

Transposition Note for Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 which amends Directive 2005/36/EC regarding the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative co-operation through the Internal Market Information

The European Qualifications (Health and Social Care Professions) Regulations 2016 implement Directive 2013/55/EU which amends Directive 2005/36/EC regarding the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative co-operation through the Internal Market Information System (“the Directive”). The Regulations make consequential changes to domestic legislation to ensure its coherence in the area to which they apply.

The Directive introduces some new provisions such as: the European Professional Card, Alert Mechanism and Partial Access; and amends some existing provisions, such as the minimum training requirements.

The Regulations implement the Directive in relation only to health and social care professions; other legislation has been produced which implements the Directive in relation to other professions. The Regulations make amendments to existing domestic legislation, as specified in the Transposition Table.

Key to the Transposition Table

EPC: European Professional Card.

General systems professions: opticians, pharmacy technicians, PCDs, social workers, osteopaths, chiropractors, certain nurses, and the professions regulated by the Health and Care Professions Council (“HCPC”).

General Systems Regulations: the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059).

HCPC professions: those professions regulated by the HCPC, namely arts therapists, biomedical scientists, chiropodists and podiatrists, clinical scientists, dietitians, hearing aid dispensers, occupational therapists, operating department practitioners, orthoptists, paramedics, physiotherapists, practitioner psychologists, prosthetists and orthotists, radiographers, social workers in England, and speech and language therapists.

IMI: Internal Market Information System.

IA 2015: means Commission Implementing Regulation (EU) 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;

PCDs: those professions complementary to dentistry currently regulated under the Dentists Act 1984, namely clinical dental technicians, dental hygienists, dental nurses, dental technicians, dental therapists and orthodontic therapists.

Relevant European State: an EEA State.

Sectoral professions: doctors, dentists, pharmacists, midwives and nurses responsible for general care.

CA: Chiropractors Act 1994.

CSA: Care Standards Act 2000.

DA: Dentists Act 1984.

HSWPO: Health and Social Work Professions Order 2001.

HCPR: Health Professions Council (Registration and Fees) Rules Order of Council 2003.

HPSSA: Health and Personal Social Services Act (Northern Ireland) 2001.

MA: Medical Act 1983.

NMO: Nursing and Midwifery Order 2001.
NMQ: European Nursing and Midwifery Qualifications Designation Order of Council 2004.
NMR: Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules Order of Council 2004.
OpA: Opticians Act 1989.
OstA: Osteopaths Act 1993.
PNIO: Pharmacy (Northern Ireland) Order 1976.
PO: Pharmacy Order 2010.
PMETO: Postgraduate Medical Education and Training Order of Council 2010.
PRRO: The General Pharmaceutical Council (Registration Rules) Order of Council 2010.
RCSA: Regulation of Care (Scotland) Act 2001.
RISCWA: Regulation and Inspection of Social Care (Wales) Act 2016.
RPCEPR: Registration of Pharmaceutical Chemists (Exempt Persons) Regulations (Northern Ireland) 2008.
SDR: European Primary and Specialist Dental Qualifications Regulations 1998.

Article of Directive	Objective and Commentary	Implementation in the Regulations
4a(1)	Member States are required to issue holders of a professional qualification with an EPC on request provided that the Commission has adopted the relevant implementing acts in accordance with article 4(7). The Commission has adopted IA 2015, which introduces the EPC for pharmacists, general care nurses and physiotherapists. This requirement in respect of physiotherapists, and for pharmacists and general care nurses applying through the general system, is implemented through the General Systems Regulations.	Pharmacists GB: regulation 42 (Schedule 2A PO). Pharmacists NI: regulation 25 (Schedule 2C PNIO). Nurses: regulation 69 (Schedule 2B NMO).
4a(2) to (4), (6) and (7)	These provisions set out the process which the European Commission must follow before introducing the EPC for a particular profession, which subsequently triggers the requirements on Member States in relation to issuing the EPC in accordance with article 4b to 4d.	No specific implementation required.
4a(5)	For the purpose of establishment, the issuance	Pharmacists GB: regulation 42 (Schedule 2A paragraph

