

CED STATEMENT

COMMON TRAINING PRINCIPLES UNDER DIRECTIVE 2005/36/EC

May 2015

INTRODUCTION

The Council of European Dentists (CED)¹ aims to promote high standards on oral healthcare and dentistry with effective patient-safety centred professional practice, and to contribute to safeguarding the protection of public health. With this statement the CED wishes to address the risks associated to the development of common training principles in dentistry.

LEGAL FRAMEWORK

The revised Directive on the Recognition of Professional Qualifications introduced the possibility to develop common training principles², which can either take the form of common training frameworks (CTFs)³ or of common training tests (CTTs)⁴.

The new regime of common training principles establishes a system of automatic recognition of professional qualifications for specialties and professions which do not currently benefit from it under Chapter III of Title III of Directive 2005/36/EC. Under certain conditions Member States may be exempted⁵ from the obligation of introducing a CTF or a CTT, as well as from granting automatic recognition, not only of professional qualifications acquired under a CTF, but also to professionals who have passed a CTT.

As basic dental training is coordinated at EU level (Article 34 paragraph 2 of Directive 2005/36/EC), dentists benefit from the principle of automatic recognition allowing them to practice as a dentist in another Member State. The same principle governs specialist dental training with regards to two dental specialties – orthodontics and oral surgery (point 5.3.3 of Annex V of Directive 2005/36/EC).

The Directive further provides for a mechanism for mutual recognition of new dental specialties. If a specialty is common to at least two-fifths of Member States, the European Commission is empowered to adopt a delegated act to include a new dental specialty in Annex V of the Directive (Article 35 paragraph 5 of the Directive). To qualify for recognition, the duration of specialist training must be of duration of at least three years.

THE RISKS OF COMMON TRAINING PRINCIPLES IN DENTISTRY

The development of common training principles in the healthcare sector, in particularly for dentists, would create unnecessary risks for patient safety and quality of education and of treatment in dentistry.

The CED highlights the following concerns:

- the new mechanism for common training principles has not yet been tested and professions that have patient safety implications should not be included in a first phase as a precautionary measure. The safety of patients is of paramount importance and current common training principles do not offer

¹ The CED is a European not-for-profit association representing over 340,000 dental practitioners across Europe through 32 national dental associations and chambers in 30 European countries. Established in 1961 to advise the European Commission on matters relating to the dental profession. The CED is registered in the Transparency Register with the ID number 4885579968-84.

² Articles 49a and 49b of [Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications](#) as amended by 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').

³ A common training framework "(...) means a common set of minimum knowledge, skills and competences necessary for the pursuit of a specific profession. A common training framework shall not replace national training programmes unless a Member State decides otherwise under national law. (...)" (Article 49a/1 of Directive 2005/36/EC).

⁴ A common training test "(...) means a standardised aptitude test available across participating Member States and reserved to holders of a particular professional qualification. Passing such a test in a Member State shall entitle the holder of a particular professional qualification to pursue the profession in any host Member State concerned under the same conditions as the holders of professional qualifications acquired in that Member State" (Article 49b/1 of Directive 2005/36/EC).

⁵ In order to be exempted, the concerned Member State needs to notify the Commission and other Member States, within 6 months of the entry into force of the delegated act which established the CTF or the CTT, that it will make use of the exemption. It will also have to provide a justification of which conditions under paragraph 5 of Article 49a for a CTF or under paragraph 5 of Article 49b for a CTT are fulfilled. **One condition is sufficient to grant the exemption.**

sufficient guarantees for the quality of the education provided. We fear that this mechanism might be more open to economic considerations influence aimed at quick and large-scale production of specialists without due consideration of implications for patient safety and quality of education and care;

- in the case of CTFs, there would be a need to develop a common set of knowledge, skills and competences for the pursuit of a new dental specialty. It would be a delegated act which would try to harmonise the content of a specific dental specialty. This was not the case with respect to the current two dental specialties of point 5.3.3 of Annex V and we share our doubts on whether the envisioned procedure is in line with Article 165 paragraph 4 of the TFEU as it would require harmonisation of national laws and regulations in education. This might seriously affect the organisation of education and training systems in Member States;
- the Directive is silent on the way to adapt common training principles to scientific and technical progress. This gap should be further specified by the legislator;
- paragraphs 3 of Articles 49a and 49b of Directive 2005/36/EC are also silent with regards the level of representativeness of professional organisations at Union level which can submit suggestions to the European Commission for CTFs and CTTs. Relevant criteria needs to be developed in order to clarify and ensure that a professional organisation at EU level is considered to be “representative” in terms of members, structure, long-standing existence and work developed (e.g. codes of conduct, policy, publications); and,
- under Article 49a paragraph 6/b, Member States would need to notify to the European Commission and other Member States which national qualifications or national professional titles comply with the specific CTF. Then the European Commission would adopt an implementing act listing national qualifications and national professional titles benefiting from automatic recognition (Article 49a paragraph 6 subparagraph 2). The question arises on whether such implementing act would be kept up to date to discard national qualifications and professional titles that no longer comply with the CTF. This situation can occur due to internal educational reforms where the differences of training become substantial or where a Member State no longer offers the relevant training due to economic considerations.

STATEMENT

European dentists are committed to ensuring the continued respect of principles of high quality of professional education and training, as well as cohesiveness of their profession, and fear that the use of common training principles could jeopardize these principles. European dentists are in favour of facilitating the cross-border recognition of professional qualifications but not at the expense of the quality of education and of dental treatment.

European dentists therefore oppose the development of common training principles in dentistry, in particular of CTFs, as Directive 2005/36/EC already foresees an effective mechanism for automatic recognition of new dental specialties.

European dentists believe that the recognition of new dental specialties based on the criterium of the existence of a specialty in at least two-fifths of Member States via a delegated act and inclusion in Annex V is the right approach to enable the recognition of new dental specialties in the EU and facilitate the mobility of dental practitioners, while ensuring high quality of specialist dental care.

Unanimously adopted by the CED General Meeting on 29 May 2015