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Price: 30 EUR

⁽¹⁾ Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

REGULATION (EC) No 1552/2005 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 7 September 2005
on statistics relating to vocational training in enterprises
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 285(1) thereof,

Having regard to the proposal from the Commission,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽¹⁾,

Whereas:

(1) At the Lisbon European Council on 23 and 24 March 2000 the European Union set the strategic goal of becoming the most competitive and dynamic knowledge-based economy in the world, capable of sustained economic growth with more and better jobs and greater social cohesion.

(2) The employability, adaptability and mobility of citizens are vital for the Union to maintain its commitment to becoming the most competitive and dynamic knowledge-based economy in the world.

(3) Lifelong learning is a key element in developing and promoting a skilled, trained and adaptable workforce.

(4) The Council Conclusions of 5 May 2003 on reference levels of European average performance in education and training (Benchmarks) ⁽²⁾ adopted the following benchmark for lifelong learning: 'Therefore, by 2010, the European Union average level of participation in Lifelong Learning should be at least 12,5 % of the adult working age population (25 to 64 age group)'.

(5) The Lisbon European Council confirmed lifelong learning as a basic component of the European social model.

(6) The new European Employment Strategy confirmed by Council Decision 2003/578/EC of 22 July 2003 on guidelines for the employment policies of the Member States ⁽³⁾ aims to contribute better to the Lisbon strategy and to implement coherent and comprehensive strategies for lifelong learning.

(7) When applying this Regulation, account should be taken of the notion of 'people at a disadvantage in the labour market' given in the guidelines for the employment policies of the Member States.

(8) Particular attention should be given to training at the workplace and during working hours, both these aspects being crucial dimensions of lifelong learning.

(9) Comparable statistical information at Community level, with specific respect to vocational training in enterprises, is essential for the development of lifelong learning strategies and for the monitoring of progress in their implementation.

(10) The production of specific Community statistics is governed by the rules set out in Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics ⁽⁴⁾.

(11) The transmission of data subject to statistical confidentiality is governed by the rules set out in Regulation (EC) No 322/97 and in Council Regulation (Euratom, EEC) No 1588/90 of 11 June 1990 on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities ⁽⁵⁾.

⁽³⁾ OJ L 197, 5.8.2003, p. 13.

⁽⁴⁾ OJ L 52, 22.2.1997, p. 1. Regulation as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽⁵⁾ OJ L 151, 15.6.1990, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003.

⁽¹⁾ Opinion of the European Parliament of 23 February 2005 (not yet published in the Official Journal) and Council Decision of 27 June 2005.

⁽²⁾ OJ C 134, 7.6.2003, p. 3.

- (12) Commission Regulation (EC) No 831/2002 of 17 May 2002 implementing Council Regulation (EC) No 322/97 on Community Statistics, concerning access to confidential data for scientific purposes⁽¹⁾ established the conditions under which access to confidential data transmitted to the Community authority may be granted.
- (13) Since the objective of this Regulation, namely the creation of common statistical standards that permit the production of harmonised data on vocational training in enterprises, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (14) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽²⁾. These measures should take into account the capacities available in the Member States for data collection and processing.
- (15) The Statistical Programme Committee has been consulted in accordance with Article 3 of Council Decision 89/382/EEC, Euratom of 19 June 1989 establishing a Committee on the Statistical Programmes of the European Communities⁽³⁾,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes a common framework for the production of Community statistics on vocational training in enterprises.

Article 2

Definitions

For the purpose of this Regulation, the following definitions shall apply:

⁽¹⁾ OJ L 133, 18.5.2002, p. 7.

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

⁽³⁾ OJ L 181, 28.6.1989, p. 47.

1. 'enterprise' means the enterprise as defined in Council Regulation (EEC) No 696/93 of 15 March 1993 on the statistical units for the observation and analysis of the production system in the Community⁽⁴⁾;
2. 'NACE Rev. 1.1' means the common statistical classification of economic activities within the European Community, as established by Council Regulation (EEC) No 3037/90 of 9 October 1990 on the statistical classification of economic activities in the European Community⁽⁵⁾.

Article 3

Data to be collected

1. The data shall be collected by the Member States with a view to producing Community statistics for the analysis of continuing vocational training in enterprises in the following fields:
 - (a) training policy and training strategies of enterprises in developing the skills of their workforce;
 - (b) management, organisation and forms of continuing vocational training in enterprises;
 - (c) the role of social partners in ensuring all aspects of continuing vocational training in the workplace;
 - (d) access to continuing vocational training, its volume and content, especially in the context of economic activity and enterprise size;
 - (e) specific continuing vocational training measures of enterprises to improve the ICT skills of their workforce;
 - (f) chances for employees in small and medium-sized enterprises (SMEs) to access continuing vocational training and to acquire new skills, and the particular needs of SMEs in the provision of training;
 - (g) the effects of public measures on continuing vocational training in enterprises;
 - (h) equal opportunities to access continuing vocational training in enterprises for all employees, with respect to gender and specific age groups in particular;
 - (i) specific continuing vocational training measures for people at a disadvantage in the labour market;

⁽⁴⁾ OJ L 76, 30.3.1993, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003.

⁽⁵⁾ OJ L 293, 24.10.1990, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003.

- (j) continuing vocational training measures geared to different types of employment contract;
 - (k) expenditure on continuing vocational training: funding levels and funding resources, incentives for continuing vocational training; and
 - (l) evaluation and monitoring procedures of enterprises as regards continuing vocational training.
2. Specific data shall be collected by the Member States with respect to initial vocational training in enterprises on:
- (a) participants in initial vocational training; and
 - (b) total expenditure on initial vocational training.

Article 4

Scope of statistics

The statistics on vocational training in enterprises shall cover at least all economic activities defined in sections C to K and O of the NACE Rev. 1.1.

Article 5

Statistical units

1. For the collection of the data, the enterprise active in one of the economic activities referred to in Article 4 and employing 10 or more employees shall be used as a statistical unit.
2. Having regard to the specific national size distribution of enterprises and the evolution of policy needs, Member States may extend the definition of the statistical unit in their country. The Commission may also decide to extend this definition in accordance with the procedure referred to in Article 14(2), if such extension would enhance substantially the representativeness and the quality of the result of the survey in the Member States concerned.

Article 6

Data sources

1. Member States shall acquire the required data using either a survey in enterprises or a combination of a survey in enterprises and other sources, applying the principles of reduced burden on respondents and of administrative simplification.
2. Member States shall lay down the modalities for enterprises to reply to the survey.
3. Through the survey the enterprises shall be called upon to give correct and complete data within the prescribed deadlines.

4. Other sources, including administrative data, could be used to complete the data to be collected where these sources are appropriate in terms of relevance and timeliness.

Article 7

Survey characteristics

1. The survey shall be a sample survey.
2. Member States shall take the necessary measures to ensure that the data they transmit reflect the structure of the population of the statistical units. The survey shall be conducted in such a way as to permit a breakdown of the results at Community level in at least the following categories:
 - (a) economic activities pursuant to NACE Rev. 1.1; and
 - (b) size of the enterprises.
3. Sampling and precision requirements, the sample sizes needed to meet these requirements, and the detailed specifications of the NACE Rev. 1.1 and size categories into which the results can be broken down shall be determined in accordance with the procedure referred to in Article 14(2).

Article 8

Survey approach

1. In order to reduce the burden on respondents the survey approach shall permit the data collection to be customised with respect to:
 - (a) training and non-training enterprises; and
 - (b) different forms of vocational training.
2. The specific data to be collected with respect to training and non-training enterprises and to the different forms of vocational training shall be determined in accordance with the procedure referred to in Article 14(2).

Article 9

Quality control and reports

1. Member States shall take the necessary measures to ensure the quality of the data they transmit.
2. No later than 21 months after the end of each reference period referred to in Article 10, Member States shall submit to the Commission (Eurostat) a quality report containing all the information and data requested for it to verify the quality of the data transmitted. The report shall specify possible breaches of the methodological requirements.

3. On the basis of the reports referred to in paragraph 2, the Commission (Eurostat) shall assess the quality of the data transmitted with particular regard to ensuring the comparability of the data between Member States.

4. The quality requirements for the data to be collected and transmitted for Community statistics on vocational training in enterprises, the structure of the quality reports referred to in paragraph 2 and any measures necessary for assessing or improving the quality of the data shall be determined in accordance with the procedure referred to in Article 14(2).

Article 10

Reference period and periodicity

1. The reference period to be covered by the data collection shall be one calendar year.
2. The Commission shall determine the first reference year for which the data are to be collected in accordance with the procedure referred to in Article 14(2).
3. Member States shall collect the data every five years.

Article 11

Transmission of data

1. Member States and the Commission, within their respective fields of competence, shall promote the conditions for increased use of electronic data collection, electronic data transmission and automatic data processing.
2. Member States shall transmit to the Commission (Eurostat) the individual data on enterprises in accordance with the existing Community provisions on transmission of data subject to statistical confidentiality as set out in Regulations (EC) No 322/97 and (Euratom, EEC) No 1588/90. Member States shall ensure that the transmitted data do not permit the direct identification of the statistical units.
3. Member States shall transmit the data in electronic form, in conformity with the appropriate technical format and the interchange standard to be determined in accordance with the procedure referred to in Article 14(2).
4. Member States shall transmit the complete and correct data no later than 18 months after the end of each reference year.

Article 12

Report on implementation

1. By 20 October 2010 and after consultation of the Statistical Programme Committee, the Commission shall transmit a report to the European Parliament and the Council on the implementation of this Regulation. In particular, this report shall:
 - (a) assess the benefits accruing to the Community, the Member States and the users of the statistics produced in relation to the burden on the respondents; and
 - (b) identify areas for potential improvement and amendments considered necessary in the light of the results obtained.
2. Following the report, the Commission may propose measures to improve the implementation of this Regulation.

Article 13

Implementing measures

The measures necessary for the implementation of this Regulation, including measures to take account of economic and technical developments concerning the collection, transmission and processing of the data, shall be adopted in accordance with the procedure referred to in Article 14(2).

Article 14

Committee procedure

1. The Commission shall be assisted by the Statistical Programme Committee.
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having 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 three months.

Article 15

Financing

1. For the first reference year for which the Community statistics provided for in this Regulation are produced, the Commission shall make a financial contribution to the Member States to help cover the costs incurred by them in collecting, processing and transmitting the data.

2. The amount of the financial contribution shall be fixed as part of the relevant annual budgetary procedure. The budget authority shall determine the appropriation available.

3. In implementing this Regulation, the Commission may have recourse to experts and to technical assistance organisations, the financing of which may be provided for within the overall financial framework for this Regulation. The Commission may organise seminars, colloquia or other meetings of experts as are likely to facilitate the implementation of this

Regulation, and undertake appropriate information, publication and dissemination actions.

Article 16

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 7 September 2005.

For the European Parliament

The President

J. BORRELL FONTELLES

For the Council

The President

C. CLARKE

REGULATION (EC) No 1553/2005 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 7 September 2005
amending Regulation (EC) No 1177/2003 concerning Community statistics on income and living
conditions (EU-SILC)
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

HAVE ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 285 thereof,

Article 1

Having regard to the proposal from the Commission,

Regulation (EC) No 1177/2003 is hereby amended as follows:

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽¹⁾,

1. Article 4(2) shall be replaced by the following:

Whereas:

'2. By way of derogation from paragraph 1, the Czech Republic, Germany, Cyprus, Latvia, Lithuania, Hungary, Malta, Netherlands, Poland, Slovenia, Slovakia and the United Kingdom may start the annual cross-sectional and longitudinal data collection in 2005.

(1) Regulation (EC) No 1177/2003 of the European Parliament and of the Council of 16 June 2003 concerning Community statistics on income and living conditions (EU-SILC) ⁽²⁾, establishes a common framework for the systematic production of Community statistics on income and living conditions, encompassing comparable and timely cross-sectional and longitudinal data on income and on the level and composition of poverty and social exclusion at national and European levels.

This authorisation is subject to the condition that those Member States shall supply comparable data for the year 2004 for the cross-sectional common European Union indicators which were adopted by the Council before 1 January 2003 in the context of the open method of coordination and which can be derived on the basis of the EU-SILC instrument.;

(2) As a result of the accession of new Member States to the European Union on 1 May 2004, there is a need to extend Annex II to Regulation (EC) No 1177/2003, since that Annex sets out for each Member State the minimum effective sample sizes required under the EU-SILC scheme.

2. in Article 13, the following paragraphs shall be added:

'4. By way of derogation from paragraph 1, Estonia shall receive a financial contribution from the Community towards the cost of the work involved for the four years of data collection from 2005.

(3) Furthermore, it appears that most of the new Member States, and several of the existing Member States, need additional time to adapt their systems to the harmonised methods and definitions used to compile Community statistics.

5. The financing for the year 2007 is yet to be ensured by a future Community programme.;

(4) Regulation (EC) No 1177/2003 should therefore be amended accordingly,

3. Annex II shall be replaced by the text set out in the Annex to this Regulation.

Article 2

⁽¹⁾ Opinion of the European Parliament of 10 May 2005 (not yet published in the Official Journal) and Council Decision of 12 July 2005.

⁽²⁾ OJ L 165, 3.7.2003, p. 1.

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 7 September 2005.

For the European Parliament

The President

J. BORRELL FONTELLES

For the Council

The President

C. CLARKE

ANNEX

'ANNEX II

MINIMUM EFFECTIVE SAMPLE SIZES

	Households		Persons aged 16 or over to be interviewed	
	Cross-sectional	Longitudinal	Cross-sectional	Longitudinal
	1	2	3	4
EU Member States				
Belgium	4 750	3 500	8 750	6 500
Czech Republic	4 750	3 500	10 000	7 500
Denmark	4 250	3 250	7 250	5 500
Germany	8 250	6 000	14 500	10 500
Estonia	3 500	2 750	7 750	5 750
Greece	4 750	3 500	10 000	7 250
Spain	6 500	5 000	16 000	12 250
France	7 250	5 500	13 500	10 250
Ireland	3 750	2 750	8 000	6 000
Italy	7 250	5 500	15 500	11 750
Cyprus	3 250	2 500	7 500	5 500
Latvia	3 750	2 750	7 650	5 600
Lithuania	4 000	3 000	9 000	6 750
Luxembourg	3 250	2 500	6 500	5 000
Hungary	4 750	3 500	10 250	7 750
Malta	3 000	2 250	7 000	5 250
Netherlands	5 000	3 750	8 750	6 500
Austria	4 500	3 250	8 750	6 250
Poland	6 000	4 500	15 000	11 250
Portugal	4 500	3 250	10 500	7 500
Slovenia	3 750	2 750	9 000	6 750
Slovakia	4 250	3 250	11 000	8 250
Finland	4 000	3 000	6 750	5 000
Sweden	4 500	3 500	7 500	5 750
United Kingdom	7 500	5 750	13 750	10 500
Total for EU Member States	121 000	90 750	250 150	186 850
Iceland	2 250	1 700	3 750	2 800
Norway	3 750	2 750	6 250	4 650
Total including Iceland and Norway	127 000	95 200	260 150	194 300

NB: The reference is to the effective sample size, which is the size required if the survey were based on simple random sampling (design effect in relation to the "risk of poverty rate" variable = 1,0). The actual sample sizes will have to be larger to the extent that the design effects exceed 1,0 and to compensate for all kinds of non-response. Furthermore, the sample size refers to the number of valid households which are households for which, and for all members of which, all or nearly all the required information has been obtained

DECISION No 1554/2005/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 7 September 2005

amending Council Decision 2001/51/EC establishing a programme relating to the Community framework strategy on gender equality and Decision No 848/2004/EC establishing a Community action programme to promote organisations active at European level in the field of equality between men and women

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 13(2) thereof,

Having regard to the proposal from the Commission,

Acting in accordance with the procedure laid down in Article 251 of the Treaty (1),

Whereas:

- (1) The Council by Decision 2001/51/EC (2), established a programme relating to the Community framework strategy on gender equality to improve the understanding of issues related to gender equality, promote and disseminate the values and practices underlying gender equality and develop the capacity of players to promote gender equality effectively.
- (2) The European Parliament and the Council by Decision No 848/2004/EC (3), established a Community Action Programme to promote organisations active at European level in the field of equality between men and women to support the activities of such organisations of which an ongoing programme of work or a specific measure serves the general European interest in the field of equality between men and women or pursues an objective which is part of the European Union's policy in this area.
- (3) Both programmes expire on 31 December 2005. It is essential to ensure the continuity of Community policy for the promotion of gender equality in view of the objectives enshrined in Article 13 of the Treaty.
- (4) It is necessary to extend the programmes for a one-year transitional period until a new multi-annual framework programme on the financing of actions in the employment and social field for the period 2007 to 2013 including a strand on gender equality is established.

- (5) Decision 2001/51/EC was based on Article 13 of the Treaty. However, following the amendments introduced by the Treaty of Nice, Article 13(2) constitutes the specific legal basis for the adoption of Community incentive measures intended to contribute to the combating of discrimination. It is therefore appropriate to base the amendment of Decision 2001/51/EC on Article 13(2),

HAVE ADOPTED THIS DECISION:

Article 1

Decision 2001/51/EC is hereby amended as follows:

1. in Article 1, the date '31 December 2005' shall be replaced by '31 December 2006';
2. Article 11(1) shall be replaced by the following:

'1. The financial reference amount for the implementation of the programme for the period 2001 to 2006 shall be EUR 61,5 million.'

Article 2

Decision No 848/2004/EC is hereby amended as follows:

1. in Article 1(3), the date '31 December 2005' shall be replaced by '31 December 2006';
2. Article 6(1) shall be replaced by the following:

'1. The financial framework for the implementation of the programme for the period from 2004 to 2006 shall be EUR 3,3 million.'

Article 3

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Union*.

(1) Opinion of the European Parliament of 26 May 2005 (not yet published in the Official Journal) and Council Decision of 12 July 2005.

(2) OJ L 17, 19.1.2001, p. 22.

(3) OJ L 157, 30.4.2004, p. 18. Decision as rectified in OJ L 195, 2.6.2004, p. 7.

Article 4

This Decision is addressed to the Member States.

Done at Strasbourg, 7 September 2005.

For the European Parliament

The President

J. BORREL FONTELLES

For the Council

The President

C. CLARKE

DIRECTIVE 2005/35/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 7 September 2005
on ship-source pollution and on the introduction of penalties for infringements

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

their exposure to penalties; in order to achieve effective protection of the environment there is therefore a need for effective, dissuasive and proportionate penalties.

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the Commission,

- (5) To that end it is essential to approximate, by way of the proper legal instruments, existing legal provisions, in particular on the precise definition of the infringement in question, the cases of exemption and minimum rules for penalties, and on liability and jurisdiction.

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

- (6) This Directive is supplemented by detailed rules on criminal offences and penalties as well as other provisions set out in Council Framework Decision 2005/667/JHA of 12 July 2005 to strengthen the criminal law framework for the enforcement of the law against ship-source pollution ⁽²⁾.

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

(1) The Community's maritime safety policy is aimed at a high level of safety and environmental protection and is based on the understanding that all parties involved in the transport of goods by sea have a responsibility for ensuring that ships used in Community waters comply with applicable rules and standards.

- (7) Neither the international regime for the civil liability and compensation of oil pollution nor that relating to pollution by other hazardous or noxious substances provides sufficient dissuasive effects to discourage the parties involved in the transport of hazardous cargoes by sea from engaging in substandard practices; the required dissuasive effects can only be achieved through the introduction of penalties applying to any person who causes or contributes to marine pollution; penalties should be applicable not only to the shipowner or the master of the ship, but also the owner of the cargo, the classification society or any other person involved.

(2) The material standards in all Member States for discharges of polluting substances from ships are based upon the Marpol 73/78 Convention; however these rules are being ignored on a daily basis by a very large number of ships sailing in Community waters, without corrective action being taken.

(3) The implementation of Marpol 73/78 shows discrepancies among Member States and there is thus a need to harmonise its implementation at Community level; in particular the practices of Member States relating to the imposition of penalties for discharges of polluting substances from ships differ significantly.

- (8) Ship-source discharges of polluting substances should be regarded as infringements if committed with intent, recklessly or by serious negligence. These infringements are regarded as criminal offences by, and in the circumstances provided for in, Framework Decision 2005/667/JHA supplementing this Directive.

(4) Measures of a dissuasive nature form an integral part of the Community's maritime safety policy, as they ensure a link between the responsibility of each of the parties involved in the transport of polluting goods by sea and

- (9) Penalties for discharges of polluting substances from ships are not related to the civil liability of the parties concerned and are thus not subject to any rules relating to the limitation or channelling of civil liabilities, nor do they limit the efficient compensation of victims of pollution incidents.

⁽¹⁾ OJ C 220, 16.9.2003, p. 72.

⁽²⁾ Opinion of the European Parliament of 13 January 2004 (OJ C 92 E, 16.4.2004, p. 77), Council Common Position of 7 October 2004 (OJ C 25 E, 1.2.2005, p. 29), Position of the European Parliament of 23 February 2005 (not yet published in the Official Journal) and Council Decision of 12 July 2005.

⁽³⁾ See page 164 of this Official Journal.

(10) There is a need for further effective cooperation among Member States to ensure that discharges of polluting substances from ships are detected in time and that the offenders are identified. For this reason, the European Maritime Safety Agency set up by Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 ⁽¹⁾ has a key role to play in working with the Member States in developing technical solutions and providing technical assistance relating to the implementation of this Directive and in assisting the Commission in the performance of any task assigned to it for the effective implementation of this Directive.

(11) In order better to prevent and combat marine pollution, synergies should be created between enforcement authorities such as national coastguard services. In this context, the Commission should undertake a feasibility study on a European coastguard dedicated to pollution prevention and response, making clear the costs and benefits. This study should, if appropriate, be followed by a proposal on a European coastguard.

(12) Where there is clear, objective evidence of a discharge causing major damage or a threat of major damage, Member States should submit the matter to their competent authorities with a view to instituting proceedings in accordance with Article 220 of the 1982 United Nations Convention on the Law of the Sea.

(13) The enforcement of Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues ⁽²⁾ is, together with this Directive, a key instrument in the set of measures to prevent ship-source pollution.

(14) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽³⁾.

(15) Since the objectives of this Directive, namely the incorporation of the international ship-source pollution standards into Community law and the establishment of penalties — criminal or administrative — for violation of them in order to ensure a high level of safety and environmental protection in maritime transport, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the

Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

(16) This Directive fully respects the Charter of fundamental rights of the European Union; any person suspected of having committed an infringement must be guaranteed a fair and impartial hearing and the penalties must be proportional,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Purpose

1. The purpose of this Directive is to incorporate international standards for ship-source pollution into Community law and to ensure that persons responsible for discharges are subject to adequate penalties as referred to in Article 8, in order to improve maritime safety and to enhance protection of the marine environment from pollution by ships.

2. This Directive does not prevent Member States from taking more stringent measures against ship-source pollution in conformity with international law.

Article 2

Definitions

For the purpose of this Directive:

1. 'Marpol 73/78' shall mean the International Convention for the Prevention of Pollution from Ships, 1973 and its 1978 Protocol, in its up-to-date version;

2. 'polluting substances' shall mean substances covered by Annexes I (oil) and II (noxious liquid substances in bulk) to Marpol 73/78;

3. 'discharge' shall mean any release howsoever caused from a ship, as referred to in Article 2 of Marpol 73/78;

4. 'ship' shall mean a seagoing vessel, irrespective of its flag, of any type whatsoever operating in the marine environment and shall include hydrofoil boats, air-cushion vehicles, submersibles and floating craft.

⁽¹⁾ OJ L 208, 5.8.2002, p. 1. Regulation as last amended by Regulation (EC) No 724/2004 (OJ L 129, 29.4.2004, p. 1).

⁽²⁾ OJ L 332, 28.12.2000, p. 81. Directive as amended by Directive 2002/84/EC (OJ L 324, 29.11.2002, p. 53).

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

*Article 3***Scope**

1. This Directive shall apply, in accordance with international law, to discharges of polluting substances in:

- (a) the internal waters, including ports, of a Member State, in so far as the Marpol regime is applicable;
- (b) the territorial sea of a Member State;
- (c) straits used for international navigation subject to the regime of transit passage, as laid down in Part III, section 2, of the 1982 United Nations Convention on the Law of the Sea, to the extent that a Member State exercises jurisdiction over such straits;
- (d) the exclusive economic zone or equivalent zone of a Member State, established in accordance with international law; and
- (e) the high seas.

2. This Directive shall apply to discharges of polluting substances from any ship, irrespective of its flag, with the exception of any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service.

*Article 4***Infringements**

Member States shall ensure that ship-source discharges of polluting substances into any of the areas referred to in Article 3(1) are regarded as infringements if committed with intent, recklessly or by serious negligence. These infringements are regarded as criminal offences by, and in the circumstances provided for in, Framework Decision 2005/667/JHA supplementing this Directive.

*Article 5***Exceptions**

1. A discharge of polluting substances into any of the areas referred to in Article 3(1) shall not be regarded as an infringement if it satisfies the conditions set out in Annex I, Regulations 9, 10, 11(a) or 11(c) or in Annex II, Regulations 5, 6(a) or 6(c) of Marpol 73/78.

2. A discharge of polluting substances into the areas referred to in Article 3(1)(c), (d) and (e) shall not be regarded as an infringement for the owner, the master or the crew when acting under the master's responsibility if it satisfies the conditions set out in Annex I, Regulation 11(b) or in Annex II, Regulation 6(b) of Marpol 73/78.

*Article 6***Enforcement measures with respect to ships within a port of a Member State**

1. If irregularities or information give rise to a suspicion that a ship which is voluntarily within a port or at an off-shore terminal of a Member State has been engaged in or is engaging in a discharge of polluting substances into any of the areas referred to in Article 3(1), that Member State shall ensure that an appropriate inspection, taking into account the relevant guidelines adopted by the International Maritime Organisation (IMO), is undertaken in accordance with its national law.

2. In so far as the inspection referred to in paragraph 1 reveals facts that could indicate an infringement within the meaning of Article 4, the competent authorities of that Member State and of the flag State shall be informed.

*Article 7***Enforcement measures by coastal States with respect to ships in transit**

1. If the suspected discharge of polluting substances takes place in the areas referred to in Article 3(1)(b), (c), (d) or (e) and the ship which is suspected of the discharge does not call at a port of the Member State holding the information relating to the suspected discharge, the following shall apply:

- (a) If the next port of call of the ship is in another Member State, the Member States concerned shall cooperate closely in the inspection referred to in Article 6(1) and in deciding on the appropriate measures in respect of any such discharge;
- (b) If the next port of call of the ship is a port of a State outside the Community, the Member State shall take the necessary measures to ensure that the next port of call of the ship is informed about the suspected discharge and shall request the State of the next port of call to take the appropriate measures in respect of any such discharge.

2. Where there is clear, objective evidence that a ship navigating in the areas referred to in Article 3(1)(b) or (d) has, in the area referred to in Article 3(1)(d), committed an infringement resulting in a discharge causing major damage or a threat of major damage to the coastline or related interests of the Member State concerned, or to any resources of the areas referred to in Article 3(1)(b) or (d), that State shall, subject to Part XII, Section 7 of the 1982 United Nations Convention on the Law of the Sea and provided that the evidence so warrants, submit the matter to its competent authorities with a view to instituting proceedings, including detention of the ship, in accordance with its national law.

3. In any event, the authorities of the flag State shall be informed.

Article 8

Penalties

1. Member States shall take the necessary measures to ensure that infringements within the meaning of Article 4 are subject to effective, proportionate and dissuasive penalties, which may include criminal or administrative penalties.

2. Each Member State shall take the measures necessary to ensure that the penalties referred to in paragraph 1 apply to any person who is found responsible for an infringement within the meaning of Article 4.

Article 9

Compliance with international law

Member States shall apply the provisions of this Directive without any discrimination in form or in fact against foreign ships and in accordance with applicable international law, including Section 7 of Part XII of the 1982 United Nations Convention on the Law of the Sea, and they shall promptly notify the flag State of the vessel and any other State concerned of measures taken in accordance with this Directive.

Article 10

Accompanying measures

1. For the purposes of this Directive, Member States and the Commission shall cooperate, where appropriate, in close collaboration with the European Maritime Safety Agency and taking account of the action programme to respond to accidental or

deliberate marine pollution set up by Decision No 2850/2000/EC⁽¹⁾ and if appropriate, of the implementation of Directive 2000/59/EC in order to:

- (a) develop the necessary information systems required for the effective implementation of this Directive;
- (b) establish common practices and guidelines on the basis of those existing at international level, in particular for:
 - the monitoring and early identification of ships discharging polluting substances in violation of this Directive, including, where appropriate, on-board monitoring equipment,
 - reliable methods of tracing polluting substances in the sea to a particular ship, and
 - the effective enforcement of this Directive.

2. In accordance with its tasks as defined in Regulation (EC) No 1406/2002, the European Maritime Safety Agency shall:

- (a) work with the Member States in developing technical solutions and providing technical assistance in relation to the implementation of this Directive, in actions such as tracing discharges by satellite monitoring and surveillance;
- (b) assist the Commission in the implementation of this Directive, including, if appropriate, by means of visits to the Member States, in accordance with Article 3 of Regulation (EC) No 1406/2002.

Article 11

Feasibility Study

The Commission shall, before the end of 2006, submit to the European Parliament and the Council a feasibility study on a European coastguard dedicated to pollution prevention and response, making clear the costs and benefits.

Article 12

Reporting

Every three years, Member States shall transmit a report to the Commission on the application of this Directive by the competent authorities. On the basis of these reports, the Commission shall submit a Community report to the European Parliament and the Council. In this report, the Commission shall assess, *inter alia*, the desirability of revising or extending the scope of this Directive. It shall also describe the evolution of relevant case-law in the Member States and shall consider the possibility of creating a public database containing such relevant case-law.

⁽¹⁾ Decision No 2850/2000/EC of the European Parliament and of the Council of 20 December 2000 setting up a Community framework for cooperation in the field of accidental or deliberate marine pollution (OJ L 332, 28.12.2000, p. 1). Decision as amended by Decision No 787/2004/EC (OJ L 138, 30.4.2004, p. 12).

*Article 13***Committee procedure**

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS), established by Article 3 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council, of 5 November 2002⁽¹⁾.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC shall apply, having 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 one month.

*Article 14***Provision of information**

The Commission shall regularly inform the Committee set up by Article 4 of Decision No 2850/2000/EC of any proposed measures or other relevant activities concerning the response to marine pollution.

*Article 15***Amendment procedure**

In accordance with Article 5 of Regulation (EC) No 2099/2002 and following the procedure referred to in Article 13 of this Directive, the COSS may exclude amendments to Marpol 73/78 from the scope of this Directive.

*Article 16***Implementation**

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 March 2007 and forthwith inform the Commission thereof.

When Member States adopt those provisions, 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 17***Entry into force**

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

*Article 18***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

⁽¹⁾ OJ L 324, 29.11.2002, p. 1. Regulation as amended by Commission Regulation (EC) No 415/2004 (OJ L 68, 6.3.2004, p. 10).

ANNEX

Summary, for reference purposes, of the Marpol 73/78 discharge regulations relating to discharges of oil and noxious liquid substances, as referred to in Article 2.2**Part I: Oil (Marpol 73/78, Annex I)**

For the purposes of Marpol 73/78 Annex I, 'oil' means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products (other than petrochemicals which are subject to the provisions of Marpol 73/78 Annex II) and 'oily mixture' means a mixture with any oil content.

Excerpts of the relevant provisions of Marpol 73/78 Annex I:

Regulation 9: Control of discharge of oil

1. Subject to the provisions of Regulations 10 and 11 of this Annex and paragraph 2 of this Regulation, any discharge into the sea of oil or oily mixtures from ships to which this Annex applies shall be prohibited except when all the following conditions are satisfied:
 - (a) for an oil tanker, except as provided for in subparagraph (b) of this paragraph:
 - (i) the tanker is not within a special area;
 - (ii) the tanker is more than 50 nautical miles from the nearest land;
 - (iii) the tanker is proceeding en route;
 - (iv) the instantaneous rate of discharge of oil content does not exceed 30 litres per nautical mile;
 - (v) the total quantity of oil discharged into the sea does not exceed for existing tankers 1/15000 of the total quantity of the particular cargo of which the residue formed a part, and for new tankers 1/30000 of the total quantity of the particular cargo of which the residue formed a part; and
 - (vi) the tanker has in operation an oil discharge monitoring and control system and a slop tank arrangement as required by Regulation 15 of this Annex.
 - (b) from a ship of 400 tons gross tonnage and above other than an oil tanker and from machinery space bilges excluding cargo pump-room bilges of an oil tanker unless mixed with oil cargo residue:
 - (i) the ship is not within a special area;
 - (ii) the ship is proceeding en route;
 - (iii) the oil content of the effluent without dilution does not exceed 15 parts per million; and
 - (iv) the ship has in operation (monitoring, control and filtering equipment) as required by regulation 16 of this Annex.
2. In the case of a ship of less than 400 tons gross tonnage other than an oil tanker whilst outside the special area, the (flag State) Administration shall ensure that it is equipped as far as practicable and reasonable with installations to ensure the storage of oil residues on board and their discharge to reception facilities or into the sea in compliance with the requirements of paragraph (1)(b) of this Regulation.
3. [...].
4. The provisions of paragraph 1 of this Regulation shall not apply to the discharge of clean or segregated ballast or unprocessed oily mixtures which without dilution have an oil content not exceeding 15 parts per million and which do not originate from cargo pump-room bilges and are not mixed with oil cargo residues.
5. No discharge into the sea shall contain chemicals or other substances in quantities or concentrations which are hazardous to the marine environment or chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this regulation.
6. The oil residues which cannot be discharged into the sea in compliance with paragraphs 1, 2 and 4 of this Regulation shall be retained on board or discharged to reception facilities.
7. [...].

Regulation 10: Methods for the prevention of oil pollution from ships while operating in special areas

1. For the purpose of this Annex, the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the 'Gulfs area', the Gulf of Aden area, the Antarctic area and the North-West European waters, (as further defined and specified).
2. Subject to the provisions of regulation 11 of this Annex:
 - (a) Any discharge into the sea of oil or oily mixture from any oil tanker and any ship of 400 tons gross tonnage and above other than an oil tanker shall be prohibited while in a special area. [...];
 - (b) [...] Any discharge into the sea of oil or oily mixture from a ship of less than 400 tons gross tonnage, other than an oil tanker, shall be prohibited while in a special area, except when the oil content of the effluent without dilution does not exceed 15 parts per million.
3. (a) The provisions of paragraph 2 of this Regulation shall not apply to the discharge of clean or segregated ballast.
- (b) The provisions of subparagraph (2)(a) of this regulation shall not apply to the discharge of processed bilge water from machinery spaces, provided that all of the following conditions are satisfied:
 - (i) the bilge water does not originate from cargo pump-room bilges;
 - (ii) the bilge water is not mixed with oil cargo residues;
 - (iii) the ship is proceeding en route;
 - (iv) the oil content of the effluent without dilution does not exceed 15 parts per million;
 - (v) the ship has in operation oil filtering equipment complying with Regulation 16(5) of this Annex; and
 - (vi) the filtering system is equipped with a stopping device which will ensure that the discharge is automatically stopped when the oil content of the effluent exceeds 15 parts per million.
4. (a) No discharge into the sea shall contain chemicals or other substances in quantities or concentrations which are hazardous to the marine environment or chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this regulation.
- (b) The oil residues which cannot be discharged into the sea in compliance with paragraph 2 or 3 of this Regulation shall be retained on board or discharged to reception facilities.
5. Nothing in this Regulation shall prohibit a ship on a voyage only part of which is in a special area from discharging outside the special area in accordance with Regulation 9 of this Annex.
6. [...].
7. [...].
8. [...].

Regulation 11: Exceptions

Regulations 9 and 10 of this Annex shall not apply to:

- (a) the discharge into the sea of oil or oily mixture necessary for the purpose of securing the safety of a ship or saving life at sea; or
- (b) the discharge into the sea of oil or oily mixture resulting from damage to a ship or its equipment:
 - (i) provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimising the discharge; and
 - (ii) except if the owner or the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or

- (c) the discharge into the sea of substances containing oil, approved by the (flag State) administration, when being used for the purpose of combating specific pollution incidents in order to minimise the damage from pollution. Any such discharge shall be subject to the approval of any Government in whose jurisdiction it is contemplated the discharge will occur.

Part II: Noxious liquid substances (Marpol 73/78 Annex II)

Excerpts of the relevant provisions of Marpol 73/78 Annex II:

Regulation 3: Categorisation and listing of noxious liquid substances

1. For the purpose of the Regulations of this Annex, noxious liquid substances shall be divided into four categories as follows:
 - (a) Category A: noxious liquid substances which if discharged into the sea from tank cleaning or deballasting operations would present a major hazard to either marine resources or human health or cause serious harm to amenities or other legitimate uses of the sea and therefore justify the application of stringent anti-pollution measures;
 - (b) Category B: noxious liquid substances which if discharged into the sea from tank cleaning or deballasting operations would present a hazard to either marine resources or human health or cause harm to amenities or other legitimate uses of the sea and therefore justify the application of special anti-pollution measures;
 - (c) Category C: noxious liquid substances which if discharged into the sea from tank cleaning or deballasting operations would present a minor hazard to either marine resources or human health or cause minor harm to amenities or other legitimate uses of the sea and therefore require special operational conditions;
 - (d) Category D: noxious liquid substances which if discharged into the sea from tank cleaning or deballasting operations would present a recognisable hazard to either marine resources or human health or cause minimal harm to amenities or other legitimate uses of the sea and therefore require some attention in operational conditions.
2. [...].
3. [...].
4. [...].

(Further guidelines on the categorisation of substances, including a list of categorised substances are given in Regulation 3(2) to (4) and Regulation 4 and the Appendices to Marpol 73/78 Annex II)

Regulation 5: Discharge of noxious liquid substances

Category A, B and C substances outside special areas and Category D substances in all areas

Subject to the provisions of [...] Regulation 6 of this Annex,

1. The discharge into the sea of substances in Category A as defined in Regulation 3(1)(a) of this Annex or of those provisionally assessed as such or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited. If tanks containing such substances or mixtures are to be washed, the resulting residues shall be discharged to a reception facility until the concentration of the substance in the effluent to such facility is at or below 0,1 % by weight and until the tank is empty, with the exception of phosphorus, yellow or white, for which the residual concentration shall be 0,01 % by weight. Any water subsequently added to the tank may be discharged into the sea when all the following conditions are satisfied:
 - (a) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;
 - (b) the discharge is made below the waterline, taking into account the location of the seawater intakes; and
 - (c) the discharge is made at a distance of not less than 12 nautical miles from the nearest land in a depth of water of not less than 25 m.

2. The discharge into the sea of substances in Category B as defined in Regulation 3(1)(b) of this Annex or of those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:
 - (a) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;
 - (b) the procedures and arrangements for discharge are approved by the (flag State) administration. Such procedures and arrangements shall be based upon standards developed by the (IMO) and shall ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 1 part per million;
 - (c) the maximum quantity of cargo discharged from each tank and its associated piping system does not exceed the maximum quantity approved in accordance with the procedures referred to in subparagraph (b) of this paragraph, which shall in no case exceed the greater of 1 m³ or 1/3000 of the tank capacity in m³;
 - (d) the discharge is made below the waterline, taking into account the location of the seawater intakes; and
 - (e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 m.
3. The discharge into the sea of substances in Category C as defined in Regulation 3(1)(c) of this Annex or of those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:
 - (a) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;
 - (b) the procedures and arrangements for discharge are approved by the (flag State) administration. Such procedures and arrangements shall be based upon standards developed by the (IMO) and shall ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 10 parts per million;
 - (c) the maximum quantity of cargo discharged from each tank and its associated piping system does not exceed the maximum quantity approved in accordance with the procedures referred to in subparagraph (b) of this paragraph, which shall in no case exceed the greater of 3 m³ or 1/1000 of the tank capacity in m³;
 - (d) the discharge is made below the waterline, taking into account the location of the seawater intakes; and
 - (e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 m.
4. The discharge into the sea of substances in Category D as defined in Regulation 3(1)(d) of this Annex, or of those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:
 - (a) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;
 - (b) such mixtures are of a concentration not greater than one part of the substance in ten parts of water; and
 - (c) the discharge is made at a distance of not less than 12 nautical miles from the nearest land.
5. Ventilation procedures approved by the (flag State) administration may be used to remove cargo residues from a tank. Such procedures shall be based upon standards developed by the (IMO). Any water subsequently introduced into the tank shall be regarded as clean and shall not be subject to paragraphs 1, 2, 3 or 4 of this Regulation.
6. The discharge into the sea of substances which have not been categorised, provisionally assessed, or evaluated as referred to in Regulation 4(1) of this Annex, or of ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited.

