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► **B****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)

(OJ L 233, 24.8.1978, p. 1)

Amended by:

		Official Journal		
		No	page	date
► <b><u>M1</u></b>	Council Directive 89/594/EEC, of 30 October 1989	L 341	19	23.11.1989
► <b><u>M2</u></b>	Council Directive 90/658/EEC, of 4 December 1990	L 353	73	17.12.1990
► <b><u>M3</u></b>	Directive 2001/19/EC of the European Parliament and of the Council of 14 May 2001	L 206	1	31.7.2001
► <b><u>M4</u></b>	Council Directive 2006/100/EC of 20 November 2006	L 363	141	20.12.2006

Amended by:

► <b><u>A1</u></b>	Act of Accession of Greece	L 291	17	19.11.1979
► <b><u>A2</u></b>	Act of Accession of Spain and Portugal	L 302	23	15.11.1985
► <b><u>A3</u></b>	Act of Accession of Austria, Sweden and Finland (adapted by Council Decision 95/1/EC, Euratom, ECSC)	C 241 L 1	21 1	29.8.1994 1.1.1995
► <b><u>A4</u></b>	Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded	L 236	33	23.9.2003

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- **C1** Corrigendum, OJ L 346, 2.12.1981, p. 24 (00/0000)

**▼B****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 <sup>(1)</sup>,Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

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

<sup>(1)</sup> OJ No C 101, 4.8.1970, p. 19.

<sup>(2)</sup> OJ No C 36, 28.3.1970, p. 17.

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or administrative action in respect of the activities of dental practitioners <sup>(1)</sup>;

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 movement for workers within the Community <sup>(2)</sup> 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

<sup>(1)</sup> See page 10 of this Official journal.

<sup>(2)</sup> OJ No L 257, 19.10.1968, p. 2.

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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,

— 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,

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— in Italy:

odontoiatra,

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— in Luxembourg:

médecin-dentiste,

— in the Netherlands:

tandarts,

— in the United Kingdom:

dentist, dental practitioner or dental surgeon,

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— in Greece:

οδοντίατρος ή χειρουργός οδοντίατρος,

**▼A2**

— in Spain:

Licenciado en Odontología,

— in Portugal:

médico dentista,

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- in Austria:  
the title which will be notified by Austria to the Member States and to the Commission by 31 December 1998 at the latest,
- in Finland:  
hammaslääkäritandläkare,
- in Sweden:

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- tandläkare,
- in the Czech Republic:  
Zubní lékař,
- in Estonia:  
Hambaarst,
- in Cyprus:  
Οδοντίατρος,
- in Latvia:  
Zobārsts,
- in Lithuania:  
Gydytojas odontologas,
- in Hungary:  
Fogorvos,
- in Malta:  
Kirurgu Dentali,
- in Poland:  
Lekarz dentysta,
- in Slovenia:  
Doktor dentalne medicine / Doktorica dentalne medicine,
- in Slovakia:  
Zubný lekár,

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- in Bulgaria:  
Лекар по дентална медицина,
- in Romania:  
medic dentist.

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## 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 78/697/EEC and which are ► **M3** listed in Annex A ◀ of this Directive, by giving such qualifications, as far as the right to take

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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.

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## CHAPTER III

**DIPLOMAS, CERTIFICATES AND OTHER EVIDENCE OF FORMAL QUALIFICATIONS IN SPECIALISED DENTISTRY****▼ M3***Article 4*

Each Member State with provisions in this field laid down by law, regulation or administrative action shall recognise the diplomas, certificates and other evidence of formal qualifications of dental practitioners specialising 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 Annex B, by granting such qualifications the same effect in its territory as the diplomas, certificates and other evidence of formal qualifications which it itself awards.

**▼ B***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 gaining 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.

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It shall also take into account any professional experience, additional training and continuing dental education they possess.

3. The competent authorities or bodies of the host Member State, having assessed the content and duration of the training of the person concerned on the basis of the diplomas, certificates and other evidence of formal qualifications submitted, and taking into account any professional experience, additional training and continuing dental education that he possesses, shall inform him of the period of additional training required and of the fields to be covered by it.

4. The Member State shall give its decision within four months of the date on which the applicant submits his application together with full supporting documentation.

▼ **B**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.

