

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 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 hereinafter as the host Member State) shall recognise professional qualifications obtained in one or more other Member States (referred to hereinafter as the home Member State) and which allow the holder of the said qualifications to pursue the same profession there, 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 pursue a regulated profession in a Member State, including those belonging to the liberal professions, other than that in which they obtained their professional qualifications, on either a self-employed or employed basis.

2 Each Member State may permit Member State nationals in possession of evidence of professional qualifications not obtained in a Member State to pursue a regulated profession within the meaning of Article 3(1)(a) on its territory in accordance with its rules. In the case of professions covered by Title III, Chapter III, this initial recognition shall respect the minimum training conditions laid down in that Chapter.

3 Where, for a given regulated profession, other specific arrangements directly related to the recognition of professional qualifications are established in a separate instrument of Community law, the corresponding provisions of this Directive shall not apply.

*Article 3*

**Definitions**

- 1 For the purposes of this Directive, the following definitions apply:
- a 'regulated profession': a professional activity or group of professional activities, access to which, the pursuit of which, or one of the modes of pursuit of which is subject, directly or indirectly, by virtue of legislative, regulatory or administrative provisions to the possession of specific professional qualifications; in particular, the use of a professional title limited by legislative, regulatory or administrative provisions to holders of a given professional qualification shall constitute a mode of pursuit. Where the first sentence

of this definition does not apply, a profession referred to in paragraph 2 shall be treated as a regulated profession;

- b 'professional qualifications': qualifications attested by evidence of formal qualifications, an attestation of competence referred to in Article 11, point (a) (i) and/or professional experience;
- c 'evidence of formal qualifications': diplomas, certificates and other evidence issued by an authority in a Member State designated pursuant to legislative, regulatory or administrative provisions of that Member State and certifying successful completion of professional training obtained mainly in the Community. Where the first sentence of this definition does not apply, evidence of formal qualifications referred to in paragraph 3 shall be treated as evidence of formal qualifications;
- d 'competent authority': any authority or body empowered by a Member State specifically to issue or receive training diplomas and other documents or information and to receive the applications, and take the decisions, referred to in this Directive;
- e 'regulated education and training': any training which is specifically geared to the pursuit of a given profession and which comprises a course or courses complemented, where appropriate, by professional training, or probationary or professional practice.

The structure and level of the professional training, probationary 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;

- f 'professional experience': the actual and lawful pursuit of the profession concerned in a Member State;
- g '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 under supervision shall be laid down by the competent authority 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 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;

- h '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 home Member State 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 pursue 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 and 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 Member State;

- i 'manager of an undertaking': any person who in an undertaking in the occupational field in question has pursued an activity:
  - (i) as a manager of an undertaking or a manager of a branch of an undertaking; or
  - (ii) 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
  - (iii) in a managerial post with duties of a commercial and/or technical nature and with responsibility for one or more departments of the undertaking.

2 A profession practised by the members of an association or organisation listed in Annex I shall be treated as a regulated profession.

The purpose of the associations or organisations referred to in the first subparagraph is, in particular, to promote and maintain a high standard in the professional field concerned. To that end they are recognised in a special form by a Member State and award evidence of formal qualifications to their members, ensure that their members respect the rules of professional conduct which they prescribe, and confer on them the right to use a title or designatory letters or to benefit from a status corresponding to those formal qualifications.

On each occasion that a Member State grants recognition to an association or organisation referred to in the first subparagraph, it shall inform the Commission, which shall publish an appropriate notification in the *Official Journal of the European Union*.

3 Evidence of formal qualifications issued by a third country shall be regarded as evidence of formal qualifications if the holder has three years' professional experience in the profession concerned on the territory of the Member State which recognised that evidence of formal qualifications in accordance with Article 2(2), certified by that Member State.

#### *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 as that for which he is qualified in the home Member State and to pursue it in the host Member State under the same conditions 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 comparable.

## TITLE II

### FREE PROVISION OF SERVICES

#### *Article 5*

##### **Principle of the free provision of services**

1 Without prejudice to specific provisions of Community law, as well as to Articles 6 and 7 of this Directive, 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 pursuing the same profession there (hereinafter referred to as the Member State of establishment), and
- b where the service provider moves, if he has pursued that profession in the Member State of establishment for at least two years during the 10 years preceding the provision of services when the profession is not regulated in that Member State. The condition requiring two years' pursuit shall not apply when either the profession or the education and training leading to the profession is regulated.

2 The provisions of this title shall only apply where the service provider moves to the territory of the host Member State to pursue, on a temporary and occasional basis, the profession referred to in paragraph 1.

The temporary and occasional nature of the provision of services shall be assessed case by case, in particular in relation to its duration, its frequency, its regularity and its continuity.

3 Where a service provider moves, he shall be subject to professional rules of a professional, statutory or administrative nature which are directly linked to professional qualifications, such as the definition of the profession, the use of titles and serious professional malpractice which is directly and specifically linked to consumer protection and safety, as well as disciplinary provisions which are applicable in the host Member State to professionals who pursue the same profession in that 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. In order to facilitate the application of disciplinary provisions in force on their territory according to Article 5(3), Member States may provide either for automatic temporary registration with or for pro forma membership of such a professional organisation or body, provided that such registration or membership does not delay or complicate in any way the provision of services and does not entail any additional costs for the service provider. A copy of the declaration and, where applicable, of the renewal referred to in Article 7(1), accompanied, for professions which have implications for public health and safety referred to in Article 7(4) or which benefit from automatic recognition under Title III Chapter III, by a copy of the documents

referred to in Article 7(2) shall be sent by the competent authority to the relevant professional organisation or body, and this shall constitute automatic temporary registration or pro forma membership for this purpose;

- (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 services which he has provided.

### *Article 7*

#### **Declaration to be made in advance, if the service provider moves**

1 Member States may require that, where the service provider first moves from one Member State to another in order to provide services, he shall inform the competent authority in the host Member State in a written declaration to be made in advance including the details of any insurance cover or other means of personal or collective protection with regard to professional liability. Such declaration shall be renewed once a year if the service provider intends to provide temporary or occasional services in that Member State during that year. The service provider may supply the declaration by any means.

