
These Regulations establish rules for the recognition of professional qualifications enabling individuals, referred to in these Regulations as “applicants”, from the States of the European Economic Area or Switzerland to gain access to the professions in which they are qualified and to practise under the same conditions as professionals in the United Kingdom where those professions are regulated. These rules set out provisions for facilitating the provision of temporary and occasional professional services cross-border, and also provisions in relation to applicants seeking to establish themselves on a stable basis in the United Kingdom.

These Regulations implement the principal Directive as amended by the 2013 Directive (“the amended Directive”) in relation to all regulated professions other than the sectoral professions but the provisions relating to partial access and the alert mechanism and appeals in respect of those provisions apply to the sectoral professions. They also implement the amended Directive in part in relation to the sectoral professions, and the extent to which these Regulations apply to applicants in the sectoral professions as set out in regulation 3. The provisions of the amended Directive relating to the sectoral professions which are not implemented by these Regulations will be implemented, if necessary, in regulations to be prepared by the Department of Health, the Department of Communities and Local Government and the Department for Environment, Food and Rural Affairs.

Part 1 of the Regulations sets out provisions relating to the application of the Regulations and the functions of competent authorities. Part 1 also provides for partial access to a professional activity under the conditions set out in that Part.

Part 2 of the Regulations sets out the rules for recognition of professional qualifications where an applicant moves to the United Kingdom seeking to provide professional services on a temporary and occasional basis. It sets out the role of a competent authority in relation to such an applicant, including specific provisions for professions having public health or safety implications, and it sets out the procedures and formalities with which an applicant must comply. It also makes provision for administrative cooperation between competent authorities of relevant European States.

Part 3 of these Regulations makes provision for recognition of professional qualifications where an applicant moves to the United Kingdom seeking to provide professional services on a permanent basis.

Chapter 1 of Part 3 sets out the rights of applicants to practise in the United Kingdom on a permanent basis. It imposes duties, subject to certain conditions and exceptions, upon competent authorities not to refuse, on grounds of inadequate qualifications, applicants who seek to practise
a regulated profession in the United Kingdom if they hold the qualifications required by a relevant European State to practise the profession in that State. It also provides for competent authorities, in certain cases, to require an applicant to complete either an aptitude test or an adaptation period before authorising the applicant to practise the regulated profession in the UK.

Chapter 2 of Part 3, which applies only to the profession of farrier, makes provision for automatic recognition of professional experience by way of a certificate.

Chapter 3 of Part 3 of these Regulations sets out the procedure for the issue and revocation of a Certificate of Experience in respect of relevant experience and qualifications gained in the United Kingdom.

Chapter 4 of Part 3 makes provision concerning the evidence to be provided by an applicant or a competent authority in a relevant European State, the procedures to be followed by competent authorities when making decisions and the rights of an applicant to use the professional title or designatory letters applicable to the profession in the United Kingdom.

Part 4 of these Regulations sets out provisions relating to the issue of a European Professional Card (EPC) as a means of recognition of professional qualifications for the provision of services in another member state. Further provisions relating to the procedure for issuance of the EPC are set out in Commission Implementing Regulation (EU) No 2015/983 (“the Implementing Regulation”). The Implementing Regulation lists the professions eligible for the EPC in Annex 1.

Part 5 of these Regulations sets out the automatic recognition of qualifications under the common training framework and common training test provisions of the Directive to be given effect by delegated act of the Commission.

Part 6 of these Regulations sets out the alert mechanism by which competent authorities must notify other relevant States about professionals belonging to certain professions whose activities have been restricted or prohibited on its territory. Further provision on the application of the alert mechanism is provided for in the Implementing Regulation. It also provides rights of appeal against decisions of competent authorities, the right of an applicant to use the lawful academic title acquired by the applicant in their home State, and for the disclosure of information by competent authorities in the United Kingdom. Part 6 also makes consequential amendments including the revocation of the European Communities (Recognition of Professional Qualifications) Regulations 2007 (S.I. 2007/2781) which implemented the principal Directive.

A full impact assessment of the effect that this instrument will have on the cost of business, the voluntary sector and the public sector is available from the Department for Business, Innovation and Skills on the gov.uk website (www.gov.uk). An Explanatory Memorandum and a transposition note are available alongside the instrument on the www.legislation.gov.uk website. Copies have also been placed in the Libraries of both Houses of Parliament.