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II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 25 July 1978

concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners of dentistry, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services

(78/686/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 dental practitioner and also to 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 dental practitioners;

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 shall be issued for the 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 of a dental practitioner enabling activities in the field of dentistry to be taken up and pursued and the recognition of diplomas, certificates and other evidence of formal qualifications in respect of practitioners of specialized dentistry;

Whereas, with regard to the training of practitioners of specialized dentistry, the mutual recognition of training qualifications is advisable where these qualifications, while not being a condition for taking up the activities of practitioner of specialized dentistry, are nonetheless a condition for the use of a specialist title;

Whereas, in view of the current differences between the Member States regarding the number of specializations in dentistry and the type or the length of training courses for such specializations, 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 78/687/EEC of 25 August 1978 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of dental practitioners ⁽³⁾;

⁽¹⁾ OJ No C 101, 4. 8. 1970, p. 19.

⁽²⁾ OJ No C 36, 28. 3. 1970, p. 17.

⁽³⁾ See page 10 of this Official Journal.

Whereas, although the coordination referred to above was not intended to harmonize all the provisions of the Member States on the training of practitioners of specialized dentistry, it is nevertheless appropriate to proceed with the mutual recognition of diplomas, certificates and other evidence of formal qualifications as a practitioner of specialized dentistry 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 practitioner of specialized dentistry must be restricted to those Member States where such specialization is known;

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

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 activities pursued in the host country would thus undoubtedly constitute an obstacle to the persons 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 for its practice;

Whereas, as far as the activities of employed dental practitioners are concerned, Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of move-

ment for workers within the Community ⁽¹⁾ 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 dental practitioners are or will be subject in all Member States to possession of a diploma, certificate or other evidence of formal qualification in dentistry; 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 their free movement within the Community, it therefore appears necessary to extend this Directive to cover employed dental practitioners;

Whereas the dental profession is not yet organized in Italy; whereas it is therefore necessary to grant Italy an additional period for recognizing the diplomas of dental practitioners awarded by the other Member States;

Whereas, moreover, this means that holders of a doctor's diploma awarded in Italy may not acquire a certificate meeting the requirements of Article 19 of this Directive;

Whereas, in these circumstances, it is necessary to defer on the one hand the obligation of Italy to recognize diplomas awarded by the other Member States and on the other hand that of the Member States to recognize diplomas awarded in Italy as referred to in Article 19,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

SCOPE

Article 1

This Directive shall apply to the activities of dental practitioners as defined in Article 5 of Directive 78/687/EEC pursued under the following titles:

— in Germany:
Zahnarzt,

⁽¹⁾ OJ No L 257, 19. 10. 1968, p. 2.

- in Belgium:
licencié en science dentaire/licentiaat in de tandheelkunde,
- in Denmark:
tandlæge,
- in France:
chirurgien-dentiste,
- in Ireland:
dentist, dental practitioner or dental surgeon,
- in Italy:
the diploma the title of which will be notified by Italy to the Member States and the Commission within the time limit laid down in Article 24 (1),
- in Luxembourg:
médecin-dentiste,
- in the Netherlands:
tandarts,
- in the United Kingdom:
dentist, dental practitioner or dental surgeon.

CHAPTER II

DIPLOMAS, CERTIFICATES AND OTHER EVIDENCE OF FORMAL QUALIFICATIONS IN DENTISTRY

Article 2

Each Member State shall recognize the diplomas, certificates and other evidence of formal qualifications in dentistry awarded to nationals of Member States by the other Member States in accordance with Article 1 of Directive 78/687/EEC and which are listed in Article 3 of this Directive, by giving such qualifications, as far as the right to take up and pursue the activities of a dental practitioner is concerned, the same effect in its territory as those which the Member States itself awards.

Article 3

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

(a) in Germany

1. 'Zeugnis über die zahnärztliche Staatsprüfung' (the State examination certificate in dentistry), awarded by the competent authorities;

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;

(b) in Belgium

'diplôme légal de licencié en science dentaire/wettelijk diploma van licentiaat in de tandheelkunde' (the official diploma of graduate in dental science), awarded by the university faculties of medicine, or by the Central Board or by the State boards of university examiners;

(c) in Denmark

'bevis for tandlægeeksamen (kandidateksamen)' (official diploma certifying that the holder has passed the examination in dentistry), issued by schools of dentistry together with the document issued by the 'Sundhedsstyrelsen' (State Board of Health) certifying that he has worked as an assistant for the required length of time;

(d) in France

1. 'diplôme d'État de chirurgien-dentiste' (State diploma of dental surgeon), awarded until 1973 by the university faculties of medicine or the university joint faculties of medicine and pharmacy;
2. 'diplôme d'État de docteur en chirurgie dentaire' (State diploma of doctor of dental surgery), awarded by the universities;

