

EU directives for recognition of qualifications

Texts of directives and some
explanatory documents

2004

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EU directives for professional recognition

COUNCIL DIRECTIVE of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration (89/48/EEC)

(89/48/EEC)

Official Journal No L019 p. 16, 1989/01/24

Celex number 389L0048

Celex sector 3 - Secondary Legislation

Authoring Inst. Council

Legal instrument DIRECTIVE

Treaty European Economic Community

Publication ref. OFFICIAL JOURNAL NO. L 019, 24/01/89 P. 0016 *****

COUNCIL DIRECTIVE of 21 December 1988

on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration

(89/48/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 49, 57 (1) and 66 thereof,

Having regard to the proposal from the Commission (1),

In cooperation with the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas, pursuant to Article 3 (c) of the Treaty the abolition, as between Member States, of obstacles to freedom of movement for persons and services constitutes one of the objectives of the Community; whereas, for nationals of the Member States, this means in particular the possibility of pursuing a profession, whether in a self-employed or employed capacity, in a Member State other than that in which they acquired their professional qualifications;

Whereas the provisions so far adopted by the Council, and pursuant to which Member States recognize mutually and for professional purposes higher-education diplomas issued within their territory, concern only a few professions; whereas the level and duration of the education and training governing access to those professions have been regulated in a similar fashion in all the Member States or have been the subject of the minimal harmonization needed to establish sectoral systems for the mutual recognition of diplomas;

Whereas, in order to provide a rapid response to the expectations of nationals of Community countries who hold higher-education diplomas awarded on completion of professional education and training issued in a Member State other than that in which they wish to pursue their profession, another method of recognition of such diplomas should also be put in place such as to enable those concerned to pursue all those professional activities which in a host Member State are dependent on the completion of postsecondary education and training, provided they hold such a diploma preparing them for those activities awarded on completion of a course of studies lasting at least three years and issued in another Member State;

Whereas this objective can be achieved by the introduction of a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration;

Whereas, for those professions for the pursuit of which the Community has not laid down the necessary minimum level of qualification, Member States reserve the option of fixing such a level with a view to guaranteeing the quality of services provided in their territory; whereas, however, they may

not, without infringing their obligations laid down in Article 5 of the Treaty, require a national of a Member State to obtain those qualifications which in general they determine only by reference to diplomas issued under their own national education systems, where the person concerned has already acquired all or part of those qualifications in another Member State; whereas, as a result, any host Member State in which a profession is regulated is required to take account of qualifications acquired in another Member State and to determine whether those qualifications correspond to the qualifications which the Member State concerned requires;

Whereas collaboration between the Member States is appropriate in order to facilitate their compliance with those obligations; whereas, therefore, the means of organizing such collaboration should be established;

Whereas the term 'regulated professional activity' should be defined so as to take account of differing national sociological situations; whereas the term should cover not only professional activities access to which is subject, in a Member State, to the possession of a diploma, but also professional activities, access to which is unrestricted when they are practised under a professional title reserved for the holders of certain qualifications; whereas the professional associations and organizations which confer such titles on their members and are recognized by the public authorities cannot invoke their private status to avoid application of the system provided for by this Directive;

Whereas it is also necessary to determine the characteristics of the professional experience or adaptation period which the host Member State may require of the person concerned in addition to the higher-education diploma, where the person's qualifications do not correspond to those laid down by national provisions;

Whereas an aptitude test may also be introduced in place of the adaptation period; whereas the effect of both will be to improve the existing situation with regard to the mutual recognition of diplomas between Member States and therefore to facilitate the free movement of persons within the Community; whereas their function is to assess the ability of the migrant, who is a person who has already received his professional training in another Member State, to adapt to this new professional environment; whereas, from the migrant's point of view, an aptitude test will have the advantage of reducing the length of the practice period; whereas, in principle, the choice between the adaptation period and the aptitude test should be made by the migrant; whereas, however, the nature of certain professions is such that Member States must be allowed to prescribe, under certain conditions, either the adaptation period or the test; whereas, in particular, the differences between the legal systems of the Member States, whilst they may vary in extent from one Member State to another, warrant special provisions since, as a rule, the education or training attested by the diploma, certificate or other evidence of formal qualifications in a field of law in the Member State of origin does not cover the legal knowledge required in the host Member State with respect to the corresponding legal field;

Whereas, moreover, the general system for the recognition of higher-education diplomas is intended neither to amend the rules, including those relating to professional ethics, applicable to any person pursuing a profession in the territory of a Member State nor to exclude migrants from the application of those rules; whereas that system is confined to laying down appropriate arrangements to ensure that migrants comply with the professional rules of the host Member State;

Whereas Articles 49, 57 (1) and 66 of the Treaty empower the Community to adopt provisions necessary for the introduction and operation of such a system;

Whereas the general system for the recognition of higher education diplomas is entirely without prejudice to the application of Article 48 (4) and Article 55 of the Treaty;

Whereas such a system, by strengthening the right of a Community national to use his professional skills in any Member State, supplements and reinforces his right to acquire such skills wherever he wishes;

Whereas this system should be evaluated, after being in force for a certain time, to determine how efficiently it operates and in particular how it can be improved or its field of application extended,

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purposes of this Directive the following definitions shall apply:

(a) diploma: any diploma, certificate or other evidence of formal qualifications or any set of such diplomas, certificates or other evidence:

which has been awarded by a competent authority in a Member State, designated in accordance with its own laws, regulations or administrative provisions;

which shows that the holder has successfully completed a postsecondary course of at least three years' duration, or of an equivalent duration part-time, at a university or establishment of higher education or another establishment of similar level and, where appropriate, that he has successfully completed the professional training required in addition to the post-secondary course, and

which shows that the holder has the professional qualifications required for the taking up or pursuit of a regulated profession in that Member State, provided that the education and training attested by the diploma, certificate or other evidence of formal qualifications were received mainly in the Community, or the holder thereof has three years' professional experience certified by the Member State

which recognized a third-country diploma, certificate or other evidence of formal qualifications.

The following shall be treated in the same way as a diploma, within the meaning of the first subparagraph: any diploma, certificate or other evidence of formal qualifications or any set of such diplomas, certificates or other evidence awarded by a competent authority in a Member State if it is awarded on the successful completion of education and training received in the Community and recognized by a competent authority in that Member State as being of an equivalent level and if it confers the same rights in respect of the taking up and pursuit of a regulated profession in that Member State;

(b) host Member State: any Member State in which a national of a Member State applies to pursue a profession subject to regulation in that Member State, other than the State in which he obtained his diploma or first pursued the profession in question;

(c) a regulated profession: the regulated professional activity or range of activities which constitute this profession in a Member State;

(d) regulated professional activity: a professional activity, in so far as the taking up or pursuit of such activity or one of its modes of pursuit in a Member State is subject, directly or indirectly by virtue of laws, regulations or administrative provisions, to the possession of a diploma. The following in particular shall constitute a mode of pursuit of a regulated professional activity:

pursuit of an activity under a professional title, in so far as the use of such a title is reserved to the holders of a diploma governed by laws, regulations or administrative provisions,

pursuit of a professional activity relating to health, in so far as remuneration and/or reimbursement for such an activity is subject by virtue of national social security arrangements to the possession of a diploma.

Where the first subparagraph does not apply, a professional activity shall be deemed to be a regulated professional activity if it is pursued by the members of an association or organization the purpose of which is, in particular, to promote and maintain a high standard in the professional field concerned and which, to achieve that purpose, is recognized in a special form by a Member State and:

awards a diploma to its members,

ensures that its members respect the rules of professional conduct which it prescribes, and

confers on them the right to use a title or designatory letters, or to benefit from a status corresponding to that diploma.

A non-exhaustive list of associations or organizations which, when this Directive is adopted, satisfy the conditions of the second subparagraph is contained in the Annex. Whenever a Member State grants the recognition referred to in the second subparagraph to an association or organization, it shall inform the Commission thereof, which shall publish this information in the Official Journal of the European Communities.

(e) professional experience: the actual and lawful pursuit of the profession concerned in a Member State;

(f) adaptation period: the pursuit of a regulated profession in the host Member State under the responsibility of a qualified member of that profession, such period of supervised practice possibly being accompanied by further training. This period of supervised practice shall be the subject of an assessment. The detailed rules governing the

adaptation period and its assessment as well as the status of a migrant person under supervision shall be laid down by the competent authority in the host Member States;

(g) aptitude test: a test limited to the professional knowledge of the applicant, made by the competent authorities of the host Member State with the aim of assessing the ability of the applicant to pursue a regulated profession in that Member State.

In order to permit this test to be carried out, the competent authorities shall draw up a list of subjects which, on the basis of a comparison of the education and training required in the Member State and that received by the applicant, are not covered by the diploma or other evidence of formal qualifications possessed by the applicant.

The aptitude test must take account of the fact that the applicant is a qualified professional in the Member State of origin or the Member State from which he comes. It shall cover subjects to be selected from those on the list, knowledge of which is essential in order to be able to exercise the profession in the host Member State. The test may also include knowledge of the professional rules applicable to the activities in question in the host Member State. The detailed application of the aptitude test shall be determined by the competent authorities of that State with due regard to the rules of Community law.

The status, in the host Member State, of the applicant who wishes to prepare himself for the aptitude test in that State shall be determined by the competent authorities in that State.

Article 2

This Directive shall apply to any national of a Member State wishing to pursue a regulated profession in a host Member State in a self-employed capacity or as an employed person.

This Directive shall not apply to professions which are the subject of a separate Directive establishing arrangements for the mutual recognition of diplomas by Member States.

(1) OJ No C 217, 28. 8. 1985, p. 3,

and OJ No C 143, 10. 6. 1986, p. 7.

(2) OJ No C 345, 31. 12. 1985, p. 80,

and OJ No C 309, 5. 12. 1988.

(3) OJ No C 75, 3. 4. 1986, p. 5.

Article 3

Where, in a host Member State, the taking up or pursuit of a regulated profession is subject to possession of a diploma, the competent authority may not, on the grounds of inadequate qualifications, refuse to authorize a national of a Member State to take up or pursue that profession on the same conditions as apply to its own nationals:

(a) if the applicant holds the diploma required in another Member State for the taking up or pursuit of the profession in question in its territory, such diploma having been awarded in a Member State; or

(b) if the applicant has pursued the profession in question fulltime for two years during the previous ten years in another Member State which does not regulate that profession, within the meaning of Article 1 (c) and the first subparagraph of Article 1 (d), and possesses evidence of one or more formal qualifications:

which have been awarded by a competent authority in a Member State, designated in accordance with the laws, regulations or administrative provisions of such State,

which show that the holder has successfully completed a postsecondary course of at least three years' duration, or of an equivalent duration part-time, at a university or establishment of higher education or another establishment of similar level of a Member State and, where appropriate, that he has successfully completed the professional training required in addition to the post-secondary course and

which have prepared the holder for the pursuit of his profession.

The following shall be treated in the same way as the evidence of formal qualifications referred to in the first subparagraph: any formal qualifications or any set of such formal qualifications awarded by a competent authority in a Member State if it is awarded on the successful completion of training received in the Community and is recognized by that Member State as being of an equivalent level, provided that the other Member States and the Commission have been notified of this recognition.

Article 4

1. Notwithstanding Article 3, the host Member State may also require the applicant:

(a) to provide evidence of professional experience, where the duration of the education and training adduced in support of his application, as laid down in Article 3 (a) and (b), is at least one year less than that required in the host Member State. In this event, the period of professional experience required:

may not exceed twice the shortfall in duration of education and training where the shortfall relates to post-secondary studies and/or to a period of probationary practice carried out under the control of a supervising professional person and ending with an examination,

may not exceed the shortfall where the shortfall relates to professional practice acquired with the assistance of a qualified member of the profession.

In the case of diplomas within the meaning of the last subparagraph of Article 1 (a), the duration of education and training recognized as being of an equivalent level shall be determined as for the education and training defined in the first subparagraph of Article 1 (a).

When applying these provisions, account must be taken of the professional experience referred to in Article 3 (b).

At all events, the professional experience required may not exceed four years:

(b) to complete an adaptation period not exceeding three years or take an aptitude test:

where the matters covered by the education and training he has received as laid down in Article 3 (a) and (b), differ substantially from those covered by the diploma required in the host Member State, or

where, in the case referred to in Article 3 (a), the profession regulated in the host Member State comprises one or more regulated professional activities which are not in the profession regulated in the Member State from which the applicant originates or comes and that difference corresponds to specific education and training required in the host Member State and covers matters which differ substantially from those covered by the diploma adduced by the applicant, or

where, in the case referred to in Article 3 (b), the profession regulated in the host Member State comprises one or more regulated professional activities which are not in the profession pursued by the applicant in the

Member State from which he originates or comes, and that difference corresponds to specific education and training required in the host Member State and covers matters which differ substantially from those covered by the evidence of formal qualifications adduced by the applicant.

Should the host Member State make use of this possibility, it must give the applicant the right to choose between an adaptation period and an aptitude test. By way of derogation from this principle, for professions whose practice requires precise knowledge of national law and in respect of which the provision of advice and/or assistance concerning national law is an essential and constant aspect of the professional activity, the host Member State may stipulate either an adaptation period or an aptitude test. Where the host Member State intends to introduce derogations for other professions as regards an applicant's right to choose, the procedure laid down in Article 10 shall apply.

2. However, the host Member State may not apply the provisions of paragraph 1 (a) and (b) cumulatively.

Article 5

Without prejudice to Articles 3 and 4, a host Member State may allow the applicant, with a view to improving his possibilities of adapting to the professional environment in that State, to undergo there, on the basis of equivalence, that part of his professional education and training represented by professional practice, acquired with the assistance of a qualified member of the profession, which he has not undergone in his Member State of origin or the Member State from which he has come.

Article 6

1. Where the competent authority of a host Member State requires of persons wishing to take up a regulated profession proof that they are of good character or repute or that they have not been declared bankrupt, or suspends or prohibits the pursuit of that profession in the event of serious professional misconduct or a criminal offence, that State shall accept as sufficient evidence, in respect of nationals of Member States wishing to pursue that profession in its territory, the production of documents issued by competent authorities in the Member State of origin or the Member State from which the foreign national comes showing that those requirements are met.

Where the competent authorities of the Member State of origin or of the Member State from which the foreign national comes do not issue the documents referred to in the first subparagraph, such documents shall be replaced by a declaration on oath - or, in States where there is no provision for declaration on oath, by a solemn declaration - made by the person concerned before a competent judicial or administrative authority or, where appropriate, a notary or qualified professional body of the Member State of origin or the Member State from which the person comes; such authority or notary shall issue a certificate attesting the authenticity of the declaration on oath or solemn declaration.

2. Where the competent authority of a host Member State requires of nationals of that Member State wishing to take up or pursue a regulated profession a certificate of physical or mental health, that authority shall accept as sufficient evidence in this respect the production of the document required in the Member State of origin or the Member State from which the foreign national comes.

Where the Member State of origin or the Member State from which the foreign national comes does not impose any requirements of this nature on those wishing to take up or pursue the profession in question, the host Member State shall accept from such nationals a certificate issued by a competent authority in that State corresponding to the certificates issued in the host Member State.

3. The competent authorities of host Member States may require that the documents and certificates referred to in paragraphs 1 and 2 are presented no more than three months after their date of issue.

4. Where the competent authority of a host Member State requires nationals of that Member State wishing to take up or pursue a regulated profession to take an oath or make a solemn declaration and where the form of such oath or declaration cannot be used by nationals of other Member States, that authority shall ensure that an appropriate and equivalent form of oath or declaration is offered to the person concerned.

Article 7

1. The competent authorities of host Member States shall recognize the right of nationals of Member States who fulfil the conditions for the taking up and pursuit of a regulated profession in their territory to use the professional title of the host Member State corresponding to that profession.

2. The competent authorities of host Member States shall recognize the right of nationals of Member States who fulfil the conditions for the taking up and pursuit of a regulated profession in their territory to use their lawful academic title and, where appropriate, the abbreviation thereof deriving from their Member State of origin or the Member State from which they come, in the language of that State. Host Member State may require this title to be followed by the name and location of the establishment or examining board which awarded it.

3. Where a profession is regulated in the host Member State by an association or organization referred to in Article 1 (d), nationals of Member States shall only be entitled to use the professional title or designatory letters conferred by that organization or association on proof of membership.

Where the association or organization makes membership subject to certain qualification requirements, it may apply these to nationals of other Member States who are in possession of a diploma within the meaning of Article 1 (a) or a formal qualification within the meaning of Article 3 (b) only in accordance with this Directive, in particular Articles 3 and 4.

Article 8

1. The host Member State shall accept as proof that the conditions laid down in Articles 3 and 4 are satisfied the certificates and documents issued by the competent authorities in the Member States, which the person concerned shall submit in support of his application to pursue the profession concerned.

2. The procedure for examining an application to pursue a regulated profession shall be completed as soon as possible and the outcome communicated in a reasoned decision of the competent authority in the host Member State not later than four months after presentation of all the documents relating to the person concerned. A remedy shall be available against this decision, or the absence thereof, before a court or tribunal in accordance with the provisions of national law.

Article 9

1. Member States shall designate, within the period provided for in Article 12, the competent authorities empowered to receive the applications and take the decisions referred to in this Directive. They shall communicate this information to the other Member States and to the Commission.

2. Each Member State shall designate a person responsible for coordinating the activities of the authorities referred to in paragraph 1 and shall inform the other Member States and the Commission to that effect. His role shall be to promote uniform application of this Directive to all the professions concerned. A coordinating group shall be set up under the aegis of the Commission, composed of the coordinators appointed by each Member State or their deputies and chaired by a representative of the Commission.

The task of this group shall be: to facilitate the implementation of this Directive, to collect all useful information for its application in the Member States.

The group may be consulted by the Commission on any changes to the existing system that may be contemplated.

3. Member States shall take measures to provide the necessary information on the recognition of diplomas within the framework of this Directive. They may be assisted in this task by the information centre on the academic recognition of diplomas and periods of study established by the Member States within the framework of the Resolution of the Council and the Ministers of Education meeting within the Council of 9 February 1976 (1), and, where appropriate, the relevant professional associations or organizations. The Commission shall take the necessary initiatives to ensure the development and coordination of the communication of the necessary information.

Article 10

1. If, pursuant to the third sentence of the second subparagraph

of Article 4 (1) (b), a Member State proposes not to grant applicants the right to choose between an adaptation period and an aptitude test in respect of a profession within the meaning of this Directive, it shall immediately communicate to the Commission the corresponding draft provision. It shall at the same time notify the Commission of the grounds which make the enactment of such a provision necessary.

The Commission shall immediately notify the other Member States of any draft it has received; it may also consult the coordinating group referred to in Article 9 (2) of the draft.

2. Without prejudice to the possibility for the Commission and the other Member States of making comments on the draft, the Member State may adopt the provision only if the Commission has not taken a decision to the contrary within three months.

3. At the request of a Member State or the Commission, Member States shall communicate to them, without delay, the definitive text of a provision arising from the application of this Article.

Article 11

Following the expiry of the period provided for in Article 12, Member States shall communicate to the Commission, every two years, a report on the application of the system introduced. In addition to general remarks, this report shall contain a statistical summary of the decisions taken and a description of the main problems arising from application of the Directive.

Article 12

Member States shall take the measures necessary to comply with this Directive within two years of its notification (2). They shall forthwith inform the Commission thereof.

Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field governed by this Directive.

Article 13

Five years at the latest following the date specified in Article 12, the Commission shall report to the European Parliament and the Council on the state of application of the general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration.

After conducting all necessary consultations, the Commission shall, on this occasion, present its conclusions as to any changes that need to be made to the system as it stands. At the same time the Commission shall, where appropriate, submit proposals for improvements in the present system in the interest of further facilitating the freedom of movement, right of establishment and freedom to provide services of the persons covered by this Directive.

Article 14

This Directive is addressed to the Member States.

Done at Brussels, 21 December 1988.

For the Council

The President

V. PAPANDEOU

(1) OJ No C 38, 19. 2. 1976, p. 1.

(2) This Directive was notified to Member States on 4 January 1989.

ANNEX

List of professional associations or organizations which satisfy the conditions of the second subparagraph of Article 1 (d)

IRELAND (1)

1. The Institute of Chartered Accountants in Ireland (2)
2. The Institute of Certified Public Accountants in Ireland (2)
3. The Association of Certified Accountants (2)
4. Institution of Engineers of Ireland
5. Irish Planning Institute

UNITED KINGDOM

1. Institute of Chartered Accountants in England and Wales
 2. Institute of Chartered Accountants of Scotland
 3. Institute of Chartered Accountants in Ireland 4. Chartered Association of Certified Accountants 5. Chartered Institute of Loss Adjusters
 6. Chartered Institute of Management Accountants
 7. Institute of Chartered Secretaries and Administrators 8. Chartered Insurance Institute
 9. Institute of Actuaries
 10. Faculty of Actuaries
 11. Chartered Institute of Bankers 12. Institute of Bankers in Scotland
 13. Royal Institution of Chartered Surveyors 14. Royal Town Planning Institute
 15. Chartered Society of Physiotherapy
 16. Royal Society of Chemistry
 17. British Psychological Society 18. Library Association
 19. Institute of Chartered Foresters
 20. Chartered Institute of Building
 21. Engineering Council
 22. Institute of Energy
 23. Institution of Structural Engineers
 24. Institution of Civil Engineers
 25. Institution of Mining Engineers
 26. Institution of Mining and Metallurgy
- (1) Irish nationals are also members of the following United Kingdom chartered bodies:
- Institute of Chartered Accountants in England and Wales Institute of Chartered Accountants of Scotland
- Institute of Actuaries
- Faculty of Actuaries
- The Chartered Institute of Management Accountants Institute of Chartered Secretaries and Administrators Royal Town Planning Institute
- Royal Institution of Chartered Surveyors
- Chartered Institute of Building.
- (2) For the purposes of the activity of auditing only. STATEMENT BY THE COUNCIL AND THE COMMISSION
- Re Article 9 (1)
- 'The Council and the Commission agree that professional bodies and higher-education establishments should be consulted or be involved in an appropriate way in the decision-making process.'. 27. Institution of Electrical Engineers
28. Institution of Gas Engineers
 29. Institution of Mechanical Engineers
 30. Institution of Chemical Engineers
 31. Institution of Production Engineers
 32. Institution of Marine Engineers
 33. Royal Institution of Naval Architects
 34. Royal Aeronautical Society
 35. Institute of Metals
 36. Chartered Institution of Building Services Engineers
 37. Institute of Measurement and Control
 38. British Computer Society

Date of leg.

1988/12/21

Date in force	1989/01/04=
ENTRY INTO FORCE	
End of validity	9999/99/99
Date notified	1989/01/04
Date transposed	1991/01/04
Dates	OF DOCUMENT.....:
21/12/1988	
OF NOTIFICATION...:	04/01/1989
OF EFFECT.....:	04/01/1989; ENTRY INTO FORCE DAT.NOTIF
OF END OF VALIDITY:	99/99/9999
	OF TRANSPOSITION...:
04/01/1991; SEE ART 12	
Preparatory work	PROPOSAL
COMMISSION	
	COM 85/0355 FINAL OJ
C 217/85 P 3	
	PROPOSAL
COMMISSION	
	COM 86/0257 FINAL OJ
C 143/86 P 7	
OPINION EUROPEAN PARLIAMENT	
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	OPINION ECONOMIC
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	OJ C 75/86 P 5
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	06100000 - Principles
and conditions	
	16300000 - Education
and training	
Legal base	157E049.....
157E057-P1..... 157E066.....	
Modifies	588PC0700.....ADOP
TION.....	
585PC0355.....ADOPTION..... 586PC0257.....ADOPTION.....	
Modified by	INCORP.-IN....
294A0103(38)	
INCORP.-IN.... 294A0103(57) INCORP.-IN.... 294A0103(57) INCORP.-	
IN.... 294A0103(73)	
Subsequent acts	AMEND.PROP.BY
589PC0372	
National Provisions:	
- Belgium	
-01. DECRET VAN 12/06/91, MONITEUR BELGE P. 14907 VAN	
04/07/91	
-02. ARRETE ROYAL DU 14/02/89, MONITEUR BELGE P. 4481	
DU 10/03/89	
-03. ARRETE ROYAL DU 13/10/87, MONITEUR BELGE P.	
19301 DU 23/12/87	
-04. ARRETE ROYAL DU 20/04/90, MONITEUR BELGE P. 8018	
DU 26/04/90	
-05. ARRETE ROYAL DU 20/04/90, MONITEUR BELGE P. 8015	
DU 26/04/90	
-06. LOI DU 22/07/53	
-07. LOI DU 21/02/85	
-08. ARRETE ROYAL DU 30/09/92, MONITEUR BELGE DU 22/10/92	
Denmark	
-01. LOV NR. 291 AF 08/05/91, LOVTIDENDE A 1991 S.1087 08/05/91	
-02. BEKENDTGOERELSE NR. 292 AF 08/05/91, LOVTIDENDE A 1991	
S.1089 08/05/91	

France

- 01. LOI DU 31/12/90, JOURNAL OFFICIEL DU 05/01/91 P.220
- 02. DECRET N. 90-1210 DU 21/12/90, JOURNAL OFFICIEL P. 16583 30/12/90
- 03. ARRETE MINISTERIEL DU 31/12/90, JOURNAL OFFICIEL P. 449 09/01/91
- 04. ARRETE MINISTERIEL DU 31/12/90, JOURNAL OFFICIEL P. 450 09/01/91
- 05. ARRETE MINISTERIEL DU 31/12/90, JOURNAL OFFICIEL P. 451 09/01/91
- 06. ARRETE MINISTERIEL DU 31/12/90, JOURNAL OFFICIEL P. 452 09/01/91
- 07. ARRETE MINISTERIEL DU 31/12/90, JOURNAL OFFICIEL P. 452 09/01/91
- 08. ARRETE MINISTERIEL DU 02/01/91, JOURNAL OFFICIEL P. 362 08/01/91
- 09. ARRETE MINISTERIEL DU 02/01/91, JOURNAL OFFICIEL P. 362 08/01/91
- 10. ARRETE MINISTERIEL DU 02/01/91, JOURNAL OFFICIEL P. 362 08/01/91
- 11. DECRET NO 90-680 DU 01/08/90, JOURNAL OFFICIEL 01/03/90
- 12. DECRET NO 91-795 DU 16/08/91, JOURNAL OFFICIEL P. 11033 DU 22/08/91
- 13. DECRET NO 91-1009 DU 02/10/91, JOURNAL OFFICIEL P. 12953 DU 04/10/91
- 14. DECRET NO 91-1010 DU 02/10/91, JOURNAL OFFICIEL P. 12953 DU 04/10/91
- 15. DECRET NO 91-1011 DU 02/10/91, JOURNAL OFFICIEL P. 12954 DU 04/10/91
- 16. DECRET NO 91-1012 DU 02/10/91, JOURNAL OFFICIEL P. 12955 DU 04/10/91
- 17. DECRET NO 91-1013 DU 02/10/91, JOURNAL OFFICIEL P. 12956 DU 04/10/91
- 18. ARRETE MINISTERIEL DU 02/10/91, JOURNAL OFFICIEL P. 12956 DU 04/10/91
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Date NP in force 21/03/1991 DE1;
09/05/1991 DK1; 11/05/1991 DK2;

COUNCIL DIRECTIVE 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC

Official Journal No L209 p. 25, 1992/07/24

Celex number 392L0051

Celex sector 3 - Secondary Legislation

Authoring Inst. COUNCIL

Legal instrument DIRECTIVE

Treaty EUROPEAN ECONOMIC COMMUNITY

Publication ref. OFFICIAL JOURNAL NO. L 209, 24/07/92 P. 0025

COUNCIL DIRECTIVE 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, particular Articles 49, 57 (1) and 66 thereof,

Having regard to the proposal from the Commission (1),

In cooperation with the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

(1) Whereas, pursuant to Article 8a of the Treaty, the internal market shall comprise an area without internal frontiers and

whereas, pursuant to Article 3 (c) of the Treaty, the abolition, as between Member States, of obstacles to freedom of movement for persons and services constitutes one of the objectives of the Community;

whereas, for nationals of the Member States, this means in particular the possibility of pursuing a profession, whether in a self-employed or employed capacity, in a Member State other than that in which they acquired their professional qualifications;

(2) Whereas, for those professions for the pursuit of which the Community has not laid down the necessary minimum level of qualification, Member States reserve the option of fixing such a level with a view to guaranteeing the quality of services provided in their territory;

whereas, however, they may not, without disregarding their obligations laid down in Articles 5, 48, 52 and 59 of the Treaty, require a national of a Member State to obtain those qualifications which in general they determine only by reference to those issued under their own national education and training systems, where the person concerned has already acquired all or part of those qualifications in another Member State;

whereas, as a result, any host Member State in which a profession is regulated is required to take account of qualifications acquired in another Member State and to determine whether those qualifications correspond to the qualifications which the Member State concerned requires;

(3) Whereas Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher education diplomas awarded on completion of professional education and training of at least three years' duration (4) facilitates compliance with such obligations; whereas, however, it is limited to higher education;

(4) Whereas, in order to facilitate the pursuit of all those professional activities which in a host Member State are dependent on the completion of a certain level of education and training, a second general system should be introduced to complement the first;

(5) Whereas the complementary general system must be based on the same principles and contain *mutatis mutandis* the same rules as the initial general system;

(6) Whereas this Directive is not applicable to those regulated professions which are covered by specific Directives principally concerned with introducing mutual recognition of training courses completed before entry into professional life;

(7) Whereas neither is it applicable, furthermore, to those activities covered by specific Directives principally intended to introduce recognition of technical skills based on experience acquired in another Member State;

whereas certain of those Directives apply solely to the pursuit of activities in a self-employed capacity; whereas, in order to ensure that the pursuit of such activities as an employed person does not fall within the scope of this Directive, whereby the pursuit of the same activity would be subject to different legal recognition arrangements depending on whether it was pursued in a self-employed capacity or as an employed person, those Directives should be made applicable to persons pursuing the activities in question as employed persons;

(8) Whereas the complementary general system is entirely without prejudice to the application of Article 48 (4) and Article 55 of the Treaty;

(9) Whereas this complementary system must cover the levels of education and training not covered by the initial general system, namely that corresponding to other post-secondary education and training courses and other equivalent education and training, and that corresponding to long or short secondary courses, possibly complemented by professional training or experience;

(10) Whereas, where in most Member States pursuit of a given regulated profession is subject to either very short training or the possession of certain personal attributes or merely general knowledge, the normal mechanisms for recognition under this Directive may be excessively cumbersome;

whereas in such cases there should be provision for simplified mechanisms;

(11) Whereas account should also be taken of the professional training system in the United Kingdom whereby standards for levels of performance for all professional activities are established via the 'National Framework of Vocational Qualifications';

(12) Whereas in some Member States there are only relatively few regulated professions; whereas, however, training for professions which are not regulated may be specifically geared to the pursuit of the profession, with the structure and level of training being monitored or approved by the competent authorities of the Member State concerned;

whereas this provides guarantees equivalent to those provided in connection with a regulated profession;

(13) Whereas the competent authorities of the host Member State should be allowed to determine, in accordance with the relevant provisions of Community law, the detailed rules necessary for implementation of the adaptation period and the aptitude test;

(14) Whereas, since it covers two levels of education and training and since the initial general system covers a third level, the complementary general system must lay down whether and under what conditions a person possessing a certain level of education and training may pursue, in another Member State, a profession the qualifications for which are regulated at a different level;

(15) Whereas, for the pursuit of certain professions, certain Member States require the possession of a diploma within the meaning of Directive 89/48/EEC, while for the same profession other Member States require the completion of professional education or training with a different structure; whereas certain kinds of education and training, while not of a post-secondary nature of minimum duration within the meaning of this Directive,

nevertheless result in a comparable professional level and prepare the person for similar responsibilities and activities; whereas such education and training should therefore be classed in the same category as that attested by a diploma;

whereas such education and training is very varied and this classification can be achieved only by listing the courses in question; whereas such classification would, where appropriate, establish the recognition of equivalence between such education and training and that covered by Directive 89/48/EEC;

whereas some regulated education and training should also be classed at diploma level in a second list;

(16) Whereas, in view of the constantly changing organization of professional training, there should be a procedure for amending those lists;

(17) Whereas, since it covers occupations the pursuit of which is dependent on the possession of professional or vocational education and training qualifications of secondary level and generally requires manual skills, the complementary general system must also provide for the recognition of such qualifications even where they have been acquired solely through professional experience in a Member State which does not regulate such professions;

(18) Whereas the aim of this general system, like the first general system, is to eliminate obstacles to the taking up and pursuit of regulated professions; whereas work carried out pursuant to Council Decision 85/368/EEC of 16 July 1985 on the comparability of vocational training qualifications between the Member States of the European Community (5), while pursuing a different objective from the elimination of legal obstacles to freedom of movement, namely that of improving the transparency of the labour market, must be used, where appropriate, in the application of this Directive, particularly where it could provide information on the subject, content and duration of professional training;

(19) Whereas professional bodies and professional educational and training establishments should, where appropriate, be consulted or be involved in an appropriate way in the decision-making process;

(20) Whereas, like the initial system, such a system, by strengthening the right of a Community national to use his occupational skills in any Member State, supplements and reinforces his right to acquire such skills wherever he wishes;

(21) Whereas the two systems should be evaluated, after a certain period of application, in order to determine how efficiently they operate and, in particular, how they can both be improved,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

Definitions

Article 1

For the purposes of this Directive, the following definitions shall apply:

(a) diploma: any evidence of education and training or any set of such evidence:

- which has been awarded by a competent authority in a Member State, designated in accordance with the laws, regulations or administrative provisions of that State,

- which shows that the holder has successfully completed:

- (i) either a post-secondary course other than that referred to in the second indent of Article 1 (a) of Directive 89/48/EEC, of at least one year's duration or of equivalent duration on a part-time basis, one of the conditions of entry of which is, as a general rule,

the successful completion of the secondary course required to obtain entry to university or higher education, as well as the professional training which may be required in addition to that post-secondary course;

- (ii) or one of the education and training courses in Annex C, and

- which shows that the holder has the professional qualifications required for the taking up or pursuit of a regulated profession in that Member State, provided that the education and training attested by this evidence was received mainly in the Community, or outside the Community at teaching establishments which provide education and training in accordance with the laws, regulations or administrative provisions of a Member State, or that the holder thereof has three years' professional experience certified by the Member State which recognized third-country evidence of education and training.

The following shall be treated in the same way as a diploma within the meaning of the first subparagraph: any evidence of education and training or any set of such evidence awarded by a competent authority in a Member State if it is awarded on the successful completion of education and training received in the Community and recognized by a competent authority in that member State as being of an equivalent level and if it confers the same rights in respect of the taking up and pursuit of a regulated profession in that Member State;

- (b) certificate: any evidence of education and training or any set of such evidence:

- which has been awarded by a competent authority in a Member State, designated in accordance with the laws, regulations or administrative provisions of that State,

- which shows that the holder, after having followed a secondary course, has completed:

- either a course of education or training other than courses referred to in point (a), provided at an educational or training establishment or on the job,

- or in combination at an educational or training establishment and on the job, and complemented, where appropriate, by the probationary or professional practice required in addition to this course,

- or the probationary or professional practice required in addition to this secondary course, or

- which shows that the holder, after having followed a secondary course of a technical or vocational nature has completed, where necessary, either a course of education or training as referred to in the previous indent, or the probationary or professional practice required in addition to this secondary course of a technical or vocational nature and

- which shows that the holder has the professional qualifications required for the taking up or pursuit of a regulated profession in that Member State, provided that the education and training attested by this evidence was received mainly in the Community, or outside the Community at teaching establishments which provide education and training in accordance with the laws, regulations or administrative provisions of a Member State, or that the holder thereof has two years' professional experience certified by the Member State which recognized third-country evidence of education and training.

The following shall be treated in the same way as a certificate, within the meaning of the first subparagraph: any evidence of education and training or any set of such evidence awarded by a competent authority in a Member State if it is awarded on the successful completion of education and training received in the Community and recognized by a competent authority in a Member State as being of an equivalent level and if it confers the

same rights in respect of the taking up and pursuit of a regulated profession in that Member State;

(c) attestation of competence: any evidence of qualifications:

- attesting to education and training not forming part of a set constituting a diploma within the meaning of Directive 89/48/EEC or a diploma or certificate within the meaning of this Directive, or

- awarded following an assessment of the personal qualities, aptitudes or knowledge which it is considered essential that the applicant have for the pursuit of a profession by an authority designated in accordance with the laws, regulations or administrative provisions of a Member State, without proof of prior education and training being required;

(d) host Member State: any Member State in which a national of a Member State applies to pursue a profession subject to regulation in that Member State, other than the State in which he obtained his evidence of education and training or attestation of competence or first pursued the profession in question;

(e) regulated profession: the regulated professional activity or range of activities which constitute this profession in a Member State;

(f) regulated professional activity: a professional activity the taking up or pursuit of which, or one of its modes of pursuit in a Member State, is subject, directly or indirectly, by virtue of laws, regulations or administrative provisions, to the possession of evidence of education and training or an attestation of competence. The following in particular shall constitute a mode of pursuit of a regulated professional activity:

- pursuit of an activity under a professional title, in so far as the use of such a title is reserved to the holders of evidence of education and training or an attestation of competence governed by laws, regulations or administrative provisions,

- pursuit of a professional activity relating to health, in so far as remuneration and/or reimbursement for such an activity is subject by virtue of national social security arrangements to the possession of evidence of education and training or an attestation of competence.

Where the first subparagraph does not apply, a professional activity shall be deemed to be a regulated professional activity if it is pursued by the members of an association or organization the purpose of which is, in particular, to promote and maintain a high standard in the professional field concerned and which, to achieve that purpose, is recognized in a special form by a Member State and:

- awards evidence of education and training to its members,
- ensures that its members respect the rules of professional conduct which it prescribes, and
- confers on them the right to use a professional title or designatory letters, or to benefit from a status corresponding to that education and training.

Whenever a Member State grants the recognition referred to in the second subparagraph to an association or organization which satisfies the conditions of that subparagraph, it shall inform the Commission thereof;

(g) regulated education and training: any education and training which:

- is specifically geared to the pursuit of a given profession, and
- comprises a course or courses complemented, where appropriate, by professional training or probationary or professional practice, the structure and level of which are determined by the laws, regulations or administrative provisions of that Member State or which are monitored or approved by the authority designated for that purpose;

(h) professional experience: the actual and lawful pursuit of the profession concerned in a Member State;

(i) adaptation period: the pursuit of a regulated profession in the host Member State under the responsibility of a qualified member of that profession, such period of supervised practice possibly being accompanied by further education and training. This period of supervised practice shall be the subject of an assessment. The detailed rules governing the adaptation period and its assessment shall be laid down by the competent authorities in the host Member State.

The status enjoyed in the host Member State by the person undergoing the period of supervised practice, in particular in the matter of right of residence as well as of obligations, social rights and benefits, allowances and remuneration, shall be established by the competent authorities in that Member State in accordance with applicable Community law;

(j) aptitude test: a test limited to the professional knowledge of the applicant, made by the competent authorities of the host Member State with the aim of assessing the ability of the applicant to pursue a regulated profession in that Member State.

In order to permit this test to be carried out, the competent authorities shall draw up a list of subjects which, on the basis of a comparison of the education and training required in the Member State and that received by the applicant, are not covered by the evidence of education and training possessed by the applicant. These subjects may cover both theoretical knowledge and practical skills required for the pursuit of the profession. This aptitude test must take account of the fact that the applicant is a qualified professional in the Member State of origin or the Member State from which he comes. It shall cover subjects to be selected from those on the list referred to in the second subparagraph, knowledge of which is essential to the pursuit of the profession in the host Member State. The test may also include knowledge of the professional rules applicable to the activities in question in the host Member State. The detailed application of the aptitude test shall be determined by the competent authorities of that State.

The status in the host Member State of the applicant who wishes to prepare himself for the aptitude test in that State shall be determined by the competent authorities in that State, in accordance with applicable Community law.

CHAPTER II

Scope

Article 2

This Directive shall apply to any national of a Member State wishing to pursue a regulated profession in a host Member State in a self-employed capacity or as an employed person.

This Directive shall apply to neither professions which are the subject of a specific Directive establishing arrangements for the mutual recognition of diplomas by Member States, nor activities covered by a Directive listed in Annex A.

The Directives listed in Annex B shall be made applicable to the pursuit as an employed person of the activities covered by those Directives.

CHAPTER III

System for recognition where a host Member State requires possession of a diploma within the meaning of this Directive or Directive 89/48/EEC

Article 3

Without prejudice to Directive 89/48/EEC, where, in a host Member State, the taking up or pursuit of a regulated profession is

subject to possession of a diploma, as defined in this Directive or in Directive 89/48/EEC, the competent authority may not, on the grounds of inadequate qualifications, refuse to authorize a national of a Member State to take up or pursue that profession on the same conditions as those which apply to its own nationals:

(a) if the applicant holds the diploma, as defined in this Directive or in Directive 89/48/EEC, required in another Member State for the taking up or pursuit of the profession in question in its territory, such diploma having been awarded in a Member State; or

(b) if the applicant has pursued the profession in question full-time for two years, or for an equivalent period on a part-time basis, during the previous 10 years in another Member State which does not regulate that profession within the meaning of either Article 1 (e) and the first subparagraph of Article 1 (f) of this Directive or Article 1 (c) and the first subparagraph of Article 1 (d) of Directive 89/48/EEC, and possesses evidence of education and training which:

- has been awarded by a competent authority in a Member State, designated in accordance with the laws, regulations or administrative provisions of that State, and

- either shows that the holder has successfully completed a post-secondary course, other than that referred to in the second indent of Article 1 (a) of Directive 89/48/EEC, of at least one year's duration, or of equivalent duration on a part-time basis, one of the conditions of entry of which is, as a general rule, the successful completion of the secondary course required to obtain entry to university or higher education, as well as any professional training which is an integral part of that post-secondary course,

- or attests to regulated education and training referred to in Annex D, and

- has prepared the holder for the pursuit of his profession.

However, the two years' professional experience referred to above may not be required where the evidence of education and training held by the applicant and referred to in this point is awarded on completion of regulated education and training.

The following shall be treated in the same way as the evidence of education and training referred to in the first subparagraph of this point: any evidence of education and training or any set of such evidence awarded by a competent authority in a Member State if it is awarded on the completion of education and training received in the Community and is recognized by that Member State as being of an equivalent level, provided that the other Member States and the Commission have been notified of this recognition.

By way of derogation from the first subparagraph of this Article, the host Member State is not required to apply this Article where the taking up or pursuit of a regulated profession is subject in its country to possession of a diploma as defined in Directive 89/48/EEC, one of the conditions for the issue of which shall be the completion of a post-secondary course of more than four years duration.

Article 4

1. Notwithstanding Article 3, the host Member State may also require the applicant:

(a) to provide evidence of professional experience, where the duration of the education and training adduced in support of his application, as laid down in points (a) and (b) of the first subparagraph of Article 3, is at least one year less than that required in the host Member State. In this event, the period of professional experience required may not exceed:

- twice the shortfall in duration of education and training where the shortfall relates to a post-secondary course and/or to a period of probationary practice carried out under the control of a supervising professional person and ending with an examination,

- the shortfall where the shortfall relates to professional practice acquired with the assistance of a qualified member of the profession concerned.

In the case of diplomas within the meaning of the second subparagraph of Article 1 (a), the duration of education and training recognized as being of an equivalent level shall be determined as for the education and training defined in the first subparagraph of Article 1 (a).

When these provisions are applied, account must be taken of the professional experience referred to in point (b) of the first subparagraph of Article 3.

In any event, the professional experience required may not exceed four years.

Professional experience may not, however, be required of an applicant holding a diploma attesting to a post-secondary course as referred to in the second indent of Article 1 (a) or a diploma as defined in Article 1 (a) of Directive 89/48/EEC who wishes to pursue his profession in a host Member State which requires the possession of a diploma or evidence of education and training attesting to one of the courses of education and training as referred to in Annexes C and D;

(b) to complete an adaptation period not exceeding three years or take an aptitude test where:

- the theoretical and/or practical matters covered by the education and training which he has received as laid down in points (a) or (b) of the first subparagraph of Article 3 differ substantially from those covered by the diploma, as defined in this Directive or in Directive 89/48/EEC, required in the host Member State, or

- in the case referred to in point (a) of the first subparagraph of Article 3, the profession regulated in the host Member State comprises one or more regulated professional activities which do not form part of the profession regulated in the Member State from which the applicant originates or comes and that difference corresponds to specific education and training required in the host Member State and covers theoretical and/or practical matters which differ substantially from those covered by the diploma, as defined in this Directive or in Directive 89/48/EEC, adduced by the applicant, or

- in the case referred to in point (b) of the first subparagraph of Article 3, the profession regulated in the host Member State comprises one or more regulated professional activities which do not form part of the profession pursued by the applicant in the Member State from which he originates or comes, and that difference corresponds to specific education and training required in the host Member State and covers theoretical and/or practical matters which differ substantially from those covered by the evidence of education and training adduced by the applicant.

Should the host Member State make use of this possibility, it must give the applicant the right to choose between an adaptation period and an aptitude test. Where the host Member State, which requires a diploma as defined in Directive 89/48/EEC or in this Directive, intends to introduce derogations from an applicant's right to choose, the procedure laid down in Article 14 shall apply.

By way of derogation from the second subparagraph of this point, the host Member State may reserve the right to choose between the adaptation period and the aptitude test if

- a profession is involved the pursuit of which requires a precise knowledge of national law and in respect of which the provision of advice and/or assistance concerning national law is an essential and constant feature of the professional activity, or

- where the host Member State makes access to the profession or its pursuit subject to the possession of a diploma as defined in Directive 89/48/EEC, one of the conditions for the award of which is the completion of a post-secondary course of at least three years' duration or an equivalent period on a part-time basis and

the applicant holds either a diploma as defined in this Directive or evidence of education and training within the meaning of point (b) of the first subparagraph of Article 3 and not covered by Article 3 (b) of Directive 89/48/EEC.

2. However, the host Member State may not apply the provisions of paragraph 1 (a) and (b) cumulatively.

CHAPTER IV

System for recognition where a host Member State requires possession of a diploma and the applicant is the holder of a certificate or has received corresponding education and training

Article 5

Where, in a host Member State, the taking up or pursuit of a regulated profession is subject to possession of a diploma, the competent authority may not, on the grounds of inadequate qualifications, refuse to authorize a national of a Member State to take up or pursue that profession on the same conditions as those which apply to its own nationals:

(a) if the applicant holds the certificate required in another Member State for the taking up or pursuit of the same profession in its territory, such certificate having been awarded in a Member State; or

(b) if the applicant has pursued the same profession full-time for two years during the previous 10 years in another Member State which does not regulate that profession, within the meaning of Article 1 (e) and the first subparagraph of Article 1 (f), and possesses evidence of education and training:

- which was been awarded by a competent authority in a Member State, designated in accordance with the laws, regulations or administrative provisions of that State, and

- which shows that the holder, after having followed a secondary course, has completed:

either a course of professional education or training other than courses referred to in point (a), provided at an educational or training establishment or on the job, or in combination at an educational or training establishment and on the job and complemented, where appropriate, by the probationary or professional practice which is an integral part of that training course,

or the probationary or professional practice which is an integral part of that secondary course, or

- which shows that the holder, after having followed a secondary course of a technical or vocational nature has completed, where necessary,

either a course of professional education or training as referred to in the previous indent,

or the period of probationary or professional practice which is an integral part of that secondary course of a technical or vocational nature and

- which has prepared the holder for the pursuit of this profession.

However, the two years' professional experience referred to above may not be required where the evidence of education and training held by the applicant and referred to in this point is awarded on completion of regulated education and training.

Nevertheless, the host Member State may require the applicant to undergo an adaptation period not exceeding three years or take an aptitude test. The host Member State must give the applicant the right to choose between an adaptation period and an aptitude test.

Where the host Member State intends to introduce derogations from an applicant's right to choose, the procedure laid down in Article 14 shall apply.

CHAPTER V

System for recognition where a host Member State requires possession of a certificate

Article 6

Where, in the host Member State, the taking up or pursuit of a regulated profession is subject to possession of a certificate, the competent authority may not, on the grounds of inadequate qualifications, refuse to authorize a national of a Member State to take up or pursue that profession on the same conditions as those which apply to its own nationals:

(a) if the applicant holds the diploma, as defined in this Directive or in Directive 89/48/EEC, or the certificate required in another Member State for the taking up or pursuit of the profession in question in its territory, such diploma having been awarded in a Member State; or

(b) if the applicant has pursued the profession in question full-time for two years or for an equivalent period on a part-time basis during the previous 10 years in another Member State which does not regulate that profession, within the meaning of Article 1 (e) and the first subparagraph of Article 1 (f), and possesses evidence of education and training:

- which has been awarded by a competent authority in a Member State, designated in accordance with the laws, regulations or administrative provisions of that State, and

- which shows that the holder has successfully completed a post-secondary course other than that referred to in the second indent of Article 1 (a) of Directive 89/48/EEC, of at least one year's duration or of equivalent duration on a part-time basis, one of the conditions of entry of which is, as a general rule, the completion of the secondary course required to obtain entry to university or higher education, as well as any professional training which is an integral part of that post-secondary course, or

- which shows that the holder, after having followed a secondary course, has completed:

either a course of education or training for a profession other than courses referred to in point (a), provided at an educational establishment or on the job, or in combination at an educational establishment and on the job and complemented, where appropriate, by the probationary or professional practice which is an integral part of that training course,

or the probationary or professional practice which is an integral part of that secondary course, or

- which shows that the holder, after having followed a secondary course of a technical or vocational nature has completed, where necessary,

either a course of education or training for a profession as referred to in the previous indent,

or the period of probationary or professional practice which is an integral part of that secondary course of a technical or vocational nature and

- which has prepared the holder for the pursuit of this profession.

However, the two years' professional experience referred to above may not be required where the evidence of education and training held by the applicant and referred to in this point is awarded on completion or regulated education and training.

(c) if the applicant who does not hold any diploma, certificate or other evidence of education and training within the meaning of Article 3 (b) or of point (b) of this Article has pursued the

profession in question full-time for three consecutive years, or for an equivalent period on a part-time basis, during the previous 10 years in another Member State which does not regulate that profession within the meaning of Article 1 (e) and the first subparagraph of Article 1 (f).

The following shall be treated in the same way as the evidence of education and training referred to under (b) in the first subparagraph: any evidence of education and training or any set of such evidence awarded by a competent authority in a Member State if it is awarded on the completion of education and training received in the Community and is recognized by that Member State as being of an equivalent level, provided that the other Member States and the Commission have been notified of this recognition.

Article 7

Without prejudice to Article 6, a host Member State may also require the applicant to:

(a) complete an adaptation period not exceeding two years or to take an aptitude test when the education and training which he received in accordance with points (a) or (b) of the first subparagraph of Article 5 relates to theoretical or practical matters differing substantially from those covered by the certificate required in the host Member State, or where there are differences in the fields of activity characterized in the host Member State by specific education and training relating to theoretical or practical matters differing substantially from those covered by the applicant's evidence of formal qualifications.

Should the host Member State make use of this possibility, it must give the applicant the right to choose between an adaptation period and an aptitude test. Where the host Member State which requires a certificate intends to introduce derogations as regards an applicant's right to choose, the procedure laid down in Article 14 shall apply.

(b) undergo an adaptation period not exceeding two years or take an aptitude test where, in the instance referred to in point (c) of the first subparagraph of Article 6, he does not hold a diploma, certificate or other evidence of education and training. The host Member State may reserve the right to choose between an adaptation period and an aptitude test.

CHAPTER VI

Special systems for recognition of other qualifications

Article 8

Where, in the host Member State, the taking up or pursuit of a regulated profession is subject to possession of an attestation of competence, the competent authority may not, on the grounds of inadequate qualifications, refuse to authorize a national of a Member State to take up or pursue that profession on the same conditions as those which apply to its own nationals:

(a) if the applicant holds the attestation of competence required in another Member State for the taking up or pursuit of the same profession in its territory, such attestation having been awarded in a Member State; or

(b) if the applicant provides proof of qualifications obtained in other Member States, and giving guarantees, in particular in the matter of health, safety, environmental protection and consumer protection, equivalent to those required by the laws, regulations or administrative provisions of the host Member State.

If the applicant does not provide proof of such an attestation or of such qualifications the laws, regulations or administrative provisions of the host Member State shall apply.

Article 9

Where, in the host Member State, the taking up or pursuit of a regulated profession is subject only to possession of evidence of education attesting to general education at primary or secondary school level, the competent authority may not, on the grounds of inadequate qualifications, refuse to authorize a national of a Member State to take up or pursue that profession on the same conditions as those which apply to its own nationals if the applicant possesses formal qualifications of the corresponding level, awarded in another Member State.

This evidence of formal qualifications must have been awarded by a competent authority in that Member State, designated in accordance with its own laws, regulations or administrative provisions.

CHAPTER VII

Other measures to facilitate the effective exercise of the right of establishment, freedom to provide services and freedom of movement of employed persons

Article 10

1. Where the competent authority of the host Member State requires of persons wishing to take up a regulated profession proof that they are of good character or repute or that they have not been declared bankrupt, or suspends or prohibits the pursuit of that profession in the event of serious professional misconduct or a criminal offence, that State shall accept as sufficient evidence, in respect of nationals of Member States wishing to pursue that profession in its territory, the production of documents issued by competent authorities in the Member State of origin or the Member State from which the foreign national comes showing that those requirements are met.

Where the competent authorities of the Member State of origin or of the Member State from which the foreign national comes do not issue the documents referred to in the first subparagraph, such documents shall be replaced by a declaration on oath - or, in Member States where there is no provision for declaration on oath, by a solemn declaration - made by the person concerned before a competent judicial or administrative authority or, where appropriate, a notary or qualified professional body of the Member State of origin or the Member State from which the person comes; such authority or notary shall issue written confirmation attesting the authenticity of the declaration on oath or solemn declaration.

2. Where the competent authority of the host Member State requires of nationals of that Member State wishing to take up or pursue a regulated profession a statement of physical or mental health, that authority shall accept as sufficient evidence in this respect the production of the document required in the Member State of origin or the Member State from which the foreign national comes.

Where the Member State of origin or the Member State from which the foreign national comes does not impose any requirements of this nature on those wishing to take up or pursue the profession in question, the host Member State shall accept from such nationals a statement issued by a competent authority in that State corresponding to the statement issued in the host Member State.

3. The competent authority of the host Member State may require that the documents and statements referred to in paragraphs 1 and 2 are presented no more than three months after their date of issue.

4. Where the competent authority of the host Member State requires nationals of that Member State wishing to take up or pursue a regulated profession to take an oath or make solemn

declaration and where the form of such oath or declaration cannot be used by nationals of other Member States, that authority shall ensure that an appropriate and equivalent form of oath or declaration is offered to the person concerned.

Article 11

1. The competent authorities of host Member States shall recognize the right of nationals of Member States who fulfil the conditions for the taking up and pursuit of a regulated profession in their territory to use the professional title of the host Member State corresponding to that profession.

2. The competent authority of the host Member State shall recognize the right of nationals of Member States who fulfil the conditions for the taking up and pursuit of a regulated profession in the territory to use their lawful academic title and, where appropriate, the abbreviation thereof deriving from their Member State of origin or the Member State from which they come, in the language of that State. The host Member State may require this title to be followed by the name and location of the establishment or examining board which awarded it.

3. Where a profession is regulated in the host Member State by an association or organization referred to in Article 1 (f), nationals of Member States shall be entitled to use the professional title or designatory letters conferred by that organization or association only on proof of membership.

Where the association or organization makes membership subject to certain qualification requirements, it may apply these to nationals of other Member States who are in possession of a diploma within the meaning of Article 1 (a), a certificate within the meaning of Article 1 (b) or evidence of education and training or qualification within the meaning of point (b) of the first subparagraph of Article 3, point (b) of the first subparagraph of Article 5 or Article 9 in accordance only with this Directive, in particular Articles 3, 4 and 5.

Article 12

1. The host Member State shall accept as means of proof that the conditions laid down in Articles 3 to 9 are satisfied the documents issued by the competent authorities in the Member States, which the person concerned shall submit in support of his application to pursue the profession concerned.

2. The procedure for examining an application to pursue a regulated profession shall be completed as soon as possible and the outcome communicated in a reasoned decision of the competent authority in the host Member State not later than four months after presentation of all the documents relating to the person concerned. A remedy shall be available against this decision or the absence thereof, before a court or tribunal in accordance with the provisions of national law.

CHAPTER VIII

Procedure for coordination

Article 13

1. Member States shall designate, within the period provided for in Article 17, the competent authorities empowered to receive the applications and take the decisions referred to in this Directive. They shall communicate this information to the other Member States and to the Commission.

2. Each Member State shall designate a person responsible for coordinating the activities of the authorities referred to in paragraph 1 and shall inform the other Member States and the

Commission to that effect. His role shall be to promote uniform application of this Directive to all the professions concerned. This coordinator shall be a member of the coordinating group set up under the aegis of the Commission by Article 9 (2) of Directive 89/48/EEC.

The coordinating group set up under the aforementioned provision of Directive 89/48/EEC shall also be required to:

- facilitate the implementation of this Directive,

- collect all useful information for its application in the Member States, particularly information relating to the establishment of an indicative list of regulated professions and to the disparities between the qualifications awarded in the Member States with a view to assisting the competent authorities of the Member States in their task of assessing whether substantial differences exist.

The group may be consulted by the Commission on any changes to the existing system which may be contemplated.

3. The Member States shall take measures to provide the necessary information on the recognition of diplomas and certificates and on other conditions governing the taking up of the regulated professions within the framework of this Directive. To carry out this task they may call upon the existing information networks and, where appropriate, the relevant professional associations or organizations. The Commission shall take the necessary initiatives to ensure the development and coordination of the communication of the necessary information.

CHAPTER IX

Procedure for derogating from the right to choose between adaptation period and aptitude test

Article 14

1. If, pursuant to the second sentence of the second subparagraph of Article 4 (1) (b), the third subparagraph of Article 5, or the second sentence of the second subparagraph of Article 7 (a), a Member State proposes not to grant applicants the right to choose between an adaptation period and an aptitude test, it shall immediately communicate to the Commission the corresponding draft provision. It shall at the same time notify the Commission of the grounds which make the enactment of such a provision necessary.

The Commission shall immediately notify the other Member States of any draft which it has received; it may also consult the coordinating group referred to in Article 13 (2) on the draft.

2. Without prejudice to the possibility for the Commission and the other Member States to make comments on the draft, the Member State may adopt the provision only if the Commission has not taken a decision to the contrary within three months.

3. At the request of a Member State or the Commission, Member States shall communicate to them, without delay, the definitive text of any provision arising from the application of this Article.

CHAPTER X

Procedure for amending Annexes C and D

Article 15

1. The lists of education and training courses set out in Annexes C and D may be amended on the basis of a reasoned request from any Member State concerned to the Commission. All appropriate information and in particular the text of the relevant provisions of national law shall accompany the request. The Member State making the request shall also inform the other Member States.

2. The Commission shall examine the education and training course in question and those required in the other Member States. It shall verify in particular whether the qualification resulting from the course in question confers on the holder:

- a level of professional education or training of a comparably high level to that of the post-secondary course referred to in point (i) of the second indent of the first subparagraph of Article 1(a),

- a similar level of responsibility and activity.

3. The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

4. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

5. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event, the Commission shall defer for a period of two months the application of the measures which it has decided.

6. The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous paragraph.

7. The Commission shall inform the Member State concerned of the decision and shall, where appropriate, publish the amended list in the Official Journal of the European Communities.

CHAPTER XI

Other provisions

Article 16

Following the expiry of the period provided for in Article 17, Member States shall communicate to the Commission, every two years, a report on the application of the system introduced.

In addition to general remarks, this report shall contain a statistical summary of the decisions taken and a description of the main problems arising from the application of this Directive.

Article 17

1. Member States shall adopt the laws, regulations and administrative provisions necessary for them to comply with this Directive before 18 June 1994. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, the latter shall include a reference to this Directive or be accompanied by such reference at the time of their official publication. The methods of making such a reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field governed by this Directive.

Article 18

Five years at the latest following the date specified in Article 17, the Commission shall report to the European Parliament, the Council and the Economic and Social Committee on the progress of the application of this Directive.

After conducting all necessary consultations, the Commission shall present its conclusions as to any changes which need to be made to this Directive. At the same time the Commission shall, where appropriate, submit proposals for improving the existing rules in the interest of facilitating freedom of movement, right of establishment and freedom to provide services.

Article 19

This Directive is addressed to the Member States.

Done at Luxembourg, 18 June 1992.

For the Council The President VITOR MARTINS

(1) OJ No C 263, 16.10.1989, p. 1 and OJ No C 217, 1.9.1990, p. 4.(2) OJ No C 149, 18.6.1990, p. 149, and OJ No C 150, 15.6.1992.(3) OJ No C 75, 26.3.1990, p. 11.(4) OJ No L 19, 24.1.1989, p. 16.(5) OJ No L 199, 31.7.1985, p. 56.

ANNEX A

List of the Directives referred to in the second subparagraph of Article 2

1. 64/429/EEG (1) Council Directive of 7 July 1964, concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in manufacturing and processing industries falling within ISIC Major Groups 23-40 (Industry and small craft industries)

64/427/EEC (2) Council Directive of 7 July 1964, laying down detailed provisions concerning transitional measures in respect of activities of self-employed persons in manufacturing and processing industries falling within ISIC Major Groups 23-40 (Industry and small craft industries)

2. 68/365/EEC (3) Council Directive of 15 October 1968, concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in the food manufacturing and beverage industries (ISIC Major Groups 20 and 21)

68/366/EEC (4) Council Directive of 15 October 1968, laying down detailed provisions concerning transitional measures in respect of activities of self-employed persons in the food manufacturing and beverage industries (ISIC Major Groups 20 and 21)

3. 64/223/EEC (5) Council Directive of 25 February 1964 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities in wholesale trade

64/224/EEC (6) Council Directive of 25 February 1964 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of intermediaries in commerce, industry and small craft industries

64/222/EEC (7) Council Directive of 25 February 1964 laying down detailed provisions concerning transitional measures in respect of activities in wholesale trade and activities of intermediaries in commerce, industry and small craft industries

4. 68/363/EEC (8) Council Directive of 15 October 1968 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in retail trade (ISIC ex Group 612)

68/364/EEC (9) Council Directive of 15 October 1968 laying down detailed provisions concerning transitional measures in respect of activities of self-employed persons in retail trade (ISIC ex Group 612)

5. 70/522/EEC (10) Council Directive of 30 November 1970 concerning the attainment of freedom to provide services in respect of activities of self-employed persons in the wholesale coal trade and activities of intermediaries in the coal trade (ISIC ex Group 6112)

70/523/EEC (11) Council Directive of 30 November 1970 laying down detailed provisions concerning transitional measures in respect of activities of intermediaries in the coal trade (ISIC ex Group 6112)

6. 74/557/EEC (12) Council Directive of 4 June 1974 on the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons and of intermediaries engaging in the trade and distribution of toxic products

74/556/EEC (13) Council Directive of 4 June 1974 laying down detailed provisions concerning transitional measures relating to activities, trade in and distribution of toxic products and activities entailing the professional use of such products including activities of intermediaries

7. 68/367/EEC (14) Council Directive of 15 October 1968 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in the personal services sector (ISIC ex Major Group 85):1. restaurants, cafes, taverns and other drinking and eating places (ISIC Group 852);2. hotels, rooming houses, camps and other lodging places (ISIC Group 853)

68/368/EEC (15) Council Directive of 15 October 1968 laying down detailed provisions concerning transitional measures in respect of activities of self-employed persons in the personal services sector (ISIC ex Major Group 85):1. restaurants, cafes, taverns and other drinking and eating places (ISIC Group 852);2. hotels, rooming houses, camps and other lodging places (ISIC Group 853)

8. 77/92/EEC (16) Council Directive of 13 December 1976 on measures to facilitate the effective exercise of freedom of establishment and freedom to provide services in respect of the activities of insurance agents and brokers (ex ISIC Group 630) and, in particular, transitional measures in respect of those activities

9. 82/470/EEC (17) Council Directive of 29 June 1968 on measures to facilitate the effective exercise of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in certain services incidental to transport and travel agencies (ISIC Group 720)

10. 82/489/EEC (18) Council Directive of 19 July 1982 laying down measures to facilitate the effective exercise of the right of establishment and freedom to provide services in hairdressing

11. 75/368/EEC (19) Council Directive of 16 June 1975 on measures to facilitate the effective exercise of freedom of establishment and freedom to provide services in respect of various activities (ex ISIC Division 01 to 85) and, in particular, transitional measures in respect of those activities

12. 75/369/EEC (20) Council Directive of 16 June 1975 on measures to facilitate the effective exercise of freedom of establishment and freedom to provide services in respect of itinerant activities and, in particular, transitional measures in respect of those activities

Kingdom (OJ No L 73, 27. 3. 1972), of Greece (OJ No L 291, 19. 11. 1979) and of Spain and Portugal (OJ No L 302, 15. 11. 1985).

(1) OJ No 117, 23. 7. 1964, p. 1880/64.(2) OJ No 117, 23. 7.1964, p. 1863/64. Amended by Directive 69/77/EEC (OJ No L 59, 10. 3. 1969, p. 8).(3) OJ No L 260, 22. 10. 1968, p. 9.(4) OJ No L 260, 22. 10. 1968, p. 12.(5) OJ No 56, 4. 4. 1964, p. 863/64.(6) OJ No 56, 4. 4. 1964, p. 869/64.(7) OJ No 56, 4. 4. 1964, p. 857/64.(8) OJ No L 260, 22. 10. 1968, p. 1.(9) OJ No L 260, 22. 10. 1968, p. 6.(10) OJ No L 267, 10. 12. 1970, p. 14.(11) OJ No L 267, 10. 12. 1970, p. 18.(12) OJ No L 307, 18. 11. 1974, p. 5.(13) OJ No L 307, 18. 11. 1974, p. 1.(14) OJ No L 260, 22. 10. 1968, p. 16.(15) OJ No L 260, 22. 10. 1968, p. 19.(16) OJ No L 26, 31. 1. 1977, p. 14.(17) OJ No L 213, 21. 7. 1982, p. 1.(18) OJ No L 218, 27. 7. 1982, p. 24.(19) OJ No L 167, 30. 6. 1975, p. 22.(20) OJ No L 167, 30. 6. 1975, p. 29.

Note

Some of the Directives listed above have been supplemented by the Acts of Accession of Denmark, Ireland and the United

ANNEX B

List of the Directives referred to in Article 2, third subparagraph

These are the Directives listed under headings 1 to 7 of Annex A, with the exception of Directive 74/556/EEC listed under heading 6.

ANNEX C

LIST OF COURSES HAVING A SPECIAL STRUCTURE AS REFERRED TO IN POINT (ii) OF THE SECOND INDENT OF THE FIRST SUBPARAGRAPH OF ARTICLE 1 (a)

1. Paramedical and childcare training courses

In Germany

training for:

- paediatric nurse ('Kinderkrankenschwester/Kinderkrankenschwester'),
- physiotherapist ('Krankengymnast(in)'),
- occupational therapist ('Beschaeftigungs- und Arbeitstherapeut(in)'),
- speech therapist ('Logopaede/Logopaedin'),- orthoptist ('Orthoptist(in)'),
- State-recognized childcare worker ('Staatlich anerkannte(r) Erzieher(in)'),
- State-recognized remedial teacher ('Staatlich anerkannte(r) Heilpaedagoge(-in)').

In Italy

training for:

- dental technician ('odontotecnico'),
- optician ('ottico'),
- chiropodist ('podologo').

In Luxembourg

training for:

- medical X-ray technician (assistant(e) technique m,dical(e) en radiologie),
- medical laboratory technician (assistant(e) technique m,dical(e) de laboratoire),
- psychiatric nurse (infirmier/iSre psychiatrique),
- medical technician - surgery (assistant(e) technique m,dical(e) en chirurgie),
- paediatric nurse (infirmier/iSre pu,riculteur/trice),
- nurse - anaesthetics (infirmier/iSre anesth,siste),
- qualified masseur/masseuse (masseur/euse dipl'm,(e)),
- childcare worker (ducateur/trice), which represent education and training courses of a total duration of at least thirteen years, comprising:
 - either at least three years of vocational training in a specialized school culminating in an examination, in some cases supplemented by a one or two-year specialization course culminating in an examination,- or at least two and a half years in a specialized school culminating in an examination and supplemented by work experience of at least six months or by a traineeship of at least six months in an approved establishment,
 - or at least two years in a specialized school culminating in an examination and supplemented by work experience of at least one year or by a traineeship of at least one year in an approved establishment.

2. Master craftsman sector ('Mester/Meister/MaEtre') which represents education and training courses concerning skills not covered by the Directives listed in Annex A

In Denmark

training for:

- ('optometrist') optician, this course is of a total duration of 14 years, including five years' vocational training divided into two-and-a-half years' theoretical training provided by the vocational training establishment and two-and-a-half years' practical training received in the workplace, and culminating in a recognized examination relating to the craft and conferring the right to use the title 'Mester';
- orthopaedic technician ('Ortopaedimekaniker') this course is of a total duration of 12,5 years, including three-and-a-half years' vocational training divided into six months' theoretical training provided by the vocational training establishment and three years' practical training received in the workplace, and culminating in a recognized examination relating to the craft and conferring the right to use the title 'Mester';
- orthopaedic boot and shoemaker ('ortopaediskomager'), this course is of a total duration of 13,5 years, including four-and-a-half years' vocational training divided into two years' theoretical training provided by the vocational training establishment and two-and-a-half years' practical training received in the workplace, and culminating in a recognized examination relating to the craft and conferring the right to use the title 'Mester'.

In Germany

training for:

- optician ('Augenoptiker'),
- dental technician ('Zahntechniker'),
- surgical truss maker ('Bandagist'),
- hearing-aid maker ('Hoergeraete-Akustiker'),
- orthopaedic technician ('Orthopaediemechaniker'),
- orthopaedic bootmaker ('Orthopaedieschuhmacher').

In Luxembourg

training for:

- dispensing optician ('opticien'),
- dental technician ('m,canicien dentaire'),
- hearing-aid maker ('audioproth,siste'),
- orthopaedic technician/surgical truss maker ('m,canicien orthop,diste/bandagiste'),
- orthopaedic bootmaker ('orthop,diste-cordonnier'). These courses are of a total duration of 14 years, including at least five years' training followed within a structured training framework, partly received in the workplace and partly provided by the vocational training establishment, and culminating in an examination which must be passed in order to be able to practise any activity considered as skilled, either independently or as an employee with a comparable level of responsibility.

3. Seafaring sector

a) Sea transport

In Denmark

training for:

- ship's captain ('skibsfoerer'),
- first mate ('overstyrmand'),

- quartermaster, deck officer ('enestyrmand, vagthavende styrmand'),
- deck officer ('vagthavende styrmand'),
- engineer ('maskinchef'),
- first engineer ('1. maskinmester'),
- first engineer/duty engineer ('1. maskinmester/vagthavende maskinmester').

In Germany

training for

- captain, large coastal vessel ('Kapitaen AM'),
- captain, coastal vessel ('Kapitaen AK'),
- deck officer, large coastal vessel ('Nautischer Schiffsoffizier AMW'),
- deck officer, coastal vessel ('Nautischer Schiffsoffizier AKW'),
- chief engineer, grade C ('Schiffsbetriebstechniker CT - Leiter von Maschinenanlagen'),
- ship's mechanic, grade C ('Schiffsmaschinist CMa - Leiter von Maschinenanlagen'),
- ship's engineer, grade C ('Schiffsbetriebstechniker CTW'),
- ship's mechanic, grade C - solo engineer officer ('Schiffsmaschinist CMaW - Technischer Alleinoffizier').

In Italy

training for:

- deck officer ('ufficiale di coperta'),
- engineer officer ('ufficiale di macchina').

In the Netherlands

training for:

- first mate (coastal vessel) (with supplementary training) ['stuurman kleine handelsvaart (met aanvulling)'],
- coaster engineer (with diploma) ('diploma motordrijver'), which represents training:- in Denmark, of nine years' primary schooling followed by a course of basic training and/or service at sea of between 17 and 36 months, supplemented by:- for the deck officer, one year of specialized vocational training,- for the others, three years of specialized vocational training,- in Germany, of a total duration of between 14 and 18 years, including a three-year course of basic vocational training and one year's service at sea, followed by one or two years of specialized vocational training supplemented, where appropriate, by two year's work experience in navigation,- in Italy, of a total duration of 13 years, of which at least five years consist of professional training culminating in an examination, and are supplemented, where appropriate, by a traineeship,- in the Netherlands, involving a course of 14 years, at least two years of which takes place in a specialized vocational training establishment, supplemented by a twelve month traineeship, and which are recognized under the International STCW Convention (International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978).

b) Sea fishing

In Germany

training for:

- captain, deep-sea fishing ('Kapitaen BG/Fischerei'),
- captain, coastal fishing ('Kapitaen BK/Fischerei'),
- deck officer, deep-sea vessel ('Nautischer Schiffsoffizier BGW/Fischerei'),

- deck officer, coastal vessel ('Nautischer Schiffsoffizier BKW/Fischerei').

In the Netherlands

training for:

- first mate/engineer V ('stuurman werktuigkundige V'),
- engineer IV (fishing vessel) ('werktuigkundige IV visvaart'),
- first mate IV (fishing vessel) ('stuurman IV visvaart'),
- first mate/engineer VI ('stuurman werktuigkundige VI'), which represents training:- in Germany, of a total duration of between 14 and 18 years, including a three-year course of basic vocational training and one year's service at sea, followed by one or two years of specialized vocational training supplemented, where appropriate, by two-years' work experience in navigation,- in the Netherlands, involving a course varying in duration between thirteen and fifteen years, at least two years of which are provided in a specialized vocational school, supplemented by a 12-month period of work experience, and is recognized under the Torremolinos Convention (1977 International Convention for the Safety of Fishing Vessels).

4. Technical sector

In Italy

training for:

- building surveyor ('geometra'),
- land surveyor ('perito agrario'),
- accountant ('ragioniere'), and accountancy expert ('perito commerciale'),
- work consultants ('consulente del lavoro'), which represents secondary technical courses of a total duration of at least 13 years, comprising eight years' compulsory schooling followed by five years' secondary study, including three years' vocational study, culminating in the Technical Baccalaureat examination, and supplemented,- for building surveyors by: either a traineeship lasting at least two years in a professional office, or five years' work experience, and- for land surveyors, accountants, accountancy experts and work consultants, by the completion of a practical traineeship lasting at least two years, followed by the State Examination.

In the Netherlands

training for:

- bailiff ('gerechtsdeurwaarder'), which represents a course of study and vocational training totalling nineteen years, comprising eight years' compulsory schooling followed by eight years' secondary education including four years' technical education culminating in a State examination and supplemented by three years' theoretical and practical vocational training.

5. United Kingdom courses accredited as National Vocational Qualifications or Scottish Vocational Qualifications

Training for:

- medical laboratory scientific officer,
- mine electrical engineer,
- mine mechanical engineer,
- approved social worker - mental health,
- probation officer,
- dental therapist,
- dental hygienist,
- dispensing optician,

- mine deputy,
- insolvency practitioner,
- licensed conveyancer,
- prosthetist,
- first mate - freight/passenger ships - unrestricted,
- second mate - freight/passenger ships - unrestricted,
- third mate - freight/passenger ships - unrestricted,
- deck officer - freight/passenger ships - unrestricted,
- engineer officer - freight/passenger ships - unlimited trading area,
- trade mark agent, leading to qualifications accredited as National Vocational Qualifications (NVQs) or approved or recognized as equivalent by the National Council for Vocational Qualifications, or in Scotland accredited as Scottish Vocational Qualifications, at levels 3 and 4 of the United Kingdom National Framework of Vocational Qualifications. These levels are defined as follows:
 - Level 3: competence in a broad range of varied work activities performed in a wide variety of contexts and most of which are complex and non-routine. There is considerable responsibility and autonomy and control or guidance of others is often required,
 - Level 4: competence in a broad range of complex, technical or professional work activities performed in a wide variety of contexts and with a substantial degree of personal responsibility and autonomy. Responsibility for the work of others and the allocation of resources is often present.

ANNEX D

List of courses having a special structure as referred to in the third indent of point (b) of the first subparagraph of Article 3

In the United Kingdom

Regulated courses leading to qualifications accredited as National Vocational Qualifications (NVQs) by the National Council for Vocational Qualifications or in Scotland accredited as Scottish Vocational Qualifications, at levels 3 and 4 of the United Kingdom National Framework of Vocational Qualifications.

These levels are defined as follows:

- Level 3: competence in a broad range of varied work activities performed in a wide variety of contexts and most of which are complex and non-routine. There is considerable responsibility and autonomy, and control or guidance of others is often required.
- Level 4: competence in a broad range of complex, technical or professional work activities performed in a wide variety of contexts and with a substantial degree of personal responsibility and autonomy. Responsibility for the work of others and the allocation of resources is often present.

Date of leg. 1992/06/18
 Date in force 1992/07/07=ENTRY INTO FORCE
 End of validity 9999/99/99
 Date notified 1992/07/07
 Date transposed 1994/06/18
 Dates OF DOCUMENT.....: 18/06/1992
 OF NOTIFICATION....: 07/07/1992
 OF EFFECT.....: 07/07/1992; ENTRY INTO
 FORCE
 DAT.NOTIF
 OF END OF VALIDITY: 99/99/9999
 OF TRANSPOSITION..: 18/06/1994; SEE ART 17
 Authentic language THE OFFICIAL LANGUAGES

Address THE MEMBER STATES
 Preparatory work PROPOSAL COMMISSION
 COM 89/0372 FINAL
 OJ C 263/89 P 1
 PROPOSAL COMMISSION
 COM 90/0389 FINAL
 OJ C 217/90 P 4
 COOPERATION PROCEDURE EUROPEAN PARLIAMENT
 OJ C 149/90 P 149
 COOPERATION PROCEDURE EUROPEAN PARLIAMENT
 OJ C 150/92
 OPINION ECONOMIC AND SOCIAL COMMITTEE
 OJ C 75/90 P 11
 Miscellaneous info SYN 209
 Register 05100000 - Freedom of movement for workers
 06100000 - Principles and conditions
 16300000 - Education and training
 Legal base 157E049.....
 157E057-P1.....
 157E066.....
 Legal citations 157E148.....
 157E008A..... 157E055.....
 385D0368..... 364L0429.....
 364L0427..... 368L0365.....
 368L0366..... 364L0223.....
 364L0224..... 364L0222.....
 368L0363..... 368L0364.....
 370L0522..... 370L0523.....
 374L0557..... 374L0556.....
 368L0367.....
 368L0368..... 377L0092.....
 382L0470..... 382L0489.....
 375L0368..... 375L0369.....
 Modifies 589PC0372.....ADOPTION.....
 Modified by AMENDED-BY.... 394L0038
 COMPLETION ANN D. FR
 12/9/94
 AMENDED-BY.... 394L0038 AMENDMENT.
 ANN C. FR
 12/9/94
 National Provisions:N
 Belgium NO REFERENCE AVAILABLE
 Denmark NO REFERENCE AVAILABLE
 France - 01. DECRET NO 93-489 DU 26/03/93,
 JOURNAL OFFICIEL
 DU 27/03/93 P. 4876
 - 02. DECRET NO 93-538 DU 27/03/93, JOURNAL OFFICIEL
 DU 28/03/93 P. 5151
 - 03. ARRETE MINISTERIEL DU 13/10/93, JOURNAL OFFICIEL
 DU 24/11/93 P. 16174
 - 04. ARRETE MINISTERIEL DU 13/10/93, JOURNAL OFFICIEL
 DU 18/11/93 P. 15894
 - 05. DECRET NO 94-626 DU 22/07/94, JOURNAL OFFICIEL
 DU 24/07/94 P. 10693
 - 06. ARRETE MINISTERIEL DU 22/07/94, JOURNAL OFFICIEL
 DU 24/07/94 P. 10694

- 07. ARRETE MINISTERIEL DU 22/07/94, JOURNAL OFFICIEL
DU 24/07/94 P. 10695
- Germany - 01. GESETZ VOM 23/08/94,
BUNDESGESETZBLATT (TEILE I,
II, III) NR. 57 VOM 31/08/94 S. 2189
- 02. GESETZ VOM 02/08/93, BUNDESGESETZBLATT (TEILE I,
II, III) NR. 42 VOM 07/08/93 S. 1403
- Great Britain - 01. THE PLANT HEALTH (GREAT BRITAIN)
ORDER 1993, STATUTORY INSTRUMENTS NO 1320 OF 1993
- 02. THE PLANT HEALTH ORDER (NORTHERN IRELAND)
1993, STATUTORY INSTRUMENTS NO 256 OF 1993
- Greece NO REFERENCE AVAILABLE
- Ireland NO REFERENCE AVAILABLE
- Italy - 01. DECRETO LEGISLATIVO N. 319 DEL 02/05/94,
SUPPLEMENTO ORDINARIO ALLA GAZZETTA UFFICIALE N.
123 DEL 28/05/94 P. 5
- 02. LEGGE N. 146 DEL 22/02/94, GAZZETTA UFFICIALE N.
52 DEL 04/03/94
- Luxembourg NO REFERENCE AVAILABLE
- Netherlands NO REFERENCE AVAILABLE
- Portugal NO REFERENCE AVAILABLE
- Spain NO REFERENCE AVAILABLE
- Date to Commission 21/06/1993 FR1-2; 16/02/1994 FR3-4;
10/06/1994 IT1;
- 28/07/1994 FR5-7;

DIRECTIVE 1999/42/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 7 June 1999

ESTABLISHING A MECHANISM FOR THE RECOGNITION OF QUALIFICATIONS IN RESPECT OF THE PROFESSIONAL ACTIVITIES COVERED BY THE DIRECTIVES ON LIBERALISATION AND TRANSITIONAL MEASURES AND SUPPLEMENTING THE GENERAL SYSTEMS FOR THE RECOGNITION OF QUALIFICATIONS

THE EUROPEAN PARLIAMENT AND
THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 40 and 47(1), the first and third sentences of Article 47(2), and Article 55 thereof,

Having regard to the proposal from the Commission(1),

Having regard to the opinion delivered by the Economic and Social Committee(2),

Acting in accordance with the procedure laid down in Article 251 of the Treaty(3) and in the light of the joint text adopted on 22 April 1999,

(1) Whereas, under the Treaty, all discriminatory treatment on grounds of nationality with regard to establishment and provision of services is prohibited as from the end of the transitional period; whereas, therefore, certain provisions of the Directives applying in this area have become redundant for the purposes of applying the rule of national treatment, since that rule is enshrined in the Treaty itself and has direct effect;

(2) Whereas, however, certain of the Directives' provisions designed to facilitate the effective exercise of the right of establishment and freedom to provide services should be retained, particularly where they usefully prescribe how obligations under the Treaty are to be discharged;

(3) Whereas, in order to facilitate the exercise of freedom of establishment and freedom to provide services in respect of a number of activities, Directives introducing transitional measures have been adopted pending mutual recognition of qualifications; whereas those Directives accept the fact that the activity in question has been pursued for a reasonable and sufficiently recent period of time in the Member State from which the national comes as a sufficient qualification for taking up the activities in question in Member States which have rules governing the taking up of such activities;

(4) Whereas the main provisions of the said Directives should be replaced in line with the conclusions of the European Council held in Edinburgh on 11 and 12 December 1992 regarding subsidiarity, simplification of Community legislation and, in particular, the reconsideration by the Commission of the relatively old directives dealing with professional qualifications; whereas the Directives in question should therefore be repealed;

(5) Whereas Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration(4) and Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC(5) do not apply to certain professional activities covered by the Directives applying to this subject-matter (Part One of Annex A to this Directive); whereas recognition machinery in respect of qualifications should, therefore, be introduced for those professional activities not covered by Directives 89/48/EEC and 92/51/EEC; whereas the professional activities listed in Part Two of Annex A to this Directive fall for the most part within the scope of Directive 92/51/EEC as far as the recognition of diplomas is concerned;

(6) Whereas a proposal has been transmitted to the Council with a view to amending Directives 89/48/EEC and 92/51/EEC in respect of the proof of financial standing and the proof of an insurance against financial risks that a host Member State may require of the beneficiary; whereas the Council intends to deal with this proposal at a later stage;

(7) Whereas a proposal has been transmitted to the Council with a view to facilitating the free movement of specialised nurses who do not have any of the qualifications listed in Article 3 of Directive 77/452/EEC(6); whereas the Council intends to deal with this proposal at a later stage;

(8) Whereas this Directive should require regular reports to be drawn up on its implementation;

(9) Whereas this Directive without prejudice to the application of Articles 39(4) and 45 of the Treaty,

HAVE ADOPTED THIS DIRECTIVE:

TITLE I

Scope

Article 1

1. Member States shall adopt the measures defined in this Directive in respect of establishment or provision of services in their territories by natural persons and companies or firms covered by Title I of the General Programmes for the abolition of restrictions on freedom to supply services(7) and on freedom of establishment(8) (hereinafter called "beneficiaries") who wish to pursue the activities listed in Annex A.

2. This Directive shall apply to the activities listed in Annex A which nationals of Member States wish to pursue in a host Member State in a self-employed or employed capacity.

Article 2

Member States in which the taking-up or pursuit of any activity referred to in Annex A is subject to possession of certain qualifications shall ensure that any beneficiaries who apply therefor be provided, before they establish themselves or before they begin to provide services, with information as to the rules governing the occupation which they propose to pursue.

TITLE II

Recognition of formal qualifications awarded by another Member State

Article 3

1. Without prejudice to Article 4, a Member State may not, on the grounds of inadequate qualifications, refuse to permit a national of another Member State to take up or pursue any of the activities listed in Part One of Annex A on the same conditions as apply to its own nationals, without having first compared the knowledge and skills certified by the diplomas, certificates or other evidence of formal qualifications obtained by the beneficiary with a view to pursuing the same activity elsewhere in the Community with those required under its own national rules. Where the comparative examination shows that the knowledge and skills certified by a diploma, certificate or other evidence of formal qualifications awarded by another Member State correspond to those required by the national rules, the host Member State cannot refuse the holder the right to pursue the activity in question. Where, however, the comparative examination shows a substantial difference, the host Member State shall give the beneficiary the opportunity to

demonstrate that he has acquired the knowledge and skills which were lacking. In this case, the host Member State shall give the applicant the right to choose between an adaptation period and an aptitude test by analogy with Directives 89/48/EEC and 92/51/EEC.

By way of derogation from this rule, the host Member State may require an adaptation period or an aptitude test if the migrant envisages exercising professional activities in a self-employed capacity or as a manager of an undertaking which are covered by Part One of Annex A and which require the knowledge and the application of the specific national rules in force, provided that knowledge and application of those rules are required by the competent authorities of the host Member State for access to such activities by its own nationals.

Member States shall endeavour to take into consideration the beneficiary's preference as between those alternatives.

2. Applications for recognition within the meaning of paragraph 1 shall be examined within the shortest possible time, and the competent authority in the host Member State shall state its reasons when giving a decision, which shall be taken no later than four months from the date on which the application and comprehensive supporting documentation were submitted. There shall be a right to appeal under national law against a decision or against the absence of such decision.

TITLE III

Recognition of professional qualifications on the basis of professional experience acquired in another Member State

Article 4

Where, in a Member State, the taking-up or pursuit of any activity listed in Annex A is subject to possession of general, commercial or professional knowledge and ability, that Member State shall accept as sufficient evidence of such knowledge and ability the fact that the activity in question has been pursued in another Member State. Where the activity is mentioned in Part One of Annex A, it must have been pursued:

1. in the case of the activities in List I:

(a) for six consecutive years in either a self-employed capacity or as a manager of an undertaking; or

(b) for three consecutive years in a self-employed capacity or as a manager of an undertaking where the beneficiary proves that he has received at least three years' prior training for the activity in question, attested by a nationally recognised certificate or regarded by a competent professional or trade body as fully satisfying its requirements; or

(c) for three consecutive years in a self-employed capacity where the beneficiary proves that he has pursued the activity in question for at least five years in an employed capacity; or

(d) for five consecutive years in a managerial capacity of which at least three years were spent in technical posts with responsibility for one or more departments of the undertaking where the beneficiary proves that he has received at least three years' prior training for the activity in question, attested by a nationally recognised certificate or regarded by a competent professional or trade body as fully satisfying its requirements.

In the cases referred to in (a) and (c), pursuit of the activity shall not have ceased more than ten years before the date on which the application under Article 8 is made;

2. in the case of the activities in List II:

(a) for six consecutive years in either a self-employed capacity or as a manager of an undertaking; or

(b) - for three consecutive years in a self-employed capacity or as a manager of an undertaking where the beneficiary proves that he has received at least three years' prior training for the activity in question, attested by a nationally recognised certificate or regarded by a competent professional or trade body as fully satisfying its requirements, or

- for four consecutive years in a self-employed capacity or as a manager of an undertaking where the beneficiary proves that he has received at least two years' prior training for the activity in question, attested by a nationally recognised certificate or regarded by a competent professional or trade body as fully satisfying its requirements, or

(c) for three consecutive years in a self-employed capacity or as a manager of an undertaking where the beneficiary proves that he has pursued the activity in question for at least five years in an employed capacity; or

(d) - for five consecutive years in an employed capacity where the beneficiary proves that he has received at least three years' prior training for the activity in question, attested by a nationally recognised certificate or regarded by a competent professional or trade body as fully satisfying its requirements, or

- for six consecutive years in an employed capacity where the beneficiary proves that he has received at least two years' prior training for the activity in question, attested by a nationally recognised certificate or regarded by a competent professional or trade body as fully satisfying its requirements.

In the cases referred to in (a) and (c), pursuit of the activity shall not have ceased more than ten years before the date on which the application provided for in Article 8 is made;

3. in the case of the activities in List III:

(a) for six consecutive years in either a self-employed capacity or as a manager of an undertaking; or

(b) for three consecutive years in a self-employed capacity or as a manager of an undertaking, where the beneficiary proves that he has received at least three years' prior training for the activity in question, attested by a nationally recognised certificate or regarded by a competent professional or trade body as fully satisfying its requirements; or

(c) for three consecutive years in a self-employed capacity where the beneficiary proves that he has pursued the activity in question for at least five years in an employed capacity.

In the cases referred to in (a) and (c), pursuit of the activity shall not have ceased more than ten years before the date on which the application provided for in Article 8 is made;

4. in the case of the activities in List IV:

(a) for five consecutive years in either a self-employed capacity or as a manager of an undertaking; or

(b) for two consecutive years in a self-employed capacity or as a manager of an undertaking where the beneficiary proves that he has received at least three years' prior training for the activity in question, attested by a nationally recognised certificate or regarded by a competent professional or trade body as fully satisfying its requirements; or

(c) for three consecutive years in a self-employed capacity or as a manager of an undertaking where the beneficiary proves that he has received at least two years' prior training for the activity in question, attested by a nationally recognised certificate or regarded by a competent professional or trade body as fully satisfying its requirements; or

(d) for two consecutive years in a self-employed capacity or as a manager of an undertaking where the beneficiary proves that he has pursued the activity in question for at least three years in an employed capacity; or

(e) for three consecutive years in an employed capacity where the beneficiary proves that he has received at least two years' previous training for the activity in question, attested by a nationally recognised certificate or regarded by a competent professional or trade body as fully satisfying its requirements;

5. in the case of the activities in List V(a) and (b):

(a) for three years in a self-employed capacity or as a manager of an undertaking, provided that pursuit of the activity in question did not cease more than two years before the date on which the application provided for in Article 8 is made;

(b) for three years in a self-employed capacity or as a manager of an undertaking, provided that pursuit of the activity in question did not cease more than two years before the date on which the application provided for in Article 8 is made, unless the host Member State permits its nationals to interrupt their pursuit of that activity for a longer period; or

6. in the case of the activities in List VI:

(a) for three consecutive years in either a self-employed capacity or as a manager of an undertaking; or

(b) for two consecutive years in a self-employed capacity or as a manager of an undertaking where the beneficiary proves that he has received prior training for the activity in question, attested by a nationally recognised certificate or regarded by a competent professional or trade body as fully satisfying its requirements; or

(c) for two consecutive years in a self-employed capacity or as a manager of an undertaking where the beneficiary proves that he has pursued the activity in question for at least three years in an employed capacity; or

(d) for three consecutive years in an employed capacity where the beneficiary proves that he has received previous training for the activity in question, attested by a nationally recognised certificate or regarded by a competent professional or trade body as fully satisfying its requirements.

In the cases referred to in (a) and (c), pursuit of the activity shall not have ceased more than 10 years before the date on which the application provided for in Article 8 is made.

Article 5

Where a beneficiary holds a nationally recognised certificate obtained in a Member State attesting to knowledge of and ability in the activity in question equivalent to at least two or three years, as appropriate, of professional training, that certificate may be treated by the host Member State in the same way as a certificate attesting to training of the duration required by Article 4(1)(b) and (d), (2)(b) and (d), (3)(b) and (4)(b), (c) and (e).

Article 6

Where the duration of the training of the beneficiary is at least two years and less than three years, the requirements of Article 4 shall be satisfied if the duration of professional experience in a self-employed capacity or as a manager specified in Article 4(1)(b) and (d), (2)(b), first indent, (3)(b) and (4)(b) or in an employed capacity specified in Article 4(2)(d), first indent is extended in the same proportion to cover the difference in the duration of the training.

Article 7

A person shall be regarded as having pursued an activity as a manager of an undertaking within the meaning of Article 4 if he has pursued such an activity in an undertaking in the occupational field in question:

(a) as a manager of an undertaking or a manager of a branch of an undertaking; or

(b) as a deputy to the proprietor or the manager of an undertaking where that post involves responsibility equivalent to that of the proprietor or manager represented; or

(c) in a managerial post with duties of a commercial and/or technical nature and with responsibility for one or more departments of the undertaking.

Article 8

Proof that the conditions laid down in Article 4 are satisfied shall be established by a certificate concerning the nature and duration of the activity issued by the competent authority or body in the home Member State or in the Member State from where the beneficiary comes which the beneficiary must submit in support of his application for authorisation to pursue the activity or activities in question in the host Member State.