	of an EPC does not provide an automatic right to practise the profession if there are registration requirements or other control procedures already in place in the host State before the EPC is introduced there for the profession.	14, PO). Pharmacists NI: regulation 25 (Schedule 2C paragraph 14, PNIO). Nurses: regulation 69 (Schedule 2B paragraph 14, NMO).
4a(8)	This provision requires that any fees incurred by applicants in relation to the issuance of an EPC shall be reasonable, proportionate and commensurate with the costs incurred by the home States and shall not act as a disincentive to apply for an EPC.	Pharmacists GB: regulation 33 (article 33A PO). Pharmacists NI: regulation 21 (article 8D PNIO). Nurses: regulation 66 (article 39B NMO).
4b(1)	This provision requires a home State to enable the holder of professional qualifications to apply for an EPC through an on-line tool created by the European Commission.	No specific implementation required: see article 3 IA 2015.
4b(2)	The provision requires the application for an EPC to be supported by the documents specified in IA 2015.	Pharmacists GB: regulation 42 (Schedule 2A paragraphs 10(2) and 12(2), PO). Pharmacists NI: regulation 25 (Schedule 2C paragraphs 10(2) and 12(2), PNIO). Nurses: regulation 69 (Schedule 2B paragraphs 10(2) and 12(2), NMO).
4b(3)	This provision requires, within one week of the receipt of an EPC application, the competent authority of the home State to acknowledge receipt the application and inform the applicant of any missing documents.	Pharmacists GB: regulation 42 (Schedule 2A paragraphs 10(3) and 12(3), PO). Pharmacists NI: regulation 25 (Schedule 2C paragraphs 10(3) and 12(3), PNIO). Nurses: regulation 69 (Schedule 2B paragraphs 10(3) and 12(3), NMO).
4c(1)	This provision applies where a home State competent authority receives an application for an EPC for temporary provision of services where no prior	Pharmacists GB: regulation 42 (Schedule 2A paragraph 12(4) to (7), PO). Pharmacists NI: regulation 25 (Schedule 2C paragraph 12(4) to (7), PNIO).

	<p>check of qualifications is required by the host State. The home State competent authority is required to verify the application and supporting documents and issue the EPC within three weeks. That three week period is to begin upon receipt of any missing documents requested under article 4b(3), or if none were so requested, upon the expiry of one week of receiving the application. The host State shall transmit the EPC immediately to the competent authority of each host State concerned and shall inform the applicant. The host State may not request any further declaration under article 7 of the Directive for the following 18 months.</p>	<p>Nurses: regulation 69 (Schedule 2B paragraph 12(4) to (7), NMO).</p>
4c(2)	<p>The decision of the competent authority, or absence of a decision within the time limits, shall be subject to appeal by the applicant.</p>	<p>Pharmacists GB: regulations 34 to 36 and 42 (articles 39 to 41, and Schedule 2A paragraph 6, PO). Pharmacists NI: regulations 22 and 25 (articles 11ZZA and 11ZZB, and Schedule 2C paragraph 6, PNIO). Nurses: regulations 63, 64 and 69 (articles 37 and 38, and Schedule 2B paragraph 6, NMO). Physiotherapists: regulation 149 (article 38 HSWPO).</p>
4c(3)	<p>If a holder of an EPC wishes to provide services in a different Member State, or wishes to continue beyond the period of 18 months, the holder may apply for an extension of the EPC. The holder is required to provide information on any material changes in the situation substantiated in the IMI file</p>	<p>Pharmacists GB: regulation 42 (Schedule 2A paragraph 13, PO). Pharmacists NI: regulation 25 (Schedule 2C paragraph 13, PNIO). Nurses: regulation 69 (Schedule 2B paragraph 13, NMO).</p>

	in accordance with IA 2015. The home State is required to transmit the updated EPC to the host States concerned.	
4c(4)	The EPC is to be valid in the entire territory of the host States concerned provided the holder maintains the right to practise on the basis of the documents in the IMI file. Specific territorial implementation is required for pharmacists as they are regulated separately in GB and NI.	Pharmacists GB: regulation 42 (Schedule 2A paragraph 15, PO). Pharmacists NI: regulation 25 (Schedule 2C paragraph 15, PNIO). Nurses: regulation 69 (Schedule 2B paragraph 15, NMO).
4d(1)	This provision applies where a home State competent authority receives an application for an EPC for either establishment or for temporary provision of services where prior checks of qualifications is required by the host State. The home State competent authority is required to verify the application and supporting documents within 1 month. That 1 month period is to begin upon receipt of any missing documents requested under article 4b(3), or if none were so requested, upon the expiry of one week of receiving the application. The host State shall transmit the application immediately to the competent authority of each host State concerned and shall inform the applicant.	Pharmacists GB: regulation 42 (Schedule 2A paragraph 10, PO). Pharmacists NI: regulation 25 (Schedule 2C paragraph 10, PNIO). Nurses: regulation 69 (Schedule 2B paragraph 10, NMO).
4d(2)	This provision applies to automatic recognition cases and places obligations on the host State, which has received an application by a home State under article 4d(1), to determine whether to issue the EPC within specified time limits. In cases	Pharmacists GB: regulation 42 (Schedule 2A paragraph 11(1) to (5), PO). Pharmacists NI: regulation 25 (Schedule 2C paragraph 11(1) to (5), PNIO). Nurses: regulation 69 (Schedule 2B paragraph 11(1) to (5), NMO).

