
STATUTORY INSTRUMENTS

2003 No. 3148

**The European Qualifications (Health
Care Professions) Regulations 2003**

DOCTORS—GENERAL MEDICAL PRACTICE

Amendments to the National Health Service (Vocational Training for General Medical Practice) (Scotland) Regulations 1998

11.—(1) The National Health Service (Vocational Training for General Medical Practice) (Scotland) Regulations 1998(1) are amended in accordance with this regulation.

(2) In regulation 2 (interpretation)—

(a) for the definition of “Medical Directive”, substitute—

““Medical Directive” means Council Directive [93/16/EEC](#) of 5th April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications(2) as adapted or amended by—

- (a) Annex VII to the EEA Agreement;
- (b) the Act annexed to the Treaty relating to the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden signed at Corfu on the 24th June 1994(3), as adjusted by the Decision of the Council of the European Union of 1st January 1995 adjusting the instruments concerning the accession of new Member States to the European Union(4);
- (c) Council Directive [97/50/EC](#) of 6th October 1997(5), Commission Directive [98/21/EC](#) of 8th April 1998(6), Commission Directive [98/63/EC](#) of 3rd September 1998(7), Commission Directive [1999/46/EC](#) of 21st May 1999(8), Directive [2001/19/EC](#) of 14th May 2001(9); and
- (d) the Swiss Agreement;”.

(b) insert the following definitions at the appropriate place—

““EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993 and as amended by Decisions of the EEA Joint Committee Nos. 7/94

(1) S.I. [1998/5](#) as amended by S.I. [1998/669](#) and S.S.I. [2000/23](#).
(2) O.J. No. L 165, 7.7.1993, p.1.
(3) O.J. No. C241, 29.8.1994, p.21. Norway did not ratify the Treaty.
(4) O.J. No. L 1, 1.1.1995, p.1.
(5) O.J. No. L 291, 24.10.1997, p.35.
(6) O.J. No. L 119, 22.4.1998, p.15.
(7) O.J. No. L 253, 15.9.1998, p.24.
(8) O.J. No. L 139, 2.6.1999, p.25.
(9) O.J. No. L 206, 31.7.2001, p.1.

of 21st March 1994⁽¹⁰⁾, 190/1999 of 17th December 1999⁽¹¹⁾, 89/2000 of 27th October 2000⁽¹²⁾ and 84/2002 of 25th June 2002⁽¹³⁾”;

““EEA State” means a State which is a Contracting Party to the EEA Agreement or Switzerland”;

““the Swiss Agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, signed at Luxembourg on 21st June 1999⁽¹⁴⁾”.

(3) In regulation 5 (exemptions), in paragraph (2) omit the definitions of “EEA Agreement” and “EEA State”.

(4) In regulation 6 (prescribed medical experience)—

(a) for sub-paragraph (b) of paragraph (8), substitute—

“(b) in computing any period of training which began after 31st December 1994 there shall be disregarded any period of part-time employment during which the duties of the person employed, taken week by week, occupied less than the specified percentage of the time usually occupied by the duties of persons employed whole-time in similar employment”;

(b) after paragraph (8), insert—

“(8A) For the purposes of paragraph (8)(b), the specified percentage is—

(i) for any training which takes place after 31st December 1994 but before 1st January 2003, 60 per cent, and

(ii) for any training which takes place after 31st December 2002, 50 per cent.”.

(5) In regulation 12 (certificate of equivalent experience), after paragraph (8), insert—

“(8A) In the case of an exempt person—

(a) the Joint Committee shall issue the statement mentioned in paragraph (8) within three months beginning with the date on which they receive the application together with full supporting documentation; and

(b) failure to issue such a statement within the period mentioned in sub-paragraph (a) shall be treated as a decision from which an applicant may appeal under regulation 13.

(8B) In this regulation an “exempt person” means a person who—

(a) is a national of an EEA State who is exercising an enforceable Community right; or

(b) is not a national of an EEA State, but is, by virtue of a right conferred by article 11 of Regulation (EEC) No. 1612/68, or any other enforceable Community right, entitled to be treated, for the purposes of access to the medical profession, no less favourably than a national of such a State.”.

⁽¹⁰⁾ O.J. No. L 160, 28.6.1994, p.1.

⁽¹¹⁾ O.J. No. L 74, 15.3.2001, p.26.

⁽¹²⁾ O.J. No. L 7, 11.1.2001, p.9.

⁽¹³⁾ O.J. No. L 266, 3.10.2002, p.36. The Agreement has been amended by other Decisions which are not relevant to these Regulations.

⁽¹⁴⁾ O.J. No. L 114, 30.04.2002, p.6.

Amendments to the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998

12.—(1) The Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998⁽¹⁵⁾ are amended in accordance with this regulation.

