

REGULATION

on the recognition of professional qualifications for the pursuit of an activity in Iceland

SECTION I

Purpose and scope

Article 1

Aim

Persons having acquired their professional qualifications in a Member State of the Agreement on European Economic Area, or in Switzerland, may pursue the same profession in Iceland with the same rights and obligations as Icelandic nationals. Recognition of professional qualifications to pursue a profession is only granted upon application to the competent authority in Iceland. The procedure for examining an application must include a check that the applicant's professional qualifications satisfy the criteria of Directive of the European Parliament and of the Council 2005/36/EC.

Article 2

Scope

This Regulation applies whenever there is a need to assess whether a national of a Member State of the European Economic Area meets the education and work experience criteria to practise a regulated profession in Iceland.

The Regulation also applies whenever a professional wishes to provide services in a field covered by a regulated profession.

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.

Article 3

Definitions

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

- a. *Regulated profession*: A professional activity or group of professional activities such that the pursuit of that activity or group of activities, or the use of a professional title, is subject, by virtue of legislative, regulatory or administrative provisions, to the possession of specific professional qualifications.
- b. *Professional qualifications*: Qualifications attested by evidence of formal qualifications, an attestation of competence referred to in Article 16, and/or professional experience.
- c. *Evidence of formal qualifications*: Diplomas, certificates and other official evidence certifying successful completion of professional training.
- d. *Competent authorities*: Any authority or body empowered to issue or receive diplomas and other documents or information relating to an application for recognition of professional qualifications.
- e. *Regulated education and training*: Any training which is specifically geared to the pursuit of a given profession and which comprises a course or courses complemented, where appropriate, by professional training, or probationary or professional practice.
- f. *Professional experience*: The actual and lawful full-time or equivalent part-time pursuit of the profession concerned in a Member State.
- g. *Adaptation period*: The pursuit of a regulated profession in Iceland under the responsibility of a qualified member of that profession, possibly complemented by further training.
- h. *Aptitude test*: A test of the 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.
- i. *Manager of an undertaking*: Any person who in an undertaking has pursued an activity as a manager of the undertaking or one of its branches, or as a deputy to the proprietor or the manager of the undertaking where that post involves responsibility equivalent to that of the proprietor or manager represented. Alternatively, any person who has served in a managerial post with duties of a commercial and/or technical nature and with responsibility for one or more departments of the undertaking.

- j. *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 leading to a diploma.
- k. *European Professional Card*: An electronic certificate proving either that the professional 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.
- k. *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.
- l. *Overriding reasons of general interest*: Reasons recognised as such in the case-law of the Court of Justice of the European Union.
- m. *European Credit Transfer and Accumulation System or ECTS credits*: The credit system for higher education used in the European Higher Education Area.
- n. *Legal establishment*: The fixed and permanent place of establishment of a professional from a Member State of the European Economic Area, registered in accordance with the regulatory provisions of the Member State concerned.

Evidence of formal qualifications issued by a third country is to be regarded as evidence of formal qualifications if the holder has three years' professional experience in the profession concerned on the territory of the Member State which recognised that evidence of formal qualifications in accordance with Article 2, certified by that Member State.

Article 4

Effects of recognition

A recognition granted in Iceland 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.

Notwithstanding paragraph 1, partial access to a profession in Iceland is to be granted under the conditions laid down in Article 10.

Article 5

Issuance of European Professional Cards

European Professional Cards are issued to holders of a professional qualification 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 persons intending to provide services in professions where no prior check as referred to in Article 13 is required. European Professional Cards are issued by a host Member State to persons intending to become legally established in that Member State or provide services in professions requiring a prior check as referred to in Article 13.