2 Moreover, for the first provision of services or if there is a material change in the situation substantiated by the documents, Member States may require that the declaration be accompanied by the following documents:

- a proof of the nationality of the service provider;
- b an attestation certifying that the holder is legally established in a Member State for the purpose of pursuing the activities concerned and that he is not prohibited from practising, even temporarily, at the moment of delivering the attestation;
- c evidence of professional qualifications;
- d for cases referred to in Article 5(1)(b), any means of proof that the service provider has pursued the activity concerned for at least two years during the previous ten years;
- e for professions in the security sector, where the Member State so requires for its own nationals, evidence of no criminal convictions.

3 The service shall be provided under the professional title of the Member State of establishment, in so far 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 title of the host Member State. Where no such professional title exists in the Member State of establishment, the service provider shall indicate his formal qualification in the official language or one of the official languages of that Member State. By way of exception, the service shall be provided under the professional title of the host Member State for cases referred to in Title III Chapter III.

4 For the first provision of services, in the case of regulated professions having public health or safety implications, which do not benefit from automatic recognition under Title III Chapter III, the competent authority of the host Member State may check the professional qualifications of the service provider prior to the first provision of services. Such a prior check shall be possible only where the purpose of the check is to avoid serious damage to the health or safety of the service recipient due to a lack of professional qualification of the service provider and where this does not go beyond what is necessary for that purpose.

Within a maximum of one month of receipt of the declaration and accompanying documents, the competent authority shall endeavour to inform the service provider either of its decision not to check his qualifications or of the outcome of such check. Where there is a difficulty which would result in delay, the competent authority shall notify the service provider within the first month of the reason for the delay and the timescale for a decision, which must be finalised within the second month of receipt of completed documentation.

Where there is a substantial difference between the professional qualifications of the service provider and the training required in the host Member State, to the extent that that difference is such as to be harmful to public health or safety, the host Member State shall give the service provider the opportunity to show, in particular by means of an aptitude test, that he has acquired the knowledge or competence lacking. In any case, it must be possible to provide the service within one month of a decision being taken in accordance with the previous subparagraph.

In the absence of a reaction of the competent authority within the deadlines set in the previous subparagraphs, the service may be provided.

In cases where qualifications have been verified under this paragraph, the service shall be provided under the professional title of the host Member State.

#### *Article 8*

##### **Administrative cooperation**

1 The competent authorities of the host Member State may ask the competent authorities of the Member State of establishment, for each provision of services, to provide any information relevant to the legality of the service provider's establishment and his good conduct, as well as the absence of any disciplinary or criminal sanctions of a professional nature. The competent authorities of the Member State of establishment shall provide this information in accordance with the provisions of Article 56.

2 The competent authorities shall ensure the exchange of all information necessary for complaints by a recipient of a service against a service provider to be correctly pursued. Recipients shall be informed of the outcome of the complaint.

#### *Article 9*

##### **Information to be given to the recipients of the service**

In cases where the service is provided under the professional title of the Member State of establishment or under the formal qualification of the service provider, in addition to the other requirements relating to information contained in Community law, the competent authorities of the host Member State may require the service provider to furnish the recipient of the service with any or all of the following information:

- (a) if the service provider is registered in a commercial register or similar public register, the 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 title or, where no such title exists, the formal qualification of the service provider and the Member State in which it was awarded;
- (e) 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/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes - Common system of value added tax: uniform basis of assessment<sup>(1)</sup>;
- (f) details of any insurance cover or other means of personal or collective protection with regard to professional liability.

### 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 in the following cases in which the applicant, for specific and exceptional reasons, does not satisfy the conditions laid down in those Chapters:

- (a) for activities listed in Annex IV, when the migrant does not meet the requirements set out in Articles 17, 18 and 19;
- (b) for doctors with basic training, specialised doctors, nurses responsible for general care, dental practitioners, specialised dental practitioners, veterinary surgeons, midwives, pharmacists and architects, when the migrant does not meet the requirements of effective and lawful professional practice referred to in Articles 23, 27, 33, 37, 39, 43 and 49;
- (c) for architects, when the migrant holds evidence of formal qualification not listed in Annex V, point 5.7;
- (d) without prejudice to Articles 21(1), 23 and 27, for doctors, nurses, dental practitioners, veterinary surgeons, midwives, pharmacists and architects holding evidence of formal qualifications as a specialist, which must follow the training leading to the possession of a title listed in Annex V, points 5.1.1, 5.2.2, 5.3.2, 5.4.2, 5.5.2, 5.6.2 and 5.7.1, and solely for the purpose of the recognition of the relevant specialty;
- (e) for nurses responsible for general care and specialised nurses holding evidence of formal qualifications as a specialist which follows the training leading to the possession of a title listed in Annex V, point 5.2.2, when the migrant seeks recognition

- in another Member State where the relevant professional activities are pursued by specialised nurses without training as general care nurse;
- (f) for specialised nurses without training as general care nurse, when the migrant seeks recognition in another Member State where the relevant professional activities are pursued by nurses responsible for general care, specialised nurses without training as general care nurse or specialised nurses holding evidence of formal qualifications as a specialist which follows the training leading to the possession of the titles listed in Annex V, point 5.2.2;
- (g) for migrants meeting the requirements set out in Article 3(3).

### *Article 11*

#### **Levels of qualification**

For the purpose of applying Article 13, the professional qualifications are grouped under the following levels as described below:

- (a) an attestation of competence issued by a competent authority in the home Member State designated pursuant to legislative, regulatory or administrative provisions of that Member State, on the basis of:
- (i) either a training course not forming part of a certificate or diploma within the meaning of points (b), (c), (d) or (e), or a specific examination without prior training, or full-time pursuit 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,
  - (ii) or general primary or secondary education, attesting that the holder has acquired general knowledge;
- (b) a certificate attesting to a successful completion of a secondary course,
- (i) either general in character, supplemented by a course of study or professional training other than those referred to in point (c) and/or by the probationary or professional practice required in addition to that course,
  - (ii) or technical or professional in character, supplemented where appropriate by a course of study or professional training as referred to in point (i), and/or by the probationary or professional practice required in addition to that course;
- (c) a diploma certifying successful completion of
- (i) either training at post-secondary level other than that referred to in points (d) and (e) of a duration of at least one year or of an 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 or the completion of equivalent school education of the second secondary level, as well as the professional training which may be required in addition to that post-secondary course; or
  - (ii) in the case of a regulated profession, training with a special structure, included in Annex II, equivalent to the level of training provided for under (i), which provides a comparable professional standard and which prepares the trainee for a comparable level of responsibilities and functions.



