

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to facilitate the effective exercise of the right of establishment and freedom to provide services (77/452/EEC) (repealed)

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(77/452/EEC) (repealed)

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 nurse responsible for general care dependent upon the possession of a nursing diploma;

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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⁽⁴⁾ 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;
- in Italy:*
‘infermiere professionale’;
- in Luxembourg:*
‘infirmier’;
- in the Netherlands:*
‘verpleegkundige’;
- in the united Kingdom:*
England, Wales and Northern Ireland:
‘^[F1]State Registered Nurse or Registered General Nurse’;
Scotland:
Registered General Nurse^{[F2];}
- ^[F3]*in Greece:*
‘^[F1]Διπλωματούχος ή πτυχιούχος νοσοκόμος, νοσηλευτής ή νοσηλεύτρια;’^{[F4];}]
- ^[F5]*in Spain:*
‘Enfermero/a diplomado/a;’
- in Portugal:*
‘Enfermeiro’^{[F6];}]
- ^[F7]^[F8]*in Austria:*
‘Diplomierte Krankenschwester/Diplomierter Krankenpfleger’;
- in Finland:*

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‘sairaanhoitajasjukskötare’;
in Sweden:

‘sjuksköterska’^{[F9];}]]
^[F10]*in the Czech Republic:*

‘všeobecná sestra/všeobecný ošetrovatel’;
in Estonia:

‘ōde’;
in Cyprus:

‘Εγγεγραμμένος Νοσηλευτής’;
in Latvia:

‘māsa’;
in Lithuania:

‘Bendrosios praktikos slaugytojas’;
in Hungary:

‘ápoló’;
in Malta:

‘Infermier Reġistrat tal-Ewwel Livell’;
in Poland:

‘pielęgniarka’;
in Slovenia:

‘diplomirana medicinska sestra / diplomirani zdravstvenik’;
in Slovakia:

‘sestra’^{[F11];}]]
^[F12]*in Bulgaria:*

‘Медицинска сестра’;
in Romania:

‘asistent medical generalist’.]

Textual Amendments

- F1** Substituted by Council Directive of 30 October 1989 amending Directives 75/362/EEC, 77/452/EEC, 78/686/EEC, 78/1026/EEC and 80/154/EEC relating to the mutual recognition of diplomas, certificates and other evidence of formal qualifications as doctors, nurses responsible for general care, dental practitioners, veterinary surgeons and midwives, together with Directives 75/363/EEC, 78/1027/EEC and 80/155/EEC concerning the coordination of provisions laid down by law, regulation or administrative action relating to the activities of doctors, veterinary surgeons and midwives (89/594/EEC).
- F2** Substituted by Act concerning the conditions of accession of the Hellenic Republic and the adjustments to the Treaties.
- F3** Inserted by Act concerning the conditions of accession of the Hellenic Republic and the adjustments to the Treaties.

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- F4** Substituted by Act concerning the conditions of accession of the Kingdom of Spain and the Portuguese Republic and the adjustments to the Treaties.
- F5** Inserted by Act concerning the conditions of accession of the Kingdom of Spain and the Portuguese Republic and the adjustments to the Treaties.
- F6** Substituted by Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (94/C 241/08).
- F7** Inserted by Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (94/C 241/08).
- F8** Substituted by Decision of the Council of the European Union of 1 January 1995 adjusting the instruments concerning the accession of new Member States to the European Union (95/1/EC, Euratom, ECSC).
- F9** Substituted by Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.
- F10** Inserted by Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.
- F11** Substituted by Council Directive 2006/100/EC of 20 November 2006 adapting certain Directives in the field of freedom of movement of persons, by reason of the accession of Bulgaria and Romania.
- F12** Inserted by Council Directive 2006/100/EC of 20 November 2006 adapting certain Directives in the field of freedom of movement of persons, by reason of the accession of Bulgaria and Romania.

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 [^{F13}listed in the Annex], 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.

Textual Amendments

- F13** Substituted by 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).

^{F14}*Article 3*

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Textual Amendments

- F14** Deleted by 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).

