

TRANSPOSITION NOTE FOR DIRECTIVE 2013/55/EC AMENDING DIRECTIVE 2005/36/EC ON THE RECOGNITION OF PROFESSIONAL QUALIFICATIONS, TRANPOSED IN PART BY THE EUROPEAN UNION (RECOGNITION OF PROFESSIONAL QUALIFICATIONS) REGULATIONS 2015

The European Union (Recognition of Professional Qualifications) Regulations 2015 (The 2015 Regulations) replace the European Communities (Recognition of Professional Qualifications) Regulations 2007 and implement in part Directive 2013/55/EU on the recognition of professional qualifications. They restate rules for the recognition of professional qualifications enabling migrants from EEA States and Switzerland to gain access to the profession in which they are qualified and to practise the profession under the same condition as professions in the United Kingdom where those professions are regulated. They incorporate the existing provisions of the 2007 Regulations and add additional provisions to implement the requirements of the 2013 Directive.

These Regulations implement the Directive in relation to all regulated professions other than the sectoral professions (i.e. those which involve harmonised training with minimum training conditions being the professions of doctor, nurse, midwife, dentist, pharmacist, architect, veterinary surgeon). They also implement the Directive, in part, in relation to the sectoral professions to the extent set out in the Regulations.

The provisions of the Directive that are not implemented by these Regulations relating to the sectoral professions (doctors, nurses, midwives, pharmacists, dentists, architects and vets) and to some non sectoral professions in specific sectors involving health and social care, the professions of veterinary nurse and farrier, are implemented in regulations to be prepared by other Departments namely Departments of Health, Communities and Local Government, and for Environment, Food and Rural Affairs.

These Regulations do what is necessary to implement the Directive, including making consequential changes to domestic legislation to ensure its coherence in the area to which they apply.

In this Transposition Note, references to specific regulations are intended to refer to provisions of the 2015 Regulations.

Article	Article in consolidated	Objectives	Implementation	Responsibility
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1(1) and (2)	version 1-2	Adds reference to rules concerning partial access to a regulated profession and recognition of professional traineeships to the 2005 Directive; excludes notaries appointed by government act from scope.	Explanatory provision – no implementation required	
1(3)	3	Adds new definitions to the 2005 Directive. Requires that when a Member State grants recognition to an association or organisation it must inform the Commission; provides for the Commission to adopt delegated and implementing acts.	No legislative implementation – information requirement implemented administratively by notification to the Commission.	Secretary of State
1(4)	4 (1), (3)	Adds reference to the granting of partial access (under the conditions laid down in Article 4f) to the main provision of the recognition of professional qualifications for access to professions in other Member States.	Regulation 10 and 11 implement the requirement for partial access. [see further under Article 4f]	Secretary of State
1(5)	4a (1) - (4)	Inserts Article 4a which: (1) requires Member States to issue a European Professional Card (EPC) on request if the Commission has adopted the relevant implementing act in accordance with Article 4(7). (2) Requires that the choice of whether to apply for an EPC or use other procedures shall be that of the applicant.	(1) Regulations 44 and 50 to 56 implement Article 4a(1) by requiring competent authorities to issue EPCs (2) Regulation 44(2) implements Article 4a(2) by providing that an applicant can choose	Competent authorities