Category A, B and C substances within special areas (as defined in Marpol 73/78 Annex II, Regulation 1, including the Baltic Sea)

Subject to the provisions of [...] Regulation 6 of this Annex,

7. The discharge into the sea of substances in Category A as defined in Regulation 3(1)(a) of this Annex or of those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited. If tanks containing such substances or mixtures are to be washed, the resulting residues shall be discharged to a reception facility which the States bordering the special area shall provide in accordance with Regulation 7 of this Annex, until the concentration of the substance in the effluent to such facility is at or below 0,05 % by weight and until the tank is empty, with the exception of phosphorus, yellow or white, for which the residual concentration shall be 0,005 % by weight. Any water subsequently added to the tank may be discharged into the sea when all the following conditions are satisfied:
 - (a) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;
 - (b) the discharge is made below the waterline, taking into account the location of the seawater intakes; and
 - (c) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 m.
8. The discharge into the sea of substances in Category B as defined in Regulation (3)(1)(b) of this Annex or of those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:
 - (a) the tank has been prewashed in accordance with the procedure approved by the (flag State) Administration and based on standards developed by the (IMO) and the resulting tank washings have been discharged to a reception facility;
 - (b) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;
 - (c) the procedures and arrangements for discharge and washings are approved by the (flag State) Administration. Such procedures and arrangements shall be based upon standards developed by the (IMO) and shall ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 1 part per million;
 - (d) the discharge is made below the waterline, taking into account the location of the seawater intakes; and
 - (e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 m.
9. The discharge into the sea of substances in Category C as defined in Regulation 3(1)(c) of this Annex or of those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:
 - (a) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;
 - (b) the procedures and arrangements for discharge are approved by the (flag State) administration. Such procedures and arrangements shall be based upon standards developed by the (IMO) and shall ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 1 part per million;
 - (c) the maximum quantity of cargo discharged from each tank and its associated piping system does not exceed the maximum quantity approved in accordance with the procedures referred to in subparagraph (b) of this paragraph which shall in no case exceed the greater of 1 m³ or 1/3000 of the tank capacity in m³;

- (d) the discharge is made below the waterline, taking into account the location of the seawater intakes; and
 - (e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 m.
10. Ventilation procedures approved by the (flag State) administration may be used to remove cargo residues from a tank. Such procedures shall be based upon standards developed by the (IMO). Any water subsequently introduced into the tank shall be regarded as clean and shall not be subject to paragraphs 7, 8 or 9 of this Regulation.
 11. The discharge into the sea of substances which have not been categorised, provisionally assessed or evaluated as referred to in Regulation 4(1) of this Annex, or of ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited.
 12. Nothing in this regulation shall prohibit a ship from retaining on board the residues from a Category B or C cargo and discharging such residues into the sea outside a special area in accordance with paragraphs 2 or 3 of this Regulation, respectively.

Regulation 6: Exceptions

Regulation 5 of this Annex shall not apply to:

- (a) the discharge into the sea of noxious liquid substances or mixtures containing such substances necessary for the purpose of securing the safety of a ship or saving life at sea; or
 - (b) the discharge into the sea of noxious liquid substances or mixtures containing such substances resulting from damage to a ship or its equipment:
 - (i) provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimising the discharge; and
 - (ii) except if the owner or the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or
 - (c) the discharge into the sea of noxious liquid substances or mixtures containing such substances, approved by the (flag State) administration, when being used for the purpose of combating specific pollution incidents in order to minimise the damage from pollution. Any such discharge shall be subject to the approval of any government in whose jurisdiction it is contemplated the discharge will occur.
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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)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 40, Article 47(1), the first and third sentences of Article 47(2), and Article 55 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) Pursuant to Article 3(1)(c) of the Treaty, the abolition, as between Member States, of obstacles to the free movement of persons and services is one of the objectives of the Community. For nationals of the Member States, this includes, in particular, the right to pursue a profession, in a self-employed or employed capacity, in a Member State other than the one in which they have obtained their professional qualifications. In addition, Article 47(1) of the Treaty lays down that directives shall be issued for the mutual recognition of diplomas, certificates and other evidence of formal qualifications.
- (2) Following the European Council of Lisbon on 23 and 24 March 2000, the Commission adopted a Communication on 'An Internal Market Strategy for Services', aimed in particular at making the free provision of services within the Community as simple as within an individual Member State. Further to the Communication from the Commission entitled 'New European Labour Markets, Open to All, with Access to All', the European Council of Stockholm on 23 and 24 March 2001 entrusted the Commission with presenting for the 2002 Spring European Council specific proposals for a more uniform, transparent and flexible regime of recognition of qualifications.

- (3) The guarantee conferred by this Directive on persons having acquired their professional qualifications in a Member State to have access to the same profession and pursue it in another Member State with the same rights as nationals is without prejudice to compliance by the migrant professional with any non-discriminatory conditions of pursuit which might be laid down by the latter Member State, provided that these are objectively justified and proportionate.

- (4) In order to facilitate the free provision of services, there should be specific rules aimed at extending the possibility of pursuing professional activities under the original professional title. In the case of information society services provided at a distance, the provisions of Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ⁽⁴⁾, should also apply.

- (5) In view of the different systems established for the cross-border provision of services on a temporary and occasional basis on the one hand, and for establishment on the other, the criteria for distinguishing between these two concepts in the event of the movement of the service provider to the territory of the host Member State should be clarified.

- (6) The facilitation of service provision has to be ensured in the context of strict respect for public health and safety and consumer protection. Therefore, specific provisions should be envisaged for regulated professions having public health or safety implications, which provide cross-frontier services on a temporary or occasional basis.

- (7) Host Member States may, where necessary and in accordance with Community law, provide for declaration requirements. These requirements should not lead to a disproportionate burden on service providers nor hinder or render less attractive the exercise of the freedom to provide services. The need for such requirements should be reviewed periodically in the light of the progress made in establishing a Community framework for administrative cooperation between Member States.

⁽¹⁾ OJ C 181 E, 30.7.2002, p. 183.

⁽²⁾ OJ C 61, 14.3.2003, p. 67.

⁽³⁾ Opinion of the European Parliament of 11 February 2004 (OJ C 97 E, 22.4.2004, p. 230), Council Common Position of 21 December 2004 (OJ C 58 E, 8.3.2005, p. 1) and Position of the European Parliament of 11 May 2005 (not yet published in the Official Journal), Council Decision of 6 June 2005.

⁽⁴⁾ OJ L 178, 17.7.2000, p. 1.

- (8) The service provider should be subject to the application of disciplinary rules of the host Member State having a direct and specific link with the professional qualifications, such as the definition of the profession, the scope of activities covered by a profession or reserved to it, the use of titles and serious professional malpractice which is directly and specifically linked to consumer protection and safety.
- (9) While maintaining, for the freedom of establishment, the principles and safeguards underlying the different systems for recognition in force, the rules of such systems should be improved in the light of experience. Moreover, the relevant directives have been amended on several occasions, and their provisions should be reorganised and rationalised by standardising the principles applicable. It is therefore necessary to replace Council Directives 89/48/EEC⁽¹⁾ and 92/51/EEC⁽²⁾, as well as Directive 1999/42/EC of the European Parliament and of the Council⁽³⁾ on the general system for the recognition of professional qualifications, and Council Directives 77/452/EEC⁽⁴⁾, 77/453/EEC⁽⁵⁾, 78/686/EEC⁽⁶⁾, 78/687/EEC⁽⁷⁾, 78/1026/EEC⁽⁸⁾, 78/1027/EEC⁽⁹⁾, 80/154/EEC⁽¹⁰⁾, 80/155/EEC⁽¹¹⁾, 85/384/EEC⁽¹²⁾, 85/432/EEC⁽¹³⁾, 85/433/EEC⁽¹⁴⁾ and 93/16/EEC⁽¹⁵⁾ concerning the professions of nurse responsible for general care, dental practitioner, veterinary surgeon, midwife, architect, pharmacist and doctor, by combining them in a single text.
- (10) This Directive does not create an obstacle to the possibility of Member States recognising, in accordance with their rules, the professional qualifications acquired outside the territory of the European Union by third country nationals. All recognition should respect in any case minimum training conditions for certain professions.
- (11) In the case of the professions covered by the general system for the recognition of qualifications, hereinafter referred to as 'the general system', Member States should retain the right to lay down the minimum level of qualification required to ensure the quality of the services provided on their territory. However, pursuant to Articles 10, 39 and 43 of the Treaty, they should not require a national of a Member State to obtain qualifications, which they generally lay down only in terms of the diplomas awarded under their national educational system, where the person concerned has already obtained all or part of those qualifications in another Member State. As a result, it should be laid down that any host Member State in which a profession is regulated must take account of the qualifications obtained in another Member State and assess whether they correspond to those which it requires. The general system for recognition, however, does not prevent a Member State from making any person pursuing a profession on its territory subject to specific requirements due to the application of professional rules justified by the general public interest. Rules of this kind relate, for example, to organisation of the profession, professional standards, including those concerning ethics, and supervision and liability. Lastly, this Directive is not intended to interfere with Member States' legitimate interest in preventing any of their citizens from evading enforcement of the national law relating to professions.
- (12) This Directive concerns the recognition by Member States of professional qualifications acquired in other Member States. It does not, however, concern the recognition by Member States of recognition decisions adopted by other Member States pursuant to this Directive. Consequently, individuals holding professional qualifications which have been recognised pursuant to this Directive may not use such recognition to obtain in their Member State of origin rights different from those conferred by the professional qualification obtained in that Member State, unless they provide evidence that they have obtained additional professional qualifications in the host Member State.
- (13) In order to define the mechanism of recognition under the general system, it is necessary to group the various national education and training schemes into different levels. These levels, which are established only for the purpose of the operation of the general system, have no effect upon the national education and training structures nor upon the competence of Member States in this field.
- ⁽¹⁾ OJ L 19, 24.1.1989, p. 16. Directive as amended by Directive 2001/19/EC of the European Parliament and of the Council (OJ L 206, 31.7.2001, p. 1).
- ⁽²⁾ OJ L 209, 24.7.1992, p. 25. Directive as last amended by Commission Decision 2004/108/EC (OJ L 32, 5.2.2004, p. 15).
- ⁽³⁾ OJ L 201, 31.7.1999, p. 77.
- ⁽⁴⁾ OJ L 176, 15.7.1977, p. 1. Directive as last amended by the 2003 Act of Accession.
- ⁽⁵⁾ OJ L 176, 15.7.1977, p. 8. Directive as last amended by Directive 2001/19/EC.
- ⁽⁶⁾ OJ L 233, 24.8.1978, p. 1. Directive as last amended by the 2003 Act of Accession.
- ⁽⁷⁾ OJ L 233, 24.8.1978, p. 10. Directive as last amended by the 2003 Act of Accession.
- ⁽⁸⁾ OJ L 362, 23.12.1978, p. 1. Directive as last amended by Directive 2001/19/EC.
- ⁽⁹⁾ OJ L 362, 23.12.1978, p. 7. Directive as last amended by Directive 2001/19/EC.
- ⁽¹⁰⁾ OJ L 33, 11.2.1980, p. 1. Directive as last amended by the 2003 Act of Accession.
- ⁽¹¹⁾ OJ L 33, 11.2.1980, p. 8. Directive as last amended by Directive 2001/19/EC.
- ⁽¹²⁾ OJ L 223, 21.8.1985, p. 15. Directive as last amended by the 2003 Act of Accession.
- ⁽¹³⁾ OJ L 253, 24.9.1985, p. 34. Directive as amended by Directive 2001/19/EC.
- ⁽¹⁴⁾ OJ L 253, 24.9.1985, p. 37. Directive as last amended by the 2003 Act of Accession.
- ⁽¹⁵⁾ OJ L 165, 7.7.1993, p. 1. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

- (14) The mechanism of recognition established by Directives 89/48/EEC and 92/51/EEC remains unchanged. As a consequence, the holder of a diploma certifying successful completion of training at post-secondary level of a duration of at least one year should be permitted access to a regulated profession in a Member State where access is contingent upon possession of a diploma certifying successful completion of higher or university education of four years' duration, regardless of the level to which the diploma required in the host Member State belongs. Conversely, where access to a regulated profession is contingent upon successful completion of higher or university education of more than four years, such access should be permitted only to holders of a diploma certifying successful completion of higher or university education of at least three years' duration.
- (15) In the absence of harmonisation of the minimum training conditions for access to the professions governed by the general system, it should be possible for the host Member State to impose a compensation measure. This measure should be proportionate and, in particular, take account of the applicant's professional experience. Experience shows that requiring the migrant to choose between an aptitude test or an adaptation period offers adequate safeguards as regards the latter's level of qualification, so that any derogation from that choice should in each case be justified by an imperative requirement in the general interest.
- (16) In order to promote the free movement of professionals, while ensuring an adequate level of qualification, various professional associations and organisations or Member States should be able to propose common platforms at European level. This Directive should take account, under certain conditions, in compliance with the competence of Member States to decide the 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 and in compliance with Community law, and in particular Community law on competition, of those initiatives, while promoting, in this context, a more automatic character of recognition under the general system. Professional associations which are in a position to submit common platforms should be representative at national and European level. A common platform is a set of criteria which make it possible to compensate for the widest range of substantial differences which have been identified between the training requirements in at least two thirds of the Member States including all the Member States which regulate that profession. These criteria could, for example, include requirements such as additional training, an adaptation period under supervised practice, an aptitude test, or a prescribed minimum level of professional practice, or combinations thereof.
- (17) In order to take into account all situations for which there is still no provision relating to the recognition of professional qualifications, the general system should be extended to those cases which are not covered by a specific system, either where the profession is not covered by one of those systems or where, although the profession is covered by such a specific system, the applicant does not for some particular and exceptional reason meet the conditions to benefit from it.
- (18) There is a need to simplify the rules allowing access to a number of industrial, commercial and craft activities, in Member States where those professions are regulated, in so far as those activities have been pursued for a reasonable and sufficiently recent period of time in another Member State, while maintaining for those activities a system of automatic recognition based on professional experience.
- (19) Freedom of movement and the mutual recognition of the evidence of formal qualifications of doctors, nurses responsible for general care, dental practitioners, veterinary surgeons, midwives, pharmacists and architects should be based on the fundamental principle of automatic recognition of the evidence of formal qualifications on the basis of coordinated minimum conditions for training. In addition, access in the Member States to the professions of doctor, nurse responsible for general care, dental practitioner, veterinary surgeon, midwife and pharmacist should be made conditional upon the possession of a given qualification ensuring that the person concerned has undergone training which meets the minimum conditions laid down. This system should be supplemented by a number of acquired rights from which qualified professionals benefit under certain conditions.
- (20) To allow for the characteristics of the qualification system for doctors and dentists and the related *acquis communautaire* in the area of mutual recognition, the principle of automatic recognition of medical and dental specialities common to at least two Member States should continue to apply to all specialities recognised on the date of adoption of this Directive. To simplify the system, however, automatic recognition should apply after the date of entry into force of this Directive only to those new medical specialities common to at least two fifths of Member States. Moreover, this Directive does not prevent Member States from agreeing amongst themselves on automatic recognition for certain medical and dental specialities common to them but not automatically recognised within the meaning of this Directive, according to their own rules.
- (21) Automatic recognition of formal qualifications of doctor with basic training should be without prejudice to the competence of Member States to associate this qualification with professional activities or not.

- (22) All Member States should recognise the profession of dental practitioner as a specific profession distinct from that of medical practitioner, whether or not specialised in odontostomatology. Member States should ensure that the training given to dental practitioners equips them with the skills needed for prevention, diagnosis and treatment relating to anomalies and illnesses of the teeth, mouth, jaws and associated tissues. The professional activity of the dental practitioner should be carried out by holders of a qualification as dental practitioner set out in this Directive.
- (23) It did not appear desirable to lay down standardised training for midwives for all the Member States. Rather, the latter should have the greatest possible freedom to organise their training.
- (24) With a view to simplifying this Directive, reference should be made to the concept of 'pharmacist' in order to delimit the scope of the provisions relating to the automatic recognition of the qualifications, without prejudice to the special features of the national regulations governing those activities.
- (25) Holders of qualifications as a pharmacist are specialists in the field of medicines and should, in principle, have access in all Member States to a minimum range of activities in this field. In defining this minimum range, this Directive should neither have the effect of limiting the activities accessible to pharmacists in the Member States, in particular as regards medical biology analyses, nor create a monopoly for those professionals, as this remains a matter solely for the Member States. The provisions of this Directive are without prejudice to the possibility for the Member States to impose supplementary training conditions for access to activities not included in the coordinated minimum range of activities. This means that the host Member State should be able to impose these conditions on the nationals who hold qualifications which are covered by automatic recognition within the meaning of this Directive.
- (26) This Directive does not coordinate all the conditions for access to activities in the field of pharmacy and the pursuit of these activities. In particular, the geographical distribution of pharmacies and the monopoly for dispensing medicines should remain a matter for the Member States. This Directive leaves unchanged the legislative, regulatory and administrative provisions of the Member States forbidding companies from pursuing certain pharmacists' activities or subjecting the pursuit of such activities to certain conditions.
- (27) Architectural design, the quality of buildings, their harmonious incorporation into their surroundings, respect for natural and urban landscapes and for the public and private heritage are a matter of public interest. Mutual recognition of qualifications should therefore be based on qualitative and quantitative criteria which ensure that the holders of recognised qualifications are in a position to understand and translate the needs of individuals, social groups and authorities as regards spatial planning, the design, organisation and realisation of structures, conservation and the exploitation of the architectural heritage, and protection of natural balances.
- (28) National regulations in the field of architecture and on access to and the pursuit of the professional activities of an architect vary widely in scope. In most Member States, activities in the field of architecture are pursued, de jure or de facto, by persons bearing the title of architect alone or accompanied by another title, without those persons having a monopoly on the pursuit of such activities, unless there are legislative provisions to the contrary. These activities, or some of them, may also be pursued by other professionals, in particular by engineers who have undergone special training in the field of construction or the art of building. With a view to simplifying this Directive, reference should be made to the concept of 'architect' in order to delimit the scope of the provisions relating to the automatic recognition of the qualifications in the field of architecture, without prejudice to the special features of the national regulations governing those activities.
- (29) Where a national and European-level professional organisation or association for a regulated profession makes a reasoned request for specific provisions for the recognition of qualifications on the basis of coordination of minimum training conditions, the Commission shall assess the appropriateness of adopting a proposal for the amendment of this Directive.
- (30) In order to ensure the effectiveness of the system for the recognition of professional qualifications, uniform formalities and rules of procedure should be defined for its implementation, as well as certain details of the pursuit of the profession.
- (31) Since collaboration among the Member States and between them and the Commission is likely to facilitate the implementation of this Directive and compliance with the obligations deriving from it, the means of collaboration should be organised.

- (32) The introduction, at European level, of professional cards by professional associations or organisations could facilitate the mobility of professionals, in particular by speeding up the exchange of information between the host Member State and the Member State of origin. This professional card should make it possible to monitor the career of professionals who establish themselves in various Member States. Such cards could contain information, in full respect of data protection provisions, on the professional's professional qualifications (university or institution attended, qualifications obtained, professional experience), his legal establishment, penalties received relating to his profession and the details of the relevant competent authority.
- (33) The establishment of a network of contact points with the task of providing the citizens of the Member States with information and assistance will make it possible to ensure that the system of recognition is transparent. These contact points will provide any citizen who so requests and the Commission with all the information and addresses relevant to the recognition procedure. The designation of a single contact point by each Member State within this network does not affect the organisation of competencies at national level. In particular, it does not prevent the designation at national level of several offices, the contact point designated within the aforementioned network being in charge of coordinating with the other offices and informing the citizen, where necessary, of the details of the relevant competent office.
- (34) Administering the various systems of recognition set up by the sectoral directives and the general system has proved cumbersome and complex. There is therefore a need to simplify the administration and updating of this Directive to take account of scientific and technical progress, in particular where the minimum conditions of training are coordinated with a view to automatic recognition of qualifications. A single committee for the recognition of professional qualifications should be set up for this purpose, and suitable involvement of representatives of the professional organisations, also at European level, should be ensured.
- (35) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.
- (36) The preparation by the Member States of a periodic report on the implementation of this Directive, containing statistical data, will make it possible to determine the impact of the system for the recognition of professional qualifications.
- (37) There should be a suitable procedure for adopting temporary measures if the application of any provision of this Directive were to encounter major difficulties in a Member State.
- (38) The provisions of this Directive do not affect the powers of the Member States as regards the organisation of their national social security system and determining the activities which must be pursued under that system.
- (39) In view of the speed of technological change and scientific progress, life-long learning is of particular importance for a large number of professions. In this context, it is for the Member States to adopt the detailed arrangements under which, through suitable ongoing training, professionals will keep abreast of technical and scientific progress.
- (40) Since the objectives of this Directive, namely the rationalisation, simplification and improvement of the rules for the recognition of professional qualifications, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (41) This Directive is without prejudice to the application of Articles 39(4) and 45 of the Treaty concerning notably notaries.
- (42) This Directive applies, concerning the right of establishment and the provision of services, without prejudice to other specific legal provisions regarding the recognition of professional qualifications, such as those existing in the field of transport, insurance intermediaries and statutory auditors. This Directive does not affect the operation of Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services ⁽²⁾, or of Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained ⁽³⁾. The recognition of professional qualifications for lawyers for the purpose of immediate establishment under the professional title of the host Member State should be covered by this Directive.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ L 78, 26.3.1977, p. 17. Directive as last amended by the 2003 Act of Accession.

⁽³⁾ OJ L 77, 14.3.1998, p. 36. Directive as amended by the 2003 Act of Accession.

(43) To the extent that they are regulated, this Directive includes also liberal professions, which are, according to this Directive, those practised on the basis of relevant professional qualifications in a personal, responsible and professionally independent capacity by those providing intellectual and conceptual services in the interest of the client and the public. The exercise of the profession might be subject in the Member States, in conformity with the Treaty, to specific legal constraints based on national legislation and on the statutory provisions laid down autonomously, within that framework, by the respective professional representative bodies, safeguarding and developing their professionalism and quality of service and the confidentiality of relations with the client.

(44) This Directive is without prejudice to measures necessary to ensure a high level of health and consumer protection,

HAVE ADOPTED THIS DIRECTIVE:

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 ⁽¹⁾;
- (f) details of any insurance cover or other means of personal or collective protection with regard to professional liability.

⁽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).

TITLE III

(g) for migrants meeting the requirements set out in Article 3(3).

FREEDOM OF ESTABLISHMENT

CHAPTER I

Article 11

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;

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. 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 dyplomowanego) — 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 conse-

cutive 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 ⁽¹⁾ 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) ⁽²⁾.

⁽¹⁾ OJ L 281, 23.11.1995, p. 31. Directive as amended by Regulation (EC) No 1882/2003.

⁽²⁾ OJ L 201, 31.07.2002, p. 37.

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

ANNEX I

List of professional associations or organisations fulfilling the conditions of Article 3(2)IRELAND ⁽¹⁾

1. The Institute of Chartered Accountants in Ireland ⁽²⁾
2. The Institute of Certified Public Accountants in Ireland ⁽²⁾
3. The Association of Certified Accountants ⁽²⁾
4. Institution of Engineers of Ireland
5. Irish Planning Institute

UNITED KINGDOM

1. Institute of Chartered Accountants in England and Wales
2. Institute of Chartered Accountants of Scotland
3. Institute of Chartered Accountants in Ireland
4. Chartered Association of Certified Accountants
5. Chartered Institute of Loss Adjusters
6. Chartered Institute of Management Accountants
7. Institute of Chartered Secretaries and Administrators
8. Chartered Insurance Institute
9. Institute of Actuaries
10. Faculty of Actuaries
11. Chartered Institute of Bankers
12. Institute of Bankers in Scotland
13. Royal Institution of Chartered Surveyors
14. Royal Town Planning Institute
15. Chartered Society of Physiotherapy
16. Royal Society of Chemistry
17. British Psychological Society
18. Library Association
19. Institute of Chartered Foresters
20. Chartered Institute of Building
21. Engineering Council
22. Institute of Energy
23. Institution of Structural Engineers
24. Institution of Civil Engineers
25. Institution of Mining Engineers

⁽¹⁾ Irish nationals are also members of the following associations or organisations in the United Kingdom:

Institute of Chartered Accountants in England and Wales
Institute of Chartered Accountants of Scotland
Institute of Actuaries
Faculty of Actuaries
The Chartered Institute of Management Accountants
Institute of Chartered Secretaries and Administrators
Royal Town Planning Institute
Royal Institution of Chartered Surveyors
Chartered Institute of Building.

⁽²⁾ Only for the activity of auditing accounts.

26. Institution of Mining and Metallurgy
 27. Institution of Electrical Engineers
 28. Institution of Gas Engineers
 29. Institution of Mechanical Engineers
 30. Institution of Chemical Engineers
 31. Institution of Production Engineers
 32. Institution of Marine Engineers
 33. Royal Institution of Naval Architects
 34. Royal Aeronautical Society
 35. Institute of Metals
 36. Chartered Institution of Building Services Engineers
 37. Institute of Measurement and Control
 38. British Computer Society
-

ANNEX II

List of courses having a special structure referred to in Article 11 point (c) subparagraph (ii)1. *Paramedical and childcare training courses*

Training for the following:

in Germany:

- paediatric nurse (Kinderkrankenschwester/Kinderkrankenpfleger),
- physiotherapist (Krankengymnast(in)/Physiotherapeut(in))⁽¹⁾,
- occupational therapist/ergotherapist (Beschäftigungs- und Arbeitstherapeut/Ergotherapeut),
- speech therapist (Logopäde/Logopädin),
- orthoptist (Orthoptist(in)),
- State-recognised childcare worker (Staatlich anerkannte(r) Erzieher(in)),
- State-recognised remedial teacher (Staatlich anerkannte(r) Heilpädagog(e)-in),
- medical laboratory technician (medizinisch-technische(r) Laboratoriums- Assistent(in)),
- medical X-ray technician (medizinisch-technische(r) Radiologie-Assistent(in)),
- medical functional diagnostics technician (medizinisch-technische(r) Assistent(in) für Funktionsdiagnostik),
- veterinary technician (veterinärmedizinisch-technische(r) Assistent(in)),
- dietitian (Diätassistent(in)),
- pharmacy technician (Pharmazieingenieur) training received prior to 31 March 1994 in the former German Democratic Republic or in the territory of the new Länder,
- psychiatric nurse (Psychiatrische(r) Krankenschwester/Krankenpfleger),
- speech therapist (Sprachtherapeut(in));

in the Czech Republic:

- health care assistant (zdravotnický asistent),

which represents education of a total duration of at least 13 years, comprising at least eight years of elementary education and four years of vocational secondary education at a secondary medical school, completed by the 'maturitní zkouška' exam;

- assistant in nutrition (nutriční asistent),

which represents education of a total duration of at least 13 years, comprising at least eight years of elementary education and four years of vocational secondary education at a secondary medical school, completed by the 'maturitní zkouška' exam;

in Italy:

- dental technician (odontotecnico),
- optician (ottico);

⁽¹⁾ As from 1 June 1994, the professional title 'Krankengymnast(in)' was replaced by that of 'Physiotherapeut(in)'. Nevertheless, the members of the profession who obtained their diplomas before that date may, if they wish, continue to use the earlier title of 'Krankengymnast(in)'.

in Cyprus:

- dental technician (οδοντοτεχνίτης),

which represents education of a total duration of at least 14 years, comprising at least six years of elementary education, six years of secondary education and two years of post-secondary vocational education, followed by one year of professional experience;

- optician (τεχνικός οπτικός),

which represents education of a total duration of at least 14 years, comprising at least six years of elementary education, six years of secondary education and two years of post-secondary education, followed by one year of professional experience;

in Latvia:

- dental nurse (zobārstniecības māsa),

which represents education of a total duration of at least 13 years, comprising at least 10 years of general school education and two years of professional education in medical school, followed by three years of professional experience at the end of which a certification exam must be passed to obtain a certificate in the speciality;

- biomedical laboratory assistant (biomedicīnas laborants),

which represents education of a total duration of at least 12 years, comprising at least 10 years of general school education and two years of professional education in medical school, followed by two years of professional experience at the end of which a certification exam must be passed to obtain a certificate in the speciality;

- dental technician (zobu tehniķis),

which represents education of a total duration of at least 12 years, comprising at least 10 years of general school education and two years of professional education in medical school, followed by two years of professional experience at the end of which a certification exam must be passed to obtain a certificate in the speciality;

- physiotherapist's assistant (fizioterapeita asistenti),

which represents education of a total duration of at least 13 years, comprising at least 10 years of general school education and three years of professional education in medical school, followed by two years of professional experience at the end of which a certification exam must be passed to obtain a certificate in the speciality;

in Luxembourg:

- medical X-ray technician (assistant(e) technique médical(e) en radiologie),
- medical laboratory technician (assistant(e) technique médical(e) de laboratoire),
- psychiatric nurse (infirmier/ière psychiatrique),
- medical technician — surgery (assistant(e) technique médical(e) en chirurgie),
- paediatric nurse (infirmier/ière puériculteur/trice),
- nurse — anaesthetics (infirmier/ière anesthésiste),
- qualified masseur/masseuse (masseur/euse diplômé(e)),
- childcare worker (éducateur/trice);

in the Netherlands:

- veterinary assistant (dierenartsassistent),

which represent education and training courses of a total duration of at least 13 years, comprising:

- (i) at least three years of vocational training in a specialised school culminating in an examination, in some cases supplemented by a one- or two-year specialisation course culminating in an examination, or
- (ii) at least two and a half years of vocational training in a specialised school culminating in an examination and supplemented by work experience of at least six months or by a traineeship of at least six months in an approved establishment, or
- (iii) at least two years of vocational training in a specialised school culminating in an examination and supplemented by work experience of at least one year or by a traineeship of at least one year in an approved establishment, or
- (iv) in the case of the veterinary assistant (dierenartsassistent) three years of vocational training in a specialised school (MBO-scheme) or alternatively three years of vocational training in the dual apprenticeship system (LLW), both of which culminate in an examination;

in Austria:

- special basic training for nurses specialising in the care of children and young people (spezielle Grundausbildung in der Kinder- und Jugendlichenpflege),
- special basic training for psychiatric nurses (spezielle Grundausbildung in der psychiatrischen Gesundheits- und Krankenpflege),
- contact lens optician (Kontaktlinsenoptiker),
- pedicurist (Fußpfleger)
- acoustic-aid technician (Hörgeräteakustiker),
- druggist (Drogist),

which represent education and training courses of a total duration of at least 14 years, including at least five years' training followed within a structured training framework, divided into an apprenticeship of at least three years' duration, comprising training partly received in the workplace and partly provided by a vocational training establishment, and a period of professional practice and training, culminating in a professional examination conferring the right to exercise the profession and to train apprentices;

- masseur (Masseur),

which represents education and training courses of a total duration of 14 years, including five years' training within a structured training framework, comprising an apprenticeship of two years' duration, a period of professional practice and training of two years' duration and a training course of one year culminating in a professional examination conferring the rights to exercise the profession and to train apprentices;

- kindergarten worker (Kindergärtner/in),
- child care worker (Erzieher),

which represent education and training courses of a total duration of 13 years, including five years of professional training in a specialised school, culminating in an examination;

in Slovakia:

- teacher in the field of dance at basic schools of art (učiteľ v tanečnom odbore na základných umeleckých školách),

which represents education of a total duration of at least 14,5 years, comprising eight years of basic education, four years of education at the secondary specialised school and a five-semester course of dance pedagogy;

- educator at special educating facilities and at social service facilities (vychovávateľ v špeciálnych výchovných zariadeniach a v zariadeniach sociálnych služieb),

which represents education of a total duration of at least 14 years, comprising eight/nine years of basic education, four years of study at secondary pedagogical school or at another secondary school and two years of supplementary part-time pedagogical study.

2. *Master craftsman sector (Mester/Meister/Maitre), which represents education and training courses concerning skills not covered by Title III, Chapter II, of this Directive.*

Training for the following:

in Denmark:

- optician (optometrist),

this course is of a total duration of 14 years, including five years' vocational training divided into two and a half years' theoretical training provided by the vocational training establishment and two and a half years' practical training received in the workplace, and culminating in a recognised examination relating to the craft and conferring the right to use the title 'Mester';

- orthopaedic technician (ortopædimekaniker),

this course is of a total duration of 12,5 years, including three and a half years' vocational training divided into six months' theoretical training provided by the vocational training establishment and three years' practical training received in the workplace, and culminating in a recognised examination relating to the craft and conferring the right to use the title 'Mester';

- orthopaedic boot and shoemaker (ortopædiskomager),

this course is of a total duration of 13,5 years, including four and a half years' vocational training divided into two years' theoretical training provided by the vocational training establishment and two and a half years' practical training received in the workplace, and culminating in a recognised examination relating to the craft and conferring the right to use the title 'Mester';

in Germany:

- optician (Augenoptiker),
- dental technician (Zahntechniker),
- surgical truss maker (Bandagist),
- hearing-aid maker (Hörgeräte-Akustiker),
- orthopaedic technician (Orthopädiemechaniker),
- orthopaedic bootmaker (Orthopädienschuhmacher);

in Luxembourg:

- dispensing optician (opticien),
- dental technician (mécanicien dentaire),
- hearing-aid maker (audioprothésiste),
- orthopaedic technician/surgical truss maker (mécanicien orthopédiste/bandagiste),
- orthopaedic bootmaker (orthopédiste-cordonnier),

these courses are of a total duration of 14 years, including at least five years' training followed within a structured training framework, partly received in the workplace and partly provided by the vocational training establishment, and culminating in an examination which must be passed in order to be able to practise any activity considered as skilled, either independently or as an employee with a comparable level of responsibility;

in Austria:

- surgical truss maker (Bandagist),
- corset maker (Miederwarenerzeuger),

- optician (Optiker),
- orthopaedic shoemaker (Orthopädienschuhmacher),
- orthopaedic technician (Orthopädietechniker),
- dental technician (Zahntechniker),
- gardener (Gärtner),

which represent education and training of a total duration of at least 14 years, including at least five years' training within a structured training framework, divided into apprenticeship of at least three years' duration, comprising training received partly in the workplace and partly provided by a vocational training establishment, and a period of professional practice and training of at least two years' duration culminating in a mastership examination conferring the rights to exercise the profession, to train apprentices and to use the title 'Meister';

training for master craftsmen in the field of agriculture and forestry, namely:

- master in agriculture (Meister in der Landwirtschaft),
- master in rural home economics (Meister in der ländlichen Hauswirtschaft),
- master in horticulture (Meister im Gartenbau),
- master in market gardening (Meister im Feldgemüsebau),
- master in pomology and fruit-processing (Meister im Obstbau und in der Obstverwertung),
- master in viniculture and wine-production (Meister im Weinbau und in der Kellerwirtschaft),
- master in dairy farming (Meister in der Molkerei- und Käsewirtschaft),
- master in horse husbandry (Meister in der Pferdewirtschaft),
- master in fishery (Meister in der Fischereiwirtschaft),
- master in poultry farming (Meister in der Geflügelwirtschaft),
- master in apiculture (Meister in der Bienenwirtschaft),
- master in forestry (Meister in der Forstwirtschaft),
- master in forestry plantation and forest management (Meister in der Forstgarten- und Forstpflégewirtschaft),
- master in agricultural warehousing (Meister in der landwirtschaftlichen Lagerhaltung),

which represent education and training of a total duration of at least 15 years, including at least six years' training followed within a structured training framework divided into an apprenticeship of at least three years' duration, comprising training partly received in the business and partly provided by a vocational training establishment, and a period of three years of professional practice culminating in a mastership examination relating to the profession and conferring the rights to train apprentices and to use the title 'Meister';

in Poland:

- teacher for practical vocational training (Nauczyciel praktycznej nauki zawodu),

which represents education of a duration of:

- (i) eight years of elementary education and five years of vocational secondary education or equivalent secondary education in a relevant field followed by the course in pedagogy of a total duration of at least 150 hours, the course in work safety and work hygiene, and two years of professional experience in the profession one is going to teach; or
- (ii) eight years of elementary education and five years of vocational secondary education and diploma of graduation from a post-secondary pedagogical technical school; or

- (iii) eight years of elementary education and two to three years of basic vocational secondary education and at least three years of professional experience certified by a degree of master in the particular profession followed by a course in pedagogy of a total duration of at least 150 hours;

in Slovakia:

- master in vocational education (majster odbornej výchovy),

which represents education of a total duration of at least 12 years, comprising eight years of basic education, four years of vocational education (complete vocational secondary education and/or apprenticeship in the relevant (similar) vocational training or apprenticeship course), professional experience of a total duration of at least three years in the field of the person's completed education or apprenticeship and supplementary pedagogical study at the faculty of pedagogy or at the technical universities, or complete secondary education and apprenticeship in the relevant (similar) vocational training or apprenticeship course, professional experience of a total duration of at least three years in the field of the person's completed education or apprenticeship, and additional study of pedagogy at the faculty of pedagogy, or by 1 September 2005 specialised education in the field of special pedagogy provided for in the methodology centres for masters in vocational education at the special schools without supplementary pedagogical study.

