

2015 No. 2059

PROFESSIONAL QUALIFICATIONS

The European Union (Recognition of Professional Qualifications) Regulations 2015

<i>Made</i>	- - - -	<i>17th December 2015</i>
<i>Laid before Parliament</i>		<i>21st December 2015</i>
<i>Coming into force</i>	- -	<i>18th January 2016</i>

CONTENTS

PART 1

General Provisions

1. Citation and commencement
2. Interpretation
3. Application
4. Competent authorities
- 5.–7. Functions of competent authorities in the United Kingdom
8. Regulated profession, regulated education and training and applicants
9. Professional qualifications and evidence of formal qualifications
10. Partial access
11. Procedure applicable to partial access applications

PART 2

Freedom to Provide Services on a Temporary and Occasional Basis

- 12.–13. Right to practise in the United Kingdom
14. Exemptions
- 15.–17. Declaration and documents to be provided on the first provision of service
18. Title under which professional services are provided
- 19.–23. Checks for professions having public health or safety implications
24. Non-compliance
25. Administrative cooperation and service provision
26. Information to be given to a recipient of professional services or service

PART 3
Freedom of Establishment
CHAPTER 1

General System for the Recognition of Training

- 27. Levels of qualification
- 28. Equal treatment of qualifications
- 29. Conditions for recognition
- 30.–31. Compensation measures - adaptation periods and aptitude tests
- 32.–34. Conditions for compensation measures

CHAPTER 2

Recognition of Professional Experience

- 35. Automatic Recognition

CHAPTER 3

United Kingdom Certificates of Experience

- 36.–37. Issue and revocation of Certificates of Experience

CHAPTER 4

Common Provisions on Establishment

- 38.–41. Documentation and formalities
- 42. Decisions of competent authorities
- 43. Use of professional titles

PART 4

European Professional Card

- 44. Functions of designated competent authorities in the United Kingdom in relation to an application for a European Professional Card
- 45.–49. Processing and access to data regarding the European Professional Card
- 50. Issue of European Professional Card for temporary and occasional provision of service other than those having public health or safety implications
- 51.–55. Issue of European Professional Card for temporary and occasional provision of services having public health or safety implications
- 56.–61. Issue of European Professional Card for establishment
- 62.–63. Decision on issue or revocation of the European Professional Card

PART 5

Automatic recognition on the basis of common training principles

- 64. Common training framework
- 65. Common training test

PART 6

Supplementary

- 66. Exchange of information
- 67. Alert mechanism
- 68. Appeals
- 69. Use of academic titles
- 70. Assistance centre

- 71. Information from competent authorities
- 72. Review
- 73.–77. Consequential amendments
- 78. Transitional provisions
- 79.–80. Revocation

-
- SCHEDULE 1 — Regulated Professions
 - PART 1 — Professions Regulated by Law or Public Authority
 - PART 2 — Professions Regulated by Professional Bodies Incorporated by Royal Charter
 - PART 3 — Regulated Professions Under Regulation 35
 - PART 4 — Sectoral Professions
 - SCHEDULE 2 — Regulated Professions Having Public Health or Safety Implications for the purposes of regulations 19 to 23 and 51 to 55.
 - SCHEDULE 3 — Professions in Respect of which the Right of the Applicant to Choose Between an Adaptation Period and an Aptitude Test is Displaced
 - PART 1 — Professions Under Regulation 34(a)
 - PART 2 — Professions Under Regulation 34(b)
 - SCHEDULE 4 — Activities Referred to in Lists I, II and III of Annex IV of the Directive
 - SCHEDULE 5 — Appeal Bodies
 - SCHEDULE 6 — Revocation Schedule

The Secretary of State is designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to recognition of higher education diplomas, formal qualifications, or experience in the occupation, required for the pursuit of professions or occupations.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for certain references to provisions of European Union instruments to be construed as references to those provisions as amended from time to time.

The Secretary of State makes the following Regulations in exercise of the powers conferred under section 2(2) of, as read with paragraph 1A of Schedule 2(c) to, the European Communities Act 1972.

(a) S.I. 2002/248, S.I. 1995/3207, S.I. 2003/2901. Under section 57(1) of the Scotland Act 1998 (c.46), despite the transfer to Scottish Ministers of functions in relation to implementation obligations under Union law in relation to certain matters by virtue of section 53 of that Act, the function of the Secretary of State in relation to any matter continues to be exercisable by him as regards Scotland for the purposes specified in section 2(2) of the European Communities Act 1972.

(b) 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

(c) Paragraph 1A was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

PART 1

General Provisions

Citation and commencement

1. These Regulations may be cited as the European Union (Recognition of Professional Qualifications) Regulations 2015 and come into force on 18th January 2016.

Interpretation

2.—(1) In these Regulations—

“the 2007 Regulations” means the European Communities (Recognition of Professional Qualifications) Regulations 2007(a);

“adaptation period” has the meaning set out in regulation 30;

“another relevant European State” means a relevant European State other than the United Kingdom;

“applicant” has the meaning set out in regulation 8(3) and (4);

“aptitude test” has the meaning set out in regulation 31;

“assistance centre” means the authority designated in the United Kingdom to assist with recognition of professional qualifications and to issue a European Professional Card in respect of any profession that is not regulated in the United Kingdom;

“Commission” means the European Commission;

“common training framework” has the meaning set out in regulation 64 in respect of a profession listed in a delegated act of the Commission pursuant to Article 49a(4) of the Directive;

“common training test” has the meaning set out in regulation 65 in respect of a profession listed in a delegated act of the Commission pursuant to Article 49b(4) of the Directive;

“compensation measures” means an adaptation period or an aptitude test;

“competent authority”—

(a) in relation to the United Kingdom, has the meaning set out in regulation 4(1) to (4);

(b) in relation to another relevant European State, has the meaning set out in regulation 4(5), 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;

“designated competent authority” means a competent authority that has been authorised in the United Kingdom either to use IMI for the purposes of processing the European Professional Card or for measures relating to alerts regarding a professional whose professional activities have been restricted or prohibited even on a temporary basis, or for both purposes

“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(b);

“Directive 95/46/EC” means Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, as amended from time to time(c);

“Directive 2002/58/EC” means Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of

(a) S.I. 2007/2781.

(b) OJ No L 255, 30.9.2005, p.22.

(c) OJ No L 281, 23.11.1995, p 31.

privacy in the electronic communications sector (Directive on privacy and electronic communications), as amended from time to time(a);

“Directive 2006/123/EC” means Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market, as amended from time to time(b)

“enactment” includes—

- (a) an enactment contained in subordinate legislation within the meaning given by subsection (1) of section 21 of the Interpretation Act 1978(c), 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;

“European Credit Transfer and Accumulation System” or “ECTS credit” means the credit system for higher education used in the European Higher Education Area;

“European Professional Card” has the meaning given in the Directive;

“evidence of formal qualifications” has the meaning set out in regulation 9(2);

“home State” means the relevant European State in which the applicant obtained their professional qualifications or in which they lawfully practised;

“holder” means a person to whom a competent authority of a relevant European State has awarded professional qualifications;

“host State” means the relevant European State to which an applicant applies for access to or pursuit of a regulated profession in its territory;

“IMI” means the Internal Market Information System, the online, secure messaging system developed by the European Commission;

“Implementing Regulation 2015” means Commission Implementing Regulation (EU) No 2015/983 on the procedure for issuance of the European Professional Card and the application of the alert mechanism pursuant to Directive 2005/36/EC of the European Parliament and of the Council(d);

“lifelong learning” means all general education, vocational education and training, non-formal education and informal learning during life resulting in an improvement in knowledge, skills and competences and may include professional ethics;

“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;

“missing document” for the purposes of applications for a European Professional Card has the meaning set out in Article 6(2) and 10(3) of the Implementing Regulation 2015;

“overriding reasons of general interest” means reasons recognised as such in the case law of the Court of Justice of the European Union;

“point of single contact” means the authority designated in the United Kingdom to handle online queries on access to professional activities in the United Kingdom;

“practice” in relation to any regulated profession includes—

(a) OJ No L 201, 31.7.2002, p 37.

(b) OJ No L 274, 20.10.2009, p 36.

(c) 1978 c.30.

(d) OJ No L 159, 25.6.2015, p 27.

- (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 full-time or equivalent part-time pursuit of the profession concerned;

“professional traineeship” means a period of professional practice carried out under supervision that constitutes a condition for access to a regulated profession, and takes place either during or after completion of an education leading to a diploma;

“professional qualifications” has the meaning set out in regulation 9(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 set out in regulation 8(2);

“regulated profession” has the meaning set out in regulation 8(1);

“relevant body” means a body in the home State that can validate professional qualifications;

“relevant European State” means—

- (a) in relation to all provisions except regulation 78(3), an EEA State;
- (b) in relation to regulation 78(3), an EEA state or Switzerland.

“same profession” means the profession for which the applicant is qualified in their 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,

“UK 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.

(2) A reference in these Regulations to the Directive or a provision of the Directive is a reference to the Directive or a provision of the Directive as amended from time to time.

(3) A reference in these Regulations to the Implementing Regulation 2015 or a provision of that Regulation is a reference to the Implementing Regulation 2015 or a provision of that Regulation as amended from time to time.

(4) 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.

(5) 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.

(6) For the purposes of these Regulations, a profession having public health or safety implications is a regulated profession which is one of the following—

- (a) a profession listed in Schedule 2;
- (b) a sectoral profession, except the profession of architect, in a case described in regulation 3(8).

Application

3.—(1) Subject to paragraphs (4) to (11), the provisions listed in paragraph (2) apply to applicants.

(2) Those provisions are—

- (a) regulations 5(1) to (3), 6 and 7 (functions of competent authorities);
- (b) regulations 10 and 11 (partial access);
- (c) regulations 12 to 26 (Part 2 (freedom to provide services on a temporary and occasional basis));
- (d) regulations 27 to 34, (Part 3 (freedom of establishment));
- (e) regulation 35, (recognition of professional experience);
- (f) regulations 38 to 43, (common provisions on establishment);
- (g) regulations 44 to 63, (Part 4 European Professional Card) (in cases where the profession is listed in Annex 1 to the Implementing Regulation 2015);
- (h) regulations 64 and 65, (automatic recognition on the basis of Common Training Platform);
- (i) regulation 66 (exchange of information);
- (j) regulation 68 (appeals);
- (k) regulation 69 (use of academic titles).

(3) The provisions in regulation 67(1) and 67(3) to (10), and regulation 68 to the extent it applies to regulation 67, apply to professionals referred to in regulation 67(2).

(4) The provisions listed in paragraph (2) apply to the sectoral professions only as mentioned in paragraphs (3) and (5).

(5) The following provisions apply to the sectoral professions only in cases within paragraph (8) (in which the applicant for specific and exceptional reasons does not satisfy the requirements for automatic recognition or recognition on the basis of acquired rights)—

- (a) regulations 6 and 7 (functions of competent authorities);
- (b) regulations 10 and 11 (partial access);
- (c) except for the profession of architect, regulations 13(1) and (2) and 19 to 23 (checks for professions having public health or safety implications);
- (d) regulations 27 to 34, (Chapter 1 of Part 3 (General system for the recognition of training));
- (e) regulations 38 to 43 (Chapter 4 of Part 3) except regulation 42(3);
- (f) regulations 44 to 63 (European Professional Card) (in cases where the profession is listed in Annex 1 to the Implementing Regulation 2015);
- (g) regulation 66 (information); and
- (h) regulation 68 (appeals).

(6) The provisions listed in paragraph (2) apply to the professions listed in Part 3 of Schedule 1 only as mentioned in paragraph (7).