		<p>(3) Requires that the holder of an EPC should be able to benefit from all the rights provided for in Articles 4b-e.</p> <p>(4), (5) Sets out requirements for the procedure for the issuing of the EPC for temporary and occasional services, and for establishment, the rights it confers and the file created within the IMI system.</p> <p>(6) Requires Member States to designate competent authorities for dealing with EPCs and dealing with IMI files, and sets out rules for their activity.</p> <p>(7) Provides a power for the Commission to adopt implementing acts to ensure the uniform application of the provisions on the EPC and the conditions for its introduction.</p> <p>(8) Requires that any fees are reasonable, proportionate and commensurate with costs incurred and should not act as a disincentive.</p>	<p>which route they want to use.</p> <p>(4) Regulation 50 implements Article 4a(4) for temporary and occasional services other than those covered by Article 7(4).</p> <p>(5) Regulation 51 implements Article 4a(5) in respect of temporary and occasional services under Article 7(4).</p> <p>Regulation 56 implements Article 4a(5) in respect of establishment.</p> <p>(6) Regulations 4 and 5 implement Article 4a(6) in providing for competent authorities to act in relation to receiving applications and taking the actions and decisions referred to in the Regulations. Regulation 70 implements the relevant provisions regarding assistance centres.</p> <p>(7) Article 4a(7) is a provision conferring</p>	
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			power on the Commission so does not require implementation. (8) Reg 44(11) implements Article 4a(8).	
4b (1) - (4)	Inserts Article 4b which: (1) (2) and (3) Sets out provisions for the process and documentation required for applying for an EPC; (4) Provides for the Commission to adopt implementing acts concerning the technical aspects of the EPC and the IMI file.		(1) Regulation 44(4) –(10) implements Article 4b(1)- (3) in requiring designated competent authorities to provide access to the online IMI tool, setting out the procedure and documents which may be requested. 4b(4) is not required to be implemented	Competent Authorities
4c (1) - (4)	Inserts Article 4c which: (1) imposes obligations on competent authorities in respect of EPCs for the temporary and occasional provision of services other than under Article 7(4); (2) requires that decisions of competent authorities in relation to such requests shall be subject to appeal; (3) provides for the extension of an EPC to additional Member States and the extension of the time period for which an EPC applies (4) confirms that the EPC is to be valid in		(1) Regulation 50(1)-(4) implements Article 4c(1) in setting out the competent authorities' duties. (2) Regulation 68 implements Article 4c(2) by providing for appeals (3) Regulation 50(5) implements Article 4c(3) in providing for extensions to be issued (4) Regulation 50(7)	Competent Authorities

		the entire territory of the member State for as long as the holder maintains the right to practice on the basis of the information in the IMI file.	implements Article 4c(4).	
4d (1) - (7)	<p>Inserts Article 4d which:</p> <p>(1) Sets out requirements on Competent Authorities of home Member States in relation to EPCs for establishment or for the temporary and occasional provision of services under Article 7(4)</p> <p>(2) Provides for decisions in cases within Articles 16, 21, 49a and 49b and for additional information to be requested in the event of duly justified doubts and the time periods for such requests</p> <p>(3) Provides for decisions to be made by the host Member State in cases falling under Article 7(4) or 14, the request of additional information and the imposition of compensation measures;</p> <p>(4) Sets out circumstances for refusal to issue an EPC by the host Member State if it does not receive necessary information.</p> <p>(5) Provides for “deemed issue” of an EPC in the event of failure to act on the part of the host Member State and for the extension of deadlines</p> <p>(6) Provides for actions taken by the</p>	<p>Regulation 56(1)-(3) implements Article 4d(1) in respect of establishment and Regulation 51(1)-(3) implements Article 4d(1) in respect of temporary and occasional services under Article 7(4).</p> <p>(2) Regulation 58(1)-(4) implements Article 4d(2)</p> <p>(3) Regulation 57 and 52 implement Article 4d(3) by providing for compensation measures and requests for additional information</p> <p>(4) Regulations 52(5) and 59 implement Article 4d(4) by providing for refusal if the required information is not received, if duly justified</p> <p>(5) Regulations 53 and 60 implement paragraph 1 of</p>	Competent Authorities	

		<p>home Member State under these provisions to replace any action taken under national law</p> <p>(7) Provides that decisions under this Article should be subject to appeal.</p>	<p>Article 4d(5) by providing for deemed issue.</p> <p>Regulations 54 and 61 implement paragraph 2 of Article 4d(5) by providing for extension to the deadlines of automatic issuance.</p> <p>(6) Regulations 51(4) and 56(4) implement Article 4d(6).</p> <p>(7) Regulation 62 and 68 implement Article 4(d)(7) by providing for appeals against decisions of the competent authority.</p>	
4e(1)-(7)	<p>Inserts Article 4e which:</p> <p>(1) inserts requirements on competent authorities of home and host states regarding the content of the IMI file and data protection requirements</p> <p>(2) limits the content of information updates</p> <p>(3) Limits access to the information in the IMI file</p> <p>(4) Limits the information held in the EPC</p> <p>(5) Sets out restrictions on the use of data held on the file and rights of the subject</p> <p>(6) Sets out that competent authorities</p>	<p>(1) Regulation 45(1) to (3) implements Article 4e(1) by placing obligations on competent authorities in relation to updating the IMI file and deletion of information that is no longer required.</p> <p>(2) Regulation 45(4) and 46(1) and (2) implement Article 4e(2) by limiting the content of information updates and access to the IMI file.</p>	Competent Authorities	