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

Electronic application for a European Professional Card

Applicants must be provided with the possibility to apply for a European Professional Card electronically through the Internal Market Information System (IMI). The system automatically creates an IMI file for the applicant, who must join to the application all documents required for recognition. Within one week of receipt of the application, the competent authority must acknowledge receipt of the application and inform the applicant of any missing document. Where applicable, the competent authority must issue any supporting certificate required under the Directive. The competent authority must verify whether the applicant is legally established in a Member State of the European Economic Area and whether all the necessary documents which have been issued are valid and authentic. In the event of duly justified doubts, the competent authority

may consult the relevant body and request from the applicant certified copies of documents. In the case of multiple applications by the same applicant, the competent authorities may not request the re-submission of documents which are already contained in the IMI file and which are still valid.

Article 7

Application in relation to the temporary and occasional provision of services

The competent authority must, within three weeks, 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 where no prior check as referred to in Article 13 is required. That time period starts upon receipt of any missing documents or, if no further documents were requested, upon the expiry of the one-week period referred to in 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 13. The applicant must be informed of the issuance of the European Professional Card. The competent authority may not require any further declaration for the following 18 months.

The decision of the competent authority, or the absence of a decision within the period of three weeks, is subject to appeal under national law.

If a holder of a European Professional Card wishes to provide services in a Member State other than that mentioned in the initial application, that holder may apply for such extension. If the holder wishes to continue providing services beyond the period of 18 months referred to above, the holder must inform the competent authority accordingly. The holder must also provide any information on material changes in the situation substantiated in the IMI file that may be required by the competent authority. The competent authority must transmit the updated European Professional Card to the 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 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 requiring a prior check, the competent authority 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 transmitted to all competent authorities concerned. The applicant must be informed of this.

For professions enjoying automatic recognition, the competent authority 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 competent authority 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 requiring a prior check or compensation measures, the authority decides whether to issue a European Professional Card or to subject the applicant to compensation measures, within two months of receipt of the application transmitted by the home Member State. In the event of duly justified doubts, the authority may request additional documents, or a certified copy of a document, from the home Member State, which the latter is to provide no later than two weeks after the submission of the request.

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

Where the competent authority 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 competent authority 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 the service recipients. The issuance of a European Professional Card replaces any application for recognition of professional qualifications, the decisions of the competent authority in that regard being subject to administrative appeal and judicial review.

Article 9

Processing and access to data regarding the European Professional Card

Without prejudice to the presumption of innocence, the competent authority must update, in a timely manner, the corresponding IMI file with information regarding disciplinary actions or criminal sanctions leading to the loss of a licence or to a restriction of the right to practise a profession and which have consequences for the holder of a European Professional Card. The provisions of the Data Protection Act 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 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 above 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 for which the restriction or the 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 holder of the European Professional Card concerned of the content of the IMI file upon that holder's request.

The information included in the European Professional Card must be limited to any information necessary to ascertain its holder's right to exercise the profession for which it has been issued, such as the holder's name and surname, date and place of birth, profession, and formal qualifications, 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 holder of the European Professional Card 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. The holder of a European Professional Card has the right to request the rectification of inaccurate or incomplete data contained in the file concerned, or the deletion 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 or for the practice of a profession requiring a prior check, the competent authority must issue the persons concerned with evidence attesting to the recognition of their professional qualifications.

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 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 with evidence attesting to the recognition of his professional qualifications.

Competent authorities in Iceland must provide employers, customers, patients and other interested parties with information confirming the authenticity and validity of European Professional Cards presented to them by applicants.

Article 10

Partial access

The competent authority must grant partial access, on a case-by-case basis, to a profession when the following conditions are fulfilled:

- a. the professional is fully qualified to pursue in the home Member State the profession for which partial access is sought;
- b. differences between the profession legally exercised in the home Member State and in Iceland are so large that the applicant would need to complete the full programme of education and training required in Iceland to gain unrestricted access to the profession concerned;
- c. the professional activity in question can objectively be separated from other activities falling under the regulated profession in Iceland.

For the purpose of point c above, the competent Icelandic authority must assess whether the professional activity can be pursued autonomously.

Applications for partial access may be rejected if such rejection is justified by overriding reasons of general interest. Applications for partial access are to be examined in accordance with the applicable provisions of this Regulation.

