II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

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

(75/362/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 49, 57, 66 and 235 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament (1);

Having regard to the Opinion of the Economic and Social Committee (2);

Whereas, pursuant to the Treaty, all discriminatory treatment based on nationality with regard to establishment and provision of services is prohibited as from the end of the transitional period; whereas the principle of such treatment based on nationality applies in particular to the grant of any authorization required to practise as a doctor and also to the registration with or membership of professional organizations or bodies;

Whereas it nevertheless seems desirable that certain provisions be introduced to facilitate the effective exercise of the right of establishment and freedom to provide services in respect of the activities of doctors;

Whereas, pursuant to the Treaty, the Member States are required not to grant any form of aid likely to distort the conditions of establishment;

Whereas Article 57 (1) of the Treaty provides that directives be issued for mutual recognition of diplomas, certificates and other evidence of formal qualifications; whereas the aim of this Directive is the recognition of diplomas, certificates and other evidence of formal qualifications whereby activities in the field of medicine can be taken up and pursued and the recognition of diplomas, certificates and other evidence of formal qualifications in respect of specialists;

Whereas, with regard to the training of the specialist, mutual recognition of training qualifications is advisable where these qualifications, while not being a condition of access to take up the activities of a specialist, nonetheless entitle him to use a specialist title;

Whereas, in view of the differences between the Member States, regarding the number of medical specialties and the type or the length of training courses for such specialties, certain coordinating provisions intended to enable Member States to proceed with the mutual recognition of diplomas, certificates and other evidence of formal qualifications should be laid down; whereas such coordination has been effected by Council Directive No 75/363/EEC (3) of 16 June 1975 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of doctors;

Whereas the coordination referred to above was not intended to harmonize all the provisions of the Member States on the training of specialists and it is nevertheless appropriate to proceed with the mutual recognition of diplomas, certificates and other evidence of formal qualifications as a specialist

(1) OJ No C 101, 4. 8. 1970, p. 19.
(2) OJ No C 36, 28. 3. 1970, p. 17.

(3) See page 14 of this Official Journal.

which are not common to all the Member States, without however excluding the possibility of subsequent harmonization in this field; whereas it was considered in this connection that recognition of diplomas, certificates and other evidence of formal qualifications as a specialist must be restricted to those Member States where such specialization is known;

Whereas, with regard to the possession of a formal certificate of training, since a directive on the mutual recognition of diplomas does not necessarily imply equivalence in the training covered by such diplomas, the use of such qualifications should be authorized only in the language of the Member State of origin or of the Member State from which the foreign national comes;

Whereas, to facilitate the application of this Directive by the national authorities, Member States may prescribe that, in addition to formal certificates of training, the person who satisfies the conditions of training required by this Directive must provide a certificate from the competent authorities of his country of origin or of the country from which he comes stating that these certificates of training are those covered by the Directive;

Whereas this Directive does not affect the provisions laid down by law, regulation or administrative action in the Member States, which prohibit companies or firms from practising medicine or impose on them certain conditions for such practice;

Whereas, in the case of the provision of services, the requirement of registration with or membership of professional organizations or bodies, since it is related to the fixed and permanent nature of the activity pursued in the host country, would undoubtedly constitute an obstacle to the person wishing to provide the service, by reason of the temporary nature of his activity; whereas this requirement should therefore be abolished; whereas however, in this event, control over professional discipline, which is the responsibility of these professional organizations or bodies, should be guaranteed; whereas, to this end, it should be provided, subject to the application of Article 62 of the Treaty, that the person concerned may be required to submit to the competent authority of the host Member State particulars relating to the provision of services;

Whereas, with regard to the requirements relating to good character and good repute, a distinction should be drawn between the requirements to be satisfied on first taking up the profession and those to be satisfied to practice it;

Whereas, as far as the activities of employed doctors are concerned, Council Regulation (EEC) No 1612/68 [1] of 15 October 1968 on freedom of movement for workers within the Community, lays down no specific provisions relating to good character or good repute, professional discipline or use of title for the professions covered; whereas, depending on the individual Member State, such rules are or may be applicable both to employed and self-employed persons; whereas the activities of doctors are subject in all Member States to possession of a diploma, certificate or other evidence of formal qualification in medicine; whereas such activities are pursued by both employed and self-employed persons, or by the same persons in both capacities in the course of their professional career; whereas, in order to encourage as far as possible the free movement of those professional persons within the Community, it therefore appears necessary to extend this Directive to employed doctors,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

SCOPE

Article 1

This Directive shall apply to the activities of doctors.

CHAPTER II

DIPLOMAS, CERTIFICATES AND OTHER EVIDENCE OF FORMAL QUALIFICATIONS IN MEDICINE

Article 2

Each Member State shall recognize the diplomas, certificates and other evidence of formal qualifications awarded to nationals of Member States by the other Member States in accordance with Article 1 of Directive No 75/363/EEC and which are listed in Article 3, by giving such qualifications, as far as the right to take up and pursue the self-employed activities of a doctor is concerned, the same effect in its territory as those which the Member State itself awards.

