
STATUTORY INSTRUMENTS

2007 No. 2781

**The European Communities (Recognition of
Professional Qualifications) Regulations 2007**

PART 3

FREEDOM OF ESTABLISHMENT

CHAPTER 4

COMMON PROVISIONS ON ESTABLISHMENT

Documentation and formalities

31.—(1) When considering an application for authorisation to pursue a regulated profession, the competent authority may in accordance with the provisions of Annex VII of the Directive:

- (a) demand the documents and certificates listed in that Annex, and
- (b) invite the applicant to provide information concerning his training to the extent necessary in order to determine the existence of potential substantial differences with the training requirements in the United Kingdom, or if it is impossible for the applicant to provide such information, shall address the contact point, the competent authority or any other relevant body in the home State.

(2) The documents referred to in point 1(d), (e) and (f) of Annex VII, shall not be more than three months old by the date on which they are submitted.

(3) The competent authority shall keep confidential all such information received by it.

32.—(1) A competent authority, in cases of justified doubt, may require from a competent authority of a relevant European State confirmation of the authenticity of the attestations and evidence of formal qualifications awarded in that other relevant European State.

(2) A competent authority, in cases of justified doubt, shall be entitled, where evidence of formal qualifications has been issued by a competent authority of a relevant European State, and includes training received in whole or in part in an establishment legally established in a relevant European State other than that which awarded the qualification, to verify with a competent authority of the relevant European State of origin of the award—

- (a) whether the training course at the establishment which gave the training has been formally certified by the educational establishment in the relevant European State of origin of the award;
- (b) whether the evidence of formal qualifications issued is the same as that which would have been awarded if the course had been followed in the relevant European State of origin of the award; and
- (c) whether the evidence of formal qualifications confers the same professional rights in the territory of the relevant European State of origin of the award.

33. Where an applicant is required to swear a solemn oath or make a sworn statement, the form of which is such that it cannot be taken or made by applicants of another relevant European State, the competent authority shall ensure that an appropriate equivalent form of oath or declaration is available for those applicants.

Decisions of competent authorities

34.—(1) The competent authority shall acknowledge receipt of an applicant's application to establish himself in the United Kingdom pursuant to Part 3 of these Regulations within one month of receipt, and shall inform the applicant if any document is missing.

(2) The competent authority shall consider the applicant's application as soon as is reasonably practicable, and shall notify him of its decision together with the reasons upon which it is based—

- (a) within four months, for applications under Chapter 1 of this Part, or
- (b) within three months, for applications under Chapter 2 of this Part

of receipt of all the relevant documentation.

(3) For the purposes of this regulation, if a competent authority fails to take a decision and notify it to the applicant within the period mentioned in paragraph (2), it shall be deemed to have taken a decision to reject his application and to have notified it to him on the last day of that period.

Use of professional titles

35.—(1) If the use of a professional title relating to one of the activities of the profession in question is regulated in the United Kingdom, applicants who are authorised to practise a regulated profession in accordance with this Part of these Regulations shall use the professional title used in the United Kingdom which corresponds to that profession, and make use of any associated initials.

(2) Where a profession is regulated in the United Kingdom by a professional association, applicants shall not be authorised to use the professional title issued by that professional association, or its abbreviated form, unless they furnish proof that they are members of that professional association.

(3) A professional association that makes membership contingent upon certain qualifications may do so only under the conditions laid down in these Regulations in respect of applicants who possess professional qualifications.