

SUMMARY

ECJ 25 June 2026, Case C-343/25 (Caisse primaire d'assurance maladie (CPAM) de la Gironde - v- LX)

Caisse primaire d'assurance maladie (CPAM) de la Gironde - v- LX, French case

Summary

Directive 2005/36 must be interpreted as meaning that it does not apply to national legislation governing access to a specific fee scheme for self-employed doctors, since the required title of hospital practitioner does not constitute a specific professional qualification within the meaning of that Directive. However, Article 49 TFEU must be interpreted as precluding national legislation that refuses access to that fee scheme solely because a doctor acquired equivalent hospital experience as a self-employed practitioner rather than under an employment contract, where the professional experience was objectively equivalent.

Questions

Must Directive 2005/36 be interpreted as applying to national legislation requiring doctors who obtained hospital experience in another Member State to have qualifications recognised as equivalent to those of hospital practitioners to access a non-standard-fee sector?

Must Article 49 TFEU be interpreted as precluding national legislation that refuses access to a non-standard-fee sector to a doctor who acquired equivalent hospital experience in another Member State solely because that experience was gained as a self-employed practitioner rather than under an employment contract?

Ruling

Directive 2005/36 must be interpreted as not applying to national legislation governing access to a non-standard-fee sector for self-employed doctors. The title of hospital practitioner does not constitute a specific professional qualification within the meaning of the Directive but merely provides access to a particular fee scheme.

Article 49 TFEU must be interpreted as precluding national legislation that refuses access to a non-standard-fee sector solely because the doctor's equivalent hospital experience was acquired as a self-employed practitioner rather than under an employment contract, where the conditions under which that activity was pursued were objectively equivalent to those applicable to hospital practitioners employed under a contract.

Creator: Hof van Justitie van de Europese Unie

Verdict at: 2026-06-25

Case number: C|343/25