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*Status: This is the original version (as it was originally adopted).*

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The list in Annex II may be amended in accordance with the procedure referred to in Article 58(2) in order to take account of training which meets the requirements provided for in the previous sentence;

- (d) a diploma certifying successful completion of training at post-secondary level of at least three and not more than four years' duration, or of an equivalent duration on a part-time basis, at a university or establishment of higher education or another establishment providing the same level of training, as well as the professional training which may be required in addition to that post-secondary course;
- (e) a diploma certifying that the holder has successfully completed a post-secondary course of at least four years' duration, or of an equivalent duration on a part-time basis, 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.

#### *Article 12*

### **Equal treatment of qualifications**

Any evidence of formal qualifications or set of evidence of formal qualifications issued by a competent authority in a Member State, certifying successful completion of training in the Community which is recognised by that Member State as being of an equivalent level and which confers on the holder the same rights of access to or pursuit of a profession or prepares for the pursuit of that profession, shall be treated as evidence of formal qualifications 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 pursuit of a profession, confers on the holder acquired rights by virtue of these provisions, shall also be treated as such evidence of formal qualifications under the same conditions as set out in the first subparagraph. This applies in particular if the home Member State raises the level of training required for admission to a profession and for its exercise, and if an individual who has undergone former training, which does not meet the requirements of the new qualification, benefits from acquired rights by virtue of national legislative, regulatory or administrative provisions; in such case this former training is considered by the host Member State, for the purposes of the application of Article 13, as corresponding to the level of the new training.

#### *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 qualifications 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 qualifications 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 prior to 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 pursued 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 qualifications.

Attestations of competence and evidence of formal qualifications 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 prior to that required in the host Member State, as described in Article 11;
- c they shall attest that the holder has been prepared for the pursuit 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 qualifications which the applicant possesses certifies regulated education and training within the meaning of Article 3(1) (e) at the levels of qualifications described in Article 11, points (b), (c), (d) or (e). The regulated education and training listed in Annex III shall be considered as such regulated education and training at the level described in Article 11, point (c). The list in Annex III may be amended in accordance with the procedure referred to in Article 58(2) in order to take account of regulated education and training which provides a comparable professional standard and which prepares the trainee for a comparable level of responsibilities and functions.

3 By way of derogation from paragraph 1, point (b) and to paragraph 2, point (b), the host Member State shall permit access and pursuit of a regulated profession where access to this profession is contingent in its territory upon possession of a qualification certifying successful completion of higher or university education of four years' duration, and where the applicant possesses a qualification referred to in Article 11, point (c).

#### *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 qualifications 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 qualifications.

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 abovementioned deadline, the derogation may be applied.

3 By way of derogation from the principle of the right of the applicant to choose, as laid down in paragraph 2, for professions whose pursuit 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.

This applies also to the cases provided for in Article 10 points (b) and (c), in Article 10 point (d) concerning doctors and dental practitioners, in Article 10 point (f) when the migrant seeks recognition in another Member State where the relevant professional activities are pursued by nurses responsible for general care or specialised nurses holding evidence of formal qualifications as a specialist which follows the training leading to the possession of the titles listed in Annex V, point 5.2.2 and in Article 10 point (g).

In the cases covered by Article 10 point (a), the host Member State may require an adaptation period or an aptitude test if the migrant envisages pursuing professional activities in a self-employed capacity or as a manager of an undertaking 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.

4 For the purpose of applying paragraph 1 points (b) and (c), 'substantially different matters' means matters of which knowledge is essential for pursuing 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.

5 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 third country, is of a nature to cover, in full or in part, the substantial difference referred to in paragraph 4.

### *Article 15*

#### **Waiving of compensation measures on the basis of common platforms**

1 For the purpose of this Article, ‘common platforms’ is defined as a set of criteria of professional qualifications which are suitable for compensating for substantial differences which have been identified between the training requirements existing in the various Member States for a given profession. These substantial differences shall be identified by comparison between the duration and contents of the training in at least two thirds of the Member States, including all Member States which regulate this profession. The differences in the contents of the training may result from substantial differences in the scope of the professional activities.

2 Common platforms as defined in paragraph 1 may be submitted to the Commission by Member States or by professional associations or organisations which are representative at national and European level. If the Commission, after consulting the Member States, is of the opinion that a draft common platform facilitates the mutual recognition of professional qualifications, it may present draft measures with a view to their adoption in accordance with the procedure referred to in Article 58(2).

3 Where the applicant's professional qualifications satisfy the criteria established in the measure adopted in accordance with paragraph 2, the host Member State shall waive the application of compensation measures under Article 14.

4 Paragraphs 1 to 3 shall not affect the competence of Member States to decide the professional qualifications required for the pursuit of professions in their territory as well as the contents and the organisation of their systems of education and professional training.

5 If a Member State considers that the criteria established in a measure adopted in accordance with paragraph 2 no longer offer adequate guarantees with regard to professional qualifications, it shall inform the Commission accordingly, which shall, if appropriate, present a draft measure in accordance with the procedure referred to in Article 58(2).

6 The Commission shall, by 20 October 2010, submit to the European Parliament and the Council a report on the operation of this Article and, if necessary, appropriate proposals for amending this Article.

## 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, 18 and 19.

### *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 for six consecutive years on a self-employed basis or as a manager of an undertaking; or
- b for three consecutive years on a self-employed basis or as a manager of an undertaking, 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 the Member State or judged by a competent professional body to be fully valid; or
- c for four consecutive years on a self-employed basis or as a manager of an undertaking, 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; or
- d for three consecutive years on a self-employed basis, if the beneficiary can prove that he has pursued the activity in question on an employed basis for at least five years; or
- e for five consecutive years in an executive position, of which at least three years involved technical duties and responsibility for at least one department of the company, 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 the 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 56.

