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## EXPLANATORY NOTE

*(This note is not part of the Order)*

These Regulations revoke the European Communities (Recognition of Professional Qualifications) Regulations 1991 and two amending Regulations and consolidate those provisions which are substantially re-enacted and incorporated. In addition, these Regulations have included a wider definition of “regulated profession” in the United Kingdom. Designated authorities are therefore authorities listed in Schedule 1, or when not so listed, the competent authority for any regulated profession or regulated professional activity, this could include new professions established after the Regulations are in force to ensure continued effective implementation of EU obligations. Schedules 1, 3 and 4 within the Regulations have also been updated.

These Regulations give effect in the United Kingdom to Council Directive 89/48/EEC (OJ No. L19, 24.1.89, p.16) on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration as amended by Article 2 of Directive 2001/19 EC (OJ No L 206, 31.07.2001, p 1).

<sup>MIM2</sup>These Regulations also take note of the decisions of the EEA Joint Committee No 7/94 of 21 March 1994 and No 55/01 of 18 May 2001 amending Annex VII to the EEA Agreement as well as the EEA Enlargement Agreement dated 14 October 2003 and agreement relating to Switzerland dated 21 June 1999 in relation to the Directive. The Regulations therefore also extend to the States of the European Economic Area (EEA) and Switzerland.

The Regulations apply to all professions that are regulated by law or public authority or by membership of a chartered body. Schedule 1 includes professions which are regulated by law or public authority or by membership of a chartered body and for which the entry qualification is of degree level or equivalent. Regulation 4 designates a body or authority (a “designated authority”) in relation to regulated professions. The designated authorities have the function of processing applications from migrant applicants having qualifications obtained wholly or partly in another relevant State and wishing to practise the relevant profession in the United Kingdom.

The scheme of the Regulations (subject to certain conditions and exceptions) is to impose a duty upon the designated authorities not to refuse, on grounds of inadequate qualifications, an application from a migrant to practise the relevant profession in the United Kingdom if he holds the qualification required by a relevant State to practise the profession in that State (Regulation 5). The Regulations further provide for the designated authorities, in certain cases, to require a migrant applicant to complete an adaptation period or to pass an aptitude test (Regulations 6, 7 and 8) and make provision for a migrant applicant, who has been granted authorisation to practise, to have the right to use the professional title and designatory letters applicable to that profession in the United Kingdom (Regulation 10).

Special provision is made for the profession of company auditor (Regulations 11 and 12) having regard to the detailed legislation already governing that profession and an appeals procedure is provided (Regulation 13) for migrant applicants to challenge decisions of the designated authorities made under the Regulations.

A Transposition Note is available and can be obtained from the Department of Education and Skills, Vocational and 14-19 Reform Division, Moorfoot, Sheffield S1 4 PQ.

**Changes to legislation:**

There are currently no known outstanding effects for the The European Communities (Recognition of Professional Qualifications) (First General System) Regulations 2005.