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3. In the case of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications in dentistry or in specialist dentistry (orthodontics and oral surgery) do not conform with the qualifications or designations set out in ► **M3** Annexes A and B ◀, each Member State shall recognize as being sufficient proof the diplomas, certificates and other evidence of formal qualifications awarded by those Member States, accompanied by a certificate issued by the competent authorities or bodies. The certificate shall state that the diplomas, certificates and other evidence of formal qualifications as dental practitioner or as specialist dental practitioner (orthodontics and oral surgery) were awarded following training in accordance with the provisions of Directive 78/687/EEC, referred to, as appropriate, in Article 2 or 4 of this Directive, and are treated by the Member State which awarded them as the qualifications or designations set out, as appropriate, in ► **M3** Annexes A and B ◀ of this Directive.

▼ **M2***Article 7 a*

1. In the case of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications as dental practitioner attest to training received on the territory of the former German Demo-

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cratic Republic which does not satisfy all the minimum training requirements laid down in Article 1 of Directive 78/687/EEC, Member States other than Germany shall recognize those diplomas, certificates and other evidence of formal qualifications as being sufficient proof if:

- they attest to training commenced before German unification,
- they entitle the holder to pursue the activities of a dental practitioner throughout the territory of Germany under the same conditions as the qualifications awarded by the competent German authorities and referred to in ►M3 Annex A ◄, and
- they are accompanied by a certificate issued by the competent German authorities stating that those nationals have effectively and lawfully been engaged in the activities in question in Germany 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 as specialist dental practitioners attest to training received in the territory of the former German Democratic Republic which does not satisfy the minimum training requirements laid down in Articles 2 and 3 of Directive 78/687/EEC, Member States other than Germany shall recognize those diplomas, certificates and other evidence of formal qualifications as being sufficient proof if:

- they attest to training commenced before German unification, and
- they entitle the holder to pursue, as a specialist dental practitioner, the activity in question throughout the territory of Germany under the same conditions as the qualifications awarded by the competent German authorities and referred to in ►M3 Annex B ◄.

They may, however, require that these diplomas, certificates or other evidence of formal qualifications be accompanied by a certificate issued by the competent German authorities or bodies stating that the holder has, as a specialist dental practitioner, been engaged in the activity in question for a period equivalent to twice the difference between the period of specialized training received on German territory and the minimum duration of training laid down in Directive 78/687/EEC, where they do not satisfy the minimum requirements regarding the duration of training laid down in Article 2 of Directive 78/687/EEC.

**▼A4***Article 7b*

1. In the case of nationals of the Member States whose diplomas, certificates and other evidence of formal qualifications in dentistry or dental specialities were awarded by, or whose training started in, the former Soviet Union before 20 August 1991, each Member State shall recognise those diplomas, certificates and other evidence of formal qualifications in dentistry or dental specialities as being sufficient proof when the authorities of Estonia attest that those qualifications have, on its territory, the same legal validity as Estonian qualifications in dentistry or dental specialities as regards access to the dental profession and practice thereof. Such attestation must be accompanied by a certificate issued by the same authorities stating that those Member State nationals have effectively and lawfully been engaged in the activity in question in the territory of Estonia 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 the Member States whose diplomas, certificates and other evidence of formal qualifications in dentistry or dental specialities were awarded by, or whose training started in, the former Soviet Union before 21 August 1991, each Member State shall recognise those diplomas, certificates and other evidence of formal qualifications in dentistry or dental specialities as being sufficient proof when the authorities of Latvia attest that those qualifications



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have, on its territory, the same legal validity as Latvian qualifications in dentistry or dental specialities as regards access to the dental profession and practice thereof. Such attestation must be accompanied by a certificate issued by the same authorities stating that those Member State nationals have effectively and lawfully been engaged in the activity in question in the territory of Latvia for at least three consecutive years during the five years prior to the date of issue of the certificate.

3. In the case of nationals of the Member States whose diplomas, certificates and other evidence of formal qualifications in dentistry or dental specialities were awarded by, or whose training started in, the former Soviet Union before 11 March 1990, each Member State shall recognise those diplomas, certificates and other evidence of formal qualifications in dentistry or dental specialities as being sufficient proof when the authorities of Lithuania attest that those qualifications have, on its territory, the same legal validity as Lithuanian qualifications in dentistry or dental specialities as regards access to the dental profession and practice thereof. Such attestation must be accompanied by a certificate issued by the same authorities stating that those Member State nationals have effectively and lawfully been engaged in the activity in question in the territory of Lithuania for at least three consecutive years during the five years prior to the date of issue of the certificate.