(e) in Ireland

the diploma of:

- Bachelor in Dental Science (B.Dent.Sc.),
- Bachelor of Dental Surgery (BDS), or
- Licentiate in Dental Surgery (LDS),

awarded by the universities or the Royal College of Surgeons in Ireland;

(f) in Italy

the diploma the title of which will be notified by Italy to the Member States and to the Commission within the time limit laid down in Article 24 (1);

(g) in Luxembourg

'diplôme d'État de docteur en médecine dentaire' (State diploma of doctor of dental medicine), issued by the State Board of Examiners;

(h) in the Netherlands

'universitair getuigschrift van een met goed gevolg afgelegd tandartsexamen' (university certificate certifying success in the dental surgeon's examination);

(i) *in the United Kingdom*

the diploma of:

— Bachelor of Dental Surgery (BDS or B.Ch.D), or

— Licentiate in Dental Surgery (LDS),

issued by the universities and the royal colleges.

— *in Ireland*

certificate of specialist dentist in orthodontics, issued by the competent authority recognized for this purpose by the competent minister,

— *in the Netherlands*

'getuigschrift van erkenning en inschrijving als orthodontist in het Specialistenregister' (certificate showing that the person concerned is officially recognized and that his name is entered as a orthodontist in the specialists' register), issued by the 'Specialisten-Registratiecommissie (SRC)' (Specialists Registration Board),

— *in the United Kingdom*

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

CHAPTER III

DIPLOMAS, CERTIFICATES AND OTHER EVIDENCE OF FORMAL QUALIFICATIONS IN SPECIALIZED DENTISTRY PECULIAR TO TWO OR MORE MEMBER STATES

Article 4

Each Member State with provisions in this field laid down by laws, regulations or administrative provisions shall recognize the diplomas, certificates and other evidence of formal qualifications of dental practitioners specializing in orthodontics and oral surgery awarded to nationals of Member States by other Member States in accordance with Articles 2 and 3 of Directive 78/687/EEC and which are listed in Article 5, by granting such qualifications the same effect in its territory as the diplomas, certificates and other formal qualifications which it itself awards.

Article 5

The diplomas, certificates and other evidence of formal qualifications referred to in Article 4 are as follows:

1. Orthodontics

— *in Germany*

'fachzahnärztliche Anerkennung für Kieferorthopädie' (certificate of orthodontist), issued by the 'Landeszahnärztekammern' (Chamber of Dental Practitioners of the 'Länder'),

— *in Denmark*

'bevis for tilladelse til at betegne sig som specialtandlæge i ortodonti' (certificate awarding the right to use the title of dental practitioner specializing in orthodontics), issued by the 'Sundhedsstyrelsen' (State Board of Health),

— *in France*

'le titre de spécialiste en orthodontie' (the title of orthodontic specialist), issued by the authority recognized competent for this purpose,

2. Oral surgery

— *in Germany*

'fachzahnärztliche Anerkennung für Oralchirurgie/Mundchirurgie' (certificate of oral surgery), issued by the 'Landeszahnärztekammern' (Chamber of Dental Practitioners of the 'Länder'),

— *in Denmark*

'bevis for tilladelse til at betegne sig som specialtandlæge i hospitalsodontologi' (certificate conferring the right to use the title of dental practitioner specialized in hospital odontology), issued by the 'Sundhedsstyrelsen' (State Board of Health),

— *in Ireland*

certificate of specialist dentist in oral surgery, issued by the competent authority recognized for this purpose by the competent Minister,

— *in the Netherlands*

'getuigschrift van erkenning en inschrijving als kaakchirurg in het Specialistenregister' (certificate showing that the person concerned is officially recognized and that his name is entered as an oral surgeon in the specialists' register), issued by the 'Specialisten-Registratiecommissie (SRC)' (Specialists Registration Board),

— *in the United Kingdom*

certificate of completion of specialist training in oral surgery, issued by the competent authority recognized for this purpose.

Article 6

1. Nationals of Member States wishing to acquire one of the diplomas, certificates or other evidence of formal

qualification of practitioner of specialized dentistry which are not awarded in the Member State of origin or the Member State from which the foreign national comes, may be required by a host Member State to fulfil the conditions of training laid down in respect of the speciality by its own laws, regulations or administrative provisions.

2. The host Member State shall, however, take into account, in whole or in part, the training periods completed by the nationals referred to in paragraph 1 and attested by possession of a diploma, certificate or other evidence of formal training awarded by the competent authorities of the Member State of origin or the Member State from which the foreign national comes, provided such training periods correspond to those required in the host Member State for the specialized training in question.