TITLE IV

Recognition of other professional qualifications obtained in another Member State

Article 9

1. Where a host Member State requires its own nationals wishing to take up any activity referred to in Article 1(2) to furnish proof of good character and proof that they are not and have not previously been declared bankrupt, or proof of either of these, it shall accept as sufficient evidence, in respect of nationals of other Member States, the production of an extract from the "judicial record" or, failing this, of an equivalent document issued by a competent judicial or administrative authority in the home Member State or in the Member State from where the beneficiary comes showing that these requirements are satisfied.

2. Where a host Member State imposes on its own nationals wishing to take up any activity referred to in Article 1(2) certain requirements as to good character and requires them to prove that they are not and have not previously been declared bankrupt and have not previously been the subject of professional or administrative disciplinary measures (for example, withdrawal of the right to hold certain offices, suspension from practice or striking-off), but proof cannot be obtained from the document referred to in paragraph 1 of this Article, it shall accept as sufficient evidence in respect of nationals of other Member States a certificate issued by a competent judicial or administrative authority in the home Member State or in the Member State from where the beneficiary comes attesting that the requirements are satisfied. Such certificate shall relate to the specific facts regarded as relevant by the host Member State.

3. Where the home Member State or the Member State from where the beneficiary comes does not issue the documents referred to in paragraphs 1 and 2, such documents shall be replaced by a declaration on oath - or, in those Member States where there is no provision for such declaration on oath, by a solemn declaration - made by the person concerned before a competent judicial or administrative authority or, where appropriate, a notary in that Member State; such authority or notary shall issue a certificate attesting the authenticity of the declaration on oath or solemn declaration. The declaration of no previous bankruptcy may also be made before a competent professional or trade body in that Member State.

4. Where a host Member State requires proof of financial standing, it shall regard certificates issued by banks in the home Member State or in the Member State from where the beneficiary comes as equivalent to those issued in its own territory.

5. Where a host Member State requires its own nationals wishing to take up or pursue any activity referred to in Article 1(2) to furnish proof that they are insured against the financial risks arising from their professional liability, it shall accept certificates issued by the insurance undertakings of other Member States as equivalent to those issued in its own territory. Such certificates shall state that the insurer has complied with the laws and regulations in force in the host Member State regarding the terms and extent of cover.

6. At the time of their production, the documents referred to in paragraphs 1, 2, 3 and 5 may not date from more than three months after their date of issue.

TITLE V

Procedural provisions

Article 10

1. Member States shall designate, within the period stipulated in Article 14, the authorities and bodies responsible for issuing the certificates referred to in Articles 8 and 9(1), (2) and (3) and shall communicate this information forthwith to the other Member States and to the Commission.

2. Each Member State may nominate a coordinator for the activities of the authorities and bodies referred to in paragraph 1 to the coordinating group set up under Article 9(2) of Directive 89/48/EEC. The tasks of the coordinating group shall also be as follows:

- facilitating the implementation of this Directive;
- collecting all useful information for its application in the Member States and especially gathering and comparing information on the different professional qualifications in the areas of activity falling within the scope of this Directive.

TITLE VI

Final provisions

Article 11

1. The Directives listed in Annex B are hereby repealed.
2. References to the repealed Directives shall be construed as references to this Directive.

Article 12

As from 1 January 2001, Member States shall communicate to the Commission every two years a report on the application of the system introduced.

In addition to general remarks, that report shall contain a statistical summary of the decisions taken and a description of the main problems arising from the application of this Directive.

Article 13

Not later than five years after the date referred to in Article 14, the Commission shall report to the European Parliament and the Council on the state of application of this Directive, and in particular of Article 5, in the Member States.

After undertaking all the necessary hearings, especially of the coordinators, the Commission shall submit its conclusions regarding any changes to the existing arrangement. If necessary, the Commission shall also submit proposals for improving the existing arrangements with the aim of facilitating free movement of

persons, the right of establishment and freedom to provide services.

Article 14

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 31 July 2001. They shall immediately inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 15

This Directive shall enter into force on the day of its publication in the Official Journal of the European Communities.

Article 16

This Directive is addressed to the Member States.

Done at Luxembourg, 7 June 1999.

For the European Parliament

The President

J. M. GIL-ROBLES

For the Council

The President

E. BULMAHN

(1) OJ C 115, 19.4.1996, p. 16 and

OJ C 264, 30.8.1997, p. 5.

(2) OJ C 295, 7.10.1996, p. 43.

(3) Opinion of the European Parliament of 20 February 1997 (OJ C 85, 17.3.1997, p. 114), Common Position of the Council of 29 June 1998 (OJ C 262, 19.8.1998, p. 12), Decision of the European Parliament of 8 October 1998 (OJ C 328, 26.10.1998, p. 156). Decision of the European Parliament of 7 May 1999 and Council Decision of 11 May 1999.

(4) OJ L 19, 24.1.1989, p. 16.

(5) OJ L 209, 24.7.1992, p. 25. Directive as last amended by Commission Directive 97/38/EC (OJ L 184, 12.7.1997, p. 31).

(6) Council Directive 77/452/EEC of 27 June 1977 concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of nurses responsible for general care, including measures to facilitate the effective exercise of this right of establishment and freedom to provide services (OJ L 176, 15.7.1977, p. 1). Directive as last amended by Directive 90/658/EC (OJ L 353, 17.12.1990, p. 73).

(7) OJ 2, 15.1.1962, p. 32/62.

(8) OJ 2, 15.1.1962, p. 36/62.

ANNEX A**PART ONE**

Activities related to categories of professional experience

List I

Major Groups covered by Directive 64/427/EEC, as amended by Directive 69/77/EEC, and by Directives 68/366/EEC, 75/368/EEC and 75/369/EEC

1. Directive 64/427/EEC

(liberalisation Directive: 64/429/EEC)

NICE Nomenclature (corresponding to ISIC Major Groups 23-40)

2. Directive 68/366/EEC

(liberalisation Directive 68/365/EEC)

NICE Nomenclature

3. Directive 75/368/EEC (activities listed in Article 5(1))

ISIC Nomenclature

4. Directive 75/369/EEC (Article 6: where the activity is regarded as being of an industrial or small-craft nature)

ISIC Nomenclature

The following itinerant activities:

(a) the buying and selling of goods:

- by itinerant tradesmen, hawkers or pedlars (ex ISIC Group 612);
- in covered markets other than from permanently fixed installations and in open-air markets;

(b) activities covered by transitional measures already adopted that expressly exclude or do not mention the pursuit of such activities on an itinerant basis.

List II Directive 82/470/EEC (Article 6(3))

Groups 718 and 720 of the ISIC Nomenclature

The activities comprise in particular:

- organizing, offering for sale and selling, outright or on commission, single or collective items (transport, board, lodging, excursions, etc.) for a journey or stay, whatever the reasons for travelling (Article 2(B)(a)).

List III Directive 82/489/EEC

List IV Directive 82/470/EEC (Article 6(1))

Groups 718 and 720 of the ISIC Nomenclature:

The activities comprise in particular:

- acting as an intermediary between contractors for various methods of transport and persons who dispatch or receive goods, and carrying out related activities:

(aa) by concluding contracts with transport contractors, on behalf of principals;

(bb) by choosing the method of transport, the firm and the route considered most profitable for the principal;

(cc) by arranging the technical aspects of the transport operation (e.g. packing required for transportation); by carrying out various operations incidental to transport (e.g. ensuring ice supplies for refrigerated wagons);

(dd) by completing the formalities connected with the transport such as the drafting of way bills; by assembling and dispersing shipments;

(ee) by coordinating the various stages of transportation, by ensuring transit, reshipment, transshipment and other termination operations;

(ff) by arranging both freight and carriers and means of transport for persons dispatching goods or receiving them;

- assessing transport costs and checking the detailed accounts;

- taking certain temporary or permanent measures in the name of and on behalf of a shipowner or sea transport carrier (with the port authorities, ship's chandlers, etc.)

(The activities listed under Article 2(A)(a), (b) and (d)).

List V Directives (64/222/EEC) and (70/523/EEC)

(a) See Article 4(5)(a) of this Directive Directive 64/222/EEC

(liberalisation Directive 64/224/EEC)

1. professional activities of an intermediary who is empowered and instructed by one or more persons to negotiate or enter into commercial transactions in the name of and on behalf of those persons;

2. professional activities of an intermediary who, while not being permanently so instructed, brings together persons wishing to contract directly with one another or arranges their commercial transactions or assists in the completion thereof;

3. professional activities of an intermediary who enters into commercial transactions in his own name on behalf of others;

4. professional activities of an intermediary who carries out wholesale selling by auction on behalf of others;

5. professional activities of an intermediary who goes from door to door seeking orders;

6. provision of services, by way of professional activities, by an intermediary in the employment of one or more commercial, industrial or small craft undertakings.

(b) See Article 4(5)(b) of this Directive Directive 70/523/EEC

Activities of self-employed persons in the wholesale coal trade and activities of intermediaries in the coal trade (ex Group 6112, ISIC Nomenclature)

List VI Directives 68/364/EEC, 68/368/EEC, 75/368/EEC, 75/369/EEC, 82/470/EEC

1 Directive 68/364/EEC

(liberalisation Directive 68/363/EEC)

2 Directive 68/368/EEC

(liberalisation Directive 68/367/EEC)

ISIC Nomenclature

ISIC ex Major Group 85:

1. Restaurants, cafes, taverns and other drinking and eating places (ISIC Group 852)

2. Hotels, rooming houses, camps and other lodging places (ISIC Group 853)

3 Directive 75/368/EEC (Article 7)

All the activities listed in the Annex to Directive 75/368/EEC, except those referred to in Article 5 of that Directive (List I, No 3 of this Annex).

4 Directive 75/369/EEC (Article 5)

The following itinerant activities:

(a) the buying and selling of goods:

- by itinerant tradesmen, hawkers or pedlars (ex ISIC Group 612);
- in covered markets other than from permanently fixed installations and in open-air markets;

(b) activities covered by transitional measures already adopted that expressly exclude or do not mention the pursuit of such activities on an itinerant basis.

5 Directive 82/470/EEC (Article 6(2))

(Activities listed in Article 2(A)(c) and (e), (B)(b), (C) and (D))

These activities comprise in particular:

- hiring railway cars or wagons for transporting persons or goods;
- acting as an intermediary in the sale, purchase or hiring of ships;
- arranging, negotiating and concluding contracts for the transport of emigrants;
- receiving all objects and goods deposited, on behalf of the depositor, whether under customs control or not, in warehouses, general stores, furniture depots, coldstores, silos, etc.
- supplying the depositor with a receipt for the object or goods deposited;
- providing pens, feed and sales rings for livestock being temporarily accommodated while awaiting sale or while in transit to or from the market;
- carrying out inspection or technical valuation of motor vehicles;
- measuring, weighing and gauging goods.

PART TWO

Activities other than those covered in Part One

1. Directives 63/261/EEC, 63/262/EEC, 65/1/EEC, 67/530/EEC, 67/531/EEC, 67/532/EEC, 68/192/EEC, 68/415/EEC and 71/18/EEC

ISIC Nomenclature

In particular:

(a) general agriculture including the growing of field crops and viticulture; growing of fruits, nuts, seeds, vegetables, flowers, both in the open and under glass;

(b) raising of livestock, poultry, rabbits, fur-bearing or other animals, bees; the production of meat, milk, wool, skins and fur, eggs, honey;

(c) agricultural, animal husbandry and horticultural services on a fee or contract basis.

2 Directive 63/607/EEC

(Films)

3 Directive 64/223/EEC

ISIC Nomenclature

31993L0016

Council Directive 93/16/EEC of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications

Official Journal L 165 , 07/07/1993 P. 0001 - 0024

Finnish special edition: Chapter 6 Volume 4 P. 0102

Swedish special edition: Chapter 6 Volume 4 P. 0102

COUNCIL DIRECTIVE 93/16/EEC of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 49, Article 57 (1) and (2), first and third sentences, and Article 66 thereof,

Having regard to the proposal from the Commission,

In cooperation with the European Parliament(1) ,

Having regard to the opinion of the Economic and Social Committee(2) ,

Whereas Council Directives 75/362/EEC of 16 June 1975 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services(3) and 75/363/EEC of 16 June 1975 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of activities of doctors(4) have been frequently and substantially amended; whereas, therefore, for reasons of clarity and rationality, the said Directives should be consolidated; whereas it is in addition advisable, by grouping together the said Directives in a single text, to incorporate therein Council Directive 86/457/EEC of 15 September 1986 on specific training in general medical practice(5) ;

Whereas, pursuant to the Treaty, all discriminatory treatment based on nationality with regard to establishment and provision of services is prohibited as from the end of the transitional period; whereas the principle of such treatment based on nationality applies in particular to the grant of any authorization required to practise as a doctor and also to the registration with, or membership of, professional organizations or bodies;

Whereas it nevertheless seems desirable that certain provisions be introduced to facilitate the effective exercise of the right of establishment and freedom to provide services in respect of the activities of doctors;

Whereas, pursuant to the Treaty, the Member States are required not to grant any form of aid likely to distort the conditions of establishment;

Whereas Article 57 (1) of the Treaty provides that directives be issued for mutual recognition of diplomas, certificates and other evidence of formal qualifications; whereas the aim of this Directive is the recognition of diplomas, certificates and other evidence of formal qualifications whereby activities in the field of medicine can be taken up and pursued and the recognition of diplomas, certificates and other evidence of formal qualifications in respect of specialists;

Whereas, with regard to the training of specialists, mutual recognition of training qualifications is advisable where these qualifications, while not being a condition of access to take up the

activities of a specialist, nonetheless entitle him to use a specialist title;

Whereas changes in the legislation of the Member States have made certain technical amendments necessary in order to take into account, in particular, the changes in the titles of diplomas, certificates and other evidence of formal qualifications in these professions or in the designation of certain medical specializations, as well as of the establishment of certain new medical specializations or the discontinuing of certain former specializations which have taken place in some Member States;

Whereas it is advisable to make provision for measures relating to acquired rights with regard to the mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine issued by the Member State and approving training which had commenced before the implementation of this Directive;

Whereas, with regard to the possession of a formal certificate of training, since a Directive on the mutual recognition of diplomas does not necessarily imply equivalence in the training covered by such diplomas, the use of such qualifications should be authorized only in the language of the Member State of origin or of the Member State from which the foreign national comes;

Whereas, to facilitate the application of this Directive by the national authorities, Member States may prescribe that, in addition to formal certificates of training, the person who satisfies the conditions of training required by this Directive must provide a certificate from the competent authorities of his country of origin or of the country from which he comes stating that these certificates of training are those covered by the Directive;

Whereas this Directive does not affect the provisions laid down by law, regulation or administrative action in the Member States, which prohibit companies or firms from practising medicine or impose on them certain conditions for such practice;

Whereas, in the case of the provision of services, the requirement of registration with, or membership of, professional organizations or bodies, since it is related to the fixed and permanent nature of the activity pursued in the host country, would undoubtedly constitute an obstacle to the person wishing to provide the service, by reason of the temporary nature of his activity; whereas this requirement should therefore be abolished; whereas, however, in this event, control over professional discipline, which is the responsibility of these professional organizations or bodies, should be guaranteed; whereas, to this end, it should be guaranteed; whereas, to this end, it should be provided, subject to the application of Article 62 of the Treaty, that the person concerned may be required to submit to the competent authority of the host Member State particulars relating to the provision of services;

Whereas, with regard to the requirements relating to good character and good repute, a distinction should be drawn between the requirements to be satisfied on first taking up the profession and those to be satisfied to practise it;

Whereas, with a view to mutual recognition of diplomas, certificates and other evidence of formal qualifications in specialized medicine and in order to put all members of the profession who are nationals of the Member States on an equal footing within the Community, some coordination of the requirements for training in specialized medicine seems necessary; whereas certain minimum criteria should be laid down for this purpose concerning the right to take up specialized training, the minimum training period, the method by which such training is given and the place where it is to be carried out, as well as the supervision to which it should be subject; whereas these criteria only concern the specialities common to all the Member States or to two or more Member States;

Whereas the coordination of the conditions for the pursuit of these activities, as envisaged by this Directive, does not exclude any subsequent coordination;

Whereas the point has now been reached where it is almost universally recognized that there is a need for specific training for the general medical practitioner to enable him better to fulfil his function; whereas this function, which depends to a great extent on the doctor's personal knowledge of his patients' environment, consists of giving advice on the prevention of illness and on the protection of the patients' general health, besides giving appropriate treatment;

Whereas this need for specific training in general medical practice has emerged mainly as a result of the development of medical science, which has increasingly widened the gap between medical research and teaching on the one hand and general medical practice on the other, so that important aspects of general medical practice can no longer be taught in a satisfactory manner within the framework of the Member States' current basis medical training;

Whereas, apart from the benefit to patients, it is also recognized that improved training for the specific function of general medical practitioner would contribute to an improvement in health care, particularly by developing a more selective approach to the consultation of specialists, use of laboratories and other highly specialized establishments and equipment;

Whereas improved training for general medical practice will upgrade the status of the general medical practitioner;

Whereas, although this situation seems irreversible, it has developed at different rates in the various Member States; whereas it is desirable to ensure that the various trends converge in successive stages, without however forcing the pace, with a view to appropriate training for every general medical practitioner in order to satisfy the specific requirements of general medical practice;

Whereas, to ensure the gradual introduction of this reform, it is necessary in an initial stage to institute in each Member State specific training in general medical practice which satisfies minimum quality and quantity requirements, and supplements the minimum basic training which medical practitioners must receive in accordance with this Directive; whereas it is immaterial whether this training in general medical practice is received as part of, or separately from, basic medical training as laid down nationally; whereas, in a second stage, provision should be made to subject the exercise of general medical practice under a social security scheme to completion of specific training in general medical practice; whereas further proposals to complete the reform should subsequently be put forward;

Whereas this Directive does not affect the power of the Member States to organize their national security schemes and to determine what activities are to be carried out under those schemes;

Whereas the coordination, pursuant to this Directive, of the minimum conditions governing the issue of diplomas, certificates or other evidence of formal qualifications certifying completion of specific training in general medical practice will render possible the mutual recognition of these diplomas, certificates or other evidence of formal qualifications by the Member States;

Whereas, pursuant to this Directive, a host Member State is not entitled to require medical practitioners, in possession of diplomas obtained in another Member State and recognized pursuant to this Directive, to complete any additional training in order to practise within its social security scheme, even where such training is required of holders of diplomas of medicine obtained in its own territory; whereas this consequence of this Directive will remain in effect as regards the exercise of general medical practice under social security schemes until 1 January 1995, from which date this Directive requires all Member States to make the exercise of general medical practice in the context of their social security schemes subject to the possession of specific training in general medical practice; whereas medical practitioners established in

practice before that date pursuant to this Directive must have an acquired right to practise as general medical practitioners under the national social security scheme of the host country even if they have not completed specific training in general medical practice;

Whereas the coordination envisaged by this Directive covers the professional training of doctors, whereas, as far as training is concerned, most Member States do not at present distinguish between doctors who pursue their activities as employed persons and those who are self-employed; whereas rules relating to good character or good repute, professional discipline or use of title for the professions covered are or may be applicable, depending on the individual Member States, both to employed and self-employed persons; whereas the activities of doctors are subject in all Member States to possession of a diploma, certificate or other evidence of formal qualification in medicine; whereas such activities are pursued by both employed and self-employed persons, or by the same persons in both capacities in the course of their professional career; whereas, in order to encourage as far as possible the free movement of those professional persons within the Community, it therefore appears necessary to extend this Directive to employed doctors;

Whereas, this Directive must not affect the obligations of the Member States concerning the deadlines for transposition set out in Annex III, Part B,

HAS ADOPTED THIS DIRECTIVE:

TITLE I SCOPE

Article 1

This Directive shall apply to the activities of doctors working in a self-employed or employed capacity who are nationals of the Member States.

TITLE II MUTUAL RECOGNITION OF DIPLOMAS CERTIFICATES AND OTHER EVIDENCE OF FORMAL QUALIFICATIONS IN MEDICINE

CHAPTER I

DIPLOMAS, CERTIFICATES AND OTHER EVIDENCE OF FORMAL QUALIFICATIONS IN MEDICINE

Article 2

Each Member State shall recognize the diplomas, certificates and other evidence of formal qualifications awarded to nationals of Member States by the other Member States in accordance with Article 23 and which are listed in Article 3, by giving such qualifications, as far as the right to take up and pursue the activities of a doctor is concerned, the same effect in its territory as those which the Member State itself awards.

Article 3

The diplomas, certificates and other evidence of formal qualifications referred to in Article 2 are as follows:

(a) in Belgium:

'diplôme légal de docteur en médecine, chirurgie et accouchements/Wettelijk diploma van doctor in de genees-, heelen verloskunde' (diploma of doctor of medicine, surgery and obstetrics required by law) awarded by the university faculties of medicine, the Central Examining Board or the State University Education Examining Board;

(b) in Denmark:

'bevis for bestaaet laegevidenskabelig embedseksamen' (diploma of medical practitioner required by law) awarded by a university faculty of medicine and 'dokumentation for gennemfoert praktisk uddannelse', (certificate of practical training issued by the competent authorities of the health service);

(c) in Germany:

1. 'Zeugnis ueber die aertzliche Staatspruefung' (the State examination certificate in medicine) awarded by the competent authorities, 'Zeugnis ueber die Vorbereitungszeit als Medizinalassistent' (certificate stating that the preparatory period as medical assistant has been completed) in so far as German law still requires such a period to complete medical training;

2. 'Zeugnis ueber die aertzliche Staatspruefung' (the State examination certificate in medicine) awarded by the competent authorities after 30 June 1988 and the certificat attesting to the practice of medicine during a period of practical training ('Arzt im Praktikum');

(d) in Greece:

'Ptychio Iatrikis' (degree in medicine) awarded by:

- the faculty of medicine of a university, or
- the faculty of health sciences, department of medicine, of a university;

(e) in Spain:

'Título de Licenciado en Medicina y Cirugía' (university degree in medicine and surgery) awarded by the Ministry of Education and Science or the rector of a university;

(f) in France:

1. 'diplôme d'État de docteur en médecine' (State diploma of doctor of medicine) awarded by the university faculties of medicine, the university joint faculties of medicine and pharmacy, or by the universities;

2. 'diplôme d'université de docteur en médecine' (university diploma of doctor of medicine) where that diploma certifies completion of the same training course as that laid down for the State diploma of doctor of medicine;

(g) in Ireland:

a primary qualification granted in Ireland after passing a qualifying examination held by a competent examining body and a certificate of experience granted by that body which give entitlement to registration as a fully registered medical practitioner;

(h) in Italy:

'diploma di laurea in medicina e chirurgia' (diploma of graduate in medicine and surgery) awarded by a university, accompanied by a 'diploma di abilitazione all'esercizio della medicina e chirurgia' (diploma conferring the right to practise medicine and surgery) awarded by the State Examining Commission;

(i) in Luxembourg:

'diplôme d'État de docteur en médecine, chirurgie et accouchements' (State diploma of doctor of medicine, surgery and obstetrics) awarded by the State Examining Board, and endorsed by the Minister of Education, and 'certificat de stage' (certificate of practical training) endorsed by the Minister for Public Health;

(j) in the Netherlands:

'universitair getuigschrift van arts' (university certificate of doctor);

(k) in Portugal:

'Carta de curso de licenciatura em medicina' (diploma confirming the completion of medical studies), awarded by a university, and the 'Diploma comprovativo da conclusao do internato geral' (diploma confirming the completion of general internship), awarded by the competent authorities of the Ministry of Health;

(l) in the United Kingdom:

'a primary qualification granted in the United Kingdom after passing a qualifying examination held by a competent examining body and a certificate of experience granted by that body which give entitlement to registration as a fully registered medical practitioner.

CHAPTER II

DIPLOMAS, CERTIFICATES AND OTHER EVIDENCE OF FORMAL QUALIFICATIONS IN SPECIALIZED MEDICINE COMMON TO ALL MEMBER STATES

Article 4

Each Member State shall recognize the diplomas, certificates and other evidence of formal qualifications in specialized medicine awarded to nationals of Member States by the other Member States in accordance with Articles 24, 25, 26, and 29 and which are listed in Article 5, by giving such qualifications the same effect in its territory as those which the Member State itself awards.

Article 5

1. The diplomas, certificates and other evidence of formal qualifications referred to in Article 4 shall be those which, having been awarded by the competent authorities or bodies listed in paragraph 2 correspond, for the purpose of the specialized training concerned, to the qualifications recognized in the various Member States and listed in paragraph 3.

2. The diplomas, certificates and other evidence of formal qualifications awarded by the competent authorities or bodies referred to in paragraph 1 are as follows:

in Belgium:

'titre d'agrégation en qualité de médecin spécialiste / erkenningstitel van geneesheer specialist' (formal evidence of having qualified as a medical specialist) issued by the Minister responsible for public health;

in Denmark:

'bevis for tilladelse til at betegne sig som speciallaege' (certificate concerning the title of specialist) issued by the competent authorities of the health service;

in Germany:

'Fachärztliche Anerkennung' (recognized certificate of medical specialist, issued by the 'Landesaerztekammer' (Chambers of Physicians of the Land concerned);

in Greece:

'Titlos Iatrikis Eidikititas' (certificate of medical specialization) awarded by the 'Nomarchies' (prefectures);

in Spain:

'Título de Especialista' (professional qualification of specialist) awarded by the Ministry of Education and Science;

in France:

- 'certificat d'études spéciales de médecine' (certificate of specialized studies in medicine) issued by a university faculty of medicine, university joint faculties of medicine and pharmacy or by universities,

- certificates of qualified medical specialist, drawn up by the Council of the Ordre des médecins,

- le 'certificat d'études spéciales de médecine' (certificate of specialized studies in medicine) issued by a university faculty of medicine, university joint faculties of medicine and pharmacy or equivalent certificates drawn up under a decree of the Minister for Education,

- 'diplôme d'études spécialisées de médecine délivré par les universités' (diploma of specialized studies in medicine awarded by a university);

in Ireland:

certificate of specialist doctor issued by the competent authority recognized for this purpose by the Minister of Health;

in Italy:

'diploma di medico specialista, rilasciati dal rettore di una università' (diploma of specialized doctor, granted by a rector of a university);

in Luxembourg:

'certificat de médecin spécialiste' (certificate of specialist doctor) issued by the Minister for Public Health on the advice of the medical college;

in the Netherlands:

- 'Getuigschrift van erkenning en inschrijving in het Specialistenregister' (certificate of recognition and registration in the Register of Specialists, issued by the 'Specialisten-Registratiecommissie (SRC)' (Commission for the Registration of Specialists (CRS)),

- 'Getuigschrift van erkenning en inschrijving in het Register von Sociaal-Geneskundigen' (certificate of approval and registration issued by the 'Sociaal-Geneskundigen Registratie-Commissie (SGRC)' (Board of Registration of Doctors of Social Medicine);

in Portugal:

'Grau de Assistente' (assistant grade), awarded by the competent authorities of the Ministry of Health, or 'Título de Especialista' (professional qualification of specialist) awarded by the professional association for medical practitioners;

in the United Kingdom:

certificate of completion of specialist training issued by the competent authority recognized for this purpose.

3. The titles currently used in the Member States which correspond to the specialized training courses in question are as follows:

- anaesthetics:

Belgium: anesthésiologie/anesthesiologie

Denmark: anaestesiologi

Germany: Anaesthesiologie

Greece: anaisthiologia

Spain: anestesiología y reanimación

France: anesthésiologie-réanimation chirurgicale

Ireland: anaesthetics

Italy: anestesia e rianimazione

Luxembourg: anesthésie-réanimation

Netherlands: anesthesiologie

Portugal: anestesiologia

United Kingdom: anaesthetics,

- general surgery:

Belgium: chirurgie/heelkunde

Denmark: kirurgi eller kirurgiske sygdomme

Germany: Chirurgie

Greece: cheiroygiki

Spain: cirugía general y del aparato digestivo

France: chirurgie générale

Ireland: general surgery

Italy: chirurgia generale

Luxembourg: chirurgie générale

Netherlands: heelkunde

Portugal: cirurgia geral

United Kingdom: general surgery,

- neurological surgery:

Belgium: neurochirurgie/neurochirurgie

Denmark: neurokirurgi eller kirurgiske

nervesygdomme

Germany: Neurochirurgie

Greece: nevrocheiroygiki

Spain: neurocirugia

France: neurochirurgie

Ireland: neurological surgery

Italy: neurochirurgia

Luxembourg: neurochirurgie

Netherlands: neurochirurgie

Portugal: neurocirurgia

United Kingdom: neurological surgery,

- obstetrics and gynaecology:

Belgium: gynécologie-obstétrique/gynecologie-verloskunde

Denmark: gynaekologi og obstetrik eller kvindesygdomme og foedselshjaelp

Germany: Frauenheilkunde und Geburtshilfe

Greece: maiefiki-gynaikologia

Spain: obstetricia y ginecología

France: gynécologie-obstétrique

Ireland: obstetrics and gynaecology

Italy: ostetricia e ginecologia

Luxembourg: gynécologie-obstétrique

Netherlands: verloskunde en gynaecologie

Portugal: ginecologia e obstetricia

United Kingdom: obstetrics and gynaecology,

- general (internal) medicine:

Belgium: médecine interne/inwendige geneeskunde

Denmark: intern medicin eller medicinske sygdomme

Germany: Innere Medizin

Greece: pathologia

Spain: medicina interna

France: médecine interne

Ireland: general (internal) medicine

Italy: medicina interna

Luxembourg: maladies internes

Netherlands: inwendige geneeskunde

Portugal: medicina interna

United Kingdom: general medicine,

- ophthalmology:

Belgium: ophtalmologie/oftalmologie

Denmark: oftalmologi eller oøjensygdomme

Germany: Augenheilkunde

Greece: oftalmologia

Spain: oftalmología

France: ophtalmologie

Ireland: ophthalmology

Italy: oculistica

Luxembourg: ophtalmologie

Netherlands: oogheelkunde
 Portugal: oftalmologia
 United Kingdom: ophthalmology,
 - oto rhino laryngology:
 Belgium: oto-rhino-laryngologie/otorhinolaryngologie
 Denmark: oto-rhino-laryngologi eller oere-naese-halssygdomme
 Germany: Hals-Nasen-Ohrenheilkunde
 Greece: otorinolaryngologia
 Spain: otorrinolaringología
 France: oto-rhino-laryngologie
 Ireland: otolaryngology
 Italy: otorinolaringoiatria
 Luxembourg: oto-rhino-laryngologie
 Netherlands: keel-, neus- en oorheelkunde
 Portugal: otorrinolaringologia
 United Kingdom: otolaryngology,
 - paediatrics:
 Belgium: pédiatrie/kindergeneeskunde
 Denmark: paediatrici eller boernesygdomme
 Germany: Kinderheilkunde
 Greece: paidiatriki
 Spain: pediatria sus áreas específicas
 France: pédiatrie
 Ireland: paediatrics
 Italy: pediatria
 Luxembourg: pédiatrie
 Netherlands: kindergeneeskunde
 Portugal: pediatria
 United Kingdom: paediatrics,
 - respiratory medicine:
 Belgium: pneumologie/pneumologie
 Denmark: medicinske lungesydomme
 Germany: Lungen- und Bronchialheilkunde
 Greece: fymatiologia-pnevmonologia
 Spain: neumologia
 France: pneumologie
 Ireland: respiratory medicine
 Italy: fisiologia e malattie dell'apparato respiratorio
 Luxembourg: pneumo-ptisiologie
 Netherlands: longziekten en tuberculose
 Portugal: pneumologia
 United Kingdom: respiratory medicine,
 - urology
 Belgium: urologie/urologie
 Denmark: urologi eller urinvejenes kirurgiske sygdomme
 Germany: Urologie
 Greece: urologia
 Spain: urología
 France: chirurgie urologique
 Ireland: urology
 Italy: urologia
 Luxembourg: urologie
 Netherlands: urologie
 Portugal: urologia

United Kingdom: urology;
 - orthopaedics:
 Belgium: orthopédie/orthopedie
 Denmark: ortopaedisk kirurgi
 Germany: Orthopaedie
 Greece: orthopediki
 Spain: traumatología y cirugía ortopédica
 France: chirurgie orthopédique et traumatologie
 Ireland: orthopaedic surgery
 Italy: ortopedia e traumatologia
 Luxembourg: orthopédie
 Netherlands: orthopedie
 Portugal: ortopedia
 United Kingdom: orthopaedic surgery,
 - pathological anatomy:
 Belgium: anatomie pathologique/pathologische anatomie
 Denmark: patologisk anatomi og histologi eller
 vaevsundersoegelse
 Germany: Pathologie
 Greece: patologiki anatomiki
 Spain: anatomía patológica
 France: anatomie et cytologie pathologique
 Ireland: morbid anatomy and histopathology
 Italy: anatomia patologica
 Luxembourg: anatomie pathologique
 Netherlands: pathologische anatomie
 Portugal: anatomia patológica
 United Kingdom: morbid anatomy and histopathology;
 - neurology:
 Belgium: neurologie/neurologie
 Denmark: neuromedicin eller medicinske nervesygdomme
 Germany: Neurologie
 Greece: nevrologia
 Spain: neurologia
 France: neurologie
 Ireland: neurology
 Italy: neurologia
 Luxembourg: neurologie
 Netherlands: neurologie
 Portugal: neurologia
 United Kingdom: neurology,
 - psychiatry:
 Belgium: psychiatrie/psychiatrie
 Denmark: psykiatri
 Germany: Psychiatrie
 Greece: psykiatriki
 Spain: psiquiatria
 France: psychiatrie
 Ireland: psychiatry
 Italy: psichiatria
 Luxembourg: psychiatrie
 Netherlands: psychiatrie
 Portugal: psiquiatria
 United Kingdom: psychiatry.

CHAPTER III

DIPLOMAS, CERTIFICATES AND OTHER EVIDENCE OF FORMAL QUALIFICATIONS IN SPECIALIZED MEDICINE PECULIAR TO TWO OR MORE MEMBER STATES

Article 6

Each Member State with provisions on this matter laid down by law, regulation or administrative action shall recognize the diplomas, certificates and other evidence of formal qualifications in specialized medicine awarded to nationals of Member States by the other Member States in accordance with Articles 24, 25, 27 and 29 and which are listed in Article 7, by giving such qualifications the same effect in its territory as those which the Member State itself awards.

Article 7

1. The diplomas, certificates and other evidence of formal qualifications referred to in Article 6 shall be those which, having been awarded by the competent authorities or bodies listed in Article 5 (2), correspond for the purposes of the specialized training in question to the designations listed in paragraph 2 of this Article in respect of those Member States which give such training.

2. The designations currently used in the Member States which correspond to the specialist training courses in question are as follows:

- clinical biology:

Belgium: biologie clinique/klinische biologie

Spain: anjllisis cljnicas

France: biologie mjdicale

Italy: patologia diagnostica di laboratorio

Portugal: patologia cljnica,

- biological haematology:

Denmark: klinisk blodtypeserologi

France: hmatologie

Luxembourg: hmatologie biologique

Portugal: hematologia cljnica,

- microbiology-bacteriology:

Denmark: klinisk mikrobiologi

Germany: Mikrobiologie und Infektionsepidemiologie

Greece: mikrovirologia

Spain: microbiologja y parasitologja

Ireland: microbiology

Italy: microbiologia

Luxembourg: microbiologie

Netherlands: medische microbiologie

United Kingdom: medical microbiology,

- biological chemistry:

Denmark: klinisk kemi

Spain: bioqujmica cljnica

Ireland: chemical pathology

Luxembourg: chimie biologique

Netherlands: klinische chemie

United Kingdom: chemical pathology,

- immunology:

Spain: inmunologja

Ireland: clinical immunology

United Kingdom: immunology,

- plastic surgery:

Belgium: chirurgie plastique/plastische heelkunde

Denmark: plastikkirurgi

Greece: plastiki cheiroyrgiki

Spain: cirurgja pljstica y reparadora

France: chirurgie plastique, reconstructrice et esthetique

Ireland: plastic surgery

Italy: chirurgia plastica

Luxembourg: chirurgie plastique

Netherlands: plastische chirurgie

Portugal: cirurgia pljstica e reconstrutiva

United Kingdom: plastic surgery,

- thoracic surgery:

Belgium: chirurgie thoracique/heelkunde op de thorax

Denmark: thoraxkirurgi eller brysthulens kirurgiske sygdomme

Greece: cheiroyrgiki thorakos

Spain: cirurgja torjcica

France: chirurgie thoracique et cardio-vasculaire

Ireland: thoracic surgery

Italy: chirurgia toracica

Luxembourg: chirurgie thoracique

Netherlands: cardio-pulmonale chirurgie

Portugal: cirurgia cjrдио-torjcica

United Kingdom: thoracic surgery,

- paediatric surgery:

Greece: cheiroyrgiki paidon

Spain: cirurgja pediitrica

France: chirurgie infantile

Ireland: paediatric surgery

Italy: chirurgia pediatrica

Luxembourg: chirurgie pdiatrique

Portugal: cirurgia pediitrica

United Kingdom: paediatric surgery,

- vascular surgery:

Belgium: chirurgie des vaisseaux/bloedvatenheelkunde

Spain: angiologja y cirurgja vascular

France: chirurgie vasculaire

Italy: chirurgia vascolare

Luxembourg: chirurgie cardio-vasculaire

Portugal: cirurgia vascular,

- cardiology:

Belgium: cardiologie/cardiologie

Denmark: cardiologi eller hjerte-og-kredsloebssygdomme

Greece: kardiologia

Spain: cardiologja

France: pathologie cardio-vasculaire

Ireland: cardiology

Italy: cardiologia

Luxembourg: cardiologie et angiologie

Nederland: cardiologie

Portugal: cardiologia

United Kingdom: cardio-vascular disease,

- gastro-enterology:

Belgium: gastro-entérologie/gastro-enterologie
 Denmark: medicinsk gastroenterologi eller medicinske mave-
 tarmsygdomme
 Greece: gastrenterologia
 Spain: aparato digestivo
 France: gastro-entérologie et hépatologie
 Ireland: gastro-enterology
 Italy: malattie dell'apparato digerente, della nutrizione e del
 ricambio
 Luxembourg: gastro-entérologie
 Netherlands: gastro-enterologie
 Portugal: gastrenterologia
 United Kingdom: gastro-enterology,
 - rheumatology:
 Belgium: rhumatologie/reumatologie
 Denmark: reumatologi
 Greece: revmatologia
 Spain: reumatología
 France: rhumatologie
 Ireland: rheumatology
 Italy: reumatologia
 Luxembourg: rhumatologie
 Netherlands: reumatologie
 Portugal: reumatologia
 United Kingdom: rheumatology,
 - general haematology:
 Greece: aimatologia
 Spain: hematología y hemoterapia
 Ireland: haematology
 Italy: ematologia
 Luxembourg: hématologie
 Portugal: imuno-hemoterapia
 United Kingdom: haematology,
 - endocrinology:
 Greece: endokrinologia
 Spain: endocrinología y nutrición
 France: endocrinologie - maladies
 Ireland: endocrinology and diabetes mellitus
 Italy: endocrinologia
 Luxembourg: endocrinologie, maladies du métabolisme et de la
 nutrition
 Portugal: endocrinologia-nutricao
 United Kingdom: endocrinology and diabetes mellitus,
 - physiotherapy:
 Belgium: médecine physique/fysische geneeskunde
 Denmark: fysiurgi og rehabilitering
 Greece: fysiki iatriki kai apokatastasi
 Spain: rehabilitación
 France: rééducation et réadaptation fonctionnelles
 Italy: fisioterapia
 Netherlands: revalidatie
 Luxembourg: rééducation et réadaptation fonctionnelles
 Portugal: fisioterapia,

- stomatology:

Spain: estomatología
 France: stomatologie
 Italy: odontostomatologia
 Luxembourg: stomatologie
 Portugal: estomatologia,
 - neuro-psychiatry:
 Belgium: neuropsychiatrie/neuropsychiatrie
 Germany: Nervenheilkunde (Neurologie und Psychiatrie)
 Greece: nevrologia - psichiatriki
 France: neuropsychiatrie
 Italy: neuropsichiatria
 Luxembourg: neuropsychiatrie
 Netherlands: zenuw - en zielsziekten,
 - dermato-venereology:
 Belgium: dermato-vénérologie/dermato-venereologie
 Denmark: dermato-venereologie eller hud- og kooenssygdomme
 Germany: Dermatologie und Venerologie
 Greece: dermatologia-afrodisiologia
 Spain: dermatología médico-quirúrgica y venereología
 France: dermatologie et vénéréologie
 Italy: dermatologia e venerologia
 Luxembourg: dermato-vénérologie
 Netherlands: dermatologie en venerologie
 Portugal: dermatovenereologia,
 - dermatology:
 Ireland: dermatology
 United Kingdom: dermatology,
 - venereology:
 Ireland: venereology
 United Kingdom: venereology,
 - radiology:
 Germany: Radiologie
 Greece: aktinologia - radiologia
 Spain: electrorradiología
 France: électro-radiologie
 Italy: radiologia
 Luxembourg: électroradiologie
 Netherlands: radiologie
 Portugal: radiologia,
 - diagnostic radiology:
 Belgium: radiodiagnostic/roentgendiagnose
 Denmark: diagnostisk radiologi eller - roentgenundersoegelse
 Germany: Radiologische Diagnostik
 Greece: aktinodiagnostiki
 Spain: radiodiagnóstico
 France: radiodiagnostic et imagerie médicale
 Ireland: diagnostic radiology
 Luxembourg: radiodiagnostic
 Netherlands: radiodiagnostiek
 Portugal: radiodiagnóstico
 United Kingdom: diagnostic radiology,
 - radiotherapy:
 Belgium: radio- et radiumthérapie/radio- en radiumtherapie

Denmark: terapeutisk radiologi eller stralebehandling
 Germany: Strahlentherapie
 Greece: aktinoterapeftiki
 Spain: oncologka radioteripica
 France: oncologie, option radiothérapie
 Ireland: radiotherapy
 Luxembourg: radiothérapie
 Netherlands: radiotherapie
 Portugal: radioterapia
 United Kingdom: radiotherapy,
 - tropical medicine:
 Denmark: tropemedicin
 Ireland: tropical medicine
 Italy: medicina tropicale
 Portugal: medicina tropical
 United Kingdom: tropical medicine,
 - child psychiatry:
 Denmark: boernpsykiatri
 Germany: Kinder- und Jugendpsychiatrie
 Greece: paidopsychiatriki
 France: pédo-psychiatrie
 Ireland: child and adolescent psychiatry
 Italy: neuropsichiatria infantile
 Luxembourg: psychiatrie infantile
 Portugal: pedopsiquiatria
 United Kingdom: child and adolescent psychiatry,
 - geriatrics:
 Spain: geriatrka
 Ireland: geriatrics
 Netherlands: klinische geriatrie
 United Kingdom: geriatrics,
 - renal diseases:
 Denmark: nefrologi eller medicinske nyresygdomme
 Greece: nefrologia
 Spain: nefrologka
 France: néphrologie
 Ireland: nephrology
 Italy: nefrologia
 Luxembourg: néphrologie
 Portugal: nefrologia
 United Kingdom: renal disease,
 - communicable diseases:
 Ireland: communicable diseases
 Italy: malattia infettive
 United Kingdom: communicable diseases,
 - community medicine
 France: santé publique et médecine sociale
 Ireland: community medicine
 United Kingdom: community medicine,
 - pharmacology:
 Germany: Pharmakologie
 Spain: farmacologka clknica
 Ireland: clinical pharmacology and therapeutics
 United Kingdom: clinical pharmacology and therapeutics,

- occupational medicine:
 Denmark: samfundsmedicin/arbejdsmedicin
 Germany: Arbeitsmedizin
 Greece: iatriki tis ergasias
 France: médecine du travail
 Italy: medicina del lavoro
 Ireland: occupational medicine
 Netherlands: arbeids- en bedrijfsgeneeskunde
 Portugal: medicina do trabalho
 United Kingdom: occupational medicine,
 - allergology:
 Greece: allergiologia
 Spain: alergologia
 Italy: allergologia ed immunologia clinica
 Netherlands: allergologie
 Portugal: imunoalergologia,
 - gastro-enterological surgery:
 Belgium: chirurgie abdominale/heelkunde op het abdomen
 Denmark: kirurgisk gastroenterologi eller kirurgiske mave-
 tarmsygdomme
 Spain: cirugka del aparato digestivo
 France: chirurgie viscérale
 Italy: chirurgia dell'apparato digerente,
 - nuclear medicine:
 Belgium: médecine nucléaire/nucleaire geneeskunde
 Germany: Nuklearmedizin
 Greece: pyriniki iatriki
 Spain: medicina nuclear
 France: médecine nucléaire
 Italy: medicina nucleare
 Netherlands: nucleaire geneeskunde
 Portugal: medicina nuclear
 United Kingdom: nuclear medicine,
 - maxillo-facial surgery (basic medical training):
 Spain: cirugka oral y maxilofacial
 France: chirurgie maxillo-faciale et stomatologie
 Italy: chirurgia maxillo-facciale,
 - dental, oral and maxillo-facial surgery
 (basic medical and dental training):
 Belgium: stomatologie/chirurgie orale et maxillo-faciale;
 stomatologie/orale en maxillo-faciale chirurgie
 Germany: Zahn-, Mund-, Kiefer- und Gesichtschirurgie
 Ireland: oral and maxillo-facial surgery
 United Kingdom: oral and maxillo-facial surgery.

Article 8

1. Nationals of Member States wishing to acquire one of the diplomas, certificates or other evidence of formal qualifications of specialist doctors not referred to in Articles 4 and 6, or which, although referred to in Article 6, are not awarded in the Member State of origin or the Member State from which the foreign national comes, may be required by a host Member State to fulfil the conditions of training laid down in respect of the speciality by its own law, regulation or administrative action.

2. The host Member State shall, however, take into account, in whole or in part, the training periods completed by the nationals referred to in paragraph 1 and attested by the award of a diploma, certificate or other evidence of formal training by the competent authorities of the Member State of origin or the Member State from which the foreign national comes provided such training periods correspond to those required in the host Member State for the specialized training in question.

3. The competent authorities or bodies of the host Member State, having verified the content and duration of the specialist training of the person concerned on the basis of the diplomas, certificates and other evidence of formal qualifications submitted, shall inform him of the period of additional training required and of the fields to be covered by it.

CHAPTER IV

EXISTING CIRCUMSTANCES

Article 9

1. Without prejudice to paragraph 3, in the case of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications in medicine do not satisfy all the minimum training requirements laid down in Article 23, each Member State shall recognize, as being sufficient proof, the diplomas, certificates and other evidence of formal qualifications in medicine awarded by those Member States when they attest to training which commenced before:

- 1 January 1986 for Spain and Portugal,
- 1 January 1981 for Greece,
- 20 December 1976 for the other Member States,

accompanied by a certificate stating that those nationals have effectively and lawfully been engaged in the activities in question for at least three consecutive years during the five years prior to the date of issue of the certificate.

2. Without prejudice to paragraph 4, in the case of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications in specialized medicine do not satisfy the minimum training requirements pursuant to Articles 24 to 27, each Member State shall recognize, as sufficient proof, the diplomas, certificates and other evidence of formal qualifications in specialized medicine awarded by those Member States when they attest to training which commenced before:

- 1 January 1986 for Spain and Portugal,
- 1 January 1981 for Greece,
- 20 December 1976 for the other Member States.

The host Member State may require that the diplomas, certificates and other evidence of formal qualifications in specialized medicine be accompanied by a certificate issued by the competent authorities or bodies of the Member State of origin or in the Member State from which they come, stating that the holders have, in specialized medicine, been engaged in activities in question for a period equivalent to twice the difference between the period of specialized training of the Member State of origin or of the Member State from which they come, and the minimum requirements regarding the duration of training laid down in Title III, where these periods are not equal to the minimum training periods laid down in Articles 26 and 27.

However, if, before the dates given in the first subparagraph, the host Member State required a minimum training period less than the one at issue referred to in Articles 26 and 27, the difference mentioned in the second subparagraph can only be determined by reference to the minimum training period laid down by that State.

3. In the case of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications in medicine attest to training received on the territory of the former German Democratic Republic which does not satisfy all the minimum training requirements laid down in Article 23, Member States other than Germany shall recognize those diplomas, certificates and other evidence of formal qualifications as being sufficient proof if:

- they attest to training commenced before German unification,
- they entitle the holder to pursue the activities of a doctor throughout the territory of Germany under the same conditions as the qualifications awarded by the competent German authorities and referred to in points 1 and 2 of Article 3 (c),
- they are accompanied by a certificate issued by the competent German authorities stating that those nationals have effectively and lawfully been engaged in the activities in question in Germany for at least three consecutive years during the five years prior to the date of issue of the certificate.

4. In the case of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications in specialized medicine attest to training received on the territory of the former German Democratic Republic which does not satisfy the minimum training requirements laid down in Articles 24 to 27, Member States other than Germany shall recognize those diplomas, certificates and other evidence of formal qualifications as being sufficient proof if:

- they attest to training commenced before 3 April 1992, and
- they permit the pursuit, as a specialist, of the activity in question throughout the territory of Germany under the same conditions as the qualifications awarded by the competent German authorities and referred to in Articles 5 and 7.

They may, however, require that these diplomas, certificates or other evidence of formal qualifications be accompanied by a certificate issued by the competent German authorities or bodies stating that the holders have, as specialists, been engaged in the activity in question for a period equivalent to twice the difference between the period of specialized training received on German territory and the minimum duration of training laid down in Title III where they do not satisfy the minimum requirements regarding the duration of training laid down in Articles 26 and 27.

5. In the case of nationals of the Member States whose diplomas, certificates and other evidence of formal qualifications in medicine or in specialized medicine do not conform with the qualifications or designations set out in Article 3, 5 or 7, each Member State shall recognize as being sufficient proof the diplomas, certificates and other evidence of formal qualifications awarded by those Member States, accompanied by a certificate issued by the competent authorities or bodies. The certificate shall state that these diplomas, certificates and other evidence of formal qualifications in medicine or in specialized medicine were awarded following training in accordance with the provisions of Title III referred to, as appropriate, in Article 2, 4 or 6, and are treated by the Member State which awarded them as the qualifications or designations set out, as appropriate, in Article 3, 5 or 7.

6. Those Member States which have repealed the provisions laid down by law, regulation or administrative action relating to the award of diplomas, certificates and other evidence of formal qualifications in neuro-psychiatry, radiology, thoracic surgery, vascular surgery, gastro-enterological surgery, biological haematology, physiotherapy or tropical medicine and have taken measures relating to acquired rights on behalf of their own nationals, shall recognize the right of nationals of the Member States to benefit from those same measures, provided their diplomas, certificates and other evidence of formal qualifications in neuro-psychiatry, radiology, thoracic surgery, vascular surgery, gastro-enterological surgery, biological haematology, physiotherapy or tropical medicine fulfil the relevant conditions set

out either in paragraph 2 of this Article or in Articles 24, 25 and 27 and in so far as the said diplomas, certificates and other evidence of formal qualifications were awarded before the date on which the host Member States stopped awarding such diplomas, certificates and other evidence of formal qualification in the specialization concerned.

7. The dates on which the Member States concerned repealed the provisions laid down by law, regulation or administrative action in respect of the diplomas, certificates and other evidence of formal qualifications referred to in paragraph 6 are set out in Annex II.

CHAPTER V

USE OF ACADEMIC TITLE

Article 10

1. Without prejudice to Article 19, host Member States shall ensure that the nationals of Member States who fulfil the conditions laid down in Articles 2, 4, 6 and 9 have the right to use the lawful academic title or, where appropriate, the abbreviation thereof, of their Member State of origin or of the Member State from which they come, in the languages of that State. Host Member States may require this title to be followed by the name and location of the establishment or examining board which awarded it.

2. If the academic title used in the Member State of origin, or in the Member State from which a foreign national comes, can be confused in the host Member State with a title requiring in that State additional training which the person concerned has not undergone, the host Member State may require such a person to use the title employed in the Member State of origin or the Member State from which he comes in a suitable form to be drawn up by the host Member State.

CHAPTER VI

PROVISIONS TO FACILITATE THE EFFECTIVE EXERCISE OF THE RIGHT OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES IN RESPECT OF THE ACTIVITIES OF DOCTORS

A. Provisions specifically relating to the right of establishment

Article 11

1. A host Member State which requires of its nationals proof of good character or good repute when they take up for the first time any activity of a doctor shall accept as sufficient evidence, in respect of nationals of other Member States, a certificate issued by a competent authority in the Member State of origin or in the Member State from which the foreign national comes, attesting that the requirements of the Member State as to good character or good repute for taking up the activity in question have been met.

2. Where the Member State of origin or the Member State from which the foreign national comes does not require proof of good character or good repute of persons wishing to take up the activity in question for the first time, the host Member State may require of nationals of the Member State of origin or of the Member State from which the foreign national comes an extract from the judicial record or, failing this, an equivalent document issued by a competent authority in the Member State of origin or the Member State from which the foreign national comes.

3. If the host Member State has detailed knowledge of a serious matter which has occurred, prior to the establishment of the person concerned in that State, outside its territory and which is likely to affect the taking up within its territory of the activity

concerned, it may inform the Member State of origin or the Member State from which the foreign national comes.

The Member State of origin or the Member State from which the foreign national comes shall verify the accuracy of the facts. Its authorities shall decide on the nature and extent of the investigation to be made and shall inform the host Member State of any consequential action which they take with regard to the certificates or documents they have issued.

4. Member States shall ensure the confidentiality of the information which is forwarded.

Article 12

1. Where, in a host Member State, provisions laid down by law, regulation or administrative action are in force laying down requirements as to good character or good repute including provisions for disciplinary action in respect of serious professional misconduct or conviction of criminal offences and relating to the pursuit of any of the activities of a doctor, the Member State of origin or the Member State from which the foreign national comes shall forward to the host Member State all necessary information regarding measures or disciplinary action of a professional or administrative nature taken in respect of the person concerned or criminal penalties imposed on him when pursuing his profession in the Member State of origin or in the Member State from which he came.

2. If the host Member State has detailed knowledge of a serious matter which has occurred, prior to the establishment of the person concerned in that State, outside its territory and which is likely to affect the pursuit within its territory of the activity concerned, it may inform the Member State of origin or the Member State from which the foreign national comes.

The Member State of origin or the Member State from which the foreign national comes shall verify the accuracy of the facts. Its authorities shall decide on the nature and extent of the investigation to be made and shall inform the host Member State of any consequential action which they take with regard to the information which they have forwarded in accordance with paragraph 1.

3. Member States shall ensure the confidentiality of the information which is forwarded.

Article 13

Where a host Member State requires of its own nationals wishing to take up or pursue any activity of a doctor, a certificate of physical or mental health, that State shall accept as sufficient evidence thereof the presentation of the document required in the Member State of origin or the Member State from which the foreign national comes.

Where the Member State of origin or the Member State from which the foreign national comes does not impose any requirements of this nature on those wishing to take up or pursue the activity in question, the host Member State shall accept from such national a certificate issued by a competent authority in that State corresponding to the certificates issued in the host Member State.

Article 14

Documents issued in accordance with Articles 11, 12 and 13 may not be presented more than three months after their date of issue.

Article 15

1. The procedure for authorizing the person concerned to take up any activity of a doctor, pursuant to Articles 11, 12 and 13, must be completed as soon as possible and not later than three months after presentation of all the documents relating to such person, without prejudice to delay resulting from any appeal that may be made upon the termination of this procedure.

2. In the cases referred to in Articles 11 (3) and 12 (2), a request for re-examination shall suspend the period laid down in paragraph 1.

The Member State consulted shall give its reply within a period of three months.

On receipt of the reply or at the end of the period the host Member State shall continue with the procedure referred to in paragraph 1.

Article 16

Where a host Member State requires its own nationals wishing to take up or pursue one of the activities of a doctor to take an oath or make a solemn declaration and where the form of such an oath or declaration cannot be used by nationals of other Member States, that Member State shall ensure that an appropriate and equivalent form of oath or declaration is offered to the person concerned.

B. Special provisions relating to the provision of services

Article 17

1. Where a Member State requires of its own nationals wishing to take up or pursue any activity of a doctor, an authorization or membership of, or registration with, a professional organization or body, that Member State shall in the case of the provision of services exempt the nationals of Member States from that requirement.

The person concerned shall provide services with the same rights and obligations as the nationals of the host Member State; in particular he shall be subject to the rules of conduct of a professional or administrative nature which apply in that Member State.

For this purpose and in addition to the declaration provided for in paragraph 2 relating to the services to be provided, Member States may, so as to permit the implementation of the provisions relating to professional conduct in force in their territory, require either automatic temporary registration or pro forma membership of a professional organization or body or, as an alternative, registration, provided that such registration or membership does not delay or in any way complicate the provision of services or impose any additional costs on the person providing the services.

Where a host Member State adopts a measure pursuant to the second subparagraph or becomes aware of facts which run counter to these provisions, it shall forthwith inform the Member State where the person concerned is established.

2. The host Member State may require the person concerned to make a prior declaration to the competent authorities concerning the provision of his services where they involve a temporary stay in its territory.

In urgent cases this declaration may be made as soon as possible after the services have been provided.

3. Pursuant to paragraphs 1 and 2, the host Member State may require the person concerned to supply one or more documents containing the following particulars:

- the declaration referred to in paragraph 2,

- a certificate stating that the person concerned is lawfully pursuing the activities in question in the Member State where he is established,

- a certificate that the person concerned holds one or other of the diplomas, certificates or other evidence of formal qualification appropriate for the provision of the services in question and referred to in this Directive.

4. The document or documents specified in paragraph 3 may not be produced more than 12 months after their date of issue.

5. Where a Member State temporarily or permanently deprives, in whole or in part, the right of one of its nationals or of a national of another Member State established in its territory to pursue one of the activities of a doctor, it shall, as appropriate, ensure the temporary or permanent withdrawal of the certificate referred to in the second indent of paragraph 3.

Article 18

Where registration with a public social security body is required in a host Member State for the settlement with insurance bodies of accounts relating to services rendered to persons insured under social security schemes, that Member State shall exempt nationals of Member States established in another Member State from this requirement, in cases of provision of services entailing travel on the part of the person concerned.

However, the persons concerned shall supply information to this body in advance, or, in urgent cases, subsequently, concerning the services provided.

C. Provisions common to the right of establishment and freedom to provide services

Article 19

Where in a host Member State the use of the professional title relating to one of the activities of a doctor is subject to rules, nationals of other Member States who fulfil the conditions laid down in Articles 2 and 9 (1), (3) and (5) shall use the professional title of the host Member State which, in that State, corresponds to those conditions of qualification and shall use the abbreviated title.

The first paragraph shall also apply to the use of professional titles of specialist doctors by those who fulfil the conditions laid down in Articles 4, 6 and 9 (2), (4), (5) and (6).

Article 20

1. Member States shall take the necessary measures to enable the persons concerned to obtain information on the health and social security laws and, where applicable, on the professional ethics of the host Member State.

For this purpose Member States may set up information centres from which such persons may obtain the necessary information. In the case of establishment, the host Member States may require the beneficiaries to contact these centres.

2. Member States may set up the centres referred to in paragraph 1 within the competent authorities and bodies which they must designate.

3. Member States shall see to it that, where appropriate, the persons concerned acquire, in their interest and in that of their patients, the linguistic knowledge necessary to the exercise of their profession in the host country.

Article 21

Member States which require their own nationals to complete a preparatory training period in order to become eligible for appointment as a doctor of a social security scheme may impose the same requirement on nationals of the other Member States for a period of five years beginning 20 June 1975. The training period may not, however, exceed six months.

Article 22

In the event of justified doubts, the host Member State may require of the competent authorities of another Member State confirmation of the authenticity of the diplomas, certificates and other evidence of formal qualifications issued in that other Member State and referred to in Chapters I to IV of Title II and also confirmation of the fact that the person concerned has fulfilled all the training requirements laid down in Title III.

TITLE III COORDINATION OF PROVISIONS LAID DOWN BY LAW, REGULATION OR ADMINISTRATIVE ACTION IN RESPECT OF ACTIVITIES OF DOCTORS

Article 23

1. The Member States shall require persons wishing to take up and pursue a medical profession to hold a diploma, certificate or other evidence of formal qualifications in medicine referred to in Article 3 which guarantees that during his complete training period the person concerned has acquired:

(a) adequate knowledge of the sciences on which medicine is based and a good understanding of the scientific methods including the principles of measuring biological functions, the evaluation of scientifically established facts and the analysis of data;

(b) sufficient understanding of the structure, functions and behaviour of healthy and sick persons, as well as relations between the state of health and physical and social surroundings of the human being;

(c) adequate knowledge of clinical disciplines and practices, providing him with a coherent picture of mental and physical diseases, of medicine from the points of view of prophylaxis, diagnosis and therapy and of human reproduction;

(d) suitable clinical experience in hospitals under appropriate supervision.

2. A complete period of medical training of this kind shall comprise at least a six-year course or 5 500 hours of theoretical and practical instruction given in a university or under the supervision of a university.

3. In order to be accepted for this training, the candidate must have a diploma or a certificate which entitles him to be admitted to the universities of a Member State for the course of study concerned.

4. In the case of persons who started their training before 1 January 1972, the training referred to in paragraph 2 may include six months' full-time practical training at university level under the supervision of the competent authorities.

5. Nothing in this Directive shall prejudice any facility which may be granted in accordance with their own rules by Member States in respect of their own territory to authorize holders of diplomas, certificates or other evidence of formal qualifications which have not been obtained in a Member State to take up and pursue the activities of a doctor.

Article 24

1. Member States shall ensure that the training leading to a diploma, certificate or other evidence of formal qualifications in specialized medicine, meets the following requirements at least:

(a) it shall entail the successful completion of six years' study within the framework of the training course referred to in Article 23; the training leading to the award of the diploma, certificate or other evidence of specialization in dental, oral and maxillo-facial surgery (basis medical and dental training) also entails the successful completion of the training course as a dental practitioner referred to in Article 1 of Council Directive 78/687/EEC of 25 July 1978 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of dental practitioners(6) ;

(b) it shall comprise theoretical and practical instruction;

(c) it shall be a full-time course supervised by the competent authorities or bodies pursuant to point 1 of Annex I;

(d) it shall be in a university centre, in a teaching hospital or, where appropriate, in a health establishment approved for this purpose by the competent authorities or bodies;

(e) it shall involve the personal participation of the doctor training to be a specialist in the activity and in the responsibilities of the establishments concerned.

2. Member States shall make the award of a diploma, certificate or other evidence of formal qualifications in specialized medicine subject to the possession of one of the diplomas, certificates or other evidence of formal qualifications in medicine referred to in Article 23. Issue of the diploma, certificate or other evidence of specialization in dental, oral and maxillo-facial surgery (basic medical and dental training) is also subject to possession of one of the diplomas, certificates or other evidence of qualifications as a dental practitioner referred to in Article 1 of Directive 78/687/EEC.

Article 25

1. Without prejudice to the principle of full-time training as set out in Article 24 (1) (c), and until such time as the Council takes decisions in accordance with paragraph 3, Member States may permit part-time specialist training, under conditions approved by the competent national authorities, when training on a full-time basis would not be practicable for well-founded individual reasons.

2. Part-time training shall be given in accordance with point 2 of Annex I hereto and at a standard qualitatively equivalent to full-time training. This standard of training shall not be impaired, either by its part-time nature or by the practice of private, remunerated professional activity.

The total duration of specialized training may not be curtailed in those cases where it is organized on a part-time basis.

3. The Council shall decide, not later than 25 January 1989, whether the provisions of paragraphs 1 and 2 are to be maintained or amended, in the light of a re-examination of the situation and on a proposal by the Commission, with due regard to the fact that the possibility of part-time training should continue to exist in certain circumstances to be examined specially by specialty.

Part-time specialist training begun before 1 January 1983 may be completed in accordance with the provisions in effect before this date.

Article 26

Member States shall ensure that the minimum length of the specialized training courses mentioned below may not be less than the following:

First group (five years):

- general surgery
- neuro-surgery
- internal medicine
- urology
- orthopaedics;

Second group (four years):

- gynaecology and obstetrics
- paediatrics
- pneumo-phthisiology
- pathological anatomy
- neurology
- psychiatry

Third group (three years):

- anaesthesiology and reanimation
- ophthalmology
- otorhinolaryngology.

Article 27

Member States which have laid down provisions by law, regulation and administrative action in this field shall ensure that the minimum length of the specialized training courses mentioned below may not be less than the following:

First group (five years):

- plastic surgery
- thoracic surgery
- vascular surgery
- neuro-psychiatry
- paediatric surgery
- gastroenterological surgery
- maxillo-facial surgery (basic medical training)

Second group (four years):

- cardiology
- gastroenterology
- rheumatology
- clinical biology
- radiology
- diagnostic radiology
- radiotherapy
- tropical medicine
- pharmacology
- child psychiatry
- microbiology-bacteriology
- occupational medicine
- biological chemistry
- immunology
- dermatology
- venereology
- geriatrics
- renal diseases
- contagious diseases
- community medicine
- biological haematology
- nuclear medicine

- dental, oral and maxillo-facial surgery (basic medical and dental training);

Third group (three years):

- general haematology
- endocrinology
- physiotherapy
- stomatology
- dermato-venereology
- allergology.

Article 28

As a transitional measure and notwithstanding Articles 24 (1) (c) and 25, Member States whose provisions, laid down by law, regulation, or administrative action, provided for part-time specialist training on 20 June 1975, may continue to apply these provisions to candidates who have begun training as specialists not later than 31 December 1983.

Each host Member State shall be authorized to require the beneficiaries of the first paragraph to produce, in addition to their diplomas, certificates and other evidence of formal qualifications, an attestation certifying that for at least three consecutive years out of the five years preceding the issue of the attestation they have in fact been lawfully practising as specialists in the field concerned.

Article 29

As a transitional measure and notwithstanding Article 24 (2):

(a) as regards Luxembourg, and in respect only of the Luxembourg diplomas covered by the law of 1939 of Luxembourg on the conferring of academic and university degrees, the issue of a certificate as a specialist shall be conditional simply upon the possession of the diploma of doctor of medicine, surgery and obstetrics awarded by the Luxembourg State Examining Board;

(b) as regards Denmark, and in respect only of the Danish diplomas of medical practitioners required by law awarded by a Danish university faculty of medicine in accordance with the decree of the Ministry of the Interior of 14 May 1970, the issue of a certificate as specialist shall be conditional simply upon the possession of the abovementioned diplomas.

The diplomas referred to under (a) and (b) may be awarded to candidates who began their training before 20 December 1976.

TITLE IV SPECIFIC TRAINING IN GENERAL MEDICAL PRACTICE

Article 30

Each Member State which dispenses the complete training referred to in Article 23 within its territory shall institute specific training in general medical practice meeting requirements at least as stringent as those laid down in Articles 31 and 32, in such a manner that the first diplomas, certificates or other evidence of formal qualifications awarded on completion of the course are issued not later than 1 January 1990.

Article 31

1. The specific training in general medical practice referred to in Article 30 must meet the following minimum requirements:

(a) entry shall be conditional upon the successful completion of at least six years' study within the framework of the training course referred to in Article 23;

(b) it shall be a full-time course lasting at least two years, and shall be supervised by the competent authorities or bodies;

(c) it shall be practically rather than theoretically based; the practical instruction shall be given, on the one hand, for at least six months in an approved hospital or clinic with suitable equipment and services and, on the other hand, for at least six months in an approved general medical practice or in an approved centre where doctors provide primary care; it shall be carried out in contact with other health establishments or structures concerned with general medical practice; however, without prejudice to the aforesaid minimum periods, the practical instruction may be given for a maximum period of six months in other approved health establishments or structures concerned with general medical practice;

(d) it shall entail the personal participation of the trainee in the professional activities and responsibilities of the persons with whom he works.

2. Member States shall be entitled to defer application of the provisions of paragraph 1 (c) relating to minimum periods of instruction until 1 January 1995 at the latest.

3. Member States shall make the issue of diplomas, certificates, or other evidence of formal qualifications awarded after specific training in general medical practice, conditional upon the candidate's holding one of the diplomas, certificates or other evidence of formal qualifications referred to in Article 3.

Article 32

If, at 22 September 1986, a Member State was providing training in general medical practice by means of experience in general medical practice acquired by the medical practitioner in his own surgery under the supervision of an authorized training supervisor, that Member State may retain this type of training on an experimental basis on condition that:

- it complies with Article 31 (1) (a) and (b), and (3);

- its duration is equal to twice the difference between the period laid down in Article 31 (1) (b) and the sum of the periods laid down in the third indent hereof,

- it involves a period in an approved hospital or clinic with suitable equipment and services and a period in an approved general medical practice or in an approved centre where doctors provide primary care; as from 1 January 1995, each of these periods shall be of at least six months' duration.

Article 33

On the basis of experience acquired, and in the light of developments in training in general medical practice, the Commission shall submit to the Council, by 1 January 1996 at the latest, a report on the implementation of Articles 31 and 32 and suitable proposals in order to achieve further harmonization of the training of general medical practitioners.

The Council shall act on these proposals in accordance with procedures laid down by the Treaty before 1 January 1997.

Article 34

1. Without prejudice to the principle of full-time training laid down in Article 31 (1) (b), Member States may authorize specific part-time training in general medical practice in addition to full-time training where the following particular conditions are met:

- the total duration of training may not be shortened because it is being followed on a part-time basis,

- the weekly duration of part-time training may not be less than 60 % of weekly full-time training,

- part-time training must include a certain number of full-time training periods, both for the training conducted at a hospital or clinic and for the training given in an approved medical practice or in an approved centre where doctors provide primary care. These full-time training periods shall be of sufficient number and duration as to provide adequate preparation for the effective exercise of general medical practice.

2. Part-time training must be of a level of quality equivalent to that of full-time training. It shall lead to a diploma, certificate or other evidence of formal qualification, as referred to in Article 30.

Article 35

1. Irrespective of any acquired rights they recognize, Member States may issue the diploma, certificate or other evidence of formal qualification referred to in Article 30 to a medical practitioner who has not completed the training referred to in Articles 31 and 32 but who holds a diploma, certificate or other evidence of formal qualification issued by the competent authorities of a Member State, attesting to completion of another additional training course; however, the Member States may issue such diploma, certificate or other evidence of formal qualification only if it attests to a level of skill equivalent to that reached on completion of the training referred to in Articles 31 and 32.

2. In adopting their rules in accordance with paragraph 1, Member States shall specify the extent to which the additional training already completed by the candidate and his professional experience may be taken into account in place of the training referred to in Articles 31 and 32.

Member States may issue the diploma, certificate or other evidence of formal qualification referred to in Article 30 only if the candidate has acquired at least six months' experience in general medical practice in a general medical practice or a centre where doctors provide primary care, as referred to in Article 31 (1) (c).

Article 36

1. From 1 January 1995, and subject to the acquired rights it has recognized, each Member State shall make the exercise of general medical practice under its national social security scheme conditional on possession of a diploma, certificate or other evidence of formal qualification as referred to in Article 30.

However, Member States may exempt from this condition persons who are undergoing specific training in general medical practice.

2. Each Member State shall specify the acquired rights that it recognizes. However, it shall recognize the right to exercise the activities of general medical practitioner under its national social security scheme without the diploma, certificate or other evidence of formal qualification referred to in Article 30 as having been acquired by all those doctors who on 31 December 1994 possess such a right pursuant to Articles 1 to 20 and who are established on its territory on that date by virtue of

Article 2

or 9 (1)

3. Each Member State may apply paragraph 1 before 1 January 1995, subject to the condition that any doctor who has completed the training referred to in Article 23 in another Member State shall be able to establish himself in practice on its territory until 31 December 1994 and to practise under its national social security scheme by virtue of Article 2 or 9 (1).

4. The competent authorities of each Member State shall issue on request a certificate granting doctors possessing acquired rights by virtue of paragraph 2 the right to practise as general medical practitioners under its national social security scheme without the diploma, certificate or other evidence of formal qualifications referred to in Article 30.

5. Nothing in paragraph 1 shall prejudice the possibility, which is open to Member States, of granting, in accordance with their own rules and in respect of their own territory, the right to practise as general practitioners under a social security scheme to persons who do not possess diplomas, certificates or other formal evidence of medical training and of specific training in general medical practice obtained in both cases in a Member State, but who possess diplomas, certificates or other evidence of either or both of these types of training obtained in a non-member country.

Article 37

1. Each Member State shall recognize under its national social security scheme, for the purposes of the exercise of the activities of general medical practitioner, the diplomas, certificates, or other evidence of formal qualifications referred to in Article 30, issued to nationals of Member States by other Member States in accordance with Articles 31, 32, 34 and 35.

2. Each Member State shall recognize the certificates referred to in Article 36 (4) issued to nationals of Member States by other Member States, and shall consider them as equivalent within its territory to the diplomas, certificates or other evidence of formal qualifications which it issues itself, and which permit the exercise of the activities of general medical practitioner under its national social security scheme.

Article 38

Nationals of Member States to whom a Member State has issued the diplomas, certificates or other evidence of formal qualifications referred to in Article 30 or 36 (4) shall have the right to use in the host Member State the professional title existing in that State and the abbreviation thereof.

Article 39

1. Without prejudice to Article 38, host Member States shall ensure that the nationals of Member States covered by Article 37 have the right to use the lawful academic title, or, where appropriate, the abbreviation thereof, of their Member State of origin or of the Member State from which they come, in the language of that Member State. Host Member States may require this title to be followed by the name and location of the establishment or examining board which awarded it.

2. If the academic title of the Member State of origin, or of the Member State from which a national comes, can be confused in the host Member State with a title requiring, in that State, additional training which the person concerned has not undergone, the host Member State concerned may require such person to use the title of the Member State of origin or of the Member State from which he comes in a suitable form to be indicated by the host Member State.

Article 40

On the basis of experience acquired, and in the light of developments in training in general medical practice, the Commission shall submit to the Council by 1 January 1997 at the latest a report on the implementation of this Title and, if necessary,

suitable proposals with a view to appropriate training for every general medical practitioner in order to satisfy requirements of general medical practice. The Council shall act on those proposals in accordance with the procedures laid down in the Treaty.

Article 41

As soon as a Member State has notified the Commission of the date of entry into force of the measures it has taken in conformity with Article 30, the Commission shall publish an appropriate notice in the Official Journal of the European Communities, indicating the designations adopted by that Member State for the diploma, certificate or other evidence of formal qualifications and, where appropriate, the professional title in question.

TITLE V FINAL PROVISIONS

Article 42

Member States shall designate the authorities and bodies competent to issue or receive the diplomas, certificates and other evidence of formal qualifications as well as the documents and information referred to in this Directive and shall forthwith inform the other Member States and the Commission thereof.

Article 43

Where a Member State encounters major difficulties in certain fields, when applying this Directive, the Commission shall examine these difficulties in conjunction with that State and shall request the opinion of the Committee of Senior Officials on Public Health set up by Decision No 75/365/EEC(7) .

When necessary, the Commission shall submit appropriate proposals to the Council.

Article 44

The Directive listed in Annex III, Part A, are hereby repealed, without prejudice to the obligations of the Member States concerning the deadlines for transposition set out in Annex III, Part B.

References to the said Directives shall be construed as references to this Directive and should be read in accordance with the correlation table in Annex IV.

Article 45

This Directive is addressed to the Member States.

Done at Luxembourg, 5 April 1993.

For the Council The President J. TROJEBORG

(1) OJ No C 125, 18. 5. 1992, p. 170; and OJ No C 72, 15. 3. 1993.

(2) OJ No C 98, 24. 4. 1992, p. 6.

(3) OJ No L 167, 30. 6. 1975, p. 1. Directive as last amended by Directive 90/658/EEC (OJ No L 353, 17. 12. 1990, p. 73).

(4) OJ No L 167, 30. 6. 1975, p. 14. Directive as last amended by Directive 90/658/EEC (OJ No L 353, 17. 12. 1990, p. 73).

(5) OJ No L 267, 19. 9. 1986, p. 26.

(6) OJ No L 233, 24. 8. 1978, p. 10.

(7) OJ No L 167, 30. 6. 1975, p. 19.

ANNEX I

Characteristics of the full-time and part-time training of specialists as referred to in Articles 24 (1) (c) and 25 1. Full-time training of specialists Such training shall be carried out in specific posts recognized by the competent authority.

It shall involve participation in all the medical activities of the department where the training is carried out, including on-call duties, so that the trainee specialist devotes to this practical and theoretical training all his professional activity throughout the duration of the standard working week and throughout the year according to provisions agreed by the competent authorities. Accordingly these posts shall be subject to appropriate remuneration.

Training may be interrupted for reasons such as military service, secondment, pregnancy or sickness. The total duration of the training shall not be reduced by reason of any interruption.

2. Part-time training of specialists This training shall meet the same requirements as full-time training, from which it shall differ only in the possibility of limiting participation in medical activities to a period at least half of that provided for in the second paragraph of point 1.

The competent authorities shall ensure that the total duration and quality of part-time training of specialists are not less than those of full-time trainees.

Appropriate remuneration shall consequently be attached to such part-time training.

ANNEX II

Dates from which certain Member States repealed the provisions laid down by law, regulation or administrative action concerning the award of diplomas, certificates and other evidence of formal qualifications referred to in Article 9 (7) BELGIUM Thoracic surgery: 1 January 1983

Vascular surgery: 1 January 1983

Neuro-psychiatry: 1 August 1987, except for persons having commenced training before that date

Gastro-enterological surgery: 1 January 1983

DENMARK Biological haematology: 1 January 1983, except for persons having commenced training before that date and who have completed it by the end of 1988

Physiotherapy: 1 January 1983, except for persons having commenced training before that date and who have completed it by the end of 1988

Tropical medicine: 1 August 1987, except for persons having commenced training before that date

FRANCE Radiology: 3 December 1971

Neuro-psychiatry: 31 December 1971

LUXEMBOURG Radiology: The diplomas, certificates and other evidence of formal qualifications are no longer awarded in respect of training commenced after 5 March 1982

Neuro-psychiatry: The diplomas, certificates and other evidence of formal qualifications are no longer awarded in respect of training commenced after 5 March 1982

NETHERLANDS Radiology: 8 July 1984

Neuro-psychiatry: 9 July 1984

ANNEX III

Part A Repealed Directives

(referred to in Article 44)

1. Directive 75/362/EEC

2. Directive 75/363/EEC

and their successive amendments:

- Directive 81/1057/EEC: only the references made by Article 1 to the provisions of the repealed Directives 75/362/EEC and 75/363/EEC

- Directive 82/76/EEC

- Directive 89/594/EEC: only Articles 1 to 9.

- Directive 90/658/EEC: only Article 1 (1) and (2), and Article 2

3. Directive 86/457/EEC

Part B Deadlines for transposition into national law

(as referred to in Article 44)

Directive

Deadline for transposition

75/362/EEC (OJ No L 167, 30. 6. 1975, p. 1) 20 December 1976 (*)

81/1057/EEC (OJ No L 385, 31. 12. 1981, p. 25) 30 June 1982

75/363/EEC (OJ No L 167, 30. 6. 1975, p. 14) 20 December 1976 (**)

82/76/EEC (OJ No L 43, 15. 2. 1982, p. 21) 31 December 1982

89/594/EEC (OJ No L 341, 23. 11. 1989, p. 19) 8 May 1991

90/658/EEC (OJ No L 353, 17. 12. 1990, p. 73) 1 July 1991

86/457/EEC (OJ No L 267, 19. 9. 1986, p. 26) 1 January 1985

(*) 1 January 1981 for Greece, 1 January 1986 for Spain and Portugal.

(**) 1 January 1981 for Greece, 1 January 1986 for Spain and Portugal. For the territory of the former German Democratic Republic, Germany shall take the measures necessary to apply Articles 2 to 5 of Directive 75/363/EEC (Articles 24 to 27 of this Directive) by 3 April 1992 (Directive 90/658/EEC, Article 2).

ANNEX IV

/* Tables: see OJ */

4 Directive 64/428/EEC

NICE Nomenclature

5 Directive 65/264/EEC

(cinema)

6 Directive 66/162/EEC

ISIC Nomenclature

7 Directive 67/43/EEC

ISIC Nomenclature

8 Directive 67/654/EEC
ISIC Nomenclature

9 Directives 68/369/EEC and 70/451/EEC
ISIC Nomenclature

10 Directive 69/82/EEC
ISIC Nomenclature

11 Directive 70/522/EEC
ISIC Nomenclature

ANNEX B

REPEALED DIRECTIVES

PART ONE: LIBERALISATION DIRECTIVES

PART TWO: DIRECTIVES PROVIDING FOR TRANSITIONAL MEASURES

31977L0452

Council Directive 77/452/EEC of 27 June 1977 concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of nurses responsible for general care, including measures to facilitate the effective exercise of this right of establishment and freedom to provide services

Official Journal L 176 , 15/07/1977 P. 0001 – 0007

COUNCIL DIRECTIVE of 27 June 1977 concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of nurses responsible for general care, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (77/452/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 49, 57, 66 and 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Having regard to the opinion of the Economic and Social Committee (2),

Whereas, pursuant to the Treaty, all discriminatory treatment based on nationality with regard to establishment and provision of services is prohibited as from the end of the transitional period ; whereas the principle of such treatment based on nationality applies in particular to the grant of any authorization required to practise as a nurse responsible for general care and also to the registration with or membership of professional organizations or bodies;

Whereas it nevertheless seems desirable that certain provisions be introduced to facilitate the effective exercise of the right of establishment and freedom to provide services in respect of the activities of nurses responsible for general care;

Whereas, pursuant to the Treaty, the Member States are required not to grant any form of aid likely to distort the conditions of establishment;

Whereas Article 57 (1) of the Treaty provides that Directives be issued for mutual recognition of diplomas, certificates and other evidence of formal qualifications;

Whereas it would appear advisable that, contemporaneously with the mutual recognition of diplomas, provision should be made for coordinating the conditions governing the training of nurses responsible for general care ; whereas such coordination is the subject of Directive 77/453/EEC (3);

Whereas in several Member States the law makes the right to take up and pursue the activities of a (1)OJ No C 65, 5.6.1970, p. 12. (2)OJ No C 108, 26.8.1970, p. 23. (3)See page 8 of this Official Journal.

nurse responsible for general care dependent upon the possession of a nursing diploma ; whereas in certain other Member States where this requirement does not exist, the right to use the title of nurse responsible for general care is nevertheless governed by law;

Whereas, with regard to the possession of a formal certificate of training, since a Directive on the mutual recognition of diplomas does not necessarily imply equivalence in the training covered by such diplomas ; the use of such qualifications should be authorized only in the language of the Member State of origin or of the Member State from which the foreign national comes;

Whereas, to facilitate the application of this Directive by the national authorities, Member States may prescribe that, in addition to formal certificates of training, the person who satisfies the conditions of training required by this Directive must provide a certificate from the competent authorities of his country of origin or of the country from which he comes stating that these certificates of training are those covered by the Directive;

Whereas, with regard to the requirements relating to good character and good repute, a distinction should be drawn between the requirements to be satisfied on first taking up the profession and those to be satisfied to practise it;

Whereas, in the case of the provision of services, the requirement of registration with or membership of professional organizations or bodies, since it is related to the fixed and permanent nature of the activity pursued in the host country, would undoubtedly constitute an obstacle to the person wishing to provide the service, by reason of the temporary nature of his activity ; whereas this requirement should therefore be abolished ; whereas, however, in this event, control over professional discipline, which is the responsibility of these professional organizations or bodies, should be guaranteed ; whereas, to this end, it should be provided, subject to the application of Article 62 of the Treaty, that the person concerned may be required to submit to the competent authority of the host Member State particulars relating to the provision of services;

Whereas, as far as the activities of employed nurses responsible for general care are concerned, Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community (1) lays down no specific provisions relating to good character or good repute, professional discipline or use of title for the professions covered ; whereas, depending on the individual Member State, such rules are or may be applicable both to employed and self-employed persons ; whereas the activities of a nurse responsible for general care are subject in several Member States to possession of a diploma, certificate or other evidence of formal qualification in nursing ; whereas such activities are pursued by both employed and self-employed persons, or by the same persons in both capacities in the course of their professional career ; whereas, in order to encourage as far as possible the free movement of those professional persons within the Community, it therefore appears necessary to extend this Directive to employed nurses,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I SCOPE

Article 1

1. This Directive shall apply to the activities of nurses responsible for general care.

2. For the purposes of this Directive "activities of nurses responsible for general care" shall mean activities pursued by persons holding the following titles:

in Germany:

"Krankenschwester", "Krankenpfleger";

in Belgium:

"hospitalier(ère)/verpleegassistent(e)", "infirmier(ère)
hospitalier(ère)/ziekenhuisverpleger (-verpleegster)";

in Denmark:

"sygeplejerske";

in France:

"infirmier(ère)";

in Ireland:

Registered General Nurse; (1)OJ No L 257, 19.10.1968, p. 2.

in Italy:

"infermiere professionale";

in Luxembourg:

"infirmier";

in the Netherlands:

"verpleegkundige";

in the United Kingdom:

England, Wales and Northern Ireland:

State Registered Nurse;

Scotland:

Registered General Nurse.

CHAPTER II DIPLOMAS, CERTIFICATES AND OTHER EVIDENCE OF FORMAL QUALIFICATIONS OF NURSES RESPONSIBLE FOR GENERAL CARE

Article 2

Each Member State shall recognize the diplomas, certificates and other evidence of formal qualifications awarded to nationals of Member States by other Member States in accordance with Article 1 of Directive 77/453/EEC and which are listed in Article 3, by giving such qualifications, as far as the right to take up and pursue the activities of a nurse responsible for general care in a self-employed capacity is concerned, the same effect in its territory as those which the Member State itself awards.

Article 3

The diplomas, certificates and other evidence of formal qualifications referred to in Article 2 are the following: (a) in Germany: - the certificates awarded by the competent authorities as a result of the "staatliche Prüfung in der Krankenpflege" (State nursing examination),

- the certificates from the competent authorities of the Federal Republic of Germany stating that the diplomas awarded after 8 May 1945 by the competent authorities of the German Democratic Republic are recognized as equivalent to those listed in the first indent;

(b) in Belgium: - the certificate of "hospitalier(ère)/verpleegassistent(e)" awarded by the State or by schools established or recognized by the State,

- the certificate of "infirmier(ère) hospitalier(ère)/ziekenhuisverpleger (-verpleegster)" awarded by the State or by schools established or recognized by the State,

- the diploma of "infirmier(ère) gradué(e) hospitalier(ère)/gegradueerd ziekenhuisverpleger (-verpleegster)" awarded by the State or by higher paramedical colleges established or recognized by the State;

(c) in Denmark: - the diploma of "sygeplejerske" awarded by nursing schools recognized by the "Sundhedsstyrelsen" (State board of health);

(d) in France: - the State diploma of "infirmier(ère)" awarded by the Ministry of Health;

(e) in Ireland: - the certificate of "Registered General Nurse" awarded by "An Bord Altranais" (the Nursing Board);

(f) in Italy: - the "diploma di abilitazione professionale per infermiere professionale" awarded by State-recognized schools;

(g) in Luxembourg: - the State diploma of "infirmier"

- the State diploma of "infirmier hospitalier gradué"

awarded by the Ministry of Public Health on the strength of an examining board decision;

(h) in the Netherlands: - the diplomas of "verpleger A", "verpleegster A" or "verpleegkundige A",

- the diploma of "verpleegkundige MBOV (Middelbare Beroepsopleiding Verpleegkundige)" (intermediate nursing training),

- the diploma of "verpleegkundige HBOV (Hogere Beroepsopleiding Verpleegkundige)" (higher nursing training),

awarded by one of the examining boards appointed by the public authorities;

(i) in the United Kingdom: - the certificate of admission to the general part of the Register, awarded in England and Wales by the General Nursing Council for England and Wales, in Scotland by the General Nursing Council for Scotland and in Northern Ireland by the Northern Ireland Council for Nurses and Midwives.

CHAPTER III EXISTING CIRCUMSTANCES

Article 4

In the case of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications do not satisfy all the minimum training requirements laid down in Article 1 of Directive 77/453/EEC, each Member State shall recognize, as being sufficient proof, the diplomas, certificates and other evidence of the formal qualifications of nurses responsible for general care awarded by those Member States before the implementation of Directive 77/453/EEC, accompanied by a certificate stating that those nationals have effectively and lawfully been engaged in the activities of nurses responsible for general care for at least three years during the five years prior to the date of issue of the certificate.

These activities must have included taking full responsibility for the planning, organization and carrying out of the nursing care of the patient.

CHAPTER IV USE OF ACADEMIC TITLE

Article 5

1. Without prejudice to Article 13, host Member States shall ensure that nationals of Member States who fulfil the conditions laid down in Articles 2 and 4 have the right to use the lawful academic title, inasmuch as it is not identical to the professional title, or, where appropriate, the abbreviation thereof of their Member State of origin or of the Member State from which they come, in the language or languages of that State. Host Member States may require this title to be followed by the name and location of the establishment or examining board which awarded it.

2. If the academic title used in the Member State of origin, or in the Member State from which a foreign national comes, can be confused in the host Member State with a title requiring, in that State, additional training which the person concerned has not undergone, the host Member State may require such a person to use the title employed in the Member State of origin or the Member State from which he comes, in suitable wording to be indicated by the host Member State.

CHAPTER V PROVISIONS TO FACILITATE THE EFFECTIVE EXERCISE OF THE RIGHT OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES IN RESPECT OF THE ACTIVITIES OF NURSES RESPONSIBLE FOR GENERAL CARE

A. Provisions specifically relating to the right of establishment

Article 6

1. A host Member State which requires of its nationals proof of good character or good repute when they take up for the first time any activity referred to in Article 1 shall accept as sufficient evidence, in respect of nationals of other Member States, a certificate issued by a competent authority in the Member State of origin or in the Member State from which the foreign national comes attesting that the requirements of the Member State as to good character or good repute for taking up the activity in question have been met.

2. Where the Member State of origin or the Member State from which the foreign national comes does not require proof of good character or good repute of persons wishing to take up the activity in question for the first time, the host Member State may require of nationals of the Member State of origin or of the Member State from which the foreign national comes an extract from the "judicial record" or, failing this, an equivalent document issued by a competent authority in the Member State of origin or the Member State from which the foreign national comes.

3. If the host Member State has detailed knowledge of a serious matter which has occurred outside its territory and which is likely to affect the taking up within its territory of the activity concerned, it may inform the Member State of origin or the Member State from which the foreign national comes.

The Member State of origin or the Member State from which the foreign national comes shall verify the accuracy of the facts if they are likely to affect in that Member State the taking up of the activity in question. The authorities in that State shall decide on the nature and extent of the investigation to be made and shall inform the host Member State of any consequential action which they take with regard to the certificates or documents they have issued.

Member States shall ensure the confidentiality of the information which is forwarded.

Article 7

1. Where, in a host Member State, provisions laid down by law, regulation or administrative action are in force laying down requirements as to good character or good repute, including provisions for disciplinary action in respect of serious professional misconduct or conviction for criminal offences and relating to the pursuit of any of the activities referred to in Article 1, the Member State of origin or the Member State from which the foreign national comes shall forward to the host Member State all necessary information regarding measures or disciplinary action of a professional or administrative nature taken in respect of the person concerned, or criminal penalties imposed on him when pursuing his profession in the Member State of origin or in the Member State from which he came.

2. If the host Member State has detailed knowledge of a serious matter which has occurred outside its territory and which is likely to affect the pursuit within its territory of the activity concerned, it may inform the Member State of origin or the Member State from which the foreign national comes.

The Member State of origin or the Member State from which the foreign national comes shall verify the accuracy of the facts if they are likely to affect in that Member State the pursuit of the activity in question. The authorities in that State shall decide on the nature and extent of the investigation to be made and shall inform the host Member State of any consequential action which they take

with regard to the information they have forwarded in accordance with paragraph 1.

3. Member States shall ensure the confidentiality of the information which is forwarded.

Article 8

Where a host Member State requires of its own nationals wishing to take up or pursue any of the activities referred to in Article 1 a certificate of physical or mental health, that State shall accept as sufficient evidence thereof the presentation of the document required in the Member State of origin or in the Member State from which the foreign national comes.

Where the Member State of origin or the Member State from which the foreign national comes does not impose any requirements of this nature on those wishing to take up or pursue the activity in question, the host Member State shall accept from such national a certificate issued by a competent authority in that State corresponding to the certificates issued in the host Member State.

Article 9

Documents issued in accordance with Articles 6, 7 and 8 may not be presented more than three months after their date of issue.

Article 10

1. The procedure for authorizing the person concerned to take up any activity referred to in Article 1, pursuant to Articles 6, 7 and 8, must be completed as soon as possible and not later than three months after presentation of all the documents relating to such person, without prejudice to delays resulting from any appeal that may be made upon the termination of this procedure.

2. In the cases referred to in Articles 6 (3) and 7 (2), a request for re-examination shall suspend the period stipulated in paragraph 1.

The Member State consulted shall give its reply within three months.

On receipt of the reply or at the end of the period the host Member State shall continue with the procedure referred to in paragraph 1.

B. Special provisions relating to the provision of services

Article 11

1. Where a Member State requires of its own nationals wishing to take up or pursue any of the activities referred to in Article 1 an authorization, or membership of or registration with a professional organization or body, that Member State shall in the case of the provision of services exempt the nationals of Member States from that requirement.

The person concerned shall provide services with the same rights and obligations as the nationals of the host Member State ; in particular he shall be subject to the rules of conduct of a professional or administrative nature which apply in that Member State.

Where a host Member State adopts a measure pursuant to the second subparagraph or becomes aware of facts which run counter to these provisions, it shall forthwith inform the Member State where the person concerned is established.

2. The host Member State may require the person concerned to make a prior declaration to the competent authorities concerning the provision of his services where they involve a temporary stay in its territory.

In urgent cases this declaration may be made as soon as possible after the services have been provided.

3. Pursuant to paragraphs 1 and 2, the host Member State may require the person concerned to supply one or more documents containing the following particulars: - the declaration referred to in paragraph 2,

- a certificate stating that the person concerned is lawfully pursuing the activities in question in the Member State where he is established,

- a certificate that the person concerned holds one or other of the diplomas, certificates or other evidence of formal qualification appropriate for the provision of the services in question and referred to in this Directive.