4. In the case of nationals of the Member States whose diplomas, certificates and other evidence of formal qualifications in dentistry or dental specialities were awarded by, or whose training started in, Yugoslavia before 25 June 1991, each Member State shall recognise those diplomas, certificates and other evidence of formal qualifications in dentistry or dental specialities as being sufficient proof when the authorities of Slovenia attest that those qualifications have, on its territory, the same legal validity as Slovenian qualifications in dentistry or dental specialities as regards access to the dental profession and practice thereof. Such attestation must be accompanied by a certificate issued by the same authorities stating that those Member State nationals have effectively and lawfully been engaged in the activity in question in the territory of Slovenia for at least three consecutive years during the five years prior to the date of issue of the certificate.

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## 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 ► **M4** Articles 2, 4, 7, 19, 19a, 19b, 19c, 19d and 19e ◀ 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 FREE DOM 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 establishment of the person concerned in the State outside its territory and which is likely to

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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****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

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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 ►**M4** laid down in Articles 2, 7(1), 19, 19a, 19b, 19c, 19d and 19e ◀ 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*

►**M3** 1. ◀ 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 certi-

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ificate 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 ►**M3** Annex A ◀ 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.

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2. Member States shall recognise the diplomas, certificates and other evidence of formal qualifications in medicine awarded in Italy to persons who commenced their university medical training between 28 January 1980 and 31 December 1984 and accompanied by a certificate issued by the Italian competent authorities stating:

- that the persons concerned have passed the specialist aptitude test set by the Italian competent authorities in order to ascertain that they possess a level of knowledge and skills comparable to those of persons holding the qualification listed for Italy in Annex A;
- that they 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 they are authorised to engage in, or are effectively, lawfully and principally engaged in, the activities referred to in Article 5 of Directive 78/687/EEC, subject to the same conditions as holders of the qualification listed for Italy in Annex A to this Directive.

The requirement to take the aptitude test 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.

**▼A2***Article 19a*

From the date on which the Kingdom of Spain 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 Spain to persons who had begun their university medical training before accession, accompanied by a certificate issued by the competent Spanish authorities, certifying that these persons have effectively, lawfully and principally been engaged in Spain 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 ►**M3** Annex A ◀ 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.

**▼A3***Article 19b*

From the date on which the Republic of Austria takes the measures necessary to comply with this Directive, the 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

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of formal qualifications in medicine awarded in Austria to persons who had begun their university training before 1 January 1994, accompanied by a certificate issued by the competent Austrian authorities, certifying that these persons have effectively, lawfully and principally been engaged in Austria 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 ► M3 Annex A ◀.

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.

▼ A4*Article 19c*

1. From the date of accession of the Czech Republic, Member States shall recognise, 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 the Czech Republic or in the former Czechoslovakia to persons who began their university medical training before accession, accompanied by a certificate issued by the competent Czech authorities certifying that these persons have effectively, lawfully and principally been engaged in the Czech Republic 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 authorised to carry out the said activities under the same conditions as holders of the diploma referred to in Annex A to this Directive.

2. 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.

*Article 19d*

1. From the date of accession of Slovakia, Member States shall recognise, 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 Slovakia or in the former Czechoslovakia to persons who began their university medical training before accession, accompanied by a certificate issued by the competent Slovak authorities certifying that these persons have effectively, lawfully and principally been engaged in Slovakia 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 authorised to carry out the said activities under the same conditions as holders of the diploma referred to in Annex A to this Directive.

2. 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.

▼ M4*Article 19e*

1. From the date of accession of Romania, Member States shall recognise, for the purposes of carrying out the activities referred to in

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Article 1 of this Directive, the diplomas, certificates and other evidence of formal qualifications in medicine awarded in Romania to persons who began their university training before 1 October 2003, accompanied by a certificate issued by the competent Romanian authorities certifying that these persons have effectively, lawfully and principally been engaged in Romania 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 authorised to carry out the said activities under the same conditions as holders of the diploma referred to in Annex A to this Directive.

2. 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.

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## 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.

**▼M3***Article 23a*

Member States shall notify the Commission of the laws, regulations or administrative provisions they adopt as regards the award of diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive. The Commission shall publish an appropriate



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notice in the *Official Journal of the European Communities*, listing the names adopted by the Member States for the training qualifications concerned and, where applicable, for the corresponding professional title.

