

## European Professional Card

### Information for ER-WCPT Member Organisations and Physiotherapists October 2015<sup>1</sup>

In **January 2016**, five professions including **physiotherapists** will start to benefit from the right to apply for the European Professional Card.

#### Scope and Aim of the EPC

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The European professional card (EPC) is an electronic procedure for the recognition of professional qualifications between Member States (MS) of the European Union (EU). The EPC is not a physical card.

It aims to facilitate the free movement of professionals within the EU. The EPC should simplify the procedure for recognition of professional qualifications, and enhance transparency for EU citizens

#### For whom is the EPC applicable?

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The EPC shall apply from 18 January 2016 to nurses responsible for general care, pharmacists, regulated **physiotherapists (as a regulated profession)**, real estate agents and mountain guides who will be able to apply for the recognition of their qualification in other EU countries through the [Internal Market Information System](#). In the future, the EPC may be extended to other professions as well.

The procedure for the application of the EPC is intended for those physiotherapists who either want to settle in the host country and practice the profession there (*establishment process*) or those who want to provide services in a host country on a temporary – short term basis (temporary provision of services).

#### Governance

*The European Commission (EC) has provided detailed rules on the procedure for submitting applications for an EPC via an online tool as well as the rules on receiving EPC applications in the IMI by the competent authorities. The EC has specified the conditions for requesting supporting documents and information from the applicants under the EPC procedure and for requesting certified copies and translations.*

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<sup>1</sup> **Note:** this document has been developed by the ER-WCPT. For official information please visit [EU website](#) and [EU official journal](#). (Commission Implementing Regulation (EU) 2015/983 of 24 June 2015 on the procedure for issuance of the European Professional)

## **Procedure**

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### **Requesting the EPC**

Physiotherapists wishing to apply for the EPC should do so in the country where they are legally established. In the case where an applicant is not legally established at the moment of application, it shall be possible to indicate the MS where the professional qualification was obtained.

If this were applicable to more than one MS then the applicant shall choose the MS that is to receive his EPC application from amongst these countries.

It shall be possible to request the EPC through either of two ways, on-line or via a written request.

Online applications will be enabled through a purposefully created on-line tool where the applicant will create a secured personal account.

If a MS allows for the submission of written EPC applications, upon receipt of the written application, the MS determines if it is or it is not competent to deal with it pursuant to Articles 6(2) or (3). A MS may choose to refuse to examine the application and inform the applicant accordingly within one week of receipt of the application.

The competent authority of the home MS shall be responsible to complete the EPC application using the online tool on behalf of the applicant on the basis of the written EPC application submitted by the applicant.

The competent authority of the home MS shall send updates to the applicant about the processing of the written EPC application, including any reminders pursuant

### **Competent authorities involved in EPC procedure**

- Each MS shall designate a competent authority to be responsible for EPC applications
- In cases where a MS appoints more than one authority to be responsible for EPC applications for a given profession in its territory or parts of it, one of these will be assigned with the task of allocating EPC applications to ensure that the application is sent without undue delay to the relevant competent authority in the territory of the MS.

### **Documents to be presented by the applicant**

An applicant shall be required to provide the following set of documents and information in the EPC application:

- a) Proof of identity of the applicant;
- b) A statement towards the profession concerned;
- c) The name of the MS where the applicant intends to be established or intends to provide services on a temporary and occasional basis;
- d) The name of the MS, where the applicant is legally established for the purpose of pursuing the activities concerned at the moment of application;
- e) The purpose of the intended professional activity:
  - i. Establishment;
  - ii. Provision of services on a temporary and occasional basis;
- f) The choice of one of the following regimes:
  - i. Automatic recognition pursuant
  - ii. General system for recognition pursuant (for physiotherapy)

In the case of provision of services on a temporary and occasional basis, choice of either regimes, free provision of services with prior check of qualifications pursuant to Article 7(4) of Directive 2005/36/EC; free provision of services without prior check of qualifications referred to in Article 7(4) of Directive 2005/36/EC;

#### **Note about proof of legal establishment:**

Where the competent authority of the home MS is not in a position to confirm the applicant's legal establishment in its territory by any other means, it shall ask from the applicant for the evidence of the legal establishment, within one week of receipt of the EPC application.