	of justified doubts the host State may request further information.	
4d(3)	This provision applies to general systems cases and has been applied through the General Systems Regulations.	No specific implementation required.
4d(4)	This provision enables a host State to refuse an application for an EPC if it has not received the necessary information for making a decision.	Pharmacists GB: regulation 42 (Schedule 2A paragraph 11(6), PO). Pharmacists NI: regulation 25 (Schedule 2C paragraph 11(6), PNIO). Nurses: regulation 69 (Schedule 2B paragraph 11(6), NMO).
4d(5)	This provision applies the principle of tacit recognition if a Member State fails to make a decision within the time limits specified.	Pharmacists GB: regulation 42 (Schedule 2A paragraph 11(7), PO). Pharmacists NI: regulation 25 (Schedule 2C paragraph 11(7), PNIO). Nurses: regulation 69 (Schedule 2B paragraph 11(7), NMO).
4d(6)	This provision makes clear that the EPC replaces any application for recognition of qualifications under national laws. We have implemented this provision by enabling a person to demonstrate their professional qualifications by way of holding an EPC.	Pharmacists GB: regulations 42 and 45 (Schedule 2A, paragraph 15 PO; and rule 10 PRRO). Pharmacists NI: regulation 25 (Schedule 2C, paragraphs 14 and 15 PNIO). Nurses: regulations 69 and 83 (Schedule 2B, paragraph 15 NMO; and rule 5 NMR). Physiotherapists: regulations 148 and 153 (article 13A HSWPO; and rule 4 HCPR).
4d(7)	The decision of the competent authority, or absence of a decision within the time limits, shall be subject to appeal by the applicant.	Pharmacists GB: regulations 34 to 36 and 42 (articles 39 to 41, and Schedule 2A paragraph 6, PO). Pharmacists NI: regulations 22 and 25 (articles 11ZZA and 11ZZB, and Schedule 2C paragraph 6, PNIO). Nurses: regulations 63, 64

		and 69 (articles 37 and 38, and Schedule 2B paragraph 6, NMO). Physiotherapists: regulation 149 (article 38 HSWPO).
4e	This article places obligations on Member States with regard to data protection. Some of the provisions relate to the European Commission functions and some provisions are provided for separately in IA 2015. Therefore, it has not been necessary to implement all of these provisions. For physiotherapists, the provisions have been implemented through the General System Regulations.	Pharmacists GB: regulation 42 (Schedule 2A, paragraphs 7 to 9 PO). Pharmacists NI: regulation 25 (Schedule 2C, paragraphs 7 to 9 PNIO). Nurses: regulation 69 (Schedule 2B, paragraphs 7 to 9 NMO).
Article 4f	This provision sets out the conditions for partial access and requires Member States to allow a migrant partial access to a regulated profession where those conditions are satisfied. This provision only applies to general systems professions and sectoral professions where article 10 of the Directive applies and therefore is being implemented through the General Systems Regulations. For the sectoral professions, consequential amendments have been made in respect of the competent authority functions regarding partial access.	Doctors including specialist doctors and GPs: regulation 11 (Schedule 4A, MA). Pharmacists GB: regulation 43 (Schedule 3, PO). Pharmacists NI: regulation 25 (Schedule 2D, PNIO). Dentists: regulation 54 (Schedule 4ZA, DA). Specialist dentists: regulation 60 (Schedule A1, SDR). Nurses and midwives: regulation 70 (Schedule 3, NMO).
Article 5(1)(b) Article 7(2)(d)	Where a profession is unregulated in the home State, the migrant is required to provide evidence of one year's experience (previously two) during the previous ten years. This provision was transposed in the General	Not implemented.

