
STATUTORY INSTRUMENTS

2004 No. 1947

**HEALTH CARE AND
ASSOCIATED PROFESSIONS**

**The European Qualifications (Health and
Social Care Professions and Accession of
New Member States) Regulations 2004**

Made - - - - *21st July 2004*
Laid before Parliament *28th July 2004*
Coming into force - - *18th August 2004*

The Secretary of State for Health, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972⁽¹⁾ in relation to measures relating to access to, the training for, the pursuit of, and the award of qualifications in the professions of dentistry, medicine, midwifery, nursing and pharmacy and their specialties⁽²⁾, in relation to measures relating to access to, the training for, the pursuit of, and the award of qualifications in the profession of social worker⁽³⁾, and in relation to the recognition of higher-education diplomas, formal qualifications, or experience in the occupation, required for the pursuit of professions or occupations⁽⁴⁾, in the exercise of the powers conferred by the said section 2(2)⁽⁵⁾, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the European Qualifications (Health and Social Care Professions and Accession of New Member States) Regulations 2004.

(2) These Regulations shall come into force on 18th August 2004.

(1) 1972 c. 68.

(2) S.I. 1995/3207.

(3) S.I. 2003/2901.

(4) S.I. 2002/248.

(5) The subject matter of section 21 of the National Health Service (Scotland) Act 1978 (requirement of suitable experience for medical practitioners) is not a reserved matter under the Scotland Act 1998 (c. 46). Therefore, as regards Scotland, see section 57(1) of the Scotland Act 1998 which provides that, despite the transfer to the Scottish Ministers by virtue of section 53 of that Act of functions in relation to observing and implementing Community law, any function of a Minister of the Crown in relation to any matter (including therefore in relation to the subject matter of section 21) shall continue to be exercisable by him as regards Scotland for the purposes specified in section 2(2) of the European Communities Act 1972.

(3) The extent of any amendment made by these Regulations is the same as that of the enactment amended.

NURSES AND MIDWIVES

The Nursing and Midwifery Order 2001

2.—(1) The Nursing and Midwifery Order 2001⁽⁶⁾ is amended in accordance with this regulation.

(2) In Schedule 4 to the Nursing and Midwifery Order 2001 (interpretation)—

(a) in the definition of—

(i) “EEA Agreement”, insert at the end “and by the Agreement on the participation 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 signed at Luxembourg on 14th October 2003”,

(ii) “Midwifery Directive”, for “and the Swiss Agreement” substitute “, the Swiss Agreement and the Act of Accession 2003”, and

(iii) “Nursing Directive”, for “and the Swiss Agreement” substitute “, the Swiss Agreement and the Act of Accession 2003”;

(b) insert the following definition at the appropriate place—

““the Act of Accession 2003” means the Act annexed to the Treaty relating to 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 signed at Athens on 16th April 2003;”.

DOCTORS

The Medical Act 1983

3.—(1) The Medical Act 1983⁽⁷⁾ is amended in accordance with this regulation.

(2) In section 3 (registration by virtue of primary United Kingdom or primary European qualifications), in subsection (3), in the definition of “the EEA Agreement”, for “and 84/2002 of 25th June 2002”, substitute “, 84/2002 of 25th June 2002 and by the Agreement on the participation 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 signed at Luxembourg on 14th October 2003⁽⁸⁾”.

(3) In section 4 (qualifying examinations and primary United Kingdom qualifications), omit subsection (5).

(4) In section 5 (general functions of the Education Committee in relation to medical education in the United Kingdom), in subsection (4), in the definition of “Directive 93/16/EEC”—

(a) in sub-paragraph (b)(ii), omit “and” in the last place it appears; and

(b) after sub-paragraph (b)(iii), insert—

⁽⁶⁾ S.I. 2002/253, as amended by S.I. 2003/3148.

⁽⁷⁾ 1983 c. 54; as amended by S.I. 1996/1591, 2002/3135 and 2003/3148. There are other amendments to this Act that are not relevant to these Regulations.

⁽⁸⁾ Cm 6171. The Agreement was presented to Parliament as a Command Paper and it is published by the Stationery Office.

“(iv) the Act annexed to the Treaty relating to 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 signed at Athens on 16th April 2003;”.

(5) In section 17 (primary qualifications obtained in other EEA States)—

(a) in subsection (1), after paragraph (d), insert—

“(e) subject to compliance with subsection (4A) below, a qualification which—

(i) is evidence of training commenced before the date specified in column (a) of the table in that subsection and undertaken on the territory specified in the corresponding entry in column (b) of that table, or

(ii) was awarded by the state or former state specified in column (b) of the table in that subsection before the date specified in the corresponding entry in column (a).”;

(b) after subsection (4), insert—

“(4A) For compliance with this subsection in the case of any qualification—

(a) it must be such that the Registrar is satisfied with respect to it (by means of a certificate from the medical authorities of the EEA State specified in the appropriate row of column (c) of the table below) that that qualification has, on its territory, the same legal validity as regards access to and practice of the medical profession as the qualification listed in relation to that State in Schedule 2 to this Act; and

(b) evidence of it must be accompanied by a certificate from those authorities stating that the holder has effectively and lawfully been engaged in the activity in question on the territory of that State for at least 3 consecutive years during the 5 years preceding the date of issue of that certificate.

<i>Column (a)</i>	<i>Column (b)</i>	<i>Column (c)</i>
1st January 1993	Former Czechoslovakia	Czech Republic
1st January 1993	Former Czechoslovakia	Slovakia
20th August 1991	Former Soviet Union	Estonia
21st August 1991	Former Soviet Union	Latvia
11th March 1990	Former Soviet Union	Lithuania
25th June 1991	Yugoslavia	Slovenia”

(c) in subsection (5), for “(4)”, substitute “(4A)”; and

(d) in subsection (6)—

(i) omit “and” at the end of paragraph (da), and

(ii) after paragraph (da), insert—

“(db) in the case of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, 1st May 2004;”.