CHAPTER III

EXISTING CIRCUMSTANCES

Article 4

[^{F15}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 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.

[^{F15}2] In the case of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications as nurse responsible for general care do not conform with the qualifications or designations set out in [^{F13}the Annex, 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 the diplomas, certificates and other evidence of formal qualifications as nurse responsible for general care were awarded following training in accordance with the provisions of Directive 77/453/EEC, referred to in Article 2 of the present Directive, and are treated by the Member State which awarded them as the qualifications or designations set out in the Annex] of the present Directive.]

Textual Amendments

- F13** Substituted by 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).
- F15** Inserted by Council Directive of 30 October 1989 amending Directives 75/362/EEC, 77/452/EEC, 78/686/EEC, 78/1026/EEC and 80/154/EEC relating to the mutual recognition of diplomas, certificates and other evidence of formal qualifications as doctors, nurses responsible for general care, dental practitioners, veterinary surgeons and midwives, together with Directives 75/363/EEC, 78/1027/EEC and 80/155/EEC concerning the coordination of provisions laid down by law, regulation or

administrative action relating to the activities of doctors, veterinary surgeons and midwives (89/594/EEC).

[^{F16} Article 4a

In the case of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications as nurses responsible for general care 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 1 of Directive 77/453/EEC, Member States other than Germany shall recognize those diplomas, certificates and other evidence of former qualifications as being sufficient proof if:

- they attest to training commenced before German unification,
- they entitle the holder to pursue the activities of a nurse responsible for general care throughout the territory of Germany under the same conditions as the qualifications awarded by the competent German authorities and referred to in [^{F13}the Annex], and
- 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 of nurse responsible for general care in Germany 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.]

Textual Amendments

- F13** Substituted by 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).
- F16** Inserted by Council Directive of 4 December 1990 amending certain Directives on the recognition of professional qualifications consequent upon the unification of Germany (90/658/EEC).

[^{F10} Article 4b

As regards the Polish qualification of nurse responsible for general care, only the following acquired rights provisions will apply:

In the case of nationals of the Member States whose diplomas, certificates and other evidence of formal qualifications of nurse responsible for general care were awarded by, or whose training started in, Poland before the date of accession and which does not satisfy the minimum training requirements laid down in Article 1 of Directive 77/453/EEC, Member States shall recognise the following diplomas, certificates and other evidence of formal qualifications in general care nursing as being sufficient proof if accompanied by a certificate stating that those Member State nationals have effectively and lawfully been engaged in the activities of a nurse responsible for general care in Poland for the period specified below:

- diploma of bachelor of nursing (dyplom licencjata pielęgniarstwa) - at least three consecutive years during the five years prior to the date of issue of the certificate,
- diploma of nurse (dyplom pielęgniarki albo pielęgniarki dyplomowanej) with post-secondary education obtained from a medical vocational school

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- at least five consecutive years during the seven years prior to the date of issue of the certificate.

The said activities must have included taking full responsibility for the planning, organisation and carrying out of the nursing care of the patient.

Textual Amendments

F10 Inserted by [Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.](#)

Article 4c

1 In the case of nationals of the Member States whose diplomas, certificates and other evidence of formal qualifications of nurse responsible for general care were awarded by, or whose training started in, the former Czechoslovakia before 1 January 1993, each Member State shall recognise those diplomas, certificates and other evidence of formal qualifications in general care nursing as being sufficient proof when the authorities of the Czech Republic attest that those qualifications have, on its territory, the same legal validity as Czech qualifications of nurse responsible for general care as regards access to the profession of nurse responsible for general care and practice thereof. Such attestation must be accompanied by a certificate issued by the same authorities stating that those Member State nationals have effectively and lawfully been engaged in the activity in question in the territory of the Czech Republic 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 the Member States whose diplomas, certificates and other evidence of formal qualifications of nurse responsible for general care were awarded by, or whose training started in, the former Soviet Union before 20 August 1991, each Member State shall recognise those diplomas, certificates and other evidence of formal qualifications in general care nursing as being sufficient proof when the authorities of Estonia attest that those qualifications have, on its territory, the same legal validity as Estonian qualifications of nurse responsible for general care as regards access to the profession of nurse responsible for general care and practice thereof. Such attestation must be accompanied by a certificate issued by the same authorities stating that those Member State nationals have effectively and lawfully been engaged in the activity in question in the territory of Estonia for at least three consecutive years during the five years prior to the date of issue of the certificate.

