
STATUTORY INSTRUMENTS

2015 No. 2059

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

PART 3

Freedom of Establishment

CHAPTER 4

Common Provisions on Establishment

Documentation and formalities

38.—(1) When considering an application for authorisation to pursue a regulated profession, other than an application for a European Professional Card, the competent authority may in accordance with the provisions of Annex VII of the Directive—

- (a) require the documents and certificates listed in that Annex, and
- (b) invite the applicant to provide information concerning the applicant's training to the extent necessary in order to determine the existence of potential substantial differences with the training requirements in the United Kingdom, or if it is impossible for the applicant to provide such information, the competent authority shall address the assistance centre, the competent authority or any other relevant body in the home State.

(2) The documents referred to in point 1(d), (e) and (f) of Annex VII, shall not be more than three months old by the date on which they are submitted.

(3) The competent authority must keep confidential all such information received by it.

39.—(1) A competent authority, in cases of justified doubt, may require from a competent authority of a relevant European State confirmation of the authenticity of the attestations and evidence of formal qualifications awarded in that other relevant European State.

(2) A competent authority, in cases of justified doubt, is entitled, where evidence of formal qualifications has been issued by a competent authority of a relevant European State and includes training received in whole or in part in an establishment legally established in a relevant European State other than that which awarded the qualification, to verify with a competent authority of the relevant European State of origin of the award—

- (a) whether the training course at the establishment which gave the training has been formally certified by the educational establishment in the relevant European State of origin of the award;
- (b) whether the evidence of formal qualifications issued is the same as that which would have been awarded if the course had been followed in the relevant European State of origin of the award; and
- (c) whether the evidence of formal qualifications confers the same professional rights in the territory of the relevant European State of origin of the award.

(3) A competent authority, in cases of justified doubt, is entitled to require confirmation from a competent authority of a relevant European state that the applicant is not suspended or prohibited from the pursuit of the profession as a result of serious professional misconduct or conviction of criminal offences relating to the pursuit of any of the applicant's professional activities.

40. Where an applicant is required to swear a solemn oath or make a sworn statement, the form of which is such that it cannot be taken or made by applicants of another relevant European State, the competent authority must ensure that an appropriate equivalent form of oath or declaration is available for those applicants.

41. Exchanges by competent authorities under regulations 38 and 39 shall take place through IMI.

Decisions of competent authorities

42.—(1) The competent authority must acknowledge receipt of an applicant's application to establish himself in the United Kingdom pursuant to Part 3 of these Regulations within one month of receipt, and must inform the applicant if any document is missing.

(2) The competent authority must consider the applicant's application as soon as is reasonably practicable, and must notify the applicant of its decision together with the reasons upon which it is based—

- (a) within four months, for applications under Chapter 1 of this Part, or
- (b) within three months, for applications under Chapter 2 of this Part,

of receipt of all the relevant documentation.

(3) The decision referred to in paragraph (2), or failure to take that decision within the deadlines set out in that paragraph, is subject to appeal pursuant to regulation 68.

(4) For the purposes of this regulation, if a competent authority fails to take a decision and notify it to the applicant within the period mentioned in paragraph (2), it shall be deemed to have taken a decision to reject the application and to have notified it to the applicant on the last day of that period.

(5) This regulation does not apply to a competent authority acting in relation to an application for a European Professional Card for establishment in the United Kingdom.

Use of professional titles

43.—(1) If the use of a professional title relating to one of the activities of the profession in question is regulated in the United Kingdom, applicants who are authorised to practise a regulated profession in accordance with this Part of these Regulations must use the professional title used in the United Kingdom which corresponds to that profession, and make use of any associated initials.

(2) Where a profession is regulated in the United Kingdom by a professional association, applicants must not be authorised to use the professional title issued by that professional association, or its abbreviated form, unless they furnish proof that they are members of that professional association.

(3) A professional association that makes membership contingent upon certain qualifications may do so only under the conditions laid down in these Regulations in respect of applicants who possess professional qualifications.

(4) A professional association in the United Kingdom may only reserve use of a professional title to the holders of professional qualifications if the title has been notified to the Commission and other member states.