3 Paragraph 1(e) shall not apply to activities in Group ex 855, hairdressing establishments, of the ISIC Nomenclature.

### *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 five consecutive years on a self-employed basis or as a manager of an undertaking, or
- b for three consecutive years on a self-employed basis or as a manager of an undertaking, 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 the Member State or judged by a competent professional body to be fully valid, or
- c for four consecutive years on a self-employed basis or as a manager of an undertaking, 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, or
- d for three consecutive years on a self-employed basis or as a manager of an undertaking, if the beneficiary can prove that he has pursued the activity in question on an employed basis for at least five years, or
- e for 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 the Member State or judged by a competent professional body to be fully valid, or

- f for six consecutive years on an 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 the 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 56.

#### *Article 19*

#### **Activities referred to in list III of Annex IV**

1 For the activities in list III 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 manager of an undertaking, or
- b for two consecutive years, either on a self-employed basis or as a manager of an undertaking, if the beneficiary can prove that he has received previous training for the activity in question, as attested by a certificate recognised by the Member State or judged by a competent professional body to be fully valid, or
- c for two consecutive years, either on a self-employed basis or as a manager of an undertaking, if the beneficiary can prove that he has pursued the activity in question on an employed basis for at least three years, or
- d 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 the Member State or judged by a competent professional body to be fully valid.

2 In cases (a) and (c), 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 56.

#### *Article 20*

#### **Amendment of the lists 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 58(2) with a view to updating or clarifying the nomenclature, provided that this does not involve any change in the activities related to the individual categories.

## CHAPTER III

### **Recognition on the basis of coordination of minimum training conditions**

#### Section 1

#### **General Provisions**

##### *Article 21*

#### **Principle of automatic recognition**

1 Each Member State shall recognise evidence of formal qualifications as doctor giving access to the professional activities of doctor with basic training and specialised doctor, as nurse responsible for general care, as dental practitioner, as specialised dental practitioner, as veterinary surgeon, as pharmacist and as architect, listed in Annex V, points 5.1.1, 5.1.2, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.6.2 and 5.7.1 respectively, which satisfy the minimum training conditions referred to in Articles 24, 25, 31, 34, 35, 38, 44 and 46 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 qualifications 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 5.1.1, 5.1.2, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.6.2 and 5.7.1 respectively.

The provisions of the first and second subparagraphs do not affect the acquired rights referred to in Articles 23, 27, 33, 37, 39 and 49.

2 Each Member State shall recognise, for the purpose of pursuing general medical practice in the framework of its national social security system, evidence of formal qualifications listed in Annex V, point 5.1.4 and issued to nationals of the Member States by the other Member States in accordance with the minimum training conditions laid down in Article 28.

The provisions of the previous subparagraph do not affect the acquired rights referred to in Article 30.

3 Each Member State shall recognise evidence of formal qualifications as a midwife, awarded to nationals of Member States by the other Member States, listed in Annex V, point 5.5.2, which complies with the minimum training conditions referred to in Article 40 and satisfies the criteria set out in Article 41, 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 qualifications which it itself issues. This provision does not affect the acquired rights referred to in Articles 23 and 43.

4 Member States shall not be obliged to give effect to evidence of formal qualifications referred to in Annex V, point 5.6.2, for the setting up of new pharmacies open to the public. For the purposes of this paragraph, pharmacies which have been open for less than three years shall also be considered as new pharmacies.

5 Evidence of formal qualifications as an architect referred to in Annex V, point 5.7.1, 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.

6 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 qualifications referred to in Annex V, points 5.1.1, 5.1.2, 5.1.4, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.5.2 and 5.6.2 respectively, attesting that the person concerned has acquired, over the duration of his training, and where appropriate, the knowledge and skills referred to in Articles 24(3), 31(6), 34(3), 38(3), 40(3) and 44(3).

The knowledge and skills referred to in Articles 24(3), 31(6), 34(3), 38(3), 40(3) and 44(3) may be amended in accordance with the procedure referred to in Article 58(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.

7 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 qualifications in the area covered by this Chapter. In addition, for evidence of formal qualifications in the area referred to in Section 8, this notification shall be addressed to the other Member States.

The Commission shall publish an appropriate communication in the *Official Journal of the European Union*, indicating the titles adopted by the Member States for evidence of formal qualifications and, where appropriate, the body which issues the evidence of formal qualifications, the certificate which accompanies it and the corresponding professional title referred to in Annex V, points 5.1.1, 5.1.2, 5.1.4, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.5.2, 5.6.2 and 5.7.1 respectively.

#### *Article 22*

### **Common provisions on training**

With regard to the training referred to in Articles 24, 25, 28, 31, 34, 35, 38, 40, 44 and 46:

- (a) Member States may authorise part-time training under conditions laid down by the competent authorities; those authorities shall ensure that the overall duration, level and quality of such training is not lower than that of continuous full-time training;
- (b) in accordance with the procedures specific to each Member State, continuing education and training shall ensure that persons who have completed their studies are able to keep abreast of professional developments to the extent necessary to maintain safe and effective practice.

#### *Article 23*

### **Acquired rights**

1 Without prejudice to the acquired rights specific to the professions concerned, in cases where the evidence of formal qualifications as doctor giving access to the professional activities of doctor with basic training and specialised doctor, as nurse responsible for general care, as dental practitioner, as specialised dental practitioner, as veterinary surgeon, as midwife and as pharmacist held by Member States nationals does not satisfy all the training requirements referred to in Articles 24, 25, 31, 34, 35, 38, 40 and 44, each Member State shall recognise



as sufficient proof evidence of formal qualifications issued by those Member States insofar as such evidence attests successful completion of training which began before the reference dates laid down in Annex V, points 5.1.1, 5.1.2, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.5.2 and 5.6.2 and is 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 formal qualifications as doctor giving access to the professional activities of doctor with basic training and specialised doctor, as nurse responsible for general care, as dental practitioner, as specialised dental practitioner, as veterinary surgeon, as midwife and as pharmacist, obtained in the territory of the former German Democratic Republic, which does not satisfy all the minimum training requirements laid down in Articles 24, 25, 31, 34, 35, 38, 40 and 44 if such evidence certifies successful completion of training which began before:

- a 3 October 1990 for doctors with basic training, nurses responsible for general care, dental practitioners with basic training, specialised dental practitioners, veterinary surgeons, midwives and pharmacists, and
- b 3 April 1992 for specialised doctors.