	Systems Regulations.	
Article 7(2)(e) Article 7(2)(f) Annex VII, Point 1(g)	In respect of professions with patient safety implications, Member States may require a migrant service provider, for the first provision of services, to provide the following additional documents: (i) an attestation confirming the absence of a temporary or final suspension from exercising the profession or of criminal conviction; and (ii) a declaration that the migrant has the necessary knowledge of English for practising the profession in the host State. For general systems professions this requirement is implemented in the General Systems Regulations.	Doctors: regulation 10 (Schedule 2A paragraph 5, MA). Pharmacists GB: regulation 41 (Schedule 2 paragraphs 4 and 12, PO). Pharmacists NI: regulations 23 to 25 and 27 (article 22A, Schedule 2B paragraph 5, and Schedule 2D, PNIO; regulation 2 RPCEPR). Dentists: regulation 53 (Schedule 4 paragraph 5, DA). Nurses and midwives: regulation 68 (Schedule 2A paragraph 5, NMO).
Article 7(2)(g)	This provision is not relevant to the health and social care provision in the UK	Not implemented.
Article 7(2a)	This enables a service provider who has submitted a declaration in accordance with article 7(1) to have access to the relevant profession in the entire of the UK. However, a Member State may require additional information if specified conditions are satisfied. For the sectoral professions, this provision is only relevant in respect of the regulation of pharmacists, who are regulated separately in GB and Northern Ireland. The other sectoral professions are regulated on a UK wide basis. For general systems professions this requirement is implemented in the General Systems Regulations.	Pharmacists GB: regulations 41 and 43 (Schedule 2 paragraph 4A, and Schedule 3, PO). Pharmacists NI: regulations 23 to 25 (article 22A, Schedule 2B paragraph 5A, and Schedule 2D, PNIO).
Article 7(4)	Article 7(4) applies to the general systems professions,	Cross-references to the relevant provisions of the

	<p>and to the sectoral professions in cases where article 10 of the Directive applies. In such cases the competent authority may check the qualifications of the migrant service provider, subject to the conditions and time limits set out. The substantive requirements of article 7(4) were implemented in the General Systems Regulations and the changes to article 7(4) will be implemented through those Regulations.</p>	<p>General Systems Regulations have been amended in these Regulations as follows:</p> <p>Doctors: regulation 10 (Schedule 2A paragraph 4(b), MA).</p> <p>Pharmacists GB: regulation 41 (Schedule 2 paragraph 3, PO).</p> <p>Pharmacists NI: regulation 24 (Schedule 2B paragraph 4(b), PNIO).</p> <p>Dentists: regulation 53 (Schedule 4 paragraph 4(b), DA).</p> <p>PCDs: regulation 50 (section 36Z3 DA).</p> <p>Nurses and midwives: regulation 68 (Schedule 2A paragraph 4(b), NMO).</p> <p>General systems nurses: regulation 65 (article 39A NMO).</p> <p>Opticians: regulations 87 and 88 (sections 8C and 8D OpA).</p> <p>Osteopaths: regulation 92 (section 5A OstA).</p> <p>Chiropractors: regulation 96 (section 5A CA).</p> <p>Social Care Managers: regulations 104, 136 and 137 (section 58B CSA; section 90A RISCWA).</p> <p>Social Workers (England): regulation 148 (article 13A HSWPO).</p> <p>Social Workers (Wales): regulations 103,134 and 135 (section 58A CSA; section 90 RISCWA).</p> <p>Social Workers (NI): regulation 113 (section 5A HPSSA).</p> <p>Social Workers (Scotland): regulation 116 (section 46A RCSA).</p> <p>HCPC professions:</p>
--	---	---

		regulation 148 (article 13A HSWPO).
Article 8(1)	This requires competent authorities of relevant European States to co-operate in relation to the status of professionals providing services across borders. This provision has been amended so that a Member State can only ask for information about the migrant's good conduct and legality of establishment in the event of justified doubts. It also now enables Member States to check information regarding the service providers training courses to the extent necessary to assess substantial differences likely to be harmful to public health or safety. For general systems professions this requirement is implemented in the General Systems Regulations.	Doctors including specialist doctors and GPs: regulation 11 (Schedule 4A MA). Pharmacists GB: regulation 43 (Schedule 3 PO). Pharmacists NI: regulations 23 and 25 (article 22A and Schedule 2D PNIO). Dentists: regulation 54 (Schedule 4ZA DA). Specialist dentists: regulation 60 (Schedule A1 SDR). Nurses and midwives: regulation 70 (Schedule 3 NMO).
Articles 11 to 15	The requirement of Chapter I of Title III concerning the general system were implemented in Part 3 of the General Systems Regulations and through amendments to the cross references to the relevant provisions in the General Systems Regulations.	Doctors: regulations 6 and 7 (sections 14A and 19A MA). Specialist doctors and GPs: regulations 13 and 14 (articles 5 and 9 PMETO). Pharmacists GB: regulation 31 (article 21 PO). Pharmacists NI: regulation 19 (article 8 PNIO). Dentists: regulation 47 (section 15 DA). Specialist dentists: regulation 58 (regulation 8 SDR). Nurses and midwives: regulation 62 (article 13 NMO). Social Care Managers: regulations 107, 132 and 133 (section 64A CSA; section 85A RISCWA). Social Workers (Wales): regulations 106, 130 and 131