4. The document or documents specified in paragraph 3 may not be produced more than 12 months after their date of issue.

5. Where a Member State temporarily or permanently deprives, in whole or in part, one of its nationals or a national of another Member State established in its territory of the right to pursue one of the activities referred to in Article 1, it shall, as appropriate, ensure the temporary or permanent withdrawal of the certificate referred to in the second indent of paragraph 3.

Article 12

Where registration with a public social security body is required in a host Member State for the settlement with insurance bodies of accounts relating to services rendered to persons insured under social security schemes, that Member State shall exempt nationals of Member States established in another Member State from this requirement in cases of provision of services entailing travel on the part of the person concerned.

However, the persons concerned shall supply information to this body in advance or, in urgent cases, subsequently, concerning the services provided.

C. Provisions common to the right of establishment and freedom to provide services

Article 13

Where in a host Member State the use of the professional title relating to one of the activities referred to in Article 1 is subject to rules, nationals of other Member States who fulfil the conditions laid down in Articles 2 and 4 shall use the professional title of the host Member State which, in that State, corresponds to those conditions of qualification, and shall use the abbreviated title.

Article 14

Where a host Member State requires its own nationals wishing to take up or pursue one of the activities referred to in Article 1 to take an oath or make a solemn declaration and where the form of such oath or declaration cannot be used by nationals of other Member States, that Member State shall ensure that an appropriate and equivalent form of oath or declaration is offered to the person concerned.

Article 15

1. Member States shall take the necessary measures to enable the persons concerned to obtain information on the health and social security laws and, where applicable, on the professional ethics of the host Member State.

For this purpose, Member States may set up information centres from which such persons may obtain the necessary information. In the case of establishment, the host Member States may require the persons concerned to contact these centres.

2. Member States may set up the centres referred to in paragraph 1 within the competent authorities and bodies which they must designate within the period laid down in Article 19 (1).

3. Member States shall see to it that, where appropriate, the persons concerned acquire, in their own interest and in that of their patients, the linguistic knowledge necessary for the exercise of their profession in the host Member State.

CHAPTER VI FINAL PROVISIONS

Article 16

In the event of justified doubts, the host Member State may require of the competent authorities of another Member State confirmation of the authenticity of the diplomas, certificates and other evidence of formal qualifications issued in that other Member State and referred to in Chapters II and III, and also confirmation of the fact that the person concerned has fulfilled all the training requirements laid down in Directive 77/453/EEC.

Article 17

Within the time limit laid down in Article 19 (1), Member States shall designate the authorities and bodies competent to issue or receive the diplomas, certificates and other evidence of formal qualifications as well as the documents and information referred to in this Directive, and shall forthwith inform the other Member States and the Commission thereof.

Article 18

This Directive shall also apply to nationals of Member States who, in accordance with Regulation (EEC) No 1612/68, are pursuing or will pursue as employed persons one of the activities referred to in Article 1.

Article 19

1. Member States shall bring into force the measures necessary to comply with this Directive within two years of its notification and shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

Article 20

Where a Member State encounters major difficulties in certain fields when applying this Directive, the Commission shall examine these difficulties in conjunction with that State and shall request the opinion of the Committee of Senior Officials on Public Health set up under Decision 75/365/EEC (1), as amended by Decision 77/455/EEC (2).

Where necessary, the Commission shall submit appropriate proposals to the Council.

Article 21

This Directive is addressed to the Member States.

Done at Luxembourg, 27 June 1977.

For the Council: The President J. SILKIN (1)OJ No L 167, 30.6.1975, p. 19. (2)See page 13 of this Official Journal.

31977L0453

Council Directive 77/453/EEC of 27 June 1977 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action in respect of the activities of nurses responsible for general care

Official Journal L 176 , 15/07/1977 P. 0008 – 0010

COUNCIL DIRECTIVE of 27 June 1977 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of nurses responsible for general care **THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

re (77/453/EEC)

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 49, 57, 66 and 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Having regard to the opinion of the Economic and Social Committee (2),

Whereas, with a view to achieving the mutual recognition of diplomas, certificates and other evidence of formal qualifications of nurses responsible for general care laid down in Council Directive 77/452/EEC (3), the comparable nature of training courses in the Member States enables coordination in this field to be confined to the requirement that minimum standards be observed, which then leaves the Member States freedom of organization as regards teaching;

Whereas the coordination envisaged by this Directive does not exclude any subsequent coordination;

Whereas the coordination envisaged by this Directive covers the professional training of nurses responsible for general care ; whereas, as far as training is concerned, most Member States do not at present distinguish between nurses who pursue their activities as employed persons and those who are self-employed ; whereas for this reason and in order to encourage as far as possible the free movement of professional persons within the Community, it appears necessary to extend the application of this Directive to employed nurses,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Member States shall make the award of diplomas, certificates and other evidence of the formal qualifications of nurses responsible for general care as specified in Article 3 of Directive 77/452/EEC subject to passing an examination which guarantees that during his training period the person concerned has acquired:

(a) adequate knowledge of the sciences on which general nursing is based, including sufficient understanding of the structure, physiological functions and behaviour of healthy and sick persons, and of the relationship between the state of health and the physical and social environment of the human being;

(b) sufficient knowledge of the nature and ethics of the profession and of the general principles of health and nursing;

(c) adequate clinical experience ; such experience, which should be selected for its training value, should be gained under the supervision of qualified nursing staff and in places where the number of qualified staff and equipment are appropriate for the nursing care of the patients;

(d) the ability to participate in the practical training of health personnel and experience of working with such personnel;

(e) experience of working with members of other professions in the health sector.

2. The training referred to in paragraph 1 shall include at least: (a) a general school education of 10 years' duration attested by a diploma, certificate or other formal qualification awarded by the competent authorities or bodies in a Member State, or a certificate resulting from a qualifying examination of an equivalent standard for entrance to a nurses' training school: (1)OJ No C 65, 5.6.1970, p. 12. (2)OJ No C 108, 26.8.1970, p. 23. (3)See page 1 of this Official Journal.

(b) full-time training, of a specifically vocational nature, which must cover the subjects of the training programme set out in the Annex to this Directive and comprise a three-year course or 4 600 hours of theoretical and practical instruction.

3. Member States shall ensure that the institution training nurses is responsible for the coordination of theory and practice throughout the programme.

The theoretical and technical training mentioned in part A of the Annex shall be balanced and coordinated with the clinical training of nurses mentioned in part B of the same Annex in such a way that the knowledge and experience listed in paragraph 1 may be acquired in an adequate manner.

Clinical instruction in nursing shall take the form of supervised in-service training in hospital departments or other health services, including home nursing services, approved by the competent authorities or bodies. During this training student nurses shall participate in the activities of the departments concerned in so far as those activities contribute to their training. They shall be informed of the responsibilities of nursing care.

4. Five years at the latest after notification of this Directive and in the light of a review of the situation, the Council, acting on a proposal from the Commission, shall decide whether the provisions of paragraph 3 on the balance between theoretical and technical training on the one hand and clinical training of nurses on the other should be retained or amended.

5. Member States may grant partial exemption to persons who have undergone part of the training referred to in paragraph 2 (b) in the form of other training which is of at least equivalent standard.

Article 2

Notwithstanding the provisions of Article 1, Member States may permit part-time training under conditions approved by the competent national authorities.

The total period of part-time training may not be shorter than that of full-time training. The standard of the training may not be impaired by its part-time nature.

Article 3

This Directive shall also apply to nationals of Member States who, in accordance with Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community (1), are pursuing or will pursue, as employed persons, one of the activities referred to in Article 1 of Directive 77/452/EEC.

Article 4

1. Member States shall bring into force the measures necessary to comply with this Directive within two years of its notification and shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

Article 5

Where a Member State encounters major difficulties in certain fields when applying this Directive, the Commission shall examine these difficulties in conjunction with that State and shall request the opinion of the Committee of Senior Officials on Public Health set up by Decision 75/365/EEC (2), as amended by Decision 77/455/EEC (3).

Where necessary, the Commission shall submit appropriate proposals to the Council.

Article 6

This Directive is addressed to the Member States.

Done at Luxembourg, 27 June 1977.

For the Council

The President

J. SILKIN (1)OJ No L 257, 19.10.1968, p. 2. (2)OJ No L 167, 30.6.1975, p. 19. (3)See page 13 of this Official Journal.

ANNEX TRAINING PROGRAMME FOR NURSES RESPONSIBLE FOR GENERAL CARE

The training leading to the award of a diploma, certificate or other formal qualification of nurses responsible for general care shall consist of the following two parts: A. Theoretical and technical instruction: (a) nursing:

nature and ethics of the profession,
 general principles of health and nursing,
 nursing principles in relation to: - general and specialist medicine,
 - general and specialist surgery,
 - child care and paediatrics,
 - maternity care,
 - mental health and psychiatry,
 - care of the old and geriatrics;

(b) basic sciences:

anatomy and physiology,
 pathology,
 bacteriology, virology and parasitology,
 biophysics, biochemistry and radiology,
 dietetics,
 hygiene: - preventive medicine,
 - health education,

pharmacology;

(c) social sciences:

sociology,
 psychology,
 principles of administration,
 principles of teaching,
 social and health legislation,
 legal aspects of nursing,

B. Clinical instruction:

Nursing in relation to: - general and specialist medicine,
 - general and specialist surgery,
 - child care and paediatrics,
 - maternity care,
 - mental health and psychiatry,
 - care of the old and geriatrics,
 - home nursing.

31978L0686

Council Directive 78/686/EEC of 25 July 1978 concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners of dentistry, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services

Official Journal L 233 , 24/08/1978 P. 0001 - 0009

Finnish special edition: Chapter 16 Volume 1 P. 0033

Greek special edition: Chapter 05 Volume 3 P. 0012

Swedish special edition: Chapter 16 Volume 1 P. 0033

Spanish special edition: Chapter 06 Volume 2 P. 0032

Portuguese special edition Chapter 06 Volume 2 P. 0032

COUNCIL DIRECTIVE of 25 July 1978 concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners of dentistry, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (78/686/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 49, 57, 66 and 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Having regard to the opinion of the Economic and Social Committee (2),

Whereas, pursuant to the Treaty, all discriminatory treatment based on nationality with regard to establishment and provision of services is prohibited as from the end of the transitional period ; whereas the principle of such treatment based on nationality applies in particular to the grant of any authorization required to practise as a dental practitioner and also to registration with or membership of professional organizations or bodies;

Whereas it nevertheless seems desirable that certain provisions be introduced to facilitate the effective exercise of the right of establishment and freedom to provide services in respect of the activities of dental practitioners;

Whereas, pursuant to the Treaty, the Member States are required not to grant any form of aid likely to distort the conditions of establishment;

Whereas Article 57 (1) of the Treaty provides that Directives shall be issued for the mutual recognition of diplomas, certificates and other evidence of formal qualifications ; whereas the aim of this Directive is the recognition of diplomas, certificates and other evidence of formal qualifications of a dental practitioner enabling activities in the field of dentistry to be taken up and pursued and the recognition of diplomas, certificates and other evidence of formal qualifications in respect of practitioners of specialized dentistry;

Whereas, with regard to the training of practitioners of specialized dentistry, the mutual recognition of training qualifications is advisable where these qualifications, while not being a condition for taking up the activities of practitioner of specialized dentistry, are nonetheless a condition for the use of a specialist title;

Whereas, in view of the current differences between the Member States regarding the number of specializations in dentistry and the type or the length of training courses for such specializations, certain coordinating provisions intended to enable Member States to proceed with the mutual recognition of diplomas, certificates

and other evidence of formal qualifications should be laid down ; whereas such coordination has been effected by Council Directive 78/687/EEC of 25 August 1978 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of dental practitioners (3): (1)OJ No C 101, 4.8.1970, p. 19. (2)OJ No C 36, 28.3.1970, p. 17. (3)See page 10 of this Official Journal.

Whereas, although the coordination referred to above was not intended to harmonize all the provisions of the Member States on the training of practitioners of specialized dentistry, it is nevertheless appropriate to proceed with the mutual recognition of diplomas, certificates and other evidence of formal qualifications as a practitioner of specialized dentistry which are not common to all the Member States, without however excluding the possibility of subsequent harmonization in this field ; whereas it was considered in this connection that recognition of diplomas, certificates and other evidence of formal qualifications as a practitioner of specialized dentistry must be restricted to those Member States where such specialization is known;

Whereas, with regard to the use of academic titles, since a Directive on the mutual recognition of diplomas does not necessarily imply equivalence in the training covered by such diplomas, the use of such titles should be authorized only in the language of the Member State of origin or of the Member State from which the foreign national comes;

Whereas, to facilitate the application of this Directive by national authorities, Member States may prescribe that, in addition to formal certificates of training, a person who satisfies the conditions of training required by these authorities must provide a certificate from the competent authorities of his Member State of origin or of the Member State from which he comes stating that these certificates of training are those covered by this Directive;

Whereas, in the case of the provision of services, the requirement of registration with or membership of professional organizations or bodies since it is related to the fixed and permanent nature of activities pursued in the host country would thus undoubtedly constitute an obstacle to the persons wishing to provide the service, by reason of the temporary nature of his activity ; whereas this requirement should therefore be abolished ; whereas, however, in this event, control over professional discipline which is the responsibility of these professional organizations or bodies, should be guaranteed ; whereas, to this end, it should be provided, subject to the application of Article 62 of the Treaty, that the person concerned may be required to submit to the competent authority of the host Member State particulars relating to the provision of services;

Whereas, with regard to the requirements relating to good character and good repute, a distinction should be drawn between the requirements to be satisfied on first taking up the profession and those to be satisfied for its practice;

Whereas, as far as the activities of employed dental practitioners are concerned, Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community (1) lays down no specific provisions relating to good character or good repute, professional discipline or use of title for the professions covered ; whereas, depending on the individual Member State, such rules are or may be applicable both to employed and self-employed persons ; whereas the activities of dental practitioners are or will be subject in all Member States to possession of a diploma, certificate or other evidence of formal qualification in dentistry ; whereas such activities are pursued by both employed and self-employed persons, or by the same persons in both capacities in the course of their professional career ; whereas, in order to encourage as far as possible their free movement within the Community, it therefore appears necessary to extend this Directive to cover employed dental practitioners;

Whereas the dental profession is not yet organized in Italy ; whereas it is therefore necessary to grant Italy an additional period for recognizing the diplomas of dental practitioners awarded by the other Member States;

Whereas, moreover, this means that holders of a doctor's diploma awarded in Italy may not acquire a certificate meeting the requirements of Article 19 of this Directive;

Whereas, in these circumstances, it is necessary to defer on the one hand the obligation of Italy to recognize diplomas awarded by the other Member States and on the other hand that of the Member States to recognize diplomas awarded in Italy as referred to in Article 19,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I SCOPE

Article 1

This Directive shall apply to the activities of dental practitioners as defined in Article 5 of Directive 78/687/EEC pursued under the following titles: - in Germany:

Zahnarzt, (1)OJ No L 257, 19.10.1968, p. 2.

- in Belgium:

licencié en science dentaire/licentiaat in de tandheelkunde,

- in Denmark:

tandlæge,

- in France:

chirurgien-dentiste,

- in Ireland:

dentist, dental practitioner or dental surgeon,

- in Italy:

the diploma the title of which will be notified by Italy to the Member States and the Commission within the time limit laid down in Article 24 (1),

- in Luxembourg:

médecin-dentiste,

- in the Netherlands:

tandarts,

- in the United Kingdom:

dentist, dental practitioner or dental surgeon.

CHAPTER II DIPLOMAS, CERTIFICATES AND OTHER EVIDENCE OF FORMAL QUALIFICATIONS IN DENTISTRY

Article 2

Each Member State shall recognize the diplomas, certificates and other evidence of formal qualifications in dentistry awarded to nationals of Member States by the other Member States in accordance with Article 1 of Directive 78/687/EEC and which are listed in Article 3 of this Directive, by giving such qualifications, as far as the right to take up and pursue the activities of a dental practitioner is concerned, the same effect in its territory as those which the Member States itself awards.

Article 3

The diplomas, certificates and other evidence of formal qualification referred to in Article 2 are as follows: (a) in Germany 1. "Zeugnis über die zahnärztliche Staatsprüfung" (the State examination certificate in dentistry), awarded by the competent authorities;

2. the certificates from the competent authorities of the Federal Republic of Germany stating that the diplomas awarded after 8 May 1945 by the competent authorities of the German Democratic Republic are recognized as equivalent to those listed in point 1;

(b) in Belgium

"diplôme légal de licencié en science dentaire/wettelijk diploma van licentiaat in de tandheelkunde" (the official diploma of graduate in dental science), awarded by the university faculties of medicine, or by the Central Board or by the State boards of university examiners;

(c) in Denmark

"bevis for tandlægeeksamen (kandidateksamen)" (official diploma certifying that the holder has passed the examination in dentistry), issued by schools of dentistry together with the document issued by the "Sundhedsstyrelsen" (State Board of Health) certifying that he has worked as an assistant for the required length of time;

(d) in France 1. "diplôme d'État de chirurgien-dentiste" (State diploma of dental surgeon), awarded until 1973 by the university faculties of medicine or the university joint faculties of medicine and pharmacy;

2. "diplôme d'État de docteur en chirurgie dentaire" (State diploma of doctor of dental surgery), awarded by the universities;

(e) in Ireland

the diploma of: - Bachelor in Dental Science (B.Dent.Sc.),

- Bachelor of Dental Surgery (BDS), or

- Licentiate in Dental Surgery (LDS),

awarded by the universities or the Royal College of Surgeons in Ireland;

(f) in Italy

the diploma the title of which will be notified by Italy to the Member States and to the Commission within the time limit laid down in Article 24 (1);

(g) in Luxembourg

"diplôme d'État de docteur en médecine dentaire" (State diploma of doctor of dental medicine), issued by the State Board of Examiners;

(h) in the Netherlands

"universitair getuigschrift van een met goed gevolg afgelegd tandartsexamen" (university certificate certifying success in the dental surgeon's examination);

(i) in the United Kingdom

the diploma of: - Bachelor of Dental Surgery (BDS or B.Ch.D), or

- Licentiate in Dental Surgery (LDS),

issued by the universities and the royal colleges.

CHAPTER III DIPLOMAS, CERTIFICATES AND OTHER EVIDENCE OF FORMAL QUALIFICATIONS IN SPECIALIZED DENTISTRY PECULIAR TO TWO OR MORE MEMBER STATES

Article 4

Each Member State with provisions in this field laid down by laws, regulations or administrative provisions shall recognize the diplomas, certificates and other evidence of formal qualifications of dental practitioners specializing in orthodontics and oral surgery awarded to nationals of Member States by other Member States in accordance with Articles 2 and 3 of Directive 78/687/EEC and

which are listed in Article 5, by granting such qualifications the same effect in its territory as the diplomas, certificates and other formal qualifications which it itself awards.

Article 5

The diplomas, certificates and other evidence of formal qualifications referred to in Article 4 are as follows: 1. Orthodontics
- in Germany

"fachzahnärztliche Anerkennung für Kieferorthopädie" (certificate of orthodontist), issued by the "Landeszahnärztekammern" (Chamber of Dental Practitioners of the "Länder"),

- in Denmark

"bevis for tilladelse til at betegne sig som speciallæge i ortodonti" (certificate awarding the right to use the title of dental practitioner specializing in orthodontics), issued by the "Sundhedsstyrelsen" (State Board of Health),

- in France

"le titre de spécialiste en orthodontie" (the title of orthodontic specialist), issued by the authority recognized competent for this purpose,

- in Ireland

certificate of specialist dentist in orthodontics, issued by the competent authority recognized for this purpose by the competent minister,

- in the Netherlands

"getuigschrift van erkenning en inschrijving als orthodontist in het Specialistenregister" (certificate showing that the person concerned is officially recognized and that his name is entered as a orthodontist in the specialists' register), issued by the "Specialisten-Registratiecommissie (SRC)" (Specialists Registration Board),

- in the United Kingdom

certificate of completion of specialist training in orthodontics, issued by the competent authority recognized for this purpose.

2. Oral surgery - in Germany

"fachzahnärztliche Anerkennung für Oralchirurgie/Mundchirurgie" (certificate of oral surgery), issued by the "Landeszahnärztekammern" (Chamber of Dental Practitioners of the "Länder"),

- in Denmark

"bevis for tilladelse til at betegne sig som speciallæge i hospitalsodontologi" (certificate conferring the right to use the title of dental practitioner specialized in hospital odontology), issued by the "Sundhedsstyrelsen" (State Board of Health),

- in Ireland

certificate of specialist dentist in oral surgery, issued by the competent authority recognized for this purpose by the competent Minister,

- in the Netherlands

"getuigschrift van erkenning en inschrijving als kaakchirurg in het Specialistenregister" (certificate showing that the person concerned is officially recognized and that his name is entered as an oral surgeon in the specialists' register), issued by the "Specialisten-Registratiecommissie (SRC)" (Specialists Registration Board),

- in the United Kingdom

certificate of completion of specialist training in oral surgery, issued by the competent authority recognized for this purpose.

Article 6

1. Nationals of Member States wishing to acquire one of the diplomas, certificates or other evidence of formal qualification of practitioner of specialized dentistry which are not awarded in the Member State of origin or the Member State from which the foreign national comes, may be required by a host Member State to fulfil the conditions of training laid down in respect of the speciality by its own laws, regulations or administrative provisions.

2. The host Member State shall, however, take into account, in whole or in part, the training periods completed by the nationals referred to in paragraph 1 and attested by possession of a diploma, certificate or other evidence of formal training awarded by the competent authorities of the Member State of origin or the Member State from which the foreign national comes, provided such training periods correspond to those required in the host Member State for the specialized training in question.

3. The competent authorities or bodies of the host Member State, having verified the content and duration of the specialist training of the person concerned on the basis of the diplomas, certificates and other evidence of formal qualifications submitted, shall inform him of the period of additional training required and of the fields to be covered by it.

CHAPTER IV EXISTING CIRCUMSTANCES

Article 7

1. In the case of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications do not satisfy all the minimum training requirements laid down in Article 1 of Directive 78/687/EEC, each Member State shall recognize as being sufficient proof the diplomas, certificates and other evidence of formal qualifications in dentistry awarded by those Member States before the implementation of Directive 78/687/EEC, accompanied by a certificate stating that those nationals have effectively and lawfully been engaged in the activities in question for at least three consecutive years during the five years prior to the date of issue of the certificate.

2. In the case of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications in specialized dentistry do not satisfy the minimum training requirements under Articles 2 and 3 of Directive 78/687/EEC, each Member State shall recognize as sufficient proof the diplomas, certificates and other evidence of formal qualifications in specialized dentistry awarded by those Member States before the implementation of Directive 78/687/EEC. The Member State may, however, require that such diplomas, certificates and other evidence of formal qualifications be accompanied by a certificate issued by the competent authorities or bodies of the Member State of origin or of the Member State from which the foreign national comes, stating that he has been engaged in activities of specialized dentistry for a period equal to twice the difference between the length of specialized training in the Member State of origin or in the Member State from which the foreign national comes and the minimum training period referred to in Directive 78/687/EEC where these diplomas, certificates and other evidence of formal qualifications do not satisfy the minimum training period laid down in Article 2 of Directive 78/687/EEC.

However, if before this Directive is implemented, the host Member State requires a minimum training period of shorter duration than that referred to in Article 2 of Directive 78/687/EEC, the difference mentioned in the first subparagraph can be determined only by reference to the minimum training period laid down by that State.

CHAPTER V

USE OF ACADEMIC TITLE

Article 8

1. Without prejudice to Article 17, host Member States shall ensure that the nationals of Member States who fulfil the conditions laid down in Articles 2, 4, 7 and 19 have the right to use the lawful academic title in so far as this is not identical with the professional title or, where appropriate, the abbreviation thereof, of their Member State of origin or of the Member State from which they come, in the language of that State. Host Member States may require this title to be followed by the name and location of the establishment or examining board which awarded it.

2. If the academic title used in the Member State of origin or in the Member State from which a foreign national comes can be confused in the host Member State with a title requiring in that State additional training which the person concerned has not undergone, the host Member State may require such a person to use the title employed in the Member State of origin or the Member State from which he comes in suitable wording to be drawn up by the host Member State.

CHAPTER VI PROVISIONS TO FACILITATE THE EFFECTIVE EXERCISE OF THE RIGHT OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES IN RESPECT OF THE ACTIVITIES OF DENTAL PRACTITIONERS

A. Provisions relating specifically to the right of establishment

Article 9

1. A host Member State which requires of its nationals proof of good character or good repute when they take up for the first time any of the activities referred to in Article 1 shall accept as sufficient evidence, in respect of nationals of other Member States, a certificate issued by a competent authority in the Member State of origin or the Member State from which the foreign national comes attesting that the requirements of the Member State as to good character or good repute for taking up the activity in question have been met.

2. Where the Member State of origin or the Member State from which the foreign national comes does not require proof of good character or good repute of persons wishing to take up the activity in question for the first time, the host Member State may require of nationals of the Member State of origin or the Member State from which the foreign national comes an extract from the "judicial record" or, failing this, an equivalent document issued by a competent authority in the Member State of origin or the Member State from which the foreign national comes.

3. If the host Member State has detailed knowledge of a serious matter which has occurred prior to the establishment of the person concerned in that State outside its territory and which is likely to affect the taking up within its territory of the activity concerned, it may inform the Member State of origin or the Member State from which the foreign national comes.

The Member State of origin or the Member State from which the foreign national comes shall verify the accuracy of the facts if they are likely to affect in that Member State the taking up of the activity in question. The authorities in that State shall decide on the nature and extent of the investigation to be made and shall inform the host Member State of any consequential action which they take with regard to the certificates or documents they have issued.

4. Member States shall ensure the confidentiality of the information forwarded.

Article 10

1. Where, in a host Member State, provisions laid down by law, regulation or administrative action are in force laying down requirements as to good character or good repute, including provision for disciplinary action in the event of serious professional misconduct or conviction for criminal offences and relating to the

pursuit of any of the activities referred to in Article 1, the Member State of origin or the Member State from which the foreign national comes shall forward to the host Member State all necessary information regarding measures or disciplinary action of a professional or administrative nature taken in respect of the person concerned or regarding criminal penalties imposed on him when pursuing his profession in the Member State of origin or in the Member State from which he comes.

2. If the host Member State has detailed knowledge of a serious matter which has occurred prior to the establishment of the person concerned in the State outside its territory and which is likely to affect the pursuit within its territory of the activity concerned, it may inform the Member State of origin or the Member State from which the foreign national comes.

The Member State of origin or the Member State from which the foreign national comes shall verify the accuracy of the facts if they are likely to affect in that Member State the pursuit of the activity in question. The authorities in that State shall decide on the nature and extent of the investigation to be made and shall inform the host Member State of any consequential action which they take with regard to the information they have forwarded in accordance with paragraph 1.

3. Member States shall ensure the confidentiality of the information forwarded.

Article 11

Where a host Member State requires of its own nationals wishing to take up or pursue any of the activities referred to in Article 1 a certificate of physical or mental health, that State shall accept as sufficient evidence thereof the presentation of the document required in the Member State of origin or the Member State from which the foreign national comes.

Where the Member State of origin or the Member State from which the foreign national comes does not impose any requirements of this nature on those wishing to take up or pursue the activity in question, the host Member State shall accept from such national a certificate issued by a competent authority in that State corresponding to the certificates issued in the host Member State.

Article 12

Documents issued in accordance with Articles 9, 10 and 11 may not be presented more than three months after their date of issue.

Article 13

1. The procedure for authorizing the person concerned to take up any activity referred to in Article 1, pursuant to Articles 9, 10 and 11, must be completed as soon as possible and not later than three months after presentation of all the documents relating to such person, without prejudice to delays resulting from any appeal that may be made upon the termination of this procedure.

2. In the cases referred to in Articles 9 (3) and 10 (2), a request for re-examination shall suspend the period laid down in paragraph 1.

The Member State consulted shall give its reply within a period of three months.

On receipt of the reply or at the end of the period the host Member State shall continue with the procedure referred to in paragraph 1.

Article 14

Where a host Member State requires its own nationals wishing to take up or pursue any of the activities referred to in Article 1 to take an oath or make a solemn declaration and where the form of such oath or declaration cannot be used by nationals of other Member States, that Member State shall ensure that an appropriate and equivalent form of oath or declaration is offered to the person concerned.

B. Provisions relating specifically to the provision of services

Article 15

1. Where a Member State requires of its own nationals wishing to take up or pursue any of the activities referred to in Article 1 an authorization or membership of or registration with a professional organization or body, that Member State shall in the case of the provision of services exempt the nationals of the other Member States from that requirement.

The person concerned shall provide services with the same rights and obligations as the nationals of the host Member State ; in particular he shall be subject to the rules of conduct of a professional or administrative nature which apply in that Member State.

To this end and in addition to the declaration relating to the provision of services referred to in paragraph 2 Member States may, so as to permit the implementation of the provisions relating to professional conduct in force in their territory, provide for automatic temporary registration with or pro forma membership of a professional organization or body or entry in a register, provided that such registration does not delay or in any way complicate the provision of services or impose any additional costs on the person providing the services.

Where a host Member State adopts a measure pursuant to the second subparagraph or becomes aware of facts which run counter to these provisions, it shall forthwith inform the Member State where the person concerned is established.

2. The host Member State may require the person concerned to make a prior declaration to the competent authorities concerning the provision of his services where they involve a temporary stay in its territory.

In urgent cases this declaration may be made as soon as possible after the services have been provided.

3. Pursuant to paragraphs 1 and 2, the host Member State may require the person concerned to supply one or more documents containing the following particulars: - the declaration referred to in paragraph 2,

- a certificate stating that the person concerned is lawfully pursuing the activities in question in the Member State where he is established,

- a certificate that the person concerned holds one or other of the diplomas, certificates or other evidence of formal qualifications appropriate for the provision of the services in question and referred to in this Directive.

4. The document or documents specified in paragraph 3 may not be presented more than 12 months after their date of issue.

5. Where a Member State temporarily or permanently deprives, in whole or in part, one of its nationals or a national of another Member State established in its territory of the right to pursue any of the activities referred to in Article 1, it shall, as appropriate, ensure the temporary or permanent withdrawal of the certificate referred to in the second indent of paragraph 3.

Article 16

Where registration with a public social security body is required in a host Member State for the settlement with insurance bodies of accounts relating to services rendered to persons insured under social security schemes, that Member State shall exempt nationals of Member States established in another Member State from this requirement in cases of provision of services entailing travel on the part of the person concerned.

In all cases of provision of services entailing travel on the part of the person concerned, the host Member State may require him to

supply information to this body in advance, or, in urgent cases, at the earliest opportunity, concerning the services provided.

C. Provisions common to the right of establishment and freedom to provide services

Article 17

1. Where in a host Member State the use of the professional title relating to any of the activities referred to in Article 1 is subject to rules, nationals of other Member States who fulfil the conditions laid down in Articles 2, 7 (1) and 19 shall use the professional title of the host Member State which, in that State, corresponds to those conditions of qualification and shall use the abbreviated title.

2. Paragraph 1 shall also apply to the use of professional titles of practitioner of specialized dentistry by those who fulfil the conditions laid down in Articles 4 and 7 (2) respectively.

Article 18

1. Member States shall take the necessary measures to enable the persons concerned to obtain information on the health and social security laws and, where applicable, on the professional ethics of the host Member State.

For this purpose Member States may set up information centres from which such persons may obtain the necessary information. In the case of establishment, the host Member States may require the person concerned to contact these centres.

2. Member States may set up the centres referred to in paragraph 1 within the competent authorities and bodies which they must designate within the period laid down in Article 24 (1).

3. Member States shall see to it that, where appropriate, the persons concerned acquire, in their interest and in that of their patients, the linguistic knowledge necessary for the exercise of their profession in the host Member State.

CHAPTER VII TRANSITIONAL PROVISIONS COVERING THE SPECIAL CASE OF ITALY

Article 19

From the date on which Italy takes the measures necessary to comply with this Directive, Member States shall recognize, for the purposes of carrying out the activities referred to in Article 1 of this Directive, the diplomas, certificates and other evidence of formal qualifications in medicine awarded in Italy to persons who had begun their university medical training not later than 18 months after notification of this Directive, accompanied by a certificate issued by the competent Italian authorities, certifying that these persons have effectively, lawfully and principally been engaged in Italy in the activities specified in Article 5 of Directive 78/687/EEC for at least three consecutive years during the five years prior to the issue of the certificate and that these persons are authorized to carry out the said activities under the same conditions as holders of the diploma, certificate or other evidence of formal qualifications referred to in Article 3 (f) of this Directive.

The requirement of three years' experience referred to in the first subparagraph shall be waived in the case of persons who have successfully completed at least three years of study which are certified by the competent authorities as being equivalent to the training referred to in Article 1 of Directive 78/687/EEC.

CHAPTER VIII FINAL PROVISIONS

Article 20

Member States which require their own nationals to complete a preparatory training period in order to become eligible for appointment as a dental practitioner of a social security scheme may impose the same requirement on nationals of the other

Member States for a period of eight years following notification of this Directive. The training period may not, however, exceed six months.

Article 21

In the event of justified doubts, the host Member State may require of the competent authorities of another Member State confirmation of the authenticity of the diplomas, certificates and other evidence of formal qualifications issued in that other Member State and referred to in Chapters II, III and IV, and also confirmation that the person concerned has fulfilled all the training requirements laid down in Directive 78/687/EEC.

Article 22

Within the time limit laid down in Article 24 (1), Member States shall designate the authorities and bodies competent to issue or receive the diplomas, certificates and other evidence of formal qualifications as well as the documents and information referred to in this Directive and shall forthwith inform the other Member States and the Commission thereof.

Article 23

The Directive shall also apply to the nationals of Member States who, in accordance with Regulation (EEC) No 1612/68, are or will be pursuing as employed persons any of the activities referred to in Article 1.

Article 24

1. Member States shall take the measures necessary to comply with this Directive within 18 months of its notification and shall forthwith inform the Commission

thereof. However, Italy shall take these measures within a maximum period of six years and in any event when it takes those necessary to comply with Directive 78/687/EEC.

2. Member States shall forward to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

Article 25

Where a Member State encounters major difficulties in certain fields when applying this Directive, the Commission shall examine these difficulties in conjunction with that State and shall request the opinion of the Committee of Senior Officials on Public Health set up by Decision 75/365/EEC (1), as last amended by Decision 78/689/EEC (2).

Where necessary, the Commission shall submit appropriate proposals to the Council.

Article 26

This Directive is addressed to the Member States.

Done at Brussels, 25 July 1978.

For the Council

The President

K. von DOHNANYI (1)OJ No L 167, 30.6.1975, p. 19. (2)See page 17 of this Official Journal.

31978L0687

Council Directive 78/687/EEC of 25 July 1978 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action in respect of the activities of dental practitioners

Official Journal L 233 , 24/08/1978 P. 0010 - 0014

Finnish special edition: Chapter 6 Volume 2 P. 0006

Greek special edition: Chapter 05 Volume 3 P. 0021

Swedish special edition: Chapter 6 Volume 2 P. 0006

Spanish special edition: Chapter 06 Volume 2 P. 0040

Portuguese special edition Chapter 06 Volume 2 P. 0040

COUNCIL DIRECTIVE of 25 July 1978 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of dental practitioners (78/687/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 49, 57, 66 and 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Having regard to the opinion of the Economic and Social Committee (2),

Whereas, with a view to achieving the mutual recognition of diplomas, certificates and other evidence of the formal qualifications in dentistry, laid down by Council Directive 78/686/EEC of 25 July 1978 concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners of dentistry, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (3), the comparable nature of training courses in the Member States enables coordination in this field to be confined to the requirement that minimum standards be observed, which then leaves the Member States freedom of organization as regards teaching;

Whereas, with a view to mutual recognition of diplomas, certificates and other evidence of formal qualifications of a practitioner of specialized dentistry and in order to put all members of the profession who are nationals of the Member States on an equal footing within the Community, some coordination of the requirements for training as a practitioner of specialized dentistry is necessary ; whereas certain minimum criteria should be laid down for this purpose concerning the right to take up specialized training, the minimum training period, the method by which such training is given and the place where it is to be carried out, as well as the supervision to which it should be subject ; whereas these criteria only concern the specializations common to several Member States;

Whereas it is necessary for reasons of public health to move within the Community towards a common definition of the field of activity of the professional persons concerned ; whereas this Directive does not at this stage enable complete coordination to be achieved as regards the field of activity of dental practitioners in the various Member States;

Whereas Member States will ensure that, as from the implementation of this Directive, the training of dental practitioners will provide them with the skills necessary for carrying out all activities involving the prevention, diagnosis and treatment of anomalies and diseases of the teeth, mouth, jaws and associated tissues;

Whereas coordination of the conditions for the pursuit of these activities, as provided for under this Directive, does not exclude any subsequent coordination;

Whereas the coordination envisaged by this Directive covers the professional training of dental practitioners ; whereas, as far as training is concerned, most Member States do not at present distinguish between dental practitioners who pursue their activities as employed persons and those who are self-employed ; whereas for this reason and in order to encourage as far as possible the free movement of professional persons within the Community, it appears necessary to extend the application of this Directive to dental practitioners pursuing their activities as employed persons;

Whereas, at the time of notification of this Directive, dentistry is practised in Italy solely by doctors, whether or not specializing in odontostomatology ; whereas, under this Directive, Italy is obliged to create a new category of professional persons entitled to practise dentistry under a title other than that of doctor ; whereas in creating a new profession Italy must not only introduce a specific system of training complying with the criteria laid down in this Directive, but also set up structures proper to this new profession, such as a Council, for example ; whereas, therefore, in view of the extent of the measures to be taken, Italy should be granted an additional period to allow it to comply with this Directive, (1)OJ No C 101, 4.8.1970, p. 19. (2)OJ No C 36, 28.3.1970, p. 19. (3)See page 1 of this Official Journal.

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I TRAINING REQUIREMENTS

Article 1

1. The Member States shall require persons wishing to take up and pursue a dental profession under the titles referred to in Article 1 of Directive 78/686/EEC to hold a diploma, certificate or other evidence of formal qualifications referred to in Article 3 of the same Directive which guarantees that during his complete training period the person concerned has acquired: (a) adequate knowledge of the sciences on which dentistry is based and a good understanding of scientific methods, including the principles of measuring biological functions, the evaluation of scientifically established facts and the analysis of data;

(b) adequate knowledge of the constitution, physiology and behaviour of healthy and sick persons as well as the influence of the natural and social environment on the state of health of the human being, in so far as these factors affect dentistry;

(c) adequate knowledge of the structure and function of the teeth, mouth, jaws and associated tissues, both healthy and diseased, and their relationship to the general state of health and to the physical and social well-being of the patient;

(d) adequate knowledge of clinical disciplines and methods, providing the dentist with a coherent picture of anomalies, lesions and diseases of the teeth, mouth, jaws and associated tissues and of preventive, diagnostic and therapeutic dentistry;

(e) suitable clinical experience under appropriate supervision.

This training shall provide him with the skills necessary for carrying out all activities involving the prevention, diagnosis and treatment of anomalies and diseases of the teeth, mouth, jaws and associated tissues.

2. A complete period of dental training of this kind shall comprise at least a five-year full time course of theoretical and practical instruction given in a university, in a higher-education institution recognized as having equivalent status or under the supervision of a university and shall include the subjects listed in the Annex.

3. In order to be accepted for such training, the candidate must have a diploma or a certificate which entitles him to be admitted

for the course of study concerned to the universities of a Member State or to the higher education institutions recognized as having equivalent status.

4. Nothing in this Directive shall prejudice any facility which may be granted in accordance with their own rules by Member States in respect of their own territory to authorize holders of diplomas, certificates or other evidence of formal qualifications which have not been obtained in a Member State to take up and pursue the activities of a dental practitioner.

Article 2

1. Member States shall ensure that the training leading to a diploma, certificate or other evidence of formal qualifications as a practitioner of specialized dentistry meets the following requirements at least: (a) it shall entail the completion and validation of a five-year full-time course of theoretical and practical instruction within the framework of the training referred to in Article 1, or possession of the documents referred to in Article 7 (1) of Directive 78/686/EEC.

(b) it shall comprise theoretical and practical instruction;

(c) it shall be a full-time course of a minimum of three years' duration supervised by the competent authorities or bodies;

(d) it shall be in a university centre, in a treatment, teaching and research centre or, where appropriate, in a health establishment approved for this purpose by the competent authorities or bodies;

(e) it shall involve the personal participation of the dental practitioner training to be a specialist in the activity and in the responsibilities of the establishments concerned.

2. Member States shall make the award of a diploma, certificate or other evidence of formal qualifications as a practitioner of specialized dentistry subject to the possession of one of the diplomas, certificates or other evidence of formal qualifications in dentistry referred to in Article 1, or to the possession of the documents referred to in Article 7 (1) of Directive 78/686/EEC.

3. Within the time limit laid down in Article 8 Member States shall designate the authorities or bodies competent to issue the diplomas, certificates or other evidence of formal qualifications referred to in paragraph 1.

4. Member States may derogate from paragraph 1 (a). Persons in respect of whom such derogation is made shall not be entitled to avail themselves of Article 4 of Directive 78/686/EEC.

Article 3

1. Without prejudice to the principle of full-time training as set out in Article 2 (1) (c), and until such time as the Council takes a decision in accordance with paragraph 3, Member States may permit part-time specialist training, under conditions approved by the competent national authorities, when training on a full-time basis would not be practicable for well-founded reasons.

2. The total period of specialized training may not be shortened by virtue of paragraph 1. The standard of the training may not be impaired, either by its part-time nature or by the practice of private, remunerated professional activity.

3. Four years at the latest after notification of this Directive and in the light of a review of the situation, acting on a proposal from the Commission, and bearing in mind that the possibility of part-time training should continue to exist in certain circumstances to be examined separately for each specialization, the Council shall decide whether the provisions of paragraphs 1 and 2 should be retained or amended.

Article 4

As a transitional measure and notwithstanding Articles 2 (1) (c) and 3, Member States whose provisions laid down by law, regulation or administrative action permit a method of part-time specialist training at the time of notification of this Directive may continue to apply these provisions to candidates who have begun their training as specialists no later than four years after the notification of this Directive. This period may be extended if the Council has not taken a decision in accordance with Article 3 (3).

CHAPTER II FIELD OF ACTIVITY

Article 5

Member States shall ensure that dental surgeons shall generally be entitled to take up and pursue activities involving the prevention, diagnosis and treatment of anomalies and diseases of the teeth, mouth, jaws and associated tissues in accordance with the regulatory provisions and the rules of professional conduct governing the profession at the time of notification of this Directive.

Those Member States which do not have such provisions or rules may define or limit the pursuit of certain activities referred to in the first subparagraph to an extent which is comparable to that existing in the other Member States.

CHAPTER III FINAL PROVISIONS

Article 6

Persons covered by Article 19 of Directive 78/686/EEC shall be regarded as fulfilling the requirements laid down in Article 2 (1) (a).

For the purposes of applying Article 2 (2), persons covered by Article 19 of Directive 78/686/EEC shall be treated in the same way as those holding one of the diplomas, certificates or other evidence of formal qualifications in dentistry referred to in Article 1.

Article 7

This Directive shall also apply to nationals of Member States who, in accordance with Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community (1), are or will be pursuing, as employed persons, any of the activities referred to in Article 1 of Directive 78/686/EEC.

Article 8

1. Member States shall take the measures necessary to comply with this Directive within 18 months of its notification and shall forthwith inform the Commission thereof. However, Italy shall take these measures within a maximum of six years.

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

Article 9

Where a Member State encounters major difficulties in certain fields when applying this Directive, the Commission shall examine these difficulties in conjunction with that State and shall request the opinion of the Committee of Senior Officials on Public Health set up (1) OJ No L 257, 19.10.1968, p. 2.

by Decision 75/365/EEC (1), as last amended by Decision 78/689/EEC (2).

Where necessary, the Commission shall submit appropriate proposals to the Council.

Article 10

This Directive is addressed to the Member States.

Done at Brussels, 25 July 1978.

For the Council

The President

K. von DOHNANYI (1)OJ No L 167, 30.6.1975, p. 19. (2)See page 17 of this Official Journal.

ANNEX Study programme for dental practitioners

The programme of studies leading to a diploma, certificate or other evidence of formal qualifications in dentistry shall include at least the following subjects. One or more of these subjects may be taught in the context of the other disciplines or in conjunction therewith. (a) Basic subjects

chemistry,

physics,

biology.

(b) Medico-biological subjects and general medical subjects

anatomy,

embryology,

histology, including cytology,

physiology,

biochemistry (or physiological chemistry),

pathological anatomy,

general pathology,

pharmacology,

microbiology,

hygiene,

preventive medicine and epidemiology,

radiology,

physiotherapy,

general surgery,

general medicine, including paediatrics,

oto-rhino-laryngology,

dermato-venereology,

general psychology - psychopathology - neuropathology,

anaesthetics.

(c) Subjects directly related to dentistry

prosthodontics,

dental materials and equipment,

conservative dentistry,

preventive dentistry,

anaesthetics and sedation in dentistry,

special surgery,

special pathology,

clinical practice,

paedodontics,

orthodontics,

periodontics,

dental radiology,

dental occlusion and function of the jaw,

professional organization, ethics and legislation,

social aspects of dental practice.

31985L0432

Council Directive 85/432/EEC of 16 September 1985 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action in respect of certain activities in the field of pharmacy

Official Journal L 253 , 24/09/1985 P. 0034 - 0036

Finnish special edition: Chapter 6 Volume 2 P. 0111

Spanish special edition: Chapter 06 Volume 3 P. 0025

Swedish special edition: Chapter 6 Volume 2 P. 0111

Portuguese special edition Chapter 06 Volume 3 P. 0025

COUNCIL DIRECTIVE of 16 September 1985

concerning the coordination of provisions laid down by law, regulation or administrative action in respect of certain activities in the field of pharmacy

(85/432/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 49 and 57 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas persons who hold a diploma, certificate or other formal qualification in pharmacy are for that reason specialists in the field of medicinal products and, in principle, must have access in all the Member States to a minimum range of activities in that field; whereas, in defining that minimum range, this Directive does not have the effect of limiting the activities accessible in the Member States to pharmacists, in particular with regard to medical biology analyses, and does not give them any monopoly, since the creation of a monopoly continues to be a matter for the Member States alone;

Whereas, moreover, this Directive does not ensure coordination of all conditions of access to and pursuit of activities in the field of pharmacy; whereas, in particular, the geographical distribution of pharmacies and the monopoly of the supply of medicinal products continue to be matters for the Member States;

Whereas, with a view to achieving mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy, as required by Council Directive 85/433/EEC of 16 September 1985 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy, including measures to facilitate the effective exercise of the right of establishment relating to certain activities in the field of pharmacy (4), the broad comparability of training courses in the Member States enables coordination in this field to be confined to the requirement that minimum standards be observed, thus leaving the Member States freedom of organization as regards teaching;

Whereas this Directive does not prevent the Member States from requiring supplementary conditions of training for access to activities not included in the coordinated minimum range of activities; whereas for this reason a host Member State which lays down such conditions may subject thereto nationals of Member States who hold one of the diplomas referred to in Article 4 of Directive 85/433/EEC;

Whereas the coordination provided for by this Directive covers professional qualifications; whereas, as regards such qualifications, most Member States do not at present distinguish between professional persons who pursue their activities as employed persons and those who are self-employed; whereas, for

this reason, it appears necessary to extend the application of this Directive to employed professional persons;

Whereas further training is being developed in the Member States in certain aspects of pharmacy which is intended to extend certain areas of knowledge acquired during the training of pharmacists; whereas, therefore, with a view to mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy specialities and in order to put all members of the profession who are nationals of the Member States on an equal footing within the Community, some coordination of the requirements for training in pharmacy specialities is necessary where there are specialized forms of training common to several Member States which can entitle a person to use a specialist title, without such training being a condition of access to the activities included in the coordinated minimum range of activities; whereas such coordination does not seem possible at this stage, but constitutes an objective to be attained as soon as possible together with the relevant mutual recognition,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Member States shall ensure that holders of a diploma, certificate or other university or equivalent qualification in pharmacy which meets the conditions laid down in Article 2 shall be entitled at least to access to the activities mentioned in paragraph 2 and to pursue such activities subject, where appropriate, to the requirement of additional professional experience.

2. The activities referred to in paragraph 1 are:

- the preparation of the pharmaceutical form of medicinal products,
- the manufacture and testing of medicinal products,
- the testing of medicinal products in a laboratory for the medicinal of medicinal products,
- the storage, preservation and distribution of medicinal products at the wholesale stage,
- the preparation, testing, storage and supply of medicinal products in pharmacies open to the public,
- the preparation, testing, storage and dispensing of medicinal products in hospitals,
- the provisions of information and advice on medicinal products.

3. Where at the time of adoption of this Directive a system of competition based on tests exists in a Member State for the purpose of selecting from among the holders referred to in paragraph 1 those to be appointed to control the new pharmacies to be set up under a national geographical distribution system, that Member State may, by way of derogation from paragraph 1, retain this competition system and may oblige nationals of the Member States holding the diplomas, certificates and other formal qualifications in pharmacy referred to in Article 2 (1) and Article 6 of Directive 85/433/EEC to take part in such a competition.

Article 2

Member States shall subordinate the award of the diplomas, certificates and other formal qualifications referred to in Article 1 to the following minimum conditions:

1. Training leading to the award of the diploma, certificate or other formal qualification shall ensure:
 - (a) adequate knowledge of medicines and the substances used in the manufacture of medicines;
 - (b) adequate knowledge of pharmaceutical technology and the physical, chemical, biological and microbiological testing of medicinal products;

(c) adequate knowledge of the metabolism and the effects of medicinal products and of the action of toxic substances, and of the use of medicinal products;

(d) adequate knowledge to evaluate scientific data concerning medicines in order to be able to supply appropriate information on the basis of this knowledge;

(e) adequate knowledge of the legal and other requirements associated with the practice of pharmacy.

2. In order to be accepted for such training, the candidate must have a diploma or a certificate which entitles him to be admitted for the course of study concerned to the universities of a Member State or to higher education institutions recognized as having equivalent status.

3. The diploma, certificate or other formal qualification shall testify to the completion of a course of training covering a period of at least five years and comprising:

- at least four years of full-time theoretical and practical training in a university, in a higher education institution of a level recognized as having equivalent status, or under the supervision of a university,

- at least six months of in-service training in a pharmacy open to the public or in a hospital under the supervision of the pharmaceutical department of that hospital. 4. By way of derogation from point 3:

(a) if at the time of the adoption of this Directive two courses of training coexist in a Member State, one of which lasts five years and the other four years, the diploma, certificate or other formal qualification testifying to the completion of the four-year course of training, shall be considered to fulfil the condition concerning duration referred to in point 3 provided that the diplomas, certificates or other formal qualifications testifying to the completion of the two courses of training are recognized as equivalent by that State;

(b) if, because, there are insufficient places in pharmacies open to the public and in hospitals near training establishments, a Member State is unable to provide six months of in-service training, it may, for a period of five years following the expiry of the time limit laid down in Article 5, make provision for no more than half of that training period to involve activities as a pharmacist in an undertaking which manufactures medicinal products.

5. The course of training referred to in point 3 shall comprise as a minimum theoretical and practical training in the following subjects:

- Plant and animal biology,
- Physics,
- General and inorganic chemistry,
- Organic chemistry,
- Analytical chemistry,
- Pharmaceutical chemistry, including analysis of medicinal products,
- General and applied biochemistry (medical),
- Anatomy and physiology; medical terminology,
- Microbiology,
- Pharmacology and pharmacotherapy,
- Pharmaceutical technology,
- Toxicology,
- Pharmacognosy,
- Legislation and, where appropriate, professional ethics.

The balance between theoretical and practical training shall, in respect of each subject, give sufficient importance to theory to maintain the university character of the training.

Article 3

Not more than three years after the expiry of the time limit laid down in Article 5, the Commission shall submit to the Council appropriate proposals on specializations in pharmacy and in particular hospital pharmacy. The Council shall examine these proposals within one year.

Article 4

This Directive shall also apply to nationals of Member States who, in accordance with Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community (1), are pursuing or will pursue, as employed persons, one of the activities referred to in Article 1 of Directive 85/433/EEC.

Article 5

1. Member States shall take the measures necessary to comply with this Directive before 1 October 1987. They shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

Article 6

Where a Member State encounters major difficulties in certain fields when applying this Directive, the Commission shall examine these difficulties in conjunction with that State and shall request the opinion of the Pharmaceutical Committee set up by Council Decision 75/320/EEC (2).

Where necessary, the Commission shall submit appropriate proposals to the Council.

Article 7

This Directive is addressed to the Member States.

Done at Luxembourg, 16 September 1985.

For the Council

The President

M. FISCHBACH

(1) OJ No C 35, 18. 2. 1981, p. 3.

(2) OJ No C 277, 17. 10. 1983, p. 160.

(3) OJ No C 230, 10. 9. 1981, p. 10.

(4) See page 37 of this Official Journal.

(1) OJ No L 257, 19. 10. 1968, p. 2.

(2) OJ No L 147, 9. 6. 1975, p. 23.

31985L0433

Council Directive 85/433/EEC of 16 September 1985 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy, including measures to facilitate the effective exercise of the right of establishment relating to certain activities in the field of pharmacy

Official Journal L 253 , 24/09/1985 P. 0037 - 0042

Finnish special edition: Chapter 16 Volume 1 P. 0082

Spanish special edition: Chapter 06 Volume 3 P. 0028

Swedish special edition: Chapter 16 Volume 1 P. 0082

Portuguese special edition Chapter 06 Volume 3 P. 0028

COUNCIL DIRECTIVE of 16 September 1985

concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy, including measures to facilitate the effective exercise of the right of establishment relating to certain activities in the field of pharmacy (85/433/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 49 and 57 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas, pursuant to the Treaty, all discriminatory treatment based on nationality with regard to establishment and provision of services is prohibited as from the end of the transitional period; whereas the principle of such treatment based on nationality applies, in particular, to the grant of any authorization required for the practice of certain activities, and also to registration with or membership of professional organizations or bodies;

Whereas it nevertheless seems desirable that certain provisions be introduced to facilitate the effective exercise of the right of establishment;

Whereas, pursuant to Article 54 (3) (h) of the Treaty, the Member States are required not to grant any form of aid likely to distort the conditions of establishment;

Whereas Article 57 (1) of the Treaty provides that Directives be adopted for mutual recognition of diplomas, certificates and other evidence of formal qualifications;

Whereas, in view of the present disparities in training in pharmacy given in the Member States, it is necessary to lay down certain coordinating provisions to enable the Member States to introduce mutual recognition of diplomas, certificates and other evidence of formal qualifications; whereas such coordination has been established by Council Directive 85/432/EEC of 16 September 1985, concerning the coordination of provisions laid down by law, regulation or administrative action in respect of certain activities in the field of pharmacy (4);

Whereas in certain Member States access to certain activities in the field of pharmacy is, apart from the award of the relevant diploma, certificate or other formal qualification, subject to the requirement of additional professional experience; whereas, since there is as yet no convergence of views among the Member States on this point, it is advisable, in order to obviate any difficulties, to recognize as a sufficient condition appropriate practical experience of equal duration acquired in another Member State;

Whereas, under their national policies in the sphere of public health, which seek inter alia to ensure the satisfactory dispensing of medicinal products over their entire territories, certain Member States restrict the number of new pharmacies that may be established, while others have adopted no such provisions; whereas in these circumstances it is premature to provide that the effects of the recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy must also extend to the pursuit of the activities of pharmacist as the controller of a pharmacy open to the public for less than three years; whereas this problem must be re-examined by the Commission and the Council within a certain period;

Whereas, with regard to the possession of a formal certificate of training, since a Directive on the mutual recognition of diplomas does not necessarily imply equivalence in the training covered by such diplomas, the use of such qualifications should be authorized only in the language of the Member State of origin or of the Member State from which the foreign national comes;

Whereas, to facilitate the application of this Directive by the national authorities, Member States may prescribe that, in addition to formal certificates of training, the person who satisfies the conditions of training required by this Directive must provide a certificate from the competent authorities of his country of origin or of the country from which he comes stating that these certificates of training are those covered by the Directive;

Whereas this Directive does not affect the provisions laid down by law, regulation or administrative action in the Member States which prohibit companies from practising certain activities or impose on them certain conditions for such practice;

Whereas it is difficult to assess the extent to which rules aimed at facilitating freedom of pharmacists to provide services could at present be appropriate; whereas, in these circumstances, it is not advisable to adopt such rules for the time being;

Whereas, with regard to good character and good repute, a distinction should be drawn between the requirements to be satisfied on first taking up the profession and those to be satisfied in order to practise it;

Whereas, as far as the activities of employed persons are concerned, Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community (1) lays down no specific provisions relating to good character or good repute, professional discipline or use of title for the professions covered; whereas, depending on the individual Member State, such rules are or may be applicable both to employed and self-employed persons; whereas the activities subject in the Member States to possession of a diploma, certificate or other evidence of formal qualification in pharmacy are pursued by both employed and self-employed persons, or by the same persons in both capacities in the course of their professional career; whereas, in order to encourage as far as possible the free movement of those professional persons within the Community, it therefore appears necessary to extend the application of this Directive to employed persons.

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

Scope

Article 1

This Directive applies to activities, the access to and pursuit of which is subject to conditions of professional qualification in one or more Member States, and which are open to holders of one of the diplomas, certificates or other formal qualifications in pharmacy referred to in Article 4.

CHAPTER II

Diplomas, certificates and other evidence of formal qualifications in pharmacy

Article 2

1. Each Member State shall recognize the diplomas, certificates and other formal qualifications listed in Article 4 awarded to nationals of Member States by other Member States in accordance with Article 2 of Directive 85/432/EEC by giving such qualifications, as regards the right of access to and pursuit of the activities referred to in Article 1, the same effect in its territory as those diplomas, certificates and other formal qualifications, listed in Article 4, which it itself awards.

2. However, Member States need not give effect to the diplomas, certificates and other formal certificates referred to in paragraph 1 with respect to the establishment of new pharmacies open to the public. For the purposes of applying this Directive, pharmacies which have been in operation for less than three years shall also be regarded as new.

Five years after the date stipulated in Article 19 (1), the Commission shall submit a report to the Council on the way in which Member States have implemented the preceding subparagraph and on the possibility of extending the effects of mutual recognition of the diplomas, certificates and other formal certificates referred to in paragraph 1. It shall make any appropriate proposals.

Article 3

1. By way of derogation from Article 2 and without prejudice to Article 45 of the 1979 Act of Accession, the Hellenic Republic shall not be required to give effect as laid down in Article 2 to the diplomas, certificates and other formal qualifications awarded by other Member States except in the case of the pursuit as an employed person in accordance with Regulation (EEC) No 1612/68 of the activities referred to in Article 1.

As long as the Hellenic Republic makes use of this derogation and without prejudice to Article 45 of the 1979 Act of Accession, the other Member States shall not be required to give effect as provided for in Article 2 to the certificates referred to in Article 4 (d) except in the case of the pursuit as an employed person in accordance with Regulation (EEC) No 1612/68 of the activities referred to in Article 1.

2. Ten years after the date stipulated in Article 19, the Commission shall submit to the Council appropriate proposals in order to extend the effects of mutual recognition of diplomas, certificates and other formal qualifications with a view to facilitating the effective exercise of the right of establishment between the Hellenic Republic and the other Member States. The Council shall act on these proposals in accordance with the procedure laid down in the EEC Treaty.

Article 4

The diplomas, certificates and other evidence of formal qualifications referred to in Article 2 are the following:

(a) in Belgium:

Le diplôme légal de pharmaciens/het wettelijk diploma van apotheker (the legal diploma in pharmacy) awarded by the faculties of medicine and pharmacy of the Universities, by the Central examining board or by the State examining boards for university education;

(b) in Denmark:

Bevis for bestaaet farmaceutisk kandidatexamen (the university pharmacy certificate);

(c) in the Federal Republic of Germany:

(1) Zeugnis ueber die staatliche Pharmazeutische Pruefung (the State examination certificate in pharmacy) awarded by the competent authorities;

(2) Certificates from the competent authorities the Federal Republic of Germany stating that the diplomas awarded after 8 May 1945 by the competent authorities of the German Democratic Republic are recognized as equivalent to those referred to in point 1 above;

(d) in Greece:

Piatopoiitiko ton armodon archon, ikanotitas jskisis tis farmakeftikjs, chorigozmeno metj kratikj exetasi (the certificate attesting competence to pursue the activity of a pharmacist) issued by the competent authorities following a State examination;

(e) in France:

The State diploma in pharmacy awarded by the universities or the State diploma of Doctor in Pharmacy awarded by the universities;

(f) in Ireland:

The certificate of Registered Pharmaceutical Chemist;

(g) in Italy:

The diploma or certificate giving the right to practise pharmacy, obtained by passing a State examination;

(h) in Luxembourg:

The State pharmacy diploma awarded by the State Examining Board and signed by the National Minister of Education;

(i) in the Netherlands:

Het getuigschrift van met goed gevolg afgelegd apothekersexamen (the university pharmacy certificate);

(j) in the United Kingdom:

The certificate of Registered Pharmaceutical Chemist.

Article 5

Where, in a Member State, access to or pursuit of one of the activities referred to in Article 1 is subject not only to the possession of a diploma, certificate or other formal qualification mentioned in Article 4 but also to the requirement of additional professional experience, that State shall accept as sufficient evidence in this respect a certificate issued by the competent authorities of the person's Member State of origin or of the Member State from which he comes, attesting that he has pursued the said activities for an equivalent period in his Member State of origin or in the Member State from which he comes.

However, such recognition shall not apply with regard to the two-year period of professional experience required by the Grand Duchy of Luxembourg for the grant of a State public pharmacy concession.

CHAPTER III

Established rights

Article 6

Diplomas, certificates and other university or equivalent qualifications in pharmacy which were awarded to nationals of Member States by Member States and which do not satisfy all the minimum training requirements laid down in Article 2 of Directive 85/432/EEC shall be treated as diplomas satisfying these requirements if:

- they are evidence of training which was completed before the implementation of the said Directive,

or

- they are evidence of training which was completed after but which was commenced before the implementation of the said Directive,

and, in each case, if:

- they are accompanied by a certificate stating that their holders have been effectively and lawfully engaged in one of the activities referred to in Article 1 (2) of Directive 85/432/EEC in a Member State for at least three consecutive years during the five years preceding the award of the certificate, provided that this activity is regulated in that State. CHAPTER IV

Use of academic title

Article 7

1. Without prejudice to Article 14, host Member States shall ensure that nationals of Member States who fulfil the conditions laid down in Articles 2, 5 and 6 have the right to use the lawful academic title and, where appropriate, the abbreviation thereof, of their Member State of origin or of the Member State from which they come, in the language of that State. Host Member States may require this title to be followed by the name and location of the establishment or examining board which awarded it.

2. If the academic title used in the Member State of origin, or in the Member State from which a foreign national comes, can be confused in the host Member State with a title requiring in that State additional training which the person concerned has not undergone, the host Member State may require such a person to use the title employed in the Member State of origin or the Member State from which he comes in suitable wording to be indicated by the host Member State.

CHAPTER V

Provisions to facilitate the effective exercise of the right of establishment

Article 8

1. A host Member State which requires of its nationals proof of good character or good repute when they take up for the first time any of the activities referred to in Article 1 shall accept as sufficient evidence, in respect of nationals of other Member States, a certificate issued by a competent authority in the Member State of origin or in the Member State from which the foreign national comes, attesting that the requirements of the Member State as to good character or good repute for taking up the activity in question have been met.

2. Where the Member State of origin or the Member State from which the foreign national comes does not require proof of good character or good repute of persons wishing to take up the activity in question for the first time, the host Member State may require of nationals of the Member State of origin or of the Member State from which the foreign national comes an extract from the judicial record or, failing this, an equivalent document issued by a competent authority in the Member State of origin or the Member State from which the foreign national comes.

3. If the host Member State has detailed knowledge of a serious matter which, prior to the establishment in that State of the person in question, has occurred outside its territory and is likely to affect the taking up within its territory of the activity concerned, it may inform the Member State of origin or the Member State from which the foreign national comes.

The Member State of origin or the Member State from which the foreign national comes shall verify the accuracy of the facts if they are likely to affect the taking up of the activity in question in that Member State. The authorities in that State shall decide on the nature and extent of the investigations to be made and shall inform the host Member State of any consequential action which they take with regard to the certificates or documents they have issued.

4. Member States shall ensure the confidentiality of the information which is forwarded.

Article 9

1. Where, in a host Member State, provisions laid down by law, regulation or administrative action are in force laying down requirements as to good character or good repute, including provisions for disciplinary action in respect of serious professional misconduct or conviction for criminal offences and relating to the pursuit of any of the activities referred to in Article 1, the Member State of origin or the Member State from which the foreign national comes shall forward to the host Member State all necessary information regarding measures or disciplinary action of a professional or administrative nature taken in respect of the person concerned, or criminal penalties imposed on him when pursuing his profession in the Member State of origin or in the Member State from which he came.

2. If the host Member State has detailed knowledge of a serious matter which, prior to the establishment in that State of the person in question, has occurred outside its territory and is likely to affect the pursuit within its territory of the activity concerned, it may inform the Member State of origin or the Member State from which the foreign national comes.

The Member State of origin or the Member State from which the foreign national comes shall verify the accuracy of the facts if they are likely to affect in that Member State the pursuit of the activity in question. The authorities in that State shall decide on the nature and extent of the investigations to be made and shall inform the host Member State of any consequential action which they take with regard to the information they have forwarded in accordance with paragraph 1.

3. Member States shall ensure the confidentiality of the information which is forwarded.

Article 10

Where a host Member State requires of its own nationals wishing to take up or pursue any of the activities referred to in Article 1, a certificate of physical or mental health, that State shall accept as sufficient evidence thereof the presentation of the document required in the Member State of origin or in the Member State from which the foreign national comes.

Where the Member State of origin or the Member State from which the foreign national comes does not impose any requirements of this nature on those wishing to take up or pursue the activity in question, the host Member State shall accept from such nationals a certificate issued by a competent authority in that State corresponding to the certificates issued in the host Member State.

Article 11

The documents referred to in Articles 8, 9 and 10 may not be presented more than three months after their date of issue.

Article 12

1. The procedure for authorizing the person concerned to take up any of the activities referred to in Article 1, pursuant to Articles 8, 9 and 10, must be completed as soon as possible and not later than three months after submission of all the documents relating to such person, without prejudice to delays resulting from any appeal that may be made upon the completion of this procedure.

2. In the cases referred to in Articles 8 (3) and 9 (2), a request for re-examination shall suspend the period stipulated in paragraph 1.

When consulted, the Member State of origin or the Member State from which the foreign national comes shall give its reply within three months.

On receipt of the reply or at the end of that period, the host Member State shall continue with the procedure referred to in paragraph 1.

Article 13

Where a host Member State requires its own nationals wishing to take up or pursue one of the activities referred to in Article 1 to take an oath or make a solemn declaration and where the form of such oath or declaration cannot be used by nationals of other Member States, that Member State shall ensure that an appropriate and equivalent form of oath or declaration is offered to the persons concerned.

Article 14

Where in a host Member State, the use of the professional title relating to one of the activities referred to in Article 1 is regulated, nationals of Member States who fulfil the conditions of professional qualification laid down in Articles 2, 5 and 6 shall be entitled to the professional title of the host Member State which in that State corresponds to those conditions, and shall use the abbreviation thereof.

Article 15

1. Member States shall take the necessary measures to enable the persons concerned to obtain information on the health and social security laws and, where applicable, on the professional ethics of the host Member State.

For this purpose, Member States may set up information centres from which such persons may obtain the necessary information. The host Member States may require the persons concerned to contact these centres.

2. Member States may set up the centres referred to in paragraph 1 under the aegis of the competent authorities and bodies which they shall designate within the period laid down in Article 19 (1).

3. Member States shall see to it that, where appropriate, the persons concerned acquire, in their own interest and in that of their customers, the linguistic knowledge necessary for the practice of their profession in the host Member State.

CHAPTER VI

Final provisions

Article 16

In the event of justified doubts, the host Member State may require of the competent authorities of another Member State confirmation of the authenticity of the diplomas, certificates and other formal qualifications issued in that other Member State and referred to in Chapters II and III, and also confirmation of the fact that the person concerned has fulfilled all the training requirements laid down in Directive 85/432/EEC.

Article 17

Within the time limit laid down in Article 19 (1), Member States shall designate the authorities and bodies competent to issue or receive the diplomas, certificates and other formal qualifications as well as the documents and information referred to in this Directive and shall forthwith inform the other Member States and the Commission thereof.

Article 18

This Directive shall also apply to nationals of Member States who, in accordance with Regulation (EEC) No 1612/68, are pursuing or will pursue as employed persons one of the activities referred to in Article 1. Article 19

1. Member States shall bring into force the measures necessary to comply with this Directive before 1 October 1987. They shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

Article 20

Where a Member State encounters major difficulties in certain fields when applying this Directive, the Commission shall examine these difficulties in conjunction with that State and shall request the opinion of the Pharmaceutical Committee set up under Decision 75/320/EEC (1).

Where necessary, the Commission shall submit appropriate proposals to the Council.

Article 21

This Directive is addressed to the Member States.

Done at Luxembourg, 16 September 1985.

For the Council

The President

M. FISCHBACH

(1) OJ No C 35, 18. 2. 1981, p. 6 and OJ No C 40, 18. 2. 1984, p. 4.

(2) OJ No C 277, 17. 10. 1983, p. 160.

(3) OJ No C 230, 10. 9. 1981, p. 10.

(4) See page 34 of this Official Journal.

(1) OJ No L 257, 19. 10. 1968, p. 2.

(1) OJ No L 147, 9. 6. 1975, p. 23.

31980L0155

Council Directive 80/155/EEC of 21 January 1980 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action relating to the taking up and pursuit of the activities of midwives

Official Journal L 033 , 11/02/1980 P. 0008 - 0012

Finnish special edition: Chapter 6 Volume 2 P. 0051

Greek special edition: Chapter 06 Volume 2 P. 0081

Swedish special edition: Chapter 6 Volume 2 P. 0051

Spanish special edition: Chapter 06 Volume 2 P. 0095

Portuguese special edition Chapter 06 Volume 2 P. 0095

COUNCIL DIRECTIVE of 21 January 1980 concerning the coordination of provisions laid down by law, regulation or administrative action relating to the taking up and pursuit of the activities of midwives (80/155/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 49, 57 and 66 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas, under Article 57 of the Treaty, the provisions laid down by law, regulation or administrative action relating to the taking up and pursuit of the activities of midwives must be coordinated; whereas it is necessary for reasons of public health to move within the Community towards a common definition of the field of activity of the professional persons concerned and of their training; whereas it has not been thought desirable to impose to that end a unified training programme for all Member States; whereas they should on the contrary be allowed the greatest possible freedom in organizing training; whereas the best solution is therefore to lay down minimum standards;

Whereas the coordination of these activities, as envisaged by this Directive, does not exclude subsequent coordination;

Whereas, as far as training is concerned, most Member States do not at present distinguish between midwives who pursue their activities as employed persons and those who are self-employed; whereas for this reason it appears necessary to extend the application of this Directive to employed midwives,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Member States shall make the taking up and pursuit of midwifery activities under the titles referred to in Article 1 of Directive 80/154/EEC (4) conditional on the possession of a diploma, certificate or other evidence of formal qualifications in midwifery as listed in Article 3 of the said Directive, guaranteeing that the person concerned has acquired during the total duration of training: (a) adequate knowledge of the sciences on which the activities of midwives are based, particularly obstetrics and gynaecology;

(b) adequate knowledge of the ethics of the profession and the professional legislation;

(c) detailed knowledge of biological functions, anatomy and physiology in the field of obstetrics and of the newly born, and also a knowledge of the relationship between the state of health and the physical and social environment of the human being, and of his behaviour;

(d) adequate clinical experience gained in approved institutions under the supervision of staff qualified in midwifery and obstetrics;

(e) adequate understanding of the training of health personnel and experience of working with such personnel.

2. The training referred to in paragraph 1 shall comprise: - either a full-time course in midwifery comprising at least three years of practical and theoretical studies, admission to which is subject to completion of at least the first 10 years of general school education,

- or a full-time course in midwifery lasting at least 18 months, admission to which is subject to possession of a diploma, certificate or other evidence of formal qualifications of nurses responsible for general care referred to in Article 3 of Directive 77/452/EEC (5).

3. The course in midwifery provided for in the first indent of paragraph 2 shall cover at least the subjects of the training programme set out in the Annex. (1)OJ No C 18, 12.2.1970, p. 1. (2)OJ No C 101, 4.8.1970, p. 26. (3)OJ No C 146, 11.12.1970, p. 17. (4)See page 1 of this Official Journal. (5)OJ No L 176, 15.7.1977, p. 1.

The course provided for in the second indent of paragraph 2 shall cover at least the subjects of the training programme set out in the Annex which did not form part of an equivalent course in the training of nurses.

4. Member States shall ensure that the institution training midwives is responsible for the coordination of theory and practice throughout the programme.

The theoretical and technical training mentioned in Part A of the Annex shall be balanced and coordinated with the clinical training of midwives mentioned in Part B of the same Annex in such a way that the knowledge and experience listed in paragraph 1 may be acquired in an adequate manner.

Clinical instruction shall take the form of supervised in-service training in hospital departments or other health services approved by the competent authorities or bodies. As part of this training, student midwives shall participate in the activities of the departments concerned in so far as those activities contribute to their training. They shall be taught the responsibilities involved in the activities of midwives.

Article 2

After a periodical examination of the results of the various training courses provided for in Article 1 (2), the Commission shall make its first report to the Council six years after notification of this Directive. The said examination shall be carried out with the assistance of the Advisory Committee on the Training of Midwives.

In the light of the results of this examination, the Commission shall present proposals for amendments aimed at aligning the minimum criteria laid down for the said training courses on the conditions prescribed in the first sub-indent of the first indent and in the second indent of Article 2 (1) of Directive 80/154/EEC. The Council shall act forthwith on these proposals.

Article 3

Notwithstanding Article 1, Member States may permit part-time training under conditions approved by the competent national authorities.

The total period of part-time training may not be less than that of full-time training. The standard of the training may not be impaired by its part-time nature.

Article 4

Member States shall ensure that midwives are at least entitled to take up and pursue the following activities: 1. to provide sound family planning information and advice;

2. to diagnose pregnancies and monitor normal pregnancies ; to carry out the examinations necessary for the monitoring of the development of normal pregnancies;

3. to prescribe or advise on the examinations necessary for the earliest possible diagnosis of pregnancies at risk;

4. to provide a programme of parenthood preparation and a complete preparation for childbirth including advice on hygiene and nutrition;

5. to care for and assist the mother during labour and to monitor the condition of the foetus in utero by the appropriate clinical and technical means;

6. to conduct spontaneous deliveries including where required an episiotomy and in urgent cases a breech delivery;

7. to recognize the warning signs of abnormality in the mother or infant which necessitate referral to a doctor and to assist the latter where appropriate ; to take the necessary emergency measures in the doctor's absence, in particular the manual removal of the placenta, possibly followed by manual examination of the uterus;

8. to examine and care for the new-born infant ; to take all initiatives which are necessary in case of need and to carry out where necessary immediate resuscitation;

9. to care for and monitor the progress of the mother in the post-natal period and to give all necessary advice to the mother on infant care to enable her to ensure the optimum progress of the new-born infant;

10. to carry out the treatment prescribed by a doctor;

11. to maintain all necessary records.

Article 5

This Directive shall also apply to nationals of Member States who, in accordance with Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community (1), are pursuing or will pursue, as employed persons, one of the activities referred to in Article 1 of Directive 80/154/EEC. (1)OJ No L 257, 19.10.1968, p. 2.

Article 6

1. Member States shall take the measures necessary to comply with this Directive within three years of its notification and shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

Article 7

Where a Member State encounters major difficulties in certain fields when applying this Directive, the Commission shall examine these difficulties in conjunction with that State and shall request the opinion of the Committee of Senior Officials on Public Health set up under Decision 75/365/EEC (1), as last amended by Decision 80/157/EEC (2).

Where necessary, the Commission shall submit appropriate proposals to the Council.

Article 8

Not later than six years after notification of this Directive, the Council, acting on a proposal from the Commission, and after having sought the opinion of the Advisory Committee, shall decide

whether the derogation provided for in the third item in Part B of the Annex should be withdrawn or its scope reduced.

Article 9

This Directive is addressed to the Member States.

Done at Brussels, 21 January 1980.

For the Council

The President

G. MARCORA (1)OJ No L 167, 30.6.1975, p. 19. (2)See page 15 of this Official Journal.

ANNEX**TRAINING PROGRAMME FOR MIDWIVES**

The training programme for obtaining a diploma, certificate or other evidence of formal qualifications in midwifery consists of the following two parts: A. THEORETICAL AND TECHNICAL INSTRUCTION (a) General subjects 1. Basic anatomy and physiology

2. Basic pathology

3. Basic bacteriology, virology and parasitology

4. Basic biophysics, biochemistry and radiology

5. Paediatrics, with particular reference to new-born infants

6. Hygiene, health education, preventive medicine, early diagnosis of diseases

7. Nutrition and dietetics, with particular reference to women, new-born and young babies

8. Basic sociology and socio-medical questions

9. Basic pharmacology

10. Psychology

11. Principles and methods of teaching

12. Health and social legislation and health organization

13. Professional ethics and professional legislation

14. Sex education and family planning

15. Legal protection of mother and infant

(b) Subjects specific to the activities of midwives 1. Anatomy and physiology

2. Embryology and development of the foetus

3. Pregnancy, childbirth and puerperium

4. Gynaecological and obstetrical pathology

5. Preparation for childbirth and parenthood, including psychological aspects

6. Preparation for delivery (including knowledge and use of technical equipment in obstetrics)

7. Analgesia, anaesthesia and resuscitation

8. Physiology and pathology of the new-born infant

9. Care and supervision of the new-born infant

10. Psychological and social factors

B. PRACTICAL AND CLINICAL TRAINING

This training is to be dispensed under appropriate supervision: 1. Advising of pregnant women, involving at least 100 pre-natal examinations

2. Supervision and care of at least 40 pregnant women

3. Conduct by the student of at least 40 deliveries ; where this number cannot be reached owing to the lack of available women in labour, it may be reduced to a minimum of 30, provided that the student assists with 20 further deliveries.
4. Assistance with one or two breech deliveries
5. Experience of episiotomy and initiation into suturing
6. Supervision and care of 40 pregnant women at risk
7. At least 100 post-natal examinations and examinations of normal new-born infants
8. Supervision and care of mothers and new-born infants, including pre-term, post-term, underweight and ill new-born infants
9. Care of pathological cases in the fields of gynaecology and obstetrics, and diseases of new-born and young babies
10. Initiation into the care of general pathological cases in medicine and surgery.

31980L0155

Council Directive 80/155/EEC of 21 January 1980 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action relating to the taking up and pursuit of the activities of midwives

Official Journal L 033 , 11/02/1980 P. 0008 - 0012

Finnish special edition: Chapter 6 Volume 2 P. 0051

Greek special edition: Chapter 06 Volume 2 P. 0081

Swedish special edition: Chapter 6 Volume 2 P. 0051

Spanish special edition: Chapter 06 Volume 2 P. 0095

Portuguese special edition Chapter 06 Volume 2 P. 0095

COUNCIL DIRECTIVE of 21 January 1980 concerning the coordination of provisions laid down by law, regulation or administrative action relating to the taking up and pursuit of the activities of midwives (80/155/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 49, 57 and 66 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas, under Article 57 of the Treaty, the provisions laid down by law, regulation or administrative action relating to the taking up and pursuit of the activities of midwives must be coordinated; whereas it is necessary for reasons of public health to move within the Community towards a common definition of the field of activity of the professional persons concerned and of their training; whereas it has not been thought desirable to impose to that end a unified training programme for all Member States; whereas they should on the contrary be allowed the greatest possible freedom in organizing training; whereas the best solution is therefore to lay down minimum standards;

Whereas the coordination of these activities, as envisaged by this Directive, does not exclude subsequent coordination;

Whereas, as far as training is concerned, most Member States do not at present distinguish between midwives who pursue their activities as employed persons and those who are self-employed; whereas for this reason it appears necessary to extend the application of this Directive to employed midwives,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Member States shall make the taking up and pursuit of midwifery activities under the titles referred to in Article 1 of Directive 80/154/EEC (4) conditional on the possession of a diploma, certificate or other evidence of formal qualifications in midwifery as listed in Article 3 of the said Directive, guaranteeing that the person concerned has acquired during the total duration of training: (a) adequate knowledge of the sciences on which the activities of midwives are based, particularly obstetrics and gynaecology;

(b) adequate knowledge of the ethics of the profession and the professional legislation;

(c) detailed knowledge of biological functions, anatomy and physiology in the field of obstetrics and of the newly born, and also a knowledge of the relationship between the state of health and the physical and social environment of the human being, and of his behaviour;

(d) adequate clinical experience gained in approved institutions under the supervision of staff qualified in midwifery and obstetrics;

(e) adequate understanding of the training of health personnel and experience of working with such personnel.

2. The training referred to in paragraph 1 shall comprise: - either a full-time course in midwifery comprising at least three years of practical and theoretical studies, admission to which is subject to completion of at least the first 10 years of general school education,

- or a full-time course in midwifery lasting at least 18 months, admission to which is subject to possession of a diploma, certificate or other evidence of formal qualifications of nurses responsible for general care referred to in Article 3 of Directive 77/452/EEC (5).

3. The course in midwifery provided for in the first indent of paragraph 2 shall cover at least the subjects of the training programme set out in the Annex. (1)OJ No C 18, 12.2.1970, p. 1. (2)OJ No C 101, 4.8.1970, p. 26. (3)OJ No C 146, 11.12.1970, p. 17. (4)See page 1 of this Official Journal. (5)OJ No L 176, 15.7.1977, p. 1.

The course provided for in the second indent of paragraph 2 shall cover at least the subjects of the training programme set out in the Annex which did not form part of an equivalent course in the training of nurses.

4. Member States shall ensure that the institution training midwives is responsible for the coordination of theory and practice throughout the programme.

The theoretical and technical training mentioned in Part A of the Annex shall be balanced and coordinated with the clinical training of midwives mentioned in Part B of the same Annex in such a way that the knowledge and experience listed in paragraph 1 may be acquired in an adequate manner.

Clinical instruction shall take the form of supervised in-service training in hospital departments or other health services approved by the competent authorities or bodies. As part of this training, student midwives shall participate in the activities of the departments concerned in so far as those activities contribute to their training. They shall be taught the responsibilities involved in the activities of midwives.

Article 2

After a periodical examination of the results of the various training courses provided for in Article 1 (2), the Commission shall make its first report to the Council six years after notification of this Directive. The said examination shall be carried out with the assistance of the Advisory Committee on the Training of Midwives.

In the light of the results of this examination, the Commission shall present proposals for amendments aimed at aligning the minimum criteria laid down for the said training courses on the conditions prescribed in the first sub-indent of the first indent and in the second indent of Article 2 (1) of Directive 80/154/EEC. The Council shall act forthwith on these proposals.

Article 3

Notwithstanding Article 1, Member States may permit part-time training under conditions approved by the competent national authorities.

The total period of part-time training may not be less than that of full-time training. The standard of the training may not be impaired by its part-time nature.

Article 4

Member States shall ensure that midwives are at least entitled to take up and pursue the following activities: 1. to provide sound family planning information and advice;

2. to diagnose pregnancies and monitor normal pregnancies ; to carry out the examinations necessary for the monitoring of the development of normal pregnancies;

3. to prescribe or advise on the examinations necessary for the earliest possible diagnosis of pregnancies at risk;

4. to provide a programme of parenthood preparation and a complete preparation for childbirth including advice on hygiene and nutrition;

5. to care for and assist the mother during labour and to monitor the condition of the foetus in utero by the appropriate clinical and technical means;

6. to conduct spontaneous deliveries including where required an episiotomy and in urgent cases a breech delivery;

7. to recognize the warning signs of abnormality in the mother or infant which necessitate referral to a doctor and to assist the latter where appropriate ; to take the necessary emergency measures in the doctor's absence, in particular the manual removal of the placenta, possibly followed by manual examination of the uterus;

8. to examine and care for the new-born infant ; to take all initiatives which are necessary in case of need and to carry out where necessary immediate resuscitation;

9. to care for and monitor the progress of the mother in the post-natal period and to give all necessary advice to the mother on infant care to enable her to ensure the optimum progress of the new-born infant;

10. to carry out the treatment prescribed by a doctor;

11. to maintain all necessary records.

Article 5

This Directive shall also apply to nationals of Member States who, in accordance with Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community (1), are pursuing or will pursue, as employed persons, one of the activities referred to in Article 1 of Directive 80/154/EEC. (1)OJ No L 257, 19.10.1968, p. 2.

Article 6

1. Member States shall take the measures necessary to comply with this Directive within three years of its notification and shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

Article 7

Where a Member State encounters major difficulties in certain fields when applying this Directive, the Commission shall examine these difficulties in conjunction with that State and shall request the opinion of the Committee of Senior Officials on Public Health set up under Decision 75/365/EEC (1), as last amended by Decision 80/157/EEC (2).

Where necessary, the Commission shall submit appropriate proposals to the Council.

Article 8

Not later than six years after notification of this Directive, the Council, acting on a proposal from the Commission, and after having sought the opinion of the Advisory Committee, shall decide

whether the derogation provided for in the third item in Part B of the Annex should be withdrawn or its scope reduced.

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2. Supervision and care of at least 40 pregnant women

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4. Assistance with one or two breech deliveries
5. Experience of episiotomy and initiation into suturing
6. Supervision and care of 40 pregnant women at risk
7. At least 100 post-natal examinations and examinations of normal new-born infants
8. Supervision and care of mothers and new-born infants, including pre-term, post-term, underweight and ill new-born infants
9. Care of pathological cases in the fields of gynaecology and obstetrics, and diseases of new-born and young babies
10. Initiation into the care of general pathological cases in medicine and surgery.

31978L1026

Council Directive 78/1026/EEC of 18 December 1978 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in veterinary medicine, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services

Official Journal L 362 , 23/12/1978 P. 0001 – 0006

COUNCIL DIRECTIVE of 18 December 1978 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in veterinary medicine, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (78/1026/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 49, 57, 66 and 235 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas, pursuant to the Treaty, all discriminatory treatment based on nationality with regard to establishment and provision of services is prohibited as from the end of the transitional period ; whereas the principle of such treatment based on nationality applies in particular to the grant of any authorization required to practise as a veterinary surgeon and also to the registration with or membership of professional organizations or bodies;

Whereas it nevertheless seems desirable that certain provisions be introduced to facilitate the effective exercise of the right of establishment and freedom to provide services in respect of the activities of veterinary surgeons;

Whereas, pursuant to the Treaty, the Member States are required not to grant any form of aid likely to distort the conditions of establishment;

Whereas Article 57 (1) of the Treaty provides that Directives be issued for mutual recognition of diplomas, certificates and other evidence of formal qualifications ; whereas the aim of this Directive is the recognition of diplomas, certificates and other evidence of formal qualifications whereby activities in the field of veterinary medicine may be taken up and pursued;

Whereas, in view of the differences between the Member States regarding the nature and duration of the training of veterinary surgeons, certain coordinating provisions designed to enable Member States to proceed with the mutual recognition of diplomas, certificates and other evidence of formal qualifications should be laid down ; whereas such coordination has been effected by Council Directive 78/1027/EEC of 18 December 1978 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of veterinary surgeons (4);

Whereas, with regard to the possession of a formal certificate of training, since a Directive on the mutual recognition of diplomas does not necessarily imply equivalence in the training covered by such diplomas, the use of such qualifications should be authorized only in the language of the Member State of origin or of the Member State from which the foreign national comes;

Whereas, to facilitate the application of this Directive by the national authorities, Member States may prescribe that, in addition to formal certificates of training, the person who satisfies the conditions of training required by this Directive must provide a

certificate from the competent authorities of his country of origin or of (1)OJ No C 92, 20.7.1970, p. 18. (2)OJ No C 19, 28.2.1972, p. 10. (3)OJ No C 60, 14.6.1971, p. 3. (4)See page 7 of this Official Journal.

the country from which he comes stating that these certificates of training are those covered by the Directive;

Whereas, in the case of the provision of services, the requirement of registration with or membership of professional organizations or bodies, since it is related to the fixed and permanent nature of the activity pursued in the host country, would undoubtedly constitute an obstacle to the person wishing to provide the service, by reason of the temporary nature of his activity ; whereas this requirement should therefore be abolished ; whereas, however, in this event, control over professional discipline, which is the responsibility of these professional organizations or bodies, should be guaranteed ; whereas, to this end, it should be provided, subject to the application of Article 62 of the Treaty, that the person concerned may be required to submit to the competent authority of the host Member State particulars relating to the provision of services;

Whereas, with regard to the requirements relating to good character and good repute, a distinction should be drawn between the requirements to be satisfied on first taking up the profession and those to be satisfied in order to practise it;

Whereas, as far as the activities of employed veterinary surgeons are concerned, Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community (1) lays down no specific provisions relating to good character or good repute, professional discipline or use of title for the professions covered ; whereas, depending on the individual Member State, such rules are or may be applicable both to employed and self-employed persons ; whereas the activities of veterinary surgeons are subject in all Member States to possession of a diploma, certificate or other evidence of formal qualification as a veterinary surgeon ; whereas such activities are pursued by both employed and self-employed persons or by the same persons in both capacities in the course of their professional career ; whereas, in order to encourage as far as possible the free movement of those professional persons within the Community, it therefore appears necessary to extend this Directive to employed veterinary surgeons,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I SCOPE

Article 1

This Directive shall apply to the activities of veterinary surgeons.

CHAPTER II DIPLOMAS, CERTIFICATES AND OTHER EVIDENCE OF FORMAL QUALIFICATIONS IN VETERINARY MEDICINE

Article 2

Each Member State shall recognize the diplomas, certificates and other evidence of formal qualifications awarded to nationals of Member States by the other Member States in accordance with Article 1 of Directive 78/1027/EEC and which are listed in Article 3, by giving such qualifications, as far as the right to take up and pursue the activities of a veterinary surgeon is concerned, the same effect in its territory as those which the Member State itself awards.

Where a diploma, certificate or other evidence of formal qualifications as listed in Article 3 was issued before the implementation of this Directive, it shall be accompanied by a certificate from the competent authorities of the issuing country stating that it complies with Article 1 of Directive 78/1027/EEC.

Article 3

The diplomas, certificates and other evidence of formal qualifications referred to in Article 2 are as follows: (a) in Germany 1. Zeugnis über die tierärztliche Staatsprüfung (the State examination certificate in veterinary medicine) awarded by the competent authorities;

2. the certificates from the competent authorities of the Federal Republic of Germany stating that the diplomas awarded after 8 May 1945 by the competent authorities of the German Democratic Republic are recognized as equivalent to that listed in point 1 above;

(b) in Belgium

le diplôme légal de docteur en médecine vétérinaire - het wettelijke diploma van doctor in de veeartsenijkunde of doctor in de diergeneeskunde (diploma of doctor of veterinary medicine, required by law) awarded by the State Universities, the Central Examining Board, or the State University Education Examining Boards;

(c) in Denmark

bevis for bestået kandidateksamen i veterinærvidenskab (cand. med. vet.) (the certificate proving the passing of the examination for candidates in veterinary medicine) awarded by the "Kongelige Veterinær- og Landbohøjskole";

(d) in France

le diplôme de docteur vétérinaire d'État (State degree in veterinary medicine);

(e) in Ireland 1. the degree of Bachelor in/of Veterinary Medicine (MVB): (1)OJ No L 257, 19.10.1968, p. 2.

2. the diploma of membership of the Royal College of Veterinary Surgeons (MRCVS) gained by examination after a full course of study at a veterinary school in Ireland;

(f) in Italy

il diploma di laurea di dottore in medicina veterinaria accompagnato dal diploma d'abilitazione all'esercizio della medicina veterinaria awarded by the Minister of Education on the basis of the findings of the competent State Examining Board;

(g) in Luxembourg 1. le diplôme d'État de docteur en médecine vétérinaire (the State diploma in veterinary medicine) awarded by the State Examining Board and endorsed by the Minister of Education;

2. diplomas conferring a higher education degree in veterinary medicine awarded in one of the countries of the Community and giving the right to take up training but not to practise the profession, and officially recognized by the Minister of Education in accordance with the law of 18 June 1969 on higher education and recognition of foreign degrees and diplomas, together with the certificate of practical training endorsed by the Minister of Public Health;

(h) in the Netherlands 1. het getuigschrift van met goed gevolg afgelegd diergeneeskundig examen (certificate proving the passing of the examination in veterinary medicine);

2. het getuigschrift van met goed gevolg afgelegd veeartsenijkundig examen (certificate proving the passing of the examination in veterinary medicine);

(i) in the United Kingdom

the degrees: - Bachelor of Veterinary Science (BVSc.),

- Bachelor of Veterinary Medicine (Vet.MB or BVet.Med.),

- Bachelor of Veterinary Medicine and Surgery (BVM and S or BVMS),

- the diploma of membership of the Royal College of Veterinary Surgeons (MRCVS) gained by examination after a full course of study at a veterinary school in the United Kingdom.

CHAPTER III EXISTING CIRCUMSTANCES**Article 4**

In the case of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications do not satisfy all the minimum training requirements laid down in Article 1 of Directive 78/1027/EEC, each Member State shall recognize, as being sufficient proof, the diplomas, certificates and other evidence of formal qualifications in veterinary medicine awarded by those Member States before the implementation of Directive 78/1027/EEC, accompanied by a certificate stating that those nationals have effectively and lawfully been engaged in the activities in question for at least three consecutive years during the five years prior to the date of issue of the certificate.

CHAPTER IV USE OF ACADEMIC TITLE**Article 5**

1. Without prejudice to Article 13, host Member States shall ensure that the nationals of Member States who fulfil the conditions laid down in Articles 2 and 4 have the right to use the lawful academic title or, where appropriate, the abbreviation thereof, of their Member State of origin or of the Member State from which they come, in the language of that State. Host Member States may require this title to be followed by the name and location of the establishment or examining board which awarded it.

