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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)

(OJ L 341, 23.11.1989, p. 19)

Amended by:

	Official Journal		
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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)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 49, 57 (1) and (2), first and third sentences, 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 certain technical amendments should be made to Directives 75/362/EEC⁽⁴⁾, 77/452/EEC⁽⁵⁾, 78/686/EEC⁽⁶⁾, 78/1026/EEC⁽⁷⁾ and 80/154/EEC⁽⁸⁾, as last amended by the Act of Accession of Spain and Portugal, concerning 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, and to Council Directive 75/363/EEC⁽⁹⁾, as last amended by Directive 82/76/EEC⁽¹⁰⁾, and Directives 78/1027/EEC⁽¹¹⁾ and 80/155/EEC⁽¹²⁾, concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of doctors, veterinary surgeons and midwives, respectively, in order to take account in particular of 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 necessary to protect at Community level the rights acquired by the holders of former qualifications which are no longer awarded as a result of the above changes which have taken place in the rules of the Member State which awarded the qualification to them and to supplement where necessary in this connection the said Directives by appropriate provisions;

Whereas it is advisable to provide, for reasons of equity, for transitional measures for certain holders of diplomas, certificates or other evidence of formal qualifications as veterinary surgeon and midwife awarded by the Republic of Italy and the Kingdom of Spain respectively following training not complying fully with Directives 78/1027/EEC and 80/155/EEC,

⁽¹⁾ OJ No C 353, 30. 12. 1987, p. 17, and OJ No C 322, 15. 12. 1988, p. 22.

⁽²⁾ OJ No C 235, 12. 9. 1988, p. 67, and OJ No C 256, 9. 10. 1989.

⁽³⁾ OJ No C 134, 24. 5. 1988, p. 29.

⁽⁴⁾ OJ No L 167, 30. 6. 1975, p. 1.

⁽⁵⁾ OJ No L 176, 15. 7. 1977, p. 1.

⁽⁶⁾ OJ No L 233, 24. 8. 1978, p. 1.

⁽⁷⁾ OJ No L 362, 23. 12. 1978, p. 1.

⁽⁸⁾ OJ No L 33, 11. 2. 1980, p. 1.

⁽⁹⁾ OJ No L 167, 30. 6. 1975, p. 14.

⁽¹⁰⁾ OJ No L 43, 15. 2. 1982, p. 21.

⁽¹¹⁾ OJ No L 362, 23. 12. 1978, p. 7.

⁽¹²⁾ OJ No L 33, 11. 2. 1982, p. 8.

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HAS ADOPTED THIS DIRECTIVE:

CHAPTER 1

Amendments relating to Directives 75/362/EEC and 75/363/EEC (mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine and coordination of the provisions laid down by law, regulation or administrative action relating to the activities of doctors)

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CHAPTER 2

Amendments relating to Directive 77/452/EEC (mutual recognition of diplomas, certificates and other evidence of formal qualifications as nurse responsible for general care)

Article 10

Article 1 (2) of Directive 77/452/EEC is hereby amended as follows:

1. under 'in the United Kingdom' the text is replaced by: 'State Registered Nurse or Registered General Nurse';
2. under 'in Greece' the text is replaced by: 'Διπλωματούχος ή πτυχιούχος νοσοκόμος, νοσηλεύτης ή νοσηλεύτρια'.

Article 11

Article 3 of Directive 77/452/EEC is hereby amended as follows:

1. (f) 'in Italy' is replaced by:

'(f) *in Italy*:

— the "diploma di infermiere professionale" awarded by State-recognized schools;'

2. (i) 'in the United Kingdom' is replaced by:

'(i) *in the United Kingdom*:

— a statement of registration as a Registered General Nurse in Part I of the register maintained by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting;'

3. (j) 'in Greece' is replaced by:

'(j) *in Greece*:

— "Το δίπλωμα Αδελφής Νοσοκόμας της Ανωτέρας Σχολής Αδελφών Νοσοκόμων" (diploma of general nurse from the advanced school of general nursing), authenticated by the Ministry of Social Services or by the Ministry of Health and Social Welfare, or