Article 3

The diplomas, certificates and other evidence of formal qualifications referred to in Article 2 are as follows:

(a) *in Germany:*

1. 'Zeugnis über die ärztliche Staatsprüfung' (the State examination certificate in medicine) awarded by the competent authorities and the 'Zeugnis über die Vorbereitungszeit als Medizinalassistent' (certificate stating that the

[1] OJ No L 257, 19. 10. 1968, p. 2.

preparatory period as medical assistant has been completed) in so far as German law still requires such a period to complete medical training;

2. the certificates from the competent authorities of the Federal Republic of Germany stating that the diplomas awarded after 8 May 1945 by the competent authorities of the German Democratic Republic are recognized as equivalent to those listed in point 1 above;

(b) *in Belgium:*

'diplôme légal de docteur en médecine, chirurgie et accouchements/Wettelijk diploma van doctor in de genees-, heel- en verloskunde' (diploma of doctor of medicine, surgery and obstetrics required by law) awarded by the university faculties of medicine, the Central Examining Board or the State University Education Examining Board;

(c) *in Denmark:*

'bevis for bestået lægevidenskabelig embedseksamen' (diploma of doctor of medicine required by law) awarded by a university faculty of medicine and 'dokumentation for gennemført praktisk uddannelse' (certificate of practical training issued by the competent authorities of the health service);

(d) *in France:*

1. 'diplôme d'État de docteur en médecine' (State diploma of doctor of medicine) awarded by the university faculties of medicine, the university joint faculties of medicine and pharmacy, or by the universities;

2. 'diplôme d'université de docteur en médecine' (university diploma of doctor of medicine) where that diploma certifies completion of the same training course as that laid down for the State diploma of doctor of medicine;

(e) *in Ireland:*

a primary qualification granted in Ireland after passing a qualifying examination held by a competent examining body and a certificate of experience granted by that body which give entitlement to registration as a fully registered medical practitioner;

(f) *in Italy:*

'diploma di abilitazione all'esercizio della medicina e chirurgia' (diploma conferring the right to practise medicine and surgery) awarded by the State Examining Commission;

(g) *in Luxembourg:*

1. 'diplôme d'État de docteur en médecine, chirurgie et accouchements' (State diploma of doctor of medicine, surgery and obstetrics) awarded by the State Examining Board, and endorsed by the Minister of Education, and 'certificat de stage' (certificate of practical training) endorsed by the Minister for Public Health;

2. diplomas conferring a degree in medicine awarded in one of the countries of the Community and giving the right to take up training but not to practise the profession, and officially recognized by the Minister of Education in accordance with the law of 18 June 1969 on higher education and recognition of foreign degrees and diplomas, together with the certificate of practical training endorsed by the Minister for Public Health;

(h) *in the Netherlands:*

'universitair getuigschrift van arts' (university certificate of doctor);

(i) *in the United Kingdom:*

a primary qualification granted in the United Kingdom after passing a qualifying examination held by a competent examining body and a certificate of experience granted by that body which give entitlement to registration as a fully registered medical practitioner.

CHAPTER III

DIPLOMAS, CERTIFICATES AND OTHER EVIDENCE OF FORMAL QUALIFICATIONS IN SPECIALIZED MEDICINE COMMON TO ALL MEMBER STATES

Article 4

Each Member State shall recognize the diplomas, certificates and other evidence of formal

qualifications in specialized medicine awarded to nationals of Member States by the other Member States in accordance with Articles 2, 3, 4 and 8 of Directive No 75/363/EEC and which are listed in Article 5, by giving such qualifications the same effect in its territory as those which the Member State itself awards.

Article 5

1. The diplomas, certificates and other evidence of formal qualifications referred to in Article 4 shall be those which, having been awarded by the competent authorities or bodies listed in paragraph 2, correspond, for the purpose of the specialized training concerned, to the qualifications recognized in the various Member States and listed in paragraph 3.

2. The diplomas, certificates and other evidence of formal qualifications awarded by the competent authorities or bodies referred to in paragraph 1 are as follows:

in Germany:

'die von den Landesärztekammern erteilte fachärztliche Anerkennung' (recognized certificate of medical specialist, issued by the Chamber of Physicians of the 'Land' concerned);

in Belgium:

'le titre d'agrégation en qualité de médecin spécialiste/erkenningstitel van specialist' (formal evidence of having qualified as a medical specialist) issued by the Minister for Public Health;

in Denmark:

'bevis for tilladelse til at betegne sig som speciallæge' (certificate concerning the title of specialist) issued by the competent authorities of the health service,

in France:

— 'le certificat d'études spéciales de médecine' (certificate of specialized studies in medicine) issued by a university faculty of medicine, university joint faculties of medicine and pharmacy or by universities;

— certificates of qualified medical specialist, drawn up by the Council of the Ordre des médecins;