(6) In the table in Schedule 2 (primary European Qualifications)—

- (a) in the entry for “Greece”, in column 3, for “Ιατρικής”, substitute “Ιατρικής”; and
 (b) in the appropriate alphabetical position insert—

“

Cyprus	Πιστοποιητικό Εγγραφής Ιατρού	Ιατρικό Συμβούλιο	
Czech Republic	Diplom o ukončení studia ve studijním programu všeobecné lékařství (doktor medicíny, MUDr.)	Lékařská fakulta univerzity v České republice	Vysvědčení o státní rigorózní zkoušce
Estonia	Diplom arstite aduse õppekava läbimise kohta	Tartu Ülikool	
Hungary	Általános orvos oklevél (doctor medicinae universae, abbrev.: dr.med.univ.)	Egyetem	
Latvia	ārsta diploms	Universitātes tipa augstskola	

Lithuania	Aukštojo mokslo diplomas, nurodantis suteiktą gydytojo kvalifikaciją	Universitetas	Internatūros pažymėjimas, nurodantis suteiktą medicinos gydytojo profesinę kvalifikaciją
Malta	Lawrja ta' Tabib tal-Medicina u l-Kirurgija	Universita ` ta' Malta	Ċertifikat ta' registrazzjoni maħruġ mill-Kunsill Mediku
Poland	Dyplom ukończenia studiów wyższych na kierunku lekarskim z tytułem "lekarza"	1. Akademia Medyczna 2. Uniwersytet Medyczny 3. Collegium Medicum Uniwersytetu Jagiellońskiego	Lekarski Egzamin Państwowy
Slovakia	Vysokoškolský diplom o udelení akademického titulu "doktor medicíny" ("MUDr.")	Vysoká škola	
Slovenia	Diploma, s katero se podeljuje strokovni naslov "doktor medicine/doktorica medicine"	Univerza	

”

DOCTORS—SPECIALISTS AND GENERAL MEDICAL PRACTITIONERS

Performance of functions under Schedule 8 to the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003

4. The Postgraduate Medical Education and Training Board shall, in performing its functions under Part 1 of Schedule 8 to the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003(9), apply the provisions of the—

- (a) Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998(10) as if they had effect as modified by virtue of regulation 6;

(9) S.I. 2003/1250.

(10) S.R. 1998 No. 13; relevant amendments were made by S.I. 2003/3148. These Regulations will be revoked by Schedule 10 to the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 (S.I. 2003/1250) when that Schedule is in force.

- (b) National Health Service (Vocational Training for General Medical Practice) (Scotland) Regulations 1998(11) as if they had effect as modified by virtue of regulation 7;
- (c) National Health Service (Vocational Training for General Medical Practice) Regulations 1997(12) as if they had effect as modified by virtue of regulation 8; and
- (d) European Specialist Medical Qualifications Order 1995(13) as if they had effect as modified by virtue of regulation 9.

General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003

5.—(1) The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 is amended in accordance with this regulation.

(2) In article 8 (award and withdrawal of a Certificate of Completion of Training), in paragraph (6), omit from “and where more than one year” to the end of that paragraph.

(3) In article 11 (general practitioners eligible for entry in the General Practitioner Register), in paragraph (1)—

(a) in sub-paragraph (a), after the words “vocational training certificate” insert “listed in Schedule 6A, together with the corresponding professional title”; and

(b) after sub-paragraph (a), insert—

“(aa) he is a person falling within sub-paragraph (a)(i) or (ii), and—

(i) he holds a vocational training certificate awarded by a Member State that is not listed in Schedule 6A, and

(ii) that certificate is accompanied by a certificate of the competent authorities of that State to the effect that the qualification was awarded following training in accordance with the relevant provisions of Title IV of the Directive (which contains the minimum standards of training for the award of a vocational training certificate in general medical practice) and is treated by that State as if it were a qualification set out under the heading relating to the State in Schedule 6A;”.

(4) In article 15 (recognised specialist qualifications)—

(a) in paragraph (1), after sub-paragraph (f), insert—

“(g) a specialist qualification in a specialty listed in Part 1 of Schedule 3 which—

(i) was awarded by, or which relates to training started in, the territory specified in column (a) of the table below before the date specified in the corresponding entry in column (b) of that table,

(ii) is accompanied by an attestation by the competent authorities of the EEA State specified in the corresponding entry in column (c) in that table to the effect that that qualification has, on its territory, the same legal validity as regards access to and practice of specialised medicine as a qualification

(11) *S.I. 1998/5*; relevant amendments were made by *S.I. 1998/669*, *S.S.I. 2000/23* and *S.I. 2003/3148*. These Regulations will be revoked by Schedule 10 to the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 when that Schedule is in force.

(12) *S.I. 1997/2817*; relevant amendments were made by *S.I. 1998/669* and *2003/3148*. These Regulations will be revoked by Schedule 10 to the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 when that Schedule is in force.

(13) *S.I. 1995/3208*; relevant amendments were made by *S.I. 1997/2928*, *1999/1373* and *3154*, *2002/849* and *2003/3148*. This Order will be revoked by Schedule 10 to the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 when that Schedule is in force.

awarded in that specialty in that State and listed in Schedule 7 in respect of that State, and

- (iii) is accompanied by a certificate from those authorities that the holder has effectively and lawfully been engaged in the activity in question in that State for at least three consecutive years during the five years prior to the date of issue of that certificate.

<i>Column (a)</i>	<i>Column (b)</i>	<i>Column (c)</i>
Former Czechoslovakia	1st January 1993	Czech Republic
Former Czechoslovakia	1st January 1993	Slovakia
Former Soviet Union	20th August 1991	Estonia
Former Soviet Union	21st August 1991	Latvia
Former Soviet Union	11th March 1990	Lithuania
Yugoslavia	25th June 1991	Slovenia”

- (b) in paragraph (2), at the end of sub-paragraph (e), omit “or” and between sub-paragraphs (e) and (f), insert—

“(ee) 1st May 2004, in the case of a qualification granted in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia or Slovakia; or”.

- (5) In Schedule 1 (interpretation)—

- (a) in the definition of “the Directive”—

(i) at the end of sub-paragraph (ii), delete “and”,

(ii) in sub-paragraph (iii), for “1999;”, substitute “1999, and”, and

(iii) after sub-paragraph (iii), insert—

“(iv) the Act annexed to the Treaty relating to 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 signed at Athens on 16th April 2003(14);”;

- (b) in the definition of “EEA Agreement”, for the words “and 84/2002” to the end, substitute “, 84/2002 of 25th June 2002 and by the Agreement on the participation 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 signed at Luxembourg on 14th October 2003(15)”; and

- (c) insert the following definition in the appropriate place—

““national”, in relation to an EEA State, has the same meaning as it does for the purposes of the Community Treaties but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services;”.

(14) Cm. 5805. The Treaty was presented to Parliament as a Command Paper and it is published by the Stationery Office.

(15) Cm. 6171. The Agreement was presented to Parliament as a Command Paper and it is published by the Stationery Office.