— "Το πτυχίο Νοσοκόμων του Τμήματος Αδελφών Νοσοκόμων των Παραϊατρικών Σχολών των Κέντρων Ανωτέρας Τεχνικής και Επαγγελματικής Εκπαίδευσης" (degree in nursing from the nursing sections of the paramedical schools at the advanced centres of technical and vocational training) awarded by the Ministry of Education and Religious Affairs, or

— "Το πτυχίο νοσηλεύτη ή νοσηλεύτριας των Τεχνολογικών Εκπαιδευτικών Ιδρυμάτων (ΤΕΙ)" (degree in nursing from the technological training establishments) run by the Ministry of Education and Religious Affairs, or

— "Το πτυχίο της Ανωτάτης Νοσηλευτικής της Σχολής Επαγγελματών Υγείας, Τμήμα Νοσηλευτικής του Πανεπιστημίου Αθηνών" (degree in nursing from the faculty of health sciences, nursing section, University of Athens);'

4. (k) 'in Spain' is replaced by:

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‘(k) *in Spain*:

“Título de Diplomado en Enfermería” (university diploma in nursing) awarded by the Ministry for Education and Science or the rector of a university’.

Article 12

Article 4 of Directive 77/452/EEC is hereby amended as follows:

— the two existing paragraphs become paragraph 1 and is preceded by ‘1.’,

— the following paragraph is added:

‘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 Article 3, 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 Article 3 of the present Directive.’

CHAPTER 3

Amendments relating to Directive 78/686/EEC (mutual recognition of diplomas, certificates and other formal evidence of qualifications as dental practitioner)

Article 13

In Article 1 of Directive 78/686/EEC the text under the heading ‘— in Italy’ shall be replaced by the following:

‘— *in Italy*:
odontoiatra’.

Article 14

In Article 5 of Directive 78/686/EEC the following subheading shall be added to paragraph ‘1. Orthodontics’:

‘— *in Greece*:
“Τίτλος της Οδωπιατρικής ειδικότητας της Ορθοδοντικής” (title attesting to completion of specific orthodontic training) awarded by the competent authority recognized for that purpose.’

Article 15

The following paragraph shall be inserted in Article 7 of Directive 78/686/EEC:

‘3. In the case of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications in dentistry or in specialist dentistry (orthodontics and oral surgery) do not conform with the qualifications or designations set out in Articles 3 and 5, 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 dental practitioner or as specialist dental practitioner (orthodontics and oral surgery) were awarded following training in accordance with the provisions of Directive 78/687/

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EEC, referred to, as appropriate, in Article 2 or 4 of this Directive, and are treated by the Member State which awarded them as the qualifications or designations set out, as appropriate, in Article 3 or 5 of this Directive.’

CHAPTER 4

Amendments relating to Directives 78/1026/EEC and 78/1027/EEC (mutual recognition of diplomas, certificates and other evidence of formal qualifications as veterinary surgeon and coordination of provisions laid down by law, regulation or administrative action in respect of the activities of veterinary surgeons)

Article 16

The second subparagraph of Article 2 of Directive 78/1026/EEC is hereby replaced by the following:

‘Where a diploma, certificate or other evidence of formal qualifications as listed in Article 3 was awarded before the implementation of this Directive, or was awarded after that date but following training commenced before that date, it shall be accompanied by a certificate from the competent authorities of the issuing Member State stating that it complies with Article 1 of Directive 78/1027/EEC.’

Article 17

Article 3 of Directive 78/1026/EEC is hereby amended as follows:

1. (j) ‘in Greece’ is replaced by:

‘(j) *in Greece:*

“Πτυχίο κτηνιατρικής” (diploma of veterinary surgeon) from the faculty of geotechnical sciences of the Aristotle University of Saloniki or the School of veterinary medicine of the Aristotle University of Saloniki;’

2. (k) ‘in Spain’ is replaced by:

‘(k) *in Spain:*

“Título de Licenciado en Veterinaria” (university degree in veterinary medicine) awarded by the Ministry of Education and Science or by the rector of a university;’.