(2) In regulation 2 (interpretation)—

(a) for the definition of “Medical Directive”, substitute—

““Medical Directive” means Council Directive [93/16/EEC](#) of 5th April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications as adapted or amended by—

- (a) Annex VII to the EEA Agreement;
- (b) the Act annexed to the Treaty relating to the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden signed at Corfu on the 24th June 1994, as adjusted by the Decision of the Council of the European Union of 1st January 1995 adjusting the instruments concerning the accession of new Member States to the European Union;
- (c) Council Directive [97/50/EC](#) of 6th October 1997, Commission Directive [98/21/EC](#) of 8th April 1998, Commission Directive [98/63/EC](#) of 3rd September 1998, Commission Directive [1996/46/EC](#) of 21st May 1999, Directive [2001/19/EC](#) of 14th May 2001; and
- (d) the Swiss Agreement;”.

(b) insert the following definitions at the appropriate place—

““EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993 and as amended by Decisions of the EEA Joint Committee Nos. 7/94 of 21st March 1994, 190/1999 of 17th December 1999, 89/2000 of 27th October 2000 and 84/2002 of 25th June 2002⁽¹⁶⁾;”;

““EEA State” means a State which is a Contracting Party to the EEA Agreement or Switzerland;”;

““the Swiss Agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, signed at Luxembourg on 21st June 1999.”.

(3) In regulation 5 (exemptions), in paragraph (2) omit the definitions of “EEA Agreement” and “EEA State”.

(4) In regulation 6 (prescribed medical experience),

(a) for sub-paragraph (b) of paragraph (8), substitute—

“(b) in computing any period of training which began after 31st December 1994 there shall be disregarded any period of part-time employment during which the duties of the person employed, taken week by week, occupied less than the specified percentage of the time usually occupied by the duties of persons employed whole-time in similar employment;”;

(b) after paragraph (8), insert—

“(8A) For the purposes of paragraph (8)(b), the specified percentage is—

⁽¹⁵⁾ S.R. 1998 No. 13.

⁽¹⁶⁾ The Agreement has been amended by other Decisions which are not relevant to these Regulations.

- (i) for any training which takes place after 31st December 1994 but before 1st January 2003, 60 per cent, and
 - (ii) for any training which takes place after 31st December 2002, 50 per cent.”.
- (5) In regulation 12 (certificate of equivalent experience), after paragraph (8), insert—
- “(8A) In the case of an exempt person—
 - (a) the Joint Committee shall issue the statement mentioned in paragraph (8) within three months beginning with the date on which they receive the application together with full supporting documentation; and
 - (b) failure to issue such a statement within the period mentioned in sub-paragraph (a) shall be treated as a decision from which an applicant may appeal under regulation 13.
 - (8B) In this regulation an “exempt person” means a person who—
 - (a) is a national of an EEA State who is exercising an enforceable Community right; or
 - (b) is not a national of an EEA State, but is, by virtue of a right conferred by article 11 of Regulation (EEC) No. 1612/68, or any other enforceable Community right, entitled to be treated, for the purposes of access to the medical profession, no less favourably than a national of such a State.”.

Amendments to the National Health Service (Vocational Training for General Medical Practice) Regulations 1997

13.—(1) The National Health Service (Vocational Training for General Medical Practice) Regulations 1997(17) are amended in accordance with this regulation.

- (2) In regulation 2 (interpretation)—
- (a) for the definition of “Medical Directive”, substitute—
 - ““Medical Directive” means Council Directive [93/16/EEC](#) of 5th April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications as adapted or amended by—
 - (a) Annex VII to the EEA Agreement;
 - (b) the Act annexed to the Treaty relating to the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden signed at Corfu on the 24th June 1994, as adjusted by the Decision of the Council of the European Union of 1st January 1995 adjusting the instruments concerning the accession of new Member States to the European Union;
 - (c) Council Directive [97/50/EC](#) of 6th October 1997, Commission Directive [98/21/EC](#) of 8th April 1998, Commission Directive [98/63/EC](#) of 3rd September 1998, Commission Directive [1999/46/EC](#) of 21st May 1999, Directive [2001/19/EC](#) of 14th May 2001; and
 - (d) the Swiss Agreement;”.
 - (b) insert the following definitions at the appropriate place—
 - ““EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th

(17) S.I. [1997/2817](#). There are no relevant amendments.

March 1993 and as amended by Decisions of the EEA Joint Committee Nos. 7/94 of 21st March 1994, 190/1999 of 17th December 1999, 89/2000 of 27th October 2000 and 84/2002 of 25th June 2002(18);”;

““EEA State” means a State which is a Contracting Party to the EEA Agreement or Switzerland;”;

““the Swiss Agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, signed at Luxembourg on 21st June 1999.”.

(3) In regulation 5 (exemptions), in paragraph (2) omit the definitions of “EEA Agreement” and “EEA State”.

(4) In regulation 6 (prescribed medical experience),

(a) for sub-paragraph (b) of paragraph (8), substitute—

“(b) in computing any period of training which began after 31st December 1994 there shall be disregarded any period of part-time employment during which the duties of the person employed, taken week by week, occupied less than the specified percentage of the time usually occupied by the duties of persons employed whole-time in similar employment;”;

(b) after paragraph (8), insert—

“(8A) For the purposes of paragraph (8)(b), the specified percentage is—

(i) for any training which takes place after 31st December 1994 but before 1st January 2003, 60 per cent, and

(ii) for any training which takes place after 31st December 2002, 50 per cent.”.

