



European Network of Medical
Competent Authorities

 **Terviseamet**
Health Board

**17TH MEETING OF THE EUROPEAN
NETWORK OF MEDICAL COMPETENT AUTHORITIES**

HOSTED BY THE HEALTH BOARD OF ESTONIA

FRIDAY 5 MAY 2017

Article 30 of RPQ Directive

Pr. Robert NICODEME
French Medical Council



ORDRE NATIONAL DES MEDECINS
Conseil National de l'Ordre

EU CONTEXT

RECOGNITION OF GENERAL PRACTICE :

- Article 28 and Annex V 5.1.4 : Specific training in general medical practice.
- Article 30 : Acquired rights specific to general practitioners.

EU CONTEXT

Under Directive 2005/36/EC ("PQD") there are different ways enabling doctors to pursue the activities of a general practitioner:

- a) *in most cases the professional should have obtained a qualification followed by a specific training which satisfies the minimum requirements of Article 28 (1) – (4) of Directive 2005/36/EC and where the qualification is listed in Annex V, point 5.1.4. of the Directive;*
- b) *alternatively doctors, who have obtained a professional qualification of general practitioner, although they did not follow the specific training in general medical practice, under the conditions set out in Article 28 (5) of Directive 2005/36/EC;*
- c) ***finally doctors who do not hold the specific qualification in general medical practice, but they benefit from the 'acquired' rights regime under Article 30 of the Directive.***

CONDITIONS

Article 30 of the Directive sets certain cumulative conditions which are necessary to benefit from the acquired rights provision:

- 1. the doctor must **have had the right to pursue the activities of a general practitioner in the framework of the MS social security system on the reference date;***
- 2. **this right must derive from the MS provisions applicable to the medical profession giving access to the professional activities of doctor with basic training;***
- 3. finally the doctor concerned **must have been established on the reference date.***

EUROPEAN COMMISSION POSITION

Under this article, the European Commission considers that Doctors **only need to be entitled to practice as a GP in the home MS and do not ask for actual or past practice as a GP at the reference date mentioned in the annex V, even if they do not have the specific qualification.**

Thus, a doctor **could have never** practiced general medicine in a MS.

- In conclusion, the **applicant will be covered by Article 30** of the Directive **if the competent authority proves that the doctor could be allowed to benefit of the permit to practice as a general practitioner in the MS at the reference date.**

CONCERNS

Accordingly, the MS should attest in this case that the doctor :

(a) **had the right** to practice as a GP in a MS on the reference date and;

(b) **he was established** on that date in the MS

➤ he should be considered covered by Article 30(1) of the Directive.

The fact that the doctor enjoyed the right to work in other specializations, or never practiced, **does not exclude** the possibility to apply these acquired rights.