*Article 23b*

Each Member State shall recognise as sufficient proof, in respect of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive do not correspond to the names listed for that Member State in this Directive, the diplomas, certificates and other evidence of formal qualifications awarded by those Member States and accompanied by a certificate issued by the competent authorities or bodies. The certificate shall state that the diplomas, certificates and other evidence of formal qualifications in question have been awarded on completion of education and training that complies with the provisions of this Directive and are treated by the awarding Member State as equivalent to those whose names are listed therein.

*Article 23c*

Member States shall examine diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive obtained by the holder outside the European Union in cases where those diplomas, certificates and other evidence of formal qualifications have been recognised in a Member State, as well as of training undergone and/or professional experience gained in a Member State. The Member State shall give its decision within three months of the date on which the applicant submits his application together with full supporting documentation.

*Article 23d*

Where the application is rejected, Member States shall duly give the reasons for decisions on applications for recognition of diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive.

Applicants shall have a right of appeal before the courts under national law. That right of appeal shall likewise apply in the event of failure to reach a decision within the stipulated period.

▼ B*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

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opinion of the Committee of Senior Officials on Public Health set up by Decision 75/365/EEC <sup>(1)</sup>, as last amended by Decision 78/689/EEC <sup>(2)</sup>.

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

*Article 26*

This Directive is addressed to the Member States.

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<sup>(1)</sup> OJ No L 167, 30. 6. 1975, p. 19.

<sup>(2)</sup> See page 17 of this Official Journal.

## ANNEX 4

## Titles of diplomas, certificates and other evidence of formal qualifications in dentistry

Country	Title of qualification	Awarding body	Certificate accompanying qualification
Belgique/België/ Belgien	Diploma van tandarts — Diplôme de licencié en science dentaire	1. De universiteiten/les universités 2. De bevoegde Examencommissie van de Vlaamse Gemeenschap/le Jury compétent d'enseignement de la Communauté française	
България	Диплома за висше образование на образователно-квалификационна степен 'Магистър' по 'Дентална медицина' с професионална квалификация 'Магистър-лекар по дентална медицина'	Факултет по дентална медицина към Медицински университет	
Česká republika	Diplom o ukončení studia ve studijním programu zubní lékařství (doktor zubního lékařství, Dr. med. Dent.)	Lékařská fakulta univerzity v České republice	Vysvědčení o státní rigorózní zkoušce
Danmark	Bevis for tandlægeeksamen (odontologisk kandidateksamen)	Tandlægehøjskoleme, Sundhedsvidenskabeligt universitetsfakultet	Autorisation som tandlæge, udstedt af Sundhedsstyrelsen
Deutschland	Zeugnis über die Zahnärztliche Prüfung	Zuständige Behörden	
Eesti	Diplom hambaarstiteaduse õppekava läbimise kohta	Tartu Ülikool	
Ελλάς	Πτυχίο Οδοντατρικής	Πανεπιστήμιο	

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Country	Title of qualification	Awarding body	Certificate accompanying qualification
España	Título de Licenciado en Odontología	El rector de una Universidad	
France	Diplôme d'Etat de docteur en chirurgie dentaire	Universités	
Ireland	Bachelor in Dental Science (B.Dent.Sc.) / Bachelor of Dental Surgery (BDS) / Licentiate in Dental Surgery (LDS)	Universities / Royal College of Surgeons in Ireland	
Italia	Diploma di laurea in Odontoiatria e Protesi Dentaria	Università	Diploma di abilitazione all'esercizio dell'odontoiatria e protesi dentaria
Kύπρος	Πιστοποιητικό Εγγραφήs Οδοντίατρου	Οδοντιατρικό Συμβούλιο	
Latvija	Zobārsta diploms	Universitātes tipa augstskola	Rezidenta diploms par zobārsta pēcdiploma izglītības programmas pabeigšanu, ko izsniedz universitātes tipa augstskola un 'Sertifikāts' – kompetentās iestādes izsniegts dokuments, kas apliecina, ka persona ir nokārtojusi sertifikācijas eksāmenu zobārstniecībā
Lietuva	Aukštojo mokslo diplomas, nurodantis suteiktą gydytojo odontologo kvalifikaciją	Universitetas	Internatūros pažymėjimas, nurodantis suteiktą gydytojo odontologo profesinę kvalifikaciją
Luxembourg	Diplôme d'Etat de docteur en médecine dentaire	Jury d'examen d'Etat	
Magyarország	Fogorvos oklevél (doctor medicinae dentariae, abbrev.: dr. med. dent.)	Egyetem	
Malta	Lawrja fil- Kirurgija Dentali	Universitatta' Malta	