The evidence of formal qualifications 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 qualifications issued by the competent German authorities referred to in Annex V, points 5.1.1, 5.1.2, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.5.2 and 5.6.2.

3 Without prejudice to the provisions of Article 37(1), each Member State shall recognise evidence of formal qualifications as doctor giving access to the professional activities of doctor with basic training and specialised doctor, as nurse responsible for general care, as veterinary surgeon, as midwife, as pharmacist and as architect held by Member States nationals and issued by the former Czechoslovakia, or whose training commenced, for the Czech Republic and Slovakia, before 1 January 1993, where the authorities of either of the two aforementioned Member States attest that such evidence of formal qualifications has the same legal validity within their territory as the evidence of formal qualifications which they issue and, with respect to architects, as the evidence of formal qualifications specified for those Member States in Annex VI, point 6, as regards access to the professional activities of doctor with basic training, specialised doctor, nurse responsible for general care, veterinary surgeon, midwife, pharmacist with respect to the activities referred to in Article 45(2), and architect with respect to the activities referred to in Article 48, and the pursuit of such activities.

Such an attestation must be accompanied by a certificate issued by those same authorities stating that such persons have effectively and lawfully been engaged in the activities in question within their territory for at least three consecutive years during the five years prior to the date of issue of the certificate.

4 Each Member State shall recognise evidence of formal qualifications as doctor giving access to the professional activities of doctor with basic training and specialised doctor, as nurse responsible for general care, as dental practitioner, as specialised dental practitioner, as veterinary surgeon, as midwife, as pharmacist and as architect held by nationals of the Member States and issued by the former Soviet Union, or whose training commenced

- a for Estonia, before 20 August 1991,
- b for Latvia, before 21 August 1991,
- c for Lithuania, before 11 March 1990,

where the authorities of any of the three aforementioned Member States attest that such evidence has the same legal validity within their territory as the evidence which they issue and, with respect to architects, as the evidence of formal qualifications specified for those Member States in Annex VI, point 6, as regards access to the professional activities of doctor with basic training, specialised doctor, nurse responsible for general care, dental practitioner, specialised dental practitioner, veterinary surgeon, midwife, pharmacist with respect to the activities referred to in Article 45(2), and architect with respect to the activities referred to in Article 48, and the pursuit of such activities.

Such an attestation must be accompanied by a certificate issued by those same authorities stating that such persons have effectively and lawfully been engaged in the activities in question within their territory for at least three consecutive years during the five years prior to the date of issue of the certificate.

With regard to evidence of formal qualifications as veterinary surgeons issued by the former Soviet Union or in respect of which training commenced, for Estonia, before 20 August 1991, the attestation referred to in the preceding subparagraph must be accompanied by a certificate issued by the Estonian authorities stating that such persons have effectively and lawfully been engaged in the activities in question within their territory for at least five consecutive years during the seven years prior to the date of issue of the certificate.

5 Each Member State shall recognise evidence of formal qualifications as doctor giving access to the professional activities of doctor with basic training and specialised doctor, as nurse responsible for general care, as dental practitioner, as specialised dental practitioner, as veterinary surgeon, as midwife, as pharmacist and as architect held by nationals of the Member States and issued by the former Yugoslavia, or whose training commenced, for Slovenia, before 25 June 1991, where the authorities of the aforementioned Member State attest that such evidence has the same legal validity within their territory as the evidence which they issue and, with respect to architects, as the evidence of formal qualifications specified for those Member States in Annex VI, point 6, as regards access to the professional activities of doctor with basic training, specialised doctor, nurse responsible for general care, dental practitioner, specialised dental practitioner, veterinary surgeon, midwife, pharmacist with respect to the activities referred to in Article 45(2), and architect with respect to the activities referred to in Article 48, and the pursuit of such activities.

Such an attestation must be accompanied by a certificate issued by those same authorities stating that such persons have effectively and lawfully been engaged in the activities in question within their territory for at least three consecutive years during the five years prior to the date of issue of the certificate.

6 Each Member State shall recognise as sufficient proof for Member State nationals whose evidence of formal qualifications 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 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.5.2 and 5.6.2, evidence of formal qualifications 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 qualifications certifies successful completion of training in accordance with Articles 24, 25, 28, 31, 34, 35, 38, 40 and 44 respectively 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 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.5.2 and 5.6.2.

## Section 2

### Doctors of medicine

#### Article 24

#### 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.

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 the first subparagraph may comprise six months of full-time practical training at university level under the supervision of the competent authorities.

3 Basic medical training shall provide an assurance that the person in question has acquired the following knowledge and skills:

- 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.

#### Article 25

#### 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 24 in the course of which the trainee has acquired the relevant knowledge of basic 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 5.1.3 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.

4 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 5.1.1.

5 The minimum periods of training referred to in Annex V, point 5.1.3 may be amended in accordance with the procedure referred to in Article 58(2) with a view to adapting them to scientific and technical progress.

#### *Article 26*

### **Types of specialist medical training**

Evidence of formal qualifications as a specialised doctor referred to in Article 21 is such evidence awarded by the competent authorities or bodies referred to in Annex V, point 5.1.2 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 5.1.3.

The inclusion in Annex V, point 5.1.3 of new medical specialties common to at least two fifths of the Member States may be decided on in accordance with the procedure referred to in Article 58(2) with a view to updating this Directive in the light of changes in national legislation.

#### *Article 27*

### **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 qualifications 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 25, in so far 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 skill comparable to that of doctors who possess a qualification as a specialised doctor defined for Spain in Annex V, points 5.1.2 and 5.1.3.

3 Every Member State which has repealed its legislative, regulatory or administrative provisions relating to the award of evidence of formal qualifications as a specialised doctor referred to in Annex V, points 5.1.2 and 5.1.3 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, in so far as such evidence of formal qualifications was issued

before the date on which the host Member State ceased to issue such evidence for the specialty in question.