### **Documents required for issuance of the EPC by the MS**

The documents required for the issuance of the EPC by the MS competent authorities will differ for applications intended towards establishment or temporary basis.

#### **1. Establishment:**

- a) Proof of nationality of the applicant (identity card or a passport or other evidence accepted pursuant to the national provisions of the home Member State); and where the proof of nationality does not attest the place of birth, a document attesting the place of birth of the applicant; and for nationals of non-EEA countries, a document proving that a third country national can benefit from rights provided for in Directive 2005/36/EC pursuant to relevant EU;
- b) Attestation of professional competence or the evidence formal qualification;

- c) Documents providing additional information about the training concerning the total duration of the studies, subjects studied and where appropriate, the balance between theoretical and the practical part;
- d) The following documents concerning qualifications that might compensate for substantial differences between qualifications and mitigate the risk of compensation measures:
  - i. Documents containing information on continuous professional development, seminars, other forms of training and life-long learning
  - ii. A copy of any proof of professional experience, which clearly identifies the professional activity exercised by the applicant;
- e) Where appropriate, proof of professional experience when the applicant has 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;
- f) For migrants a certificate of professional experience proving three years of professional experience issued by the competent authority in the Member State which recognised the third country qualification, or if the competent authority concerned is unable to certify the professional experience of the applicant, other proof of professional experience, which clearly identifies the professional activities concerned;
- g) Documents required in accordance with points 1(d) to (g) of Annex VII to Directive 2005/36/EC.

## 2. Provision of services on a temporary and occasional basis:

- a) Proof of nationality and other documents referred to in point 1(a);
- b) Where the competent authority of the home Member State is not in a position to confirm the applicant's legal establishment in its territory by any other means, it shall ask from the applicant for the evidence of his legal establishment;
- c) An attestation certifying that the holder is legally established in a Member State for the purpose of pursuing the activities concerned and that he is not prohibited from practising, even temporarily, at the moment of delivering the attestation. Evidence of professional qualifications. For professions in the security sector, in the health sector and professions related to the education of minors, including in childcare and early childhood education, where the Member State so requires for its own nationals, an attestation confirming the absence of temporary or final suspensions from exercising the profession or of criminal convictions;
- d) Where the host Member State applies prior check of qualifications – For the first provision of services, **in the case of regulated professions that have public health or safety implications which do not benefit from automatic recognition**, the competent authority of the host Member State may check the professional qualifications of the service provider prior to the first provision of services. Such a prior check shall be possible only where the purpose of the check 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 authorities of MSs will only require the documents listed above for issuing the EPC for temporary and occasional provision of services.

The documents referred to in points 1(g) and points 2(a), 2(c) and 2(d) shall only be requested from the applicant if so required by the competent authority of the host MS.

### **Knowledge of languages**

Documentary proof of knowledge of languages shall not be part of the documents required for issuing EPC.

The competent authority of host MS may not refuse to issue an EPC based on the lack of the proof of knowledge of languages.

### **Verification of authenticity and validity of documents required for the issuance of the EPC**

Prior to certifying the authenticity and validity of the document issued and uploaded in the IMI, the competent authority of the home MS shall describe the contents of every document in the pre-structured fields of the IMI. Where appropriate, the competent authority of home MS shall ensure that the information describing the documents submitted by the applicant through the online tool are accurate.

### **Certificate documents**

Competent authority of the host MS may request additional information or the submission of a certified copy in the event of duly justified doubts from the competent authority of the home MS.

The applicant may present the original of a document instead of a certified copy to the competent authority of the home MS, who shall then attest in the IMI file that the electronic copy of an original document is authentic.

If the applicant fails to provide a certified copy of a required document within the time limit provided for in Article 4d(1) of Directive 2005/36/EC, this shall not suspend the time limits for the transfer of the application to the competent authority of the host MS. The document shall be marked in the IMI as pending confirmation of authenticity and validity until a certified copy is received and uploaded by the competent authority of the home MS.