2. If the academic title used in the Member State of origin, or in the Member State from which a foreign national comes, can be confused in the host Member State with a title requiring in that State additional training which the person concerned has not undergone, the host Member State may require such person to use the title employed in the Member State of origin or the Member State from which he comes in suitable wording to be indicated by the host Member State.

CHAPTER V PROVISIONS TO FACILITATE THE EFFECTIVE EXERCISE OF THE RIGHT OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES IN RESPECT OF THE ACTIVITIES OF VETERINARY SURGEONS**A. Provisions specifically relating to the right of establishment****Article 6**

1. A host Member State which requires of its nationals proof of good character or good repute when they take up for the first time the activities referred to in Article 1 shall accept as sufficient evidence, in respect of nationals of other Member States, a certificate issued by a competent authority in the Member State of origin or in the Member State from which the foreign national comes attesting that the requirements of the Member State as to good character or good repute for taking up the activities in question have been met.

2. Where the Member State of origin or the Member State from which the foreign national comes does not require proof of good character or good repute of persons wishing to take up the activities in question for the first time, the host Member State may require of nationals of the Member State of origin or of the Member State from which the foreign national comes an extract

from the "judicial record" or, failing this, an equivalent document issued by a competent authority in the Member State of origin or the Member State from which the foreign national comes.

3. If the host Member State has detailed knowledge of a serious matter which has occurred outside its territory and which is likely to affect the taking up within its territory of the activities concerned, it may inform the Member State of origin or the Member State from which the foreign national comes.

The Member State of origin or the Member State from which the foreign national comes shall verify the accuracy of the facts. The authorities in that State shall themselves decide on the nature and extent of the investigation to be made and shall inform the host Member State of any consequential action which they take with regard to the certificates or documents they have issued.

4. Member States shall ensure the confidentiality of the information which is forwarded.

Article 7

1. Where, in a host Member State, provisions laid down by law, regulation or administrative action are in force laying down requirements as to good character or good repute, including provisions for disciplinary action in respect of serious professional misconduct or conviction for criminal offences and relating to the pursuit of the activities referred to in Article 1, the Member State of origin or the Member State from which the foreign national comes shall forward to the host Member State all necessary information regarding measures or disciplinary action of a professional or administrative nature taken in respect of the person concerned, or criminal penalties imposed on him when pursuing his profession in the Member State of origin or in the Member State from which he came.

2. If the host Member State has detailed knowledge of a serious matter which has occurred outside its territory and which is likely to affect the pursuit within its territory of the activities concerned, it may inform the Member State of origin or the Member State from which the foreign national comes.

The Member State of origin or the Member State from which the foreign national comes shall verify the accuracy of the facts. The authorities in that State shall themselves decide on the nature and extent of the investigation to be made and shall inform the host Member State of any consequential action which they take with regard to the information they have forwarded in accordance with paragraph 1.

3. Member States shall ensure the confidentiality of the information which is forwarded.

Article 8

Where a host Member State requires of its own nationals wishing to take up or pursue the activities referred to in Article 1, a certificate of physical or mental health, that State shall accept as sufficient evidence thereof the presentation of the document required in the Member State of origin or the Member State from which the foreign national comes.

Where the Member State of origin or the Member State from which the foreign national comes does not impose any requirements of this nature on those wishing to take up or pursue the activities in question, the host Member State shall accept from such national a certificate issued by a competent authority in that State corresponding to the certificates issued in the host Member State.

Article 9

The documents referred to in Articles 6, 7 and 8 may not be presented more than three months after their date of issue.

Article 10

1. The procedure for authorizing the person concerned to take up the activities referred to in Article 1, in accordance with Articles 6, 7 and 8, must be completed as soon as possible and not later than three months after presentation of all the documents relating to such person, without prejudice to delays resulting from any appeal that may be made upon termination of this procedure.

2. In the cases referred to in Articles 6 (3) and 7 (2), a request for re-examination shall suspend the period laid down in paragraph 1.

The Member State consulted shall give its reply within a period of three months. If it does not, the host Member State may take action in consequence of its detailed knowledge of the serious matter involved.

On receipt of the reply or at the end of the period the host Member State shall continue with the procedure referred to in paragraph 1.

Article 11

Where a host Member State requires its own nationals wishing to take up or pursue the activities referred to in Article 1 to take an oath or make a solemn declaration and where the form of such oath or declaration cannot be used by nationals of other Member States, that Member State shall ensure that an appropriate and equivalent form of oath or declaration is offered to the person concerned.

B. Special provisions relating to the provision of services

Article 12

1. Where a Member State requires of its own nationals wishing to take up or pursue the activities referred to in Article 1, an authorization or membership of, or registration with, a professional organization or body, that Member State shall in the case of the provision of services exempt the nationals of Member States from that requirement.

The person concerned shall provide services with the same rights and obligations as the nationals of the host Member State ; in particular he shall be subject to the rules of conduct of a professional or administrative nature which apply in that Member State.

For this purpose and in addition to the declaration provided for in paragraph 2 relating to the services to be provided, Member States may, so as to permit the implementation of the provisions relating to professional conduct in force in their territory, require either automatic temporary registration or pro forma membership of a professional organization or body or, in the alternative, registration in a register, provided that such registration or membership does not delay or in any way complicate the provision of services or impose any additional costs on the person providing the services.

Where a host Member State adopts a measure pursuant to the second subparagraph or becomes aware of facts which run counter to these provisions, it shall forthwith inform the Member State where the person concerned is established.

2. The host Member State may require the person concerned to make a prior declaration to the competent authorities concerning the provision of his services where they involve a temporary stay in its territory. The host Member State may in all cases require a veterinary surgeon established in another Member State to supply a prior declaration of provision of services in the form of a prescription or of veterinary certificates not involving the examination of animals, provided such practice is permissible under the legal and administrative provisions and professional rules applied in the host State.

The host Member State requiring such prior declaration shall take the steps necessary to provide the possibility that the declaration is made, where appropriate, for a series of services provided

within one and the same region and in respect of one or more recipients within a given period of not more than one year.

In urgent cases this declaration may be made as soon as possible after the services have been provided.

3. Pursuant to paragraphs 1 and 2, the host Member State may require the person concerned to supply one or more documents containing the following particulars: - the declaration referred to in paragraph 2,

- a certificate stating that the person concerned is lawfully pursuing the activities in question in the Member State where he is established,

- a certificate that the person concerned holds one or other of the diplomas, certificates or other evidence of formal qualification appropriate for the provision of the services in question and referred to in this Directive.

4. The document or documents specified in paragraph 3 may not be produced more than 12 months after their date of issue.

5. Where a Member State temporarily or permanently deprives, in whole or in part, one of its nationals or a national of another Member State established in its territory of the right to pursue one of the activities referred to in Article 1, it shall, as appropriate, ensure the temporary or permanent withdrawal of the certificate referred to in the second indent of paragraph 3.

C. Provisions common to the right of establishment and freedom to provide services

Article 13

Where in a host Member State the use of the professional title relating to the activities referred to in Article 1 is subject to rules, nationals of other Member States who fulfil the conditions laid down in Articles 2 and 4 shall use the professional title of the host Member State which, in that State, corresponds to those conditions of qualification and shall use the abbreviated title.

Article 14

1. Member States shall take the necessary measures to enable the persons concerned to obtain information on veterinary legislation and, where applicable, on professional ethics by the host Member State.

For this purpose, Member States may set up information centres from which such persons may obtain the necessary information. In the case of establishment, the host Member States may require the persons concerned to contact these centres.

2. Member States may set up the centres referred to in paragraph 1 within the competent authorities and bodies which they must designate within the period laid down in Article 18 (1).

3. Member States shall see to it that, where appropriate, the persons concerned acquire, in their interest and in that of their clients, the linguistic knowledge necessary for the pursuit of their profession in the host Member State.

CHAPTER VI FINAL PROVISIONS

Article 15

When it has ground for doubt, the host Member State may require of the competent authorities of another Member State confirmation of the authenticity of the diplomas, certificates and other evidence of formal qualifications awarded in that other Member State and referred to in Chapter II and also confirmation of the fact that the person concerned has fulfilled all the training requirements laid down in Directive 78/1027/EEC.

Article 16

Within the time limit laid down in Article 18 (1), Member States shall designate the authorities and bodies competent to award or receive the diplomas, certificates and other evidence of formal qualifications as well as the documents and information referred to in this Directive and shall forthwith inform the other Member States and the Commission thereof.

Article 17

This Directive shall also apply to nationals of Member States who, in accordance with Regulation (EEC) No 1612/68, are pursuing or will pursue as employed persons the activities referred to in Article 1.

Article 18

1. Member States shall bring into force the measures necessary to comply with this Directive within two years of its notification and shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

Article 19

This Directive is addressed to the Member States.

Done at Brussels, 18 December 1978.

For the Council

The President

H.-D. GENSCHER

31978L1027

Council Directive 78/1027/EEC of 18 December 1978 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action in respect of the activities of veterinary surgeons

Official Journal L 362, 23/12/1978 P. 0007 - 0009

Finnish special edition: Chapter 6 Volume 2 P. 0017

Greek special edition: Chapter 06 Volume 2 P. 0052

Swedish special edition: Chapter 6 Volume 2 P. 0017

Spanish special edition: Chapter 06 Volume 2 P. 0055

Portuguese special edition Chapter 06 Volume 2 P. 0055

COUNCIL DIRECTIVE of 18 December 1978 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of veterinary surgeons (78/1027/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 49, 57, 66 and 235 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas, with a view to achieving the mutual recognition of diplomas, certificates and other evidence of formal qualifications in veterinary medicine laid down in Council Directive 78/1026/EEC of 18 December 1978 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in veterinary medicine, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (4), the comparable nature of training courses in the Member States enables coordination in this field to be confined to the requirement that minimum standards be observed, which then leaves the Member States freedom of organization as regards instruction;

Whereas the coordination of the conditions for the pursuit of these activities, as envisaged by this Directive, does not exclude any subsequent coordination;

Whereas the coordination envisaged by this Directive covers the professional training of veterinary surgeons; whereas, as far as training is concerned, most Member States do not at present distinguish between veterinary surgeons who pursue their activities as employed persons and those who are self-employed; whereas, for this reason and in order to encourage as far as possible the free movement of professional persons within the Community, it appears necessary to extend the application of this Directive to employed veterinary surgeons,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. The Member States shall require persons wishing to take up and pursue the profession of veterinary surgeon to hold a diploma, certificate or other evidence of formal qualifications in veterinary medicine referred to in Article 3 of Directive 78/1026/EEC which guarantees that during his complete training period the person concerned has acquired: (a) adequate knowledge of the sciences on which the activities of the veterinary surgeon are based;

(b) adequate knowledge of the structure and functions of healthy animals, of their husbandry, reproduction and hygiene in general, as well as their feeding, including the technology involved in the manufacture and preservation of foods corresponding to their needs;

(c) adequate knowledge of the behaviour and protection of animals;

(d) adequate knowledge of the causes, nature, course, effects, diagnosis and treatment of the diseases of animals, whether considered individually or in groups, including a special knowledge of the diseases which may be transmitted to humans;

(e) adequate knowledge of preventive medicine;

(f) adequate knowledge of the hygiene and technology involved in the production, manufacture and putting into circulation of animal foodstuffs or foodstuffs of animal origin intended for human consumption;

(g) adequate knowledge of the laws, regulations and administrative provisions relating to the subjects listed above;

(h) adequate clinical and other practical experience under appropriate supervision.

2. Veterinary training of this kind shall comprise in all at least five years' theoretical and practical full-time instruction given in a university, a higher education institution recognized as having equivalent status, or under the supervision of a university, and shall include at least the subjects listed in the Annex. (1)OJ No C 92, 20.7.1970, p. 18. (2)OJ No C 19, 28.2.1972, p. 10. (3)OJ No C 60, 14.6.1971, p. 3. (4)See page 1 of this Official Journal.

3. In order to be accepted for this training, the candidate must have a diploma or a certificate which entitles him to be admitted to the universities or higher education institutions recognized as having equivalent status of a Member State for the course of study concerned.

4. Nothing in this Directive shall prejudice any facility which may be granted in accordance with their own rules by Member States in respect of their own territory to authorize holders of diplomas, certificates or other evidence of formal qualifications which have not been obtained in a Member State to take up and pursue the activities of a veterinary surgeon.

Article 2

This Directive shall also apply to nationals of Member States who, in accordance with Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community (1), are pursuing or will pursue as employed persons the activities referred to in Article 1 of Directive 78/1026/EEC.

Article 3

1. Member States shall bring into force the measures necessary to comply with this Directive within two years of its notification and shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 18 December 1978.

For the Council

The President

H.-D. GENSCHER (1)OJ No L 257, 19.10.1968, p. 2.

ANNEX STUDY PROGRAMME FOR VETERINARY SURGEONS

The programme of studies leading to the diploma, certificate or other evidence of formal qualifications in veterinary medicine shall include at least the subjects listed below. Instruction in one or

more of these subjects may be given as part of, or in association with, other courses. A. Basic subjects - Physics,

- Chemistry,
- Animal biology,
- Plant biology,
- Biomathematics.

B. Specific subjects

Group 1 : Basic sciences - Anatomy (including histology and embryology),

- Physiology,
- Bio-chemistry,
- Genetics,
- Pharmacology,
- Pharmacy,
- Toxicology,
- Microbiology,
- Immunology,
- Epidemiology,
- Professional ethics.

Group 2 : Clinical sciences - Obstetrics,

- Pathology (including pathological anatomy),
- Parasitology,
- Clinical medicine and surgery (including anaesthetics),
- Clinical lectures on the various domestic animals, poultry and other animal species,
- Preventive medicine,
- Radiology,
- Reproduction and reproductive disorders,
- Veterinary state medicine and public health,
- Veterinary legislation and forensic medicine,
- Therapeutics,
- Propaedeutics.

Group 3 : Animal production - Animal production,

- Animal nutrition,
- Agronomy,
- Rural economics,
- Animal husbandry,
- Veterinary hygiene,
- Animal ethology and protection.

Group 4 : Food hygiene - Inspection and control of animal foodstuffs or foodstuffs of animal origin,

- Food hygiene and technology,
- Practical work (including practical work in places where slaughtering and processing of foodstuffs takes place).

Practical training may be in the form of a training period, provided that such training is full-time and under the direct control of the competent authority, and does not exceed six months within the aggregate training period of five years study.

The distribution of the theoretical and practical training among the various groups of subjects shall be balanced and coordinated in

such a way that the knowledge and experience listed in Article 1 (1) of this Directive may be acquired in a manner which will adequately enable veterinary surgeons to perform all their various duties.

31985L0384

Council Directive 85/384/EEC of 10 June 1985 on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services

Official Journal L 223, 21/08/1985 P. 0015 - 0025

Spanish special edition: Chapter 06 Volume 3 P. 0009

Portuguese special edition Chapter 06 Volume 3 P. 0009

Finnish special edition: Chapter 6 Volume 2 P. 0099

Swedish special edition: Chapter 6 Volume 2 P. 0099

CONSLEG - 85L0384 - 17/12/1990 - 27 P.

COUNCIL DIRECTIVE

of 10 June 1985

on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services

(85/384/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 49, 57 and 66 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas, pursuant to the Treaty, all discriminatory treatment based on nationality with regard to establishment and provision of services is prohibited as from the end of the transitional period; whereas the resulting principle of non-discriminatory treatment as regards nationality applies *inter alia* to the grant of any authorization required to take up activities in the field of architecture and also to the registration with or membership of professional organizations or bodies;

Whereas it nevertheless seems desirable that certain provisions be introduced to facilitate the effective exercise of the right of establishment and freedom to provide services in respect of activities in the field of architecture;

Whereas, pursuant to the Treaty, Member States are required not to grant any form of aid likely to distort the conditions of establishment;

Whereas Article 57 (1) of the Treaty provides that directives be issued for the mutual recognition of diplomas, certificates and other evidence of formal qualifications;

Whereas architecture, the quality of buildings, the way they blend in with their surroundings, respect for the natural and urban environment and the collective and individual cultural heritage are matters of public concern; whereas, therefore, the mutual recognition of diplomas, certificates and other evidence of formal qualifications must be founded on qualitative and quantitative criteria ensuring that the holders of recognized diplomas, certificates and other evidence of formal qualifications are able to understand and give practical expression to the needs of individuals, social groups and communities as regards spatial planning, the design, organization and construction of buildings, the conservation and enhancement of the architectural heritage and preservation of the natural balance;

Whereas methods of education and training for those practising professionally in the field of architecture are at present very varied; whereas, however, provision should be made for progressive alignment of education and training leading to the pursuit of activities under the professional title of architect;

Whereas, in some Member States, the taking up and pursuit of the activities of architect are by law conditional upon the possession of a diploma in architecture; where, in certain other Member States where this condition does not exist, the right to hold the professional title of architect is none the less governed by law; whereas, finally, in some Member States where neither the former nor the latter is the case, laws and regulations are being prepared on the taking up and pursuit of these activities under the professional title of architect; whereas, therefore, the conditions under which such activities may be taken up and pursued in those Member States have not yet been laid down; whereas the mutual recognition of diplomas, certificates and other evidence of formal qualifications presupposes that such diplomas, certificates and other evidence of formal qualifications authorize the taking up and pursuit of certain activities in the Member State of issue; whereas, therefore, the recognition of certain certificates under this Directive should continue to apply only in so far as the holders of such certificates will be authorized, in accordance with legal provisions still to be adopted in the Member State of issue, to take up activities under the professional title of architect;

Whereas acquisition of the lawful professional title of architect is subject in some Member States to completion of a period of practical experience in addition to the possession of a diploma, certificate or other evidence of formal qualifications; whereas, since practice in this respect varies from one Member State to another, to obviate possible difficulties completion of an equal period of appropriate practical experience in another Member State should be recognized as meeting this condition;

Whereas the reference in Article 1 (2) to 'activities in the field of architecture' as being 'those activities usually pursued under the professional title of architect', the justification for which lies in the conditions prevailing in certain Member States, is intended solely to indicate the scope of this Directive, without claiming to give a legal definition of activities in the field of architecture;

Whereas, in most Member States, activities in the field of architecture are pursued, in law or in fact, by persons who hold the title of architect, whether alone or together with another title, without those persons having a monopoly in pursuing those activities save where there are laws to the contrary; whereas the aforementioned activities, or some of them, may also be pursued by members of other professions, in particular by engineers who have received special training in construction engineering or building;

Whereas the mutual recognition of qualifications will facilitate the taking up and pursuit of the activities in question;

Whereas in some Member States there is legislation allowing the lawful professional title of architect, by way of exception and notwithstanding the usual educational and training requirements for access to the title, to be granted to certain distinguished persons in the field, who are very few in number and whose work shows exceptional architectural talent; whereas the case of these architects should be covered in this Directive, particularly since they frequently enjoy an international reputation;

Whereas the recognition of a number of the existing diplomas, certificates and other evidence of formal qualifications in architecture listed in Articles 10 to 12 is intended to enable the holders thereof to establish themselves or provide services in other Member States with immediate effect; whereas the sudden introduction of this provision in the Grand Duchy of Luxembourg could, in view of the country's small size, lead to distortion of competition and disturb the organization of the profession;

whereas, as a result, there appears to be justification for allowing this Member State an additional period of adjustment;

Whereas, since a Directive on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture does not necessarily imply practical equivalence in the education and training covered by such diplomas, certificates and evidence, the use of titles should be authorized only in the language of the Member State of origin or of the Member State from which a foreign national comes;

Whereas, to facilitate the application of this Directive by the national authorities, Member States may prescribe that, in addition to evidence of qualifications, persons who satisfy the educational and training requirements of this Directive must provide a certificate from the competent authorities of their Member State of origin or of the country from which they come stating that these qualifications are those referred to by the Directive;

Whereas the national provisions with regard to good repute and good character may be applied as standards for the taking up of activities if establishment takes place; whereas, moreover, in the circumstances a distinction should be drawn between cases in which the persons concerned have never yet exercised any activities in the field of architecture and those in which they have already exercised such activities in another Member State;

Whereas, in the case of the provision of services, the requirement of registration with, or membership of, professional organizations or bodies would, since it is related to the fixed and permanent nature of the activity pursued in the host Member State, undoubtedly constitute an obstacle to the provider of services by reason of the temporary nature of his activity; whereas this requirement should therefore be abolished; whereas, however, in this event control over professional discipline, which is the responsibility of these professional organizations or bodies, should be guaranteed; whereas, to this end, it should be provided, subject to the application of Article 62 of the Treaty, that the person concerned may be required to notify the provision of services to the competent authority of the host Member State;

Whereas, as far as the activities of employed persons in the field of architecture are concerned, Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community (1) lays down no specific provisions relating to good character or good repute, professional discipline or use of title for the professions covered; whereas, depending on the individual Member State, such rules are or may be applicable both to employed and to self-employed persons; whereas activities in the field of architecture are subject in several Member States to possession of a diploma, certificate or other evidence of formal qualifications; whereas such activities are pursued by both employed and self-employed persons, or by the same persons in both capacities in the course of their professional career; whereas, in order to encourage fully the free movement of members of the profession within the Community, it therefore appears necessary to extend this Directive to employed persons in the field of architecture;

Whereas this Directive introduces mutual recognition of diplomas, certificates and other evidence of formal qualifications giving access to professional activities, without concomitant coordination of national provisions relating to education and training; whereas, moreover, the number of members of the profession who are concerned varies considerably from one Member State to another; whereas the first few years of application of this Directive must therefore be followed particularly attentively by the Commission,
HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

SCOPE

Article 1

1. This Directive shall apply to activities in the field of architecture.
2. For the purposes of this Directive, activities in the field of architecture shall be those activities usually pursued under the professional title of architect.

CHAPTER II

DIPLOMAS, CERTIFICATES AND OTHER EVIDENCE OF FORMAL QUALIFICATIONS ENABLING THE HOLDER TO TAKE UP ACTIVITIES IN THE FIELD OF ARCHITECTURE UNDER THE PROFESSIONAL TITLE OF ARCHITECT

Article 2

Each Member State shall recognize the diplomas, certificates and other evidence of formal qualifications acquired as a result of education and training fulfilling the requirements of Articles 3 and 4 and awarded to nationals of Member States by other Member States, by giving such diplomas, certificates and other evidence of formal qualifications, as regards the right to take up activities referred to in Article 1 and pursue them under the professional title of architect pursuant to Article 23 (1), the same effect in its territory as those awarded by the Member State itself.

Article 3

Education and training leading to diplomas, certificates and other evidence of formal qualifications referred to in Article 2 shall be provided through courses of studies at university level concerned principally with architecture. Such studies shall be balanced between the theoretical and practical aspects of architectural training and shall ensure the acquisition of:

1. an ability to create architectural designs that satisfy both aesthetic and technical requirements,
2. an adequate knowledge of the history and theories of architecture and the related arts, technologies and human sciences,
3. a knowledge of the fine arts as an influence on the quality of architectural design,
4. an adequate knowledge of urban design, planning and the skills involved in the planning process,
5. an understanding of the relationship between people and buildings, and between buildings and their environment, and of the need to relate buildings and the spaces between them to human needs and scale,
6. an understanding of the profession of architecture and the role of the architect in society, in particular in preparing briefs that take account of social factors,
7. an understanding of the methods of investigation and preparation of the brief for a design project,
8. an understanding of the structural design, constructional and engineering problems associated with building design,
9. an adequate knowledge of physical problems and technologies and of the function of buildings so as to provide them with internal conditions of comfort and protection against the climate,
10. the necessary design skills to meet building users' requirements within the constraints imposed by cost factors and building regulations,
11. an adequate knowledge of the industries, organizations, regulations and procedures involved in translating design concepts into buildings and integrating plans into overall planning.

Article 4

1. The education and training referred to in Article 2 must satisfy the requirements defined in Article 3 and also the following conditions:

(a) the total length of education and training shall consist of a minimum of either four years of full-time studies at a university or comparable educational establishment, or at least six years of study at a university or comparable educational establishment of which at least three must be full time;

(b) such education and training shall be concluded by successful completion of an examination of degree standard.

Notwithstanding the first subparagraph, recognition under Article 2 shall also be accorded to the training given over three years in the 'Fachhochschulen' in the Federal Republic of Germany in the form in which it exists at the time of notification of this Directive and in so far as it satisfies the requirements laid down in Article 3, giving access to the activities referred to in Article 1 in that Member State with the professional title of architect, provided that such training is supplemented by a four-year period of professional experience in the Federal Republic of Germany sanctioned by a certificate issued by the professional body on whose list the architect wishing to benefit from the provisions of this Directive is registered. The body shall previously have established that the work carried out by the architect concerned in the field of architecture constitutes conclusive proof of the practical application of all the knowledge referred to in Article 3. The certificate shall be issued according to the same procedure as that which applies to registration on the list of architects.

On the basis of the experience gained and bearing in mind developments in architectural training, the Commission shall, eight years after the end of the period specified in the first subparagraph of Article 31 (1), submit a report to the Council on the application of this derogation and the appropriate proposals on which the Council shall decide in accordance with the procedures laid down by the Treaty within a period of six months.

2. Recognition under Article 2 shall also be accorded to education and training which, as part of a social betterment scheme or a part-time university course, conforms to the requirements of Article 3 and leads to an examination in architecture successfully completed by persons who have been employed in architecture for not less than seven years under the supervision of an architect or firm of architects. This examination must be of degree standard and be equivalent to the final examination referred to in paragraph 1 (b).

Article 5

1. Nationals of a Member State authorized to hold the professional title of architect pursuant to a law giving the competent authority of a Member State the possibility of conferring this title on nationals of Member States who have particularly distinguished themselves by their achievements in the field of architecture shall be considered as meeting the requirements laid down for the pursuit of architectural activities under the professional title of architect.

2. In the case of those persons referred to in paragraph 1, a certificate issued by the Member State of which the holder is a national, or from which he comes, shall constitute proof of the status of architect.

Article 6

Certificates issued by the competent authorities of the Federal Republic of Germany attesting the equivalence of qualifications awarded after 8 May 1945 by the competent authorities of the German Democratic Republic with the formal qualifications referred to in Article 2 shall be recognized under the conditions laid down in that Article. Article 7

1. Each Member State shall communicate as soon as possible, simultaneously to the other Member States and to the Commission, the list of diplomas, certificates and other evidence of formal qualifications which are awarded within its territory and which meet the criteria laid down in Articles 3 and 4, together with the establishments and authorities awarding them.

The first list shall be sent within 12 months of notification of this Directive.

Each Member State shall likewise communicate any amendments made as regards the diplomas, certificates and other evidence of formal qualifications which are awarded within its territory, in particular those which no longer meet the requirements of Articles 3 and 4.

2. For information purposes, the lists and the updating thereof shall be published by the Commission in the Official Journal of the European Communities after expiry of a three-month period following their communication. However, in the cases referred to in Article 8, the publication of a diploma, certificate or other evidence of formal qualifications shall be deferred. Consolidated lists shall be published periodically by the Commission.

Article 8

If a Member State or the Commission has doubts as to whether a diploma, certificate or other evidence of formal qualifications meets the criteria laid down in Articles 3 and 4, the Commission shall bring the matter before the Advisory Committee on Education and Training in the Field of Architecture within three months of communication pursuant to Article 7 (1). The Committee shall deliver its opinion within three months.

The diploma, certificate or other evidence of formal qualifications shall be published within the three months following delivery of the opinion or expiry of the deadline for delivery thereof except in the following two cases:

- where the awarding Member State amends the communication made pursuant to Article 7 (1)

or

- where a Member State or the Commission implements Articles 169 or 170 of the Treaty with a view to bringing the matter before the Court of Justice of the European Communities.

Article 9

1. The Advisory Committee may be consulted by a Member State or the Commission whenever a Member State or the Commission has doubts as to whether a diploma, certificate or other evidence of formal qualifications included on one of the lists published in the Official Journal of the European Communities still meets the requirements of Articles 3 and 4. The Committee shall deliver its opinion within three months.

2. The Commission shall withdraw a diploma from one of the lists published in the Official Journal of the European Communities either in agreement with the Member State concerned or following a ruling by the Court of Justice.

CHAPTER III

DIPLOMAS, CERTIFICATES AND OTHER EVIDENCE OF FORMAL QUALIFICATIONS ENABLING THE HOLDER TO TAKE UP ACTIVITIES IN THE FIELD OF ARCHITECTURE BY VIRTUE OF ESTABLISHED RIGHTS OR EXISTING NATIONAL PROVISIONS

Article 10

Each Member State shall recognize the diplomas, certificates and other evidence of formal qualifications set out in Article 11, awarded by other Member States to nationals of the Member States, where such nationals already possess these qualifications

at the time of notification of this Directive or their studies leading to such diplomas, certificates and other evidence of formal qualifications commences during the third academic year at the latest following such notification, even if those qualifications do not fulfil the minimum requirements laid down in Chapter II, by giving them as regards the taking up and pursuit of the activities referred to in Article 1 and subject to compliance with Article 23, the same effect within its territory as the diplomas, certificates and other evidence of formal qualifications which it awards in architecture.

Article 11

The diplomas, certificates and other evidence of formal qualifications referred to in Article 10 shall be as follows:

(a) in Germany

- the diplomas awarded by higher institutes of fine arts (Dipl.-Ing., Architekt (HfbK));
- the diplomas awarded by the departments of architecture (Architektur/Hochbau) of 'Technische Hochschulen', of technical universities, of universities and, in so far as these institutions have been merged into 'Gesamthochschulen', of 'Gesamthochschulen' (Dipl.-Ing. and any other title which may be laid down later for holders of these diplomas);
- the diplomas awarded by the departments of architecture (Architektur/Hochbau) of 'Fachhochschulen' and, in so far as these institutions have been merged into 'Gesamthochschulen', by the departments of architecture (Architektur/Hochbau) of 'Gesamthochschulen', accompanied, where the period of study is less than four years but at least three years, by a certificate attesting to a four-year period of professional experience in the Federal Republic of Germany issued by the professional body in accordance with the second subparagraph of Article 4 (1) (Ingenieur grad. and any other title which may be laid down later for holders of these diplomas);
- the diplomas (Prüfungszeugnisse) awarded before 1 January 1973 by the departments of architecture of 'Ingenieurschulen' and of 'Werkkunstschulen', accompanied by a certificate from the competent authorities to the effect that the person concerned has passed a test of his formal qualifications in accordance with Article 13;

(b) in Belgium

- the diplomas awarded by the higher national schools of architecture or the higher national institutes of architecture (architecte - architect);
- the diplomas awarded by the higher provincial school of architecture of Hasselt (architect);
- the diplomas awarded by the Royal Academies of Fine Arts (architecte - architect);
- the diplomas awarded by the 'écoles Saint-Luc' (architecte - architect);
- university diplomas in civil engineering, accompanied by a traineeship certificate awarded by the association of architects entitling the holder to hold the professional title of architect (architecte - architect);
- the diplomas in architecture awarded by the central or State examining board for architecture (architecte - architect);
- the civil engineering/architecture diplomas and architecture/engineering diplomas awarded by the faculties of applied sciences of the universities and by the Polytechnical Faculty of Mons (ingénieur-architecte, ingénieur-architect);

(c) in Denmark

- the diplomas awarded by the National Schools of Architecture in Copenhagen and Aarhus (arkitekt);
- the certificate of registration issued by the Board of Architects pursuant to Law No 202 of 28 May 1975 (registreret arkitekt);

- diplomas awarded by the Higher Schools of Civil Engineering (bygningskonstruktoer), accompanied by a certificate from the competent authorities to the effect that the person concerned has passed a test of his formal qualifications in accordance with Article 13;

(d) in France

- the Government architect's diploma awarded by the Ministry of Education until 1959, and subsequently by the Ministry of Cultural Affairs (architecte DPLG);
- the diplomas awarded by the 'Ecole spéciale d'architecture' (architecte DESA);
- the diplomas awarded since 1955 by the department of architecture of the 'Ecole nationale supérieure des Arts et Industries de Strasbourg' (formerly the 'Ecole nationale d'ingénieurs de Strasbourg') (architecte ENSAIS);

(e) in Greece

- the engineering/architecture diplomas awarded by the METSOVION POLYTECHNION of Athens, together with a certificate issued by Greece's Technical Chamber conferring the right to pursue activities in the field of architecture;
- the engineering/architecture diplomas awarded by the ARISTOTELION PANEPISTIMION of Thessaloniki, together with a certificate issued by Greece's Technical Chamber conferring the right to pursue activities in the field of architecture;
- the engineering/civil engineering diplomas awarded by the METSOVION POLYTECHNION of Athens, together with a certificate issued by Greece's Technical Chamber conferring the right to pursue activities in the field of architecture;
- the engineering/civil engineering diplomas awarded by the ARISTOTELION PANEPISTIMION of Thessaloniki, together with a certificate issued by Greece's Technical Chamber conferring the right to pursue activities in the field of architecture;
- the engineering/civil engineering diplomas awarded by the PANEPISTIMION THRAKIS, together with a certificate issued by Greece's Technical Chamber conferring the right to pursue activities in the field of architecture;
- the engineering/civil engineering diplomas awarded by the PANEPISTIMION PATRON, together with a certificate issued by Greece's Technical Chamber conferring the right to pursue activities in the field of architecture;

(f) in Ireland

- the degree of Bachelor of Architecture awarded by the National University of Ireland (B Arch. (NUI)) to architecture graduates of University College, Dublin;
- the diploma of degree standard in architecture awarded by the College of Technology, Bolton Street, Dublin (Dipl. Arch.);
- the Certificate of Associateship of the Royal Institute of Architects of Ireland (ARIAI);
- the Certificate of Membership of the Royal Institute of Architects of Ireland (MRIA);

(g) in Italy

- 'laurea in architettura' diplomas awarded by universities, polytechnic institutes and the higher institutes of architecture of Venice and Reggio Calabria, accompanied by the diploma entitling the holder to pursue independently the profession of architect, awarded by the Minister for Education after the candidate has passed, before a competent board, the State examination entitling him to pursue independently the profession of architect (dott. Architetto);
- 'laurea in ingegneria' diplomas in building construction ('sezione costenzone civile') awarded by universities and polytechnic institutes, accompanied by the diploma entitling the holder to pursue independently a profession in the field of architecture, awarded by the Minister for Education after the candidate has

passed, before a competent board, the State examination entitling him to pursue the profession independently (dott. Ing. Architetto or dott. Ing. in ingegneria civile);

(h) in the Netherlands

- the certificate stating that its holder has passed the degree examination in architecture awarded by the departments of architecture of the technical colleges of Delft or Eindhoven (bouwkundig ingenieur);

- the diplomas awarded by State-recognized architectural academies (architect);

- the diplomas awarded until 1971 by the former architectural colleges (Hoger Bouwkunstonderricht) (architect HBO);

- the diplomas awarded until 1970 by the former architectural colleges (Voortgezet Bouwkunstonderricht) (architect VBO);

- the certificate stating that the person concerned has passed an examination organized by the Architects Council of the 'Bond van Nederlandse Architecten' (Order of Dutch Architects, BNA) (architect);

- the diploma of the 'Stichting Instituut voor Architectuur' ('Institute of Architecture' Foundation) (IVA) awarded on completion of a course organized by this foundation and extending over a minimum period of four years (architect), accompanied by a certificate from the competent authorities to the effect that the person concerned has passed a test of his formal qualifications in accordance with Article 13;

- a certificate issued by the competent authorities to the effect that, before the date of entry into force of this Directive, the person concerned passed the degree examination of 'Kandidaat in de bouwkunde' organized by the technical colleges of Delft or Eindhoven and that, over a period of at least five years immediately prior to that date, he pursued architectural activities the nature and importance of which, in accordance with Netherlands requirements, guarantee that he is competent to pursue those activities (architect);

- a certificate issued by the competent authorities only to persons who have reached the age of 40 years before the date of entry into force of this Directive, certifying that, over a period of at least five years immediately prior to that date, the person concerned had pursued architectural activities the nature and importance of which, in accordance with Netherlands requirements, guarantee that he is competent to pursue those activities (architect);

the certificates referred to in the seventh and eighth indents need no longer be recognized as from the date of entry into force of laws and regulations in the Netherlands governing the taking up and pursuit of architectural activities under the professional title of architect, in so far as under such provisions those certificates do not authorize the taking up of such activities under that professional title;

(i) in the United Kingdom

- the qualifications awarded following the passing of examinations of:

- the Royal Institute of British Architects;

- schools of architecture at:

- universities,

- polytechnics,

- colleges,

- academies,

- schools of technology and art,

which were, or are at the time of the adoption of this Directive, recognized by the Architects Registration Council of the United Kingdom for the purpose of admission to the Register (Architect);

- a certificate stating that its holder has an established right to hold the professional title of architect by virtue of section 6 (1) a, 6 (1) b

or 6 (1) d of the Architects Registration Act 1931 (Architect); - a certificate stating that its holder has an established right to hold the professional title of architect by virtue of section 2 of the Architects Registration Act 1938 (Architect).

Article 12

Without prejudice to Article 10, each Member State shall recognize, by giving them as regards the taking up and pursuit under the professional title of architect of the activities referred to in Article 1, the same effect within its territory as the diplomas, certificates and other evidence of formal architectural qualifications which it issues:

- certificates issued to nationals of Member States by Member States in which there are regulations at the time of notification of this Directive governing the taking up and pursuit of the activities referred to in Article 1 under the professional title of architect, stating that the holder has received authorization to bear the professional title of architect before the implementation of this Directive and has effectively exercised the activities in question under such regulations for at least three consecutive years during the five years preceding the issue of the certificate;

- certificates issued to nationals of Member States by Member States which between the time of notification and implementation of the Directive introduce regulations governing the taking up and pursuit of the activities referred to in Article 1 under the professional title of architect, stating that the holder has received authorization to bear the professional title of architect at the time when this Directive is implemented and has effectively exercised the activities in question under such regulations for at least three consecutive years during the five years preceding the issue of the certificate.

Article 13

The test of formal qualifications referred to in Article 11 (a), fourth indent, Article 11 (c), third indent, and Article 11 (h), sixth indent, shall comprise an appraisal of plans drawn up and carried out by the person concerned while actually pursuing the activities referred to in Article 1 for not less than six years.

Article 14

Certificates issued by the competent authorities of the Federal Republic of Germany attesting the equivalence of qualifications awarded from 8 May 1945 onwards by the competent authorities of the German Democratic Republic with the formal qualifications listed in Article 11 shall be recognized under the conditions listed in that Article.

Article 15

The Grand Duchy of Luxembourg shall be authorized, without prejudice to Article 5, to suspend application of Articles 10, 11 and 12 as regards the recognition of non-university diplomas, certificates and other evidence of formal qualifications, in order to avoid distortions of competition, for a transitional period of four-and-a-half years from the date of notification of this Directive.

CHAPTER IV

USE OF ACADEMIC TITLE

Article 16

1. Without prejudice to Article 23, host Member States shall ensure that the nationals of Member States who fulfil the conditions laid down in Chapter II or Chapter III have the right to use their lawful academic title and, where appropriate, the abbreviation thereof deriving from their Member State of origin or the Member State from which they come, in the language of that State. Host Member States may require this title to be followed by

the name and location of the establishment or examining board which awarded it.

2. If the academic title used in the Member State of origin, or in the Member State from which a foreign national comes, can be confused in the host Member State with a title requiring, in that State, additional education or training which the person concerned has not undergone, the host Member State may require such a person to use the title employed in the Member State of origin or the Member State from which he comes in a suitable form to be specified by the host Member State.

CHAPTER V

PROVISIONS TO FACILITATE THE EFFECTIVE EXERCISE OF THE RIGHT OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES

A. Provisions specific to the right of establishment

Article 17

1. A host Member State which requires of its nationals proof of good character or good repute when they take up for the first time the activities referred to in Article 1 shall accept as sufficient evidence, in respect of nationals of other Member States, a certificate issued by a competent authority in the Member State of origin or in the Member State from which the foreign national comes, attesting that the requirements of that Member State as to good character or good repute for taking up the activity in question have been met. 2. Where the Member State of origin or the Member State from which the foreign national comes does not require proof of good character or good repute of persons wishing to take up the activity in question for the first time, the host Member State may require of nationals of the Member State of origin or of the Member State from which the foreign national comes an extract from the 'judicial record' or, failing this, an equivalent document issued by a competent authority in the Member State of origin or the Member State from which the foreign national comes.

3. Where the Member State of origin or the Member State from which the foreign national comes does not issue the documentary proof referred to in paragraph 2, such proof may be replaced by a declaration on oath - or, in States where there is no provision for declaration on oath, by a solemn declaration - made by the person concerned before a competent judicial or administrative authority or, where appropriate, a notary or qualified professional body of the Member State of origin or the Member State from which the person comes; such authority or notary shall issue a certificate attesting the authenticity of the declaration on oath or solemn declaration.

4. If the host Member State has detailed knowledge of a serious matter which has occurred outside its territory prior to the establishment of the person concerned in that State, or if it knows that the declaration referred to in paragraph 3 contains incorrect information and if the matter or information is likely to affect the taking up within its territory of the activity concerned, it may inform the Member State of origin or the Member State from which the foreign national comes.

The Member State of origin or the Member State from which the foreign national comes shall verify the accuracy of the facts in so far as they might affect the taking up of the activity in question in that Member State. The authorities in that State shall themselves decide on the nature and extent of the investigation to be made and shall inform the host Member State of any consequential action which they take with regard to the certificates or documents they have issued.

5. Member States shall ensure the confidentiality of the information forwarded.

Article 18

1. Where, in a host Member State, laws, regulations or administrative provisions impose requirements as to good character or good repute, including provisions in relation to the pursuit of the activities referred to in Article 1 for disciplinary action in respect of serious professional misconduct or conviction on criminal offences, the Member State of origin or the Member State from which the foreign national comes shall forward to the host Member State all necessary information regarding any measures or disciplinary action of a professional or administrative nature taken against the person concerned or any criminal penalties concerning the practise of his profession in the Member State of origin or in the Member State from which he came.

2. If the host Member State has detailed knowledge of a serious matter which has occurred outside its territory prior to the establishment of the person concerned in that State and which is likely to affect the pursuit of the activity concerned in that State, it may inform the Member State of origin or the Member State from which the foreign national comes.

The Member State of origin or the Member State from which the foreign national comes shall verify the accuracy of the facts in so far as they might affect the pursuit of the activity concerned in that State. The authorities of that State shall themselves decide on the nature and extent of the investigation to be made and shall inform the host Member State of any consequential action which they take with regard to the information forwarded under paragraph 1.

3. Member States shall ensure the confidentiality of the information forwarded.

Article 19

Documents issued in accordance with Articles 17 and 18 may not be presented more than three months after their date of issue.

Article 20

1. The procedure for authorizing the person concerned to take up the activities referred to in Article 1, pursuant to Article 17 and 18, must be completed as soon as possible and not later than three months after presentation of all the documents relating to that person, without prejudice to delays resulting from any appeal that may be made upon termination of this procedure.

2. In the cases referred to in Article 17 (4) and Article 18 (2), a request for re-examination shall suspend the period laid down in paragraph 1.

The Member State consulted shall give its reply within a period of three months.

On receipt of the reply or at the end of the period the host Member State shall continue with the procedure referred to in paragraph 1.

Article 21

Where a host Member State requires its own nationals wishing to take up or pursue the activities referred to in Article 1 to take an oath or make a solemn declaration and where the form of such oath or declaration cannot be used by nationals of other Member States, that Member State shall ensure that an appropriate and equivalent form of oath or declaration is offered to the person concerned. B. Provisions specific to the provision of services

Article 22

1. Where a Member State requires of its own nationals wishing to take up or pursue the activities referred to in Article 1 either an authorization from or membership of or registration with a professional organization or body, that Member State shall, in the case of provision of services, exempt nationals of other Member States from that requirement.

The person concerned shall provide services with the same rights and obligations as nationals of the host Member State; in particular he shall be subject to the rules of conduct of a professional or administrative nature which apply in that Member State.

For this purpose and in addition to the declaration referred to in paragraph 2 relating to the provision of services, Member States may, so as to permit the implementation of the provisions relating to professional conduct in force in their territory, require automatic temporary registration or pro forma registration with a professional organization or body or in a register, provided that this registration does not delay or in any way complicate the provision of services or impose any additional costs on the person providing the services.

Where a host Member State adopts a measure pursuant to the second subparagraph or becomes aware of facts which run counter to these provisions, it shall forthwith inform the Member State in which the person concerned is established.

2. The host Member State may require the person concerned to make a prior declaration to the competent authorities about the services to be provided where they involve the execution of a project in its territory.

3. Pursuant to paragraphs 1 and 2, the host Member State may require the person concerned to supply one or more documents containing the following particulars:

- the declaration referred to in paragraph 2,
- a certificate stating that the person concerned is lawfully pursuing the activities in question in the Member State where he is established,
- a certificate that the person concerned holds the diploma(s), certificate(s) or other evidence of formal qualifications required for the provision of the services in question and that those qualifications comply with the criteria in Chapter II or are as listed in Chapter III of this Directive;
- where appropriate, the certificate referred to in Article 23 (2).

4. The document or documents specified in paragraph 3 may not be produced more than 12 months after their date of issue.

5. Where a Member State temporarily or permanently deprives, in whole or in part, one of its nationals or a national of another Member State established in its territory of the right to pursue the activities referred to in Article 1, it shall, as appropriate, ensure the temporary or permanent withdrawal of the certificate referred to in the second indent of paragraph 3.

C. Provisions common to the right of establishment and freedom to provide services

Article 23

1. Where in a host Member State the use of the professional title of architect relating to the activities referred to in Article 1 is regulated, nationals of other Member States who fulfil the conditions laid down in Chapter II or whose diplomas, certificates or other evidence of formal qualifications referred to in Article 11 have been recognized under Article 10 shall be vested with the professional title of the host Member State and the abbreviated form thereof once they have fulfilled any conditions as to practical training experience laid down by that State.

2. If in a Member State the taking up of the activities referred to in Article 1 or the pursuit of such activities under the title of architect is subject, in addition to the requirements set out in Chapter II or to the possession of a diploma, certificate or other evidence of formal qualifications as referred to in Article 11, to the completion of a given period of practical experience, the Member State concerned shall accept as sufficient evidence a certificate from the Member State of origin or previous residence stating that appropriate practical experience for a corresponding period has been acquired

in that country. The certificate referred to in the second subparagraph of Article 4 (1) shall be recognized as sufficient proof within the meaning of this paragraph.

Article 24

1. Where the host Member State requires its nationals wishing to take up or pursue the activities referred to in Article 1 to furnish proof of no previous bankruptcy and where the information provided pursuant to Articles 17 and 18 does not contain proof thereof, that state shall accept a declaration on oath - or, in States where there is no provision for declaration on oath, a solemn declaration - made by the person concerned before a competent judicial or administrative authority, a notary or qualified professional body of the Member State of origin or of the Member State from which the person comes; such authority or notary shall issue a certificate attesting the authenticity of the declaration on oath or solemn declaration. Where, in the host Member State, sound financial standing must be proved, that Member State shall accept attestations issued by banks of other Member States as being equivalent to attestations issued in its own territory.

2. The documents referred to in paragraph 1 may not be produced later than three months after their date of issue.

Article 25

1. Where a host Member State requires its nationals wishing to take up or pursue the activities referred to in Article 1 to furnish proof that they are covered by insurance against the financial consequences of their professional liability, that State shall accept certificates issued by the insurance undertakings of other Member States as being equivalent to certificates issued in its own territory. Such certificates must specify that the insurer has complied with the laws and regulations in force in the host Member State as regards the conditions and extent of cover.

2. The certificates referred to in paragraph 1 may not be produced later than three months after their date of issue.

Article 26

1. Member States shall take the measures necessary to enable the persons concerned to obtain information on the laws and, where applicable, on the professional ethics of the host Member State.

For this purpose, Member States may set up information centres from which such persons may obtain the necessary information. In the event of establishment, the host Member States may require them to contact these centres.

2. Member States may set up the centres referred to in paragraph 1 under the auspices of the competent authorities and bodies which they designate before expiry of the time limit laid down in the first subparagraph of 31 (1).

3. Member States shall ensure that, where appropriate, the persons concerned acquire, in their own interest and in that of their clients, the linguistic knowledge needed to follow their profession in the host Member State.

CHAPTER VI

FINAL PROVISIONS

Article 27

Where legitimate doubt exists, the host Member State may require the competent authorities of another Member State to confirm the authenticity of the diplomas, certificates and other evidence of formal qualifications awarded in that other Member State and referred to in Chapters II and III.

Article 28

Within the time limit laid down in the first subparagraph of Article 31 (1), Member States shall designate the authorities and bodies empowered to issue or receive diplomas, certificates and other evidence of formal qualifications as well as the documents and information referred to in this Directive, and shall forthwith inform the other Member States and the Commission thereof.

Article 29

This Directive shall also apply to nationals of Member States who, in accordance with Regulation (EEC) No 1612/68, are pursuing or will pursue as employed persons the activities referred to in Article 1.

Article 30

Not more than three years after the end of the period provided for in the first subparagraph of Article 31 (1), the Commission shall review this Directive on the basis of experience and if necessary submit to the Council proposals for amendments after consulting the Advisory Committee. The Council shall examine any such proposals within one year.

Article 31

1. Member States shall take the measures necessary to comply with this Directive within 24 months of its notification and shall forthwith inform the Commission thereof.

Member States shall, however, have three years from the date of notification within which to comply with Article 22.

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

Article 32

This Directive is addressed to the Member States.

Done at Luxembourg, 10 June 1985.

For the Council

The President

M. FIORET

(1) OJ No C 239, 4. 10. 1967, p. 15.

(2) OJ No C 72, 19. 7. 1968, p. 3.

(3) OJ No C 24, 22. 3. 1968, p. 3.

(1) OJ No L 257, 19. 10. 1968, p. 2.

31977L0249

Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services

Official Journal L 078 , 26/03/1977 P. 0017 – 0018

COUNCIL DIRECTIVE of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services (77/249/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 57 and 66 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Having regard to the opinion of the Economic and Social Committee (2),

Whereas, pursuant to the Treaty, any restriction on the provision of services which is based on nationality or on conditions of residence has been prohibited since the end of the transitional period;

Whereas this Directive deals only with measures to facilitate the effective pursuit of the activities of lawyers by way of provision of services ; whereas more detailed measures will be necessary to facilitate the effective exercise of the right of establishment;

Whereas if lawyers are to exercise effectively the freedom to provide services host Member States must recognize as lawyers those persons practising the profession in the various Member States;

Whereas, since this Directive solely concerns provision of services and does not contain provisions on the mutual recognition of diplomas, a person to whom the Directive applies must adopt the professional title used in the Member State in which he is established, hereinafter referred to as "the Member State from which he comes",

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive shall apply, within the limits and under the conditions laid down herein, to the activities of lawyers pursued by way of provision of services.

Notwithstanding anything contained in this Directive, Member States may reserve to prescribed categories of lawyers the preparation of formal documents for obtaining title to administer estates of deceased persons, and the drafting of formal documents creating or transferring interests in land.

2. "Lawyer" means any person entitled to pursue his professional activities under one of the following designations:

Article 2

Each Member State shall recognize as a lawyer for the purpose of pursuing the activities specified in Article 1 (1) any person listed in paragraph 2 of that Article.

Article 3

A person referred to in Article 1 shall adopt the professional title used in the Member State from which he comes, expressed in the language or one of the languages, of that State, with an indication of the professional organization by which he is authorized to practise or the court of law before which he is entitled to practise pursuant to the laws of that State.

Article 4

1. Activities relating to the representation of a client in legal proceedings or before public authorities shall be pursued in each host Member State under the conditions laid down for lawyers established in that State, with the exception of any conditions requiring residence, or registration with a professional organization, in that State. (1)OJ No C 103, 5.10.1972, p. 19 and OJ No C 53, 8.3.1976, p. 33. (2)OJ No C 36, 28.3.1970, p. 37 and OJ No C 50, 4.3.1976, p. 17.

2. A lawyer pursuing these activities shall observe the rules of professional conduct of the host Member State, without prejudice to his obligations in the Member State from which he comes.

3. When these activities are pursued in the United Kingdom, "rules of professional conduct of the host Member State" means the rules of professional conduct applicable to solicitors, where such activities are not reserved for barristers and advocates. Otherwise the rules of professional conduct applicable to the latter shall apply. However, barristers from Ireland shall always be subject to the rules of professional conduct applicable in the United Kingdom to barristers and advocates.

When these activities are pursued in Ireland "rules of professional conduct of the host Member State" means, in so far as they govern the oral presentation of a case in court, the rules of professional conduct applicable to barristers. In all other cases the rules of professional conduct applicable to solicitors shall apply. However, barristers and advocates from the United Kingdom shall always be subject to the rules of professional conduct applicable in Ireland to barristers.

4. A lawyer pursuing activities other than those referred to in paragraph 1 shall remain subject to the conditions and rules of professional conduct of the Member State from which he comes without prejudice to respect for the rules, whatever their source, which govern the profession in the host Member State, especially those concerning the incompatibility of the exercise of the activities of a lawyer with the exercise of other activities in that State, professional secrecy, relations with other lawyers, the prohibition on the same lawyer acting for parties with mutually conflicting interests, and publicity. The latter rules are applicable only if they are capable of being observed by a lawyer who is not established in the host Member State and to the extent to which their observance is objectively justified to ensure, in that State, the proper exercise of a lawyer's activities, the standing of the profession and respect for the rules concerning incompatibility.

Article 5

For the pursuit of activities relating to the representation of a client in legal proceedings, a Member State may require lawyers to whom Article 1 applies: - to be introduced, in accordance with local rules or customs, to the presiding judge and, where appropriate, to the President of the relevant Bar in the host Member State;

- to work in conjunction with a lawyer who practises before the judicial authority in question and who would, where necessary, be answerable to that authority, or with an "avoué" or "procuratore" practising before it.

Article 6

Any Member State may exclude lawyers who are in the salaried employment of a public or private undertaking from pursuing activities relating to the representation of that undertaking in legal proceedings in so far as lawyers established in that State are not permitted to pursue those activities.

Article 7

1. The competent authority of the host Member State may request the person providing the services to establish his qualifications as a lawyer.

2. In the event of non-compliance with the obligations referred to in Article 4 and in force in the host Member State, the competent authority of the latter shall determine in accordance with its own rules and procedures the consequences of such non-compliance, and to this end may obtain any appropriate professional information concerning the person providing services. It shall notify the competent authority of the Member State from which the person comes of any decision taken. Such exchanges shall not affect the confidential nature of the information supplied.

Article 8

1. Member States shall bring into force the measures necessary to comply with this Directive within two years of its notification and shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

Article 9

This Directive is addressed to the Member States.

Done at Brussels, 22 March 1977.

For the Council

The President

Judith HART

31998L0005

Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained

Official Journal L 077 , 14/03/1998 P. 0036 - 0043

DIRECTIVE 98/5/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 49, Article 57(1) and the first and third sentences of Article 57(2) thereof,

Having regard to the proposal from the Commission (1),

Having regard to the Opinion of the Economic and Social Committee (2),

Acting in accordance with the procedure laid down in Article 189b of the Treaty (3),

(1) Whereas, pursuant to Article 7a of the Treaty, the internal market is to comprise an area without internal frontiers; whereas, pursuant to Article 3(c) of the Treaty, the abolition, as between Member States, of obstacles to freedom of movement for persons and services constitutes one of the objectives of the Community; whereas, for nationals of the Member States, this means among other things the possibility of practising a profession, whether in a self-employed or a salaried capacity, in a Member State other than that in which they obtained their professional qualifications;

(2) Whereas, pursuant to Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration (4), a lawyer who is fully qualified in one Member State may already ask to have his diploma recognised with a view to establishing himself in another Member State in order to practise the profession of lawyer there under the professional title used in that State; whereas the objective of Directive 89/48/EEC is to ensure that a lawyer is integrated into the profession in the host Member State, and the Directive seeks neither to modify the rules regulating the profession in that State nor to remove such a lawyer from the ambit of those rules;

(3) Whereas while some lawyers may become quickly integrated into the profession in the host Member State, inter alia by passing an aptitude test as provided for in Directive 89/48/EEC, other fully qualified lawyers should be able to achieve such integration after a certain period of professional practice in the host Member State under their home-country professional titles or else continue to practise under their home-country professional titles;

(4) Whereas at the end of that period the lawyer should be able to integrate into the profession in the host Member States after verification that he possesses professional experience in that Member State;

(5) Whereas action along these lines is justified at Community level not only because, compared with the general system for the recognition of diplomas, it provides lawyers with an easier means whereby they can integrate into the profession in a host Member State, but also because, by enabling lawyers to practise under their home-country professional titles on a permanent basis in a

host Member State, it meets the needs of consumers of legal services who, owing to the increasing trade flows resulting, in particular, from the internal market, seek advice when carrying out cross-border transactions in which international law, Community law and domestic laws often overlap;

(6) Whereas action is also justified at Community level because only a few Member States already permit in their territory the pursuit of activities of lawyers, otherwise than by way of provision of services, by lawyers from other Member States practising under their home-country professional titles; whereas, however, in the Member States where this possibility exists, the practical details concerning, for example, the area of activity and the obligation to register with the competent authorities differ considerably; whereas such a diversity of situations leads to inequalities and distortions in competition between lawyers from the Member States and constitutes an obstacle to freedom of movement; whereas only a directive laying down the conditions governing practice of the profession, otherwise than by way of provision of services, by lawyers practising under their home-country professional titles is capable of resolving these difficulties and of affording the same opportunities to lawyers and consumers of legal services in all Member States;

(7) Whereas, in keeping with its objective, this Directive does not lay down any rules concerning purely domestic situations, and where it does affect national rules regulating the legal profession it does so no more than is necessary to achieve its purpose effectively; whereas it is without prejudice in particular to national legislation governing access to and practice of the profession of lawyer under the professional title used in the host Member State;

(8) Whereas lawyers covered by the Directive should be required to register with the competent authority in the host Member State in order that that authority may ensure that they comply with the rules of professional conduct in force in that State; whereas the effect of such registration as regards the jurisdictions in which, and the levels and types of court before which, lawyers may practise is determined by the law applicable to lawyers in the host Member State;

(9) Whereas lawyers who are not integrated into the profession in the host Member State should practise in that State under their home-country professional titles so as to ensure that consumers are properly informed and to distinguish between such lawyers and lawyers from the host Member State practising under the professional title used there;

(10) Whereas lawyers covered by this Directive should be permitted to give legal advice in particular on the law of their home Member States, on Community law, on international law and on the law of the host Member State; whereas this is already allowed as regards the provision of services under Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services (5); whereas, however, provision should be made, as in Directive 77/249/EEC, for the option of excluding from the activities of lawyers practising under their home-country professional titles in the United Kingdom and Ireland the preparation of certain formal documents in the conveyancing and probate spheres; whereas this Directive in no way affects the provisions under which, in every Member State, certain activities are reserved for professions other than the legal profession; whereas the provision in Directive 77/249/EEC concerning the possibility of the host Member State to require a lawyer practising under his home-country professional title to work in conjunction with a local lawyer when representing or defending a client in legal proceedings should also be incorporated in this Directive; whereas that requirement must be interpreted in the light of the case law of the Court of Justice of the European Communities, in particular its judgment of 25 February 1988 in Case 427/85, *Commission v. Germany* (6);

(11) Whereas to ensure the smooth operation of the justice system Member States should be allowed, by means of specific rules, to reserve access to their highest courts to specialist lawyers, without hindering the integration of Member States' lawyers fulfilling the necessary requirements;

(12) Whereas a lawyer registered under his home-country professional title in the host Member State must remain registered with the competent authority in his home Member State if he is to retain his status of lawyer and be covered by this Directive; whereas for that reason close collaboration between the competent authorities is indispensable, in particular in connection with any disciplinary proceedings;

(13) Whereas lawyers covered by this Directive, whether salaried or self-employed in their home Member States, may practise as salaried lawyers in the host Member State, where that Member State offers that possibility to its own lawyers;

(14) Whereas the purpose pursued by this Directive in enabling lawyers to practise in another Member State under their home-country professional titles is also to make it easier for them to obtain the professional title of that host Member State; whereas under Articles 48 and 52 of the Treaty as interpreted by the Court of Justice the host Member State must take into consideration any professional experience gained in its territory; whereas after effectively and regularly pursuing in the host Member State an activity in the law of that State including Community law for a period of three years, a lawyer may reasonably be assumed to have gained the aptitude necessary to become fully integrated into the legal profession there; whereas at the end of that period the lawyer who can, subject to verification, furnish evidence of his professional competence in the host Member State should be able to obtain the professional title of that Member State; whereas if the period of effective and regular professional activity of at least three years includes a shorter period of practice in the law of the host Member State, the authority shall also take into consideration any other knowledge of that State's law, which it may verify during an interview; whereas if evidence of fulfilment of these conditions is not provided, the decision taken by the competent authority of the host State not to grant the State's professional title under the facilitation arrangements linked to those conditions must be substantiated and subject to appeal under national law;

(15) Whereas, for economic and professional reasons, the growing tendency for lawyers in the Community to practise jointly, including in the form of associations, has become a reality; whereas the fact that lawyers belong to a grouping in their home Member State should not be used as a pretext to prevent or deter them from establishing themselves in the host Member State; whereas Member States should be allowed, however, to take appropriate measures with the legitimate aim of safeguarding the profession's independence; whereas certain guarantees should be provided in those Member States which permit joint practice,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Object, scope and definitions

1. The purpose of this Directive is to facilitate practice of the profession of lawyer on a permanent basis in a self-employed or salaried capacity in a Member State other than that in which the professional qualification was obtained.

2. For the purposes of this Directive:

(a) 'lawyer' means any person who is a national of a Member State and who is authorised to pursue his professional activities under one of the following professional titles:

>TABLE POSITION>

(b) 'home Member State' means the Member State in which a lawyer acquired the right to use one of the professional titles referred to in (a) before practising the profession of lawyer in another Member State;

(c) 'host Member State' means the Member State in which a lawyer practises pursuant to this Directive;

(d) 'home-country professional title' means the professional title used in the Member State in which a lawyer acquired the right to use that title before practising the profession of lawyer in the host Member State;

(e) 'grouping' means any entity, with or without legal personality, formed under the law of a Member State, within which lawyers pursue their professional activities jointly under a joint name;

(f) 'relevant professional title' or 'relevant profession' means the professional title or profession governed by the competent authority with whom a lawyer has registered under Article 3, and 'competent authority' means that authority.

3. This Directive shall apply both to lawyers practising in a self-employed capacity and to lawyers practising in a salaried capacity in the home Member State and, subject to Article 8, in the host Member State.

4. Practice of the profession of lawyer within the meaning of this Directive shall not include the provision of services, which is covered by Directive 77/249/EEC.

Article 2

Right to practise under the home-country professional title

Any lawyer shall be entitled to pursue on a permanent basis, in any other Member State under his home-country professional title, the activities specified in Article 5.

Integration into the profession of lawyer in the host Member State shall be subject to Article 10.

Article 3

Registration with the competent authority

1. A lawyer who wishes to practise in a Member State other than that in which he obtained his professional qualification shall register with the competent authority in that State.

2. The competent authority in the host Member State shall register the lawyer upon presentation of a certificate attesting to his registration with the competent authority in the home Member State. It may require that, when presented by the competent authority of the home Member State, the certificate be not more than three months old. It shall inform the competent authority in the home Member State of the registration.

3. For the purpose of applying paragraph 1:

- in the United Kingdom and Ireland, lawyers practising under a professional title other than those used in the United Kingdom or Ireland shall register either with the authority responsible for the profession of barrister or advocate or with the authority responsible for the profession of solicitor,

- in the United Kingdom, the authority responsible for a barrister from Ireland shall be that responsible for the profession of barrister or advocate, and the authority responsible for a solicitor from Ireland shall be that responsible for the profession of solicitor,

- in Ireland, the authority responsible for a barrister or an advocate from the United Kingdom shall be that responsible for the profession of barrister, and the authority responsible for a solicitor from the United Kingdom shall be that responsible for the profession of solicitor.

4. Where the relevant competent authority in a host Member State publishes the names of lawyers registered with it, it shall also publish the names of lawyers registered pursuant to this Directive.

Article 4

Practice under the home-country professional title

1. A lawyer practising in a host Member State under his home-country professional title shall do so under that title, which must be expressed in the official language or one of the official languages of his home Member State, in an intelligible manner and in such a way as to avoid confusion with the professional title of the host Member State.

2. For the purpose of applying paragraph 1, a host Member State may require a lawyer practising under his home-country professional title to indicate the professional body of which he is a member in his home Member State or the judicial authority before which he is entitled to practise pursuant to the laws of his home Member State. A host Member State may also require a lawyer practising under his home-country professional title to include a reference to his registration with the competent authority in that State.

Article 5

Area of activity

1. Subject to paragraphs 2 and 3, a lawyer practising under his home-country professional title carries on the same professional activities as a lawyer practising under the relevant professional title used in the host Member State and may, *inter alia*, give advice on the law of his home Member State, on Community law, on international law and on the law of the host Member State. He shall in any event comply with the rules of procedure applicable in the national courts.

2. Member States which authorise in their territory a prescribed category of lawyers to prepare deeds for obtaining title to administer estates of deceased persons and for creating or transferring interests in land which, in other Member States, are reserved for professions other than that of lawyer may exclude from such activities lawyers practising under a home-country professional title conferred in one of the latter Member States.

3. For the pursuit of activities relating to the representation or defence of a client in legal proceedings and insofar as the law of the host Member State reserves such activities to lawyers practising under the professional title of that State, the latter may require lawyers practising under their home-country professional titles to work in conjunction with a lawyer who practises before the judicial authority in question and who would, where necessary, be answerable to that authority or with an 'avoué' practising before it.

Nevertheless, in order to ensure the smooth operation of the justice system, Member States may lay down specific rules for access to supreme courts, such as the use of specialist lawyers.

Article 6

Rules of professional conduct applicable

1. Irrespective of the rules of professional conduct to which he is subject in his home Member State, a lawyer practising under his home-country professional title shall be subject to the same rules of professional conduct as lawyers practising under the relevant professional title of the host Member State in respect of all the activities he pursues in its territory.

2. Lawyers practising under their home-country professional titles shall be granted appropriate representation in the professional

associations of the host Member State. Such representation shall involve at least the right to vote in elections to those associations' governing bodies.

3. The host Member State may require a lawyer practising under his home-country professional title either to take out professional indemnity insurance or to become a member of a professional guarantee fund in accordance with the rules which that State lays down for professional activities pursued in its territory. Nevertheless, a lawyer practising under his home-country professional title shall be exempted from that requirement if he can prove that he is covered by insurance taken out or a guarantee provided in accordance with the rules of his home Member State, insofar as such insurance or guarantee is equivalent in terms of the conditions and extent of cover. Where the equivalence is only partial, the competent authority in the host Member State may require that additional insurance or an additional guarantee be contracted to cover the elements which are not already covered by the insurance or guarantee contracted in accordance with the rules of the home Member State.

Article 7

Disciplinary proceedings

1. In the event of failure by a lawyer practising under his home-country professional title to fulfil the obligations in force in the host Member State, the rules of procedure, penalties and remedies provided for in the host Member State shall apply.

2. Before initiating disciplinary proceedings against a lawyer practising under his home-country professional title, the competent authority in the host Member State shall inform the competent authority in the home Member State as soon as possible, furnishing it with all the relevant details.

The first subparagraph shall apply *mutatis mutandis* where disciplinary proceedings are initiated by the competent authority of the home Member State, which shall inform the competent authority of the host Member State(s) accordingly.

3. Without prejudice to the decision-making power of the competent authority in the host Member State, that authority shall cooperate throughout the disciplinary proceedings with the competent authority in the home Member State. In particular, the host Member State shall take the measures necessary to ensure that the competent authority in the home Member State can make submissions to the bodies responsible for hearing any appeal.

4. The competent authority in the home Member State shall decide what action to take, under its own procedural and substantive rules, in the light of a decision of the competent authority in the host Member State concerning a lawyer practising under his home-country professional title.

5. Although it is not a prerequisite for the decision of the competent authority in the host Member State, the temporary or permanent withdrawal by the competent authority in the home Member State of the authorisation to practise the profession shall automatically lead to the lawyer concerned being temporarily or permanently prohibited from practising under his home-country professional title in the host Member State.

Article 8

Salaried practice

A lawyer registered in a host Member State under his home-country professional title may practise as a salaried lawyer in the employ of another lawyer, an association or firm of lawyers, or a public or private enterprise to the extent that the host Member State so permits for lawyers registered under the professional title used in that State.

Article 9

Statement of reasons and remedies

Decisions not to effect the registration referred to in Article 3 or to cancel such registration and decisions imposing disciplinary measures shall state the reasons on which they are based.

A remedy shall be available against such decisions before a court or tribunal in accordance with the provisions of domestic law.

Article 10

Like treatment as a lawyer of the host Member State

1. A lawyer practising under his home-country professional title who has effectively and regularly pursued for a period of at least three years an activity in the host Member State in the law of that State including Community law shall, with a view to gaining admission to the profession of lawyer in the host Member State, be exempted from the conditions set out in Article 4(1)(b) of Directive 89/48/EEC, 'Effective and regular pursuit' means actual exercise of the activity without any interruption other than that resulting from the events of everyday life.

It shall be for the lawyer concerned to furnish the competent authority in the host Member State with proof of such effective regular pursuit for a period of at least three years of an activity in the law of the host Member State. To that end:

(a) the lawyer shall provide the competent authority in the host Member State with any relevant information and documentation, notably on the number of matters he has dealt with and their nature;

(b) the competent authority of the host Member State may verify the effective and regular nature of the activity pursued and may, if need be, request the lawyer to provide, orally or in writing, clarification of or further details on the information and documentation mentioned in point (a).

Reasons shall be given for a decision by the competent authority in the host Member State not to grant an exemption where proof is not provided that the requirements laid down in the first subparagraph have been fulfilled, and the decision shall be subject to appeal under domestic law.

2. A lawyer practising under his home-country professional title in a host Member State may, at any time, apply to have his diploma recognised in accordance with Directive 89/48/EEC with a view to gaining admission to the profession of lawyer in the host Member State and practising it under the professional title corresponding to the profession in that Member State.

3. A lawyer practising under his home-country professional title who has effectively and regularly pursued a professional activity in the host Member State for a period of at least three years but for a lesser period in the law of that Member State may obtain from the competent authority of that State admission to the profession of lawyer in the host Member State and the right to practise it under the professional title corresponding to the profession in that Member State, without having to meet the conditions referred to in Article 4(1)(b) of Directive 89/48/EEC, under the conditions and in accordance with the procedures set out below:

(a) The competent authority of the host Member State shall take into account the effective and regular professional activity pursued during the abovementioned period and any knowledge and professional experience of the law of the host Member State, and any attendance at lectures or seminars on the law of the host Member State, including the rules regulating professional practice and conduct.

(b) The lawyer shall provide the competent authority of the host Member State with any relevant information and documentation, in

particular on the matters he has dealt with. Assessment of the lawyer's effective and regular activity in the host Member State and assessment of his capacity to continue the activity he has pursued there shall be carried out by means of an interview with the competent authority of the host Member State in order to verify the regular and effective nature of the activity pursued.

Reasons shall be given for a decision by the competent authority in the host Member State not to grant authorisation where proof is not provided that the requirements laid down in the first subparagraph have been fulfilled, and the decision shall be subject to appeal under domestic law.

4. The competent authority of the host Member State may, by reasoned decision subject to appeal under domestic law, refuse to allow the lawyer the benefit of the provisions of this Article if it considers that this would be against public policy, in a particular because of disciplinary proceedings, complaints or incidents of any kind.

5. The representatives of the competent authority entrusted with consideration of the application shall preserve the confidentiality of any information received.

6. A lawyer who gains admission to the profession of lawyer in the host Member State in accordance with paragraphs 1, 2 and 3 shall be entitled to use his home-country professional title, expressed in the official language or one of the official languages of his home Member State, alongside the professional title corresponding to the profession of lawyer in the host Member State.

Article 11

Joint practice

Where joint practise is authorised in respect of lawyers carrying on their activities under the relevant professional title in the host Member State, the following provisions shall apply in respect of lawyers wishing to carry on activities under that title or registering with the competent authority:

(1) One or more lawyers who belong to the same grouping in their home Member State and who practise under their home-country professional title in a host Member State may pursue their professional activities in a branch or agency of their grouping in the host Member State. However, where the fundamental rules governing that grouping in the home Member State are incompatible with the fundamental rules laid down by law, regulation or administrative action in the host Member State, the latter rules shall prevail insofar as compliance therewith is justified by the public interest in protecting clients and third parties.

(2) Each Member State shall afford two or more lawyers from the same grouping or the same home Member State who practise in its territory under their home-country professional titles access to a form of joint practice. If the host Member State gives its lawyers a choice between several forms of joint practice, those same forms shall also be made available to the aforementioned lawyers. The manner in which such lawyers practise jointly in the host Member State shall be governed by the laws, regulations and administrative provisions of that State.

(3) The host Member State shall take the measures necessary to permit joint practice also between:

(a) several lawyers from different Member States practising under their home-country professional titles;

(b) one or more lawyers covered by point (a) and one or more lawyers from the host Member State.

The manner in which such lawyers practise jointly in the host Member State shall be governed by the laws, regulations and administrative provisions of that State.

(4) A lawyer who wishes to practise under his home-country professional title shall inform the competent authority in the host

Member State of the fact that he is a member of a grouping in his home Member State and furnish any relevant information on that grouping.

(5) Notwithstanding points 1 to 4, a host Member State, insofar as it prohibits lawyers practising under its own relevant professional title from practising the profession of lawyer within a grouping in which some persons are not members of the profession, may refuse to allow a lawyer registered under his home-country professional title to practice in its territory in his capacity as a member of his grouping. The grouping is deemed to include persons who are not members of the profession if

- the capital of the grouping is held entirely or partly, or
- the name under which it practises is used, or
- the decision-making power in that grouping is exercised, de facto or de jure,

by persons who do not have the status of lawyer within the meaning of Article 1(2).

Where the fundamental rules governing a grouping of lawyers in the home Member State are incompatible with the rules in force in the host Member State or with the provisions of the first subparagraph, the host Member State may oppose the opening of a branch or agency within its territory without the restrictions laid down in point (1).

Article 12

Name of the grouping

Whatever the manner in which lawyers practise under their home-country professional titles in the host Member State, they may employ the name of any grouping to which they belong in their home Member State.

The host Member State may require that, in addition to the name referred to in the first subparagraph, mention be made of the legal form of the grouping in the home Member State and/or of the names of any members of the grouping practising in the host Member State.

Article 13

Cooperation between the competent authorities in the home and host Member States and confidentiality

In order to facilitate the application of this Directive and to prevent its provisions from being misapplied for the sole purpose of circumventing the rules applicable in the host Member State, the competent authority in the host Member State and the competent authority in the home Member State shall collaborate closely and afford each other mutual assistance.

They shall preserve the confidentiality of the information they exchange.

Article 14

Designation of the competent authorities

Member States shall designate the competent authorities empowered to receive the applications and to take the decisions referred to in this Directive by 14 March 2000. They shall communicate this information to the other Member States and to the Commission.

Article 15

Report by the Commission

Ten years at the latest from the entry into force of this Directive, the Commission shall report to the European Parliament and to the Council on progress in the implementation of the Directive.

After having held all the necessary consultations, it shall on that occasion present its conclusions and any amendments which could be made to the existing system.

Article 16

Implementation

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 14 March 2000. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be adopted by Member States.

2. Member States shall communicate to the Commission the texts of the main provisions of domestic law which they adopt in the field covered by this Directive.

Article 17

This Directive shall enter into force on the date of its publication in the Official Journal of the European Communities.

Article 18

Addressees

This Directive is addressed to the Member States.

Done at Brussels, 16 February 1998.

For the European Parliament

The President

J. M. GIL-ROBLES

For the Council

The President

J. CUNNINGHAM

(1) OJ C 128, 24. 5. 1995, p. 6 and OJ C 355, 25. 11. 1996, p. 19.

(2) OJ C 256, 2. 10. 1995, p. 14.

(3) Opinion of the European Parliament of 19 June 1996 (OJ C 198, 8. 7. 1996, p. 85), Council Common Position of 24 July 1997 (OJ C 297, 29. 9. 1997, p. 6), Decision of the European Parliament of 19 November 1997 (Council Decision of 15 December 1997).

(4) OJ L 19, 24. 1. 1989, p. 16.

(5) OJ L 78, 26. 3. 1977, p. 17. Directive as last amended by the 1994 Act of Accession.

(6) [1988] ECR 1123.

I

(Acts whose publication is obligatory)

DIRECTIVE 2001/19/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 14 May 2001

amending Council Directives 89/48/EEC and 92/51/EEC on the general system for the recognition of professional qualifications and Council Directives 77/452/EEC, 77/453/EEC, 78/686/EEC, 78/687/EEC, 78/1026/EEC, 78/1027/EEC, 80/154/EEC, 80/155/EEC, 85/384/EEC, 85/432/EEC, 85/433/EEC and 93/16/EEC concerning the professions of nurse responsible for general care, dental practitioner, veterinary surgeon, midwife, architect, pharmacist and doctor

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF
THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 40, 47(1), the first and third sentences of Article 47(2), and Article 55 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the Opinion of the Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾, in the light of the joint text approved by the Conciliation Committee on 15 January 2001,

Whereas:

(1) On 16 February 1996 the Commission gave the European Parliament and the Council its Report on the state of application of the general system for the recognition of higher-education diplomas made in accordance with Article 13 of Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration ⁽⁴⁾. In this Report the Commission undertook to examine the possibility of incorporating into that Directive the obligation to take into consideration, when examining applications for recognition, experience gained following

the award of the qualification in question, the possibility of introducing the concept of 'regulated education and training'. The Commission also undertook to examine the arrangements whereby the role of the Coordinating Group set up by Article 9(2) of Directive 89/48/EEC could be developed in order to ensure more uniform application and interpretation of the Directive.

(2) The concept of regulated education and training, introduced by Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC ⁽⁵⁾ (both Directives being hereinafter referred to as the 'general system Directives'), should be extended to the initial general system and should be based on the same principles by applying to it the same rules; it should be left to the individual Member States to choose the means of defining professions covered by regulated education and training.

(3) The general system Directives permit the host Member State to require, subject to certain conditions, the applicant to take compensation steps, notably where substantial differences exist between the theoretical and/or practical education and training undergone and that covered by the qualification required in the host Member State; under Articles 39 and 43 of the Treaty, as interpreted by the Court of Justice of the European Communities ⁽⁶⁾, the host Member State must assess whether professional experience is sufficient in order to prove possession of the knowledge which is lacking; in

⁽¹⁾ OJ C 28, 26.1.1998, p. 1.

⁽²⁾ OJ C 235, 27.7.1998, p. 53

⁽³⁾ Opinion of the European Parliament of 2 July 1998 (OJ C 226, 20.7.1998, p. 26), confirmed on 27 October 1999, Council Common Position of 20 March 2000 (OJ C 119, 27.4.2000, p. 1) and Decision of the European Parliament of 5 July 2000 (not yet published in the Official Journal). Decision of the European Parliament of 1 February 2001 and Council Decision of 26 February 2001.

⁽⁴⁾ OJ L 19, 24.1.1989, p. 16.

⁽⁵⁾ OJ L 209, 24.7.1992, p. 25. Directive as last amended by Commission Directive 2000/5/EC (OJ L 54, 26.2.2000, p. 42).

⁽⁶⁾ C-340/89 (Vlassopoulou) 1991 ECR-I-2357.

the interests of clarity and legal certainty for individuals wishing to practise their profession in another Member State, it is desirable to incorporate into the general system Directives the requirement that the host Member State has to examine whether the professional experience gained by the applicant since obtaining his qualification(s) covers the subjects referred to above.

- (4) The coordination procedure provided for by the general system Directives should be improved and simplified by enabling the Coordinating Group to adopt and publish opinions on questions referred to it by the Commission that relate to the practical application of the general system.
- (5) In its Communication to the European Parliament and the Council on the SLIM initiative, the Commission undertook to present proposals aimed at simplifying the updating of the lists of qualifications eligible for automatic recognition. Council Directive 93/16/EEC of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications ⁽¹⁾ provides for a simple procedure in the case of general practitioners' qualifications; experience has shown that the procedure affords sufficient legal certainty; it is desirable to extend it to qualifications held by nurses responsible for general care, dental practitioners, veterinary surgeons, midwives, pharmacists and doctors as referred to in Council Directives 77/452/EEC ⁽²⁾, 77/453/EEC ⁽³⁾, 78/686/EEC ⁽⁴⁾, 78/687/EEC ⁽⁵⁾, 78/1026/EEC ⁽⁶⁾, 78/1027/EEC ⁽⁷⁾, 80/154/EEC ⁽⁸⁾, 80/155/EEC ⁽⁹⁾, 85/432/EEC ⁽¹⁰⁾, 85/433/EEC ⁽¹¹⁾ and 93/16/EEC (hereinafter referred to as the 'sectoral Directives') respectively.
- (6) According to the case-law of the Court of Justice of the European Communities, Member States are not required to recognise diplomas, certificates and other evidence of formal qualifications which do not testify to training acquired in one of the Member States of the Community ⁽¹²⁾. However, Member States should take into account professional experience gained by the person concerned in another Member State ⁽¹³⁾. That being so, it should be stipulated in the sectoral Directives that recognition by a Member State of a diploma, certificate or other evidence of formal qualification awarded to a nurse responsible for general care, dental practitioner, veterinary surgeon, midwife, architect, pharmacist or doctor on completion of education and training in a third country and professional experience gained by the person concerned in a Member State constitute Community elements which the other Member States should examine.
- (7) The period within which Member States are to reach a decision on applications for recognition of diplomas, certificates and other evidence of formal qualifications obtained by nurses responsible for general care, dental practitioners, veterinary surgeons, midwives, architects, pharmacists or doctors in a third country should be stipulated.
- (8) Lifelong learning has been made especially important in the area of medicine by the rapid advances in technical and scientific progress. It is up to the Member States to decide how to ensure, by suitable continuing training after completion of studies, that doctors maintain their knowledge of progress in medicine. The present system of mutual recognition of professional qualifications remains unchanged.
- (9) The applicant must have right of appeal under national law if his application is rejected or if a decision is not reached within the stipulated period. Member States are to state their reasons for such decisions taken regarding the recognition of diplomas, certificates and other evidence of formal qualifications held by nurses responsible for general care, dental practitioners, veterinary surgeons, midwives, architects, pharmacists or doctors; where a Member State decides to recognise a diploma, certificate or other evidence of formal qualifications, it should be free to choose whether or not to state the reasons.
- (10) For reasons of fairness, transitional measures should be taken in respect of certain dental practitioners in Italy

⁽¹⁾ OJ L 165, 7.7.1993, p. 1. Directive as last amended by Directive 1999/46/EC (OJ L 139, 2.6.1999, p. 25).

⁽²⁾ OJ L 176, 15.7.1977, p. 1. Directive as last amended by the 1994 Act of Accession.

⁽³⁾ OJ L 176, 15.7.1977, p. 8. Directive as amended by Directive 89/595/EEC (OJ L 341, 23.11.1989, p. 30).

⁽⁴⁾ OJ L 233, 24.8.1978, p. 1. Directive as last amended by the 1994 Act of Accession.

⁽⁵⁾ OJ L 233, 24.8.1978, p. 10. Directive as last amended by the 1994 Act of Accession.

⁽⁶⁾ OJ L 362, 23.12.1978, p. 1. Directive as last amended by the 1994 Act of Accession.

⁽⁷⁾ OJ L 362, 23.12.1978, p. 7. Directive as amended by Directive 89/594/EEC (OJ L 341, 23.11.1989, p. 19).

⁽⁸⁾ OJ L 33, 11.2.1980, p. 1. Directive as last amended by the 1994 Act of Accession.

⁽⁹⁾ OJ L 33, 11.2.1980, p. 8. Directive as amended by Directive 89/594/EEC.

⁽¹⁰⁾ OJ L 253, 24.9.1985, p. 34.

⁽¹¹⁾ OJ L 253, 24.9.1985, p. 37. Directive as last amended by the 1994 Act of Accession.

⁽¹²⁾ C-154/93 (Tawil Albertini) 1994 ECR I — 451.

⁽¹³⁾ C-319/92 (Haim) 1994 ECR I — 425.

who hold diplomas, certificates or other evidence of formal qualifications in medicine awarded in Italy but on completion of medical training begun after the deadline stipulated in Article 19 of Directive 78/686/EEC.

- (11) Article 15 of Directive 85/384/EEC⁽¹⁾ provides for a derogation during a transitional period that has now expired, that provision should be deleted.
- (12) There should be a clear distinction in Article 24 of Directive 85/384/EEC between the formalities to be completed in the case of establishment and those to be completed in the case of provision of services, thereby rendering more effective the exercise of the freedom to provide services as an architect.
- (13) For reasons of equality of treatment, transitional measures should be provided for in respect of certain holders of diplomas, certificates and other evidence of formal qualifications in pharmacy awarded in Italy on completion of training that does not fully comply with Directive 85/432/EEC.
- (14) It is desirable to extend the scope of mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy in order to facilitate effective exercise of the right of establishment between Greece and the other Member States. Therefore, the derogation provided for in Article 3 of Directive 85/433/EEC should be deleted.
- (15) In its Report on specific training in general medical practice provided for by Title IV of Directive 93/16/EEC, the Commission recommended that the requirements applying to part-time training in general medical practice should be brought into line with those applying to other medical specialists.
- (16) The general system Directives and the sectoral Directives, should be amended,

HAVE ADOPTED THIS DIRECTIVE:

SECTION 1

AMENDMENTS TO THE GENERAL SYSTEM DIRECTIVES

Article 1

Directive 89/48/EEC is hereby amended as follows:

- 1) Article 1 shall be amended as follows:
 - (a) the second indent of point (a) shall be replaced by the following:

‘— which shows that the holder has successfully completed a post-secondary course of at least three years' duration, or of an equivalent duration part-time, at a university or establishment of higher education or another establishment of equivalent level and, where appropriate, that he has successfully completed the professional training required in addition to the post-secondary course, and’
 - (b) the following point shall be inserted:

‘(d) a regulated education and training: any education and training which:

 - is directly geared to the practice of a defined profession, and
 - comprises a post-secondary course of at least three years' duration, or an equivalent duration part-time, at a university or higher education establishment or in another establishment of equivalent level and, where appropriate, the professional training, professional traineeship or professional practice required in addition to the post-secondary course; the structure and level of the professional training, professional traineeship or professional practice shall be determined by the laws, regulations or administrative provisions of the Member State concerned or monitored or approved by the authority designated for that purpose.’;
- 2) in Article 3(b), the following subparagraph shall be inserted after the first subparagraph:

‘However, the two years' of professional experience referred to in the first subparagraph may not be required where the qualification or qualifications held by the applicant and referred to in this point were awarded on completion of regulated education and training.’;
- 3) in Article 4(1)(b), the following subparagraph shall be inserted after the first subparagraph:

‘If the host Member State intends to require the applicant to complete an adaptation period or take an aptitude test, it must first examine whether the knowledge acquired by the applicant in the course of his professional experience is such that it fully or partly covers the substantial difference referred to in the first subparagraph.’;
- 4) the following paragraphs shall be added to Article 6:

‘5. Where proof of financial standing is required in order to take up or pursue a regulated profession in the host Member State, that Member State shall regard certificates issued by banks in the Member State of origin or in the Member State from where the foreign national comes as equivalent to those issued in its own territory.’

⁽¹⁾ OJ L 223, 21.8.1985, p. 15. Directive as last amended by the 1994 Act of Accession.

6. Where the competent authority of the host Member State requires of its own nationals wishing to take up or pursue a regulated profession proof that they are insured against the financial risks arising from their professional liability, that Member State shall accept certificates issued by insurance undertakings of other Member States as equivalent to those issued in its own territory. Such certificates shall state that the insurer has complied with the laws and regulations in force in the host Member State regarding the terms and extent of cover. They may not be presented more than three months after their date of issue.;

5. in Article 9(2), the first indent of the second subparagraph shall be replaced by:

‘— to facilitate the implementation of this Directive, in particular by adopting and publishing opinions on the questions referred to it by the Commission.’;

Article 2

Directive 92/51/EEC is hereby amended as follows:

- 1) in Article 4(1)(b), the following subparagraph shall be inserted after the first subparagraph:

‘If the host Member State intends to require the applicant to complete an adaptation period or take an aptitude test, it must examine first whether the knowledge acquired by the applicant in the course of his professional experience is such that it fully or partly covers the substantial difference referred to in the first subparagraph.’;

- 2) in Article 5, the following paragraph shall be inserted after the second paragraph:

‘If the host Member State intends to require the applicant to complete an adaptation period or take an aptitude test, it must first examine whether knowledge acquired by the applicant in the course of his professional experience is such that it fully or partly covers the substantial difference between the diploma and the certificate.’;

- 3) in Article 7(a) the following subparagraph shall be inserted after the first subparagraph:

‘If the host Member State intends to require the applicant to complete an adaptation period or take an aptitude test, it must first examine whether knowledge acquired by the applicant in the course of his professional experience is such that it fully or partly covers the substantial difference referred to in the first subparagraph.’;

- 4) the following paragraphs shall be added to Article 10:

‘5. Where proof of financial standing is required in order to take up or pursue a regulated profession in the host Member State, that Member State shall regard certificates issued by banks in the Member State of origin or in the Member State from where the foreign national comes as equivalent to those issued in its own territory.’

6. Where the competent authority of the host Member State requires of its own nationals wishing to take up or pursue a regulated profession proof that they are insured against the financial risks arising from their professional liability, that Member State shall accept certificates issued by insurance undertakings of other Member States as equivalent to those issued in its own territory. Such certificates shall state that the insurer has complied with the laws and regulations in force in the host Member State regarding the terms and extent of cover. They may not be presented more than three months after their date of issue.’;

- 5) in Article 13(2), the first indent of the second subparagraph shall be replaced by:

‘— facilitate the implementation of this Directive, in particular by adopting and publishing opinions on the questions referred to it by the Commission.’;

- 6) the following paragraph shall be added to Article 15:

‘8. Amendments made to the lists of education and training courses set out in Annexes C and D on the basis of the procedure laid down above shall apply immediately on the date set by the Commission.’.

SECTION 2

AMENDMENTS TO THE SECTORAL DIRECTIVES

Section 2.1

Nurses responsible for general care

Article 3

Directive 77/452/EEC is hereby amended as follows:

- 1) (concerns only the Greek version);
- 2) In Article 2, the words ‘listed in Article 3’ shall be replaced by ‘listed in the Annex’;

3) Article 3 shall be deleted;

Article 18d

4) references made to Article 3 shall be understood as made to the Annex;

Where the application is rejected, Member States shall duly give the reasons for decisions on applications for recognition of diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive.

5) (concerns only the Greek version).

Applicants shall have a right of appeal before the courts under national law. That right of appeal shall likewise apply in the event of failure to reach a decision within the stipulated period.;

6) the following Articles shall be inserted:

7) the Annex as it appears in Annex I to this Directive shall be added.

'Article 18a

Member States shall notify the Commission of the laws, regulations or administrative provisions they adopt as regards the award of diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive. The Commission shall publish an appropriate notice in the *Official Journal of the European Communities*, listing the names adopted by the Member States for the training qualification concerned and, where applicable, for the corresponding professional title.

Article 4

In Article 1(1) of Directive 77/453/EEC, the words 'as specified in Article 3 of Directive 77/452/EEC' shall be replaced by 'as specified in the Annex to Directive 77/452/EEC'.

Section 2.2

Article 18b

Dental practitioners

Each Member State shall recognise as sufficient proof, in respect of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive do not correspond to the names listed for that Member State in this Directive, the diplomas, certificates and other evidence of formal qualifications awarded by those Member States and accompanied by a certificate issued by the competent authorities or bodies. The certificate shall state that the diplomas, certificates and other evidence of formal qualifications in question have been awarded on completion of education and training that complies with the provisions of this Directive and are treated by the awarding Member State as equivalent to those whose names are listed therein.

Article 5

Directive 78/686/EEC is hereby amended as follows:

1) in Article 2, the words 'listed in Article 3' shall be replaced by 'listed in Annex A';

2) Article 3 shall be deleted;

3) the title of Chapter III shall be replaced by:

'Diplomas, certificates and other evidence of formal qualifications in specialised dentistry.;

4) Article 4 shall be replaced by:

'Article 4

Article 18c

Member States shall examine diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive obtained by the holder outside the European Union in cases where those diplomas, certificates and other evidence of formal qualifications have been recognised in a Member State, as well as of training undergone and/or professional experience gained in a Member State. The Member State shall give its decision within three months of the date on which the applicant submits his application together with full supporting documentation.

Each Member State with provisions in this field laid down by law, regulation or administrative action shall recognise the diplomas, certificates and other evidence of formal qualifications of dental practitioners specialising in orthodontics and oral surgery awarded to nationals of Member States by other Member States in accordance with Articles 2 and 3 of Directive 78/687/EEC and which are listed in Annex B, by granting such qualifications the

same effect in its territory as the diplomas, certificates and other evidence of formal qualifications which it itself awards.;

5) Article 5 shall be deleted;

6) Article 6 shall be amended as follows:

(a) the following subparagraph shall be added to paragraph 2:

'It shall also take into account any professional experience, additional training and continuing dental education they possess.;

(b) paragraph 3 shall be replaced by:

'3. The competent authorities or bodies of the host Member State, having assessed the content and duration of the training of the person concerned on the basis of the diplomas, certificates and other evidence of formal qualifications submitted, and taking into account any professional experience, additional training and continuing dental education that he possesses, shall inform him of the period of additional training required and of the fields to be covered by it.;

(c) the following paragraph shall be added:

'4. The Member State shall give its decision within four months of the date on which the applicant submits his application together with full supporting documentation.;

7) in Article 19 the existing two subparagraphs shall become paragraph 1 and the following paragraph shall be added:

'2. Member States shall recognise the diplomas, certificates and other evidence of formal qualifications in medicine awarded in Italy to persons who commenced their university medical training between 28 January 1980 and 31 December 1984 and accompanied by a certificate issued by the Italian competent authorities stating:

— that the persons concerned have passed the specialist aptitude test set by the Italian competent authorities in order to ascertain that they possess a level of knowledge and skills comparable to those of persons holding the qualification listed for Italy in Annex A;

— that they have effectively, lawfully and principally been engaged in Italy in the activities specified in Article 5 of Directive 78/687/EEC for at least three consecutive years during the five years prior to the issue of the certificate;

— and that they are authorised to engage in, or are effectively, lawfully and principally engaged in, the activities referred to in Article 5 of Directive 78/687/EEC, subject to the same conditions as holders of the qualification listed for Italy in Annex A to this Directive.

