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STATUTORY INSTRUMENTS

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**2015 No. 2059**

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

**PART 1**

**General Provisions**

**Interpretation**

**2.—**(1) In these Regulations—

“the 2007 Regulations” means the European Communities (Recognition of Professional Qualifications) Regulations 2007(1);

“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<sup>(2)</sup>;

“[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<sup>(3)</sup>;

“[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 privacy in the electronic communications sector (Directive on privacy and electronic communications), as amended from time to time<sup>(4)</sup>;

“[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<sup>(5)</sup>

“enactment” includes—

- (a) an enactment contained in subordinate legislation within the meaning given by subsection (1) of section 21 of the Interpretation Act 1978<sup>(6)</sup>, 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<sup>(7)</sup>;

“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;

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

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

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

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

(6) 1978 c.30.

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

- (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) 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).