If the applicant fails to provide a certified copy of a required document within the time limit provided for in Article 4c(1) of Directive 2005/36/EC, the competent authority of the home MS may refuse to issue EPC for the temporary and occasional provision of services.

In the event that the competent authority of the host MS does not receive a certified copy of a required document either from the competent authority of the home MS or from the applicant, it may take a decision based on the information available within the time limits provided (two months)

### **Translations**

In the event of duly justified doubts the competent authority of the host MS may request additional information, including ordinary or certified translations, from the competent authority of the home MS.

### **Payments**

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Any fees that could be attributed to issuing an EPC would need to be paid by the applicant to the competent authority of either the home and/or of the host MS separately; and only if it is required to do so by the competent authorities concerned. In the event that fees are applicable, then the applicant will be informed via the online tool within one week of receipt of EPC application, on the amount to be paid, the means of payment, any references to be mentioned and, the required proof of payment. A reasonable deadline for payment will be established.

### **Which authority issues the EPC**

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The host MS retains the right to take the ultimate decisions on the issuance of the EPC (except in cases of temporary provision of services without prior check of qualifications).

The host MS will be involved in the EPC procedure only after the transfer of the IMI file to them by the home MS.

In the case of temporary and occasional provision of services for professions which do not have public health or safety implications, the EPC will be issued by the home MS and will replace the prior declaration.

In cases where professionals wish to establish themselves permanently in another MS and in cases where applicants in professions with health and safety implications (except those covered by automatic recognition) wish to provide services on a temporary basis, the host MS will take the final decision on issuing the EPC. However, if it fails to do so within the deadlines set in the Directive, the EPC will be issued automatically and the professional qualifications will be tacitly recognized.

## **Deadlines**

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- Once an application is submitted, the competent authorities will have one week to acknowledge receipt and inform back whether any documents are missing.
- For the purposes of temporary registration, authorities will have a further three weeks to verify the contents in the file.

However, if the profession concerned has a serious health or safety impact on clients / patients, authorities will be granted more time to assess the application: up to 3 months.

- For the purposes of establishment authorities will have a maximum of 3 months to assess the application (or two months in the case of professions covered by the automatic recognition procedure).

It will be the duty of the home MS to first check the application. Thereafter the host MS country will also examine the application and decide whether the qualifications can be recognised.

- If the host country find that the education levels and professional experience do not correspond to the standards required in their country, additional steps may be asked in order to provide further evidence of qualification. These are called compensatory measures. To comply, the applicant should be able to choose between an aptitude test and/or an adaptation traineeship (which could take as long as 3 years).
- If the authorities do not make a decision within the legally determined deadlines, the qualifications will be tacitly recognised and an EPC issued.
- If the application is rejected, an explanation will be provided and the applicant will retain the right to appeal the decision

The host Member State shall have the possibility to extend the deadlines set out in paragraphs 2 and 3 by a further two weeks for the automatic issuance of the European Professional Card. It shall explain the reason for the extension and inform the applicant accordingly. Such an extension may be repeated once and only when it is strictly necessary, in particular for reasons relating to public health or the safety of the service recipients.

## **Validity of the EPC**

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The validity of the EPC shall be indefinite in the case of establishment application; or  
for 18 months in the case of temporary provision of services, (compared to one year under the current rules) and will be valid on the entire territory of the MSs for which it has been requested.

### **Verification of EPC by interested third parties**

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The European Commission shall provide an online verification system, which enables interested third parties who do not have access to the IMI to verify the validity and authenticity of the EPC.

### **Before you start working**

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Following the recognition of professional qualifications an applicant may still be required to register within a professional body or a country designated authority before commencing practice the profession. In some cases, national authorities can also ask you to provide for language skills or may have other registration requirements or controls applying for those practicing the same profession in the host MS.

*The **ER-WCPT** is a non-profit, non-governmental organisation that represents the physiotherapy profession at European Level. The Organisation has a membership of 37 Physiotherapy Associations, one from each of the European countries, including all the EU Member States, EEA countries and all the EU applicant countries, representing approximately 172.000 physiotherapists in Europe.*