3. The competent authorities or bodies of the host Member State, having verified the content and duration of the specialist training of the person concerned on the basis of the diplomas, certificates and other evidence of formal qualifications submitted, shall inform him of the period of additional training required and of the fields to be covered by it.

CHAPTER IV

EXISTING CIRCUMSTANCES

Article 7

1. In the case of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications do not satisfy all the minimum training requirements laid down in Article 1 of Directive 78/687/EEC, each Member State shall recognize as being sufficient proof the diplomas, certificates and other evidence of formal qualifications in dentistry awarded by those Member States before the implementation of Directive 78/687/EEC, accompanied by a certificate stating that those nationals have effectively and lawfully been engaged in the activities in question for at least three consecutive years during the five years prior to the date of issue of the certificate.

2. In the case of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications in specialized dentistry do not satisfy the minimum training requirements under Articles 2 and 3 of Directive 78/687/EEC, each Member State shall recognize as sufficient proof the diplomas, certificates and other evidence of formal qualifications in specialized dentistry awarded by those Member States before the implementation of Directive 78/687/EEC. The Member State may, however, require that such diplomas, certificates and other evidence of formal qualifications be accompanied by a certificate issued by the competent authorities or bodies of the Member State of

origin or of the Member State from which the foreign national comes, stating that he has been engaged in activities of specialized dentistry for a period equal to twice the difference between the length of specialized training in the Member State of origin or in the Member State from which the foreign national comes and the minimum training period referred to in Directive 78/687/EEC where these diplomas, certificates and other evidence of formal qualifications do not satisfy the minimum training period laid down in Article 2 of Directive 78/687/EEC.

However, if before this Directive is implemented, the host Member State requires a minimum training period of shorter duration than that referred to in Article 2 of Directive 78/687/EEC, the difference mentioned in the first subparagraph can be determined only by reference to the minimum training period laid down by that State.

CHAPTER V

USE OF ACADEMIC TITLE

Article 8

1. Without prejudice to Article 17, host Member States shall ensure that the nationals of Member States who fulfil the conditions laid down in Articles 2, 4, 7 and 19 have the right to use the lawful academic title in so far as this is not identical with the professional title or, where appropriate, the abbreviation thereof, of their Member State of origin or of the Member State from which they come, in the language of that State. Host Member States may require this title to be followed by the name and location of the establishment or examining board which awarded it.

2. If the academic title used in the Member State of origin or in the Member State from which a foreign national comes can be confused in the host Member State with a title requiring in that State additional training which the person concerned has not undergone, the host Member State may require such a person to use the title employed in the Member State of origin or the Member State from which he comes in suitable wording to be drawn up by the host Member State.

CHAPTER VI

PROVISIONS TO FACILITATE THE EFFECTIVE EXERCISE OF THE RIGHT OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES IN RESPECT OF THE ACTIVITIES OF DENTAL PRACTITIONERS

A. Provisions relating specifically to the right of establishment

Article 9

1. A host Member State which requires of its nationals proof of good character or good repute when they take

up for the first time any of the activities referred to in Article 1 shall accept as sufficient evidence, in respect of nationals of other Member States, a certificate issued by a competent authority in the Member State of origin or the Member State from which the foreign national comes attesting that the requirements of the Member State as to good character or good repute for taking up the activity in question have been met.

2. Where the Member State of origin or the Member State from which the foreign national comes does not require proof of good character or good repute of persons wishing to take up the activity in question for the first time, the host Member State may require of nationals of the Member State of origin or the Member State from which the foreign national comes an extract from the 'judicial record' or, failing this, an equivalent document issued by a competent authority in the Member State of origin or the Member State from which the foreign national comes.

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 if they are likely to affect in that Member State the taking up of the activity in question. The authorities in that State 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.

4. Member States shall ensure the confidentiality of the information forwarded.

Article 10

1. Where, in a host Member State, provisions laid down by law, regulation or administrative action are in force laying down requirements as to good character or good repute, including provision for disciplinary action in the event of serious professional misconduct or conviction for criminal offences and relating to the pursuit of any of the activities referred to in Article 1, the Member State of origin or the Member State from which the foreign national comes shall forward to the host Member State all necessary information regarding measures or disciplinary action of a professional or administrative nature taken in respect of the person concerned or regarding criminal penalties imposed on him when pursuing his profession in the Member State of origin or in the Member State from which he comes.

2. If the host Member State has detailed knowledge of a serious matter which has occurred prior to the estab-

lishment of the person concerned in the State outside its territory and which is likely to affect the pursuit 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 if they are likely to affect in that Member State the pursuit of the activity in question. The authorities in that State 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 information they have forwarded in accordance with paragraph 1.

