

**(UNOFFICIAL TRANSLATION)**

**THE THIRD SYSTEM FOR THE RECOGNITION OF PROFESSIONAL  
QUALIFICATIONS LAW (DRAFT) OF 2004**

**PART I : GENERAL AND SUBSTANTIAL PROVISIONS**

<b>Summary title.</b>	<p>For the purposes of harmonization with the European act. titled -</p> <p>"Directive 1999/42/EC of European Parliament and Council of 7 June 1999 on the establishment of system of recognition of qualifications with regard to the professional activities that are covered by the directives of liberation, as well as transitional measures, and supplementing of general system of recognition of qualifications" (EC L201, 31.7.1999, page 77).</p> <p><b>PART I –GENERAL AND SUBSTANTIAL PROVISIONS</b></p> <p>1. This Law may be cited as the Third System for the Recognition of Professional Qualifications Law of 2004.</p>
<b>Interpretation.</b>	<p>2. In this Law unless otherwise stated:</p> <p>“application” means application submitted under the provisions of this Law by a national of a member state to the competent body, and the term “applicant” is interpreted accordingly;</p> <p>“competent authority” in relation with the period of professional experience or other evidence required under this Law, means the authority of a member state, designated in accordance with its own laws, regulations or administrative provisions, as competent for the issue, the award or the recognition of this certificate of the duration of professional experience, or other evidence;</p> <p>“competent body” means the body appointed according to any law or regulation which provide the right to pursue a regulated</p>

<p><b>Application.</b></p> <p><b>Annex.</b></p> <p><b>Provision of information.</b></p> <p><b>Annex.</b></p> <p><b>Recognition of formal qualifications awarded by another member state.</b></p>	<p>profession in the Republic;</p> <p>“Commission” means the European Commission;</p> <p>“member state” means member state of the European Union and includes the member states of the European Economic Area and Switzerland;</p> <p>“Agreement for the European Economic Area” means the Agreement signed on 2/5/1992 at Oporto, and its amendments</p> <p>“regulated profession” means the regulated professional activity or range of activities which constitute this profession.</p> <p>3. This Law applies to nationals of the member states wishing to pursue a regulated profession in the Republic in a self employed capacity or as employed persons, in the activities listed in the Annex.</p> <p>4. Where the taking-up or pursuit of any activity referred to in the Annex is subject to possession of certain qualifications, the competent body shall ensure that any applicant is provided, before establishment or before the provision of services with the necessary information as to the rules governing the occupation which he proposes to pursue.</p> <p>5.1. Without prejudice to Article 6, the competent body may not, on the grounds of inadequate qualifications, refuse to permit a national of another member state to take up or pursue any of the activities listed in Part One of the Annex on the same conditions as apply to Cypriot citizens, without having first compared the knowledge and skills certified by the diplomas, certificates or other evidence of formal qualifications obtained</p>
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<p><b>179 (I) / 2002.</b></p> <p><b>121 (I) / 2003.</b></p> <p><b>Annex.</b></p> <p><b>Recognition of professional qualifications on the</b></p>	<p>by the applicant with a view to pursuing the same activity in another member state with those required under Cypriot legislation.</p> <p>2. Where the comparative examination shows that the knowledge and skills certified by a diploma, certificate or other evidence of formal qualifications awarded by another member state correspond to those required by the national rules, the competent body cannot refuse the holder the right to pursue the activity in question.</p> <p>3. Where, however, the comparative examination shows a substantial difference, the competent body gives the applicant the opportunity to demonstrate that he has acquired the knowledge and skills which were lacking.</p> <p>4. In this case, the competent body gives the applicant the right to choose between an adaptation period and an aptitude test by analogy with the General System for the Recognition of Professional Qualifications Law of 2002 and the Second General System for the Recognition of Professional Qualifications, Law of 2003.</p> <p>5. By way of derogation from this rule, the competent body may require an adaptation period or an aptitude test if the applicant envisages exercising professional activities in a self-employed capacity or as a manager of an undertaking which are covered by Part One of the Annex and which require the knowledge and the application of the specific national rules in force, provided that knowledge and application of those rules are required for access to such activities by the nationals of the Republic.</p> <p>The competent body takes into consideration the applicant's preference as between those alternatives.</p> <p>6. Where the taking-up or pursuit of any activity listed in the Annex is subject to possession of general,</p>
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<p><b>basis of professional experience acquired in another member state.</b></p> <p><b>Annex.</b></p>	<p>commercial or professional knowledge and ability, the competent body shall accept as sufficient evidence of such knowledge and ability the fact that the activity in question has been pursued in another member state. Where the activity is mentioned in Part One of the Annex, it must have been pursued:</p> <p>1. in the case of the activities in List I:</p> <p>(a) either for six consecutive years in either a self-employed capacity or as a manager of an undertaking;</p> <p>(b) either for three consecutive years in a self-employed capacity</p> <p>or as a manager of an undertaking where the applicant proves that he has received at least three years' prior training for the activity in question, attested by a nationally recognised certificate or regarded by a competent professional or trade body as fully satisfying its requirements;</p> <p>(c) either for three consecutive years in a self-employed capacity where the applicant proves that he has pursued the activity in question for at least five years in an employed capacity;</p> <p>(d) either for five consecutive years in a managerial capacity of which at least three years were spent in technical posts with responsibility for one or more departments of the undertaking where the applicant proves that he has received at least three years' prior training for the activity in question, attested by a nationally recognised certificate or regarded by a competent professional or trade body as fully satisfying its requirements.</p> <p>In the cases referred to in (a) and (c), pursuit of the activity shall not have ceased more than ten years before the date on which the application under Article 10 is made;</p>
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2. in the case of the activities in List II:

(a) either for six consecutive years in either a self-employed capacity or as a manager of an undertaking;

(b) either for three consecutive years in a self-employed capacity or as a manager of an undertaking where the applicant proves that he has received at least three years' prior training for the activity in question, attested by a nationally recognized certificate or regarded by a competent professional or trade body as fully satisfying its requirements.

either for four consecutive years in a self-employed capacity or as a manager of an undertaking where the applicant proves that he has received at least two years' prior training for the activity in question, attested by a nationally recognized certificate or regarded by a competent professional or trade body as fully satisfying its requirements,

(c) either for three consecutive years in a self-employed capacity or as a manager of an undertaking where the applicant proves that he has pursued the activity in question for at least five years in an employed capacity,

(d) either for five consecutive years in an employed capacity where the applicant proves that he has received at least three years' prior training for the activity in question, attested by a nationally recognized certificate or regarded by a competent professional or trade body as fully satisfying its requirements,

either for six consecutive years in an employed capacity where the applicant proves that he has received at least two years' prior training for the activity in question, attested by a nationally recognized certificate or regarded by a competent professional or trade body as fully satisfying its requirements.

In the cases referred to in (a) and (c), pursuit of the activity shall not have ceased more than ten years before the date on which the application provided for in Article 10 is made;

3. in the case of the activities in List III:

(a) either for six consecutive years in either a self-employed capacity or as a manager of an undertaking;

(b) either for three consecutive years in a self-employed capacity or as a manager of an undertaking, where the applicant proves that he has received at least three years' prior training for the activity in question, attested by a nationally recognized certificate or regarded by a competent professional or trade body as fully satisfying its requirements;

(c) either for three consecutive years in a self-employed capacity where the applicant proves that he has pursued the activity in question for at least five years in an employed capacity.

In the cases referred to in (a) and (c), pursuit of the activity shall not have ceased more than ten years before the date on which the application provided for in Article 10 is made;

4. in the case of the activities in List IV:

(a) either for five consecutive years in either a self-employed capacity or as a manager of an undertaking;

(b) either for two consecutive years in a self-employed capacity or as a manager of an undertaking where the applicant proves that he has received at least three years' prior training for the activity in question, attested by a nationally recognized certificate or regarded by a competent professional or trade body as fully satisfying its requirements;

(c) either for three consecutive years in a self-employed capacity or as a manager of an undertaking where the

applicant proves that he has received at least two years' prior training for the activity in question, attested by a nationally recognized certificate or regarded by a competent professional or trade body as fully satisfying its requirements;

(d) either for two consecutive years in a self-employed capacity or as a manager of an undertaking where the applicant proves that he has pursued the activity in question for at least three years in an employed capacity;