Article 18

Article 4 of Directive 78/1026/EEC is hereby replaced by the following:

Article 4

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 78/1027/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 or awarded after that date but following training commenced before that date, 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 as veterinary surgeon do not conform with the qualifications or designations set out in Article 3, each Member State shall recognize as being sufficient proof the diplomas, certificates and other

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evidence of formal qualifications awarded by those Member States, accompanied by a certificate issued by the competent authorities or bodies. The certificate shall certify that the diplomas, certificates and other evidence of formal qualifications as veterinary surgeon were awarded following training in accordance with the provisions of Directive 78/1027/EEC, referred to in Article 2 of this Directive, and are treated by the Member State which awarded them as the qualifications or designations set out in Article 3 of this Directive.'

Article 19

The following paragraph is hereby added to Article 1 of Directive 78/1027/EEC:

'5. As a transitional measure and notwithstanding paragraph 2, Italy, whose provisions laid down by law, regulation or administrative action provided for a training programme which did not comply fully with that set out in the Annex when Directive 78/1026/EEC and this Directive took effect, may continue to apply those provisions to persons who commenced their veterinary training not later than 31 December 1984.

Each host Member State shall be authorized to require of holders of diplomas, certificates or other evidence of formal qualifications as veterinary surgeon awarded by Italy following training commenced before 1 January 1985 that their diplomas, certificates and other evidence of formal qualifications be accompanied by a certificate stating that they have effectively and lawfully been engaged in the activities of veterinary surgeon for at least three consecutive years during the five years prior to the date of the issue of the certificate, unless the said diploma, certificate or other evidence of formal qualifications is accompanied by a certificate issued by the competent Italian authorities stating that it attests to training in full compliance with this Article and with the Annex.'

Article 20

In the Annex to Directive 78/1027/EEC in the Greek language version under 'B. Specific subjects' the first indent of 'Group 2: Clinical sciences' 'Χειρουργική' is hereby replaced by 'Μαιευτική'.

CHAPTER 5

Amendments relating to Directives 80/154/EEC and 80/155/EEC (mutual recognition of diplomas, certificates and other evidence of formal qualifications as midwife and coordination of the provisions laid down by law, regulation or administrative action in respect of the activities and exercise of the profession of midwife)

Article 21

Article 1 of Directive 80/154/EEC is hereby amended as follows:

1. under 'in the Federal Republic of Germany' the text is replaced by: 'Hebamme' or 'Entbindungspfleger';
2. under 'in Greece' in text is replaced by: 'Μαία' or 'Μαιευτής'.

Article 22

Article 3 of Directive 80/154/EEC is hereby amended as follows:

1. under (a) 'in the Federal Republic of Germany' the first indent is replaced by:
 - '— the "Zeugnis über die staatliche Prüfung für Hebammen und Entbindungspfleger", award by the State examining board';

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2. under (h) ‘in the Netherlands’ in all the language versions other than the Dutch language version, ‘vroedvrouwdiploma’ is replaced by ‘diploma van verloskundige’;
3. (i) ‘in the United Kingdom’ is replaced by:
 - ‘(i) *in the United Kingdom*:
 - a statement of registration as a midwife in Part 10 of the Register maintained by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting’;
4. (j) ‘in Greece’ is replaced by:
 - ‘(j) *in Greece*:
 - the “Πτυχίο Μαίας ή Μαιευτή” authenticated by the Ministry of Health and Welfare,
 - the “Πτυχίο Ανωτέρας Σχολής Στελεχών Υγείας και Κοινωνικής Πρόνοιας, Τμήματος Μαιευτικής” awarded by the faculty of health and social welfare workers, obstetrics section, of the advanced technical and vocational education centres or by the technological training establishments run by the Ministry of Education and Religious Affairs’;
5. (k) ‘in Spain’ is replaced by:
 - ‘(k) *in Spain*:
 - the diploma of “matrona” or “asistente obstétrico (matrona)” or “enfermería obstétricaginecológica”, awarded by the Ministry of Education and Science;’.

