COUNCIL DIRECTIVE

of 10 October 1989

amending Directive 77/452/EEC concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of nurses responsible for general care, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services, and amending Directive 77/453/EEC concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of nurses responsible for general care

(89/595/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 49, 57 (1) and the first and third sentences of paragraph 2, and 66 thereof,

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

In cooperation with the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas the second subparagraph of Article 1 (3) of Directive 77/453/EEC (4) sets out the principle that theoretical and technical training shall be coordinated and balanced with clinical training, although no specific ratio is laid down; whereas Article 1 (4) states that the Council, acting on a proposal from the Commission, shall decide whether these provisions should be retained or amended;

Whereas, in the light of this review and given in particular the increased demands as regards the level of knowledge of nurses responsible for general care, it is appropriate to amend Article 1 (4) of Directive 77/453/EEC in such a way as to set the length of the theoretical instruction at at least one-third, and that of the clinical instruction at at least one-half, of the minimum length of the training referred to in Article 1 (2) (b) of that Directive; whereas that ratio makes it necessary to define more precisely theoretical instruction and clinical instruction;

Whereas it is also necessary to specify, as in the case of similar provisions in other directives relating to the health professions, that the list of subjects in the Annex to Directive 77/453/EEC is not restrictive and to use as standard terms 'theoretical instruction' and 'clinical instruction' in Directive 77/453/EEC and in the headings in its Annex; whereas it is likewise necessary to align the wording of certain provisions of Directive 77/452/EEC (5), as last amended by Directive 89/594/EEC (6), with that of similar provisions of Council Directive 75/362/EEC of 16 June 1975 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (7), as last amended by Directive 89/594/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 77/452/EEC is hereby amended as follows:

1. Article 6 (3) is replaced by:

   '3. If the host Member State has detailed knowledge of a serious matter which has occurred, prior to the establishment of the person concerned in that State, outside its territory and which is likely to affect the taking up within its territory of the activity concerned, it may inform the Member State of origin or the Member State from which the foreign national comes.

   The Member State of origin or the Member State from which the foreign national comes shall verify the accuracy of the facts. Its authorities shall decide on the nature and extent of the investigation to be made and shall inform the host Member State of any consequential action which they take with regard to the certificates or documents they have issued.

   Member States shall ensure the confidentiality of the information made available.';

2. Article 7 (2) is replaced by:

   '2. If the host Member State has detailed knowledge of a serious matter which has occurred, prior to the establishment of the person concerned in that State, outside its territory and which is likely to affect the

(1) OJ No C 20, 26. 1. 1988, p. 10 and OJ No C 322, 15. 12. 1988, p. 22.
(2) OJ No C 235, 12. 9. 1988, p. 68 and OJ No C 256, 9. 10. 1989.
(3) OJ No C 134, 24. 5. 1988, p. 27.
(4) OJ No L 176, 15. 7. 1977, p. 8.
(5) OJ No L 176, 15. 7. 1977, p. 1.
(6) See page 19 of this Official Journal.
(7) OJ No L 167, 30. 6. 1975, p. 1.