

SUMMARY

ECJ 3 March 2022, case C-634/20 (Sosiaali- ja terveystien loppu- ja valvontavirasto), Free Movement, Work and Residence Permit

A Member State may not impose requirements to be a doctor on a person if he possesses all formal qualifications, except for a minor certificate, as the imposed requirements are not proportionate.

Summary

The UK may not impose requirements to be a doctor on a person if he possesses all formal qualifications, except for a minor certificate, as the imposed requirements are not proportionate.

Question

Must Articles 45 and 49 TFEU be interpreted as precluding the competent authority of the host Member State from granting, on the basis of national legislation, a person a right to pursue the profession of doctor which is limited to a period of three years and subject to the twofold condition, first, that the person concerned may practise only under the direction and supervision of a licensed doctor and, second, that he or she must successfully complete three years of special training in general medical practice during the same period in order to obtain authorisation to pursue the profession of doctor independently in the host Member State, taking account of the fact that the person concerned, who has obtained an undergraduate degree in medicine in the home Member State, holds the evidence of formal qualifications, with regard to the United Kingdom, referred to in point 5.1.1 of Annex V to Directive 2005/36, but not the certificate referred to therein attesting to the completion of a professional traineeship of one year's duration, which is required as a further condition for obtaining the professional qualification in the home Member State?

Ruling

Articles 45 and 49 TFEU must be interpreted as precluding the competent authority of the host Member State from granting, on the basis of national legislation, a person a right to pursue the profession of doctor which is limited to a period of three years and subject to the twofold condition, first, that the person concerned may practise only under the direction and supervision of a licensed doctor and, second, that he or she must successfully complete three years of special training in general medical practice during the same period in order to obtain authorisation to pursue the profession of doctor independently in the host Member State, taking account of the fact that the person concerned, who has obtained an undergraduate degree in medicine in the home Member State, holds the evidence of formal qualifications, with regard to the United Kingdom of Great Britain and Northern Ireland, referred to in point 5.1.1 of Annex V to 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, but not the certificate referred to therein attesting to the completion of a professional traineeship of one year's duration, which is required as a further condition for obtaining the professional qualification in the home Member State.

Creator: European Court of Justice (ECJ)

Verdict at: 2022-03-03

Case number: C-634/20