3. *Seafaring sector*

- (a) Sea transport

Training for the following:

in the Czech Republic:

- deck assistant (palubní asistent),
- officer in charge of a navigational watch (námořní poručík),
- chief mate (první palubní důstojník),
- master (kapitán),
- engine assistant (strojný asistent),
- officer in charge of an engineering watch (strojný důstojník),
- second engineer officer (druhý strojný důstojník),
- chief engineer officer (první strojný důstojník),
- electrician (elektrotechnik),
- chief electric officer (elektrodůstojník);

in Denmark:

- ship's captain (skibsfører),
- first mate (overstyrmand),
- quartermaster, deck officer (enestyrmand, vagthavende styrmand),
- deck officer (vagthavende styrmand),
- engineer (maskinchef),
- first engineer (1. maskinmester),
- first engineer/duty engineer (1. maskinmester/vagthavende maskinmester);

in Germany:

- captain, large coastal vessel (Kapitän AM),
- captain, coastal vessel (Kapitän AK),
- deck officer, large coastal vessel (Nautischer Schiffsoffizier AMW),

- deck officer, coastal vessel (Nautischer Schiffsoffizier AKW),
- chief engineer, grade C (Schiffsbetriebstechniker CT - Leiter von Maschinenanlagen),
- ship's mechanic, grade C (Schiffsmaschinist CMA -Leiter von Maschinenanlagen),
- ship's engineer, grade C (Schiffsbetriebstechniker CTW),
- ship's mechanic, grade C - solo engineer officer (Schiffsmaschinist CMAW - Technischer Alleinoffizier);

in Italy:

- deck officer (ufficiale di coperta),
- engineer officer (ufficiale di macchina);

in Latvia:

- electrical engineer officer on ships (kuģu elektromehāniķis),
- operator of refrigeration machinery (kuģa saldēšanas iekārtu mašīnists);

in the Netherlands:

- first mate (coastal vessel) (with supplementary training) (stuurman kleine handelsvaart (met aanvulling)),
- coaster engineer (with diploma) (diploma motordrijver),
- VTS-official (VTS-functionaris);

which represent training:

— in the Czech Republic:

(i) for deck assistant (palubní asistent),

1. a person not less than 20 years of age.
2. (a) maritime academy or maritime college — department of navigation, both courses having to be completed by the 'maturitní zkouška' exam, and approved seagoing service of not less than six months on ships during studies; or
- (b) approved seagoing service of not less than two years as rating, forming part of a navigational watch at the support level on ships, and completion of an approved course which meets the standard of competence specified in section A-II/1 of the STCW (International Convention on Standards of Training, Certification and Watchkeeping for Seafarers) Code dispensed by a maritime academy or college of a Party to the STCW Convention, and passing the examination before the Examining Board recognised by the MTC (Maritime Transport Committee of the Czech Republic);

(ii) for officer in charge of a navigational watch (námořní poručík),

1. approved seagoing service in the capacity of deck assistant on ships of 500 gross tonnage or more for not less than six months in the case of a graduate of a maritime college or academy, or one year in the case of a graduate of an approved course, including not less than six months in the capacity of a rating forming a part of a navigational watch;
2. duly completed and endorsed On Board Training Record Book for Deck Cadets;

(iii) for chief mate (první palubní důstojník),

certificate of competence of officer in charge of a navigational watch on ships of 500 gross tonnage or more and not less than 12 months of approved seagoing service in that capacity;

- (iv) for master (kapitán),
- = certificate for service as master on ships of between 500 and 3 000 gross tonnage,
 - = certificate of competence of chief mate on ships of 3 000 gross tonnage or more and not less than six months of approved seagoing service in the capacity of chief mate on ships of 500 gross tonnage or more and not less than six months of approved seagoing service in the capacity of chief mate on ships of 3 000 gross tonnage or more;
- (v) for engine assistant (strojní asistent),
1. a person not less than 20 years of age;
 2. maritime academy or maritime college — department of maritime engineering, and approved seagoing service of not less than six months on ships during the studies;
- (vi) for officer in charge of an engineering watch (strojní důstojník),
- approved seagoing service in the capacity of engine assistant of not less than six months as a graduate from a maritime academy or college;
- (vii) for second engineer officer (druhý strojní důstojník),
- approved seagoing service of not less than 12 months in the capacity of third engineer officer on ships powered by main propulsion machinery of 750 kW propulsion power and more;
- (viii) for chief engineer officer (první strojní důstojník),
- appropriate certificate for service as second engineer officer on ships powered by main propulsion machinery of 3 000 kW propulsion power or more and having not less than six months of approved seagoing service in that capacity;
- (ix) for electrician (elektrotechnik),
1. a person not less than 18 years of age.
 2. maritime or other academy, faculty of electrical engineering, or technical school or college of electrotechnical engineering, all courses having to be completed by the 'maturitní zkouška' exam, and not less than 12 months of approved practice in the field of electrical engineering;
- (x) for chief electric officer (elektrodůstojník),
1. maritime academy or college, faculty of maritime electrical engineering or other academy or secondary school in the field of electrical engineering, all courses having to be completed by the 'maturitní zkouška' or a State exam;
 2. approved seagoing service in the capacity of electrician for a period of not less than 12 months in the case of a graduate of an academy or college, or 24 months in the case of a graduate of a secondary school;
- in Denmark, of nine years' primary schooling followed by a course of basic training and/or service at sea of between 17 and 36 months, supplemented by:
- (i) for the deck officer, one year of specialised vocational training,
 - (ii) for the others, three years of specialised vocational training.
- in Germany, of a total duration of between 14 and 18 years, including a three-year course of basic vocational training and one year's service at sea, followed by one or two years of specialised vocational training supplemented, where appropriate, by two year's work experience in navigation;

- in Latvia:
 - (i) for electrical engineer officer on ships (kuģu elektromehāniķis),
 1. a person of not less than 18 years of age;
 2. represents an education of a total duration of at least 12,5 years, comprising at least nine years of elementary education and at least three years of vocational education. In addition, seagoing service of not less than six months as a ship's electrician or as assistant to the electrical engineer on ships with generator power more than 750 kW is required. Vocational training is completed by a special examination by the competent authority in accordance with the training programme as approved by the Ministry of Transport;
 - (ii) for operator of refrigeration machinery (kuģa saldēšanas iekārtu mašīnists),
 1. a person of not less than 18 years of age;
 2. represents an education of a total duration of at least 13 years, comprising at least nine years of elementary education and at least three years of vocational education. In addition, seagoing service of not less than 12 months as assistant to the refrigeration engineer is required. Vocational training is completed by a special examination by the competent authority in accordance with the training programme as approved by the Ministry of Transport;
- in Italy, of a total duration of 13 years, of which at least five years consist of professional training culminating in an examination and are supplemented, where appropriate, by a traineeship.
- in the Netherlands:
 - (i) for first mate (coastal vessel) (with supplementary training) (stuurman kleine handelsvaart (met aanvulling)), and coaster engineer (with diploma) (diploma motordrijver), involving a course of 14 years, at least two years of which take place in a specialised vocational training establishment, supplemented by a 12-month traineeship,
 - (ii) for the VTS-official (VTS-functionaris) of a total duration of at least 15 years, comprising at least three years of higher vocational education (HBO) or intermediate vocational training (MBO), which are followed by national and regional specialisation courses, comprising at least 12 weeks of theoretical training each and each culminating in an examination,and which are recognised under the International STCW Convention (International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978).

(b) *Sea fishing*

Training for the following:

in Germany:

- captain, deep-sea fishing (Kapitän BG/Fischerei),
- captain, coastal fishing (Kapitän BLK/Fischerei),
- deck officer, deep-sea vessel (Nautischer Schiffsoffizier BGW/Fischerei),
- deck officer, coastal vessel (Nautischer Schiffsoffizier BK/Fischerei);

in the Netherlands:

- first mate/engineer V (stuurman werktuigkundige V),
- engineer IV (fishing vessel) (werktuigkundige IV visvaart),
- first mate IV (fishing vessel) (stuurman IV visvaart),
- first mate/engineer VI (stuurman werktuigkundige VI),

which represent training:

- in Germany, of a total duration of between 14 and 18 years, including a three-year course of basic vocational training and one year's service at sea, followed by one or two years of specialised vocational training supplemented, where appropriate, by two year's work experience in navigation,
- in the Netherlands, involving a course varying in duration between 13 and 15 years, at least two years of which are provided in a specialised vocational school, supplemented by a 12-month period of work experience,

and are recognised under the Torremolinos Convention (1977 International Convention for the Safety of Fishing Vessels).

4. Technical sector

Training for the following:

in the Czech Republic:

- authorised technician, authorised builder (autorizovaný technik, autorizovaný stavitel),

which represents vocational training of a duration of at least nine years, comprising four years of technical secondary education, completed by the 'maturitní zkouška' exam (secondary technical school) and five years of professional experience, concluded by the professional qualification test for pursuit of selected professional activities in construction (pursuant to Act No 50/1976 Sb. (the Building Act) and Act No 360/1992 Sb.);

- track vehicle driver (fyzická osoba řídící drážní vozidlo),

which represents education of a total duration of at least 12 years, comprising at least eight years of elementary education and at least four years of vocational secondary education completed by the 'maturitní zkouška' exam and concluded by the State exam on the motive power of vehicles;

- track revision technician (drážní revizní technik),

which represents education of a total duration of at least 12 years, comprising at least eight years of elementary education and at least four years of vocational secondary education at a secondary machinery or electronics school completed by the 'maturitní zkouška' exam;

- road driving instructor (učitel autoškoly),

a person not less than 24 years of age; represents education of a total duration of at least 12 years, comprising at least eight years of elementary education and at least four years of vocational secondary education focused on traffic or machinery completed by the 'maturitní zkouška' exam;

- State technician for the control of motor vehicle roadworthiness (kontrolní technik STK),

a person not less than 21 years of age; represents education of a total duration of at least 12 years, comprising at least eight years of elementary education and at least four years of vocational secondary education completed by the 'maturitní zkouška' exam, followed by at least two years of technical practice; the person concerned must have a driving licence and a clean criminal record and must have completed the special training for State technicians of at least 120 hours' duration as well as successfully passing the exam;

- mechanic for control of car emissions (mechanik měření emisí),

which represents education of a total duration of at least 12 years, comprising at least eight years of elementary education and at least four years of vocational secondary education completed by the 'maturitní zkouška' exam; furthermore an applicant has to complete at least three years' technical practice and the special training for 'mechanic for the control of car emissions' of eight hours' duration as well as successfully passing the exam;

- boat master Class I (kapitán I. třídy),

which represents education of a total duration of at least 15 years, comprising eight years of elementary education and three years of vocational education completed by the 'maturitní zkouška' exam and culminating in an examination confirmed by a certificate of aptitude. This vocational education has to be followed by four years' vocational practice completed by an exam;

— restorer of monuments that are works of art crafts (restaurátor památek, které jsou díly uměleckých řemesel),

which represents education of a total duration of 12 years if involving full secondary technical education in the restoration course, or 10 to 12 years of study in a related course, plus five years of professional experience in the case of full secondary technical education completed by the 'maturitní zkouška' exam, or eight years of professional experience in the case of secondary technical education ending with the final apprenticeship exam;

— restorer of works of art that are not monuments and are held in the collections of museums and galleries, and of other objects of cultural value (restaurátor děl výtvarných umění, která nejsou památkami a jsou uložena ve sbírkách muzeí a galerií, a ostatních předmětů kulturní hodnoty),

which represents education of a total duration of 12 years plus five years of professional experience in the case of full secondary technical education in the restoration course completed by the 'maturitní zkouška' exam;

— waste manager (odpadový hospodář),

which represents education of a total duration of at least 12 years, comprising at least eight years of elementary education and at least four years of secondary vocational education completed by the 'maturitní zkouška' exam and a minimum of five years of experience in the waste management sector within the last 10 years;

— blasting technical manager (technický vedoucí odstřelů),

which represents education of a total duration of at least 12 years, comprising at least eight years of elementary education and at least four years of vocational secondary education completed by the 'maturitní zkouška' exam,

and followed by:

two years as a shotfirer underground (for underground activity) or one year on surface (for surface activity), including six months as an assistant shotfirer;

training course of 100 hours of theoretical and practical training followed by an examination before the relevant District Mining Authority;

professional experience of six months or more in planning and carrying out major blasting works;

training course of 32 hours of theoretical and practical training followed by an examination before the Czech Mining Authority;

in Italy:

— building surveyor (geometra),

— land surveyor (perito agrario),

which represent secondary technical courses of a total duration of at least 13 years, comprising eight years' compulsory schooling followed by five years' secondary study, including three years' vocational study, culminating in the Technical Baccalaureat examination, and supplemented:

(i) for building surveyors by: either a traineeship lasting at least two years in a professional office, or five years' work experience;

(ii) for land surveyors, by the completion of a practical traineeship lasting at least two years,

followed by the State Examination;

in Latvia:

— engine-railway sector driver's assistant (vilces līdzekļa vadītāja (mašīnista) palīgs),

a person not less than 18 years of age; represents education of a total duration of at least 12 years, comprising at least eight years of elementary education and at least four years of vocational education; vocational training completed by the employer's special examination; certificate of competence issued by a competent authority for five years;

in the Netherlands:

- bailiff (gerechtsdeurwaarder),
- dental-prosthesis maker (tandprotheticus),

which represent a course of study and vocational training:

- (i) in the case of the bailiff (gerechtsdeurwaarder), totalling 19 years, comprising eight years' compulsory schooling followed by eight years' secondary education including four years' technical education culminating in a State examination and supplemented by three years' theoretical and practical vocational training;
- (ii) in the case of the dental-prosthesis maker (tandprotheticus) totalling at least 15 years of full time training and three years of part time training, comprising eight years of primary education, four years of general secondary education, completion of three years of vocational training, involving theoretical and practical training as a dental technician, supplemented by three years of part-time training as a dental prosthesis-maker, culminating in an examination;

in Austria:

- forester (Förster),
- technical consulting (Technisches Büro),
- labour leasing (Überlassung von Arbeitskräften - Arbeitsleihe),
- employment agent (Arbeitsvermittlung),
- investment adviser (Vermögensberater),
- private investigator (Berufsdetektiv),
- security guard (Bewachungsgewerbe),
- real estate agent (Immobilienmakler),
- real estate manager (Immobilienverwalter),
- building project organiser (Bauträger, Bauorganisator, Baubetreuer),
- debt-collecting institute (Inkassobüro/Inkassoinstitut),

which represent education and training of a total duration of at least 15 years, comprising eight years' compulsory schooling followed by a minimum of five years' secondary technical or commercial study, culminating in a technical or commercial mature level qualifying examination, supplemented by at least two years' workplace education and training culminating in a professional examination;

- insurance consultant (Berater in Versicherungsangelegenheiten),

which represents education and training of a total duration of 15 years, including six years' training followed within a structured training framework, divided into an apprenticeship of three years' duration and a three-year period of professional practice and training, culminating in an examination;

- master builder/planning and technical calculation (Planender Baumeister),
- master woodbuilder/planning and technical calculation (Planender Zimmermeister),

which represent education and training of a total duration of at least 18 years, including at least nine years' vocational training divided into four years' secondary technical study and five years' professional practice and training culminating in a professional examination conferring the rights to exercise the profession and to train apprentices, in so far as this training relates to the right to plan buildings, to make technical calculations and to supervise construction work (the Maria Theresian privilege);

- commercial bookkeeper (Gewerblicher Buchhalter), under the 1994 Gewerbeordnung (1994 law on trade, crafts and industry);
- self-employed bookkeeper (Selbständiger Buchhalter), under the 1999 Bundesgesetz über die Wirtschaftstreuhänder (1999 law on the public accounting professions);

in Poland:

- diagnostician executing motor vehicle roadworthiness tests at a vehicle control station at basic level (diagnosta przeprowadzający badania techniczne w stacji kontroli pojazdów o podstawowym zakresie badań),

which represents eight years of elementary education and five years of secondary technical education in the field of motor vehicles and three years' practice in a vehicle service station or in a garage, covering 51 hours of basic training in controlling motor vehicles roadworthiness and passing the qualification examination,

- diagnostician executing motor vehicle roadworthiness tests at a district vehicle control station (diagnosta przeprowadzający badania techniczne pojazdu w okręgowej stacji kontroli pojazdów),

which represents eight years of elementary education and five years of technical secondary education in the field of motor vehicles and four years' practice in a vehicle service station or in a garage, covering 51 hours of basic course in controlling motor vehicle roadworthiness and passing the qualification examination;

- diagnostician executing motor vehicle roadworthiness tests at a vehicle control station (diagnosta wykonujący badania techniczne pojazdów w stacji kontroli pojazdów),

which represents:

- (i) eight years of elementary education and five years of secondary technical education in the field of motor vehicles and four years' proven practice in a vehicle service station or in a garage, or
- (ii) eight years of elementary education and five years of secondary technical education in a field other than motor vehicle specialisation and eight years' proven practice in a vehicle service station or in a garage, covering a total of 113 hours of complete training including basic and specialist training, with exams after every stage.

The duration in hours and the general scope of the particular courses in the framework of the complete training for diagnostician are separately specified in the Ministry of Infrastructure's Regulation of 28 November 2002 on detailed requirements regarding diagnosticians (OJ 2002, No 208, pos. 1769);

- train dispatcher (dyżurny ruchu),

which represents eight years of elementary education and four years of secondary vocational education, with rail transport specialisation, as well as a course preparing for work as a train dispatcher of 45 days and passing the qualification examination, or which represents eight years of elementary education and five years of secondary vocational education with rail transport specialisation, as well as a course preparing for work as a train dispatcher of 63 days and passing the qualification examination.

5. *United Kingdom courses accredited as national vocational qualifications or Scottish vocational qualifications*

Training for:

- listed veterinary nurse,
- mine electrical engineer,
- mine mechanical engineer,
- dental therapist,
- dental hygienist,
- dispensing optician,
- mine deputy,
- insolvency practitioner,
- licensed conveyancer,
- first mate — freight/passenger ships — unrestricted,

- second mate — freight/passenger ships — unrestricted,
- third mate — freight/passenger ships unrestricted,
- deck officer — freight/passenger ships — unrestricted,
- engineer officer — freight/passenger ships — unlimited trading area,
- certified technically competent person in waste management,

leading to qualifications accredited as national vocational qualifications (NVQs) or, in Scotland, accredited as Scottish vocational qualifications, at levels 3 and 4 of the United Kingdom National Framework of Vocational Qualifications.

These levels are defined as follows:

- level 3: competence in a broad range of varied work activities performed in a wide variety of contexts and most of which are complex and non-routine. There is considerable responsibility and autonomy, and control or guidance of others is often required,
 - level 4: Competence in a broad range of complex, technical or professional work activities performed in a wide variety of contexts and with a substantial degree of personal responsibility and autonomy. Responsibility for the work of others and the allocation of resources is often present.
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ANNEX III

List of regulated education and training referred to in the third subparagraph of Article 13(2)

In the United Kingdom:

Regulated courses leading to qualifications accredited as National Vocational Qualifications (NVQs) or, in Scotland, accredited as Scottish Vocational Qualifications, at levels 3 and 4 of the United Kingdom National Framework of Vocational Qualifications.

These levels are defined as follows:

- Level 3: competence in a broad range of varied work activities performed in a wide variety of contexts and most of which are complex and non-routine. There is considerable responsibility and autonomy, and control or guidance of others is often required.
- Level 4: competence in a broad range of complex, technical or professional work activities performed in a wide variety of contexts and with a substantial degree of personal responsibility and autonomy. Responsibility for the work of others and the allocation of resources is often present.

In Germany:

The following regulated courses:

- Regulated courses preparatory to the pursuit of the professions of technical assistant (technische(r) Assistent(in)), commercial assistant (kaufmännische(r) Assistent(in)), social professions (soziale Berufe) and the profession of State-certified respiration and elocution instructor (staatlich geprüfte(r) Atem-, Sprech- und Stimmlehrer(in)), of a total duration of at least 13 years, which require successful completion of the secondary course of education (mittlerer Bildungsabschluss) and which comprise:
 - (i) at least three years ⁽¹⁾ of vocational training at a specialised school (Fachschule) culminating in an examination and, where applicable, supplemented by a one- or two-year specialisation course also culminating in an examination; or
 - (ii) at least two and a half years at a specialised school (Fachschule) culminating in an examination and supplemented by work experience of a duration of not less than six months or a traineeship of not less than six months in an approved establishment; or
 - (iii) at least two years at a specialised school (Fachschule) culminating in an examination and supplemented by work experience of a duration of not less than one year or a traineeship of not less than one year in an approved establishment.
- Regulated courses for the professions of State-certified (staatlich geprüfte(r)) technician (Techniker(in)), business economist (Betriebswirt(in)), designer (Gestalter(in)) and family assistant (Familiengestalter(in)), of a total duration of not less than 16 years, a prerequisite of which is successful completion of compulsory schooling or equivalent education and training (of a duration of not less than nine years) and successful completion of a course at a trade school (Berufsschule) of a duration of not less than three years and comprising, upon completion of at least two years of work experience, full-time education and training of a duration of not less than two years or part-time education and training of equivalent duration.
- Regulated courses and regulated in-service training, of a total duration of not less than 15 years, a prerequisite of which is, generally speaking, successful completion of compulsory schooling (of a duration of not less than nine years) and of vocational training (normally three years) and which generally comprise at least two years of work experience (three years in most cases) and an examination in the context of in service training preparation for which generally comprises a training course which is either concurrent with the work experience (at least 1 000 hours) or is attended on a full-time basis (at least one year).

The German authorities shall send to the Commission and to the other Member States a list of the training courses covered by this Annex.

⁽¹⁾ The minimum duration may be reduced from three years to two years if the person concerned has the qualification required to enter university ('Abitur'), i.e. thirteen years of prior education and training, or the qualification needed to enter a 'Fachhochschule' ('Fachhochschulreife'), i.e. 12 years of prior education and training.

In the Netherlands:

- Regulated training courses of a total duration of not less than 15 years, a prerequisite of which is successful completion of eight years of primary education plus four years of either intermediate general secondary education ('MAVO') or Preparatory Vocational Education (VBO) or general secondary education of a higher level, and which require the completion of a three-year or four-year course at a college for intermediate vocational training (MBO), culminating in an examination.
- Regulated training courses of a total duration not less than 16 years, a prerequisite of which is successful completion of eight years of primary education plus four years of at least preparatory vocational education (VBO) or a higher level of general secondary education, and which require the completion of at least four years of vocational training in the apprenticeship system, comprising at least one day of theoretical instruction at a college each week and on the other days practical training in a practical training centre or in a firm, and culminating in a secondary or tertiary level examination.

The Dutch authorities shall send to the Commission and to the other Member States a list of the training courses covered by this Annex.

In Austria:

- Courses at higher vocational schools (Berufsbildende Höhere Schulen) and higher education establishments for agriculture and forestry (Höhere Land- und Forstwirtschaftliche Lehranstalten), including special types (einschließlich der Sonderformen), the structure and level of which are determined by law, regulations and administrative provisions.

These courses have a total length of not less than 13 years and comprise five years of vocational training, which culminate in a final examination, the passing of which is a proof of professional competence.

- Courses at master schools (Meisterschulen), master classes (Meisterklassen), industrial master schools (Werkmeisterschulen) or building craftsmen schools (Bauhandwerkerschulen), the structure and level of which are determined by law, regulations and administrative provisions.

These courses have a total length of not less than 13 years, comprising nine years of compulsory education, followed by either at least three years of vocational training at a specialized school or at least three years of training in a firm and in parallel at a vocational training school (Berufsschule), both of which culminate in an examination, and are supplemented by successful completion of at least a one-year training course at a master school (Meisterschule), master classes (Meisterklassen), industrial master school (Werkmeisterschule) or a building craftsmen school (Bauhandwerkerschule). In most cases the total duration is at least 15 years, comprising periods of work experience, which either precede the training courses at these establishments or are accompanied by part-time courses (at least 960 hours).

The Austrian authorities shall send to the Commission and to the other Member States a list of the training courses covered by this Annex.

ANNEX IV

Activities related to the categories of professional experience referred to in Articles 17, 18 and 19

List I

Major groups covered by Directive 64/427/EEC, as amended by Directive 69/77/EEC, and by Directives 68/366/EEC and 82/489/EEC

I

Directive 64/427/EEC

(liberalisation Directive 64/429/EEC)

NICE nomenclature (corresponding to ISIC major groups 23 to 40)

Major group	23	Manufacture of textiles
	232	Manufacturing and processing of textile materials on woollen machinery
	233	Manufacturing and processing of textile materials on cotton machinery
	234	Manufacturing and processing of textile materials on silk machinery
	235	Manufacturing and processing of textile materials on flax and hemp machinery
	236	Other textile fibre industries (jute, hard fibres, etc.), cordage
	237	Manufacture of knitted and crocheted goods
	238	Textile finishing
	239	Other textile industries
Major group	24	Manufacture of footwear, other wearing apparel and bedding
	241	Machine manufacture of footwear (except from rubber or wood)
	242	Manufacture by hand and repair of footwear
	243	Manufacture of wearing apparel (except furs)
	244	Manufacture of mattresses and bedding
	245	Skin and fur industries
Major group	25	Manufactures of wood and cork, except manufacture of furniture
	251	Sawing and industrial preparation of wood
	252	Manufacture of semi-finished wood products
	253	Series production of wooden building components including flooring
	254	Manufacture of wooden containers
	255	Manufacture of other wooden products (except furniture)
	259	Manufacture of straw, cork, basketware, wicker-work and rattan products; brush-making
Major group	26	260 Manufacture of wooden furniture
Major group	27	Manufacture of paper and paper products
	271	Manufacture of pulp, paper and paperboard
	272	Processing of paper and paperboard, and manufacture of articles of pulp
Major group	28	280 Printing, publishing and allied industries

Major group	29	Leather industry
	291	Tanneries and leather finishing plants
	292	Manufacture of leather products
ex major group	30	Manufacture of rubber and plastic products, man-made fibres and starch products
	301	Processing of rubber and asbestos
	302	Processing of plastic materials
	303	Production of man-made fibres
ex major group	31	Chemical industry
	311	Manufacture of chemical base materials and further processing of such materials
	312	Specialised manufacture of chemical products principally for industrial and agricultural purposes (including the manufacture for industrial use of fats and oils of vegetable or animal origin falling within ISIC group 312)
	313	Specialised manufacture of chemical products principally for domestic or office use [excluding the manufacture of medicinal and pharmaceutical products (ex ISIC group 319)]
Major group	32	320 Petroleum industry
Major group	33	Manufacture of non-metallic mineral products
	331	Manufacture of structural clay products
	332	Manufacture of glass and glass products
	333	Manufacture of ceramic products, including refractory goods
	334	Manufacture of cement, lime and plaster
	335	Manufacture of structural material, in concrete, cement and plaster
	339	Stone working and manufacture of other non-metallic mineral products
Major group	34	Production and primary transformation of ferrous and non-ferrous metals
	341	Iron and steel industry (as defined in the ECSC treaty, including integrated steel-works-owned coking plants)
	342	Manufacture of steel tubes
	343	Wire-drawing, cold-drawing, cold-rolling of strip, cold-forming
	344	Production and primary transformation of non-ferrous metals
	345	Ferrous and non-ferrous metal foundries
Major group	35	Manufacture of metal products (except machinery and transport equipment)
	351	Forging, heavy stamping and heavy pressing
	352	Secondary transformation and surface-treatment
	353	Metal structures
	354	Boilermaking, manufacture of industrial hollow-ware
	355	Manufacture of tools and implements and finished articles of metal (except electrical equipment)
	359	Ancillary mechanical engineering activities

Major group	36	Manufacture of machinery other than electrical machinery
	361	Manufacture of agricultural machinery and tractors
	362	Manufacture of office machinery
	363	Manufacture of metal-working and other machine-tools and fixtures and attachments for these and for other powered tools
	364	Manufacture of textile machinery and accessories, manufacture of sewing machines
	365	Manufacture of machinery and equipment for the food-manufacturing and beverage industries and for the chemical and allied industries
	366	Manufacture of plant and equipment for mines, iron and steel works foundries, and for the construction industry; manufacture of mechanical handling equipment
	367	Manufacture of transmission equipment
	368	Manufacture of machinery for other specific industrial purposes
	369	Manufacture of other non-electrical machinery and equipment
Major group	37	Electrical engineering
	371	Manufacture of electric wiring and cables
	372	Manufacture of motors, generators, transformers, switchgear, and other similar equipment for the provision of electric power
	373	Manufacture of electrical equipment for direct commercial use
	374	Manufacture of telecommunications equipment, meters, other measuring appliances and electromedical equipment
	375	Manufacture of electronic equipment, radio and television receivers, audio equipment
	376	Manufacture of electric appliances for domestic use
	377	Manufacture of lamps and lighting equipment
	378	Manufacture of batteries and accumulators
	379	Repair, assembly, and specialist installation of electrical equipment
ex major group	38	Manufacture of transport equipment
	383	Manufacture of motor vehicles and parts thereof
	384	Repair of motor vehicles, motorcycles and cycles
	385	Manufacture of motorcycles, cycles and parts thereof
	389	Manufacture of transport equipment not elsewhere classified
Major group	39	Miscellaneous manufacturing industries
	391	Manufacture of precision instruments, and measuring and controlling instruments
	392	Manufacture of medico-surgical instruments and equipment and orthopaedic appliances (except orthopaedic footwear)
	393	Manufacture of photographic and optical equipment
	394	Manufacture and repair of watches and clocks
	395	Jewellery and precious metal manufacturing
	396	Manufacture and repair of musical instruments
	397	Manufacture of games, toys, sporting and athletic goods
	399	Other manufacturing industries
Major group	40	Construction
	400	Construction (non-specialised); demolition
	401	Construction of buildings (dwellings or other)
	402	Civil engineering; building of roads, bridges, railways, etc.
	403	Installation work
	404	Decorating and finishing

2

*Directive 68/366/EEC**(liberalisation Directive 68/365/EEC)**NICE nomenclature*

Major group	20A	200 Industries producing animal and vegetable fats and oils
	20B	Food manufacturing industries (excluding the beverage industry)
	201	Slaughtering, preparation and preserving of meat
	202	Milk and milk products industry
	203	Canning and preserving of fruits and vegetables
	204	Canning and preserving of fish and other sea foods
	205	Manufacture of grain mill products
	206	Manufacture of bakery products, including rusks and biscuits
	207	Sugar industry
	208	Manufacture of cocoa, chocolate and sugar confectionery
	209	Manufacture of miscellaneous food products
Major group	21	Beverage industry
	211	Production of ethyl alcohol by fermentation, production of yeasts and spirits
	212	Production of wine and other unmalted alcoholic beverages
	213	Brewing and malting
	214	Soft drinks and carbonated water industries
	ex 30	Manufacture of rubber products, plastic materials, artificial and synthetic fibres and starch products
	304	Manufacture of starch products

3

*Directive 82/489/EEC**ISIC nomenclature*

ex 855 hairdressing establishments (excluding chiropodists' activities and beauticians' training schools)

List II**Major groups of Directives 75/368/EEC, 75/369/EEC and 82/470/EEC**

1

*Directive 75/368/EEC (activities referred to in Article 5(1))**ISIC nomenclature*

ex 04	Fishing
	043 Inland water fishing
ex 38	Manufacture of transport equipment
	381 Shipbuilding and repairing
	382 Manufacture of railroad equipment
	386 Manufacture of aircraft (including space equipment)

- ex 71 Activities allied to transport and activities other than transport coming under the following groups:
- ex 711 Sleeping- and dining-car services; maintenance of railway stock in repair sheds; cleaning of carriages
 - ex 712 Maintenance of stock for urban, suburban and interurban passenger transport
 - ex 713 Maintenance of stock for other passenger land transport (such as motor cars, coaches, taxis)
 - ex 714 Operation and maintenance of services in support of road transport (such as roads, tunnels and toll-bridges, goods depots, car parks, bus and tram depots)
 - ex 716 Activities allied to inland water transport (such as operation and maintenance of waterways, ports and other installations for inland water transport; tug and piloting services in ports, setting of buoys, loading and unloading of vessels and other similar activities, such as salvaging of vessels, towing and the operation of boathouses)
- 73 Communications: postal services and telecommunications
- ex 85 Personal services
- 854 Laundries and laundry services, dry-cleaning and dyeing
 - ex 856 Photographic studios: portrait and commercial photography, except journalistic photographers
 - ex 859 Personal services not elsewhere classified (only maintenance and cleaning of buildings or accommodation)

2

Directive 75/369/EEC (Article 6: where the activity is regarded as being of an industrial or small craft nature)

ISIC nomenclature

The following itinerant activities:

- (a) the buying and selling of goods:
 - by itinerant tradesmen, hawkers or pedlars (ex ISIC Group 612)
 - in covered markets other than from permanently fixed installations and in open-air markets.
- (b) activities covered by transitional measures already adopted that expressly exclude or do not mention the pursuit of such activities on an itinerant basis.

3

Directive 82/470/EEC (Article 6(1) and (3))

Groups 718 and 720 of the ISIC nomenclature

The activities comprise in particular:

- organising, offering for sale and selling, outright or on commission, single or collective items (transport, board, lodging, excursions, etc.) for a journey or stay, whatever the reasons for travelling (Article 2(B)(a))
- acting as an intermediary between contractors for various methods of transport and persons who dispatch or receive goods, and carrying out related activities:
 - (aa) by concluding contracts with transport contractors, on behalf of principals
 - (bb) by choosing the method of transport, the firm and the route considered most profitable for the principal
 - (cc) by arranging the technical aspects of the transport operation (e.g. packing required for transportation); by carrying out various operations incidental to transport (e.g. ensuring ice supplies for refrigerated wagons)
 - (dd) by completing the formalities connected with the transport such as the drafting of way bills; by assembling and dispersing shipments

(ee) by coordinating the various stages of transportation, by ensuring transit, reshipment, transshipment and other termination operations

(ff) by arranging both freight and carriers and means of transport for persons dispatching goods or receiving them:

- assessing transport costs and checking the detailed accounts
- taking certain temporary or permanent measures in the name of and on behalf of a shipowner or sea transport carrier (with the port authorities, ship's chandlers, etc.).

(The activities listed under Article 2(A)(a), (b) and (d)).

List III

Directives 64/222/EEC, 68/364/EEC, 68/368/EEC, 75/368/EEC, 75/369/EEC, 70/523/EEC and 82/470/EEC

1

Directive 64/222/EEC

(liberalisation Directives 64/223/EEC and 64/224/EEC)

1. Activities of self-employed persons in wholesale trade, with the exception of wholesale trade in medicinal and pharmaceutical products, in toxic products and pathogens and in coal (ex Group 611).
2. Professional activities of an intermediary who is empowered and instructed by one or more persons to negotiate or enter into commercial transactions in the name of and on behalf of those persons.
3. Professional activities of an intermediary who, while not being permanently so instructed, brings together persons wishing to contract directly with one another or arranges their commercial transactions or assists in the completion thereof.
4. Professional activities of an intermediary who enters into commercial transactions in his own name on behalf of others.
5. Professional activities of an intermediary who carries out wholesale selling by auction on behalf of others.
6. Professional activities of an intermediary who goes from door to door seeking orders.
7. Provision of services, by way of professional activities, by an intermediary in the employment of one or more commercial, industrial or small craft undertakings.

2

Directive 68/364/EEC

(liberalisation Directive 68/363/EEC)

ISIC ex Group 612: Retail trade

Activities excluded:

- | | |
|-----|----------------------------------------------------------------------------------------------|
| 012 | Letting out for hire of farm machinery |
| 640 | Real estate, letting of property |
| 713 | Letting out for hire of automobiles, carriages and horses |
| 718 | Letting out for hire of railway carriages and wagons |
| 839 | Renting of machinery to commercial undertakings |
| 841 | Booking of cinema seats and renting of cinematograph films |
| 842 | Booking of theatre seats and renting of theatrical equipment |
| 843 | Letting out for hire of boats, bicycles, coin-operated machines for games of skill or chance |
| 853 | Letting of furnished rooms |
| 854 | Laundered linen hire |
| 859 | Garment hire |

3

*Directive 68/368/EEC**(liberalisation Directive 68/367/EEC)**ISIC nomenclature*

ISIC ex major Group 85

1. Restaurants, cafes, taverns and other drinking and eating places (ISIC Group 852).
2. Hotels, rooming houses, camps and other lodging places (ISIC Group 853).

4

Directive 75/368/EEC (Article 7)

All the activities in the Annex to Directive 75/368/EEC, except the activities listed in Article 5(1) of this Directive (List II, point 1, of this Annex).

ISIC nomenclature

- ex 62 Banks and other financial institutions
- ex 620 Patent buying and licensing companies
- ex 71 Transport
- ex 713 Road passenger transport, excluding transportation by means of motor vehicles
- ex 719 Transportation by pipelines of liquid hydrocarbons and other liquid chemical products
- ex 82 Community services
- 827 Libraries, museums, botanical and zoological gardens
- ex 84 Recreation services
- 843 Recreation services not elsewhere classified:
- Sporting activities (sports grounds, organising sporting fixtures, etc.), except the activities of sports instructors
 - Games (racing stables, areas for games, racecourses, etc.)
 - Other recreation services (circuses, amusement parks and other entertainment)
- ex 85 Personal services
- ex 851 Domestic services
- ex 855 Beauty parlours and services of manicurists, excluding services of chiropodists and professional beauticians' and hairdressers' training schools
- ex 859 Personal services not elsewhere classified, except sports and paramedical masseurs and mountain guides, divided into the following groups:
- Disinfecting and pest control
 - Hiring of clothes and storage facilities
 - Marriage bureaux and similar services
 - Astrology, fortune telling and the like
 - Sanitary services and associated activities
 - Undertaking and cemetery maintenance
 - Couriers and interpreter-guides

5

Directive 75/369/EEC (Article 5)

The following itinerant activities:

- (a) the buying and selling of goods:
 - by itinerant tradesmen, hawkers or pedlars (ex ISIC Group 612)
 - in covered markets other than from permanently fixed installations and in open-air markets
- (b) activities covered by transitional measures already adopted that expressly exclude or do not mention the pursuit of such activities on an itinerant basis.