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Country	Title of qualification	Awarding body	Certificate accompanying qualification
Nederland	Universitair getuigschrift van een met goed gevolg afgelegd tandartsexamen	Faculteit Tandheelkunde	
Österreich	Bescheid über die Verleihung des akademischen Grades 'Doktor der Zahnheilkunde'	Medizinische Fakultät der Universität	
Polska	Dyplom ukończenia studiów wyższych z tytułem 'lekarz dentysta'	1. Akademia Medyczna, 2. Uniwersytet Medyczny, 3. Collegium Medicum Uniwersytetu Jagiellońskiego	Lekarsko - Dentystyczny Egzamin Państwowy
Portugal	Carta de curso de licenciatura em medicina dentária	Faculdade / Institutos Superiores	
România	Diplomă de licență de medic dentist	Universități	
Slovenija	Diploma, s katero se podeljuje strokovni naslov 'doktor dentalne medicine / doktorica dentalne medicine'	Univerza	Potrdilo o opravljenem strokovnem izpitu za poklic zobozdravnik / zobozdravnica
Slovensko	Vysokoskolský diplom o udelení akademického titulu 'doktor zubného lékařstva' ('MDDr.')	Vysoká škola	

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Country	Title of qualification	Awarding body	Certificate accompanying qualification
Suomi/Finland	Hammaslääketieteen lisenssiaatin tutkinto / odontologie licentiatexamen	1. Helsingin yliopisto / Helsingfors universitet 2. Oulun yliopisto 3. Turun yliopisto	Terveydenhuollon oikeusturvakeskuksen päätös käynnön palvelun hyväksymisestä / Beslut av Rättsskyddscentralen för hälso- vården om godkännande av praktisk tjänst- göring
Sverige	Tandläkarexamen	Universitetet i Umeå Universitetet i Göteborg Karolinska Institutet Malmö Högskola	Endast för examensbevis som erhållits före den 1 juli 1995, ett utbildningsbevis som utfärdats av Socialstyrelsen
United Kingdom	Bachelor of Dental Surgery (BDS or B. Ch.D.) / Licentiate in Dental Surgery	Universities / Royal Colleges	

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## ANNEX B

## Titles of diplomas, certificates and other evidence of formal qualifications in specialised dentistry

## 1. Orthodontics

Country	Title of qualification	Awarding body	Certificate accompanying qualification
Belgique/België/ Belgien	—		
България	Свидетелство за призната специалност по 'Ортодонтия'	Факултет по дентална медицина към Медицински университет	
Česká republika	—		
Danmark	Bevis for tilladelse til at betegne sig som specialtandlæge i ortodonti	Sundhedsstyrelsen	
Deutschland	Fachzahnärztliche Anerkennung für Kieferorthopädie	Landeszahnärztekammer	
Eesti	Residentuuri lõputunnistus ortodontia erialal	Tartu Ülikool	
Ελλάς	Τίτλος Οδοντιατρικής ειδικότητας της Ορθοδοντικής	1) Νομαρχιακή Αυτοδιοίκηση 2) Νομαρχία	
España	—		
France	Titre de spécialiste en orthodontie	Conseil National de l'Ordre des chirurgiens dentistes	

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Country	Title of qualification	Awarding body	Certificate accompanying qualification
Ireland	Certificate of specialist dentist in orthodontics	Competent authority recognised for this purpose by the competent minister	
Italia	—		
Kύπρος	Πιστοποιητικό Ανεγνώρισης του Ειδικού Οδοντιάτρου στην Ορθοδοντική	Οδοντιατρικό Συμβούλιο	
Latvija	'Sertifikāts' – kompetentas iestādes izsniegts dokuments, kas apliecina, ka persona ir nokārtojusi sertifikācijas eksāmenu ortodontijā	Latvijas Ārstu biedrība	
Lietuva	Rezidentūros pažymėjimas, nurodantis suteiktą gydytojo ortodonto profesinę kvalifikaciją	Universitetas	
Luxembourg	—		
Magyarország	Fogszabályozás szakorvosa bizonyítvány	Az Egészségügyi, Szociális és Családügyi Minisztérium illetékes testülete	
Malta	Ċertifikat ta' speċjalista dentali fl-Ortodonzja	Kumitat ta' Approvazzjoni dwar Speċjalisti	
Nederland	Bewijs van inschrijving als orthodontist in het Specialistenregister	Specialisten Registratie Commissie (SRC) van de Nederlandse Maatschappij tot bevordering der Tandheelkunde	
Österreich	—		
Polska	Dyplom uzyskania tytułu specjalisty w dziedzinie ortodoncji	Centrum Egzaminów Medycznych	

