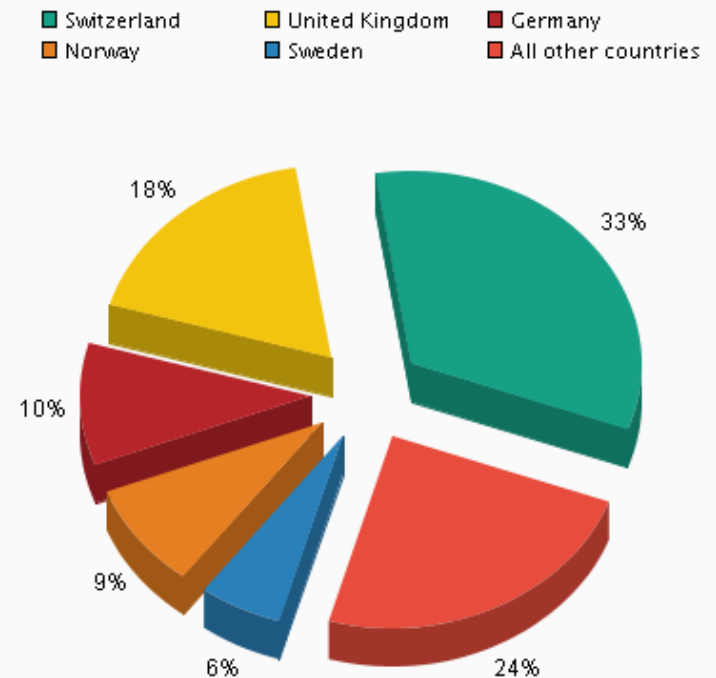
Decisions taken
by host country: **All**

Country of
qualification: **All**

Host country: **All**

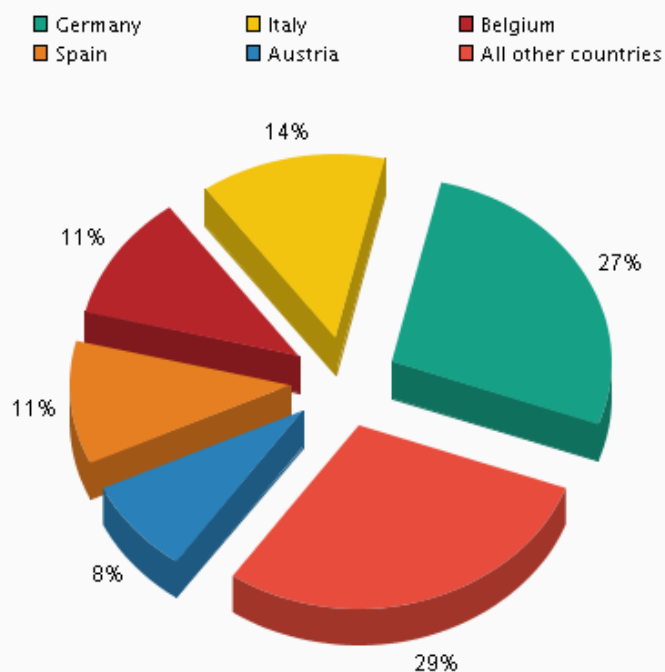
Profession: **Doctor of Medicine**

Host country



Temporary mobility (doctors, 2014-2015, 296 declarations)

Country of qualification



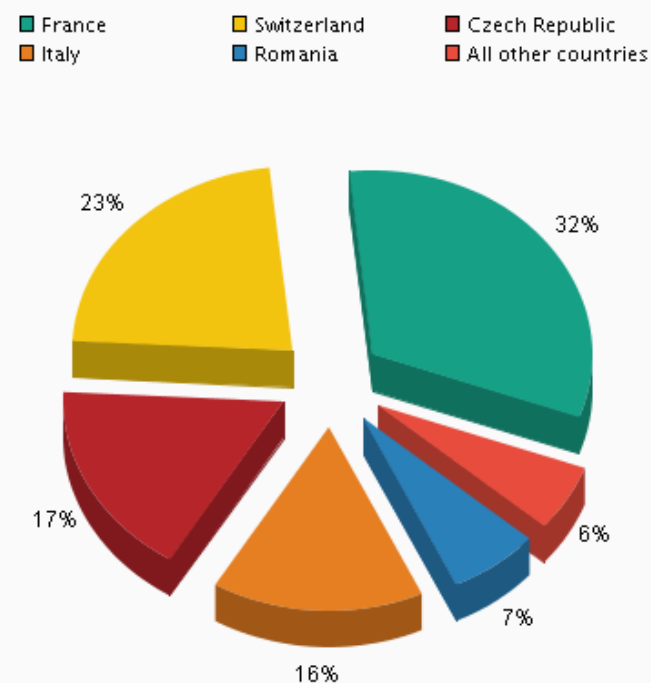
The graph on the left presents the top five countries where migrating professionals obtained their professional qualifications.

The graph on the right presents the top five countries where mobile professionals provided services on temporary and occasional basis.

The graphs are based on the statistics provided by the Member States, displayed also in the table below. They are updated according to the search criteria introduced in the filter above.

Period from: **2014**
 Period to: **2015**
 Decisions taken
 by host country: **All**
 Country of
 qualification: **All**
 Host country: **All**
 Profession: **Doctor of Medicine**

Host country



2. Challenges for regulators

- ✓ Challenges for health policy regulation
 - Ensuring an equitable spread of health professionals in Europe
 - Numerus clausus
 - EU challenging national regulation in the name of the founding principles of the internal market: the « mutual evaluation exercise », the infringement proceedings
 - EU negotiating trade agreements with third parties on behalf of Member states (e.g. TTIP)

2. Challenges for regulators

- ✓ When health professionals use the system to circumvent a professional sanction i.e. suspension or prohibition to practice
- Tragic examples (2008-2012, Dutch « horror dentist » Van Nierop mutilated more than 100 patients in France, he was the subject of disciplinary proceedings in his home country)
- Administrative cooperation through the IMI system
- The alert mechanism
- ✓ Challenges in transposing and applying the directive
- Control of the knowledge of language (about 10% of the 240,000 doctors working in the UK qualified elsewhere in Europe; half of foreign doctors failed at the language test organised by British authorities)
- Partial access

Conclusion

We must strike the right balance between encouraging health professionals mobility and protecting patients

“Free trade is not an end in itself, but a means to an end” Matthias
Mekl, French Minister for Trade, on TTIP, 03.05.2016

Thank you for your attention!

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