

## **(UNOFFICIAL TRANSLATION)**

### **THE GENERAL SYSTEM FOR THE RECOGNITION OF PROFESSIONAL QUALIFICATIONS LAW OF 2002**

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#### **PART I : GENERAL AND SUBSTANTIAL PROVISIONS**

Title: 1

This Law may be cited as the General System for the Recognition of Professional Qualifications Law of 2002.

Interpretation:2 In this Law unless otherwise stated:

“application” means an application submitted under the provisions of this Law by a national of a member state to the competent bodies, and the term “applicant” is interpreted accordingly.

“Competent authority” in relation with a diploma or the period of professional experience as stated in 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 the diploma or the certification of the duration of the professional experience.

“competent body” means the body appointed by law or regulation for the recognition of the right to pursue a regulated profession in the Republic.

“diploma” means any diploma, certificate or other evidence of formal qualifications or any set of such diplomas, certificates or other evidence, which has been awarded by a competent authority in a member state –

(a) which shows that the holder –

(i) has successfully completed a post-secondary course of at least three years duration, or of an equivalent duration part time, at a university or at an educational establishment of tertiary education level or another establishment of equivalent level and, where appropriate has successfully completed the professional

training required in addition to the post-secondary course, and

- (ii) has the professional qualifications required for the taking up or pursuit of a regulated profession in that member state, provided that
  - (A) the education attested by the diploma, certificate or other evidence of formal qualifications was received mainly in the Community, or
  - (B) the holder thereof has three years professional experience certified by competent authority of a member state which has recognized a third-country diploma, certificate or other evidence of formal qualifications, or
- (b) after the successful completion of education received in the Community, and which –
  - (i) has been recognized by a competent authority in that member state as being of an equivalent level with a diploma to which paragraph (a) is applied and
  - (ii) confers the same rights in respect of the taking up and pursuit of a regulated profession in that member state.

“aptitude test” has the meaning given to the term by article 5.

“professional experience” means the actual and lawful pursuit of a profession, in a member state, which is equivalent to a regulated profession in the Republic.

“Commission” means the European Commission

“member state” means member state of the European Union

“KYSATS” means the Cyprus Council for the Recognition of Academic Qualifications established by law 48(1) of 1996, (amended by law 68(1) of 1998 and law 111(1) of 2000).

“regulated education” means any education which –

- (a) is directly geared to the practice of a defined profession, and
- (b) comprises a post-secondary course of at least three years’ duration, or an equivalent duration part-time, at a university or higher education establishment or in another establishment of equivalent level and, where appropriate, the professional training, professional traineeship or professional practice required in addition to the post-secondary course.

“regulated profession” means the regulated professional activity or range of activities which constitute this profession in a member state.

“regulated professional activity” means –

- (a) the professional activity in so far as the taking up or pursuit of such activity or one of its modes of pursuit in a member state is subject, directly or indirectly by virtue of laws, regulations or administrative provisions, to the possession of a diploma and in particular the following shall constitute a mode of pursuit of a regulated professional activity.
  - (i) the pursuit of an activity under a professional title, in so far as the use of such a title is reserved to the holders of a diploma governed by laws, regulations or administrative provisions,
  - (ii) the pursuit of a professional activity relating to health, in so far as remuneration and/or reimbursement for such an activity is subject by virtue of national social security arrangements to the possession of a diploma, or
- (b) the professional activity to which paragraph(a) does not apply and which is pursued by the members of an association which is contained in the Annex or other association, the main purpose of which is to promote and maintain a high standard in the professional field concerned

and which, to achieve that purpose, are recognized in a special form by a member state and:-

- (i) award a diploma to their members
- (ii) ensure that their members respect the rule of professional conduct which they prescribe, and
- (iii) confer on them the right to use a title or designatory letters, or to benefit from a status corresponding to that diploma.

“adaptation period” means the pursuit of a regulated profession in the Republic under the responsibility of a qualified member of that profession.

“third country” means a country which is not a member state.

Application

3.(1) Subject to the provisions of section(2) this law shall apply to nationals of the member states wishing to pursue a regulated profession in the Republic in a self employed capacity or as employed persons.

(2) This law does not apply to professions which are the subject of legislation introduced for harmonization with sectoral directives establishing arrangements for the mutual recognition of diplomas between member states.

Pursue of a regulated profession in the Republic

4.(1) Without prejudice to the provisions of Article 5, where the taking up or pursuit of a regulated profession in the Republic is subject to possession of a diploma, the competent bodies may not, on the grounds of inadequate qualification, refuse to authorize a national of a member state to take up or pursue that profession on the same conditions as apply to nationals of the Republic, if the applicant:-

- (a) holds the diploma required in another member state for the taking up or pursuit of the profession in question in its territory, such diploma having been awarded in a member state, or

(b) has pursued the profession in question full time for two years during the previous ten years in another member state which does not regulate that profession, and has acquired -

- (i) one or more formal qualifications:-
  - (ia) which have been awarded by a competent authority in a member state
  - (ib) which show that the holder has successfully completed a post-secondary course of at least three years' duration, or of an equivalent duration part-time, at a university or establishment of higher education or another establishment of similar level, and where appropriate, he has successfully completed the professional training required in addition to the post-secondary course, and
  - (ic) which have prepared the holder for the pursuit of this profession.

