

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

TITLE III

FREEDOM OF ESTABLISHMENT

CHAPTER III

Recognition on the basis of coordination of minimum training conditions

Section 6

Midwives

Article 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.