6

Directive 70/523/EEC

Activities of self-employed persons in the wholesale coal trade and activities of intermediaries in the coal trade (ex Group 6112, ISIC nomenclature)

7

Directive 82/470/EEC (Article 6(2))

(Activities listed in Article 2(A)(c) and (e), (B)(b), (C) and (D))

These activities comprise in particular:

- hiring railway cars or wagons for transporting persons or goods
 - acting as an intermediary in the sale, purchase or hiring of ships
 - arranging, negotiating and concluding contracts for the transport of emigrants
 - receiving all objects and goods deposited, on behalf of the depositor, whether under customs control or not, in warehouses, general stores, furniture depots, coldstores, silos, etc.
 - supplying the depositor with a receipt for the object or goods deposited
 - providing pens, feed and sales rings for livestock being temporarily accommodated while awaiting sale or while in transit to or from the market
 - carrying out inspection or technical valuation of motor vehicles
 - measuring, weighing and gauging goods.
-

ANNEX V

Recognition on the basis of coordination of the minimum training conditions

V.1. DOCTOR OF MEDICINE

5.1.1. Evidence of formal qualifications in basic medical training

Country	Evidence of formal qualifications	Body awarding the qualifications	Certificate accompanying the qualifications	Reference date
België/Belgique/ Belgien	Diploma van arts/Diplôme de docteur en médecine	— Les universités/De universiteiten — Le Jury compétent d'enseignement de la Communauté française/De bevoegde Examencommissie van de Vlaamse Gemeenschap		20 December 1976
Česká republika	Diplom o ukončení studia ve studijním programu všeobecné lékařství (doktor medicíny, MUDr.)	Lékařská fakulta univerzity v České republice	— Vysvědčení o státní rigorózní zkoušce	1 May 2004
Danmark	Bevis for bestået lægevidenskabelig embedseksamen	Medicinsk universitetsfakultet	— Autorisation som læge, udstedt af Sundhedsstyrelsen og — Tilladelse til selvstændigt virke som læge (dokumentation for gennemført praktisk uddannelse), udstedt af Sundhedsstyrelsen	20 December 1976
Deutschland	— Zeugnis über die Ärztliche Prüfung — Zeugnis über die Ärztliche Staatsprüfung und Zeugnis über die Vorbereitungszeit als Medizinalassistent, soweit diese nach den deutschen Rechtsvorschriften noch für den Abschluss der ärztlichen Ausbildung vorgesehen war	Zuständige Behörden		20 December 1976
Eesti	Diplom arstiteaduse õppekava läbimise kohta	Tartu Ülikool		1 May 2004
Ελλάς	Πτυχίο Ιατρικής	— Ιατρική Σχολή Πανεπιστημίου, — Σχολή Επιστημών Υγείας, Τμήμα Ιατρικής Πανεπιστημίου		1 January 1981
España	Título de Licenciado en Medicina y Cirugía	— Ministerio de Educación y Cultura — El rector de una Universidad		1 January 1986
France	Diplôme d'Etat de docteur en médecine	Universités		20 December 1976
Ireland	Primary qualification	Competent examining body	Certificate of experience	20 December 1976
Italia	Diploma di laurea in medicina e chirurgia	Università	Diploma di abilitazione all'esercizio della medicina e chirurgia	20 December 1976

Country	Evidence of formal qualifications	Body awarding the qualifications	Certificate accompanying the qualifications	Reference date
Κύπρος	Πιστοποιητικό Εγγραφής Ιατρού	Ιατρικό Συμβούλιο		1 May 2004
Latvija	ārsta diploms	Universitātes tipa augstskola		1 May 2004
Lietuva	Aukštojo mokslo diplomas, nurodantis suteiktą gydytojo kvalifikaciją	Universitetas	Internatūros pažymėjimas, nurodantis suteiktą medicinos gydytojo profesinę kvalifikaciją	1 May 2004
Luxembourg	Diplôme d'Etat de docteur en médecine, chirurgie et accouchements,	Jury d'examen d'Etat	Certificat de stage	20 December 1976
Magyarország	Általános orvos oklevél (doctor medicinae universae, röv.: dr. med. univ.)	Egyetem		1 May 2004
Malta	Lawrja ta' Tabib tal-Medicina u l-Kirurgija	Universita' ta' Malta	Ċertifikat ta' reġistrazzjoni mahruġ mill-Kunsill Mediku	1 May 2004
Nederland	Getuigschrift van met goed gevolg afgelegd artsexamen	Faculteit Geneeskunde		20 December 1976
Österreich	1. Urkunde über die Verleihung des akademischen Grades Doktor der gesamten Heilkunde (bzw. Doctor medicinae universae, Dr.med.univ.) 2. Diplom über die spezifische Ausbildung zum Arzt für Allgemeinmedizin bzw. Facharzt Diplom	1. Medizinische Fakultät einer Universität 2. Österreichische Ärztekammer		1 January 1994
Polska	Dyplom ukończenia studiów wyższych na kierunku lekarskim z tytułem 'lekarza'	1. Akademia Medyczna 2. Uniwersytet Medyczny 3. Collegium Medicum Uniwersytetu Jagiellońskiego	Lekarski Egzamin Państwowy	1 May 2004
Portugal	Carta de Curso de licenciatura em medicina	Universidades	Diploma comprovativo da conclusão do internato geral emitido pelo Ministério da Saúde	1 January 1986
Slovenija	Diploma, s katero se podeljuje strokovni naslov 'doktor medicine/doktorica medicine'	Univerza		1 May 2004
Slovensko	Vysokoškolský diplom o udelení akademického titulu 'doktor medicíny' ('MUDr.')	Vysoká škola		1 May 2004
Suomi/ Finland	Lääketieteen lisensiaatin tutkinto/Medicine licentiate-examen	— Helsingin yliopisto/Helsingfors universitet — Kuopion yliopisto — Oulun yliopisto — Tampereen yliopisto — Turun yliopisto	Todistus lääkärin perusterveydenhuollon lisäkoulutuksesta/ Examenbevis om tilläggsutbildning för läkare inom primärvården	1 January 1994
Sverige	Läkarexamen	Universitet	Bevis om praktisk utbildning som utfärdas av Socialstyrelsen	1 January 1994
United Kingdom	Primary qualification	Competent examining body	Certificate of experience	20 December 1976

5.1.2. Evidence of formal qualifications of specialised doctors

Country	Evidence of formal qualifications	Body awarding the qualifications	Reference date
België/Belgique/ Belgien	Bijzondere beroepstitel van geneesheer-specialist/ Titre professionnel particulier de médecin spécialiste	Minister bevoegd voor Volksgezondheid/Ministre de la Santé publique	20 December 1976
Česká republika	Diplom o specializaci	Ministerstvo zdravotnictví	1 May 2004
Danmark	Bevis for tilladelse til at betegne sig som speciallæge	Sundhedsstyrelsen	20 December 1976
Deutschland	Fachärztliche Anerkennung	Landesärztekammer	20 December 1976
Eesti	Residentuuri lõputunnistus eriarstiabi erialal	Tartu Ülikool	1 May 2004
Ελλάς	Τίτλος Ιατρικής Ειδικότητας	1. Νομαρχιακή Αυτοδιοίκηση 2. Νομαρχία	1 January 1981
España	Título de Especialista	Ministerio de Educación y Cultura	1 January 1986
France	1. Certificat d'études spéciales de médecine 2. Attestation de médecin spécialiste qualifié 3. Certificat d'études spéciales de médecine 4. Diplôme d'études spécialisées ou spécialisation complémentaire qualifiante de médecine	1. Universités 2. Conseil de l'Ordre des médecins 3. Universités 4. Universités	20 December 1976
Ireland	Certificate of Specialist doctor	Competent authority	20 December 1976
Italia	Diploma di medico specialista	Università	20 December 1976
Κύπρος	Πιστοποιητικό Αναγνώρισης Ειδικότητας	Ιατρικό Συμβούλιο	1 May 2004
Latvija	'Sertifikāts'—kompetentu iestāžu izsniegts dokuments, kas apliecina, ka persona ir nokārtojusi sertifikācijas eksāmenu specialitātē	Latvijas Ārstu biedrība Latvijas Ārstniecības personu profesionālo organizāciju savienība	1 May 2004
Lietuva	Rezidentūros pažymėjimas, nurodantis suteiktą gydytojo specialisto profesinę kvalifikaciją	Universitetas	1 May 2004
Luxembourg	Certificat de médecin spécialiste	Ministre de la Santé publique	20 December 1976
Magyarország	Szakorvosi bizonyítvány	Az Egészségügyi, Szociális és Családügyi Minisztérium illetékes testülete	1 May 2004
Malta	Ċertifikat ta' Speċjalista Mediki	Kumitat ta' Approvazzjoni dwar Speċjalisti	1 May 2004

Country	Evidence of formal qualifications	Body awarding the qualifications	Reference date
Nederland	Bewijs van inschrijving in een Specialistenregister	— Medisch Specialisten Registratie Commissie (MSRC) van de Koninklijke Nederlandsche Maatschappij tot Bevordering der Geneeskunst — Sociaal-Geneskundigen Registratie Commissie van de Koninklijke Nederlandsche Maatschappij tot Bevordering der Geneeskunst	20 December 1976
Österreich	Facharzt Diplom	Österreichische Ärztekammer	1 January 1994
Polska	Dyplom uzyskania tytułu specjalisty	Centrum Egzaminów Medycznych	1 May 2004
Portugal	1. Grau de assistente 2. Título de especialista	1. Ministério da Saúde 2. Ordem dos Médicos	1 January 1986
Slovenija	Potrđilo o opravljenem specialističnem izpitu	1. Ministrstvo za zdravje 2. Zdravniška zbornica Slovenije	1 May 2004
Slovensko	Diplom o špecializácii	Slovenská zdravotnícka univerzita	1 May 2004
Suomi/ Finland	Erikoislääkäarin tutkinto/Specialläkarexamen	1. Helsingin yliopisto/Helsingfors universitet 2. Kuopion yliopisto 3. Oulun yliopisto 4. Tampereen yliopisto 5. Turun yliopisto	1 January 1994
Sverige	Bevis om specialkompetens som läkare, utfärdat av Socialstyrelsen	Socialstyrelsen	1 January 1994
United Kingdom	Certificate of Completion of specialist training	Competent authority	20 December 1976

5.1.3. *Titles of training courses in specialised medicine*

Country	Anaesthetics Minimum period of training: 3 years	General surgery Minimum period of training: 5 years
	Title	Title
Belgique/België/Belgien	Anesthésie-réanimation/Anesthesie reanimatie	Chirurgie/Heelkunde
Česká republika	Anesteziologie a resuscitace	Chirurgie
Danmark	Anæstesiologi	Kirurgi elsler kirurgiske sygdomme
Deutschland	Anästhesiologie	(Allgemeine) Chirurgie
Eesti	Anestesioloogia	Üldkirurgia
Ελλάς	Αναισθησιολογία	Χειρουργική

Country	Anaesthetics Minimum period of training: 3 years	General surgery Minimum period of training: 5 years
	Title	Title
España	Anestesiología y Reanimación	Cirugía general y del aparato digestivo
France	Anesthésiologie-Réanimation chirurgicale	Chirurgie générale
Ireland	Anaesthesia	General surgery
Italia	Anestesia e rianimazione	Chirurgia generale
Κύπρος	Αναισθησιολογία	Γενική Χειρουργική
Latvija	Anestezioloģija un reanimatoloģija	Ķirurgija
Lietuva	Anesteziologija reanimatologija	Chirurgija
Luxembourg	Anesthésie-réanimation	Chirurgie générale
Magyarország	Aneszteziológia és intenzív terápia	Sebészet
Malta	Anesteżija u Kura Intensiva	Kirurgija Ġenerali
Nederland	Anesthesiologie	Heelkunde
Österreich	Anästhesiologie und Intensivmedizin	Chirurgie
Polska	Anestezjologia i intensywne terapie	Chirurgia ogólna
Portugal	Anestesiologia	Cirurgia geral
Slovenija	Anesteziologija, reanimatologija in perioperativna intenzivna medicina	Splošna kirurgija
Slovensko	Anestéziológia a intenzívna medicína	Chirurgia
Suomi/Finland	Anestesiologia ja tehohoito/Anestesiologi och intensivvård	Yleiskirurgia/Allmän kirurgi
Sverige	Anestesi och intensivvård	Kirurgi
United Kingdom	Anaesthetics	General surgery

Country	Neurological surgery Minimum period of training: 5 years	Obstetrics and Gynaecology Minimum period of training: 4 years
	Title	Title
Belgique/België/ Belgien	Neurochirurgie	Gynécologie — obstétrique/Gynaecologie en verloskunde
Česká republika	Neurochirurgie	Gynekologie a porodnictví
Danmark	Neurokirurgi eller kirurgiske nervesygdomme	Gynækologi og obstetrik eller kvindesygdomme og fødselshjælp
Deutschland	Neurochirurgie	Frauenheilkunde und Geburtshilfe
Eesti	Neurokirurgia	Sünnitusabi ja günekoloogia
Ελλάς	Νευροχειρουργική	Μαιευτική-Γυναικολογία
España	Neurocirugía	Obstetricia y ginecología
France	Neurochirurgie	Gynécologie — obstétrique
Ireland	Neurosurgery	Obstetrics and gynaecology
Italia	Neurochirurgia	Ginecologia e ostetricia
Κύπρος	Νευροχειρουργική	Μαιευτική — Γυναικολογία
Latvija	Neiroķirurgija	Ginekologija un dzemdniecība
Lietuva	Neurochirurgija	Akušerija ginekologija
Luxembourg	Neurochirurgie	Gynécologie — obstétrique
Magyarország	Idegsebészet	Szülészet-nőgyógyászat
Malta	Newrokirurgija	Ostetriċja u Ġinekologija
Nederland	Neurochirurgie	Verloskunde en gynaecologie
Österreich	Neurochirurgie	Frauenheilkunde und Geburtshilfe
Polska	Neurochirurgia	Położnictwo i ginekologia
Portugal	Neurocirurgia	Ginecologia e obstetricia
Slovenija	Nevrokirurgija	Ginekologija in porodništvo
Slovensko	Neurochirurgia	Gynekológia a pôrodníctvo
Suomi/Finland	Neurokirurgia/Neurokirurgi	Naistentaudit ja synnytykset/Kvinnosjukdomar och förlossningar
Sverige	Neurokirurgi	Obstetrik och gynekologi
United Kingdom	Neurosurgery	Obstetrics and gynaecology

Country	General (internal) medicine Minimum period of training: 5 years	Ophthalmology Minimum period of training: 3 years
	Title	Title
Belgique/België/Belgien	Médecine interne/Inwendige geneeskunde	Ophtalmologie/Oftalmologie
Česká republika	Vnitřní lékařství	Oftalmologie
Danmark	Intern medicin	Oftalmologi eller øjensygdomme
Deutschland	Innere Medizin	Augenheilkunde
Eesti	Sisehaigused	Oftalmoloogia
Ελλάς	Παθολογία	Οφθαλμολογία
España	Medicina interna	Oftalmología
France	Médecine interne	Ophtalmologie
Ireland	General medicine	Ophthalmic surgery
Italia	Medicina interna	Oftalmologia
Κύπρος	Παθολογία	Οφθαλμολογία
Latvija	Internā medicīna	Oftalmoloģija
Lietuva	Vidaus ligos	Oftalmologija
Luxembourg	Médecine interne	Ophtalmologie
Magyarország	Belgyógyászat	Szemészet
Malta	Medicina Interna	Oftalmoloģija
Nederland	Interne geneeskunde	Oogheekunde
Österreich	Innere Medizin	Augenheilkunde und Optometrie
Polska	Choroby wewnętrznego	Okulistyka
Portugal	Medicina interna	Oftalmologia
Slovenija	Interna medicina	Oftalmologija
Slovensko	Vnútročné lekárstvo	Oftalmológia
Suomi/Finland	Sisätaudit/Inre medicin	Silmätaudit/Ögonsjukdomar
Sverige	Internmedicin	Ögonsjukdomar (oftalmologi)
United Kingdom	General (internal) medicine	Ophthalmology

Country	Otorhinolaryngology Minimum period of training: 3 years	Paediatrics Minimum period of training: 4 years
	Title	Title
Belgique/België/Belgien	Oto-rhino-laryngologie/Otorhinolaryngologie	Pédiatrie/Pediatrie
Česká republika	Otorinolaryngologie	Dětské lékařství
Danmark	Oto-rhino-laryngologi eller øre-næse-halssygdomme	Pædiatri eller sygdomme hos børn
Deutschland	Hals-Nasen-Ohrenheilkunde	Kinder- und Jugendmedizin
Eesti	Otorinolarüngoloogia	Pediaatria
Ελλάς	Ωτορινολαρυγγολογία	Παιδιατρική
España	Otorrinolaringología	Pediatría y sus áreas específicas
France	Oto-rhino-laryngologie	Pédiatrie
Ireland	Otolaryngology	Paediatrics
Italia	Otorinolaringoiatria	Pédiatria
Κύπρος	Ωτορινολαρυγγολογία	Παιδιατρική
Latvija	Otolaringoloģija	Pediatrija
Lietuva	Otorinolaringologija	Vaikų ligos
Luxembourg	Oto-rhino-laryngologie	Pédiatrie
Magyarország	Fül-orr-gégegyógyászat	Csecsemő- és gyermekgyógyászat
Malta	Otorinolaringoloġija	Pedjatrija
Nederland	Keel-, neus- en oorheelkunde	Kindergeneeskunde
Österreich	Hals-, Nasen- und Ohrenkrankheiten	Kinder- und Jugendheilkunde
Polska	Otorynolaryngologia	Pediatria
Portugal	Otorrinolaringologia	Pediatria
Slovenija	Otorinolaringoloģija	Pediatrija
Slovensko	Otorinolaryngológia	Pediatria
Suomi/Finland	Korva-, nenä- ja kurkkutaudit/Öron-, näs- och halssjukdomar	Lastentaudit/Barnsjukdomar
Sverige	Öron-, näs- och halssjukdomar (oto-rhino-laryngologi)	Barn- och ungdomsmedicin
United Kingdom	Otolaryngology	Paediatrics

Country	Respiratory medicine Minimum period of training: 4 years	Urology Minimum period of training: 5 years
	Title	Title
Belgique/België/ Belgien	Pneumologie	Urologie
Česká republika	Tuberkulóza a respirační nemoci	Urologie
Danmark	Medicinske lungesygdomme	Urologi eller urinvejenes kirurgiske sygdomme
Deutschland	Pneumologie	Urologie
Eesti	Pulmonoloogia	Uroloogia
Ελλάς	Φυματιολογία- Πνευμονολογία	Ουρολογία
España	Neumología	Urología
France	Pneumologie	Urologie
Ireland	Respiratory medicine	Urology
Italia	Malattie dell'apparato respiratorio	Urologia
Κύπρος	Πνευμονολογία — Φυματιολογία	Ουρολογία
Latvija	Ptiziopneimonoloģija	Uroloģija
Lietuva	Pulmonologija	Urologija
Luxembourg	Pneumologie	Urologie
Magyarország	Tüdőgyógyászat	Urológia
Malta	Mediċina Respiratorja	Uroloġija
Nederland	Longziekten en tuberculose	Urologie
Österreich	Lungenkrankheiten	Urologie
Polska	Choroby płuc	Urologia
Portugal	Pneumologia	Urologia
Slovenija	Pnevmologija	Urologija
Slovensko	Pneumológia a ftizeológia	Urológia
Suomi/Finland	Keuhkosairaudet ja allergologia/Lungsjukdomar och allergologi	Urologia/Urologi
Sverige	Lungsjukdomar (pneumologi)	Urologi
United Kingdom	Respiratory medicine	Urology

Country	Orthopaedics Minimum period of training: 5 years	Pathological anatomy Minimum period of training: 4 years
	Title	Title
Belgique/België/Belgien	Chirurgie orthopédique/Orthopedische heelkunde	Anatomie pathologique/Pathologische anatomie
Česká republika	Ortopedie	Patologická anatomie
Danmark	Ortopædisk kirurgi	Patologisk anatomi eller vævs- og celleundersøgelser
Deutschland	Orthopädie (und Unfallchirurgie)	Pathologie
Eesti	Ortopeedia	Patoloogia
Ελλάς	Ορθοπαιδική	Παθολογική Ανατομική
España	Cirugía ortopédica y traumatología	Anatomía patológica
France	Chirurgie orthopédique et traumatologie	Anatomie et cytologie pathologiques
Ireland	Trauma and orthopaedic surgery	Morbid anatomy and histopathology
Italia	Ortopedia e traumatologia	Anatomia patologica
Κύπρος	Ορθοπαιδική	Παθολογοανατομία — Ιστολογία
Latvija	Traumatoloģija un ortopēdija	Patoloģija
Lietuva	Ortopedija traumatologija	Patologija
Luxembourg	Orthopédie	Anatomie pathologique
Magyarország	Ortopédia	Patológia
Malta	Kirurgija Ortopedika	Istopatoloģija
Nederland	Orthopedie	Pathologie
Österreich	Orthopädie und Orthopädische Chirurgie	Pathologie
Polska	Ortopedia i traumatologia narządu ruchu	Patomorfologia
Portugal	Ortopedia	Anatomia patologica
Slovenija	Ortopedska kirurgija	Anatomska patologija in citopatologija
Slovensko	Ortopédia	Patologická anatomia
Suomi/Finland	Ortopedia ja traumatologia/Ortopedi och traumatologi	Patologia/Patologi
Sverige	Ortopedi	Klinisk patologi
United Kingdom	Trauma and orthopaedic surgery	Histopathology

Country	Neurology Minimum period of training: 4 years	Psychiatry Minimum period of training: 4 years
	Title	Title
Belgique/België/Belgien	Neurologie	Psychiatrie de l'adulte/Volwassen psychiatrie
Česká republika	Neurologie	Psychiatrie
Danmark	Neurologi eller medicinske nervesygdomme	Psykiatri
Deutschland	Neurologie	Psychiatrie und Psychotherapie
Eesti	Neuroloogia	Psühhiaatria
Ελλάς	Νευρολογία	Ψυχιατρική
España	Neurología	Psiquiatría
France	Neurologie	Psychiatrie
Ireland	Neurology	Psychiatry
Italia	Neurologia	Psichiatria
Κύπρος	Νευρολογία	Ψυχιατρική
Latvija	Neiroloģija	Psihiatrija
Lietuva	Neurologija	Psichiatrija
Luxembourg	Neurologie	Psychiatrie
Magyarország	Neurológia	Pszichiátria
Malta	Newroloġija	Psikjatrija
Nederland	Neurologie	Psychiatrie
Österreich	Neurologie	Psychiatrie
Polska	Neurologia	Psychiatria
Portugal	Neurologia	Psiquiatria
Slovenija	Nevrologija	Psihiatrija
Slovensko	Neurológia	Psychiatria
Suomi/Finland	Neurologia/Neurologi	Psykiatria/Psykiatri
Sverige	Neurologi	Psykiatri
United Kingdom	Neurology	General psychiatry

Country	Diagnostic radiology Minimum period of training: 4 years	Radiotherapy Minimum period of training: 4 years
	Title	Title
Belgique/België/Belgien	Radiodiagnostic/Röntgendiagnose	Radiothérapie-oncologie/Radiotherapie-oncologie
Česká republika	Radiologie a zobrazovací metody	Radiační onkologie
Danmark	Diagnostik radiologi eller røntgenundersøgelse	Onkologi
Deutschland	(Diagnostische) Radiologie	Strahlentherapie
Eesti	Radioloogia	Onkoloogia
Ελλάς	Ακτινοδιαγνωστική	Ακτινοθεραπευτική — Ογκολογία
España	Radiodiagnóstico	Oncología radioterápica
France	Radiodiagnostic et imagerie médicale	Oncologie radiothérapique
Ireland	Diagnostic radiology	Radiation oncology
Italia	Radiodiagnostica	Radioterapia
Κύπρος	Ακτινολογία	Ακτινοθεραπευτική Ογκολογία
Latvija	Diagnostiskā radioloģija	Terapeitiskā radioloģija
Lietuva	Radiologija	Onkologija radioterapija
Luxembourg	Radiodiagnostic	Radiothérapie
Magyarország	Radiológia	Sugárterápia
Malta	Radjoloġija	Onkoloġija u Radjoterapija
Nederland	Radiologie	Radiotherapie
Österreich	Medizinische Radiologie-Diagnostik	Strahlentherapie - Radioonkologie
Polska	Radiologia i diagnostyka obrazowa	Radioterapia onkologiczna
Portugal	Radiodiagnóstico	Radioterapia
Slovenija	Radiologija	Radioterapija in onkologija
Slovensko	Rádiológia	Radiačná onkológia
Suomi/Finland	Radiologia/Radiologi	Syöpätaudit/Cancersjukdomar
Sverige	Medicinsk radiologi	Tumörsjukdomar (allmän onkologi)
United Kingdom	Clinical radiology	Clinical oncology

Country	Plastic surgery Minimum period of training: 5 years	Clinical biology Minimum period of training: 4 years
	Title	Title
Belgique/België/Belgien	Chirurgie plastique, reconstructrice et esthétique/Plastische, reconstructieve en esthetische heelkunde	Biologie clinique/Klinische biologie
Česká republika	Plastická chirurgie	
Danmark	Plastikkirurgi	
Deutschland	Plastische (und Ästhetische) Chirurgie	
Eesti	Plastika- ja rekonstruktiivkirurgia	Laborimeditsiin
Ελλάς	Πλαστική Χειρουργική	Χειρουργική Θώρακος
España	Cirugía plástica, estética y reparadora	Análisis clínicos
France	Chirurgie plastique, reconstructrice et esthétique	Biologie médicale
Ireland	Plastic surgery	
Italia	Chirurgia plastica e ricostruttiva	Patologia clinica
Κύπρος	Πλαστική Χειρουργική	
Latvija	Plastiskā ķirurģija	
Lietuva	Plastinė ir rekonstrukcinė chirurgija	Laboratorinė medicina
Luxembourg	Chirurgie plastique	Biologie clinique
Magyarország	Plasztikai (égési) sebészet	Orvosi laboratóriumi diagnosztika
Malta	Kirurgija Plastika	
Nederland	Plastische Chirurgie	
Österreich	Plastische Chirurgie	Medizinische Biologie
Polska	Chirurgia plastyczna	Diagnostyka laboratoryjna
Portugal	Cirurgia plástica e reconstrutiva	Patologia clínica
Slovenija	Plastična, rekonstrukcijska in estetska kirurgija	
Slovensko	Plastická chirurgia	Laboratórna medicína
Suomi/Finland	Plastiikkirurgia/Plastikkirurgi	
Sverige	Plastikkirurgi	
United Kingdom	Plastic surgery	

Country	Microbiology-bacteriology Minimum period of training: 4 years	Biological chemistry Minimum period of training: 4 years
	Title	Title
Belgique/België/ Belgien		
Česká republika	Lékařská mikrobiologie	Klinická biochemie
Danmark	Klinisk mikrobiologi	Klinisk biokemi
Deutschland	Mikrobiologie (Virologie) und Infektionsepidemiologie	Laboratoriumsmedizin
Eesti		
Ελλάς	1. Ιατρική Βιοπαθολογία 2. Μικροβιολογία	
España	Microbiología y parasitología	Bioquímica clínica
France		
Ireland	Microbiology	Chemical pathology
Italia	Microbiologia e virologia	Biochimica clinica
Κύπρος	Μικροβιολογία	
Latvija	Mikrobioloģija	
Lietuva		
Luxembourg	Microbiologie	Chimie biologique
Magyarország	Orvosi mikrobiológia	
Malta	Mikrobijoloġija	Patoloġija Kimika
Nederland	Medische microbiologie	Klinische chemie
Österreich	Hygiene und Mikrobiologie	Medizinische und Chemische Labordiagnostik
Polska	Mikrobiologia lekarska	
Portugal		
Slovenija	Klinična mikrobiologija	Medicinska biokemija
Slovensko	Klinická mikrobiológia	Klinická biochémia
Suomi/Finland	Kliininen mikrobiologia/Klinisk mikrobiologi	Kliininen kemia/Klinisk kemi
Sverige	Klinisk bakteriologi	Klinisk kemi
United Kingdom	Medical microbiology and virology	Chemical pathology

Country	Immunology Minimum period of training: 4 years	Thoracic surgery Minimum period of training: 5 years
	Title	Title
Belgique/België/ Belgien		Chirurgie thoracique/Heelkunde op de thorax (*)
Česká republika	Alergologie a klinická imunologie	Kardiochirurgie
Danmark	Klinisk immunologi	Thoraxkirurgi eller brysthulens kirurgiske sygdomme
Deutschland		Thoraxchirurgie
Eesti		Torakaalkirurgia
Ελλάς		Χειρουργική Θώρακος
España	Immunología	Cirugía torácica
France		Chirurgie thoracique et cardiovasculaire
Ireland	Immunology (clinical and laboratory)	Thoracic surgery
Italia		Chirurgia toracica; Cardiochirurgia
Κύπρος	Ανοσολογία	Χειρουργική Θώρακος
Latvija	Imunoloģija	Torakālā ķirurgija
Lietuva		Krūtinės chirurgija
Luxembourg	Immunologie	Chirurgie thoracique
Magyarország	Allergológia és klinikai immunológia	Mellkasebészet
Malta	Immunoloġija	Kirurgija Kardjo-Toracika
Nederland		Cardio-thoracale chirurgie
Österreich	Immunologie	
Polska	Immunologia kliniczna	Chirurgia klatki piersiowej
Portugal		Cirurgia cardiorácica
Slovenija		Torikalna kirurgija
Slovensko	Klinická imunológia a alergológia	Hrudníková chirurgia
Suomi/Finland		Sydän- ja rintaelinkirurgia/Hjärt- och thoraxkirurgi
Sverige	Klinisk immunologi	Thoraxkirurgi
United Kingdom	Immunology	Cardo-thoracic surgery

Dates of repeal within the meaning of Article 27(3):

(*) 1 January 1983

Country	Paediatric surgery Minimum period of training: 5 years	Vascular surgery Minimum period of training: 5 years
	Title	Title
Belgique/België/ Belgien		Chirurgie des vaisseaux/Bloedvatenheelkunde (*)
Česká republika	Dětská chirurgie	Cévní chirurgie
Danmark		Karkirurgi eller kirurgiske blodkarsygdomme
Deutschland	Kinderchirurgie	Gefäßchirurgie
Eesti	Lastekirurgia	Kardiovaskulaarkirurgia
Ελλάς	Χειρουργική Παιδών	Αγγειοχειρουργική
España	Cirugía pediátrica	Angiología y cirugía vascular
France	Chirurgie infantile	Chirurgie vasculaire
Ireland	Paediatric surgery	
Italia	Chirurgia pediatrica	Chirurgia vascolare
Κύπρος	Χειρουργική Παιδών	Χειρουργική Αγγείων
Latvija	Bērnu ķirurgija	Asinsvadu ķirurgija
Lietuva	Vaikų chirurgija	Kraujagyslių chirurgija
Luxembourg	Chirurgie pédiatrique	Chirurgie vasculaire
Magyarország	Gyermeksebészet	Érsebészet
Malta	Kirurgija Pedjatrika	Kirurgija Vaskolari
Nederland		
Österreich	Kinderchirurgie	
Polska	Chirurgia dziecięca	Chirurgia naczyniowa
Portugal	Cirurgia pediátrica	Cirurgia vascular
Slovenija		Kardiovaskularna kirurgija
Slovensko	Detská chirurgia	Cievna chirurgia
Suomi/Finland	Lastenkirurgia/Barnkirurgi	Verisuonikirurgia/Kärlkirurgi
Sverige	Barn- och ungdomskirurgi	
United Kingdom	Paediatric surgery	

Dates of repeal within the meaning of Article 27(3):

(*) 1 January 1983

Country	Cardiology Minimum period of training: 4 years	Gastroenterology Minimum period of training: 4 years
	Title	Title
Belgique/België/ Belgien	Cardiologie	Gastro-entérologie/Gastroenterologie
Česká republika	Kardiologie	Gastroenterologie
Danmark	Kardiologi	Medicinsk gastroenterologi eller medicinske mavetarmsygdomme
Deutschland	Innere Medizin und Schwerpunkt Kardiologie	Innere Medizin und Schwerpunkt Gastroenterologie
Eesti	Kardioloogia	Gastroenteroloogia
Ελλάς	Καρδιολογία	Γαστρεντερολογία
España	Cardiología	Aparato digestivo
France	Pathologie cardio-vasculaire	Gastro-entérologie et hépatologie
Ireland	Cardiology	Gastro-enterology
Italia	Cardiologia	Gastroenterologia
Κύπρος	Καρδιολογία	Γαστρεντερολογία
Latvija	Kardioloģija	Gastroenteroloģija
Lietuva	Kardiologija	Gastroenterologija
Luxembourg	Cardiologie et angiologie	Gastro-enterologie
Magyarország	Kardiológia	Gasztroenterológia
Malta	Kardjoloġija	Gastroenteroloġija
Nederland	Cardiologie	Leer van maag-darm-leverziekten
Österreich		
Polska	Kardiologia	Gastrenterologia
Portugal	Cardiologia	Gastrenterologia
Slovenija		Gastroenterologija
Slovensko	Kardiológia	Gastroenterológia
Suomi/Finland	Kardiologia/Kardiologi	Gastroenterologia/Gastroenterologi
Sverige	Kardiologi	Medicinsk gastroenterologi och hepatologi
United Kingdom	Cardiology	Gastro-enterology

Country	Rheumatology Minimum period of training: 4 years	General Haematology Minimum period of training: 3 years
	Title	Title
Belgique/België/ Belgien	Rhumathologie/reumatologie	
Česká republika	Revmatologie	Hematologie a transfúzní lékařství
Danmark	Reumatologi	Hæmatologi eller blodsygdomme
Deutschland	Innere Medizin und Schwerpunkt Rheumatologie	Innere Medizin und Schwerpunkt Hämatologie und Onkologie
Eesti	Reumatoloogia	Hematoloogia
Ελλάς	Ρευματολογία	Αιματολογία
España	Reumatología	Hematología y hemoterapia
France	Rhumatologie	
Ireland	Rheumatology	Haematology (clinical and laboratory)
Italia	Reumatologia	Ematologia
Κύπρος	Ρευματολογία	Αιματολογία
Latvija	Reimatoloģija	Hematoloģija
Lietuva	Reumatologija	Hematologija
Luxembourg	Rhumatologie	Hématologie
Magyarország	Reumatológia	Haematológia
Malta	Rewmatoloģija	Ematoloģija
Nederland	Reumatologie	
Österreich		
Polska	Reumatologia	Hematologia
Portugal	Reumatologia	Imuno-hemoterapia
Slovenija		
Slovensko	Reumatológia	Hematológia a transfúziológia
Suomi/Finland	Reumatologia/Reumatologi	Kliininen hematologia/Klinisk hematologi
Sverige	Reumatologi	Hematologi
United Kingdom	Rheumatology	Haematology

Country	Endocrinology Minimum period of training: 3 years	Physiotherapy Minimum period of training: 3 years
	Title	Title
Belgique/België/Belgien		Médecine physique et réadaptation/Fysische geneeskunde en revalidatie
Česká republika	Endokrinologie	Rehabilitační a fyzikální medicína
Danmark	Medicinsk endokrinologi eller medicinske hormonsygdomme	
Deutschland	Innere Medizin und Schwerpunkt Endokrinologie und Diabetologie	Physikalische und Rehabilitative Medizin
Eesti	Endokrinoloogia	Taastusravi ja füsiaatria
Ελλάς	Ενδοκρινολογία	Φυσική Ιατρική και Αποκατάσταση
España	Endocrinología y nutrición	Medicina física y rehabilitación
France	Endocrinologie, maladies métaboliques	Rééducation et réadaptation fonctionnelles
Ireland	Endocrinology and diabetes mellitus	
Italia	Endocrinologia e malattie del ricambio	Medicina fisica e riabilitazione
Κύπρος	Ενδοκρινολογία	Φυσική Ιατρική και Αποκατάσταση
Latvija	Endokrinoloģija	Rehabilitoloģija Fiziskā rehabilitācija Fizikālā medicīna
Lietuva	Endokrinologija	Fizinė medicina ir reabilitacija
Luxembourg	Endocrinologie, maladies du métabolisme et de la nutrition	Rééducation et réadaptation fonctionnelles
Magyarország	Endokrinológia	Fizioterápia
Malta	Endokrinoloġija u Dijabete	
Nederland		Revalidatiegeneeskunde
Österreich		Physikalische Medizin
Polska	Endokrynologia	Rehabilitacja medyczna
Portugal	Endocrinologia	Fisiatria ou Medicina física e de reabilitação
Slovenija		Fizikalna in rehabilitacijska medicina
Slovensko	Endokrinológia	Fyziatria, balneológia a liečebná rehabilitácia
Suomi/Finland	Endokrinologia/Endokrinologi	Fysiatria/Fysiatri
Sverige	Endokrina sjukdomar	Rehabiliteringsmedicin
United Kingdom	Endocrinology and diabetes mellitus	

Country	Neuropsychiatry Minimum period of training: 5 years	Dermato-venereology Minimum period of training: 3 years
	Title	Title
Belgique/België/Belgien	Neuropsychiatrie (*)	Dermato-vénérologie/Dermato-venerologie
Česká republika		Dermatovenerologie
Danmark		Dermato-venerologi eller hud- og kønssygdomme
Deutschland	Nervenheilkunde (Neurologie und Psychiatrie)	Haut- und Geschlechtskrankheiten
Eesti		Dermatoveneroloogia
Ελλάς	Νευρολογία — Ψυχιατρική	Δερματολογία — Αφροδισιολογία
España		Dermatología médico-quirúrgica y venereología
France	Neuropsychiatrie (**)	Dermatologie et vénéréologie
Ireland		
Italia	Neuropsychiatria (***)	Dermatologia e venerologia
Κύπρος	Νευρολογία — Ψυχιατρική	Δερματολογία — Αφροδισιολογία
Latvija		Dermatoloģija un veneroloģija
Lietuva		Dermatovenerologija
Luxembourg	Neuropsychiatrie (****)	Dermato-vénérologie
Magyarország		Bőrgyógyászat
Malta		Dermato-venerejoloģija
Nederland	Zenuw- en zielsziekten (*****)	Dermatologie en venerologie
Österreich	Neurologie und Psychiatrie	Haut- und Geschlechtskrankheiten
Polska		Dermatologia i wenerologia
Portugal		Dermatovenereologia
Slovenija		Dermatovenerologija
Slovensko	Neuropsychiatria	Dermatovenerológia
Suomi/Finland		Ihotaudit ja allergologia/Hudsjukdomar och allergologi
Sverige		Hud- och könssjukdomar
United Kingdom		

Dates of repeal within the meaning of Article 27(3):

(*) 1 August 1987 except for persons having commenced training before that date

(**) 31 December 1971

(***) 31 October 1999

(****) Evidence of qualifications is no longer awarded for training commenced after 5 March 1982

(*****) 9 July 1984

Country	Radiology Minimum period of training: 4 years	Child psychiatry Minimum period of training: 4 years
	Title	Title
Belgique/België/Belgien		Psychiatrie infanto-juvénile/Kinder- en jeugdpsychiatrie
Česká republika		Dětská a dorostová psychiatrie
Danmark		Børne- og ungdomspsykiatri
Deutschland	Radiologie	Kinder- und Jugendpsychiatrie und -psychotherapie
Eesti		
Ελλάς	Ακτινολογία — Ραδιολογία	Παιδοψυχιατρική
España	Electrorradiología	
France	Electro-radiologie (*)	Pédo-psychiatrie
Ireland	Radiology (**)	Child and adolescent psychiatry
Italia	Radiologia	Neuropsichiatria infantile
Κύπρος		Παιδοψυχιατρική
Latvija		Bērnu psihiatrija
Lietuva		Vaikų ir paauglių psichiatrija
Luxembourg	Électroradiologie (***)	Psychiatrie infantile
Magyarország	Radiológia	Gyermek-és ifjúságpszichiátria
Malta		
Nederland	Radiologie (****)	
Österreich	Radiologie	
Polska		Psychiatria dzieci i młodzieży
Portugal	Radiologia	Pedopsiquiatria
Slovenija		Otroška in mladostniška psihiatrija
Slovensko		Detská psychiatria
Suomi/Finland		Lastenpsykiatria/Barnpsykiatri
Sverige		Barn- och ungdomspsykiatri
United Kingdom		Child and adolescent psychiatry

Dates of repeal within the meaning of Article 27(3):

(*) 3 December 1971

(**) 31 October 1993

(***) Evidence of qualifications is no longer awarded for training commenced after 5 March 1982

(****) 8 July 1984

Country	Geriatrics Minimum period of training: 4 years	Renal diseases Minimum period of training: 4 years
	Title	Title
Belgique/België/ Belgien		
Česká republika	Geriatricie	Nefrologie
Danmark	Geriatrici eller alderdommens sygdomme	Nefrologi eller medicinske nyresygdomme
Deutschland		Innere Medizin und Schwerpunkt Nephrologie
Eesti		Nefroloogia
Ελλάς		Νεφρολογία
España	Geriatría	Nefrología
France		Néphrologie
Ireland	Geriatric medicine	Nephrology
Italia	Geriatría	Nefrologia
Κύπρος	Γηριατρική	Νεφρολογία
Latvija		Nefroloģija
Lietuva	Geriatrija	Nefrologija
Luxembourg	Gériatrie	Néphrologie
Magyarország	Geriatría	Nefrológia
Malta	Ġerjatrija	Nefroloġija
Nederland	Klinische geriatricie	
Österreich		
Polska	Geriatría	Nefrologia
Portugal		Nefrologia
Slovenija		Nefrologija
Slovensko	Geriatría	Nefrológia
Suomi/Finland	Geriatría/Geriatrici	Nefrologia/Nefrologi
Sverige	Geriatrici	Medicinska njursjukdomar (nefrologi)
United Kingdom	Geriatrics	Renal medicine

Country	Communicable diseases Minimum period of training: 4 years	Community medicine Minimum period of training: 4 years
	Title	Title
Belgique/België/ Belgien		
Česká republika	Infekční lékařství	Hygiena a epidemiologie
Danmark	Infektionsmedicin	Samfundsmedicin
Deutschland		Öffentliches Gesundheitswesen
Eesti	Infektsioonhaigused	
Ελλάς		Κοινωνική Ιατρική
España		Medicina preventiva y salud pública
France		Santé publique et médecine sociale
Ireland	Infectious diseases	Public health medicine
Italia	Malattie infettive	Igiene e medicina preventiva
Κύπρος	Λοιμώδη Νοσήματα	Υγειονομία/Κοινωνική Ιατρική
Latvija	Infektoloģija	
Lietuva	Infektologija	
Luxembourg	Maladies contagieuses	Santé publique
Magyarország	Infektológia	Megelőző orvostan és népegészségtan
Malta	Mard Infettiv	Saħħa Pubblika
Nederland		Maatschappij en gezondheid
Österreich		Sozialmedizin
Polska	Choroby zakaźne	Zdrowie publiczne, epidemiologia
Portugal	Infeciologia	Saúde pública
Slovenija	Infektologija	Javno zdravje
Slovensko	Infektológia	Verejné zdravotníctvo
Suomi/Finland	Infektiosairaudet/Infektionssjukdomar	Terveydenhuolto/Hälsövärd
Sverige	Infektionssjukdomar	Socialmedicin
United Kingdom	Infectious diseases	Public health medicine

Country	Pharmacology Minimum period of training: 4 years	Occupational medicine Minimum period of training: 4 years
	Title	Title
Belgique/België/Belgien		Médecine du travail/Arbeidsgeneeskunde
Česká republika	Klinická farmakologie	Pracovní lékařství
Danmark	Klinisk farmakologi	Arbejdsmedicin
Deutschland	Pharmakologie und Toxikologie	Arbeitsmedizin
Eesti		
Ελλάς		Ιατρική της Εργασίας
España	Farmacología clínica	Medicina del trabajo
France		Médecine du travail
Ireland	Clinical pharmacology and therapeutics	Occupational medicine
Italia	Farmacologia	Medicina del lavoro
Κύπρος		Ιατρική της Εργασίας
Latvija		Arodslimības
Lietuva		Darbo medicina
Luxembourg		Médecine du travail
Magyarország	Klinikai farmakológia	Foglalkozás- orvostan (üzemorvostan)
Malta	Farmakoloġġja Klinika u t-Terapewtika	Medicina Okkupazzjonali
Nederland		— Arbeid en gezondheid, bedrijfsgeneeskunde — Arbeid en gezondheid, verzekeringsgeneeskunde
Österreich	Pharmakologie und Toxikologie	Arbeits- und Betriebsmedizin
Polska	Farmakologia kliniczna	Medycyna pracy
Portugal		Medicina do trabalho
Slovenija		Medicina dela, prometa in športa
Slovensko	Klinická farmakológia	Pracovné lekárstvo
Suomi/Finland	Kliininen farmakologia ja lääkehoito/Klinisk farmakologi och läkemedelsbehandling	Työterveyshuolto/Företagshälsovård
Sverige	Klinisk farmakologi	Yrkes- och miljömedicin
United Kingdom	Clinical pharmacology and therapeutics	Occupational medicine