3 In the case of nationals of the Member States whose diplomas, certificates and other evidence of formal qualifications of nurse responsible for general care were awarded by, or whose training started in, the former Soviet Union before 21 August 1991, each Member State shall recognise those diplomas, certificates and other evidence of formal qualifications in general care nursing as being sufficient proof when the authorities of Latvia attest that those qualifications have, on its territory, the same legal validity as Latvian qualifications of nurse responsible for general care as regards access to the profession of nurse responsible for general care and practice thereof. Such attestation must be accompanied by a certificate issued by the same authorities stating that those Member State nationals have effectively and lawfully been engaged in the activity in question in the territory of Latvia 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 the Member States whose diplomas, certificates and other evidence of formal qualifications of nurse responsible for general care were awarded by, or whose training started in, the former Soviet Union before 11 March 1990, each Member State

shall recognise those diplomas, certificates and other evidence of formal qualifications in general care nursing as being sufficient proof when the authorities of Lithuania attest that those qualifications have, on its territory, the same legal validity as Lithuanian qualifications of nurse responsible for general care as regards access to the profession of nurse responsible for general care and practice thereof. Such attestation must be accompanied by a certificate issued by the same authorities stating that those Member State nationals have effectively and lawfully been engaged in the activity in question in the territory of Lithuania for at least three consecutive years during the five years prior to the date of issue of the certificate.

5 In the case of nationals of the Member States whose diplomas, certificates and other evidence of formal qualifications of nurse responsible for general care were awarded by, or whose training started in, the former Czechoslovakia before 1 January 1993, each Member State shall recognise those diplomas, certificates and other evidence of formal qualifications in general care nursing as being sufficient proof when the authorities of Slovakia attest that those qualifications have, on its territory, the same legal validity as Slovak qualifications of nurse responsible for general care as regards access to the profession of nurse responsible for general care and practice thereof. Such attestation must be accompanied by a certificate issued by the same authorities stating that those Member State nationals have effectively and lawfully been engaged in the activity in question in the territory of Slovakia for at least three consecutive years during the five years prior to the date of issue of the certificate.

6 In the case of nationals of the Member States whose diplomas, certificates and other evidence of formal qualifications of nurse responsible for general care were awarded by, or whose training started in, Yugoslavia before 25 June 1991, each Member State shall recognise those diplomas, certificates and other evidence of formal qualifications in general care nursing as being sufficient proof when the authorities of Slovenia attest that those qualifications have, on its territory, the same legal validity as Slovenian qualifications of nurse responsible for general care as regards access to the profession of nurse responsible for general care and practice thereof. Such attestation must be accompanied by a certificate issued by the same authorities stating that those Member State nationals have effectively and lawfully been engaged in the activity in question in the territory of Slovenia for at least three consecutive years during the five years prior to the date of issue of the certificate.]

Textual Amendments

F10 Inserted by [Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.](#)

[^{F12} Article 4d

1 By way of derogation from the present Directive, Bulgaria may authorise the holders of the qualification of ‘фелдшер’ (feldsher) awarded in Bulgaria before 31 December 1999 and exercising this profession under the Bulgarian national social security scheme on 1 January 2000 to continue to exercise the said profession, even if parts of their activity fall under the present Directive.

2 The holders of the Bulgarian qualification of ‘фелдшер’ (feldsher) referred to in paragraph 1 are not entitled to obtain professional recognition in other Member States under this Directive.