- (6) In the tables in Schedule 3 (specialties in which the UK awards a CCT, and any minimum training periods)—
- (a) for the words “Accident and emergency medicine”, substitute “Emergency medicine (*also known as accident and emergency medicine*)”;
 - (b) in the entry relating to “Neurosurgery”, for “*formally*”, substitute “*also*”;
 - (c) in the entries relating to “Cardio-thoracic surgery”, “Infectious diseases”, “Public health medicine”, “Clinical oncology” and “Genito-urinary medicine”, for “*formerly*”, substitute “*also*”;
 - (d) in the entry for “Trauma and orthopaedic surgery”, for “*formally*”, substitute “*also known as orthopaedics, and formerly*”;
 - (e) in the entry for “Chemical pathology”, after “*known as*”, insert “*biological chemistry and as*”;
 - (f) in the entry for “Child and adolescent psychiatry”, insert at the end “(*also known as child psychiatry*)”;
 - (g) in the entry for “Clinical pharmacology and therapeutics”, insert at the end “(*also known as pharmacology*)”;
 - (h) in the entry for “Clinical radiology”, for “(*formerly known as diagnostic radiology, and as radiology*)”, substitute “(*also known as diagnostic radiology and formerly known as radiology*)”;
 - (i) in the entry for “Medical microbiology and virology”, after “(” insert “*also known as microbiology-bacteriology, and*”;
 - (j) in the entry for “Histopathology”, after “(” insert “*also known as pathological anatomy, and*”;
 - (k) in the entry for “Oral and maxillo-facial surgery”, insert at the end “(*also known as dental, oral and maxillo-facial surgery (basic medical and dental training)*)”;
 - (l) in the entry for “General psychiatry”, for “*formerly*” substitute “*also*”;
 - (m) in the entry for “Renal medicine” for “(*formerly*” to the end of that entry, substitute “(*also known as renal disease, and formerly known as nephrology*)”;
 - (n) in the entry for “Endocrinology and diabetes mellitus”, at the end insert “(*also known as endocrinology*)”;
 - (o) in the entry for “Haematology”, at the end insert “(*also known as general haematology*)”;
and
 - (p) in the entry for “Otolaryngology”, after “*known as*”, insert “*oto rhino laryngology, and as*”.
- (7) After Schedule 6 (acquired rights of general practitioners in the United Kingdom), insert—

“SCHEDULE 6A

Article 11(1)

**QUALIFICATIONS IN GENERAL MEDICAL PRACTICE AWARDED
IN EEA STATES OTHER THAN THE UNITED KINGDOM**

Country	Title of qualification	Professional title
Austria	Arzt für Allgemeinmedizin	Arzt für Allgemeinmedizin
Belgium	Arrêté ministériel d'agrément de médecin généraliste/ministerieel erkenningsbesluit van huisarts	Médecin généraliste/Huisarts
Cyprus	Πιστοποιητικό Αναγνώρισης Γενικού Ιατρού	Ιατρός Γενικής Ιατρικής
Czech Republic	diplom o specializaci “všeobecné lékařství”	všeobecný lékař
Denmark	Speciallæge—I almen medicin	Speciallæge—I almen medicin
Estonia	Diplom peremeditsiini erialal	Perearst
Finland	Todistus lääkärin perusterveydenhuollon lisäkoulutuksesta/Bevis om tilläggsutbildning av läkare i primärvård	Yleislääkäri/ allmänläkare
France	Diplôme d'État de docteur en médecine (avec document annexé attestant la formation spécifique en médecine générale)	Médecin qualifié en médecine générale
Germany	Zeugnis über die spezifische Ausbildung in der Allgemeinmedizin	Facharzt/ Fachärztin für Allgemeinmedizin
Greece	Τίτλος ιατρικής ειδικότητας γενικής ιατρικής	Ιατρός με ειδικότητα γενικής ιατρικής
Hungary	Háziorvostan szakorvosa bizonyítvány	Háziorvostan szakorvosa

Iceland	Almennt heimilislækningaleyfi (Evrópulæknaeyfi)	Almennur læknir (Evrópulæknir)
Ireland	Certificate of specific qualifications in general medical practice	General medical practitioner
Italy	Attestato di formazione specifica in medicina generale	Medico di medicina generale
Latvia	Ģimenes ārsta sertifikāts	ģimenes (vispārējās prakses) ārsts
Liechtenstein	Liechtenstein does not provide any specific training in general medical practice: no diplomas are issued	
Lithuania	Šeimos gydytojo rezidentūros pažymėjimas	Šeimos medicinos gydytojas
Luxembourg	Luxembourg does not provide any specific training in general medical practice: no diplomas are issued	Médecin généraliste
Malta	Tabib tal-familja	Medicina tal-familja
Netherlands	Certificaat van inschrijving in het register van erkende huisartsen van de Koninklijke Nederlandsche Maatschappij tot bevordering der geneeskunst	Huisarts
Norway	Bevis for kompetanse som allmennpraktiserende lege, utstedt av vedkommende offentlige helsemyndighet	Allmenpraktiserende lege
Poland	Diploma—Dyplom uzyskania tytułu specjalisty w dziedzinie medycyny rodzinnej	Specjalista w dziedzinie medycyny rodzinnej
Portugal	Diploma do internato complementar de clínica geral	Assistente de clínica geral
Slovakia	Diplom o špecializácii v odbore “všeobecné lekárstvo”	Všeobecný lekár
Slovenia	Potrđilo o opravljeni specializaciji iz družinske medicine	Specialist družinske medicine/ Specialistka družinske medicine
Spain	Titulo de especialista en medicina familiar y comunitaria	Especialista en medicina familiar y comunitaria
Sweden	Bevis om kompetens som allmänpraktiserande läkare (Europaläkare) utfärdad av Socialstyrelsen	Allmänpraktiserande läkare (Europaläkare)
Switzerland	1. Diplôme de médecin praticien 2. Diplom als praktischer Arzt 3. Diploma di medico generico	1. Médecin praticien 2. Praktischer Arzt 3. Medico generico

(8) In the table in Schedule 7 (specialist qualifications awarded in EEA States other than the United Kingdom)—

(a) in the entry for—

- (i) Belgium, in column 2, for “particular”, substitute “particulier”,
- (ii) Denmark, in column 2, for “speciallaege”, substitute “speciallæge”,
- (iii) Finland, in column 2, for “speciallākarexamen”, substitute “Speciallākarexamen”, and in column 3, for “4”, substitute “5” and, after point 3, insert “4. Tampereen yliopisto”,
- (iv) France, in column 2, point 4, for “specialition”, substitute “specialisation”,
- (v) Germany, in column 3, for “Countryesärztekammer”, substitute “Landesärztekammer”,
- (vi) Greece, in column 2, for “Ειδικότητας”, substitute “Ειδικότητας” and in column 3, at point 1, for “Νομαρχακή”, substitute “Νομαρχιακή”,
- (vii) Netherlands, in column 3, point 1, after “Koninklijke” insert “Nederlandsche” and in point 3, for “Matschappij”, substitute “Maatschappij”,
- (viii) Norway, in column 3, for “Delegert mindighet”, substitute “delegert myndighet”, and
- (ix) Switzerland, in column 3, before “Département”, insert “The”; and
- (b) in the appropriate alphabetical position, insert—