Country	Allergology Minimum period of training: 3 years	Nuclear medicine Minimum period of training: 4 years
	Title	Title
Belgique/België/Belgien		Médecine nucléaire/Nucleaire geneeskunde
Česká republika	Alergologie a klinická imunologie	Nukleární medicína
Danmark	Medicinsk allergologi eller medicinske overfølsomheds sygdomme	Klinisk fysiologi og nuklearmedicin
Deutschland		Nuklearmedizin
Eesti		
Ελλάς	Αλλεργιολογία	Πυρηνική Ιατρική
España	Alergología	Medicina nuclear
France		Médecine nucléaire
Ireland		
Italia	Allergologia ed immunologia clinica	Medicina nucleare
Κύπρος	Αλλεργιολογία	Πυρηνική Ιατρική
Latvija	Alergoloģija	
Lietuva	Alergologija ir klinikinė imunologija	
Luxembourg		Médecine nucléaire
Magyarország	Allergológia és klinikai immunológia	Nukleáris medicina (izotóp diagnosztika)
Malta		Medicina Nukleari
Nederland	Allergologie en inwendige geneeskunde	Nucleaire geneeskunde
Österreich		Nuklearmedizin
Polska	Alergologia	Medycyna nuklearna
Portugal	Imuno-alergologia	Medicina nuclear
Slovenija		Nuklearna medicina
Slovensko	Klinická imunológia a alergológia	Nukleárna medicína
Suomi/Finland		Kliininen fysiologia ja isotooppilääketiede/Klinisk fysiologi och nukleärmedicin
Sverige	Allergisjukdomar	Nukleärmedicin
United Kingdom		Nuclear medicine

Country	Maxillo-facial surgery (basic medical training) Minimum period of training: 5 years Title
Belgique/België/ Belgien	
Česká republika	Maxilofaciální chirurgie
Danmark	
Deutschland	
Eesti	
Ελλάς	
España	Cirugía oral y maxilofacial
France	Chirurgie maxillo-faciale et stomatologie
Ireland	
Italia	Chirurgia maxillo-facciale
Κύπρος	
Latvija	Mutes, sejas un žokļu ķirurģija
Lietuva	Veido ir žandikaulių chirurgija
Luxembourg	Chirurgie maxillo-faciale
Magyarország	Szájsebészet
Malta	
Nederland	
Österreich	Mund- Kiefer- und Gesichtschirurgie
Polska	Chirurgia szczekowo-twarzowa
Portugal	Cirurgia maxilo-facial
Slovenija	Maxilofaciálna kirurgija
Slovensko	Maxilofaciálna chirurgia
Suomi/Finland	
Sverige	
United Kingdom	

Country	Biological haematology Minimum period of training: 4 years
	Title
Belgique/België/Belgien	
Česká republika	
Danmark	Klinisk blodtypeserologi (*)
Deutschland	
Eesti	
Ελλάς	
España	
France	Hématologie
Ireland	
Italia	
Κύπρος	
Latvija	
Lietuva	
Luxembourg	Hématologie biologique
Magyarország	
Malta	
Nederland	
Österreich	
Polska	
Portugal	Hematologia clinica
Slovenija	
Slovensko	
Suomi/Finland	
Sverige	
United Kingdom	

Dates of repeal within the meaning of Article 27(3):

(*) 1 January 1983, except for persons having commenced training before that date and completing it before the end of 1988

Country	Stomatology Minimum period of training: 3 years	Dermatology Minimum period of training: 4 years
	Title	Title
Belgique/België/Belgien		
Česká republika		
Danmark		
Deutschland		
Eesti		
Ελλάς		
España	Estomatología	
France	Stomatologie	
Ireland		Dermatology
Italia	Odontostomatologia (*)	
Κύπρος		
Latvija		
Lietuva		
Luxembourg	Stomatologie	
Magyarország		
Malta		Dermatologija
Nederland		
Österreich		
Polska		
Portugal	Estomatologia	
Slovenija		
Slovensko		
Suomi/Finland		
Sverige		
United Kingdom		Dermatology

Dates of repeal within the meaning of Article 27(3):

(*) 31 December 1994

Country	Venerology Minimum period of training: 4 years	Tropical medicine Minimum period of training: 4 years
	Title	Title
Belgique/België/Belgien		
Česká republika		
Danmark		
Deutschland		
Eesti		
Ελλάς		
España		
France		
Ireland	Genito-urinary medicine	Tropical medicine
Italia		Medicina tropicale
Κύπρος		
Latvija		
Lietuva		
Luxembourg		
Magyarország		Trópusi betegségek
Malta	Medicina Uro-ġenetali	
Nederland		
Österreich		Spezifische Prophylaxe und Tropenhygiene
Polska		Medycyna transportu
Portugal		Medicina tropical
Slovenija		
Slovensko		Tropická medicína
Suomi/Finland		
Sverige		
United Kingdom	Genito-urinary medicine	Tropical medicine

Country	Gastroenterological surgery Minimum period of training: 5 years	Accident and emergency medicine Minimum period of training: 5 years
	Title	Title
Belgique/België/Belgien	Chirurgie abdominale/Heelkunde op het abdomen (*)	
Česká republika		Traumatologie Urgentní medicína
Danmark	Kirurgisk gastroenterologi eller kirurgiske mave-tarmsygdomme	
Deutschland	Visceralchirurgie	
Eesti		
Ελλάς		
España	Cirugía del aparato digestivo	
France	Chirurgie viscérale et digestive	
Ireland		Emergency medicine
Italia	Chirurgia dell'apparato digerente	
Κύπρος		
Latvija		
Lietuva	Abdominalinė chirurgija	
Luxembourg	Chirurgie gastro-entérologique	
Magyarország		Traumatológia
Malta		Medicina tal-Accidenti u l-Emergenza
Nederland		
Österreich		
Polska		Medycyna ratunkowa
Portugal		
Slovenija	Abdominalna kirurgija	
Slovensko	Gastroenterologická chirurgia	Úrazová chirurgia Urgentná medicína
Suomi/Finland	Gastroenterologinen kirurgia/Gastroenterologisk kirurgi	
Sverige		
United Kingdom		Accident and emergency medicine

Dates of repeal within the meaning of Article 27(3):

(*) 1 January 1983

Country	Clinical neurophysiology Minimum period of training: 4 years	Dental, oral and maxillo-facial surgery (basic medical and dental training) ⁽¹⁾ Minimum period of training: 4 years
	Title	Title
Belgique/België/Belgien		Stomatologie et chirurgie orale et maxillo-faciale/Stomatologie en mond-, kaak- en aangezichtschirurgie
Česká republika		
Danmark	Klinisk neurofysiologi	
Deutschland		Mund-, Kiefer- und Gesichtschirurgie
Eesti		
Ελλάς		
España	Neurofisiología clínica	
France		
Ireland	Clinical neurophysiology	Oral and maxillo-facial surgery
Italia		
Κύπρος		Στοματο-Γναθο-Προσωποχειρουργική
Latvija		
Lietuva		
Luxembourg		Chirurgie dentaire, orale et maxillo-faciale
Magyarország		Arc-állcsont-szájsebészet
Malta	Newrofiżjoloġija Klinika	Kirurgija tal-ghadam tal-wieċ
Nederland		
Österreich		
Polska		
Portugal		
Slovenija		
Slovensko		
Suomi/Finland	Kliininen neurofysiologia/Klinisk neurofysiologi	Suu- ja leukakirurgia/Oral och maxillofacial kirurgi
Sverige	Klinisk neurofysiologi	
United Kingdom	Clinical neurophysiology	Oral and maxillo-facial surgery

⁽¹⁾ Training leading to the award of evidence of formal qualifications as a specialist in dental, oral and maxillo-facial surgery (basic medical and dental training) assumes completion and validation of basic medical studies (Article 24) and, in addition, completion and validation of basic dental studies (Article 34).

5.1.4. Evidence of formal qualifications of general practitioners

Country	Evidence of formal qualifications	Professional title	Reference date
België/Belgique/Belgien	Ministerieel erkenningsbesluit van huisarts/Arrêté ministériel d'agrément de médecin généraliste	Huisarts/Médecin généraliste	31 December 1994
Česká republika	Diplom o specializaci 'všeobecné lékařství'	Všeobecný lékař	1 May 2004
Danmark	Tilladelse til at anvende betegnelsen alment praktiserende læge/Speciallæge i almen medicin	Almen praktiserende læge/Speciallæge i almen medicin	31 December 1994
Deutschland	Zeugnis über die spezifische Ausbildung in der Allgemeinmedizin	Facharzt/Fachärztin für Allgemeinmedizin	31 December 1994
Eesti	Diplom peremeditsiini erialal	Perearst	1 May 2004
Ελλάς	Τίτλος ιατρικής ειδικότητας γενικής ιατρικής	Ιατρός με ειδικότητα γενικής ιατρικής	31 December 1994
España	Título de especialista en medicina familiar y comunitaria	Especialista en medicina familiar y comunitaria	31 December 1994
France	Diplôme d'Etat de docteur en médecine (avec document annexé attestant la formation spécifique en médecine générale)	Médecin qualifié en médecine générale	31 December 1994
Ireland	Certificate of specific qualifications in general medical practice	General medical practitioner	31 December 1994
Italia	Attestato di formazione specifica in medicina generale	Medico di medicina generale	31 December 1994
Κύπρος	Τίτλος Ειδικότητας Γενικής Ιατρικής	Ιατρός Γενικής Ιατρικής	1 May 2004
Latvija	Ģimenes ārsta sertifikāts	Ģimenes (vispārējās prakses) ārsts	1 May 2004
Lietuva	Šeimos gydytojo rezidentūros pažymėjimas	Šeimos medicinos gydytojas	1 May 2004
Luxembourg	Diplôme de formation spécifique en médecine générale	Médecin généraliste	31 December 1994
Magyarország	Háziorvostan szakorvosa bizonyítvány	Háziorvostan szakorvosa	1 May 2004
Malta	Tabib tal-familja	Mediċina tal-familja	1 May 2004
Nederland	Certificaat van inschrijving in het register van erkende huisartsen van de Koninklijke Nederlandsche Maatschappij tot bevordering der geneeskunst	Huisarts	31 December 1994
Österreich	Arzt für Allgemeinmedizin	Arzt für Allgemeinmedizin	31 December 1994
Polska	Diplôme: Dyplom uzyskania tytułu specjalisty w dziedzinie medycyny rodzinnej	Specjalista w dziedzinie medycyny rodzinnej	1 May 2004

Country	Evidence of formal qualifications	Professional title	Reference date
Portugal	Diploma do internato complementar de clínica geral	Assistente de clínica geral	31 December 1994
Slovenija	Potrdilo o opravljeni specializaciji iz družinske medicine	Specialist družinske medicine/Specialistka družinske medicine	1 May 2004
Slovensko	Diplom o špecializácii v odbore 'všeobecné lekárstvo'	Všeobecný lekár	1 May 2004
Suomi/ Finland	Todistus lääkäriin perusterveydenhuollon lisäkoulutuksesta/Bevis om tilläggsutbildning av läkare i primärvård	Yleislääkäri/Allmänläkare	31 December 1994
Sverige	Bevis om kompetens som allmänpraktiserande läkare (Europaläkare) utfärdat av Socialstyrelsen	Allmänpraktiserande läkare (Europaläkare)	31 December 1994
United Kingdom	Certificate of prescribed/equivalent experience	General medical practitioner	31 December 1994

V.2. NURSE RESPONSIBLE FOR GENERAL CARE

5.2.1. Training programme for nurses responsible for general care

The training leading to the award of a formal qualification of nurses responsible for general care shall consist of the following two parts.

A. Theoretical instruction

- | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>a. Nursing:</p> <ul style="list-style-type: none"> — Nature and ethics of the profession — General principles of health and nursing — Nursing principles in relation to: <ul style="list-style-type: none"> — general and specialist medicine — general and specialist surgery — child care and paediatrics — maternity care — mental health and psychiatry — care of the old and geriatrics | <p>b. Basic sciences:</p> <ul style="list-style-type: none"> — Anatomy and physiology — Pathology — Bacteriology, virology and parasitology — Biophysics, biochemistry and radiology — Dietetics — Hygiene: <ul style="list-style-type: none"> — preventive medicine — health education — Pharmacology | <p>c. Social sciences:</p> <ul style="list-style-type: none"> — Sociology — Psychology — Principles of administration — Principles of teaching — Social and health legislation — Legal aspects of nursing |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

B. Clinical instruction

- Nursing in relation to:
 - general and specialist medicine
 - general and specialist surgery
 - child care and paediatrics
 - maternity care
 - mental health and psychiatry
 - care of the old and geriatrics
 - home nursing

One or more of these subjects may be taught in the context of the other disciplines or in conjunction therewith.

The theoretical instruction must be weighted and coordinated with the clinical instruction in such a way that the knowledge and skills referred to in this Annex can be acquired in an adequate fashion.

5.2.2. Evidence of formal qualifications of nurses responsible for general care

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Professional title	Reference date
België/Belgique/ Belgien	<ul style="list-style-type: none"> — Diploma geëdudeerde verpleger/verpleegster/Diplôme d'infirmier(ère) gradué(e)/Diplom eines (einer) graduierten Krankenpflegers (-pflegerin) — Diploma in de ziekenhuisverpleegkunde/Brevet d'infirmier(ère) hospitalier(ère)/Brevet eines (einer) Krankenpflegers (-pflegerin) — Brevet van verpleegassistent(e)/Brevet d'hospitalier(ère)/Brevet einer Pflegeassistentin 	<ul style="list-style-type: none"> — De erkende opleidingsinstututen/Les établissements d'enseignement reconnus/Die anerkannten Ausbildungsanstalten — De bevoegde Examencommissie van de Vlaamse Gemeenschap/Le Jury compétent d'enseignement de la Communauté française/Der zuständige Prüfungsausschuss der Deutschsprachigen Gemeinschaft 	<ul style="list-style-type: none"> — Hospitalier(ère)/Verpleegassistent(e) — Infirmier(ère) hospitalier(ère)/Ziekenhuisverpleger(-verpleegster) 	29 June 1979
Česká republika	<ol style="list-style-type: none"> 1. Diplom o ukončení studia ve studijním programu ošetrovatelství ve studijním oboru všeobecná sestra (bakalář, Bc.), accompanied by the following certificate: Vysvědčení o státní závěrečné zkoušce 2. Diplom o ukončení studia ve studijním oboru diplomovaná všeobecná sestra (diplomovaný specialista, DiS.), accompanied by the following certificate: Vysvědčení o absolutoriu 	<ol style="list-style-type: none"> 1. Vysoká škola zřízená nebo uznaná státem 2. Vyšší odborná škola zřízená nebo uznaná státem 	<ol style="list-style-type: none"> 1. Všeobecná sestra 2. Všeobecný ošetrovatel 	1 May 2004
Danmark	Eksamensbevis efter gennemført sygeplejerskeuddannelse	Sygeplejerskole godkendt af Undervisningsministeriet	Sygeplejerske	29 June 1979
Deutschland	Zeugnis über die staatliche Prüfung in der Krankenpflege	Staatlicher Prüfungsausschuss	Gesundheits- und Krankenpflegerin/Gesundheits- und Krankenpfleger	29 June 1979
Eesti	Diplom õe erialal	<ol style="list-style-type: none"> 1. Tallinna Meditsiinikool 2. Tartu Meditsiinikool 3. Kohtla-Järve Meditsiinikool 	õde	1 May 2004
Ελλάς	<ol style="list-style-type: none"> 1. Πτυχίο Νοσηλευτικής Παν/μίου Αθηνών 2. Πτυχίο Νοσηλευτικής Τεχνολογικών Εκπαιδευτικών Ιδρυμάτων (Τ.Ε.Ι.) 3. Πτυχίο Αξιωματικών Νοσηλευτικής 4. Πτυχίο Αδελφών Νοσοκόμων πρώην Ανωτέρων Σχολών Υπουργείου Υγείας και Πρόνοιας 5. Πτυχίο Αδελφών Νοσοκόμων και Επισκεπτριών πρώην Ανωτέρων Σχολών Υπουργείου Υγείας και Πρόνοιας 6. Πτυχίο Τμήματος Νοσηλευτικής 	<ol style="list-style-type: none"> 1. Πανεπιστήμιο Αθηνών 2. Τεχνολογικά Εκπαιδευτικά Ιδρύματα Υπουργείο Εθνικής Παιδείας και Θρησκευμάτων 3. Υπουργείο Εθνικής Άμυνας 4. Υπουργείο Υγείας και Πρόνοιας 5. Υπουργείο Υγείας και Πρόνοιας 6. ΚΑΤΕΕ Υπουργείου Εθνικής Παιδείας και Θρησκευμάτων 	Διπλωματούχος ή πτυχιούχος νοσοκόμος, νοσηλεύτης ή νοσηλεύτρια	1 January 1981

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Professional title	Reference date
España	Título de Diplomado universitario en Enfermería	— Ministerio de Educación y Cultura — El rector de una universidad	Enfermero/a diplomado/a	1 January 1986
France	— Diplôme d'Etat d'infirmier(ère) — Diplôme d'Etat d'infirmier(ère) délivré en vertu du décret no 99-1147 du 29 décembre 1999	Le ministère de la santé	Infirmier(ère)	29 June 1979
Ireland	Certificate of Registered General Nurse	An Bord Altranais (The Nursing Board)	Registered General Nurse	29 June 1979
Italia	Diploma di infermiere professionale	Scuole riconosciute dallo Stato	Infermiere professionale	29 June 1979
Κύπρος	Δίπλωμα Γενικής Νοσηλευτικής	Νοσηλευτική Σχολή	Εγγεγραμμένος Νοσηλευτής	1 May 2004
Latvija	1. Diploms par māsas kvalifikācijas iegūšanu 2. Māsas diploms	1. Māsu skolas 2. Universitātes tipa augstskola pamatojoties uz Valsts eksāmenu komisijas lēmumu	Māsa	1 May 2004
Lietuva	1. Aukštojo mokslo diplomas, nurodantis suteiktą bendrosios praktikos slaugytojo profesinę kvalifikaciją 2. Aukštojo mokslo diplomas (neuniversitetinės studijos), nurodantis suteiktą bendrosios praktikos slaugytojo profesinę kvalifikaciją	1. Universitetas 2. Kolegija	Bendrosios praktikos slaugytojas	1 May 2004
Luxembourg	— Diplôme d'Etat d'infirmier — Diplôme d'Etat d'infirmier hospitalier gradué	Ministère de l'éducation nationale, de la formation professionnelle et des sports	Infirmier	29 June 1979
Magyarország	1. Ápoló bizonyítvány 2. Diplomás ápoló oklevél 3. Egyetemi okleveles ápoló oklevél	1. Iskola 2. Egyetem/főiskola 3. Egyetem	Ápoló	1 May 2004
Malta	Lawrja jew diploma fl-istudji tal-infermerija	Universita' ta' Malta	Infermier Registrat tal-Ewwel Livell	1 May 2004
Nederland	1. Diploma's verpleger A, verpleegster A, verpleegkundige A 2. Diploma verpleegkundige MBOV (Middelbare Beroepsopleiding Verpleegkundige) 3. Diploma verpleegkundige HBOV (Hogere Beroepsopleiding Verpleegkundige) 4. Diploma beroepsonderwijs verpleegkundige — Kwalificatieniveau 4 5. Diploma hogere beroepsopleiding verpleegkundige — Kwalificatieniveau 5	1. Door een van overheidswege benoemde examencommissie 2. Door een van overheidswege benoemde examencommissie 3. Door een van overheidswege benoemde examencommissie 4. Door een van overheidswege aangewezen opleidingsinstelling 5. Door een van overheidswege aangewezen opleidingsinstelling	Verpleegkundige	29 June 1979

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Professional title	Reference date
Österreich	<ol style="list-style-type: none"> Diplom als 'Diplomierte Gesundheits- und Krankenschwester, Diplomierter Gesundheits- und Krankenpfleger' Diplom als 'Diplomierte Krankenschwester, Diplomierter Krankenpfleger' 	<ol style="list-style-type: none"> Schule für allgemeine Gesundheits- und Krankenpflege Allgemeine Krankenpflegeschule 	<ul style="list-style-type: none"> — Diplomierte Krankenschwester — Diplomierter Krankenpfleger 	1 January 1994
Polska	Dyplom ukończenia studiów wyższych na kierunku pielęgniarstwo z tytułem 'magister pielęgniarstwa'	Instytucja prowadząca kształcenie na poziomie wyższym uznana przez właściwe władze (Higher educational institution recognised by the competent authorities)	Pielęgniarka	1 May 2004
Portugal	<ol style="list-style-type: none"> Diploma do curso de enfermagem geral Diploma/carta de curso de bacharelato em enfermagem Carta de curso de licenciatura em enfermagem 	<ol style="list-style-type: none"> Escolas de Enfermagem Escolas Superiores de Enfermagem Escolas Superiores de Enfermagem; Escolas Superiores de Saúde 	Enfermeiro	1 January 1986
Slovenija	Diploma, s katero se podeljuje strokovni naslov 'diplomirana medicinska sestra/diplomirani zdravstvenik'	<ol style="list-style-type: none"> Univerza Visoka strokovna šola 	Diplomirana medicinska sestra/ Diplomirani zdravstvenik	1 May 2004
Slovensko	<ol style="list-style-type: none"> Vysokoškolský diplom o udelení akademického titulu 'magister z ošetrovatelstva' ('Mgr.') Vysokoškolský diplom o udelení akademického titulu 'bakalár z ošetrovatelstva' ('Bc.') Absolventský diplom v študijnom odbore diplomovaná všeobecná sestra 	<ol style="list-style-type: none"> Vysoká škola Vysoká škola Stredná zdravotnícka škola 	Sestra	1 May 2004
Suomi/ Finland	<ol style="list-style-type: none"> Sairaanhoitajan tutkinto/Sjukskötarexamen Sosiaali- ja terveystieteiden ammattikorkeakoulututkinto, sairaanhoitaja (AMK)/Yrkeshögskoleexamen inom hälsovård och det sociala området, sjukskötare (YH) 	<ol style="list-style-type: none"> Terveydenhuolto-oppilaitokset/Hälsöförsläroanstalter Ammattikorkeakoulut/ Yrkehögskolor 	Sairaanhoitaja/Sjukskötare	1 January 1994
Sverige	Sjuksköterskeexamen	Universitet eller högskola	Sjuksköterska	1 January 1994
United Kingdom	Statement of Registration as a Registered General Nurse in part 1 or part 12 of the register kept by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting	Various	<ul style="list-style-type: none"> — State Registered Nurse — Registered General Nurse 	29 June 1979

V.3. DENTAL PRACTITIONER

5.3.1 Study programme for dental practitioners

The programme of studies leading to evidence of formal qualifications in dentistry shall include at least the following subjects. One or more of these subjects may be taught in the context of the other disciplines or in conjunction therewith.

- | | | |
|-----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A. Basic subjects | B. Medico-biological subjects and general medical subjects | C. Subjects directly related to dentistry |
| <ul style="list-style-type: none"> — Chemistry — Physics — Biology | <ul style="list-style-type: none"> — Anatomy — Embryology — Histology, including cytology — Physiology — Biochemistry (or physiological chemistry) — Pathological anatomy — General pathology — Pharmacology — Microbiology — Hygiene — Preventive medicine and epidemiology — Radiology — Physiotherapy — General surgery — General medicine, including paediatrics — Oto-rhino-laryngology — Dermato-venereology — General psychology — psychopathology — neuropathology — Anaesthetics | <ul style="list-style-type: none"> — Prosthodontics — Dental materials and equipment — Conservative dentistry — Preventive dentistry — Anaesthetics and sedation — Special surgery — Special pathology — Clinical practice — Paedodontics — Orthodontics — Periodontics — Dental radiology — Dental occlusion and function of the jaw — Professional organisation, ethics and legislation — Social aspects of dental practice |

5.3.2. Evidence of basic formal qualifications of dental practitioners

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Professional title	Reference date
België/Belgique/ Belgien	Diploma van tandarts/ Diplôme licencié en science dentaire	— De universiteiten/Les universités — De bevoegde Examen- commissie van de Vlaamse Gemeenschap/Le Jury compétent d'enseigne- ment de la Commu- nauté française		Licentiaat in de tandheel- kunde/Licencié en science dentaire	28 January 1980
Česká republika	Diplom o ukončení studia ve studijním programu zubní lékařství (doktor)	Lékařská fakulta univerzity v České republice	Vysvědčení o státní rigorózní zkoušce	Zubní lékař	1 May 2004
Danmark	Bevis for tandlægeeksamen (odontologisk kandidatek- samen)	Tandlægehøjskolerne, Sundhedsvidenskabeligt universitetsfakultet	Autorisation som tandlæge, udstedt af Sundhedsstyrelsen	Tandlæge	28 January 1980

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Professional title	Reference date
Deutschland	Zeugnis über die Zahnärztliche Prüfung	Zuständige Behörden		Zahnarzt	28 January 1980
Eesti	Diplom hambaarstiteaduse õppekava läbimise kohta	Tartu Ülikool		Hambaarst	1 May 2004
Ελλάς	Πτυχίο Οδοντιατρικής	Πανεπιστήμιο		Οδοντίατρος ή χειρουργός οδοντίατρος	1 January 1981
España	Título de Licenciado en Odontología	El rector de una universidad		Licenciado en odontología	1 January 1986
France	Diplôme d'Etat de docteur en chirurgie dentaire	Universités		Chirurgien-dentiste	28 January 1980
Ireland	— Bachelor in Dental Science (B.Dent.Sc.) — Bachelor of Dental Surgery (BDS) — Licentiate in Dental Surgery (LDS)	— Universities — Royal College of Surgeons in Ireland		— Dentist — Dental practitioner — Dental surgeon	28 January 1980
Italia	Diploma di laurea in Odontoiatria e Protesi Dentaria	Università	Diploma di abilitazione all'esercizio della professione di odontoiatra	Odontoiatra	28 January 1980
Κύπρος	Πιστοποιητικό Εγγραφής Οδοντίατρου	Οδοντιατρικό Συμβούλιο		Οδοντίατρος	1 May 2004
Latvija	Zobārsta diploms	Universitātes tipa augstskola	Rezidenta diploms par zobārsta pēcdiploma izglītības programmas pabeigšanu, ko izsniedz universitātes tipa augstskola un 'Sertifikāts' — kompetentas iestādes izsniegts dokuments, kas apliecina, ka persona ir nokārtojusi sertifikācijas eksāmenu zobārstniecībā	Zobārsts	1 May 2004
Lietuva	Aukštojo mokslo diplomas, nurodantis suteiktą gydytojo odontologo kvalifikaciją	Universitetas	Internatūros pažymėjimas, nurodantis suteiktą gydytojo odontologo profesinę kvalifikaciją	Gydytojas odontologas	1 May 2004
Luxembourg	Diplôme d'Etat de docteur en médecine dentaire	Jury d'examen d'Etat		Médecin-dentiste	28 January 1980
Magyarország	Fogorvos oklevél (doctor medicinae dentariae, röv.: dr. med. dent.)	Egyetem		Fogorvos	1 May 2004

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Professional title	Reference date
Malta	Lawrja fil-Kirurgija Dentali	Universita' ta Malta		Kirurgu Dentali	1 May 2004
Nederland	Universitair getuigschrift van een met goed gevolg afgelegd tandartsexamen	Faculteit Tandheelkunde		Tandarts	28 January 1980
Österreich	Bescheid über die Verleihung des akademischen Grades 'Doktor der Zahnheilkunde'	Medizinische Fakultät der Universität		Zahnarzt	1 January 1994
Polska	Dyplom ukończenia studiów wyższych z tytułem 'lekarz dentysta'	1. Akademia Medyczna, 2. Uniwersytet Medyczny, 3. Collegium Medicum Uniwersytetu Jagiellońskiego	Lekarsko — Dentystyczny Egzamin Państwowy	Lekarz dentysta	1 May 2004
Portugal	Carta de curso de licenciatura em medicina dentária	— Faculdades — Institutos Superiores		Médico dentista	1 January 1986
Slovenija	Diploma, s katero se podeljuje strokovni naslov 'doktor dentalne medicine/doktorica dentalne medicine'	— Univerza	Potrnilo o opravljenem strokovnem izpitu za poklic zobozdravnik/zobozdravnica	Doktor dentalne medicine/Doktorica dentalne medicine	1 May 2004
Slovensko	Vysokoškolský diplom o udelení akademického titulu 'doktor zubného lekárstva' ('MDDr.')	— Vysoká škola		Zubný lekár	1 May 2004
Suomi/ Finland	Hammaslääketieteen lisen-siaatin tutkinto/Odontologie licentiatexamen	— Helsingin yliopisto/ Helsingfors universitet — Oulun yliopisto — Turun yliopisto	Terveysthuollon oikeusturvakeskuksen päätös käytännön palvelun hyväksymisestä/Beslut av Rättskyddscentralen för hälsovården om godkännande av praktisk tjänstgöring	Hammaslääkäri/Tandläkare	1 January 1994
Sverige	Tandläkarexamen	— Universitetet i Umeå — Universitetet i Göteborg — Karolinska Institutet — Malmö Högskola	Endast för examensbevis som erhållits före den 1 juli 1995, ett utbildningsbevis som utfärdats av Socialstyrelsen	Tandläkare	1 January 1994
United Kingdom	— Bachelor of Dental Surgery (BDS or B.Ch.D.) — Licentiate in Dental Surgery	— Universities — Royal Colleges		— Dentist — Dental practitioner — Dental surgeon	28 January 1980

5.3.3. Evidence of formal qualifications of specialised dentists

Orthodontics			
Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Reference date
België/Belgique/Belgien	Titre professionnel particulier de dentiste spécialiste en orthodontie/Bijzondere beroepstitel van tandarts specialist in de orthodontie	Ministre de la Santé publique/Minister bevoegd voor Volksgezondheid	27 January 2005
Danmark	Bevis for tilladelse til at betegne sig som specialtandlæge i ortodonti	Sundhedsstyrelsen	28 January 1980
Deutschland	Fachzahnärztliche Anerkennung für Kieferorthopädie;	Landes Zahnärztekammer	28 January 1980
Eesti	Residentuuri lõputunnistus ortodontia erialal	Tartu Ülikool	1 May 2004
Ελλάς	Τίτλος Οδοντιατρικής ειδικότητας της Ορθοδοντικής	— Νομαρχιακή Αυτοδιοίκηση — Νομαρχία	1 January 1981
France	Titre de spécialiste en orthodontie	Conseil National de l'Ordre des chirurgiens dentistes	28 January 1980
Ireland	Certificate of specialist dentist in orthodontics	Competent authority recognised for this purpose by the competent minister	28 January 1980
Italia	Diploma di specialista in Ortognatodonzia	Università	21 May 2005
Κύπρος	Πιστοποιητικό Αναγνώρισης του Ειδικού Οδοντιάτρου στην Ορθοδοντική	Οδοντιατρικό Συμβούλιο	1 May 2004
Latvija	'Sertifikāts'— kompetentas iestādes izsniegts dokuments, kas apliecina, ka persona ir nokārtojusi sertifikācijas eksāmenu ortodontijā	Latvijas Ārstu biedrība	1 May 2004
Lietuva	Rezidentūros pažymėjimas, nurodantis suteiktą gydytojo ortodonto profesinę kvalifikaciją	Universitetas	1 May 2004
Magyarország	Fogszabályozás szakorvosa bizonyítvány	Az Egészségügyi, Szociális és Családügyi Minisztérium illetékes testülete	1 May 2004
Malta	Ċertifikat ta' speċjalista dentali fl-Ortodonzja	Kumitat ta' Approvazzjoni dwar Speċjalisti	1 May 2004
Nederland	Bewijs van inschrijving als orthodontist in het Specialistenregister	Specialisten Registratie Commissie (SRC) van de Nederlandse Maatschappij tot bevordering der Tandheelkunde	28 January 1980
Polska	Dyplom uzyskania tytułu specjalisty w dziedzinie ortodoncji	Centrum Egzaminów Medycznych	1 May 2004
Slovenija	Potrdilo o opravljenem specialističnem izpitu iz čeljustne in zobne ortopedije	1. Ministrstvo za zdravje 2. Zdravniška zbornica Slovenije	1 May 2004
Suomi/Finland	Erikoishammaslääkärin tutkinto, hampaiston oikomishoito/Specialtand-läkarexamen, tandreglering	— Helsingin yliopisto/Helsingfors universitet — Oulun yliopisto — Turun yliopisto	1 January 1994
Sverige	Bevis om specialistkompetens i tandreglering	Socialstyrelsen	1 January 1994
United Kingdom	Certificate of Completion of specialist training in orthodontics	Competent authority recognised for this purpose	28 January 1980

Oral surgery

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Reference date
Danmark	Bevis for tilladelse til at betegne sig som specialtandlæge i hospitalsodontologi	Sundhedsstyrelsen	28 January 1980
Deutschland	Fachzahnärztliche Anerkennung für Oralchirurgie/Mundchirurgie	Landes Zahnärztekammer	28 January 1980
Ελλάς	Τίτλος Οδοντιατρικής ειδικότητας της Γναθοχειρουργικής (up to 31 December 2002)	— Νομαρχιακή Αυτοδιοίκηση — Νομαρχία	1 January 2003
Ireland	Certificate of specialist dentist in oral surgery	Competent authority recognised for this purpose by the competent minister	28 January 1980
Italia	Diploma di specialista in Chirurgia Orale	Università	21 May 2005
Κύπρος	Πιστοποιητικό Αναγνώρισης του Ειδικού Οδοντίατρου στην Στοματική Χειρουργική	Οδοντιατρικό Συμβούλιο	1 May 2004
Lietuva	Rezidentūros pažymėjimas, nurodantis suteiktą burnos chirurgo profesinę kvalifikaciją	Universitetas	1 May 2004
Magyarország	Dento-alveoláris sebészet szakorvosa bizonyítvány	Az Egészségügyi, Szociális és Családügyi Minisztérium illetékes testülete	1 May 2004
Malta	Ċertifikat ta' speċjalista dentali fil-Kirurgija tal-ħalq	Kumitat ta' Approvazzjoni dwar Speċjalisti	1 May 2004
Nederland	Bewijs van inschrijving als kaakchirurg in het Specialistenregister	Specialisten Registratie Commissie (SRC) van de Nederlandse Maatschappij tot bevordering der Tandheelkunde	28 January 1980
Polska	Dyplom uzyskania tytułu specjalisty w dziedzinie chirurgii stomatologicznej	Centrum Egzaminów Medycznych	1 May 2004
Slovenija	Potrdilo o opravljenem specialističnem izpitu iz oralne kirurgije	1. Ministrstvo za zdravje 2. Zdravniška zbornica Slovenije	1 May 2004
Suomi/ Finland	Erikoishammaslääkärin tutkinto, suuja leuka-kirurgia/Specialtandläkar-examen, oral och maxillofacial kirurgi	— Helsingin yliopisto/Helsingfors universitet — Oulun yliopisto — Turun yliopisto	1 January 1994
Sverige	Bevis om specialist-kompetens i tand-systemets kirurgiska sjukdomar	Socialstyrelsen	1 January 1994
United Kingdom	Certificate of completion of specialist training in oral surgery	Competent authority recognised for this purpose	28 January 1980

V.4. VETERINARY SURGEON

5.4.1. Study programme for veterinary surgeons

The programme of studies leading to the evidence of formal qualifications in veterinary medicine shall include at least the subjects listed below.

Instruction in one or more of these subjects may be given as part of, or in association with, other courses.

A. Basic subjects

- Physics
- Chemistry
- Animal biology
- Plant biology
- Biomathematics

B. Specific subjects

a. Basic sciences:

- Anatomy (including histology and embryology)
- Physiology
- Biochemistry
- Genetics
- Pharmacology
- Pharmacy
- Toxicology
- Microbiology
- Immunology
- Epidemiology
- Professional ethics

b. Clinical sciences:

- Obstetrics
- Pathology (including pathological anatomy)
- Parasitology
- Clinical medicine and surgery (including anaesthetics)
- Clinical lectures on the various domestic animals, poultry and other animal species
- Preventive medicine
- Radiology
- Reproduction and reproductive disorders
- Veterinary state medicine and public health
- Veterinary legislation and forensic medicine
- Therapeutics
- Propaedeutics

c. Animal production

- Animal production
- Animal nutrition
- Agronomy
- Rural economics
- Animal husbandry
- Veterinary hygiene
- Animal ethology and protection

d. Food hygiene

- Inspection and control of animal foodstuffs or foodstuffs of animal origin
- Food hygiene and technology
- Practical work (including practical work in places where slaughtering and processing of foodstuffs takes place)

Practical training may be in the form of a training period, provided that such training is full-time and under the direct control of the competent authority, and does not exceed six months within the aggregate training period of five years study.

The distribution of the theoretical and practical training among the various groups of subjects shall be balanced and coordinated in such a way that the knowledge and experience may be acquired in a manner which will enable veterinary surgeons to perform all their duties.

