

QUESTIONNAIRE FOR THE NURSING PROFESSION

GERMANY

A. Recognition procedure in case of migration on a permanent basis

- 1. Do you accept applications from EU citizens for the recognition of foreign diplomas sent by email or requests made on line? Under which conditions can they send documents and declarations electronically? What are your experiences in this respect?**

An application for recognition by email is possible in all federal states of Germany. We accept it as an application on condition that the applicant uses an authorised digital signature. However, all diplomas and other documents have to be sent by post.

The processing times may be shortened by using electronic media.

- 2. What is the yearly number of applications for recognition, as well as negative and positive decisions from 2000 to 2009? Please submit specific data for applications for automatic recognition based on diplomas, automatic recognition based on acquired rights (as from 2005), and recognition based on the general system¹. What is the average duration of the process for both automatic and general systems?**

This information has already been provided to the Commission.

- 3. To what extent have the system of automatic recognition and the general system been a success? How do you see the costs and benefits? Specify in particular whether automatic recognition based on diploma, Annex V and the current notification system represent an efficient way to facilitate automatic recognition. Please submit comments for:**

- automatic recognition based on diploma: the processing times may be shortened by using the diploma-based automatic recognition system. Also, it facilitates comparisons and cuts costs. Annex V is a valuable tool.
- automatic recognition based on acquired rights: This type of recognition basically functions quickly and smoothly.
- recognition based on the general system: This type of recognition is very time-consuming. It requires clarification of facts, comparison of the foreign qualification with the German one, finding of the differences, and evaluation.

- 4. Is the general system applied in your country each time the conditions for automatic recognition are not met? Are there major difficulties in the recognition procedure under the general system? Please include any comments you may have on the implementation of adaptation periods and aptitude tests.**

Yes, the competent authorities are obliged by law to apply the general system every time that the conditions for the automatic recognition are not met. There are no major problems with it.

The nature and quality of the implementation of adaptation periods and aptitude tests are stipulated on a case-by-case basis. There is no uniform method in Germany.

- 5. What is your experience with the recognition procedure for EU citizens with professional qualifications obtained in a third country and already recognised in a first Member State (see Articles 2(2) and 3(3))?**

The rate of cases is so low that is not possible to comment.

- 6. Please describe the government structure of the competent authority or authorities in charge of the recognition.**

Because of the federal system, the situation in Germany is heterogeneous.

Recognition takes place

- in 2 federal states in a ministry of the federal state,
- in 13 federal states in an agency which is subordinated to a ministry,
- in 2 federal states in municipal administrations.

One federal state uses both a subordinate agency and municipal administrations.

The size of the administration and the number of staff varies according to the the federal state.

A list of the German competent authorities is attached to this report as an annex.

B. Temporary mobility (of a self-employed or an employed worker)

- 7. Are EU citizens interested in using the provisions for exercising their professional activities on a temporary and occasional basis in your**

Member State? How many citizens used this new system in 2008 and 2009 (per month, per year)??

So far, EU citizens have only expressed an interest in it in one federal state, and only by request to the employment office. No competent authorities in Germany have received any such application.

8. How are the provisions of Directive 2005/36/EC concerning temporary mobility applied by the competent authorities in practice taking into account the relevant provisions of the Code of Conduct? For instance:

- **How is the "legal establishment" criteria foreseen by Article 5(1) (a) interpreted in practice? What conditions does a migrant need to fulfil in his home Member State in order to be able to provide services?**
- **How are the "temporary and occasional basis" criteria foreseen by Article 5.2 interpreted in practice? Do Member States assess duration, frequency, regularity and continuity of an activity and if so according to which criteria?**

The granting of permission would take place on a case-by-case basis. Because of the low number of cases at the moment, it is impossible to interpret the data.

9. Why is a prior declaration system necessary? What do competent authorities do with the information received? Are other possibilities conceivable?

A prior declaration is necessary to determine the duration and whether the activity really is temporary. The declaration protects patients and averts danger.

C Minimum training requirements

10. To what extent are the common minimum training requirements set out in Title III Chapter III of Directive 2005/36/EC and the compulsory training subjects as defined in Annex V in line with scientific progress and professional needs? Furthermore, are the knowledge and skills required by the directive still relevant for patient safety and up to date? Please specify. What about the conditions relating to the duration of training?

The defined training requirements and subjects are in line with scientific progress and professional needs.

11. The Directive is based on mutual trust between Member States. To what extent is such trust actually achieved? Are training programmes accredited in your country? Does accreditation of a training program in another Member State enhance trust or is it not relevant?

In principle, mutual trust exists with the competent authorities of other Member States. Diplomas of Annex V are accepted, as are certificates by competent authorities which entitle the applicant to work in the profession.

Sporadically there are problems with the competent authorities of the "new" Member States.

Accreditations are irrelevant.

12. To what extent are the existing Directive provisions (see recital 39 and Article 22(b) on continuous professional development (continuous training) adequate? Is continuous training mandatory in your country and what are the exact conditions? How do you define continuous professional development in your country?

The provisions of the existing Directive are adequate. Our national law "Krankenpflegegesetz" (Nursing Act) has no requirement for continuing training, but laws of the federal states do. At present there are rules on the duration, nature, frequency and penalty of continuing training in 4 federal states.

D. Administrative cooperation

13. To which extent does administrative cooperation, as outlined in Articles 8, 50, and 56 of the Directive, simplify procedures for the migrant professionals?

In the majority of cases, administration cooperation takes place vicariously via the applicant. In cases in which further information is necessary, we use IMI.

14. Is the competent authority in your country registered with IMI? Under which circumstances does your competent authority use IMI? Please comment on your experience of using IMI. If not registered, why not and what would be the conditions for changing this situation?

