

EXPLANATORY MEMORANDUM TO

THE APPROVED EUROPEAN PHARMACY QUALIFICATIONS ORDER OF COUNCIL 2007 No. 564

1. This explanatory memorandum has been prepared by Department of Health and is laid before Parliament by Command of Her Majesty.

2. Description

2.1. The Order provides for the recognition within Great Britain of certain pharmacy qualifications awarded in the States, other than the United Kingdom, that are part of the European Economic Area, and in Switzerland. Recognition of the qualifications is subject to specified conditions, which are set out in the Order and which include a procedure for confirming the authenticity of qualifications where there are justified doubts.

If pharmacists are appropriately qualified, including those with mutually recognised qualifications, they are entitled to register with the Royal Pharmaceutical Society of Great Britain and so to practise as pharmacists in Great Britain, provided their fitness to practise is not impaired and they have paid the appropriate fees.

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

3.1. None.

4. Legislative Background

4.1. This is the first use of the powers conferred on the Privy Council by articles 12(1)(b) and (2) of the Pharmacists and Pharmacy Technicians Order 2007 (“the 2007 Order”). This Order, together with the 2007 Order, contains legislative measures necessary for the implementation of two EU Directives, the implementing measures for which were previously set out in the Pharmacy Act 1954. The Pharmacy Act 1954 is to be repealed, as from 30th March 2007, by the 2007 Order. The two Directives are Council Directive 85/432/EEC, concerning the co-ordination of provisions laid down by law, regulation or administrative action in respect of certain activities in the field of pharmacy, and Council Directive 85/433/EEC concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy.

New implementing legislation has become necessary because of the repeal of the Pharmacy Act 1954, although the new measures simply carry forward the approach taken to implementation of the two Directives that was underpinned by the earlier legislation. However, in addition, new qualifications have been

added to take account of the accession of Bulgaria and Romania to membership of the European Union.

5. Extent

5.1. This instrument applies to Great Britain.

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

Policy

7.1 The policy intention behind the mutual recognition of professional qualifications is to ensure that people who have free movement rights around the European Union and who have acquired a professional qualification in one member State (in this case in the field of pharmacy) are able to move to another member State and practise in that State on the basis of the qualification that they have already acquired. With some professions, including pharmacy, this has also led to the harmonisation of minimum training conditions throughout the European Union.

This Order was necessary to ensure that the existing arrangements for implementing the United Kingdom's obligations with regard to the mutual recognition of pharmacy qualifications could continue in force, notwithstanding the repeal of the Pharmacy Act 1954 and its replacement with the 2007 Order

Consultation

7.2 There is no statutory requirement for consultation on the Order. However, the Order was the subject of detailed discussion with the Royal Pharmaceutical Society of Great Britain, who both support its terms and require it as part of the legislative underpinning of their registration functions.

8. Impact

8.1. A Regulatory Impact Assessment has not been prepared for this instrument as its impact on business, charities or voluntary bodies is negligible. As noted above, the Royal Pharmaceutical Society of Great Britain require it as part of the legislative underpinning of their registration functions, but essentially the new Order allows them to continue as before.

8.2 There are no identified costs to either the public or the Exchequer arising from this Instrument.

9. Contact

9.1 **Stephen Arthur** Deputy Project Manager, Professional Regulation Branch at the Department of Health; Tel: 0113 254 5789 or email Stephen.arthur@dh.gsi.gov.uk can reply to any queries regarding this instrument.