3. Member States shall ensure the confidentiality of the information forwarded.

Article 11

Where a host Member State requires of its own nationals wishing to take up or pursue any of the activities referred to in Article 1 a certificate of physical or mental health, that State shall accept as sufficient evidence thereof the presentation of the document required in the Member State of origin or the Member State from which the foreign national comes.

Where the Member State of origin or the Member State from which the foreign national comes does not impose any requirements of this nature on those wishing to take up or pursue the activity in question, the host Member State shall accept from such national a certificate issued by a competent authority in that State corresponding to the certificates issued in the host Member State.

Article 12

Documents issued in accordance with Articles 9, 10 and 11 may not be presented more than three months after their date of issue.

Article 13

1. The procedure for authorizing the person concerned to take up any activity referred to in Article 1, pursuant to Articles 9, 10 and 11, must be completed as soon as possible and not later than three months after presentation of all the documents relating to such person, without prejudice to delays resulting from any appeal that may be made upon the termination of this procedure.

2. In the cases referred to in Articles 9 (3) and 10 (2), a request for re-examination shall suspend the period laid down in paragraph 1.

The Member State consulted shall give its reply within a period of three months.

On receipt of the reply or at the end of the period the host Member State shall continue with the procedure referred to in paragraph 1.

Article 14

Where a host Member State requires its own nationals wishing to take up or pursue any of the activities referred to in Article 1 to take an oath or make a solemn declaration and where the form of such oath or declaration cannot be used by nationals of other Member States, that Member State shall ensure that an appropriate and equivalent form of oath or declaration is offered to the person concerned.

B. Provisions relating specifically to the provision of services

Article 15

1. Where a Member State requires of its own nationals wishing to take up or pursue any of the activities referred to in Article 1 an authorization or membership of or registration with a professional organization or body, that Member State shall in the case of the provision of services exempt the nationals of the other Member States from that requirement.

The person concerned shall provide services with the same rights and obligations as the nationals of the host Member State; in particular he shall be subject to the rules of conduct of a professional or administrative nature which apply in that Member State.

To this end and in addition to the declaration relating to the provision of services referred to in paragraph 2 Member States may, so as to permit the implementation of the provisions relating to professional conduct in force in their territory, provide for automatic temporary registration with or *pro forma* membership of a professional organization or body or entry in a register, provided that such registration does not delay or in any way complicate the provision of services or impose any additional costs on the person providing the services.

Where a host Member State adopts a measure pursuant to the second subparagraph or becomes aware of facts which run counter to these provisions, it shall forthwith inform the Member State where the person concerned is established.

2. The host Member State may require the person concerned to make a prior declaration to the competent authorities concerning the provision of his services where they involve a temporary stay in its territory.

In urgent cases this declaration may be made as soon as possible after the services have been provided.

3. Pursuant to paragraphs 1 and 2, the host Member State may require the person concerned to supply one or more documents containing the following particulars:

- the declaration referred to in paragraph 2,
- a certificate stating that the person concerned is lawfully pursuing the activities in question in the Member State where he is established,
- a certificate that the person concerned holds one or other of the diplomas, certificates or other evidence of formal qualifications appropriate for the provision of the services in question and referred to in this Directive.

4. The document or documents specified in paragraph 3 may not be presented more than 12 months after their date of issue.

5. Where a Member State temporarily or permanently deprives, in whole or in part, one of its nationals or a national of another Member State established in its territory of the right to pursue any of the activities referred to in Article 1, it shall, as appropriate, ensure the temporary or permanent withdrawal of the certificate referred to in the second indent of paragraph 3.

Article 16

Where registration with a public social security body is required in a host Member State for the settlement with insurance bodies of accounts relating to services rendered to persons insured under social security schemes, that Member State shall exempt nationals of Member States established in another Member State from this requirement in cases of provision of services entailing travel on the part of the person concerned.

In all cases of provision of services entailing travel on the part of the person concerned, the host Member State may require him to supply information to this body in advance, or, in urgent cases, at the earliest opportunity, concerning the services provided.

C. Provisions common to the right of establishment and freedom to provide services

Article 17

1. Where in a host Member State the use of the professional title relating to any of the activities referred to in Article 1 is subject to rules, nationals of other Member States who fulfil the conditions laid down in Articles 2, 7 (1) and 19 shall use the professional title of the host Member State which, in that State, corresponds to those conditions of qualification and shall use the abbreviated title.

2. Paragraph 1 shall also apply to the use of professional titles of practitioner of specialized dentistry by those who fulfil the conditions laid down in Articles 4 and 7 (2) respectively.

