



STATUTORY INSTRUMENTS.

**S.I. No. 7 of 2014**

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EUROPEAN UNION (RECOGNITION OF PROFESSIONAL  
QUALIFICATIONS RELATING TO THE PROFESSIONS OF DENTIST,  
MEDICAL PRACTITIONER, NURSE AND MIDWIFE) REGULATIONS  
2014

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2014

I, JAMES REILLY, Minister for Health, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005<sup>1</sup>, as amended by Council Directive 2006/100/EC of 20 November 2006<sup>2</sup>, Commission Regulation (EC) No. 1430/2007 of 5 December 2007<sup>3</sup>, Commission Regulation (EC) No. 755/2008 of 31 July 2008<sup>4</sup>, Regulation (EC) No. 1137/2008 of the European Parliament and of the Council of 22 October 2008<sup>5</sup>, Commission Regulation (EC) No. 279/2009 of 6 April 2009<sup>6</sup>, Commission Regulation (EU) No. 213/2011 of 3 March 2011<sup>7</sup>, the Act concerning the conditions of accession of the Republic of Croatia<sup>8</sup>, Commission Regulation (EU) No. 623/2012 of 11 July 2012<sup>9</sup> and Council Directive 2013/25/EU of 13 May 2013<sup>10</sup> (insofar as such legislation concerns the professions of dentist, medical practitioner, nurse and midwife), hereby make the following regulations:

1. These Regulations may be cited as the European Union (Recognition of Professional Qualifications relating to the Professions of Dentist, Medical Practitioner, Nurse and Midwife) Regulations 2014.

2. The Recognition of the Professional Qualifications of Dentists (Directive 2005/36/EC) Regulations 2008 (S.I. No. 263 of 2008) are amended—

(a) in Regulation 3(1), by substituting for the definition of “the Professional Qualifications Directive” the following:

“‘the Professional Qualifications Directive’ means Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005<sup>1</sup>, as amended by Council Directive 2006/100/EC of 20 November 2006<sup>2</sup>, Commission Regulation (EC) No. 1430/2007 of 5 December 2007<sup>3</sup>, Commission Regulation (EC) No. 755/2008 of 31 July 2008<sup>4</sup>, Regulation (EC) No. 1137/2008 of the European Parliament and

<sup>1</sup>OJ No. L 255, 30.9.2005, p. 22.

<sup>2</sup>OJ No. L 363, 20.12.2006, p. 141.

<sup>3</sup>OJ No. L 320, 6.12.2007, p. 3.

<sup>4</sup>OJ No. L 205, 1.8.2008, p. 10.

<sup>5</sup>OJ No. L 311, 21.11.2008, p. 1.

<sup>6</sup>OJ No. L 93, 7.4.2009, p. 11.

<sup>7</sup>OJ No. L 59, 4.3.2011, p. 4.

<sup>8</sup>OJ No. L 112, 24.4.2012, p. 41.

<sup>9</sup>OJ No. L 180, 12.7.2012, p. 9.

<sup>10</sup>OJ No. L 158, 10.6.2013, p. 368.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 17th January, 2014.*

of the Council of 22 October 2008<sup>5</sup>, Commission Regulation (EC) No. 279/2009 of 6 April 2009<sup>6</sup>, Commission Regulation (EU) No. 213/2011 of 3 March 2011<sup>7</sup>, the Act concerning the conditions of accession of the Republic of Croatia<sup>8</sup>, Commission Regulation (EU) No. 623/2012 of 11 July 2012<sup>9</sup> and Council Directive 2013/25/EU of 13 May 2013<sup>10</sup>,”

(b) by substituting for Regulation 8(1)(c) the following:

“(c) a national of a relevant state who, at the time of application, provides evidence that he or she holds a formal qualification as a dental practitioner issued by the former Yugoslavia, or whose training commenced,

(i) for Slovenia, before 25 June 1991, or

(ii) for Croatia, before 8 October 1991,

where the authorities of the aforementioned Member States attest that such evidence of formal qualifications has the same legal validity within their territory as the evidence of formal qualification which they issue in respect of access to the professional activities of a dental practitioner and the pursuit of such activities, and such attestation is accompanied by a certificate issued by those same authorities stating that the applicant has been effectively and lawfully engaged in the activities of a dental practitioner within their territory for at least three consecutive years during the five years prior to the date of issue of the certificate.”, and

(c) by substituting for Regulation 9(1)(c) the following:

“(c) a national of a relevant state who, at the time of application, provides evidence that he or she holds a formal qualification as a specialised dental practitioner issued by the former Yugoslavia, or whose training commenced,

(i) for Slovenia, before 25 June 1991, or

(ii) for Croatia, before 8 October 1991,

where the authorities of the aforementioned Member States attest that such evidence of formal qualifications has the same legal validity within their territory as the evidence of formal qualification which they issue in respect of access to the professional activities of a specialised dental practitioner and the pursuit of such activities, and such attestation is accompanied by a certificate issued by those same authorities stating that the applicant has been effectively and lawfully engaged in the activities of a specialised dental practitioner within their territory for at least three consecutive

years during the five years prior to the date of issue of the certificate.”.

3. Section 2 of the Medical Practitioners Act 2007 (No. 25 of 2007) is amended by substituting for the definition of “Directive 2005/36/EC” the following:

“‘Directive 2005/36/EC’ means Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005<sup>1</sup>, as amended by Council Directive 2006/100/EC of 20 November 2006<sup>2</sup>, Commission Regulation (EC) No. 1430/2007 of 5 December 2007<sup>3</sup>, Commission Regulation (EC) No. 755/2008 of 31 July 2008<sup>4</sup>, Regulation (EC) No. 1137/2008 of the European Parliament and of the Council of 22 October 2008<sup>5</sup>, Commission Regulation (EC) No. 279/2009 of 6 April 2009<sup>6</sup>, Commission Regulation (EU) No. 213/2011 of 3 March 2011<sup>7</sup>, the Act concerning the conditions of accession of the Republic of Croatia<sup>8</sup>, Commission Regulation (EU) No. 623/2012 of 11 July 2012<sup>9</sup> and Council Directive 2013/25/EU of 13 May 2013<sup>10</sup>;”.