- (7) The following provisions apply to the professions listed in Part 3 of Schedule 1—
- (a) regulation 5(1) to (3) (functions of competent authorities);
 - (b) regulations 6 and 7 (competent authorities);
 - (c) regulations 12 to 26 (freedom to provide services on a temporary and occasional basis);
 - (d) regulations 27 to 34 (general system for recognition of training) (in cases where the applicant for specific and exceptional reasons does not meet the requirements set out in Schedule 4);
 - (e) regulation 35 (automatic recognition);
 - (f) regulations 38 to 43 (common provisions on establishment);
 - (g) regulations 44 to 63 (European Professional Card) (in cases where the profession is listed in Annex 1 to the Implementing Regulation 2015);
 - (h) regulation 66 (exchange of information);
 - (i) regulation 68 (appeals); and
 - (j) regulation 69 (use of academic titles).
- (8) The cases mentioned in paragraph (5) are—
- (a) for applicants who are doctors with basic training, specialised doctors, nurses responsible for general care, dental practitioners, specialised dental practitioners, veterinary surgeons, midwives, pharmacists and architects, when the applicant does not meet the requirements of effective and lawful professional practice required in Articles 23, 27, 33, 37, 39, 43 and 49 of the Directive (acquired rights);
 - (b) for applicants who are architects, when the applicant holds evidence of formal qualifications not listed in Annex V point 5.7 of the Directive;
 - (c) without prejudice to the provisions of Articles 21(1), 23 and 27 of the Directive (automatic recognition and acquired rights), for applicants who are doctors, nurses, dental practitioners, veterinary surgeons, midwives, pharmacists and architects holding evidence of formal qualifications as a specialist, which must follow the training leading to the possession of a title listed in Annex V of the Directive, points 5.1.1, 5.2.2, 5.3.2, 5.4.2, 5.5.2, 5.6.2, and 5.7.1, solely for the purposes of the recognition of the relevant speciality;
 - (d) for applicants who are specialised nurses without training as a general care nurse, where, in the United Kingdom, the relevant professional activities are pursued by nurses responsible for general care, specialised nurses without training as general care nurses or specialised nurses holding evidence of formal qualifications as a specialist which follows the training leading to the possession of the titles listed in Annex V, point 5.2.2 of the Directive; and
 - (e) for applicants whose qualifications were obtained in a third country and, if wishing to access and pursue a sectoral profession in the United Kingdom on a permanent basis—
 - (i) who have, in the relevant sectoral profession, three years' professional experience on the territory of a relevant European State which recognised the formal qualifications obtained in the third country by permitting the applicant to pursue the profession on its territory in accordance with its rules; and
 - (ii) whose three years' professional experience is certified by that State.
- (9) Regulations 12 to 26 (Part 2) and regulations 50 to 55 relating to temporary and occasional provision of service do not apply—
- (a) to any of the professions listed in Part 2 of Schedule 1; and
 - (b) to the profession of solicitor in England and Wales, Northern Ireland or Scotland or the profession of barrister in England and Wales or Northern Ireland, or the profession of

advocate in Scotland where the European Communities (Services of Lawyers) Order 1978(a) applies.

(10) These Regulations do not apply to the profession of statutory auditor as defined in section 1210 of the Companies Act 2006(b).

(11) These Regulations do not apply to the profession of notary appointed by an official act of government.

Competent authorities

4.—(1) In the case of a regulated profession listed in any of Parts 1 to 3 of Schedule 1, the competent authority in the United Kingdom for the purposes of the Directive so far as relating to that profession is the body or authority specified in relation to that profession in that Part of that Schedule.

(2) In the case of a regulated profession that is regulated in the United Kingdom but is not listed in Schedule 1, the competent authority in the United Kingdom for the purposes of the Directive so far as relating to that profession is the governing body of that profession in the United Kingdom.

(3) In these Regulations “competent authority”, in relation to a profession listed in Part 4 of Schedule 1, means the body or authority specified in relation to that profession in that Part of that Schedule.

(4) In regulations 8 and 9, and in Parts 4 and 5 of these Regulations, “competent authority” includes the assistance centre.

(5) For the purposes of these Regulations, the competent authority in another relevant European State in relation to—

- (a) any document, certificate, attestation of competence, diploma or qualification,
- (b) any period of professional experience, or
- (c) any application, action or decision,

is the authority, body or person who under laws, regulations or administrative provisions is authorised in that State to issue, award or recognise the document or information concerned or (as the case may be) to certify the period of professional experience, to receive the application or to take the action or decision.

Functions of competent authorities in the United Kingdom

5.—(1) Without prejudice to its other powers and functions, a competent authority has the function of receiving and considering applications by applicants and taking the actions and decisions referred to in these Regulations.

(2) A competent authority must, using the IMI procedure—

- (a) work in close collaboration with competent authorities of other relevant European States;
- (b) provide assistance to competent authorities of other relevant European States in order to facilitate application of these Regulations; and
- (c) ensure the confidentiality of the information which they exchange.

(3) If the holder of a qualification awarded by a competent authority requests, either in writing or by electronic means, that authority to provide the holder with any information or evidence as listed in Annex VII of the Directive in support of the holder’s application to practise a profession in another relevant European State which regulates that profession, the competent authority must produce that information or evidence to the holder within the time limits set down in that Annex or, if there are no time limits, as soon as is reasonably practicable following the request of the holder.

(a) S.I. 1978/1910 amended by S.I. 1980/1964, 1981/228, 2003/435, 2004/1117, 2008/81 and 2013/1605, S.S.I. 2004/186, 2007/359 and 2013/177.

(b) 2006 c.46.

(4) A competent authority must also act as a point of single contact for their regulated professions.

(5) A competent authority must fully cooperate with the assistance centre in the home or host state and provide all relevant information about individual cases to such assistance centres on request and subject to data protection rules in accordance with Directives 95/46/EC and 2002/58/EC.

(6) A competent authority must enable all requirements, procedures and formalities relating to matters covered by these Regulations to be easily completed, remotely and by electronic means but they may request certified copies at a later stage in the event of justified doubts and where strictly necessary.

(7) Paragraph (6) does not apply to the carrying out of an adaptation period or an aptitude test.

(8) Where a competent authority asks for advance electronic signatures under Article 2.2 of Directive 1999/93/EC on a Community framework for electronic signatures^(a) for the completion of procedures referred to in paragraph (6), it must accept electronic signatures in compliance with Commission Decision 2009/76/EC setting out measures facilitating the use of procedures by electronic means through the points of single contact under Directive 2006/123/EC, and provide for technical means to process documents with advanced electronic signature in formats defined by Commission Decision 2011/130/EU establishing minimum requirements for the cross-border processing of documents signed electronically by competent authorities under Directive 2006/123/EC^(b).

(9) Procedures must be carried out in accordance with Article 8 of Directive 2006/123/EC relating to the point of single contact.

(10) The procedural time limits set out in regulations 21 and 42 commence at the point when an application or any missing documents have been submitted by an applicant to a point of single contact or directly to the competent authority.

(11) Any request for certified copies under paragraph (6) is not considered as a request for missing documents.

6.—(1) A competent authority seeking to ensure that a professional has a knowledge of language necessary for practising the profession in the United Kingdom may impose controls—

- (a) in cases where the profession has patient safety implications; and
- (b) in all other cases, where there is serious and concrete doubt about the applicant's language knowledge in respect of the professional activities the applicant intends to pursue.

(2) Any controls under this regulation may only be carried out after the recognition of the professional qualification or the issue of a European Professional Card.

(3) Controls under this regulation must be proportionate to the activity to be pursued.

(4) A decision to impose controls under this regulation is subject to appeal in accordance with regulation 68.

7.—(1) Where access to a regulated profession in the UK is conditional on completion of a professional traineeship, the competent authority must, when considering a request for authorisation to practise the profession—

- (a) recognise professional traineeships that have been carried out to an equivalent standard in another relevant European state;
- (b) take account of traineeships that have been carried out in a third country.

(2) The competent authority must publish guidelines on the organisation and recognition of traineeships carried out in a relevant European state or third country, and in particular on the role of the supervisor of the professional traineeship.

(a) OJ No L 13, 9.1.2000, p.12.

(b) OJ No L 53, 26.2.2011, p.66.

(3) Recognition of the professional traineeship under paragraph 1(a) does not replace any requirements to pass an examination in order to gain access to the profession.

(4) Competent authorities in the United Kingdom may impose a reasonable limit on the duration of the part of any traineeship which can be carried out abroad.

Regulated profession, regulated education and training and applicants

8.—(1) In these Regulations, “regulated profession” means—

- (a) in relation to the United Kingdom—
 - (i) a profession listed in any of Parts 1, 3 and 4 of Schedule 1;
 - (ii) a profession practised by members of a professional association who have a title or designation set out in Part 2 of Schedule 1;
 - (iii) a professional activity or group of activities access to which, the pursuit of which or one of the modes of pursuit of which is subject (directly or indirectly) by virtue of legislative, regulatory or administrative provisions to the possession of specific professional qualifications; or
 - (iv) a professional activity or group of activities pursuit of which is by persons using a professional title limited by legislative, regulatory or administrative provisions to holders of a given professional qualification;
- (b) in relation to another relevant European State, a professional activity, or group of professional activities, which constitutes a profession if and in so far as the activity, or group of activities, is regulated in that State as a professional activity.

(2) “Regulated education and training” means education and training which is directly geared to the practice of a profession in a relevant European State, and comprises a course or courses complemented where appropriate by professional training or probationary or professional practice, the structure and level of which are determined by the laws, regulations or administrative provisions of that relevant European State or which are monitored or approved by the competent authority in a relevant European State.

(3) For the purposes of Part 2, and of any other provision of these Regulations so far as relating to Part 2, including Part 4, “applicant” means an individual—

- (a) who wishes to access and pursue a regulated profession in the United Kingdom on a temporary and occasional basis, whether in an employed or self-employed capacity;
- (b) who is a national of a relevant European State or who, although not a national of such a State, is by virtue of any enforceable EU right entitled to be treated, for the purposes of access to and pursuit of a regulated profession, no less favourably than a national of such a State;
- (c) whose qualifications were obtained in a relevant European State or a third country;
- (d) who is legally established in their home State for the purpose of pursuing the same profession there; and
- (e) who, if neither that profession nor the education and training leading to it is regulated in their home State, has pursued that profession in that State for at least one year during the ten years preceding the provision of services.

(4) For the purposes of Chapters 1, 2 and 4 of Part 3, and of any other provision of these Regulations so far as relating to those Chapters, including Part 4, “applicant” means an individual—

- (a) who wishes to access and pursue a regulated profession in the United Kingdom on a permanent basis, whether in an employed or self-employed capacity;
- (b) who is a national of a relevant European State or who, although not a national of such a State, is by virtue of any enforceable EU right entitled to be treated, for the purposes of access to and pursuit of a regulated profession, no less favourably than a national of such a State;

- (c) whose qualifications were obtained in a relevant European State or a third country; and
- (d) who, if their qualifications were obtained in a third country, has three years' professional experience in the profession concerned—
 - (i) on the territory of a relevant European State which recognised the formal qualifications obtained in the third country by permitting the individual to pursue the profession on its territory in accordance with its rules, and
 - (ii) certified by that State.

Professional qualifications and evidence of formal qualifications

- 9.**—(1) In these Regulations, subject to regulation 12(2), “professional qualifications” means—
- (a) qualifications attested by evidence of formal qualifications;
 - (b) an attestation of competence issued by a competent authority in the home State on the basis as set out in regulation 27(a);
 - (c) professional experience.
- (2) “Evidence of formal qualifications” means—
- (a) diplomas, certificates and other evidence issued by an authority in a relevant European State certifying successful completion of professional training obtained mainly in one or more relevant European States; or
 - (b) where sub-paragraph (a) does not apply, diplomas, certificates and other evidence issued by a third country if the holder has three years' professional experience—
 - (i) on the territory of a relevant European State which recognised the formal qualifications obtained in the third country by permitting the applicant to pursue the profession on its territory in accordance with its rules, and
 - (ii) certified by that State.

Partial access

10.—(1) Subject to paragraph (4), the competent authority in the United Kingdom must grant partial access, on a case by case basis, to a professional activity on its territory when all of the following conditions are met—

- (a) the professional is fully qualified to exercise in the home State the professional activity for which partial access is sought in the United Kingdom;
- (b) differences between the professional activity exercised in the home State and the regulated profession in the United Kingdom are so large that the application of compensation measures would amount to requiring the applicant to complete the full programme of education and training required in the United Kingdom to have access to the full regulated profession in the United Kingdom;
- (c) the professional activity can objectively be separated from other activities falling under the regulated profession in the United Kingdom.

(2) In determining paragraph (1)(c) the competent authority in the United Kingdom must take into account whether the professional activity can be pursued autonomously in the home State.

(3) Professionals benefitting from partial access must clearly indicate to service recipients the scope of their professional activities.

(4) Partial access may be denied if such denial is justified by overriding reasons of general interest, suitable for securing the attainment of the objective pursued, and does not go beyond what is necessary to attain that objective.

Procedure applicable to partial access applications

11.—(1) Applications for the purpose of establishment must be examined by the competent authority in accordance with Chapters 1 and 4 of Part 3.

(2) Applications for the purpose of providing temporary and occasional services in respect of professional activities having public health or safety implications must be examined by the competent authority in accordance with Part 2.

PART 2

Freedom to Provide Services on a Temporary and Occasional Basis

Right to practise in the United Kingdom

12.—(1) Subject to the provisions in regulations 13 to 24, a competent authority may not, for any reasons related to professional qualifications, restrict an applicant who moves to the United Kingdom to provide professional services.

(2) In this Part, references to “professional qualifications” includes, in respect of an applicant whose qualifications were obtained in a third country, those qualifications.