The applicant may exercise the professional activity under the professional title of the home Member State once partial access has been granted.

This Article does not apply to applicants benefiting from automatic recognition of their professional qualifications.

SECTION II

Free provision of services

Article 11

Service providers

The free provision of services in Iceland may not be restricted, for any reason relating to professional qualifications, except as provided in Articles 4 or 5 of the Act on the recognition of professional qualifications for the pursuit of an activity in Iceland, this Regulation, or the Directive.

A service provider who moves to Iceland is subject to any statutory or administrative provisions relating to the profession which are directly linked to professional qualifications. This covers the definition of the profession, the use of titles, and provisions regarding serious professional malpractice directly and specifically linked to consumer protection. The service provider is also bound by disciplinary provisions which are applicable to professionals in Iceland.

Article 12

Exemptions

Service providers established in other Member States of the European Economic Area are exempt from requirements placed on Icelandic staff with specialist training and relating to:

- a. authorisation by, registration with or membership of a professional organisation or expert body;
- b. registration with Sjúkratryggingar Íslands (Icelandic Health Insurance) for the purpose of settling accounts with the insurer relating to activities pursued for the benefit of insured persons.

However, the service provider must inform the institution of the services provided in advance or, in an urgent case, afterwards.

Article 13

Declaration to be made in advance, if the service provider moves

Service providers operating in accordance with Article 4 of the Act on the recognition of professional qualifications for the pursuit of an activity in Iceland should, where possible, provide services under the professional titles of their home Member States. Each professional title is to be indicated in the official language or one of the official languages of the home Member State in such a way as to avoid any confusion with the Icelandic professional title. Where no such professional title exists, the formal qualification of the service provider is to be indicated. In exceptional cases the service may be provided under the professional title used in Iceland.

For the first provision of services in fields belonging to regulated professions that have public health or safety implications and do not benefit from automatic recognition, the competent Icelandic authority may check the professional qualifications of the service provider prior to the first provision of services. Such a prior check is permitted only where its purpose is to avoid serious damage to the health or safety of the service recipient due to a lack of professional qualification of the service provider and where the check does not go beyond what is necessary for that purpose.

The competent authority must seek to inform service providers of any decision to check their qualifications, and of the results of any such check, including whether the service provider will be required to take an aptitude test or whether the provision of services will be authorised. The service provider must be informed of this no later than one month after receipt of the declaration and accompanying documents. Where there is a difficulty which would result in delay, the competent authority must notify the service provider of the reason for the delay within the same delay of one month, and include the date when the decision is expected. However, the decision must be finalised within two months of receipt of the entire set of documents.

Where there is a substantial difference between the professional qualifications of the service provider and the training required in Iceland, to the extent that that difference is such as to be harmful to public health or safety, and that it cannot be compensated by the service provider's professional experience or by knowledge, skills and competences acquired through lifelong learning formally validated to that end by a relevant body, the service provider must be given the opportunity to prove, in particular by means of an aptitude test, the acquisition of the knowledge or competence that was lacking. It must be possible, under all circumstances, to provide the service within one month of the decision taken in accordance with the previous subparagraph.

In the absence of a reaction of the competent authority within the deadlines set out in the subparagraphs above, the service may be provided. In cases where professional qualifications have been verified under this paragraph, the service is to be provided under the professional title used in Iceland.

Article 14

Administrative cooperation

Competent authorities in Iceland may, whenever a service is offered, ask the competent authorities of the applicant's home Member State to provide any information relevant to the legality of the service provider's establishment and good conduct, as well as the absence of any disciplinary or criminal sanctions.

The competent authorities must ensure the exchange of all information necessary for complaints by a recipient of a service against a service provider to be correctly pursued. Recipients must be informed of the outcome of the complaint.