5.4.2. Evidence of formal qualifications of veterinary surgeons

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Reference date
België/Belgique/Belgien	Diploma van dierenarts/Diplôme de docteur en médecine vétérinaire	— De universiteiten/Les universités — De bevoegde Examencommissie van de Vlaamse Gemeenschap/Le Jury compétent d'enseignement de la Communauté française		21 December 1980

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Reference date
Česká republika	<ul style="list-style-type: none"> — Diplom o ukončení studia ve studijním programu veterinární lékařství (doktor veterinární medicíny, MVDr.) — Diplom o ukončení studia ve studijním programu veterinární hygiena a ekologie (doktor veterinární medicíny, MVDr.) 	Veterinární fakulta univerzity v České republice		1 May 2004
Danmark	Bevis for bestået kandidateksamen i veterinærvidenskab	Kongelige Veterinær- og Landbohøjskole		21 December 1980
Deutschland	Zeugnis über das Ergebnis des Dritten Abschnitts der Tierärztlichen Prüfung und das Gesamtergebnis der Tierärztlichen Prüfung	Der Vorsitzende des Prüfungsausschusses für die Tierärztliche Prüfung einer Universität oder Hochschule		21 December 1980
Eesti	Diplom: täitnud veterinaarmeditsiini õppekava	Eesti Põllumajandusülikool		1 May 2004
Ελλάς	Πτυχίο Κτηνιατρικής	Πανεπιστήμιο Θεσσαλονίκης και Θεσσαλίας		1 January 1981
España	Título de Licenciado en Veterinaria	<ul style="list-style-type: none"> — Ministerio de Educación y Cultura — El rector de una universidad 		1 January 1986
France	Diplôme d'Etat de docteur vétérinaire			21 December 1980
Ireland	<ul style="list-style-type: none"> — Diploma of Bachelor in/of Veterinary Medicine (MVB) — Diploma of Membership of the Royal College of Veterinary Surgeons (MRCVS) 			21 December 1980
Italia	Diploma di laurea in medicina veterinaria	Università	Diploma di abilitazione all'esercizio della medicina veterinaria	1 January 1985
Κύπρος	Πιστοποιητικό Εγγραφής Κτηνιάτρου	Κτηνιατρικό Συμβούλιο		1 May 2004
Latvija	Veterinārārsta diploms	Latvijas Lauksaimniecības Universitāte		1 May 2004
Lietuva	Aukštojo mokslo diplomas (veterinarijos gydytojo (DVM))	Lietuvos Veterinarijos Akademija		1 May 2004

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Reference date
Luxembourg	Diplôme d'Etat de docteur en médecine vétérinaire	Jury d'examen d'Etat		21 December 1980
Magyarország	Állatorvos doktor oklevél — dr. med. vet.	Szent István Egyetem Állatorvos-tudományi Kar		1 May 2004
Malta	Licenzja ta' Kirurgu Veterinarju	Kunsill tal-Kirurgi Veterinarji		1 May 2004
Nederland	Getuigschrift van met goed gevolg afgelegd diergeneeskundig/veeartsenijkundig examen			21 December 1980
Österreich	— Diplom-Tierarzt — Magister medicinae veterinariae	Universität	— Doktor der Veterinärmedizin — Doctor medicinae veterinariae — Fachtierarzt	1 January 1994
Polska	Dyplom lekarza weterynarii	1. Szkoła Główna Gospodarstwa Wiejskiego w Warszawie 2. Akademia Rolnicza we Wrocławiu 3. Akademia Rolnicza w Lublinie 4. Uniwersytet Warmińsko-Mazurski w Olsztynie		1 May 2004
Portugal	Carta de curso de licenciatura em medicina veterinária	Universidade		1 January 1986
Slovenija	Diploma, s katero se podeljuje strokovni naslov 'doktor veterinarske medicine/doktorica veterinarske medicine'	Univerza	Spričevalo o opravljenem državnem izpitu s področja veterinarstva	1 May 2004
Slovensko	Vysokoškolský diplom o udelení akademického titulu 'doktor veterinárskej medicíny' ('MVDr.')	Univerzita veterinárskeho lekárstva		1 May 2004
Suomi/ Finland	Eläinlääketieteen lisensiaatin tutkinto/Veterinärmedicine licentia-texamen	Helsingin yliopisto/Helsingfors universitet		1 January 1994
Sverige	Veterinärexamen	Sveriges Lantbruksuniversitet		1 January 1994
United Kingdom	1. Bachelor of Veterinary Science (BVSc) 2. Bachelor of Veterinary Science (BVSc) 3. Bachelor of Veterinary Medicine (BvetMB) 4. Bachelor of Veterinary Medicine and Surgery (BVM&S) 5. Bachelor of Veterinary Medicine and Surgery (BVM&S) 6. Bachelor of Veterinary Medicine (BvetMed)	1. University of Bristol 2. University of Liverpool 3. University of Cambridge 4. University of Edinburgh 5. University of Glasgow 6. University of London		21 December 1980

V.5. MIDWIFE

5.5.1. *Training programme for midwives (Training types I and II)*

The training programme for obtaining evidence of formal qualifications in midwifery consists of the following two parts:

A. Theoretical and technical instruction

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| <p>a. General subjects</p> <ul style="list-style-type: none"> — Basic anatomy and physiology — Basic pathology — Basic bacteriology, virology and parasitology — Basic biophysics, biochemistry and radiology — Paediatrics, with particular reference to new-born infants — Hygiene, health education, preventive medicine, early diagnosis of diseases — Nutrition and dietetics, with particular reference to women, new-born and young babies — Basic sociology and socio-medical questions — Basic pharmacology — Psychology — Principles and methods of teaching — Health and social legislation and health organisation — Professional ethics and professional legislation — Sex education and family planning — Legal protection of mother and infant | <p>b. Subjects specific to the activities of midwives</p> <ul style="list-style-type: none"> — Anatomy and physiology — Embryology and development of the foetus — Pregnancy, childbirth and puerperium — Gynaecological and obstetrical pathology — Preparation for childbirth and parenthood, including psychological aspects — Preparation for delivery (including knowledge and use of technical equipment in obstetrics) — Analgesia, anaesthesia and resuscitation — Physiology and pathology of the new-born infant — Care and supervision of the new-born infant — Psychological and social factors |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

B. Practical and clinical training

This training is to be dispensed under appropriate supervision:

- Advising of pregnant women, involving at least 100 pre-natal examinations.
- Supervision and care of at least 40 pregnant women.
- Conduct by the student of at least 40 deliveries; where this number cannot be reached owing to the lack of available women in labour, it may be reduced to a minimum of 30, provided that the student assists with 20 further deliveries.
- Active participation with breech deliveries. Where this is not possible because of lack of breech deliveries, practice may be in a simulated situation.
- Performance of episiotomy and initiation into suturing. Initiation shall include theoretical instruction and clinical practice. The practice of suturing includes suturing of the wound following an episiotomy and a simple perineal laceration. This may be in a simulated situation if absolutely necessary.
- Supervision and care of 40 women at risk in pregnancy, or labour or post-natal period.
- Supervision and care (including examination) of at least 100 post-natal women and healthy new-born infants.
- Observation and care of the new-born requiring special care, including those born pre-term, post-term, underweight or ill.
- Care of women with pathological conditions in the fields of gynaecology and obstetrics.
- Initiation into care in the field of medicine and surgery. Initiation shall include theoretical instruction and clinical practice.

The theoretical and technical training (Part A of the training programme) shall be balanced and coordinated with the clinical training (Part B of the same programme) in such a way that the knowledge and experience listed in this Annex may be acquired in an adequate manner.

Clinical instruction shall take the form of supervised in-service training in hospital departments or other health services approved by the competent authorities or bodies. As part of this training, student midwives shall participate in the activities of the departments concerned in so far as those activities contribute to their training. They shall be taught the responsibilities involved in the activities of midwives.

5.5.2. Evidence of formal qualifications of midwives

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Professional title	Reference date
België/Belgique/Belgien	Diploma van vroedvrouw/Diplôme d'accoucheuse	— De erkende opleidingsinstututen/Les établissements d'enseignement — De bevoegde Examencommissie van de Vlaamse Gemeenschap/Le Jury compétent d'enseignement de la Communauté française	Vroedvrouw/Accoucheuse	23 January 1983
Česká republika	1. Diplom o ukončení studia ve studijním programu ošetřovatelství ve studijním oboru porodní asistentka (bakalář, Bc.) — Vysvědčení o státní závěrečné zkoušce 2. Diplom o ukončení studia ve studijním oboru diplomovaná porodní asistentka (diplomovaný specialista, DiS.) — Vysvědčení o absolutoriu	1. Vysoká škola zřízená nebo uznaná státem 2. Vyšší odborná škola zřízená nebo uznaná státem	Porodní asistentka/porodní asistent	1 May 2004
Danmark	Bevis for bestået jordemodereksamen	Danmarks jordemoderskole	Jordemoder	23 January 1983
Deutschland	Zeugnis über die staatliche Prüfung für Hebammen und Entbindungspfleger	Staatlicher Prüfungsausschuss	— Hebamme — Entbindungspfleger	23 January 1983
Eesti	Diplom ämmaemandaerialal	1. Tallinna Meditsiinikool 2. Tartu Meditsiinikool	— Ämmaemand	1 May 2004
Ελλάς	1. Πτυχίο Τμήματος Μαιευτικής Τεχνολογικών Εκπαιδευτικών Ιδρυμάτων (Τ.Ε.Ι.) 2. Πτυχίο του Τμήματος Μαιών της Ανωτέρας Σχολής Στελεχών Υγείας και Κοινων. Πρόνοιας (ΚΑΤΕΕ) 3. Πτυχίο Μαίας Ανωτέρας Σχολής Μαιών	1. Τεχνολογικά Εκπαιδευτικά Ιδρύματα (Τ.Ε.Ι.) 2. ΚΑΤΕΕ Υπουργείου Εθνικής Παιδείας και Θρησκευμάτων 3. Υπουργείο Υγείας και Πρόνοιας	— Μαία — Μαιευτής	23 January 1983
España	— Título de Matrona — Título de Asistente obstétrico (matrona) — Título de Enfermería obstétrica-ginecológica	Ministerio de Educación y Cultura	— Matrona — Asistente obstétrico	1 January 1986
France	Diplôme de sage-femme	L'Etat	Sage-femme	23 January 1983
Ireland	Certificate in Midwifery	An Board Altranais	Midwife	23 January 1983
Italia	Diploma d'ostetrica	Scuole riconosciute dallo Stato	Ostetrica	23 January 1983

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Professional title	Reference date
Kύπρος	Δίπλωμα στο μεταβασικό πρόγραμμα Μαιευτικής	Νοσηλευτική Σχολή	Εγγεγραμμένη Μαία	1 May 2004
Latvija	Diploms par vecmātes kvalifikācijas iegūšanu	Māsu skolas	Vecmāte	1 May 2004
Lietuva	<p>1. Aukštojo mokslo diplomas, nurodantis suteiktą bendrosios praktikos slaugytojo profesinę kvalifikaciją, ir profesinės kvalifikacijos pažymėjimas, nurodantis suteiktą akušerio profesinę kvalifikaciją</p> <p>— Pažymėjimas, liudijantis profesinę praktiką akušerijoje</p> <p>2. Aukštojo mokslo diplomas (neuniversitetinės studijos), nurodantis suteiktą bendrosios praktikos slaugytojo profesinę kvalifikaciją, ir profesinės kvalifikacijos pažymėjimas, nurodantis suteiktą akušerio profesinę kvalifikaciją</p> <p>— Pažymėjimas, liudijantis profesinę praktiką akušerijoje</p> <p>3. Aukštojo mokslo diplomas (neuniversitetinės studijos), nurodantis suteiktą akušerio profesinę kvalifikaciją</p>	<p>1. Universitetas</p> <p>2. Kolegija</p> <p>3. Kolegija</p>	Akušeris	1 May 2004
Luxembourg	Diplôme de sage-femme	Ministère de l'éducation nationale, de la formation professionnelle et des sports	Sage-femme	23 January 1983
Magyarország	Szülész-nő bizonysítvány	Iskola/főiskola	Szülész-nő	1 May 2004
Malta	Lawrja jew diploma fl- Istudji tal-Qwiebel	Universita' ta' Malta	Qabla	1 May 2004
Nederland	Diploma van verloskundige	Door het Ministerie van Volksgezondheid, Welzijn en Sport erkende opleidings-instellingen	Verloskundige	23 January 1983
Österreich	Hebammen-Diplom	— Hebammenakademie — Bundeshebammenlehranstalt	Hebamme	1 January 1994
Polska	Dyplom ukończenia studiów wyższych na kierunku położnictwo z tytułem 'magister położnictwa'	Instytucja prowadząca kształcenie na poziomie wyższym uznana przez właściwe władze (Higher educational institution recognised by the competent authorities)	Położna	1 May 2004
Portugal	<p>1. Diploma de enfermeiro especialista em enfermagem de saúde materna e obstétrica</p> <p>2. Diploma/carta de curso de estudos superiores especializados em enfermagem de saúde materna e obstétrica</p> <p>3. Diploma (do curso de pós-licenciatura) de especialização em enfermagem de saúde materna e obstétrica</p>	<p>1. Ecolas de Enfermagem</p> <p>2. Escolas Superiores de Enfermagem</p> <p>3. — Escolas Superiores de Enfermagem — Escolas Superiores de Saúde</p>	Enfermeiro especialista em enfermagem de saúde materna e obstétrica	1 January 1986

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Professional title	Reference date
Slovenija	Diploma, s katero se podeljuje strokovni naslov 'diplomirana babica/diplomirani babičar'	1. Univerza 2. Visoka strokovna šola	diplomirana babica/diplomirani babičar	1 May 2004
Slovensko	1. Vysokoškolský diplom o udelení akademického titulu 'bakalár z pôrodnej asistencie' ('Bc.') 2. Absolventský diplom v študijnom odbore diplomovaná pôrodná asistentka	1. Vysoká škola 2. Stredná zdravotnícka škola	Pôrodná asistentka	1 May 2004
Suomi/ Finland	1. Kätilön tutkinto/barnmorskeexamen 2. Sosiaali- ja terveysalan ammattikorkeakoulututkinto, kätilö (AMK)/yrkeshögskoleexamen inom hälsovård och det sociala området, barnmorska (YH)	1. Terveystieteidenlaitokset/hälsövärdsläroanstalter 2. Ammattikorkeakoulut/ Yrkehögskolor	Kätilö/Barnmorska	1 January 1994
Sverige	Barnmorskeexamen	Universitet eller högskola	Barnmorska	1 January 1994
United Kingdom	Statement of registration as a Midwife on part 10 of the register kept by the United Kingdom Central Council for Nursing, Midwifery and Health visiting	Various	Midwife	23 January 1983

V.6. PHARMACIST

5.6.1. Course of training for pharmacists

- Plant and animal biology
- Physics
- General and inorganic chemistry
- Organic chemistry
- Analytical chemistry
- Pharmaceutical chemistry, including analysis of medicinal products
- General and applied biochemistry (medical)
- Anatomy and physiology; medical terminology
- Microbiology
- Pharmacology and pharmacotherapy
- Pharmaceutical technology
- Toxicology
- Pharmacognosy
- Legislation and, where appropriate, professional ethics.

The balance between theoretical and practical training shall, in respect of each subject, give sufficient importance to theory to maintain the university character of the training.

5.6.2. Evidence of formal qualifications of pharmacists

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the diploma	Reference date
België/Belgique/ Belgien	Diploma van apotheker/Diplôme de pharmaciens	— De universiteiten/Les universités — De bevoegde Examencommissie van de Vlaamse Gemeenschap/ Le Jury compétent d'enseignement de la Communauté française		1 October 1987
Česká republika	Diplom o ukončení studia ve studijním programu farmacie (magistr, Mgr.)	Farmaceutická fakulta univerzity v České republice	Vysvědčení o státní závěrečné zkoušce	1 May 2004
Danmark	Bevis for bestået farmaceutisk kandidateksamen	Danmarks Farmaceutiske Højskole		1 October 1987
Deutschland	Zeugnis über die Staatliche Pharmazeutische Prüfung	Zuständige Behörden		1 October 1987
Eesti	Diplom proviisori õppekava läbimise	Tartu Ülikool		1 May 2004
Ελλάς	Άδεια άσκησης φαρμακευτικού επαγγέλματος	Νομαρχιακή Αυτοδιοίκηση		1 October 1987
España	Título de Licenciado en Farmacia	— Ministerio de Educación y Cultura — El rector de una universidad		1 October 1987
France	— Diplôme d'Etat de pharmacien — Diplôme d'Etat de docteur en pharmacie	Universités		1 October 1987
Ireland	Certificate of Registered Pharmaceutical Chemist			1 October 1987
Italia	Diploma o certificato di abilitazione all'esercizio della professione di farmacista ottenuto in seguito ad un esame di Stato	Università		1 November 1993
Κύπρος	Πιστοποιητικό Εγγραφής Φαρμακοποιού	Συμβούλιο Φαρμακευτικής		1 May 2004
Latvija	Farmaceita diploms	Universitātes tipa augstskola		1 May 2004
Lietuva	Aukštojo mokslo diplomas, nurodantis suteiktą vaistininko profesinę kvalifikaciją	Universitetas		1 May 2004

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the diploma	Reference date
Luxembourg	Diplôme d'Etat de pharmacien	Jury d'examen d'Etat + visa du ministre de l'éducation nationale		1 October 1987
Magyarország	Okleveles gyógyszerész oklevél (magister pharmaciae, röv: mag. Pharm)	EG Egyetem		1 May 2004
Malta	Lawrja fil-farmacija	Universita' ta' Malta		1 May 2004
Nederland	Getuigschrift van met goed gevolg afgelegd apothekersexamen	Faculteit Farmacie		1 October 1987
Österreich	Staatliches Apothekerdiplom	Bundesministerium für Arbeit, Gesundheit und Soziales		1 October 1994
Polska	Dyplom ukończenia studiów wyższych na kierunku farmacja z tytułem magistra	1. Akademia Medyczna 2. Uniwersytet Medyczny 3. Collegium Medicum Uniwersytetu Jagiellońskiego		1 May 2004
Portugal	Carta de curso de licenciatura em Ciências Farmacêuticas	Universidades		1 October 1987
Slovenija	Diploma, s katero se podeljuje strokovni naziv 'magister farmacije/magistra farmacije'	Univerza	Potrdilo o opravljenem strokovnem izpitu za poklic magister farmacije/magistra farmacije	1 May 2004
Slovensko	Vysokoškolský diplom o udelení akademického titulu 'magister farmácie' ('Mgr.')	Vysoká škola		1 May 2004
Suomi/ Finland	Proviisorin tutkinto/Provisor-examen	— Helsingin yliopisto/Helsingfors universitet — Kuopion yliopisto		1 October 1994
Sverige	Apotekarexamen	Uppsala universitet		1 October 1994
United Kingdom	Certificate of Registered Pharmaceutical Chemist			1 October 1987

V. 7. ARCHITECT

5.7.1. Evidence of formal qualifications of architects recognised pursuant to Article 46

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Reference academic year
België/ Belgique/ Belgien	<ol style="list-style-type: none"> 1. Architect/Architecte 2. Architect/Architecte 3. Architect 4. Architect/Architecte 5. Architect/Architecte 6. Burgelijke ingenieur-architect <ol style="list-style-type: none"> 1. Architecte/Architect 2. Architecte/Architect 3. Architect 4. Architecte/Architect 5. Architecte/Architect 6. Ingénieur-civil — architecte 	<ol style="list-style-type: none"> 1. Nationale hogescholen voor architectuur 2. Hogere-architectuur-instituten 3. Provinciaal Hoger Instituut voor Architectuur te Hasselt 4. Koninklijke Academies voor Schone Kunsten 5. Sint-Lucasscholen 6. Faculteiten Toegepaste Wetenschappen van de Universiteiten 6. 'Faculté Polytechnique' van Mons <ol style="list-style-type: none"> 1. Ecoles nationales supérieures d'architecture 2. Instituts supérieurs d'architecture 3. Ecole provinciale supérieure d'architecture de Hasselt 4. Académies royales des Beaux-Arts 5. Ecoles Saint-Luc 6. Facultés des sciences appliquées des universités 6. Faculté polytechnique de Mons 		1988/1989
Danmark	Arkitekt cand. arch.	<ul style="list-style-type: none"> — Kunstakademiets Arkitektkskole i København — Arkitektkskolen i Århus 		1988/1989
Deutschland	<p>Diplom-Ingenieur, Diplom-Ingenieur Univ.</p> <p>Diplom-Ingenieur, Diplom-Ingenieur FH</p>	<ul style="list-style-type: none"> — Universitäten (Architektur/Hochbau) — Technische Hochschulen (Architektur/Hochbau) — Technische Universitäten (Architektur/Hochbau) — Universitäten-Gesamthochschulen (Architektur/Hochbau) — Hochschulen für bildende Künste — Hochschulen für Künste <ul style="list-style-type: none"> — Fachhochschulen (Architektur/Hochbau) (1) — Universitäten-Gesamthochschulen (Architektur/Hochbau) bei entsprechenden Fachhochschulstudiengängen 		1988/1989

(1) Diese Diplome sind je nach Dauer der durch sie abgeschlossenen Ausbildung gemäß Artikel 47 Absatz 1 anzuerkennen.

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Reference academic year
Ελλάς	Δίπλωμα αρχιτέκτονα — μηχανικού	<ul style="list-style-type: none"> — Εθνικό Μετσόβιο Πολυτεχνείο (ΕΜΠ), τμήμα αρχιτεκτόνων — μηχανικών — Αριστοτέλειο Πανεπιστήμιο Θεσσαλονίκης (ΑΠΘ), τμήμα αρχιτεκτόνων — μηχανικών της Πολυτεχνικής σχολής 	Βεβαίωση που χορηγεί το Τεχνικό Επιμελητήριο Ελλάδας (ΤΕΕ) και η οποία επιτρέπει την άσκηση δραστηριοτήτων στον τομέα της αρχιτεκτονικής	1988/1989
España	Título oficial de arquitecto	<p>Rectores de las universidades enumeradas a continuación:</p> <ul style="list-style-type: none"> — Universidad Politécnica de Cataluña, Escuelas Técnicas Superiores de Arquitectura de Barcelona o del Vallès; — Universidad Politécnica de Madrid, Escuela Técnica Superior de Arquitectura de Madrid; — Universidad Politécnica de Las Palmas, Escuela Técnica Superior de Arquitectura de Las Palmas; — Universidad Politécnica de Valencia, Escuela Técnica Superior de Arquitectura de Valencia; — Universidad de Sevilla, Escuela Técnica Superior de Arquitectura de Sevilla; — Universidad de Valladolid, Escuela Técnica Superior de Arquitectura de Valladolid; — Universidad de Santiago de Compostela, Escuela Técnica Superior de Arquitectura de La Coruña; — Universidad del País Vasco, Escuela Técnica Superior de Arquitectura de San Sebastián; — Universidad de Navarra, Escuela Técnica Superior de Arquitectura de Pamplona; — Universidad de Alcalá de Henares, Escuela Politécnica de Alcalá de Henares; — Universidad Alfonso X El Sabio, Centro Politécnico Superior de Villanueva de la Cañada; — Universidad de Alicante, Escuela Politécnica Superior de Alicante; — Universidad Europea de Madrid; — Universidad de Cataluña, Escuela Técnica Superior de Arquitectura de Barcelona; — Universidad Ramón Llull, Escuela Técnica Superior de Arquitectura de La Salle; — Universidad S.E.K. de Segovia, Centro de Estudios Integrados de Arquitectura de Segovia; — Universidad de Granada, Escuela Técnica Superior de Arquitectura de Granada. 		<p>1988/1989</p> <p>1999/2000</p> <p>1999/2000</p> <p>1997/1998</p> <p>1998/1999</p> <p>1999/2000</p> <p>1998/1999</p> <p>1999/2000</p> <p>1994/1995</p>

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Reference academic year
France	<ol style="list-style-type: none"> 1. Diplôme d'architecte DPLG, y compris dans le cadre de la formation professionnelle continue et de la promotion sociale. 2. Diplôme d'architecte ESA 3. Diplôme d'architecte ENSAIS 	<ol style="list-style-type: none"> 1. Le ministre chargé de l'architecture 2. Ecole spéciale d'architecture de Paris 3. Ecole nationale supérieure des arts et industries de Strasbourg, section architecture 		1988/1989
Ireland	<ol style="list-style-type: none"> 1. Degree of Bachelor of Architecture (B.Arch. NUI) 2. Degree of Bachelor of Architecture (B.Arch.) (Previously, until 2002 - Degree standard diploma in architecture (Dip. Arch)) 3. Certificate of associateship (ARIAI) 4. Certificate of membership (MRIA) 	<ol style="list-style-type: none"> 1. National University of Ireland to architecture graduates of University College Dublin 2. Dublin Institute of Technology, Bolton Street, Dublin (College of Technology, Bolton Street, Dublin) 3. Royal Institute of Architects of Ireland 4. Royal Institute of Architects of Ireland 		1988/1989
Italia	<p>— Laurea in architettura</p> <p>— Laurea in ingegneria edile — architettura</p>	<p>— Università di Camerino</p> <p>— Università di Catania — Sede di Siracusa</p> <p>— Università di Chieti</p> <p>— Università di Ferrara</p> <p>— Università di Firenze</p> <p>— Università di Genova</p> <p>— Università di Napoli Federico II</p> <p>— Università di Napoli II</p> <p>— Università di Palermo</p> <p>— Università di Parma</p> <p>— Università di Reggio Calabria</p> <p>— Università di Roma 'La Sapienza'</p> <p>— Università di Roma III</p> <p>— Università di Trieste</p> <p>— Politecnico di Bari</p> <p>— Politecnico di Milano</p> <p>— Politecnico di Torino</p> <p>— Istituto universitario di architettura di Venezia</p> <p>— Università dell'Aquila</p> <p>— Università di Pavia</p> <p>— Università di Roma 'La Sapienza'</p>	<p>Diploma di abilitazione all'esercizio indipendente della professione che viene rilasciato dal ministero della Pubblica istruzione dopo che il candidato ha sostenuto con esito positivo l'esame di Stato davanti ad una commissione competente</p> <p>Diploma di abilitazione all'esercizio indipendente della professione che viene rilasciato dal ministero della Pubblica istruzione dopo che il candidato ha sostenuto con esito positivo l'esame di Stato davanti ad una commissione competente</p>	<p>1988/1989</p> <p>1998/1999</p>

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Reference academic year
	<ul style="list-style-type: none"> — Laurea specialistica in ingegneria edile — architettura — Laurea specialistica quinquennale in Architettura — Laurea specialistica quinquennale in Architettura — Laurea specialistica quinquennale in Architettura — Laurea specialistica in Architettura 	<ul style="list-style-type: none"> — Università dell'Aquila — Università di Pavia — Università di Roma 'La Sapienza' — Università di Ancona — Università di Basilicata — Potenza — Università di Pisa — Università di Bologna — Università di Catania — Università di Genova — Università di Palermo — Università di Napoli Federico II — Università di Roma — Tor Vergata — Università di Trento — Politecnico di Bari — Politecnico di Milano — Prima Facoltà di Architettura dell'Università di Roma 'La Sapienza' — Università di Ferrara — Università di Genova — Università di Palermo — Politecnico di Milano — Politecnico di Bari — Università di Roma III — Università di Firenze — Università di Napoli II — Politecnico di Milano II 	<p>Diploma di abilitazione all'esercizio indipendente della professione che viene rilasciato dal ministero della Pubblica Istruzione dopo che il candidato ha sostenuto con esito positivo l'esame di Stato davanti ad una commissione competente</p> <p>Diploma di abilitazione all'esercizio indipendente della professione che viene rilasciato dal ministero della Pubblica Istruzione dopo che il candidato ha sostenuto con esito positivo l'esame di Stato davanti ad una commissione competente</p> <p>Diploma di abilitazione all'esercizio indipendente della professione che viene rilasciato dal ministero della Pubblica Istruzione dopo che il candidato ha sostenuto con esito positivo l'esame di Stato davanti ad una commissione competente</p> <p>Diploma di abilitazione all'esercizio indipendente della professione che viene rilasciato dal ministero della Pubblica Istruzione dopo che il candidato ha sostenuto con esito positivo l'esame di Stato davanti ad una commissione competente</p> <p>Diploma di abilitazione all'esercizio indipendente della professione che viene rilasciato dal ministero della Pubblica Istruzione dopo che il candidato ha sostenuto con esito positivo l'esame di Stato davanti ad una commissione competente</p>	<p>2003/2004</p> <p>1998/1999 1999/2000 2003/2004 2004/2005</p>
Nederland	<ol style="list-style-type: none"> 1. Het getuigschrift van het met goed gevolg afgelegde doctoraal examen van de studierichting bouwkunde, afstudeerrichting architectuur 2. Het getuigschrift van het met goed gevolg afgelegde doctoraal examen van de studierichting bouwkunde, differentiatie architectuur en urbanistiek 	<ol style="list-style-type: none"> 1. Technische Universiteit te Delft 2. Technische Universiteit te Eindhoven 	<p>Verklaring van de Stichting Bureau Architectenregister die bevestigt dat de opleiding voldoet aan de normen van artikel 46.</p>	1988/1989

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Reference academic year
	<p>3. Het getuigschrift hoger beroepsonderwijs, op grond van het met goed gevolg afgelegde examen verbonden aan de opleiding van de tweede fase voor beroepen op het terrein van de architectuur, afgegeven door de betrokken examencommissies van respectievelijk:</p> <ul style="list-style-type: none"> — de Amsterdamse Hogeschool voor de Kunsten te Amsterdam — de Hogeschool Rotterdam en omstreken te Rotterdam — de Hogeschool Katholieke Leergangen te Tilburg — de Hogeschool voor de Kunsten te Arnhem — de Rijkshogeschool Groningen te Groningen — de Hogeschool Maastricht te Maastricht 			
Österreich	<ol style="list-style-type: none"> 1. Diplom-Ingenieur, Dipl.-Ing. 2. Diplom-Ingenieur, Dipl.-Ing. 3. Diplom-Ingenieur, Dipl.-Ing. 4. Magister der Architektur, Magister architecturae, Mag. Arch. 5. Magister der Architektur, Magister architecturae, Mag. Arch. 6. Magister der Architektur, Magister architecturae, Mag. Arch. 	<ol style="list-style-type: none"> 1. Technische Universität Graz (Erzherzog-Johann-Universität Graz) 2. Technische Universität Wien 3. Universität Innsbruck (Leopold-Franzens-Universität Innsbruck) 4. Hochschule für Angewandte Kunst in Wien 5. Akademie der Bildenden Künste in Wien 6. Hochschule für künstlerische und industrielle Gestaltung in Linz 		1998/1999
Portugal	<p>Carta de curso de licenciatura em Arquitectura Para os cursos iniciados a partir do ano académico de 1991/92</p>	<ul style="list-style-type: none"> — Faculdade de arquitectura da Universidade técnica de Lisboa — Faculdade de arquitectura da Universidade do Porto — Escola Superior Artística do Porto — Faculdade de Arquitectura e Artes da Universidade Lusíada do Porto 		1988/1989 1991/1992
Suomi/ Finland	Arkkitehdin tutkinto/Arkitektexamen	<ul style="list-style-type: none"> — Teknillinen korkeakoulu /Tekniska högskolan (Helsinki) — Tampereen teknillinen korkeakoulu/Tammerfors tekniska högskola — Oulun yliopisto/Uleåborgs universitet 		1998/1999
Sverige	Arkitektexamen	Chalmers Tekniska Högskola AB Kungliga Tekniska Högskolan Lunds Universitet		1998/1999

ANNEX VI

Acquired rights applicable to the professions subject to recognition on the basis of coordination of the minimum training conditions

6. Evidence of formal qualifications of architects benefiting from acquired rights pursuant to Article 49(1)

Country	Evidence of formal qualifications	Reference academic year
België/Belgique/ Belgien	<ul style="list-style-type: none"> — the diplomas awarded by the higher national schools of architecture or the higher national institutes of architecture (architecte-architect) — the diplomas awarded by the higher provincial school of architecture of Hasselt (architect) — the diplomas awarded by the Royal Academies of Fine Arts (architecte — architect) — the diplomas awarded by the 'écoles Saint-Luc' (architecte — architect) — university diplomas in civil engineering, accompanied by a traineeship certificate awarded by the association of architects entitling the holder to hold the professional title of architect (architecte — architect) — the diplomas in architecture awarded by the central or State examining board for architecture (architecte — architect) — the civil engineering/architecture diplomas and architecture/engineering diplomas awarded by the faculties of applied sciences of the universities and by the Polytechnical Faculty of Mons (ingénieur — architecte, ingénieur-architect) 	1987/1988
Česká republika	<ul style="list-style-type: none"> — Diplomas awarded by the faculties of 'České vysoké učení technické' (Czech Technical University in Prague): <ul style="list-style-type: none"> 'Vysoká škola architektury a pozemního stavitelství' (Faculty of Architecture and Building Construction) (until 1951), 'Fakulta architektury a pozemního stavitelství' (Faculty of Architecture and Building Construction) (from 1951 until 1960), 'Fakulta stavební' (Faculty of Civil Engineering) (from 1960) in the fields of study: building construction and structures, building construction, construction and architecture, architecture (including city planning and land use planning), civil construction and construction for industrial and agricultural production, or in the programme of study of civil engineering in the field of study of building construction and architecture, 'Fakulta architektury' (Faculty of Architecture) (from 1976) in the fields of study: architecture, city planning and land use planning, or in the programme of study: architecture and city planning in the fields of study: architecture, theory of architecture design, city planning and land use planning, history of architecture and reconstruction of historical monuments, or architecture and building construction, — Diplomas awarded by 'Vysoká škola technická Dr. Edvarda Beneše' (until 1951) in the field of architecture and construction, — Diplomas awarded by 'Vysoká škola stavitelství v Brně' (from 1951 until 1956) in the field of architecture and construction, — Diplomas awarded by 'Vysoké učení technické v Brně', by 'Fakulta architektury' (Faculty of Architecture) (from 1956) in the field of study of architecture and city planning or 'Fakulta stavební' (Faculty of Civil Engineering) (from 1956) in the field of study of construction, — Diplomas awarded by 'Vysoká škola báňská — Technická univerzita Ostrava', 'Fakulta stavební' (Faculty of Civil Engineering) (from 1997) in the field of study of structures and architecture or in the field of study of civil engineering, — Diplomas awarded by 'Technická univerzita v Liberci', 'Fakulta architektury' (Faculty of Architecture) (from 1994) in the programme of study of architecture and city planning in the field of study of architecture, — Diplomas awarded by 'Akademie výtvarných umění v Praze' in the programme of fine arts in the field of study of architectural design, — Diplomas awarded by 'Vysoká škola umělecko-průmyslová v Praze' in the programme of fine arts in the field of study of architecture, — Certificate of the authorisation awarded by 'Česká komora architektů' without any specification of the field or in the field of building construction; 	2006/2007

Country	Evidence of formal qualifications	Reference academic year
Danmark	<ul style="list-style-type: none"> — the diplomas awarded by the National Schools of Architecture in Copenhagen and Aarhus (arkitekt) — the certificate of registration issued by the Board of Architects pursuant to Law No 202 of 28 May 1975 (registreret arkitekt) — diplomas awarded by the Higher Schools of Civil Engineering (bygningskonstruktoer), accompanied by a certificate from the competent authorities to the effect that the person concerned has passed a test of his formal qualifications, comprising an appreciation of plans drawn up and executed by the candidate during at least six years' effective practice of the activities referred to in Article 48 of this Directive 	1987/1988
Deutschland	<ul style="list-style-type: none"> — the diplomas awarded by higher institutes of fine arts (Dipl.-Ing., Architekt (HfbK)) — the diplomas awarded by the departments of architecture (Architektur/Hochbau) of 'Technische Hochschulen', of technical universities, of universities and, in so far as these institutions have been merged into 'Gesamthochschulen', of 'Gesamthochschulen' (Dipl.-Ing. and any other title which may be laid down later for holders of these diplomas) — the diplomas awarded by the departments of architecture (Architektur/Hochbau) of 'Fachhochschulen' and, in so far as these institutions have been merged into 'Gesamthochschulen', by the departments of architecture (Architektur/Hochbau) of 'Gesamthochschulen', accompanied, where the period of study is less than four years but at least three years, by a certificate attesting to a four-year period of professional experience in the Federal Republic of Germany issued by the professional body in accordance with Article 47(1) (Ingenieur grad. and any other title which may be laid down later for holders of these diplomas) — the diplomas (Prüfungszeugnisse) awarded before 1 January 1973 by the departments of architecture of 'Ingenieurschulen' and of 'Werkkunstschulen', accompanied by a certificate from the competent authorities to the effect that the person concerned has passed a test of his formal qualifications, comprising an appreciation of plans drawn up and executed by the candidate during at least six years' effective practice of the activities referred to in Article 48 of this Directive 	1987/1988
Eesti	<ul style="list-style-type: none"> — diplom arhitektuuri erialal, väljastatud Eesti Kunstiakadeemia arhitektuuri teaduskonna poolt alates 1996. aastast (diploma in architectural studies awarded by the Faculty of Architecture at the Estonian Academy of Arts since 1996), väljastatud Tallinna Kunstiülikooli poolt 1989-1995 (awarded by Tallinn Art University in 1989-1995), väljastatud Eesti NSV Riikliku Kunstiinstituudi poolt 1951-1988 (awarded by the State Art Institute of the Estonian SSR in 1951-1988) 	2006/2007
Ελλάς	<ul style="list-style-type: none"> — the engineering/architecture diplomas awarded by the Metsovion Polytechnion of Athens, together with a certificate issued by Greece's Technical Chamber conferring the right to pursue activities in the field of architecture — the engineering/architecture diplomas awarded by the Aristotelion Panepistimion of Thessaloniki, together with a certificate issued by Greece's Technical Chamber conferring the right to pursue activities in the field of architecture — the engineering/civil engineering diplomas awarded by the Metsovion Polytechnion of Athens, together with a certificate issued by Greece's Technical Chamber conferring the right to pursue activities in the field of architecture — the engineering/civil engineering diplomas awarded by the Aristotelion Panepistimion of Thessaloniki, together with a certificate issued by Greece's Technical Chamber conferring the right to pursue activities in the field of architecture — the engineering/civil engineering diplomas awarded by the Panepistimion Thrakis, together with a certificate issued by Greece's Technical Chamber conferring the right to pursue activities in the field of architecture — the engineering/civil engineering diplomas awarded by the Panepistimion Patron, together with a certificate issued by Greece's Technical Chamber conferring the right to pursue activities in the field of architecture 	1987/1988
España	the official formal qualification of an architect (título oficial de arquitecto) awarded by the Ministry of Education and Science or by the universities	1987/1988

Country	Evidence of formal qualifications	Reference academic year
France	<ul style="list-style-type: none"> — the Government architect's diploma awarded by the Ministry of Education until 1959, and subsequently by the Ministry of Cultural Affairs (architecte DPLG) — the diplomas awarded by the 'Ecole spéciale d'architecture' (architecte DESA) — the diplomas awarded since 1955 by the 'Ecole nationale supérieure des arts et industries de Strasbourg' (former 'Ecole nationale d'ingénieurs de Strasbourg'), department of architecture (architecte ENSAIS) 	1987/1988
Ireland	<ul style="list-style-type: none"> — the degree of Bachelor of Architecture awarded by the National University of Ireland (B Arch. (NUI)) to architecture graduates of University College, Dublin — the diploma of degree standard in architecture awarded by the College of Technology, Bolton Street, Dublin (Dipl. Arch.) — the Certificate of Associateship of the Royal Institute of Architects of Ireland (ARIAI) — the Certificate of Membership of the Royal Institute of Architects of Ireland (MRIAI) 	1987/1988
Italia	<ul style="list-style-type: none"> — 'laurea in architettura' diplomas awarded by universities, polytechnic institutes and the higher institutes of architecture of Venice and Reggio Calabria, accompanied by the diploma entitling the holder to pursue independently the profession of architect, awarded by the Minister for Education after the candidate has passed, before a competent board, the State examination entitling him to pursue independently the profession of architect (dott. Architetto) — 'laurea in ingegneria' diplomas in building construction awarded by universities and polytechnic institutes, accompanied by the diploma entitling the holder to pursue independently a profession in the field of architecture, awarded by the Minister for Education after the candidate has passed, before a competent board, the State examination entitling him to pursue the profession independently (dott. Ing. Architetto or dott. Ing. In ingegneria civile) 	1987/1988
Κύπρος	<ul style="list-style-type: none"> — Βεβαίωση Εγγραφής στο Μητρώο Αρχιτεκτόνων που εκδίδεται από το Επιστημονικό και Τεχνικό Επιμελητήριο Κύπρου (Certificate of Registration in the Register of Architects issued by the Scientific and Technical Chamber of Cyprus (ETEK)) 	2006/2007
Latvija	<ul style="list-style-type: none"> — 'Arhitekta diploms' ko izsniegusi Latvijas Valsts Universitātes Inženierceltniecības fakultātes Arhitektūras nodaļa līdz 1958.gadam, Rīgas Politehniskā Institūta Celtniecības fakultātes Arhitektūras nodaļa no 1958 gada līdz 1991.gadam, Rīgas Tehniskās Universitātes Arhitektūras fakultāte kopš 1991. gada, un 'Arhitekta prakses sertifikāts', ko izsniedz Latvijas Arhitektu savienība ('diploma of architect' awarded by the Department of Architecture of the Faculty of Civil Engineering of Latvia State University until 1958, the Department of Architecture of the faculty of Civil Engineering of Riga Polytechnical Institute 1958 — 1991, the Faculty of Architecture of Riga Technical University since 1991 and 1992, and the certificate of registration by the Architects Association of Latvia) 	2006/2007
Lietuva	<ul style="list-style-type: none"> — engineer architect/architect diplomas awarded by Kauno politechnikos institutas until 1969 (inžinierius architektas/architektas), — architect/bachelor of architecture/master of architecture diplomas awarded by Vilnius inžinerinis statybos institutas until 1990, Vilniaus technikos universitetas until 1996, Vilnius Gedimino technikos universitetas since 1996 (architektas/architektūros bakalauras/architektūros magistras), — the diplomas for specialist having completed the course in architecture/bachelor of architecture/master of architecture awarded by LTSR Valstybinis dailės institutas until 1990; Vilniaus dailės akademija since 1990 (architektūros kursas/architektūros bakalauras/architektūros magistras), — the bachelor of architecture/master of architecture diplomas awarded by Kauno technologijos universitetas since 1997 (architektūros bakalauras/architektūros magistras), All these diplomas must be accompanied by the Certificate issued by the Attestation Commission conferring the right to pursue activities in the field of architecture (Certified Architect/Atestuotas architektas) 	2006/2007

