BARBADOS PRIVATE SECTOR TRADE TEAM

A DIVISION OF THE BARBADOS PRIVATE SECTOR ASSOCIATION

MEDICAL AND DENTAL SERVICES UNDER THE ECONOMIC PARTNERSHIP AGREEMENT (EPA)

The Economic Partnership Agreement (EPA) signed between CARIFORUM (the Caribbean Community and the Dominican Republic) and the European Community (EC) came into effect on January 1, 2008. Among other things, the Agreement covers issues such as market access for trade in goods, services and investment as well as other areas such as intellectual property rights, e-commerce, innovation and development cooperation.

These Questions and Answers are designed to answer your questions about investment in or opening medical or dental services in Europe (or European territories in the Caribbean) under the provisions of the CARIFORUM/EC Economic Partnership Agreement.

Q: Can Barbadian medical practitioners (including those in dentistry) invest in or open a practice in an EC territory under the provisions of the Economic Partnership Agreement between CARIFORUM and the EC (commonly known as the EPA)?

A: Yes, the EPA allows market access to Barbadian medical and dental practitioners who wish to establish their practices in the EC.

Q: Are there any conditions placed on the medical access for Barbadian medical practitioners in the EC?

A: There are a series of general conditions for medical service providers from Barbados in the establishment of businesses in the EC. They are:

1) **Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Spain, Greece, Finland, Hungary, Ireland, Italy, Lithuania, Latvia, Malta, Poland, Romania, Slovak Republic and Slovenia** all place limitations on the acquisition of land and real estate.

2) **Estonia, Finland, Italy, Romania and Sweden** have requirements of local citizenship or residency of senior management or Board of Directors.

3) In **Poland**, there are limitations on the type of business that Barbadian service providers may operate or own.

4) **Bulgaria, France, Finland and Italy** place limitations on the type of investment that Barbadian firms may make, e.g. putting a limit on the maximum percentage for foreign shareholding or voting rights, and the EU in general has limitations on the treatment that is extended to branches and agencies.

The market access for doctors and dentists and others who supply medical services in the EC is subject to the following conditions in the following countries:

Austria: Austria has not made a commitment to allow the supply of these services except for dental services and services supplied by psychologists and psychotherapists.

Germany: In Germany, an economic needs test will be applied when medical doctors and dentists are authorized to treat members of public insurance schemes. The main criterion that will be taken into consideration is whether there is a shortage of doctors and dentists in the given region.

In **Finland**, there is no commitment to permit the supply of these services.

Latvia: There is an economic needs test that will be applied to Barbadian medical service providers wishing to invest in business in Latvia. The main criterion is whether there is a shortage of doctors and dentists in the given region.

Bulgaria & Lithuania: The supply of service is subject to authorization which is based on an established health services plan, taking into account the population and already existing medical and dental services.

Slovenia: No commitment for social medicine, sanitary, epidemiological, medical/ecological services; the supply of blood, blood preparations and transplants; and autopsy.

United Kingdom: Establishment/setting up a commercial presence for doctors under the National Health Service is subject to medical manpower planning.

Q: What are the requirements for licensing and qualifications for medical and dental practitioners from Barbados wishing to open practices in the EC?

A: The EPA sets out a clear requirement for mutual recognition of licensing and qualifications. In order to provide services in another country, a person's qualifications or business license needs to be recognised in that country. The Agreement establishes a process for the private sector, through its relevant professional bodies, to negotiate the terms for mutual recognition of qualifications and licensing requirements.

The Agreement requires the relevant professional bodies to engage in negotiations with their counterparts in the EU. The professional bodies will then make recommendations to the CARIFORUM- EC Trade and Development Committee, who will finalise the mutual recognition agreements.

Q: Once granted permission to operate a business in the EU under the terms of the EPA, what types of personnel would be allowed

to work at the EU-located business? And how long would they be permitted to live and work in Europe?

A: Subject, of course, to the normal visa and immigration requirements, the following categories of personnel are allowed for the designated lengths of time:

Generally, the senior Barbadian staff responsible for establishing a commercial presence in Europe may stay for 90 days in any 12- month period. Key personnel will be allowed to work in Europe for a period of up to 3 years, and graduate trainees may stay for one year.

Here is a list of additional conditions that are placed on entry by Barbadians by country:

Czech Republic, Italy & Slovakia: There is a residency requirement to provide these services.

