
STATUTORY INSTRUMENTS

2015 No. 2059

**The European Union (Recognition of
Professional Qualifications) Regulations 2015**

PART 6

Supplementary

Exchange of information

66.—(1) Competent authorities in the United Kingdom must exchange information with competent authorities of other relevant European States regarding disciplinary action or criminal sanctions taken or any other serious, specific circumstances which are likely to have consequences for the pursuit of activities under these Regulations.

(2) A competent authority in the home State receiving information from a competent authority of another relevant European State on disciplinary action or criminal sanctions, must—

- (a) examine the veracity of the circumstances;
- (b) decide on the nature and scope of the investigations which need to be carried out; and
- (c) inform that authority of the conclusions which it draws from the information available to it.

(3) Competent authorities must exchange information for the purposes of this regulation in accordance with data protection rules set out in Directives [95/46/EC](#) and [2002/58/EC](#) and through use of the IMI procedure.

Alert mechanism

67.—(1) A designated competent authority in the United Kingdom must inform the appropriate competent authorities of other relevant European states about a professional whose professional activities have been restricted, or prohibited, even on a temporary basis, by the national authorities or the court in the United Kingdom.

(2) A professional referred to in paragraph (1) is any one of the following—

- (a) a doctor of medicine and of general practice possessing evidence of formal qualifications referred to in points 5.1.1 and 5.1.4 of Annex V of the Directive;
- (b) specialist doctor of medicine possessing a title referred to in point 5.1.3 of Annex V of the Directive;
- (c) nurse responsible for general care possessing evidence of formal qualifications referred to in point 5.2.2 of Annex V of the Directive;
- (d) dental practitioner possessing evidence of formal qualifications referred to in point 5.3.2 of Annex V of the Directive;
- (e) specialist dentist possessing evidence of formal qualifications referred to in point 5.3.3 of Annex V of the Directive;

- (f) veterinary surgeon possessing evidence of formal qualifications referred to in point 5.4.2 of Annex V of the Directive;
 - (g) midwife possessing evidence of formal qualifications referred to in point 5.5.2 of Annex V of the Directive;
 - (h) pharmacist possessing evidence of formal qualifications referred to in point 5.6.2 of Annex V of the Directive;
 - (i) holders of certificates mentioned in point 2 of Annex VII of the Directive attesting that the holder completed a training which satisfies the minimum requirements listed in Articles 24, 25, 31, 34, 38, 40 or 44 respectively, but which started earlier than the reference dates of the qualifications listed in points 5.1.3, 5.1.4, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.5.2, 5.6.2 of Annex V of the Directive;
 - (j) holders of certificates of acquired rights as referred to in Articles 23, 27, 29, 33, 33a, 37, 43 and 43a of the Directive;
 - (k) other professionals exercising activities that have patient safety implications where the professional is pursuing a profession regulated in the United Kingdom; and
 - (l) professionals exercising activities relating to education of minors, including in childcare and early childhood education where the professional is pursuing a profession regulated in the United Kingdom.
- (3) A designated competent authority must send the information by way of an alert within three days of the date of adoption of the decision restricting or prohibiting the pursuit of the activity in its entirety or in part by the professional.
- (4) The information referred to in paragraph (3) must be limited to—
- (a) the identity of the professional;
 - (b) the profession concerned;
 - (c) information about the national authority or court adopting the decision on restriction or prohibition;
 - (d) the scope of the restriction or prohibition,
 - (e) the period during which the prohibition or restriction applies.
- (5) A designated competent authority must inform the competent authorities of all relevant European states by way of an alert of the identity of a professional who has been found by a court in the United Kingdom to have falsified evidence of professional qualifications in an application for recognition under these Regulations, within three days of the date of the court judgment.
- (6) A designated competent authority must inform the competent authorities of all relevant European states without delay when a prohibition or restriction referred to in paragraph (1) has expired together with the date of expiry and any subsequent change to that date.
- (7) The designated competent authority must inform the professional concerned in writing of—
- (a) the decision to submit an alert at the same time the alert is sent out to other relevant European states;
 - (b) the right to appeal against the decision to submit an alert or to apply for rectification of that decision;
 - (c) the access to remedies for damage caused by false alerts sent out to relevant European states.
- (8) In cases where the professional takes action under paragraph (7)(b) the competent authority must qualify the alert to show that it is subject to proceedings by the professional concerned.
- (9) The designated competent authority must delete an alert within three days of a decision revoking it, or the expiry of the prohibition or restriction referred to in paragraph (1).