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Textual Amendments

- F12** Inserted by [Council Directive 2006/100/EC of 20 November 2006 adapting certain Directives in the field of freedom of movement of persons, by reason of the accession of Bulgaria and Romania.](#)

Article 4e

As regards the Romanian qualification of nurse responsible for general care, only the following acquired rights provisions will apply:

In the case of nationals of the Member States whose diplomas, certificates and other evidence of formal qualifications of nurse responsible for general care were awarded by, or whose training started in, Romania before the date of accession and which does not satisfy the minimum training requirements laid down in Article 1 of Directive 77/453/EEC, Member States shall recognise the following diplomas, certificates and other evidence of formal qualifications in general care nursing as being sufficient proof if accompanied by a certificate stating that those Member State nationals have effectively and lawfully been engaged in the activities of a nurse responsible for general care in Romania for the period specified below:

- diploma of nurse (*Certificat de competențe profesionale de asistent medical generalist*) with post-secondary education obtained from a *școală postliceală* — at least five consecutive years during the seven years prior to the date of issue of the certificate.

The said activities must have included taking full responsibility for the planning, organisation and carrying out of the nursing care of the patient.;

Textual Amendments

- F12** Inserted by [Council Directive 2006/100/EC of 20 November 2006 adapting certain Directives in the field of freedom of movement of persons, by reason of the accession of Bulgaria and Romania.](#)

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.

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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.

[^{F17}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.

Member States shall ensure the confidentiality of the information made available.]

Textual Amendments

F17 Substituted by [Council Directive of 10 October 1989 amending Directive 77/452/EEC 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, and amending Directive 77/453/EEC concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of nurses responsible for general care \(89/595/EEC\).](#)

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

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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.

[^{F17}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 they have forwarded in accordance with paragraph 1.]

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

Textual Amendments

F17 Substituted by [Council Directive of 10 October 1989 amending Directive 77/452/EEC 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, and amending Directive 77/453/EEC concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of nurses responsible for general care \(89/595/EEC\)](#).

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.

[^{F18}Article 10a

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 an oath or declaration cannot be used by nationals of other Member States, the host Member State shall ensure that an appropriate and equivalent form of oath or declaration is offered to the persons concerned.]

Textual Amendments

F18 Inserted by [Council Directive of 10 October 1989 amending Directive 77/452/EEC 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, and amending Directive 77/453/EEC concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of nurses responsible for general care \(89/595/EEC\)](#).

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.

[^{F18}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.

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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.

Textual Amendments

F18 Inserted by [Council Directive of 10 October 1989 amending Directive 77/452/EEC 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, and amending Directive 77/453/EEC concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of nurses responsible for general care \(89/595/EEC\)](#).

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.

^{F19}*Article 14*

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Textual Amendments

- F19** Deleted by Council Directive of 10 October 1989 amending Directive 77/452/EEC 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, and amending Directive 77/453/EEC concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of nurses responsible for general care (89/595/EEC).

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.

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^{F20} 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.

Textual Amendments

F20 Inserted by 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).

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.

Textual Amendments

F20 Inserted by 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).

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.

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Textual Amendments

F20 Inserted by 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).

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.]

Textual Amendments

F20 Inserted by 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).

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⁽⁵⁾, as amended by Decision 77/455/EEC⁽⁶⁾.

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

Article 21

This Directive is addressed to the Member States.

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[^{F20}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	1. Diploma gegradueerde verpleger/ verpleegster — Diplôme d'infirmier(ère) gradu�e(e) — Diplom eines (einer) graduierten Krankenpfleger (- pflegerin) 2. Diploma in de ziekenhuisverpleegkunde — Brevet d'infirmier(ère) hospitalier(ère) — Brevet eines (einer) Krankenpfleger (- pflegerin) 3. Brevet van verpleegassistent(e) — Brevet d'hospitalier(ère) — Brevet einer Pflegeassistentin	1. De erkende opleidingsinsti- tuten/ les �tablissements d'enseignement reconnus/ die anerkannten Ausbildungsan- stalten De bevoegde Examencommissie van de Vlaamse Gemeenschap/ le Jury komp�tent d'enseignement de la Communaut� fran�aise/ die zuständigen Pr�fungsaussch�sse der Deutschsprachigen Gemeinschaft'	
[^{F10} [^{F12} България	Диплома за висше образование на образователно-квалификационна степен 'Бакалавър' с професионална квалификация 'Медицинска сестра'	Университет]