Czech Republic, Estonia, Romania & Slovakia: Authorization by the competent authorities is required for foreign natural persons.

Belgium & Luxembourg: For graduate trainees, authorization by the competent authorities is required for foreign natural persons.

Bulgaria, Cyprus & Malta: There is a nationality condition for the provision of these services.

Germany: There is a nationality condition for service providers which can be waived on an exceptional basis in cases of public health interest.

Denmark: Limited authorization to fulfill a specific function can be given for maximum 18 months and requires residence.

France: Condition of nationality. However, access is possible within annually established quotas.

Latvia: Practice of medical profession by foreigners requires the permission from local health authorities, based on economic needs for medical doctors and dentists in a given region.

Poland: Practice of medical profession by foreigners requires the permission from local health authorities. The rights within the professional chambers are limited.

Portugal: There is a residency requirement for psychologists.

Q: I am in the Medical Services Supply sector and wish to travel to a European country on a regular basis to fulfill a contract that I am about to sign. What provisions are made under the EPA for me to enter Europe under the EPA?

A: Under the terms as you have described them in your question, you are considered a Contractual Service Supplier under the EPA. That is, an employee of a Barbadian company that has no commercial presence in the EU, but which has a contract to supply services in the EU.

Generally, the person applying to supply the service from Barbados must be a self- employed person established in Barbados, and must have obtained a service contract for a period of not more than 12 months.

As a Barbadian professional, you must possess at least three years professional experience and have been an employee of your company for one year before you make an application for entry.

You must have a university degree or equivalent qualification and professional qualifications where required by law. The only remuneration you may receive during your European travel is that paid by your employer.

Your temporary entry, once approved, will be for a cumulative period not exceeding 6 months (or 25 weeks in Luxembourg) during a 12- month period or for the duration of the contract (whichever is less) and the visa will permit the Barbadian to work only on the contracted service activity – no other business activities will be permitted.

The entry opportunity is further governed by the following country- specific conditions:

Slovenia: There is no commitment to permit the provision of these services.

Belgium, Cyprus, Czech Republic, Germany, Denmark, Estonia, Spain, Ireland, Italy, Luxembourg, Malta, Netherlands, Portugal, Poland, Romania, Slovenia & United Kingdom: Economic needs test will be applied.

Austria: No commitment except for psychologists and dental services, where: Economic needs tests will be applied.

Belgium, Greece, Finland, France, Hungary, Lithuania, Latvia & Slovakia: There is no commitment to permit the supply of these services via this mode.

Q: As an Independent Barbadian Professional providing dental services, I am about to sign a contract in the EU to provide services there. May I travel to an EC member state to provide my services under the EPA?

A: Independent Professionals providing medical and dental services who have a contract with the final consumer in EC Member States can travel to these countries to provide services, under the following conditions:

1) When you apply for entry to the EC, you must be a self-employed person established in Barbados and must have obtained a service contract for a period not exceeding 12 months.

2) You must possess at least six years professional experience in the relevant sector.

3) The temporary entry will be for a cumulative period not exceeding 6 months (or 25 weeks in Luxembourg) during a 12- month period or for the duration of the contract (whichever is less).

4) The visa permits only the contracted service activity, no other business activities.

Slovenia: There is no commitment to permit the provision of these services.

Belgium, Cyprus, Czech Republic, Germany, Denmark, Estonia, Spain, Ireland, Italy, Luxembourg, Malta, Netherlands, Portugal, Poland, Romania, Slovenia & United Kingdom: Economic needs test will be applied.

Austria: No commitment except for psychologists and dental services, where: Economic needs tests will be applied.

Belgium, Greece, Finland, France, Hungary, Lithuania, Latvia & Slovakia: There is no commitment to permit the supply of these services via this mode.

There are also the following conditions imposed in specific countries:

Finally, there are no restrictions on Barbadian service providers in these sectors wishing to provide services to European clients in Barbados.

The Barbados Private Sector Trade Team (BPSTT) is here to answer any questions you may have about conducting trade in the European Community under the terms of the CARIFORUM-EC Economic Partnership Agreement.

If after reading these questions and answers you still have queries, please contact us directly by email at info@tradeteam.bb, or by speaking with one of our Trade Officials at 1-246-430-6541.

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BARBADOS PRIVATE SECTOR ASSOCIATION

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