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STATUTORY INSTRUMENTS

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**2007 No. 2781**

The European Communities (Recognition of  
Professional Qualifications) Regulations 2007

PART 1

GENERAL PROVISIONS

**Interpretation**

- 2.—(1) In these Regulations the following words and phrases have the following meanings—
- “adaptation period” has the meaning given to it by regulation 23;
  - “another relevant European State” means a relevant European State other than the United Kingdom;
  - “applicant” has the meaning given to it by regulations 6(3) and (4);
  - “aptitude test” has the meaning given to it by regulation 24;
  - “competent authority”—
    - (a) in relation to the United Kingdom, has the meaning given by regulation 4(1) to (3),
    - (b) in relation to another relevant European State, has the meaning given by regulation 4(4), and unless the context otherwise requires, a reference to a competent authority is a reference to a competent authority in relation to the United Kingdom;
  - “the Directive” means Directive [2005/36/EC](#) of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications<sup>(1)</sup>;
  - “enactment” includes—
    - (a) an enactment contained in subordinate legislation within the meaning given by subsection (1) of section 21 of the Interpretation Act 1978<sup>(2)</sup> 1978, except that the definition of that term in that subsection shall have effect as if “Act” included Northern Ireland legislation, and
    - (b) an enactment contained in an Act of the Scottish Parliament or in an instrument made under such an Act;
  - “evidence of formal qualifications” has the meaning given to it in regulation 7(2);
  - “home State” means the relevant European State from which an applicant originates or comes or in which the applicant obtained his professional qualifications or in which he lawfully practised;
  - “holder” means a person to whom a competent authority of a relevant European State has awarded professional qualifications;

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(1) OJ No L 255, 30.9.2005, p.22, as amended by Council Directive [2006/100/EC](#) of 20th November 2006, OJ No L 363, 20.12.2006, p.141.

(2) [1978 c. 30](#).

“host State” means the relevant European State to which an applicant applies for access to or pursuit of a regulated profession in its territory, which is contingent on possession of specific professional qualifications;

“manager of an undertaking” means any person who in any undertaking in the occupational field in question has pursued an activity:

- (a) as a manager of an undertaking or a manager of a branch of an undertaking;
- (b) as a deputy to the proprietor or the manager of an undertaking where that post involves responsibility equivalent to that of the proprietor or manager represented; or
- (c) in a managerial post with duties of a commercial and/or technical nature and with responsibility for one or more departments of the undertaking;

“native applicant” means a person whose qualifications were obtained wholly within the United Kingdom applying to a competent authority for authorisation to practise for the purposes of access to or pursuit of a regulated profession or any professional lawfully pursuing that profession in the United Kingdom;

“practice” in relation to any regulated profession includes—

- (a) the taking up or pursuit of that profession in a relevant European State, whether in a self employed capacity or as an employed person; and
- (b) in the course of such pursuit—
  - (i) the right to use a professional title or designatory letters; and
  - (ii) the enjoyment of the benefit of the status associated with membership of the profession;

“profession” includes occupation or trade;

“professional association” means an association or organisation recognised in a special form, the purpose of which is, in particular, to promote and maintain a high standard in the professional field with which it is concerned and which, to that end—

- (a) prescribes and enforces respect within its membership for rules of professional conduct and awards professional qualifications to its members; and
- (b) confers on its members the right to use one or more professional titles or designatory letters or to benefit from a status corresponding to that professional qualification;

“professional experience” means the actual and lawful pursuit of the profession concerned;

“professional qualifications” has the meaning given to it in regulation 7(1);

“professional rules” mean rules of a professional, statutory or administrative nature which are directly linked to professional qualifications, such as the definition of the profession, the use of titles, and serious professional malpractice which is directly and specifically linked to consumer protection and safety, as well as disciplinary provisions which are applicable to professionals who pursue the same profession;

“regulated education and training” has the meaning given to it in regulation 6(2);

“regulated profession” has the meaning given to it by regulation 6(1);

“relevant European State” means an EEA State or Switzerland;

“same profession” means the profession for which the applicant is qualified in his home State if the activities covered are comparable;

“sectoral professions” means one or more of the following regulated professions namely that of doctor, nurse responsible for general care, dental practitioner, veterinary surgeon, midwife, pharmacist and architect;

“third country” means a country other than a relevant European State.

(2) References in these Regulations to the Directive or a provision of the Directive are references to the Directive or a provision of the Directive as amended from time to time.

(3) A reference in these Regulations to the United Kingdom shall, as the context requires, be taken to include a reference to any one or more of: England, Wales, Scotland, and Northern Ireland.

(4) For the purposes of these Regulations, an association or organisation established in the United Kingdom shall be taken to have been recognised in special form if the mode of its establishment was incorporation by Royal Charter.