

EXPLANATORY MEMORANDUM TO
THE EUROPEAN COMMUNITIES (RECOGNITION OF QUALIFICATIONS AND
EXPERIENCE) (THIRD GENERAL SYSTEM) REGULATIONS

2006 No. 2228

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

2. **Description**
 - 2.1 This regulation provides for a transfer of powers from the Secretary of State to ECCTIS Ltd. to administer the Certificate of Experience Scheme under the provisions of Council Directive 1999/42/EC. The Secretary of State, under existing legislation, has the power to assess applications and issue Certificates of Experience. The assessment, the preparation and issuance of the Certificate is dealt with by the Department on behalf of the Secretary of State. The transfer of powers to ECCTIS Ltd. will remove the necessity for Departmental staff to operate the scheme, while still retaining policy responsibility for the implementation of the Directive.

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.

5. **Extent**
 - 5.1 This instrument applies to all of the United Kingdom.
 - 5.2 The UK is obliged to provide a Certificate of Experience to those EU Nationals in the UK who have the relevant professional qualifications and practical experience to meet the criteria laid down under Council Directive 1999/42/EC.

6. **European Convention on Human Rights**
 - 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy background**
 - 7.1 In most Member States access to certain professions is controlled by laws requiring the possession of a national diploma in the area of work concerned. Directive 1999/42/EC (The Third General System Directive) allows those people who wish to set up business in another Member State that has a legal requirement for

recognition of professional qualifications and experience in their territory to do so by obtaining a Certificate of Experience in the Member State they have undergone the relevant period of practical experience, which in the UK, will be ECCTIS Ltd.

7.2 ECCTIS Ltd., was formed in 1989 and currently delivers European activities on behalf of the Department concerning qualifications and mobility through the UK NARIC (National Academic Recognition Information Centre), the NRP (National Reference Point) and the NEC (National Europass Centre). The company has the capacity and knowledge to deal with assessments and the issue of the Certificates. This new responsibility will complement their existing activities.

7.3 These Regulations maintain the UK's compliance with European law on the mutual recognition of professional qualifications. Compliance takes the form of assessing applications and issuing a Certificate of Experience to those who meet the criteria.

7.4 The Devolved Administrations have been consulted and no concerns have been raised.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The cost of implementation, in financial terms, is the responsibility of the Department. An individual is charged a set fee of £105 for the service. However, because of the relatively low numbers of applications the scheme does not operate on a cost recovery basis. Transferring the responsibility to ECCTIS Ltd. will incur a cost to the Department by way of an annual service contract.

9. Contact

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