		<p>are to be regarded as data controllers</p> <p>(7) Sets out rights of interested parties to verify the authenticity of an EPC and provides for the Commission to adopt implementing acts.</p>	<p>(4) Regulation 47 implements Article 4e(4).</p> <p>(5) Regulation 48(1) implements Article 4e(5) covering processing of personal data</p> <p>Regulation 49 implements Article 4e(5) by providing for the right to request rectification of information or deletion or blocking of the IMI file and the relevant process.</p> <p>(6) Regulation 48(2) partially implements Article 4e(6) by competent authorities are controllers with the meaning of Article 2(d) of Directive 95/46/EC. The second part of the Article does not require implementation.</p> <p>(7) Regulation 46(3) implements Article 4e(7) requiring competent authorities to permit interested parties to verify the authenticity and validity of EPCs. The second part of the Article</p>	
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			does not require implementation as it sets out obligations of the Commission	
4f	<p>Inserts Article 4f which:</p> <p>(1) Inserts provisions covering the granting of partial access on a case-by-case basis on certain conditions as listed</p> <p>(2) Provides that partial access may be rejected if justified by overriding reasons of general interest which are suitable and necessary</p> <p>(3) Provides that applications for the purpose of establishment shall be examined in accordance with Chapter I and IV of Title III</p> <p>(4) Provides that applications for the purpose of providing temporary and occasional services for professional activities that have public health and safety implications shall be examined in</p>	<p>(1) Regulations 10(1) and (2) implement Article 4f(1).</p> <p>(2) Regulation 10(4) implements Article 4f(2).</p> <p>(3) Regulation 11(1) implements Article 4f(3).</p> <p>(4) Regulation 11(2) implements Article 4f(4).</p> <p>(5) Regulation 18(3) and (4) implement Article 4f(5)</p> <p>Regulation 10(3) implements the provision in Article 4f(5) that professionals benefiting from partial access must</p>	Competent Authorities	

1(6)	5 (1) (b)	<p>accordance with Title II</p> <p>(5) Provides that the professional title of the home Member State is to be used in partial access cases, which may be required to be in the language of the host member State; and that professionals benefiting from partial access must clearly indicate the scope of their professional activities</p> <p>Provides that partial access shall not apply to professionals benefiting from automatic recognition.</p>	<p>indicate the scope of their professional activities.</p>	Competent Authorities
1(7)	7(2) (d) (e) (f)(g)	<p>Replaces Article 5(1)(b) to provide that there shall be no restriction on the provision of services where the service provider has pursued the profession for at least one year during the last 10 years where the profession is not regulated in the Member State of establishment; further that the one year condition does not apply where the profession or training is regulated.</p> <p>Amends Article 7(2) to provide for:</p> <p>(a) Proof of pursuit in cases falling within Article 5(1)(b)</p> <p>(b) for professions in the security sector, health sector and those related to the education of minors, an attestation regarding criminal convictions</p> <p>(c) in patient safety cases, a language</p>	<p>Regulation 29(1)(b) implements Article 5(1)(b).</p>	Competent Authorities
1(7)	7(2) (d) (e) (f)(g)	<p>Amends Article 7(2) to provide for:</p> <p>(a) Proof of pursuit in cases falling within Article 5(1)(b)</p> <p>(b) for professions in the security sector, health sector and those related to the education of minors, an attestation regarding criminal convictions</p> <p>(c) in patient safety cases, a language</p>	<p>(a) Article 7(2)(d) is implemented by Regulation 16(2)(d);</p> <p>(b) Article 7(2)(e) is implemented by Regulation 16(2)(e);</p> <p>(c) Article 7(2)(f) is implemented by</p>	Competent Authorities