Article 15

Information to be given to the recipients of the service

In cases where the service is provided under the professional title of another Member State of the European Economic Area or under the formal qualification of the service provider, the competent authorities in Iceland may require the service provider to furnish the recipient of the service with any or all of the following information:

- a. whether the service provider is registered in a commercial register or similar public register, and if so, the register in question, the registration number, or equivalent means of identification contained in that register;
- b. if the activity is subject to authorisation in another Member State of the European Economic Area, the name and address of the competent supervisory authority;
- c. any professional association or similar body with which the service provider is registered;
- d. the service provider's professional title or, where no such title exists, the formal qualification of the service provider and the Member State in which it was awarded;
- e. details of any insurance cover or other means of personal or collective protection with regard to professional liability.

SECTION III

General system for the recognition of evidence of training

Article 16

Levels of qualification

For the purposes of the examination of applications for recognition of professional qualifications, see Article 18 and Article 19, ninth paragraph, such qualifications are to be grouped under the following levels:

- a. an attestation of competence on the basis of:
 1. either a training course not forming part of a certificate or diploma within the meaning of points b, c, d or e, or a specific examination without prior training, or full-time pursuit of the profession for three consecutive years or for an equivalent duration on a part-time basis during the previous 10 years; or
 2. general primary or secondary education, attesting that the holder has acquired general knowledge;
- b. a certificate attesting to a successful completion of a secondary course,
 1. either general in character, supplemented by a course of study or professional training other than those referred to in point c and/or by the probationary or professional practice required in addition to that course; or
 2. technical or professional in character, supplemented where appropriate by a course of study or professional training as referred to in the previous point, and/or by the probationary or professional practice required in addition to that course;
- c. a diploma certifying successful completion of:
 1. either training at post-secondary level, other than that referred to in points d and e, of a duration of at least one year or of an equivalent duration on a part-time basis, one of the conditions of entry of which is the successful completion of the secondary course required to obtain entry to university or higher education or the completion of equivalent school education of the second secondary level, as well as the professional training which may be required in addition to that post-secondary course; or
 2. regulated education and training or, in the case of regulated professions, training with a special structure, with competences going beyond what is provided in level b, equivalent to the level of training provided for under the previous point, if such training provides a comparable professional standard and prepares the trainee for a comparable level of responsibilities and functions;
- d. a diploma certifying that the holder has successfully completed a post-secondary course of at least three years' and no more than four years' duration, or of an equivalent duration on a part-time basis, which may in addition be expressed with an equivalent number of ECTS credits, at a university or establishment of higher education or another establishment of equivalent level and, where appropriate, that he has successfully completed the professional training required in addition to the post-secondary course;
- e. a diploma certifying that the holder has successfully completed a post-secondary course of at least four years' duration, or of an equivalent duration on a part-time basis, which may in addition be expressed with an equivalent number of ECTS credits, at a university or establishment of higher education or another establishment of equivalent level and, where appropriate, that he has successfully completed the professional training required in addition to the post-secondary course.

Article 17

Equal treatment of qualifications

Any evidence of formal qualifications or set of evidence of formal qualifications issued by a competent authority in a Member State of the Agreement on European Economic Area or Switzerland, certifying successful completion of training in a Member State, on a full or part-time basis, within or outside formal programmes, is to be treated as evidence of formal qualifications of the kind referred to in Article 16, including the level which confers the same rights of access to or pursuit of a profession or prepares for the pursuit of that profession.

Any professional qualification which, although not satisfying the requirements contained in the legislative, regulatory or administrative provisions in force in the home Member State for access to

or the pursuit of a profession, confers on the holder acquired rights by virtue of these provisions, is to be treated as evidence of formal qualifications under the same conditions as set out in Article 16, point a. This applies in particular if the Member State in question raises the level of training required for admission to a profession and for its exercise, and if an individual who has undergone former training which does not meet the requirements of the new qualification benefits from acquired rights by virtue of national legislative, regulatory or administrative provisions. In such case this former training is considered, for the purposes of assessing whether the criteria laid down in Article 18 are satisfied, as corresponding to the level of the new training.