Country	Evidence of formal qualifications	Reference academic year
Magyarország	<ul style="list-style-type: none"> — 'okleveles építész mérnök' diploma (diploma in architecture, master of sciences in architecture) awarded by universities, — 'okleveles építész tervező művész' diploma (diploma of master of sciences in architecture and building engineering) awarded by universities 	2006/2007
Malta	<ul style="list-style-type: none"> — Perit: Lawrja ta' Perit awarded by the Università ta' Malta, which gives entitlement to registration as a Perit 	2006/2007
Nederland	<ul style="list-style-type: none"> — the certificate stating that its holder has passed the degree examination in architecture awarded by the departments of architecture of the technical colleges of Delft or Eindhoven (bouwkundig ingenieur) — the diplomas awarded by State-recognized architectural academies (architect) — the diplomas awarded until 1971 by the former architectural colleges (Hoger Bouwkundonderricht) (architect HBO) — the diplomas awarded until 1970 by the former architectural colleges (voortgezet Bouwkundonderricht) (architect VBO) — the certificate stating that the person concerned has passed an examination organised by the Architects Council of the 'Bond van Nederlandse Architecten' (Order of Dutch Architects, BNA) (architect) — the diploma of the 'Stichting Instituut voor Architectuur' (Institute of Architecture' Foundation) (IVA) awarded on completion of a course organised by this foundation and extending over a minimum period of four years (architect), accompanied by a certificate from the competent authorities to the effect that the person concerned has passed a test of his formal qualifications, comprising an appreciation of plans drawn up and executed by the candidate during at least six years' effective practice of the activities referred to in Article 44 of this Directive — a certificate issued by the competent authorities to the effect that, before the date of 5 August 1985, the person concerned passed the degree examination of 'Kandidaat in de bouwkunde' organised by the technical colleges of Delft or Eindhoven and that, over a period of at least five years immediately prior to that date, he pursued architectural activities the nature and importance of which, in accordance with Netherlands requirements, guarantee that he is competent to pursue those activities (architect) — a certificate issued by the competent authorities only to persons who had reached the age of 40 years before the date of 5 August 1985, certifying that, over a period of at least five years immediately prior to that date, the person concerned had pursued architectural activities the nature and importance of which, in accordance with Netherlands requirements, guarantee that he is competent to pursue those activities (architect) — the certificates referred to in the seventh and eighth indents need no longer be recognized as from the date of entry into force of laws and regulations in the Netherlands governing the taking up and pursuit of architectural activities under the professional title of architect, in so far as under such provisions those certificates do not authorise the taking up of such activities under that professional title 	1987/1988
Österreich	<ul style="list-style-type: none"> — the diplomas awarded by the Universities of Technology of Vienna and Graz and by the University of Innsbruck, Faculty for Building-Engineering ('Bauingenieurwesen') and Architecture ('Architektur'), in the fields of study of architecture, building-engineering ('Bauingenieurwesen'), building ('Hochbau') and 'Wirtschaftsingenieurwesen - Bauwesen' — the diplomas awarded by the University for 'Bodenkultur' in the fields of study of 'Kulturtechnik und Wasserwirtschaft' — the diplomas awarded by the University College of Applied Arts in Vienna in architectural studies — the diplomas awarded by the Academy of Fine Arts in Vienna in architectural studies — the diplomas of certified engineers (Ing.) awarded by higher technical colleges or technical colleges for building, plus the licence of 'Baumeister' attesting a minimum of six years of professional experience in Austria, sanctioned by an examination — the diplomas awarded by the University College for artistic and industrial training in Linz, in architectural studies — the certificates of qualification for Civil Engineers or Engineering Consultants in the field of construction ('Hochbau', 'Bauwesen', 'Wirtschaftsingenieurwesen - Bauwesen', 'Kulturtechnik und Wasserwirtschaft') according to the Civil Technician Act (Ziviltechnikergesetz, BGBl. No 156/1994) 	1997/1998

Country	Evidence of formal qualifications	Reference academic year
Polska	<p>The diplomas awarded by the faculties of architecture of:</p> <ul style="list-style-type: none"> — Warsaw University of Technology, Faculty of Architecture in Warszawa (Politechnika Warszawska, Wydział Architektury); the professional title of architect: inżynier architekt, magister nauk technicznych; inżynier architekt; inżyniera magistra architektury; magistra inżyniera architektury; magistra inżyniera architekta; magister inżynier architekt (from 1945 until 1948, title: inżynier architekt, magister nauk technicznych; from 1951 until 1956, title: inżynier architekt; from 1954 until 1957, 2nd stage, title: inżyniera magistra architektury; from 1957 until 1959, title: inżyniera magistra architektury; from 1959 until 1964: title: magistra inżyniera architektury; from 1964 until 1982, title: magistra inżyniera architekta; from 1983 until 1990, title: magister inżynier architekt; since 1991 title: magistra inżyniera architekta), — Cracow University of Technology, Faculty of Architecture in Kraków (Politechnika Krakowska, Wydział Architektury); the professional title of architect: magister inżynier architekt (from 1945 until 1953 University of Mining and Metallurgy, Polytechnic Faculty of Architecture — Akademia Górniczo-Hutnicza, Politechniczny Wydział Architektury), — Wrocław University of Technology, Faculty of Architecture in Wrocław (Politechnika Wrocławska, Wydział Architektury); the professional title of architect: inżynier architekt, magister nauk technicznych; magister inżynier architekt; magister inżynier architekt (from 1949 until 1964, title: inżynier architekt, magister nauk technicznych; from 1956 until 1964, title: magister inżynier architekt; since 1964, title: magister inżynier architekt), — Silesian University of Technology, Faculty of Architecture in Gliwice (Politechnika Śląska, Wydział Architektury); the professional title of architect: inżynier architekt; magister inżynier architekt (from 1945 until 1955, Faculty of Engineering and Construction — Wydział Inżynieryjno-Budowlany, title: inżynier architekt; from 1961 until 1969, Faculty of Industrial Construction and General Engineering — Wydział Budownictwa Przemysłowego i Ogólnego, title: magister inżynier architekt; from 1969 until 1976, Faculty of Civil Engineering and Architecture — Wydział Budownictwa i Architektury, title: magister inżynier architekt; since 1977, Faculty of Architecture — Wydział Architektury, title: magister inżynier architekt and since 1995, title: inżynier architekt), — Poznan University of Technology, Faculty of Architecture in Poznań (Politechnika Poznańska, Wydział Architektury); the professional title of architect: inżynier architekt; inżynier architekt; magister inżynier architekt (from 1945 until 1955 Engineering School, Faculty of Architecture — Szkoła Inżynierska, Wydział Architektury title: inżynier architekt; since 1978, title: magister inżynier architekt and since 1999, title: inżynier architekt), — Technical University of Gdańsk, Faculty of Architecture in Gdańsk (Politechnika Gdańska, Wydział Architektury); the professional title of architect: magister inżynier architekt (from 1945 until 1969 Faculty of Architecture — Wydział Architektury, from 1969 until 1971 Faculty of Civil Engineering and Architecture — Wydział Budownictwa i Architektury, from 1971 until 1981 Institut of Architecture and Urban Planning — Instytut Architektury i Urbanistyki, since 1981 Faculty of Architecture — Wydział Architektury), — the Białystok Technical University, Faculty of Architecture in Białystok (Politechnika Białostocka, Wydział Architektury); the professional title of architect: magister inżynier architekt (from 1975 until 1989 Institut of Architecture — Instytut Architektury), — Technical University of Łódź, Faculty of Civil Engineering, Architecture and Environmental Engineering in Łódź (Politechnika Łódzka, Wydział Budownictwa, Architektury i Inżynierii Środowiska); the professional title of architect: inżynier architekt; magister inżynier architekt (from 1973 until 1993 Faculty of Civil Engineering and Architecture — Wydział Budownictwa i Architektury and since 1992 Faculty of Civil Engineering, Architecture and Environmental Engineering — Wydział Budownictwa, Architektury i Inżynierii Środowiska; title: from 1973 until 1978, title: inżynier architekt, since 1978, title: magister inżynier architekt), — Technical University of Szczecin, Faculty of Civil Engineering and Architecture in Szczecin (Politechnika Szczecińska, Wydział Budownictwa i Architektury); the professional title of architect: inżynier architekt; magister inżynier architekt (from 1948 until 1954 High Engineering School, Faculty of Architecture — Wyższa Szkoła Inżynierska, Wydział Architektury, title: inżynier architekt, since 1970, title: magister inżynier architekt and since 1998, title: inżynier architekt), <p>All these diplomas must be accompanied by the certificate of membership issued by the relevant regional architects' chamber in Poland conferring the right to pursue activities in the field of architecture in Poland.</p>	2006/2007
Portugal	<ul style="list-style-type: none"> — the Diploma 'diploma do curso especial de arquitetura' awarded by the Schools of Fine Arts of Lisbon and of Porto — the Architects Diploma 'diploma de arquitecto' awarded by the Schools of Fine Arts of Lisbon and of Porto — the Diploma 'diploma do curso de arquitetura' awarded by the Higher Schools of Fine Arts of Lisbon and Porto 	1987/1988

Country	Evidence of formal qualifications	Reference academic year
	<ul style="list-style-type: none"> — the Diploma ‘diploma de licenciatura em arquitectura’ awarded by the Higher School of Fine Arts of Lisbon — the Diploma ‘carta de curso de licenciatura em arquitectura’ awarded by the Technical University of Lisbon and the University of Porto — the university diploma in civil engineering (licenciatura em engenharia civil) awarded by the Higher Technical Institute of the Technical University of Lisbon — the university diploma in civil engineering (licenciatura em engenharia civil) awarded by the Faculty of Engineering (de Engenharia) of the University of Porto — the university diploma in civil engineering (licenciatura em engenharia civil) awarded by the Faculty of Science and Technology of the University of Coimbra — the university diploma in civil engineering, production (licenciatura em engenharia civil, produção) awarded by the University of Minho 	
Slovenija	<ul style="list-style-type: none"> — ‘Univerzitetni diplomirani inženir arhitekture/univerzitetna diplomirana inženirka arhitekture’ (university diploma in architecture) awarded by the faculty of architecture, accompanied by a certificate of the competent authority in the field of architecture recognised by law, conferring the right to pursue activities in the field of architecture, — University diploma awarded by technical faculties awarding the title of ‘univerzitetni diplomirani inženir (univ.dipl.inž.)/univerzitetna diplomirana inženirka’ accompanied by a certificate of the competent authority in the field of architecture recognised by law, conferring the right to pursue activities in the field of architecture 	2006/2007
Slovensko	<ul style="list-style-type: none"> — Diploma in the field of study ‘architecture and building construction’ (‘architektúra a pozemné stavitelstvo’) awarded by the Slovak Technical University (Slovenská vysoká škola technická) in Bratislava in 1950 — 1952 (title: Ing.), — Diploma in the field of study ‘architecture’ (‘architektúra’) awarded by the Faculty of Architecture and Building Construction of the Slovak Technical University (Fakulta architektúry a pozemného stavitelstva, Slovenská vysoká škola technická) in Bratislava in 1952 — 1960 (title: Ing. arch.), — Diploma in the field of study ‘building construction’ (‘pozemné stavitelstvo’) awarded by the Faculty of Architecture and Building Construction of the Slovak Technical University (Fakulta architektúry a pozemného stavitelstva, Slovenská vysoká škola technická) in Bratislava in 1952 — 1960 (title: Ing.), — Diploma in the field of study ‘architecture’ (‘architektúra’) awarded by the Civil Engineering Faculty of the Slovak Technical University (Stavebná fakulta, Slovenská vysoká škola technická) in Bratislava in 1961 — 1976, (title: Ing. arch.), — Diploma in the field of study ‘building construction’ (‘pozemné stavby’) awarded by the Civil Engineering Faculty of the Slovak Technical University (Stavebná fakulta, Slovenská vysoká škola technická) in Bratislava in 1961 — 1976, (title: Ing.), — Diploma in the field of study ‘architecture’ (‘architektúra’) awarded by the Faculty of Architecture of the Slovak Technical University (Fakulta architektúry, Slovenská vysoká škola technická) in Bratislava since 1977 (title: Ing. arch.), — Diploma in the field of study ‘urban design’ (‘urbanizmus’) awarded by the Faculty of Architecture of the Slovak Technical University (Fakulta architektúry, Slovenská vysoká škola technická) in Bratislava since 1977 (title: Ing. arch.), — Diploma in the field of study ‘building construction’ (‘pozemné stavby’) awarded by the Civil Engineering Faculty of the Slovak Technical University (Stavebná fakulta, Slovenská technická univerzita) in Bratislava in 1977- 1997 (title: Ing.), — Diploma in the field of study ‘architecture and building construction’ (‘architektúra a pozemné stavby’) awarded by the Civil Engineering Faculty of the Slovak Technical University (Stavebná fakulta, Slovenská technická univerzita) in Bratislava since 1998 (title: Ing.), — Diploma in the field of study ‘building construction — specialisation: architecture’ (‘pozemné stavby — špecializácia: architektúra’) awarded by the Civil Engineering Faculty of the Slovak Technical University (Stavebná fakulta, Slovenská technická univerzita) in Bratislava in 2000 — 2001 (title: Ing.), — Diploma in the field of study ‘building construction and architecture’ (‘pozemné stavby a architektúra’) awarded by the Civil Engineering Faculty of the Slovak Technical University (Stavebná fakulta — Slovenská technická univerzita) in Bratislava since 2001 (title: Ing.), 	2006/2007

Country	Evidence of formal qualifications	Reference academic year
	<ul style="list-style-type: none"> — Diploma in the field of study 'architecture' ('architektúra') awarded by the Academy of Fine Arts and Design (Vysoká škola výtvarných umení) in Bratislava since 1969 (title: Akad. arch. until 1990; Mgr. in 1990 — 1992; Mgr. arch. in 1992 — 1996; Mgr. art. since 1997), — Diploma in the field of study 'building construction' ('pozemné staviteľstvo') awarded by the Civil Engineering Faculty of the Technical University (Stavebná fakulta, Technická univerzita) in Košice in 1981- 1991 (title: Ing.), <p>All these diplomas must be accompanied by:</p> <ul style="list-style-type: none"> — Authorisation certificate issued by the Slovak Chamber of Architects (Slovenská komora architektov) in Bratislava without any specification of the field or in the field of 'building construction' ('pozemné stavby') or 'land use planning' ('územné plánovanie'), — Authorisation certificate issued by the Slovak Chamber of Civil Engineers (Slovenská komora stavebných inžinierov) in Bratislava in the field of building construction ('pozemné stavby') 	
Suomi/Finland	<ul style="list-style-type: none"> — the diplomas awarded by the architecture departments of Universities of Technology and the University of Oulu (arkkitehti/arkitekt) — the diplomas awarded by the Institutes of Technology (rakennusarkkitehti/byggnadsarkitekt) 	1997/1998
Sverige	<ul style="list-style-type: none"> — the diplomas awarded by the School of Architecture at the Royal Institute of Technology, the Chalmers Institute of Technology and the Institute of Technology at Lund University (arkitekt, university diploma in architecture) — the certificates of membership of the 'Svenska Arkitekters Riksförbund' (SAR) if the persons concerned have received their training in a State to which this Directive applies 	1997/1998
United Kingdom	<ul style="list-style-type: none"> — the qualifications awarded following the passing of examinations of: <ul style="list-style-type: none"> — the Royal Institute of British Architects — schools of architecture at universities, polytechnics, colleges, academies, schools of technology and art which, as of 10 June 1985, were recognised by the Architects Registration Council of the United Kingdom for the purpose of admission to the Register (Architect) — a certificate stating that its holder has an acquired right to hold the professional title of architect by virtue of section 6 (1) a, 6 (1) b or 6 (1) of the Architects Registration Act 1931 (Architect) — a certificate stating that its holder has an acquired right to hold the professional title of architect by virtue of section 2 of the Architects Registration Act 1938 (Architect) 	1987/1988

ANNEX VII

Documents and certificates which may be required in accordance with Article 50(1)1. *Documents*

- (a) Proof of the nationality of the person concerned.
- (b) Copies of the attestations of professional competence or of the evidence of formal qualifications giving access to the profession in question, and an attestation of the professional experience of the person concerned where applicable.

The competent authorities of the host Member State may invite the applicant to provide information concerning his training to the extent necessary in order to determine the existence of potential substantial differences with the required national training, as laid down in Article 14. Where it is impossible for the applicant to provide this information, the competent authorities of the host Member State shall address the contact point, the competent authority or any other relevant body in the home Member State.

- (c) For the cases referred to in Article 16, a certificate concerning the nature and duration of the activity issued by the competent authority or body in the home Member State or the Member State from which the foreign national comes.
- (d) Where the competent authority of a host Member State requires of persons wishing to take up a regulated profession proof that they are of good character or repute or that they have not been declared bankrupt, or suspends or prohibits the pursuit of that profession in the event of serious professional misconduct or a criminal offence, that Member State shall accept as sufficient evidence, in respect of nationals of Member States wishing to pursue that profession in its territory, the production of documents issued by competent authorities in the home Member State or the Member State from which the foreign national comes, showing that those requirements are met. Those authorities must provide the documents required within a period of two months.

Where the competent authorities of the home Member State or of the Member State from which the foreign national comes do not issue the documents referred to in the first subparagraph, such documents shall be replaced by a declaration on oath - or, in States where there is no provision for declaration on oath, by a solemn declaration - made by the person concerned before a competent judicial or administrative authority or, where appropriate, a notary or qualified professional body of the home Member State or the Member State from which the person comes; such authority or notary shall issue a certificate attesting the authenticity of the declaration on oath or solemn declaration.

- (e) Where a host Member State requires of its own nationals wishing to take up a regulated profession, a document relating to the physical or mental health of the applicant, that Member State shall accept as sufficient evidence thereof the presentation of the document required in the home Member State. Where the home Member State does not issue such a document, the host Member State shall accept a certificate issued by a competent authority in that State. In that case, the competent authorities of the home Member State must provide the document required within a period of two months.
- (f) Where a host Member State requires its own nationals wishing to take up a regulated profession to furnish:
- proof of the applicant's financial standing,
 - proof that the applicant is insured against the financial risks arising from their professional liability in accordance with the laws and regulations in force in the host Member State regarding the terms and extent of cover,
- that Member State shall accept as sufficient evidence an attestation to that effect issued by the banks and insurance undertakings of another Member State.

2. *Certificates*

To facilitate the application of Title III, Chapter III, of this Directive, Member States may prescribe that, in addition to evidence of formal qualifications, the person who satisfies the conditions of training required must provide a certificate from the competent authorities of his home Member State stating that this evidence of formal qualifications is that covered by this Directive.

DIRECTIVE 2005/39/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 7 September 2005
amending Council Directive 74/408/EEC relating to motor vehicles with regard to the seats, their anchorages and head restraints
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) Research has shown that the use of safety belts and restraint systems can substantially reduce the number of fatalities and the severity of injuries in the event of an accident, even one due to rollover. Fitting them in all categories of vehicles will certainly constitute an important step forward in bringing about an increase in road safety and a consequent saving of lives.
- (2) A substantial benefit to society can be attained if all vehicles are fitted with safety belts.
- (3) In its Resolution of 18 February 1986 on common measures to reduce road accidents, as part of the Community's programme for road safety ⁽³⁾, the European Parliament stressed the need for making the wearing of safety belts compulsory for all passengers, including children, except in public service vehicles. Therefore, a distinction has to be made between public service buses and other vehicles as regards the compulsory installation of safety belts and/or restraint systems.
- (4) Pursuant to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers ⁽⁴⁾, the Community type-approval system has only been implemented for all new vehicles

of category M₁ since 1 January 1998. Consequently, only vehicles of category M₁ type-approved after that date have to be fitted with seats, seat anchorages and head restraints complying with the provisions of Directive 74/408/EEC ⁽⁵⁾.

- (5) Until the Community type-approval system is extended to all categories of vehicles, the installation of seats and seat anchorages compatible with the installation of seat belt anchorages should be required, in the interests of road safety, in vehicles belonging to categories other than M₁.
- (6) Directive 74/408/EEC already provides for all technical and administrative provisions allowing the type-approval of vehicles of categories other than M₁. Therefore, the Member States do not need to introduce further provisions.
- (7) Since the entry into force of Commission Directive 96/37/EC of 17 June 1996 adapting to technical progress Council Directive 74/408/EEC ⁽⁶⁾, several Member States have already made compulsory the provisions contained therein in respect of certain categories of vehicles other than M₁. Manufacturers and their suppliers have thus developed the appropriate technology.
- (8) Research has shown that it is not possible to provide side-facing seats with safety belts ensuring the same level of safety to the occupants as front-facing seats. For safety reasons, it is necessary to ban those seats in certain categories of vehicles.
- (9) The provisions allowing side-facing seats with two-point belts in certain classes of vehicle of category M₃ should be of a temporary nature, pending the entry into force of Community legislation recasting Directive 70/156/EEC and extending Community type-approval to all vehicles, including vehicles of category M₃.
- (10) Directive 74/408/EEC should be amended accordingly.

⁽¹⁾ OJ C 80, 30.3.2004, p. 6.

⁽²⁾ Opinion of the European Parliament of 17 December 2003 (OJ C 91 E, 15.4.2004, p. 487), Council Common Position of 24 January 2005 (OJ C 111 E, 11.5.2005, p. 33), Position of the European Parliament of 26 May 2005 (not yet published in the Official Journal) and Council Decision of 12 July 2005.

⁽³⁾ OJ C 68, 24.3.1986, p. 35.

⁽⁴⁾ OJ L 42, 23.2.1970, p. 1. Directive as last amended by Commission Directive 2004/104/EC (OJ L 337, 13.11.2004, p. 13).

⁽⁵⁾ OJ L 221, 12.8.1974, p. 1. Directive as last amended by the 2003 Act of Accession.

⁽⁶⁾ OJ L 186, 25.7.1996, p. 28.

- (11) Since the objective of this Directive, namely the improvement of road safety by making compulsory the fitting of safety belts in certain categories of vehicles, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective,

their safety belts shall comply with Council Directive 76/115/EEC (**).

This exemption shall have effect for five years from 20 October 2005. It may be extended if reliable accident statistics are available and there has been further development of restraint systems.

(*) OJ L 220, 29.8.1977, p. 95. Directive as last amended by the 2003 Act of Accession.

(**) OJ L 24, 30.1.1976, p. 6. Directive as last amended by Commission Directive 96/38/EC (OJ L 187, 26.7.1996, p. 95).'

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 74/408/EEC

Directive 74/408/EEC is hereby amended as follows:

1. Article 1 shall be amended as follows:

- (a) the following subparagraph shall be added to paragraph 1:

'Vehicles of category M₂ and M₃ shall be subdivided into classes as defined in section 2 of Annex I to Directive 2001/85/EC of the European Parliament and of the Council of 20 November 2001 relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat (*).

(*) OJ L 42, 13.2.2002, p. 1.'

- (b) paragraph 2 shall be replaced by the following:

'2. This Directive shall not apply to rearward-facing seats.'

2. The following Article shall be inserted:

'Article 3a

1. The installation of side-facing seats shall be prohibited in vehicles of categories M₁, N₁, M₂ (of class III or B) and M₃ (of class III or B).

2. Paragraph 1 shall not apply to ambulances or to vehicles listed in the first indent of Article 8(1) of Directive 70/156/EEC.

3. Paragraph 1 shall further not apply to vehicles of category M₃ (of class III or B) of a technically permissible maximum laden mass exceeding 10 tonnes in which side-facing seats are grouped together at the rear of the vehicle to form an integrated saloon of up to 10 seats. Such side-facing seats shall be fitted with, at least, a head restraint and a two-point belt with retractor type-approved in accordance with Council Directive 77/541/EEC (*). The anchorages for

3. Annex II shall be amended as follows:

- (a) Point 1.1 shall be replaced by the following:

'1.1. The requirements of this Annex do not apply to rearward-facing seats or to any head restraint fitted to such seats.'

- (b) Point 2.3 shall be replaced by the following:

'2.3. "Seat" means a structure which may or may not be integral with the vehicle structure, complete with trim, intended to seat one adult person. The term covers both an individual seat or part of a bench seat intended to seat one person.

Depending on its orientation, a seat is defined as follows:

2.3.1. "Forward-facing seat" means a seat which can be used whilst the vehicle is in motion and which faces towards the front of the vehicle in such a manner that the vertical plane of symmetry of the seat forms an angle of less than + 10° or - 10° with the vertical plane of symmetry of the vehicle;

2.3.2. "Rearward-facing seat" means a seat which can be used whilst the vehicle is in motion and which faces towards the rear of the vehicle in such a manner that the vertical plane of symmetry of the seat forms an angle of less than + 10° or - 10° with the vertical plane of symmetry of the vehicle;

2.3.3. "Side-facing seat" means a seat which, with regard to its alignment with the vertical plane of symmetry of the vehicle, does not meet either of the definitions given in 2.3.1 or 2.3.2 above;

- (c) Point 2.9 shall be deleted;

4. In Annex III, point 2.5 shall be replaced by the following:

'2.5. "Seat" means a structure likely to be anchored to the vehicle structure, including its trim and attachment fittings, intended to be used in a vehicle and to seat one or more adult persons.'

Depending on its orientation, a seat is defined as follows:

- 2.5.1. "Forward-facing seat" means a seat which can be used whilst the vehicle is in motion and which faces towards the front of the vehicle in such a manner that the vertical plane of symmetry of the seat forms an angle of less than + 10° or - 10° with the vertical plane of symmetry of the vehicle;
- 2.5.2. "Rearward-facing seat" means a seat which can be used whilst the vehicle is in motion and which faces towards the rear of the vehicle in such a manner that the vertical plane of symmetry of the seat forms an angle of less than + 10° or - 10° with the vertical plane of symmetry of the vehicle;
- 2.5.3. "Side-facing seat" means a seat which, with regard to its alignment with the vertical plane of symmetry of the vehicle, does not meet either of the definitions given in 2.5.1 or 2.5.2 above;
5. Annex IV shall be amended as follows:
- (a) Point 1.1 shall be replaced by the following:
- '1.1. The requirements set out in this Annex apply to vehicles of categories N₁, N₂ and N₃ and to those of categories M₂ and M₃ not covered by the scope of Annex III. With the exception of the provisions of point 2.5, the requirements also apply to side-facing seats of all categories of vehicles.'
- (b) Point 2.4 shall be replaced by the following:
- '2.4. All seats which can be tipped forward or have fold-on backs must lock automatically in the normal position. This requirement does not apply to seats fitted in the wheelchair spaces of vehicles of category M₂ or M₃ of class I, II or A.'

Article 2

Implementation

1. As from 20 April 2006, with respect to seats, their anchorages and head restraints which comply with the requirements set out in this Directive, Member States shall not:
- (a) refuse to grant EC type-approval or national type-approval, in respect of a type of vehicle;
- (b) prohibit the registration, sale or entry into service of new vehicles.
2. As from 20 October 2006, with respect to seats, their anchorages and head restraints which do not comply with the requirements set out in this Directive, Member States shall, in respect of a new type of vehicle:
- (a) no longer grant EC type-approval;
- (b) refuse to grant national type-approval.

3. As from 20 October 2007, with respect to seats, their anchorages and head restraints which do not comply with the requirements set out in this Directive, Member States shall:

- (a) consider certificates of conformity which accompany new vehicles as no longer valid for the purpose of Article 7(1) of Directive 70/156/EEC;
- (b) refuse the registration, sale and entry into service of new vehicles, except where the provisions of Article 8(2) of Directive 70/156/EEC are invoked.

Article 3

Transposition

1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive before 20 April 2006. They shall forthwith inform the Commission thereof.
2. They shall apply these measures from 21 April 2006.
3. 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. The methods of making such reference shall be laid down by Member States.
4. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

Article 4

Entry into force

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

Article 5

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

DIRECTIVE 2005/40/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 7 September 2005
amending Council Directive 77/541/EEC on the approximation of the laws of the Member States
relating to safety belts and restraint systems of motor vehicles
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) Research has shown that the use of safety belts and restraint systems can contribute to a substantial reduction in the number of fatalities and the severity of injury in the event of an accident, even due to rollover. Their fitting in all categories of vehicles will certainly constitute an important step forward in bringing about an increase in road safety and a consequent saving of lives.
- (2) A substantial benefit to society can be attained if all vehicles are provided with safety belts.
- (3) In its Resolution of 18 February 1986 on common measures to reduce road accidents, as part of the Community's programme for road safety ⁽³⁾, the European Parliament stressed the need for making the wearing of safety belts compulsory for all passengers, including children, except in public service vehicles. Therefore, a distinction has to be made between public service buses and other vehicles as regards the compulsory installation of safety belts and/or restraint systems.
- (4) Pursuant to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers ⁽⁴⁾, the Community type-approval system has only been implemented for all new vehicles

of category M₁ since 1 January 1998. Consequently, only these vehicles have to be fitted with safety belts and/or restraint systems fulfilling the provisions of Directive 77/541/EEC ⁽⁵⁾.

- (5) Until the Community type-approval system is extended to all categories of vehicles, the installation of safety belts and/or restraint systems should be required, in the interests of road safety, in vehicles belonging to categories other than M₁.
- (6) Directive 77/541/EEC already provides for all technical and administrative provisions allowing the type-approval of vehicles of categories other than M₁. Therefore, the Member States do not need to introduce further provisions.
- (7) Since the entry into force of Commission Directive 96/36/EC of 17 June 1996 adapting to technical progress Council Directive 77/541/EEC relating to safety belts and restraint systems of motor vehicles ⁽⁶⁾, several Member States have already made compulsory the provisions contained therein in respect of certain categories of vehicles other than M₁. Manufacturers and their suppliers have thus developed the appropriate technology.
- (8) Directive 2001/85/EC of the European Parliament and of the Council of 20 November 2001 relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat ⁽⁷⁾, makes provision for allowing persons of reduced mobility such as disabled people to access more easily vehicles used for the carriage of passengers comprising more than eight seats. It is necessary to allow Member States to permit the installation of safety belts and/or restraint systems which do not comply with the technical specifications of Directive 77/541/EEC but are specifically designed for the purposes of securing those people in such vehicles.

⁽¹⁾ OJ C 80, 30.3.2004, p. 10.

⁽²⁾ Opinion of the European Parliament of 17 December 2003 (OJ C 91 E, 15.4.2004, p. 491), Council Common Position of 24 January 2005 (OJ C 111 E, 11.5.2005, p. 28), Position of the European Parliament of 26 May 2005 (not yet published in the Official Journal).

⁽³⁾ OJ C 68, 24.3.1986, p. 35.

⁽⁴⁾ OJ L 42, 23.2.1970, p. 1. Directive as last amended by Commission Directive 2004/78/EC (OJ L 153, 30.4.2004, p. 103).

⁽⁵⁾ OJ L 220, 29.8.1977, p. 95. Directive as last amended by the 2003 Act of Accession.

⁽⁶⁾ OJ L 178, 17.7.1996, p. 15.

⁽⁷⁾ OJ L 42, 13.2.2002, p. 1.

- (9) Directive 77/541/EEC should be amended accordingly.
- (10) Since the objective of this Directive, namely the improvement of road safety by the introduction of the compulsory fitting of safety belts in certain categories of vehicles, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale of the action, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective,

'Vehicles of category M₂ and M₃ shall be subdivided into classes as defined in section 2 of Annex I to Directive 2001/85/EC.:'

3. Annex I shall be amended as follows:

- (a) the footnote related to point 3.1 shall be deleted;
- (b) point 3.1.1 shall be replaced by the following:

'3.1.1. With the exception of seating intended solely for use when the vehicle is stationary, the seats of vehicles belonging to category M₁, M₂ (of class III or B), M₃ (of class III or B) and N shall be equipped with safety belts and/or restraint systems conforming to the requirements of this Directive.

Class I, II or A vehicles belonging to category M₂ or M₃ may be fitted with safety belts and/or restraint systems, provided they conform to the requirements of this Directive.'

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 77/541/EEC

Directive 77/541/EEC is hereby amended as follows:

1. the following Article shall be inserted:

'Article 2a

1. Member States may, under national law, allow the installation of safety belts or restraint systems other than those covered by this Directive provided they are intended for disabled people.

2. Member States may also exempt restraint systems designed to comply with the provisions of Annex VII to Directive 2001/85/EC of the European Parliament and of the Council of 20 November 2001 relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat (*) from the provisions of this Directive.

3. The requirements of Annex I, point 3.2.1 of this Directive shall not apply to seat belts and restraint systems covered by paragraphs 1 and 2.

(*) OJ L 42, 13.2.2002, p. 1.;

2. in Article 9, the following paragraph shall be added:

Article 2

Measures envisaged for disabled people

No later than 20 April 2008, the Commission shall examine specific procedures to harmonise requirements for safety belts intended for disabled people, based upon existing international standards and national legal requirements, in order to provide an equivalent level of safety to this Directive. If appropriate, the Commission shall present draft measures. Amendments to this Directive shall be adopted in accordance with Article 13 of Directive 70/156/EEC.

Article 3

Implementation

1. As from 20 April 2006, with respect to the installation of safety belts and/or restraint systems which comply with the requirements set out in Directive 77/541/EEC as amended by this Directive, Member States shall not:

- (a) refuse to grant EC type-approval or national type-approval, in respect of a type of vehicle;
- (b) prohibit the registration, sale or entry into service of new vehicles.

2. As from 20 October 2006, with respect to the installation of safety belts and/or restraint systems which do not comply with the requirements set out in Directive 77/541/EEC as amended by this Directive, Member States shall, in respect of a new type of vehicle:

- (a) no longer grant EC type-approval;
- (b) refuse to grant national type-approval.

3. As from 20 October 2007, with respect to the installation of safety belts and/or restraint systems which do not comply with the requirements set out in Directive 77/541/EEC as amended by this Directive, Member States shall:

- (a) consider certificates of conformity which accompany new vehicles as no longer valid for the purpose of Article 7(1) of Directive 70/156/EEC;
- (b) refuse the registration, sale or entry into service of new vehicles, except where the provisions of Article 8(2) of Directive 70/156/EEC are invoked.

Article 4

Transposition

1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive before 20 April 2006. They shall forthwith inform the Commission thereof.
2. They shall apply those measures from 21 April 2006.
3. When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by

such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

4. Member States shall communicate to the Commission the texts of the main provisions of national law, which they adopt in the field covered by this Directive.

Article 5

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 6

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

DIRECTIVE 2005/41/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 7 September 2005

amending Council Directive 76/115/EEC on the approximation of the laws of the Member States relating to anchorages for motor-vehicle safety belts

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) Research has shown that the use of safety belts and restraint systems can contribute to a substantial reduction in the number of fatalities and the severity of injury in the event of an accident, even due to rollover. Their fitting in all categories of vehicles will certainly constitute an important step forward in bringing about an increase in road safety and a consequent saving of lives.
- (2) A substantial benefit to society can be attained if all vehicles are provided with safety belts.
- (3) In its Resolution of 18 February 1986 on common measures to reduce road accidents, as part of the Community's programme for road safety ⁽³⁾, the European Parliament stressed the need for making the wearing of safety belts compulsory for all passengers, including children, except in public service vehicles. Therefore, a distinction has to be made between public service buses and other vehicles as regards the compulsory installation of safety belts and/or restraint systems.
- (4) Pursuant to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers ⁽⁴⁾, the Community type-approval

system has only been implemented for all new vehicles of category M₁ since 1 January 1998. Consequently, only these vehicles have to be fitted with anchorages intended for safety belts and/or restraint systems fulfilling the provisions of Directive 76/115/EEC ⁽⁵⁾.

- (5) Until the Community type-approval system is extended to all categories of vehicles, the installation of anchorages intended for safety belts and/or restraint systems should be required, in the interests of road safety, in vehicles belonging to categories other than M₁.
- (6) Directive 76/115/EEC already provides for all technical and administrative provisions allowing the type-approval of vehicles of categories other than M₁. Therefore, the Member States do not need to introduce further provisions.
- (7) Since the entry into force of Commission Directive 96/38/EC of 17 June 1996 adapting to technical progress Council Directive 76/115/EEC relating to anchorages for motor vehicle safety belts, several Member States have already made compulsory the provisions contained therein in respect of certain categories of vehicles other than M₁. Manufacturers and their suppliers have thus developed appropriate technology.
- (8) Directive 76/115/EEC should be amended accordingly.
- (9) Since the objective of this Directive, namely the improvement of road safety by the introduction of the compulsory fitting of safety belts in certain categories of vehicles, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective,

⁽¹⁾ OJ C 80, 30.3.2004, p. 8.

⁽²⁾ Opinion of the European Parliament of 17 December 2003 (OJ C 91 E, 15.4.2004, p. 496), Council Common Position of 24 January 2005 (OJ C 111 E, 11.5.2005, p. 23), Position of the European Parliament of 26 May 2005 (not yet published in the Official Journal).

⁽³⁾ OJ C 68, 24.3.1986, p. 35.

⁽⁴⁾ OJ L 42, 23.2.1970, p. 1. Directive as last amended by Commission Directive 2004/78/EC (OJ L 153, 30.4.2004, p. 103).

⁽⁵⁾ OJ L 24, 30.1.1976, p. 6. Directive as last amended by Commission Directive 96/38/EC (OJ L 187, 26.7.1996, p. 95).

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 76/115/EEC

Directive 76/115/EEC is hereby amended as follows:

(1) In Article 2 the following paragraph shall be added:

'Vehicles of category M₂ and M₃ shall be subdivided into classes as defined in section 2 of Annex I to Directive 2001/85/EC of the European Parliament and of the Council of 20 November 2001 relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat (*).

(*) OJ L 42, 13.2.2002, p. 1.'

(2) Annex I shall be amended as follows:

(a) point 1.9. shall be deleted;

(b) point 4.3.1. shall be replaced by the following:

'4.3.1. Vehicles belonging to categories M₁, M₂ (of class III or B), M₃ (of class III or B) and N must be equipped with anchorages for safety belts conforming to the requirements of this Directive.;

(c) point 4.3.8. shall be replaced by the following:

'4.3.8. For seating intended solely for use when the vehicle is stationary, as well as any seats of any vehicle not covered in points 4.3.1. to 4.3.5., no belt anchorages are required. If the vehicle is fitted with anchorages for such seats, these anchorages must comply with the provisions of this Directive. However, any anchorage intended solely for use in conjunction with a disabled person's belt, or any other restraint system mentioned in Article 2a of Council Directive 77/541/EEC of 28 June 1977 on the approximation of the laws of the Member States relating to safety belts and restraint systems of motor vehicles (*), need not conform to the requirements of this Directive provided it is designed and constructed under national legal requirements to provide the maximum practical level of safety.

(*) OJ L 220, 29.8.1977, p. 95. Directive as last amended by the 2003 Act of Accession.'

Article 2

Measures envisaged for disabled people

No later than 20 April 2008, the Commission shall examine specific procedures to harmonise requirements for anchorages

intended solely for use in conjunction with a disabled person's belt, or any other restraint system mentioned in Article 2a of Directive 77/541/EEC, based upon existing international standards and national legal requirements, in order to provide an equivalent level of safety to this Directive. If appropriate, the Commission shall present draft measures. Amendments to this Directive shall be adopted in accordance with Article 13 of Directive 70/156/EEC.

Article 3

Implementation

1. As from 20 April 2006, with respect to the anchorages for safety belts which comply with the requirements set out in Directive 76/115/EEC as amended by this Directive, Member States shall not:

- (a) refuse to grant EC type-approval or national type-approval, in respect of a type of vehicle;
- (b) prohibit the registration, sale or entry into service of new vehicles.

2. As from 20 October 2006, with respect to the anchorages for safety belts which do not comply with the requirements set out in Directive 76/115/EEC as amended by this Directive, Member States shall, in respect of a new type of vehicle:

- (a) no longer grant EC type-approval;
- (b) refuse to grant national type-approval.