Česká republika	<ol style="list-style-type: none"> 1. Diplom o ukončení studia ve studijním programu ošetřovatelství ve studijním oboru všeobecná sestra (bakalář, Bc.) 2. Diplom o ukončení studia ve studijním oboru diplomovaná všeobecná sestra (diplomovaný specialista, DiS.) 	<ol style="list-style-type: none"> 1. Vysoká škola zřízená nebo uznaná státem 2. Vyšší odborná škola zřízená nebo uznaná státem 	<ol style="list-style-type: none"> 1. Vysvědčení o státní závěrečné zkoušce 2. Vysvědčení o absolutoriu]
Danmark	Eksamensbevis efter gennemført sygeplejerskeuddannelsen	Sygeplejeskole godkendt af Undervisningsministeriet	
Deutschland	Zeugnis über die staatliche Prüfung in der Krankenpflege	Staatlicher Prüfungsausschuss	
[^{F10} Eesti	Diplom õeerialal	<ol style="list-style-type: none"> 1. Tallinna Meditsiinikool 2. Tartu Meditsiinikool 3. Kohtla-Järve Meditsiinikool]
Ελλάς	<ol style="list-style-type: none"> 1. Πτυχίο Νοσηλευτικής Παν/μίου Αθηνών 2. Πτυχίο Νοσηλευτικής Τεχνολογικών Εκπαιδευτικών Ιδρυμάτων (Τ.Ε.Ι.) 	<ol style="list-style-type: none"> 1. Πανεπιστήμιο Αθηνών 2. Τεχνολογικά Εκπαιδευτικά Ιδρύματα Υπουργείου Εθνικής Παιδείας και Θρησκευμάτων 	

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	<p>3. Πτυχίο Αξιοματικών Νοσηλευτικής</p> <p>4. Πτυχίο Αδελφών Νοσοκόμων πρώην Ανωτέρων Σχολών Υπουργείου Υγείας και Πρόνοιας</p> <p>5. Πτυχίο Αδελφών Νοσοκόμων και Επισκεπτριών πρώην Ανωτέρων Σχολών Υπουργείου Υγείας και Πρόνοιας</p> <p>6. Πτυχίο Τμήματος Νοσηλευτικής</p>	<p>3. Υπουργείο Εθνικής Άμυνας</p> <p>4. Υπουργείο Υγείας και Πρόνοιας</p> <p>5. Υπουργείο Υγείας και Πρόνοιας</p> <p>6. ΚΑΤΕΕ Υπουργείου Εθνικής Παιδείας και Θρησκευμάτων</p>	
España	Titulo de Diplomado universitario en Enfermería	Ministerio de Educación y Cultura/ El rector de una Universidad	
France	<p>1. Diplôme d'État d'infirmier(ère)</p> <p>2. Diplôme d'État d'infirmier(ère) délivré en vertu du décret n° 99-1147 du 29 décembre 1999</p>	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	

Γ ^{F10} Κύπρος	Δίπλωμα Γενικής Νοσηλευτικής	Νοσηλευτική Σχολή	
Latvija	<ol style="list-style-type: none"> 1. diploms par māsas kvalifikācijas iegūšanu 2. māsas diploms 	<ol style="list-style-type: none"> 1. Māsu skolas 2. Universitātes tipa augstskola pamatojoties uz Valsts eksāmenu komisijas lēmumu 	
Lietuva	<ol style="list-style-type: none"> 1. Aukštojo mokslo diplomas, nurodantis suteiktą bendrosios praktikos slaugytojo profesinę kvalifikaciją 2. Aukštojo mokslo diplomas (neuniversitetinės studijos), nurodantis suteiktą bendrosios praktikos slaugytojo profesinę kvalifikaciją 	<ol style="list-style-type: none"> 1. Universitetas 2. Kolegija 	I
Luxembourg	<ol style="list-style-type: none"> 1. Diplôme d'Etat d'infirmier 2. Diplôme d'Etat d'infirmier hospitalier gradué 	Ministère de l'Education nationale, de la Formation professionnelle et des Sports	
Γ ^{F10} Magyarország	<ol style="list-style-type: none"> 1. Ápoló bizonyítvány 2. Diplomás ápoló oklevél 	<ol style="list-style-type: none"> 1. Iskola 2. Egyetem / főiskola 3. Egyetem 	