		<p>(section 64 CSA; section 85 RISCWA).</p> <p>For the general systems professions the amendments are implemented through existing ambulatory references to Part 3 of the General Systems Regulations, or provisions that have an equivalent effect, as follows:</p> <p>Pharmacy technicians: Article 22 PO.</p> <p>PCDs: Section 36C DA.</p> <p>General systems nurses: Article 13(1)(f) NMO.</p> <p>Opticians: Section 8(1A) OpA.</p> <p>Osteopaths: section 14(10) OstA.</p> <p>Chiropractors: section 14(10) CA .</p> <p>Social Workers (England): Article 12(1)(b) HSWPO.</p> <p>Social Workers (NI): section 11(A1) HPSSA.</p> <p>Social Workers (Scotland): section 46B RCSA.</p> <p>HCPC professions: article 12(1)(b) HSWPO.</p>
Article 20	This provision is not relevant for the health and social care professions.	Not implemented.
Article 21(4)	This provision applies a new derogation to an existing derogation in relation to the operation of pharmacies. The existing derogation was implemented in the Medicines Act 1968, sections 70 and 71, but was then repealed by The Medicines Act 1968 (Pharmacy) Order 2011, articles 3 and 4. As the existing derogation is no longer being exercised the implementation of the further	Not implemented.

	derogation is not necessary.	
Article 21(6)	This provision has been amended as a consequence of the new competencies for nurses under article 31(7) of the Directive.	This is implemented by ensuring that the UK qualifications for nursing meet the minimum training conditions set out in the Directive, as described in more detail below.
Article 21a	This provision imposes notification procedures on Member States to notify the Commission of laws, regulations and administrative provisions which it adopts with regard to the issuing of evidence of formal qualifications under Chapter III of Title III.	Administrative requirement on Member States: not required to be implemented in national law.
Article 22	This makes a small change to the existing provision relating to continuous professional development (“CPD”) for professionals whose professional qualifications are covered by Chapter III of Title III. There is a new obligation on Member States to communicate with the Commission with regard to the measures that have been taken with regard to CPD. The professions which are relevant to this provision are: doctors; dentists; nurses; midwives and pharmacists, which all have existing measures in place to ensure those professionals comply with specific CPD requirements.	No specific implementation required.
Article 24(2) substituted by paragraph (18)	This provision amends the minimum conditions required for doctors’ basic training. Article 24 has been implemented through sections 5(2A), 14(3) and 15A(5) MA. These sections make ambulatory references to article 24 of the Directive	Implemented through existing ambulatory references to article 24 contained in sections 5(2A), 14(3) and 15A(5) MA.

	and therefore no further implementation is necessary.	
Article 25(1)	This provision amends the minimum conditions required for admission to specialist training for doctors. Article 25 has been implemented through section 34K MA which makes ambulatory references to article 25 of the Directive and therefore no further implementation is necessary.	Implemented through existing ambulatory references to article 25 contained in section 34K MA.
Article 25(3a)	This is a new provision which permits partial exemptions from specialist medical training courses listed in point 5.1.3 of Annex V of the Directive. Where such exemptions are applied they must be applied in accordance with the parameters set out in article 25(3a).	Regulation 16 (article 12 PMETO).
Article 27(2a)	This provides new acquired rights for specialist medical qualifications awarded in Italy to doctors who started their training after 31 December 1983 and before 1 January 1991.	Regulation 15 (article 10(1)(h) PMETO).
Article 28(1)	This provision amends the minimum training conditions required for admission to general practice training. Article 28 has been implemented through section 34J MA which makes ambulatory references to article 28 of the Directive and therefore no further implementation is necessary.	Implemented through existing ambulatory references to article 28 contained in section 34J MA
Article 31(1)	This provision amends the admission requirements for the training of nurses responsible for general care. Article 31(1) was implemented through rule 3(2) NMR, by way of ambulatory references to	Implemented through existing ambulatory references to article 31(1) contained in rule 3(2) NMR