The requirement to take the aptitude test referred to in the first subparagraph shall be waived in the case of persons who have successfully completed at least three years' of study which are certified by the competent authorities as being equivalent to the training referred to in Article 1 of Directive 78/687/EEC.;

8) references made to Articles 3 and 5 shall be understood as being made to Annexes A and B respectively;

9) the following Articles shall be inserted:

'Article 23a

Member States shall notify the Commission of the laws, regulations or administrative provisions they adopt as regards the award of diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive. The Commission shall publish an appropriate notice in the *Official Journal of the European Communities*, listing the names adopted by the Member States for the training qualifications concerned and, where applicable, for the corresponding professional title.

Article 23b

Each Member State shall recognise as sufficient proof, in respect of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive do not correspond to the names listed for that Member State in this Directive, the diplomas, certificates and other evidence of formal qualifications awarded by those Member States and accompanied by a certificate issued by the competent authorities or bodies. The certificate shall state that the diplomas, certificates and other evidence of formal qualifications in question have been awarded on completion of education and training that complies with the provisions of this Directive and are treated by the awarding Member State as equivalent to those whose names are listed therein.

Article 23c

Member States shall examine diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive obtained by the holder outside the European Union in cases where those diplomas, certificates and other evidence of formal qualifications

have been recognised in a Member State, as well as of training undergone and/or professional experience gained in a Member State. The Member State shall give its decision within three months of the date on which the applicant submits his application together with full supporting documentation.

Article 23d

Where the application is rejected, Member States shall duly give the reasons for decisions on applications for recognition of diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive.

Applicants shall have a right of appeal before the courts under national law. That right of appeal shall likewise apply in the event of failure to reach a decision within the stipulated period.;

- 10) Annexes A and B as they appear in Annex II to this Directive shall be added.

Article 6

In Article 1(1) of Directive 78/687/EEC, the words 'referred to in Article 3 of the same Directive' shall be replaced by 'referred to in Annex A to that Directive'.

Section 2.3

Veterinary surgeons

Article 7

Directive 78/1026/EEC is hereby amended as follows:

- 1) in Article 2, the words 'in Article 3' shall be replaced by 'in the Annex';
- 2) Article 3 shall be deleted;
- 3) references made to Article 3 shall be understood as being made to the Annex;
- 4) the following Articles shall be inserted:

'Article 17a

Member States shall notify the Commission of the laws, regulations or administrative provisions they adopt as regards the award of diplomas, certificates and other

evidence of formal qualifications in the field covered by this Directive. The Commission shall publish an appropriate notice in the *Official Journal of the European Communities*, listing the names adopted by the Member States for the training qualifications concerned and, where applicable, for the corresponding professional title.

Article 17b

Each Member State shall recognise as sufficient proof, in respect of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive do not correspond to the names listed for that Member State in this Directive, the diplomas, certificates and other evidence of formal qualifications awarded by those Member States and accompanied by a certificate issued by the competent authorities or bodies. The certificate shall state that the diplomas, certificates and other evidence of formal qualifications in question have been awarded on completion of education and training that complies with the provisions of this Directive and are treated by the awarding Member State as equivalent to those whose names are listed therein.

Article 17c

Member States shall examine diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive obtained by the holder outside the European Union in cases where those diplomas, certificates and other evidence of formal qualifications have been recognised in a Member State, as well as of training undergone and/or professional experience gained in a Member State. The Member State shall give its decision within three months of the date on which the applicant submits his application together with full supporting documentation.

Article 17d

Where the application is rejected, Member States shall duly give the reasons for decisions on applications for recognition of diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive.

Applicants shall have a right of appeal before the courts under national law. That right of appeal shall likewise apply in the event of failure to reach a decision within the stipulated period.;

- 5) the Annex as it appears in Annex III to this Directive shall be added.

Article 8

In Article 1(1) of Directive 78/1027/EEC, the words 'referred to in Article 3 of Directive 78/1026/EEC' shall be replaced by 'referred to in the Annex to Directive 78/1026/EEC'.

Section 2.4

Midwives

Article 9

Directive 80/154/EEC is hereby amended as follows:

- 1) in Article 2(1), the words 'listed in Article 3' shall be replaced by 'listed in the Annex';
- 2) in the fourth and fifth indents of Article 2(1), the words 'referred to in Article 3 of Directive 77/452/EEC' shall be replaced by 'referred to in the Annex to Directive 77/452/EEC';
- 3) Article 3 shall be deleted;
- 4) references made to Article 3 shall be understood as being made to the Annex;
- 5) the following Articles shall be inserted:

'Article 19a

Member States shall notify the Commission of the laws, regulations or administrative provisions they adopt as regards the award of diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive. The Commission shall publish an appropriate notice in the *Official Journal of the European Communities*, listing the names adopted by the Member States for the training qualifications concerned and, where applicable, for the corresponding professional title.

Article 19b

Each Member State shall recognise as sufficient proof, in respect of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive do not correspond to the names listed for that Member State in this Directive, the diplomas, certificates and other evidence of formal qualifications awarded by those Member States and accompanied by a certificate issued by the competent

authorities or bodies. The certificate shall state that the diplomas, certificates and other evidence of formal qualifications in question have been awarded on completion of education and training that complies with the provisions of this Directive and are treated by the awarding Member State as equivalent to those whose names are listed therein.

Article 19c

Member States shall examine diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive obtained by the holder outside the European Union in cases where those diplomas, certificates and other evidence of formal qualifications have been recognised in a Member State, as well as of training undergone and/or professional experience gained in a Member State. The Member State shall give its decision within three months of the date on which the applicant submits his application together with full supporting documentation.

Article 19d

Where the application is rejected, Member States shall duly give the reasons for decisions on applications for recognition of diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive.

Applicants shall have a right of appeal before the courts under national law. That right of appeal shall likewise apply in the event of failure to reach a decision within the stipulated period.;

- 6) the Annex as it appears in Annex IV to this Directive shall be added.

Article 10

Directive 80/155/EEC is hereby amended as follows:

- 1) in Article 1(1), the words 'referred to in Article 3' shall be replaced by 'referred to in the Annex';
2. in the second indent of Article 1(2), the words 'referred to in Article 3 of Directive 77/452/EEC' shall be replaced by 'referred to in the Annex to Directive 77/452/EEC'.

Section 2.5

Architects*Article 11*

Directive 85/384/EEC is hereby amended as follows:

- 1) the following Articles shall be inserted:

'Article 6

Member States shall examine diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive obtained by the holder outside the European Union in cases where those diplomas, certificates and other evidence of formal qualifications have been recognised in a Member State, as well as of training undergone and/or professional experience gained in a Member State. The Member State shall give its decision within three months of the date on which the applicant submits his application together with full supporting documentation.

Article 6a

Where the application is rejected, Member States shall duly give the reasons for decisions on applications for recognition of diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive.

Applicants shall have a right of appeal before the courts under national law. That right of appeal shall likewise apply in the event of failure to reach a decision within the stipulated period.;

- 2) Article 15 shall be deleted;
- 3) in Article 24(1), the words 'pursuant to Articles 17 and 18' shall be replaced by 'pursuant to Articles 17 and 18 in the case of establishment and pursuant to Article 22 in the case of provision of services'.

Section 2.6

Pharmacists*Article 12*

In Article 2 of Directive 85/432/EEC, the following point shall be added:

- '6. As a transitional measure and by way of derogation from paragraphs 3 and 5, Italy, whose laws, regulations and administrative provisions prescribed training which was not brought fully into line with the training requirements

laid down in this Article by the deadline stipulated in Article 5, may continue to apply those provisions to persons who commenced their training in pharmacy before 1 November 1993 and concluded it before 1 November 2003.

Each host Member State shall be authorised to require that holders of diplomas, certificates and other evidence of formal qualifications in pharmacy awarded in Italy on completion of training commenced before 1 November 1993 and concluded before 1 November 2003 produce, together with their qualifications, a certificate stating that, for at least three consecutive years during the five years prior to the issue of the certificate, they were effectively and lawfully engaged in one of the activities referred to in Article 1(2) in so far as such activity is regulated in Italy.'

Article 13

Directive 85/433/EEC is hereby amended as follows:

- 1) in Article 1, the words 'referred to in Article 4' shall be replaced by 'referred to in the Annex';
- 2) Article 3 shall be deleted;
- 3) Article 4 shall be deleted;
- 4) references made to Article 4 shall be understood as being made to the Annex;
- 5) the following Articles shall be inserted:

'Article 18a

Member States shall notify the Commission of the laws, regulations or administrative provisions they adopt as regards the award of diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive. The Commission shall publish an appropriate notice in the *Official Journal of the European Communities*, listing the names adopted by the Member States for the training qualifications concerned and, where applicable, for the corresponding professional title.

Article 18b

Each Member State shall recognise as sufficient proof, in respect of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive do not correspond to the names listed for that Member State in this Directive, the diplomas, certificates and other evidence of formal qualifications awarded by those Member States and

accompanied by a certificate issued by the competent authorities or bodies. The certificate shall state that the diplomas, certificates and other evidence of formal qualifications in question have been awarded on completion of education and training that complies with the provisions of this Directive and are treated by the awarding Member State as equivalent to those whose names are listed therein.

Article 18c

Member States shall examine diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive obtained by the holder outside the European Union in cases where those diplomas, certificates and other evidence of formal qualifications have been recognised in a Member State, as well as of training undergone and/or professional experience gained in a Member State. The Member State shall give its decision within three months of the date on which the applicant submits his application together with full supporting documentation.

Article 18d

Where the application is rejected, Member States shall duly give the reasons for decisions on applications for recognition of diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive.

Applicants shall have a right of appeal before the courts under national law. That right of appeal shall likewise apply in the event of failure to reach a decision within the stipulated period.;

- 6) the Annex as it appears in Annex V to this Directive shall be added.

Section 2.7

Doctors

Article 14

Directive 93/16/EEC is hereby amended as follows:

- 1) in Article 2, the words 'listed in Article 3' shall be replaced by 'listed in Annex A';
- 2) Article 3 shall be deleted;

- 3) the title of Chapter II shall be replaced by the following:
'Diplomas, certificates and other evidence of formal qualifications in specialised medicine.';

- 4) Article 4 shall be replaced by the following:

'Article 4

Each Member State with provisions in this field laid down by law, regulation or administrative action shall recognise the diplomas, certificates and other evidence of formal qualifications in specialised medicine awarded to nationals of Member States by the other Member States in accordance with Articles 24, 25, 26 and 29 and which are listed in Annexes B and C, by giving such qualifications the same effect in its territory as those which the Member State itself awards.;

- 5) Article 5 shall be replaced by the following:

'Article 5

The diplomas, certificates and other evidence of formal qualifications referred to in Article 4 shall be those which, having been awarded by the competent authorities or bodies listed in Annex B, correspond, for the purposes of the specialised training in question, to the qualifications listed in Annex C in respect of those Member States where such training exists.;

- 6) the title of Chapter III and Articles 6 and 7 shall be deleted;

- 7) in Article 8:

- (a) the following subparagraph shall be added to paragraph 2:

'It shall also take into account their professional experience, additional training and continuing medical education.';

- (b) paragraph 3 shall be replaced by the following:

'3. The competent authorities or bodies of the host Member State, having assessed the content and duration of the training of the person concerned on the basis of the diplomas, certificates and other evidence of formal qualifications submitted, and taking into account his professional experience, additional training and continuing medical education, shall inform him of the period of additional training required and of the fields to be covered by it.';

- (c) the following paragraph shall be added:

'4. The Member State shall deliver its decision within four months of the date on which the applicant submits his application together with full supporting documentation.';

8) in Article 9, the following paragraph shall be added:

'2a Member States shall recognise evidence of formal qualifications in specialised medicine awarded in Spain to doctors who completed specialised training before 1 January 1995 which did not comply with the formal training requirements laid down in Articles 24 to 27, if the evidence is accompanied by a certificate awarded by the competent Spanish authorities attesting to the fact that the person concerned has passed the test of specific professional competence organised in the context of the special regularisation measures contained in Royal Decree 1497/99 with the aim of verifying that the person concerned has a level of knowledge and competence comparable to that of doctors holding the specialist doctors' qualifications which, in the case of Spain, are referred to in Articles 5(3) and 7(2).';

9) the following paragraph shall be added to Article 23:

'6. Continuing training shall ensure, in accordance with the arrangements prevailing in each Member State, that the persons who have completed their studies can keep up with progress in medicine.';

10) in Article 24(1), point (a) shall be replaced by the following:

'(a) it shall entail the successful completion of six years' study within the framework of the training course referred to in Article 23, during which appropriate knowledge of general medicine shall have been acquired.';

11) Articles 26 and 27 shall be replaced by the following:

'Article 26

Member States with provisions in this field laid down by law, regulation or administrative action shall ensure that the minimum length of the specialised training courses may not be less than the course lengths stipulated in Annex C in respect of each training course. Such minimum course lengths shall be amended pursuant to the procedure laid down in Article 44a(3).';

12) Article 30 shall be replaced by the following:

'Article 30

Each Member State which dispenses the complete training referred to in Article 23 within its territory shall institute specific training in general medical practice meeting requirements at least as stringent as those laid down in Articles 31 and 32, in such a manner that the first diplomas, certificates or other evidence of formal qualifications awarded on completion of the course are issued not later than 1 January 2006.'

13) in Article 31, paragraph 1(b) shall be replaced by the following:

'(b) it shall be a full-time course lasting at least three years, and shall be supervised by the competent authorities or bodies.';

14) Article 31(2) shall be replaced by the following:

'2. Where the training course referred to in Article 23 involves practical training given in an approved hospital or clinic with suitable equipment and services in general medicine or in an approved general medical practice or in an approved centre where doctors provide primary care, the duration of that training may be included, subject to a maximum of one year, in the period laid down in paragraph 1(b). This option shall be available only to Member States in which, on 1 January 2001, the duration of specific training in general medical practice is two years.

Should the Commission note, when this paragraph is being applied, that major difficulties arise for a Member State with regard to the level of training indicated in paragraph 1(b), it shall take the opinion of the Committee of Senior Officials on Public Health established by Council Decision 75/365/EEC (*) and shall inform the European Parliament and the Council. The Commission shall submit to the European Parliament and the Council, where appropriate, proposals directed towards greater coordination of the duration of specific training in general medicine.

(*) OJ L 167, 30.6.1975, p. 19.'

15) in the second indent of Article 34(1), '60 %' shall be replaced by '50 %';

16) references made to Articles 3, 6, 7 and 27 shall be understood as being made to Annex A, Article 4, Article 5 and Article 26 respectively;

17) the following Articles shall be inserted:

'Article 42a

Member States shall notify the Commission of the laws, regulations or administrative provisions they adopt as regards the award of diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive. The Commission shall publish an appropriate notice in the *Official Journal of the European Communities*, listing the names adopted by the Member States for the training qualifications concerned and, where applicable, for the corresponding professional title.

Article 42b

Each Member State shall recognise as sufficient proof, in respect of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive do not correspond to the names listed for that Member State in this Directive, the diplomas, certificates and other evidence of formal qualifications awarded by those Member States and accompanied by a certificate issued by the competent authorities or bodies. The certificate shall state that the diplomas, certificates and other evidence of formal qualifications in question have been awarded on completion of education and training that complies with the provisions of this Directive and are treated by the awarding Member State as equivalent to those whose names are listed therein.

Article 42c

Member States shall examine diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive obtained by the holder outside the European Union in cases where those diplomas, certificates and other evidence of formal qualifications have been recognised in a Member State, as well as of training undergone and/or professional experience gained in a Member State. The Member State shall give its decision within three months of the date on which the applicant submits his application together with full supporting documentation.

Article 42d

Where the application is rejected, Member States shall duly give the reasons for decisions on applications for recognition of diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive.

Applicants shall have a right of appeal before the courts under national law. That right of appeal shall likewise apply in the event of failure to reach a decision within the stipulated period.;

18) Article 44a shall be amended as follows:

(a) does not affect the English text;

(b) paragraph 2 shall be deleted;

19) Annexes A, B and C as they appear in Annex VI to this Directive shall be added;

SECTION 3

FINAL PROVISIONS*Article 15*

Not later than 1 January 2008, the Commission shall report to the European Parliament and the Council on the state of application of Article 1 points (1) and (2) in the Member States.

After undertaking all the necessary hearings, the Commission shall submit its conclusions regarding any changes to the existing arrangement in Article 1 points (1) and (2). If necessary, the Commission shall also submit proposals for improving the existing arrangement.

Article 16

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 2003. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

Article 17

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Article 18

This Directive is addressed to the Member States.

Done at Brussels, 14 May 2001.

For the European Parliament

The President

N. FONTAINE

For the Council

The President

A. LINDH

ANNEX I

'ANNEX

Titles of diplomas, certificates and other evidence of formal qualifications in nursing (general care)

Country	Title of qualification	Awarding body	Certificate accompanying qualification
Belgique/ België/Belgien	<ol style="list-style-type: none"> Diploma gegradueerde verpleger/verpleegster — Diplôme d'infirmier(ère) gradué(e) — Diplom eines (einer) graduierten Krankenpflegers (-pflegerin) Diploma in de ziekenhuisverpleegkunde — Brevet d'infirmier(ère) hospitalier(ère) — Brevet eines (einer) Krankenpflegers (-pflegerin) Brevet van verpleegassistent(e) — Brevet d'hospitalier(ère) — Brevet einer Pflegeassistentin 	<ol style="list-style-type: none"> De erkende opleidingsinstituten/les établissements d'enseignement reconnus/die anerkannten Ausbildungsanstalten De bevoegde Examencommissie van de Vlaamse Gemeenschap/le Jury compétent d'enseignement de la Communauté française/die zuständigen 'Prüfungsausschüsse der Deutschsprachigen Gemeinschaft' 	
Danmark	Eksamensbevis efter gennemført sygeplejerskeuddannelse	Sygeplejeskole godkendt af Undervisningsministeriet	
Deutschland	Zeugnis über die staatliche Prüfung in der Krankenpflege	Staatlicher Prüfungsausschuss	
Ελλάς	<ol style="list-style-type: none"> Πτυχίο Νοσηλευτικής Παν/μίου Αθηνών Πτυχίο Νοσηλευτικής Τεχνολογικών Εκπαιδευτικών Ιδρυμάτων (Τ.Ε.Ι.) Πτυχίο Αξιωματικών Νοσηλευτικής Πτυχίο Αδελφών Νοσοκόμων πρώην Ανωτέρων Σχολών Υπουργείου Υγείας και Πρόνοιας Πτυχίο Αδελφών Νοσοκόμων και Επισκεπτριών πρώην Ανωτέρων Σχολών Υπουργείου Υγείας και Πρόνοιας Πτυχίο Τμήματος Νοσηλευτικής 	<ol style="list-style-type: none"> Πανεπιστήμιο Αθηνών Τεχνολογικά Εκπαιδευτικά Ιδρύματα Υπουργείο Εθνικής Παιδείας και Θρησκευμάτων Υπουργείο Εθνικής Άμυνας Υπουργείο Υγείας και Πρόνοιας Υπουργείο Υγείας και Πρόνοιας ΚΑΤΕΕ Υπουργείου Εθνικής Παιδείας και Θρησκευμάτων 	
España	Titulo de Diplomado universitario en Enfermería	Ministerio de Educación y Cultura/El rector de una Universidad	
France	<ol style="list-style-type: none"> Diplôme d'Etat d'infirmier(ère) Diplôme d'Etat d'infirmier(ère) délivré en vertu du décret n° 99-1147 du 29 décembre 1999 	Le ministère de la santé	
Ireland	Certificate of Registered General Nurse	An Bord Altranais (The Nursing Board)	
Italia	Diploma di infermiere professionale	Scuole riconosciute dallo Stato	

Country	Title of qualification	Awarding body	Certificate accompanying qualification
Luxembourg	<ol style="list-style-type: none"> Diplôme d'Etat d'infirmier Diplôme d'Etat d'infirmier hospitalier gradué 	Ministère de l'Education nationale, de la Formation professionnelle et des Sports	
Nederland	<ol style="list-style-type: none"> diploma's verpleger A, verpleegster A, verpleegkundige A diploma verpleegkundige MBOV (Middelbare Beroepsopleiding Verpleegkundige) diploma verpleegkundige HBOV (Hogere Beroepsopleiding Verpleegkundige) diploma beroepsonderwijs verpleegkundige – Kwalificatieniveau 4 diploma hogere beroepsopleiding verpleegkundige – Kwalificatieniveau 5 	<ol style="list-style-type: none"> Door een van overheidswege benoemde examencommissie Door een van overheidswege benoemde examencommissie Door een van overheidswege benoemde examencommissie Door een van overheidswege aangewezen opleidingsinstelling Door een van overheidswege aangewezen opleidingsinstelling 	
Österreich	<ol style="list-style-type: none"> Diplom als ‚Diplomierte Gesundheits- und Krankenschwester/Diplomierter Gesundheits- und Krankenpfleger‘ Diplom als ‚Diplomierte Krankenschwester/ Diplomierter Krankenpfleger‘ 	<ol style="list-style-type: none"> Schule für allgemeine Gesundheits- und Krankenpflege Allgemeine Krankenpflegeschule 	
Portugal	<ol style="list-style-type: none"> Diploma do curso de enfermagem geral Diploma/carta de curso de bacharelato em enfermagem Carta de curso de licenciatura em enfermagem 	<ol style="list-style-type: none"> Escolas de Enfermagem Escolas Superiores de Enfermagem Escolas Superiores de Enfermagem; Escolas Superiores de Saúde 	
Suomi/Finland	<ol style="list-style-type: none"> Sairaanhoitajan tutkinto / sjukskötarexamen Sosiaali- ja terveystieteiden ammattikorkeakoulututkinto, sairaanhoitaja (AMK) / yrkeshögskoleexamen inom hälsovård och det sociala området, sjukskötare (YH) 	<ol style="list-style-type: none"> Terveystieteidenoppilaitokset / hälsovårdsläroanstalter Ammattikorkeakoulut / yrkeshögskolor 	
Sverige	Sjuksköterskeexamen	Universitet eller högskola	
United Kingdom	Statement of Registration as a Registered General Nurse in part 1 or part 12 of the register kept by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting	Various'	

ANNEX II

ANNEX A

Titles of diplomas, certificates and other evidence of formal qualifications in dentistry

Country	Title of qualification	Awarding body	Certificate accompanying qualification
Belgique/ België/Belgien	— Diploma van tandarts — Diplôme de licencié en science dentaire	1. De universiteiten/les universités 2. De bevoegde Examencommissie van de Vlaamse Gemeenschap/le Jury compétent d'enseignement de la Communauté française	
Danmark	Bevis for tandlægeeksamen (odontologisk kandidateksamen)	Tandlægehøjskolerne, Sundhedsvidenskabeligt universitetsfakultet	Autorisation som tandlæge, udstedt af Sundhedsstyrelsen
Deutschland	Zeugnis über die Zahnärztliche Prüfung	Zuständige Behörden	
Ελλάς	Πτυχίο Οδοντιατρικής	Πανεπιστήμιο	
España	Título de Licenciado en Odontología	El rector de una Universidad	
France	Diplôme d'Etat de docteur en chirurgie dentaire	Universités	
Ireland	Bachelor in Dental Science (B.Dent.Sc.) / Bachelor of Dental Surgery (BDS) / Licentiate in Dental Surgery (LDS)	Universities / Royal College of Surgeons in Ireland	
Italia	Diploma di laurea in Odontoiatria e Protesi Dentaria	Università	Diploma di abilitazione all'esercizio dell'odontoiatria e protesi dentaria
Luxembourg	Diplôme d'Etat de docteur en médecine dentaire	Jury d'examen d'Etat	
Nederland	Universitair getuigschrift van een met goed gevolg afgelegd tandartsexamen	Faculteit Tandheelkunde	
Österreich	Bescheid über die Verleihung des akademischen Grades "Doktor der Zahnheilkunde"	Medizinische Fakultät der Universität	
Portugal	Carta de curso de licenciatura em medicina dentária	Faculdade / Institutos Superiores	
Suomi/Finland	Hammaslääketieteen lisensiaatin tutkinto / odontologie licentiatexamen	1. Helsingin yliopisto / Helsingfors universitet 2. Oulun yliopisto 3. Turun yliopisto	Terveysturvakeskuksen päätös käytännön palvelun hyväksymisestä / Beslut av Rättsskyddscentralen för hälsovården om godkännande av praktisk tjänstgöring
Sverige	Tandläkarexamen	Universitetet i Umeå Universitetet i Göteborg Karolinska Institutet Malmö Högskola	Endast för examensbevis som erhållits före den 1 juli 1995, ett utbildningsbevis som utfärdats av Socialstyrelsen
United Kingdom	Bachelor of Dental Surgery (BDS or B.Ch.D.) / Licentiate in Dental Surgery	Universities / Royal Colleges	

ANNEX B

Titles of diplomas, certificates and other evidence of formal qualifications in specialised dentistry1. *Orthodontics*

Country	Title of qualification	Awarding body	Certificate accompanying qualification
Belgique/ België/Belgien	—		
Danmark	Bevis for tilladelse til at betegne sig som specialtandlæge i ortodonti	Sundhedsstyrelsen	
Deutschland	Fachzahnärztliche Anerkennung für Kieferorthopädie	Landes Zahnärztekammer	
Ελλάς	Τίτλος Οδοντιατρικής ειδικότητας της Ορθοδοντικής	1) Νομαρχιακή Αυτοδιοίκηση 2) Νομαρχία	
España	—		
France	Titre de spécialiste en orthodontie	Conseil National de l'Ordre des chirurgiens dentistes	
Ireland	Certificate of specialist dentist in orthodontics	Competent authority recognised for this purpose by the competent minister	
Italia	—		
Luxembourg	—		
Nederland	Bewijs van inschrijving als orthodontist in het Specialistenregister	Specialisten Registratie Commissie (SRC) van de Nederlandse Maatschappij tot bevordering der Tandheelkunde	
Österreich	—		
Portugal	—		
Suomi/Finland	Erikoishammaslääkäriin tutkinto, hampaiston oikomishoito / specialtandläkarexamen, tandreglering	1. Helsingin yliopisto / Helsingfors universitet 2. Oulun yliopisto 3. Turun yliopisto	
Sverige	Bevis om specialistkompetens i tandreglering	Socialstyrelsen	
United Kingdom	Certificate of Completion of specialist training in orthodontics	Competent authority recognised for this purpose	

2. *Oral surgery*

Country	Title of qualification	Awarding body	Certificate accompanying qualification
Belgique/ België/Belgien	—		
Danmark	Bevis for tilladelse til at betegne sig som specialtandlæge i hospitalsodontologi	Sundhedsstyrelsen	
Deutschland	Fachzahnärztliche Anerkennung für Oralchirurgie/ Mundchirurgie	Landes Zahnärztekammer	
Ελλάς	Τίτλος Οδοντιατρικής ειδικότητας της Γναθοχειρουργικής	1) Νομαρχιακή Αυτοδιοίκηση 2) Νομαρχία	
España	—		
France	—		

Country	Title of qualification	Awarding body	Certificate accompanying qualification
Ireland	Certificate of specialist dentist in oral surgery	Competent authority recognised for this purpose by the competent minister	
Italia	—		
Luxembourg	—		
Nederland	Bewijs van inschrijving als kaakchirurg in het Specialistenregister	Specialisten Registratie Commissie (SRC) van de Nederlandse Maatschappij tot bevordering der Tandheelkunde	
Österreich	—		
Portugal	—		
Suomi/Finland	Erikoishammaslääkärin tutkinto, suu- ja leukakirurgia / specialtandläkarexamen, oral och maxillofacial kirurgi	1. Helsingin yliopisto / Helsingfors universitet 2. Oulun yliopisto 3. Turun yliopisto	
Sverige	Bevis om specialistkompetens i tandsystemets kirurgiska sjukdomar	Socialstyrelsen	
United Kingdom	Certificate of completion of specialist training in oral surgery	Competent authority recognised for this purpose'	

ANNEX III

'ANNEX

Titles of diplomas, certificates and other evidence of formal qualifications in veterinary surgery

Country	Title of qualification	Awarding body	Certificate accompanying qualification
Belgique/ België/Belgien	— Diploma van dierenarts — Diplôme de docteur en médecine vétérinaire	1. De universiteiten/les universités 2. De bevoegde Examencommissie van de Vlaamse Gemeenschap/le Jury compétent d'enseignement de la Communauté française	
Danmark	Bevis for bestået kandidateksamen i veterinævidenskab	Kongelige Veterinær- og Landbohøjskole	
Deutschland	Zeugnis über das Ergebnis des Dritten Abschnitts der Tierärztlichen Prüfung und das Gesamtergebnis der Tierärztlichen Prüfung	Der Vorsitzende des Prüfungsausschusses für die Tierärztliche Prüfung einer Universität oder Hochschule	
Ελλάς	Πτυχίο Κτηνιατρικής	Πανεπιστήμιο Θεσσαλονίκης και Θεσσαλίας	
España	Titulo de Licenciado en Veterinaria	Ministerio de Educación y Cultura/ El rector de una Universidad	
France	Diplôme d'Etat de docteur vétérinaire		
Ireland	1. Diploma of Bachelor in/of Veterinary Medicine (MVB) 2. Diploma of Membership of the Royal College of Veterinary Surgeons (MRCVS)		
Italia	Diploma di laurea in medicina veterinaria	Università	Diploma di abilitazione all'esercizio della medicina veterinaria
Luxembourg	Diplôme d'Etat de docteur en médecine vétérinaire	Jury d'examen d'Etat	
Nederland	Getuigschrift van met goed gevolg afgelegd diergeneeskundig/veeartsenijkundig examen		
Österreich	1. Diplom-Tierarzt 2. Magister medicinae veterinariae	Universität	1. Doktor der Veterinärmedizin 2. Doctor medicinae veterinariae 3. Fachtierarzt
Portugal	Carta de curso de licenciatura em medicina veterinária	Universidade	
Suomi/Finland	Eläinlääketieteen lisensiaatin tutkinto / veterinärmedicinen licentiatexamen	Helsingin yliopisto / Helsingfors universitet	
Sverige	Veterinärexamen	Sveriges Landbruksuniversitet	

Country	Title of qualification	Awarding body	Certificate accompanying qualification
United Kingdom	<ol style="list-style-type: none">1. Bachelor of Veterinary Science (BVSc)2. Bachelor of Veterinary Science (BVSc)3. Bachelor of Veterinary Medicine (BvetMB)4. Bachelor of Veterinary Medicine and Surgery (BVM&S)5. Bachelor of Veterinary Medicine and Surgery (BVM&S)6. Bachelor of Veterinary Medicine (BvetMed)	<ol style="list-style-type: none">1. University of Bristol2. University of Liverpool3. University of Cambridge4. University of Edinburgh5. University of Glasgow6. University of London'	

ANNEX IV

'ANNEX

Titles of diplomas, certificates and other evidence of formal qualifications in midwifery

Country	Title of qualification	Awarding body	Certificate accompanying qualification
Belgique/ België/Belgien	— Diploma van vroedvrouw/ — Diplôme d'accoucheuse	1. De erkende opleidingsinstituten/les établissements d'enseignement 2. De bevoegde Examencommissie van de Vlaamse Gemeenschap/le Jury compétent d'enseignement de la Communauté française	
Danmark	Bevis for bestået jordemodereksamen	Danmarks jordemoderskole	
Deutschland	Zeugnis über die staatliche Prüfung für Hebammen und Entbindungspfleger	Staatlicher Prüfungsausschuss	
Ελλάς	1. Πτυχίο Τμήματος Μαιευτικής Τεχνολογικών Εκπαιδευτικών Ιδρυμάτων (Τ.Ε.Ι.) 2. Πτυχίο του Τμήματος Μαιών της Ανωτέρας Σχολής Στελεχών Υγείας και Κοινων. Πρόνοιας (ΚΑΤΕΕ) 3. Πτυχίο Μαιας Ανωτέρας Σχολής Μαιών	1. Τεχνολογικά Εκπαιδευτικά Ιδρύματα (Τ.Ε.Ι.) 2. ΚΑΤΕΕ Υπουργείου Εθνικής Παιδείας και Θρησκευμάτων 3. Υπουργείο Υγείας και Πρόνοιας	
España	Título de matrona / asistente obstétrico (matrona) / enfermería obstétrica-ginecológica	Ministerio de Educación y Cultura	
France	Diplôme de sage-femme	L'Etat	
Ireland	Certificate in Midwifery	An Board Altranais	
Italia	Diploma d'ostetrica	Schools recognised by State	
Luxembourg	Diplôme de sage-femme	Ministère de l'Education nationale, de la Formation professionnelle et des Sports	
Nederland	Diploma van verloskundige	Door het Ministerie van Volksgezondheid, Welzijn en Sport erkende opleidingsinstellingen	
Österreich	Hebammen-Diplom	Hebammenakademie / Bundeshebammenlehranstalt	
Portugal	1. Diploma de enfermeiro especialista em enfermagem de saúde materna e obstétrica 2. Diploma/carta de curso de estudos superiores especializados em enfermagem de saúde materna e obstétrica 3. Diploma (do curso de pós-licenciatura) de especialização em enfermagem de saúde materna e obstétrica	1. Escolas de Enfermagem 2. Escolas Superiores de Enfermagem 3. Escolas Superiores de Enfermagem; Escolas Superiores de Saúde	
Suomi/Finland	1. Kättilön tutkinto / barnmorskeexamen 2. Sosiaali- ja terveystieteiden ammattikorkeakoulututkinto, kättilö (AMK) / yrkeshögskoleexamen inom hälsovård och det sociala området, barnmorska (YH)	1. Terveystieteiden oppilaitokset / hälsovårdsläroanstalter 2. Ammattikorkeakoulut / yrkeshögskolor	
Sverige	Barnmorskeexamen	Universitet eller högskola	
United Kingdom	Statement of registration as a Midwife on part 10 of the register kept by the United Kingdom Central Council for Nursing, Midwifery and Health visiting	Various'	

ANNEX V

'ANNEX

Titles of diplomas, certificates and other evidence of formal qualifications in pharmacy

Country	Title of qualification	Awarding body
Belgique/ België/Belgien	— Diploma van apotheker — Diplôme de pharmacien	1. De universiteiten / les universités 2. De bevoegde Examencommissie van de Vlaamse Gemeenschap / le Jury compétent d'enseignement de la Communauté française
Danmark	Bevis for bestået farmaceutisk kandidateksamen	Danmarks Farmaceutiske Højskole
Deutschland	Zeugnis über die Staatliche Pharmazeutische Prüfung	Zuständige Behörden
Ελλάς	Άδεια άσκησης φαρμακευτικού επαγγέλματος	Νομαρχιακή Αυτοδιοίκηση
España	Título de licenciado en farmacia	Ministerio de Educación y Cultura / El rector de una Universidad
France	Diplôme d'Etat de pharmacien/Diplôme d'Etat de docteur en pharmacie	Universités
Ireland	Certificate of Registered Pharmaceutical Chemist	
Italia	Diploma o certificato di abilitazione all'esercizio della professione di farmacista ottenuto in seguito ad un esame di Stato	Università
Luxembourg	Diplôme d'Etat de pharmacien	Jury d'examen d'Etat + visa du ministre de l'éducation nationale
Nederland	Getuigschrift van met goed gevolg afgelegd apothekersexamen	Faculteit Farmacie
Österreich	Staatliches Apothekerdiplom	Bundesministerium für Arbeit, Gesundheit und Soziales
Portugal	Carta de curso de licenciatura em Ciências Farmacêuticas	Universidades
Suomi/Finland	Proviisorin tutkinto / provisorexamen	1. Helsingin yliopisto / Helsingfors universitet 2. Kuopion yliopisto
Sverige	Apotekarexamen	Uppsala universitet
United Kingdom	Certificate of Registered Pharmaceutical Chemist'	

ANNEX VI

ANNEX A

Titles of diplomas, certificates and other evidence of formal qualifications in medicine

Country	Title of qualification	Awarding body	Certificate accompanying qualification
Belgique/ België/Belgien	— Diploma van arts — Diplôme de docteur en médecine	1. De universiteiten/les universités 2. De bevoegde Examencommissie van de Vlaamse Gemeenschap/le Jury compétent d'enseignement de la Communauté française	
Danmark	Bevis for bestået lægevidenskabelig embedseksamen	Medicinsk universitetsfakultet	1. Autorisation som læge, udstedt af Sundhedsstyrelsen og 2. Tilladelse til selvstændigt virke som læge (dokumentation for gennemført praktisk uddannelse), udstedt af Sundhedsstyrelsen
Deutschland	1. Zeugnis über die Ärztliche Prüfung 2. Zeugnis über die Ärztliche Staatsprüfung und Zeugnis über die Vorbereitungszeit als Medizinalassistent, soweit diese nach den deutschen Rechtsvorschriften noch für den Abschluss der ärztlichen Ausbildung vorgesehen war	Zuständige Behörden	1. Bescheinigung über die Ableistung der Tätigkeit als Arzt im Praktikum 2. —
Ελλάς	Πτυχίο Ιατρικής	1) Ιατρική Σχολή Πανεπιστημίου 2) Σχολή Επιστημών Υγείας, Τμήμα Ιατρικής Πανεπιστημίου	
España	Título de Licenciado en Medicina y Cirugía	Ministerio de Educación y Cultura/ El rector de una Universidad	
France	Diplôme d'Etat de docteur en médecine	Universités	
Ireland	Primary qualification	Competent examining body	Certificate of experience
Italia	Diploma di laurea in medicina e chirurgia	Università	Diploma di abilitazione all'esercizio della medicina e chirurgia
Luxembourg	Diplôme d'Etat de docteur en médecine, chirurgie et accouchements	Jury d'examen d'Etat	Certificat de stage
Nederland	Getuigschrift van met goed gevolg afgelegd artsexamen	Faculteit Geneeskunde	
Österreich	1. Urkunde über die Verleihung des akademischen Grades Doktor der gesamten Heilkunde (bzw. Doctor medicinae universae, Dr.med.univ.) 2. Diplom über die spezifische Ausbildung zum Arzt für Allgemeinmedizin bzw. Facharzt Diplom	1. Medizinische Fakultät einer Universität 2. Österreichische Ärztekammer	
Portugal	Carta de Curso de licenciatura em medicina	Universidades	Diploma comprovativo da conclusão do internato geral emitido pelo Ministério da Saúde

Country	Title of qualification	Awarding body	Certificate accompanying qualification
Suomi/Finland	Lääketieteen lisensiaatin tutkinto / medicine licentiatexamen	<ol style="list-style-type: none"> 1. Helsingin yliopisto / Helsingfors universitet 2. Kuopion yliopisto 3. Oulun yliopisto 4. Tampereen yliopisto 5. Turun yliopisto 	Todistus lääkärin perusterveydenhuollon lisäkoulutuksesta / examensbevis om tilläggsutbildning för läkare inom primärvården
Sverige	Läkarexamen	Universitet	Bevis om praktisk utbildning som utfärdas av Socialstyrelsen
United Kingdom	Primary qualification	Competent examining body	Certificate of experience

ANNEX B

Titles of diplomas, certificates and other evidence of formal qualifications in specialised medicine

Country	Title of qualification	Awarding body	Certificate accompanying qualification
Belgique/ België/Belgien	Bijzondere beroepstitel van geneesheer-specialist/Titre professionnel particulier de médecin spécialiste	Minister bevoegd voor Volksgezondheid/Ministre de la Santé publique	
Danmark	Bevis for tilladelse til at betegne sig som speciallæge	Sundhedsstyrelsen	
Deutschland	Fachärztliche Anerkennung	Countryesärztekammer	
Ελλάς	Τίτλος Ιατρικής Ειδικότητας	1. Νομαρχιακή Αυτοδιοίκηση 2. Νομαρχία	
España	Título de Especialista	Ministerio de Educación y Cultura	
France	1. Certificat d'études spéciales de médecine 2. Attestation de médecin spécialiste qualifié 3. Certificat d'études spéciales de médecine 4. Diplôme d'études spécialisées ou spécialisation complémentaire qualifiante de médecine	1. 3. 4. Universités 2. Conseil de l'Ordre des médecins	
Ireland	Certificate of Specialist doctor	Competent authority	
Italia	Diploma di medico specialista	Università	
Luxembourg	Certificat de médecin spécialiste	Ministre de la Santé publique	
Nederland	Bewijs van inschrijving in een Specialistenregister	1. Medisch Specialisten Registratie Commissie (MSRC) van de Koninklijke Nederlandsche Maatschappij tot Bevordering der Geneeskunst 2. Sociaal-Geneskundigen Registratie Commissie van de Koninklijke Nederlandsche Maatschappij tot Bevordering der Geneeskunst 3. Huisarts en Verpleeghuisarts Registratie Commissie (HVC) van de Koninklijke Nederlandsche Maatschappij tot Bevordering der Geneeskunst	
Österreich	Facharzt Diplom	Österreichische Ärztekammer	
Portugal	1. Grau de assistente e/ou 2. Título de especialista	1. Ministério da Saúde 2. Ordem dos Médicos	
Suomi/Finland	Erikoislääkäriin tutkinto / specialläkarexamen	1. Helsingin yliopisto / Helsingfors universitet 2. Kuopion yliopisto 3. Oulun yliopisto 4. Tampereen yliopisto 5. Turun yliopisto	
Sverige	Bevis om specialkompetens som läkare, utfärdat av Socialstyrelsen	Socialstyrelsen	
United Kingdom	Certificate of Completion of specialist training	Competent authority	

ANNEX C

Titles of training courses in specialised medicine

Country	Title of qualification	Awarding body
anaesthetics		
Minimum length of training course: 3 years		
Belgique/België/Belgien	Anesthésie-réanimation/Anesthésie reanimatie	
Danmark	Anæstesiologi	
Deutschland	Anästhesiologie	
Ελλάς	Αναισθησιολογία	
España	Anestesiología y Reanimación	
France	Anesthésiologie-Réanimation chirurgicale	
Ireland	Anaesthesia	
Italia	Anestesia e rianimazione	
Luxembourg	Anesthésie-réanimation	
Nederland	Anesthesiologie	
Österreich	Anästhesiologie und Intensivmedizin	
Portugal	Anestesiologia	
Suomi/Finland	Anestesiologia ja tehohoito / anesthesiologi och intensivvård	
Sverige	Anestesi och intensivvård	
United Kingdom	Anaesthetics	

Country	Title of qualification	Awarding body
general surgery		
Minimum length of training course: 5 years		
Belgique/België/Belgien	Chirurgie/heelkunde	
Danmark	Kirurgi eller kirurgiske sygdomme	
Deutschland	Chirurgie	
Ελλάς	Χειρουργική	
España	Cirugía general y del aparato digestivo	
France	Chirurgie générale	
Ireland	General surgery	
Italia	Chirurgia generale	
Luxembourg	Chirurgie générale	
Nederland	Heelkunde	
Österreich	Chirurgie	
Portugal	Cirurgia geral	
Suomi/Finland	Yleiskirurgia / allmän kirurgi	
Sverige	Kirurgi	
United Kingdom	General surgery	

Country	Title of qualification	Awarding body
neurological surgery		
Minimum length of training course: 5 years		
Belgique/België/Belgien	Neurochirurgie	
Danmark	Neurokirurgi eller kirurgiske nervesygdomme	
Deutschland	Neurochirurgie	
Ελλάς	Νευροχειρουργική	
España	Neurocirugía	
France	Neurochirurgie	
Ireland	Neurological surgery	
Italia	Neurochirurgia	
Luxembourg	Neurochirurgie	
Nederland	Neurochirurgie	
Österreich	Neurochirurgie	
Portugal	Neurocirurgia	
Suomi/Finland	Neurokirurgia / Neurokirurgi	
Sverige	Neurokirurgi	
United Kingdom	Neurosurgery	

Country	Title of qualification	Awarding body
obstetrics and gynaecology		
Minimum length of training course: 4 years		
Belgique/België/Belgien	Gynécologie — obstétrique/gynaecologie en verloskunde	
Danmark	Gynækologi og obstetrik eller kvindesygdomme og fødselshjælp	
Deutschland	Frauenheilkunde und Geburtshilfe	
Ελλάς	Μαιευτική-Γυναικολογία	
España	Obstetricia y ginecología	
France	Gynécologie — obstétrique	
Ireland	Obstetrics and gynaecology	
Italia	Ginecologia e ostetricia	
Luxembourg	Gynécologie — obstétrique	
Nederland	Verloskunde en gynaecologie	
Österreich	Frauenheilkunde und Geburtshilfe	
Portugal	Ginecologia e obstetrícia	
Suomi/Finland	Naistentaudit ja synnytykset / kvinnosjukdomar och förlossningar	
Sverige	Obstetrik och gynekologi	
United Kingdom	Obstetrics and gynaecology	

Country	Title of qualification	Awarding body
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general (internal) medicine

Minimum length of training course: 5 years

Belgique/België/Belgien	Médecine interne/inwendige geneeskunde	
Danmark	Intern medicin	
Deutschland	Innere Medizin	
Ελλάς	Παθολογία	
España	Medicina interna	
France	Médecine interne	
Ireland	General medicine	
Italia	Medicina interna	
Luxembourg	Médecine interne	
Nederland	Inwendige geneeskunde	
Österreich	Innere Medizin	
Portugal	Medicina interna	
Suomi/Finland	Sisätaudit / inre medicin	
Sverige	Internmedicin	
United Kingdom	General (internal) medicine	

Country	Title of qualification	Awarding body
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ophthalmology

Minimum length of training course: 3 years

Belgique/België/Belgien	Ophthalmologie/oftalmologie	
Danmark	Oftalmologi eller øjensygdomme	
Deutschland	Augenheilkunde	
Ελλάς	Οφθαλμολογία	
España	Oftalmología	
France	Ophthalmologie	
Ireland	Ophthalmology	
Italia	Oftalmologia	
Luxembourg	Ophthalmologie	
Nederland	Oogheekunde	
Österreich	Augenheilkunde und Optometrie	
Portugal	Oftalmologia	
Suomi/Finland	Silmätaudit / ögonsjukdomar	
Sverige	Ögonsjukdomar (oftalmologi)	
United Kingdom	Ophthalmology	

Country	Title of qualification	Awarding body
oto rhino laryngology		
Minimum length of training course: 3 years		
Belgique/België/Belgien	Oto-rhino-laryngologie/ otorhinolaryngologie	
Danmark	Oto-rhino-laryngologi eller øre-næse-halssygdomme	
Deutschland	Hals-Nase-Ohrenheilkunde	
Ελλάς	Ωτορρινολαρυγγολογία	
España	Otorrinolaringología	
France	Oto-rhino-laryngologie	
Ireland	Otolaryngology	
Italia	Otorinolaringoiatria	
Luxembourg	Oto-rhino-laryngologie	
Nederland	keel-, neus- en oorheelkunde	
Österreich	Hals-, Nase- und Ohrenkrankheiten	
Portugal	Otorrinolaringologia	
Suomi/Finland	Korva-, nenä- ja kurkkutaudit / öron-, näs- och halssjukdomar	
Sverige	Öron-, näs- och halssjukdomar (oto-rhino-laryngologi)	
United Kingdom	Otolaryngology	

Country	Title of qualification	Awarding body
paediatrics		
Minimum length of training course: 4 years		
Belgique/België/Belgien	Pédiatrie/pediatrie	
Danmark	Pædiatri eller sygdomme hos børn	
Deutschland	Kinderheilkunde	
Ελλάς	Παιδιατρική	
España	Pediatría sus áreas específicas	
France	Pédiatrie	
Ireland	Paediatrics	
Italia	Pediatria	
Luxembourg	Pédiatrie	
Nederland	Kindergeneeskunde	
Österreich	Kinder- und Jugendheilkunde	
Portugal	Pediatria	
Suomi/Finland	Lastentaudit / barnsjukdomar	
Sverige	Barn- och ungdomsmedicin	
United Kingdom	Paediatrics	

Country	Title of qualification	Awarding body
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respiratory medicine

Minimum length of training course: 4 years

Belgique/België/Belgien	Pneumologie	
Danmark	Medicinske lungesygdomme	
Deutschland	Pneumologie	
Ελλάς	Φυματιολογία- Πνευμονολογία	
España	Neumología	
France	Pneumologie	
Ireland	Respiratory medicine	
Italia	Malattie dell'apparato respiratorio	
Luxembourg	Pneumologie	
Nederland	Longziekten en tuberculose	
Österreich	Lungenkrankheiten	
Portugal	Pneumologia	
Suomi/Finland	Keuhkosairaudet ja allergologia / lungsjukdomar och allergologi	
Sverige	Lungsjukdomar (pneumologi)	
United Kingdom	Respiratory medicine	

Country	Title of qualification	Awarding body
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urology

Minimum length of training course: 5 years

Belgique/België/Belgien	Urologie	
Danmark	Urologi eller urinvejenes kirurgiske sygdomme	
Deutschland	Urologie	
Ελλάς	Ουρολογία	
España	Urología	
France	Urologie	
Ireland	Urology	
Italia	Urologia	
Luxembourg	Urologie	
Nederland	Urologie	
Österreich	Urologie	
Portugal	Urologia	
Suomi/Finland	Urologia / urologi	
Sverige	Urologi	
United Kingdom	Urology	

Country	Title of qualification	Awarding body
orthopaedics		
Minimum length of training course: 5 years		
Belgique/België/Belgien	Chirurgie orthopédique/Orthopedische heelkunde	
Danmark	Ortopædisk kirurgi	
Deutschland	Orthopädie	
Ελλάς	Ορθοπαιδική	
España	Traumatología y cirugía ortopédica	
France	Chirurgie orthopédique et traumatologie	
Ireland	Orthopaedic surgery	
Italia	Ortopedia e traumatologia	
Luxembourg	Orthopédie	
Nederland	Orthopedie	
Österreich	Orthopädie und Orthopädische Chirurgie	
Portugal	Ortopedia	
Suomi/Finland	Ortopedia ja traumatologia / ortopedi och traumatologi	
Sverige	Ortopedi	
United Kingdom	Trauma and orthopaedic surgery	

Country	Title of qualification	Awarding body
pathological anatomy		
Minimum length of training course: 4 years		
Belgique/België/Belgien	Anatomie pathologique/pathologische anatomie	
Danmark	Patologisk anatomi eller vævs- og celleundersøgelser	
Deutschland	Pathologie	
Ελλάς	Παθολογική Ανατομική	
España	Anatomía patológica	
France	Anatomie et cytologie pathologiques	
Ireland	Morbid anatomy and histopathology	
Italia	Anatomia patologica	
Luxembourg	Anatomie pathologique	
Nederland	Pathologie	
Österreich	Pathologie	
Portugal	Anatomia patológica	
Suomi/Finland	Patologia / patologi	
Sverige	Klinisk patologi	
United Kingdom	Histopathology	

Country	Title of qualification	Awarding body
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neurology

Minimum length of training course: 4 years

Belgique/België/Belgien	Neurologie	
Danmark	Neuromedicin eller medicinske nervesygdomme	
Deutschland	Neurologie	
Ελλάς	Νευρολογία	
España	Neurología	
France	Neurologie	
Ireland	Neurology	
Italia	Neurologia	
Luxembourg	Neurologie	
Nederland	Neurologie	
Österreich	Neurologie	
Portugal	Neurologia	
Suomi/Finland	Neurologia / neurologi	
Sverige	Neurologi	
United Kingdom	Neurology	

Country	Title of qualification	Awarding body
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psychiatry

Minimum length of training course: 4 years

Belgique/België/Belgien	Psychiatrie	
Danmark	Psykiatri	
Deutschland	Psychiatrie und Psychotherapie	
Ελλάς	Ψυχιατρική	
España	Psiquiatria	
France	Psychiatrie	
Ireland	Psychiatry	
Italia	Psichiatria	
Luxembourg	Psychiatrie	
Nederland	Psychiatrie	
Österreich	Psychiatrie	
Portugal	Psiquiatria	
Suomi/Finland	Psykiatria / psykiatri	
Sverige	Psykiatri	
United Kingdom	General psychiatry	

Country	Title of qualification	Awarding body
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diagnostic radiology

Minimum length of training course: 4 years

Belgique/België/Belgien	Radiodiagnostic/röntgendiagnose	
Danmark	Diagnostik radiologi eller røntgenundersøgelse	
Deutschland	Diagnostische Radiologie	
Ελλάς	Ακτινοδιαγνωστική	
España	Radiodiagnóstico	
France	Radiodiagnostic et imagerie médicale	
Ireland	Diagnostic radiology	
Italia	Radiodiagnostica	
Luxembourg	Radiodiagnostic	
Nederland	Radiologie	
Österreich	Medizinische Radiologie-Diagnostik	
Portugal	Radiodiagnóstico	
Suomi/Finland	Radiologia / radiologi	
Sverige	Medicinsk radiologi	
United Kingdom	Clinical radiology	

Country	Title of qualification	Awarding body
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radiotherapy

Minimum length of training course: 4 years

Belgique/België/Belgien	Radiothérapie-oncologie/radiothérapie-oncologie	
Danmark	Onkologi	
Deutschland	Strahlentherapie	
Ελλάς	Ακτινοθεραπευτική — Ογκολογία	
España	Oncología radioterápica	
France	Oncologie radiothérapique	
Ireland	Radiotherapy	
Italia	Radioterapia	
Luxembourg	Radiothérapie	
Nederland	Radiotherapie	
Österreich	Strahlentherapie/Radioonkologie	
Portugal	Radioterapia	
Suomi/Finland	Syöpätaudit / cancersjukdomar	
Sverige	Tumörsjukdomar (allmän onkologi)	
United Kingdom	Clinical oncology	

Country	Title of qualification	Awarding body
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clinical biology

Minimum length of training course: 4 years

Belgique/België/Belgien	Biologie clinique/klinische biologie	
Danmark		
Deutschland		
Ελλάς		
España	Análisis clínicos	
France	Biologie médicale	
Ireland		
Italia	Patologia clinica	
Luxembourg	Biologie clinique	
Nederland		
Österreich	Medizinische Biologie	
Portugal	Patologia clínica	
Suomi/Finland		
Sverige		
United Kingdom		

Country	Title of qualification	Awarding body
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biological haematology

Minimum length of training course: 4 years

Belgique/België/Belgien		
Danmark		
Deutschland		
Ελλάς		
España		
France	Hématologie	
Ireland		
Italia		
Luxembourg	Hématologie biologique	
Nederland		
Österreich		
Portugal	Hematologia clínica	
Suomi/Finland		
Sverige		
United Kingdom		

Country	Title of qualification	Awarding body
microbiology-bacteriology		
Minimum length of training course: 4 years		
Belgique/België/Belgien		
Danmark	Klinisk mikrobiologi	
Deutschland	Mikrobiologie und Infektionsepidemiologie	
Ελλάς	1. Ιατρική Βιοπαθολογία 2. Μικροβιολογία	
España	Microbiología y parasitología	
France		
Ireland	Microbiology	
Italia	Microbiologia e virologia	
Luxembourg	Microbiologie	
Nederland	Medische microbiologie	
Österreich	Hygiene und Mikrobiologie	
Portugal		
Suomi/Finland	Kliininen mikrobiologia / klinisk mikrobiologi	
Sverige	Klinisk bakteriologi	
United Kingdom	Medical microbiology and virology	

Country	Title of qualification	Awarding body
biological chemistry		
Minimum length of training course: 4 years		
Belgique/België/Belgien		
Danmark	Klinisk biokemi	
Deutschland		
Ελλάς		
España	Bioquímica clínica	
France		
Ireland	Chemical pathology	
Italia	Biochimica clinica	
Luxembourg	Chimie biologique	
Nederland	Klinische chemie	
Österreich	Medizinische und chemische Labordiagnostik	
Portugal		
Suomi/Finland	Kliininen kemia / klinisk kemi	
Sverige	Klinisk kemi	
United Kingdom	Chemical pathology	

Country	Title of qualification	Awarding body
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immunology

Minimum length of training course: 4 years

Belgique/België/Belgien		
Danmark	Klinisk immunologi	
Deutschland		
Ελλάς		
España	Immunología	
France		
Ireland	Clinical immunology	
Italia		
Luxembourg		
Nederland		
Österreich	Immunologie	
Portugal		
Suomi/Finland		
Sverige	Klinisk immunologi	
United Kingdom	Immunology	

Country	Title of qualification	Awarding body
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plastic surgery

Minimum length of training course: 5 years

Belgique/België/Belgien	Chirurgie plastique, reconstructrice et esthétique/plastische, reconstructieve en esthetische heelkunde	
Danmark	Plastikkirurgi	
Deutschland	Plastische Chirurgie	
Ελλάς	Πλαστική Χειρουργική	
España	Cirugía plástica y reparadora	
France	Chirurgie plastique, reconstructrice et esthétique	
Ireland	Plastic surgery	
Italia	Chirurgia plastica e ricostruttiva	
Luxembourg	Chirurgie plastique	
Nederland	Plastische chirurgie	
Österreich	Plastische Chirurgie	
Portugal	Cirurgia plástica e reconstrutiva	
Suomi/Finland	Plastiikkirurgia / plastikkirurgi	
Sverige	Plastikkirurgi	
United Kingdom	Plastic surgery	

Country	Title of qualification	Awarding body
thoracic surgery		
Minimum length of training course: 5 years		
Belgique/België/Belgien	Chirurgie thoracique/heelkunde op de thorax	
Danmark	Thoraxkirurgi eller brysthulens kirurgiske sygdomme	
Deutschland	Herzchirurgie	
Ελλάς	Χειρουργική Θώρακος	
España	Cirugía torácica	
France	Chirurgie thoracique et cardiovasculaire	
Ireland	Thoracic surgery	
Italia	Chirurgia toracica	
Luxembourg	Chirurgie thoracique	
Nederland	Cardio-thoracale chirurgie	
Österreich		
Portugal	Cirurgia cardiotorácica	
Suomi/Finland	Sydän- ja rintaelinkirurgia / hjärt- och thoraxkirurgi	
Sverige	Thoraxkirurgi	
United Kingdom	Cardo-thoracic surgery	

Country	Title of qualification	Awarding body
paediatric surgery		
Minimum length of training course: 5 years		
Belgique/België/Belgien		
Danmark		
Deutschland	Kinderchirurgie	
Ελλάς	Χειρουργική Παιδών	
España	Cirugía pediátrica	
France	Chirurgie infantile	
Ireland	Paediatric surgery	
Italia	Chirurgia pediatrica	
Luxembourg	Chirurgie pédiatrique	
Nederland		
Österreich	Kinderchirurgie	
Portugal	Cirurgia pediátrica	
Suomi/Finland	Lastenkirurgia / barnkirurgi	
Sverige	Barn- och ungdomskirurgi	
United Kingdom	Paediatric surgery	

Country	Title of qualification	Awarding body
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vascular surgery

Minimum length of training course: 5 years

Belgique/België/Belgien	Chirurgie des vaisseaux/bloedvatenheekunde	
Danmark	Karkirurgi eller kirurgiske blodkarsygdomme	
Deutschland		
Ελλάς	Αγγειοχειρουργική	
España	Angiología y cirugía vascular	
France	Chirurgie vasculaire	
Ireland		
Italia	Chirurgia vascolare	
Luxembourg	Chirurgie vasculaire	
Nederland		
Österreich		
Portugal	Cirurgia vascular	
Suomi/Finland	Verisuonikirurgia / kärlkirurgi	
Sverige		
United Kingdom		

Country	Title of qualification	Awarding body
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cardiology

Minimum length of training course: 4 years

Belgique/België/Belgien	Cardiologie	
Danmark	Kardiologi	
Deutschland		
Ελλάς	Καρδιολογία	
España	Cardiología	
France	Pathologie cardio-vasculaire	
Ireland	Cardiology	
Italia	Cardiologia	
Luxembourg	Cardiologie et angiologie	
Nederland	Cardiologie	
Österreich		
Portugal	Cardiologia	
Suomi/Finland	Kardiologia / kardiologi	
Sverige	Kardiologi	
United Kingdom	Cardiology	

Country	Title of qualification	Awarding body
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gastro-enterology**Minimum length of training course: 4 years**

Belgique/België/Belgien	Gastro-entérologie/gastroenterologie	
Danmark	Medicinsk gastroenterologi eller medicinske mave-tarm-sygdomme	
Deutschland		
Ελλάς	Γαστρεντερολογία	
España	Aparato digestivo	
France	Gastro-entérologie et hépatologie	
Ireland	Gastro-enterology	
Italia	Gastroenterologia	
Luxembourg	Gastro-entérologie	
Nederland	Gastro-enterologie	
Österreich		
Portugal	Gastrenterologia	
Suomi/Finland	Gastroenterologia / gastroenterologi	
Sverige	Medicinsk gastroenterologi och hepatologi	
United Kingdom	Gastro-enterology	

Country	Title of qualification	Awarding body
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rheumatology**Minimum length of training course: 4 years**

Belgique/België/Belgien	Rhumatologie/reumatologie	
Danmark	Reumatologi	
Deutschland		
Ελλάς	Ρευματολογία	
España	Reumatología	
France	Rhumatologie	
Ireland	Rheumatology	
Italia	Reumatologia	
Luxembourg	Rhumatologie	
Nederland	Reumatologie	
Österreich		
Portugal	Reumatologia	
Suomi/Finland	Reumatologia / reumatologi	
Sverige	Reumatologi	
United Kingdom	Rheumatology	

Country	Title of qualification	Awarding body
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general haematology

Minimum length of training course: 3 years

Belgique/België/Belgien		
Danmark	Hæmatologi eller blodsygdomme	
Deutschland		
Ελλάς	Αιματολογία	
España	Hematología y hemoterapia	
France		
Ireland	Haematology	
Italia	Ematologia	
Luxembourg	Hématologie	
Nederland		
Österreich		
Portugal	Imuno-hemoterapia	
Suomi/Finland	Kliininen hematologia / Klinisk hematologi	
Sverige	Hematologi	
United Kingdom		

Country	Title of qualification	Awarding body
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endocrinology

Minimum length of training course: 3 years

Belgique/België/Belgien		
Danmark	Medicinsk endokrinologi eller medicinske hormonsygdomme	
Deutschland		
Ελλάς	Ενδοκρινολογία	
España	Endocrinología y nutrición	
France	Endocrinologie, maladies métaboliques	
Ireland	Endocrinology and diabetes mellitus	
Italia	Endocrinologia e malattie del ricambio	
Luxembourg	Endocrinologie, maladies du métabolisme et de la nutrition	
Nederland		
Österreich		
Portugal	Endocrinologia	
Suomi/Finland	Endokrinologia / endokrinologi	
Sverige	Endokrina sjukdomar	
United Kingdom	Endocrinology and diabetes mellitus	

Country	Title of qualification	Awarding body
physiotherapy		
Minimum length of training course: 3 years		
Belgique/België/Belgien	Médecine physique et réadaptation/fysische geneeskunde en revalidatie	
Danmark		
Deutschland	Physikalische und Rehabilitative Medizin	
Ελλάς	Φυσική Ιατρική και Αποκατάσταση	
España	Rehabilitación	
France	Rééducation et réadaptation fonctionnelles	
Ireland		
Italia	Medicina fisica e riabilitazione	
Luxembourg	Rééducation et réadaptation fonctionnelles	
Nederland	Revalidatiegeneeskunde	
Österreich	Physikalische Medizin	
Portugal	Fisiatria ou Medicina fisica e de reabilitação	
Suomi/Finland	Fysiatría / fysiatri	
Sverige	Rehabiliteringsmedicin	
United Kingdom		

Country	Title of qualification	Awarding body
stomatology		
Minimum length of training course: 3 years		
Belgique/België/Belgien		
Danmark		
Deutschland		
Ελλάς		
España	Estomatología	
France	Stomatologie	
Ireland		
Italia	Odontostomatologia	
Luxembourg	Stomatologie	
Nederland		
Österreich		
Portugal	Estomatologia	
Suomi/Finland		
Sverige		
United Kingdom		

Country	Title of qualification	Awarding body
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neuro-psychiatry

Minimum length of training course: 5 years

Belgique/België/Belgien	Neuropsychiatrie	
Danmark		
Deutschland	Nervenheilkunde (Neurologie und Psychiatrie)	
Ελλάς	Νευρολογία — Ψυχιατρική	
España		
France	Neuropsychiatrie	
Ireland		
Italia	Neuropsichiatria	
Luxembourg	Neuropsychiatrie	
Nederland	Zenuw- en zielsziekten	
Österreich	Neurologie und Psychiatrie	
Portugal		
Suomi/Finland		
Sverige		
United Kingdom		

Country	Title of qualification	Awarding body
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dermato-venereology

Minimum length of training course: 3 years

Belgique/België/Belgien	Dermato-vénérologie/dermato-venerologie	
Danmark	Dermato-venerologi eller hud- og kønssygdomme	
Deutschland	Haut- und Geschlechtskrankheiten	
Ελλάς	Δερματολογία — Αφροδισιολογία	
España	Dermatología médico-quirúrgica y venereología	
France	Dermatologie et vénéréologie	
Ireland		
Italia	Dermatologia e venerologia	
Luxembourg	Dermato-vénérologie	
Nederland	Dermatologie en venerologie	
Österreich	Haut- und Geschlechtskrankheiten	
Portugal	Dermatovenereologia	
Suomi/Finland	Ihotaudit ja allergologia / hudsjukdomar och allergologi	
Sverige	Hud- och könssjukdomar	
United Kingdom		

Country	Title of qualification	Awarding body
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dermatology

Minimum length of training course: 4 years

Belgique/België/Belgien		
Danmark		
Deutschland		
Ελλάς		
España		
France		
Ireland	Dermatology	
Italia		
Luxembourg		
Nederland		
Österreich		
Portugal		
Suomi/Finland		
Sverige		
United Kingdom	Dermatology	

Country	Title of qualification	Awarding body
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venereology

Minimum length of training course: 4 years

Belgique/België/Belgien		
Danmark		
Deutschland		
Ελλάς		
España		
France		
Ireland	Venereology	
Italia		
Luxembourg		
Nederland		
Österreich		
Portugal		
Suomi/Finland		
Sverige		
United Kingdom	Genito-urinary medicine	

Country	Title of qualification	Awarding body
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radiology

Minimum length of training course: 4 years

Belgique/België/Belgien		
Danmark		
Deutschland	Radiologie	
Ελλάς	Ακτινολογία — Ραδιολογία	
España	Electrorradiología	
France	Electro-radiologie	
Ireland		
Italia	Radiologia	
Luxembourg	Électroradiologie	
Nederland	Radiologie	
Österreich	Radiologie	
Portugal	Radiologia	
Suomi/Finland		
Sverige		
United Kingdom		

Country	Title of qualification	Awarding body
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Tropical medicine

Minimum length of training course: 4 years

Belgique/België/Belgien		
Danmark		
Deutschland		
Ελλάς		
España		
France		
Ireland	Tropical medicine	
Italia	Medicina tropicale	
Luxembourg		
Nederland		
Österreich	Spezifische Prophylaxe und Tropenhygiene	
Portugal	Medicina tropical	
Suomi/Finland		
Sverige		
United Kingdom	Tropical medicine	

Country	Title of qualification	Awarding body
child psychiatry		
Minimum length of training course: 4 years		
Belgique/België/Belgien		
Danmark	Børne- og ungdomspsykiatri	
Deutschland	Kinder- und Jugendpsychiatrie und -psychotherapie	
Ελλάς	Παιδοψυχιατρική	
España		
France	Pédo-psychiatrie	
Ireland	Child and adolescent psychiatry	
Italia	Neuropsichiatria infantile	
Luxembourg	Psychiatrie infantile	
Nederland		
Österreich		
Portugal	Pedopsiquiatria	
Suomi/Finland	Lastenpsykiatria / barnpsykiatri	
Sverige	Barn- och ungdomspsykiatri	
United Kingdom	Child and adolescent psychiatry	

Country	Title of qualification	Awarding body
geriatrics		
Minimum length of training course: 4 years		
Belgique/België/Belgien		
Danmark	Geriatrici eller alderdommens sygdomme	
Deutschland		
Ελλάς		
España	Geriatría	
France		
Ireland	Geriatrics	
Italia	Geriatría	
Luxembourg		
Nederland	Klinische geriatrie	
Österreich		
Portugal		
Suomi/Finland	Geriatría / geriatri	
Sverige	Geriatrík	
United Kingdom	Geriatrics	

Country	Title of qualification	Awarding body
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renal diseases**Minimum length of training course: 4 years**

Belgique/België/Belgien		
Danmark	Nefrologi eller medicinske nyresygdomme	
Deutschland		
Ελλάς	Νεφρολογία	
España	Nefrología	
France	Néphrologie	
Ireland	Nephrology	
Italia	Nefrologia	
Luxembourg	Néphrologie	
Nederland		
Österreich		
Portugal	Nefrologia	
Suomi/Finland	Nefrologia / nefrologi	
Sverige	Medicinska njursjukdomar (nefrologi)	
United Kingdom	Renal medicine	

Country	Title of qualification	Awarding body
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communicable diseases**Minimum length of training course: 4 years**

Belgique/België/Belgien		
Danmark	Infektionsmedicin	
Deutschland		
Ελλάς		
España		
France		
Ireland	Communicable diseases	
Italia	Malattie infettive	
Luxembourg		
Nederland		
Österreich		
Portugal		
Suomi/Finland	Infektiosairaudet / infektionssjukdomar	
Sverige	Infektionssjukdomar	
United Kingdom	Infectious diseases	

Country	Title of qualification	Awarding body
community medicine		
Minimum length of training course: 4 years		
Belgique/België/Belgien		
Danmark	Samfundsmedicin	
Deutschland	Öffentliches Gesundheitswesen	
Ελλάς	Κοινωνική Ιατρική	
España	Medicina preventiva y salud pública	
France	Santé publique et médecine sociale	
Ireland	Community medicine	
Italia	Igiene e medicina sociale	
Luxembourg	Santé publique	
Nederland	Maatschappij en gezondheid	
Österreich	Sozialmedizin	
Portugal		
Suomi/Finland	Terveystieteiden tutkimus / hälsövärd	
Sverige	Socialmedicin	
United Kingdom	Public health medicine	

Country	Title of qualification	Awarding body
pharmacology		
Minimum length of training course: 4 years		
Belgique/België/Belgien		
Danmark	Klinisk farmakologi	
Deutschland	Pharmakologie und Toxikologie	
Ελλάς		
España	Farmacología clínica	
France		
Ireland	Clinical pharmacology and therapeutics	
Italia		
Luxembourg		
Nederland		
Österreich	Pharmakologie und Toxikologie	
Portugal		
Suomi/Finland	Kliininen farmakologia ja lääkehoito / klinisk farmakologi och läkemedelsbehandling	
Sverige	Klinisk farmakologi	
United Kingdom	Clinical pharmacology and therapeutics	

Country	Title of qualification	Awarding body
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occupational medicine

Minimum length of training course: 4 years

Belgique/België/Belgien	Médecine du travail/arbeidsgeneeskunde	
Danmark	Arbejdsmedicin	
Deutschland	Arbeitsmedizin	
Ελλάς	Ιατρική της Εργασίας	
España		
France	Médecine du travail	
Ireland	Occupational medicine	
Italia	Medicina del lavoro	
Luxembourg	Médecine du travail	
Nederland	Arbeid en gezondheid, bedrijfsgeneeskunde	
	Arbeid en gezondheid, verzekeringsgeneeskunde	
Österreich	Arbeits- und Betriebsmedizin	
Portugal	Medicina do trabalho	
Suomi/Finland	Työterveyshuolto / företagshälsovård	
Sverige	Yrkes- och miljömedicin	
United Kingdom	Occupational medicine	

Country	Title of qualification	Awarding body
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allergology

Minimum length of training course: 3 years

Belgique/België/Belgien		
Danmark	Medicinsk allergologi eller medicinske overfølsomhedssygdomme	
Deutschland		
Ελλάς	Αλλεργιολογία	
España	Alergología	
France		
Ireland		
Italia	Allergologia ed immunologia clinica	
Luxembourg		
Nederland	Allergologie en inwendige geneeskunde	
Österreich		
Portugal	Imuno-alergologia	
Suomi/Finland		
Sverige	Allergisjukdomar	
United Kingdom		

Country	Title of qualification	Awarding body
gastro-enterological surgery		
Minimum length of training course: 5 years		
Belgique/België/Belgien	Chirurgie abdominale/heelkunde op het abdomen	
Danmark	Kirurgisk gastroenterologi eller kirurgiske mave-tarm-sygdomme	
Deutschland		
Ελλάς		
España	Cirugía del aparato digestivo	
France	Chirurgie viscérale et digestive	
Ireland		
Italia	Chirurgia dell'apparato digestivo	
Luxembourg	Chirurgie gastro-entérologique	
Nederland		
Österreich		
Portugal		
Suomi/Finland	Gastroenterologinen kirurgia / gastroenterologisk kirurgi	
Sverige		
United Kingdom		

Country	Title of qualification	Awarding body
nuclear medicine		
Minimum length of training course: 4 years		
Belgique/België/Belgien	Médecine nucléaire/nucleaire geneeskunde	
Danmark	Klinisk fysiologi og nuklearmedicin	
Deutschland	Nuklearmedizin	
Ελλάς	Πυρηνική Ιατρική	
España	Medicina nuclear	
France	Médecine nucléaire	
Ireland		
Italia	Medicina nucleare	
Luxembourg	Médecine nucléaire	
Nederland	Nucleaire geneeskunde	
Österreich	Nuklearmedizin	
Portugal	Medicina nuclear	
Suomi/Finland	Kliininen fysiologia ja isotooppiäätiede / klinisk fysiologi och nuklearmedicin	
Sverige		
United Kingdom	Nuclear medicine	

Country	Title of qualification	Awarding body
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accident and emergency medicine

Minimum length of formation: 5 years

Belgique/België/Belgien		
Danmark		
Deutschland		
Ελλάς		
España		
France		
Ireland	Accident and emergency medicine	
Italia		
Luxembourg		
Nederland		
Österreich		
Portugal		
Suomi/Finland		
Sverige		
United Kingdom	Accident and emergency medicine	

Country	Title of qualification	Awarding body
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clinical neurophysiology

Minimum length of formation: 4 years

Belgique/België/Belgien		
Danmark	Klinisk neurofysiologi	
Deutschland		
Ελλάς		
España	Neurofisiología clínica	
France		
Ireland	Neurophysiology	
Italia		
Luxembourg		
Nederland		
Österreich		
Portugal		
Suomi/Finland	Kliininen neurofysiologia / klinisk neurofysiologi	
Sverige	Klinisk neurofysiologi	
United Kingdom	Clinical neurophysiology	

Country	Title of qualification	Awarding body
maxillo-facial surgery (basic medical training)		
Minimum length of formation: 5 years		
Belgique/België/Belgien		
Danmark		
Deutschland		
Ελλάς		
España	Cirugía oral y maxilofacial	
France	Chirurgie maxillo-faciale et stomatologie	
Ireland		
Italia	Chirurgia maxillo-facciale	
Luxembourg	Chirurgie maxillo-faciale	
Nederland		
Österreich	Mund-, Kiefer- und Gesichtschirurgie	
Portugal		
Suomi/Finland		
Sverige		
United Kingdom		

Country	Title of qualification	Awarding body
dental, oral and maxillo-facial surgery (basic medical and dental training)		
Minimum length of training course: 4 years		
Belgique/België/Belgien	Stomatologie et chirurgie orale et maxillo-faciale/stomatologie en mond-, kaak- en aangezichts chirurgie	
Danmark		
Deutschland	Mund-, Kiefer- und Gesichtschirurgie	
Ελλάς		
España		
France		
Ireland	Oral and maxillo-facial surgery	
Italia		
Luxembourg	Chirurgie dentaire, orale et maxillo-faciale	
Nederland		
Österreich		
Portugal		
Suomi/Finland	Suu- ja leukakirurgia / oral och maxillofacial kirurgi	
Sverige		
United Kingdom	Oral and maxillo-facial surgery'	



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 07.03.2002
COM(2002)119 final

2002/0061 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the recognition of professional qualifications

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. BACKGROUND

In May 2001 at the time of the adoption of Directive 2001/19/EC on professional recognition¹, the European Parliament, the Council and the Commission agreed that "it is important to have consolidated versions, easily accessible to everyone, of the legal texts applicable in the field of mutual recognition of professional qualifications". At the same time, the Commission stated its intention to continue this work in two parts: "initially, it plans to integrate the sectoral Directives into a consolidated framework. The Commission will then examine the possibility of consolidating the Directives relating to the general system, in order to continue simplifying the legislation and further facilitate the free provision of services with regard to the conclusions of the Lisbon Summit".

Also in February 2001 the Commission adopted its Communication to the Council on *New European Labour Markets, Open for All, with Access for All*². Specifically on professional recognition, the Commission indicated in the Communication that it will:

- "present in 2002 proposals for a more uniform, transparent and flexible regime of professional recognition based on the existing General System, including ways of promoting more widespread recognition"; and
- "adopt a priority action, building on existing information and communications networks, as well as on current work on improving transparency of qualifications, to ensure that citizens can rely on a more comprehensive service providing information and advice specific to their individual interests and rights".

This Communication was presented to the Stockholm European Council on 23 and 24 March 2001. The Council Conclusions state that "the Commission intends to present for the 2002 Spring European Council [...] specific proposals for a more uniform, transparent and flexible regime of recognition of qualifications and periods of study"³.

As also envisaged in this Communication, a High Level Task Force on Skills and Mobility was created which produced a report in December 2001 stating, in relation to professional recognition, that "the EU and Member States should attach priority to increasing the speed and ease of professional recognition (for regulated professions) including conditions supporting more automatic recognition, and introduce a more uniform, transparent and flexible regime for the recognition of qualifications in the regulated professions by 2005"⁴.

¹ Directive 2001/19/EC of the European Parliament and of the Council of 14 May 2001 amending Council Directives 89/48/EEC and 92/51/EEC on the general system for the recognition of professional qualifications and Council Directives 77/452/EEC, 77/453/EEC, 78/686/EEC, 78/687/EEC, 78/1026/EEC, 78/1027/EEC, 80/154/EEC, 80/155/EEC, 85/384/EEC, 85/432/EEC, 85/433/EEC and 93/16/EEC concerning the professions of nurse responsible for general care, dental practitioner, veterinary surgeon, midwife, architect, pharmacist and doctor (hereinafter referred to as the SLIM Directive), OJ L 206 of 31.7.2001, p. 1.

² Document COM(2001) 116.

³ Conclusions of the Stockholm European Council, 23 and 24 March 2001, point 15.

⁴ High Level Task Force on Skills and Mobility, Final Report, 14 December 2001, p. 20.

In the Commission's Action Plan for Skills and Mobility⁵ it is stated that "comprehensive improvements should be made to the existing Community system for recognition in the regulated professions to make it easier to manage and clearer, quicker and more friendly for users. The Community institutions and Member States should facilitate employment opportunities and the provision of services through the wholesale consolidation of the existing regimes of professional recognition in the regulated professions with a view to a more uniform, transparent and flexible system with amendments particularly directed to ensuring clearer and more up-to-date and automatic conditions of recognition, through the adoption of proposals in 2003 and for implementation by 2005".

In the pursuit of the mandate from the Lisbon European Council, the Commission adopted at the end of year 2000 a Communication on *An Internal Market Strategy for Services*⁶. This Communication drew attention to the importance of services in the general economy, the new opportunities and practices developing out of new information and communications technologies and the need to facilitate conditions of cross-frontier service provision Community-wide.

This new Directive on professional recognition in the field of regulated professions will operate in parallel with other actions which also follow-on from the decisions of the European Councils in Lisbon and Feira in 2000, as well as the Commission Communication of November 2001 on 'Making a European Area of Lifelong Learning a Reality'. This Communication describes the aim of a strategy on transparency and recognition of qualifications and competences (Action Point 1: 'Valuing learning'). This strategy supports a range of Member State and Community initiatives concerning academic and vocational qualifications and is fully coherent with the present draft Directive. In June 2001 the Commission launched a public consultation on the main issues under consideration for a new directive on the recognition of professional qualifications.

In July 2001 the Commission published its *White Paper on European Governance*⁷. In this document, the Commission suggested that, for its part, it will: promote greater use of different policy tools including framework directives leaving the executive to fill in the technical detail via implementing "secondary" rules; simplify existing EU law including combining legal texts; publish guidelines on the collection and use of expert advice; and combine legislative and regulatory action with action taken by the actors most concerned (co-regulation).

Finally, the European Union is committed to the future enlargement of the European Union. This enlargement will extend the responsibilities of the Community institutions with respect to the application of Community law and its administration.

2. THE MAIN OBJECTIVES OF THE PROPOSAL

2.1. Contribution to flexible labour and services markets

A clear, secure and quick system for the recognition of qualifications in the field of the regulated professions is required to ensure free movement. This is important to help to ensure that employment vacancies are filled by qualified applicants and to ensure that there is a regular supply of qualified service suppliers to meet market demand. The free movement of

⁵ Point 15 of the Commission's Action Plan for Skills and Mobility. Document COM(2002) ...

⁶ Document COM(2000) 888.

⁷ Document COM(2001) 428.

qualified professionals makes a particular contribution to the knowledge-based society. Conditions of free movement have also proven to have particular importance in cases of specific shortages of qualified personnel at specific times in different Member States for such professions as teachers, veterinary surgeons, doctors and nurses.

To date the rules on professional recognition have evolved in a piecemeal fashion with numerous parallel provisions and variations. Detailed variations in, and links between, different parts of the legislation have produced a system which has been criticised by migrants and professionals alike as too complicated to understand, difficult to follow, often unclear and sometimes slow in its application and in places out-of-date or unsuited to the particularities of a specific profession.

In order to make the system clearer, easier and simpler to understand and apply, this proposal for a single directive comprehensively revises all of the directives founded on recognition of title so as to maintain the principal conditions and guarantees, while simplifying the structure and making improvements to the working of the system. The proposal also provides for simpler conditions for the cross-frontier provision of services compared with those applicable to the freedom of establishment in order further to contribute to the flexibility of labour and services markets.

2.2. Consolidation and simplification

The Commission has already achieved a considerable consolidation of the 35 transitional directives concerning crafts and trades professions through the third General System Directive 1999/42/EC⁸. The subsequent adoption of the Directive 2001/19/EC has further simplified the legal and procedural regime for professional recognition. There continue to exist some twelve main directives covering the seven professions of doctor⁹, general care nurse¹⁰, dental practitioner¹¹, veterinary surgeon¹², midwife¹³, pharmacist¹⁴ and architect¹⁵ adopted mainly

⁸ Directive 1999/42/EC of the European Parliament and of the Council of 7 June 1999 establishing a mechanism for the recognition of qualifications in respect of the professional activities covered by the Directives on liberalisation and transitional measures and supplementing the general systems for the recognition of qualifications, published in OJ L 201 of 31.7.99, p. 77.

⁹ Council Directive 93/16/EEC of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications (hereinafter referred to as the "doctors" Directive), published in OJ L 165 of 7.7.93, p. 1, and last amended by the SLIM Directive.

¹⁰ Council Directive 77/452/EEC of 27 June 1977 concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of nurses responsible for general care, including measures to facilitate the effective exercise of this right of establishment and freedom to provide services. (hereinafter referred to as the "nurses' recognition" Directive), published in OJ L 176 of 15.7.77, p. 1, and last amended by the SLIM Directive.

Council Directive 77/453/EEC of 27 June 1977 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action in respect of the activities of nurses responsible for general care., (hereinafter referred to as the "nurses coordination" Directive), published in OJ L 176 of 15.7.77, p. 8, and last amended by the SLIM Directive.

¹¹ Council Directive 78/686/EEC of 25 July 1978 concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners of dentistry, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (hereinafter referred to as the "dentists' recognition" Directive), published in OJ L 233 of 24.8.78, p. 1, and last amended by the SLIM Directive.

Council Directive 78/687/EEC of 25 July 1978 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action in respect of the activities of dental practitioners (hereinafter referred to as the "dentists' coordination" Directive), published in OJ L 233 of 24.8.78, p. 10, and last amended by the SLIM Directive.

over a twenty year period in the 1970s and 1980s, plus the three General System directives¹⁶, as up-dated by the SLIM Directive. A consolidation of these directives will provide a simpler and clearer set of rules for the professions concerned.

The directives on the provision of services and establishment of lawyers¹⁷ are not covered by this exercise, since they concern the recognition not of professional qualifications but of the authorisation to practice. Recognition of lawyers' qualifications is currently governed by Directive 89/48/EEC, which is covered by this exercise.

This proposal does not propose major changes to existing co-ordinated provisions upon which recognition under the sectoral directives is founded. The public consultation organised in 2001 did not produce widespread calls for such developments. The Commission has not proposed this kind of change as inappropriate for a framework proposal largely directed to

¹² Council Directive 78/1026/EEC of 18 December 1978 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in veterinary medicine, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (hereinafter referred to as the "veterinary surgeons' recognition" Directive), published in OJ L 362 of 23.12.78, p. 1, and last amended by the SLIM Directive.

Council Directive 78/1027/EEC of 18 December 1978 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action in respect of the activities of veterinary surgeons (hereinafter referred to as the "veterinary surgeons coordination" Directive), published in OJ L 362 of 23.12.78, p. 7, and last amended by the SLIM Directive.

¹³ Council Directive 80/154/EEC of 21 January 1980 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in midwifery and including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (hereinafter referred to as the "midwives' recognition" Directive), published in OJ L 33 of 11.2.80, p. 1, and last amended by the SLIM Directive.

Council Directive 80/155/EEC of 21 January 1980 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action relating to the taking up and pursuit of the activities of midwives (hereinafter referred to as the "midwives coordination" Directive), published in OJ L 33 of 11.2.80, p. 8, and last amended by the SLIM Directive.

¹⁴ Council Directive 85/432/EEC of 16 September 1985 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action in respect of certain activities in the field of pharmacy (hereinafter referred to as the "pharmacists coordination" Directive), published in OJ L 253 of 24.9.85, p. 34, and last amended by the SLIM Directive.

Council Directive 85/433/EEC of 16 September 1985 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy, including measures to facilitate the effective exercise of the right of establishment relating to certain activities in the field of pharmacy (hereinafter referred to as the "pharmacists' recognition" Directive), published in OJ L 253 of 24.9.85, p. 37, and last amended by the SLIM Directive.

¹⁵ Council Directive 85/384/EEC of 10 June 1985 on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (hereinafter referred to as the "architects" Directive), published in OJ L 223 of 21.8.85, p. 15, and last amended by the SLIM Directive.

¹⁶ Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration, published in OJ L 19 of 24.1.89, p. 16, and last amended by the SLIM Directive.

Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC, published in OJ L 209 of 24.7.92, p. 25, and last amended by the SLIM Directive.

Directive 1999/42/EC of the European Parliament and of the Council of 7 June 1999 (Cf. footnote 5).

¹⁷ Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services, published in OJ L 78 of 26.3.77, p. 17;

Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained, published in OJ L 77 of 14.3.98, p. 36.

consolidation and administrative simplification of rules applicable to a large number of professions. This does not preclude continuing dialogue with interested parties and national authorities to clarify issues and positions with a view to possible future action specific to each profession. Such work should take into account actions to be undertaken under the proposed Community public health programme to promote quality in the field of health, as set out in the Commission Communication on health strategy of the European Community¹⁸. In addition to pure consolidation, a review of the various provisions of the different directives has shown that a rationalisation and streamlining of the provisions into a single directive would contribute to greater simplification and increased clarity while retaining existing guarantees.

Procedural simplification is called for in addition to simplification of legal texts. The sectoral directives have in the past been supported by administratively burdensome advisory committees in addition to committees or groups of national officials. Other directives operate with the support of a single committee of national officials, meeting normally twice a year (the Co-ordinators Group of the General System). While the advisory committees have focussed on training, the Treaty and Community action in this area focus on free movement¹⁹. EU enlargement will bring a large number of new Member States and additional languages which would increase this form of administration.

Modern information and communication systems allow for more flexible procedures for the gathering of information and the exchange of views. Means of increased co-operation at the European level have already been developed among professional and educational representatives. The requirements of an enlarged European Union and conditions of good administration require the application of simpler and more flexible procedures to ensure that the conditions underlying automatic recognition are considered by the Commission and national authorities. This can be done by maintaining regular meetings of national officials at Community level, organised by the Commission, while making more open provision for the inclusion of external views and positions for discussion at the initiative of the Commission or any Member State. Flexible means of collaboration have already been operated in some areas and produced good results. Consolidation, modernisation and simplification can therefore be obtained in the procedures which support the legal texts as well as in the texts themselves.

The Commission considers that, in addition to established means of consultation operating within the Member States, guarantees for the provision of information, recommendations and reports on the operation of the Community regime at the European level can be ensured by arrangements to be entered into between the Commission and the relevant representative bodies of the professions and educational establishments benefiting from automatic recognition on the basis of minimum co-ordination of training requirements. These arrangements should ensure that information and advice are provided to the Commission and the Member States on a regular basis. They also ensure that such contributions will be included in the agenda of the next relevant meeting of national officials organised by the Commission dealing with the relevant profession. These arrangements could be confirmed by the Commission in an appropriate form. On this basis, the Commission will withdraw its proposal to repeal the Decisions setting up advisory committees alongside the sectoral

¹⁸ Document COM (2000) 285 final.

¹⁹ The Treaty itself excludes harmonisation in the fields of education and training (Articles 149 and 150 in Chapter 3). At the same time, Article 47.2 continues to allow for action co-ordinating national provisions for the taking up and pursuit of self-employed activities, albeit only on the basis of unanimous agreement in the Council if amendment of “existing principles laid down by law governing the professions with respect to training and conditions of access for natural persons” is required in one Member State.

directives²⁰ and present a new proposal for a Council decision abolishing the existing advisory committees during the legislative process on this proposal.

2.3. Improved management, clarity and flexibility

Under the sectoral directives, automatic recognition is supported by the minimum co-ordination of training in the directives. These fundamental requirements underlying automatic recognition needed to continue to be set through co-decision of Parliament and Council. However, technical updating of some requirements is more appropriately achieved through the exercise of delegated powers. Account needs to be taken of the increasing pace of development of society and technology in the application of procedures designed to maintain the relevance of the technical provisions underlying the general rules set out in Community law. In this respect, the sectoral directives are unnecessarily inflexible. The main rules on professional recognition should continue to figure in the body of the Directive, but the technicalities specific to their application should appear in annexes, and when suitable, be subject to up-dating through the exercise of delegated powers.

In so far as the General System is concerned, it has proven its worth over some ten years of increasingly extensive application. However, there appears to be scope for adding further transparency, clarity and guarantees under the General System. Within the minimum guarantees, recent statistics on recognition processes already show considerable evidence of recognition being granted on a regular basis without the application of compensation measures in the form of an aptitude test or period of supervised practice. However, experience varies throughout the EU. In addition, some professions covered by the General System have already done considerable work towards the development of common platforms which can contribute to the understanding and recognition of qualifications²¹.

The work on sectoral qualifications being promoted through the European social dialogue and activities supported by the Commission in the field of academic and vocational qualifications, can also make a contribution to the facilitation of the recognition of qualifications in the field of the regulated professions.

The General System directives do not contain specific provisions on the conditions applicable to the cross-frontier provision of services. The rights of establishment and cross-frontier service provision both apply to the benefit of the service economy. Less onerous conditions should be applied to the cross-frontier provision of services than apply to the right of establishment. For this reason the proposal envisages a lighter regime for the provision of cross-frontier services than for establishment, albeit with a safeguard clause. In this way too, the structure and approach followed by the sectoral and General System directives can be brought into combination without losing the main benefits of either approach.

2.4. Better administration and improved information and advice to citizens

The proposal also includes provision for increased means of co-operation between national administrations themselves and with the Commission for the provision of information and

²⁰ Proposal for a Council Decision repealing Decisions 75/364/EEC, 77/454/EEC, 78/688/EEC, 78/1028/EEC, 80/156/EEC and 85/434/EEC setting up advisory committees for the training of nurses responsible for general care, dental practitioners, veterinary surgeons, midwives, pharmacists and doctors. Document COM (1999) 177 final.

²¹ See the Commission's reply to Written Question No 3429/93 by Christian Rovsing. Register of EUR ING. OJ C 268 of 26/09/1994, p. 38.

advice to individuals and problem solving. This forms part of a wider initiative in the Internal Market context. Information and advice to citizens on their rights and interests in professional recognition should be provided at the point closest to the citizen. This implies an obligation on home and host Member State authorities and contact points to provide information to aid those qualified or seeking recognition in connection with free movement. Existing information and advisory systems need to be developed to ensure that information can be exchanged quickly and in confidence between such authorities so that questions raised in one Member State about conditions of recognition and practice in another are quickly and fully answered.

At the same time, the Commission intends to encourage greater use of the Europe Direct Call Centre and of the Signpost Service. The Call Centre can provide quick information to citizens on Internal Market issues by telephone and e-mail, while the Signpost Centre - linked to the Call Centre and also contactable directly by e-mail - offers personalised advice on specific problems. The Commission services provide background information for the Call Centre, which, together with the Signpost Centre, has built up considerable experience in dealing with enquiries on professional recognition. These are the routes by which the quickest and most direct response can be provided to this form of citizens' enquiry.

2.5. A simpler and more open regulatory approach

This directive will provide a framework for better government at the Community level. It will introduce maximum flexibility while respecting Treaty requirements. It will provide for several different levels of action most appropriate to the functions in question, thereby applying the principle of subsidiarity. It will introduce simplification in the interests of clarity and accessibility as well as procedural efficiency in an enlarged Union. It will provide the necessary level of detail required to maintain legal security and to avoid uncertainty or overly burdensome procedures. It seeks to privilege private/public sector co-operation. It also seeks to reinforce existing co-operation between national authorities themselves and with the Commission in the provision of information and advice to citizens and to ensure that problems are resolved as quickly and effectively as possible. The proposal follows an open consultation of Member State authorities, professional associations and other interested parties, which has allowed those most directly concerned to make their views known. The proposal therefore respects and applies some of the main lines of action identified in the White Paper on European Governance.