— 'le certificat d'études spéciales de médecine' (certificate of specialized studies in medicine) issued by a university faculty of medicine, university joint faculties of medicine and pharmacy or equivalent certificates drawn up under a decree of the Minister for Education;

in Ireland:

certificate of specialist doctor issued by the competent authority recognized for this purpose by the Minister for Health;

in Italy:

'diploma di medico specialista, rilasciati dal rettore di una universita' (diploma of specialized doctor, granted by a Rector of a University);

in Luxembourg:

'certificat de médecin spécialiste' (certificate of specialist doctor) issued by the Minister for Public Health on the advice of the medical college;

in the Netherlands:

'het door de Specialisten-Registratiecommissie (SRC) afgegeven getuigschrift van erkenning en inschrijving in het Specialistenregister' (certificate of recognition and registration in the Register of Specialists, issued by the Commission for the Registration of Specialists (CRS));

in the United Kingdom:

certificate of completion of specialist training issued by the competent authority recognized for this purpose.

3. The titles currently used in the Member States which correspond to the specialized training courses in question are as follows:

— *anaesthetics:*

Germany:	Anästhesie
Belgium:	anesthésiologie/anesthesie
Denmark:	anæstesiologi
France:	anesthésie-réanimation
Ireland:	anaesthetics
Italy:	anestesia e rianimazione
Luxembourg:	anesthésie-réanimation
Netherlands:	anesthesie
United Kingdom:	anaesthetics;

— *general surgery:*

Germany:	Chirurgie
Belgium:	chirurgie/heelkunde
Denmark:	kirurgi eller kirurgiske sygdomme
France:	chirurgie générale
Ireland:	general surgery
Italy:	chirurgia generale
Luxembourg:	chirurgie générale
Netherlands:	heelkunde
United Kingdom:	general surgery;

— *neurological surgery:*

Germany:	Neurochirurgie
Belgium:	neurochirurgie/neurochirurgie
Denmark:	neurokirurgi eller kirurgiske nervesygdomme
France:	neurochirurgie
Ireland:	neurological surgery
Italy:	neurochirurgia
Luxembourg:	neurochirurgie
Netherlands:	neurochirurgie
United Kingdom:	neurological surgery;

— *obstetrics and gynaecology:*

Germany:	Frauenheilkunde und Geburtshilfe
Belgium:	gynécologie-obstétrique/gynaecologie-verloskunde
Denmark:	gynækologi og obstetrik eller kvindesygdomme og fødselshjælp
France:	obstétrique et gynécologie médicale
Ireland:	obstetrics and gynaecology
Italy:	obtetricia e ginecologia
Luxembourg:	gynécologie-obstetrique
Netherlands:	verloskunde en gynaecologie
United Kingdom:	obstetrics and gynaecology;

— *general (internal) medicine:*

Germany:	Innere Medizin
Belgium:	médicine interne/inwendgie geneeskunde
Denmark:	intern medicin eller medicinske sygdomme
France:	médecine interne
Ireland:	general (internal) medicine
Italy:	medicina interna
Luxembourg:	maladies internes
Netherlands:	inwendige geneeskunde
United Kingdom:	general medicine;

— *ophthalmology:*

Germany:	Augenheilkunde
Belgium:	ophtalmologie/ophtalmologie
Denmark:	oftalmologi eller øjensygdomme
France:	ophtalmologie
Ireland:	ophthalmology
Italy:	oculistica
Luxembourg:	ophtalmologie
Netherlands:	oogheelkunde
United Kingdom:	ophthalmology;

— *oto rhino laryngology:*

Germany:	Hals-, Nasen-, Ohrenheilkunde
Belgium:	oto-rhino-laryngologie/oto-rhino-laryngologie
Denmark:	oto-rhino-laryngologi eller øre-næse-halssygdomme
France:	oto-rhino-laryngologie
Ireland:	otolaryngology
Italy:	otorinolaringoiatria
Luxembourg:	oto-rhino-laryngologie
Netherlands:	keel-, neus-, en oorheelkunde
United Kingdom:	otolaryngology;

— *paediatrics:*

Germany:	Kinderheilkunde
Belgium:	pédiatrie/pediatrie
Denmark:	pædiatri eller børnesygdomme
France:	pédiatrie
Ireland:	paediatrics
Italy:	pediatria
Luxembourg:	pediatrie
Netherlands:	kindergeneeskunde
United Kingdom:	paediatrics;

— *respiratory medicine:*

Germany:	Lungen- und Bronchialheilkunde
Belgium:	pneumologie/pneumologie
Denmark:	medicinske lungesygdomme
France:	pneumo-phtisiologie
Ireland:	respiratory medicine
Italy:	tisiologia e malattie dell'apparato respiratorio
Luxembourg:	pneumo-phtisiologie
Netherlands:	ziekten der luchtwegen
United Kingdom:	respiratory medicine;

— *urology:*

Germany:	Urologie
Belgium:	urologie/urologie
Denmark:	urologi eller urinvejenes kirurgiske sygdomme
France:	urologie
Ireland:	urology
Italy:	urologia
Luxembourg:	urologie
Netherlands:	urologie
United Kingdom:	urology;