13.—(1) The provisions of this Part only apply where the applicant moves to the United Kingdom to provide professional services on a temporary and occasional basis.

(2) The competent authority must assess on a case by case basis whether the provision of professional services is on a temporary and occasional basis in particular in relation to its duration, its frequency, its regularity and its continuity.

(3) Where the applicant moves to the United Kingdom, the applicant will be subject to the professional rules of the relevant body or bodies referred to in Parts 1 and 3 of Schedule 1.

Exemptions

14.—(1) In accordance with regulation 12 and subject to paragraph (2), a competent authority must exempt applicants established in another relevant European State from the requirements which it places on professionals established in the United Kingdom relating to—

- (a) authorisation by, registration with or membership of a professional organisation or body; and
- (b) registration with a public social security body for the purpose of settling accounts with an insurer relating to activities pursued for the benefit of insured persons.

(2) Competent authorities may, in order to facilitate the application of disciplinary provisions in professional, statutory or administrative rules, provide either for automatic temporary registration or for pro-forma membership if such registration or membership—

- (a) does not delay or complicate in any way the provision of services, and
- (b) does not entail any additional costs for the applicant.

(3) For the purpose of settling accounts with an insurer relating to activities pursued for the benefit of insured persons, the applicant shall inform in advance or, in an urgent case afterwards, the body referred to in paragraph (1)(b).

Declaration and documents to be provided on the first provision of service

15.—(1) A competent authority may require that where an applicant first moves from another relevant European State to the United Kingdom in order to provide services in a regulated profession, the applicant must inform the appropriate competent authority by way of a declaration.

(2) A declaration under paragraph (1) must—

- (a) be made in advance of the service being provided;
- (b) include the details of any insurance cover or other means of personal or collective protection with regard to professional liability; and

- (c) be renewed once a year if the applicant intends to provide temporary or occasional services in the United Kingdom during that year.

(3) The declaration or renewal supplied to the competent authority must be provided in writing and may be supplied by any means.

16.—(1) Competent authorities may require that a declaration under regulation 15 be accompanied by the documents in paragraph (2)—

- (a) for the first provision of services, or
- (b) if there is a material change in the situation substantiated by the documents.

(2) The documents that may be required are—

- (a) proof of nationality of the applicant or, where the applicant is not a national of a relevant European State, proof of the Union right on which the applicant relies;
- (b) an attestation certifying that the applicant is legally established in another relevant European State for the purpose of pursuing the activities concerned and that the applicant is not prohibited from practising, even temporarily, at the moment of delivering the attestation;
- (c) evidence of professional qualifications;
- (d) for cases referred to in regulation 8(3)(e), any means of proof that the applicant has pursued the activity concerned for at least one year during the previous ten years;
- (e) for professions in the security sector, in the health sector and professions related to the education of minors, including in childcare and early childhood education where required for United Kingdom professionals, an attestation confirming the absence of temporary or final suspensions from exercising the profession or of criminal convictions;
- (f) for professions that have patient safety implications, a declaration about the applicant's knowledge of the language necessary for practising the profession in the host State;
- (g) for professionals covering the activities referred to in regulation 35 and which were notified to the Commission as requiring a prior check of qualifications under regulation 19, a certificate concerning the nature and duration of the activity issued by the competent authority or body of the home State.

17.—(1) Subject to regulation 19, an applicant who has submitted the required declaration in accordance with regulations 15 and 16 is entitled to have access to the professional activity or to exercise the professional activity in the entire territory of the United Kingdom.

(2) The competent authority may require additional information concerning the professional qualifications of the applicant if—

- (a) the profession is regulated in parts of the United Kingdom in a different manner,
- (b) such regulation also applies to all United Kingdom nationals,
- (c) the difference in such regulation are justified by overriding reasons of general interest relating to public health or safety of recipients; and
- (d) the competent authority has no other means of obtaining such information.

Title under which professional services are provided

18.—(1) Subject to paragraph (2), the applicant on providing services in the United Kingdom must—

- (a) use the professional title applicable to that profession in the home State, if that title exists within that State for the professional activity,
- (b) indicate that title in the official language or one of the official languages of the home State in such a way as to avoid confusion with the professional title of the profession in the United Kingdom; and
- (c) where no professional title exists in the home State, indicate the applicant's formal qualification in the official language or one of the official languages of that home State.

(2) On verification of qualifications where regulation 19 applies, or where both regulations 19 and 20 apply, the applicant on providing services must use the professional title applicable to that profession in the United Kingdom.

(3) Paragraph (2) does not apply in cases where partial access has been granted and the professional activity must be exercised under the professional title of the home State.

(4) The competent authority may require use of the professional title referred to in paragraph (3) in English.

Checks for professions having public health or safety implications

19.—(1) This regulation and regulations 20 to 23 apply in the case of applicants in a regulated profession which has public health or safety implications.

(2) Subject to paragraph (3), for regulated professions referred to in paragraph (1), the competent authority may check the professional qualifications of the applicant prior to the first provision of services.

(3) Such prior check shall be possible only where the purpose of the verification is justified and proportionate in the profession concerned in order to avoid serious damage to the health or safety of the recipient of the service, due to a lack of professional qualifications of the applicant, and where this check does not go beyond what is necessary to achieve that purpose.

20.—(1) This regulation applies if—

- (a) a check under regulation 19 demonstrates that there is a substantial difference between the professional qualifications of the applicant and the training required to access and pursue the regulated profession in the United Kingdom;
- (b) the substantial difference is such as to be harmful to public health or safety; and
- (c) the substantial difference cannot be compensated by the applicant's professional experience or by knowledge, skills or competences acquired through lifelong learning formally validated to that end by a relevant body.

(2) The competent authority must, prior to the first provision of services by the applicant, give the applicant the opportunity to show that the applicant has acquired the knowledge, skills or competence lacking by taking and passing an aptitude test.

21. The competent authority must, within one month of receipt of the declaration and accompanying documents referred to in regulations 15 and 16, inform the applicant of its decision—

- (a) not to check the applicant's professional qualifications, or
- (b) (having checked the applicant's professional qualifications under regulation 19(2))—
 - (i) to give the applicant the opportunity to take an aptitude test under regulation 20(2); or
 - (ii) to allow the provision of services.

22.—(1) Where there is a difficulty which would result in delay of a decision under regulation 21, the competent authority must notify the applicant of the reason for the delay within one month of receipt of the declaration and accompanying documents.

(2) The difficulty must be resolved within one month of the notification referred to in paragraph (1) and the decision finalised within two months of resolution of the difficulty.

23.—(1) Where the competent authority gives the applicant the opportunity under regulation 20(2) to show that the applicant has acquired the knowledge, skills and competence lacking, the competent authority must give the applicant that opportunity within one month of the decision referred to in regulation 21.

(2) If the competent authority fails to take action under regulations 21 and 22 within the periods stipulated in those regulations, the applicant may provide the services in the United Kingdom.

Non-compliance

24.—(1) An applicant will no longer be entitled to provide services in the profession that the applicant is pursuing in the United Kingdom in accordance with this Part nor retain any temporary registration, if—

- (a) the applicant becomes established in that profession in the United Kingdom; or
- (b) the applicant is subject to a decision of the competent or judicial authority of the relevant European State in which the applicant is established which has the effect that the applicant is no longer lawfully established in that State or that the applicant is prohibited (even temporarily) from practising that profession there.

(2) Where—

- (a) under regulation 15 an applicant should have, but has not, renewed (or further renewed) a declaration under that regulation; and
- (b) under the professional rules concerned, a sanction is imposed by reference to the failure to renew,

the sanction is of no effect if, or so far as, it is not in the circumstances of the case proportionate to the failure to renew.

(3) Where under an enactment any register is maintained of persons engaged in the profession concerned, the competent authority for the profession, as a sanction for the failure to renew, may cause the applicant's name to be removed from that register.

(4) For the purposes of paragraph (2)(b), paragraph (3) is part of the professional rules concerned.

Administrative cooperation and service provision

25.—(1) Competent authorities may ask the competent authorities of the home State for each provision of service—

- (a) in the event of justified doubts, to provide any information relevant to the legality of the applicant's establishment and good conduct, as well as the absence of any disciplinary or criminal sanctions of a professional nature imposed on the applicant,
- (b) for information about the applicant's training courses as necessary to assess substantial differences likely to be harmful to public health and safety.

(2) Competent authorities must provide this information to the competent authorities of other relevant European States in accordance with regulation 5(2) and regulation 66(1) and (2).

(3) In the case of non-regulated professions, the assistance centre must provide the information referred to in paragraph (1) to the competent authorities of other relevant European states.

(4) Competent authorities, on receiving a complaint by a recipient of a service against an applicant, must ensure the exchange of all information necessary for complaints to be correctly pursued.

(5) The competent authority must, on receiving a complaint described in paragraph (4), inform the recipient of the service of the outcome of the complaint.

Information to be given to a recipient of professional services or service

26. Where the service is provided under the professional title of the home State or under the formal qualification of the applicant, a competent authority may require the applicant to furnish the recipient of the service with any or all of the following information—

- (a) if the applicant is registered in a commercial register or similar public register, the register in which the applicant is registered, the relevant registration number, or equivalent means of identification contained in that register;
- (b) if the activity is subject to authorisation in the home State, the name and address of the competent or supervisory authority;

- (c) any professional association or similar body with which the applicant is registered;
- (d) the professional title or, where no such title exists, the formal qualification of the applicant and relevant European State in which it was awarded;
- (e) if the applicant performs an activity which is subject to VAT, the VAT identification number referred to in Article 22(1) of the Sixth Council Directive 77/388/EEC on the harmonization of the laws of the Member States relating to turnover taxes - Common system of value added tax;
- (f) uniform basis of assessment^(a); and
- (g) details of any insurance cover or other means of personal or collective protection with regard to professional liability.

PART 3

Freedom of Establishment

CHAPTER 1

General System for the Recognition of Training

Levels of qualification

27. For the purpose of applying conditions for recognition under regulation 29, professional qualifications are grouped under the following levels—

- (a) an attestation of competence issued by a competent authority of a relevant European State on the basis of either—
 - (i) a training course not forming part of a certificate or diploma within the meaning of paragraphs (b), (c), (d) or (e), or a specific examination without prior training, or full-time pursuit of the profession in another relevant European State for three consecutive years or for an equivalent duration on a part-time basis during the previous 10 years, or
 - (ii) general primary or secondary education, attesting that the holder has acquired general knowledge;
- (b) a certificate attesting to a successful completion of a course of secondary education either—
 - (i) general in character, supplemented by a course of study or professional training other than that referred to in paragraph (c) and/or by the probationary or professional practice required in addition to that course, or
 - (ii) technical or professional in character, supplemented where appropriate by a course of study or professional training as referred to in sub-paragraph (i), and/or by the probationary or professional practice required in addition to that course;
- (c) a diploma certifying successful completion of either—
 - (i) training at post-secondary level other than that referred to in paragraphs (d) and (e) of a duration of at least one year or of an equivalent duration on a part-time basis, one of the conditions of entry of which is, as a general rule, the successful completion of the secondary course required to obtain entry to university or higher education or the completion of equivalent school education of the second secondary level, as well as the professional training which may be required in addition to that post-secondary course; or

^(a) OJ No. L145, 13.6.1977, p.1.

- (ii) regulated education and training or, in the case of a regulated profession, vocational training with a special structure with competences going beyond what is provided for at paragraph (b) equivalent to the level of training provided for under sub-paragraph (i), which provides a comparable professional standard and which prepares the trainee for a comparable level of responsibilities and functions provided that the diploma is accompanied by a certificate from the home state;
- (d) a diploma certifying successful completion of training at post-secondary level of at least three and not more than four years' duration, or of an equivalent duration on a part-time basis, which may in addition be expressed with an equivalent number of ECTS credits, at a university or establishment of higher education or another establishment providing the same level of training, and that the applicant has successfully completed the professional training which may be required in addition to that post-secondary course;
- (e) a diploma certifying that the holder has successfully completed a post-secondary course of at least four years' duration, or of an equivalent duration on a part-time basis, which may in addition be expressed with an equivalent number of ECTS credits, at a university or establishment of higher education or another establishment providing the same level of training, and that the applicant has successfully completed the professional training which may be required in addition to the post-secondary course.

Equal treatment of qualifications

28.—(1) Any evidence of formal qualifications or set of evidence of formal qualifications must be treated as evidence of formal qualifications of a type covered by regulation 27, including the level in question if such evidence or set of evidence—

- (a) is issued by the competent authority of a relevant European State certifying successful completion of training in any of the relevant European States on a full or part time basis, within or outside formal programmes, which is recognised by that relevant European State as being of an equivalent level, and
- (b) confers on the holder the same rights of access to or pursuit of a profession or prepares the applicant for the pursuit of that profession.