(5) In regulation 12 (certificate of equivalent experience), after paragraph (8), insert—

“(8A) In the case of an exempt person—

(a) the Joint Committee shall issue the statement mentioned in paragraph (8) within three months beginning with the date on which they receive the application together with full supporting documentation; and

(b) failure to issue such a statement within the period mentioned in sub-paragraph (a) shall be treated as a decision from which an applicant may appeal under regulation 13.

(8B) In this regulation an “exempt person” means a person who—

(a) is a national of an EEA State who is exercising an enforceable Community right; or

(b) is not a national of an EEA State, but is, by virtue of a right conferred by article 11 of Regulation (EEC) No. 1612/68, or any other enforceable Community right, entitled to be treated, for the purposes of access to the medical profession, no less favourably than a national of such a State.”.

Vocational Training for General Medical Practice (European Requirements) Regulations 1994

14.—(1) The Vocational Training for General Medical Practice (European Requirements) Regulations 1994(19) are amended in accordance with this regulation.

(18) The Agreement has been amended by other Decisions which are not relevant to these Regulations.

(19) S.I. 1994/3130. There are no relevant amendments.

(2) In regulation 2 (interpretation)—

(a) in the definition of “EEA Agreement”, after “1993”, insert “and as amended by Decisions of the EEA Joint Committee Nos. 7/94 of 21st March 1994⁽²⁰⁾, 90/1999 of 17th December 1999⁽²¹⁾, 89/2000 of 27th October 2000⁽²²⁾ and 84/2002 of 25th June 2002⁽²³⁾”;

(b) for the definition of “EEA State”, substitute—

““EEA State” means a State which is a contracting party to the EEA Agreement or Switzerland.”;

(c) for the definition of “Medical Directive”, substitute—

““Medical Directive” means Council Directive 93/16/EEC of 5th April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications⁽²⁴⁾ as adapted or amended by—

(a) Annex VII to the EEA Agreement;

(b) the Act annexed to the Treaty relating to the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden signed at Corfu on the 24th June 1994⁽²⁵⁾, as adjusted by the Decision of the Council of the European Union of 1st January 1995 adjusting the instruments concerning the accession of new Member States to the European Union⁽²⁶⁾;

(c) Council Directive 97/50/EC of 6th October 1997, Commission Directive 98/21/EC of 8th April 1998, Commission Directive 98/63/EC of 3rd September 1998, Commission Directive 1999/46/EC of 21st May 1999, Directive 2001/19/EC of 14th May 2001; and

(d) the Swiss Agreement,

(certain provisions of the Medical Directive, as they had effect on the date these Regulations were made, are set out in the Schedule to these Regulations).”.

(3) After regulation 3 (competent authority), insert—

“Decisions on certificates issued by other EEA States

3A.—(1) This regulation applies where the General Medical Council is exercising the function referred to in regulation 3(2), except in cases where an application is made to the JCPTGP for a certificate of equivalent experience (to which the 1997 Regulations, the 1998 Regulations or the 1998 Northern Ireland Regulations, as the case may be, apply).

(2) The General Medical Council shall, within three months of receiving an application for recognition of a vocational training certificate, or an acquired rights certificate, together with full supporting documentation, give the applicant notice—

(a) of its decision on the application; and

(b) if it decides to refuse recognition of such a certificate—

(i) of the reasons for its decision, and

(ii) of the applicant’s right to appeal under paragraph (4).

⁽²⁰⁾ O.J. No. L 160, 28.6.1994, p.1.

⁽²¹⁾ O.J. No. L 74, 15.3.2001, p.26.

⁽²²⁾ O.J. No. L 7, 11.1.2001, p.9.

⁽²³⁾ O.J. No. L 266, 3.10.2002, p.36.

⁽²⁴⁾ O.J. No. L 165, 7.7.1993, p.1.

⁽²⁵⁾ O.J. No. C241, 29.8.1994, p.21. Norway did not ratify the Treaty.

⁽²⁶⁾ O.J. No. L 1, 1.1.1995, p.1.

(3) Failure to notify an applicant of a decision in accordance with paragraph (2) within the period specified in that paragraph, shall be treated as a decision from which an applicant may appeal under paragraph (4).

(4) Where the General Medical Council makes a decision refusing to recognise an applicant's vocational training certificate or acquired rights certificate, the applicant may appeal against the decision to a Registration Appeals Panel and Schedule 3A to the Medical Act 1983 shall apply to such an appeal with the necessary modifications as if the appeal were an appeal under paragraph 4 of that Schedule.

(5) In this regulation—

- (a) “the 1997 Regulations” means the National Health Service (Vocational Training for General Medical Practice) Regulations 1997;
- (b) “the 1998 Regulations” means the National Health Service (Vocational Training for General Medical Practice) (Scotland) Regulations 1998; and
- (c) “the 1998 Northern Ireland Regulations” means the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998.”