	article 31(1) of the Directive and therefore no further implementation is necessary.	
Article 31(3) to (7)	This provision amends the minimum training standards required for nurses responsible for general care. Articles 31(3) to (6) were implemented through rule 3(1) NMR which makes ambulatory references to article 31 of the Directive. No further implementation is necessary for the amendments to article 31 (3) to (6) or the additional paragraph (7).	Implemented through existing ambulatory references to article 31 contained in rule 3(1) NMR.
Article 33(2)	This provision has been deleted. It contained details about acquired rights for nursing qualifications obtained in Poland. This was transposed into article 7(2)(a) and 7(3) NMQ.	Regulation 78 (omits article 7(2)(a) and 7(3) NMQ). Regulations 75 and 76 (omits references to Poland in article 4(1) and 5(1) NMQ).
Article 33(3)	This provision contains technical details relating to acquired rights for nurses who possess Polish qualifications. This was transposed into article 7(2)(b) NMQ which makes an ambulatory reference to article 33(3). Further acquired rights have been added to article 33(3).	Implemented through existing ambulatory references to article 33(3) contained in article 7(2)(b) NMQ.
Article 33a	This provision contains technical details relating to acquired rights for nurses who possess Romanian qualifications. This was transposed into article 7A NMQ. These acquired rights have been amended.	Regulation 79 (amends article 7A(2) NMQ).
Article 34(2)	This provision amends the minimum training conditions required for dentists. Article 34 was transposed into section 12A DA which makes ambulatory references to article 34 of the Directive	Implemented through existing ambulatory references to section 34 contained in section 12A DA.

	and therefore no further implementation is necessary	
Article 35(1) and (2)	This provision amends the minimum training conditions required for specialist dentists. Article 35 was transposed into regulation 7(1) and (2) SDR which makes ambulatory references to article 35 of the Directive and therefore no further implementation is necessary	Implemented through existing ambulatory references to article 35 contained in regulation 7(1) and (2) SDR.
Article 37(3)	This is a new provision which provides acquired rights as a consequence of the more stringent minimum standards required for basic dental training.	Regulations 52 and 57 (Schedule 2 paragraph 1, DA; regulation 7 SDR).
Article 37(4)	This is a new provision which gives acquired rights for persons who qualified as a doctor in Spain (during a specified period) to practise as a dentist.	Regulation 52 (Schedule 2 paragraph 6B, DA).
Article 40(2)	This provision amends the admission requirements for the training of midwives. Article 40(2) was transposed through rule 3(2) NMR by way of ambulatory references to article 40(2) and therefore no further implementation is necessary.	Implemented through existing ambulatory references to article 40(2) contained in rule 3(2) NMR
Article 40(3)	This provision amends the minimum training standards required for midwives Article 40(3) was transposed through rule 3(1A) NMR which makes ambulatory references to article 40 and therefore no further implementation is necessary.	Implemented through existing ambulatory references to article 40 contained in rule 3(1A) NMR
Article 41	This provides that midwifery qualifications listed in the Directive benefit from automatic recognition only if the holder satisfies certain conditions as to training set out in article 41. These	Regulations 73 to 75 and 77 (articles 2(3), 3(2)(b), 4(3)(b) and 6(3)(b) NMQ).

	provisions were transposed through articles 2(3), 3(2), 4(3) and 6(3) NMQ. Changes have been made to these provisions requiring consequential amendments to be made to the NMQ articles listed above.	
Article 43(1a)	This is a new provision which provides acquired rights for certain qualifications in midwifery as a consequence of the changes to the entry requirements for midwifery training.	Regulation 80 (article 8A NMQ).
Article 43(3)	Article 43(3) has been deleted. It contained details about acquired rights for qualifications in midwifery obtained in Poland. This was transposed into article 7(2)(a) and 7(3) NMQ.	Regulation 78 (omits article 7(2)(a) and 7(3) NMQ). Regulations 75 and 76 (omit references to Poland in article 4(1) and 5(1) NMQ).
Article 43(4)	This provision contains technical details relating to acquired rights for midwives who possess Polish qualifications. This was transposed into article 7(2)(b) NMQ which makes an ambulatory reference to article 43(4). Further acquired rights have been added to article 43(4). No further implementation is necessary.	Implemented through existing ambulatory references to article 43(4) contained in article 7(2)(b) NMQ.
Article 44(2)	This provision amends the minimum training conditions required for pharmacists. Article 44 is implemented by article 21 PO and article 8A PNIO, which make ambulatory references to article 44 and therefore no further implementation is necessary.	Implemented through existing ambulatory references: Pharmacy GB: article 21 PO. Pharmacy NI: article 8A PNIO.
Article 45(2)	This provision describes the professional activities of pharmacists. It did not seem necessary to implement this	Not Implemented