3. LEGAL BASIS

The legal basis is the same as for the directives proposed for repeal. Article 40 of the EC Treaty lays down that "the measures required to bring about freedom of movement for workers [...]" shall be taken in accordance with the procedure referred to in Article 251. As regards the right of establishment, Article 47 of the EC Treaty lays down that directives shall be issued, in accordance with the procedure referred to in Article 251, "for the mutual recognition of diplomas, certificates and other evidence of formal qualifications", as well as for "for the coordination of the provisions laid down by law, regulation or administrative action in the Member States concerning the taking-up and pursuit of activities as self-employed persons". Under the terms of Article 55 of the EC Treaty, Article 47 applies to the provision of services.

In so far as implementation of this Directive does not involve, in the Member States, any change in the current legislative principles governing the structure of professions as regards

training and conditions for access by natural persons, the Council acts by a qualified majority in accordance with Article 47(2) of the EC Treaty.

4. SUBSIDIARITY AND PROPORTIONALITY

Title III of Part Three of the EC Treaty on the free movement of persons, services and capital grants the European Community powers to take suitable measures in this field. Those powers must be exercised in compliance with Article 5 of the EC Treaty, that is if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community. Moreover, the Community action must not go beyond what is necessary to achieve the desired objectives. This proposal meets those requirements.

4.1. Subsidiarity

The content and organisation of the education system and vocational training are a matter exclusively for the Member States, in accordance with Articles 149 and 150 of the EC Treaty. Furthermore, the Member States are responsible for determining, on their national territory, the qualifications and other conditions laid down for taking up and exercising a given profession, and for the activities covered by the profession in question. Those national rules can give rise to barriers to the free movement of workers, freedom of establishment and the freedom to provide services (Articles 39, 43 and 49 of the EC Treaty). To make these freedoms effective, it is therefore necessary to lay down common rules allowing Community nationals to have their professional qualifications recognised in the other Member States with a view to exercising a regulated profession there. Such rules can only be established at Community level.

The new rules set out in this proposal have been drafted in compliance with the principle of subsidiarity. The establishment of greater liberalisation in the field of the freedom to provide services, close partnership between the public and private sectors through the professional platforms, increased use of comitology procedures and a more central role for the competent national authorities, is only the practical application of that principle.

4.2. Proportionality

Community action must be limited, in both form and substance, to what is strictly necessary to ensure that the objective pursued by the proposal is achieved and implemented effectively. The legal instrument of the directive, proposed in accordance with Article 47 of the EC Treaty, meets that requirement, in so far as it binds the Member States as to the result to be achieved, whilst leaving them the choice of the form and the most suitable methods of achieving that result. Moreover, this proposal consolidates the existing legal instruments in the field of recognition of professional qualifications, while simplifying and improving the system of recognition in the light of the experience gained.

The new rules set out in this proposal comply with the principle of proportionality. The means devised for achieving greater liberalisation in the field of the freedom to provide services, close partnership between the public and private sectors through the professional platforms, increased use of comitology procedures and a more central role for the competent national authorities in implementing the Directive do not go beyond what is needed to achieve the desired objectives.

5. COMMENTS ON THE ARTICLES

Title I – General provisions

Articles 1 to 4

Article 1 establishes the principle of mutual recognition of professional qualifications.

In accordance with the EC Treaty, Article 2 lays down that the Directive applies solely to Community nationals, when the profession which the applicant wishes to pursue is regulated in the host Member State, and when the applicant has obtained his professional qualifications in a Member State other than that in which he wishes to pursue the profession.

Article 3 essentially maintains the definitions currently contained in the general system directives concerning the concepts of regulated profession, professional qualifications and evidence of formal training (including any evidence of formal qualifications obtained in a third country, once it has been recognised by a first Member State where the applicant has pursued the profession for at least three years).

Article 4 sets out the effects of professional recognition and introduces the obligation on the host Member State to allow partial access on its territory to a regulated profession which in fact combines two distinct and autonomous professional activities.

Title II – Freedom to provide services

Articles 5 to 9

Article 5 lays down that the Member States may not, for reasons relating to professional qualifications, restrict the freedom to provide services when the beneficiary is legally established in another Member State. This is immediately applicable when the profession is regulated in the Member State of establishment. Where the Member State of establishment does not regulate the profession, the person providing services in another Member State must in addition have pursued the activity in question for two years in the former Member State.

In view of the relaxation of requirements with regard to the provision of services, as compared with establishment, and in order to avoid those rules being invoked in cases which in fact concern establishment rather than the provision of services, it appears necessary to clarify the actual concept of provision of services for the purposes of this Directive. It is proposed that the criteria derived from the case law of the Court of Justice²² be strengthened by basing a presumption on a time criterion set at 16 weeks.

Article 6 takes over the *acquis* of the sectoral directives as regards the dispensation from any authorisation or registration with a professional or social security body.

Article 7 lays down the obligation to inform the contact point in the Member State of establishment when the services are provided by movement of the provider.

²² See, in particular, the judgment of 30.11.1995 (conclusions of Advocate-General Léger), Case C-55/94, Gebhard, ECR 1995, p. I-4165.

Pursuant to Article 8, the nationality of service providers and their lawful pursuit of the activity in the Member State of establishment must be verified by the host Member State through an exchange of information with the competent authorities of the Member State of establishment. Where applicable, the host Member State may also verify, with the contact point in the Member State of establishment, whether the provider has exercised the profession for at least two years in that Member State.

With a view to consumer protection, Article 9 contains the obligation on the service provider to provide the recipient of the service with a certain amount of information. This provision is taken over from Directive 2000/31/EC on electronic commerce and hence extended, in the case of the regulated professions, to all forms of the provision of services.

Title III – Freedom of establishment

Chapter III sets out the conditions to which recognition of professional qualifications is subject and the rules for implementing the recognition mechanisms within the framework of freedom of establishment. The various mechanisms currently provided for in the general system and sectoral directives, respectively, are maintained in principle.

CHAPTER I – GENERAL SYSTEM FOR THE RECOGNITION OF QUALIFICATIONS

This Section essentially takes over the principles set out by Directives 89/48/EEC and 92/51/EEC. Changes are proposed in order to simplify the current system.

Articles 10 to 14

The scope of the general system, as set out in Article 10, is broader than that of Directives 89/48/EEC and 92/51/EEC. It is extended in a subsidiary manner to all cases which are not eligible for automatic recognition on the basis of professional experience or the coordination of minimum training conditions.

With a view to simplification, the limits currently laid down in Directives 89/48/EEC and 92/51/EEC for application of mutual recognition are formulated with reference to five levels of training set out in theoretical terms in Articles 11 and 12. Recognition is granted on the basis of the Directive only if the level required in the host Member State is no higher than the level immediately above that attested by the applicant's evidence of qualifications.

Article 13 essentially takes over Article 3 of Directives 89/48/EEC and 92/51/EEC.

Article 14 maintains the possibility for the host Member State to make recognition of qualifications subject to the applicant's completing a compensation measure, which can be either an aptitude test or an adaptation period. However, the possibility for a Member State to require professional experience rather than a compensation measure in the event of substantial differences relating to the duration and not the content of training is abolished. It is also proposed that the automatic derogations for professions involving a knowledge of national law be abolished, as this is in line with the provisions governing recognition of lawyers' authorisation to practise. Lastly, it is proposed that the current provisions on derogations from the migrant's right to choose between the aptitude test and the adaptation period be simplified.

The concept of "matters which are substantially different" can only be defined precisely case by case. It is nevertheless proposed that the principle of the proportionality of the measure be incorporated into the Directive, meaning in particular that the relevant professional experience of the applicant must be taken into account.

Article 15

Article 15 provides for dispensation from compensation measures where the applicant's qualifications meet the criteria laid down by a decision of the Committee on Recognition of Professional Qualifications pursuant to the comitology procedure (regulation). These criteria would be proposed by a professional association in the context of a common platform established at European level and providing adequate guarantees as regards the applicant's level of qualification.

CHAPTER II – RECOGNITION OF PROFESSIONAL EXPERIENCE

Articles 16 to 19

Articles 16 to 19 take over the principle and - subject to the amendments set out below - the provisions of Article 4 of Directive 1999/42/EC, which provides for the automatic recognition of qualifications on the basis of the applicant's professional experience in the case of the craft, industrial and commercial activities set out in the restrictive list in Annex A. It appeared appropriate to simplify the system by regrouping the existing categories. By making a number of amendments in substance, it was possible to reduce the number of categories of professional experience to two, based on professional experience of three or five years in a self-employed capacity or as a manager of an undertaking.

The comitology procedure (regulation) is applicable with a view to amending the list of professional activities set out in the Annex.

CHAPTER III - RECOGNITION ON THE BASIS OF COORDINATION OF THE MINIMUM TRAINING CONDITIONS

This section takes over the existing principles governing the automatic recognition of evidence of training while maintaining the guarantees set out in the current sectoral directives. Certain aspects were the subject of a standardisation of the systems in order to simplify matters.

Articles 20 to 45

These articles take over the relevant existing provisions for coordination of the minimum training conditions, automatic recognition of evidence of formal training (and, if necessary, the detailed arrangements for such recognition), access to the professions concerned, the exercise of the professional activities in question, the procedures for including the evidence of training in the Annex, and acquired rights.

The following amendments, in particular, should be stressed:

- A change in the procedure currently laid down for the inclusion of the evidence of training as architect;

- Incorporation into the general system of recognition of the medical and dental specialisations common to a limited number of Member States which are currently subject to automatic recognition, without prejudice to acquired rights. In a move to simplify the system, particularly with a view to enlargement, this means that only those medical specialisations which are common to and obligatory for all the Member States will henceforth benefit from automatic recognition;
- The abolition of the form of training for general medical practitioners set out in Article 32 of the "doctors" Directive;
- The abolition, for nurses responsible for general care, of the references to the specifically professional nature of the training and to the passing of an examination, which have become superfluous in view of the current systems of training in the Member States;
- The abolition of the derogation from the minimum training conditions set out in Article 2(4)(a) of the "pharmacists coordination" Directive;
- The extension of automatic recognition of evidence of training as a pharmacist to the setting-up of new pharmacies open to the public;
- The abolition of the provisions of the "pharmacists' recognition" Directive specific to Luxembourg (two-year period of professional experience required for the grant of a State public pharmacy concession).

The comitology (regulation) procedure applies to changing the minimum duration of training in medical specialisations, for the introduction into the Annex of new medical specialisations which are common to and obligatory for all Member States, and for updating the knowledge and competences and the list of subjects set out in the Annex with a view to adapting them to scientific and technical progress.

CHAPTER IV - COMMON PROVISIONS RELATING TO ESTABLISHMENT

Articles 46 to 49

In accordance with Article 46, when deciding on a request to exercise a regulated profession in the implementation of the provisions on establishment, the competent authorities of the host Member State may require the specific documents and certificates set out in the Annex.

Article 47 strengthens the existing rules of procedure, in particular through the generalised application of the three-month period granted to the competent national authorities to decide on requests for recognition and by introducing the obligation on those authorities to acknowledge receipt of the file and, where applicable, to inform the applicant of any missing document.

Article 48 essentially takes over the existing rules on the use of the professional title of the host Member State and lays down, in this respect, the rules applicable in the event of partial access to the profession in accordance with Article 4(3) of the Directive.

Having regard to the case law of the Court of Justice²³, Article 49 allows the host Member State to require the applicant to have the language skills needed to practise the profession. Assessment of the compatibility of the requirement imposed with Community law must be based on its proportionality as regards the needs of the profession. Where the competent authority considers that the applicant does not have the necessary language skills, it is for the host Member State to ensure that the applicant can acquire the missing skills.

Title IV - Arrangements for practising the profession

Articles 50 and 51

These articles lay down the arrangements for practising the profession relating to the use of title and the conclusion of an agreement with a sickness insurance fund, which are common to the provision of services and establishment.

Title V – Administrative cooperation and implementing powers

Articles 52 to 54

Article 52 extends to the whole of the Directive the obligation on the competent authorities of the Member State of origin and the host Member State to cooperate closely in order to ensure that the provisions of the Directive are applied adequately and to avoid the rights deriving from it being deflected from their objective and used in a fraudulent fashion. In addition, the Member States must appoint a coordinator responsible for promoting the uniform application of the Directive and collecting information useful for its implementation.

²³ See judgment of 4.7.2000, Case C-424/97, *Salomone Haim v. Kassenzahnärztliche Vereinigung Nordrhein*, ECR 2000, p. I-5123.

Article 53 is intended to put the role of the contact points onto a more formal basis, since networks have been set up for dealing with certain cases covered in general terms by the Internal Market and, more recently, for the recognition of professional qualifications.

Article 54 sets up a single committee to administer the Directive and its updating, which replaces all the committees set up under the previous system. This is a "comitology" committee acting in accordance with the regulation procedure as set out in the relevant provisions. The committee can also be seized of all questions concerning the working of the Directive.

Title VI - Other provisions

Articles 55 to 60

Article 55 lays down the obligation on the Member States to inform the Commission every two years about the application of the system of recognition of professional qualifications.

Article 56 lays down that, in the event of major difficulties in applying a provision of the Directive, the Commission will examine these in collaboration with the Member State concerned. Where applicable, the Commission will present the committee with suitable proposals addressed to a Member State with a view to derogating from the application of that provision on its territory for a limited period. Such measures are adopted according to the comitology (regulation) procedure.

Pursuant to Article 57, the existing directives on the recognition of professional qualifications are repealed.

Articles 58 to 60 set out the final provisions on implementation, entry into force and addressees of the Directive.

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the recognition of professional qualifications

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 40, Article 47(1), the first and third sentences of Article 47(2), and Article 55 thereof,

Having regard to the proposal from the Commission²⁴

Having regard to the opinion of the Economic and Social Committee²⁵,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) Pursuant to Article 3(1)(c) of the Treaty, the abolition, as between Member States, of obstacles to the free movement of persons and services is one of the objectives of the Community. For nationals of the Member States, this includes, in particular, the right to exercise a profession, in a self-employed or employed capacity, in a Member State other than the one in which they have obtained their professional qualifications. In addition, Article 47(1) of the Treaty lays down that directives shall be issued for the mutual recognition of diplomas, certificates and other evidence of formal qualifications.
- (2) Following the European Council of Lisbon on 23 and 24 March 2000, the Commission adopted a Communication on "An Internal Market Strategy for Services"²⁶, aimed in particular at making the free provision of services within the Community as simple as within an individual Member State. Further to the Communication from the Commission entitled "New European Labour Markets, Open to All, with Access to All"²⁷, the European Council of Stockholm on 23 and 24 March 2001 entrusted the Commission with presenting "for the 2002 Spring European Council [...] specific proposals for a more uniform, transparent and flexible regime of recognition of qualifications [...]".

²⁴ OJ C of , p. .

²⁵ OJ C of , p. .

²⁶ Document COM (2000) 888.

²⁷ Document COM (2001) 116.

- (3) The guarantee conferred by this Directive on persons having acquired their professional qualifications in a Member State to have access to the same profession and pursue it in another Member State with the same rights as nationals is without prejudice to compliance by the migrant professional with any non-discriminatory conditions of access which might be laid down by the latter Member State, provided that these are objectively justified and proportionate.
- (4) In order to facilitate the free provision of services, there should be specific rules aimed at extending the exercise of professional activities under the original professional title. In the case of information society services provided at a distance, the provisions of Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market²⁸ also apply.
- (5) In view of the different systems established for the provision of services on the one hand, and for establishment on the other, the criteria for distinguishing between these two concepts in the event of the movement of the service provider to the territory of the host Member State must be clarified by establishing a simple presumption based on a time criterion.
- (6) While maintaining, for the freedom of establishment, the principles and safeguards underlying the different systems for recognition in force, their rules must be improved in the light of experience. Moreover, the relevant directives have been amended on several occasions, and their provisions must be reorganised and rationalised by standardising the principles applicable. It is therefore necessary to replace Council Directives 89/48/EEC²⁹ and 92/51/EEC³⁰, as well as Directive 1999/42/EEC of the European Parliament and of the Council³¹ on the general system for the recognition of professional qualifications, and Council Directives 77/452/EEC³², 77/453/EEC³³, 78/686/EEC³⁴, 78/687/EEC³⁵, 78/1026/EEC³⁶, 78/1027/EEC³⁷, 80/154/EEC³⁸, 80/155/EEC³⁹, 85/384/EEC⁴⁰, 85/432/EEC⁴¹, 85/433/EEC⁴² and 93/16/EEC⁴³ concerning the professions of nurse responsible for general care, dental practitioner, veterinary surgeon, midwife, architect, pharmacist and doctor, as last amended by Directive 2001/19/EC of the European Parliament and of the Council⁴⁴, by combining them in a single text.

²⁸ OJ L 178 of 17.7.2000, p.1.
²⁹ OJ L 19 of 24.1.1989, p. 16.
³⁰ OJ L 209 of 24.7.1992, p. 25.
³¹ OJ L 201 of 31.7.1999, p. 77.
³² OJ L 176 of 15.7.1977, p. 1.
³³ OJ L 176 of 15.7.1977, p. 8.
³⁴ OJ L 233 of 24.8.1978, p. 1.
³⁵ OJ L 233 of 24.8.1978, p.10.
³⁶ OJ L 362 of 23.12.1978, p. 1.
³⁷ OJ L 362 of 23.12.1978, p. 7.
³⁸ OJ L 33 of 11.2.1980, p. 1.
³⁹ OJ L 33 of 11.2.1980, p. 8.
⁴⁰ OJ L 223 of 21.8.1985, p. 15.
⁴¹ OJ L 253 of 24.9.1985, p. 34.
⁴² OJ L 253 of 24.9.1985, p. 37.
⁴³ OJ L 165 of 7.7.1993, p. 1.
⁴⁴ OJ L 206 of 31.7.2001, p. 1.

- (7) In the case of the professions covered by the general system for the recognition of qualifications, hereinafter referred to as "the general system", the Member States retain the right to lay down the minimum level of qualification required to ensure the quality of the services provided on their territory. However, pursuant to Articles 10, 39 and 43 of the EC Treaty, they may not require a national of a Member State to obtain qualifications, which they generally lay down only in terms of the diplomas awarded under their national educational system, where the person concerned has already obtained all or part of their qualifications in another Member State. As a result, it should be laid down that any host Member State in which a profession is regulated must take account of the qualifications obtained in another Member State and assess whether they correspond to those which it requires.
- (8) Absent harmonisation of the minimum training conditions for access to the professions governed by the general system, it must be possible for the host Member States to impose a compensation measure. This measure must be proportionate and, in particular, take account of the applicant's professional experience. Experience shows that requiring the migrant to choose between an aptitude test or an adaptation period offers adequate safeguards as regards the latter's level of qualification, so that any derogation from that choice should in each case be justified by an imperative requirement in the general interest.
- (9) In order to promote the free movement of workers, freedom of establishment and the free provision of services, while ensuring an adequate level of qualification, various professional associations and organisations have established common platforms at European level under which professionals meeting a number of criteria relating to professional qualifications are awarded the right to bear the professional title awarded by those associations or organisations. The Directive should take account, under certain conditions and in compliance with Community law, and in particular Community law on competition, of those initiatives, while promoting, in this context, a more automatic character of recognition under the general system.
- (10) In order to take into account all situations for which there was still no provision relating to the recognition of professional qualifications, the general system must be extended to those cases which are not covered by a specific system, either where the profession is not covered by one of those systems or where, although the profession is covered by such a specific system, the applicant does not meet the conditions to benefit from it.
- (11) There is a need to simplify the rules allowing access to a number of industrial, commercial and craft activities, in Member States where those professions are regulated, in so far as those activities have been pursued for a reasonable and sufficiently recent period of time in another Member State, while maintaining for those activities a system of automatic recognition based on professional experience.
- (12) Freedom of movement and the mutual recognition of the evidence of formal training of doctors, nurses responsible for general care, dental practitioners, veterinary surgeons, midwives, pharmacists and architects must be based on the fundamental principle of automatic recognition of the evidence of formal qualifications on the basis of coordinated minimum conditions for training. In addition, access in the Member States to the professions of doctor, nurse responsible for general care, dental practitioner, veterinary surgeon, midwife and pharmacist must be made conditional upon the possession of a given qualification ensuring that the person concerned has

undergone training which meets the minimum conditions laid down. This system must be supplemented by a number of acquired rights from which qualified professionals benefit under certain conditions.

- (13) The professional activities of general practitioners are covered by a specific system which differs from that for basic practitioners and specialised medical practitioners. The Member States cannot therefore recognise any medical specialism which has a field of professional activity similar to that of general practitioners.
- (14) In an effort to simplify the system, particularly with a view to enlargement, the principle of automatic recognition must apply only to those medical specialisms which are common to and obligatory for all the Member States. Those medical specialisms which are common to a limited number of Member States must be incorporated into the general system for recognition without prejudice to the established rights. In practice, the effects of this amendment should be limited for the migrant, in so far as these situations should not be subject to compensation measures. Moreover, this Directive is without prejudice to the possibility for Member States to establish, amongst themselves, automatic recognition for certain medical and dental specialisms common to them according to their own rules.
- (15) All Member States must recognise the profession of dental practitioner as a specific profession distinct from that of medical practitioner, whether or not specialised in odontostomatology. The Member States must ensure that the training given to dental practitioners equips them with the skills needed for prevention, diagnosis and treatment relating to anomalies and illnesses of the teeth, mouth, jaws and associated tissues. The professional activity of the dental practitioner must be carried out by holders of a qualification as dental practitioner set out in this Directive.
- (16) It did not appear desirable to lay down standardised training for midwives for all the Member States. Rather, the latter should have the greatest possible freedom to organise their training.
- (17) With a view to simplifying this Directive, reference should be made to the concept of "pharmacist" in order to delimit the scope of the provisions relating to the automatic recognition of the qualifications, without prejudice to the special features of the national regulations governing those activities.
- (18) Holders of qualifications as a pharmacist are specialists in the field of medicines and must, in principle, have access in all Member States to a minimum range of activities in this field. In defining this minimum range, this Directive must neither have the effect of limiting the activities accessible to pharmacists in the Member States - in particular as regards medical biology analyses - nor create a monopoly for those professionals, as this remains a matter solely for the Member States. The provisions of this Directive are without prejudice to the possibility for the Member States to impose supplementary training conditions for access to activities not included in the coordinated minimum range of activities. This means that the host Member State must be able to impose these conditions on the nationals who hold qualifications which are covered by automatic recognition within the meaning of this Directive.
- (19) This Directive does not coordinate all the conditions for access to activities in the field of pharmacy and the exercise of these activities. In particular, the geographical distribution of pharmacies and the monopoly for dispensing medicines remain a matter

for the Member States. This Directive leaves unchanged the legislative, regulatory and administrative provisions of the Member States forbidding companies from exercising certain pharmacist's activities or subjecting them to certain conditions.

- (20) Architectural design, the quality of buildings, their harmonious incorporation into their surroundings, respect for natural and urban landscapes and for the public and private heritage are a matter of public interest. Mutual recognition of qualifications must therefore be based on qualitative and quantitative criteria which ensure that the holders of recognised qualifications are in a position to understand and translate the needs of individuals, social groups and authorities as regards spatial planning, the design, organisation and realisation of structures, conservation and the exploitation of the architectural heritage, and protection of natural balances.
- (21) National regulations in the field of architecture and on access to and the exercise of the professional activities of an architect vary widely in scope. In most Member States, activities in the field of architecture are exercised, *de jure* or *de facto*, by persons bearing the title of architect alone or accompanied by another title, without those persons having a monopoly on the exercise of such activities, unless there are legislative provisions to the contrary. These activities, or some of them, may also be exercised by other professionals, in particular by engineers who have undergone special training in the field of construction or the art of building. With a view to simplifying this Directive, reference should be made to the concept of "architect" in order to delimit the scope of the provisions relating to the automatic recognition of the qualifications, without prejudice to the special features of the national regulations governing those activities.
- (22) In order to ensure the effectiveness of the system for the recognition of professional qualifications, uniform formalities and rules of procedure must be defined for its implementation, as well as certain details of the exercise of the profession.
- (23) Since collaboration among the Member States and between them and the Commission is likely to facilitate the implementation of this Directive and compliance with the obligations deriving from it, the means of collaboration must be organised.
- (24) Administering the various systems of recognition set up by the sectoral directives and the general system has proved cumbersome and complex. There is therefore a need to simplify the administration and updating of this Directive to take account of scientific and technical progress, in particular where the minimum conditions of training are coordinated with a view to automatic recognition of qualifications. A single committee for the recognition of professional qualifications must be set up for this purpose.
- (25) Pursuant to Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁴⁵, the measures needed to implement this Directive should be adopted according to the procedure laid down in Article 5 of that Decision.
- (26) The preparation by the Member States of a periodic report on the implementation of this Directive, containing statistical data, will make it possible to determine the impact of the system for the recognition of professional qualifications.

⁴⁵ OJ L 184 of 17.7.1999, p. 23.

- (27) There should be a suitable procedure for adopting temporary measures if the application of any provision of this Directive were to encounter major difficulties in a Member State.
- (28) The provisions of this Directive do not affect the powers of the Member States as regards the organisation of their national social security system and determining the activities which must be exercised under that system.
- (29) In view of the speed of technological change and scientific progress, life-long learning is of particular importance for a large number of professions. In this context, it is for the Member States to adopt the detailed arrangements under which, through suitable ongoing training, professionals will keep abreast of technical and scientific progress.
- (30) In accordance with the principles of subsidiarity and proportionality set out in Article 5 of the Treaty, the objectives of the proposed measure, that is the rationalisation, simplification and improvement of the rules for the recognition of professional qualifications, cannot be sufficiently achieved by the Member States and can therefore be better achieved by the Community. This Directive confines itself to the minimum required in order to achieve those objectives and does not go beyond what is necessary for that purpose.
- (31) This Directive is without prejudice to the application of Article 39(4) and Article 45 of the Treaty, nor of the measures necessary to ensure a high level of health and consumer protection.

HAVE ADOPTED THIS DIRECTIVE:

Title I

General provisions

Article 1 *Purpose*

This Directive establishes rules according to which a Member State which makes access to or pursuit of a regulated profession in its territory contingent upon possession of specific professional qualifications (referred to hereafter as the "host Member State") shall accept professional qualifications obtained in one or more other Member States (referred to hereafter as the "home Member State") and which allow the holder of the said qualifications to pursue the same profession there, as a sufficient condition for access to and pursuit of that profession.

Article 2 *Scope*

1. This Directive shall apply to all nationals of a Member State wishing to practise a regulated profession in a Member State other than that in which they obtained their professional qualifications, on either a self-employed or employed basis.
2. Each Member State may permit persons in possession of evidence of formal qualifications not obtained in a Member State to perform regulated professional

activities on its territory, in accordance with its rules. In the case of professions covered by Title III, Chapter III, this initial recognition must respect the minimum training conditions laid down in that Chapter.

Article 3 *Definitions*

1. For the purposes of this Directive, the following terms are defined as follows:
 - a) regulated profession: a professional activity or group of professional activities, access to which, the practice of which, or one of the modes of pursuit is subject, directly or indirectly, to legislative, regulatory or administrative provisions concerning possession of specific professional qualifications.
 - b) professional qualifications: qualifications attested by evidence of formal training, an attestation of competence referred to in Article 11(2)(a) and/or professional experience;
 - c) evidence of formal qualifications: diplomas, certificates and other evidence issued by an authority in a Member State and certifying successful completion of professional training obtained mainly in the Community,
2. A profession practised by the members of an association or organisation listed in Annex I is treated as a regulated profession.

On each occasion that a Member State grants recognition to an association or organisation referred to in the first paragraph, it shall inform the Commission, which shall issue an appropriate notification in the *Official Journal of the European Communities*.

3. Evidence of formal training issued by a non-member country shall be regarded as evidence of formal qualifications if the holder has three years' professional experience, certified by the Member State which recognised that evidence of formal qualifications in accordance with Article 2(2).

Article 4 *Effects of recognition*

1. The recognition of professional qualifications by the host Member State allows the beneficiary to gain access in that Member State to the same profession to that for which he is qualified in the home Member State and to practise it in the host Member State with the same rights as its nationals.
2. For the purposes of this Directive, the profession which the applicant wishes to pursue in the host Member State is the same as that for which he is qualified in his home Member State if the activities covered are similar.
3. Where the profession for which the applicant is qualified in the home Member State constitutes an autonomous activity a profession covering a wider field of activities in the host Member State and where the difference cannot be made up by a

compensatory measure referred to in Article 14, the recognition of the applicant's qualifications gives him access to that activity alone in the host Member State.

Title II

Free movement of services

Article 5

Principle of the free provision of services

1. Without prejudice to Article 6(2), Member States shall not restrict, for any reason relating to professional qualifications, the free provision of services in another Member State:
 - a) if the service provider is legally established in a Member State for the purpose of practising the same professional activity there, and
 - b) where the service provider moves, if he has practised that activity for at least two years in the Member State of establishment when the profession is not regulated in that Member State.

2. For the purposes of this Directive, where the service provider moves to the territory of the host Member State, the pursuit of a professional activity for a period of not more than sixteen weeks per year in a Member State by a professional established in another Member State shall be presumed to constitute a "provision of services".

The presumption referred to in the previous paragraph shall not preclude assessment on a case-by-case basis, for example, in the light of the duration of the provision, its frequency, regularity and continuity.

3. The service shall be provided under the professional title of the Member State in which the service provider is legally established, insofar as such a title exists in that Member State for the professional activity in question.

That title shall be indicated in the official language or one of the official languages of the Member State of establishment in such a way as to avoid any confusion with the professional qualification of the host Member State.

Article 6

Exemptions

Pursuant to Article 5(1), the host Member State shall exempt service providers established in another Member State from the requirements which it places on professionals established in its territory relating to:

- a) authorisation by, registration with or membership of a professional organisation or body;
- b) registration with a public social security body for the purpose of settling accounts with an insurer relating to activities pursued for the benefit of insured persons.

The service provider shall, however, inform in advance or, in an urgent case, afterwards, the body referred to in point b) of the first paragraph of the services which he has provided.

Article 7

Information to be provided in advance if the service provider moves

Where the service provider moves in order to provide services, he shall, in advance, inform the contact point of the Member State of establishment, referred to in Article 53. In urgent cases, the service provider shall inform the contact point of that Member State as soon as possible after the services have been provided.

Article 8

Administrative cooperation

The competent authorities of the host Member State may ask the competent authorities of the Member State of establishment to provide proof of the service provider's nationality and proof that he is legally practising the activities in question in that Member State. The competent authorities of the Member State of establishment shall provide this information in accordance with the provisions of Article 52.

Furthermore, in the cases referred to in Article 5.1(b), the competent authorities of the host Member State may ask the contact point of the Member State of establishment, referred to in Article 53, to provide proof that the service provider has practised the activities in question in the Member State of establishment for at least two years. Such proof may take any form.

Article 9

Information to be given to the recipients of the service

In addition to the other requirements relating to information contained in Community law, the Member States shall ensure that the service provider furnishes the recipient of the services with the following information:

- a) if the service provider is registered in a commercial register or similar public register, the commercial register in which he is registered, his registration number, or equivalent means of identification contained in that register;
- b) if the activity is subject to authorisation in the Member State of establishment, the name and address of the competent supervisory authority;
- c) any professional association or similar body with which the service provider is registered;
- d) the professional qualification and the Member State in which it was awarded;
- e) a reference to the professional rules applicable in the Member State of establishment and to the means of gaining access to those rules;

- f) if the service provider performs an activity which is subject to VAT, the VAT identification number referred to in Article 22(1) of the Sixth Council Directive 77/388/EEC⁴⁶.

Title III

Freedom of establishment

CHAPTER I

GENERAL SYSTEM FOR THE RECOGNITION OF EVIDENCE OF TRAINING

Article 10

Scope

This Chapter applies to all professions which are not covered by Chapters II and III of this Title and to all cases in which the applicant does not satisfy the conditions laid down in those Chapters.

Article 11

Levels of qualification

1. For the purpose of applying Article 13, the following five levels of professional qualification are established:
 - a) level 1, "attestation of competence";
 - b) level 2, "certificate";
 - c) level 3, "diploma certifying successful completion of a short training course";
 - d) level 4, "diploma certifying successful completion of an intermediate training course";
 - e) level 5, "diploma certifying successful completion of a higher training course".
2. Level 1 corresponds to:
 - a) an attestation of competence issued by a competent authority in the home Member State on the basis of a very short training course, a specific examination without prior training or full-time practice of the profession in a Member State for three consecutive years or for an equivalent duration on a part-time basis during the previous 10 years,
 - b) general primary or secondary education, attesting that the holder has acquired general knowledge.

⁴⁶ OJ L 145, 13.6.1977, p. 1. Directive last amended by Directive 1999/85/EC (OJ L 277 of 28.10.1999, p. 34).

3. Level 2 corresponds to training at secondary level, of a professional nature or general in character, supplemented by a professional course.
4. Level 3 corresponds to training at post-secondary level and of a duration of at least one year and less than three years.

The following shall be treated as level-3 training courses:

- a) training courses with a special structure which provide a comparable professional standard and which prepare the trainee for a comparable level of responsibilities and functions. The courses listed in Annex II are specific examples;
 - b) regulated training which is specifically directed to the practice of a particular profession and which consists of a course of education supplemented, where appropriate, by professional training, probationary or professional practice, for which the structure and level are laid down in the legislative, regulatory or administrative provisions of the Member State in question, or which are subject to control or approval by the authority designated for that purpose. The regulated training courses listed in Annex III are specific examples.
5. Level 4 corresponds to a course of training at higher or university level and of a duration of at least three years and less than four years.

The following shall be treated as level-4 training: Regulated training which is directly aimed at the practice of a particular profession and which consist of a three-year programme of post-secondary study or a part-time programme of post-secondary study of equivalent duration, carried out in a university or an institution providing an equivalent level of training, and, possibly, professional training, probationary or professional practice required in addition to the programme of post-secondary study.

The structure and level of the professional training, probationary or professional practice shall be laid down in the legislative, regulatory or administrative provisions of the Member State in question or be subject to control or approval by the authority designated for that purpose.

6. Level 5 corresponds to training at higher education level and of a minimum duration of four years.

The following shall be treated as level-5 training: regulated training aimed specifically at the pursuit of a particular profession and which consist of a programme of post-secondary study of at least four years' duration or a programme of part-time post-secondary study of equivalent duration, carried out in a university or an institution providing an equivalent level of training and, possibly, professional training, probationary or professional practice required in addition to a programme of post-secondary study.

The structure and level of the professional training, probationary or professional practice shall be laid down in the legislative, regulatory or administrative provisions of the Member State in question or be subject to supervision or approval by the authority designated for that purpose.

Article 12
Conditions for recognition

Any document or set of documents issued by a competent authority in a Member State, certifying successful completion of training in the Community, recognised by that Member State as being of an equivalent level and conferring on the holder the same rights of access to or pursuit of a profession, shall be treated as proof of training of the type covered by Article 11, including the level in question.

Any professional qualification which, although not satisfying the requirements contained in the legislative, regulatory or administrative provisions in force in the home Member State for access to or the practice of a profession, confers on the holder acquired rights by virtue of these provisions, shall be treated as a professional qualification under the first paragraph and under the same conditions.

Article 13
Conditions for recognition

1. If access to or pursuit of a regulated profession in a host Member State is contingent upon possession of specific professional qualifications, the competent authority of that Member State shall permit access to and pursuit of that profession, under the same conditions as apply to its nationals, to applicants possessing the attestation of competence or evidence of formal training required by another Member State in order to gain access to and pursue that profession on its territory.

Attestations of competence or evidence of formal training shall satisfy the following conditions:

- a) they shall have been obtained in another Member State;
 - b) they shall attest a level of professional qualification at least equivalent to the level immediately below that which is required in the host Member State, as described in Article 11.
2. Access to and pursuit of the profession, as described in paragraph 1, shall also be granted to applicants who have practised the profession referred to in that paragraph on a full-time basis for two years during the previous 10 years in another Member State which does not regulate that profession, providing they possess one or more attestations of competence or documents providing evidence of formal training.

Attestations of competence and evidence of formal training shall satisfy the following conditions:

- a) they shall have been issued by a competent authority in a Member State, designated in accordance with the legislative, regulatory or administrative provisions of that Member State;
- b) they shall attest a level of professional qualification at least equivalent to the level immediately below that required in the host Member State, as described in Article 11;

- c) they shall attest that the holder has been prepared for the practice of the profession in question.

The two years' professional experience referred to in the first subparagraph may not, however, be required if the evidence of formal training which the applicant possesses, and which is referred to in that subparagraph, certifies regulated training within the meaning of Article 11.4(b), 11.5, second subparagraph and 11.6, second subparagraph.

Article 14
Compensation measures

1. Article 13 does not preclude the host Member State from requiring the applicant to complete an adaptation period of up to three years or to take an aptitude test if:
 - a) the duration of the training of which he provides evidence under the terms of Article 13, paragraph 1 or 2, is at least one year shorter than that required by the host Member State;
 - b) the training he has received covers substantially different matters than those covered by the evidence of formal training required in the host Member State;
 - c) the regulated profession in the host Member State comprises one or more regulated professional activities which do not exist in the corresponding profession in the applicant's home Member State within the meaning of Article 4(2), and that difference consists in specific training which is required in the host Member State and which covers substantially different matters from those covered by the applicant's attestation of competence or evidence of formal training.
2. If the host Member State makes use of the option provided for in paragraph 1, it must offer the applicant the choice between an adaptation period and an aptitude test.

Where a Member State considers, with respect to a given profession, that it is necessary to derogate from the requirement, set out in the previous subparagraph, that it give the applicant a choice between an adaptation period and an aptitude test, it shall inform the other Member States and the Commission in advance and provide sufficient justification for the derogation.

If, after receiving all necessary information, the Commission considers that the derogation referred to in the second subparagraph is inappropriate or that it is not in accordance with Community law, it shall, within three months, ask the Member State in question to refrain from taking the envisaged measure. In the absence of a response from the Commission within the above-mentioned deadline, the derogation may be applied.

3. For the purpose of applying paragraph 1(b) and (c), "substantially different matters" means matters of which knowledge is essential for practising the profession and with regard to which the training received by the migrant shows important differences in terms of duration or content from the training required by the host Member State.

4. Paragraph 1 shall be applied with due regard to the principle of proportionality. In particular, if the host Member State intends to require the applicant to complete an adaptation period or take an aptitude test, it must first ascertain whether the knowledge acquired by the applicant in the course of his professional experience in a Member State or in a non-member country, is of a nature to cover, in full or in part, the substantial difference referred to in paragraph 3.

Article 15

Waiving of compensation measures on the basis of common platforms

1. Professional associations may notify the Commission of common platforms which they establish at European level. For the purposes of this Article, "common platform" means a set of criteria of professional qualifications which attest to a sufficient level of competence for the pursuit of a given profession and on the basis of which those associations accredit the qualifications obtained in the Member States.

If the Commission is of the opinion that the platform in question facilitates the mutual recognition of professional qualifications, it shall inform the Member States thereof and shall take a decision in accordance with the procedure referred to in Article 54(2).

2. Where the applicant's qualifications satisfy the criteria established by a decision within the meaning of paragraph 1, the host Member State shall waive application of Article 14.
3. If a Member State considers that a common platform no longer offers adequate guarantees with regard to professional qualifications, it shall inform the Commission accordingly, which shall, if appropriate, take a decision in accordance with the procedure referred to in Article 54(2).

CHAPTER II RECOGNITION OF PROFESSIONAL EXPERIENCE

Article 16

Requirements regarding professional experience

If, in a Member State, access to or pursuit of one of the activities listed in Annex IV is contingent upon possession of general, commercial or professional knowledge and aptitudes, that Member State shall recognise previous pursuit of the activity in another Member State as sufficient proof of such knowledge and aptitudes. The activity must have been pursued in accordance with Articles 17 and 18.

Article 17

Activities referred to in list I of Annex IV

1. For the activities in list I of Annex IV, the activity in question must have been previously pursued:

- a) either for five consecutive years on a self-employed basis or as a company director,
 - b) or for three consecutive years on a self-employed basis or as a company director, where the beneficiary proves that he has received previous training of at least three years for the activity in question, evidenced by a certificate recognised by that Member State or judged by a competent professional body to be fully valid,
 - c) or for four consecutive years on a self-employed basis or as a company director, where the beneficiary can prove that he has received, for the activity in question, previous training of at least two years' duration, attested by a certificate recognised by the Member State or judged by a competent professional body to be fully valid,
 - d) or for three consecutive years on a self-employed basis or as a company director, if the beneficiary can prove that he has performed the activity in question on an employed basis for at least five years,
 - e) either five consecutive years on an employed basis, if the beneficiary can prove that he has received, for the activity in question, previous training of at least three years' duration, as attested by a certificate recognised by that Member State or judged by a competent professional body to be fully valid,
 - f) or for six consecutive years on a employed basis, if the beneficiary can prove that he has received previous training in the activity in question of at least two years' duration, as attested by a certificate recognised by that Member State or judged by a competent professional body to be fully valid.
2. In cases a) and d), the activity must not have finished more than 10 years before the date on which the complete application was submitted by the person concerned to the competent authority referred to in Article 52.

Article 18
Activities referred to in list II of Annex IV

1. For the activities in list II of Annex IV, the activity in question must have been previously pursued:
 - a) for three consecutive years, either on a self-employed basis or as a company director,
 - b) or for two consecutive years, either on a self-employed basis or as a company director, if the beneficiary can prove that he has received previous training for the activity in question, as attested by a certificate recognised by that Member States or judged by a competent professional body to be fully valid,
 - c) or for two consecutive years, either on a self-employed basis or as a company director, if the beneficiary can prove that he has pursued the activity in question on an employed basis for at least three years,

- d) or for three consecutive years, on an employed basis, if the beneficiary can prove that he has received previous training for the activity in question, as attested by a certificate recognised by that Member State or judged by a competent professional body to be fully valid.
2. In cases a) and c), the activity must not have ended more than ten years prior to the date on which the complete application is presented by the person concerned to the competent authority referred to in Article 52.

Article 19
Amendment of the list of activities in Annex IV

The lists of activities in Annex IV which are the subject of recognition of professional experience pursuant to Article 16 may be amended in accordance with the procedure referred to in Article 54(2).

CHAPTER III
RECOGNITION ON THE BASIS OF COORDINATION
OF MINIMUM TRAINING CONDITIONS

Section 1
General Provisions

Article 20
Principle of automatic recognition

1. Each Member State shall recognise evidence of training giving access to the professional activities of general practitioner and specialised doctor, nurse responsible for general care, dental practitioner, veterinary surgeon, pharmacist and architect, listed in Annex V, points 5.1.2, 5.1.3, 5.2.3, 5.3.3, 5.4.3, 5.6.4 and 5.7.2 respectively, which satisfy the minimum training conditions referred to in Articles 22, 23, 29, 32, 35, 40 and 42 respectively, and shall, for the purposes of access to and pursuit of the professional activities, give such evidence the same effect on its territory as the evidence of formal training which it itself issues.

Such evidence of formal qualifications must be issued by the competent bodies in the Member States and accompanied, where appropriate, by the certificates listed in Annex V, points 5.1.2, 5.1.3, 5.2.3, 5.3.3, 5.4.3, 5.6.4 and 5.7.2 respectively.

The provisions of subparagraphs 1 and 2 do not affect the acquired rights referred to in Articles 21, 25, 31, 34 and 45.

2. Each Member State shall recognise, for the purpose of pursuing general medical activities in the framework of its national social security system, evidence of formal training listed in Annex V, point 5.1.5 and issued to nationals of the Member States by the other Member States in accordance with the minimum training conditions laid down in Article 26.

The provisions of the previous subparagraph do not affect the acquired rights referred to in Article 28.

3. Each Member State shall recognise evidence of formal training as a midwife, awarded to nationals of Member States by the other Member States, listed in Annex V, point 5.5.4, which complies with the minimum training conditions referred to in Article 36 and satisfies the criteria set out in Article 37, and shall, for the purposes of access to and pursuit of the professional activities, give such evidence the same effect on its territory as the evidence of formal training which it itself issues. This provision does not affect the acquired rights referred to in Articles 21 and 39.
4. Evidence of formal training as an architect referred to in Annex V, point 5.7.2, which is subject to automatic recognition pursuant to paragraph 1, proves completion of a course of training which began not earlier than during the academic reference year referred to in that Annex.
5. Each Member State shall make access to and pursuit of the professional activities of doctors, nurses responsible for general care, dental practitioners, veterinary surgeons, midwives and pharmacists subject to possession of evidence of formal training referred to in Annex V, points 5.1.2, 5.1.3, 5.1.5, 5.2.3, 5.3.3, 5.4.3, 5.5.4 and 5.6.4 respectively, attesting that the person concerned has acquired, over the duration of his training, and where appropriate, the knowledge and aptitudes referred to in Annex V, points 5.1.1, 5.2.1, 5.3.1, 5.4.1, 5.5.1 and 5.6.1.

The knowledge and aptitudes referred to in Annex V, points 5.1.1, 5.2.1, 5.3.1, 5.4.1, 5.5.1 and 5.6.1, may be amended in accordance with the procedure referred to in Article 54(2) with a view to adapting them to scientific and technical progress.

Such updates shall not entail, for any Member State, an amendment of its existing legislative principles regarding the structure of professions as regards training and conditions of access by natural persons.

6. Each Member State shall notify the Commission of the legislative, regulatory and administrative provisions which it adopts with regard to the issuing of evidence of formal training in the area covered by this Chapter.

The Commission shall publish an appropriate communication in the *Official Journal of the European Communities*, indicating the titles adopted by the Member States for evidence of formal training and, where appropriate, the body which issues the evidence of formal training, the certificate which accompanies it and the corresponding professional title referred to in Annex V, points 5.1.2, 5.1.3, 5.1.5, 5.2.3, 5.3.3, 5.4.3, 5.5.4, 5.6.4 and 5.7.2 respectively.

Article 21 *Acquired rights*

1. Without prejudice to the acquired rights specific to the professions concerned, in cases where the evidence of medical training provides access to the professional activities of general practitioners and specialised doctors, nurses responsible for general care, dental practitioners, veterinary surgeons, midwives and pharmacists held by nationals of Member States do not satisfy all the training requirements

referred to in Articles 22, 23, 29, 32, 35, 36 and 40, each Member State shall recognise as sufficient proof certificates of training issued by those Member States insofar as they attest successful completion of training which began before the reference dates laid down in Annex V, points 5.1.2, 5.1.3, 5.2.3, 5.3.3, 5.4.3, 5.5.4 and 5.6.4 and are accompanied by a certificate stating that the holders have been effectively and lawfully engaged in the activities in question for at least three consecutive years during the five years preceding the award of the certificate.

2. The same provisions shall apply to evidence of medical training providing access to the professional activities of general practitioners, specialised doctors, nurses responsible for general care, dental practitioners, veterinary surgeons, midwives and pharmacists obtained in the territory of the former German Democratic Republic and which do not satisfy all the minimum training requirements laid down in Articles 22, 23, 29, 32, 35, 36 and 40 if they certify successful completion of training which began before:
 - a) 3 October 1989 for general practitioners, nurses responsible for general care, dental practitioners, veterinary surgeons, midwives and pharmacists, and
 - b) 3 April 1992 for specialised doctors.

The evidence of training referred to in the first subparagraph confers on the holder the right to pursue professional activities throughout German territory under the same conditions as evidence of formal training issued by the competent German authorities referred to in Annex V, points 5.1.2, 5.1.3, 5.2.3, 5.3.3, 5.4.3, 5.5.4 and 5.6.4.

3. Each Member State shall recognise as sufficient proof for nationals of Member States whose evidence of formal training as a doctor, nurse responsible for general care, dental practitioner, veterinary surgeon, midwife and pharmacist does not correspond to the titles given for that Member State in Annex V, points 5.1.2, 5.1.3, 5.1.4, 5.1.5, 5.2.3, 5.3.3, 5.4.3, 5.5.4 and 5.6.4, evidence of formal training issued by those Member States accompanied by a certificate issued by the competent authorities or bodies.

The certificate referred to in the first subparagraph shall state that the evidence of formal training certifies successful completion of training in accordance with Articles 22, 23, 26, 29, 32, 35, 36 and 40 respectively of this Directive and is treated by the Member State which issued it in the same way as the qualifications whose titles are listed in Annex V, points 5.1.2., 5.1.3, 5.1.4, 5.1.5, 5.2.3, 5.3.3, 5.4.3, 5.5.4 and 5.6.4.

Section 2

Doctors of medicine

Article 22

Basic medical training

1. Admission to basic medical training shall be contingent upon possession of a diploma or certificate providing access, for the studies in question, to universities or

institutes of a Member State which provide higher education of a level recognised as being of an equivalent level, for the studies in question, of a Member State.

2. Basic medical training shall comprise a total of at least six years of study or 5 500 hours of theoretical and practical training provided by, or under the supervision of, a university.

For persons who began their studies before 1 January 1972, the course of training referred to in paragraph 1 may comprise six months of full-time practical training at university level under the supervision of the competent authorities.

3. Continuous training shall ensure, in accordance with the procedures specific each Member State, that persons who have completed their studies are able to keep abreast of medical progress.

Article 23

Specialist medical training

1. Admission to specialist medical training shall be contingent upon completion and validation of six years of study as part of a training programme referred to in Article 22 in the course of which the trainee has acquired the relevant knowledge of general medicine.
2. Specialist medical training shall comprise theoretical and practical training at a university or medical teaching hospital or, where appropriate, a medical care establishment approved for that purpose by the competent authorities or bodies.

The Member States shall ensure that the minimum duration of specialist medical training courses referred to in Annex V, point 5.1.4 is not less than the duration provided for in that point.

Training shall be given under the supervision of the competent authorities or bodies. It shall include personal participation of the trainee specialised doctor in the activity and responsibilities entailed by the services in question.

3. Training shall be given on a full-time basis at specific establishments which are recognised by the competent authorities. It shall entail participation in the full range of medical activities of the department where the training is given, including duty on call, in such a way that the trainee specialist devotes all his professional activity to his practical and theoretical training throughout the entire working week and throughout the year, in accordance with the procedures laid down by the competent authorities. Accordingly, these posts shall be the subject of appropriate remuneration.

This training may be interrupted for reasons such as military service, scientific missions, pregnancy or illness. Such interruptions may not result in a reduction in the overall duration of the training.

4. By way of exception, the Member States may authorise part-time specialist training, under conditions allowed by the competent national authorities, if, in the light of individual justified circumstances, full-time training is not feasible. The competent authorities shall ensure that the overall duration and quality of part-time specialist training shall not be lower than that of full-time training. This level may not be

compromised by the part-time nature of the training, nor by the pursuit of paid professional activity.

The part-time training of specialised doctors shall satisfy the same requirements as full-time training, from which it is distinguished only by the possibility of limiting the participation in medical activities to a duration of at least half of that provided for with full-time training.

Such part-time training shall therefore be the subject of appropriate remuneration.

5. The Member States shall make the issuance of evidence of specialist medical training contingent upon possession of evidence of basic medical training referred to in Annex V, point 5.1.2.
6. The minimum periods of training referred to in Annex V, point 5.1.4 may be amended in accordance with the procedure referred to in Article 54(2).

Article 24

Types of specialist medical training

Evidence of formal training as a specialised doctor referred to in Article 20 is such evidence awarded by the competent authorities or bodies referred to in Annex V, point 5.1.3 as corresponds, for the specialised training in question, to the titles in use in the various Member States and referred to in Annex V, point 5.1.4.

The inclusion in Annex V, point 5.1.4 of new medical specialties common to all the Member States may be decided on in accordance with the procedure referred to in Article 54(2).

Article 25

Acquired rights specific to specialised doctors

1. A host Member State may require of specialised doctors whose part-time specialist medical training was governed by legislative, regulatory and administrative provisions in force as of 20 June 1975 and who began their specialist training no later than 31 December 1983 that their evidence of formal training be accompanied by a certificate stating that they have been effectively and lawfully engaged in the relevant activities for at least three consecutive years during the five years preceding the award of that certificate.
2. Every Member State shall recognise the qualification of specialised doctors awarded in Spain to doctors who completed their specialist training before 1 January 1995, even if that training does not satisfy the minimum training requirements provided for in Article 23, insofar as that qualification is accompanied by a certificate issued by the competent Spanish authorities and attesting that the person concerned has passed the examination in specific professional competence held in the context of exceptional measures concerning recognition laid down in Royal Decree 1497/99, with a view to ascertaining that the person concerned possesses a level of knowledge and aptitude comparable to that of doctors who possess a qualification as a specialised doctor defined for Spain in Annex V, points 5.1.3 and 5.1.4.

3. Every Member State which applies relevant legislative, regulatory or administrative provisions shall accept as sufficient proof evidence of formal training as a specialised doctor issued by other Member States which correspond, for the specialist training in question, to the titles listed in Annex VI, point 6.1, insofar as they attest a course of training which began before the reference date referred to in Annex V, point 5.1.3 and are accompanied by a certificate stating that the holders have been effectively and lawfully engaged in the activities in question for at least three consecutive years during the five years preceding the award of the certificate.

The same provisions shall apply to evidence of specialist medical training obtained in the territory of the former German Democratic Republic if they attest a course of training which began before 3 April 1992 and confer on the holder the right to pursue the professional activities throughout German territory under the same conditions as evidence of formal training awarded by the competent German authorities referred to in Annex VI, point 6.1.

4. Every Member State which applies relevant legislative, regulatory or administrative provisions shall accept evidence of specialist medical training corresponding, for the specialist training in question, to the titles listed in Annex VI, point 6.1, awarded by the Member States listed therein and attesting a course of training which began after the reference date laid down in Annex V, point 5.1.3 and before the deadline laid down in Article 58, and shall, for the purposes of access to and pursuit of the professional activities of specialised doctor, give such evidence the same effect on its territory as certificates of training which it itself issues.
5. Every Member State which has repealed its legislative, regulatory or administrative provisions relating to the award of certificates of specialist medical training referred to in Annex VI, point 6.1 and which has adopted measures relating to acquired rights benefiting its nationals, shall grant nationals of other Member States the right to benefit from those measures, insofar as these certificates were issued before the date on which the host Member State ceased to issue certificates of training for the specialty in question.

The dates on which these provisions were repealed are set out in Annex VI, point 6.1.

Article 26 *Training of general practitioners*

1. Admission to general medical training shall be contingent on the completion and validation of six years of study as part of a training programme referred to in Article 22.
2. The training of general practitioners leading to the award of evidence of formal qualifications issued before 1 January 2006 shall be of a duration of at least two years on a full-time basis. In the case of certificates of training issued after that date, the training shall be of a duration of at least three years on a full-time basis.

Where the training programme referred to in Article 22 comprises practical training given by an approved hospital possessing appropriate general medical equipment and services or as part of an approved general medical practice or an approved centre in

which doctors provide primary medical care, the duration of that practical training may, up to a maximum of one year, be included in the duration provided for in the first subparagraph for certificates of training issued on or after 1 January 2006.

The option provided for in the second subparagraph is only available for Member States in which the training of general practitioners lasted two years as of 1 January 2001.

3. The training of general practitioners shall be carried out on a full-time basis, under the supervision of the competent authorities or bodies. It shall be more practical than theoretical.

The practical training shall be given, on the one hand, for at least six months in an approved hospital possessing appropriate equipment and services and, on the other hand, for at least six months as part of an approved general medical practice or an approved centre at which doctors provide primary health care.

The practical training shall take place in conjunction with other health establishments or structures concerned with general medicine. Without prejudice to the minimum periods laid down in the second subparagraph, however, the practical training may be given during a period of not more than six months in other approved establishments or health structures concerned with general medicine.

The training shall require the personal participation of the trainee in the professional activity and responsibilities of the persons with whom he is working.

4. By way of exception, Member States may authorise specific courses of general medical training on a part-time basis, of a level qualitatively equivalent to full-time training, insofar as the following conditions are met:

- a) the fact that the training is followed on a part-time basis does not reduce the total duration of the training;
- b) the weekly duration of part-time training is not less than half of the weekly duration of full-time training;
- c) part-time training includes a certain number of periods of full-time training, both for the part given in a hospital environment and the part given in an approved general medical practice or an approved centre in which doctors provide primary health care. The number and duration of these periods of full-time training must be such as to provide adequate preparation for the practice of general medicine.

5. Member States shall make the issuance of evidence of general medical training subject to possession of one of the certificates of general medical training referred to in Annex V, point 5.1.2.

6. Member States may issue certificates of training referred to in Annex V, point 5.1.5 to a doctor who has not completed the training provided for in this Article but who has completed a different, supplementary training, as attested by evidence of formal training issued by the competent authorities in a Member State. They may not, however, award evidence of formal training unless it attests knowledge of a level equivalent to the knowledge acquired from the training provided for in this Article.

Member States shall determine, *inter alia*, the extent to which the complementary training and professional experience already acquired by the applicant may replace the training provided for in this Article.

The Member States may only issue the evidence of formal training referred to in Annex V, point 5.1.5 if the applicant has acquired at least six months' experience of general medicine in a general medical practice or a centre in which doctors provide primary health care of the types referred to in paragraph 3 of this Article.

Article 27

Pursuit of the professional activities of general practitioners

Each Member State shall, subject to the provisions relating to acquired rights, make the pursuit of the activities of a general practitioner in the framework of its national social security system contingent upon possession of evidence of formal training referred to in Annex V, point 5.1.5.

Member States may exempt persons who are currently undergoing specific training in general medicine from this condition.

Article 28

Acquired rights specific to general practitioners

1. Each Member State shall determine the acquired rights. It shall, however, confer as an acquired right the right to perform 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 5.1.5, 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 general practitioner and who are established as of that date on its territory, having benefited from the provisions of Article 20 or Article 21.

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 5.1.5, 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 evidence the same effect on its territory as evidence of formal training which it awards and which permit the pursuit of the activities of a general practitioner in the framework of its national social security system.

Section 3

Nurses responsible for general care

Article 29

Training of nurses responsible for general care

1. Admission to training for nurses responsible for general care shall be contingent upon completion of general education of 10 years, as attested by a diploma, certificate or other evidence issued by the competent authorities or bodies in a Member State or by a certificate attesting success in an examination, of an equivalent level, for admission to a school of nursing.
2. Training of nurses responsible for general care shall be given on a full-time basis and shall include at least the programme described in Annex V, point 5.2.2.

The content listed in Annex V, point 5.2.2 may be amended in accordance with the procedure referred to in Article 54(2) with a view to adapting it to scientific and technical progress.

Such updates may not entail, for any Member State, any amendment of its existing legislative principles relating to the structure of professions as regards training and the conditions of access by natural persons.

3. The training of nurses responsible for general care shall comprise at least three years of study or 4 600 hours of theoretical and clinical training, the duration of the theoretical training representing at least one-third and the duration of the clinical training at least one-half of the minimum duration of the training. Member States may grant partial exemptions to persons who have received part of their training on courses which are of at least an equivalent level.

The Member States shall ensure that institutions providing nurse training are responsible for the coordination of theoretical and clinical training throughout the entire study programme.

By way of exception, the Member States may authorise part-time training under conditions allowed by the competent national authorities. The total duration of part-time training may not be less than that of full-time training, and the level of training may not be compromised by the fact that it is given on a part-time basis.

4. Theoretical training is that part of nurse training from which trainee nurses acquire the professional knowledge, insights and aptitudes necessary for organising, dispensing and evaluating overall health care. The training shall be given by teachers of nursing care and by other competent persons, in nursing schools and other training establishments selected by the training institution.
5. Clinical training is that part of nurse training in which trainee nurses learn, as part of a team and in direct contact with a healthy or sick individual and/or community, to organise, dispense and evaluate the required comprehensive nursing care, on the basis of the knowledge and aptitudes which they have acquired. The trainee nurse shall learn not only how to work in a team, but also how to lead a team and organise

overall nursing care, including health education for individuals and small groups, within the health institute or in the community.

This training shall take place in hospitals and other health institutions and in the community, under the responsibility of nursing teachers, in cooperation with and assisted by other qualified nurses. Other qualified personnel may also take part in the teaching process.

Trainee nurses shall participate in the activities of the department in question insofar as those activities are appropriate to their training, enabling them to learn to assume the responsibilities involved in nursing care.

Article 30

Performance of the professional activities of nurses responsible for general care

For the purposes of this Directive, the professional activities of nurses responsible for general care are the activities performed on a professional basis and referred to in Annex V, point 5.2.3.

Article 31

Acquired rights specific to nurses responsible for general care

Where the general rules of acquired rights apply to nurses responsible for general care, the activities referred to in Article 21 must have included full responsibility for the planning, organisation and administration of nursing care delivered to the patient.

Section 4

Dental practitioners

Article 32

Dental training

1. Admission to training as a dental practitioner presupposes possession of a diploma or certificate giving access, for the studies in question, to universities or higher institutes of a level recognised as equivalent, in a Member State.
2. Dental training shall comprise a total of at least five years of full-time theoretical and practical study, comprising at least the programme described in Annex 5.3.2 and given in a university, in a higher institute providing training recognised as being of an equivalent level or under the supervision of a university.

The content listed in Annex V, point 5.3.2 may be amended in accordance with the procedure referred to in Article 54(2) with a view to adapting it to scientific and technical progress.

Such updates may not entail, for any Member State, any amendment of its existing legislative principles relating to the system of professions as regards training and the conditions of access by natural persons.

Article 33
Performance of the professional activities of dental practitioners

1. For the purposes of this Directive, the professional activities of dental practitioners are the activities defined in paragraph 3 and pursued under the professional qualifications listed in Annex V, point 5.3.3.
2. The profession of dental practitioner is based on dental training referred to in Article 32 and shall constitute a specific profession which is distinct from other general or specialised medical professions. Pursuit of the activities of a dental practitioner requires the possession of evidence of formal qualifications referred to in Annex V, point 5.3.3. Holders of such evidence of formal qualifications shall be treated in the same way as those to whom Articles 21 or 34.
3. The Member States shall ensure that dental practitioners are generally able to gain access to and pursue the activities of prevention, diagnosis and treatment of anomalies and diseases affecting the teeth, mouth, jaws and adjoining tissue, having due regard to the regulatory provisions and rules of professional ethics on the reference dates referred to in Annex V, point 5.3.3.

Article 34
Acquired rights specific to dental practitioners

1. Every Member State shall, for the purposes of the pursuit of the professional activities of dental practitioners under the qualifications listed in Annex V, point 5.3.3, recognise evidence of medical training issued in Italy, Spain and Austria to persons who began their medical training on or before the reference date stated in that Annex for the Member State concerned, accompanied by a certificate issued by the competent authorities of that Member State.

The certificate must show that the two following conditions are met:

- a) that the persons in question have been effectively, lawfully and principally engaged in that Member State in the activities referred to in Article 33 for at least three consecutive years during the five years preceding the award of the certificate,
- b) that those persons are authorised to pursue the said activities under the same conditions as holders of evidence of formal qualifications listed for that Member State in Annex V, point 5.3.3.

Persons who have successfully completed at least three years of study, certified by the competent authorities in the Member State concerned as being equivalent to the training referred to in Article 32, shall be exempted from the three-year practical work experience referred to in the second indent, point a).

2. Each Member State shall recognise evidence of medical training issued in Italy to persons who began their university medical training after 28 January 1980 and no later than 31 December 1984, accompanied by a certificate issued by the competent Italian authorities.

The certificate must show that the three following conditions are met:

- a) that the persons in questions passed the relevant aptitude test held by the competent Italian authorities with a view to establishing that those persons possess a level of knowledge and aptitudes comparable to that of persons possessing evidence of formal qualifications listed for Italy in Annex V, point 5.3.3,
- b) that they have been effectively, lawfully and principally engaged in the activities referred to in Article 33 in Italy for at least three consecutive years during the five years preceding the award of the certificate,
- c) that they are authorised to engage in or are effectively, lawfully and principally engaged in the activities referred to in Article 33, under the same conditions as the holders of evidence of formal training listed for Italy in Annex V, point 5.3.3.

Persons who have successfully completed at least three years of study certified by the competent authorities as being equivalent to the training referred to in Article 32 shall be exempt from the aptitude test referred to in the second subparagraph, point a).

3. Every Member State which applies relevant legislative, regulatory or administrative provisions shall accept evidence of dental training issued by the other Member States and referred to in Annex VI, point 6.2 as sufficient proof, insofar as they attest a course of training which began before the reference date referred to in that Annex and if they are accompanied by a certificate stating that the holder has been effectively and lawfully engaged in the activities in question for at least three consecutive years during the five years previous to the date of issue of the attestation.

The same provisions shall apply to evidence of formal training as a specialised dental practitioner acquired in the territory of the former German Democratic Republic, insofar as they attest a course of training which began before 3 October 1989 and confer on the holder the right to pursue the professional activities throughout German territory under the same conditions as evidence of formal training issued by the competent German authorities referred to in Annex VI, point 6.2.

4. Every Member State which applies relevant legislative, regulatory or administrative provisions shall accept evidence of dental training referred to in Annex VI, point 6.2, awarded by the Member States listed therein and which attests a course of training which began after the reference date referred to in that Annex and before the deadline laid down in Article 58, and shall, for the purposes of access to the professional activities of specialised dental practitioners and the performance of those activities, give such evidence the same effect on its territory as the evidence of training which it itself issues.

Section 5

Veterinary surgeons

Article 35

The training of veterinary surgeons

1. The training of veterinary surgeons shall comprise a total of at least five years of full-time theoretical and practical study at a university or at a higher institute providing training recognised as being of an equivalent level, or under the supervision of a university, covering at least the study programme referred to in Annex V, point 5.4.2.

The content listed in Annex V, point 5.4.2 may be amended in accordance with the procedure referred to in Article 54(2) with a view to adapting it to scientific and technical progress.

Such updates may not entail, for any Member State, any amendment of its existing legislative principles relating to the structure of professions as regards training and conditions of access by natural persons.

2. Admission to veterinary training shall be contingent upon possession of a diploma or certificate entitling the holder to enter, for the studies in question, university establishments or institutes of higher education recognised by a Member State to be of an equivalent level for the purpose of the relevant study.

Section 6

Midwives

Article 36

The training of midwives

1. The training of midwives shall comprise a total of at least:
 - a) specific full-time training as a midwife comprising at least three years of theoretical and practical study (route I) comprising at least the programme described in Annex V, point 5.5.2, or
 - b) specific full-time training as a midwife of 18 months' duration (route II) comprising at least the study programme described in Annex V, point 5.5.2, which was not the subject of equivalent training of nurses responsible for general care.

The Member States shall ensure that institutions providing midwife training are responsible for coordinating theory and practice throughout the programme of study.

The content listed in Annex V, point 5.5.2 may be amended in accordance with the procedure referred to in Article 54(2) with a view to adapting it to scientific and technical progress.

Such updates must not entail, for any Member State, any amendment of existing legislative principles relating to the structure of professions as regards training and the conditions of access by natural persons.

2. Access to training as a midwife shall be contingent upon one of the following conditions:
 - a) completion of at least the first ten years of general school education for route I, or
 - b) possession of evidence of formal qualifications as a nurse responsible for general care referred to in Annex V, point 5.2.3 for route II.
3. By way of exception, the Member States may authorise part-time training, under the conditions allowed by the competent national authorities. The total duration of part-time training may not be less than that of full-time training, and the level of training may not be compromised by its part-time character.

Article 37

Procedures for the recognition of evidence of formal qualifications as a midwife

1. The certificates of training as a midwife referred to in Annex V, point 5.5.4 shall be subject to automatic recognition pursuant to Article 20 insofar as they satisfy one of the following criteria:
 - a) Full-time training of at least three years as a midwife:
 - i) either made contingent upon possession of a diploma, certificate or other evidence of qualification giving access to universities or higher education institutes, or otherwise guaranteeing an equivalent level of knowledge; or
 - ii) is followed by a two-year practical work experience for which a certificate has been issued in accordance with paragraph 2.
 - b) Full-time training as a midwife of at least two years or 3 600 hours, contingent upon possession of evidence of formal training as a nurse responsible for general care referred to in Annex V, point 5.2.3.
 - c) Full-time training as a midwife of at least 18 months or 3 000 hours, contingent upon possession of evidence of formal training as a nurse responsible for general care referred to in Annex V, point 5.2.3 and followed by one year's professional practice for which a certificate has been issued in accordance with paragraph 2.
2. The certificate referred to in paragraph 1 shall be issued by the competent authorities in the home Member State. It shall certify that the holder, after obtaining evidence of formal training as a midwife, has satisfactorily performed all the activities of a midwife for a corresponding period in a hospital or a health care establishment approved for that purpose.

Article 38
Pursuit of the professional activities of a midwife

1. The provisions of this sub-section shall apply to the activities of midwives as defined by each Member State, without prejudice to paragraph 2, and pursued under the professional qualifications set out in Annex V, point 5.5.4.
2. The Member States shall ensure that midwives are able to gain access to and pursue at least the activities listed in Annex V, point 5.5.3.

Article 39
Acquired rights specific to midwives

1. Every Member State shall, in the case of nationals of Member States whose evidence of formal qualifications as a midwife satisfies all the minimum training requirements laid down in Article 36 but which, by virtue of Article 37, is not recognised unless it is accompanied by a certificate of practical work experience referred to in Article 37(2), recognise as sufficient proof certificates of training issued by those Member States before the reference date referred to in Annex V, point 5.5.4, accompanied by a certificate stating that those nationals have been effectively and lawfully engaged in the activities in question for at least two consecutive years during the five years preceding the award of the certificate.
2. The conditions laid down in paragraph 1 shall apply to the nationals of Member States whose evidence of formal training as a midwife certifies completion of training received in the territory of the former German Democratic Republic and which satisfies all the minimum training requirements laid down in Article 36 but which, by virtue of Article 37, must not be recognised unless they are accompanied by the attestation of professional experience referred to in Article 37(2), insofar as they attest a course of training which began before 3 October 1989.

Section 7
Pharmacist

Article 40
Training as a pharmacist

1. Admission to a course of training as a pharmacist shall be contingent upon possession of a diploma or certificate giving access, in a Member State, to the studies in question, at universities or higher institutes of a level recognised as equivalent.
2. Evidence of formal qualifications as a pharmacist attesting training of at least five years' duration, including at least:
 - a) four years of full-time theoretical and practical training at a university or at a higher institute of a level recognised as equivalent, or under the supervision of a university;

- b) six-month traineeship in a pharmacy which is open to the public or in a hospital, under the supervision of that hospital's pharmaceutical department.

That training cycle shall include at least the programme described in Annex V, point 5.6.2.

The contents listed in Annex V, point 5.6.2 may be amended in accordance with the procedure referred to in Article 54(2) with a view to adapting them to scientific and technical progress.

Such updates must not entail, for any Member State, any amendment of existing legislative principles relating to the structure of professions as regards training and the conditions of access by natural persons.

Article 41

Pursuit of the professional activities of a pharmacist

1. For the purposes of this Directive, the activities of a pharmacist are those, access to which and pursuit of which are contingent, in one or more Member States, upon professional qualifications and which are open to holders of evidence of formal training of the types listed in Annex V, point 5.6.4.
2. The Member States shall ensure that the holders of evidence of university training in pharmacy or of a level deemed to be equivalent, which satisfies the provisions of Article 40, are able to gain access to and pursue at least the activities listed in Annex V, point 5.6.3, subject to the requirement, where appropriate, of supplementary professional experience.
3. If a Member State makes access to or pursuit of one of the activities of a pharmacist contingent upon supplementary professional experience, in addition to possession of evidence of formal qualifications referred to in Annex V, point 5.6.4, that Member State shall recognise as sufficient proof in this regard a certificate issued by the competent authorities in the home Member State stating that the person concerned has been engaged in those activities in the home Member State for a similar period.
4. If, on 16 September 1985, a Member State has a competitive examination in place designed to select from among the holders referred to in paragraph 1, those who are to be authorised to become owners of new pharmacies whose creation has been decided on as part of a national system of geographical division, that Member State may, by way of derogation from paragraph 1, proceed with that examination and require nationals of Member States who possess evidence of formal qualifications as a pharmacist referred to in Annex V, point 5.6.4 or who benefit from the provisions of Article 21 to take part in it.

Section 8

Architect

Article 42

Training of architects

1. Training as an architect shall comprise a total of at least four years of full-time study or six years of study, at least three years of which on a full-time basis, at a university or comparable teaching institution. The training must lead to successful completion of a university-level examination.

That training, which must be of university level, and of which architecture is the principal component, must maintain a balance between theoretical and practical aspects of architectural training and guarantee the acquisition of the knowledge and aptitudes listed in Annex V, point 5.7.1.

2. The knowledge and aptitudes listed in Annex v, point 5.7.1 may be amended in accordance with the procedure referred to in Article 54(2) with a view to adapting them to scientific and technical progress.

Such updates must not entail, for any Member State, any amendment of existing legislative principles relating to the structure of professions as regards training and the conditions of access by natural persons.

Article 43

Derogations from the conditions for the training of architects

1. By way of derogation from Article 42, the following shall also be recognised as satisfying Article 20: training existing as of 5 August 1985, provided by "Fachhochschulen" in the Federal Republic of Germany over a period of three years, satisfying the requirements referred to in Article 42 and giving access to the activities referred to in Article 44 in that Member State under the professional title of "architect", insofar as the training was followed by a four-year period of professional experience in the Federal Republic of Germany, as attested by a certificate issued by the professional association in whose roll the name of the architect wishing to benefit from the provisions of this Directive appears.

The professional association must first ascertain that the work performed by the architect concerned in the field of architecture represents convincing application of the full range of knowledge and aptitudes listed in Annex V, point 5.7.1. That certificate shall be awarded in line with the same procedure as that applying to registration in the professional association's roll.

2. By way of derogation from Article 42, the following shall also be recognised as satisfying Article 20: training as part of social promotion schemes or part-time university studies, training which satisfies the requirements referred to in Article 42, as attested by an examination in architecture passed by a person who has been working for six years or more in the field of architecture under the supervision of an

architect or architectural bureau. The examination must be of university level and be equivalent to the final examination referred to in Article 42(1), subparagraph 1.

Article 44

Performance of the professional activities of architects

1. For the purposes of this Directive, the professional activities of an architect are the activities regularly carried out under the professional title of "architect".
2. Nationals of a Member State who are authorised to use that title pursuant to a law which gives the competent authority of a Member State the power to award that title to nationals of Member States who are especially distinguished by the quality of their work in the field of architecture shall be deemed to satisfy the conditions required for the pursuit of the activities of an architect, in the professional capacity of an architect. The architectural qualifications of the persons concerned shall be attested by a certificate awarded by their home Member State.

Article 45

Acquired rights specific to architects

1. Each Member State shall accept certificates of training as an architect listed in Annex VI, point 6.3, awarded by the other Member States, and attesting a course of training which began no later than the academic reference year referred to in the above-mentioned Annex, even if they do not satisfy the minimum requirements laid down in Article 42, and shall, for the purposes of access to and pursuit of the professional activities of an architect, give such evidence the same effect on its territory as certificates of training as an architect which it itself issues.

Under these circumstances, certificates issued by the competent authorities of the Federal Republic of Germany attesting that evidence of formal qualifications issued on or after 8 May 1945 by the competent authorities of the German Democratic Republic is equivalent to such evidence listed in the said Annex, shall be recognised.

2. Without prejudice to paragraph 1, every Member State shall recognise the following evidence of formal training and shall, for the purposes of access to and pursuit of the professional activities of an architect performed, give them the same effect on its territory as evidence of formal training which it itself issues: certificates issued to nationals of Member States by the Member States which have enacted regulations governing the access to and pursuit of the activities of an architect as of the following dates:
 - 1 January 1995 for Austria, Finland and Sweden
 - 5 August 1987 for the other Member States,

The certificates referred to in paragraph 1 shall certify that the holder was authorised, no later than the respective date, to use the professional title of architect, and that he has been effectively engaged, in the context of this legislation, in the activities in question for at least three consecutive years during the five years preceding the award of the certificate.

CHAPTER IV COMMON PROVISIONS ON ESTABLISHMENT

Article 46 Documentation and formalities

1. Where the competent authorities of the host Member State decide on an application to pursue the regulated profession in question by virtue of this Title, those authorities may demand the documents and certificates listed in Annex VII.

The documents referred to in Annex VII, point 1, shall not be more than three months old by the date on which they are submitted.

The Member States, bodies and other legal persons shall guarantee the confidentiality of the information which they receive.

2. The host Member State may, if it knows of any serious, specific circumstances which have arisen prior to that person's establishment in that Member State outside its territory, and which are liable to have consequences in that Member State for the pursuit of the activities in question, inform the home Member State accordingly.

The home Member State shall examine the veracity of the circumstances and its authorities shall decide on the nature and scope of the investigations which need to be carried out and shall inform the host Member State of the conclusions which it draws from the information available to it.

3. Where a host Member State requires its nationals to swear a solemn oath or make a sworn statement in order to gain access to a regulated profession, and where the wording of that oath or statement cannot be used by nationals of the other Member States, the host Member State shall ensure that the persons concerned can use an appropriate equivalent wording.

Article 47 Procedure for the mutual recognition of professional qualifications

1. The competent authority of the host Member State shall acknowledge receipt of the application within one month of receipt and inform the applicant of any missing document.
2. The procedure for examining an application to practise a regulated profession must be completed as quickly as possible and lead to a duly substantiated decision by the competent authority in the host Member State no later than three months after the date on which the applicant's complete file was submitted.
3. The decision, or failure to reach a decision within the deadline, shall be subject to appeal under national law.

Article 48
Use of professional titles

1. If, in a host Member State, the use of a professional title relating to one of the activities of the profession in question is regulated, nationals of the other Member States who are authorised to practise a regulated profession on the basis of Title III shall use the professional qualification of the host Member State, which corresponds to that profession in that Member State, and make use of any associated initials.

If, however, pursuant to Article 4(3), access to a profession in the host Member State is partial, that Member State may add a reference to that effect to the professional qualification.

2. Where a profession is regulated in the host Member State by an association or organisation listed in Annex I, nationals of Member States shall not be authorised to use the professional title issued by that organisation or association, or its abbreviated form, unless they furnish proof that they are members of that association or organisation.

If the association or organisation makes membership contingent upon certain qualifications, it may only do so in respect of nationals of other Member States who possess professional qualifications within the meaning of Article 3, second indent, under the conditions laid down in this Directive.

Article 49
Knowledge of languages

1. Persons benefiting from the recognition of professional qualifications shall have a knowledge of languages necessary for practising the profession in the host Member State.
2. The Member States shall ensure that, where appropriate, the beneficiaries acquire the language knowledge necessary for performing their professional activity in the host Member State.

Title IV
Detailed rules for pursuing the profession

Article 50
Use of titles

Without prejudice to Articles 5(3) and 48, the host Member State shall ensure that the right shall be conferred on the persons concerned to use titles conferred on them in the home Member State, and possibly an abbreviated form thereof, in the language of that Member State. The host Member State may require that title to be followed by the name and address of the establishment or examining board which awarded it.

Where a qualification issued by the home Member State is liable to be confused in the host Member State with a qualification which, in the latter Member State, requires supplementary

training not acquired by the beneficiary, the host Member State may require the beneficiary to use the title acquired in the home Member State in an appropriate form, to be laid down by the host Member State.

Article 51

Approval by health insurance funds

Without prejudice to Articles 5.1 and 6, subparagraph 1, point b), Member States which require persons who acquired their professional qualifications in their territory to complete a preparatory period of in-service training and/or a period of professional experience in order to be approved by a health insurance fund, shall waive this obligation for the holders of evidence of professional qualifications acquired in other Member States.

Title V

Administrative cooperation and responsibility for implementation

Article 52

Competent authorities

1. The competent authorities of the host Member State and of the home Member State shall work in close collaboration and shall provide mutual assistance in order to facilitate application of this Directive. They shall ensure the confidentiality of the information which they exchange.
2. Every Member State shall, no later than the deadline laid down in Article 54, designate the authorities and bodies competent to award or receive certificates of training and other documents or information, and those competent to receive applications and take the decisions referred to in this Directive, and shall inform the other Member States and the Commission thereof immediately.
3. Every Member State shall designate a coordinator for the activities of the authorities referred to in paragraph 1 and shall inform the other Member States and the Commission thereof.

The coordinators' remit shall be:

- a) to promote uniform application of this Directive;
- b) to collect all the information which is relevant for application of this Directive, such as on the conditions for access to regulated professions in the Member States.

For the purpose of fulfilling the remit described in subparagraph 2, point b), the coordinators may solicit the help of the contact points referred to in Article 53.

Article 53
Contact points

Each Member State shall designate, no later than the deadline laid down in Article 58, a contact point whose remit shall be:

- a) to provide the citizens and contact points of the other Member States with such information as is necessary concerning the recognition of professional qualifications provided for in this Directive, such as information on the national legislation governing the professions and the practice of those professions, including social legislation, and, where appropriate, the rules of ethics;
- b) to assist citizens in realising the rights conferred on them by this Directive, in cooperation, where appropriate, with the other contact points and the competent authorities in the host Member State.

The contact points shall inform the Commission of the enquiries with which they are dealing pursuant to the provisions of the first subparagraph, point b) within two months of receiving them.

Article 54
Committee on the recognition of professional qualifications

1. The Commission shall be assisted by a Committee on the recognition of professional qualifications, referred to hereafter as "the Committee", comprising representatives of the Member States and chaired by the representative of the Commission.
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having due regard to the provisions of Article 8 of that Decision.

The period provided for in Article 5(6) of Decision 1999/468/EC is fixed at two months.

3. The Committee may be asked to give its opinion on any other matter relating to implementation of this Directive.
4. The Committee shall adopt its rules of procedure.

Title VI
Other provisions

Article 55
Reports

As from the deadline laid down in Article 58, the Member States shall, every two years, send a report to the Commission on the application of the system. In addition to general observations, the report shall contain a statistical summary of decisions taken and a description of the main problems arising from the application of the Directive.

Article 56
Derogation clause

If, for the application of one of the provisions of this Directive, a Member State encounters major difficulties in a particular area, the Commission shall examine those difficulties in collaboration with the Member State concerned.

Where appropriate, the Commission shall decide, in accordance with the procedure referred to in Article 54(2), to permit the Member State in question to derogate from the provision in question for a limited period.

Article 57
Abrogation

Directives 77/452/EEC, 77/453/EEC, 78/686/EEC, 78/687/EEC, 78/1026/EEC, 78/1027/EEC, 80/154/EEC, 80/155/EEC, 85/384/EEC, 85/432/EEC, 85/433/EEC, 89/48/EEC, 92/51/EEC, 93/16/EEC and 99/42/EEC are repealed with effect from the date laid down in Article 58.

References to repealed the Directives shall be understood as references to this Directive

Article 58
Transposition

The Member States shall implement the legislative, regulatory and administrative provisions necessary to comply with this Directive by [two years from the publication in the OJ] at the latest. They shall inform the Commission thereof immediately.

When Member States adopt these provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 59
Entry into force

This Directive shall enter into force on the twentieth day following its publication in the *Official Journal of the European Communities*.

Article 60

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX I

List of professional associations or organisations fulfilling the conditions of Article 3(2)

IRELAND⁴⁷

1. The Institute of Chartered Accountants in Ireland⁴⁸
2. The Institute of Certified Public Accountants in Ireland⁴⁸
3. The Association of Certified Accountants⁴⁸
4. Institution of Engineers of Ireland
5. Irish Planning Institute

UNITED KINGDOM

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none">1. Institute of Chartered Accountants in England and Wales2. Institute of Chartered Accountants of Scotland3. Institute of Chartered Accountants in Ireland4. Chartered Association of Certified Accountants5. Chartered Institute of Loss Adjusters6. Chartered Institute of Management Accountants7. Institute of Chartered Secretaries and Administrators8. Chartered Insurance Institute9. Institute of Actuaries10. Faculty of Actuaries11. Chartered Institute of Bankers12. Institute of Bankers in Scotland13. Royal Institution of Chartered Surveyors14. Royal Town Planning Institute15. Chartered Society of Physiotherapy16. Royal Society of Chemistry17. British Psychological Society18. Library Association19. Institute of Chartered Foresters | <ol style="list-style-type: none">20. Chartered Institute of Building21. Engineering Council22. Institute of Energy23. Institution of Structural Engineers24. Institution of Civil Engineers25. Institution of Mining Engineers26. Institution of Mining and Metallurgy27. Institution of Electrical Engineers28. Institution of Gas Engineers29. Institution of Mechanical Engineers30. Institution of Chemical Engineers31. Institution of Production Engineers32. Institution of Marine Engineers33. Royal Institution of Naval Architects34. Royal Aeronautical Society35. Institute of Metals36. Chartered Institution of Building Services Engineers37. Institute of Measurement and Control38. British Computer Society |
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⁴⁷ Irish nationals are also members of the following associations or organisations in the United Kingdom:
Institute of Chartered Accountants in England and Wales
Institute of Chartered Accountants of Scotland
Institute of Actuaries
Faculty of Actuaries
The Chartered Institute of Management Accountants
Institute of Chartered Secretaries and Administrators
Royal Town Planning Institute
Royal Institution of Chartered Surveyors
Chartered Institute of Building.

⁴⁸ Only for the activity of auditing accounts.

ANNEX II

List of courses having a special structure referred to in point (a) of the second subparagraph of Article 11(4)

1. Paramedical and childcare training courses

Training for the following :

in Germany :

- paediatric nurse ("Kinderkrankenschwester/Kinderkrankenpfleger")
- physiotherapist ("Krankengymnast(in)/Physiotherapeut(in)"⁴⁹)
- occupational therapist ("Beschäftigungs- und Arbeitstherapeut(in)")
- speech therapist ("Logopaede/Logopaedin")
- orthoptist ("Orthoptist(in)")
- State-recognized childcare worker ("Staatlich anerkannte(r) Erzieher(in)")
- State-recognized remedial teacher ("Staatlich anerkannte(r) Heilpaedagoge(-in)")
- medical laboratory technician ("medizinisch-technische(r) Laboratoriums- Assistent(in)")
- medical X-ray technician ("medizinisch-technische(r) Radiologie-Assistent(in)")
- medical functional diagnostics technician ("medizinisch-technische(r) Assistent(in) fuer Funktionsdiagnostik")
- veterinary technician ("veterinaermedizinisch-technische(r) Assistent(in)")
- dietitian ("Diaetassistent(in)")
- pharmacy technician ("Pharmazieingenieur") received prior to 31 March 1994 in the former German Democratic Republic or in the territory of the new Laender
- psychiatric nurse ("Psychiatrische(r) Krankenschwester/Krankenpfleger")
- speech therapist ("Sprachtherapeut(in)")

in Italy :

- dental technician ("odontotecnico")
- optician ("ottico")
- chiropodist ("podologo")

in Luxembourg :

- medical X-ray technician ("assistant(e) technique médical(e) en radiologie")
- medical laboratory technician ("assistant(e) technique médical(e) de laboratoire")
- psychiatric nurse ("infirmier/ière psychiatrique")

⁴⁹

As from 1 June 1994, the professional title "Krankengymnast(in)" will be replaced by that of "Physiotherapeut(in)". Nevertheless, the members of the profession who obtained their diplomas before this date may, if they wish, continue to use the former title of "Krankengymnast(in)".

- medical technician - surgery ("assistant(e) technique médical(e) en chirurgie")
- paediatric nurse ("infirmier/ière puériculteur/trice")
- nurse - anaesthetics ("infirmier/ière anesthésiste")
- qualified masseur/masseuse ("masseur/euse diplômé(e)")
- childcare worker ("éducateur/trice")

in the Netherlands :

- veterinary assistant ("dierenartassistent")

which represent education and training courses of a total duration of at least thirteen years, comprising :

- (i) either at least three years of vocational training in a specialized school culminating in an examination, in some cases supplemented by a one or two-year specialization course culminating in an examination
- (ii) or at least two and a half years of vocational training in a specialized school culminating in an examination and supplemented by work experience of at least six months or by a traineeship of at least six months in an approved establishment
- (iii) or at least two years of vocational training in a specialized school culminating in an examination and supplemented by work experience of at least one year or by a traineeship of at least one year in an approved establishment
- (iv) or in the case of the veterinary assistant ("dierenartassistent") in the Netherlands three years of vocational training in a specialized school ("MBO"-scheme) or alternatively three years of vocational training in the dual apprenticeship system ("LLW"), both of which culminate in an examination.

In Austria :

- special basic training for nurses specialising in the care of children and young people ("spezielle Grundausbildung in der Kinder- und Jugendlichenpflege")
- special basic training for psychiatric nurses ("spezielle Grundausbildung in der psychiatrischen Gesundheits- und Krankenpflege")
- contact lens optician ("Kontaktlinsenoptiker")
- pedicurist ("Fusspfleger")
- acoustic-aid technician ("Hoergeraeteakustiker")
- druggist ("Drogist")

which represent education and training courses of a total duration of at least fourteen years, including at least five years' training followed within a structured training framework, divided into an apprenticeship of at least three years' duration, comprising training partly received in the workplace and partly provided by a vocational training establishment, and a period of professional practice and training, culminating in a professional examination conferring the right to exercise the profession and to train apprentices.

- masseur ("Masseur")

which represents education and training courses of a total duration of fourteen years, including five years' training within a structured training framework, comprising an apprenticeship of two years' duration, a period of professional practice and training of two years' duration and a training course of one year culminating in a professional examination conferring the rights to exercise the profession and to train apprentices.

- kindergarten worker ("Kindergaertner/in")
- child care worker ("Erzieher")

which represent education and training courses of a total duration of thirteen years, including five years of professional training in a specialized school, culminating in an examination.

2. Master craftsman sector ("Mester/Meister/Maître"), which represents education and training courses concerning skills not covered by the Directives listed in Annex A

Training for the following :

in Denmark :

- optician ("optometrist")

this course is of a total duration of 14 years, including five years' vocational training divided into two and a half years' theoretical training provided by the vocational training establishment and two and a half years' practical training received in the workplace, and culminating in a recognized examination relating to the craft and conferring the right to use the title "Mester".

- orthopaedic technician ("ortopaedimekaniker")

this course is of a total duration of 12,5 years, including three and a half years' vocational training divided into six months' theoretical training provided by the vocational training establishment and three years' practical training received in the workplace, and culminating in a recognized examination relating to the craft and conferring the right to use the title "Mester".

- orthopaedic boot and shoemaker ("orthopaediskomager")

this course is of a total duration of 13,5 years, including four and a half years' vocational training divided into two years' theoretical training provided by the vocational training establishment and two and a half years' practical training received in the workplace, and culminating in a recognized examination relating to the craft and conferring the right to use the title "Mester".

in Germany :

- optician ("Augenoptiker")
- dental technician ("Zahntechniker")
- surgical truss maker ("Bandagist")
- hearing-aid maker ("Hoergeraeteakustiker")
- orthopaedic technician ("Orthopaediemechaniker")
- orthopaedic bootmaker ("Orthopaedieschuhmacher")

in Luxembourg :

- dispensing optician ("opticien")
- dental technician ("mécanicien dentaire")
- hearing-aid maker ("audioprothésiste")
- orthopaedic technician/surgical truss maker ("mécanicien orthopédiste/bandagiste")
- orthopaedic bootmaker ("orthopédiste-cordonnier")

these courses are of a total duration of 14 years, including at least five years' training followed within a structured training framework, partly received in the workplace and partly provided by the vocational training establishment, and culminating in an examination which must be passed in order to be able to practise any activity considered as skilled, either independently or as an employee with a comparable level of responsibility.

in Austria :

- surgical truss maker ("Bandagist")

- corset maker ("Miederwarenerzeuger")
- optician ("Optiker")
- orthopaedic shoemaker ("Orthopaedieschuhmacher")
- orthopaedic technician ("Orthopaedietechniker")
- dental technician ("Zahntechniker")
- gardener ("Gaertner")

which represent education and training of a total duration of at least fourteen years, including at least five years' training within a structured training framework, divided into apprenticeship of at least three years' duration, comprising training received partly in the workplace and partly provided by a vocational training establishment, and a period of professional practice and training of at least two years' duration culminating in mastership examination conferring the rights to exercise the profession, to train apprentices and to use the title "Meister".

training for master craftsmen in the field of agriculture and forestry, namely :

- master in agriculture ("Meister in der Landwirtschaft")
- master in rural home economics ("Meister in der laendlichen Hauswirtschaft")
- master in horticulture ("Meister im Gartenbau")
- master in market gardening ("Meister im Feldgemüsebau")
- master in pomology and fruit-processing ("Meister im Obstbau und in der Obstverwertung")
- master in viticulture and wine-production ("Meister im Weinbau und in der Kellerwirtschaft")
- master in dairy farming ("Meister in der Molkerei- und Kaesereiwirtschaft")
- master in horse husbandry ("Meister in der Pferdewirtschaft")
- master in fishery ("Meister in der Fischereiwirtschaft")
- master in poultry farming ("Meister in der Geflügelwirtschaft")
- master in apiculture ("Meister in der Bienenwirtschaft")
- master in forestry ("Meister in der Forstwirtschaft")
- master in forestry plantation and forest management ("Meister in der Forstgarten- und Forstpflégewirtschaft")
- master in agricultural warehousing ("Meister in der landwirtschaftlichen Lagerhaltung")

which represent education and training of a total duration of at least fifteen years, including at least six years' training followed within a structured training framework divided into an apprenticeship of at least three years' duration, comprising training partly received in the workplace and partly provided by a vocational training establishment, and a period of three years of professional practice culminating in a mastership examination relating to the profession and conferring the rights to train apprentices and to use the title "Meister".