Article 23

The following new paragraph 3 is hereby added to Article 5 of Directive 80/154/EEC:

‘3. Without prejudice to Article 4, in the case of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications as midwife do not conform with the qualifications or designations set out in Article 3, each Member State shall recognize as being sufficient proof 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 midwife were awarded following training in accordance with the provisions of Directive 80/155/EEC, referred to in Article 2 of this Directive and are treated by the Member State which awarded them as the qualifications or designations set out in Article 3 of this Directive.’

Article 24

The following paragraphs 5 and 6 are hereby added to Article 1 of Directive 80/155/EEC:

‘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 and other evidence of formal qualifications which have not been obtained in a Member State to take up and pursue the activities of midwife.

6. As a transitional measure and notwithstanding paragraphs 1 and 4, Spain, whose provisions laid down by law, regulation or administrative action provided for training which did not comply with this Directive when Directive 80/154/EEC and this Directive took effect, may continue to apply those provisions to persons who commenced their specific midwifery training not later than 31 December 1985:

Each host Member State shall be authorized to require of holders of diplomas, certificates or other evidence of formal qualifications as

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midwife awarded by Spain following specific training commenced before 1 January 1986 that their diplomas, certificates and other evidence of formal qualifications be accompanied by a certificate stating that they have effectively and lawfully been engaged in the activities of midwife for at least three consecutive years during the five years prior to the date of the issue of the certificate, unless the said diploma, certificate or other evidence of formal qualifications is accompanied by a certificate issued by the competent Spanish authorities stating that it attests to training in full compliance with this Article and with the Annex.'

Article 25

In Article 4 (6) of Directive 80/155/EEC in the Spanish language version the text shall be replaced by the following:

'6. llevar a cabo el parto normal cuando se trate de una presentación de vértice, incluyendo, si es necesario, la episiotomía, y, en caso de urgencia, realizar el parto en presentación de nalgas.'

Article 26

In Article 8 of Directive 80/155/EEC in the German language version the text shall be replaced by the following:

Article 8

Spätestens sechs Jahre nach Bekanntgabe dieser Richtlinie beschließt der Rat auf Vorschlag der Kommission und nach Stellungnahme des Beratenden Ausschusses, ob die Ausnahme nach Teil B Nummer 3 des Anhangs geändert oder aufgehoben werden soll.'

Article 27

Part B of the Annex to Directive 80/155/EEC shall be replaced by the following:

'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 women in labour.
3. The student should personally carry out 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 participates actively in 20 further deliveries.
4. Active participation with breech deliveries. Where this is not possible because of lack of breech deliveries practice may be in a simulated situation.
5. 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.
6. Supervision and care of 40 women at risk in pregnancy, or labour or post-natal period.
7. Supervision and care (including examination) of at least 100 post-natal women and healthy new-born infants.
8. Observation and care of the new-born requiring special care including those born pre-term, post-term, underweight or ill.
9. Care of women with pathological conditions in the fields of gynaecology and obstetrics.
10. Initiation into care in the field of medicine and surgery. Initiation shall include theoretical instruction and clinical practice.'

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CHAPTER 6

Final provisions

Article 28

Member States shall take the necessary measures to comply with this Directive by 8 May 1991. They shall forthwith inform the Commission thereof.

Article 29

This Directive is addressed to the Member States.

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ANNEX

Dates from which some Member States repealed the provisions laid down by law, regulation or administrative action concerning the award of the diplomas, certificates and other evidence of formal qualifications referred to in Article 9 of the Directive

BELGIUM

Thoracic surgery	1 January 1983	
Vascular surgery	1 January 1983	
Neuro-psychiatry	1 August 1987,	save for persons having commenced training before that date
Gastro-enterological surgery	1 January 1983	

DENMARK

Biological haematology	1 January 1983,	save for persons having commenced training before that date and who have completed it by the end of 1988
Physiotherapy		
Tropical medicine	1 August 1987,	save for persons having commenced training before that date

FRANCE

Radiology	3 December 1971
Neuropsychiatry	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
Neuropsychiatry		

NETHERLANDS

Radiology	8 July 1984
Neuropsychiatry	9 July 1984