Article 18

1. Member States shall take the necessary measures to enable the persons concerned to obtain information on the health and social security laws and, where applicable, on the professional ethics of the host Member State.

For this purpose Member States may set up information centres from which such persons may obtain the necessary information. In the case of establishment, the host Member States may require the person concerned to contact these centres.

2. Member States may set up the centres referred to in paragraph 1 within the competent authorities and bodies which they must designate within the period laid down in Article 24 (1).

3. Member States shall see to it that, where appropriate, the persons concerned acquire, in their interest and in that of their patients, the linguistic knowledge necessary for the exercise of their profession in the host Member State.

CHAPTER VII

TRANSITIONAL PROVISIONS COVERING THE SPECIAL CASE OF ITALY

Article 19

From the date on which Italy takes the measures necessary to comply with this Directive, Member States shall recognize, for the purposes of carrying out the activities referred to in Article 1 of this Directive, the diplomas, certificates and other evidence of formal qualifications in medicine awarded in Italy to persons who had begun their university medical training not later than 18 months after notification of this Directive, accompanied by a certificate issued by the competent Italian authorities, certifying that these persons have effectively, lawfully and principally been engaged in Italy in the activities specified in Article 5 of Directive 78/687/EEC for at least three consecutive years during the five years prior to the issue of the certificate and that these persons are authorized to carry out the said activities under the same conditions as holders of the diploma, certificate or other evidence of formal qualifications referred to in Article 3 (f) of this Directive.

The requirement of three years' experience referred to in the first subparagraph shall be waived in the case of

persons who have successfully completed at least three years of study which are certified by the competent authorities as being equivalent to the training referred to in Article 1 of Directive 78/687/EEC.

CHAPTER VIII

FINAL PROVISIONS

Article 20

Member States which require their own nationals to complete a preparatory training period in order to become eligible for appointment as a dental practitioner of a social security scheme may impose the same requirement on nationals of the other Member States for a period of eight years following notification of this Directive. The training period may not, however, exceed six months.

Article 21

In the event of justified doubts, the host Member State may require of the competent authorities of another Member State confirmation of the authenticity of the diplomas, certificates and other evidence of formal qualifications issued in that other Member State and referred to in Chapters II, III and IV, and also confirmation that the person concerned has fulfilled all the training requirements laid down in Directive 78/687/EEC.

Article 22

Within the time limit laid down in Article 24 (1), Member States shall designate the authorities and bodies competent to issue or receive the diplomas, certificates and other evidence of formal qualifications as well as the documents and information referred to in this Directive and shall forthwith inform the other Member States and the Commission thereof.

Article 23

The Directive shall also apply to the nationals of Member States who, in accordance with Regulation (EEC) No 1612/68, are or will be pursuing as employed persons any of the activities referred to in Article 1.

Article 24

1. Member States shall take the measures necessary to comply with this Directive within 18 months of its notification and shall forthwith inform the Commission

thereof. However, Italy shall take these measures within a maximum period of six years and in any event when it takes those necessary to comply with Directive 78/687/EEC.

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

Article 25

Where a Member State encounters major difficulties in certain fields when applying this Directive, the Commission shall examine these difficulties in conjunction with that State and shall request the opinion of the Committee of Senior Officials on Public Health set up by Decision 75/365/EEC ⁽¹⁾, as last amended by Decision 78/689/EEC ⁽²⁾.

Where necessary, the Commission shall submit appropriate proposals to the Council.

Article 26

This Directive is addressed to the Member States.

Done at Brussels, 25 July 1978.

For the Council

The President

K. von DOHNANYI

⁽¹⁾ OJ No L 167, 30. 6. 1975, p. 19.

⁽²⁾ See page 17 of this Official Journal.

COUNCIL DIRECTIVE

of 25 July 1978

concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of dental practitioners

(78/687/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, with a view to achieving the mutual recognition of diplomas, certificates and other evidence of the formal qualifications in dentistry, laid down by Council Directive 78/686/EEC of 25 July 1978 concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners of dentistry, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services ⁽³⁾, the comparable nature of training courses in the Member States enables coordination in this field to be confined to the requirement that minimum standards be observed, which then leaves the Member States freedom of organization as regards teaching;

Whereas, with a view to mutual recognition of diplomas, certificates and other evidence of formal qualifications of a practitioner of specialized dentistry and in order to put all members of the profession who are nationals of the Member States on an equal footing within the Community, some coordination of the requirements for training as a practitioner of specialized dentistry is necessary; whereas certain minimum criteria should be laid down for this purpose concerning the right to take up specialized training, the minimum training period, the method by which such training is given and the place where it is to be carried out, as well as the supervision to which it should be subject; whereas these criteria only concern the specializations common to several Member States;

