COMMISSION DIRECTIVE 95/43/EC

of 20 July 1995

to Council Directive 92/51/EEC on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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 [1], as amended by Commission Directive 94/38/EC [2], and in particular Article 15 thereof,

Whereas, when examining a reasoned request for adding an education and training course to the list in Annex C or D, the Commission, pursuant to Article 15 (2) of Directive 92/51/EEC, is required to verify in particular whether the qualification resulting from the course in question confers on the holder a level of professional education or training of a comparably high level to that of the post-secondary course referred to in point (i) of the second indent of the first subparagraph of Article 1 (a) and a similar level of responsibility and activity;

Whereas the Dutch Government has made reasoned requests for the amendment of Annexes C and D to Directive 92/51/EEC and the Austrian Government has made a reasoned request for the amendment of Annex D;

Whereas, in particular, the training courses to be added to the list in Annex C of Directive 92/51/EEC in respect of the Netherlands are comparable in structure and length, as well as in level of responsibility and activity they confer to those already listed in Annex;

Whereas in accordance with Article 2 of Directive 92/51/EEC, the provisions of this Directive are not applicable to activities covered by one of the Directives listed in Annex A, including the Directives made applicable to the pursuit as an employed person of the activities listed in Annex B, even if a national of a Member State has completed one of the 'courses having a special structure' referred to in Annex D;

Whereas, in particular, the training courses to be added to the list in Annex D of Directive 92/51/EEC in respect of the Netherlands and Austria are comparable in structure and length to certain training courses in Annex C and to some training courses that are already in Annex D and invariably feature a total duration of 13 years or more;

Whereas, in accordance with Article 17 (2) of Directive 92/51/EEC and in order to increase the effectiveness of the general system, those Member States whose education and training courses are listed in Annex D should send a list of the diplomas concerned to the Commission and the other Member States;

Whereas, in order to make Annexes C and D of Directive 92/51/EEC easier to read, the lists as amended should be published;

Whereas the measures provided for by the present Directive are in conformity with the opinion given by the Committee established by Article 15 of Directive 92/51/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes C and D to Directive 92/51/EEC are hereby amended as shown in Annex I hereto.

Article 2

The amended list of courses of education and training which appear in Annexes C and D to Directive 92/51/EEC are shown in Annex II to this Directive.

Article 3

1. Member States shall adopt the laws, regulations and administrative provisions necessary for them to comply with this Directive by 31 October 1995. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, the latter shall include a reference to this Directive or be accompanied by such reference at the time of their official publication. The methods of making such a reference shall be laid down by the Member States.

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

[1] OJ No L 209, 24. 7. 1992, p. 25.
[2] OJ No L 217, 23. 8. 1994, p. 8.

Article 4

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

Done at Brussels, 20 July 1995.

For the Commission

Mario MONTI

Member of the Commission

ANNEX I

A. **Annex C is amended as follows:**

1. (a) At '1. Paramedical and childcare training courses', under the heading 'in Luxembourg', last indent 'childcare worker (éducateur/trice)' the following heading and the following indent are added:

'in the Netherlands:

— veterinary assistant ("dierenartassistent")'.

(b) At '1. Paramedical and childcare training courses' under the heading 'which represent education and training courses of a total duration of at least 13 years, comprising:', last indent, the following indent is added:

'— or in the case of the veterinary assistant ("dierenartassisten") in the Netherlands three years of vocational training in a specialized school ("MBO"-scheme) or alternatively three years of vocational training in the dual apprenticeship system ("LLW"), both of which culminate in an examination.'

2. (a) At '3. Seafaring sector (a) sea transport', under the heading 'in the Netherlands' the following indent is added:

'— VTS official ("VTS-functionaris")'.

(b) At '3. Seafaring sector (a) sea transport', under the heading 'which represents training:' the indent '— in the Netherlands, involving a course of 14 years, at least two years of which take place in a specialized vocational training establishment, supplemented by a twelve-month traineeship,' is replaced by the following indent:

'— *in the Netherlands:*

— 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 specialized vocational training establishment, supplemented by a twelve-month traineeship,

— 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 specialization courses, comprising at least twelve weeks of theoretical training each and culminating each in an examination.'

3. (a) At '4. Technical sector' under the heading 'in the Netherlands' the following indent is added:

'— dental-prosthesis maker ("tandprotheticus")'.

(b) At '4. Technical sector' under the heading 'in the Netherlands' the passage currently following the indent 'bailiff', is replaced by the following:

'which represent a course of study and vocational training

— in the case of the bailiff ("gerechtsdeurwaarder"), totalling nineteen 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,

— 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.'

B. **Annex D is supplemented by the following sections:**

(a) *'In the Netherlands:*

The following regulated courses:

— 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 of 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.'

(b) *'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 the Member States a list of the training courses covered by this Annex.'

ANNEX II

'LIST OF COURSES HAVING A SPECIAL STRUCTURE AS REFERRED TO IN POINT (II) OF THE SECOND INDENT OF THE FIRST SUBPARAGRAPH OF ARTICLE 1 (A)

(ANNEX C TO DIRECTIVE 92/51/EEC)

1. **Paramedical and childcare training courses**

Training for the following:

in Germany:

— paediatric nurse ("Kinderkrankenschwester/Kinderkrankenpfleger"),

— physiotherapist ("Krankengymnast(in)/Physiotherapeut(in)") (1),

— occupational therapist ("Beschäftigungs- und Arbeitstherapeut(in)"),

— speech therapist ("Logopäde/Logopädin"),

— orthoptist ("Orthoptist(in)"),

— State-recognized childcare worker ("Staatlich anerkannte(r) Erzieher(in)"),

— State-recognized remedial teacher ("Staatlich anerkannte(r) Heilpädagoge(-in)"),

— medical laboratory technician ("medizinisch-technische(r) Laboratoriums- Assistent(in)"),

— medical X-ray techician ("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") 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 Italy:

— dental technician ("odontotecnico"),

— optician ("ottico"),

— chiropodist ("podologo"),

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 ("dierenartassistent"),

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

(i) either at least three years of vocational training in a specialized school culminating in an examination, in some cases supplemented by a one or two-year specialization course culminating in an examination,

(ii) or at least two and a half years of vocational training in a specialized 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,

(1) As from 1 June 1994, the professional title "Krankengymnast(in)" will be replaced by that of "Physiotherapeut(in)". Nevertheless, the members of the profession who obtained their diplomas before this date may, if they wish, continue to use the former title of "Krankengymanst(in)".