(2) Any professional qualification shall be treated as evidence of formal qualifications under the same conditions as set out in paragraph (1) where such professional qualification—

- (a) does not satisfy the requirements contained in the legislative, regulatory or administrative provisions in force in the home State for access to or the pursuit of a profession; but
- (b) confers on the holder acquired rights by legislative, regulatory or administrative provisions in force in the home State.

(3) In a case within paragraph (2), where—

- (a) the home State raises the level of training required for admission to a profession and for its exercise, and
- (b) an applicant, having undergone former training which does not meet the requirements of the new qualification, benefits from acquired rights by virtue of legislative, regulatory or administrative provisions in the home State

the former training shall be considered by competent authorities as corresponding to the level of the new training.

Conditions for recognition

29.—(1) Subject to a requirement by the competent authority pursuant to regulation 32, if access to or pursuit of a regulated profession in United Kingdom is contingent on possession of specific qualifications, a competent authority must permit access to and pursuit of that regulated profession to an applicant under the same conditions as apply to a UK applicant, where that applicant—

- (a) possesses the attestation of competence or evidence of formal qualifications required by another relevant European State, where the profession is regulated, in order to gain access to and pursue that same profession in that relevant European State, or
 - (b) has pursued that same profession on a full time basis for one year or for an equivalent overall duration on a part-time basis during the previous ten years in another relevant European State which does not regulate that profession, provided that the applicant possesses one or more attestations of competence or documents providing evidence of formal qualifications issued by a relevant European State which does not regulate that profession.
- (2) Attestations of competence or evidence of formal qualifications must satisfy the following conditions—
- (a) they must have been issued by a competent authority of another relevant European State;
 - (b) where paragraph (1)(b) applies, they must also attest that the applicant has been prepared for the pursuit of the profession in question.
- (3) A competent authority may not require the one year of professional experience referred to in paragraph (1)(b) if the evidence of formal qualifications which the applicant possesses certifies regulated education and training.
- (4) A competent authority must accept the level attested under regulation 27 by the home State as well as the certificate by which the home State certifies that regulated education and training or vocational training with a special structure referred to in regulation 27(c)(ii) is equivalent to the level provided for in regulation 27(c)(i).
- (5) A competent authority may refuse access to and pursuit of a regulated profession where access to this profession is contingent in the United Kingdom on possession of a qualification set out in regulation 27(e) and where the applicant possesses an attestation of competence classified under regulation 27(a).

Compensation measures - adaptation periods and aptitude tests

30.—(1) An adaptation period means, in relation to the regulated profession which the applicant seeks to take up or pursue in the United Kingdom, a period of pursuit of the regulated profession under the supervision of a qualified member of that profession, subject to an assessment of the ability of the applicant to pursue that profession in the United Kingdom.

(2) The competent authority must clearly set out the detailed rules governing the adaptation period and its assessment, having regard to the circumstances of each individual applicant and, in particular, to the fact that the applicant is a qualified professional in another relevant European State.

(3) The applicant may be required to undergo further training during the adaptation period.

(4) The applicant's performance during the adaptation period must be assessed by the competent authority.

(5) The professional status of an applicant during the adaptation period will be a matter for the competent authority.

31.—(1) An aptitude test means, in relation to the regulated profession which the applicant seeks to take up or pursue in the United Kingdom, a test of the applicant's professional knowledge, skills and competences carried out or recognised by the competent authority with the aim of assessing the ability of the applicant to pursue that profession in the United Kingdom.

(2) The test must take into account that the applicant is a qualified professional in another relevant European State.

(3) The competent authority must determine the matters to be covered by the aptitude test as follows—

- (a) the competent authority must draw up a list of subjects which, on the basis of a comparison between the education and training required for the practice of the profession

required in the United Kingdom and that received by the applicant, have not been covered by the diploma or other evidence of formal qualifications possessed by the applicant;

- (b) the test must cover subjects selected from those so listed, the knowledge of which is essential for the pursuit of the regulated profession in the United Kingdom; and
- (c) the test may include knowledge of the relevant rules of professional conduct.

(4) The detailed application of the aptitude test and the professional status of an applicant preparing for the aptitude test will be a matter for the competent authority.

Conditions for compensation measures

32.—(1) A competent authority may, before authorising the applicant to practise the regulated profession in the United Kingdom, require the applicant in the circumstances specified in paragraph (3) either—

- (a) to complete an adaptation period of up to three years with a successful assessment, or
- (b) to take and pass an aptitude test.

(2) If a competent authority intends to require the applicant to complete an adaptation period or take an aptitude test, it must first examine whether the knowledge, skills and competences acquired by the applicant in the course of the applicant’s professional experience or through lifelong learning, and formally validated to that effect in a relevant European State or in a third country is such that it fully or partly covers substantially different matters.

(3) A competent authority may require the applicant to complete successfully an adaptation period or pass an aptitude test if—

- (a) the training the applicant has received covers substantially different matters than those covered by the evidence of formal qualifications required for the regulated profession in the United Kingdom; or
- (b) the regulated profession in the United Kingdom—
 - (i) comprises one or more regulated professional activities which do not exist in the profession in the applicant’s home State; and
 - (ii) the specific training which is required by the regulated profession covers substantially different matters from those covered by the applicant’s attestation of competence or evidence of formal qualifications.

(4) Where a competent authority decides that an aptitude test is necessary, it must permit the applicant the opportunity of taking the test within six months of the decision imposing an aptitude test on the applicant.

(5) In this regulation, “substantially different matters” means matters of which knowledge, skills and competences acquired are essential for pursuing the profession and with regard to which the training received by the applicant shows significant differences in terms of duration or content from the training required in the United Kingdom.

33. Where a competent authority considers it necessary to impose an adaptation period or aptitude test, it must inform the applicant of—

- (a) the level of professional qualification required in the United Kingdom and the level of qualification held by the applicant in accordance with the classification set out in regulation 27; and
- (b) the substantial differences referred to in regulation 32(2) and (3) and the reasons for which those differences cannot be compensated by the knowledge, skills and competence acquired in the course of professional experience or lifelong learning formally validated by a relevant body.

34. Where a requirement is imposed under regulation 32(1), the choice between an adaptation period and aptitude test must be that of the applicant except—

- (a) in the regulated professions set out in the first column of the table in Part 1 of Schedule 3, whose pursuit requires precise knowledge of national law and in respect of which the

provision of advice or assistance or both concerning national law is an essential and constant aspect of the professional activity, where the requirements set out in the second column of that table in respect of each profession shall apply, or

- (b) in cases specified in—
- (i) regulation 3(8)(a) (except for nurses responsible for general care and midwives) and (b);
 - (ii) regulation 3(8)(c) concerning only doctors and dental practitioners;
 - (iii) regulation 3(8)(d), where the applicant is a specialist nurse without training as a general nurse and seeks recognition in the United Kingdom where the relevant professional activities are pursued by nurses responsible for general care or specialised nurses holding evidence of formal qualifications as a specialist which follows the training leading to the possession of the titles listed in Annex V, point 5.2.2 of the Directive; or
 - (iv) regulation 3(8)(e);
- where for each of the professions set out in the first column of the table in Part 2 of Schedule 3, the requirements set out in the second column of that table shall apply;
- (c) in the case of a holder of a professional qualification referred to in regulation 27(a) who applies for recognition of that holder’s professional qualifications where the national professional qualification required is classified under regulation 27(c), where the Secretary of State may, in respect of a particular profession, either require an aptitude test or require an adaptation period;
- (d) in the case of a holder of a professional qualification referred to in regulation 27(b) who applies for recognition of that holder’s professional qualification where the national professional qualification required is classified under regulation 27(d) or (e), where the Secretary of State may, in respect of a particular profession, either require an aptitude test or require an adaptation period;
- (e) in the case of a holder of a professional qualification referred to in regulation 27(a) who applies for recognition of the qualification where the national professional qualification required is classified under regulation 27(d), where the Secretary of State may, in respect of a particular profession, require both an adaptation period and an aptitude test.

CHAPTER 2

Recognition of Professional Experience

Automatic Recognition

35. Where an applicant applies for recognition, a competent authority must recognise, by way of a certificate in accordance with Annex VII(1)(c) of the Directive, previous pursuit of one of the activities listed in Part 3 of Schedule 1 in another relevant European State as sufficient proof of knowledge and aptitudes where the previous pursuit of that activity is in accordance with Schedule 4.

CHAPTER 3

United Kingdom Certificates of Experience

Issue and revocation of Certificates of Experience

36.—(1) The Secretary of State delegates to ECCTIS Limited^(a) the function of issuing a certificate, to be called a “Certificate of Experience”.

(a) ECCTIS Limited is a private limited company registered in England and Wales with company number 2405026.

(2) A Certificate of Experience must be issued to a person from a relevant European State who makes an application to ECCTIS Limited for the issue of such a certificate in respect of a relevant activity and satisfies ECCTIS Limited as to their relevant experience and qualifications gained in the United Kingdom as set out in Schedule 4.

(3) For the purpose of this regulation, a relevant activity is an activity which falls within the lists of activities set out in Annex IV of the Directive.

37.—(1) Where the Secretary of State is satisfied that—

- (a) a certificate was issued in reliance upon a false or fraudulent representation or declaration, either orally or in writing; or
- (b) information in reliance upon which a certificate has been issued is not correct or is not correct in a material particular and that the experience or qualifications to which the certificate attests have not been attained,

the Secretary of State may revoke the certificate by notice in writing sent to the person named in the certificate, subject to paragraphs (2) and (3).

(2) Before revoking the certificate the Secretary of State must use reasonable endeavours to serve on the person named in the certificate a notice—

- (a) specifying that the Secretary of State is minded to revoke the certificate;
- (b) specifying the false or fraudulent representations or declarations or the incorrect information upon which a certificate has been issued;
- (c) specifying the effect of the matters set out in sub-paragraph (b) on the truth of the certificate; and
- (d) inviting that person within a reasonable period of not less than 28 days to submit representations in writing as to—
 - (i) the relevance of the false or fraudulent representations or declarations in relation to the certificate or the matters to which it attests; and
 - (ii) any other reason and why the Secretary of State should not revoke the certificate.

(3) The Secretary of State must consider any representation submitted within the period specified in the notice under paragraph (2).

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.

PART 4

European Professional Card

Functions of designated competent authorities in the United Kingdom in relation to an application for a European Professional Card

44.—(1) This regulation applies to an application to a designated competent authority in the United Kingdom for a European Professional Card by way of recognition of a professional qualification^(a).

(2) Where this Part applies to an applicant, the applicant may choose either to make an application under this Part or to make an application under the procedures provided for in regulations 15 to 17 and regulation 29.

(3) The designated competent authority must receive and consider applications and take the actions and decisions referred to in these Regulations.

(4) The designated competent authority must provide applicants with access to an online tool provided by the Commission that creates an IMI file.

(5) Where a designated competent authority also allows for written applications, it must arrange for the creation of an IMI file, any information to be sent to the applicant and the issue of a European Professional Card.

(6) Within one week of receipt of the application, the designated competent authority must acknowledge receipt of the application and inform the applicant of any missing document.

(7) Where applicable, the designated competent authority must issue any supporting certificate required under these Regulations.

(8) The designated competent authority must verify whether—

(a) the applicant is legally established in the United Kingdom; and

(b) any necessary documents that have been issued in the United Kingdom are valid and authentic.

(9) Subject to paragraph (10), in cases of justified doubt, the designated competent authority may consult any relevant body that has issued the documents and may request certified copies of documents from the applicant within a reasonable deadline.

(10) In the case of subsequent applications, the designated competent authority may not request re-submission of documents in the IMI file which are still valid.

(11) The designated competent authority may charge a reasonable fee to cover the costs of processing an application for a European Professional Card.

(12) In this Part, a reference to a designated competent authority includes a reference to an assistance centre.

(a) The subject matter and procedure for issue of a European Professional Card are set out in the Implementing Regulation 2015.

(13) In this Part, a reference to a designated competent authority in the home or host State means a designated competent authority in the home or host state where that home or host state is the UK.

Processing and access to data regarding the European Professional Card

45.—(1) The designated competent authorities in the home and host States must update the IMI file of a holder of a European Professional Card in a timely manner by—

- (a) the addition of information regarding disciplinary actions or criminal sanctions which—
 - (i) relate to a prohibition or restriction,
 - (ii) have consequences for the pursuit of activities by the holder;
- (b) the deletion of information regarding disciplinary actions or criminal sanctions that is no longer required.

(2) The designated competent authority providing the update must immediately inform the following of any update—

- (a) the holder of the European Professional Card
- (b) competent authorities that have access to the corresponding IMI file.