		<p>declaration (d) for professions covering the activities listed in Annex IV, a certificate issued by the competent authority in the state of establishment concerning the nature and duration of the activity</p>	<p>Regulation 16(2)(f); (d) Article 7(2)(g) is implemented by Regulation 16(2)(g).</p>	
7(2a)	<p>Inserts new paragraph 7(2a) to provide that submission of a required declaration shall entitle the service provider to have access or exercise that activity in the entire territory of the Member State concerned. Provides that a Member State may require additional information if the profession is regulated in parts of its territory in a different manner, it is also applicable to all nationals of that member State, differences are justified by overriding reasons of general interest and the State has no other way of obtaining the information.</p>	<p>Regulation 17(1) and (2) implement Article 7(2a).</p>	<p>Competent Authorities</p>	
7 (4)	<p>Replaces paragraph 4 to: (a) set out the provisions on prior checks of professional qualifications in professions having public health or safety implications; (b) Set out requirements for informing service providers of the decision of the competent authority;</p>	<p>Regulations 19-23 implement Article 7(4).as regards prior checks on qualifications (e) Regulation 18(2) implements the</p>	<p>Competent Authorities</p>	

1(8)	8 (1)	<p>(c) provide for the possibility of giving an opportunity of an aptitude test to evidence the acquisition of the knowledge, skills or competence</p> <p>(d) provide that the service should be able to be provided within one month of the decision, or in the absence of a decision</p> <p>(e) provide that the service should be provided under the professional title of the host state.</p> <p>Replaces Article 8(1) to set out where competent authorities may request information in the event of justified doubts to assess substantial differences likely to be harmful to public health or safety.</p>	<p>requirement in the final paragraph of Article 7(4) that in cases under that Article the professional title of the host State shall be used.</p>	Secretary of State
1(9)	11	Amends Article 11 to group national education and training schemes into different levels	Regulation 27 implements Article 11.	Competent Authorities
1(10)	12	Amends Article 12 to provide that evidence of formal qualifications certifying completion of training recognised by a Member State as of an equivalent level and conferring the same rights of access is to be treated as evidence of formal qualifications referred to in Article 11.	Regulation 28 implements Article 12.	Competent Authorities
1(11)	13(1) - (4)	Replaces Article 13 to: (1) provide for attestations of	Regulation 29 implements Article 13.	Competent Authorities

		<p>competence or evidence of formal qualifications to count for access to a regulated profession where that is contingent on possession of specific professional qualifications</p> <p>(2) provide for access where a professional has pursued the profession for one year in the previous 10 years and has an attestation of competence or evidence of formal qualifications issued by a Member State which does not regulate the profession</p> <p>(3) sets out conditions which attestations of competence must satisfy</p> <p>(3) provides that the host Member State must accept the level attested by the home Member State</p> <p>(4) provides for a derogation where access may be refused where the attestation of competence is classified under Article 11(a) but the national professional qualification is classified under Article 11(e).</p>		
1(12)	14 (1)	<p>Amends and expands Article 14 to:</p> <p>(a) clarify provision for adaptation periods or aptitude tests in specified circumstances;</p> <p>(b) provide for the Commission to adopt implementing acts to ask a Member</p>	<p>Regulations 31 and 32 implement Article 14 by providing for aptitude test and adaptation periods. Regulation 32(3) sets out the specified</p>	Competent Authorities