Cyprus	Πιστοποιητικό Αναγνώρισης Ειδικότητας	Ιατρικό Συμβούλιο
Czech Republic	Diplom o specializaci	Ministerstvo zdravotnictví
Estonia	Residentuuri lõputunnistus eriarstiabi erialal	Tartu Ülikool
Hungary	Szakorvosi bizonyítvány	Az Egészségügyi, Szociális és Családügyi Minisztérium illetékes testülete
Latvia	“Sertifikāts”—kompetentu iestāžu izsniegts dokuments, kas apliecina, ka persona ir nokārtojusi sertifikācijas eksāmenu specialitātē	1. Latvijas Ārstu biedrība 2. Latvijas Ārstniecības personu profesionālo organizāciju savienība
Lithuania	Rezidentūros pažymėjimas, nurodantis suteiktą gydytojo specialisto profesinę kvalifikaciją	Universitetas
Malta	Ċertifikat ta' Speċjalista Mediku	Kumitat ta' Approvazzjoni dwar Speċjalisti
Poland	Dyplom uzyskania tytułu specjalisty	Centrum Egzaminów Medycznych

Slovakia	Diplom o špecializácii	Slovenská zdravotnícka univerzita
Slovenia	Potrdilo o opravljenem specialističnem izpitu	1. Ministrstvo za zdravje 2. Zdravniška zbornica Slovenije

(9) In Schedule 8 (transitional, transitory and saving provisions)—

(a) in paragraph 5—

(i) for sub-paragraph (b), substitute—

“(b) the time limit specified in regulation 12(8A) of each of those Regulations shall apply in accordance with that provision, and the period of three months specified in that provision shall begin with the date on which the JCPTGP or, as the case may be, the Board received the application together with full supporting documentation; and”

(ii) in sub-paragraph (c), for “12A”, substitute “12(8A)”;

(b) in paragraph 6, omit the words “12A(3) or”;

(c) in paragraph 9(2), for sub-paragraph (b) to the end of paragraph 9, substitute—

“(b) within the time limit specified in article 8A(3) of the ESMQO 1995, where applicable, the time period beginning with the date on which the GMC received the application for inclusion in the old specialist register together with full supporting documentation,

and where there is a right of appeal against the GMC’s decision to refuse such an application pursuant to article 8A(6), any appeal brought pursuant to that provision shall be dealt with in accordance with article 8A(6), and if that appeal is successful, the applicant’s name shall be included in the Specialist Register.”; and

(d) in paragraph 12, omit the words “(decisions in respect of persons exercising a community right)”.

Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998

6.—(1) Until their repeal by virtue of article 31(5) of, and Part 2 of Schedule 10 to, the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003, the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998 are to have effect as if they were amended in accordance with this regulation.

(2) In regulation 2 (interpretation), in the definition of—

(a) “EEA Agreement”, for “and 84/2002” substitute “, 84/2002” and insert at the end “and by the Agreement on the participation 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 signed at Luxembourg on 14th October 2003(16)”;

(b) “Medical Directive”, omit “and” at the end of sub-paragraph (c), insert “and” at the end of sub-paragraph (d) and insert after sub-paragraph (d)—

(16) Cm. 6171. The Agreement was presented to Parliament as a Command Paper and it is published by the Stationery Office.

- “(e) the Act annexed to the Treaty relating to 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 signed at Athens on 16th April 2003(17);”.

The National Health Service (Vocational Training for General Medical Practice) (Scotland) Regulations 1998

7.—(1) Until their repeal by virtue of article 31(5) of, and Part 2 of Schedule 10 to, the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003, the National Health Service (Vocational Training for General Medical Practice) (Scotland) Regulations 1998 are to have effect as if they were amended in accordance with this regulation.

(2) In regulation 2 (interpretation), in the definition of—

- (a) “EEA Agreement”, for “and 84/2002” substitute “, 84/2002” and insert at the end “and by the Agreement on the participation 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 signed at Luxembourg on 14th October 2003”; and
- (b) “Medical Directive”—
- (i) omit “and” at the end of sub-paragraph (c),
- (ii) insert “and” at the end of sub-paragraph (d), and
- (iii) insert after sub-paragraph (d)—

- “(e) the Act annexed to the Treaty relating to 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 signed at Athens on 16th April 2003;”.

The National Health Service (Vocational Training for General Medical Practice) Regulations 1997

8.—(1) Until their repeal by virtue of article 31(5) of, and Part 2 of Schedule 10 to, the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003, the National Health Service (Vocational Training for General Medical Practice) Regulations 1997 are to have effect as if they were amended in accordance with this regulation.

(2) In regulation 2 (interpretation), in the definition of—

- (a) “EEA Agreement”, for “and 84/2002” substitute “, 84/2002” and insert at the end “and by the Agreement on the participation 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 signed at Luxembourg on 14th October 2003”; and
- (b) “Medical Directive”—
- (i) omit “and” at the end of sub-paragraph (c),

(17) Cm. 5805. The Treaty was presented to Parliament as a Command Paper and it is published by the Stationery Office.

- (ii) insert “and” at the end of sub-paragraph (d), and
- (iii) insert after sub-paragraph (d)—
 - “(e) the Act annexed to the Treaty relating to 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 signed at Athens on 16th April 2003;”.

The European Specialist Medical Qualifications Order 1995

9.—(1) Until its repeal by virtue of article 31(5) of, and Part 2 of Schedule 10 to, the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003, the European Specialist Medical Qualifications Order 1995 is to have effect as if it were amended in accordance with this regulation.

- (2) In article 2 (interpretation)—
 - (a) in the definition of “the Directive”, in sub-paragraph (b)—
 - (i) at the end of sub-paragraph (ii), for “, and”, substitute “;”,
 - (ii) in sub-paragraph (iii), for “1999.”, substitute “1999 , and”, and
 - (iii) after sub-paragraph (iii), insert—
 - “(iv) the Act annexed to the Treaty relating to 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 signed at Athens on 16th April 2003;”;
 - (b) in the definition of “EEA Agreement”, for the words “and 84/2002”, substitute “, 84/2002” and at the end insert “and by the Agreement on the participation 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 signed at Luxembourg on 14th October 2003(18)”; and
 - (c) insert the following definition in the appropriate place—
 - ““national”, in relation to an EEA State, means the same as it does for the purposes of the Community Treaties but does not include a person who by virtue of Article 2 of Protocol No.3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services;”.
- (3) In article 6 (certificates of completion of specialist training), in paragraph (5), omit from “and where more than one year” to the end of that paragraph.
- (4) In article 8A(1)(19), sub-paragraphs (a) and (b), for “paragraph (3)” in both places where it occurs, substitute “article 8(3)”.
- (5) In article 10 (recognised specialist medical qualifications)—
 - (a) after paragraph (1)(e), insert—

(18) Cm. 6171.