3. Seafaring sector

(a) transport

Training for the following :

in Denmark :

- ship's captain ("skibsfoerer")

- first mate ("overstyrmand")
- quartermaster, deck officer ("enestyrmand, vagthavende styrmand")
- deck officer ("vagthavende styrmand")
- engineer ("maskinchef")
- first engineer ("1. maskinmester")
- first engineer/duty engineer ("1. maskinmester/vagthavende maskinmester")

in Germany :

- captain, large coastal vessel ("Kapitaen AM")
- captain, coastal vessel ("Kapitaen AK")
- deck officer, large coastal vessel ("Nautischer Schiffsoffizier AMW")
- deck officer, coastal vessel ("Nautischer Schiffsoffizier AKW")
- chief engineer, grade C ("Schiffsbetriebstechniker CT - Leiter von Maschinenanlagen")
- ship's mechanic, grade C ("Schiffsmaschinist CMa -Leiter von Maschinenanlagen")
- ship's engineer, grade C ("Schiffsbetriebstechniker CTW")
- ship's mechanic, grade C - solo engineer officer ("Schiffsmaschinist CMaW - Technischer Alleinoffizier")

in Italy :

- deck officer ("ufficiale di coperta")
- engineer officer ("ufficiale di macchina")

in the Netherlands :

- first mate (coastal vessel) (with supplementary training) ("stuurman kleine handelsvaart (met aanvulling)")
- coaster engineer (with diploma) ("diploma motordrijver")
- VTS-official ("VTS-functionaris")

which represent training :

- in Denmark, of nine years' primary schooling followed by a course of basic training and/or service at sea of between 17 and 36 months, supplemented by :
 - (i) the deck officer, one year of specialized vocational training
 - (ii) for the others, three years of specialized vocational training.
- in Germany, of a total duration of between 14 and 18 years, including a three-year course of basic vocational training and one year's service at sea, followed by one or two years of specialized vocational training supplemented, where appropriate, by two year's work experience in navigation.
- in Italy, of a total duration of 13 years, of which at least five years consist of professional training culminating in an examination and are supplemented, where appropriate, by a traineeship.
- in the Netherlands :
 - (i) for first mate (coastal vessel) (with supplementary training) ("stuurman kleine handelsvaart (met aanvulling)"), and coaster engineer (with diploma) ("diploma motordrijver"), involving a course of 14

years, at least two years of which take place in a specialized vocational training establishment, supplemented by a twelve-month traineeship

- (ii) for the VTS-official ("VTS-functionaris") of a total duration of at least 15 years, comprising at least three years of Higher Vocational Education ("HBO") or Intermediate Vocational Training ("MBO"), which are followed by national and regional specialization courses, comprising at least 12 weeks of theoretical training each and culminating each in an examination

and which are recognized under the International STCW Convention (International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978).

(b) Sea fishing Training for the following :

in Germany :

- captain, deep-sea fishing ("Kapitaen BG/Fischerei")
- captain, coastal fishing ("Kapitaen BLK/Fischerei")
- deck officer, deep-sea vessel ("Nautischer Schiffsoffizier BGW/Fischerei")
- deck officer, coastal vessel ("Nautischer Schiffsoffizier BK/Fischerei")

in the Netherlands :

- first mate/engineer V ("stuurman werktuigkundige V")
- engineer IV (fishing vessel) ("werktuigkundige IV visvaart")
- first mate IV (fishing vessel) ("stuurman IV visvaart")
- first mate/engineer VI ("stuurman werktuigkundige VI")

which represent training:

- in Germany, of a total duration of between 14 and 18 years, including a three-year course of basic vocational training and one year's service at sea, followed by one or two years of specialized vocation training supplemented, where appropriate, by two years' work experience in navigation
- in the Netherlands, involving a course varying in duration between 13 and 15 years, at latest two years of which are provided in a specialized vocational school, supplemented by a 12-month period of work experience

and are recognized under the Torremolinos Convention (1977 International Convention for the Safety of Fishing Vessels).

4. Technical sector

Training for the following :

in Italy :

- building surveyor ("geometra")
- land surveyor ("perito agrario")

which represent secondary technical courses of a total duration of at least 13 years, comprising eight years' compulsory schooling followed by five years' secondary study, including three years' vocational study, culminating in the Technical Baccalaureat examination, and supplemented :

- (i) for building surveyors by: either a traineeship lasting at least two years in a professional office, or five years' work experience
- (ii) for land surveyors, by the completion of a practical traineeship lasting at least two years

followed by the State Examination.

in the Netherlands :

- bailiff ("gerechtsdeurwaarder")
- dental-prosthesis maker ("tandprotheticus")

which represent a course of study and vocational training :

- (i) in the case of the bailiff ("gerechtsdeurwaarder"), totalling 19 years, comprising eight years' compulsory schooling followed by eight years' secondary education including four years' technical education culminating in a State examination and supplemented by three years' theoretical and practical vocational training
- (ii) in the case of the dental-prosthesis maker ("tandprotheticus") totalling at least 15 years of full time training and three years of part time training, comprising eight years of primary education, four years of general secondary education, completion of free years of vocational training, involving theoretical and practical training as a dental technician, supplemented by three years of part-time training as a dental prosthesis-maker, culminating in an examination.

in Austria :

- forester ("Foerster")
- technical consulting ("Technisches Buero")
- labour leasing ("UEberlassung von Arbeitskraeften - Arbeitsleihe")
- employment agent ("Arbeitsvermittlung")
- investment adviser ("Vermögensberater")
- private investigator ("Berufsdetektiv")
- security guard ("Bewachungsgewerbe")
- real estate agent ("Immobilienmakler")
- real estate manager ("Immobilienverwalter")
- advertising and promotion agency ("Werbeagentur")
- building project organizer ("Bautraeger, Bauorganisator, Baubetreuer")
- debt-collecting institute ("Inkassoinstitut")

which represent education and training of a total duration of at least 15 years, comprising eight years' compulsory schooling followed by a minimum of five years' secondary technical or commercial study, culminating in a technical or commercial matura examination, supplemented by at least two years' workplace education and training culminating in a professional examination.

- insurance consultant ("Berater in Versicherungsangelegenheiten")

which represents education and training of a total duration of 15 years, including six years' training followed within a structured training framework, divided into an apprenticeship of three years' duration and a three-year period of professional practice and training, culminating in an examination.

- master builder/planning and technical calculation ("Planender Baumeister")
- master woodbuilder/planning and technical calculation ("Planender Zimmermeister")

which represent education and training of a total duration of at least 18 years, including at least nine year's vocational training divided into four years' secondary technical study and five years' professional practice and training culminating in a professional examination conferring the rights to exercise the profession and to train apprentices, in so far as this

training relates to the right to plan buildings, to make technical calculations and to supervise construction work ("the Maria Theresian privilege").

5. United Kingdom courses accredited as National Vocational Qualifications or Scottish Vocational Qualifications Training for :

- mine electrical engineer
- mine mechanical engineer
- dental therapist
- dental hygienist
- dispensing optician
- mine deputy
- insolvency practitioner
- licensed conveyancer
- first mate - freight/passenger ships - unrestricted
- second mate - freight/passenger ships - unrestricted
- third mate - freight passenger ships unrestricted
- deck officer - freight/passenger ships - unrestricted
- engineer officer - freight/passenger ships - unlimited trading area
- certified technically competent person in waste management

leading to qualifications accredited as National Vocational Qualifications (NVQs) or, in Scotland, accredited as Scottish Vocational Qualifications, at levels 3 and 4 of the United Kingdom National Framework of Vocational Qualifications.

These levels are defined as follows :

- Level 3: competence in a broad range of varied work activities performed in a wide variety of contexts and most of which are complex and non-routine. There is considerable responsibility and autonomy, and control or guidance of others in often required.
- Level 4: Competence in a broad range of complex technical or professional work activities performed in a wide variety of contexts and with a substantial degree of personal responsibility and autonomy. Responsibility for the work of others and the allocation of resources is often present.

ANNEX III
List of regulated training referred to in point (b) of
the second subparagraph of Article 11(4)

In the United Kingdom :

Regulated courses leading to qualifications accredited as National Vocational Qualifications (NVQs) or, in Scotland, accredited as Scottish Vocational Qualifications, at levels 3 and 4 of the United Kingdom National Framework of Vocational Qualifications.

These levels are defined as follows :

- Level 3: competence in a broad range of varied work activities performed in a wide variety of contexts and most of which are complex and non-routine. There is considerable responsibility and autonomy, and control or guidance of others is often required.
- Level 4: Competence in a broad range of complex technical or professional work activities performed in a wide variety of contexts and with a substantial degree of personal responsibility and autonomy. Responsibility for the work of others and the allocation of resources is often present.

In Germany :

The following regulated courses :

- Regulated courses preparatory to the pursuit of the professions of technical assistant ("technische(r) Assistent(in)"), commercial assistant ("kaufmännische(r) Assistent(in)"), social professions ("soziale Berufe") and the profession of state-certified respiration and elocution instructor ("staatlich geprüfte(r) Atem-, Sprech- und Stimmlehrer(in)"), of a total duration of at least 13 years, which require successful completion of the secondary course of education ("mittlerer Bildungsabschluss") and which comprise :
 - (i) at least three years⁵⁰ of vocational training at a specialized school ("Fachschule") culminating in an examination and, where applicable, supplemented by one-year or two-year specialization course also culminating in an examination
 - (ii) or at least two and a half years at a specialized school ("Fachschule") culminating in an examination and supplemented by work experience of a duration of not less than six months or a traineeship of not less than six months in an approved establishment
 - (iii) or at least two years at a specialized school ("Fachschule") culminating in an examination and supplemented by work experience of a duration of not less than one year or a traineeship of not less than one year in an approved establishment.
- Regulated courses for the professions of state-certified ("staatlich geprüfte(r)") technician ("Techniker(in)"), business economist ("Betriebswirt(in)"), designer ("Gestalter(in)") and family assistant ("Familiengestalter(in)"), of a total duration of not less than 16 years, a prerequisite of which is successful completion of compulsory schooling or equivalent education and training (of a duration of not less than nine years) and successful completion of a course at a trade school ("Berufsschule") of a duration of not less than three years and comprising, upon completion of at least two years of work experience, full-time education and training of a duration of not less than two years or part-time education and training of equivalent duration.
- Regulated courses and regulated in-service training, of a total duration of not less than 15 years, a prerequisite of which is, generally speaking, successful completion of compulsory schooling (of a duration of not less than nine years) and of vocational training (normally three years) and which generally comprise at least two years of work experience (three years in most cases) and an examination in the context of in service training preparation for which generally comprises a training course which is either concurrent with the experience (at least 1 000 hours) or is attended on a full-time basis (at least one year).

The German authorities shall send to the Commission and to the other Member States a list of the training courses covered by this Annex.

⁵⁰ The minimum duration may be reduced from three years to two years if the person concerned has the qualification required to enter university ("Abitur"), i.e. thirteen years of prior education and training, of the qualification needed to enter a "Fachhochschule" ("Fachhochschulreife"), i.e. 12 years of prior education and training.

In the Netherlands :

- Regulated training courses of a total duration of not less than 15 years, a prerequisite of which is successful completion of eight years of primary education plus four years of either intermediate general secondary education ("MAVO") or Preparatory Vocational Education ("VBO") or general secondary education of a higher level, and which require the completion of a three-year or four-year course at a college for intermediate vocational training ("MBO"), culminating in an examination.
- Regulated training courses of a total duration not less than 16 years, a prerequisite of which is successful completion of eight years of primary education plus four years of at least preparatory vocational education ("VBO") or a higher level of general secondary education, and which require the completion of at least four years of vocational training in the apprenticeship system, comprising at least one day of theoretical instruction at a college each week and on the other days practical training centre or in a firm, and culminating in a secondary or tertiary level examination.

The Dutch authorities shall send to the Commission and to the other Member States a list of the training courses covered by this Annex.

In Austria :

- Courses at higher vocational schools ("Berufsbildende Höhere Schulen") and higher education establishments for agriculture and forestry ("Höhere Land- und Forstwirtschaftliche Lehranstalten"), including special types ("einschließlich der Sonderformen"), the structure level of which are determined by law, regulations and administrative provisions.

These courses have a total length of not less than 13 years and comprise five years of vocational training, which culminate in a final examination, the passing of which is a proof of professional competence.

- Courses at master schools ("Meisterschulen"), master classes ("Meisterklassen"), industrial master schools ("Werkmeisterschulen") or building craftsmen schools ("Bauhandwerkerschulen"), the structure and level of which are determined by law, regulations and administrative provisions.

These courses have a total length of not less than 13 years, comprising nine years of compulsory education, followed by either at least three years of vocational training at a specialized school or at least three years of training in a firm and in parallel at a vocational training school ("Berufsschule"), both of which culminate in an examination, and are supplemented by successful completion of at least a one-year training course at a master school ("Meisterschule"), master classes ("Meisterklassen"), industrial master school ("Werkmeisterschule") or a building craftsmen school ("Bauhandwerkerschule"). In most cases the total duration is at least 15 years, comprising periods of work experience, which either precede the training courses at these establishments or are accompanied by part-time courses (at least 960 hours).

The Austrian authorities shall send to the Commission and to the other Member States a list of the training courses covered by this Annex.

ANNEX IV

Activities related to the categories of professional experience referred to in Articles 17 and 18

List I

Classes covered by Directive 64/427/EEC, as amended by Directive 69/77/EEC, and by Directives
68/366/EEC, 75/368/EEC, 75/369/EEC, 82/470/EEC and 82/489/EEC

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Directive 64/427/EEC

(liberalisation Directive: 64/429/EEC)

NICE nomenclature (corresponding to ISIC classes 23-40)

Major group	23	manufacture of textiles
	232	manufacturing and processing of textile materials on woollen machinery
	233	manufacturing and processing of textile materials on cotton machinery
	234	manufacturing and processing of textile materials on silk machinery
	235	manufacturing and processing of textile materials on flax and hemp machinery
	236	other textile fibre industries (jute, hard fibres, etc.), cordage
	237	manufacture of knitted and crocheted goods
	238	textile finishing
	239	other textile industries
Major group	24	manufacture of footwear, other wearing apparel and bedding
	241	machine manufacture of footwear (except from rubber or wood)
	242	manufacture by hand and repair of footwear
	243	manufacture of wearing apparel (except furs)
	244	manufacture of mattresses and bedding
	245	skin and fur industries
Major group	25	manufactures of wood and cork, except manufacture of furniture
	251	sawing and industrial preparation of wood
	252	manufacture of semi-finished wood products
	253	series production of wooden building components including flooring
	254	manufacture of wooden containers
	255	manufacture of other wooden products (except furniture)
	259	manufacture of straw, cork, basketware, wicker-work and rattan products; brush-making

Major group	26	260 manufacture of wooden furniture
Major group	27	manufacture of paper and paper products
		271 manufacture of pulp, paper and paperboard
		272 processing of paper and paperboard, and manufacture of articles of pulp
Major group	28	280 printing, publishing and allied industries
Major group	29	leather industry
		291 tanneries and leather finishing plants
		292 manufacture of leather products
Ex major group	30	manufacture of rubber and plastic products, man-made fibres and starch products
		301 processing of rubber and asbestos
		302 processing of plastic materials
		303 production of man-made fibres
Ex major group	31	chemical industry
		311 manufacture of chemical base materials and further processing of such materials
		312 specialised manufacture of chemical products principally for industrial and agricultural purposes (including the manufacture for industrial use of fats and oils of vegetable or animal origin falling within ISIC group 312)
		313 specialised manufacture of chemical products principally for domestic or office use[excluding the manufacture of medicinal and pharmaceutical products (ex ISIC group 319)]
Major group	32	320 petroleum industry
Major group	33	manufacture of non-metallic mineral products
		331 manufacture of structural clay products
		332 manufacture of glass and glass products
		333 manufacture of ceramic products, including refractory goods
		334 manufacture of cement, lime and plaster
		335 manufacture of structural material, in concrete, cement and plaster
		339 stone working and manufacture of other non-metallic mineral products
Major group	34	production and primary transformation of ferrous and non-ferrous metals
		341 iron and steel industry (as defined in the ECSC treaty, including integrated steelworks-owned coking plants)
		342 manufacture of steel tubes
		343 wire-drawing, cold-drawing, cold-rolling of strip, cold-forming
		344 production and primary transformation of non-ferrous metals
		345 ferrous and non-ferrous metal foundries
Major group	35	manufacture of metal products (except machinery and transport equipment)
		351 forging, heavy stamping and heavy pressing
		352 secondary transformation and surface-treatment
		353 metal structures
		354 boilermaking, manufacture of industrial hollow-ware

		355	manufacture of tools and implements and finished articles of metal (except electrical equipment)
		359	ancillary mechanical engineering activities
Major group	36		manufacture of machinery other than electrical machinery
		361	manufacture of agricultural machinery and tractors
		362	manufacture of office machinery
		363	manufacture of metal-working and other machine-tools and fixtures and attachments for these and for other powered tools
		364	manufacture of textile machinery and accessories, manufacture of sewing machines
		365	manufacture of machinery and equipment for the food-manufacturing and beverage industries and for the chemical and allied industries
		366	manufacture of plant and equipment for mines, iron and steel works foundries, and for the construction industry; manufacture of mechanical handling equipment
		367	manufacture of transmission equipment
		368	manufacture of machinery for other specific industrial purposes
		369	manufacture of other non-electrical machinery and equipment
Major group	37		electrical engineering
		371	manufacture of electric wiring and cables
		372	manufacture of motors, generators, transformers, switchgear, and other similar equipment for the provision of electric power
		373	manufacture of electrical equipment for direct commercial use
		374	manufacture of telecommunications equipment, meters, other measuring appliances and electromedical equipment
		375	manufacture of electronic equipment, radio and television receivers, audio equipment
		376	manufacture of electric appliances for domestic use
		377	manufacture of lamps and lighting equipment
		378	manufacture of batteries and accumulators
		379	repair, assembly, and specialist installation of electrical equipment
Ex major group	38		manufacture of transport equipment
		383	manufacture of motor vehicles and parts thereof
		384	repair of motor vehicles, motorcycles and cycles
		385	manufacture of motorcycles, cycles and parts thereof
		389	manufacture of transport equipment not elsewhere classified
Major group	39		miscellaneous manufacturing industries
		391	manufacture of precision instruments, and measuring and controlling instruments
		392	manufacture of medico-surgical instruments and equipment and orthopaedic appliances (except orthopaedic footwear)
		393	manufacture of photographic and optical equipment
		394	manufacture and repair of watches and clocks
		395	jewellery and precious metal manufacturing
		396	manufacture and repair of musical instruments
		397	manufacture of games, toys, sporting and athletic goods
		399	other manufacturing industries
Major group	40		construction

- 400 construction (non-specialised); demolition
- 401 construction of buildings (dwellings or other)
- 402 civil engineering; building of roads, bridges, railways, etc.
- 403 installation work
- 404 decorating and finishing

2

Directive 68/366/EEC

(liberalisation Directive: 68/365/EEC)

NICE nomenclature

Major
group

- 20A 200 industries producing animal and vegetable fats and oils
- 20B food manufacturing industries (excluding the beverage industry)
 - 201 slaughtering, preparation and preserving of meat
 - 202 milk and milk products industry
 - 203 canning and preserving of fruits and vegetables
 - 204 canning and preserving of fish and other sea foods
 - 205 manufacture of grain mill products
 - 206 manufacture of bakery products, including rusks and biscuits
 - 207 sugar industry
 - 208 manufacture of cocoa, chocolate and sugar confectionery
 - 209 manufacture of miscellaneous food products

Major
group

- 21 beverage industry
 - 211 production of ethyl alcohol by fermentation, production of yeasts and spirits
 - 212 production of wine and other unmalted alcoholic beverages
 - 213 brewing and malting
 - 214 soft drinks and carbonated water industries
- ex 30 manufacture of rubber products, plastic materials, artificial and synthetic fibres and starch products
 - 304 manufacture of starch products

3

Directive 75/368/EEC (activities referred to in Article 5(1))

ISIC nomenclature

Ex 04 fishing

043 inland water fishing

Ex.38 manufacture of transport equipment

- 381 shipbuilding and repairing
- 382 manufacture of railroad equipment
- 386 manufacture of aircraft (including space equipment)

Ex 71 activities allied to transport and activities other than transport coming under the following groups:

- Ex 711 sleeping- and dining-car services; maintenance of railway stock in repair sheds; cleaning of carriages
- Ex 712 maintenance of stock for urban, suburban and interurban passenger transport
- Ex 713 maintenance of stock for other passenger land transport (such as motor cars, coaches, taxis)
- Ex 714 operation and maintenance of services in support of road transport (such as roads, tunnels and toll-bridges, goods depots, car parks, bus and tram depots)
- Ex 716 activities allied to inland water transport (such as operation and maintenance of waterways, ports and other installations for inland water transport; tug and piloting services in ports, setting of buoys, loading and unloading of vessels and other similar activities, such as salvaging of vessels, towing and the operation of boathouses)

73 communications: postal services and telecommunications

Ex 85 personal services

854 laundries and laundry services, dry-cleaning and dyeing

Ex 856 photographic studios: portrait and commercial photography, except journalistic photographers

Ex 859 personal services not elsewhere classified (only maintenance and cleaning of buildings or accommodation)

4

Directive 75/369/EEC (Article 6: where the activity is regarded as being of an industrial or small craft nature)

ISIC nomenclature

The following itinerant activities:

- a)
 - the buying and selling of goods by itinerant tradesmen, hawkers or pedlars (ex ISIC Group 612)
 - in covered markets other than from permanently fixed installations and in open-air markets.
- b) activities covered by transitional measures already adopted that expressly exclude or do not mention the pursuit of such activities on an itinerant basis.

5

Directive 82/470/EEC (Article 6(1) and (3))

Groups 718 et 720 of the ISIC nomenclature

The activities comprise in particular:

- organising, offering for sale and selling, outright or on commission, single or collective items (transport, board, lodging, excursions, etc.) for a journey or stay, whatever the reasons for travelling (Article 2(B)(a))
- acting as an intermediary between contractors for various methods of transport and persons who dispatch or receive goods, and carrying out related activities:
 - aa) by concluding contracts with transport contractors, on behalf of principals
 - bb) by choosing the method of transport, the firm and the route considered most profitable for the principal
 - cc) by arranging the technical aspects of the transport operation (e.g. packing required for transportation); by carrying out various operations incidental to transport (e.g. ensuring ice supplies for refrigerated wagons)
 - dd) by completing the formalities connected with the transport such as the drafting of way bills; by assembling and dispersing shipments

- ee) by coordinating the various stages of transportation, by ensuring transit, reshipment, transshipment and other termination operations
- ff) by arranging both freight and carriers and means of transport for persons dispatching goods or receiving them:
 - assessing transport costs and checking the detailed accounts
 - taking certain temporary or permanent measures in the name of and on behalf of a shipowner or sea transport carrier (with the port authorities, ship's chandlers, etc.).

[The activities listed under Article 2(A)(a), (b) and (d)].

6

Directive 82/489/EEC

ISIC nomenclature

Ex 855 hairdressing establishments (excluding chiropodists' activities and beauticians' training schools)

List II

Directives 64/222/EEC, 68/364/EEC, 68/368/EEC, 75/368/EEC, 75/369/EEC, 70/523/EEC and 82/470/EEC

1

Directive 64/222/EEC

(liberalisation Directives: 64/423/EEC and 64/224/EEC)

1. Activities of self-employed persons in wholesale trade, with the exception of wholesale trade in medicinal and pharmaceutical products, in toxic products and pathogens and in coal (ex Group 611).
2. Professional activities of an intermediary who is empowered and instructed by one or more persons to negotiate or enter into commercial transactions in the name of and on behalf of those persons.
3. Professional activities of an intermediary who, while not being permanently so instructed, brings together persons wishing to contract directly with one another or arranges their commercial transactions or assists in the completion thereof.
4. Professional activities of an intermediary who enters into commercial transactions in his own name on behalf of others.
5. Professional activities of an intermediary who carries out wholesale selling by auction on behalf of others.
6. Professional activities of an intermediary who goes from door to door seeking orders.
7. Provision of services, by way of professional activities, by an intermediary in the employment of one or more commercial, industrial or small craft undertakings.

2

Directive 68/364/EEC

(liberalisation Directive: 68/363/EEC)

Ex ISIC Group 612: Retail trade

Activities excluded:

- 012 Letting out for hire of farm machinery
- 640 Real estate, letting of property
- 713 Letting out for hire of automobiles, carriages and horses
- 718 Letting out for hire of railway carriages and wagons
- 839 Renting of machinery to commercial undertakings
- 841 Booking of cinema seats and renting of cinematograph films
- 842 Booking of theatre seats and renting of theatrical equipment
- 843 Letting out for hire of boats, bicycles, coin-operated machines for games of skill or chance
- 853 Letting of furnished rooms
- 854 Laundered linen hire
- 859 Garment hire

3

Directive 68/368/EEC

(liberalisation Directive: 68/367/EEC)

ISIC nomenclature

ISIC ex major Group 85

1. Restaurants, cafes, taverns and other drinking and eating places (ISIC Group 852).

2. Hotels, rooming houses, camps and other lodging places (ISIC Group 853).

4

Directive 75/368/EEC (Article 7)

All the activities in the Annex to Directive 75/368/EEC, except the activities listed in Article 5(d) of this Directive (List 1, point 3, of this Annex).

ISIC nomenclature

Ex 62 banks and other financial institutions

Ex 620 patent buying and licensing companies

Ex 71 transport

Ex 713 road passenger transport, excluding transportation by means of motor vehicles

Ex 719 transportation by pipelines of liquid hydrocarbons and other liquid chemical products

Ex 82 community services

827 libraries, museums, botanical and zoological gardens

Ex 84 recreation services

843 recreation services nec:

- sporting activities (sports grounds, organising sporting fixtures, etc.), except the activities of sports instructors
- games (racing stables, areas for games, racecourses, etc.)
- other recreation services (circuses, amusement parks and other entertainment)

Ex 85 personal services

Ex 851 domestic services

Ex 855 beauty parlours and services of manicurists, excluding services of chiropodists and professional beauticians' and hairdressers' training schools

Ex 859 personal services not elsewhere classified, except sports and paramedical masseurs and mountain guides, divided into the following groups:

- disinfecting and pest control
- hiring of clothes and storage facilities
- marriage bureaux and similar services
- astrology, fortune telling and the like
- sanitary services and associated activities
- undertaking and cemetery maintenance
- couriers and interpreter-guides

5

Directive 75/369/EEC (Article 5)

The following itinerant activities:

- a) the buying and selling of goods:
- by itinerant tradesmen, hawkers or pedlars (ex ISIC Group 612)
 - in covered markets other than from permanently fixed installations and in open-air markets
- b) activities covered by transitional measures already adopted that expressly exclude or do not mention the pursuit of such activities on an itinerant basis.

6

Directive 70/523/EEC

Activities of self-employed persons in the wholesale coal trade and activities of intermediaries in the coal trade (ex Group 6112, ISIC nomenclature)

7

Directive 82/470/EEC (Article 6(2))

[Activities listed in Article 2(A)(c) and (e), (B)(b), (C) and (D)]

These activities comprise in particular:

- hiring railway cars or wagons for transporting persons or goods
- acting as an intermediary in the sale, purchase or hiring of ships
- arranging, negotiating and concluding contracts for the transport of emigrants
- receiving all objects and goods deposited, on behalf of the depositor, whether under customs control or not, in warehouses, general stores, furniture depots, coldstores, silos, etc.
- supplying the depositor with a receipt for the object or goods deposited
- providing pens, feed and sales rings for livestock being temporarily accommodated while awaiting sale or while in transit to or from the market
- carrying out inspection or technical valuation of motor vehicles
- measuring, weighing and gauging goods.

ANNEX V
Recognition on the basis of coordination of the minimum training conditions
Annex V.1 : Doctor

5.1.1. Knowledge and skills

Basic training for doctors provides an assurance that the person in question has acquired the following knowledge and skills:

- adequate knowledge of the sciences on which medicine is based and a good understanding of the scientific methods including the principles of measuring biological functions, the evaluation of scientifically established facts and the analysis of data
- sufficient understanding of the structure, functions and behaviour of healthy and sick persons, as well as relations between the state of health and physical and social surroundings of the human being
- adequate knowledge of clinical disciplines and practices, providing him with a coherent picture of mental and physical diseases, of medicine from the points of view of prophylaxis, diagnosis and therapy and of human reproduction
- suitable clinical experience in hospitals under appropriate supervision.

5.1.2. Evidence of basic formal qualifications of doctors

Country	Evidence of formal qualifications	Body awarding the qualifications	Certificate accompanying the qualifications	Reference date
België / Belgique / Belgien	Diploma van arts / Diplôme de docteur en médecine	<ul style="list-style-type: none"> – Les universités / De universiteiten – Le Jury compétent d'enseignement de la Communauté française / De bevoegde Examencommissie van de Vlaamse Gemeenschap 		20 December 1976
Danmark	Bevis for bestået lægevidenskabelig embedseksamen	Medicinsk universitetsfakultet	<ul style="list-style-type: none"> – Autorisation som læge, udstedt af Sundhedsstyrelsen og – Tilladelse til selvstændigt virke som læge (dokumentation for gennemført praktisk uddannelse), udstedt af Sundhedsstyrelsen 	20 December 1976
Deutschland	<ul style="list-style-type: none"> – Zeugnis über die Ärztliche Prüfung – Zeugnis über die Ärztliche Staatsprüfung und Zeugnis über die Vorbereitungszeit als Medizinalassistent, soweit diese nach den deutschen Rechtsvorschriften noch für den Abschluss der ärztlichen Ausbildung vorgesehen war 	Zuständige Behörden	Bescheinigung über die Ableistung der Tätigkeit als Arzt im Praktikum	20 December 1976
Ελλάς	Πτυχίο Ιατρικής	<ul style="list-style-type: none"> – Ιατρική Σχολή Πανεπιστημίου, – Σχολή Επιστημών Υγείας, Τμήμα Ιατρικής Πανεπιστημίου 		1 January 1981
España	Título de Licenciado en Medicina y Cirugía	<ul style="list-style-type: none"> – Ministerio de Educación y Cultura – El rector de una Universidad 		1 January 1986
France	Diplôme d'Etat de docteur en médecine	Universités		20 December 1976
Ireland	Primary qualification	Competent examining body	Certificate of experience	20 December 1976
Italia	Diploma di laurea in medicina e chirurgia	Università	Diploma di abilitazione all'esercizio della medicina e chirurgia	20 December 1976
Luxembourg	Diplôme d'Etat de docteur en médecine, chirurgie et accouchements,	Jury d'examen d'Etat	Certificat de stage	20 December 1976
Nederland	Getuigschrift van met goed gevolg afgelegd artsexamen	Faculteit Geneeskunde		20 December 1976

Country	Evidence of formal qualifications	Body awarding the qualifications	Certificate accompanying the qualifications	Reference date
Österreich	1. Urkunde über die Verleihung des akademischen Grades Doktor der gesamten Heilkunde (bzw. Doctor medicinae universae, Dr.med.univ.) 2. Diplom über die spezifische Ausbildung zum Arzt für Allgemeinmedizin bzw. Facharzt Diplom	1. Medizinische Fakultät einer Universität 2. Österreichische Ärztekammer		1 January 1994
Portugal	Carta de Curso de licenciatura em medicina	Universidades	Diploma comprovativo da conclusão do internato geral emitido pelo Ministério da Saúde	1 January 1986
Suomi/ Finland	Lääketieteen lisensiaatin tutkinto / Medicine licentiatexamen	– Helsingin yliopisto/Helsingfors universitet – Kuopion yliopisto – Oulun yliopisto – Tampereen yliopisto – Turun yliopisto	Todistus lääkärin perusterveydenhuollon lisäkoulutuksesta / Examenbevis om tilläggsutbildning för läkare inom primärvården	1 January 1994
Sverige	Läkarexamen	Universitet	Bevis om praktisk utbildning som utfärdas av Socialstyrelsen	1 January 1994
United Kingdom	Primary qualification	Competent examining body	Certificate of experience	20 December 1976

5.1.3. Evidence of formal qualifications of specialist doctors

Country	Evidence of formal qualifications	Body awarding the qualifications	Reference date
België/ Belgique/ Belgien	Bijzondere beroepstitel van geneesheer-specialist / Titre professionnel particulier de médecin spécialiste	Minister bevoegd voor Volksgezondheid / Ministre de la Santé publique	20 December 1976
Danmark	Bevis for tilladelse til at betegne sig som speciallæge	Sundhedsstyrelsen	20 December 1976
Deutschland	Fachärztliche Anerkennung	Landesärztekammer	20 December 1976
Ελλάς	Τίτλος Ιατρικής Ειδικότητας	1. Νομαρχιακή Αυτοδιοίκηση 2. Νομαρχία	1 January 1981
España	Título de Especialista	Ministerio de Educación y Cultura	1 January 1986
France	1. Certificat d'études spéciales de médecine 2. Attestation de médecin spécialiste qualifié 3. Certificat d'études spéciales de médecine 4. Diplôme d'études spécialisées ou spécialisation complémentaire qualifiante de médecine	1. Universités 2. Conseil de l'Ordre des médecins 3. Universités 4. Universités	20 December 1976
Ireland	Certificate of Specialist doctor	Competent authority	20 December 1976
Italia	Diploma di medico specialista	Università	20 December 1976
Luxembourg	Certificat de médecin spécialiste	Ministre de la Santé publique	20 December 1976
Nederland	Bewijs van inschrijving in een Specialistenregister	– Medisch Specialisten Registratie Commissie (MSRC) van de Koninklijke Nederlandsche Maatschappij tot Bevordering der Geneeskunst – Sociaal-Geneeskundigen Registratie Commissie van de Koninklijke Nederlandsche Maatschappij tot Bevordering der Geneeskunst	20 December 1976
Österreich	Facharzt Diplom	Österreichische Ärztekammer	1 January 1994
Portugal	1. Grau de assistente 2. Título de especialista	1. Ministério da Saúde 2. Ordem dos Médicos	1 January 1986
Suomi/ Finland	Erikoislääkärin tutkinto / Specialläkarexamen	1. Helsingin yliopisto / Helsingfors universitet 2. Kuopion yliopisto 3. Oulun yliopisto 4. Tampereen yliopisto 5. Turun yliopisto	1 January 1994
Sverige	Bevis om specialkompetens som läkare, utfärdat av Socialstyrelsen	Socialstyrelsen	1 January 1994
United Kingdom	Certificate of Completion of specialist training	Competent authority	20 December 1976

5.1.4. Titles of training courses in specialised medicine

Country	Anaesthetics	General surgery
	Minimum period of training: 3 years Title	Minimum period of training: 5 years Title
Belgique/België/ Belgien	Anesthésie-réanimation / Anesthesie reanimatie	Chirurgie / Heelkunde
Danmark	Anæstesiologi	Kirurgi eller kirurgiske sygdomme
Deutschland	Anästhesiologie	Chirurgie
Ελλάς	Αναesthesιολογία	Χειρουργική
España	Anestesiología y Reanimación	Cirugía general y del aparato digestivo
France	Anesthésiologie-Réanimation chirurgicale	Chirurgie générale
Ireland	Anaesthesia	General surgery
Italia	Anestesia e rianimazione	Chirurgia generale
Luxembourg	Anesthésie-réanimation	Chirurgie générale
Nederland	Anesthesiologie	Heelkunde
Österreich	Anästhesiologie und Intensivmedizin	Chirurgie
Portugal	Anestesiologia	Cirurgia geral
Suomi/Finland	Anestesiologia ja tehohoito / Anestesiologi och intensivvård	Yleiskirurgia / Allmän kirurgi
Sverige	Anestesi och intensivvård	Kirurgi
United Kingdom	Anaesthetics	General surgery

Country	Neurological surgery	Gynaecology and obstetrics
	Minimum period of training: 5 years Title	Minimum period of training: 4 years Title
Belgique/België/ Belgien	Neurochirurgie	Gynécologie – obstétrique / Gynaecologie – verloskunde
Danmark	Neurokirurgi eller kirurgiske nervesygdomme	Gynækologi og obstetrik eller kvindesygdomme og fødselshjælp
Deutschland	Neurochirurgie	Frauenheilkunde und Geburtshilfe
Ελλάς	Νευροχειρουργική	Μαιευτική-Γυναικολογία
España	Neurocirugía	Obstetricia y ginecología
France	Neurochirurgie	Gynécologie – obstétrique
Ireland	Neurological surgery	Obstetrics and gynaecology
Italia	Neurochirurgia	Ginecologia e ostetricia
Luxembourg	Neurochirurgie	Gynécologie – obstétrique
Nederland	Neurochirurgie	Verloskunde en gynaecologie
Österreich	Neurochirurgie	Frauenheilkunde und Geburtshilfe
Portugal	Neurocirurgia	Ginecologia e obstetricia
Suomi/Finland	Neurokirurgia / Neurokirurgi	Naistentaudit ja synnytykset / Kvinnosjukdomar och förlossningar
Sverige	Neurokirurgi	Obstetrik och gynekologi
United Kingdom	Neurosurgery	Obstetrics and gynaecology

Country	General medicine	Ophthalmology
	Minimum period of training: 5 years Title	Minimum period of training: 3 years Title
Belgique/België/ Belgien	Médecine interne / Inwendige geneeskunde	Ophtalmologie / Oftalmologie
Danmark	Intern medicin	Oftalmologi eller øjensygdomme
Deutschland	Innere Medizin	Augenheilkunde
Ελλάς	Παθολογία	Οφθαλμολογία
España	Medicina interna	Oftalmología
France	Médecine interne	Ophtalmologie
Ireland	General medicine	Ophthalmology
Italia	Medicina interna	Oftalmologia
Luxembourg	Médecine interne	Ophtalmologie
Nederland	Inwendige geneeskunde	Oogheelkunde
Österreich	Innere Medizin	Augenheilkunde und Optometrie
Portugal	Medicina interna	Oftalmologia
Suomi/Finland	Sisätaudit / Inre medicine	Silmätaudit / Ögonsjukdomar
Sverige	Internmedicin	Ögonsjukdomar (oftalmologi)
United Kingdom	General (internal) medicine	Ophthalmology

Country	<u>Otolaryngology</u> Minimum period of training: 3 years	<u>Paediatrics</u> Minimum period of training: 4 years
	Title	Title
Belgique/België/ Belgien	Oto-rhino-laryngologie / Otorhinolaryngologie	Pédiatrie / Pediatrie
Danmark	Oto-rhino-laryngologi eller øre-næse-halssygdomme	Pædiatri eller sygdomme hos børn
Deutschland	Hals-Nasen-Ohrenheilkunde	Kinderheilkunde
Ελλάς	Ωτορινολαρυγγολογία	Παιδιατρική
España	Otorrinolaringología	Pediatría y sus áreas específicas
France	Oto-rhino-laryngologie	Pédiatrie
Ireland	Otolaryngology	Paediatrics
Italia	Otorinolaringoiatria	Pediatria
Luxembourg	Oto-rhino-laryngologie	Pédiatrie
Nederland	Keel-, neus- en oorheelkunde	Kindergeneeskunde
Österreich	Hals-, Nasen- und Ohrenkrankheiten	Kinder – und Jugendheilkunde
Portugal	Otorrinolaringologia	Pediatria
Suomi/Finland	Korva-, nenä- ja kurkkutaudit / Öron-, näs- och halssjukdomar	Lastentaudit / Barnsjukdomar
Sverige	Öron-, näs- och halssjukdomar (oto-rhino-laryngologi)	Barn- och ungdomsmedicin
United Kingdom	Otolaryngology	Paediatrics

Country	<u>Respiratory medicine</u> Minimum period of training: 4 years	<u>Urology</u> Minimum period of training: 5 years
	Title	Title
Belgique/België/ Belgien	Pneumologie	Urologie
Danmark	Medicinske lungesygdomme	Urologi eller urinvejenes kirurgiske sygdomme
Deutschland	Pneumologie	Urologie
Ελλάς	Φυματιολογία- Πνευμονολογία	Ουρολογία
España	Neumología	Urología
France	Pneumologie	Urologie
Ireland	Respiratory medicine	Urology
Italia	Malattie dell'apparato respiratorio	Urologia
Luxembourg	Pneumologie	Urologie
Nederland	Longziekten en tuberculose	Urologie
Österreich	Lungenkrankheiten	Urologie
Portugal	Pneumologia	Urologia
Suomi/Finland	Keuhkosairaudet ja allergologia / Lungsjukdomar och allergologi	Urologia / Urologi
Sverige	Lungsjukdomar (pneumologi)	Urologi
United Kingdom	Respiratory medicine	Urology

Country	<u>Orthopaedic surgery</u> Minimum period of training: 5 years	<u>Morbid anatomy and histopathology</u> Minimum period of training: 4 years
	Title	Title
Belgique/België/ Belgien	Chirurgie orthopédique / Orthopedische heilkunde	Anatomie pathologique / Pathologische anatomie
Danmark	Ortopædisk kirurgi	Patologisk anatomi eller vævs- og celleundersøgelser
Deutschland	Orthopädie	Pathologie
Ελλάς	Ορθοπαιδική	Παθολογική Ανατομική
España	Traumatología y cirugía ortopédica	Anatomía patológica
France	Chirurgie orthopédique et traumatologie	Anatomie et cytologie pathologiques
Ireland	Orthopaedic surgery	Morbid anatomy and histopathology
Italia	Ortopedia e traumatologia	Anatomia patologica
Luxembourg	Orthopédie	Anatomie pathologique
Nederland	Orthopedie	Pathologie
Österreich	Orthopädie und Orthopädische Chirurgie	Pathologie
Portugal	Ortopedia	Anatomia patologica
Suomi/Finland	Ortopedia ja traumatologia / Ortopedi och traumatologi	Patologia / Patologi
Sverige	Ortopedi	Klinisk patologi
United Kingdom	Trauma and orthopaedic surgery	Histopathology

Country	Neurology	Psychiatry
	Minimum period of training: 4 years	Minimum period of training: 4 years
	Title	Title
Belgique/België/ Belgien	Neurologie	Psychiatrie
Danmark	Neurologi eller medicinske nervesygdomme	Psykiatri
Deutschland	Neurologie	Psychiatrie und Psychotherapie
Ελλάς	Νευρολογία	Ψυχιατρική
España	Neurología	Psiquiatría
France	Neurologie	Psychiatrie
Ireland	Neurology	Psychiatry
Italia	Neurologia	Psichiatria
Luxembourg	Neurologie	Psychiatrie
Nederland	Neurologie	Psychiatrie
Österreich	Neurologie	Psychiatrie
Portugal	Neurologia	Psiquiatria
Suomi/Finland	Neurologia / Neurologi	Psykiatria / Psykiatri
Sverige	Neurologi	Psykiatri
United Kingdom	Neurology	General psychiatry

Country	Diagnostic radiology	Radiotherapy
	Minimum period of training: 4 years	Minimum period of training: 4 years
	Title	Title
Belgique/België/ Belgien	Radiodiagnostic / Röntgendiagnose	Radiothérapie-oncologie / Radiotherapie-oncologie
Danmark	Diagnostik radiologi eller røntgenundersøgelse	Onkologi
Deutschland	Diagnostische Radiologie	Strahlentherapie
Ελλάς	Ακτινοδιαγνωστική	Ακτινοθεραπευτική – Ογκολογία
España	Radiodiagnóstico	Oncología radioterápica
France	Radiodiagnostic et imagerie médicale	Oncologie radiothérapique
Ireland	Diagnostic radiology	Radiotherapy
Italia	Radiodiagnostica	Radioterapia
Luxembourg	Radiodiagnostic	Radiothérapie
Nederland	Radiologie	Radiotherapie
Österreich	Medizinische Radiologie-Diagnostik	Strahlentherapie - Radioonkologie
Portugal	Radiodiagnóstico	Radioterapia
Suomi/Finland	Radiologia / Radiologi	Syöpätaudit / Cancersjukdomar
Sverige	Medicinsk radiologi	Tumörsjukdomar (allmän onkologi)
United Kingdom	Clinical radiology	Clinical oncology

Country	Plastic surgery
	Minimum period of training: 5 years
	Title
Belgique/België/ Belgien	Chirurgie plastique, reconstructrice et esthétique / Plastische, reconstructieve en esthetische heekunde
Danmark	Plastikkirurgi
Deutschland	Plastische Chirurgie
Ελλάς	Πλαστική Χειρουργική
España	Cirugía plástica y reparadora
France	Chirurgie plastique, reconstructrice et esthétique
Ireland	Plastic surgery
Italia	Chirurgia plastica e ricostruttiva
Luxembourg	Chirurgie plastique
Nederland	Plastische chirurgie
Österreich	Plastische Chirurgie
Portugal	Cirurgia plástica e reconstrutiva
Suomi/Finland	Plastiikkirurgia / Plastikkirurgi
Sverige	Plastikkirurgi
United Kingdom	Plastic surgery

5.1.5. Evidence of formal qualifications of general practitioners

Country	Evidence of formal qualifications	Professional title	Reference date
België/ Belgique/ Belgien	Ministerieel erkenningsbesluit van huisarts / Arrêté ministériel d'agrément de médecin généraliste	Huisarts / Médecin généraliste	31 December 1994
Danmark	Speciallæge – I almen medicin	Speciallæge I almen medicin	31 December 1994
Deutschland	Zeugnis über die spezifische Ausbildung in der Allgemeinmedizin	– Praktischer Arzt – Ärztin	31 December 1994
Ελλάς	Τίτλος ιατρικής ειδικότητας γενικής ιατρικής	Ιατρός με ειδικότητα γενικής ιατρικής	31 December 1994
España	Titulo de especialista en medicina familiar y comunitaria	Especialista en medicina familiar y comunitaria	31 December 1994
France	Diplôme d'Etat de docteur en médecine (avec document annexé attestant la formation spécifique en médecine générale)	Médecin qualifié en médecine générale	31 December 1994
Ireland	Certificate of specific qualifications in general medical practice	General medical practitioner	31 December 1994
Italia	Attestato di formazione specifica in medicina generale	Medico di medicina generale	31 December 1994
Luxembourg	Il n'existe pas de titre, parce qu'il n'y a pas de formation au Luxembourg	Médecin généraliste	31 December 1994
Nederland	Certificaat van inschrijving in het register van erkende huisartsen van de Koninklijke Nederlandsche Maatschappij tot bevordering der geneeskunst	Huisarts	31 December 1994
Österreich	Arzt für Allgemeinmedizin	Arzt für Allgemeinmedizin	31 December 1994
Portugal	Diploma do internato complementar de clínica geral	Assistente de clínica geral	31 December 1994
Suomi/ Finland	Todistus lääkäriin perusterveydenhuollon lisäkoulutuksesta / Bevis om tilläggsutbildning av läkare I primärvård	Yleislääkäri / Allmänläkare	31 December 1994
Sverige	Bevis om kompetens som allmänpraktiserande läkare (Europaläkare) utfärdad av Socialstyrelsen	Allmänpraktiserande läkare (Europaläkare)	31 December 1994
United Kingdom	Certificate of prescribed/equivalent experience	General medical practitioner	31 December 1994

Annex V.2: Nurse responsible for general care

5.2.1. Knowledge and skills

Training for nurses responsible for general care provides an assurance that the person in question has acquired the following knowledge and skills:

- adequate knowledge of the sciences on which general nursing is based, including sufficient understanding of the structure, physiological functions and behaviour of healthy and sick persons, and of the relationship between the state of health and the physical and social environment of the human being
- sufficient knowledge of the nature and ethics of the profession and of the general principles of health and nursing
- adequate clinical experience; such experience, which should be selected for its training value, should be gained under the supervision of qualified nursing staff and in places where the number of qualified staff and equipment are appropriate for the nursing care of the patient
- the ability to participate in the practical training of health personnel and experience of working with such personnel
- experience of working with members of other professions in the health sector.

5.2.2. Training programme for nurses responsible for general care

The training leading to the award of a formal qualification of nurses responsible for general care shall consist of the following two parts.

A. Theoretical instruction

a. Nursing:

- Nature and ethics of the profession
- General principles of health and nursing
- Nursing principles in relation to:
 - general and specialist medicine
 - general and specialist surgery
 - child care and paediatrics
 - maternity care
 - mental health and psychiatry
 - care of the old and geriatrics

b. Basic sciences:

- Anatomy and physiology
- Pathology
- Bacteriology, virology and parasitology
- Biophysics, biochemistry and radiology
- Dietetics
- Hygiene:
 - preventive medicine
 - health education
- Pharmacology

c. Social sciences:

- Sociology
- Psychology
- Principles of administration
- Principles of teaching
- Social and health legislation
- Legal aspects of nursing

B. Clinical instruction

- Nursing in relation to:
 - general and specialist medicine
 - general and specialist surgery
 - child care and paediatrics
 - maternity care
 - mental health and psychiatry
 - care of the old and geriatrics
 - home nursing

One or more of these subjects may be taught in the context of the other disciplines or in conjunction therewith.

The theoretical instruction must be weighted and coordinated with the clinical instruction in such a way that the knowledge and skills referred to in this Annex can be acquired in an adequate fashion.

5.2.3. Evidence of formal qualifications of nurses responsible for general care

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Professional title	Reference date
België/ Belgique/ Belgien	<ul style="list-style-type: none"> - Diploma gegradueerde verpleger/verpleegster / Diplôme d'infirmier(ère) gradué(e) / Diplom eines (einer) graduierten Krankenpflegers (-pflegerin) - Diploma in de ziekenhuisverpleegkunde / Brevet d'infirmier(ère) hospitalier(ère) / Brevet eines (einer) Krankenpflegers (-pflegerin) - Brevet van verpleegassistent(e) / Brevet d'hospitalier(ère) / Brevet einer Pflege Assistentin 	<ul style="list-style-type: none"> - De erkende opleidingsinstituten / Les établissements d'enseignement reconnus / Die anerkannten Ausbildungsanstalten - De bevoegde Examencommissie van de Vlaamse Gemeenschap / Le Jury compétent d'enseignement de la Communauté française / Der zuständige Prüfungsausschüß der Deutschsprachigen Gemeinschaft 	<ul style="list-style-type: none"> - Hospitalier(ère) / Verpleegassistent(e) - Infirmier(ère) hospitalier(ère) / Ziekenhuisverpleger(-verpleegster) 	29 June 1979
Danmark	Eksamensbevis efter gennemført sygeplejerskeuddannelse	Sygeplejerskole godkendt af Undervisningsministeriet	Sygeplejerske	29 June 1979
Deutschland	Zeugnis über die staatliche Prüfung in der Krankenpflege	Staatlicher Prüfungsausschuss	- Krankenschwester - Krankenpfleger»	29 June 1979
Ελλάς	<ol style="list-style-type: none"> 1. Πτυχίο Νοσηλευτικής Παν/μίου Αθηνών 2. Πτυχίο Νοσηλευτικής Τεχνολογικών Εκπαιδευτικών Ιδρυμάτων (Τ.Ε.Ι.) 3. Πτυχίο Αξιοματικών Νοσηλευτικής 4. Πτυχίο Αδελφών Νοσοκόμων πρώην Ανωτέρων Σχολών Υπουργείου Υγείας και Πρόνοιας 5. Πτυχίο Αδελφών Νοσοκόμων και Επισκεπτριών πρώην Ανωτέρων Σχολών Υπουργείου Υγείας και Πρόνοιας 6. Πτυχίο Τμήματος Νοσηλευτικής 	<ol style="list-style-type: none"> 1. Πανεπιστήμιο Αθηνών 2. Τεχνολογικά Εκπαιδευτικά Ιδρύματα Υπουργείο Εθνικής Παιδείας και Θρησκευμάτων 3. Υπουργείο Εθνικής Άμυνας 4. Υπουργείο Υγείας και Πρόνοιας 5. Υπουργείο Υγείας και Πρόνοιας 6. ΚΑΤΕΕ Υπουργείου Εθνικής Παιδείας και Θρησκευμάτων 	Διπλωματούχος ή πτυχιούχος νοσοκόμος, νοσηλευτής ή νοσηλεύτρια	1 January 1981
España	Titulo de Diplomado universitario en Enfermería	<ul style="list-style-type: none"> - Ministerio de Educación y Cultura - El rector de una Universidad 	Enfermero/a diplomado/a	1 January 1986
France	<ul style="list-style-type: none"> - Diplôme d'Etat d'infirmier(ère) - Diplôme d'Etat d'infirmier(ère) délivré en vertu du décret no 99-1147 du 29 décembre 1999 	Le ministère de la santé	Infirmier(ère)	29 June 1979
Ireland	Certificate of Registered General Nurse	An Bord Altranaís (The Nursing Board)	Registered General Nurse	29 June 1979
Italia	Diploma di infermiere professionale	Scuole riconosciute dallo Stato	Infermiere professionale	29 June 1979

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Professional title	Reference date
Luxembourg	<ul style="list-style-type: none"> – Diplôme d'Etat d'infirmier – Diplôme d'Etat d'infirmier hospitalier gradué 	Ministère de l'éducation nationale, de la formation professionnelle et des sports	Infirmier	29 June 1979
Nederland	<ol style="list-style-type: none"> 1. Diploma's verpleger A, verpleegster A, verpleegkundige A 2. Diploma verpleegkundige MBOV (Middelbare Beroepsopleiding Verpleegkundige) 3. Diploma verpleegkundige HBOV (Hogere Beroepsopleiding Verpleegkundige) 4. Diploma beroepsopleiding verpleegkundige – Kwalificatieniveau 4 5. Diploma hogere beroepsopleiding verpleegkundige – Kwalificatieniveau 5 	<ol style="list-style-type: none"> 1. Door een van overheidswege benoemde examencommissie 2. Door een van overheidswege benoemde examencommissie 3. Door een van overheidswege benoemde examencommissie 4. Door een van overheidswege aangewezen opleidingsinstelling 5. Door een van overheidswege aangewezen opleidingsinstelling 	Verpleegkundige	29 June 1979
Österreich	<ol style="list-style-type: none"> 1. Diplom als "Diplomierter Gesundheits- und Krankenschwester, Diplomierter Gesundheits- und Krankenpfleger" 2. Diplom als "Diplomierter Krankenschwester, Diplomierter Krankenpfleger" 	<ol style="list-style-type: none"> 1. Schule für allgemeine Gesundheits- und Krankenpflege 2. Allgemeine Krankenpflegeschule 	<ul style="list-style-type: none"> - Diplomierter Krankenschwester - Diplomierter Krankenpfleger 	1 January 1994
Portugal	<ol style="list-style-type: none"> 1. Diploma do curso de enfermagem geral 2. Diploma/carta de curso de bacharelato em enfermagem 3. Carta de curso de licenciatura em enfermagem 	<ol style="list-style-type: none"> 1. Escolas de Enfermagem 2. Escolas Superiores de Enfermagem 3. Escolas Superiores de Enfermagem; Escolas Superiores de Saúde 	Enfermeiro	1 January 1986
Suomi/ Finland	<ol style="list-style-type: none"> 1. Sairaanhoidajan tutkinto/Sjukskötarexamen 2. Sosiaali- ja terveystieteiden ammattikorkeakoulu-tutkinto, sairaanhoidaja (AMK)/Yrkeshögskole-examen inom hälsovård och det sociala området, sjukskötare (YH) 	<ol style="list-style-type: none"> 1. Terveystieteiden tutkimuskeskus/Hälsöförhållningsanstalt 2. Ammattikorkeakoulu/Yrkeshögskolor 	Sairaanhoidaja / Sjukskötare	1 January 1994
Sverige	Sjukskötarsexamen	Universitet eller högskola	Sjukskötarska	1 January 1994
United Kingdom	Statement of Registration as a Registered General Nurse in part 1 or part 12 of the register kept by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting	Various	<ul style="list-style-type: none"> - State Registered Nurse - Registered General Nurse 	29 June 1979

Annex V.3: Dental practitioner

5.3.1. Knowledge and skills

Training for dental practitioners provides an assurance that the person in question has acquired the following knowledge and skills:

- adequate knowledge of the sciences on which dentistry is based and a good understanding of scientific methods, including the principles of measuring biological functions, the evaluation of scientifically established facts and the analysis of data
- adequate knowledge of the constitution, physiology and behaviour of healthy and sick persons as well as the influence of the natural and social environment on the state of health of the human being, in so far as these factors affect dentistry
- adequate knowledge of the structure and function of the teeth, mouth, jaws and associated tissues, both healthy and diseased, and their relationship to the general state of health and to the physical and social well-being of the patient
- adequate knowledge of clinical disciplines and methods, providing the dentist with a coherent picture of anomalies, lesions and diseases of the teeth, mouth, jaws and associated tissues and of preventive, diagnostic and therapeutic dentistry
- suitable clinical experience under appropriate supervision

This training shall provide him with the skills necessary for carrying out all activities involving the prevention, diagnosis and treatment of anomalies and diseases of the teeth, mouth, jaws and associated tissues.

5.3.2. Study programme for dental practitioners

The programme of studies leading to evidence of formal qualifications in dentistry shall include at least the following subjects. One or more of these subjects may be taught in the context of the other disciplines or in conjunction therewith.

A. Basic subjects

- Chemistry
- Physics
- Biology

B. Medico-biological subjects and general medical subjects

- Anatomy
- Embryology
- Histology, including cytology
- Physiology
- Biochemistry (or physiological chemistry)
- Pathological anatomy
- General pathology
- Pharmacology
- Microbiology
- Hygiene
- Preventive medicine and epidemiology
- Radiology
- Physiotherapy
- General surgery
- General medicine, including paediatrics
- Oto-rhino-laryngology
- Dermato-venereology
- General psychology – psychopathology – neuropathology
- Anaesthetics

C. Subjects directly related to dentistry

- Prosthodontics
- Dental materials and equipment
- Conservative dentistry
- Preventive dentistry
- Anaesthetics and sedation
- Special surgery
- Special pathology
- Clinical practice
- Paedodontics
- Orthodontics
- Periodontics
- Dental radiology
- Dental occlusion and function of the jaw
- Professional organisation, ethics and legislation
- Social aspects of dental practice

5.3.3. Evidence of formal qualifications of dental practitioners

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Professional title	Reference date
België/ Belgique/ Belgien	Diploma van tandarts / Diplôme licencié en science dentaire	<ul style="list-style-type: none"> – De universiteiten / Les universités – De bevoegde Examencommissie van de Vlaamse Gemeenschap / Le Jury compétent d'enseignement de la Communauté française 		Licentiaat in de tandheelkunde / Licencié en science dentaire	28 January 1980
Danmark	Bevis for tandlægeeksamen (odontologisk kandidateksamen)	Tandlægehøjskolerne, Sundhedsvidenskabeligt universitetsfakultet	Autorisation som tandlæge, udstedt af Sundhedsstyrelsen	Tandlæge	28 January 1980
Deutschland	Zeugnis über die Zahnärztliche Prüfung	Zuständige Behörden		Zahnarzt	28 January 1980
Ελλάς	Πτυχίο Οδοντιατρικής	Πανεπιστήμιο		Οδουτίαρος ή χειρουργός όδουτίαρος	1 January 1981
España	Título de Licenciado en Odontología	El rector de una universidad		Licenciado en odontología	1 January 1986
France	Diplôme d'Etat de docteur en chirurgie dentaire	Universités		Chirurgien-dentiste	28 January 1980
Ireland	<ul style="list-style-type: none"> – Bachelor in Dental Science (B.Dent.Sc.) – Bachelor of Dental Surgery (BDS) – Licentiate in Dental Surgery (LDS) 	<ul style="list-style-type: none"> – Universities – Royal College of Surgeons in Ireland 		<ul style="list-style-type: none"> – Dentist – Dental practitioner – Dental surgeon 	28 January 1980
Italia	Diploma di laurea in Odontoiatria e Protesi Dentaria	Università	Diploma di abilitazione all'esercizio dell'odontoiatria e protesi dentaria	Odontoiatra	28 January 1980
Luxembourg	Diplôme d'Etat de docteur en médecine dentaire	Jury d'examen d'Etat		Médecin-dentiste	28 January 1980
Nederland	Universitair getuigschrift van een met goed gevolg afgelegd tandartsexamen	Faculteit Tandheelkunde		Tandarts	28 January 1980
Österreich	Bescheid über die Verleihung des akademischen Grades « Doktor der Zahnheilkunde »	Medizinische Fakultät der Universität		Zahnarzt	1 January 1994
Portugal	Carta de curso de licenciatura em medicina dentária	<ul style="list-style-type: none"> – Faculdades – Institutos Superiores 		Médico dentista	1 January 1986

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Professional title	Reference date
Suomi/ Finland	Hammaslääketieteen lisensiaatin tutkinto / Odontologie licentiatexamen	<ul style="list-style-type: none"> - Helsingin yliopisto / Helsingfors universitet - Oulun yliopisto - Turun yliopisto 	Terveydenhuollon oikeusturvakeskuksen päätös käytännön palvelun hyväksymisestä / Beslut av Rättskyddscentralen för hälsovården om godkännande av praktisk tjänstgöring	Hammaslääkäri / Tandläkare	1 January 1994
Sverige	Tandläkarexamen	<ul style="list-style-type: none"> Universitetet i Umeå Universitetet i Göteborg Karolinska Institutet Malmö Högskola 	Endast för examensbevis som erhållits före den 1 juli 1995, ett utbildningsbevis som utfärdats av Socialstyrelsen	Tandläkare	1 January 1994
United Kingdom	<ul style="list-style-type: none"> - Bachelor of Dental Surgery (BDS or B.Ch.D.) - Licentiate in Dental Surgery 	<ul style="list-style-type: none"> - Universities - Royal Colleges 		<ul style="list-style-type: none"> - Dentist - Dental practitioner - Dental surgeon 	28 January 1980

Annex V.4: Veterinary surgeon

5.4.1. Knowledge and skills

Training as a veterinary surgeon provides an assurance that the person in question has acquired the following knowledge and skills:

- adequate knowledge of the sciences on which the activities of the veterinary surgeon are based
- adequate knowledge of the structure and functions of healthy animals, of their husbandry, reproduction and hygiene in general, as well as their feeding, including the technology involved in the manufacture and preservation of foods corresponding to their needs
- adequate knowledge of the behaviour and protection of animals
- adequate knowledge of the causes, nature, course, effects, diagnosis and treatment of the diseases of animals, whether considered individually or in groups, including a special knowledge of the diseases which may be transmitted to humans
- adequate knowledge of preventive medicine
- adequate knowledge of the hygiene and technology involved in the production, manufacture and putting into circulation of animal foodstuffs or foodstuffs of animal origin intended for human consumption
- adequate knowledge of the laws, regulations and administrative provisions relating to the subjects listed above
- adequate clinical and other practical experience under appropriate supervision.

5.4.2. Study programme for veterinary surgeons

The programme of studies leading to the evidence of formal qualifications in veterinary medicine shall include at least the subjects listed below.

Instruction in one or more of these subjects may be given as part of, or in association with, other courses.

A. Basic subjects

- Physics
- Chemistry
- Animal biology
- Plant biology
- Biomathematics

B. Specific subjects

a. Basic sciences:

- Anatomy (including histology and embryology)
- Physiology
- Biochemistry
- Genetics
- Pharmacology
- Pharmacy
- Toxicology
- Microbiology
- Immunology
- Epidemiology
- Professional ethics

b. Clinical sciences:

- Obstetrics
- Pathology (including pathological anatomy)
- Parasitology
- Clinical medicine and surgery (including anaesthetics)
- Clinical lectures on the various domestic animals, poultry and other animal species
- Preventive medicine
- Radiology
- Reproduction and reproductive disorders
- Veterinary state medicine and public health
- Veterinary legislation and forensic medicine
- Therapeutics
- Propaedeutics

c. Animal production

- Animal production
- Animal nutrition
- Agronomy
- Rural economics
- Animal husbandry
- Veterinary hygiene
- Animal ethology and protection

d. Food hygiene

- Inspection and control of animal foodstuffs or foodstuffs of animal origin
- Food hygiene and technology
- Practical work (including practical work in places where slaughtering and processing of foodstuffs takes place)

Practical training may be in the form of a training period, provided that such training is full-time and under the direct control of the competent authority, and does not exceed six months within the aggregate training period of five years study.

The distribution of the theoretical and practical training among the various groups of subjects shall be balanced and coordinated in such a way that the knowledge and experience may be acquired in a manner which will enable veterinary surgeons to perform all their duties.

5.4.3. Evidence of formal qualifications of veterinary surgeons

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Reference date
België/ Belgique/ Belgien	Diploma van dierenarts / Diplôme de docteur en médecine vétérinaire	<ul style="list-style-type: none"> – De universiteiten/ Les universités – De bevoegde Examen- commissie van de Vlaamse Gemeenschap / Le Jury compétent d'enseignement de la Communauté française 		21 December 1980
Danmark	Bevis for bestået kandidateksamen I veterinærvidenskab	Kongelige Veterinær- og Landbohøjskole		21 December 1980
Deutschland	Zeugnis über das Ergebnis des Dritten Abschnitts der Tierärztlichen Prüfung und das Gesamtergebnis der Tierärztlichen Prüfung	Der Vorsitzende des Prüfungsausschusses für die Tierärztliche Prüfung einer Universität oder Hochschule		21 December 1980
Ελλάς	Πτυχίο Κτηνιατρικής	Πανεπιστήμιο Θεσσαλονίκης και Θεσσαλίας		1 January 1981
España	Titulo de Licenciado en Veterinaria	<ul style="list-style-type: none"> – Ministerio de Educación y Cultura – El rector de una Universidad 		1 January 1986
France	Diplôme d'Etat de docteur vétérinaire			21 December 1980
Ireland	<ul style="list-style-type: none"> – Diploma of Bachelor in/of Veterinary Medicine (MVB) – Diploma of Membership of the Royal College of Veterinary Surgeons (MRCVS) 			21 December 1980
Italia	Diploma di laurea in medicina veterinaria	Università	Diploma di abilitazione all'esercizio della medicina veterinaria	1 January 1985
Luxembourg	Diplôme d'Etat de docteur en médecine vétérinaire	Jury d'examen d'Etat		21 December 1980
Nederland	Getuigschrift van met goed gevolg afgelegd diergeneeskundig/veeartse-nijkundig examen			21 December 1980
Österreich	<ul style="list-style-type: none"> – Diplom-Tierarzt – Magister medicinae veterinariae 	Universität	<ul style="list-style-type: none"> – Doktor der Veterinärmedizin – Doctor medicinae veterinariae – Fachtierarzt 	1 January 1994
Portugal	Carta de curso de licenciatura em medicina veterinária	Universidade		1 January 1986
Suomi/ Finland	Eläinlääketieteen lisensiaatin tutkinto / Veterinärmedicinen licentiatexamen	Helsingin yliopisto/ Helsingfors universitet		1 January 1994

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Reference date
Sverige	Veterinärexamen	Sveriges Lantbruksuniversitet		1 January 1994
United Kingdom	1. Bachelor of Veterinary Science (BVSc) 2. Bachelor of Veterinary Science (BVSc) 3. Bachelor of Veterinary Medicine (BvetMB) 4. Bachelor of Veterinary Medicine and Surgery (BVM&S) 5. Bachelor of Veterinary Medicine and Surgery (BVM&S) 6. Bachelor of Veterinary Medicine (BvetMed)	1. University of Bristol 2. University of Liverpool 3. University of Cambridge 4. University of Edinburgh 5. University of Glasgow 6. University of London		21 December 1980

Annex V.5: Midwife

5.5.1. Knowledge and skills (Training types I and II)

Training as a midwife provides an assurance that the person in question has acquired the following knowledge and skills:

- adequate knowledge of the sciences on which the activities of midwives are based, particularly obstetrics and gynaecology
- adequate knowledge of the ethics of the profession and the professional legislation
- detailed knowledge of biological functions, anatomy and physiology in the field of obstetrics and of the newly born, and also a knowledge of the relationship between the state of health and the physical and social environment of the human being, and of his behaviour
- adequate clinical experience gained in approved institutions under the supervision of staff qualified in midwifery and obstetrics
- adequate understanding of the training of health personnel and experience of working with such.

5.5.2. Training programme for midwives (Training types I and II)

The training programme for obtaining evidence of formal qualifications in midwifery consists of the following two parts:

A. Theoretical and technical instruction

a. General subjects

- Basic anatomy and physiology
- Basic pathology
- Basic bacteriology, virology and parasitology
- Basic biophysics, biochemistry and radiology
- Paediatrics, with particular reference to new-born infants
- Hygiene, health education, preventive medicine, early diagnosis of diseases
- Nutrition and dietetics, with particular reference to women, new-born and young babies
- Basic sociology and socio-medical questions
- Basic pharmacology
- Psychology
- Principles and methods of teaching
- Health and social legislation and health organisation
- Professional ethics and professional legislation
- Sex education and family planning
- Legal protection of mother and infant

b. Subjects specific to the activities of midwives

- Anatomy and physiology
- Embryology and development of the foetus
- Pregnancy, childbirth and puerperium
- Gynaecological and obstetrical pathology
- Preparation for childbirth and parenthood, including psychological aspects
- Preparation for delivery (including knowledge and use of technical equipment in obstetrics)
- Analgesia, anaesthesia and resuscitation
- Physiology and pathology of the new-born infant
- Care and supervision of the new-born infant
- Psychological and social factors

B. Practical and clinical training

This training is to be dispensed under appropriate supervision:

- Advising of pregnant women, involving at least 100 pre-natal examinations.
- Supervision and care of at least 40 pregnant women.
- Conduct by the student of at least 40 deliveries; where this number cannot be reached owing to the lack of available women in labour, it may be reduced to a minimum of 30, provided that the student assists with 20 further deliveries.
- Active participation with breech deliveries. Where this is not possible because of lack of breech deliveries, practice may be in a simulated situation.
- Performance of episiotomy and initiation into suturing. Initiation shall include theoretical instruction and clinical practice. The practice of suturing includes suturing of the wound following an episiotomy and a simple perineal laceration. This may be in a simulated situation if absolutely necessary.
- Supervision and care of 40 women at risk in pregnancy, or labour or post-natal period.
- Supervision and care (including examination) of at least 100 post-natal women and healthy new-born infants.
- Observation and care of the new-born requiring special care, including those born pre-term, post-term, underweight or ill.
- Care of women with pathological conditions in the fields of gynaecology and obstetrics.
- Initiation into care in the field of medicine and surgery. Initiation shall include theoretical instruction and clinical practice.

The theoretical and technical training (Part A of the training programme) shall be balanced and coordinated with the clinical training (Part B of the same programme) in such a way that the knowledge and experience listed in this Annex may be acquired in an adequate manner.

Clinical instruction shall take the form of supervised in-service training in hospital departments or other health services approved by the competent authorities or bodies. As part of this training, student midwives shall participate in the activities of the departments concerned in so far as those activities contribute to their training. They shall be taught the responsibilities involved in the activities of midwives.

5.5.3.- Activities of midwives within the meaning of Article 38(2)

- to provide sound family planning information and advice
- to diagnose pregnancies and monitor normal pregnancies; to carry out the examinations necessary for the monitoring of the development of normal pregnancies
- to prescribe or advise on the examinations necessary for the earliest possible diagnosis of pregnancies at risk
- to provide a programme of parenthood preparation and a complete preparation for childbirth including advice on hygiene and nutrition
- to care for and assist the mother during labour and to monitor the condition of the foetus in utero by the appropriate clinical and technical means
- to conduct spontaneous deliveries including where required an episiotomy and in urgent cases a breech delivery
- to recognise the warning signs of abnormality in the mother or infant which necessitate referral to a doctor and to assist the latter where appropriate; to take the necessary emergency measures in the doctor's absence, in particular the manual removal of the placenta, possibly followed by manual examination of the uterus
- to examine and care for the new-born infant; to take all initiatives which are necessary in case of need and to carry out where necessary immediate resuscitation
- to care for and monitor the progress of the mother in the post-natal period and to give all necessary advice to the mother on infant care to enable her to ensure the optimum progress of the new-born infant
- to carry out the treatment prescribed by a doctor
- to maintain all necessary records.

5.5.4. Evidence of formal qualifications of midwives

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Professional title	Reference date
België/ Belgique/ Belgien	Diploma van vroedvrouw / Diplôme d'accoucheuse	<ul style="list-style-type: none"> - De erkende opleidingsinstituten / Les établissements d'enseignement - De bevoegde Examen- commissie van de Vlaamse Gemeenschap / Le Jury compétent d'enseignement de la Communauté française 	Vroedvrouw / Accoucheuse	23 January 1983
Danmark	Bevis for bestået jordemodereksamen	Danmarks jordemoderskole	Jordemoder	23 January 1983
Deutschland	Zeugnis über die staatliche Prüfung für Hebammen und Entbindungspfleger	Staatlicher Prüfungsausschuss	<ul style="list-style-type: none"> - Hebamme - Entbindungspfleger 	23 January 1983
Ελλάς	<ol style="list-style-type: none"> 1. Πτυχίο Τμήματος Μαιευτικής Τεχνολογικών Εκπαιδευτικών Ιδρυμάτων (Τ.Ε.Ι.) 2. Πτυχίο του Τμήματος Μαιών της Ανωτέρας Σχολής Στελεχών Υγείας και Κοινων. Πρόνοιας (ΚΑΤΕΕ) 3. Πτυχίο Μαιίας Ανωτέρας Σχολής Μαιών 	<ol style="list-style-type: none"> 1. Τεχνολογικά Εκπαιδευτικά Ιδρύματα (Τ.Ε.Ι.) 2. ΚΑΤΕΕ Υπουργείου Εθνικής Παιδείας και Θρησκευμάτων 3. Υπουργείο Υγείας και Πρόνοιας 	<ul style="list-style-type: none"> - Μαλα - Μαιευτής 	23 January 1983
España	<ul style="list-style-type: none"> - Título de matrona - Título de asistente obstétrico (matrona) - Título de enfermería obstétrica-ginecológica 	Ministerio de Educación y Cultura	<ul style="list-style-type: none"> - Matrona - Asistente obstétrico 	1 January 1986
France	Diplôme de sage-femme	L'Etat	Sage-femme	23 January 1983
Ireland	Certificate in Midwifery	An Board Altranais	Midwife	23 January 1983
Italia	Diploma d'ostetrica	Scuole riconosciute dallo Stato	Ostetrica	23 January 1983
Luxembourg	Diplôme de sage-femme	Ministère de l'éducation nationale, de la formation professionnelle et des sports	Sage-femme	23 January 1983
Nederland	Diploma van verloskundige	Door het Ministerie van Volksgezondheid, Welzijn en Sport erkende opleidingsinstellingen	Verloskundige	23 January 1983
Österreich	Hebammen-Diplom	<ul style="list-style-type: none"> - Hebammenakademie - Bundeshebammenlehranstalt 	Hebamme	1 January 1994

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Professional title	Reference date
Portugal	1. Diploma de enfermeiro especialista em enfermagem de saúde materna e obstétrica 2. Diploma/carta de curso de estudos superiores especializados em enfermagem de saúde materna e obstétrica 3. Diploma (do curso de pós-licenciatura) de especialização em enfermagem de saúde materna e obstétrica	1. Escolas de Enfermagem 2. Escolas Superiores de Enfermagem 3. – Escolas Superiores de Enfermagem – Escolas Superiores de Saúde	Enfermeiro especialista em enfermagem de saúde materna e obstétrica	1 January 1986
Suomi/ Finland	1. Kättilön tutkinto/barnmorske-examen 2. Sosiaali- ja terveystieteiden ammattikorkeakoulututkinto, kättilö (AMK)/yrkeshögskoleexamen inom hälsovård och det sociala området, barnmorska (YH)	1. Terveystieteiden tutkimuslaitokset/hälsovårdsläroanstalter 2. Ammattikorkeakoulut/ Yrkeshögskolor	Kättilö / Barnmorska	1 January 1994
Sverige	Barnmorskeexamen	Universitet eller högskola	Barnmorska	1 January 1994
United Kingdom	Statement of registration as a Midwife on part 10 of the register kept by the United Kingdom Central Council for Nursing, Midwifery and Health visiting	Various	Midwife	23 January 1983

Annex V.6: Pharmacist

5.6.1. Knowledge and skills

Training of pharmacists provides an assurance that the person concerned has acquired the following knowledge and skills:

- adequate knowledge of medicines and the substances used in the manufacture of medicines
- adequate knowledge of pharmaceutical technology and the physical, chemical, biological and microbiological testing of medicinal products
- adequate knowledge of the metabolism and the effects of medicinal products and of the action of toxic substances, and of the use of medicinal products
- adequate knowledge to evaluate scientific data concerning medicines in order to be able to supply appropriate information on the basis of this knowledge
- adequate knowledge of the legal and other requirements associated with the practice of pharmacy.

5.6.2. Course of training for pharmacists

- Plant and animal biology
- Physics
- General and inorganic chemistry
- Organic chemistry
- Analytical chemistry
- Pharmaceutical chemistry, including analysis of medicinal products
- General and applied biochemistry (medical)
- Anatomy and physiology; medical terminology
- Microbiology
- Pharmacology and pharmacotherapy
- Pharmaceutical technology
- Toxicology
- Pharmacognosy
- Legislation and, where appropriate, professional ethics.

The balance between theoretical and practical training shall, in respect of each subject, give sufficient importance to theory to maintain the university character of the training.

5.6.3. Activities of pharmacists within the meaning of Article 41(2)

- the preparation of the pharmaceutical form of medicinal products
- the manufacture and testing of medicinal products
- the testing of medicinal products in a laboratory for the testing of medicinal products
- the storage, preservation and distribution of medicinal products at the wholesale stage
- the preparation, testing, storage and supply of medicinal products in pharmacies open to the public
- the preparation, testing, storage and dispensing of medicinal products in hospitals
- the provision of information and advice on medicinal products.

5.6.4. Evidence of formal qualifications of pharmacists

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Reference date
België/ Belgique/ Belgien	Diploma van apoteker / Diplôme de pharmacien	<ul style="list-style-type: none"> – De universiteiten/ Les universités – De bevoegde Examencommissie van de Vlaamse Gemeenschap/ Le Jury compétent d'enseignement de la Communauté française 	1 October 1987
Danmark	Bevis for bestået farmaceutisk kandidateksamen	Danmarks Farmaceutiske Højskole	1 October 1987
Deutschland	Zeugnis über die Staatliche Pharmazeutische Prüfung	Zuständige Behörden	1 October 1987
Ελλάς	Άδεια άσκησης φαρμακευτικού επαγγέλματος	Νομαρχιακή Αυτοδιοίκηση	1 October 1987
España	Título de licenciado en farmacia	<ul style="list-style-type: none"> – Ministerio de Educación y Cultura – El rector de una Universidad 	1 October 1987
France	<ul style="list-style-type: none"> – Diplôme d'Etat de pharmacien – Diplôme d'Etat de docteur en pharmacie 	Universités	1 October 1987
Ireland	Certificate of Registered Pharmaceutical Chemist		1 October 1987
Italia	Diploma o certificato di abilitazione all'esercizio della professione di farmacista ottenuto in seguito ad un esame di Stato	Università	1 November 1993
Luxembourg	Diplôme d'Etat de pharmacien	Jury d'examen d'Etat + visa du ministre de l'éducation nationale	1 October 1987
Nederland	Getuigschrift van met goed gevolg afgelegd apothekerexamen	Faculteit Pharmacie	1 October 1987
Österreich	Staatliches Apothekerdiplom	Bundesministerium für Arbeit, Gesundheit und Soziales	1 October 1994
Portugal	Carta de curso de licenciatura em Ciências Farmacêuticas	Universidades	1 October 1987
Suomi/ Finland	Proviisorin tutkinto / Provisorexamen	<ul style="list-style-type: none"> – Helsingin yliopisto/Helsingfors universitet – Kuopion yliopisto 	1 October 1994
Sverige	Apotekarexamen	Uppsala universitet	1 October 1994
United Kingdom	Certificate of Registered Pharmaceutical Chemist		1 October 1987

Annex V.7: Architect

5.7.1. Knowledge and skills

Training of architects provides an assurance that the person concerned has acquired the following knowledge and skills:

1. An ability to create architectural designs that satisfy both aesthetic and technical requirements.
2. An adequate knowledge of the history and theories of architecture and the related arts, technologies and human sciences.
3. A knowledge of the fine arts as an influence on the quality of architectural design.
4. An adequate knowledge of urban design, planning and the skills involved in the planning process.
5. An understanding of the relationship between people and buildings, and between buildings and their environment, and of the need to relate buildings and the spaces between them to human needs and scale.
6. An understanding of the profession of architecture and the role of the architect in society, in particular in preparing briefs that take account of social factors.
7. An understanding of the methods of investigation and preparation of the brief for a design project.
8. An understanding of the structural design, constructional and engineering problems associated with building design.
9. An adequate knowledge of physical problems and technologies and of the function of buildings so as to provide them with internal conditions of comfort and protection against the climate.
10. The necessary design skills to meet building users' requirements within the constraints imposed by cost factors and building regulations.
11. An adequate knowledge of the industries, organisations, regulations and procedures involved in translating design concepts into buildings and integrating plans into overall planning.

5.7.2. Evidence of formal qualifications of architects recognised pursuant to Article 20(1)

COUNTRY	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Reference academic year
België/ Belgique/ Belgien	<ol style="list-style-type: none"> 1. Architect / Architecte 2. Architect / Architecte 3. Architect 4. Architect / Architecte 5. Architect / Architecte 6. Burgelijke ingenieur-architect <ol style="list-style-type: none"> 1. Architecte / Architect 2. Architecte / Architect 3. Architect 4. Architecte / Architect 5. Architecte / Architect 6. Ingénieur-civil –architecte 	<ol style="list-style-type: none"> 1. Nationale hogescholen voor architectuur 2. Hogere-architectuur-instituten 3. Provinciaal Hoger Instituut voor Architectuur te Hasselt 4. Koninklijke Academies voor Schone Kunsten 5. Sint-Lucasscholen 6. Faculteiten Toegepaste Wetenschappen van de Universiteiten 6. "Faculté Polytechnique" van Mons <ol style="list-style-type: none"> 1. Ecoles nationales supérieures d'architecture 2. Instituts supérieurs d'architecture 3. Ecole provinciale supérieure d'architecture de Hasselt 4. Académies royales des Beaux-Arts 5. Ecoles Saint-Luc 6. Facultés des sciences appliquées des universités 6. Faculté polytechnique de Mons 		1988/1989
Danmark	Arkitekt cand. arch.	<ul style="list-style-type: none"> – Kunstakademiets Arkitektskole i København – Arkitektskolen i Århus 		1988/1989
Deutschland	<p>Diplom-Ingenieur, Diplom-Ingenieur Univ.</p> <p>Diplom-Ingenieur, Diplom-Ingenieur FH</p>	<ul style="list-style-type: none"> – Universitäten (Architektur/Hochbau) – Technischen Hochschulen (Architektur/Hochbau) – Technischen Universitäten (Architektur/Hochbau) – Universitäten-Gesamthochschulen (Architektur/Hochbau) – Hochschulen für bildende Künste – Hochschulen für Künste – Fachhochschulen (Architektur/Hochbau) ⁽¹⁾ – Universitäten-Gesamthochschulen (Architektur/Hochbau) bei entsprechenden Fachhochschulstudiengängen – ----- <p>⁽¹⁾ Diese Diplome sind je nach Dauer der durch sie abgeschlossenen Ausbildung gemäß Artikel 43 Absatz 1 anzuerkennen.</p>		1988/1989
Ελλάς	Δίπλωμα αρχιτέκτονα - μηχανικού	<ul style="list-style-type: none"> - Εθνικό Μετσόβιο Πολυτεχνείο (ΕΜΠ), τμήμα αρχιτεκτόνων – μηχανικών - Αριστοτέλειο Πανεπιστήμιο Θεσσαλονίκης (ΑΠΘ), τμήμα αρχιτεκτόνων – μηχανικών της Πολυτεχνικής σχολής 	Βεβαίωση που χορηγεί το Τεχνικό Επιμελητήριο Ελλάδας (ΤΕΕ) και η οποία επιτρέπει την άσκηση δραστηριοτήτων στον τομέα της αρχιτεκτονικής	1988/1989

COUNTRY	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Reference academic year
España	Título oficial de arquitecto	Rectores de las universidades enumeradas a continuación: <ul style="list-style-type: none"> – Universidad politécnica de Cataluña, escuelas técnicas superiores de arquitectura de Barcelona o del Vallès; – Universidad politécnica de Madrid, escuela técnica superior de arquitectura de Madrid; – Universidad politécnica de Las Palmas, escuela técnica superior de arquitectura de Las Palmas; – Universidad politécnica de Valencia, escuela técnica superior de arquitectura de Valencia; – Universidad de Sevilla, escuela técnica superior de arquitectura de Sevilla; – Universidad de Valladolid, escuela técnica superior de arquitectura de Valladolid; – Universidad de Santiago de Compostela, escuela técnica superior de arquitectura de La Coruña; – Universidad del País Vasco, escuela técnica superior de arquitectura de San Sebastián; – Universidad de Navarra, escuela técnica superior de arquitectura de Pamplona. 		1988/1989
France	1. Diplôme d'architecte DPLG, y compris dans le cadre de la formation professionnelle continue et de la promotion sociale. 2. Diplôme d'architecte ESA 3. Diplôme d'architecte ENSAIS	1. Le ministre chargé de l'architecture 2. Ecole spéciale d'architecture de Paris 3. Ecole nationale supérieure des arts et industries de Strasbourg, section architecture		1988/1989
Ireland	1. Degree of Bachelor of Architecture (B.Arch.NUI) 2. Degree standard diploma in architecture (Dip. Arch) 3. Certificate of associateship (ARIAI) 4. Certificate of membership (MRIA)	1. National University of Ireland to architecture graduates of University College Dublin 2. College of Technology, Bolton Street, Dublin 3. Royal Institute of Architects of Ireland 4. Royal Institute of Architects of Ireland		1988/1989

COUNTRY	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Reference academic year
Italia	Laurea in architettura	<ul style="list-style-type: none"> - Università di Camerino - Università di Catania – Sede di Siracusa - Università di Chieti - Università di Ferrara - Università di Firenze - Università di Genova - Università di Napoli Federico II - Università di Napoli II - Università di Palermo - Università di Parma - Università di Reggio Calabria - Università di Roma "La Sapienza" - Università di Roma II - Università di Trieste - Politecnico di Bari - Politecnico di Milano - Politecnico di Torino - Istituto universitario di architettura di Venezia 	Diploma di abilitazione all'esercizio indipendente della professione che viene rilasciato dal ministero della pubblica istruzione dopo che il candidato ha sostenuto con esito positivo l'esame di Stato davanti ad una commissione competente	1988/1989
	Laurea in ingegneria edile – architettura	<ul style="list-style-type: none"> - Università dell'Aquila - Università di Pavia - Università di Roma "La Sapienza" 		1998/1999

COUNTRY	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Reference academic year
Nederland	<p>1.Het getuigschrift van het met goed gevolg afgelegde doctoraal examen van de studierichting bouwkunde, afstudeerrichting architectuur</p> <p>2.Het getuigschrift van het met goed gevolg afgelegde doctoraal examen van de studierichting bouwkunde, differentiatie architectuur en urbanistiek</p> <p>3.Het getuigschrift hoger beroepsonderwijs, op grond van het met goed gevolg afgelegde examen verbonden aan de opleiding van de tweede fase voor beroepen op het terrein van de architectuur, afgegeven door de betrokken examencommissies van respectievelijk:</p> <ul style="list-style-type: none"> -de Amsterdamse Hogeschool voor de Kunsten te Amsterdam - de Hogeschool Rotterdam en omstreken te Rotterdam - de Hogeschool Katholieke Leergangen te Tilburg - de Hogeschool voor de Kunsten te Arnhem - de Rijkshogeschool Groningen te Groningen - de Hogeschool Maastricht te Maastricht 	<p>1.Technische Universiteit te Delft</p> <p>2.Technische Universiteit te Eindhoven</p>	Verklaring van de Stichting Bureau Architectenregister die bevestigt dat de opleiding voldoet aan de normen van artikel 42.	1988/1989

COUNTRY	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Reference academic year
Österreich	1. Diplom.-Ingenieur, Dipl.-Ing 2. Diplom. Ingenieur, Dipl.-Ing. 3. Diplom Ingenieur, Dipl.-Ing. 4. Magister der Architektur, Magister architectura, Mag. Arch. 5. Magister der Architektur, Magister architecturae, Mag. Arch. 6. Magister der Architektur, Magister architecturae, Mag. Arch.	1. Technische Universität, Graz (Erzherzog-Johann-Universität Graz) 2. Technische Universität Wien 3. Universität Innsbruck (Leopold-Franzens-Universität Innsbruck) 4. Hochschule für Angewandte Kunst in Wien 5. Akademie der Bildenden Künste in Wien 6. Hochschule für künstlerische und industrielle Gestaltung in Linz		1998/1999
Portugal	Carta de curso de Licenciatura em Arquitectura	– Faculdade de arquitectura da Universidade técnica de Lisboa – Faculdade de arquitectura da Universidade do Porto – Escola Superior Artística do Porto		1988/1989

COUNTRY	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Reference academic year
Sverige	Arkitektexamen	Chalmers Tekniska Högskola AB Kungliga Tekniska Högskolan Lunds Universitet		1998/1999
United Kingdom	1. Diplomas in architecture 2. Degrees in architecture 3. Final examination 4. Examination in architecture 5. Examination Part II	1. – Universities – Colleges of Art – Schools of Art 2. Universities 3. Architectural Association 4. Royal College of Art 5. Royal Institute of British Architects	Certificate of architectural education, issued by the Architects Registration Board. The diploma and degree courses in architecture of the universities, schools and colleges of art should have met the requisite threshold standards as laid down in Article 42 of this Directive and in <i>Criteria for validation</i> published by the Validation Panel of the Royal Institute of British Architects and the Architects Registration Board. EU nationals who possess the Royal Institute of British Architects Part I and Part II certificates, which are recognised by ARB as the competent authority, are eligible. Also EU nationals who do not possess the ARB-recognised Part I and Part II certificates will be eligible for the Certificate of Architectural Education if they can satisfy the Board that their standard and length of education has met the requisite threshold standards of Article 42 of this Directive and of the <i>Criteria for validation</i> .	1988/1989

ANNEX VI

Established rights applicable to the professions subject to recognition on the basis of coordination of the minimum training conditions

6.1. Established rights of specialised doctors

<u>Clinical biology</u> Minimum period of training: 4 years	
Country	Title
Belgique/België/ Belgien	Biologie clinique / Klinische biologie
España	Análisis clínicos
France	Biologie médicale
Italia	Patologia clinica
Luxembourg	Biologie clinique
Österreich	Medizinische Biologie
Portugal	Patologia clinica

<u>Biological haematology</u> Minimum period of training: 4 years	
Country	Title
Danmark *	Klinisk blodtypeserologi
France	Hématologie
Luxembourg	Hématologie biologique
Portugal	Hematologia clinica

Dates of repeal within the meaning of Article 25(5):

* 1 January 1983, except for persons having commenced training before that date and completing it before the end of 1988

<u>Microbiology-bacteriology</u> Minimum period of training: 4 years	
Country	Title
Danmark	Klinisk mikrobiologi
Deutschland	Mikrobiologie und Infektionsepidemiologie
Ελλάς	– Ιατρική Βιοπαθολογία – Μικροβιολογία
España	Microbiología y parasitología
Ireland	Microbiology
Italia	Microbiologia e virologia
Luxembourg	Microbiologie
Nederland	Medische microbiologie
Österreich	Hygiene und Mikrobiologie
Suomi/Finland	Kliininen mikrobiologia / Klinisk mikrobiologi
Sverige	Klinisk bakteriologi
United Kingdom	Medical microbiology and virology

<u>Biological chemistry</u> Minimum period of training: 4 years	
Country	Title
Danmark	Klinisk biokemi
España	Bioquímica clínica
Ireland	Chemical pathology
Italia	Biochimica clinica
Luxembourg	Chimie biologique
Nederland	Klinische chemie
Österreich	Medizinische und Chemische Labordiagnostik
Suomi/Finland	Kliininen kemia / Klinisk kemi
Sverige	Klinisk kemi
United Kingdom	Chemical pathology

<u>Immunology</u> Minimum period of training: 4 years	
Country	Title
Danmark	Klinisk immunologi
España	Immunología
Ireland	Clinical immunology
Österreich	Immunologie
Sverige	Klinisk immunologi
United Kingdom	Immunology

<u>Thoracic surgery</u> Minimum period of training: 5 years	
Country	Title
Belgique/België/ Belgien *	Chirurgie thoracique / Heelkunde op de thorax
Danmark	Thoraxkirurgi eller brysthulens kirurgiske sygdomme
Deutschland	Herzchirurgie
Ελλάς	Χειρουργική Θώρακος
España	Cirugía torácica
France	Chirurgie thoracique et cardiovasculaire
Ireland	Thoracic surgery
Italia	Chirurgia toracica
Luxembourg	Chirurgie thoracique
Nederland	Cardio-thoracale chirurgie
Portugal	Cirurgia cardiotorácica
Suomi/Finland	Sydän- ja rintaelinkirurgia / Hjärt- och thoraxkirurgi
Sverige	Thoraxkirurgi
United Kingdom	Cardo-thoracic surgery

Dates of repeal within the meaning of Article 25(5):

* 1 January 1983

Paediatric surgery	
Minimum period of training: 5 years	
Country	Title
Deutschland	Kinderchirurgie
Ελλάς	Χειρουργική Παίδων
España	Cirugía pediátrica
France	Chirurgie infantile
Ireland	Paediatric surgery
Italia	Chirurgia pediatrica
Luxembourg	Chirurgie pédiatrique
Österreich	Kinderchirurgie
Portugal	Cirurgia pediátrica
Suomi/Finland	Lastenkirurgia / Barnkirurgi
Sverige	Barn- och ungdomskirurgi
United Kingdom	Paediatric surgery

Vascular surgery	
Minimum period of training: 5 years	
Country	Title
Belgique/België/ Belgien *	Chirurgie des vaisseaux / Bloedvatenheelkunde
Danmark	Karkirurgi eller kirurgiske blodkarsygdomme
Ελλάς	Αγγειοχειρουργική
España	Angiología y cirugía vascular
France	Chirurgie vasculaire
Italia	Chirurgia vascolare
Luxembourg	Chirurgie vasculaire
Portugal	Cirurgia vascular
Suomi/Finland	Verisuonikirurgia / Kärkirurgi

Dates of repeal within the meaning of Article 25(5):

* 1 January 1983

Cardiology	
Minimum period of training: 4 years	
Country	Title
Belgique/België/ Belgien	Cardiologie / Kardilogie
Danmark	Kardiologi
Ελλάς	Καρδιολογία
España	Cardiología
France	Pathologie cardio-vasculaire
Ireland	Cardiology
Italia	Cardiologia
Luxembourg	Cardiologie et angiologie
Nederland	Cardiologie
Portugal	Cardiologia
Suomi/Finland	Kardiologia / Kardiologi
Sverige	Kardiologi
United Kingdom	Cardiology

Gastro-enterology	
Minimum period of training: 4 years	
Country	Title
Belgique/België/ Belgien	Gastro-entérologie / Gastroenterologie
Danmark	Medicinsk gastroenterologi eller medicinske mave-tarmsygdomme
Ελλάς	Γαστρεντερολογία
España	Aparato digestivo
France	Gastro-entérologie et hépatologie
Ireland	Gastro-enterology
Italia	Gastroenterologia
Luxembourg	Gastro-enterologie
Nederland	Gastro-enterologie
Portugal	Gastroenterologia
Suomi/Finland	Gastroenterologia / Gastroenterologi
Sverige	Medicinsk gastroenterologi och hepatologi
United Kingdom	Gastro-enterology

Rheumatology	
Minimum period of training: 4 years	
Country	Title
Belgique/België/ Belgien	Rhumathologie / Reumatologie
Danmark	Reumatologi
Ελλάς	Ρευματολογία
España	Reumatología
France	Rhumathologie
Ireland	Rheumatology
Italia	Reumatologia
Luxembourg	Rhumathologie
Nederland	Reumatologie
Portugal	Reumatologia
Suomi/Finland	Reumatologia / Reumatologi
Sverige	Reumatologi
United Kingdom	Rheumatology

Haematology	
Minimum period of training: 3 years	
Country	Title
Danmark	Hæmatologi eller blodsygdomme
Ελλάς	Αιματολογία
España	Hematología y hemoterapia
Ireland	Haematology
Italia	Ematologia
Luxembourg	Hématologie
Portugal	Imuno-hemoterapia
Suomi/Finland	Kliininen hematologia / Klinisk hematologi
Sverige	Hematologi

Endocrinology	
Minimum period of training: 3 years	
Country	Title
Danmark	Medicinsk endokrinologi eller medicinske hormonsygdomme
Ελλάς	Ενδοκρινολογία
España	Endocrinología y nutrición
France	Endocrinologie, maladies métaboliques
Ireland	Endocrinology and diabetes mellitus
Italia	Endocrinologia e malattie del ricambio
Luxembourg	Endocrinologie, maladies du métabolisme et de la nutrition
Portugal	Endocrinologia
Suomi/Finland	Endokrinologia / Endokrinologi
Sverige	Endokrina sjukdomar
United Kingdom	Endocrinology and diabetes mellitus

Physical and rehabilitative medicine	
Minimum period of training: 3 years	
Country	Title
Belgique/België/ Belgien	Médecine physique et réadaptation / Fysische geneeskunde en revalidatie
Danmark *	Fysiurgi og rehabilitering
Deutschland	Physikalische und Rehabilitative Medizin
Ελλάς	Φυσική Ιατρική και Αποκατάσταση
España	Rehabilitación
France	Rééducation et réadaptation fonctionnelles
Italia	Medicina fisica e riabilitazione
Luxembourg	Rééducation et réadaptation fonctionnelles
Nederland	Revalidatiegeneeskunde
Österreich	Physikalische Medizin
Portugal	Fisiatria ou Medicina física e de reabilitação
Suomi/Finland	Fysiatria / Fysiatrit
Sverige	Rehabiliteringsmedicin

Dates of repeal within the meaning of Article 25(5):

* 1 January 1983, except for persons having commenced training before that date and completing it before the end of 1988

Stomatology	
Minimum period of training: 3 years	
Country	Title
España	Estomatología
France	Stomatologie
Italia	Odontostomatologia
Luxembourg	Stomatologie
Portugal	Estomatologia

Neuropsychiatry	
Minimum period of training: 5 years	
Country	Title
Belgique/België/ Belgien *	Neuropsychiatrie
Deutschland	Nervenheilkunde (Neurologie und Psychiatrie)
Ελλάς	Νευρολογία – Ψυχιατρική
France **	Neuropsychiatrie
Italia	Neuropsychiatria
Luxembourg ***	Neuropsychiatrie
Nederland ****	Zenuw - en zielsziekten
Österreich	Neurologie und Psychiatrie

Dates of repeal within the meaning of Article 25(5):

* 1 August, except for persons having commenced training before that date

** 31 December 1971

*** Evidence of qualifications is no longer awarded for training commenced after 5 March 1982

**** 9 July 1984

Dermato-venereology	
Minimum period of training: 3 years	
Country	Title
Belgique/België/ Belgien	Dermato-vénérologie / Dermato-venereologie
Danmark	Dermato-venereologi eller hud- og kønssygdomme
Deutschland	Haut - und Geschlechtskrankheiten
Ελλάς	Δερματολογία – Αφροδισιολογία
España	Dermatología médico-quirúrgica y venereología
France	Dermatologie et vénéréologie
Italia	Dermatologia e venerologia
Luxembourg	Dermato-vénérologie
Nederland	Dermatologie en venerologie
Österreich	Haut- und Geschlechtskrankheiten
Portugal	Dermatovenereologia
Suomi/Finland	Ihotaudit ja allergologia / Hudsjukdomar och allergologi
Sverige	Hud- och könssjukdomar

Dermatology	
Minimum period of training: 4 years	
Country	Title
Ireland	Dermatology
United Kingdom	Dermatology

<u>Venerology</u>	
Minimum period of training: 4 years	
Country	Title
Ireland	Venereology
United Kingdom	Genito-urinary medicine

<u>Radiology</u>	
Minimum period of training: 4 years	
Country	Title
Deutschland	Radiologie
Ελλάς	Ακτινολογία – Ραδιολογία
España	Electroradiologia
France *	Electro-radiologie
Italia	Radiologia
Luxembourg **	Électroradiologie
Nederland ***	Radiologie
Österreich	Radiologie
Portugal	Radiologia

Dates of repeal within the meaning of Article 25(5):

* 3 December 1971

** Evidence of qualifications is no longer awarded for training commenced after 5 March 1982

*** 8 July 1984

<u>Tropical medicine</u>	
Minimum period of training: 4 years	
Country	Title
Danmark *	Tropemedicin
Ireland	Tropical medicine
Italia	Medicina tropicale
Österreich	Spezifische Prophylaxe und Tropenhygiene
Portugal	Medicina tropical
United Kingdom	Tropical medicine

Dates of repeal within the meaning of Article 25(5):

* 1 January 1987, except for persons having commenced training before that date and completing it before the end of 1988

<u>Child and adolescent psychiatry</u>	
Minimum period of training: 4 years	
Country	Title
Danmark	Børne- og ungdomspsykiatri
Deutschland	Kinder – und Jugendpsychiatrie und – psychotherapie
Ελλάς	Παιδοψυχιατρική
France	Pédo-psychiatrie
Ireland	Child and adolescent psychiatry
Italia	Neuropsichiatria infantile
Luxembourg	Psychiatrie infantile
Portugal	Pedopsiquiatria
Suomi/Finland	Lastenpsykiatria / Barnpsykiatri
Sverige	Barn- och ungdomspsykiatri
United Kingdom	Child and adolescent psychiatry

<u>Geriatrics</u>	
Minimum period of training: 4 years	
Country	Title
Danmark	Geriatrici eller alderdommens sygdomme
España	Geriatría
Ireland	Geriatrics
Italia	Geriatría
Nederland	Klinische geriatrie
Suomi/Finland	Geriatría / Geriatrici
Sverige	Geriatrisk
United Kingdom	Geriatrics

<u>Renal medicine</u>	
Minimum period of training: 4 years	
Country	Title
Danmark	Nefrologi eller medicinske nyresygdomme
Ελλάς	Νεφρολογία
España	Nefrología
France	Néphrologie
Ireland	Nephrology
Italia	Nefrologia
Luxembourg	Néphrologie
Portugal	Nefrologia
Suomi/Finland	Nefrologia / Nefrologi
Sverige	Medicinska njursjukdomar (nefrologi)
United Kingdom	Renal medicine

Infectious diseases	
Minimum period of training: 4 years	
Country	Title
Danmark	Infektionsmedicin
Ireland	Communicable diseases
Italia	Malattie infettive
Suomi/Finland	Infektiosairaudet / Infektionssjukdomar
Sverige	Infektionssjukdomar
United Kingdom	Infectious diseases

Public health and social medicine	
Minimum period of training: 4 years	
Country	Title
Danmark	Samfundsmedicin
Deutschland	Öffentliches Gesundheitswesen
Ελλάς	Κοινωνική Ιατρική
España	Medicina preventiva y salud pública
France	Santé publique et médecine sociale
Ireland	Community medicine
Italia	Igiene e medicina sociale
Luxembourg	Santé publique
Nederland	Maatschappij en gezondheid
Österreich	Sozialmedizin
Suomi/Finland	Terveysthuolto / Hälsövärd
Sverige	Socialmedicin
United Kingdom	Public health medicine

Pharmacology	
Minimum period of training: 4 years	
Country	Title
Danmark	Klinisk farmakologi
Deutschland	Pharmakologie und Toxikologie
España	Farmacología clínica
Ireland	Clinical pharmacology and therapeutics
Österreich	Pharmakologie und Toxikologie
Suomi/Finland	Kliininen farmakologia ja lääkehoito / Klinisk farmakologi och läkemedelsbehandling
Sverige	Klinisk farmakologi
United Kingdom	Clinical pharmacology and therapeutics

Occupational medicine	
Minimum period of training: 4 years	
Country	Title
Belgique/België/ Belgien	Médecine du travail / Arbeidsgeneeskunde
Danmark	Arbejdsmedicin
Deutschland	Arbeitsmedizin
Ελλάς	Ιατρική της Εργασίας
France	Médecine du travail
Ireland	Occupational medicine
Italia	Medicina del lavoro
Luxembourg	Médecine du travail
Nederland	– Arbeid en gezondheid, bedrijfsgeneeskunde – Arbeid en gezondheid, verzekeringsgeneeskunde
Österreich	Arbeits- und Betriebsmedizin
Portugal	Medicina do trabalho
Suomi/Finland	Työterveyshuolto / Företagshälsövärd
Sverige	Yrkes- och miljömedicin
United Kingdom	Occupational medicine

Allergology	
Minimum period of training: 3 years	
Country	Title
Danmark	Medicinsk allergologi eller medicinske overfølsomhedssygdomme
Ελλάς	Αλλεργιολογία
España	Alergología
Italia	Allergologia ed immunologia clinica
Nederland	Allergologie en inwendige geneeskunde
Portugal	Imuno-alergologia
Sverige	Allergisjukdomar

Gastro-enterological surgery	
Minimum period of training: 5 years	
Country	Title
Belgique/België/ Belgien *	Chirurgie abdominale / Heelkunde op het abdomen
Danmark	Kirurgisk gastroenterologi eller kirurgiske mave-tarmsygdomme
España	Cirugía del aparato digestivo
France	Chirurgie viscérale et digestive
Italia	Chirurgia dell'aparato digestivo
Luxembourg	Chirurgie gastro-entérologique
Suomi/Finland	Gastroenterologinen kirurgia / Gastroenterologisk kirurgi

Dates of repeal within the meaning of Article 25(5):

* 1 January 1983

<u>Nuclear medicine</u>	
Minimum period of training: 4 years	
Country	Title
Belgique/België/ Belgien	Médecine nucléaire / Nucleaire geneeskunde
Danmark	Klinisk fysiologi og nuklearmedicin
Deutschland	Nuklearmedizin
Ελλάς	Πυρηνική Ιατρική
España	Medicina nuclear
France	Médecine nucléaire
Italia	Medicina nucleare
Luxembourg	Médecine nucléaire
Nederland	Nucleaire geneeskunde
Österreich	Nuklearmedizin
Portugal	Medicina nuclear
Suomi/Finland	Kliininen Fysiologia ja isotooppilääketiede / Klinisk Fysiologi och nukleärmedicin
United Kingdom	Nuclear medicine

<u>Accident and emergency medicine</u>	
Minimum period of training: 5 years	
Country	Title
Ireland	Accident and emergency medicine
United Kingdom	Accident and emergency medicine

<u>Clinical neurophysiology</u>	
Minimum period of training: 4 years	
Country	Title
Danmark	Klinisk neurofysiologi
España	Neurofisiología clínica
Ireland	Neurophysiology
Suomi/Finland	Kliininen neurofysiologia / Klinisk neurofysiologi
Sverige	Klinisk neurofysiologi
United Kingdom	Clinical neurophysiology

<u>Maxillo-facial surgery (basic medical training)</u>	
Minimum period of training: 5 years	
Country	Title
España	Cirugía oral y maxilofacial
France	Chirurgie maxillo-faciale et stomatologie
Italia	Chirurgia maxillo-facciale
Luxembourg	Chirurgie maxillo-faciale
Österreich	Mund – Kiefer – und Gesichtschirurgie

<u>Dental, oral and maxillo-facial surgery (basic medical and dental training)⁵¹</u>	
Minimum period of training: 4 years	
Country	Title
Belgique/België/ Belgien	Stomatologie et chirurgie orale et maxillo-faciale / Stomatologie en mond-, kaak- en aangezichts chirurgie
Deutschland	Mund-, Kiefer- und Gesichtschirurgie
Ireland	Oral and maxillo-facial surgery
Luxembourg	Chirurgie dentaire, orale et maxillo- faciale
Suomi/Finland	Suu- ja leukakirurgia / Oral och maxillofacial kirurgi
United Kingdom	Oral and maxillo-facial surgery

⁵¹ Training leading to the award of evidence of formal qualifications as a specialist in dental, oral and maxillo-facial surgery (basic medical and dental training) assumes completion and validation of basic medical studies (Article 19) and, in addition, completion and validation of dental studies (Article 29).

