



STATUTORY INSTRUMENTS.

S.I. No. 315 of 2014

RECOGNITION OF PROFESSIONAL QUALIFICATIONS (HEALTH
AND SOCIAL CARE PROFESSIONS) (DIRECTIVE 2005/36/EC)
(AMENDMENT) REGULATIONS 2014

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I, JAMES REILLY, Minister for Health, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005¹, hereby make the following regulations:

1. (1) These Regulations may be cited as the Recognition of Professional Qualifications (Health and Social Care Professions) (Directive 2005/36/EC) (Amendment) Regulations 2014.

(2) The Principal Regulations, the Regulations of 2011 and these Regulations may be cited together as the Recognition of Professional Qualifications (Health and Social Care Professions) (Directive 2005/36/EC) Regulations 2008 to 2014.

2. In these Regulations—

“Principal Regulations” means the Recognition of Professional Qualifications (Health and Social Care Professions) (Directive 2005/36/EC) Regulations 2008 (S.I. No. 166 of 2008);

“Regulations of 2011” means the Recognition of Professional Qualifications (Health and Social Care Professions) (Directive 2005/36/EC) (Amendment) Regulations 2011 (S.I. No. 109 of 2011).

3. Regulation 3 (as amended by Regulations 3 and 4 of the Regulations of 2011) of the Principal Regulations is amended—

(a) in paragraph (1)(a), (d) and (e), by substituting “in relation to public sector employment in” for “in relation to” in each place in which it occurs, and

(b) by inserting after paragraph (3) the following paragraphs:

“(4) A competent authority designated under this Regulation may require an applicant for recognition of professional qualifications to pay a fee in respect of his or her application, aptitude test or adaptation period provided that—

(a) the fee does not exceed the real cost of the service provided,

¹OJ No. L 255, 30.9.2005, p. 22.

- (b) the fee is comparable to that paid by nationals of the State in similar circumstances,
- (c) the fee is not set at a level which would make it impossible in practice to exercise the rights provided for under the Professional Qualifications Regulations and the Professional Qualifications Directive,
- (d) in the case of a flat-rate fee, the fee can be justified by reference to the average cost of processing an application, and
- (e) the fee does not relate to the free provision of services by a service provider in the State on a temporary or occasional basis, in accordance with Regulation 15(1) and (2) of the Professional Qualifications Regulations and Article 7(1), (2) and (3) of the Professional Qualifications Directive.

(5) A competent authority designated under this Regulation may obtain advice from an appropriate third party in relation to applications for recognition of professional qualifications and may pay the third party for such advice.”



GIVEN under my Official Seal,
7 July 2014.

JAMES REILLY,
Minister for Health.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the Recognition of Professional Qualifications (Health and Social Care Professions) (Directive 2005/36/EC) Regulations 2008 (S.I. No. 166 of 2008) to give further effect to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005.

These Regulations may be cited as the Recognition of Professional Qualifications (Health and Social Care Professions) (Directive 2005/36/EC) (Amendment) Regulations 2014.

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nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€1.27