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	3.	Egyetemi okleveles ápoló oklevél		
Malta		Lawrja jew diploma fl-istudji tal-infermerija	Universita'ta' Malta	I
Nederland	1.	diploma's verpleger A, verpleegster A, verpleegkundige A	1.	Door een van overheidswege benoemde examencommissie
	2.	diploma verpleegkundige MBOV (Middelbare Beroepsopleiding Verpleegkundige)	2.	Door een van overheidswege benoemde examencommissie
	3.	diploma verpleegkundige HBOV (Hogere Beroepsopleiding Verpleegkundige)	3.	Door een van overheidswege benoemde examencommissie
	4.	diploma beroeps onderwijs verpleegkundige - Kwalificatieniveau 4	4.	Door een van overheidswege aangewezen opleidingsinstelling
	5.	diploma hogere beroepsopleiding verpleegkundige - Kwalificatieniveau 5	5.	Door een van overheidswege aangewezen opleidingsinstelling
Österreich	1.	Diplom als 'Diplomierte Gesundheits- und Krankenschwester/ Diplomierte Gesundheits- und Krankenpfleger'	1.	Schule für allgemeine Gesundheits- und Krankenpflege
	2.	Diplom als 'Diplomierte Krankenschwester/	2.	Allgemeine Krankenpflegeschule

	Diplomierter Krankenpfleger'		
[^{F10} Polska	Dyplom ukończenia studiów wyższych na kierunku pielęgniarstwo z tytułem 'magister pielęgniarstwa'	1. Uniwersytet Medyczny, 2. Collegium Medicum Uniwersytetu Jagiellońskiego]
Portugal	1. Diploma do curso de enfermagem geral 2. Diploma/ carta de curso de bacharelato em enfermagem 3. Carta de curso de licenciatura em enfermagem	1. Escolas de Enfermagem 2. Escolas Superiores de Enfermagem 3. Escolas Superiores de Enfermagem; Escolas Superiores de Saúde	
[^{F10} [^{F12} România	1. Diplomă de absolvire de asistent medical generalist cu studii superioare de scurtă durată 2. Diplomă de licență de asistent medical generalist cu studii superioare de lungă durată	1. Universități 2. Universități]
Slovenija	Diploma, s katero se podeljuje strokovni naslov 'diplomirana medicinska sestra/ diplomirani zdravstvenik'	1. Univerza 2. Visoka strokovna šola	

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Slovensko	<p>1. Vysokoškolský diplom o udelení akademického titulu 'magister z ošetrovateľstva' ('Mgr.')</p> <p>2. Vysokoškolský diplom o udelení akademického titulu 'bakalár z ošetrovateľstva' ('Bc.')</p> <p>3. Absolventský diplom v študijnom odbore diplomovaná všeobecná sestra</p>	<p>1. Vysoká škola</p> <p>2. Vysoká škola</p> <p>3. Stredná zdravotnícka škola</p>	I
Suomi/Finland	<p>1. Sairaanhoidajan tutkinto / sjukskötarexamen</p> <p>2. Sosiaali- ja terveystieteiden ammattikorkeakoulututkinto, sairaanhoitaja (AMK) / yrkeshögskoleexamen inom hälsovård och det sociala området, sjukskötare (YH)</p>	<p>1. Terveystieteiden oppilaitokset / hälsovårdsläroanstalter</p> <p>2. Ammattikorkeakoulut / yrkeshögskolor</p>	
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	Various	I

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Council for Nursing, Midwifery and Health Visiting		
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- (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.
- (4) [OJ No L 257, 19. 10. 1968, p. 2.](#)
- (5) [OJ No L 167, 30. 6. 1975, p. 19.](#)
- (6) See page 13 of this Official Journal.