6.2. Established rights of specialised dentists

Orthodontics			
Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Reference date
Danmark	Bevis for tilladelse til at betegne sig som specialtandlæge i ortodonti	Sundhedsstyrelsen	28 January 1980
Deutschland	Fachzahnärztliche Anerkennung für Kieferorthopädie;	Landeszahnärztekammer	28 January 1980
Ελλάς	Τίτλος Οδοντιατρικής ειδικότητας της Ορθοδοντικής	– Νομαρχιακή Αυτοδιοίκηση – Νομαρχία	1 January 1981
France	Titre de spécialiste en orthodontie	Conseil National de l'Ordre des chirurgiens dentistes	28 January 1980
Ireland	Certificate of specialist dentist in orthodontics	Competent authority recognised for this purpose by the competent minister	28 January 1980
Nederland	Bewijs van inschrijving als orthodontist in het Specialistenregister	Specialisten Registratie Commissie (SRC) van de Nederlandse Maatschappij tot bevordering der Tandheelkunde	28 January 1980
Suomi/Finland	Erikoishammaslääkärin tutkinto, hampaiston oikomishoito / Specialtand-läkarexamen, tandreglering	– Helsingin yliopisto / Helsingfors universitet – Oulun yliopisto – Turun yliopisto	1 January 1994
Sverige	Bevis om specialistkompetens i tandreglering	Socialstyrelsen	1 January 1994
United Kingdom	Certificate of Completion of specialist training in orthodontics	Competent authority recognised for this purpose	28 January 1980

Oral surgery			
Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Reference date
Danmark	Bevis for tilladelse til at betegne sig som specialtandlæge i hospitalsodontologi	Sundhedsstyrelsen	28 January 1980
Deutschland	Fachzahnärztliche Anerkennung für Oralchirurgie/Mundchirurgie	Landeszahnärztekammer	28 January 1980
Ελλάς	Τίτλος Οδοντιατρικής ειδικότητας της Γναθοχειρουργικής	– Νομαρχιακή Αυτοδιοίκηση – Νομαρχία	1 January 1981
Ireland	Certificate of specialist dentist in oral surgery	Competent authority recognised for this purpose by the competent minister	28 January 1980
Nederland	Bewijs van inschrijving als kaakchirurg in het Specialistenregister	Specialisten Registratie Commissie (SRC) van de Nederlandse Maatschappij tot bevordering der Tandheelkunde	28 January 1980
Suomi/Finland	Erikoishammaslääkärin tutkinto, suu- ja leuka-kirurgia / Specialtandläkar-examen, oral och maxillofacial kirurgi	– Helsingin yliopisto/Helsingfors universitet – Oulun yliopisto – Turun yliopisto	1 January 1994
Sverige	Bevis om specialist-kompetens i tandsystemets kirurgiska sjukdomar	Socialstyrelsen	1 January 1994
United Kingdom	Certificate of completion of specialist training in oral surgery	Competent authority recognised for this purpose	28 January 1980

6.3. Evidence of formal qualifications of architects benefiting from the established rights acquired pursuant to the first paragraph of Article 45(1)

COUNTRY	Evidence of formal qualifications	Reference academic year
België/Belgique/Belgien	<ul style="list-style-type: none"> – the diplomas awarded by the higher national schools of architecture or the higher national institutes of architecture (architecte-architect) – the diplomas awarded by the higher provincial school of architecture of Hasselt (architect) – the diplomas awarded by the Royal Academies of Fine Arts (architecte – architect) – the diplomas awarded by the 'écoles Saint-Luc' (architecte – architect) – university diplomas in civil engineering, accompanied by a traineeship certificate awarded by the association of architects entitling the holder to hold the professional title of architect (architecte – architect) – the diplomas in architecture awarded by the central or State examining board for architecture (architecte – architect) – the civil engineering/architecture diplomas and architecture/engineering diplomas awarded by the faculties of applied sciences of the universities and by the Polytechnical Faculty of Mons (ingénieur-architecte, ingénieur-architect) 	1987/1988
Danmark	<ul style="list-style-type: none"> – the diplomas awarded by the National Schools of Architecture in Copenhagen and Aarhus (arkitekt) – the certificate of registration issued by the Board of Architects pursuant to Law No 202 of 28 May 1975 (registreret arkitekt) – diplomas awarded by the Higher Schools of Civil Engineering (bygningkonstruktoer), accompanied by a certificate from the competent authorities to the effect that the person concerned has passed a test of his formal qualifications, comprising an appreciation of plans drawn up and executed by the candidate during at least six years' effective practice of the activities referred to in Article 44 of this Directive 	1987/1988
Deutschland	<ul style="list-style-type: none"> – the diplomas awarded by higher institutes of fine arts (Dipl.-Ing., Architekt (HfbK)) – the diplomas awarded by the departments of architecture (Architektur/Hochbau) of 'Technische Hochschulen', of technical universities, of universities and, in so far as these institutions have been merged into 'Gesamthochschulen', of 'Gesamthochschulen' (Dipl.-Ing. and any other title which may be laid down later for holders of these diplomas) – the diplomas awarded by the departments of architecture (Architektur/Hochbau) of 'Fachhochschulen' and, in so far as these institutions have been merged into 'Gesamthochschulen', by the departments of architecture (Architektur/Hochbau) of 'Gesamthochschulen', accompanied, where the period of study is less than four years but at least three years, by a certificate attesting to a four-year period of professional experience in the Federal Republic of Germany issued by the professional body in accordance with Article 43(1) (Ingenieur grad. and any other title which may be laid down later for holders of these diplomas) – the diplomas (Prüfungszeugnisse) awarded before 1 January 1973 by the departments of architecture of 'Ingenieurschulen' and of 'Werkkunstschulen', accompanied by a certificate from the competent authorities to the effect that the person concerned has passed a test of his formal qualifications, comprising an appreciation of plans drawn up and executed by the candidate during at least six years' effective practice of the activities referred to in Article 44 of this Directive 	1987/1988

COUNTRY	Evidence of formal qualifications	Reference academic year
Ελλάς	<ul style="list-style-type: none"> – the engineering/architecture diplomas awarded by the Metsovion Polytechnion of Athens, together with a certificate issued by Greece's Technical Chamber conferring the right to pursue activities in the field of architecture – the engineering/architecture diplomas awarded by the Aristotelion Panepistimion of Thessaloniki, together with a certificate issued by Greece's Technical Chamber conferring the right to pursue activities in the field of architecture – the engineering/civil engineering diplomas awarded by the Metsovion Polytechnion of Athens, together with a certificate issued by Greece's Technical Chamber conferring the right to pursue activities in the field of architecture – the engineering/civil engineering diplomas awarded by the Aristotelion Panepistimion of Thessaloniki, together with a certificate issued by Greece's Technical Chamber conferring the right to pursue activities in the field of architecture – the engineering/civil engineering diplomas awarded by the Panepistimion Thrakis, together with a certificate issued by Greece's Technical Chamber conferring the right to pursue activities in the field of architecture – the engineering/civil engineering diplomas awarded by the Panepistimion Patron, together with a certificate issued by Greece's Technical Chamber conferring the right to pursue activities in the field of architecture 	1987/1988
España	the official formal qualification of an architect (título oficial de arquitecto) awarded by the Ministry of Education and Science or by the universities	1987/1988
France	<ul style="list-style-type: none"> – the Government architect's diploma awarded by the Ministry of Education until 1959, and subsequently by the Ministry of Cultural Affairs (architecte DPLG) – the diplomas awarded by the 'Ecole spéciale d'architecture' (architecte DESA) – the diplomas awarded by the 'Ecole nationale supérieure des arts et industries de Strasbourg' (former 'Ecole nationale d'ingénieurs de Strasbourg'), department of architecture (architecte ENSAIS) 	1987/1988
Ireland	<ul style="list-style-type: none"> – the degree of Bachelor of Architecture awarded by the National University of Ireland (B Arch. (NUI)) to architecture graduates of University College, Dublin – the diploma of degree standard in architecture awarded by the College of Technology, Bolton Street, Dublin (Dipl. Arch.) – the Certificate of Associateship of the Royal Institute of Architects of Ireland (ARIAI) – the Certificate of Membership of the Royal Institute of Architects of Ireland (MRAI) 	1987/1988
Italia	<ul style="list-style-type: none"> – 'laurea in architettura' diplomas awarded by universities, polytechnic institutes and the higher institutes of architecture of Venice and Reggio Calabria, accompanied by the diploma entitling the holder to pursue independently the profession of architect, awarded by the Minister for Education after the candidate has passed, before a competent board, the State examination entitling him to pursue independently the profession of architect (dott. Architetto) – 'laurea in ingegneria' diplomas in building construction awarded by universities and polytechnic institutes, accompanied by the diploma entitling the holder to pursue independently a profession in the field of architecture, awarded by the Minister for Education after the candidate has passed, before a competent board, the State examination entitling him to pursue the profession independently (dott. Ing. Architetto or dott. Ing. In ingegneria civile) 	1987/1988

COUNTRY	Evidence of formal qualifications	Reference academic year
Nederland	<ul style="list-style-type: none"> – the certificate stating that its holder has passed the degree examination in architecture awarded by the departments of architecture of the technical colleges of Delft or Eindhoven (bouwkundig ingenieur) – the diplomas awarded by State-recognized architectural academies (architect) – the diplomas awarded until 1971 by the former architectural colleges (Hoger Bouwkundonderricht) (architect HBO) – the diplomas awarded until 1970 by the former architectural colleges (voortgezet Bouwkundonderricht) (architect VBO) – the certificate stating that the person concerned has passed an examination organised by the Architects Council of the 'Bond van Nederlandse Architecten' (Order of Dutch Architects, BNA) (architect) – the diploma of the 'Stichting Instituut voor Architectuur' ('Institute of Architecture' Foundation) (IVA) awarded on completion of a course organised by this foundation and extending over a minimum period of four years (architect), accompanied by a certificate from the competent authorities to the effect that the person concerned has passed a test of his formal qualifications, comprising an appreciation of plans drawn up and executed by the candidate during at least six years' effective practice of the activities referred to in Article 44 of this Directive – a certificate issued by the competent authorities to the effect that, before the date of 5 August 1985, the person concerned passed the degree examination of 'Kandidaat in de bouwkunde' organised by the technical colleges of Delft or Eindhoven and that, over a period of at least five years immediately prior to that date, he pursued architectural activities the nature and importance of which, in accordance with Netherlands requirements, guarantee that he is competent to pursue those activities (architect) – a certificate issued by the competent authorities only to persons who had reached the age of 40 years before the date of 5 August 1985, certifying that, over a period of at least five years immediately prior to that date, the person concerned had pursued architectural activities the nature and importance of which, in accordance with Netherlands requirements, guarantee that he is competent to pursue those activities (architect) – the certificates referred to in the seventh and eighth indents need no longer be recognized as from the date of entry into force of laws and regulations in the Netherlands governing the taking up and pursuit of architectural activities under the professional title of architect, in so far as under such provisions those certificates do not authorise the taking up of such activities under that professional title 	1987/1988
Österreich	<ul style="list-style-type: none"> – the diplomas awarded by the Universities of Technology of Vienna and Graz and by the University of Innsbruck, Faculty for Building-Engineering ("Bauingenieurwesen") and Architecture ("Architektur"), in the fields of study of architecture, building-engineering ("Bauingenieurwesen"), building ("Hochbau") and "Wirtschaftsingenieurwesen - Bauwesen") – the diplomas awarded by the University for "Bodenkultur" in the fields of study of "Kulturtechnik und Wasserwirtschaft" – the diplomas awarded by the University College of Applied Arts in Vienna in architectural studies – the diplomas awarded by the Academy of Fine Arts in Vienna in architectural studies – the diplomas of certified engineers (Ing.) awarded by higher technical colleges or technical colleges for building, plus the licence of "Baumeister" attesting a minimum of six years of professional experience in Austria, sanctioned by an examination – the diplomas awarded by the University College for artistic and industrial training in Linz, in architectural studies – the certificates of qualification for Civil Engineers or Engineering Consultants in the field of construction ("Hochbau", "Bauwesen", "Wirtschaftsingenieurwesen - Bauwesen", "Kulturtechnik und Wasserwirtschaft") according to the Civil Technician Act (Ziviltechnikergesetz, BGBl. No 156/1994) 	1997/1998

PAYS	Evidence of formal qualifications	Reference Academic Year
Portugal	<ul style="list-style-type: none"> - the Diploma "diploma do curso especial de arquitectura" awarded by the Schools of Fine Arts of Lisbon and of Porto - the Architects Diploma 'diploma de arquitecto' awarded by the Schools of Fine Arts of Lisbon and of Porto - the Diploma "diploma do curso de arquitectura" awarded by the Higher Schools of Fine Arts of Lisbon and Porto - the Diploma "diploma de licenciatura em arquitectura" awarded by the Higher School of Fine Arts of Lisbon - the Diploma "carta de curso de licenciatura em arquitectura" awarded by the Technical University of Lisbon and the University of Porto - the university diploma in civil engineering (licenciatura em engenharia civil) awarded by the Higher Technical Institute of the Technical University of Lisbon - the university diploma in civil engineering (licenciatura em engenharia civil) awarded by the Faculty of Engineering (de Engenharia) of the University of Porto - the university diploma in civil engineering (licenciatura em engenharia civil) awarded by the Faculty of Science and Technology of the University of Coimbra - the university diploma in civil engineering, production (licenciatura em engenharia civil, produção) awarded by the University of Minho 	1987/1988
Suomi/Finland	<ul style="list-style-type: none"> - the diplomas awarded by the architecture departments of Universities of Technology and the University of Oulu (arkkitehti/arkitekt) - the diplomas awarded by the Institutes of Technology (rakennusarkkitehti/byggnadsarkitekt) 	1997/1998
Sverige	<ul style="list-style-type: none"> - the diplomas awarded by the School of Architecture at the Royal Institute of Technology, the Chalmers Institute of Technology and the Institute of Technology at Lund University (arkitekt, university diploma in architecture) - the certificates of membership of the "Svenska Arkitekters Riksförbund" (SAR) if the persons concerned have received their training in a State to which this Directive applies 	1997/1998
United Kingdom	<ul style="list-style-type: none"> - the qualifications awarded following the passing of examinations of: <ul style="list-style-type: none"> - the Royal Institute of British Architects - schools of architecture at universities, polytechnics, colleges, academies, schools of technology and art which, as of 10 June 1985, were recognised by the Architects Registration Council of the United Kingdom for the purpose of admission to the Register (Architect) - a certificate stating that its holder has an established right to hold the professional title of architect by virtue of section 6 (1) a, 6 (1) b or 6 (1) d of the Architects Registration Act 1931 (Architect) - a certificate stating that its holder has an established right to hold the professional title of architect by virtue of section 2 of the Architects Registration Act 1938 (Architect) 	1987/1988

ANNEX VII

Documents and certificates which may be required in accordance with Article 46(1)

1. Documents

- a) Proof of the nationality of the person concerned.
- b) Copies of the attestations of professional competence or of the evidence of formal qualifications giving access to the profession in question, and an attestation of the professional experience of the person concerned where applicable.
- c) For the cases referred to in Article 16, a certificate concerning the nature and duration of the activity issued by the competent authority or body in the Member State of origin.
- d) Where the competent authority of a host Member State requires of persons wishing to take up a regulated profession proof that they are of good character or repute or that they have not been declared bankrupt, or suspends or prohibits the pursuit of that profession in the event of serious professional misconduct or a criminal offence, that State shall accept as sufficient evidence, in respect of nationals of Member States wishing to pursue that profession in its territory, the production of documents issued by competent authorities in the Member State of origin or the Member State from which the foreign national comes, showing that those requirements are met. Those authorities must provide the documents required within a period of two months.

Where the competent authorities of the Member State of origin or of the Member State from which the foreign national comes do not issue the documents referred to in the first subparagraph, such documents shall be replaced by a declaration on oath - or, in States where there is no provision for declaration on oath, by a solemn declaration - made by the person concerned before a competent judicial or administrative authority or, where appropriate, a notary or qualified professional body of the Member State of origin or the Member State from which the person comes; such authority or notary shall issue a certificate attesting the authenticity of the declaration on oath or solemn declaration.

- e) Where a host Member State requires of its own nationals wishing to take up a regulated profession, a document relating to the physical or mental health of the applicant, that State shall accept as sufficient evidence thereof the presentation of the document required in the Member State of origin. Where the Member State of origin does not issue such a document, the host Member State shall accept a certificate issued by a competent authority in that State. In that case, the competent authorities of the Member State of origin must provide the document required within a period of two months.
- f) Where a host Member State requires its own nationals wishing to take up a regulated profession to furnish:
 - proof of the applicant's financial standing
 - proof that the applicant is insured against the financial risks arising from their professional liability in accordance with the laws and regulations in force in the host Member State regarding the terms and extent of cover

that Member State shall accept as sufficient evidence an attestation to that effect issued by the banks and insurance undertakings of another Member State.

2. Certificates

- a) To facilitate the application of Title III, Chapter III, of this Directive, Member States may prescribe that, in addition to formal certificates of training, the person who satisfies the conditions of training required must provide a certificate from the competent authorities of his country of origin stating that these certificates of training are those covered by this Directive.
- b) In the event of justified doubts, the host Member State may require from the competent authorities of a Member State confirmation of the authenticity of the attestations and evidence of formal qualifications awarded in that other Member State, as well as, where applicable, confirmation of the fact that the beneficiary fulfils, for the professions referred to in Title III, Chapter III, of this Directive, the minimum training conditions set out respectively in Articles 22, 23, 26, 29, 32, 35, 36, 40 and 42.

LEGISLATIVE FINANCIAL STATEMENT

Policy area(s): Internal Market

Activit(y/ies): Administrative support for the Internal Market DG

TITLE OF ACTION:

Proposal for a Directive on the recognition of professional qualifications
Committee on the recognition of professional qualifications

1. BUDGET LINE(S) + HEADING(S)

A-1, A-7 0 3 1 Expenditure on meetings of committees

2. OVERALL FIGURES

2.1. Total allocation for action (Part B): € million for commitment appropriations

Not applicable

2.2. Period of application:

(start and expiry years)

2005-...]

2.3. Overall multiannual estimate of expenditure:

(a) Schedule of commitment appropriations/payment appropriations (financial intervention) (*see point 6.1.1*)

Not applicable

(€ million to three decimal places)

	Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and subs. years	Total
Commitments							
Payments							

- (b) Technical and administrative assistance and support expenditure (*see point 6.1.2*)

Not applicable

Commitments							
Payments							

Subtotal a+b							
Commitments							
Payments							

- (c) Overall financial impact of human resources and other administrative expenditure (*see points 7.2 and 7.3*) (*)

Commitments/ payments	0	0	0	0.36	0.36	0.36 per year	-
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TOTAL a+b+c							
Commitments	0	0	0	0.36	0.36	0.36 per year	
Payments	0	0	0	0.36	0.36	0.36 per year	

- (*) *The expenditure forecast does not cover the interpreting costs, which are not currently invoiced by the JICS. If those costs were to be invoiced in future, they would have to be added to the amounts indicated.*

2.4. Compatibility with financial programming and financial perspective

[X] Proposal is compatible with existing financial programming.

[...] Proposal will entail reprogramming of the relevant heading in the financial perspective.

[...] Proposal may require application of the provisions of the Interinstitutional Agreement.

2.5. Financial impact on revenue:⁵²

[X] Proposal has no financial implications (involves technical aspects regarding implementation of a measure).

OR

[...] Proposal has financial impact – the effect on revenue is as follows:

(NB All details and observations relating to the method of calculating the effect on revenue should be shown in a separate annex.)

(€ million to one decimal place)

Budget line		Revenue	Prior to action (Year n-1)	Situation following implementation of action						
				Year n	n+1	n+2	n+3	n+4	n+5	
		<i>a) Revenue in absolute terms</i>								
		<i>b) Change in revenue</i>	Δ							

(Please specify each budget line involved, adding the appropriate number of rows to the table if there is an effect on more than one budget line.)

3. BUDGET CHARACTERISTICS

Type of expenditure		New	EFTA contribution	Contributions from applicant countries	Heading in financial perspective
Non-comp	Non-diff	YES	NO	NO	No 5

4. LEGAL BASIS

(Show main legal basis only.)

Articles 40, 47 and 55 of the EC Treaty.

⁵² For further information, see separate explanatory note.

5. DESCRIPTION AND GROUNDS

5.1. Need for Community intervention⁵³

5.1.1. Objectives pursued

The expenditure provided for is for financing the meetings of the Committee on the Recognition of Professional Qualifications to be set up under Title V of the proposal for a Directive.

This Committee acts under the "comitology" Decision. The regulation procedure applies for updating certain technical aspects of the Directive underlying the recognition of professional qualifications, as well as for adopting decisions relating to the professional platforms and the derogation clause.

5.1.2. Measures taken in connection with ex ante evaluation

(This involves:

(a) explaining how and when the ex ante evaluation was conducted (author, timing and where the report(s) is/are available) or how the corresponding information was gathered;⁵⁴

Not applicable

(b) describing briefly the findings and lessons learnt from the ex ante evaluation.)

Not applicable

5.1.3. Measures taken following ex post evaluation

Not applicable

5.2. Actions envisaged and budget intervention arrangements

Not applicable

5.3. Methods of implementation

Not applicable

⁵³ For further information, see separate explanatory note.

⁵⁴ For minimum information requirements relating to new initiatives, see SEC 2000 (1051)

6. FINANCIAL IMPACT

6.1. Total financial impact on Part B - (over the entire programming period)

Not applicable. No financial impact on Part B of the budget.

6.1.1. Financial intervention

Commitments (in € million to three decimal places)

Breakdown	Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and subs. years	Total
Action 1							
Action 2							
etc.							
TOTAL							

6.1.2. Technical and administrative assistance, support expenditure and IT expenditure (commitment appropriations)

	Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and subs. years	Total
1. Technical and administrative assistance							
(a) Technical assistance offices							
(b) Other technical and administrative assistance: - intra muros: - extra muros: <i>of which for construction and maintenance of computerised management systems</i>							
Subtotal 1							
2. Support expenditure							
(a) Studies							
(b) Meetings of experts							
(c) Information and publications							
Subtotal 2							
TOTAL							

6.2. Calculation of costs by measure envisaged in Part B (over the entire programming period)⁵⁵

Not applicable. No financial impact on Part B of the budget.

Commitments (in € million to three decimal places)

Breakdown	Type of outputs (projects, files)	Number of outputs (total for years 1...n)	Average unit cost	Total cost (total for years 1...n)
	1	2	3	4=(2x3)
<u>Action 1</u> - Measure 1 - Measure 2				
<u>Action 2</u> - Measure 1 - Measure 2 - Measure 3 etc.				
TOTAL COST				

If necessary explain the method of calculation.

7. IMPACT ON STAFF AND ADMINISTRATIVE EXPENDITURE

7.1. Impact on human resources

Types of post	Staff to be assigned to management of the action using existing and/or additional resources		Total	Description of tasks deriving from the action	
	Number of permanent posts	Number of temporary posts			
Officials or temporary staff	A B C	1.5 1 0.5	0	3	<i>Preparation of committee meetings, despatching of invitations, preparation of draft decisions, participation in meetings and follow-up to meetings.</i>
Other human resources		0	0	0	
Total		3	0	3	

⁵⁵ For further information, see separate explanatory note.

7.2. Overall financial impact of human resources

Type of human resources	Amount (€)	Method of calculation *
Officials	324 000	Average annual cost per official: €108 000 x 3 officials = €324 000
Temporary staff	0	
Other human resources (specify budget line)		
Total	324 000	

The amounts are total expenditure for twelve months.

7.3. Other administrative expenditure deriving from the action

Budget line (number and heading)	Amount €	Method of calculation
Overall allocation (Title A7)		
A0701 – Missions	40 320	1 representative per Member State (excl. Belgium). €720 x 14 = €10 080 per meeting 4 meetings per year = €40 320 per year
A07030 – Meetings		
A07031 – Compulsory committees ¹ "comitology"/regulation committee		
A07032 – Non-compulsory committees ¹		
A07040 – Conferences		
A0705 – Studies and consultations		
Other expenditure (specify)		
Information systems (A-5001/A-4300)	0	
Other expenditure - Part A (specify)	0	
Total	40 320(*)	

(*) *The expenditure forecast does not cover the interpreting costs, which are not currently invoiced by the JICS. If those costs were to be invoiced in future, they would have to be added to the amounts indicated.*

The needs for human and administrative resources shall be covered within the allocation granted to the managing DG in the framework of the annual allocation decision.

The amounts are total expenditure for 12 months.

¹ Specify the type of committee and the group to which it belongs.

I.	Annual total (7.2 + 7.3)	€364 320
II.	Duration of action	indeterminate
III.	Total cost of action (I x II)	not applicable

8. FOLLOW-UP AND EVALUATION

8.1. Follow-up arrangements

(Adequate follow-up information must be collected, from the start of each action, on the inputs, outputs and results of the intervention. In practice this means (i) identifying the indicators for inputs, outputs and results and (ii) putting in place methods for the collection of data.)

Not applicable

8.2. Arrangements and schedule for evaluation

(Describe the planned schedule and arrangements for interim and ex post evaluations to assess whether the intervention has achieved the objectives set. In the case of multiannual programmes, at least one thorough evaluation is needed during the life cycle of the programme. For other activities, ex post or mid-term evaluations should be carried out at intervals not exceeding six years.)

Not applicable

9. ANTI-FRAUD MEASURES

(Article 3(4) of the Financial Regulation: "In order to prevent risk of fraud or irregularity, the Commission shall record in the financial statement any information regarding existing and planned fraud prevention and protection measures.")

Not applicable

Recent measures to simplify the EU system of recognition of qualifications and make it more efficient

An overview of the SLIM directive, proposal of new directive (including amendments of Apr, 2004) and some EU explanatory texts

Written by Andrejs Rauhvargers

This text does not express official EU position.

The SLIM Directive (Directive 2001/19/EEC)

Based on the previous experiences of the application of General system of recognition and the sectoral Directives, the SLIM Directive makes amendments to the General system's Directives 89/48/EEC and 92/51/EEC and the sectoral Directives. In case of both the General system and the sectoral Directives, the amendments codify the best practices and achievements reached in application of one or several Directives and extend them to other appropriate Directives. The amendments also take into account some recent developments. The main changes introduced by the SLIM Directive are discussed below.

Concept of regulated education and training spread over the whole General System

The concept of regulated education and training, introduced by Council Directive 92/51/EEC of 18 June 1992 should be extended to the initial general system and should be based on the same principles by applying to it the same rules

This has been carried out by amending Article 1 of the Directive 89/48/EEC.

Compensatory measures of substantial differences are linked to previous experience

It has been taken into account that in the cases where there are substantial differences between the education and training that applicant has completed and the one required for the same profession in the host Member State, the previous professional experience of the applicant may completely and partly compensate these differences.

Directives 89/48/EEC (Article 4) and 92/51/EEC (Articles 4,5,and 7) are amended with clauses stating that if, due to substantial differences in applicant's training, the host Member State intends to require the applicant to complete an adaptation period or take an aptitude test, it must be checked whether the knowledge acquired by the applicant in the course of his professional experience is of such nature that it has already covered, in full or in part, the substantial difference in question.

Third country qualifications

SLIM Directive amends all the sectoral Directives with a view of introducing clauses regarding recognition of those third country qualifications that have already been recognized by a Member State. Time limit for issuing the decision is set to three months.

The wording introduced into the sectoral Directives is the following:

“Member States shall examine diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive obtained by the holder outside the European Union in cases where those diplomas, certificates and other evidence of formal qualifications have been recognised in a Member State, as well as of training undergone and/or professional experience gained in a Member State. The Member State shall give its decision within three months of the date on which the applicant submits his application together with full supporting documentation.”

Information on changes in training systems

SLIM Directive seeks to take into account the rapid changes in the training systems and to overcome the problems arising in situations when applicant presents a qualification of another Member State that certifies training for a sectoral profession but is not among the ones whose names are listed in the sectoral Directives.

SLIM Directive amends all the sectoral Directives with a clause establishing an obligation to the Member States to notify the Commission of the laws, regulations or administrative provisions they adopt as regards the award of diplomas, certificates and other evidence of formal qualifications in the field covered by sectoral Directives. The Commission in turn has an obligation publish an appropriate notice in the Official Journal of the European Communities, listing the names adopted by the Member States for the training qualifications concerned and, where applicable, for the corresponding professional titles.

Recognition of qualifications not listed in sectoral Directives

Another improvement introduced by the SLIM Directive is an amendment of all the sectoral Directives that stipulates application of the sectoral Directives also to such diplomas, certificates and other evidence of formal qualifications, issued in the Member States, which certify qualification for the profession in question but whose names do not correspond to the ones listed in the appropriate Directive.

Such diplomas, certificates, etc. will serve as a sufficient proof, if accompanied by a certificate from the awarding Member State, stating that the diploma, certificate, etc. is equivalent to those listed in the Directive.

The text amending sectoral Directives is as follows” “Each Member State shall recognise as sufficient proof, in respect of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive do not correspond to the names listed for that Member State in this Directive, the diplomas, certificates and other evidence of formal qualifications awarded by those Member States and accompanied by a certificate issued by the competent authorities or bodies. The certificate shall state that the diplomas, certificates and other evidence of formal qualifications in question have been awarded on completion of education and training that complies with the provisions of this Directive and are treated by the awarding Member State as equivalent to those whose names are listed therein.”

Notion of continuing training appears in doctors' and dentists' Directives

Due to the rapid technical and scientific progress in the area of medicine, suitable continuing training must ensure that doctors maintain their knowledge of progress in medicine. According to the amendments to the Article 23 of the doctors' Directive, it is up to the each Member State to choose the arrangements of continuing education: "Continuing training shall ensure, in accordance with the arrangements prevailing in each Member State that the persons who have completed their studies can keep up with progress in medicine."

Amendments to doctors' (article 8) and dentists' (Article 6) Directives require that the Members states take into account previous continuing training of the applicant has to be taken into account when evaluating his qualifications.

Reasons for non-recognition and right to appeal is established

All the sectoral Directives are amended by the SLIM Directive in order to establish an identical obligation of Member States to clearly state the reasons for non- recognition. This applies to recognition of diplomas, certificates and other evidence of formal qualifications.

Also, the applicant's right to appeal is clarified. It applies both to cases of non-recognition and to cases where the decision has not been reached within the allowed time limit.

The uniform text introduced into all the sectoral Directives is the following:

"Where the application is rejected, Member States shall duly give the reasons for decisions on applications for recognition of diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive."

Applicants shall have a right of appeal before the courts under national law. That right of appeal shall likewise apply in the event of failure to reach a decision within the stipulated period."

Proposal for a Directive of the European Parliament and of the Council on the recognition of professional qualifications

Text of the original Proposal (2002) as well as the amendments to the Proposal by the Commission and Council (April 2004) can be found at http://europa.eu.int/comm/internal_market/qualifications/future_en.htm

The first round of simplification achieved a considerable consolidation of the 35 transitional Directives concerning crafts and trades professions forming the third General System Directive 1999/42/EC. The subsequent adoption of the Directive 2001/19/EC has further simplified the legal and procedural regime for professional recognition. The further simplification through the Directive currently proposed will join both General and sectoral recognition systems into one Directive.

The main objectives of the new proposal were.

A clear, secure and quick system for the recognition of qualifications in the field of the regulated professions is required to ensure free movement. This is important to help to

ensure that employment vacancies are filled by qualified applicants and to ensure that there is a regular supply of qualified service suppliers to meet market demand.

In order to make the system clearer, easier to understand and apply, it is proposed to adopt a single Directive that also comprehensively revises all of the previous Directives, but at the same time simplifies the structure and makes improvements to the working of the system. In addition to pure consolidation, a review of the various provisions of the different Directives has taken place, leading to their rationalisation and streamlining of the provisions into a single Directive.

The proposal also provides for simpler conditions for the cross-frontier provision of services compared with those applicable to the freedom of establishment in order further to contribute to the flexibility of labour and services markets.

The new Directive will cover the 12 Directives for the 7 professions regulated by the sectoral Directives: doctor, general care nurse, dental practitioner, veterinary surgeon, midwife, pharmacist and architect.

However, it will not cover the lawyers' Directives 77/249/EEC and 98/5/EC since the latter concern the recognition not of professional qualifications but of the right of establishment. Still, recognition of lawyers' qualifications will be taken over by the new Directive, as it is currently governed by Directive 89/48/EEC, which will be taken over by the new Directive.

In addition to simplification of the legal texts, also the procedural simplification is foreseen. In the past the sectoral Directives have been supported by administratively burdensome advisory committees in addition to committees of national officials, while general systems' Directives operate with the support of a single committee of national Co-ordinators Group. Besides, the focus of these advisory committees has been on (harmonization of) training while the actual focus currently lies on ensuring free movement. One of the aims of the proposal is to address this issue.

To whom shall the new Directive apply?

Article 2 lays down that the Directive applies solely to Community nationals, when the profession which the applicant wishes to pursue is regulated in the host Member State, and when the applicant has obtained his professional qualifications in a Member State other than that in which he wishes to pursue the profession.

Definitions.

The definitions are practically unchanged compared to the ones currently contained in the general system Directives concerning the concepts of regulated profession, professional qualifications and evidence of formal training (Article 3). The latter includes any evidence of formal qualifications obtained in a third country, once it has been recognised by a first Member State where the applicant has pursued the profession for at least three years).

Possibilities of partial access to profession.

While main effect of professional recognition is access to the profession (Article 4)- on condition that the profession applicant wishes to pursue in the host Member State is the

same profession for which he/she is qualified in his home Member State, the host Member State also has an obligation to give applicant partial access to the profession if the profession for which he/she is qualified in the home Member State in fact constitutes a distinct and autonomous professional activity of the profession in the host Member State.

Easier access to provision of services

According to Article 5 of the proposal, if the beneficiary is legally established in a Member State, other Member States may not, for reasons relating to professional qualifications, restrict the freedom to provide services¹. In addition, the exemption of service providers from authorization or registration in the host Member States has been taken over from sectoral Directives and now applies to all regulated professions.

Verification of issues such as nationality of the service provider and his/her lawful pursuit of profession in the Member State of establishment has to be carried out through cooperation and information exchange between the authorities of both Member States.

General system

General system in the proposal for the new Directive is regulated under Title III “Freedom of establishment” Chapter I “General system for the recognition of evidence of training”, articles 10-15.

The main new features of the General system are the following.

Widening scope of General system

The scope of chapter dealing with General system (Title III Chapter I) is set wider than it was in Directives 89/48EEC and 92/51/EEC. It applies to all those professions which are not eligible for automatic recognition on the basis of professional experience or the “Recognition on the basis of coordination of minimum training conditions” – which is the new name for the former sectoral system. According to Article 10, General system will now cover also over “all cases in which the applicant does not satisfy the [coordination of minimum training].conditions”².

Five levels of qualification

While the General system established by the Directives 89/48EEC and 92/51/EEC distinguishes between four levels of training, the proposed new system has five levels. Levels 1 “attestation of competence” and level 2 “certificate” are, in principle the same as in Directive 92/51/EEC.

Level 3 - “diploma certifying successful completion of a short training course”, in principle, resembles the “diploma” in the understanding of Directive 92/51/EEC – it covers post secondary training of at least one year but less than three years. There

¹ If the profession in question is not regulated in the Member State of establishment, other Member states may require that the person has pursued the professional activity for two years in the Member State of establishment.

² This means that there can be cases where professionals of “sectoral” professions may, instead of automatic recognition stipulated by the previous sectoral system, find themselves assessed under General System, if the training in their Member States of origin is not recognized as compliant to the minimum training conditions.

however is a nuance that should be noticed: while the Directive 92/51/EEC explicitly mentions “one of the conditions of entry of [the training course] is, as a general rule, the successful completion of the secondary course required to obtain entry to university or higher education”. This wording is omitted in the proposal of the new Directive.

Level 4 - "diploma certifying successful completion of an intermediate training course" corresponds to a “course of training at higher or university level” of at least three but less than four years.

Level 5 - "diploma certifying successful completion of a higher training course" corresponds to training at higher education level and of a minimum duration of four years.

No more than one level below

If the qualification required for pursuit of the profession in question in home and host Member States is at different level, the condition for recognition is set that the qualification of the applicant has be of level “at least equivalent to the level immediately below that which is required in the host Member State (Article 13).

Substantial differences linked to essential knowledge

In the proposal for the new Directive the "substantially different matters" in training are explicitly linked to knowledge essential for practicing the profession.

Recognition of professional experience

Recognition of professional experience is regulated by clauses under Title III “Freedom of establishment” Chapter II (articles 16-19). It basically takes over the provisions of Article 4 of Directive 1999/42/EC, which provides for the automatic recognition of qualifications on the basis of the applicant's professional experience in the case of the craft, industrial and commercial activities set out in a restrictive list annexed to the Directive.

The system has been simplified through regrouping the existing categories. The number of categories of professional experience is reduced to two, based on professional experience of three or five years in a self-employed capacity or as a manager of an undertaking.

Recognition on the basis of coordination of the minimum training conditions – taking over the sectoral system

The existing sectoral Directives are taken over by the section of the proposal for the new Directive under Title III “Freedom of establishment” Chapter III “Recognition on the basis of coordination of the minimum training conditions" (Articles 20-45). This section takes over the existing principles governing the automatic recognition of evidence of training while maintaining the guarantees set out in the current sectoral Directives.

The relevant existing provisions of sectoral Directives for coordination of the minimum training conditions, automatic recognition of evidence of formal training, access to the professions concerned, the exercise of the professional activities in question, the procedures for including the evidence of training in the Annex to Directive, and acquired rights are taken over.

There are however a number of amendments, see below.

Part time training becomes possible if certain conditions are fulfilled

The amendments to the proposal for the new Directive as of April 2004 in certain conditions allows part time training for doctors, dentists, nurses, midwives, pharmacists, veterinary surgeons and architects: “The Member States may authorise part-time training on the conditions allowed by the competent national bodies. The total duration of part-time training may not be less than that of full-time training, and the level of the training may not be compromised by its part-time nature.”

These amendments apply to both initial and specialist training of doctors and dental practitioners.

Further training is required to keep updated

The amendments to the proposal for the new Directive as of April 2004 also introduce a clause stipulating the need for further training, which applies to all the “sectoral” professions: “Further training shall ensure, in accordance with the procedures specific to each Member State, that persons who have completed their studies are able to keep abreast of progress in... (name of profession)”.

This amendment also applies to all the “sectoral” professions: doctors, dentists, nurses, midwives, pharmacists, veterinary surgeons and architects.

Doctors and dentists

Only those medical and dental specialisations which are common to and obligatory for all the Member States will benefit from automatic recognition in future. These medical and dental specialisations that are common to a limited number of Member States are incorporated into the general system of recognition and are not any more subject to automatic recognition.

For doctors, the following form of training of general practitioners is abolished: “training in general medical practice by means of experience in general medical practice acquired by the medical practitioner in his own surgery under the supervision of an authorized training supervisor of minimum training conditions” (quote from Article 32 of the doctors’ Directive 93/16/EEC).

Nurses of general care

The references are abolished to the specifically professional nature of the training and to the passing of an examination (cf. Article 3 of Directive 77/452/EEC).

Pharmacists

Automatic recognition of evidence of training as a pharmacist is also extended to the setting-up of new pharmacies open to the public.

CODE OF CONDUCT APPROVED BY THE GROUP OF COORDINATORS FOR THE GENERAL SYSTEM OF RECOGNITION OF DIPLOMAS



EUROPEAN COMMISSION

CODE OF CONDUCT APPROVED BY THE GROUP OF COORDINATORS FOR THE GENERAL SYSTEM OF RECOGNITION OF DIPLOMAS

Directives 89/48/EEC and 92/51/EEC set up the "General System for the recognition of diplomas". Pursuant to these directives, a fundamental principle was adopted according to which any qualified professional following an occupation in a Member State is entitled henceforth to the recognition of his diploma to satisfy the requirement of the same profession in another Member State without being required to requalify from scratch. The basic principle of the system is therefore clearly the recognition of the migrant's qualification, the exception being the possibility for the host Member State to require "compensation measures". However, the adoption of these rules can mean that the candidate for recognition under go a number of administrative formalities. These administrative formalities are evoked in Article 8⁽¹⁾ of Directive 89/48/EEC and in Article 12⁽²⁾ of Directive 92/51/EEC.

However, directives, by their nature, set out administrative formalities very broadly and the implementation of these rules varies from one Member State to another. Experience has shown that some of these administrative formalities could be justified on the basis of the smooth operation of the system while others created excessive obstacles to the right to

freedom of movement of the migrant. This observation relies in particular on the correspondence and complaints which were addressed to the Commission as well as on the discussions which took place between the Commission and Member States. It was also dealt with in the framework of the work of the "High Level Panel" chaired by Mrs Simone Veil. To reflect on the various practices as regards administrative formalities and to try to define the applicable rules with more precision, a questionnaire was sent out and the Group of Coordinators was asked to consider this question. This initially involved an exchange of views on the various practices in this area before arriving at a consensus. The present document is therefore the result of these discussions and of the cumulative experience of the Commission and the Member States. It is intended, while resting on the directives and case law, to determine what is unacceptable to impose on the migrant in contrast to the practices considered acceptable or even desirable. It has been drawn up to be used by the national authorities who are responsible for applying the directives of recognition of diplomas.

(¹) Article 8 of the directive 89/48/EEC stipulates that:

"The host Member State shall accept as a proof that the conditions laid down in Articles 3 and 4 are satisfied the certificates and documents issued by the competent authorities of the Member States, which the person concerned shall submit in support of his request to pursue the profession concerned.

2. The procedure for examining an application to pursue a regulated profession shall be completed as soon as possible and the outcome communicated in a reasoned decision of the competent authority in the host Member State not later than four months after presentation of all the documents relating to the person concerned. A remedy shall be available against this decision, or the absence thereof, before a court or tribunal in accordance with the provisions of national law."

(²) Article 12 of the directive 92/51/EEC specifies that:

1. "The host Member State shall accept as means of proof that the conditions laid down in Articles 3 and 9 are satisfied, the documents issued by the competent authorities of the Member States, which the person concerned shall submit in support of his application to pursue the profession concerned.

2. The procedure for examining an application to pursue a regulated profession shall be completed as soon as possible and the outcome communicated in a reasoned decision of the competent authority in the host Member State not later than four months after presentation of all the documents relating to the person concerned. A remedy shall be available against this decision or the absence thereof, before a court or tribunal in accordance with the provisions of national law."

Let us recall that this document is not exhaustive. New questions will appear over time which will require the document to be updated and redistributed.

In addition, this document has only an informative and advisory value in as much as the reference texts remain the directives and the caselaw of the Court.

Lastly, it is important not to lose sight of some fundamental realities of the general system of diploma recognition :

This system sets up a professional recognition system. This does not involve an academic recognition system which would result in a precise, exhaustive comparison of the training followed by the prospective candidate in

relation to that which is required in the host Member State. What counts is the fully qualified professional status of the candidate for recognition.

Let us recall finally that the basic principle of the system is the recognition of the migrant's qualification. Under Article 8 of Directive 89/48/EEC and Article 12 of Directive 92/51/EEC, it is the migrant's responsibility to provide documentary proof that he holds the relevant qualifications or diplomas required within the meaning of the directive. The exception is the imposition by the host Member State of "compensation measures". When a Member State considers that a compensation measure should be imposed, it is with this Member State that the burden of the proof lies (ability to show that there is a substantial difference).

NATIONAL ADMINISTRATIVE FORMALITIES FALLING UNDER DIRECTIVES 89/48EEC AND 92/51/EEC

	A. BEST PRACTICE	B. ACCEPTABLE PRACTICE	C. UNACCEPTABLE PRACTICE
<p>1. Information to be given to the outgoing migrant by the contact point or competent authority in the Member State of origin :</p>	<p>The migrant is given the information and/or documents listed in column B, plus:</p> <ul style="list-style-type: none"> (a) national guide to the general system established by the Member State in question; (b) national guides prepared by other Member States;(1) (c) list of European Employment Services (EURES) advisers able to supply further information (on job availability or social security, for example); 	<p>The migrant is given the following information and/or documents:</p> <ul style="list-style-type: none"> (a) name, address, telephone number, fax number and if necessary e-mail address of the contact point in the host Member State; (b) a copy of the Directives (if requested by the migrant) and the user's guide to the general system for the recognition of diplomas in the national language; (c) first issue of "Citizens First" ("Working in another EU country") and factsheets relating to the profession the migrant wishes to exercise. 	<p>(a) The migrant is given less information than that listed in column B.</p>

¹Guides are available for Germany, Italy, the Netherlands, Austria, Sweden and the United Kingdom.

<p>2. Information to be given to the incoming migrant by the contact point or by another competent authority in the host Member State :</p>	<p>A. BEST PRACTICE</p> <p>The migrant is given the information and/or documents listed in column B, plus:</p> <ul style="list-style-type: none"> (a) national guide to the general system established by the Member State in question; (b) list of European Employment Services (EURES) advisers able to supply further general information (on job vacancies or social security, for example); (c) information on the rules governing the exercise of the profession (e.g. registration with a professional body, rights and duties of the profession, training, rules governing members, etc.) and, where appropriate, on trade union and professional organisations. 	<p>B. ACCEPTABLE PRACTICE</p> <p>The migrant is given the following information and/or documents:</p> <ul style="list-style-type: none"> (a) the contact point in the host Member State will direct the migrant to the competent authority to whom he should send his application; (b) a copy of the Directives (if requested by the migrant) and the user's guide in the language(s) of the host State; (c) if the migrant so requests, a copy of the appropriate law transposing the "general system" Directives in relation to the profession the migrant wishes to exercise. Where the legislation is not available, applicants must be able to obtain it easily (contact point should explain where); (d) comprehensive list of the documents the applicant might be asked to provide in support of his application (on subsequent production of these documents by the candidate, the dossier should be regarded as complete by the competent authority in the host Member State); (e) where the applicant's circumstances are not covered by a "general system" Directive (e.g. application for academic recognition, case covered by a sectoral Directive etc.), enough information should be provided to enable him to redirect his application to the department responsible. 	<p>C. UNACCEPTABLE PRACTICE</p> <p>(a) The migrant is given less information than that listed in column B.</p>
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<p>3. Documents that the migrant may be asked to supply to the competent authority in the host Member State:</p>	<p>A. BEST PRACTICE</p> <p>Where there is doubt and where the certificate mentioned at point 3 C (b) cannot be produced because the Member State of origin does not deliver such a certificate, the matter can be settled by bilateral contacts between national authorities or through national coordinators. Such bilateral contacts should be reinforced.</p>	<p>B. ACCEPTABLE PRACTICE</p> <p>The migrant may be asked to provide:</p> <p>(a) proof of nationality, for example, a copy of his identity card or passport;</p> <p>(b) a birth certificate, where necessary (e.g. in the case of a minimum age requirement for the exercise of a profession);</p> <p>(c) a "diploma", "certificate", "other evidence of formal qualifications", "attestation of competence" or "evidence of education attesting to general education at primary or secondary school" as defined in the Directives. It is clear from the definitions contained in the Directives that, in addition to academic qualifications, the migrant may, if necessary, be required to produce documents showing that he is indeed a fully qualified professional in his Member State of origin (e.g. where further requirements are imposed in addition to the course of study, such as additional professional training, in-service training, professional examination, professional practice, etc.);</p> <p>(d) the migrant may be asked to provide further details on the content of his training course in order to enable the competent authority to establish whether substantial differences exist; this requirement must not be disproportionate or unduly strict (e.g. if the training establishment is unable to provide details of the programme, the migrant may submit a declaration listing the subjects studied). In cases of doubt, the matter can be settled by bilateral contacts between the national authorities or through the national coordinators. Such bilateral contacts should be reinforced ;</p> <p>(e) a certificate from a migrant's employer or a professional body in the case of a profession which is not regulated in the Member State of origin must be accepted by the host State's authorities; they may not require the certificate to have been certified by the national coordinator in the Member State of origin. In cases of doubt, its authenticity can be verified by contacting the coordinator in the Member State of origin</p>	<p>C. UNACCEPTABLE PRACTICE</p> <p>The migrant must not be asked to provide</p> <p>(a) a declaration of nationality from his consulate;</p> <p>(b) even if such a certificate may be of great practical use, the host Member State may not, in principle, demand that the migrant produce a certificate stating that he is in possession of a diploma, as defined in the Directive.</p> <p>(c) the migrant must not be required to provide information of a disproportionately detailed nature about his training. (At issue here is professional recognition, not academic recognition).</p>
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	A. BEST PRACTICE	B. ACCEPTABLE PRACTICE	C. UNACCEPTABLE PRACTICE
		<p>(f) proof of the applicant's professional experience. It should be pointed out to the migrant that it is the applicant, and not the national administration, who must provide proof of professional experience, especially where such professional experience constitutes a prior condition for recognition (i.e. when the profession is not regulated in the country of origin but is regulated in the host country) and that it is in his/her interests to provide such information. Providing proof of professional experience enables him/her to avoid, in full or in part, the obligation to take an aptitude test or complete an adaptation period.</p> <p>(g) a certificate of medical fitness (where the requirement also applies to nationals);</p> <p>(h) a certificate of solvency (where the requirement also applies to nationals);</p> <p>(i) a certificate of good conduct (where the requirement also applies to nationals);</p> <p>(j) an application form (provided by the competent authority) duly completed;</p>	

	A. BEST PRACTICE	B. ACCEPTABLE PRACTICE	C. UNACCEPTABLE PRACTICE
4. Form in which the migrant must supply the documents requested to the competent authorities of the host Member State :		<p>(a) ordinary photocopies of the essential documents ("diploma", "certificate" and "personal data");</p> <p>(b) certified photocopies of the essential documents ("diploma", "certificate" and "personal information");</p> <p>(c) the migrant must be informed how he can have his documents certified (formalities involved and issuing authority).</p>	<p>(a) The migrant must not be compelled to provide the originals or documents authenticated by the consular authorities or the national administration (for example, by means of the marginal note provided for in the Hague Convention), or to provide documents on stamp-impressed paper available only in the host Member State.</p>
5. Translations (information to be supplied by the competent authorities in the Member State of origin) :	<p>Information on how to obtain a list of certified translators in the Member State of origin should be available in that Member State.</p>		
6. Translations required by the competent authority in the host Member State	<p>(a) translations may only be asked for if they are genuinely (?) needed for processing the application (bearing in mind that the more certified or approved documents the migrant is required to provide, the greater the costs for him);</p> <p>(b) requests for certified or approved translations must be confined to the essential documents ("diploma", "certificate", "personal information").</p>	<p>A general obligation to provide translations may be imposed. The competent authority may require certified or approved translations provided the following conditions are met:</p> <p>(a) translations of standard documents such as identity cards, passports, etc., may not be required;</p> <p>(b) if certified translations are required, the migrant must be told where they can be obtained;</p> <p>(c) uncertified translations must be accepted for non-essential documents;</p> <p>(d) the cost of a translation certified as correct or approved should not be excessive; it should be non-discriminatory and comparable to the cost paid by nationals of the host country.</p>	<p>Requirements for translations which do not meet the criteria set out in column B.</p>

⁷Take the example of Sweden, where documents may be submitted in Swedish, Danish, Norwegian, Finnish, English or French.

	A. BEST PRACTICE	B. ACCEPTABLE PRACTICE	C. UNACCEPTABLE PRACTICE
7. Charges to be paid by the migrant in the host Member State	No charges.	<p>The migrant may be required to pay charges for the processing of his application, for his aptitude test or his adaptation period, provided that the following conditions are met:</p> <p>(a) the charges should not exceed the real cost of the service provided;</p> <p>(b) the charges should be comparable to those paid by nationals of the host country in similar circumstances;</p> <p>(c) the charges must not be set at a level which would make it impossible in practice to exercise the rights provided for in the Directives;</p> <p>(d) flat-rate charges may be imposed provided that they can be justified by reference to the average cost of processing an application.</p>	(a) Levying charges which do not meet the criteria listed in column B
8. Aptitude test in the host Member State	<p>a) frequency: at least 2 sessions a year (according to demand);</p> <p>(b) preparatory: provision of information on any preparatory courses provided, lists of recommended reading and sample test papers;</p> <p>(c) it must be possible to provide an enrolment form for the aptitude test.</p>	<p>(a) frequency : at least once a year;</p> <p>(b) candidates must be notified of the administrative formalities to be completed in order to enrol for the aptitude test;</p> <p>(c) candidates must be informed of the content and organisation of the test (time allowed, written and/or oral tests, options, etc.);</p> <p>(d) a list of the national bodies responsible for processing applications must be made available to the candidate;</p> <p>(e) migrants are allowed to resit the test. The rules governing the number of times candidates may take the test should take account of national practice (with due regard for the principle of non-discrimination).</p>	<p>(a) frequency : less than one session a year;</p> <p>(b) provision of less information than that listed in column B.</p>

	<i>A. BEST PRACTICE</i>	<i>B. ACCEPTABLE PRACTICE</i>	<i>C. UNACCEPTABLE PRACTICE</i>
<p>9. Adaptation period in the host Member State :</p>	<p>(a) lessons drawn from successful adaptation periods are passed on to the migrant for information (lists of recommended books, for example);</p> <p>(b) as far as possible, the migrant should be free to choose a training supervisor and the place where the adaptation period will be spent.</p>	<p>(a) proof of nationality, for example, candidates must be notified of the administrative formalities to be completed for enrolment for the adaptation period;</p> <p>(b) candidates must be notified of the content and organisation of the adaptation period;</p> <p>(c) where this is possible within the host country's national structures, the migrant may receive payment during the adaptation period. However, this does not constitute a right.</p> <p>(d) the host Member State may confer responsibility for organising adaptation periods on authorised establishments and/or training supervisors. However, the arrangements for the adaptation period should not be so daunting that they constitute an indirect, and disproportionate obstacle for the migrant (e.g: too far to travel to the place of the training period, over-restrictive conditions, etc.).</p> <p>A list of establishments/people responsible for adaptation periods for the profession that the migrant wishes to exercise should be made available to him.</p>	<p>(a) provision of less information than that listed in column B;</p> <p>(b) no information regarding payment.</p>
<p>10. Assembling documents: time allowed:</p>	<p>Processing of applications in less than the time allowed by the Directives</p>	<p>(a) applicants must be given clear information on the list of documents required for an application for recognition to be regarded as complete;</p> <p>(b) the four-month deadline imposed by the "general system" Directives for replying to the applicant once all the documents have been presented must be respected.</p>	<p>(a) demands for further documents not included on the original list notified to the applicant (cf. point 2.B(d));</p> <p>(b) failure to meet the four-month deadline.</p>

	<i>A. BEST PRACTICE</i>	<i>B. ACCEPTABLE PRACTICE</i>	<i>C. UNACCEPTABLE PRACTICE</i>
11. Missing documents	(a) The migrant must be notified as quickly as possible, e.g. within one month of the submission of his original application, which documents are missing from his file; he must be reminded that the four-month period will not start to run until these documents have been supplied.	(a) the migrant must be informed that the four-month period provided for by the Directive has begun, e.g. by means of a receipt stating that the file is complete (in this case the receipt must be issued promptly). The competent authority must not use this practice to delay the procedure; (b) if the migrant is informed that certain documents are missing, he must be allowed a reasonable time in which to provide them. Once this deadline has expired, a new application may have to be submitted; (c) where a migrant specifically asks the designated authority in the host Member State whether the documents he has submitted are complete, he is entitled to be given this information.	(a) The failure to inform or the provision of less information than that listed in column B; (b) any delay in informing the migrant that his dossier is incomplete (notably such practices as waiting for an approach by the migrant, before providing this information).
12. Rules on reasoned decisions and appeals	The decision adopted by the competent authority should mention the migrant's right of appeal, specifying the procedure to be followed and especially the time limit for lodging an appeal in the Member State concerned.	(a) reasons must be given for all decisions taken; (b) the migrant must be informed of the legal (or administrative) right of appeal open to him, setting out the procedure to be followed and the time limit for appeals in the Member State concerned. He should also be informed of the consequences of failure on the part of the authority responsible for processing the application to reply within the time allowed.	(a) failure to provide reasons or satisfactory reasons. Arguments based on "academic recognition" are not acceptable; (b) no information on the migrant's right of appeal.
13. Professional bodies	See point 2A(c)		
14. Coordination	(a) regular meetings between competent authorities dealing with different professions within a Member State with a view to exchanging experiences; (b) contacts between coordinators of different Member States.	Regular contacts between national coordinators and the competent authorities.	



EUROPEAN COMMISSION

Internal Market DG

FREE MOVEMENT OF GOODS, REGULATED PROFESSIONS AND POSTAL SERVICES

Regulated professions (qualifications)

MARKT/D/8327/2001-EN

Orig.: FR

**GUIDE FOR USERS
OF THE GENERAL SYSTEM
FOR THE RECOGNITION
OF PROFESSIONAL QUALIFICATIONS**

INTRODUCTION

The purpose of this guide is to describe the main aspects of the general system for the recognition of professional qualifications introduced by Directive 89/48/EEC and supplemented by Directive 92/51/EEC.

It is designed primarily for those who are qualified to practise a profession in one Member State and wish to have their qualifications recognised in another, in order to practise there.

The guide is in two parts, both of which are in question and answer form.

The first part answers the questions most frequently asked about the general system, such as: What is its purpose? Who does it apply to? How does it work?

The second answers a number of specific questions which may arise in the course of applying for recognition under the system.

There is also a flow chart (on page 12) giving a summary of the conditions which must be satisfied in order to be covered by the general system, and two annexes:

Annex 1: a non-exhaustive list of regulated professions covered by the general system;

Annex 2: two lists of regulated professions not covered by the general system

*More detailed information on this subject is available on the Internet:
<http://citizens.eu.int>*

Basic questions on the general system

1. Who is it designed for?

Professionals wishing to practise their profession in a Member State other than that in which they obtained their professional qualifications.

It does not apply to those wishing to study in another Member State: they should contact the NARIC centres for information regarding the recognition of qualifications for academic purposes. Nor does it apply to those who wish to practise a profession in a Member State but have not yet fully completed the training required to practise the profession concerned in another Member State. The general system applies only to those who are already fully qualified to practise a profession in a Member State.

2. In which countries does it apply?

In the following 18 countries: the 15 Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom) plus Iceland, Norway and Liechtenstein.

3. Who does it apply to?

Nationals of these 18 countries

It does not, for example, apply to nationals of the United States, Canada, Switzerland or the countries of Central Europe, Africa or Asia. But it does apply to nationals of non-EU countries who are also nationals of a Member State (i.e. people who have dual nationality). Thus, for example, it can apply to an Argentine national who also has Italian nationality. It applies to those who, when the application for recognition is submitted, have the nationality of one of these 18 countries, even if they previously had another nationality.

who obtained their professional qualifications in one of these 18 countries (home Member State)*.

To be covered by the general system, you must be fully qualified to practise a profession in your home Member State. The term home Member State means the Member State in which you obtained your professional qualifications; it may be that of which you are also a national, or it may not.

* for the recognition of qualifications obtained in a non-EU country, see page 11

For example, the following would be covered by the general system: an engineer of Italian nationality who obtained his professional qualifications in Italy; a teacher of Swedish nationality who qualified in Sweden; a physiotherapist of French nationality who qualified in Belgium; a lawyer of Austrian nationality who qualified in Germany.

and who wish to practise that profession in another Member State (termed the host Member State).

For example, the following would be covered: an engineer of Italian nationality, fully qualified in Italy, wishing to practise as an engineer in Spain; a teacher of Norwegian nationality, fully qualified in Norway, wishing to practise in the United Kingdom; a French physiotherapist, fully qualified in Belgium, wishing to practise in France; an Austrian lawyer, fully qualified in Germany, wishing to practise in Austria.

The general system does not apply to situations which are purely internal to a Member State. It applies to "migrants" in the sense that the Member State in which you wish to practise your profession must not be the one in which you obtained your qualifications. There must be a "cross-border" element.

4. Does it apply to all professions?

No, it applies only to professions which are regulated in the host Member State, i.e. professions which cannot be taken up or practised in the host Member State without certain specified professional qualifications. The general system will apply in your case if the profession you wish to practise in a host Member State is regulated there.

5. How can you find out whether the profession you wish to practise in the host Member State is regulated there?

Through the contact point for the host Member State concerned or, possibly, through an organisation representing the profession in your home Member State.

A non-exhaustive indicative list of the regulated professions covered by the general system is given in Annex 1.

6. What if your profession is not regulated in the host Member State?

In that case, you can take it up without further formality and you do not need to apply for recognition of your professional qualifications. You can begin practising in the host Member State, subject to the same conditions as its nationals. You do not need to submit a certificate of recognition issued by an official authority, so that the value to be

attributed to your qualifications depends on the situation of the employment market and on the way this market behaves, not on legal rules.

However, even if your profession is not regulated as such in the host Member State, you still may not be able to practise it freely, since it may not exist as an independent profession in the host Member State because the activities it involves belong to another profession and are thus restricted to professionals in that field. In that case, the general system does not apply.

Example: you are qualified as a psychotherapist in a Member State and wish to work as a psychotherapist in another Member State in which psychotherapy is not an independent profession but belongs to medicine and is restricted to psychiatrists.

7. Does the general system apply to all regulated professions?

No, only to those not already covered by a sectoral or transitional Directive.

Annex 2 contains a list of the seven regulated professions already covered by a sectoral Directive, together with an indicative list of professional activities covered by a transitional Directive. More detailed information on these Directives can be obtained from the contact points.

In addition, Annex 1 contains an indicative list of regulated professions covered by the general system. Further information on these can also be obtained from the contact points.

8. What if your profession is regulated in the host Member State and covered by the general system?

In order to be able to practise in the host Member State, you must obtain recognition of your professional qualifications from the authority there which is responsible for receiving and processing applications for recognition of qualifications in your profession.

9. How do you find out which authority to apply to for recognition of your qualifications?

Through the contact point in the host Member State.

The guides and factsheets available on the Internet also contain useful addresses in the Member States.

10. Can you apply for recognition of your professional qualifications in a Member State in order to practise any regulated profession there or to "work" there in general?

No. You must submit your application with a view to practising a specific profession. The regulated profession which you wish to practise in the host Member State must be that for which you are fully qualified in the home Member State. If you are to practise more than one profession, you must submit a separate application for each profession, since they may not all be covered by the same competent authority.

Examples:

- The general system would apply to someone fully qualified as an estate agent in Spain and wishing to practise that profession in France. Conversely, it would not apply to someone fully qualified as an estate agent in Spain and wishing to practise in France as a lawyer.

- The general system would apply to someone qualified in Spain as a psychologist and as a social worker who wishes to practise both these professions in France, but two separate applications would have to be submitted to the respective competent authorities.

11. Which professional qualifications are covered by the general system?

Those awarded on completion of a full course of professional education and training, i.e. those which permit you to practise a given profession in the home Member State. They may be awarded on completion of theoretical and practical training received in primary, secondary or higher education. If, in the home Member State, you are required to undergo a period of practical or in-service training in addition to the primary, secondary or higher-education course, you need to have completed all of the required elements in order to be covered by the general system.

Examples: in several Member States lawyers have not only to follow a post-secondary course of study but also to pass an additional examination and complete a period of in-service training. Where that is the case, they are fully qualified and thus able to apply for recognition under the general system only once they have completed all of those elements. In some Member States engineers are required to complete a post-secondary course of study and a period of supervised professional practice supplemented by courses, and pass an examination. Only on completion of all of these are they entitled to apply for recognition under the general system. Similarly, in most Member States teacher training comprises a university degree in a particular subject plus a postgraduate qualification in education. Application for recognition under the general system is possible only if the necessary qualification in education has been obtained in the home country in addition to an initial university degree.

12. Will your professional qualifications be recognised automatically?

No. The general system does not provide for automatic recognition of professional qualifications obtained in another Member State. You must submit a personal application clearly stating the profession you wish to practise. Your application will be considered individually by the competent authority in the host Member State.

13. How does the general system work?

Your application for recognition will be examined individually by the competent authority.

Normally, if you are fully qualified to practise a profession in the home Member State and apply for recognition of your qualifications in order to practise that same profession in the host Member State, your professional qualifications will be recognised as they stand.

However, before reaching a decision on your application, the competent authority will compare the professional education and training which you received in the home Member State with that required in the host Member State.

If it finds that there are significant differences in terms of either length or content it may, subject to certain conditions, make recognition conditional on the fulfilment of additional requirements.

In making the comparison, the competent authority must take into account any periods of training and/or professional experience completed after you obtained your initial qualification. The authority may regard that training and/or experience as making up, in full or in part, for any deficiencies in your initial education and training as against that required in the host Member State.

14. What additional requirements can the competent authority impose?

If the competent authority establishes that there are major differences between the professional qualifications you have obtained in your home Member State and those required in the host Member State, you may be required either to provide proof of experience in the practice of the profession concerned in the home Member State, or to complete an adaptation period or an aptitude test in the host Member State. Only one of these three requirements may be imposed. Normally, proof of additional professional experience may be required if your professional education and training was at least one year shorter than that required in the host Member State; you may be required to complete an adaptation period or an aptitude test if there are significant differences between the content of your training and of that required in the host Member State, or in

terms of the range of activities covered by the profession in the home and host Member States.

15. If you are required to complete either an adaptation period or an aptitude test, does the choice rest with the competent authority?

In general, no. You will normally be free to choose between the two. But in some cases, particularly for the legal professions, the host Member State may choose.

16. Within what period must the competent authority reach a decision on your application?

Within four months of receipt of the application itself and any supporting documentation required.

17. *How do you know whether your application is complete?*

You can ask the competent authority directly whether the application submitted is complete, and you are entitled to obtain this information. If your application is not complete, the competent authority must provide you with clear information on the list of documents to be supplied so that the application can be regarded as complete, and it must allow you a reasonable time in which to send the missing documents.

18. Can you be required to prove that you are of good character and repute and have not been declared bankrupt?

Yes, if nationals of the host Member State are required to do likewise. The host Member State must accept as proof documents issued to that effect by competent authorities in the home Member State, but may require those documents to be presented no more than three months after their date of issue.

19. How do you actually prove that you satisfy these requirements?

By presenting to the competent authority in the host Member State one or more documents issued to that effect by a competent authority in the home Member State. If such documents do not exist in the home Member State, you may instead present a certificate attesting to a declaration on oath or a solemn declaration made before a notary or qualified professional body there.

20. What options are open to the competent authority in reaching its decision?

If your application is complete, there are three possible decisions which the competent authority can take:

1) It may decide to recognise your professional qualifications as they stand, in which case you can begin practising the profession - subject to the same conditions as nationals of the host Member State (for example, you may first need to register with the profession's governing body or provide proof of professional insurance cover).

2) Or it may require you either to provide proof of professional experience or to complete an adaptation period or an aptitude test.

3) Or it may reject your application.

In the case of options 2) and 3), the competent authority must clearly state the reasons for its decision, and the applicant must be free to appeal against the decision in accordance with the appeal procedures available in the host Member State.

21. What if your application has been approved?

Recognition entitles you to practice the profession concerned but does not imply that your professional qualifications are regarded as equivalent to national qualifications for other purposes. You can therefore practise the profession, subject to the same laws, regulations, administrative provisions and code of practice as nationals of the host Member State. In particular, you will need to ensure that your activities remain within the range covered by that profession there. If you practice your profession as a paid employee, you are entitled to apply for jobs offered in the host Member State and to participate in staff-selection procedures there (interviews, examination of application, competition, etc.) in the same way as holders of national qualifications, with whom you are on an equal footing (same rights and obligations).

22. What if your application has been rejected?

The competent authority's decision must state the reasons for the rejection. If it does not, you are entitled to require the competent authority to inform you of its reasons. If you are not informed of the reasons - or if you wish to dispute them - you have the right to lodge an appeal with a court or tribunal in the host Member State in order to verify whether the decision is in accordance with Community law.

SOME SPECIFIC QUESTIONS

1. What if, although a national of a Member state, you received part of your professional education and training in a non-EU country?

You will still be covered by the general system, provided that the following two requirements are both met: (i) your profession must be regulated in the home Member State; (ii) your professional education and training must have been received mainly in that Member State, i.e. the proportion received there must be greater than that received in the non-EU country.

Example: A Danish accountant who is fully qualified to practise in Denmark applies for recognition of his professional qualifications in Germany. He has completed a total of seven years' professional education and training. If three of those were undergone in the United States and four in Denmark, he will be covered by the general system; if the reverse is true, however, the competent authority in Germany could reject his application.

2. What if, although a national of a Member state, you obtained all your professional qualifications in a non-EU country?

You will still be covered by the general system, provided that the following four requirements are all met:

- 1) your professional qualifications have already been recognised in a Member State (regarded as the home Member State for the purposes of the general system) in accordance with its national legislation or with a bilateral agreement signed by that Member State;
- 2) those qualifications permit you to practise a regulated profession in that Member State;
- 3) you have actually practised that profession there for three - or in some cases two - years;
- 4) you have a certificate, issued by that Member State, attesting to that period of practice.

Example: You are a Belgian national and have qualified as a speech therapist (education and training, formal qualification, in-service training, etc.) in Canada. The "initial" recognition of this qualification in an EU country (e.g. Belgium) is not covered by the general system but by the national legislation of that country. If, after obtaining such initial recognition, you wish to practise as a speech therapist in another Member State (e.g. France), you can apply for recognition under the general system on condition that you have practised the profession in Belgium for at least three years. You will need to obtain, from a competent authority in Belgium, a certificate attesting to your period of practice there.

3. Can you be required to have gained a certain amount of professional experience before applying for recognition of your qualifications?

In general, no. Before applying for recognition of your professional qualifications in a host Member State you are normally not required to have actually begun practising in the home Member State, but you must be fully qualified to do so.

In some cases, however, the competent authority in the host Member State may require you to prove that you have practised for a given period in the home Member State.

4. When can you be required to have actually practised the profession?

In a number of circumstances, the most frequent being:

1) if your profession is not regulated in the home Member State (in which case you may be required to prove that you have practised it there for at least two years);

2) if your professional qualifications were awarded in a non-Community country and then recognised in a Member State (in which case you will have to prove that you have practised the regulated profession concerned for at least three - or in some cases two - years in that Member State) (see question 2 above);

3) if the duration of your professional education and training was at least one year less than that required in the host Member State in order to practise the regulated profession in question.

5. Will all forms of professional experience be taken into account?

Experience gained in the home Member State in the practice of the profession concerned will be taken into account, as will that gained in any Member State in the practice of a related profession.

Example: After qualifying as a lawyer in Greece, you gained experience as a legal adviser in Germany, where you now wish to practise as a lawyer. In order to do so, you apply for recognition there of the lawyer's qualifications which you obtained in Greece. The competent authority in Germany will have to take into account the experience you gained there as a legal adviser.

Even though the competent authority in the host Member State is required to take into account experience gained in the practice of a related profession, this does not alter the fact that you must be fully qualified to practise, in the home Member State, the profession in respect of which you are applying for recognition of your qualifications in the host Member State.

Where relevant, the competent authority will consider to what extent your experience in the practice of a related profession may entitle you to partial or total exemption from any additional requirements.

6. Can you be required to sit a language examination?

In general, no. However, the host Member State may require you to have a knowledge of its language where this is justified by the nature of the profession you wish to practise. In any case, the language requirements may not exceed what is objectively necessary for practising the profession in question. Whatever the regulated profession, your application will be processed in (one of) the official language(s) of the host Member State and any aptitude test which you are required to take will likewise be in that language.

Example: Having qualified as a lawyer in Austria, you now wish to practise in Greece. The competent authority will process your application in Greek. Should it consider that your professional education and training did not cover certain subjects essential to legal practice in Greece and that you therefore need to take a test in those subjects, that written or oral test will likewise be conducted in Greek.

7. What do you need to submit with your application as proof of your qualifications?

In general, the competent authority in the host Member State must accept as proof any document, issued by a competent authority in the home Member State, certifying that you have successfully completed the theoretical and/or practical training in question. It can also ask you to provide proof of your nationality and professional experience.

You must provide proof of your professional experience if this is a prior condition for recognition, i.e. where the profession in question is not regulated in your home country. In any case, even if proof of your professional experience is not essential for recognition, it is in your interest to provide as much information on it as possible, since your experience is a very important consideration in any decision by the competent authority requiring you to complete an adaptation period or an aptitude test whose content and length are to take full account of your actual skills.

8. Do you have to submit translations of all the documents?

The host Member State may require the documents submitted in support of your application to be translated into (one of) its official language(s). It may also require the translation to be carried out by a sworn translator or a translator approved by a competent authority in the host Member State.

9. What if the competent authority has not reached a decision within four months of receiving your application?

You must be given the opportunity to lodge an appeal against the competent authority before a court or tribunal.

10. Can you be required to contribute towards the cost of processing your application?

Yes, but the amount must not exceed the actual cost of the service provided. In any case, the amount must neither be disproportionate nor render it practically impossible for you to exercise your rights under the general system.

11. What can you do if you encounter difficulties?

You are entitled to lodge an appeal - and it is in your interest to do so - with the competent national appeal body (court or administrative tribunal). You can also contact a Euro-Jus adviser (in the Commission's national delegations) or the European Commission (Internal Market Directorate-General, Regulated Professions Unit, Building C-100 , 200, rue de the Loi, B-1049 Brussels).

In any case, it is up to the competent national authority, and not the European Commission, to assess your qualifications in relation to those required in the host country. The European Commission cannot take the place of the competent national authorities in examining your qualifications. Nor can it issue direct instructions to the national civil servants responsible for the recognition of qualifications. The general system Directives, just as the national laws transposing them, grant you rights which you can exercise directly vis-à-vis the competent national authorities.

**You wish to apply for recognition
of your qualifications in a host Member State**

↓	↓
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In order to practise a profession there	In order to continue your studies there
------------------------------------------------	------------------------------------------------

↓	↓
---	---

The request is for professional recognition	The request is for academic recognition
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↓	↓
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Your application will be covered by the general system	Your application will not be covered by the general system Information on the recognition of qualifications for academic purposes can be obtained from the contact point (or NARIC Centre) in your Member State
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Is the profession which you wish to practise in the host Member State regulated there within the meaning of the Directives?

↓	↓
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YES	NO
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↓	↓
---	---

The general system will apply	The general system will not apply because the right to take up and pursue that profession is not subject to any restrictions. You are free to practise in the host Member State with the same rights and obligations as its nationals.
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Are you fully qualified to practise the same profession in the home Member State?

↓	↓
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YES	NO
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↓	↓
---	---

The general system will apply	The general system will not apply.
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Is the profession which you wish to practise already covered by a sectoral or transitional Directive (see lists at Annex 2)?

↓	↓
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NO	YES
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↓	↓
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The general system will apply	The general system will not apply
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Annex 1

Examples of regulated professions covered by the general system

	Law, taxation, accountancy	Paramedical	Technical	Socio-cultural
GERMANY	lawyer, tax expert, accountant	physiotherapist, paediatric nurse, occupational therapist, speech therapist, optician, orthoptist, surgical truss maker, dental technician, hearing-aid maker, orthopaedic technician, orthopaedic bootmaker	engineer, patent agent, master craftsman	teacher, State-recognised childcare worker
AUSTRIA	lawyer, accountant	physiotherapist		teacher
BELGIUM	lawyer, bailiff, auditor, accountant, authorised representative	physiotherapist		teacher
DENMARK	lawyer, accountant	chiroprapist, dental prosthetist, dispensing optician, orthopaedic technician, orthopaedic boot and shoemaker, pharmaceutical assistant	ship's captain, quartermaster, estate agent, driving instructor, crane driver, chauffeur, gravedigger	teacher, organist

	Law, taxation, accountancy	Paramedical	Technical	Socio-cultural
SPAIN	lawyer, legal administrator, qualified labour relations officer, auditor	specialist nurse (excluding obstetrics and gynaecology), physiotherapist, optician, chiropodist, dental prosthetist, hearing-aid maker, care assistant, X-ray technician, psychologist	industrial property rights agent, estate agent, property administrator, architectural technician, interior designer, engineer, physicist, geologist, air steward(ess), casino staff, plumber, driving instructor	primary-school teacher, secondary-school teacher, lecturer, lecturer at a tourism college, guide/interpreter, tourist guide
FINLAND	lawyer, accountant	physiotherapist		teacher
FRANCE	lawyer, legal administrator, barrister at the Conseil d'Etat etc., bailiff, registrar at a commercial court, notary, insolvency practitioner, liquidator, auditor, accountant, auctioneer/valuer	speech therapist, orthoptist, masseur/physiotherapist, psychomotorician, occupational therapist, psychologist, dietician, oculist, care assistant, paediatric assistant, hearing-aid maker, dispensing optician, chiropodist, medical laboratory technician	industrial property rights consultant, surveyor, estate agent, taxi-driver, ambulanceman, ship's captain, property administrator, driving instructor	primary-school teacher, secondary-school teacher, lecturer, dancing instructor, regional guide/interpreter, travel agent, social worker
GREECE	lawyer, accountant	dental prosthetist, hospital staff, physiotherapist	industrial designer, mechanic, turner, welder, officer in the merchant navy	teacher
IRELAND	solicitor, barrister, accountant	speech therapist, orthoptist, masseur/physiotherapist, psychologist, dispensing optician, occupational therapist, microbiologist	patent agent, surveyor, engineer, accountant technician, ship's officer, deck officer	primary-school teacher, teacher at a secondary/vocational/multidisciplinary school, lecturer at a technical college

	Law, taxation, accountancy	Paramedical	Technical	Socio-cultural
ICELAND	lawyer, accountant	physiotherapist		teacher
ITALY	lawyer, solicitor, registrar, marketing expert, actuary	orthoptist, speech therapist, dietician, psychologist, hearing-aid maker, optician, medical laboratory technician, X-ray technician, dental hygiene assistant, chiropodist	engineer, biologist, chemist, geologist, forester, industrial property rights consultant, business consultant, stockbroker, deck officer, engineer officer	teacher, social worker, tourist guides etc.
LUXEMBOURG	lawyer, auditor, accountant	welfare assistant, masseur/physiotherapist, laboratory technician, speech therapist, district nurse, hospital nurse		teacher, childcare worker, social worker
NORWAY	lawyer, accountant	physiotherapist		teacher
NETHERLANDS	lawyer, bailiff, accountant	occupational therapist, speech therapist, orthoptist, dietician, physiotherapist, X-ray and radiotherapy technician, pharmaceutical assistant, dental prosthetist	patent agent, engineer, air traffic controller, pilot, sailor, chauffeur, crane driver	teacher
PORTUGAL	lawyer, accountant	psychologist	engineer, industrial property rights agent, ship's officer	teacher, guide/interpreter
UNITED KINGDOM	solicitor, barrister, advocate (in Scotland), actuary, accountant	physiotherapist, optometrist, orthoptist, chiropodist, prosthetist, art therapist, psychologist, music therapist, dietician, laboratory technician, dispensing optician, dental assistant	surveyor, patent agent, engineer, chemist, physicist, geologist, horticulturist, ship's captain, deck officer	teacher, approved social worker
SWEDEN	lawyer, accountant	physiotherapist		

Annex 2

List of regulated professions covered by a specific Directive

Regulated professions covered by a sectoral Directive
doctor (general practitioner and specialist)
nurse (general care)
dentist
midwife
veterinary surgeon
pharmacist
architect

Examples of regulated activities covered by Directive 1999/42/EC*	
Craft activities <i>(ISIC** Major Groups 23-40)</i>	<i>Manufacture of: textiles (e.g. spinning and weaving), footwear and clothing, wood and cork products, furniture, leather and rubber products, chemicals and chemical products, refined petroleum products, transport equipment, etc.</i>
Wholesale and retail trade <i>(ISIC ex Group 612)</i>	<i>Wholesale, intermediate and retail trade; trade and distribution of toxic products. Group 612: retail trade = resale of goods, without processing, to private individuals.</i>
Industrial activities <i>(ISIC Major Groups 20 and 21)</i>	<i>Major Group 20: manufacture of foodstuffs - dairy products, preserved fruit and vegetables, cocoa, etc. Major Group 21: manufacture of beverages - distilling etc. of spirits, manufacture of wine etc., brewing and malting, etc.</i>
Transport activities <i>(ISIC Groups 718 and 720)</i>	<i>Group 718: auxiliary transport and travel agency activities Group 720: storage</i>
Processing activities <i>(ISIC Major Groups 23-40)</i>	<i>Same fields as for craft activities above</i>
Personal service activities <i>(ISIC Major Group 85)</i>	<i>Major Group 85: domestic services - restaurants, bars and canteens (Group 852) - hotels, camping sites and other provision of short-stay accommodation (Group 853) - bleaching and dyeing - photographic studios, etc.</i>
Insurance activities <i>(ISIC Group 630)</i>	<i>insurance agents and brokers; all-risk insurers</i>
Hairdressing activities	

* Directive 1999/42/EC of 7 June 1999 replaces the transitional Directives listed in its Annex A. It incorporates the main elements and adds a system for recognising qualifications (OJ L 201 of 31 July 1999), which must be implemented by the Member States by 31 July 2001.

** ISIC: International Standard Industrial Classification of all economic activities, drawn up in 1964 by the Statistical Office of the United Nations.