Article 18

Conditions for recognition

If access to a regulated profession in Iceland is contingent upon possession of specific professional qualifications, the competent authority must permit applicants to access and pursue that profession if they possess an attestation of competence or evidence of the required formal qualifications referred to in Article 16.

Attestations of competence or evidence of formal qualifications must be issued by a competent authority in a Member State of the Agreement on European Economic Area or Switzerland, designated in accordance with the laws, regulations or administrative provisions of the Member State concerned.

Access to, and pursuit of, a profession as described in the first paragraph must also be granted to applicants who have pursued the profession in question on a full-time basis for one year or for an equivalent overall duration on a part-time basis during the previous 10 years in another Member State which does not regulate that profession. A condition for this is that they possess one or more attestations of competence or evidence of formal qualifications.

Attestations of competence and evidence of formal qualifications must satisfy the following conditions:

- a. they are issued by a competent authority in a Member State of the Agreement on European Economic Area or Switzerland, designated in accordance with the laws, regulations or administrative provisions of the Member State concerned;
- b. they attest that the holder has been prepared for the pursuit of the profession in question.

The one year of professional experience may not be required if the evidence of formal qualifications which the applicant possesses certifies regulated education and training.

The Icelandic authorities must accept the level attested under Article 16 by the home Member State, as well as the certificate by which the home Member State certifies that regulated education and training with a special structure referred to in Article 16, point c.2, as equivalent to the level provided for in point c.1. of the same Article.

Notwithstanding the above, the competent authority may refuse access to, and pursuit of, the profession to holders of an attestation of competence classified under Article 16, point a, where the national professional qualification required to exercise the profession is classified under Article 16, point e.

Article 19

Compensation measures

The provisions of Article 18 do not preclude the competent authorities from requiring the applicant to complete an adaptation period of up to three years or to take an aptitude test if:

- a. the training the applicant has received covers substantially different matters than those covered by the evidence of formal qualifications required in Iceland;
- b. the profession which is regulated in Iceland comprises one or more regulated professional activities which do not exist in the corresponding profession in the applicant's home Member State, and that difference manifests itself in special training required in Iceland which covers substantially different matters from those covered by the applicant's training.

The applicant must be given a choice between an adaptation period and an aptitude test.

Notwithstanding the principle of the right of the applicant to choose, as laid down in the second paragraph, the competent authority may stipulate either an adaptation period or an aptitude test for professions whose pursuit requires precise knowledge of national law and in respect of which the

provision of advice and/or assistance concerning national law is an essential and constant aspect of the professional activity.

In the cases covered by Article 16, point a, the applicant may be required to complete an adaptation period or take an aptitude test if the migrant envisages pursuing such professional activities in a self-employed capacity or as a manager of an undertaking which require the knowledge and the application of the specific national rules in force. This only applies where the competent authorities in Iceland require their own nationals to possess knowledge and application of those rules in order to gain access to such activities.

Notwithstanding the principle of the right of the applicant to choose, the competent authority may decide on such compensation measures in the case of:

- a. a holder of a professional qualification referred to in Article 16, point a, who applies for access to a profession where the national professional qualification required is classified under Article 16, point c; or
- b. a holder of a professional qualification referred to in Article 16, point b, who applies for access to a profession where the professional qualification required is classified under Article 16, point d or e.

In the case of a holder of a professional qualification referred to in Article 16, point a, who applies for access to a profession where the professional qualification required is classified under Article 16, point d, the competent authority may impose both an adaptation period and an aptitude test.

For the purposes of the first paragraph, points a and b, ‘substantially different matters’ refers to knowledge, skills and competences which are essential for pursuing the profession and with regard to which the training received by the applicant shows significant differences in terms of content from the training required in Iceland.

The first paragraph of this Article must be applied with due regard to the principle of proportionality. Before requiring an applicant to complete an adaptation period or take an aptitude test, the authority concerned must ascertain whether the knowledge, skills and competences acquired by the applicant in the course of professional experience in a Member State or in a third country, or through lifelong learning, is of such nature as to cover, in full or in part, the substantially different matters defined in the first paragraph.