		<p>State to refrain from taking an envisaged measure</p> <p>(c) provide a derogation for Member States to stipulate an adaptation period or an aptitude test (or both) in certain circumstances</p> <p>(d) specify what constitute “substantially different matters” and require the Member States’ derogation to be applied with due regard to proportionality</p> <p>e) set out the requirement for a decision on an adaptation period or aptitude test to be duly justified and that the aptitude test if specified must be able to be taken within 6 months.</p>	<p>circumstances.</p> <p>Regulation 34 sets out the cases in which the applicant has no choice between an adaptation period and an aptitude test, by reference to Schedule 3.</p> <p>Regulation 32(5) sets out the meaning of “substantially different matters”.</p> <p>Regulation 32(4) sets out the limitation period of 6 months.</p>	
1(14)	20	<p>Replaces Article 20 to provide that the Commission may adopt delegated acts concerning the adaptation of the lists of activities in Annex IV</p>	<p>Implementation not required</p>	
1(15)	21	<p>Amends Article 21 to:</p> <p>(a) provide a derogation for Member States in respect of the operation of pharmacies</p> <p>(b) set out that Member States must make access to the professional activities of sectoral professions subject to possession of evidence of specified formal qualifications attesting to the acquisition of particular knowledge, skills and competences, and that the</p>	<p>The 2015 Regulations do not transpose this Article as it is being implemented in legislation of other Departments.</p>	

1(16)	21a	Commission may adopt delegated acts to update the specified knowledge and skills. Inserts new article 21a which: (a) sets out the notification procedure which Member States must use to notify the Commission of the laws, regulations and administrative provisions for the issuing of evidence of formal qualifications; (b) Provides for the Commission to adopt delegated acts to update titles and to adopt implementing acts to reject requested amendments of titles where appropriate.	Administrative requirement on Member States- not required to be implemented in national law	
1(17)	22	Amends Article 22 to require that Member States encourage continuous professional development and communicate measures taken to this end by 18 January 2016. The objectives of these Articles are of concern to the sectoral professions only.	Measures taken to implement this requirement will be notified to the Commission. The 2015 Regulations do not transpose these Articles as they are being implemented in regulations of other Departments.	
1(18)- (37)	24-49	Inserts new Chapter IIIA in Title III which inserts new Article 49a providing for a common training framework including: (1) definition of common training	Regulation 64 implements (to the extent required) Article 49a: (1) Regulation 64(1)	Competent authorities

		<p>framework</p> <p>(2) list of conditions with which a common training framework must comply</p> <p>(3) provision allowing professional organisations to submit suggestions for common training frameworks</p> <p>(4) provision enabling the Commission to adopt delegated acts to establish a common training framework for a given profession</p> <p>(5) conditions under which a Member State may be exempt from the obligation to introduce a common training framework</p> <p>(6) requirement to notify Commission and other Member states the national qualifications and professional titles that comply with the common training framework or any exemption used</p> <p>(7) provision to include specialities of a profession</p>	<p>provides for the definition of common training framework and regulation</p> <p>64(3) provides a requirement, in cases where the UK is not exempt, for competent authorities to give evidence of professional qualifications acquired on the basis of a CTF the same effect as evidence of formal qualifications.</p> <p>Article 49a(2), (3) and (4) do not require implementation</p> <p>Article 49a(5) sets out circumstances for exemption which do not require specific implementation.</p> <p>Article 49a(6) is an administrative notification requirement on Member States not requiring legislative implementation.</p> <p>Article 49a(7) does not require immediate implementation and</p>	
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			<p>would be implemented as necessary when the Commission adopts delegated acts.</p>	
49b		<p>New Article 49b providing for common training tests including: (1) definition of common training test (2) list of conditions with which a common training test must comply (3) provision allowing professional organisations to submit suggestions for common training tests (4) provision enabling the Commission to adopt delegated acts to establish a common training test for a given profession (5) conditions under which a Member State may be exempt from the obligation to introduce a common training test (6) requirement to notify Commission and other Member states the capacity for organising a common training test or any exemption used</p>	<p>Regulation 65 implements (to the extent required) Article 49b: (1) Regulation 64(1) provides for the definition of common training test and regulation 64(3) requires, where the UK is not exempt, competent authorities to permit holders to pursue their profession under the same conditions as UK holders of qualifications Article 49b(2) The conditions for the common training framework are to be set out by the Commission and therefore do not require implementation. Article 49b(3) and (4) do not require implementation. (5) sets out circumstances for exemption which do</p>	Competent Authorities