(3) Such update must comply with European and domestic legislation on personal data protection rules, including processing of personal data and free movement of such data set out in Directive 95/46/EC and Directive 2002/58/EC.

(4) The content of information updates must be limited to—

- (a) the identity of the individual,
- (b) the profession concerned,
- (c) information about a national authority or court which has adopted the decision on restriction or prohibition,
- (d) scope of the restriction or prohibition and
- (e) the period for which the restriction or prohibition applies.

46.—(1) Access to the information on the IMI file must be limited to the designated competent authorities of home and host States in accordance with Directive 95/46/EC.

(2) The designated competent authorities of home and host State must provide the holder of the European Professional Card with information on the content of the IMI file of that holder on request.

(3) Without prejudice to paragraph (1) the designated competent authorities of host States must permit employers, customers, patients, public authorities and other interested parties to verify the authenticity and validity of a European Professional Card presented to them by the holder.

47. A designated competent authority must only include on the European Professional Card—

- (a) information that is necessary to ascertain its holder's right to exercise the profession for which it has been issued namely the holder's name, surname, date and place of birth, profession, formal qualifications and the applicable regime and competent authorities involved, card number, security features and reference to a valid proof of identity;
- (b) information relating to professional experience acquired, or compensation measures passed by the holder of the card in the IMI file.

48.—(1) A designated competent authority may process personal data included in the IMI file for as long as it is needed for the purposes of recognition of professional qualifications and as evidence of the recognition or of the transmission of the declaration required under regulation 15.

(2) The relevant designated competent authorities processing personal data in the European Professional Card or IMI file are controllers within the meaning of Article 2(d) of Directive 95/46/EC.

49.—(1) The holder of the European Professional Card has the right, at any time and at no cost, to request the rectification of inaccurate or incomplete data or the deletion or blocking of the IMI file concerned.

(2) The designated competent authorities of the home and host States shall inform the holder of the card of the right referred to in paragraph (1) at the time the European Professional Card is issued, and remind the holder of such right every two years after that time.

(3) In the case where the application for the European Professional Card was submitted online, the reminder under paragraph (2) must be sent automatically using IMI.

(4) Where the holder of a European Professional Card issued for the purposes of establishment or temporary and occasional provision of services for professions having public health or safety implications requests deletion of the IMI file, the designated competent authority of the host state must issue the holder of professional qualifications with evidence attesting to the recognition of that holder's professional qualifications.

Issue of European Professional Card for temporary and occasional provision of service other than those having public health or safety implications

50.—(1) Where an applicant applies for a European Professional Card in respect of professions other than those having public health or safety implications, the designated competent authority in the home State must—

- (a) verify the application and supporting documents;
- (b) issue the European Professional Card within—
 - (i) three weeks of receipt of the application, or
 - (ii) three weeks of receipt of any documents identified under regulation 44(6).

(2) The period of three weeks referred to in paragraph (1) starts on receipt of any missing documents referred to in regulation 44(6), or if there are none, upon the expiry of one week of receipt of the application.

(3) The designated competent authority must transmit the European Professional Card immediately to the competent authority of each host State requested in the application and inform the applicant.

(4) The designated competent authority in the host State may not require a further declaration under regulation 15 for a period of 18 months from the date of issue of the European Professional Card.

(5) The designated competent authority in the home State may on request issue an extension to the European Professional Card in respect of—

- (a) services to be provided for a period over 18 months;
- (b) services in other host States than that initially mentioned in the original application,

and will issue such extension on a case by case basis provided that the holder of the European Professional Card provides any information on material changes in the situation as set out in the IMI file relating to the application.

(6) The designated competent authority in the home State must transmit the updated European Professional Card to the relevant host states.

(7) The European Professional Card is valid in the entire territory of any relevant host State for the duration of the holder's right to practise on the basis of the documents and information on their IMI file.

Issue of European Professional Card for temporary and occasional provision of services having public health or safety implications

51.—(1) Where an applicant applies for a European Professional Card for the temporary and occasional provision of services in respect of professions having public health or safety

implications the designated competent authority in the home State must within one month verify the authenticity and validity of the supporting documents in the IMI file.

(2) The period of one month starts upon receipt of any missing documents referred to in regulation 44(6), or if there are none, upon the expiry of one week of receipt of the application.

(3) The designated competent authority in the home State must then transmit the application immediately to the competent authority of the host State and inform the applicant of the status of the application at the same time.

(4) The actions taken by the designated competent authority in the home State under paragraph (1) replace any application for recognition of professional qualifications under the national law of the host State.

52.—(1) In the case of an application under regulation 51, the designated competent authority of the host State must decide whether to issue a European Professional Card or to subject the applicant to compensation measures within two months of receipt of the application submitted by the designated competent authority of the home State.

(2) In case of justified doubts, the designated competent authority of the host State may request additional information from, or the inclusion of a certified copy of a document by, the designated competent authority of the home State.

(3) In the case referred to in paragraph (2) the designated competent authority in the home State must provide the information or document within two weeks of the submission of the request.

(4) The request for additional information or documents referred to in paragraph (2) will not prevent the obligation to issue within the two month period referred to in paragraph (1), subject to an extension permitted under regulation 54.

(5) If the designated competent authority does not receive the information required to make a decision on the application from either the designated competent authority in the home State or the applicant, it may refuse to issue the card, but such refusal must be duly justified.

53. Where the designated competent authority fails to take a decision within the time limits set out in regulation 52(1) or fails to organise an aptitude test in accordance with regulation 20, the European Professional Card will be deemed to be issued and will be sent automatically through IMI to the applicant.

54.—(1) The designated competent authority in the host State can extend by two weeks the deadlines set out in regulation 52(1) for the automatic issue of the European Professional Card.

(2) The designated competent authority must explain the reason for the extension and inform the applicant.

(3) Such extension may be repeated once when strictly necessary, in particular for reasons relating to public health or safety of service recipients.

55. The European Professional Card is valid in the entire territory of any relevant host state for the duration of the holder's right to practise on the basis of the documents and information on their IMI file.

Issue of European Professional Card for establishment

56.—(1) Where an applicant applies for a European Professional Card for establishment the designated competent authority in the home State must within one month verify the authenticity and validity of the supporting documents in the IMI file.

(2) The period of one month starts upon receipt of any documents identified under regulation 44(6), or if there are none, upon the expiry of one week of receipt of the application.

(3) The designated competent authority in the home State must then transmit the application immediately to the designated competent authority of the host State and inform the applicant of the status of the application at the same time.

(4) The actions taken by the designated competent authority in the home State under paragraph (1) replace any application for recognition of professional qualifications under the national law of the host State.

57.—(1) The designated competent authority of the host State must decide whether to issue a European Professional Card or to subject the professional to compensation measures within two months of receipt of the application submitted by the designated competent authority of the home State.

(2) In case of justified doubts, the designated competent authority of the host State may request additional information from, or the inclusion of a certified copy of a document by, the designated competent authority of the home State.

(3) In the case referred to in paragraph (2) the designated competent authority in the home State must provide the information or document within two weeks of the submission of the request.

(4) The request for additional information or documents referred to in paragraph (2) will not prevent the obligation to issue within the two month period referred to in paragraph (1), subject to an extension permitted under regulation 61.

58.—(1) In cases falling under regulation 35 and common training principles under Articles 49a and 49b of the Directive, the competent authority in the host State must decide, within one month of receipt of the application transmitted by the designated competent authority of the home State, whether to issue a European Professional Card.

(2) In case of justified doubts, the designated competent authority of the host State may request additional information from, or the inclusion of a certified copy of a document by, the competent authority of the home State.

(3) In the case referred to in paragraph (2), the designated competent authority of the home State must provide the information or document within two weeks of submission of the request.

(4) The request for additional information referred to in paragraph (2) shall not prevent the obligation to issue within the one month period referred to in paragraph (1), subject to an extension permitted under regulation 61.

59. If the designated competent authority in the host State does not receive the information required to make a decision on the application from either the designated competent authority in the home State or the applicant, it may refuse to issue the card, but such refusal must be duly justified.

60. Where the designated competent authority in the host State fails to take a decision within the time limits set out in regulations 57(1) and 58(1) the European Professional Card will be deemed to be issued and will be sent automatically through IMI to the applicant.

61.—(1) The designated competent authority in the host State can extend by two weeks the deadlines set out in regulations 57(1) and 58(1) for the automatic issue of the European Professional Card.

(2) The designated competent authority must explain the reason for the extension and inform the applicant.

(3) Such extension may be repeated once when strictly necessary, in particular for reasons relating to public health or safety of service recipients.

Decision on issue or revocation of the European Professional Card

62.—(1) The decision of a designated competent authority or the absence of a decision by a designated competent authority to issue a European Professional Card is subject to appeal in accordance with regulation 68.

(2) The designated competent authority must inform the applicant of the right to appeal a decision to refuse to issue a European Professional Card and of the availability of judicial remedies.

(3) The designated competent authority must provide justification for any decision to refuse to issue a European Professional Card.

63.—(1) A decision by a designated competent authority to revoke a European Professional Card that it has issued in duly justified cases is subject to appeal in accordance with regulation 68.

(2) The designated competent authority must inform the holder of the European Professional Card of the right to appeal the decision and the availability of judicial remedies.

(3) The designated competent authority must provide justification for the decision to revoke the European Professional Card.

PART 5

Automatic recognition on the basis of common training principles

Common training framework

64.—(1) A “common training framework” means a common set of minimum knowledge, skills and competences necessary for the pursuit of a profession that entitles the holder of qualifications acquired under that common training framework to automatic recognition in a relevant European state.

(2) A competent authority for a profession referred to in paragraph (1) must—

(a) within three months of entry into force of a delegated act of the Commission establishing a common training framework pursuant to Article 49a(4) of the Directive notify the Secretary of State for the purpose of informing the Commission and other relevant European states of the national qualifications and national titles if applicable that comply with the common training framework; or

(b) within three months of entry into force of the delegated act referred to in sub-paragraph (a) notify the Secretary of State that the United Kingdom should claim an exemption from introducing the common training framework and from the obligation of granting automatic recognition to the professional qualification acquired under the common training framework under one of the grounds set out in Article 49a(5) of the Directive providing justification for claiming the exemption.

(3) The competent authority must give evidence of professional qualifications acquired on the basis of a common training framework the same effect in the United Kingdom as the evidence of formal qualifications it issues for the purpose of enabling the holder of such qualifications to access and pursue the profession on its territory.

(4) Paragraph (3) shall not apply in cases where the United Kingdom is exempted from the obligation to introduce a common training framework.

Common training test

65.—(1) A “common training test” means a standardised aptitude test relating to a particular professional qualification.

(2) A competent authority responsible for awarding the professional qualification referred to in paragraph (1) must—

(a) within three months of entry into force of a delegated act of the Commission establishing a common training test pursuant to Article 49b(4) of the Directive notify the Secretary of State for the purpose of informing the Commission and other relevant European states the available capacity for organising a common training test; or

(b) within three months of entry into force of the delegated act referred to in sub-paragraph (a) notify the Secretary of State that the United Kingdom should claim an exemption from organising a common training test and from the obligation of granting automatic

recognition to professionals who have passed the test under one of the grounds set out in Article 49b(5) of the Directive providing justification for claiming the exemption.

(3) The competent authority must permit the holder of a particular professional qualification who has passed the common training test to pursue the profession in the United Kingdom under the same conditions as the UK holders of those professional qualifications.

(4) Paragraph (3) shall not apply in cases where the United Kingdom is exempted from the obligation to introduce a common training test.

PART 6

Supplementary

Exchange of information

66.—(1) Competent authorities in the United Kingdom must exchange information with competent authorities of other relevant European States regarding disciplinary action or criminal sanctions taken or any other serious, specific circumstances which are likely to have consequences for the pursuit of activities under these Regulations.

(2) A competent authority in the home State receiving information from a competent authority of another relevant European State on disciplinary action or criminal sanctions, must—

- (a) examine the veracity of the circumstances;
- (b) decide on the nature and scope of the investigations which need to be carried out; and
- (c) inform that authority of the conclusions which it draws from the information available to it.

(3) Competent authorities must exchange information for the purposes of this regulation in accordance with data protection rules set out in Directives 95/46/EC and 2002/58/EC and through use of the IMI procedure.

Alert mechanism

67.—(1) A designated competent authority in the United Kingdom must inform the appropriate competent authorities of other relevant European states about a professional whose professional activities have been restricted, or prohibited, even on a temporary basis, by the national authorities or the court in the United Kingdom.

