

**EXPLANATORY MEMORANDUM TO THE  
EUROPEAN COMMUNITIES (RECOGNITION OF PROFESSIONAL  
QUALIFICATIONS) (SECOND GENERAL SYSTEM) (AMENDMENT)  
REGULATIONS**

**2005 No 882**

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments. The Instrument is subject to negative resolution.

2. **Description**

- 2.1 This Regulation amends the implementing regulations for Council Directive 92/51/EEC on the second general system for the mutual recognition of professional qualifications (ie below degree level)

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 None

4. **Legislative Background**

- 4.1 The above instrument was made in exercise of the European Communities Act 1972.

- 4.2 The Regulations list the professions which the UK deem as regulated professions and the designated authorities which assess appropriate qualifications obtained elsewhere in the EU/EEA and Switzerland. The Regulations impose a requirement on the authorities not to refuse, on the grounds of inadequate qualifications, an application from an EU/EEA/Swiss migrant to practise their profession in the UK if he/she is qualified to exercise that same profession in another relevant State.

5. **Extent**

- 5.1 This instrument applies to all of the United Kingdom

6. **European Convention on Human Rights**

- 6.1 Not applicable

7. **Policy Background**

- 7.1 Education and training requirements differ between Member States. Access to or practise of regulated professions is restricted by a Member States' national laws to those holding specific qualifications. The General System Directives on the mutual recognition

of professional qualifications allow those people who are qualified to practice their profession in one Member State to practise that same profession elsewhere in the EU/EEA/Switzerland without having to totally re-qualify.

7.2 These Regulations maintain the UK's compliance with European law on the mutual recognition of professional qualifications. Compliance takes the form of updating the Schedules by listing the regulated professions, designated authorities, and certain specific provisions in the UK as well as implementing amendments to Annex C of Directive 92/51 made by the Accession Treaty and Commission Decision.

7.3 A limited comment exercise has been undertaken with those designated authorities to whom amendments have been made or those authorities that have been included for the first time.

## 8. **Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as there is no burden on business. The cost of implementation, in financial terms, will take the form of administrative costs to the designated authorities who administer the process of recognition. These bodies are able to levy an administrative fee for their services.

## 9. **Contact**

Please address any queries to:

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