	provision. Changes have been made to these activities.	
Article 49a and 49b	These are new provisions which enable the Commission to establish a new common training framework for a particular profession, or common training tests for holders of particular qualifications. Once established, Member States will be required to grant automatic recognition to holders of the qualification obtained under the framework, or to the professionals who have passed the test. The Commission have not introduced any common training frameworks or tests to date and therefore implementation is not necessary at this time.	Not implemented
Article 50(3a) and (3b)	This provides that relevant European States may, in case of justified doubts, require from other Member States confirmation that a person is not suspended or prohibited from the pursuit of a profession as a result of serious professional misconduct or conviction for criminal offences relating to the pursuit of any professional activities. Such an exchange of information is required to be undertaken through the IMI. For general systems professions this requirement is implemented in the General Systems Regulations.	Doctors including specialist doctors and GPs: regulation 11 (Schedule 4A MA). Pharmacists GB: regulation 43 (Schedule 3 PO). Pharmacists NI: regulation 23 and 25 (article 22A and Schedule 2D PNIO). Dentists: regulation 54 (Schedule 4ZA DA). Specialist dentists: regulation 60 (Schedule A1 SDR). Nurses and midwives: regulation 70 (Schedule 3 NMO).
Article 52(3)	This is a new provision which does not permit Member States to reserve the right to use a professional title to holders of professional qualifications	No specific implementation required.

	unless they have notified the Commission and other Member States. We do not consider it is necessary to implement this provision.	
Article 53	Article 53 requires that a professionals benefitting from the recognition of their qualifications are to have the necessary knowledge of language for practising the profession in the host State. No specific implementation of this was necessary. Article 53 has been extended, which permits Member States to apply language controls in specified circumstances, provided that such controls are carried out after the recognition of the qualification. Such controls must be proportionate to the activity to be pursued and subject to an appeal under national law. These changes have already been made for pharmacists (GB and NI), dentists, and nurses and midwives through the Health Care and Associated Professions (Knowledge of English) Order 2015. With respect to doctors, see the Medical Act 1983 (Amendment) (Knowledge of English) Order 2014. For general systems professions this requirement is implemented in the General Systems Regulations.	No specific implementation required.
Article 55a	This is a new provision which requires Member States to recognise professional training undertaken in another Member State and to take account of such training undertaken in a third country. For the sectoral professions,	Doctors: regulations 4, 5 and 11 (sections 10B and 14 and Schedule 4A MA). Pharmacists GB: regulations 38 and 43 (article 42A and Schedule 3 PO). Pharmacists NI: regulations 21, 23 and 25 (articles 8C and 22A and Schedule 2D

	<p>this is only relevant for doctors and pharmacists which require completion of a period of professional practice prior to full registration. For general systems professions this requirement is implemented in the General Systems Regulations.</p>	<p>PNIO).</p> <p>The implementation of article 55a of the Directive in the amendments to the above provisions has not followed copy out: some elaboration was required in order to give the requirements meaning and clarity in the amended legislation.</p>
Article 56(2)	<p>Article 56(2) concerns the exchange of information between competent authorities regarding disciplinary actions, criminal sanctions or other serious circumstances. The wording of this provision has been amended, however the effect is the same. This was implemented by way of ambulatory references to article 56(2) in the relevant domestic legislation and so no further implementation is necessary, save that consequential amendments have been made in respect of the competent authority functions for the relevant sectoral professions. For general systems professions this requirement is implemented in the General Systems Regulations.</p>	<p>Doctors including specialist doctors and GPs: regulation 11 (Schedule 4A MA). Pharmacists GB: regulation 43 (Schedule 3 PO). Pharmacists NI: regulation 23 and 25 (article 22A and Schedule 2D PNIO). Dentists: regulation 54 (Schedule 4ZA DA). Specialist dentists: regulation 60 (Schedule A1 SDR). Nurses and midwives: regulation 70 (Schedule 3 NMO).</p>
Article 56(2a)	<p>Article 56(2a) is a new provision which requires the exchange of information made under article 56(1) and (2) to be undertaken through the IMI. For general systems professions this requirement is implemented in the General Systems Regulations.</p>	<p>Doctors including specialist doctors and GPs: regulation 11 (Schedule 4A MA). Pharmacists GB: regulation 43 (Schedule 3 PO). Pharmacists NI: regulation 23 and 25 (article 22A and Schedule 2D PNIO). Dentists: regulation 54 (Schedule 4ZA DA). Specialist dentists: regulation 60 (Schedule A1 SDR). Nurses and midwives:</p>