The decision imposing an adaptation period or an aptitude test must be duly justified. In particular, the applicant must be provided with the following information:

- a. the level of the professional qualification required in Iceland and the level of the professional qualification held by the applicant and provided with the application; and
- b. the substantial differences referred to in the first paragraph and the reasons for which those differences cannot be compensated by knowledge, skills and competences acquired in the course of professional experience or through lifelong learning formally validated to that end by a relevant body.

It must be ensured that the applicant has the possibility of taking the aptitude test referred to in the first paragraph not later than six months after the initial decision imposing an aptitude test on the applicant.

SECTION IV **Procedure, etc.** Article 20

Deadlines for the examination of applications, and procedure

The competent authority must acknowledge receipt of an application within one month of receipt and inform the applicant of any missing document. In the case of doubt in regard to the reliability or trustworthiness of certain documents, the competent authority may require from the competent authorities of the applicant’s host Member State confirmation of the authenticity of the documents. In the event of justified doubts, the competent authority may ask the competent authorities of the host Member State to provide confirmation of the fact that the applicant is not suspended or prohibited from the pursuit of the profession in question as a result of professional misconduct or conviction of criminal offences relating to the pursuit of the profession. The competent authority may request the opinion of the relevant professional body on the documents accompanying an application for recognition of professional qualifications.

The procedure for examining an application must be completed as quickly as possible and no later than three months after the date on which the applicant's complete file was submitted. The deadline to complete the examination of an application may be extended by one month when the application concerns the recognition of evidence of training and professional experience.

Other procedural aspects, including possibilities for appealing a decision or failure to reach a timely decision, are governed by the Administrative Procedures Act.

Article 21

Use of professional titles

If the use of a professional title relating to a profession is regulated in Iceland, nationals of other Member States who are authorised to practise a regulated profession in Iceland are to use the professional title of that profession, and make use of any associated initials.

Article 22

Knowledge of languages

Persons benefiting from the recognition of professional qualifications must possess the language skills necessary to practise the profession concerned in Iceland. Checks of language skills may be imposed where the profession to be practised has implications for public health, patient safety, or the upbringing and education of minors, and where there is a serious and concrete doubt about the sufficiency of the professional's language knowledge in respect of the activities to be pursued. Checks may be carried out only after the issuance of a European Professional Card in accordance with Article 8 or after the granting of recognition. Any language controls must be proportionate to the profession to be pursued, and decision to impose such controls are subject to appeal to the courts.

Article 23

Use of academic titles

Professionals of foreign nationality may use academic titles conferred on them in their home Member State, and possibly an abbreviated form thereof, in the language of the home Member State. A requirement may be imposed to accompany the title with the name and address of the establishment or examining board which awarded it. Where the academic title is liable to be confused with an Icelandic academic title which requires supplementary training not acquired by the person concerned, a requirement may be imposed on the beneficiary to use the academic title of the home Member State in an appropriate form.

Article 24

Recognition of professional traineeship

If access to a regulated profession in Iceland is contingent upon completion of a period of vocational training or of a professional traineeship, the competent authority in Iceland must recognise professional traineeships carried out in another Member State of the European Economic Area or Switzerland, provided the traineeship is in accordance with national rules or curricula in the State concerned. Professional traineeships carried out in a third country are also to be considered. The competent authority may issue rules limiting the duration of the part of the professional traineeship which can be carried out abroad.

Recognition of the professional traineeship does not replace any requirements in place to pass a final examination in order to gain access to the profession in question in Iceland.

The competent authorities must publish guidelines on the organisation and recognition of professional traineeships carried out in another country, and may set a limit on the duration that can be recognised.

SECTION V

Administrative cooperation and alert mechanism

Article 25

Administrative cooperation

The competent authorities of the host and home Member States must work in close collaboration and provide mutual assistance in order to facilitate application of the Directive. They must ensure the confidentiality of the information which they exchange.