The dates on which these provisions were repealed are set out in Annex V, point 5.1.3.

#### *Article 28*

### **Specific training in general medical practice**

1 Admission to specific training in general medical practice shall be contingent on the completion and validation of six years of study as part of a training programme referred to in Article 24.

2 The specific training in general medical practice 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 evidence of formal qualifications 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 24 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 shall be available only for Member States in which the specific training in general medical practice lasted two years as of 1 January 2001.

3 The specific training in general medical practice 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 Member States shall make the issuance of evidence of formal qualifications in general medical practice subject to possession of evidence of formal qualifications in basic medical training referred to in Annex V, point 5.1.1.

5 Member States may issue evidence of formal qualifications referred to in Annex V, point 5.1.4 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 qualifications issued by the competent authorities in a Member State. They may not, however, award evidence

of formal qualifications unless it attests knowledge of a level qualitatively 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 qualifications referred to in Annex V, point 5.1.4 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.

#### *Article 29*

### **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 qualifications referred to in Annex V, point 5.1.4.

Member States may exempt persons who are currently undergoing specific training in general medicine from this condition.

#### *Article 30*

### **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 pursue 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 5.1.4, 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 doctor with basic training and who are established as of that date on its territory, having benefited from the provisions of Articles 21 or 23.

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 5.1.4, 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 certificates the same effect on its territory as evidence of formal qualifications 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 31*

#### **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 5.2.1.

The content listed in Annex V, point 5.2.1 may be amended in accordance with the procedure referred to in Article 58(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 nursing training are responsible for the coordination of theoretical and clinical training throughout the entire study programme.

4 Theoretical training is that part of nurse training from which trainee nurses acquire the professional knowledge, insights and skills 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 skills 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.

6 Training for nurses responsible for general care shall provide an assurance that the person in question has acquired the following knowledge and skills:

- 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 patient;
- 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.

#### *Article 32*

#### **Pursuit 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 pursued on a professional basis and referred to in Annex V, point 5.2.2.

#### *Article 33*

#### **Acquired rights specific to nurses responsible for general care**

1 Where the general rules of acquired rights apply to nurses responsible for general care, the activities referred to in Article 23 must have included full responsibility for the planning, organisation and administration of nursing care delivered to the patient.

2 As regards the Polish qualification of nurse responsible for general care, only the following acquired rights provisions shall apply. In the case of nationals of the Member States whose evidence of formal qualifications as nurse responsible for general care was awarded by, or whose training started in, Poland before 1 May 2004 and who do not satisfy the minimum training requirements laid down in Article 31, Member States shall recognise the following evidence of formal qualifications as nurse responsible for general care 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:

- a evidence of formal qualifications as a nurse at degree level (dyplom licencjata pielęgniarstwa) — 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 nurse certifying completion of post-secondary education obtained from a medical vocational school (dyplom pielęgniarstwa albo pielęgniarstwa dyplomowanej) — 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 administration of nursing care delivered to the patient.



3 Member States shall recognise evidence of formal qualifications in nursing awarded in Poland, to nurses who completed training before 1 May 2004, which did not comply with the minimum training requirements laid down in Article 31, 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 nurses holding the qualifications which, in the case of Poland, are defined in Annex V, point 5.2.2.

#### Section 4

### **Dental practitioners**

#### *Article 34*

### **Basic dental training**

1 Admission to basic dental training 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 Basic 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 V, point 5.3.1 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 5.3.1 may be amended in accordance with the procedure referred to in Article 58(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.

3 Basic dental training shall provide an assurance that the person in question has acquired the following knowledge and skills:

- 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.

#### *Article 35*

### **Specialist dental training**

1 Admission to specialist dental training shall entail the completion and validation of five years of theoretical and practical instruction within the framework of the training referred to in Article 34, or possession of the documents referred to in Articles 23 and 37.

2 Specialist dental training shall comprise theoretical and practical instruction in a university centre, in a treatment teaching and research centre or, where appropriate, in a health establishment approved for that purpose by the competent authorities or bodies.

Full-time specialist dental courses shall be of a minimum of three years' duration supervised by the competent authorities or bodies. It shall involve the personal participation of the dental practitioner training to be a specialist in the activity and in the responsibilities of the establishment concerned.

The minimum period of training referred to in the second subparagraph may be amended in accordance with the procedure referred to in Article 58(2) with a view to adapting it to scientific and technical progress.

3 The Member States shall make the issuance of evidence of specialist dental training contingent upon possession of evidence of basic dental training referred to in Annex V, point 5.3.2.

#### *Article 36*

### **Pursuit 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 5.3.2.

2 The profession of dental practitioner shall be based on dental training referred to in Article 34 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 5.3.2. Holders of such evidence of formal qualifications shall be treated in the same way as those to whom Articles 23 or 37 apply.

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 5.3.2.

### Article 37

#### **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 5.3.2, recognise evidence of formal qualifications as a doctor issued in Italy, Spain, Austria, the Czech Republic and Slovakia 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 36 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 5.3.2.

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 34, shall be exempt from the three-year practical work experience referred to in the second subparagraph, point (a).

With regard to the Czech Republic and Slovakia, evidence of formal qualifications obtained in the former Czechoslovakia shall be accorded the same level of recognition as Czech and Slovak evidence of formal qualifications and under the same conditions as set out in the preceding subparagraphs.

2 Each Member State shall recognise evidence of formal qualifications as a doctor 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 question 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 skills comparable to that of persons possessing evidence of formal qualifications listed for Italy in Annex V, point 5.3.2;
- b that they have been effectively, lawfully and principally engaged in the activities referred to in Article 36 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 36, under the same conditions as the holders of evidence of formal qualifications listed for Italy in Annex V, point 5.3.2.

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 34 shall be exempt from the aptitude test referred to in the second subparagraph, point (a).

Persons who began their university medical training after 31 December 1984 shall be treated in the same way as those referred to above, provided that the abovementioned three years of study began before 31 December 1994.

## Section 5

### Veterinary surgeons

#### Article 38

##### 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 5.4.1.

The content listed in Annex V, point 5.4.1 may be amended in accordance with the procedure referred to in Article 58(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.

