

Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (Text with EEA relevance)

TITLE III

FREEDOM OF ESTABLISHMENT

CHAPTER III

Recognition on the basis of coordination of minimum training conditions

Section 6

Midwives

Article 43

Acquired rights specific to midwives

1 Every Member State shall, in the case of Member State nationals whose evidence of formal qualifications as a midwife satisfies all the minimum training requirements laid down in Article 40 but, by virtue of Article 41, is not recognised unless it is accompanied by a certificate of professional practice referred to in Article 41(2), recognise as sufficient proof evidence of formal qualifications issued by those Member States before the reference date referred to in Annex V, point 5.5.2, 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 qualifications as a midwife certifies completion of training received in the territory of the former German Democratic Republic and satisfying all the minimum training requirements laid down in Article 40 but where the evidence of formal qualifications, by virtue of Article 41, is not recognised unless it is accompanied by the certificate of professional experience referred to in Article 41(2), where it attests a course of training which began before 3 October 1990.

3 As regards the Polish evidence of formal qualifications as a midwife, only the following acquired rights provisions shall apply.

In the case of Member States nationals whose evidence of formal qualifications as a midwife was awarded by, or whose training commenced in, Poland before 1 May 2004, and who do not satisfy the minimum training requirements as set out in Article 40, Member States shall recognise the following evidence of formal qualifications as a midwife if accompanied by a certificate stating that such persons have effectively and lawfully been engaged in the activities of a midwife for the period specified below:

- a evidence of formal qualifications as a midwife at degree level (dyplom licencjata położnictwa): at least three consecutive years during the five years prior to the date of issue of the certificate,

- b evidence of formal qualifications as a midwife certifying completion of post-secondary education obtained from a medical vocational school (dyplom położnej): at least five consecutive years during the seven years prior to the date of issue of the certificate.

4 Member States shall recognise evidence of formal qualifications in midwifery awarded in Poland, to midwives who completed training before 1 May 2004, which did not comply with the minimum training requirements laid down in Article 40, attested by the diploma 'bachelor' which has been obtained on the basis of a special upgrading programme contained in Article 11 of the Act of 20 April 2004 on the amendment of the Act on professions of nurse and midwife and on some other legal acts (Official Journal of the Republic of Poland of 30 April 2004 No 92, pos. 885), and the Regulation of the Minister of Health of 11 May 2004 on the detailed conditions of delivering studies for nurses and midwives, who hold a certificate of secondary school (final examination — matura) and are graduates of medical lyceum and medical vocational schools teaching in a profession of a nurse and a midwife (Official Journal of the Republic of Poland of 13 May 2004 No 110, pos 1170), with the aim of verifying that the person concerned has a level of knowledge and competence comparable to that of midwives holding the qualifications which, in the case of Poland, are defined in Annex V, point 5.5.2.