(2) A professional referred to in paragraph (1) is any one of the following—

- (a) a doctor of medicine and of general practice possessing evidence of formal qualifications referred to in points 5.1.1 and 5.1.4 of Annex V of the Directive;
- (b) specialist doctor of medicine possessing a title referred to in point 5.1.3 of Annex V of the Directive;
- (c) nurse responsible for general care possessing evidence of formal qualifications referred to in point 5.2.2 of Annex V of the Directive;
- (d) dental practitioner possessing evidence of formal qualifications referred to in point 5.3.2 of Annex V of the Directive;
- (e) specialist dentist possessing evidence of formal qualifications referred to in point 5.3.3 of Annex V of the Directive;
- (f) veterinary surgeon possessing evidence of formal qualifications referred to in point 5.4.2 of Annex V of the Directive;
- (g) midwife possessing evidence of formal qualifications referred to in point 5.5.2 of Annex V of the Directive;
- (h) pharmacist possessing evidence of formal qualifications referred to in point 5.6.2 of Annex V of the Directive;

- (i) holders of certificates mentioned in point 2 of Annex VII of the Directive attesting that the holder completed a training which satisfies the minimum requirements listed in Articles 24, 25, 31, 34, 38, 40 or 44 respectively, but which started earlier than the reference dates of the qualifications listed in points 5.1.3, 5.1.4, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.5.2, 5.6.2 of Annex V of the Directive;
- (j) holders of certificates of acquired rights as referred to in Articles 23, 27, 29, 33, 33a, 37, 43 and 43a of the Directive;
- (k) other professionals exercising activities that have patient safety implications where the professional is pursuing a profession regulated in the United Kingdom; and
- (l) professionals exercising activities relating to education of minors, including in childcare and early childhood education where the professional is pursuing a profession regulated in the United Kingdom.

(3) A designated competent authority must send the information by way of an alert within three days of the date of adoption of the decision restricting or prohibiting the pursuit of the activity in its entirety or in part by the professional.

(4) The information referred to in paragraph (3) must be limited to—

- (a) the identity of the professional;
- (b) the profession concerned;
- (c) information about the national authority or court adopting the decision on restriction or prohibition;
- (d) the scope of the restriction or prohibition,
- (e) the period during which the prohibition or restriction applies.

(5) A designated competent authority must inform the competent authorities of all relevant European states by way of an alert of the identity of a professional who has been found by a court in the United Kingdom to have falsified evidence of professional qualifications in an application for recognition under these Regulations, within three days of the date of the court judgment.

(6) A designated competent authority must inform the competent authorities of all relevant European states without delay when a prohibition or restriction referred to in paragraph (1) has expired together with the date of expiry and any subsequent change to that date.

(7) The designated competent authority must inform the professional concerned in writing of—

- (a) the decision to submit an alert at the same time the alert is sent out to other relevant European states;
- (b) the right to appeal against the decision to submit an alert or to apply for rectification of that decision;
- (c) the access to remedies for damage caused by false alerts sent out to relevant European states.

(8) In cases where the professional takes action under paragraph (7)(b) the competent authority must qualify the alert to show that it is subject to proceedings by the professional concerned.

(9) The designated competent authority must delete an alert within three days of a decision revoking it, or the expiry of the prohibition or restriction referred to in paragraph (1).

(10) In this regulation, an “alert” means a notification sent through IMI for the purposes of paragraph (1) and (5).

Appeals

68.—(1) Within four months of the notification to the applicant of a decision of a competent authority made in relation to the applicant under any one of regulations 6(1), 10, 13(2), 42(2) or under Part 4, or thereafter with the permission of the appropriate appeal body, the applicant may appeal against that decision on a matter of law or fact (or of both) to the appropriate appeal body.

(2) Within 28 days of the notification to a professional of a decision of a competent authority made in relation to the professional under regulation 67, or thereafter with the permission of the

appropriate appeal body, the professional may appeal against that decision on a matter of law or fact (or of both) to the appropriate appeal body.

(3) This regulation does not apply in relation to a decision of a competent authority (which falls within paragraph (1) or (2)) for a particular profession where the right of appeal in relation to that decision is provided for in another enactment relating to that profession.

(4) An appropriate appeal body may, for the purpose of determining any appeal under these Regulations against the decision of a competent authority under regulation 6(1), 10, 13(2), 42(2), 62 or 63—

- (a) give any authorisation to practise and impose any condition which the competent authority could give or impose in relation to that profession; or
- (b) remit the matter to the competent authority with such directions as the appeal body sees fit.

(5) An appropriate appeal body may, for the purpose of determining any appeal under these Regulations against the decision of a competent authority to submit an alert under regulation 67—

- (a) dismiss the appeal; or
- (b) allow the appeal and direct the alert be withdrawn or amended accordingly.

(6) In this regulation, “appropriate appeal body” means—

- (a) where the profession concerned is one set out in the first column of an entry in Schedule 5, the court, tribunal or other person set out in the second column of that entry;
- (b) in any other case, the county court or, in Scotland, the sheriff.

Use of academic titles

69.—(1) Without prejudice to regulations 18 and 43, an applicant who is authorised to practise a regulated profession in the United Kingdom will have the right to use the lawful academic title (and where appropriate the abbreviation thereof) acquired by that applicant in their home State and in the language of that State.

(2) Where the applicant makes use of the possibility provided for in paragraph (1), the competent authority may require that the title shall be followed by the name and location of the establishment or examining board which awarded it.

(3) Where a competent authority decides that an academic title in paragraph (1) is liable to be confused with a title which, in the United Kingdom, requires supplementary training not acquired by the applicant, it may require the applicant to use the academic title of the home State in an appropriate form laid down by the competent authority.

Assistance centre

70.—(1) The assistance centre must—

- (a) provide applicants and the assistance centres of other relevant European States with such information as is necessary concerning the recognition of professional qualifications, such as information on the national legislation governing the regulated profession concerned and pursuit of that profession, including social legislation, where appropriate the availability and functioning of the European Professional Card and, where appropriate, the rules of ethics;
- (b) on receipt of an enquiry, assist applicants in exercising the rights conferred on them by the Directive, in cooperation, where appropriate, with other assistance centres in the home State and points of single contact and competent authorities in the host State.

(2) On request from the Commission, the assistance centre must inform the Commission of the result of the enquiries with which they are dealing within two months after receiving such a request.

Information from competent authorities

71.—(1) Competent authorities must provide the Secretary of State with such information (including statistical information) as the Secretary of State may require concerning applications made to those authorities by those seeking to rely on the provisions of the Directive and the actions and decisions taken in respect of those applications.

(2) The information referred to in paragraph (1) must include detailed information on the number and types of decisions issued in accordance with these Regulations, including the types of decisions on partial access taken in accordance with regulation 10.

Review

72.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the effect of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive is implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives to be achieved by the regulatory system established by the Regulations,
- (b) assess the extent to which those objectives have been achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Consequential amendments

73.—(1) The European Communities (Lawyer's Practice) Regulations 2000(a) are amended as follows.

(2) In regulation 2(1), in the definition of "Qualification Regulations", for "the European Communities (Recognition of Professional Qualifications) Regulations 2007" substitute "the European Union (Recognition of Professional Qualifications) Regulations 2015".

(3) In regulation 29(1), for "regulation 26(a)" substitute "regulation 34(a)".

(4) In the heading to Schedule 1, for "REGULATION 26(A)" substitute "REGULATION 34(A)".

74.—(1) The Education (School Teachers' Qualifications) (England) Regulations 2003(b) are amended as follows.

(2) In paragraph 8 of Part 1 of Schedule 2, for "the European Communities (Recognition of Professional Qualifications) Regulations 2007" substitute "the European Union (Recognition of Professional Qualifications) Regulations 2015".

75.—(1) The Provision of Services Regulations 2009(c) are amended as follows.

(2) In regulation 31, in paragraph (5) omit the entry reading "regulations 11, 12, 31, 32 and 33 of the European Communities (Recognition of Professional Qualifications) Regulations 2007;"

(a) S.I. 2000/1119, amended by S.I. 2009/1587; there are other amending instruments but none is relevant.

(b) S.I. 2003/1662, amended by S.I. 2007/2782.

(c) S.I. 2009/2999, to which there are amendments not relevant to these Regulations.

and in the appropriate place insert “regulations 15, 16, 38, 39, 40, 44, 52, 57 and 58 of the European Union (Recognition of Professional Qualifications) Regulations 2015.”

76.—(1) The Tribunal Procedure (First-Tier Tribunal)(General Regulatory Chamber) Rules 2009(a) are amended as follows.

(2) In rule 1(3), in the definition of “transport case” for “and the European Communities (Recognition of Professional Qualifications) Regulations 2007” substitute “, the European Communities (Recognition of Professional Qualifications) Regulations 2007 and the European Union (Recognition of Professional Qualifications) Regulations 2015”.

77.—(1) The Education (Induction Arrangements for School Teachers) (England) Regulations 2012(b) are amended as follows.

(2) In paragraph 10 of Schedule 1, for “the European Communities (Recognition of Professional Qualifications) Regulations 2007” substitute “the European Union (Recognition of Professional Qualifications) Regulations 2015”.

Transitional and saving provisions

78.—(1) Where, immediately before the entry into force of these Regulations, an applicant has made an application to a competent authority under the 2007 Regulations, the provisions of those Regulations will continue to apply as if not revoked to—

- (a) that application; and
- (b) any appeal made in relation to that application.

(2) From the date of entry into force of these Regulations, any authorisation given by a competent authority to an applicant under the 2007 Regulations is to be treated as an authorisation given under these Regulations.

(3) The provisions of the 2007 Regulations will continue to apply to any action taken in relation to—

- (a) an applicant or professional whose home state is Switzerland; and
- (b) matters affecting Switzerland, insofar as such action relates to Switzerland.

Revocation

79. Subject to regulation 78, the 2007 Regulations are revoked in their entirety.

80. The Regulations set out in the first column of Schedule 6 are revoked to the extent expressed in the third column of that Schedule.

Neville-Rolfe
Parliamentary Under Secretary of State and Minister for Intellectual Property
Department for Business, Innovation and Skills

17th December 2015

(a) S.I. 2009/1976, to which there are amendments not relevant to these Regulations.
(b) S.I. 2012/1115.

SCHEDULE 1

Regulations 3 and 8

Regulated Professions

PART 1

Professions Regulated by Law or Public Authority

<i>Profession</i>	<i>Competent authority</i>
Advocate in Scotland	The Faculty of Advocates
Airport Fire Officer Airport Fire Fighter	Civil Aviation Authority
Analytical Chemist	The Royal Society of Chemistry
Barrister in England and Wales	General Council of the Bar
Barrister in Northern Ireland	The Bar of Northern Ireland, the Inn of Court of Northern Ireland
Licensed Boatmaster	Secretary of State
In England and Wales: Cash and Valuables in Transit Operative Close Protection Operative Door Supervisor Public Space Surveillance Operative Security Guard Vehicle Immobiliser In Scotland and Northern Ireland: Cash and Valuables in Transit Operator Close Protection Operative Door Supervisor Public Space Surveillance Operative Security Guard In Northern Ireland: Vehicle Immobiliser	Security Industry Authority
Chiropractor	The General Chiropractic Council
Child Psychotherapist employed in the National Health Service	Association of Child Psychotherapist
Licensed conveyancer Licensed CLC practitioner	The Council for Licensed Conveyancers
Deck Officer Class 1--Fishing Vessels Deck Officer Class 2--Fishing Vessels Deck Officer Class 3--Fishing Vessels Engineer Class 1--Fishing Vessels Engineer Class 2--Fishing Vessels	Maritime and Coastguard Agency
Dental Hygienist Dental Therapist Clinical Dental Technician Dental Nurse Dental Technician Orthodontic Therapist	General Dental Council
Approved Driving Instructor (Great Britain)	Driver and Vehicle Standards Agency - Registrar, (Part V, section 123 of the Road

	Traffic Act 1988(a) and the Motor Cars (Driving Instruction) Regulations 2005(b))
Approved Driving Instructor (Northern Ireland)	Driver Vehicle Agency Northern Ireland
Farrier in England, Wales and Scotland	Farriers Registration Council
Harbour Pilot	The competent harbour authority within the meaning of section 1 of the Pilotage Act 1987(c)
Registered Gas Engineer	Gas Safe Register
The following health and care professions Arts Therapist Biomedical Scientist Chiropodist and Podiatrist Clinical Scientist Dietitian Hearing Aid Dispenser Occupational Therapist Operating Department Practitioner Orthoptist Paramedic Physiotherapist Prosthetist and Orthotist Radiographer Practitioner psychologist (a registered psychologist, clinical psychologist, counselling psychologist, educational psychologist, forensic psychologist, health psychologist, occupational psychologist or sport and exercise psychologist) Social Worker in England Speech and Language Therapist	Health and Care Professions Council
Insolvency Practitioner	The Insolvency Practitioners Association Department of Enterprise, Trade and Investment in Northern Ireland The Association of Chartered Certified Accountants The Institute of Chartered Accountants in England and Wales The Institute of Chartered Accountants in Ireland The Institute of Chartered Accountants of Scotland The Law Society of Northern Ireland
Inspector of Weights and Measures Inspector of Weights and Measures in Northern Ireland	Secretary of State Department of Enterprise, Trade and Investment in Northern Ireland
Certified Instructor (Motor Cycles) (Great Britain)	Drivers and Vehicles Standards Agency
Approved Motorcycle Instructor (Northern Ireland)	Driver Vehicle Agency Northern Ireland
Diver	The Health and Safety Executive

(a) 1988 c.52.