(10) In this regulation, an “alert” means a notification sent through IMI for the purposes of paragraph (1) and (5).

Appeals

68.—(1) Within four months of the notification to the applicant of a decision of a competent authority made in relation to the applicant under any one of regulations 6(1), 10, 13(2), 42(2) or under Part 4, or thereafter with the permission of the appropriate appeal body, the applicant may appeal against that decision on a matter of law or fact (or of both) to the appropriate appeal body.

(2) Within 28 days of the notification to a professional of a decision of a competent authority made in relation to the professional under regulation 67, or thereafter with the permission of the appropriate appeal body, the professional may appeal against that decision on a matter of law or fact (or of both) to the appropriate appeal body.

(3) This regulation does not apply in relation to a decision of a competent authority (which falls within paragraph (1) or (2)) for a particular profession where the right of appeal in relation to that decision is provided for in another enactment relating to that profession.

(4) An appropriate appeal body may, for the purpose of determining any appeal under these Regulations against the decision of a competent authority under regulation 6(1), 10, 13(2), 42(2), 62 or 63—

- (a) give any authorisation to practise and impose any condition which the competent authority could give or impose in relation to that profession; or
- (b) remit the matter to the competent authority with such directions as the appeal body sees fit.

(5) An appropriate appeal body may, for the purpose of determining any appeal under these Regulations against the decision of a competent authority to submit an alert under regulation 67—

- (a) dismiss the appeal; or
- (b) allow the appeal and direct the alert be withdrawn or amended accordingly.

(6) In this regulation, “appropriate appeal body” means—

- (a) where the profession concerned is one set out in the first column of an entry in Schedule 5, the court, tribunal or other person set out in the second column of that entry;
- (b) in any other case, the county court or, in Scotland, the sheriff.

Use of academic titles

69.—(1) Without prejudice to regulations 18 and 43, an applicant who is authorised to practise a regulated profession in the United Kingdom will have the right to use the lawful academic title (and where appropriate the abbreviation thereof) acquired by that applicant in their home State and in the language of that State.

(2) Where the applicant makes use of the possibility provided for in paragraph (1), the competent authority may require that the title shall be followed by the name and location of the establishment or examining board which awarded it.

(3) Where a competent authority decides that an academic title in paragraph (1) is liable to be confused with a title which, in the United Kingdom, requires supplementary training not acquired by the applicant, it may require the applicant to use the academic title of the home State in an appropriate form laid down by the competent authority.

Assistance centre

70.—(1) The assistance centre must—

- (a) provide applicants and the assistance centres of other relevant European States with such information as is necessary concerning the recognition of professional qualifications, such as information on the national legislation governing the regulated profession concerned and pursuit of that profession, including social legislation, where appropriate the availability and functioning of the European Professional Card and, where appropriate, the rules of ethics;
 - (b) on receipt of an enquiry, assist applicants in exercising the rights conferred on them by the Directive, in cooperation, where appropriate, with other assistance centres in the home State and points of single contact and competent authorities in the host State.
- (2) On request from the Commission, the assistance centre must inform the Commission of the result of the enquiries with which they are dealing within two months after receiving such a request.