The competent authorities must exchange information regarding disciplinary action and criminal sanctions and any other serious, specific circumstances which are likely to have consequences for the pursuit of professional activities. The authorities must respect the provisions of the Data Protection Act.

For the purposes of the first and second paragraphs, the competent authorities must use the Internal Market Information System (IMI).

Article 26

Alert mechanism

The competent authorities in Iceland must inform the competent authorities of all other Member States of the European Economic Area of instances where, by decision of a national authority or the courts, a professional has suffered a restriction or prohibition with respect to a licence to practise, in whole or in part, and even if the decision is only temporary, in the security sector, in the health sector, or in professions related to the upbringing and education of minors, including in preschools, compulsory schools and upper secondary schools.

Competent authorities must send the information referred to in the first paragraph by way of alert via the Internal Market Information System (IMI) at the latest within three days from the date of adoption of the decision restricting or prohibiting pursuit of the professional activity in its entirety or in part by the professional concerned. That information is to 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 on restriction or prohibition;
- d. the scope of the restriction or prohibition; and
- e. the period during which the restriction or prohibition applies.

The competent authorities must, at the latest within three days from the date of adoption of the court decision, inform the competent authorities of all other Member States of the European Economic Area, by way of alert via the Internal Market Information System (IMI), about the identity of professionals who, after applying for recognition of a qualification, have been found by courts to have used falsified evidence of professional qualifications in that context.

The competent authorities must inform competent authorities in the Member States of the European Economic Area without delay when a prohibition or restriction ceases to apply, and of the date on which this occurs.

Data regarding alerts may be processed within the Internal Market Information System (IMI) for as long as they are valid. Alerts must be deleted from the Internal Market Information System within three days from the date of adoption of the revoking decision or from the expiry of the prohibition or restriction.

The competent authorities must provide the person whose pursuit of a professional activity has been prohibited with a written notification when an alert concerning that person is sent, accompanied by the alert itself. The decisions of the competent authorities are subject to appeal to the Minister. The procedure for handling such appeals is governed by the Administrative Procedures Act.

The processing of personal data for the purpose of the exchange of information referred to in the first and third paragraphs is governed by the provisions of the Data Protection Act.

Article 27

Information provided by electronic means

Natural persons must be guaranteed electronic access to information in Icelandic and English about regulated professions in Iceland, and about training requirements for those professions, in accordance with Chapter II of the Act on services in the internal market of the European Economic

Area, as appropriate. Any decision relating to the scope of the information provided should take into account the provisions of Article 57 of the Directive.

Applicants for recognition of professional qualifications must have the possibility to submit their applications and accompanying documents, and complete all formalities relating to the application, through electronic means.

Article 28

Assistance centre

The Directorate of Education is charged with providing those interested with information and guidance relating to recognition of professional qualifications. It is also responsible for providing information to similar assistance centres in other Member States of the European Economic Area and Switzerland at their request.

The Directorate of Education operates a special Advisory Board, composed of representatives of the relevant government ministries and the social partners, which advises public authorities on matters relating to recognition of professional qualifications and keeps updated information on regulated professions in Iceland. The Advisory Board provides a forum for discussions, monitors developments, and communicates information about experiences relating to the application of Directive 2005/36/EC in Iceland.

Article 29

Entry into force

This Regulation is issued under the provisions of Article 9 of Act No 26/2010 on the recognition of professional qualifications for the pursuit of an activity in Iceland, and enters into force immediately. It transposes Commission Implementing Regulation (EU) 2015/983 of 24 June 2015 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.

At the same time, Regulation No 879/2010 on the recognition of professional qualifications for the pursuit of an activity in Iceland and Regulation No 461/2011 on the recognition of professional qualifications of healthcare practitioners from other EEA Member States are repealed.

Ministry of Education, Science and Culture, 18 May 2020.

Disclaimer: This is an English translation. The original Icelandic text, as published in the Law Gazette (*Stjórnartíðindi*) is the authoritative text. Should there be discrepancy between this translation and the authoritative text, the latter prevails.