

EXPLANATORY MEMORANDUM TO
THE EUROPEAN COMMUNITIES (RECOGNITION OF PROFESSIONAL
QUALIFICATIONS) (SECOND GENERAL SYSTEM)(AMENDMENT)
REGULATIONS 2006

2006 No.3214

1. This Explanatory Memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 This Regulation amends the implementing Regulations for Council Directive 92/51/EEC on the Recognition of Professional Qualifications (Second General System) Regulations 2002 No.2934. This amendment extends the list of education and training courses with a special structure to include those in Romania owing to the accession of Romania and Bulgaria to the European Union on 1st January 2007.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative Background**

4.1 The Regulations impose a requirement on the authorities not to refuse, on the grounds of inadequate qualifications, an application from an EU/EEA/Swiss migrant to practise their profession in the UK if he/she is qualified to exercise that same profession in another relevant State.

4.2 The Regulations list the professions which are regulated professions and the designated authorities which assess appropriate qualifications obtained elsewhere in the EU/EEA and Switzerland.

4.3 Education and training requirements differ between Member States. The Directive categorises education and training for the professions into three distinct levels. Annex C of the Directive lists courses of a special structure which means they sit at the highest level within the Directive. Following the accession of two new Member States Romania and Bulgaria the list of courses in Annex C has been extended and therefore Schedule 6 of the Regulations needs to be updated. There are no courses to list for Bulgaria.

5. **Extent**

5.1 This instrument applies to all of the United Kingdom.

6. **European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy Background**

7.1 Access to or practise of regulated professions is restricted by a Member States' national laws to those holding specific qualifications. The General System Directives on the Mutual Recognition of Professional Qualifications allow those people who are qualified to practice their profession in one Member State to practise the same profession elsewhere in the EU/EEA/Switzerland without having to re-qualify.

7.2 These Regulations maintain the UK's compliance with European law on the mutual recognition of professional qualifications. Compliance takes the form of amending Schedule 6 of the Regulations implementing Directive 92/51/EEC to include courses of a special structure.

7.3 The Directive operates UK wide. The Devolved Administrations have been kept informed.

8. **Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as there is no burden on business. The cost of implementation, in financial terms, will take the form of administrative costs to the designated authorities who administer the process of recognition. These bodies are able to levy an administrative fee for their services.

9. **Contact**

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