Whereas it is necessary for reasons of public health to move within the Community towards a common definition of the field of activity of the professional persons concerned; whereas this Directive does not at this stage enable complete coordination to be achieved as regards the field of activity of dental practitioners in the various Member States;

Whereas Member States will ensure that, as from the implementation of this Directive, the training of dental practitioners will provide them 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;

Whereas coordination of the conditions for the pursuit of these activities, as provided for under this Directive, does not exclude any subsequent coordination;

Whereas the coordination envisaged by this Directive covers the professional training of dental practitioners; whereas, as far as training is concerned, most Member States do not at present distinguish between dental practitioners who pursue their activities as employed persons and those who are self-employed; whereas for this reason and in order to encourage as far as possible the free movement of professional persons within the Community, it appears necessary to extend the application of this Directive to dental practitioners pursuing their activities as employed persons;

Whereas, at the time of notification of this Directive, dentistry is practised in Italy solely by doctors, whether or not specializing in odontostomatology; whereas, under this Directive, Italy is obliged to create a new category of professional persons entitled to practise dentistry under a title other than that of doctor; whereas in creating a new profession Italy must not only introduce a specific system of training complying with the criteria laid down in this Directive, but also set up structures proper to this new profession, such as a council, for example; whereas, therefore, in view of the extent of the measures to be taken, Italy should be granted an additional period to allow it to comply with this Directive,

⁽¹⁾ OJ No C 101, 4. 8. 1970, p. 19.

⁽²⁾ OJ No C 36, 28. 3. 1970, p. 19.

⁽³⁾ See page 1 of this Official Journal.

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

TRAINING REQUIREMENTS

Article 1

1. The Member States shall require persons wishing to take up and pursue a dental profession under the titles referred to in Article 1 of Directive 78/686/EEC to hold a diploma, certificate or other evidence of formal qualifications referred to in Article 3 of the same Directive which guarantees that during his complete training period the person concerned has acquired:

- (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.

2. A complete period of dental training of this kind shall comprise at least a five-year full time course of theoretical and practical instruction given in a university, in a higher-education institution recognized as having equivalent status or under the supervision of a university and shall include the subjects listed in the Annex.

3. In order to be accepted for such training, the candidate must have a diploma or a certificate which entitles him to be admitted for the course of study concerned to the universities of a Member State or to the higher education institutions recognized as having equivalent status.

4. Nothing in this Directive shall prejudice any facility which may be granted in accordance with their own rules by Member States in respect of their own territory to authorize holders of diplomas, certificates or other evidence of formal qualifications which have not been obtained in a Member State to take up and pursue the activities of a dental practitioner.

Article 2

1. Member States shall ensure that the training leading to a diploma, certificate or other evidence of formal qualifications as a practitioner of specialized dentistry meets the following requirements at least:

- (a) it shall entail the completion and validation of a five-year full-time course of theoretical and practical instruction within the framework of the training referred to in Article 1, or possession of the documents referred to in Article 7 (1) of Directive 78/686/EEC.
- (b) it shall comprise theoretical and practical instruction;
- (c) it shall be a full-time course of a minimum of three years' duration supervised by the competent authorities or bodies;
- (d) it shall be in a university centre, in a treatment, teaching and research centre or, where appropriate, in a health establishment approved for this purpose by the competent authorities or bodies;
- (e) it shall involve the personal participation of the dental practitioner training to be a specialist in the activity and in the responsibilities of the establishments concerned.

2. Member States shall make the award of a diploma, certificate or other evidence of formal qualifications as a practitioner of specialized dentistry subject to the possession of one of the diplomas, certificates or other evidence of formal qualifications in dentistry referred to in Article 1, or to the possession of the documents referred to in Article 7 (1) of Directive 78/686/EEC.

3. Within the time limit laid down in Article 8 Member States shall designate the authorities or bodies competent to issue the diplomas, certificates or other evidence of formal qualifications referred to in paragraph 1.

4. Member States may derogate from paragraph 1 (a). Persons in respect of whom such derogation is made shall not be entitled to avail themselves of Article 4 of Directive 78/686/EEC.

Article 3

1. Without prejudice to the principle of full-time training as set out in Article 2 (1) (c), and until such time as the Council takes a decision in accordance with paragraph 3, Member States may permit part-time specialist training, under conditions approved by the competent national authorities, when training on a full-time basis would not be practicable for well-founded reasons.

2. The total period of specialized training may not be shortened by virtue of paragraph 1. The standard of the training may not be impaired, either by its part-time nature or by the practice of private, remunerated professional activity.