3 Training as a veterinary surgeon shall provide an assurance that the person in question has acquired the following knowledge and skills:

- 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.

#### Article 39

##### Acquired rights specific to veterinary surgeons

Without prejudice to Article 23(4), with regard to nationals of Member States whose evidence of formal qualifications as a veterinary surgeon was issued by, or whose

training commenced in, Estonia before 1 May 2004, Member States shall recognise such evidence of formal qualifications as a veterinary surgeon if it is accompanied by a certificate stating that such persons have effectively and lawfully been engaged in the activities in question in Estonia for at least five consecutive years during the seven years prior to the date of issue of the certificate.

## Section 6

### Midwives

#### Article 40

#### **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 5.5.1, 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 5.5.1, 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 5.5.1 may be amended in accordance with the procedure referred to in Article 58(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 10 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 5.2.2 for route II.
- 3 Training as a midwife shall provide an assurance that the person in question has acquired the following knowledge and skills:
  - 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.

#### *Article 41*

#### **Procedures for the recognition of evidence of formal qualifications as a midwife**

1 The evidence of formal qualifications as a midwife referred to in Annex V, point 5.5.2 shall be subject to automatic recognition pursuant to Article 21 in so far 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) followed by two years of professional practice 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 qualifications as a nurse responsible for general care referred to in Annex V, point 5.2.2;
- c full-time training as a midwife of at least 18 months or 3 000 hours, contingent upon possession of evidence of formal qualifications as a nurse responsible for general care referred to in Annex V, point 5.2.2 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 qualifications as a midwife, has satisfactorily pursued all the activities of a midwife for a corresponding period in a hospital or a health care establishment approved for that purpose.

#### *Article 42*

#### **Pursuit of the professional activities of a midwife**

1 The provisions of this section shall apply to the activities of midwives as defined by each Member State, without prejudice to paragraph 2, and pursued under the professional titles set out in Annex V, point 5.5.2.

2 The Member States shall ensure that midwives are able to gain access to and pursue at least the following activities:

- a provision of sound family planning information and advice;
- b diagnosis of pregnancies and monitoring normal pregnancies; carrying out the examinations necessary for the monitoring of the development of normal pregnancies;
- c prescribing or advising on the examinations necessary for the earliest possible diagnosis of pregnancies at risk;
- d provision of programmes of parenthood preparation and complete preparation for childbirth including advice on hygiene and nutrition;
- e caring for and assisting the mother during labour and monitoring the condition of the foetus *in utero* by the appropriate clinical and technical means;
- f conducting spontaneous deliveries including where required episiotomies and in urgent cases breech deliveries;

- g recognising the warning signs of abnormality in the mother or infant which necessitate referral to a doctor and assisting the latter where appropriate; taking 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;
- h examining and caring for the new-born infant; taking all initiatives which are necessary in case of need and carrying out where necessary immediate resuscitation;
- i caring for and monitoring the progress of the mother in the post-natal period and giving all necessary advice to the mother on infant care to enable her to ensure the optimum progress of the new-born infant;
- j carrying out treatment prescribed by doctors;
- k drawing up the necessary written reports.

### *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.

## Section 7

### Pharmacist

#### Article 44

#### 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 shall attest to 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 5.6.1. The contents listed in Annex V, point 5.6.1 may be amended in accordance with the procedure referred to in Article 58(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.

3 Training for pharmacists shall provide an assurance that the person concerned has acquired the following knowledge and skills:

- 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 pursuit of pharmacy.



## Article 45

### **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 qualifications of the types listed in Annex V, point 5.6.2.

2 The Member States shall ensure that the holders of evidence of formal qualifications in pharmacy at university level or a level deemed to be equivalent, which satisfies the provisions of Article 44, are able to gain access to and pursue at least the following activities, subject to the requirement, where appropriate, of supplementary professional experience:

- a preparation of the pharmaceutical form of medicinal products;
- b manufacture and testing of medicinal products;
- c testing of medicinal products in a laboratory for the testing of medicinal products;
- d storage, preservation and distribution of medicinal products at the wholesale stage;
- e preparation, testing, storage and supply of medicinal products in pharmacies open to the public;
- f preparation, testing, storage and dispensing of medicinal products in hospitals;
- g provision of information and advice on medicinal products.

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 5.6.2, 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 The recognition referred to in paragraph 3 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.

5 If, on 16 September 1985, a Member State had a competitive examination in place designed to select from among the holders referred to in paragraph 2, 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 5.6.2 or who benefit from the provisions of Article 23 to take part in it.

## Section 8

### Architect

#### Article 46

#### **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 following knowledge and skills:

- a ability to create architectural designs that satisfy both aesthetic and technical requirements;
- b adequate knowledge of the history and theories of architecture and the related arts, technologies and human sciences;
- c knowledge of the fine arts as an influence on the quality of architectural design;
- d adequate knowledge of urban design, planning and the skills involved in the planning process;
- e 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;
- f 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;
- g understanding of the methods of investigation and preparation of the brief for a design project;
- h understanding of the structural design, constructional and engineering problems associated with building design;
- i 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;
- j the necessary design skills to meet building users' requirements within the constraints imposed by cost factors and building regulations;
- k adequate knowledge of the industries, organisations, regulations and procedures involved in translating design concepts into buildings and integrating plans into overall planning.

2 The knowledge and skills listed in paragraph 1 may be amended in accordance with the procedure referred to in Article 58(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 47

### **Derogations from the conditions for the training of architects**

1 By way of derogation from Article 46, the following shall also be recognised as satisfying Article 21: 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 46 and giving access to the activities referred to in Article 48 in that Member State under the professional title of ‘architect’, in so far 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 skills listed in Article 46(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 46, the following shall also be recognised as satisfying Article 21: training as part of social betterment schemes or part-time university studies which satisfies the requirements referred to in Article 46, as attested by an examination in architecture passed by a person who has been working for seven 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 46(1), first subparagraph.

## Article 48

### **Pursuit 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 Member States nationals 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, under the professional title of ‘architect’. The architectural nature of the activities of the persons concerned shall be attested by a certificate awarded by their home Member State.