(19) Article 8A was inserted by [S.I. 2003/3148](#).

- “(f) a specialist qualification in a specialty listed in Part I of Schedule 2 which—
- (i) was awarded by, or which relates to training started in, the territory specified in column (a) of the table below before the date specified in the corresponding entry in column (b),
 - (ii) is accompanied by an attestation by the competent authorities of the EEA State specified in the corresponding entry in column (c) to the effect that that qualification has, on its territory, the same legal validity as regards access to and practice of specialised medicine as a qualification listed in Schedule 4 of this Order in respect of that State in the relevant specialty, and
 - (iii) is accompanied by a certificate issued by those authorities that the holder has effectively and lawfully been engaged in the activity in question in that State for at least three consecutive years during the five years prior to the date of issue of that certificate.

<i>Column (a)</i>	<i>Column (b)</i>	<i>Column (c)</i>
Former Czechoslovakia	1st January 1993	Czech Republic
Former Czechoslovakia	1st January 1993	Slovakia
Former Soviet Union	20th August 1991	Estonia
Former Soviet Union	21st August 1991	Latvia
Former Soviet Union	11th March 1990	Lithuania
Yugoslavia	25th June 1991	Slovenia”

- (b) in paragraph (3)—
- (i) omit “or” at the end of sub-paragraph (da), and
 - (ii) after sub-paragraph (da) insert—
 - “(db) 1st May 2004, in the case of a qualification granted in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia or Slovakia; and”.
- (6) In the table in Schedule 4 (specialist qualifications awarded in EEA States other than the United Kingdom)—
- (a) in the entry for—

- (i) Denmark, in column 2, for “speciallaege”, substitute “speciallæge”, and
(ii) Germany, in column 3, for “Countryesärztekammer”, substitute “Landesärztekammer”; and
(b) in the appropriate alphabetical position, insert—

Cyprus	Πιστοποιητικό Αναγνώρισης Ειδικότητας	Ιατρικό Συμβούλιο	
Czech Republic	Diplom om specializaci	Ministerstvo zdravotnictví	
Estonia	Residentuuri lõputunnistus eriarstiabi erialal	Tartu Ülikool	
Hungary	Szakorvosi bizonyítvány	Az Egészségügyi, Szociális és Családügyi Minisztérium illetékes testülete	
Latvia	“Sertifikāts”— kompetentu iestāžu izsniegts dokuments, kas apliecina, ka persona ir nokārtojusi sertifikācijas eksāmenu specialitātē	1. Latvijas Ārstu biedrība 2. Latvijas Ārstniecības personu profesionālo organizāciju savienība	
Lithuania	Rezidentūros pažymėjimas, nurodantis suteiktą gydytojo specialisto profesinę kvalifikaciją	Universitetas	
Malta	Ċertifikat ta’ Speċjalista Mediku	Kumitat ta’ Approvazzjoni dwar Speċjalisti	
Poland	Dyplom uzyskania tytułu specjalisty	Centrum Egzaminów Medycznych	

Slovakia	Diplom o špecializácii	Slovenská zdravotnícka univerzita	
Slovenia	Potrdilo o opravljenem specialističnem izpitu	1. Ministrstvo za zdravje 2. Zdravniška zbornica Slovenije	

”

The Vocational Training for General Medical Practice (European Requirements) Regulations 1994

10.—(1) Until their repeal by virtue of article 31(5) of, and Part 2 of Schedule 10 to, the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003, the Vocational Training for General Medical Practice (European Requirements) Regulations 1994⁽²⁰⁾ are to have effect as if they were amended in accordance with this regulation.

(2) In regulation 2 (interpretation)—

(a) in the definition of “EEA agreement”—

(i) for “90/1999” substitute “190/1999”,

(ii) for “and” in the last place it appears, substitute “,”, and

(iii) insert at the end “and by the Agreement on the participation 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 signed at Luxembourg on 14th October 2003⁽²¹⁾”;

(b) in the definition of “Medical Directive”—

(i) omit “and” at the end of sub-paragraph (c),

(ii) insert “and” at the end of sub-paragraph (d), and

(iii) insert after sub-paragraph (d)—

“(e) the Act annexed to the Treaty relating to 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 signed at Athens on 16th April 2003;”;

(c) insert the following definition in the appropriate place—

““Swiss Agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, signed at Luxembourg on 21st June 1999;”.

⁽²⁰⁾ S.I. 1994/3130; relevant amendments were made by S.I. 2003/3148.

⁽²¹⁾ Cm. 6171.

DENTISTS

The Dentists Act 1984

11.—(1) The Dentists Act 1984(22) is amended in accordance with this regulation.

(2) In section 15 (qualification for registration in the dentists register), in subsection (7), in the definition of “EEA Agreement”, at the end, insert “and by the Agreement on the participation 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 signed at Luxembourg on 14th October 2003”.

(3) In Schedule 2 (European dental qualifications)—

(a) in paragraph 1(1), in the definition of—

- (i) “Community Council Directive No 78/686/EEC”, for “and the Swiss Agreement”, substitute “, the Swiss Agreement and the Act of Accession 2003;”;
- (ii) “the Dental Training Directive”, for “and Directive 2001/19/EC”, substitute “, Directive 2001/19/EC and the Act of Accession 2003”, and
- (iii) “the implementation date”, omit “and” at the end of sub-paragraph (da) and after sub-paragraph (da), insert—

“(db) in the case of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, 1st May 2004;”;

(b) in paragraph 1(2), after the definition of “the Swiss Agreement” insert—

““the Act of Accession 2003” means the Act annexed to the Treaty relating to 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 signed at Athens on 16th April 2003.”;

(c) after paragraph 7, add—

“8.—(1) A diploma in dentistry which—

- (a) is evidence of training that commenced before the date specified in column (a) of the table below in the territory specified in the corresponding entry in column (b) of that table; or
- (b) was awarded by the state (or former state) specified in column (b) of that table before the date specified in the corresponding entry in column (a) of that table,

is an appropriate European diploma for the purposes of section 15(1)(b) of this Act if the holder produces to the registrar the certificates specified in sub-paragraph (2).

(2) The certificates specified for the purposes of sub-paragraph (1) are—

- (a) a certificate of the competent authority of the EEA State specified in the corresponding entry in column (c) of the table stating that he has effectively and lawfully practised dentistry in that EEA State for at least three consecutive years during the five years preceding the date of issue of the certificate; and
- (b) a certificate from the competent authority of that EEA State stating that that diploma has, on its territory, the same legal validity as regards access to and

(22) 1984 c. 24; as amended by S.I. 1996/1496, 1998/811 and 2003/3148. There are other amendments to the Act not relevant to these Regulations.

practice of the dental profession as the scheduled European diploma specified in relation to that State.