3. Four years at the latest after notification of this Directive and in the light of a review of the situation, acting on a proposal from the Commission, and bearing in mind that the possibility of part-time training should continue to exist in certain circumstances to be examined separately for each specialization, the Council shall decide whether the provisions of paragraphs 1 and 2 should be retained or amended.

Article 4

As a transitional measure and notwithstanding Articles 2 (1) (c) and 3, Member States whose provisions laid down by law, regulation or administrative action permit a method of part-time specialist training at the time of notification of this Directive may continue to apply these provisions to candidates who have begun their training as specialists no later than four years after the notification of this Directive. This period may be extended if the Council has not taken a decision in accordance with Article 3 (3).

CHAPTER II

FIELD OF ACTIVITY

Article 5

Member States shall ensure that dental surgeons shall generally be entitled to take up and pursue activities involving the prevention, diagnosis and treatment of anomalies and diseases of the teeth, mouth, jaws and associated tissues in accordance with the regulatory provisions and the rules of professional conduct governing the profession at the time of notification of this Directive.

Those Member States which do not have such provisions or rules may define or limit the pursuit of certain activities referred to in the first subparagraph to an extent which is comparable to that existing in the other Member States.

CHAPTER III

FINAL PROVISIONS

Article 6

Persons covered by Article 19 of Directive 78/686/EEC shall be regarded as fulfilling the requirements laid down in Article 2 (1) (a).

For the purposes of applying Article 2 (2), persons covered by Article 19 of Directive 78/686/EEC shall be treated in the same way as those holding one of the diplomas, certificates or other evidence of formal qualifications in dentistry referred to in Article 1.

Article 7

This Directive shall also apply to nationals of Member States who, in accordance with Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community ⁽¹⁾, are or will be pursuing, as employed persons, any of the activities referred to in Article 1 of Directive 78/686/EEC.

Article 8

1. Member States shall take the measures necessary to comply with this Directive within 18 months of its notification and shall forthwith inform the Commission thereof. However, Italy shall take these measures within a maximum of six years.

2. 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 9

Where a Member State encounters major difficulties in certain fields when applying this Directive, the Commission shall examine these difficulties in conjunction with that State and shall request the opinion of the Committee of Senior Officials on Public Health set up

⁽¹⁾ OJ No L 257, 19. 10. 1968, p. 2.

by Decision 75/365/EEC ⁽¹⁾, as last amended by Decision 78/689/EEC ⁽²⁾.

Done at Brussels, 25 July 1978.

Where necessary, the Commission shall submit appropriate proposals to the Council.

Article 10

This Directive is addressed to the Member States.

For the Council

The President

K. von DOHNANYI

⁽¹⁾ OJ No L 167, 30. 6. 1975, p. 19.

⁽²⁾ See page 17 of this Official Journal.

ANNEX

Study programme for dental practitioners

The programme of studies leading to a diploma, certificate or other 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*

chemistry,
physics,
biology.

(b) *Medico-biological subjects and general medical subjects*

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.

(c) *Subjects directly related to dentistry*

prosthodontics,
dental materials and equipment,
conservative dentistry,
preventive dentistry,
anaesthetics and sedation in dentistry,
special surgery,
special pathology,
clinical practice,
paedodontics,
orthodontics,
periodontics,
dental radiology,
dental occlusion and function of the jaw,
professional organization, ethics and legislation,
social aspects of dental practice.

COUNCIL DECISION

of 25 July 1978

setting up an Advisory Committee on the Training of Dental Practitioners

(78/688/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the draft Decision submitted by the Commission,

Whereas, in its resolution of 6 June 1974 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications, the Council declared itself in favour of the establishment of advisory committees;

Whereas, in the context of the mutual recognition of diplomas, certificates and other evidence of formal qualifications in dentistry, it is important to ensure a comparably demanding standard of training;

Whereas, to contribute to achieving this objective, it is desirable to set up an Advisory Committee to advise the Commission,

HAS DECIDED AS FOLLOWS:

Article 1

An Advisory Committee on the Training of Dental Practitioners, hereinafter called 'the Committee', shall be set up within the Commission.

Article 2

1. The task of the Committee shall be to help to ensure a comparably demanding standard in the training of dental practitioners in the Community, with regard both to the training of dental practitioners and that of practitioners in specialized dentistry.

2. It shall carry out this task, in particular, by the following means:

- exchange of comprehensive information as to the training methods and the content, level and structure of theoretical and practical courses provided in the Member States,

- discussion and consultation with the object of developing common approaches to the standard to be attained in the training of dental practitioners and, as appropriate, to the structure and content of such training,

- keeping under review the adaptation of the training of dental practitioners to developments in dental science and teaching methods.