Not all the competent authorities in Germany are registered with IMI. But the unregistered administrations are on the verge of registering.

15. How could a professional card (see Recital 32 of the Directive) facilitate recognition of professional qualifications and provision of temporary

services? Under which conditions could it be issued by professional associations? In what respect would a professional card add value over the Europass CV?

As described in Recital 32 of the Directive, a uniform collection of information about professional qualifications, professional experience, continuing training, the legal establishment and suspensions or restrictions can facilitate and speed up recognition.

It must be ensured that authorized persons only have access. Also it is necessary for the system to be uniform throughout Europe.

The health professional card (HPC) will be implemented in the context of the upgrading of the German health insurance card. These cards are suited to retain the information described in the Directive and will be issued by an institution financed in advance by all federal states.

There is no professional association or chamber for nursing in Germany. Therefore no issue by a professional association is possible.

16. How do you share information about suspensions/restrictions with competent authorities in other Member States? Could more be done in this respect? Should an alert mechanism be put in place?

Suspensions and restrictions exist only in a few cases. As a result, we share information with other Member States in individual cases at most. Email or post is used for this. It might be helpful to put in place a European central register of suspensions and restrictions.

E. Other observations

17. How and when are the necessary language skills of migrants checked after recognition of the professional qualifications? Are you aware of any complaints (especially from patients/clients/employers) about insufficient language skills of migrants?

The necessary language skills are checked in parallel to the recognition procedure. The assessment of the equivalence of the acquired professional qualification takes place independently of the assessment of the necessary language skills. However, permission to act as nurse is granted only if the applicant has demonstrated the necessary language skills.

There are no uniform rules in Germany about the nature of the certificate. Possible certificates could be a certificate level B2 Common European Framework of Reference for Languages, an exam at a school for nursing or a personal interview between the applicant and a staff member of the competent authority.

Complaints are common in one federal state only. In the others there are sometimes complaints during the period of implementation of adaptation periods and aptitude tests.

18. Do you charge any fee for the recognition process? If so, how much?

Yes, Germany charges a fee for the recognition process. The amount of the fee is dependent on the type of recognition (automatic or based on the general system) and on the federal state in which the applicant submits his application.

19. What is your experience with applying article 11 in the context of nursing?

There are no major problems.

List of the German competent authorities

min = ministry of the federal state

sub = agency subordinated to a ministry

munic = municipal administrations.

federal state	competent authority / authorities
Baden-Württemberg (sub)	<p>Regierungspräsidium Freiburg (Bissierstraße 7 D-79114 Freiburg im Breisgau</p> <p>Regierungspräsidium Karlsruhe Schlossplatz 1–3 D-76131 Karlsruhe</p> <p>Regierungspräsidium Stuttgart (Ruppmannstraße 21 D-70565 Stuttgart</p> <p>Regierungspräsidium Tübingen (Konrad-Adenauer-Straße 20 D-72072 Tübingen</p>
Bayern (sub)	<p>Bezirksregierung Oberbayern Maximilianstr. 39 D-80538 München</p> <p>Bezirksregierung Niederbayern Maximilianstraße 15, D-84028 Landshut</p> <p>Bezirksregierung Oberpfalz Emmeramsplatz 8 D-93047 Regensburg</p> <p>Bezirksregierung Oberfranken Ludwigstraße 20 D-95444 Bayreuth</p> <p>Bezirksregierung Mittelfranken Promenade 27 D-91522 Ansbach</p> <p>Bezirksregierung Unterfranken Peterplatz 9 D-97070 Würzburg</p> <p>Bezirksregierung Schwaben Fronhof 10 D-86152 Augsburg</p>
Berlin	Landesamt für Gesundheit und Soziales

(sub)	Fehrbelliner Platz 1 D-10707 Berlin
Brandenburg (sub)	Landesamt für Umwelt, Gesundheit und Verbraucherschutz D-15806 Zossen
Hansestadt Bremen (min)	Senatorin für Arbeit, Frauen, Gesundheit , Jugend und Soziales Contrescarpe 72 D-28195 Bremen
Hansestadt Hamburg (min)	Behörde für Soziales, Familie, Gesundheit und Verbraucherschutz Billstarße 80 D-20539 Hamburg
Hessen (sub)	Regierungspräsidium Darmstadt Luisenplatz 2 D-64283 Darmstadt
Mecklenburg-Vorpommern (sub)	Landesprüfungsamt für Heilberufe D-18055 Rostock
Niedersachsen (sub)	Landesamt für Soziales, Jugend und Familie Auf der Hude 2 D-21339 Lüneburg
Nordrhein-Westfalen (sub and munic)	for recognition: Bezirksregierung Düsseldorf Cecilienallee 2 D- 40474 Düsseldorf for the granting to act as nurse: administrative district in which the applicant lives
Rheinland-Pfalz (sub)	Landesamt für Soziales, Jugend und Versorgung Baedekerstraße 2-10 D-56073 Koblenz
Saarland (sub)	Landesamt für Soziales, Gesundheit und Verbraucherschutz Hochstraße 67 D-66115 Saarbrücken
Sachsen (munic)	Kommunaler Sozialverband Sachsen Thomasiusstraße 1 D-04109 Leipzig
Sachsen-Anhalt (sub)	Landesverwaltungsamt Ernst-Kamieth-Straße 2 06112 Halle (Saale)
Schleswig-Holstein (sub)	Landesamt für soziale Dienste Adolf-Westphal-Str. 4 D-24143 Kiel
Thüringen (sub)	Thüringer Landesverwaltungsamt Weimar Weimarplatz 4 D-99423 Weimar