(e) either for three consecutive years in an employed capacity where the applicant proves that he has received at least two years' previous training for the activity in question, attested by a nationally recognized certificate or regarded by a competent professional or trade body as fully satisfying its requirements;

5. in the case of the activities in List V(a) and (b):

(a) either for three years in a self-employed capacity or as a manager of an undertaking, provided that pursuit of the activity in question did not cease more than two years before the date on which the application provided for in Article 10 is made;

(b) either for three years in a self-employed capacity or as a manager of an undertaking, provided that pursuit of the activity in question did not cease more than two years before the date on which the application provided for in Article 10 is made, unless is permitted to nationals of the Republic to interrupt their pursuit of that activity for a longer period;

6. in the case of the activities in List VI:

(a) either for three consecutive years in either a self-employed capacity or as a manager of an undertaking;

(b) either for two consecutive years in a self-employed

<p><b>Certificate obtained in another member state.</b></p> <p><b>Professional experience to cover difference in the duration of training.</b></p>	<p>capacity or as a manager of an undertaking where the applicant proves that he has received prior training for the activity in question, attested by a nationally recognised certificate or regarded by a competent professional or trade body as fully satisfying its requirements;</p> <p>(c) either for two consecutive years in a self-employed capacity or as a manager of an undertaking where the applicant proves that he has pursued the activity in question for at least three years in an employed capacity;</p> <p>(d) either for three consecutive years in an employed capacity where the applicant proves that he has received previous training for the activity in question, attested by a nationally recognised certificate or regarded by a competent professional or trade body as fully satisfying its requirements.</p> <p>In the cases referred to in (a) and (c), pursuit of the activity shall not have ceased more than 10 years before the date on which the application provided for in Article 10 is made.</p> <p>7. Where an applicant holds a nationally recognised certificate obtained in a member state attesting to knowledge of and ability in the activity in question equivalent to at least two or three years, as appropriate, of professional training, that certificate may be treated in the same way as a certificate attesting to training of the duration required by Article 6(1)(b) and (d), (2)(b) and (d), (3)(b) and (4)(b), (c) and (e).</p> <p>8. Where the duration of the training of the applicant is at least two years and less than three years, the requirements of Article 6 shall be satisfied if the duration of professional</p>
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<p><b>Managerial activity .</b></p>	<p>experience in a self-employed capacity or as a manager specified in Article 6(1)(b) and (d), (2)(b), first indent, (3)(b) and (4)(b) or in an employed capacity specified in Article 6(2)(d), first indent is extended in the same proportion to cover the difference in the duration of the training.</p> <p>9. A person shall be regarded as having pursued an activity as a manager of an undertaking within the meaning of Article 6 if he has pursued such an activity in an undertaking in the occupational field in question:</p> <p>(a) either as a manager of an undertaking or a manager of a branch of an undertaking;</p> <p>(b) either as a deputy to the proprietor or the manager of an undertaking where that post involves responsibility equivalent to that of the proprietor or manager represented;</p> <p>(c) either in a managerial post with duties of a commercial and/or technical nature and with responsibility for one or more departments of the undertaking.</p>
<p><b>Certificates.</b></p>	<p>10. Proof that the conditions laid down in Article 6 are satisfied shall be established by a certificate concerning the nature and duration of the activity issued by the competent authority or body in the home Member State or in the Member State from where the applicant comes which the applicant must submit in support of his application for authorisation to pursue the activity or activities in question in the Republic.</p>
<p><b>Recognition of other professional qualifications obtained in another</b></p>	<p>11(1). Where is required by nationals of the Republic wishing to take up any activity referred in the Annex to furnish proof of</p>