3. The Committee shall communicate to the Commission and the Member States its opinions and recommendations including, when it considers it appropriate, suggestions for amendments to be made to the Articles relating to the training of dental practitioners in Directives 78/686/EEC ⁽¹⁾ and 78/687/EEC ⁽²⁾.

4. The Committee shall also advise the Commission on any matter which the Commission may refer to it in relation to the training of dental practitioners.

Article 3

1. The Committee shall consist of three experts from each Member State, as follows:

- one expert from the practising profession of dentistry,
- one expert from the relevant faculties of the universities or comparable institutions,
- one expert from the competent authorities of the Member State.

2. There shall be an alternate for each member. Alternates may attend the meetings of the Committee.

3. The members and alternates referred to in paragraphs 1 and 2 shall be nominated by the Member States. The members referred to in the first and second identifies of paragraph 1 and their alternates shall be nominated upon the proposal of the practising profession and the relevant faculties of universities or comparable institutions. The members and alternates thus nominated shall be appointed by the Council.

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ See page 10 of this Official Journal.

Article 4

1. The term of office of a member of the Committee shall be three years. After the expiry of this period the members of the Committee shall remain in office until replacements have been provided for or their term of office is renewed.

2. The term of office of a member may end before expiry of the period of three years by virtue of resignation or death of the member, or his replacement by another person, in accordance with the procedure laid down in Article 3. Such an appointment shall be for the remainder of the term of office.

Article 5

The Committee shall elect a chairman and two deputy chairmen from its own membership. It shall adopt its own rules of procedure. The agenda for meetings shall be drawn up by the chairman of the Committee in consultation with the Commission.

Article 6

The Committee may set up working parties for, and invite and allow observers or experts to assist it in connection with all the special aspects of its work.

Article 7

Secretariat services for the Committee shall be provided by the Commission.

Done at Brussels, 25 July 1978.

For the Council

The President

K. von DOHNANYI

COUNCIL DECISION

of 25 July 1978

amending Decision 75/365/EEC setting up a Committee of Senior Officials on Public Health

(78/689/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Economic Community,

Having regard to the draft Decision submitted by the Commission,

Whereas by Decision 75/365/EEC ⁽¹⁾ the Council set up a Committee of Senior Officials on Public Health with the task of identifying and analyzing any difficulties which might arise from the implementation of the Directives relating to the right of establishment and freedom to provide services of doctors, collecting all relevant information on the conditions under which medical care is given in the Member States and delivering opinions which could guide the Commission's work with a view to possible amendments of those Directives;

Whereas that Decision has been amended by Decision 77/455/EEC ⁽²⁾ which entrusts the Committee of Senior Officials on Public Health with the same task in relation to the application of the measures adopted by the Council regarding the effective exercise of the right of establishment and freedom to provide services of nurses responsible for general care;

Whereas the application of the measures adopted by the Council regarding the effective exercise of the right of establishment and freedom to provide services and the coordination of provisions laid down by law, regulation or administrative action in respect of activities of dental practitioners may give rise to problems which should also be examined jointly;

Whereas the Committee of Senior Officials on Public Health should be entrusted with this task;

Whereas the terms of reference of that Committee should therefore be extended,

Sole Article

Article 2 of Decision 75/365/EEC shall be replaced by the following:

'Article 2

The task of the Committee shall be:

- to identify and analyze any difficulties which might arise from the implementation of Directives 75/362/EEC ⁽³⁾, 75/363/EEC ⁽⁴⁾, 77/452/EEC ⁽⁵⁾, 77/453/EEC ⁽⁶⁾, 78/686/EEC ⁽⁷⁾ and 78/687/EEC ⁽⁸⁾;
- to collect all relevant information on:
 - the conditions under which general and specialist medical care is given by doctors in the Member States,
 - the conditions under which nursing care is given in the Member States by nurses responsible for general care,
 - the conditions under which general and specialist dental care is given by dental practitioners in the Member States;
- to deliver opinions to guide the Commission's work with a view to possible amendments of the abovementioned Directives.'

Done at Brussels, 25 July 1978.

For the Council

The President

K. von DOHNANYI

⁽¹⁾ OJ No L 167, 30. 6. 1975, p. 19.

⁽²⁾ OJ No L 176, 15. 7. 1977, p. 13.

⁽³⁾ OJ No L 167, 30. 6. 1975, p. 1.

⁽⁴⁾ OJ No L 167, 30. 6. 1975, p. 14.

⁽⁵⁾ OJ No L 176, 15. 7. 1977, p. 1.

⁽⁶⁾ OJ No L 176, 15. 7. 1977, p. 8.

⁽⁷⁾ See page 1 of this Official Journal.

⁽⁸⁾ See page 10 of this Official Journal.