<i>Column (a)</i>	<i>Column (b)</i>	<i>Column (c)</i>
20th August 1991	Former Soviet Union	Estonia
21st August 1991	Former Soviet Union	Latvia
11th March 1990	Former Soviet Union	Lithuania
25th June 1991	Yugoslavia	Slovenia

9. A diploma in medicine awarded in the Czech Republic or in the former Czechoslovakia which is evidence of university medical training commenced before 1st May 2004 is an appropriate European Diploma for the purposes of section 15(1)(b) of this Act if the holder produces to the registrar a certificate of the competent authority of the Czech Republic certifying that he—

- (a) has—
 - (i) effectively, lawfully and principally been engaged, in the Czech Republic, in the activities specified in Article 5 of the Dental Training Directive for at least three consecutive years during the five years preceding the date of issue of that certificate, or
 - (ii) successfully completed three years of study which are equivalent to the training referred to in Article 1 of the Dental Training Directive; and
- (b) is authorised to practise the activities referred to in sub-paragraph (a)(i) under the same conditions as holders of the scheduled European diploma specified in relation to the Czech Republic.

10. A diploma in medicine awarded in Slovakia or in the former Czechoslovakia which is evidence of university medical training commenced before 1st May 2004 is an appropriate European diploma for the purposes of section 15(1)(b) of this Act if the holder produces to the registrar a certificate of the competent authority of Slovakia certifying that he—

- (a) has—
 - (i) effectively, lawfully and principally been engaged, in Slovakia, in the activities specified in Article 5 of the Dental Training Directive for at least three consecutive years during the five years preceding the date of issue of that certificate, or
 - (ii) successfully completed three years of study which are equivalent to the training referred to in Article 1 of the Dental Training Directive; and
- (b) is authorised to practise the activities referred to in sub-paragraph (a)(i) under the same conditions as holders of the scheduled European diploma specified in relation to Slovakia.”; and
- (d) in Part II (Scheduled European Diplomas), insert in the table in the appropriate alphabetical position—

“

Cyprus	Πιστοποιητικό Εγγραφής Οδοντίατρου	Οδοντιατρικό Συμβούλιο	
Czech Republic	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
Estonia	Diplom hambaarstiteaduse õppekava läbimise kohta	Tartu Ülikool	
Hungary	Fogorvos oklevél (doctor medicinae dentariae, abbrev.: dr.med.dent.)	Egyetem	
Latvia	Zobārsta diploms	Universitātes tipa augstskola	Rezidenta diploms par zobārsta pēcdiploma izglītības programmas pabeigšanu, ko izsniedz universitātes tipa augstskola un “Sertifikāts”— kompetentas iestādes izsniegts dokuments, kas apliecina, ka persona ir nokārtojusi sertifikācijas eksāmenu zobārstniecībā

Lithuania	Aukštojo mokslo diplomas, nurodantis suteiktą gydytojo odontologo kvalifikaciją	Universitetas	Internatūros pažymėjimas, nurodantis suteiktą gydytojo odontologo profesinę kvalifikaciją
Malta	Lawrja fil-Kirurgija Dentali	Universita `ta' Malta	
Poland	Dyplom ukończenia studiów wyższych z tytułem “lekarz dentysta”	1. Akademia Medyczna, 2. Uniwersytet Medyczny, 3. Collegium Medicum Uniwersytetu Jagiellońskiego	Lekarsko— Dentystyczny Egzamin Państwowy
Slovakia	Vysokoškolský diplom o udelení akademického titulu “doktor zubného lekárstva” (“MDDr.”)	Vysoká škola	
Slovenia	Diploma, s katero se podeljuje strokovni naslov “doktor dentalne medicine/ doktorica dentalne medicine”	Univerza	Potrdilo o opravljenem strokovnem izpitu za poklic zobozdravnik/ zobozdravnica

”

The European Primary and Specialist Dental Qualifications Regulations 1998

12.—(1) The European Primary and Specialist Dental Qualifications Regulations 1998(23) shall be amended in accordance with this regulation.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1), in the definition of—

- (i) “EEA agreement”, insert at the end “and by the Agreement on the participation 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 signed at Luxembourg on 14th October 2003(24)”,
- (ii) “the Dental Training Directive”, for “and Directive 2001/19/EC” substitute “, Directive 2001/19/EC and the Act of Accession 2003;”, and

(23) S.I. 1998/811, as amended by S.I. 2003/3148.

(24) Cm. 6171.

- (iii) “the Recognition Directive”, for “and the Swiss Agreement”, substitute “, the Swiss Agreement and the Act of Accession 2003;”; and
- (b) in paragraph (3)—
 - (i) after sub-paragraph (d) insert—
 - “(e) “the Act of Accession 2003” means the Act annexed to the Treaty relating to 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 signed at Athens on 16th April 2003.”, and
 - (ii) insert the following definition in the appropriate alphabetical position—
 - ““national”, in relation to an EEA State, means the same as it does for the purposes of the Community Treaties but does not include a person who by virtue of Article 2 of Protocol No.3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services”.
- (3) In regulation 6 (certificates of completion of specialist training), omit paragraph (7).
- (4) In regulation 10 (recognised specialist dental qualifications)—
 - (a) in paragraph (1), after sub-paragraph (d) insert—
 - “(e) a qualification in orthodontics or (as the case may be) oral surgery which—
 - (i) was awarded by, or which relates to training started in, the territory specified in column (a) of the table below before the date specified in the corresponding entry in column (b), and
 - (ii) is accompanied by—
 - (aa) an attestation by the competent authorities of the EEA State specified in the corresponding entry in column (c) to the effect that the qualification has, on its territory, the same legal validity as the qualifications listed in respect of that State in Schedule 1 to this Order as regards the access to and practice of orthodontics or (as the case may be) oral surgery, and
 - (bb) a certificate from the competent authorities of that State which states that the holder has effectively and lawfully practised orthodontics or (as the case may be) oral surgery in that State for at least three consecutive years during the five years prior to the date of issue of that certificate.

<i>Column (a)</i>	<i>Column (b)</i>	<i>Column (c)</i>
Former Soviet Union	20th August 1991	Estonia
Former Soviet Union	21st August 1991	Latvia
Former Soviet Union	11th March 1990	Lithuania
Yugoslavia	25th June 1991	Slovenia”

- (b) in paragraph (3)—
 - (i) after sub-paragraph (ca), insert—

“(cb) 1st May 2004, in the case of a qualification granted in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia or Slovakia; or”; and

(ii) omit “or” after sub-paragraph (ca).