Information from competent authorities

71.—(1) Competent authorities must provide the Secretary of State with such information (including statistical information) as the Secretary of State may require concerning applications made to those authorities by those seeking to rely on the provisions of the Directive and the actions and decisions taken in respect of those applications.

(2) The information referred to in paragraph (1) must include detailed information on the number and types of decisions issued in accordance with these Regulations, including the types of decisions on partial access taken in accordance with regulation 10.

Review

72.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the effect of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive is implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives to be achieved by the regulatory system established by the Regulations,
- (b) assess the extent to which those objectives have been achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Consequential amendments

73.—(1) The European Communities (Lawyer's Practice) Regulations 2000(1) are amended as follows.

(1) [S.I. 2000/1119](#), amended by [S.I. 2009/1587](#); there are other amending instruments but none is relevant.

(2) In regulation 2(1), in the definition of “Qualification Regulations”, for “the European Communities (Recognition of Professional Qualifications) Regulations 2007” substitute “the European Union (Recognition of Professional Qualifications) Regulations 2015”.

(3) In regulation 29(1), for “regulation 26(a)” substitute “regulation 34(a)”.

(4) In the heading to Schedule 1, for “REGULATION 26(A)” substitute “REGULATION 34(A)”.

74.—(1) The Education (School Teachers’ Qualifications) (England) Regulations 2003(2) are amended as follows.

(2) In paragraph 8 of Part 1 of Schedule 2, for “the European Communities (Recognition of Professional Qualifications) Regulations 2007” substitute “the European Union (Recognition of Professional Qualifications) Regulations 2015”.

75.—(1) The Provision of Services Regulations 2009(3) are amended as follows.

(2) In regulation 31, in paragraph (5) omit the entry reading “regulations 11, 12, 31, 32 and 33 of the European Communities (Recognition of Professional Qualifications) Regulations 2007;” and in the appropriate place insert “regulations 15, 16, 38, 39, 40, 44, 52, 57 and 58 of the European Union (Recognition of Professional Qualifications) Regulations 2015.”

76.—(1) The Tribunal Procedure (First-Tier Tribunal)(General Regulatory Chamber) Rules 2009(4) are amended as follows.

(2) In rule 1(3), in the definition of “transport case” for “and the European Communities (Recognition of Professional Qualifications) Regulations 2007” substitute “, the European Communities (Recognition of Professional Qualifications) Regulations 2007 and the European Union (Recognition of Professional Qualifications) Regulations 2015”.

77.—(1) The Education (Induction Arrangements for School Teachers) (England) Regulations 2012(5) are amended as follows.

(2) In paragraph 10 of Schedule 1, for “the European Communities (Recognition of Professional Qualifications) Regulations 2007” substitute “the European Union (Recognition of Professional Qualifications) Regulations 2015”.

Transitional and saving provisions

78.—(1) Where, immediately before the entry into force of these Regulations, an applicant has made an application to a competent authority under the 2007 Regulations, the provisions of those Regulations will continue to apply as if not revoked to—

- (a) that application; and
- (b) any appeal made in relation to that application.

(2) From the date of entry into force of these Regulations, any authorisation given by a competent authority to an applicant under the 2007 Regulations is to be treated as an authorisation given under these Regulations.

(3) The provisions of the 2007 Regulations will continue to apply to any action taken in relation to—

- (a) an applicant or professional whose home state is Switzerland; and
- (b) matters affecting Switzerland, insofar as such action relates to Switzerland.

(2) [S.I. 2003/1662](#), amended by [S.I. 2007/2782](#).

(3) [S.I. 2009/2999](#), to which there are amendments not relevant to these Regulations.

(4) [S.I. 2009/1976](#), to which there are amendments not relevant to these Regulations.

(5) [S.I. 2012/1115](#).

Revocation

79. Subject to regulation 78, the 2007 Regulations are revoked in their entirety.

80. The Regulations set out in the first column of Schedule 6 are revoked to the extent expressed in the third column of that Schedule.