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Country	Title of qualification	Awarding body	Certificate accompanying qualification
Portugal	—		
România			
Slovenija	Potrdilo o opravljenem specialističnem izpitu iz čeljustne in zobne ortopedije	1. Ministrstvo za zdravje 2. Zdravniška zbornica Slovenije	
Slovensko	—		
Suomi/Finland	Erikoishammaslääkäarin tutkinto, hampaiston oikomishoito / specialtandläkarexamen, tandreglering	1. Helsingin yliopisto / Helsingfors universitet 2. Oulun yliopisto 3. Turun yliopisto	
Sverige	Bevis om specialistkompetens i tandreglering	Socialstyrelsen	
United Kingdom	Certificate of Completion of specialist training in orthodontics	Competent authority recognised for this purpose	

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## 2. Oral surgery

Country	Title of qualification	Awarding body	Certificate accompanying qualification
Belgique/België/ Belgien	—		
България	Свидетелство за призната специалност по 'Орална хирургия'	Факултет по дентална медицина към Медицински университет	
Česká republika	—		
Danmark	Bevis for tilladelse til at betegne sig som specialtandlæge i hospitalsodontologi	Sundhedsstyrelsen	
Deutschland	Fachzahnärztliche Anerkennung für Oralchirurgie/ Mundchirurgie	Landes Zahnärztekammer	
Eesti	—		
Ελλάς	Τίτλος Οδοντιατρικής ειδικότητας της Γναθοχειρουργικής	1) Νομαρχιακή Αυτοδιοίκηση 2) Νομαρχία	
España	—		
France	—		
Ireland	Certificate of specialist dentist in oral surgery	Competent authority recognised for this purpose by the competent minister	

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Country	Title of qualification	Awarding body	Certificate accompanying qualification
Italia	—		
Κύπρος	Πιστοποιητικό Ανεγνώρισης του Ειδικού Οδοντιάτρου στην Στοιχειώδη Χειρουργική	Οδοντιατρικό Συμβούλιο	
Latvija	—		
Lietuva	Rezidentūros pažymėjimas, nurodantis suteiktą burnos chirurgo profesinę kvalifikaciją	Universitetas	
Luxembourg	—		
Magyarország	Dento-alveoláris sebészeti szakorvosa bizonyítvány	Az Egészségügyi, Szociális és Családügyi Minisztérium illetékes testülete	
Malta	Ċertifikat ta' speċjalista dentali fil-Kirurgija tal-halq	Kumitat ta' Approvazzjoni dwar Speċjalisti	
Nederland	Bewijs van inschrijving als kaakchirurg in het Specialististenregister	Specialisten Registratie Commissie (SRC) van de Nederlandse Maatschappij tot bevordering der Tandheelkunde	
Österreich	—		
Polska	Dyplom uzyskania tytułu specjalisty w dziedzinie chirurgii stomatologicznej	Centrum Egzaminów Medycznych	
Portugal	—		
România			

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Country	Title of qualification	Awarding body	Certificate accompanying qualification
Slovenija	Potrdilo o opravljenem specialističnem izpitu iz oralne kirurgije	1. Ministrstvo za zdravje 2. Zdravniška zbornica Slovenije	
Slovensko	–		
Suomi/Finland	Erikoishammaslääkäarin tutkinto, suu- ja leukakirurgia / specialtandläkarexamen, oral och maxillofacial kirurgi	1. Helsingin yliopisto / Helsingfors universitet 2. Oulun yliopisto 3. Turun yliopisto	
Sverige	Bevis om specialistkompetens i tandsystemets kirurgiska sjukdomar	Socialstyrelsen	
United Kingdom	Certificate of completion of specialist training in oral surgery	Competent authority recognised for this purpose	

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