4. Section 2(1) of the Nurses and Midwives Act 2011 (No. 41 of 2011) is amended by substituting for the definition of “Directive 2005/36/EC” the following:

“‘Directive 2005/36/EC’ means Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005<sup>1</sup> as amended by Council Directive 2006/100/EC of 20 November 2006<sup>2</sup>, Commission Regulation (EC) No. 1430/2007 of 5 December 2007<sup>3</sup>, Commission Regulation (EC) No. 755/2008 of 31 July 2008<sup>4</sup>, Regulation (EC) No. 1137/2008 of the European Parliament and of the Council of 22 October 2008<sup>5</sup>, Commission Regulation (EC) No. 279/2009 of 6 April 2009<sup>6</sup>, Commission Regulation (EU) No. 213/2011 of 3 March 2011<sup>7</sup>, the Act concerning the conditions of accession of the Republic of Croatia<sup>8</sup>, Commission Regulation (EU) No. 623/2012 of 11 July 2012<sup>9</sup> and Council Directive 2013/25/EU of 13 May 2013<sup>10</sup>;”.

5. The Recognition of the Professional Qualifications of Nurses and Midwives (Directive 2005/36/EC) Regulations 2008 (S.I. No. 164 of 2008) are amended—

(a) in Regulation 3(1), by substituting for the definition of “the Professional Qualifications Directive” the following:

“‘the Professional Qualifications Directive’ means Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005<sup>1</sup>, as amended by Council Directive 2006/100/EC of 20 November 2006<sup>2</sup>, Commission Regulation (EC) No. 1430/2007 of 5 December 2007<sup>3</sup>, Commission Regulation (EC) No. 755/2008 of 31 July 2008<sup>4</sup>, Regulation (EC) No. 1137/2008 of the European Parliament and of the Council of 22 October 2008<sup>5</sup>, Commission Regulation (EC) No. 279/2009 of 6 April 2009<sup>6</sup>, Commission Regulation (EU) No. 213/2011 of 3 March 2011<sup>7</sup>, the Act concerning the conditions of accession of the Republic of Croatia<sup>8</sup>, Commission Regulation (EU) No. 623/2012 of 11 July 2012<sup>9</sup> and Council Directive 2013/25/EU of 13 May 2013<sup>10</sup>;”.

(b) by substituting for Regulation 7(2)(d) the following:

“(d) without prejudice to Regulation 7(4A), a national of a relevant state who, at the time of application, provides evidence that he or she holds a formal qualification as a nurse responsible for general care or a midwife issued by the former Yugoslavia, or whose training commenced,

(i) for Slovenia, before 25 June 1991, or

(ii) for Croatia, before 8 October 1991,

where the authorities of the aforementioned Member States attest that such evidence of formal qualifications has the same legal validity within their territory as the evidence of formal qualification which they issue in respect of access to the professional activities of a nurse responsible for general care or midwife and the pursuit of such activities, and such attestation is accompanied by a certificate issued by those same authorities stating that the applicant has been effectively and lawfully engaged in the activities of a nurse responsible for general care or a midwife within their territory for at least three consecutive years during the five years prior to the date of issue of the certificate.”,

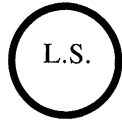
(c) by inserting after Regulation 7(4) the following paragraph:

“(4A) Notwithstanding paragraph (2), acquired rights in midwifery shall not apply to the following qualifications which were obtained in Croatia before 1 July 2013: viša medicinska sestra ginekološko-opstetričkog smjera (High Gynaecology-Obstetrical Nurse), medicinska sestra ginekološko-opstetričkog smjera (Gynaecology-Obstetrical Nurse), viša medicinska sestra primaljskog smjera (High Nurse with Midwifery Degree), medicinska sestra primaljskog smjera (Nurse with Midwifery Degree), ginekološko-opstetrička primalja (Gynaecology-Obstetrical Midwife) and primalja (Midwife).”, and

(d) by substituting for Regulation 11(9) the following:

“(9) A visiting service provider registered in accordance with paragraph (1) shall be subject to rules made by the Board, as well as Parts 7, 8 and 9 of the Nurses and Midwives Act 2011 (No. 41 of 2011).”.

6 [7]



GIVEN under my Official Seal,  
13 January 2014.

JAMES REILLY,  
Minister for Health.

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations implement Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, as amended by Council Directive 2006/100/EC of 20 November 2006, Commission Regulation (EC) No. 1430/2007 of 5 December 2007, Commission Regulation (EC) No. 755/2008 of 31 July 2008, Regulation (EC) No. 1137/2008 of the European Parliament and of the Council of 22 October 2008, Commission Regulation (EC) No. 279/2009 of 6 April 2009, Commission Regulation (EU) No. 213/2011 of 3 March 2011, the Act concerning the conditions of accession of the Republic of Croatia, Commission Regulation (EU) No. 623/2012 of 11 July 2012 and Council Directive 2013/25/EU of 13 May 2013, insofar as such legislation concerns the professions of dental practitioner, specialised dental practitioner, medical practitioner, nurse responsible for general care and midwife.

These Regulations may be cited as the European Union (Recognition of Professional Qualifications relating to the Professions of Dentist, Medical Practitioner, Nurse and Midwife) Regulations 2014.

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