(5) In Schedule 1 (specialist dental qualifications awarded in EEA States other than the United Kingdom in orthodontics and oral surgery)—

(a) in Part I (orthodontics)—

(i) in the entry for Belgium—

(aa) in column 2, for “—”, substitute “Bijzondere beroepstitel van tandarts specialist in de orthodontie/Titre professionnel particulier de dentiste spécialiste en orthodontie”; and

(bb) in column 3, for “—”, substitute “Minister bevoegd voor Volksgezondheit/Ministre de la Santé publique”,

(ii) in the entry for Greece, for the last word in column 2, substitute “Ορθοδοντική”; and

(iii) in the appropriate alphabetical position insert—

Cyprus	Πιστοποιητικό Αναγνώρισης του Ειδικού Οδοντιάτρου στην Ορθοδοντική	Οδοντιατρικό Συμβούλιο
Czech Republic	—	—
Estonia	Residentuuri lõputunnistus ortodontia erialal	Tartu Ülikool
Hungary	Fogszabályozás szakorvosa bizonyítvány	Az Egészségügyi, Szociális és Családügyi Minisztérium illetékes testülete
Latvia	“Sertifikāts”— kompetentas iestādes izsniegts dokuments, kas apliecina, ka persona ir nokārtojusi sertifikācijas eksāmenu ortodontijā	Latvijas Ārstu biedrība
Lithuania	Rezidentūros pažymėjimas, nurodantis suteiktą gydytojo ortodonto profesinę kvalifikaciją	Universitetas
Malta	Ċertifikat ta' speċjalista dentali fl-Ortodonzja	Kumitat ta' Approvazzjoni dwar Speċjalisti
Poland	Dyplom uzyskania tytułu specjalisty w dziedzinie ortodoncji	Centrum Egzaminów Medycznych
Slovakia	—	—
Slovenia	Potrdilo o opravljenem specialističnem izpitu iz čeljustne in zobne ortopedije	1. Ministrstvo za zdravje 2. Zdravniška zbornica Slovenije

(b) in Part II (oral surgery)—

(i) in the appropriate alphabetical position insert—

Cyprus	Πιστοποιητικό Αναγνώρισης του Ειδικού Οδοντιάτρου στην Στοματική Χειρουργική	Οδοντιατρικό Συμβούλιο
Czech Republic	—	—
Estonia	—	—
Hungary	Dento-alveoláris sebészet szakorvosa bizonyítvány	Az Egészségügyi, Szociális és Családügyi Minisztérium illetékes testülete
Latvia	—	—

Lithuania	Rezidentūros pažymėjimas, nurodantis suteiktą burnos chirurgo profesinę kvalifikaciją	Universitetas
Malta	Ĉertifikat ta' speċjalista dentali fil-Kirurgija tal-ħalq	Kumitat ta' Approvazzjoni dwar Speċjalisti
Poland	Dyplom uzyskania tytułu specjalisty w dziedzinie chirurgii stomatologicznej	Centrum Egzaminów Medycznych
Slovakia	—	—
Slovenia	Potrdilo o opravljenem specialističnem izpitu iz oralne kirurgije	1. Ministrstvo za zdravje 2. Zdravniška zbornica Slovenije

- (ii) in the entry for Greece, in column 2, for the last word substitute “Γνωθοχειρουργική”.

PHARMACISTS

Pharmacy Act 1954

13.—(1) The Pharmacy Act 1954(25) is amended in accordance with this regulation.

(2) In section 4A (qualification by appropriate European diploma for registration)—

(a) in subsection (2)—

(i) after paragraph (b), insert—

“(ba) any diploma in pharmacy which is not so specified but was awarded by, or which is evidence of training started in, the territory specified in column (b) of the table below before the date specified in the corresponding entry in column (a);

<i>Column (a)</i>	<i>Column (b)</i>	<i>Column (c)</i>
1st January 1993	Former Czechoslovakia	Czech Republic
1st January 1993	Former Czechoslovakia	Slovakia
20th August 1991	Former Soviet Union	Estonia
21st August 1991	Former Soviet Union	Latvia
11th March 1990	Former Soviet Union	Lithuania
25th June 1991	Yugoslavia	Slovenia”

(ii) in paragraph (d), for “(b) or (c)”, substitute “(b), (ba) or (c)”;

(b) after subsection (3) insert—

(25) 1954 c. 61, as amended by S.I. 1987/2202, 1996/1405 and 2003/3148. There are other amendments to the Act not relevant to these Regulations.

- “(3ZA) A diploma such as is mentioned in subsection (2)(ba) of this section is not an appropriate European diploma for the purposes of this section unless it is accompanied by—
- (a) a certificate from the competent authorities of the EEA State specified in the appropriate row of column (c) of the table in subsection (2)(ba) that that diploma has, on its territory, the same legal validity as regards access to and the practice of pharmacy as the diploma specified in Schedule 1A to this Act in respect of that EEA State; and
 - (b) a certificate from those competent authorities stating that the holder of that diploma has effectively and lawfully been engaged in the practice of pharmacy in its territory for at least three consecutive years during the five years preceding the date of that certificate.”;
- (c) in subsection (4)—
- (i) after “(3),”, insert “(3ZA),”, and
 - (ii) in paragraph (b), after paragraph (i), insert—
“(ia) paragraph (a) or (b) of subsection (3ZA),”.
- (3) In section 24 (interpretation)—
- (a) omit the definition of “EEA Agreement”;
 - (b) for the definition of “EEA State”, substitute—
““EEA State” means a member State, Norway, Liechtenstein, Iceland or Switzerland;”; and
 - (c) in the definition of “the Pharmacists Recognition Directive”—
 - (i) at the end of paragraph (c), omit “and”;
 - (ii) at the end of paragraph (d), insert “and”; and
 - (iii) after paragraph (d), insert—
“(e) the Act annexed to the Treaty relating to 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 signed at Athens on 16th April 2003;”.
- (4) In Schedule 1A (qualifying European diplomas)—
- (a) in the table, after the third column, insert a column headed “Certificate accompanying qualification”; and
 - (b) in the appropriate alphabetical position insert—

“

Cyprus	Πιστοποιητικό Εγγραφής Φαρμακοποιού	Συμβούλιο Φαρμακευτικής	
Czech Republic	Diplom o ukončení studia ve studijním programu farmacie (magistr, Mgr.)	Farmaceutická fakulta univerzity v České republice	Vysvědčení o státní závěrečné zkoušce
Estonia	Diplom proviisori õppekava läbimisest	Tartu Ülikool	
Hungary	Okleveles gyógyszerész oklevél (magister pharmaciae, abbrev.: mag.pharm)	Egyetem	
Latvia	Farmaceita diploms	Universitātes tipa augstskola	
Lithuania	Aukštojo mokslo diplomas, nurodantis suteiktą vaistininko profesinę kvalifikaciją	Universitetas	
Malta	Lawrja fil-farmacija	Universita `ta' Malta	
Poland	Dyplom ukończenia studiów wyższych na kierunku farmacja z tytułem magistra	1. Akademia Medyczna 2. Uniwersytet Medyczny 3. Collegium Medicum Uniwersytetu Jagiellońskiego	
Slovakia	Vysokoškolský diplom o udelení akademického titulu “magister farmácie” (“Mgr.”)	Vysoká škola	
Slovenia	Diploma, s katero se podeljuje strokovni naziv “magister farmacije/magistra farmacije”	Univerza	Potrnilo o opravljenem strokovnem izpitu za poklic magister farmacije/magistra farmacije

”

OSTEOPATHS

The General Osteopathic Council (Registration) Rules Order of Council 1998

14.—(1) The Schedule to the General Osteopathic Council (Registration) Rules Order of Council 1998(26) is amended in accordance with this regulation.