				not require specific implementation. (6) is an administrative notification requirement on Member States not requiring legislative implementation.	
1(39)	50	Amends Article 50 to insert provisions enabling a host Member State, in the event of justified doubts, to request confirmation that the applicant is not suspended or prohibited from the pursuit of a profession and to make provision for the exchange of this information by IMI.		Regulation 39(3) and 41 implement this provision.	
1(40)	52	Amends Article 52 to require that a Member State may not reserve the use of a professional title to the holders of professional qualifications unless it has notified the association or organisation in question to the Commission and other Member States		Implemented administratively as part of the process of review of the regulated professions and through notification to the Commission as necessary.	
1(41)	53	Replaces Article 53 to insert provisions on the knowledge of languages and controls which Member States may impose for controlling compliance with the obligation to have a knowledge of necessary languages; such controls may only be imposed after the issuance of an		Regulation 6 implements Article 53.	Competent authorities

1(42)	55a	EPC or recognition of the professional qualification and there must be the possibility to appeal such controls. Inserts new Article 55a which provides for the recognition of professional traineeships	Regulation 7 implements Article 55a.	Competent authorities
1(44)	56	Amends Article 56 regarding the exchange of information by competent authorities of home and host states and the designation of a coordinator for the activities of the competent authorities	Regulation 66 implements the requirements of Article 56 regarding exchange of information. The designation of a coordinator is implemented through administrative means.	Competent authorities
1(45)	56a	Inserts new Article 56a providing for an alert mechanism under which the competent authorities of a member state shall inform those of other member States about a professions within certain listed professions whose activities have been restricted or prohibited by national authorities or courts; Provides for the information which must be provided, the time period and the data processing requirements; Provides for notification to all Member States when such a restriction has expired and that Member States shall provide that professionals are informed	Regulation 67 implements the alert mechanism requirements in Article 56a. Regulation 68(2) implements the requirement in Article 56a for an appeal mechanism for alerts.	Competent authorities

1(46)	57	and that there is a right of appeal Replaces Article 57 to provide for central online access to certain listed information	Regulation 5(4) designates competent authorities as the point of single contact for handling online queries. Other requirements of Article 57 regarding the information to be held centrally online will be dealt with administratively.	Competent authorities
1(47)	57a	Inserts new Article 57a to provide for procedures relating to matters covered by the Directive to be completed by electronic means	Regulation 5(6)-(9) implement the requirements of Article 57a.	Competent authorities
	57b	Inserts new Article 57b to provide for the designation by Member States of assistance centres to provide assistance concerning the recognition of professional qualifications, and for the cooperation of competent authorities with such centres	Regulation 5(5) implements Article 57b providing for cooperation with the assistance centre, and regulation 70 sets out provisions concerning the activities of assistance centres. This is a new name for the national contact points and there is therefore no need to designate new authorities.	Competent authorities
	57c	Inserts new Article 57c regarding	Does not require	

		exercise of the delegation	implementation	
1(48)	58	Inserts replacement Article 58 regarding Committee procedure	Does not require implementation	
1(49)	59	Inserts replacement Article 59 on transparency	Notification requirements in Article 59 do not require legislative implementation. The review and information requirements in Article 59 will be dealt with by the National Action Plan (NAP) which is a process of review of the regulated professions in the UK. The NAP will be sent to the Commission before the transposition deadline.	Secretary of State
1(50)	60	Adds provisions to Article 60 regarding reports	Requirement for information in statistical summary is dealt with by administrative means. Requirements for Commission reports do not require implementation.	Competent authorities
1(51)	61	Adds provision to Article 61 regarding implementing acts	Does not require implementation	
1(53)	Annex VII	Adds attestation to the list of documentation in Annex VII which may be requested in accordance with Article	Regulation 16(2)(e) implements this requirement.	Competent authorities

Article 2		50(1) Amendment to Regulation 1024/2012	Does not require implementation	
Article 3		Transposition	Transposition is by way of these Regulations and relevant sectoral Regulations. Communication requirements are dealt with administratively and do not require implementation.	