(b) S.I.2005/1902 to which there are amendments not relevant to this Schedule.

(c) 1987 c.21.

Nurse (other than a nurse admitted to Sub-Part 1 of the nurses' part of the register maintained by the Nursing and Midwifery Council whose field of practice is adult nursing).	Nursing and Midwifery Council
Notary Public (England and Wales)	Master of the Faculties
Optometrist (Ophthalmic Optician) Dispensing Optician	General Optical Council
Osteopath	General Osteopathic Council
Patent Attorney Patent Agent	The Chartered Institute of Patent Attorneys
Pharmacy Technician in Great Britain	General Pharmaceutical Council
Principal of a further education institution in England	Secretary of State
Road/Street Works Operatives	Scottish Qualifications Authority City and Guilds of London Institute The Certification and Association Board for the Water Authority
Road/Street Works Supervisors	Scottish Qualifications Authority City and Guilds of London Institute The Certification and Association Board for the Water Authority
School Teacher in a publicly regulated school in England	The National College for Teaching and Leadership (NCTL) on behalf of the Secretary of State
School Teacher in a publicly regulated school in Northern Ireland	The General Teaching Council for Northern Ireland
School Teacher in a publicly regulated school in Scotland	The General Teaching Council for Scotland
School Teacher in a publicly regulated school in Wales	The Education Workforce Council
Social Worker in Northern Ireland	Northern Ireland Social Care Council
Social Worker in Scotland	Scottish Social Services Council
Social Worker in Wales Social Care Manager in Wales	Care Council for Wales
Solicitor in England and Wales	The Law Society
Solicitor in Northern Ireland	The Law Society of Northern Ireland
Solicitor in Scotland Conveyancing practitioner in Scotland Executory Practitioner in Scotland	The Law Society of Scotland
Costs lawyer	Association of Costs Lawyers
Chartered legal executive	Chartered Institute of Legal Executives
Teacher at a further education institution in England (within the meaning of the Education Act 2002)(a)	Education and Training Foundation
Teacher at a further education institution in Wales (within meaning of the Education Act 2002)(b)	Welsh Ministers
Certified Technically Competent Person in Scotland and Northern Ireland	Waste Management Industry Training and Advisory Board
Registered Trade Mark Attorney	The Institute of Trademark Attorneys

(a) 2002 c.32.

(b) 2002 c.32.

Registered Trade Mark Agent	
Listed Veterinary Nurse	The Royal College of Veterinary Surgeons

PART 2

Professions Regulated by Professional Bodies Incorporated by Royal Charter

<i>Professional Title (where applicable)</i>	<i>Designatory Letters</i>	<i>Competent Authority</i>
Actuary	FIA FFA AIA AFA	Institute and Faculty of Actuaries
Chartered Architectural Technologist	MCIAT	The Chartered Institute of Architectural Technologists
Chartered Accountant	ACA	The Institute of Chartered Accountants in England and Wales
Chartered Accountant	ACA	The Institute of Chartered Accountants in Ireland
Chartered Accountant	CA	The Institute of Chartered Accountants of Scotland
Chartered Certified Accountant	ACCA	The Association of Chartered Certified Accountants
Chartered Arbitrator	FCI Arb	The Chartered Institute of Arbitrators
Associate of the Chartered Institute of Arbitrators	ACI Arb	The Chartered Institute of Arbitrators
Member of the Chartered Institute of Arbitrators	MCI Arb	The Chartered Institute of Arbitrators
Chartered Biologist	CBiol, MIBiol	The Society of Biology
Chartered Builder	MCIOB	The Chartered Institute of Building
Associate of the Chartered Institute of Building	ACIOB	
Chartered Building Services Engineer	MCIBSE	The Chartered Institution of Building Services Engineers
Chartered Building Surveyor	MRICS	The Royal Institution of Chartered Surveyors
Chartered Surveyor	MRICS	
Chartered Arts and Antiques Surveyor;		
Chartered Building Surveyor;		
Chartered Building Control Surveyor;		
Chartered Civil Engineering Surveyor;		
Chartered Commercial Property Surveyor;		
Chartered Construction Surveyor;		
Chartered Engineering		

Surveyor; Chartered Environmental Surveyor; Chartered Facilities Management Surveyor; Chartered Forestry Surveyor; Chartered Hydrographic Surveyor; Chartered Land Surveyor; Chartered Machinery Valuation Surveyor; Chartered Management Consultancy Surveyor; Chartered Minerals Surveyor; Chartered Planning and Development Surveyor; Chartered Project Management Surveyor; Chartered Quantity Surveyor; Chartered Valuation Surveyor; Associate of the Royal Institution of Chartered Surveyors	AssocRICS	
Chartered Chemical Engineer	MIChemE	The Institution of Chemical Engineers
Chartered Chemist	C Chem, MRSC	The Royal Society of Chemistry
Chartered Civil Engineer	MICE	The Institution of Civil Engineers
Chartered Colourist Licentiate of the Society of Dyers and Colourists	C Col. LSDC	The Society of Dyers and Colourists
Chartered Energy Engineer Chartered Petroleum Engineer	MEI FEI MEI FEI	Energy Institute
Chartered Engineer Incorporated Engineer; Engineering Technician; Information and Communications Technology Technician	C Eng I Eng EngTech ICTTech	Engineering Council UK
Chartered Environmental Health Practitioner	MCIEH FCIEH	The Chartered Institute of Environmental Health
Environmental Health Officer	MCIEH FCIEH	The Chartered Institute of Environmental Health
Chartered Environmental Health Officer	Ch EHO MREHIS Ch EHO FREHIS	The Royal Environmental Health Institute of Scotland
Environmental Health Officer	EHO MREHIS EHO FREHIS	The Royal Environmental Health Institute of Scotland

Chartered Forester Chartered Arboriculturist	MICFor	The Institute of Chartered Foresters
Chartered Gas Engineer	MIGEM	The Institution of Gas Engineers and Managers
Chartered Geologist	CGeol	The Geological Society
Chartered Geographer	CGeog FGS	The Royal Geographical Society
Housing Practitioner	MCIH	The Chartered Institute of Housing
Chartered IT Professional Registered IT Technician	CITP RIITech	The British Computer Society The Chartered Institute for IT
Chartered Insurer	ACII	The Chartered Insurance Institute
Chartered Insurance Practitioner	ACII	
Chartered Insurance Broker	ACII	
Chartered Financial Planner	APFS	The Chartered Insurance Institute
Chartered Loss Adjuster	ACILA	The Chartered Institute of Loss Adjusters
Chartered Management Accountant	ACMA	The Chartered Institute of Management Accountants
Chartered Manager	Member MCMI Chartered Member CMGR MCMI Fellow FCMI Chartered Fellow CMGR FCMI	Chartered Management Institute
Chartered Marine Engineer	CMarENG	The Institute of Marine Engineering Science and Technology
Chartered Marketer	MCIM	The Chartered Institute of Marketing
Associate Member of the Chartered Institute of Marketing	ACIM	The Chartered Institute of Marketing
Chartered Mathematician	C Math	The Institute of Mathematics and its Applications
Chartered Mathematics teacher	C MathTeach	The Institute of Mathematics and its Applications
Chartered Measurement And Control Technologist	MInstMC	The Institute of Measurement and Control
Chartered Meteorologist	CMet	The Royal Meteorological Society
Chartered Physicist	CPhys MInstP	The Institute of Physics
Chartered Public Finance Accountant	CIPFA	The Chartered Institute of Public Finance and Accountancy
Licentiate of the Royal Academy of Dance Registered Teacher of the Royal Academy of Dance	LTRAD RTRAD	Royal Academy of Dance
Chartered Safety and Health	CMIOSH	The Institution of

Practitioner	CFIOSH	Occupational Safety and Health
Chartered Scientist	CSci	Science Council
Chartered Secretary	ACIS	The Institute of Chartered Secretaries and Administrators
Chartered Shipbroker	MICS	The Institute of Chartered Shipbrokers
Chartered Statistician	CStat	Royal Statistical Society
Chartered Structural Engineer	MIStructE	The Institution of Structural Engineers
Chartered Tax Adviser	CTA	Chartered Institute of Taxation
Chartered Textile Technologist Licentiate of the Textile Institute	CText ATI LTI	The Textile Institute
Chartered Town Planner	MRTPI	The Royal Town Planning Institute
Chartered Waste Manager	MCIWM	The Chartered Institution of Wastes Management
Chartered Banker	MCIBS	The Chartered Institute of Bankers in Scotland
Associate of the ifs School of Finance (Aifs)	Aifs	IfS School of Finance
Certified Affiliate of the Chartered Institute of Library and Information Professionals Chartered Member of the Chartered Institute of Library and Information Professionals Chartered Fellow of the Chartered Institute of Library and Information Professionals FCLIP The Chartered Institute of Library and Information Professionals	ACLIP MCLIP FCILIP	The Chartered Institute of Library and Information Professionals
	M Hort (RHS)	The Royal Horticultural Society
Chartered Water and Environment Manager	MCIWEM	The Chartered Institution of Water and Environmental Management
Member of the Institution of Engineering and Technology	MIET	The Institution of Engineering and Technology
Member of the Institution of Mechanical Engineers	MIMechE	The Institution of Mechanical Engineers
Member of the Institute of Materials Minerals and Mining (MIMMM)	MIMMM	The Institute of Materials, Minerals and Mining
Landscape Architect	CMLI	The Landscape Institute
Member, Royal Aeronautical Society Fellow, Royal Aeronautical Society	MRAeS FRAeS	The Royal Aeronautical Society
Naval Architect	MRINA	The Royal Institution of Naval Architects
Chartered geographer		Royal Geographical Society

PART 3

Regulated Professions Under Regulation 35

<i>Profession</i>	<i>Competent authority</i>
Farrier in England, Wales and Scotland	Farriers Registration Council

PART 4

Sectoral Professions

<i>Profession</i>	<i>Competent authority</i>
Architect	Architects Registration Board
Dental practitioner	General Dental Council
Doctor with basic training	General Medical Council
Doctor:	
Specialist doctor	The General Medical Council.
General practitioner	
Nurse and midwife	Nursing and Midwifery Council
Pharmacist in England, Wales and Scotland	General Pharmaceutical Council
Pharmacist in Northern Ireland	Pharmaceutical Society of Northern Ireland
Veterinary Surgeon	Royal College of Veterinary Surgeons

SCHEDULE 2

Regulation 2(6)

Regulated Professions Having Public Health or Safety Implications for the purposes of regulations 19 to 23 and 51 to 55.