		regulation 70 (Schedule 3 NMO).
Article 56(4) Article 57 Article 57b Article 60	These are overarching provisions relating to a national coordinator, contact points, assistance centres and reports. These have been implemented in the General Systems Regulations	Not Implemented.
Article 56a	This is a new requirement which requires Member States to send an alert to other Member States where a professional's activities have been prohibited or restricted even temporarily. This is an overarching provision which applies equally to sectoral professions and general systems professions and therefore has been transposed into the General Systems Regulations, save for appeal rights under article 56a(6) which have been implemented as shown in the adjacent column. Also, for the sectoral professions, consequential amendments have been made in respect of the relevant competent authority functions.	<u>Implementation with respect to alert mechanism appeal rights:</u> Doctors including specialist doctors and GPs: regulation 8 (section 40 MA). Pharmacists GB: regulation 34 to 36 (articles 39 to 41 PO). Pharmacists NI: regulation 22 (articles 11ZZA and 11ZZB PNIO). Dentists: regulation 48 (section 29 DA). PCDs: regulation 49 (section 36S DA). Nurses and midwives: regulations 63 and 64 (articles 37 and 38 NMO). Opticians: regulation 89 (section 23G OpA). Osteopaths: regulation 93 (section 29A OstA). Chiropractors: regulation 97 (section 29A CA). Social Care Managers: regulations 109, 138 and 139 (section 68 CSA; section 105 RISCWA). Social Workers (England): regulation 149 (article 38 HSWPO). Social Workers (NI): regulation 114 (section 15 HPSSA). Social Workers (Scotland): regulation 117 (section 51 RCSA). Social Workers (Wales): regulations 109, 138 and 139

		<p>(section 68 CSA; section 105 RISCWA).</p> <p>HCPC professions: regulation 149 (article 38 HSWPO).</p> <p><u>Implementation with respect to competent authority functions and the alert mechanism:</u></p> <p>Doctors including specialist doctors and GPs: regulation 11 (Schedule 4A MA).</p> <p>Pharmacists GB: regulation 43 (Schedule 3 PO).</p> <p>Pharmacists NI: regulation 23 and 25 (article 22A and Schedule 2D PNIO).</p> <p>Dentists: regulation 54 (Schedule 4ZA DA).</p> <p>Specialist dentists: regulation 60 (Schedule A1 SDR).</p> <p>Nurses and midwives: regulation 70 (Schedule 3 NMO).</p>
Article 57a	<p>This is a new requirement that requires competent authorities to enable migrants to complete by electronic means any processes required in accordance with matters under the Directive. For general systems professions this requirement is implemented in the General Systems Regulations. For the sectoral professions, consequential amendments have been made in respect of the competent authority functions.</p>	<p>Doctors including specialist doctors and GPs: regulation 11 (Schedule 4A MA).</p> <p>Pharmacists GB: regulation 43 (Schedule 3 PO).</p> <p>Pharmacists NI: regulation 23 and 25 (article 22A and Schedule 2D PNIO).</p> <p>Dentists: regulation 54 (Schedule 4ZA DA).</p> <p>Specialist dentists: regulation 60 (Schedule A1 SDR).</p> <p>Nurses and midwives: regulation 70 (Schedule 3 NMO).</p>
Article 59	<p>This provision requires Member States to notify the Commission of a list of existing regulated professions, a list of regulated education and training, and a list of professions for which prior</p>	<p>No specific implementation required.</p>

	<p>checks of qualifications is necessary under article 7(4). Member States are then required to examine those requirements in accordance with the principles set out in article 59 of the Directive. It did not seem necessary to implement this provision.</p>	
<p>Annexes II and III deleted by paragraph (52).</p>	<p>Annexes II and III apply to the general systems professions and were implemented in the General Systems Regulations. These Annexes have been deleted and any consequential amendments have been made through the General System Regulations.</p>	<p>No specific implementation required.</p>