

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 912 final

Brussels, 28 January 1981

Proposal for a
COUNCIL DIRECTIVE

supplementing Directives 75/362/EEC, 77/452/EEC, 78/686/EEC and 78/1026/EEC concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications of doctors, nurses responsible for general care, dentists and veterinary surgeons respectively

(Extension of acquired rights)

(submitted to the Council by the Commission)

COM(80) 912 final

EXPLANATORY MEMORANDUM

I. ORIGIN, OBJECTIVE AND LEGAL BASIS FOR THE PROPOSAL

1. The Council has adopted the following Directives :

- 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 services¹
- Directive 75/363/EEC of 16 June 1975 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of activities of doctors¹
- Directive 77/452/EEC of 27 June 1977 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications as nurses responsible for general care and including measures to facilitate the effective exercise of the right of establishment and freedom to provide services²
- Directive 77/453/EEC of 27 June 1979 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of nurses responsible for general care²
- Directive 78/686/EEC of 25 July 1978 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in dentistry, and including measures to facilitate the effective exercise of the right of establishment and freedom to provide services
- Directive 78/687/EEC of 25 July 1978 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of dentists³
- Directive 78/1026/EEC of 18 December 1978 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in veterinary medicine, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services⁴
- Directive 78/1027/EEC of 18 December 1978 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of veterinary surgeons⁴

1	Official Journal of the European Communities	No L 167, 30.6.1975
2	" " " " " "	No L 176, 15.7.1977
3	" " " " " "	No L 233, 24.8.1978
4	" " " " " "	No L 362, 23.12.1980.

2. Article 9(1) and (2) of Directive 75/362/EEC, Article 4 of Directive 77/452/EEC, Article 7(1) and (2) of Directive 78/686/EEC and Article 4 of Directive 78/1026/EEC contain provisions on the acquired rights of persons engaged in the professions in question. The provisions refer to the diplomas, certificates and other evidence of formal qualifications issued by the Member States before implementation of the Directives in question. They are intended to ensure freedom of movement for persons engaged in these professions whose diplomas, certificates and other evidence of qualifications are awarded for training that does not fully satisfy all the qualitative and quantitative criteria laid down in Articles 1, 2, 3, 4 and 5 of Directive 75/363/EEC (in the case of doctors), Article 1 of Directive 77/453/EEC (in the case of nurses responsible for general care), Articles 1, 2 and 3 of Directive 78/687/EEC (in the case of dentists) and Article 1 of Directive 78/1027/EEC (in the case of veterinary surgeons).

3. These provisions do not, however, specifically cover the diplomas, certificates and other evidence of formal qualifications for training that does not fully with the abovementioned requirements when such training is completed after implementation of the said Directives but began before their implementation.

4. This proposal for a Directive sets out to deal with this point.

5. The proposal has its legal basis in the Treaty setting up the European Community, in particular Articles 49, 57 and 66.

II. CONTENTS OF THE PROPOSAL

1. Article 1 of the proposal specifies that the abovementioned provisions of Article 9 of Directive 75/362/EEC, Article 4 of Directive 77/452/EEC, Article 7 of Directive 78/686/EEC and Article 4 of Directive 78/1027/EEC apply also to diplomas, certificates and other evidence of formal qualifications issued for training that does not satisfy all the qualitative and quantitative criteria laid down in the Directives when such training was begun before implementation of the Directives and was completed after such implementation.
2. Articles 2 and 3 of the proposal for a Directive fix the dates for the implementation and destination of the Directives.

PROPOSAL
FOR A COUNCIL DIRECTIVE

SUPPLEMENTING DIRECTIVES 75/362/EEC, 77/452/EEC, 78/686/EEC
AND 78/1026/EEC CONCERNING THE MUTUAL
RECOGNITION OF DIPLOMAS, CERTIFICATES AND OTHER EVIDENCE
OF FORMAL QUALIFICATIONS OF DOCTORS, NURSES RESPONSIBLE FOR
GENERAL CARE, DENTISTS AND VETERINARY SURGEONS RESPECTIVELY

(Extension of acquired rights)

THE COUNCIL OF THE EUROPEAN COMMUNITIES

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

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Having regard to the Opinion of the Economic and Social Committee,

Whereas in Council Directives 75/362/EEC¹, 77/452/EEC², 78/686/EEC³ and 78/1026/EEC⁴ concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications of doctors, nurses responsible for general care, dentists and veterinarians respectively, and including measures to facilitate the effective exercise of the right of establishment and freedom to provide services, the provisions relating to acquired rights refer to diplomas, certificates and other evidence of formal qualifications of doctors, nurses responsible for general care, dentists and veterinarians issued by the Member States before the implementation of the abovementioned Directives:

Whereas these provisions therefore do not expressly cover the diplomas, certificates and other evidence of formal qualifications which are evidence of training not meeting the minimum training requirements provided for in Council Directives 75/363/EEC⁵, 77/453/EEC⁶, 78/687/EEC⁷ and 78/1027/EEC⁸ which was completed after the implementation of the Directives, but which had commenced before the said implementation;

Whereas it is advisable to make good this omission;

¹ OJ No L 167, 30.6.1975, p.1

² OJ No L 176, 15.7.1977, p.1

³ OJ No L 233, 24.8.1978, p.1

⁴ OJ No L 362, 23.12.1978, p.1

⁵ OJ No L 167, 30.6.1975, p.14

⁶ OJ No L 176, 15.7.1977, p.8

⁷ OJ No L 233, 24.8.1978, p.10

⁸ OJ No L 362, 23.12.1978, p.7

HAS ADOPTED THIS DIRECTIVE

Article 1

The provisions of Article 9 (1) and (2) of Directive 75/362/EEC, Article 4 of Directive 77/452/EEC, Article 7 (1) and (2) of Directive 78/686/EEC and Article 4 of Directive 78/1026/EEC shall also apply to the diplomas, certificates and other evidence of formal qualifications which are evidence of training which does not meet the minimum training requirements provided for respectively in Articles 1, 2, 3, 4 and 5 of Directive 75/363/EEC, Article 1 of Directive 77/453/EEC, Articles 1, 2 and 3 of Directive 78/687/EEC and Article 1 of Directive 78/1027/EEC and which was completed after the implementation of these Directives but had been commenced before the said implementation.

Article 2

Member States shall take all the measures necessary to comply with this Directive by 30 June 1982 at the latest. They shall forthwith inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels,

For the Council

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