3. As from 20 October 2007, with respect to the anchorages for safety belts which do not comply with the requirements set out in Directive 76/115/EEC as amended by this Directive, Member States shall:

- (a) consider certificates of conformity which accompany new vehicles as no longer valid for the purpose of Article 7(1) of Directive 70/156/EEC;
- (b) refuse the registration, sale or entry into service of new vehicles, except where the provisions of Article 8(2) of Directive 70/156/EEC are invoked.

Article 4

Transposition

1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive before 20 April 2006. They shall forthwith inform the Commission thereof.

2. They shall apply those measures from 21 April 2006.

3. When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

4. Member States shall communicate to the Commission the texts of the main provisions of national law, which they adopt in the field covered by this Directive.

Article 5

Entry into force

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

Article 6

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

DIRECTIVE 2005/44/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 7 September 2005
on harmonised river information services (RIS) on inland waterways in the Community

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) The deployment of information and communication technologies on inland waterways helps to increase significantly the safety and efficiency of transport by inland waterway.
- (2) In some Member States national applications of information services are already being deployed on various waterways. In order to ensure a harmonised, interoperable and open navigational aid and information system on the inland waterway network of the Community, common requirements and technical specifications should be introduced.
- (3) For safety reasons and in the interests of pan-European harmonisation, the content of such common requirements and technical specifications should build on work carried out in this field by relevant international organisations, such as the International Navigation Association (PIANC), the Central Commission for Navigation on the Rhine (CCNR) and the United Nations Economic Commission for Europe (UNECE).
- (4) River information services (RIS) should build on interoperable systems that should be based on open and public standards, available on a non-discriminatory basis to all system suppliers and users.
- (5) On national navigable inland waterways not linked to the navigable network of another Member State these requirements and technical specifications need not be mandatory. It is however recommended that RIS, as defined in this Directive, be implemented on those inland waterways and that existing systems be made interoperable with it.
- (6) The development of RIS should be based on objectives such as safety, efficiency and the environmental friendliness of inland navigation, which are fulfilled by tasks like traffic and transport management, environment and infrastructure protection and the enforcement of specific rules.
- (7) The requirements regarding RIS should concern at least the information services to be provided by the Member States.
- (8) The establishment of technical specifications should include systems such as electronic navigational charts, electronic ship reporting, including a uniform European vessel number system, notices to skippers and vessel tracking and tracing. The technical compatibility of the equipment necessary for the use of RIS should be ensured by a Committee.
- (9) It should be the responsibility of the Member States, in cooperation with the Community, to encourage users to comply with the procedures and equipment requirements, taking into account the small and medium-sized structure of the companies of the inland navigation sector.
- (10) The introduction of RIS will entail the processing of personal data. Such processing should be carried out in accordance with Community rules, as set out, *inter alia*, in Directive 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 ⁽³⁾ and Directive 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 ⁽⁴⁾. The introduction of RIS should not lead to uncontrolled processing of economically sensitive data relating to market operators.
- (11) For the purposes of RIS for which exact positioning is required, the use of satellite positioning should be recommended. These technologies should, wherever possible, be interoperable with other relevant systems and should be integrated with them, in accordance with applicable decisions in this field.

⁽¹⁾ OJ C 157, 28.6.2005, p. 56.

⁽²⁾ Opinion of the European Parliament of 23 February 2005 (not yet published in the Official Journal). Decision of the Council of 27 June 2005.

⁽³⁾ OJ L 281, 23.11.1995, p. 31. Directive as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

⁽⁴⁾ OJ L 201, 31.7.2002, p. 37.

- (12) Since the objective of this Directive, namely to establish harmonised RIS in the Community, cannot be sufficiently achieved by the Member States and can therefore, by reason of its European dimension, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (13) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.
- (14) In accordance with paragraph 34 of the Interinstitutional Agreement on better law-making ⁽²⁾ Member States are encouraged to draw up, for themselves and in the interest of the Community, their own tables, which will, as far as possible, illustrate the correlation between this Directive and the transposition measures, and to make them public,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Subject matter

1. This Directive establishes a framework for the deployment and use of harmonised river information services (RIS) in the Community in order to support inland waterway transport with a view to enhancing safety, efficiency and environmental friendliness and to facilitating interfaces with other transport modes.
2. This Directive provides a framework for the establishment and further development of technical requirements, specifications and conditions to ensure harmonised, interoperable and open RIS on the Community inland waterways. Such establishment and further development of technical requirements, specifications and conditions shall be carried out by the Commission, assisted by the Committee referred to in Article 11. In this context, the Commission shall take due account of measures developed by relevant international organisations, such as PIANC, CCNR and UNECE. Continuity shall be ensured with other modal traffic management services, in particular maritime vessel traffic management and information services.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ C 321, 31.12.2003, p. 1.

Article 2

Scope

1. This Directive applies to the implementation and operation of RIS on all inland waterways of the Member States of class IV and above which are linked by a waterway of class IV or above to a waterway of class IV or above of another Member State, including the ports on such waterways as referred to in Decision No 1346/2001/EC of the European Parliament and of the Council of 22 May 2001 amending Decision No 1692/96/EC as regards seaports, inland ports and intermodal terminals as well as project No 8 in Annex III ⁽³⁾. For the purposes of this Directive, the Classification of European Inland Waterways set out in UNECE Resolution No 30 of 12 November 1992 shall apply.
2. Member States may apply this Directive to inland waterways and inland ports not referred to in paragraph 1.

Article 3

Definitions

For the purposes of this Directive, the following definitions shall apply:

- (a) 'river information services (RIS)' means the harmonised information services to support traffic and transport management in inland navigation, including, wherever technically feasible, interfaces with other transport modes. RIS do not deal with internal commercial activities between one or more of the involved companies, but are open for interfacing with commercial activities. RIS comprise services such as fairway information, traffic information, traffic management, calamity abatement support, information for transport management, statistics and customs services and waterway charges and port dues;
- (b) 'fairway information' means geographical, hydrological, and administrative information regarding the waterway (fairway). Fairway Information is one-way information: shore to ship or shore to office;
- (c) 'tactical traffic information' means the information affecting immediate navigation decisions in the actual traffic situation and the close geographic surroundings;
- (d) 'strategic traffic information' means the information affecting the medium and long-term decisions of RIS users;
- (e) 'RIS application' means the provision of river information services through dedicated systems;
- (f) 'RIS centre', means the place where the services are managed by operators;

⁽³⁾ OJ L 185, 6.7.2001, p. 1.

- (g) 'RIS users' means all different user groups including boat masters, RIS operators, lock and/or bridge operators, waterway authorities, port and terminal operators, operators in calamity centres of emergency services, fleet managers, cargo shippers and freight brokers;
- (h) 'interoperability' means that services, data contents, data exchange formats and frequencies are harmonised in such a way that RIS users have access to the same services and information on a European level.

Article 4

Setting-up of RIS

1. Member States shall take the necessary measures to implement RIS on inland waterways falling within the scope of Article 2.

2. Member States shall develop RIS in such a way that the RIS application is efficient, expandable and interoperable so as to interact with other RIS applications and, if possible, with systems for other modes of transport. It shall also provide interfaces to transport management systems and commercial activities.

3. In order to set up RIS, Member States shall:

- (a) supply to RIS users all relevant data concerning navigation and voyage planning on inland waterways. These data shall be provided at least in an accessible electronic format;
- (b) ensure that for all their inland waterways of class Va and above in accordance with the Classification of European Inland Waterways, in addition to the data referred to in point (a), electronic navigational charts suitable for navigational purposes are available to RIS users;
- (c) enable, as far as ship reporting is required by national or international regulations, the competent authorities to receive electronic ship reports of the required data from ships. In cross-border transport, this information shall be transmitted to the competent authorities of the neighbouring State and any such transmission shall be completed before arrival of the vessels at the border;
- (d) ensure that notices to skippers, including water level (or maximum allowable draught) and ice reports of their inland waterways, are provided as standardised, encoded and downloadable messages. The standardised message shall contain at least the information necessary for safe

navigation. The notices to skippers shall be provided at least in an accessible electronic format.

The obligations referred to in this paragraph shall be fulfilled in compliance with the specifications defined in Annexes I and II.

4. The competent authorities of the Member States shall establish RIS centres according to regional needs.

5. For the use of the automatic identification systems (AIS), the regional arrangement concerning the radiotelephone service on inland waterways concluded in Basel on 6 April 2000 in the framework of the radio regulations of the International Telecommunication Union (ITU) shall apply.

6. Member States, if appropriate in cooperation with the Community, shall encourage boat masters, operators, agents or owners of vessels navigating on their inland waterways and shippers or owners of goods carried on board such vessels to fully profit from the services which are made available under this Directive.

7. The Commission shall take appropriate measures to verify the interoperability, reliability and safety of RIS.

Article 5

Technical guidelines and specifications

1. In order to support RIS and to ensure the interoperability of these services as required by Article 4(2), the Commission shall define in accordance with paragraph 2 technical guidelines for the planning, implementation and operational use of the services (RIS guidelines) as well as technical specifications in particular in the following areas:

- (a) electronic chart display and information system for inland navigation (inland ECDIS);
- (b) electronic ship reporting;
- (c) notices to skippers;
- (d) vessel tracking and tracing systems;
- (e) compatibility of the equipment necessary for the use of RIS.

These guidelines and specifications shall be based on the technical principles set out in Annex II and shall take account of work carried out in this field by relevant international organisations.

2. The technical guidelines and specifications referred to in paragraph 1 shall be established and, when appropriate, amended by the Commission in accordance with the procedure laid down in Article 11(3). The establishment shall be carried out in accordance with the following time-table:

- (a) the RIS guidelines by 20 June 2006,
- (b) the technical specifications regarding the inland ECDIS, the electronic ship reporting and the notices to skippers by 20 October 2006,
- (c) the technical specifications regarding the vessel tracking and tracing systems by 20 December 2006.

3. The RIS guidelines and specifications shall be published in the *Official Journal of the European Union*.

Article 6

Satellite positioning

For the purpose of RIS, for which exact positioning is required, the use of satellite positioning technologies is recommended.

Article 7

Type-approval of RIS equipment

1. Where necessary for the safety of navigation and required by the relevant technical specifications, RIS terminal and network equipment and software applications shall be type-approved for compliance with those specifications before being put into service on inland waterways.

2. Member States shall notify to the Commission the national bodies responsible for type-approval. The Commission shall communicate such information to the other Member States.

3. All Member States shall recognise type-approvals issued by the national bodies of the other Member States referred to in paragraph 2.

Article 8

Competent authorities

Member States shall designate competent authorities for the RIS application and for the international exchange of data. These authorities shall be notified to the Commission.

Article 9

Rules on privacy, security and the re-use of information

1. Member States shall ensure that processing of personal data necessary for the operation of RIS is carried out in accordance with the Community rules protecting the freedoms and fundamental rights of individuals, including Directives 95/46/EC and 2002/58/EC.

2. Member States shall implement and maintain security measures to protect RIS messages and records against untoward events or misuse, including improper access, alteration or loss.

3. Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information ⁽¹⁾ shall apply.

Article 10

Amendment procedure

Annexes I and II may be amended in the light of the experience gained from the application of this Directive and adapted to technical progress in accordance with the procedure laid down in Article 11(3).

Article 11

Committee procedure

1. The Commission shall be assisted by the Committee instituted by Article 7 of Council Directive 91/672/EEC of 16 December 1991 on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway ⁽²⁾.

2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

3. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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

5. The Commission shall regularly consult representatives of the sector.

Article 12

Transposition

1. Member States which have inland waterways falling within the scope of Article 2 shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 20 October 2007. They shall forthwith inform the Commission thereof.

⁽¹⁾ OJ L 345, 31.12.2003, p. 90.

⁽²⁾ OJ L 373, 31.12.1991, p. 29. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall take the necessary measures to comply with the requirements set out in Article 4 not later than 30 months after the entry into force of the relevant technical guidelines and specifications referred to in Article 5. The technical guidelines and specifications shall enter into force on the day following that of their publication in the *Official Journal of the European Union*.

3. Following a request by a Member State, the Commission may extend in accordance with the procedure laid down in Article 11(2), the period provided for in paragraph 2 for the implementation of one or more requirements of Article 4 in respect of inland waterways falling within the scope of Article 2 but with low traffic density, or in respect of inland waterways for which the cost of such implementation would be disproportionate to its benefits. This period may be extended by simple decision of the Commission; the extension may be renewed. The justification to be provided with the request by the Member State shall refer to the traffic density and economic conditions on the waterway in question. Until the Commission reaches its decision, the Member State that has requested an extension may continue its operations as if the extension had been granted.

4. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field governed by this Directive.

5. Where necessary, Member States shall assist one another in the implementation of this Directive.

6. The Commission shall monitor the setting up of RIS in the Community and shall report to the European Parliament and to the Council by 20 October 2008.

Article 13

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 14

Addressees

This Directive is addressed to the Member States which have inland waterways falling within the scope of Article 2.

Done at Strasbourg, 7 September 2005.

For the European Parliament

The President

J. BORRELL FONTELLES

For the Council

The President

C. CLARKE

ANNEX I

MINIMUM DATA REQUIREMENTS

As referred to in Article 4(3)(a), in particular the following data shall be supplied:

- waterway axis with kilometre indication,
 - restrictions for vessels or convoys in terms of length, width, draught and air draught,
 - operation times of restricting structures, in particular locks and bridges,
 - location of ports and transshipment sites,
 - reference data for water level gauges relevant to navigation.
-

ANNEX II

PRINCIPLES FOR RIS GUIDELINES AND TECHNICAL SPECIFICATIONS**1. RIS Guidelines**

The RIS guidelines referred to in Article 5 shall respect the following principles:

- (a) the indication of technical requirements for the planning, implementing and operational use of services and related systems;
- (b) the RIS architecture and organisation; and
- (c) recommendations for vessels to participate in RIS, for individual services and for the stepwise development of RIS.

2. Inland ECDIS

The technical specifications to be established in accordance with Article 5 for an electronic chart display and information system (inland ECDIS) shall respect the following principles:

- (a) compatibility with the maritime ECDIS in order to facilitate traffic of inland vessels in mixed traffic zones of the estuaries and sea-river traffic;
- (b) the definition of minimum requirements for inland ECDIS equipment as well as the minimum content of electronic navigational charts with a view to the safety of navigation, in particular:
 - a high level of reliability and availability of the inland ECDIS equipment used,
 - the robustness of the inland ECDIS equipment in order to withstand the environmental conditions typically prevailing on board a vessel without any degradation in quality or reliability,
 - the inclusion in the electronic navigational chart of all kinds of geographical objects (e.g. boundaries of the fairway, shoreline constructions, beacons) that are needed for safe navigation,
 - the monitoring of the electronic chart with overlaid radar image when used for conning the vessel;
- (c) the integration of depth information on the fairway in the electronic navigational chart and display to a predefined or the actual water level;
- (d) the integration of additional information (e.g. of other parties than the competent authorities) in the electronic navigational chart and display in the inland ECDIS without affecting the information that is needed for safe navigation;
- (e) the availability of electronic navigational charts to RIS users;
- (f) the availability of the data for electronic navigational charts to all manufacturers of applications, when appropriate against a reasonable cost-related charge.

3. Electronic ship reporting

The technical specifications for electronic ship reporting in inland navigation in accordance with Article 5 shall respect the following principles:

- (a) the facilitation of the electronic data exchange between the competent authorities of the Member States, between participants in inland as well as maritime navigation and in multi-modal transport where inland navigation is involved;
- (b) the use of a standardised transport notification message for ship-to-authority, authority-to-ship and authority-to-authority messaging in order to obtain compatibility with maritime navigation;
- (c) the use of internationally accepted code lists and classifications, possibly complemented for additional inland navigation needs;
- (d) the use of a unique European vessel identification number.

4. Notices to skippers

The technical specifications for notices to skippers in accordance with Article 5, in particular regarding fairway information, traffic information and management as well as voyage planning, shall respect the following principles:

- (a) a standardised data structure using predefined text modules and encoded to a high extent in order to enable automatic translation of the most important content into other languages and to facilitate the integration of notices to skippers into voyage planning systems;
- (b) the compatibility of the standardised data structure with the data structure of inland ECDIS to facilitate integration of notices to skippers in inland ECDIS.

5. Vessel tracking and tracing systems

The technical specifications for vessel tracking and tracing systems in accordance with Article 5 shall respect the following principles:

- (a) the definition of the requirements concerning systems and of standard messages as well as procedures so that they can be provided in an automated way;
 - (b) the differentiation between systems suited to requirements of tactical traffic information and systems suited to requirements of strategic traffic information, both with regard to positioning accuracy and required update rate;
 - (c) the description of the relevant technical systems for vessel tracking and tracing such as Inland AIS (inland automatic identification system);
 - (d) compatibility of data formats with the maritime AIS system.
-

DIRECTIVE 2005/45/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 7 September 2005
on the mutual recognition of seafarers' certificates issued by the Member States and amending
Directive 2001/25/EC
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) In its conclusions of 5 June 2003 on improving the image of Community shipping and attracting young people to the seafaring profession, the Council highlighted the necessity of fostering the professional mobility of seafarers within the European Union, with particular emphasis on recognition procedures for seafarers' certificates of competency, while ensuring thorough compliance with the requirements of the International Maritime Organisation (IMO) Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (the STCW Convention) in its up to date version.
- (2) Maritime transport is an intensively and rapidly developing sector of a particularly international character. Accordingly, in view of the increasing shortage of Community seafarers, the balance between supply and demand in personnel can be maintained more efficiently at the Community, rather than the national level. It is therefore essential that the common transport policy in the field of maritime transport be extended to facilitate the movement of seafarers within the Community.
- (3) As regards seafarers' qualifications, the Community has laid down minimum maritime education, training and certification requirements by way of Directive 2001/25/EC of the European Parliament and of the Council of 4 April 2001 on the minimum level of training of seafarers ⁽³⁾. That Directive incorporates into

Community law the international training, certification and watchkeeping standards laid down by the STCW Convention.

- (4) Directive 2001/25/EC provides that seafarers must hold a certificate of competency issued and endorsed by the competent authority of a Member State in accordance with that Directive and entitling the lawful holder thereof to serve on a ship in the capacity and perform the functions involved at the level of responsibility specified therein.
- (5) Under Directive 2001/25/EC, mutual recognition among Member States of certificates held by seafarers, whether or not nationals of a Member State, is subject to Directives 89/48/EEC ⁽⁴⁾ and 92/51/EEC ⁽⁵⁾ setting up, respectively, a first and a second general system for the recognition of professional education and training. Those Directives do not provide for the automatic recognition of formal qualifications of seafarers, as seafarers may be subject to compensation measures.
- (6) Each Member State should recognise any certificate and other evidence of formal qualifications issued by another Member State in accordance with Directive 2001/25/EC. Therefore, each Member State should permit a seafarer having acquired his/her certificate of competency in another Member State, satisfying the requirements of that Directive, to take up or to pursue the maritime profession for which he/she is qualified, without any prerequisites other than those imposed on its own nationals.
- (7) Since this Directive is aimed at facilitating the mutual recognition of certificates, it does not regulate the conditions concerning access to employment.
- (8) The STCW Convention specifies language requirements for seafarers. These requirements should be introduced into Community law to ensure effective communication on board ships and facilitate the free movement of seafarers within the Community.

⁽¹⁾ OJ C 157, 28.6.2005, p. 53.

⁽²⁾ Opinion of the European Parliament of 23 February 2005 (not yet published in the Official Journal). Decision of the Council of 27 June 2005.

⁽³⁾ OJ L 136, 18.5.2001, p. 17. Directive as last amended by Commission Directive 2005/23/EC (OJ L 62, 9.3.2005, p. 14).

⁽⁴⁾ Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration (OJ L 19, 24.1.1989, p. 16). Directive as last amended by Directive 2001/19/EC of the European Parliament and of the Council (OJ L 206, 31.7.2001, p. 1).

⁽⁵⁾ Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC (OJ L 209, 24.7.1992, p. 25). Directive as last amended by Commission Decision 2004/108/EC (OJ L 32, 5.2.2004, p. 15).

(9) Today, the proliferation of certificates of competency of seafarers obtained by fraud poses a serious danger to safety at sea and the protection of the marine environment. In most cases, holders of fraudulent certificates of competency do not meet the minimum certification requirements of the STCW Convention. These seafarers could easily be involved in maritime accidents.

(10) Member States should therefore take and enforce specific measures to prevent and penalise fraudulent practices associated with certificates of competency as well as pursue their efforts within the IMO to achieve strict and enforceable agreements on the worldwide combating of such practices. The Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) is an appropriate forum for exchanging information, experience and best practices in this respect.

(11) Regulation (EC) No 1406/2002 ⁽¹⁾, established a European Maritime Safety Agency (the Agency), for the purpose of ensuring a high, uniform and effective level of maritime safety and prevention of pollution from ships. One of the tasks assigned to the Agency is to assist the Commission in the performance of any task assigned to it by Community legislation applicable to the training, certification and watchkeeping of ships' crews.

(12) The Agency should therefore assist the Commission in verifying that Member States comply with the requirements laid down in this Directive and Directive 2001/25/EC.

(13) The mutual recognition among Member States of certificates held by seafarers, whether or not nationals of a Member State, should no longer be subject to Directives 89/48/EEC and 92/51/EEC, but should be governed by this Directive.

(14) Directive 2001/25/EC should therefore be amended accordingly.

(15) Since the objective of this Directive, namely the mutual recognition of the seafarers' certificates issued by the Member States, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

(16) In accordance with paragraph 34 of the Interinstitutional Agreement on better law-making ⁽²⁾, Member States are encouraged to draw up, for themselves and in the

interest of the Community, their own tables, which will, as far as possible, illustrate the correlation between this Directive and their transposition measures, and to make those tables public,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Scope

This Directive shall apply to seafarers who are:

- (a) nationals of a Member State;
- (b) non-nationals who hold a certificate issued by a Member State.

Article 2

Definitions

For the purposes of this Directive the following definitions shall apply:

- (a) 'seafarer' means a person who is trained and who is certified by a Member State at least in accordance with the requirements laid down in Annex I to Directive 2001/25/EC;
- (b) 'certificate' means a valid document within the meaning of Article 4 of Directive 2001/25/EC;
- (c) 'appropriate certificate' means a certificate as defined in Article 1(27) of Directive 2001/25/EC;
- (d) 'endorsement' means a valid document issued by the competent authority of a Member State in accordance with Article 5(2) and (6) of Directive 2001/25/EC;
- (e) 'recognition' means the acceptance by the competent authorities of a host Member State of a certificate or appropriate certificate issued by another Member State;
- (f) 'host Member State' means any Member State in which a seafarer seeks recognition of his/her appropriate certificate(s) or other certificate(s);
- (g) 'STCW Convention' means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, in its up-to-date version;
- (h) 'STCW Code' means the Seafarers' Training, Certification and Watchkeeping Code, as adopted by Resolution 2 of the 1995 STCW Conference of Parties, in its up-to-date version;
- (i) 'the Agency' means the European Maritime Safety Agency, established by Regulation (EC) No 1406/2002.

⁽¹⁾ Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208, 5.8.2002, p. 1). Regulation as last amended by Regulation (EC) No 724/2004 (OJ L 129, 29.4.2004, p. 1).

⁽²⁾ OJ C 321, 31.12.2003, p. 1.

*Article 3***Recognition of certificates**

1. Every Member State shall recognise appropriate certificates or other certificates issued by another Member State in accordance with the requirements laid down in Directive 2001/25/EC.
2. The recognition of appropriate certificates shall be limited to the capacities, functions and levels of competency prescribed therein and be accompanied by an endorsement attesting such recognition.
3. Member States shall ensure the right to appeal against any refusal to endorse a valid certificate, or the absence of any response, in accordance with national legislation and procedures.
4. Notwithstanding paragraph 2, the competent authorities of a host Member State may impose further limitations on capacities, functions and levels of competence relating to near-coastal voyages, as referred to in Article 7 of Directive 2001/25/EC, or alternative certificates issued under Regulation VII/1 of Annex I to Directive 2001/25/EC.
5. A host Member State shall ensure that seafarers who present for recognition certificates for functions at the management level have an appropriate knowledge of the maritime legislation of that Member State relevant to the functions they are permitted to perform.

*Article 4***Amendments to Directive 2001/25/EC**

Directive 2001/25/EC is hereby amended as follows:

1. Article 4 shall be replaced by:

'Article 4

Certificate

A certificate shall be any valid document, by whatever name it may be known, issued by or under the authority of the competent authority of a Member State in accordance with Article 5 and with the requirements laid down in Annex I.;

2. the following Article shall be inserted:

'Article 7a

Prevention of fraud and other unlawful practices

1. Member States shall take and enforce the appropriate measures to prevent fraud and other unlawful practices involving the certification process or certificates issued and endorsed by their competent authorities, and shall provide for penalties that are effective, proportionate and dissuasive.
2. Member States shall designate the national authorities competent to detect and combat fraud and other unlawful

practices and exchange information with the competent authorities of other Member States and of third countries concerning the certification of seafarers.

Member States shall forthwith inform the other Member States and the Commission of the details of such competent national authorities.

Member States shall also forthwith inform any third countries with which they have entered into an undertaking in accordance with Regulation I/10, paragraph 1.2 of the STCW Convention of the details of such competent national authorities.

3. At the request of a host Member State, the competent authorities of another Member State shall provide written confirmation or denial of the authenticity of seafarers' certificates, corresponding endorsements or any other documentary evidence of training issued in that other Member State.;

3. Article 18(1) and (2) shall be deleted with effect from 20 October 2007;
4. The following Articles shall be inserted:

'Article 21a

Regular monitoring of compliance

Without prejudice to the powers of the Commission under Article 226 of the Treaty, the Commission, assisted by the European Maritime Safety Agency, established by Regulation (EC) No 1406/2002 (*), shall verify on a regular basis and at least every five years that Member States comply with the minimum requirements laid down by this Directive.

Article 21b

Compliance report

No later than 20 October 2010 the Commission shall submit to the European Parliament and the Council an evaluation report drawn up on the basis of the information obtained pursuant to Article 21a. In the report the Commission shall analyse the Member States' compliance with this Directive and, where necessary, make proposals for additional measures.

(*) Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208, 5.8.2002, p. 1). Regulation as last amended by Regulation (EC) No 724/2004 (OJ L 129, 29.4.2004, p. 1).;

5. the following paragraph shall be inserted in Annex I, Chapter I:

'1a. Member States shall ensure that seafarers possess adequate language proficiency, as defined in Sections A-II/1, A-III/1, A-IV/2 and A-II/4 of the STCW Code so as to enable them to perform their specific duties on a vessel flying the flag of a host Member State.'

*Article 5***Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 20 October 2007. 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 reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field covered by this Directive.

*Article 6***Entry into force**

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

*Article 7***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

(Acts adopted under Title VI of the Treaty on European Union)

COUNCIL FRAMEWORK DECISION 2005/667/JHA

of 12 July 2005

to strengthen the criminal-law framework for the enforcement of the law against ship-source pollution

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 31(1)(e) and 34(2)(b) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

(1) The Action Plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice ⁽²⁾ and the conclusions of the Tampere European Council of 15 and 16 October 1999, and in particular point 48 thereof, call for proposals for legislation to combat environmental crime, in particular common penalties and comparable procedural guarantees.

(2) The fight against intentional or seriously negligent ship-source pollution constitutes one of the Union's priorities. Points 32 to 34 of the conclusions of the Copenhagen European Council of 12 and 13 December 2002 and the statement of the JHA Council of 19 December 2002 following the shipwreck of the tanker *Prestige*, in particular, express the Union's determination to adopt all the measures needed to avoid recurrence of such damage.

(3) To this end, as the Commission stated in its Communication to the European Parliament and the Council on improving safety at sea in response to the *Prestige* accident, the legislation of the Member States should be approximated.

(4) The purpose of Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements ⁽³⁾ and this framework Decision, which supplements Directive 2005/35/EC with detailed rules in criminal matters, is to carry out this approximation.

(5) This framework Decision, based on Article 34 of the Treaty on the European Union, is the correct instrument for imposing on the Member States the obligation to provide for criminal penalties.

(6) Due to the specific nature of the conduct, common penalties with regard to legal persons should be introduced.

(7) The 1982 United Nations Convention on the Law of the Sea, signed by all the Member States and with the European Community as a party, is particularly important in the context of cooperation.

(8) The best possible cooperation should be organised between Member States to guarantee the swift transmission of information from one Member State to another. Contact points should be designated and identified.

(9) Since the objectives of this framework Decision cannot be achieved adequately by the Member States and can therefore, by reason of the cross-border character of the damage which may be caused by the behaviour concerned, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty establishing the European Community. In accordance with the principle of proportionality, as set out in that Article, this framework Decision does not go beyond what is necessary in order to achieve those objectives.

(10) This framework Decision respects the fundamental rights and observes the principles recognised by Article 6 of the Treaty of the European Union and reflected in the Charter of Fundamental Rights of the European Union.

(11) This framework Decision does not contain an explicit obligation for Member States bordering straits used for international navigation subject to the regime for transit passage, as laid down in Part III, section 2 of the 1982 United Nations Convention on the Law of the Sea, to establish jurisdiction with regard to offences committed in such straits. The jurisdiction with regard to offences should be established in accordance with international law and in particular Article 34 of the 1982 United Nations Convention on the Law of the Sea.

⁽¹⁾ Opinion of the European Parliament of 13 January 2004 (OJ C 92, 16.4.2004, p. 19).

⁽²⁾ OJ C 19, 23.1.1999, p. 1.

⁽³⁾ See page 11 of this Official Journal.

(12) The practical application of the measures taken by the Member States in implementing this framework Decision, should be monitored by the Commission which should in five years from the date of implementation of this framework Decision, present a report to the Council. This report may include appropriate proposals,

HAS ADOPTED THIS FRAMEWORK DECISION:

Article 1

Definitions

For the purposes of this framework Decision, the definitions provided for in Article 2 of Directive 2005/35/EC shall apply.

Article 2

Criminal offences

1. Subject to Article 4(2) of this framework Decision, each Member State shall take the measures necessary to ensure that an infringement within the meaning of Articles 4 and 5 of Directive 2005/35/EC shall be regarded as a criminal offence.

2. Paragraph 1 shall not apply to crew members in respect of infringements that occur in straits used for international navigation, exclusive economic zones and on the high seas where the conditions set out in Annex I, Regulation 11(b) or in Annex II, Regulation 6(b), of the Marpol 73/78 Convention are satisfied.

Article 3

Aiding, abetting and inciting

Each Member State shall, in accordance with national law, take the measures necessary to ensure that aiding, abetting or inciting an offence referred to in Article 2 is punishable.

Article 4

Penalties

1. Each Member State shall take the measures necessary to ensure that the offences referred to in Articles 2 and 3 are punishable by effective, proportionate and dissuasive criminal penalties which shall include, at least for serious cases, criminal penalties of a maximum of at least between one and three years of imprisonment.

2. In minor cases, where the act committed does not cause a deterioration of the quality of the water, a Member State may provide for penalties of a different type from those laid down in paragraph 1.

3. The criminal penalties provided for in paragraph 1 may be accompanied by other penalties or measures, in particular fines, or the disqualification for a natural person from engaging in an activity requiring official authorisation or approval, or founding, managing or directing a company or a foundation, where the facts having led to his/her conviction show an obvious risk that the same kind of criminal activity may be pursued again.

4. Each Member State shall take the measures necessary to ensure that the intentionally committed offence referred to in Article 2 is punishable by a maximum of at least between five and ten years of imprisonment where the offence caused significant and widespread damage to water quality, to animal or vegetable species or to parts of them and the death or serious injury of persons.

5. Each Member State shall take the measures necessary to ensure that the intentionally committed offence referred to in Article 2 is punishable by a maximum of at least between two and five years of imprisonment where:

- (a) the offence caused significant and widespread damage to water quality, to animal or vegetable species or to parts of them; or
- (b) the offence was committed within the framework of a criminal organisation within the meaning of Council Joint Action 98/733/JHA of 21 December 1998 on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union⁽¹⁾, irrespective of the level of the penalty referred to in that Joint Action.

6. Each Member State shall take the measures necessary to ensure that the offence referred to in Article 2, when committed with serious negligence, is punishable by a maximum of at least between two and five years of imprisonment where the offence caused significant and widespread damage to water quality, to animal or vegetable species or to parts of them and the death or serious injury of persons.

7. Each Member State shall take the measures necessary to ensure that the offence referred to in Article 2, when committed with serious negligence, is punishable by a maximum of at least between one and three years of imprisonment where the offence caused significant and widespread damage to water quality, to animal or vegetable species or to parts of them.

8. Regarding custodial penalties, this Article shall apply without prejudice to international law and in particular Article 230 of the 1982 United Nations Convention on the Law of the Sea.

Article 5

Liability of legal persons

1. Each Member State shall take the measures necessary to ensure that legal persons can be held liable for the offences referred to in Articles 2 and 3, committed for their benefit by any persons acting either individually or as part of an organ of the legal person, who have a leading position within the legal person, based on:

- (a) a power of representation of the legal person, or
- (b) an authority to take decisions on behalf of the legal person, or
- (c) an authority to exercise control within the legal person.

⁽¹⁾ OJ L 351, 29.12.1998, p. 1.

2. Apart from the cases provided for in paragraph 1, Member States shall take the measures necessary to ensure that a legal person can be held liable where lack of supervision or control by a person referred to in paragraph 1 has made possible the commission of the offence referred to in Article 2 for the benefit of the legal person by a person under its authority.

3. The liability of a legal person under paragraphs 1 and 2 shall not exclude criminal proceedings against natural persons who are involved as perpetrators, instigators or accessories in the offences referred to in Articles 2 and 3.

Article 6

Penalties against legal persons

1. Each Member State shall take the measures necessary to ensure that a legal person held liable pursuant to Article 5(1) is punishable by effective, proportionate and dissuasive penalties. The penalties:

- (a) Shall include criminal or non-criminal fines, which, at least for cases where the legal person is held liable for offences referred to in Article 2, are:
 - (i) of a maximum of at least between EUR 150 000 and EUR 300 000;
 - (ii) of a maximum of at least between EUR 750 000 and EUR 1 500 000 in the most serious cases, including at least the intentionally committed offences covered by Article 4(4) and (5).
- (b) may, for all cases, include penalties other than fines, such as:
 - (i) exclusion from entitlement to public benefits or aid;
 - (ii) temporary or permanent disqualification from engaging in commercial activities;
 - (iii) placing under judicial supervision;
 - (iv) a judicial winding-up order;
 - (v) the obligation to adopt specific measures in order to eliminate the consequences of the offence which led to the liability of the legal person.

2. For the purpose of the implementation of paragraph 1(a), and without prejudice to the first sentence of paragraph 1, Member States in which the euro has not been adopted shall apply the exchange rate between the euro and their currency as published in the *Official Journal of the European Union* on 12 July 2005.

3. A Member State may implement paragraph 1(a) by applying a system, whereby the fine is proportionate to the turnover of the legal person, to the financial advantage achieved or envisaged by the commission of the offence, or to any other value indicating the financial situation of the legal person, provided that such system allows for maximum fines, which are at least equivalent to the minimum for the maximum fines established in paragraph 1(a).

4. A Member State that implements the framework Decision in accordance with paragraph 3 shall notify the General Secre-

tariat of the Council and the Commission that it intends to do so.

5. Each Member State shall take the measures necessary to ensure that a legal person held liable pursuant to Article 5(2) is punishable by effective, proportionate and dissuasive penalties or measures.

Article 7

Jurisdiction

1. Each Member State shall take the measures necessary to establish its jurisdiction, so far as permitted by international law, with regard to the offences referred to in Articles 2 and 3 where the offence has been committed:

- (a) fully or in part in its territory;
- (b) in its exclusive economic zone or in an equivalent zone established in accordance with international law;
- (c) on board of a ship flying its flag;
- (d) by one of its nationals if the offence is punishable under criminal law where it was committed or if the place where it was committed does not fall under any territorial jurisdiction;
- (e) for the benefit of a legal person with a registered office in its territory;
- (f) outside of its territory but has caused or is likely to cause pollution in its territory or its economic zone, and the ship is voluntarily within a port or at an offshore terminal of the Member State;
- (g) on the high seas, and the ship is voluntarily within a port or at an offshore terminal of the Member State.

2. Any Member State may decide that it will not apply, or that it will apply only in specific cases or circumstances, the jurisdiction rules set out in:

- (a) paragraph 1(d);
- (b) paragraph 1(e).

3. Member States shall inform the General Secretariat of the Council accordingly where they decide to apply paragraph 2, where appropriate with an indication of the specific cases or circumstances in which the decision applies.

4. When an offence is subject to the jurisdiction of more than one Member State, the relevant Member States shall strive to coordinate their actions appropriately, in particular concerning the conditions for prosecution and the detailed arrangements for mutual assistance.

5. The following connecting factors shall be taken into account :

- (a) the Member State in whose territory, exclusive economic zone or equivalent zone the offence was committed;
- (b) the Member State in whose territory, exclusive economic zone or equivalent zone the effects of the offence are felt;

- (c) the Member State in whose territory, exclusive economic zone or equivalent zone a ship from which the offence was committed is in transit;
- (d) the Member State of which the perpetrator of the offence is a national or a resident;
- (e) the Member State in whose territory the legal person on whose behalf the offence was committed has its registered office;
- (f) the Member State of the flag of the ship from which the offence was committed.
6. For the application of this Article, the territory includes the area referred to in Article 3(1)(a) and (b) of Directive 2005/35/EC.

Article 8

Notification of information

1. Where a Member State is informed of the commission of an offence to which Article 2 applies or of the risk of the commission of such an offence which causes or is likely to cause imminent pollution, it shall immediately inform such other Member States as are likely to be exposed to this damage, and the Commission.
2. Where a Member State is informed of the commission of an offence to which Article 2 applies or of the risk of the commission of such an offence which is likely to fall within the jurisdiction of a Member State, it shall immediately inform that other Member State.
3. Member States shall without delay notify the flag State or any other State concerned of measures taken pursuant to this framework Decision, and in particular Article 7.

Article 9

Designation of contact points

1. Each Member State shall designate existing contact points, or, if necessary, create new contact points, in particular for the exchange of information as referred to in Article 8.
2. Each Member State shall inform the Commission which of its departments acts or act as contact points in accordance with paragraph 1. The Commission shall notify the other Member States of these contact points.

Article 10

Territorial scope

This framework Decision shall have the same territorial scope as Directive 2005/35/EC.

Article 11

Implementation

1. Member States shall adopt the measures necessary to comply with the provisions of this framework Decision by 12 January 2007.

2. By 12 January 2007, Member States shall transmit to the General Secretariat of the Council and to the Commission the texts of the provisions transposing into their national law the obligations imposed on them by this framework Decision. On the basis of that information and a written report by the Commission, the Council shall, by 12 January 2009 at the latest, assess the extent to which Member States have complied with this framework Decision.

3. By 12 January 2012, the Commission shall, on the basis of information supplied by the Member States on the practical application of the provisions implementing this framework Decision, submit a report to the Council and make any proposals it deems appropriate which may include proposals to the effect that Member States shall, concerning offences committed in their territorial sea or in their exclusive economic zone or equivalent zone, consider a ship flying the flag of another Member State not to be a foreign ship within the meaning of Article 230 of the 1982 United Nations Convention on the Law of the Sea.

Article 12

Entry into force

This framework Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 12 July 2005.

For the Council

The President

G. BROWN

CORRIGENDA**Procès-verbal of rectification to the Agreement between the European Community and the United States of America on the processing and transfer of PNR data by air carriers to the United States Department of Homeland Security, Bureau of Customs and Border Protection**

(Official Journal of the European Union L 183 of 20 May 2004)

This rectification was given effect to by a Diplomatic Note which was signed in Brussels on 4 August 2005 with the Council as depository.

On page 84, in the fifth recital:

for: 'HAVING REGARD to Commission Decision CP(2004) 1799 adopted on 17 May 2004, pursuant to Article 25(6) of Directive 95/46/EC, whereby ...',

read: 'HAVING REGARD to Commission Decision 2004/535/EC adopted on 14 May 2004, pursuant to Article 25(6) of Directive 95/46/EC, whereby ...'.
