
STATUTORY INSTRUMENTS

2016 No. 1030

**The European Qualifications (Health and
Social Care Professions) Regulations 2016**

PART 2

MEDICAL PRACTITIONERS

CHAPTER 1

AMENDMENT OF THE MEDICAL ACT 1983

Amendment of Schedule 4A

11.—(1) Schedule 4A (Directive 2005/36: functions of the General Council under section 49B(3)) (1) is amended as follows.

(2) Before the entry relating to article 7(2)(b) insert—

“Article 4f	Considering applications for partial access to the medical profession under regulations 10 and 11 of the General Systems Regulations.”
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(3) In the entry relating to article 8(1)—

(a) for “Receiving”, substitute “In the event of justified doubts, receiving”; and

(b) after paragraph (c), insert—

“Receiving information from, or providing information to, other competent authorities in relation to a person’s training courses to the extent necessary to assess substantial differences likely to be harmful to public health and safety.”.

(4) After the entry relating to article 50(3), insert—

“Article 50(3a)	In the event of justified doubts, seeking confirmation from, or providing confirmation to, other competent authorities of the fact that the applicant is not suspended or prohibited from the pursuit of the medical profession as a result of serious professional misconduct or conviction of criminal offences relating to the pursuit of any of the applicant’s professional activities.
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Article 50(3b)	Ensuring that the exchange of information under article 50 of the Directive with other competent authorities takes place through the IMI.
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Article 53	Ensuring that any language controls imposed on a medical practitioner are compliant with article 53 of the Directive.
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Article 55a	When considering an application for registration as a fully registered practitioner, ensuring that in respect of professional traineeships—
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- (a) traineeships undertaken in a relevant European State are recognised in accordance with published guidelines;
- (b) traineeships undertaken in a third country are taken into account.”

(5) In the entry relating to article 56(2), after paragraph (c), insert—

“Ensuring that the processing of personal data for the purposes of the exchange of information in accordance with article 56(2) of the Directive is carried out in accordance with [Directive 95/46/EC](#) and [Directive 2002/58/EC](#) and through the IMI.”

(6) After the entry relating to article 56(2), insert—

“Article 56(2a)	Ensuring that the exchange of information carried out in accordance with article 56(2) of the Directive takes place through the IMI.
Article 56a(1) and (2)	Informing all other competent authorities, by way of an alert through the IMI, about a medical practitioner whose professional activities have been restricted or prohibited, even temporarily, within three days from the date of adoption of the decision; ensuring the information provided is limited to the information referred to in article 56a(2) of the Directive.
Article 56a(3)	Informing all other competent authorities, by way of an alert through the IMI, about the identity of professionals who have applied for registration and who have been subsequently found to have used falsified evidence of professional qualifications, within three days from the date of the finding.
Article 56a(4)	Ensuring that the processing of personal data for the purposes of the exchange of information under article 56a(1) and (3) of the Directive is carried out in accordance with Directive 95/46/EC and Directive 2002/58/EC .
Article 56a(5)	Informing all other competent authorities through the IMI without delay when— <ul style="list-style-type: none"> (a) a prohibition or a restriction referred to in article 56a(1) of the Directive has expired; (b) there is a change to the prohibition or restriction period notified under article 56a(2) of the Directive.
Article 56a(6)	Notifying the medical practitioner, in respect of whom an alert is sent under article 56a(1) or (3) of the Directive, in writing at the same time as the alert is sent, that the practitioner— <ul style="list-style-type: none"> (a) is the subject of an alert sent under article 56a(1) or (3) of the Directive; (b) has the right to appeal the decision or to apply for rectification of the decision; (c) has the right to access remedies in respect of any damage caused by false alerts sent to other competent authorities. <p>Informing competent authorities, where applicable, that an alert is subject to appeal proceedings by the practitioner.</p>
Article 56a(7)	Ensuring that an alert made under article 56a(1) of the Directive is deleted from the IMI within three days of— <ul style="list-style-type: none"> (a) the date of adoption of the revoking decision; or

Article 57a(1) (b) the expiry of the prohibition or restriction referred to in that article.
Ensuring that all requirements, procedures and formalities relating to the recognition of qualifications of a medical practitioner may be easily completed by the applicant remotely and by electronic means.”