(2) In rule 3 (the form of the register), in paragraph (4)—

(a) for sub-paragraph (b), substitute—

“(b) “European Economic Area State” means a member State, Norway, Liechtenstein, Iceland or Switzerland;” and

(b) omit sub-paragraph (c).

The General Osteopathic Council (Application for Registration and Fees) Rules Order of Council 2000

15.—(1) The Schedule to the General Osteopathic Council (Application for Registration and Fees) Rules Order of Council 2000(27) is amended in accordance with this regulation.

(2) In rule 2 (interpretation), in paragraph (1)—

(a) for the definition of “European Economic Area State”, substitute—

““European Economic Area State” means a member State, Norway, Liechtenstein, Iceland or Switzerland;” and

(b) omit the definition of “European Economic Area Agreement”.

CHIROPRACTORS

The General Chiropractic Council (Registration During Transitional Period) Rules Order of Council 1999

16.—(1) The Schedule to the General Chiropractic Council (Registration During Transitional Period) Rules Order of Council 1999(28) is amended in accordance with this regulation.

(2) In rule 9 (fees), in paragraph (3)—

(a) for sub-paragraph (a), substitute—

“(a) “European Economic Area State” means a member State, Norway, Liechtenstein, Iceland or Switzerland;” and

(b) omit sub-paragraph (b).

The General Chiropractic Council (Registration) Rules Order of Council 1999

17.—(1) The Schedule to the General Chiropractic Council (Registration) Rules Order of Council 1999(29) is amended in accordance with this regulation.

(2) In Schedule 2 to the Rules (fees), in paragraph 6—

(a) for sub-paragraph (a), substitute—

“(a) “European Economic Area State” means a member State, Norway, Liechtenstein, Iceland or Switzerland;” and

(26) S.I. 1998/1328; as amended by S.I. 2003/3148.

(27) S.I. 2000/1038, as amended by S.I. 2003/3148.

(28) S.I. 1999/1857, as amended by S.I. 2003/3148.

(29) S.I. 1999/1856, as amended by S.I. 2003/3148.

- (b) omit sub-paragraph (b).

The General Chiropractic Council (Registration of Chiropractors with Foreign Qualifications) Rules Order of Council 2002

18.—(1) The Schedule to the General Chiropractic Council (Registration of Chiropractors with Foreign Qualifications) Rules Order of Council 2002⁽³⁰⁾ is amended in accordance with this regulation.

- (2) In rule 9 (application and interpretation of Part III), in paragraph (2)—

- (a) for the definition of “EEA State”, substitute—

““EEA State” means a member State, Norway, Liechtenstein, Iceland or Switzerland;”;

- (b) insert in the appropriate alphabetical position—

““relevant EEA State” means the applicant’s EEA State of origin, the EEA State from which the applicant comes or the EEA State in which the applicant formerly qualified or practised;” and

- (c) omit the definitions of “Member State” and “relevant Member State”.

(3) In rule 10(4) (applications), 11(1)(a) and (b)(i) (evidence of good character) and 12(1) (evidence as to health), for the words “Member State”, substitute “EEA State”.

HEALTH PROFESSIONS

The Health Professions Order 2001

19.—(1) The Health Professions Order 2001⁽³¹⁾ is amended in accordance with this regulation.

- (2) In Schedule 3 (interpretation)—

- (a) omit the definition of “EEA Agreement”; and

- (b) for the definition of “EEA State”, substitute—

““EEA State” means a member State, Norway, Liechtenstein, Iceland or Switzerland;”.

SOCIAL WORKERS

The Care Standards Act 2000

20.—(1) The Care Standards Act 2000⁽³²⁾ is amended in accordance with this regulation.

- (2) In section 64 (qualifications gained outside a Council’s area), in subsection (5)—

- (a) for the definition of “EEA State”, substitute—

““EEA State” means a member State, Norway, Liechtenstein, Iceland or Switzerland;”;

- (b) omit the definition of “EEA Agreement”; and

- (c) in the definition of “national”, after “Treaties”, insert “but does not include a person who by virtue of Article 2 of Protocol No.3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services”.

⁽³⁰⁾ S.I. 2002/2704, as amended by S.I. 2003/3148.

⁽³¹⁾ S.I. 2002/254, as amended by S.I. 2003/3148.

⁽³²⁾ 2000 c. 14. There are no relevant amendments.

Signed by authority of the Secretary of State

21st July 2004

John Hutton
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement in part Annex II to the Act annexed to the Treaty relating to 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 signed at Athens on 16th April 2003 (“the Annex”).

These Regulations implement the Annex insofar as it amends the Directives relating to dentists, pharmacists and doctors, and they partially implement the Annex insofar as it amends the Directives relating to nurses responsible for general care and midwives. The Regulations also amend relevant definitions in the Care Standards Act 2000 in relation to the profession of social worker. The Annex also amends Directives [89/48/EEC](#) and [92/51/EEC](#) which apply, among others, to chiropractors, osteopaths and the health professions regulated under the Health Professions Order 2001 and these Regulations partially implement these amendments. The date of accession of the new Member States is 1st May 2004.

The Regulations in particular amend existing legislation to make special provision for the recognition of qualifications awarded in the new Member States before 1st May 2004, or qualifications in respect of training commenced before that date. The Regulations also make special provision for the recognition of qualifications that were awarded in the territory of the former Czechoslovakia, the former Soviet Union or Yugoslavia.

In addition to implementing the Annex, these Regulations also make minor amendments to the way in which relevant Directives have been previously implemented. In particular, the Regulations provide in accordance with the judgment in *Tennah-Durez*, (C-110/01), for the removal of requirements for United Kingdom competent authorities to annotate certificates awarded to health care professionals where more than one year of the training undertaken to obtain a particular health care qualification takes place outside the EEA.

A transposition table is available on the following website: <http://www.legislation.hmso.gov.uk/stat.htm>. The transposition table gives further information about the implementation of the Annex insofar as it is implemented by these Regulations.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.