

REGULATION

on the recognition of professional qualifications of healthcare practitioners from other Member States of the European Economic Area or Switzerland for the pursuit of an activity in Iceland

SECTION I

General provisions

Article 1

Aim

The aim of this Regulation is to transpose rules regarding the right of healthcare practitioners having acquired their professional qualifications in a Member State of the Agreement on European Economic Area, or in Switzerland, to use the professional title of a regulated healthcare profession and pursue the profession in question in Iceland with the same rights and obligations as Icelandic nationals if they hold an attestation of competence or evidence of the professional qualifications required, and provided that they fulfil the conditions of the Agreement on European Economic Area, the EFTA Agreement, and Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications, as amended, as well its annexes in their latest versions (“the Directive” in what follows).

Article 2

Scope

This Regulation applies whenever there is a need to assess whether a healthcare practitioner who is a national of a Member State of the European Economic Area, or Switzerland, and intends to pursue an activity in Iceland in an employed or self-employed capacity, meets requirements for professional qualifications and experience to practise a regulated healthcare profession in Iceland under Articles 5 and 8 of the Healthcare Practitioners Act, No 34/2012, where that practitioner has acquired professional qualifications or recognition of such qualifications in another Member State of the European Economic Area, or Switzerland.

The Regulation also applies to healthcare practitioners who are granted a licence to practise or a specialist licence pursuant to this Regulation or who wish to provide services in accordance with Section V, where those services fall under a regulated profession, with the same rights and obligations as Icelandic nationals holding a similar licence.

The Regulation further applies to the issuance of the European Professional Card to healthcare practitioners with the required professional qualifications upon their request, on condition that the European Commission has adopted implementing acts for the profession concerned.

The Regulation also applies to healthcare practitioners who have completed vocational education and/or professional traineeships in a Member State of the European Economic Area other than the home Member State which constitutes a condition for access to a regulated profession in Iceland.

The provisions of Section II on the European Professional Card and Section VI on administrative cooperation and alert mechanism do not apply to Swiss nationals.

The rules of procedure laid down in the Regulation may be applied to applications from nationals of countries other than the Member States of the Agreement on European Economic Area, cf. Article 37, subject to certain limitations pursuant to the Healthcare Practitioners Act and regulatory and administrative provisions issued under that Act.

Article 3

Definitions

For the purpose of this Regulation, the following definitions apply:

- a. *Adaptation period*: A period during which a healthcare practitioner pursues a regulated profession in Iceland under the responsibility of a qualified member of that profession, complemented by any additional training in accordance with Articles 24 and 25, any such period being subject to assessment.
- b. *General licence to practise medicine*: A licence to practise as a medical doctor.

- c. *EEA Agreement*: The Agreement between the European Union and Iceland, Norway and Liechtenstein which was signed on 2 May 1992 and which entered into force on 1 January 1994.
- d. *European Professional Card*: An electronic certificate proving either that the applicant has met all the necessary conditions to provide services in a host Member State on a temporary and occasional basis or the recognition of professional qualifications for establishment in a host Member State, see Section II.
- e. *European Credit Transfer and Accumulation System or ECTS credits*: The credit system for higher education used in the European Higher Education Area.
- f. *Professional qualifications*: Qualifications attested by evidence of formal qualifications, an attestation of competence, and/or professional experience, see Article 21 and Annex II.
- g. *Host Member State*: A Member State in which the healthcare practitioner has applied for an authorisation to practise a profession, provide services on a temporary basis, or become legally established.
- h. *Home Member State*: A Member State in which the healthcare practitioner has obtained professional qualifications.
- i. *Aptitude test*: A test of the professional knowledge, skills and competences of the applicant, carried out by a relevant body in Iceland with the aim of assessing the ability of the applicant to pursue a regulated profession, see Articles 24 and 26.
- j. *Attestation of competence*: A document attesting to the successful completion of training not covered by points b, c, d or e of the general system described in Section IV. This can be, for example, a confirmation of successfully completed training or of a specific examination without prior training, of the successful completion of compulsory school or of a general upper-secondary programme not conferring specific professional rights, issued by the entity offering the training or programme or administering the specific examination.
- k. *Competent authority*: Any authority or body empowered to issue or receive diplomas and other documents or information relating to an application for recognition of professional qualifications.
- l. *Legal establishment*: A fixed and permanent place of business in a Member State of the Agreement on European Economic Area, or Switzerland, registered in accordance with the national legislation of that Member State.
- m. *Regulated education and training*: Any training which is specifically geared to the pursuit of a given profession within the healthcare sector and which comprises a course or courses complemented, where appropriate, by professional training, or probationary or professional practice, as determined by legislative, regulatory or administrative provisions.
- n. *Regulated profession*: A professional activity within the healthcare sector such that the pursuit of that activity, or the use of a professional title, is subject, by virtue of legislative, regulatory or administrative provisions, to the possession of specific professional qualifications.
- o. *Specialist licence*: Recognition of formal specialist qualifications.
- p. *Automatic recognition*: Recognition of evidence of formal qualifications on the basis of coordination of minimum training conditions, see Section III.
- q. *Member State of establishment*: Member State where a healthcare practitioner is legally established.
- r. *Licence to practise*: Recognition of formal qualifications.
- s. *Professional experience*: The actual and lawful full-time or equivalent part-time pursuit of the profession concerned in a Member State.
- t. *Professional traineeship*: A period of professional practice carried out under supervision provided it constitutes a condition for access to a regulated profession, and which can take place either during or after completion of an education.
- u. *Internal Market Information System (IMI)*: A database operated by the European Union for information exchange between the competent authorities of home and host Member States.
- v. *Evidence of formal qualifications*: Diplomas, certificates and other evidence issued by the designated competent authority of a Member State of the European Economic Area pursuant to legislative, regulatory or administrative provisions and certifying successful completion of professional training.

