

**Health Professions Council
Education and Training committee, 28th March 2007**

2005/36/EC (Professional Qualifications Directive) - Update

Executive Summary and Recommendations

Introduction

Directive 2005/36/EC establishes rules for holders of a professional qualification in a Member State to have access to and allow the pursuit of the profession in which they are qualified in another Member State.

HPC currently operates under the General Systems directive. The aim of directive 2005/36/EC is to reorganise, rationalise and harmonise all 15 rules (including the General Systems directive) relating to professional recognition. All existing European legislation is brought together so that the principles of recognition are standardised across all professions.

One important aspect of the directive is temporary registration. The following paper gives information on the free provision of services aspect of the Directive that will affect our registration functions.

Decision

This paper is for information only.

Background information

Directive 2005/36/EC will come into force on 20th October 2007.

Resource implications

Not applicable.

Financial implications

Not applicable

Background papers

None

Appendices

None

Date of paper

12th March 2007

Directive 2005/36/EC (recognition of professional qualifications)

Temporary and occasional services - Articles 5-9

Summary

This relates to the provision of services on a temporary and occasional basis by a professional who provides services on a permanent basis (established) in another Member State.

The Directive is still with the UK government and is still in the process of being transposed into UK legislation. We have received a draft copy of the UK legislation. This is under review. We can take no further action until this is finalised.

Article 5(2) of the directive defines temporary as:

“The temporary and occasional nature of the provision of services shall be assessed case by case, in particular in relation to its duration, its frequency, its regularity and its continuity”.

The directive states that a service provider applying for temporary registration must have received a decision within a month of HPC’s receipt of all relevant documentation; if no response is received from us the service provider can practise under the protected title. A definitive list of the documentation we can request has not yet been finalised.

We do know that it will include:

- A declaration of the intention to provide a temporary service
- Proof of nationality
- Evidence of legal establishment
- Evidence of professional qualifications or proof of professional experience
- Evidence of insurance cover

An important part of the directive is that temporary registration must be at no cost to the applicant for the duration of the service provision; we cannot charge a scrutiny fee or fees for temporary registration. Therefore, any costs incurred would have to be met by the current registrants.

There are provisions for the use of aptitude tests and requests for further information from applicants in extreme circumstances on a case-by-case basis, provided this is requested within the first month from receipt of completed documentation.

We are considering how to develop a system that will incorporate temporary registration into our current systems. This has to be implemented by 20th October 2007 when the legislation comes into force. As this has not yet been transposed into UK legislation we

cannot be sure of the exact requirements that we will have to meet. The project is part of the current yearly project plan and has been budgeted for.

The Executive will keep the Committee updated with further developments in this area.