Arts Therapist
Biomedical Scientist
Child Psychotherapist (employed in the National Health Service)
Chiropodist and Podiatrist
Chiropractor
Clinical Dental Technician
Clinical Scientist
Dental Hygienist
Dental Nurse
Dental Technician
Dental Therapist
Dietitian
Dispensing Optician
Environmental Health Officer
Hearing Aid Dispenser

Listed Veterinary Nurse
 Nurse (other than a nurse admitted to Sub-Part 1 of the nurses' part of the register maintained by the Nursing and Midwifery Council whose field of practice is adult nursing)
 Occupational Therapist
 Operating Department Practitioner
 Optometrist (Ophthalmic Optician)
 Orthodontic Therapist
 Orthoptist
 Osteopath
 Paramedic
 Pharmacy Technician in Great Britain
 Physiotherapist
 Prosthetist and Orthotist
 Radiographer
 Registered Gas Engineer
 Practitioner psychologist (that is to say, a registered psychologist, clinical psychologist, counselling psychologist, educational psychologist, forensic psychologist, health psychologist, occupational psychologist or sport and exercise psychologist)
 Social Worker in England
 Social Worker in Northern Ireland
 Social Worker in Scotland
 Social Worker in Wales
 Social Care Manager in Wales
 Sole proprietor of nurseries or pre-schools
 Speech and Language Therapist

SCHEDULE 3

Regulation 34

Professions in Respect of which the Right of the Applicant to Choose Between an Adaptation Period and an Aptitude Test is Displaced

PART 1

Professions Under Regulation 34(a)

<i>Profession</i>	<i>Requirement</i>
Advocate in Scotland	Aptitude test
Associate of the Chartered Institute of Management Accountants	Aptitude test
Barrister in England and Wales	Aptitude test
Barrister Northern Ireland	Aptitude test
Certified Accountant	Aptitude test
Chartered Accountant in England and Wales	Aptitude test
Chartered Accountant in Scotland	Aptitude test
Chartered Accountant Northern Ireland	Aptitude test
Chartered legal executive	Aptitude test
Chartered Tax Adviser	Aptitude test
Conveyancing practitioner in Scotland	Aptitude test

Costs lawyer	Aptitude test
Executory Practitioner in Scotland	Aptitude test
Insolvency Practitioner	Aptitude test
Licensed CLC practitioner	Adaptation Period
Licensed conveyancer	Adaptation Period
Notary Public in England and Wales	Aptitude test
Patent Agent	Aptitude test
Patent Attorney	Aptitude test
Public Finance Accountant	Aptitude test
Registered Trade Mark Agent	Aptitude test
Registered Trade Mark Attorney	Aptitude test
Solicitor in England and Wales	Aptitude test
Solicitor in Northern Ireland	Aptitude test
Solicitor in Scotland	Aptitude test

PART 2

Professions Under Regulation 34(b)

<i>Profession</i>	<i>Requirement</i>
Architect	Aptitude test
Dental practitioner	Aptitude test
Doctor	Adaptation period
Nurse and midwife	Adaptation period
Pharmacist	Adaptation period
Pharmacy technician	Adaptation period

SCHEDULE 4

Regulation 3

Activities Referred to in Lists I, II and III of Annex IV of the Directive

1.—(1) In the case of activities appearing in list I of Annex IV to the Directive the activity in question must have been previously pursued by the beneficiary—

- (a) for six consecutive years on a self-employed basis or as a manager of an undertaking, or
- (b) for three consecutive years on a self-employed basis or as a manager of an undertaking, where the beneficiary proves that they have received previous training of at least three years for the activity in question, evidenced by a certificate recognised by the home State or judged by a competent professional association to be fully valid, or
- (c) for four consecutive years on a self-employed basis or as a manager of an undertaking, where the beneficiary can prove that they have received, for the activity in question, previous training of at least two years' duration, attested by a certificate recognised by the home State or judged by a competent professional association to be fully valid, or
- (d) for three consecutive years on a self-employed basis, if the beneficiary can prove that they have pursued the activity in question on an employed basis for at least five years, or
- (e) for five consecutive years in an executive position, of which at least three years involved technical duties and responsibility for at least one department of the company, if the beneficiary can prove they have received, for the activity in question, previous training of

at least three years' duration, as attested by a certificate recognised by the home State or judged by a competent professional association to be fully valid.

(2) In cases (a) and (d), the activity must not have finished more than 10 years before the date on which the complete application was submitted by the person concerned to the competent authority.

(3) Paragraph 1(e) shall not apply to activities in Group ex 855, hairdressing establishments, of the ISIC Nomenclature.

2.—(1) In the case of activities in list II of Annex IV, the activity in question must have been previously pursued by the beneficiary—

- (a) for five consecutive years on a self-employed basis or as a manager of an undertaking, or
- (b) for three consecutive years on a self-employed basis or as a manager of an undertaking, where the beneficiary proves that they have received previous training of at least three years for the activity in question, evidenced by a certificate recognised by the home State or judged by a competent professional association to be fully valid, or
- (c) for four consecutive years on a self-employed basis or as a manager of an undertaking, where the beneficiary can prove that they have received, for the activity in question, previous training of at least two years' duration, attested by a certificate recognised by the home State or judged by a competent professional association to be fully valid, or
- (d) for three consecutive years on a self-employed basis or as a manager of an undertaking, if the beneficiary can prove that they have pursued the activity in question on an employed basis for at least five years, or
- (e) for five consecutive years on an employed basis, if the beneficiary can prove that they have received, for the activity in question, previous training of at least three years' duration, as attested by a certificate recognised by the home State or judged by a competent professional association to be fully valid, or
- (f) for six consecutive years on an employed basis, if the beneficiary can prove that they have received previous training in the activity in question of at least two years' duration, as attested by a certificate recognised by the home State or judged by a competent professional association to be valid.

(2) In cases (a) and (d), the activity must not have finished more than 10 years before the date on which the complete application was submitted by the person concerned to the competent authority.

3.—(1) In the case of activities in list III of Annex IV, the activity in question must have been previously pursued by the beneficiary—

- (a) for three consecutive years, either on a self-employed basis or as manager of an undertaking, or
- (b) for two consecutive years, either on a self-employed basis or as a manager of an undertaking, if the beneficiary can prove that they have received previous training for the activity in question, as attested by a certificate recognised by the home State or judged by a competent professional association to be fully valid, or
- (c) for two consecutive years, either on a self-employed basis or as a manager of an undertaking, if the beneficiary can prove that they have pursued the activity in question on an employed basis for at least three years, or
- (d) for three consecutive years, on an employed basis, if the beneficiary can prove that they have received previous training for the activity in question, as attested by a certificate recognised by the home State or judged by a competent professional association to be fully valid.

(2) In cases (a) and (c), the activity must not have finished more than 10 years before the date on which the complete application was submitted by the person concerned to the competent authority.

SCHEDULE 5

Regulation 68

Appeal Bodies

<i>Profession</i>	<i>Body, court or person</i>
Advocate in Scotland	The Court of Session
Barrister in England and Wales	The High Court
Barrister in Northern Ireland	The Benchers of the Honourable Society of the Inn of Court of Northern Ireland
Licensed Cab Driver (London)	A Magistrates' Court
Approved Driving Instructor (Great Britain)	First-tier Tribunal
Approved Driving Instructor (Northern Ireland)	The Magistrates' Court
Approved Motorcycle Instructor (Northern Ireland)	The Magistrates' Court
Notary Public in England and Wales	The Lord Chancellor
Patent Attorney Patent Agent Registered Trade Mark Agent Registered Trade Mark Attorney	The Comptroller-General of Patents, Designs and Trade Marks
School Teacher in a publicly regulated school in Scotland	The Court of Session
Social Worker in Northern Ireland	Social Care Tribunal
Social Worker in Wales	First-tier Tribunal
Solicitor in England and Wales	The High Court
Solicitor in Northern Ireland	The Lord Chief Justice of Northern Ireland
Solicitor in Scotland	The Court of Session

SCHEDULE 6

Regulation 80

Revocation Schedule

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Regulation revoked</i>	<i>Reference</i>	<i>Extent of revocation</i>
Health Care and Associated Professions (Miscellaneous Amendment and Practitioner Psychologists) Order 2009	S.I. 2009/1182	Article 4(1) Schedule 4, Part 1 paragraphs 18 (a)(i)(bb) and paragraph 18 (c) (i) and (ii) Article 4(1) Schedule 4, Part 3, paragraphs 33(a) and 33(b)
Pharmacy Order 2010	S.I. 2010/231	Article 68, Schedule 4, Part 2, paragraphs 62(a) and 62(b).
Health Professions (Hearing Aid Dispensers) Order 2010	S.I. 2010/233	Article 11
Education Act 2011 (Consequential Amendments to Subordinate Legislation) Order 2012	S.I. 2012/765	Article 13
Health and Social Care Act 2012 (Consequential	S.I. 2012/1479	Article 11, Schedule Part 2, paragraph 82

Provisions – Social Workers) Order 2012		
The European Communities (Recognition of Professional Qualifications) (Amendment) Regulations 2013	S.I. 2013/732	The whole Regulations

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the European Communities (Recognition of Professional Qualifications) Regulations 2007 (“the 2007 Regulations”). The 2007 Regulations implemented in part Council Directive 2005/36/EC (“the principal Directive”) on the recognition of professional qualifications as last amended by Directive 2013/55/EU amending Directive 2005/36/EU on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (“the IMI Regulation”) (“the Directive”). The principal Directive replaced the previous Council Directives 89/48/EEC, 92/51/EC and 99/42/EC on the mutual recognition of professional qualifications, as well as the Directives laying down minimum standards of training in specific professions, namely the professions of doctor, nurse, dental practitioner, veterinary surgeon, midwife, pharmacist and architect (“the sectoral professions”).

These Regulations establish rules for the recognition of professional qualifications enabling individuals, referred to in these Regulations as “applicants”, from the States of the European Economic Area or Switzerland to gain access to the professions in which they are qualified and to practise under the same conditions as professionals in the United Kingdom where those professions are regulated. These rules set out provisions for facilitating the provision of temporary and occasional professional services cross-border, and also provisions in relation to applicants seeking to establish themselves on a stable basis in the United Kingdom.

These Regulations implement the principal Directive as amended by the 2013 Directive (“the amended Directive”) in relation to all regulated professions other than the sectoral professions but the provisions relating to partial access and the alert mechanism and appeals in respect of those provisions apply to the sectoral professions. They also implement the amended Directive in part in relation to the sectoral professions, and the extent to which these Regulations apply to applicants in the sectoral professions as set out in regulation 3. The provisions of the amended Directive relating to the sectoral professions which are not implemented by these Regulations will be implemented, if necessary, in regulations to be prepared by the Department of Health, the Department of Communities and Local Government and the Department for Environment, Food and Rural Affairs.

Part 1 of the Regulations sets out provisions relating to the application of the Regulations and the functions of competent authorities. Part 1 also provides for partial access to a professional activity under the conditions set out in that Part.

Part 2 of the Regulations sets out the rules for recognition of professional qualifications where an applicant moves to the United Kingdom seeking to provide professional services on a temporary and occasional basis. It sets out the role of a competent authority in relation to such an applicant, including specific provisions for professions having public health or safety implications, and it sets out the procedures and formalities with which an applicant must comply. It also makes provision for administrative cooperation between competent authorities of relevant European States.

Part 3 of these Regulations makes provision for recognition of professional qualifications where an applicant moves to the United Kingdom seeking to provide professional services on a permanent basis.

Chapter 1 of Part 3 sets out the rights of applicants to practise in the United Kingdom on a permanent basis. It imposes duties, subject to certain conditions and exceptions, upon competent authorities not to refuse, on grounds of inadequate qualifications, applicants who seek to practise a regulated profession in the United Kingdom if they hold the qualifications required by a relevant European State to practise the profession in that State. It also provides for competent authorities, in certain cases, to require an applicant to complete either an aptitude test or an adaptation period before authorising the applicant to practise the regulated profession in the UK.

Chapter 2 of Part 3, which applies only to the profession of farrier, makes provision for automatic recognition of professional experience by way of a certificate.

Chapter 3 of Part 3 of these Regulations sets out the procedure for the issue and revocation of a Certificate of Experience in respect of relevant experience and qualifications gained in the United Kingdom.

Chapter 4 of Part 3 makes provision concerning the evidence to be provided by an applicant or a competent authority in a relevant European State, the procedures to be followed by competent authorities when making decisions and the rights of an applicant to use the professional title or designatory letters applicable to the profession in the United Kingdom.

Part 4 of these Regulations sets out provisions relating to the issue of a European Professional Card (EPC) as a means of recognition of professional qualifications for the provision of services in another member state. Further provisions relating to the procedure for issuance of the EPC are set out in Commission Implementing Regulation (EU) No 2015/983 (“the Implementing Regulation”). The Implementing Regulation lists the professions eligible for the EPC in Annex 1.

Part 5 of these Regulations sets out the automatic recognition of qualifications under the common training framework and common training test provisions of the Directive to be given effect by delegated act of the Commission.

Part 6 of these Regulations sets out the alert mechanism by which competent authorities must notify other relevant States about professionals belonging to certain professions whose activities have been restricted or prohibited on its territory. Further provision on the application of the alert mechanism is provided for in the Implementing Regulation. It also provides rights of appeal against decisions of competent authorities, the right of an applicant to use the lawful academic title acquired by the applicant in their home State, and for the disclosure of information by competent authorities in the United Kingdom. Part 6 also makes consequential amendments including the revocation of the European Communities (Recognition of Professional Qualifications) Regulations 2007 (S.I. 2007/2781) which implemented the principal Directive.

A full impact assessment of the effect that this instrument will have on the cost of business, the voluntary sector and the public sector is available from the Department for Business, Innovation and Skills on the gov.uk website (www.gov.uk). An Explanatory Memorandum and a transposition note are available alongside the instrument on the www.legislation.gov.uk website. Copies have also been placed in the Libraries of both Houses of Parliament.

© Crown copyright 2015

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

UK201512177 12/2015 19585

<http://www.legislation.gov.uk/id/uksi/2015/2059>