## Article 49

### **Acquired rights specific to architects**

1 Each Member State shall accept evidence of formal qualifications as an architect listed in Annex VI, point 6, awarded by the other Member States, and attesting a course of training which began no later than the reference academic year referred to in that Annex, even if they do not satisfy the minimum requirements laid down in Article 46, 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 evidence of formal qualifications 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 that Annex, shall be recognised.

2 Without prejudice to paragraph 1, every Member State shall recognise the following evidence of formal qualifications 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 qualifications which it itself issues: certificates issued to nationals of Member States by the Member States which have enacted rules governing the access to and pursuit of the activities of an architect as of the following dates:

- a 1 January 1995 for Austria, Finland and Sweden;
- b 1 May 2004 for the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia;
- c 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 those rules, 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 50*

#### **Documentation and formalities**

1 Where the competent authorities of the host Member State decide on an application for authorisation 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(d), (e) and (f), 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 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 Chapter III of this Title, the minimum training conditions set out respectively in Articles 24, 25, 28, 31, 34, 35, 38, 40, 44 and 46.

3 In cases of justified doubt, where evidence of formal qualifications, as defined in Article 3(1)(c), has been issued by a competent authority in a Member State and includes training received in whole or in part in an establishment legally established in the territory of another Member State, the host Member State shall be entitled to verify with the competent body in the Member State of origin of the award:

- a whether the training course at the establishment which gave the training has been formally certified by the educational establishment based in the Member State of origin of the award;
- b whether the evidence of formal qualifications issued is the same as that which would have been awarded if the course had been followed entirely in the Member State of origin of the award; and
- c whether the evidence of formal qualifications confers the same professional rights in the territory of the Member State of origin of the award.

4 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 51*

### **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 for authorisation 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 in any case within three months after the date on which the applicant's complete file was submitted. However, this deadline may be extended by one month in cases falling under Chapters I and II of this Title.

3 The decision, or failure to reach a decision within the deadline, shall be subject to appeal under national law.

#### *Article 52*

### **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 title of the host Member State, which corresponds to that profession in that Member State, and make use of any associated initials.

2 Where a profession is regulated in the host Member State by an association or organisation within the meaning of Article 3(2), 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 do so, only under the conditions laid down in this Directive, in respect of nationals of other Member States who possess professional qualifications.

## TITLE IV

**DETAILED RULES FOR PURSUING THE PROFESSION***Article 53***Knowledge of languages**

Persons benefiting from the recognition of professional qualifications shall have a knowledge of languages necessary for practising the profession in the host Member State.

*Article 54***Use of academic titles**

Without prejudice to Articles 7 and 52, the host Member State shall ensure that the right shall be conferred on the persons concerned to use academic titles conferred on them in the home Member State, and possibly an abbreviated form thereof, in the language of the home 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 an academic title of the home Member State is liable to be confused in the host Member State with a title 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 academic title of the home Member State in an appropriate form, to be laid down by the host Member State.

*Article 55***Approval by health insurance funds**

Without prejudice to Article 5(1) and Article 6, first subparagraph, 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 of doctor and dental practitioner acquired in other Member States.

## TITLE V

**ADMINISTRATIVE COOPERATION AND  
RESPONSIBILITY FOR IMPLEMENTATION***Article 56***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 The competent authorities of the host and home Member States shall exchange information regarding disciplinary action or criminal sanctions taken or any other serious, specific circumstances which are likely to have consequences for the pursuit of activities under this Directive, respecting personal data protection legislation provided for in Directives 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data<sup>(2)</sup> and 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications)<sup>(3)</sup>.

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 Each Member State shall, no later than 20 October 2007, designate the authorities and bodies competent to award or receive evidence of formal qualifications and other documents or information, and those competent to receive applications and take the decisions referred to in this Directive, and shall forthwith inform the other Member States and the Commission thereof.

4 Each 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 point (b), the coordinators may solicit the help of the contact points referred to in Article 57.

#### *Article 57*

### **Contact points**

Each Member State shall designate, no later than 20 October 2007, 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 pursuit 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.

At the Commission's request, the contact points shall inform the Commission of the result of enquiries with which they are dealing pursuant to the provisions of point (b) within two months of receiving them.

### *Article 58*

#### **Committee on the recognition of professional qualifications**

1 The Commission shall be assisted by a Committee on the recognition of professional qualifications, hereinafter referred to as ‘the Committee’, made up of representatives of the Member States and chaired by a 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 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at two months.

3 The Committee shall adopt its rules of procedure.

### *Article 59*

#### **Consultation**

The Commission shall ensure the consultation of experts from the professional groups concerned in an appropriate manner in particular in the context of the work of the committee referred to in Article 58 and shall provide a reasoned report on these consultations to that committee.

## TITLE VI

### **OTHER PROVISIONS**

#### *Article 60*

##### **Reports**

1 As from 20 October 2007, 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 this Directive.

2 As from 20 October 2007, the Commission shall draw up every five years a report on the implementation of this Directive.

#### *Article 61*

##### **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 58(2), to permit the Member State in question to derogate from the provision in question for a limited period.

#### *Article 62*

##### **Repeal**

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 1999/42/EC are repealed with effect from 20 October 2007. References to the repealed Directives shall be understood as references to this Directive and the acts adopted on the basis of those Directives shall not be affected by the repeal.

#### *Article 63*

##### **Transposition**

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 20 October 2007 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, 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 64*

##### **Entry into force**

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

#### *Article 65*

##### **Addressees**

This Directive is addressed to the Member States.

Done at Strasbourg, 7 September 2005.

*For the European Parliament*

*The President*

J. BORRELL FONTELLES

*For the Council*

*The President*

C. CLARKE

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**Status:** This is the original version (as it was originally adopted).

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- (1) [OJ L 145, 13.6.1977, p. 1](#). Directive as last amended by Directive 2004/66/EC ([OJ L 168, 1.5.2004, p. 35](#)).
- (2) [OJ L 281, 23.11.1995, p. 31](#). Directive as amended by Regulation (EC) No 1882/2003.
- (3) [OJ L 201, 31.07.2002, p. 37](#).