- w. *Lifelong learning*: All general education, vocational education and training, non-formal education and informal learning undertaken throughout life, resulting in an improvement in knowledge, skills and competences, which may include professional ethics.

The evaluation of evidence of formal qualifications in connection with applications for a licence to practice and a specialist licence on the basis of qualifications obtained in a third country, and where such evidence is issued by a third country, is governed by the provisions of Article 37.

Article 4

Effects of recognition

A licence to practise or a specialist licence granted to a healthcare practitioner in Iceland in accordance with Sections III and IV allows beneficiaries to gain access to the same profession as that for which they are qualified in their home Member State and to pursue it under the same conditions as Icelandic nationals.

The profession which applicants intend to pursue in Iceland is the same as that for which they are qualified in their home Member State if the activities covered are comparable and meet the conditions of the Directive.

SECTION II

European Professional Card

Article 5

Issuance of European Professional Cards

European Professional Cards are issued to healthcare practitioners with the required professional qualifications upon their request, on condition that the European Commission has adopted implementing acts for the profession concerned.

European Professional Cards are issued by a home Member State to healthcare practitioners intending to provide services in professions covered by Section III where no prior check as referred to in Article 29, fifth paragraph, is required.

European Professional Cards are issued by a host Member State to healthcare practitioners intending to become legally established in that Member State or provide services in professions covered by Section V requiring a prior check as referred to in the fifth paragraph of Article 29. The competent authority of the home Member State must complete all preparatory steps with regard to the individual file of the applicant created within the Internal Market Information System (IMI).

A European Professional Card does not provide an automatic right to practise a particular profession if registration requirements or other control procedures were already in place when a European Professional Card was introduced for that profession.

Article 6

Application for a European Professional Card and creation of an IMI file

The Directorate of Health must make it possible for applicants to apply for a European Professional Card electronically through the Internal Market Information System (IMI). This leads to the creation of an individual applicant file, the 'IMI file', to which the applicant must append all documents required for the application for recognition of professional qualifications.

Should the Directorate of Health also provide the possibility to submit written applications, it must put in place all necessary arrangements for the creation of the IMI file and make available any information to be sent to the applicant in connection with the issuance of the European Professional Card.

Within one week of receipt of the application, the Directorate of Health must acknowledge receipt of the application and inform the applicant of any missing document.

Where applicable, the Directorate of Health must issue any supporting certificate required under the Directive. The Directorate of Health must verify whether the applicant is legally established in Iceland and whether all the necessary documents which have been issued in Iceland are valid and authentic. In the event of duly justified doubts, the Directorate of Health may consult the relevant body in Iceland and request from the applicant certified copies of documents. In the case of subsequent applications by the same applicant, the competent authorities of the home or host Member State may not request the re-submission of documents which are already contained in the IMI file and which are still valid.

Article 7

European Professional Card for the temporary and occasional provision of services

The Directorate of Health must, within three weeks of receiving an application, verify the application and the supporting documents in the IMI file and issue the European Professional Card for the temporary and occasional provision of services, provided that no prior check as referred to in the fifth paragraph of Article 29 is required. The three-week period starts either upon receipt of any missing documents or upon the expiry of the one-week period referred to in the third paragraph of Article 6.

Following this, the European Professional Card is transmitted to all competent authorities concerned and is the equivalent of a declaration issued pursuant to Article 29. The applicant must be informed of the issuance of the European Professional Card. The Directorate of Health may not require any further declaration for the following 18 months.

A refusal by the Directorate of Health to issue a European Professional Card, and an absence of decision after the three-week period has elapsed, is subject to appeal to the Minister.

If a healthcare practitioner who holds a European Professional Card wishes to provide services in a Member State other than that mentioned in the initial application, that practitioner may apply for such extension. If the healthcare practitioner wishes to continue providing services beyond the period of 18 months referred to in the second paragraph, the practitioner must inform the Directorate of Health accordingly. The practitioner must also provide any information on material changes in the situation substantiated in the IMI file that may be required by the Directorate of Health. The Directorate of Health must transmit the updated European Professional Card to the competent authority of host Member States concerned.