<p><b>member state. Annex.</b></p> <p><b>Annex.</b></p>	<p>good character and proof that they are not and have not previously been declared bankrupt, or proof of either of these, it is accepted as sufficient evidence, in respect of nationals of other member states, the production of an extract from the 'judicial record' or, failing this, of an equivalent document issued by a competent judicial or administrative authority in the home member state or in the member state from where the applicant comes showing that these requirements are satisfied.</p> <p>(2). Where certain requirements as to good character are imposed to nationals of the Republic wishing to take up any activity referred to in the Annex and requires them to prove that they are not and have not previously been declared bankrupt and have not previously been the subject of professional or administrative disciplinary measures (for example, withdrawal of the right to hold certain offices, suspension from practice or striking-off), but proof cannot be obtained from the document referred to in paragraph (1) of this Article, the competent body shall accept as sufficient evidence in respect of nationals of other member states a certificate issued by a competent judicial or administrative authority in the home member state or in the member state from where the applicant comes attesting that the requirements are satisfied. Such certificate shall relate to the specific facts regarded as relevant by the Republic.</p> <p>(3). Where the home member state or the member state from where the applicant comes does not issue the documents referred to in paragraphs (1) and (2), such documents shall be replaced by a declaration on oath — or, in those member states where there is no provision for such declaration on oath, by a solemn declaration — made by the person concerned before a competent judicial or administrative authority or, where appropriate, a notary in that member state; such</p>
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<p><b>Annex.</b></p> <p><b>Submission of applications and examination by the competent body.</b></p>	<p>authority or notary shall issue a certificate attesting the authenticity of the declaration on oath or solemn declaration. The declaration of no previous bankruptcy may also be made before a competent professional or trade body in that member state.</p> <p>(4). Where proof of financial standing is required, certificates issued by banks in the home member state or in the member state from where the applicant comes shall be regarded as equivalent to those issued in the Republic.</p> <p>(5) (a). Where is required by nationals of the Republic wishing to take up or pursue any activity referred to in Annex to furnish proof that they are insured against the financial risks arising from their professional liability, certificates issued by the insurance undertakings of other member states shall be accepted as equivalent to those issued in the Republic.</p> <p>(b)Such certificates shall state that the insurer has complied with the laws and regulations in force in the Republic regarding the terms and extent of cover.</p> <p>(6). At the time of their production, the documents referred to in paragraphs (1), (2), (3) and (5) may not date from more than three months after their date of issue.</p> <p style="text-align: center;"><b><u>PART II – COMPETENT BODIES AND PROCEDURE</u></b></p> <p>12Every applicant who wishes to pursue a regulated profession in the Republic, shall submit an application to the competent body together with all necessary certificates and other evidence.</p> <p>13.(1) The Department of Labour, of the Ministry of Labour and Social Insurance, is designated as the National Contact</p>
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<p><b>National Contact Point.</b></p> <p><b>Evaluation of applications and decision of the competent body.</b></p> <p><b>Right of appeal.</b></p>	<p>Point for the application of this Law.</p> <p>(2) The National Contact Point provides information to nationals of member states who wish to pursue a regulated profession in the Republic and to nationals of the Republic who wish to pursue a regulated profession in another member state. More specifically, it provides information regarding the regulated professions in the Republic and the competent body for every regulated profession.</p> <p>14.(1) The competent body examines and evaluates the applications submitted as soon as possible.</p> <p>(2) The competent body on the evaluation of an application may ask the applicant to clear up or to provide any additional information considered necessary.</p> <p>(3) The competent body decides in accordance with the provisions of this Law and the legislation regulating the profession in consideration and shall inform the applicant of its decision, duly reasoned, within four months from the date of presentation of the application together with all necessary documents.</p> <p>15. The applicant has the right to appeal against an act or omission of the competent body, including its failure to consider the application within the specified time limits, to the Supreme Court in accordance with Article 146 of the Constitution.</p> <p>16.(1) The Council of Ministers designates a person as the National Coordinator of the activities of the administrative authorities in order to promote the better application of this Law.</p>
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<p><b>National Coordinator.</b></p> <p><b>Regulations.</b></p> <p><b>Date of entry into force.</b></p>	<p>(2) The National Coordinator shall communicate to the Commission every two years, a report on the application of the provisions of this Law which shall contain a table of the decisions taken and a description of the main problems arising from the application of this Law.</p> <p>(3) The National Coordinator represents the Republic in the coordinating group which is chaired by the Commission and which is composed of the coordinators appointed by each member state.</p> <p>17. The Council of Ministers may issue Regulations to be published in the Official Gazette, of the Republic for the better application of this Law.</p> <p>18. This Law will enter into force on the date of accession of the Republic in the European Union.</p> <p style="text-align: center;"><u>ANNEX</u></p> <p>As Annex A of the Directive 99/42/EC</p>