

General principles of recognition for medical doctors, dental practitioners, nurses, midwives, architects, pharmacists, and veterinary surgeons

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Unit D/3 – Regulated professions

Overview

- **Rationale**
- **Scope of Directive**
- **Co-ordination of minimum training requirements**
- **Automatic recognition**
- **Procedural rules to be respected**

Rationale

- Mutual trust
- Co-operation

between Member States

Scope of Directive

Diplomas of EU, EEA, CH and third countries held by:

- EU + EEA, CH citizens and their family members
- Third country citizens with statute of long term resident (Directive 2003/109/EC, to be transposed by 23 January 2006)

Co-ordination of minimum training requirements

MINIMUM

Possibility for a MS to impose further requirements
BUT it must accept diplomas of other MS respecting the
minimum training requirements only

DIPLOMAS INSERTED IN DIRECTIVE must correspond to
all the training requirements in the MS to have accession
to the profession

BASIC DIPLOMA must respect the minimum training
requirements (can not be split into two diplomas)

Co-ordination of minimum training requirements

**CONDITIONS OF ACCESS and OF TRAINING
ESTABLISHMENTS**

DURATION

- Number of years
- Number of years, hours (doctors, nurses, partially midwives)

Co-ordination of minimum training requirements

CONTENT of the training

TRAINING MUST BE SAME FOR ACCESS to
EMPLOYED AND SELF-EMPLOYED
EXERCISE

→ Automatic recognition of professional
qualification - Art 21 Dir 2005/36

Automatic recognition

- For diplomas listed in the Directive (for new MS in Accession Treaty)
- Automatic recognition, in principle, without any additional conditions
- Only documents listed in the Directive can be required in addition
- In principle no refusal possible
- Migrants have the same rights and obligations as national professionals



Automatic recognition

Professional qualification recognised :

- Right of access to and FULL (without supervision) exercise of the profession
- Regardless whether self-employed or employed practice of the profession
- Right of establishment (prior requirement of residency not allowed!)
- Use of professional title and academic title

Professional qualifications before Accession Date

- Acquired Rights provision - Art 23, 1 Dir 2005/36

if legally and effectively fully exercised the profession during “3 years during the last 5 years” (exceptions possible)

- Certificate of ‘conformity’ - Appendix VII, 2 Dir 2005/36

MS can endorse that this training is in conformity if training in full compliance with minimum training requirements

Third country diplomas

- No automatic recognition !
- But for first recognition in the EU minimum training requirements must be complied with and checked by host MS - Article 2 (2) Dir 2005/36
- If second recognition, MS obliged to examine application whilst taking into account all training and professional qualifications obtained within or outside EU
- If migrant has three years of professional experience in another MS, the general system applies.

Procedural Rules

- Procedure for authorizing a person to take up the activities must be completed as soon as possible and, in principle, not later than 3 months after submission of all documents
- In case of a negative decision, it must be reasoned
- Right of appeal

Procedural Rules

- Simplified procedure in case of provision of services in another MS
 - MS have to provide for automatic temporary registration or pro-forma membership of professional organisation
 - Prior declaration may be required by the host MS and only documents listed in Directive may be required

Specific issues related to the recognition of pharmacists

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**Unit D/3 – Regulated
professions**

Pharmacists

- Practical training of 6 months in pharmacy open to the public or in hospital pharmacy
- Principle of single diploma
- Access to a list of minimum activities
- Pharmacy specialisations governed by general recognition system

Specific issues related to the recognition of veterinary surgeons

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Veterinary Surgeons

- Acquired rights – Estonia (5 out of 7 years)
- Veterinary Surgeons specialisations governed by general recognition system



Specific issues related to Dental practitioners

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Unit D/3 – Regulated professions



Dental practitioners

- **Dental practitioners or Dentists and Dentistry**
and NOT stomatologists or odonto-stomatologists or doctors specialized in stomatology and stomatology (= medical speciality under Dir 93/16/EEC)
- **Professional titles:** Art 1 Dir 78/686/EEC

Dental Practitioners

- Profession / Training of dental practitioner = SPECIFIC and DISTINCT from the ones of medical doctor (specialised or not) covered by Dir 93/16/EEC

re: judgment of the EC Court of Justice of 1.06.95 in case C-40/93.