SURVEY TO ALL CA

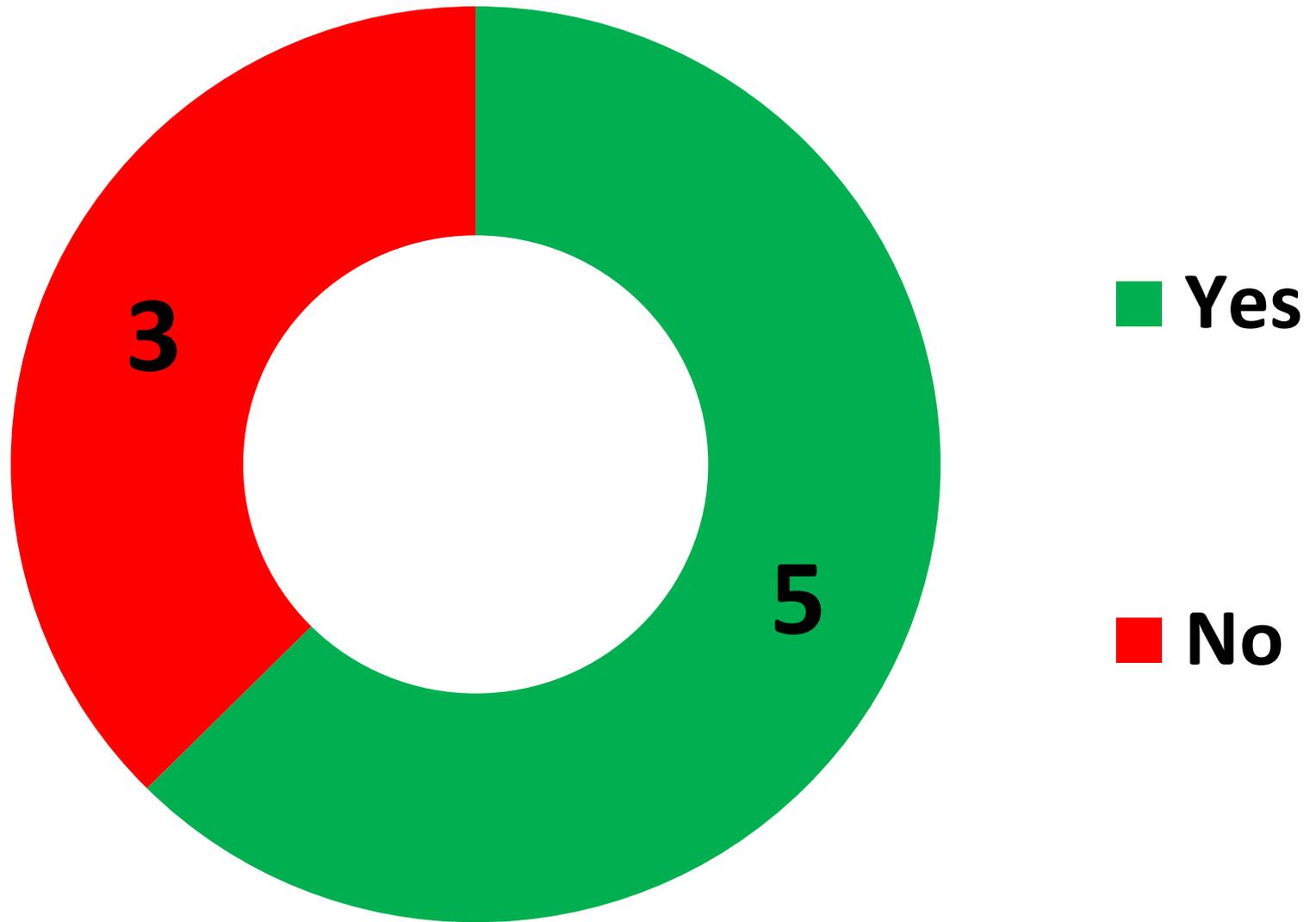
Could you please indicate :

- **Have you experienced this situation?**
- **Under what basis do you issue a certificate based on article 30 for a doctor who wants to migrate?**
- **How do you take into account an article 30 certificate for a doctor who wants to register in your member state?**
- **Is general practice a specialist title in your member state?**