The European Professional Card is to retain its validity in all Member States of the European Economic Area for as long as its holder maintains the right to practise as a healthcare practitioner on the basis of the documents and information contained in the IMI file.

Article 8

Application for a European Professional Card for establishment and for the temporary and occasional provision of services in the security sector or in the health sector

On receipt of an application for establishment or for the temporary and occasional provision of services in professions covered by Section IV and requiring a prior check, the Directorate of Health must, within one month, verify the authenticity and validity of the supporting documents in the IMI file for the purpose of issuing a European Professional Card. That time period starts upon receipt of any missing documents referred to in Article 6 or, if no further documents were requested, upon the expiry of the one-week period. Following this, the application for the European Professional Card is registered with all competent authorities concerned. The applicant must be informed of this.

For professions enjoying automatic recognition pursuant to Section III and requiring no prior check, the Directorate of Health must decide whether to issue a European Professional Card within one month of receipt of the application transmitted by the home Member State. In the event of duly justified doubts, the Directorate of Health may request additional information, or a certified copy of a document, from the home Member State, which must provide any such information or document no later than two weeks after receiving the request.

For professions covered by Section IV, and requiring a prior check or compensation measures, the Directorate of Health decides whether to issue a European Professional Card or to subject the applicant to compensation measures as referred to in Article 24, within two months of receipt of the application transmitted by the home Member State. In the event of duly justified doubts, the Directorate of Health may request additional documents, or a certified copy of a document, from the applicant's home Member State, which must provide any such document no later than two weeks after the submission of the request.

In the event that the Directorate of Health does not receive the necessary information, it may refuse to issue the European Professional Card. Such refusal must be duly justified.

Where the Directorate of Health fails to reach a decision within the time limits set out in this Regulation, or to organise an aptitude test, the European Professional Card is to be deemed to be

issued and must be sent automatically to the applicant through the Internal Market Information System.

The Directorate of Health may extend by two weeks the deadline for the automatic issuance of the European Professional Card. It must explain the reason for the extension and inform the applicant accordingly. Such an extension may be repeated once and only where strictly necessary, in particular for reasons relating to public health or the safety of patients and the recipients of the service. The issuance of a European Professional Card replaces any application for recognition of professional qualifications, the decisions of the Directorate of Health in that regard being subject to appeal to the Minister.

Article 9

Processing and access to data regarding the European Professional Card

Without prejudice to the presumption of innocence, the competent authorities in the home and host Member State must update, in a timely manner, the corresponding IMI file with information regarding disciplinary actions or criminal sanctions leading to the loss or restriction of the right to practise a profession and which have consequences for the holder of a European Professional Card/the healthcare practitioner. The provisions of the Data Protection Act, No 90/2018, must be adhered to.

Such updates must include the deletion of information which is no longer required, and the holder of the European Professional Card/the healthcare practitioner and any competent authority that has access to the corresponding IMI file must be informed immediately of any updates. This obligation is without prejudice to the alert obligations for Member States under Section VI.

The content of the information updates referred to in the first paragraph must be limited to the following:

- a. the identity of the professional;
- b. the profession concerned;
- c. information about the national authority or court adopting the decision to restrict or prohibit the practice of a profession;
- d. the scope of the restriction or prohibition; and
- e. the period during which the restriction or prohibition applies.

Access to the information in the IMI file must be limited to the competent authorities of the home and the host Member States, which must inform the healthcare practitioner who holds the European Professional Card of the content of the IMI file upon that practitioner's request.

The information included in the European Professional Card must be limited to any information necessary to ascertain the healthcare practitioner's right to exercise the profession for which the card has been issued, such as the healthcare practitioner's name and surname, date and place of birth, profession, formal qualifications, higher education degree, the applicable recognition regime, the name of the competent authority involved, the number of the card, security features, and reference to a valid proof of identity. Information relating to professional experience acquired, or compensation measures passed, by the healthcare practitioner must also be included.

The personal data included in the IMI file may be processed for as long as they are needed for the purpose of the recognition procedure, or of the transmission of the declaration required under Article 29. The holder of a European Professional Card/the healthcare practitioner has the right to request the rectification of inaccurate or incomplete data contained in the file concerned, or the deletion or blocking of the file. The holder must be informed of this right at the time of issuance of the European Professional Card. In the event of the deletion of information about applicants for a European Professional Card issued for the purpose of establishment pursuant to Section III or for the practice of a profession requiring a prior check pursuant to Section IV, the competent authority must issue the healthcare practitioners concerned with evidence attesting to the recognition of their professional qualifications. A reminder of this right must be sent to the applicant automatically every two years via the Internal Market Information System (IMI).

In the event of a request for deletion of an IMI file linked to a European Professional Card issued for the purpose of temporary and occasional provision of services covered by Section V that have public health or safety implications, the competent authorities of the host Member State concerned must issue the holder of the European Professional Card/the healthcare practitioner with evidence attesting to the recognition of the professional qualifications in question.