→ A medical specialisation e.g. in dentistry/stomatology is NOT a dental training under Dir 78/687/EEC

re: judgment of the EC Court of Justice of 29.11.2001 in case C-202/99



Dental practitioners

- Field of activity : Art 5 Dir 78/687/EEC and Art 36(3) Dir 2005/36/EC
- Specific acquired rights : Articles 19 (IT,ES,AT,CZ,SK) Dir 78/686/EEC = Art 37 Dir 2005/36

Dental Practitioners

- **SPECIALISATIONS: Orthodontics and Oral surgery**
 - access conditions = the same as the ones required to have access to the full exercise of the profession
 - Length: minimum 3 years
 - Not compulsory
 - Recognition automatic between Member States listed in Directive
 - In other cases, non automatic recognition : Art 6 Dir 78/686/CEE (as amended by Dir 2001/19) – general system under Dir 2005/36/EC

Specific issues related to Doctors

Robert Pochmarski



Doctors

1. Basic medical training:

- (a) 6 years, 5500 hours of practical and theoretical training provided by, or under the supervision of, a university [input];
- (b) Knowledge and skills [see Art. 24(3)] – [output/competencies]

Doctors

2. Specialist medical training:

- (a) Entry requirement: Completion and validation of basic medical training;
- (b) Duration as referred to in Annex V, point 5.1.3

Doctors

- 3. Specific training in general medical practice:
 - (a) Entry requirement: Completion and validation of basic medical training;
 - (b) Duration 2 years – 3 years from 1 January 2006
 - (c) Issue of acquired rights (introduction of specific training in stages)

Doctors

Specific items:

- (1) Notification of new denominations
- (2) Inserting of new specialisations; change of minimum length – Comitology
- (3) Recognition: Subsidiary application of Article 8 (compare art. 6 dentists)

Specific issues related to Nurses

Robert Pochmarski



Nurses

- (1) Entry requirement: completion of general education of 10 years – attested by diploma/examination certificate;
- (2) 3 years, 4600 hours;
- (3) Balance between practical (1/2) and theoretical (1/3) training;
- (4) Training programme subjects (Annex 5.2.1)

Nurses

Specific items:

(1) Specific Acquired Rights – Art.33(2)

(2) Upgrading – Art.33(3)

Specific Issues related to midwives

João de Abreu Rocha



Midwives

- (1) Entry requirements: a- completion of 10 years of general education or b- being a general care nurse;
- (2) a- 3 years full-time, balance between theory and practice, following the programme contained in Annex 5.5.1; b- 18 months specific full-time training in midwifery, balance between theory and practice, covering the points of Annex 5.5.1 not included in the general care nursing training;

Midwives

- For automatic recognition purposes only:
- A- the 3 years full-time training in midwifery needs to be based on a diploma which gives access to university level studies OR be followed by a certified period of 2 years of professional practice;
- B- the specific training in midwifery for general care nurses has to be of at least 2 years or 3600 hours OR 18 months and 3000 hours and followed by a certified period of 1 year of professional practice.

Midwives

- Specific items
- 1) Specific acquired rights clauses, Article 43 (3);
- 2) Upgrading, Article 43 (4).

Architecture

- João de Abreu Rocha



Architecture

- Covers training in the field of architecture (not defined by the Directive), which may include civil or building engineers trained in architecture;
- Contrary to the health professions mentioned before, does not prevent Member States from having lower training: the added value is that training meeting the minimal requirements will be automatically recognised, the others will fall under Article 10 (general system).

Architecture

- Minimal training requirements: 4 years full time or 6 years full and part time of which at least 3 full time, both at university level and with a final examination of degree standard; architecture is the central element thereof and the 11 qualitative points of Article 46 have to be fulfilled;
- Derogations: German Fachhochschulen, social betterment scheme and the exceptional talent (Articles 47, 1 and 2, and 48, 2).

Architecture

- Specific acquired rights technique: there is a list of diplomas meeting the criteria of the Directive (Annex 5.7.1) BUT there is ALSO a specific list of the diplomas covered by the acquired rights clauses (Annex 6).
- The acquired rights list covers diplomas whose training commenced at the latest in the 3rd academic year following the the entry into force of the Directive (the date of accession for new Member states).