RESPONSES FROM CA

- DANEMARK
- FRANCE
- GERMANY
- HUNGARY
- MALTA
- NETHERLANDS
- SWEDEN
- UK

QUESTION 1 Have you experienced this situation



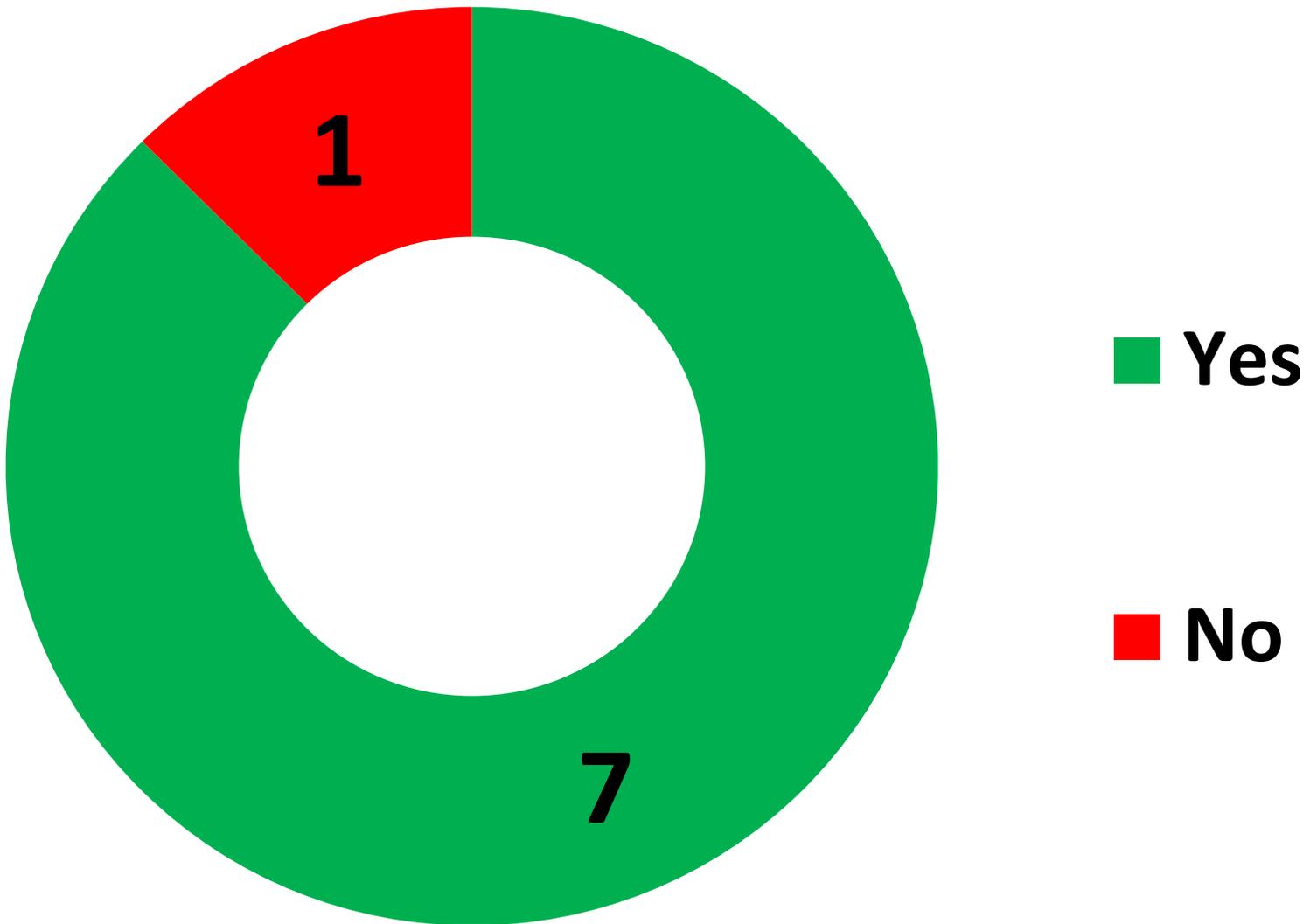
QUESTION 2 : Under what basis do you issue a certificate based on article 30 for a doctor who wants to migrate?

- Certificates based on article 30 were generally issued when a general practitioner finished his training in general practice before the reference date
- The French medical council only issues a certificate of acquired rights under Article 30 when a doctor actually practice or practiced general medicine in France at the reference date.
- Previously worked as general practitioner/family medicine
- As the EC position
- No application to date

QUESTION 3 : How do you take into account an article 30 certificate for a doctor who wants to register in your member state?

- General practitioner will not be registered as a general practitioner if he has not practised as a general practitioner regularly at least 16 hours a week the last five years.
- No application as the doctors were not established as general practitioners in their home member states as of the reference date.
- Compatible
- No reason to doubt
- Show evidence of actual registration in MS
- Under expertise

Question 4: Is general practice a specialist title in your MS?



FUTURE

- Experience reports
- Case law ?

THANK YOU

ARTICLE 30 DIRECTIVE 2005/36/EC : ACQUIRED RIGHTS SPECIFIC TO GENERAL PRACTITIONERS

“1. Each MS shall determine the acquired rights. It shall, however, confer as an acquired right the right to pursue the activities of a general practitioner in the framework of its national social security system, without the evidence of formal qualifications referred to in Annex V, point 5.1.4, on all doctors who enjoy this right as of the reference date stated in that point by virtue of provisions applicable to the medical profession giving access to the professional activities of doctor with basic training and who are established as of that date on its territory, having benefited from the provisions of Articles 21 or 23.

The competent authorities of each Member State shall, on demand, issue a certificate stating the holder's right to pursue the activities of general practitioner in the framework of their national social security systems, without the evidence of formal qualifications referred to in Annex V, point 5.1.4, to doctors who enjoy acquired rights pursuant to the first subparagraph.

2. Every Member State shall recognise the certificates referred to in paragraph 1, second subparagraph, awarded to nationals of Member States by the other Member States, and shall give such certificates the same effect on its territory as evidence of formal qualifications which it awards and which permit the pursuit of the activities of a general practitioner in the framework of its national social security system”.