However, the two years' of professional experience referred to in this paragraph may not be required where the qualification or qualifications held by the applicant and referred to in this point were awarded on completion of regulated education, or

- (ii) one or more formal qualifications awarded by a competent authority in a member state, if it is awarded on the successful completion of training received in the Community and is recognized by that member state as being of an equivalent level to the formal qualifications referred to in sub-paragraph (i), provided that this recognition has been notified to the other member states and the Commission.

adaptation  
period, aptitude  
test

(a) to provide evidence of professional experience, where the duration of the education and training adduced in support of his application, as laid down in Article 4, is at least one year less than that required in the Republic, and the period of which may not exceed:-

- (i) twice the shortfall in duration of education and training, where the shortfall relates to post-secondary studies and/or to a period of probationary practice carried out under the control of a supervising professional person and ending with an examination, or
- (ii) the shortfall in duration of education and training, where the shortfall relates to professional practice acquired with the assistance of a qualified member of the profession, or

(b) to complete in the Republic an adaptation period not exceeding three years or take an aptitude test, when:-

- (i) the matters covered by the education and training he has received, as laid down in Article 4, differ substantially from those covered by the diploma required in the Republic, or
- (ii) in the case referred to in Article 4, the profession regulated in the Republic comprises one or more regulated professional activities which are not in the profession regulated in the member state from which the applicant originates or comes and that difference corresponds to specific education and training required in the Republic and covers matters which differ substantially from those covered by the diploma adduced by the applicant.

(2) (a) The professional experience required in paragraph 1(a) may not exceed four years.

(b) In the case of diplomas within the meaning of paragraph (b) of the interpretation of "diploma" in

Article 2, the duration of education and training is considered to be the duration of education and training required for the diploma, certificate or other evidence of formal qualifications referred to in paragraph (a) of the interpretation of “diploma”.

(c) When applying these provisions, account must be taken of the professional experience referred to in Article 4 paragraph 1(b).

(3) If the competent body intends to require the applicant to complete an adaptation period or take an aptitude test, it must first examine whether the knowledge acquired by the applicant in the course of his professional experience is such that it fully or partly covers the substantial difference referred to in paragraph (a) of section (1).

(4)(a) Without prejudice to the provisions of paragraph (b), the applicant has the right to choose between an adaptation period and an aptitude test.

(b) The right to choose referred to in paragraph (a) is not applicable for professions whose practice 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 exercise of the professional activity. In this case the competent body has discretionary power to decide.

Adaptation  
period

6.(1) The detailed rules governing the adaptation period are laid down by the competent body, after consideration of the fact that the applicant is a qualified professional in the member state of origin or the member state from which he comes.

(2) The adaptation period.

- (a) is the subject of an assessment by the competent body, and
- (b) may at the discretion of the competent body be accompanied by supplementary training.

(3) The status of the applicant in the Republic during the adaptation period is specified by the competent body.

#### Aptitude Test

7.(1) The aptitude test to be taken by an applicant in accordance with Article 5 –

- (a) is limited to his professional knowledge, and
  - (b) has the aim of assessing the ability of the applicant to pursue a regulated profession in the Republic, considering the fact that the applicant is a qualified professional in the member state of origin or the member state from which he comes.
- (2) The competent body chooses the subjects to be examined in a aptitude test, as follows:
- (a) Draw up a list of subjects which on the basis of a comparison of the education and training required in the Republic and that received by the applicant, are not covered by the diploma or other evidence of formal qualifications possessed by the applicant and
  - (b) the aptitude test shall cover subjects to be selected from those on the list referred to in paragraph (a), knowledge of which is essential for the pursuit of the profession in the Republic.
- (3) The test referred to in paragraph (a) of section (2) may also include knowledge of the professional rules applicable to the activities in question in the Republic.
- (4) The detailed rules for the application of the aptitude test as well as the status of the applicant who wishes to be submitted to the aptitude test in the Republic are



determined by the competent body.

Professional  
education and  
training

8. Without prejudice to the provisions of articles 4 to 7, the competent body may allow the applicant, with a view to improving his possibilities of adapting to the professional environment in the Republic, to undergo in the Republic, on the basis of equivalence and in accordance with the provisions of the relevant legislation applied for citizens of the Republic, that part of his professional education and training represented by professional practice, acquired with the assistance of a qualified member of the profession, which he has not undergone in his member state of origin or the member state from which he has come.

Evidence

9(1). Where for the taking up or pursuit of a regulated profession in the Republic it is necessary to provide evidence.

(a) as regards good character or repute or not been declared bankrupt, or

(b) as regards not suspension or not prohibition of the pursuit of that regulated profession in the event of serious professional misconduct or a criminal offence,

as sufficient evidence is accepted -

- (i) the documents issued by competent authorities in the member state of origin or the member state from which the foreign national comes, showing that the requirements of paragraphs (a) and (b) are met, or,
- (ii) where the documents referred to in paragraph (i) are not issued in the member state of origin or the member state from which the foreign national comes, a declaration on oath or in states where there is no provision for declaration on oath, by a solemn declaration made by the person concerned before a

competent judicial or administrative authority or, where appropriate a notary or qualified professional body of the member state of origin or the member state from which the person comes, who shall issue a certificate attesting the authenticity of the declaration.

(2) Where for the taking up or pursuit of a regulated profession in the Republic a certificate of physical or/and mental health is required, as sufficient evidence is accepted -

(a) the production of the document required in this respect, in the member state of origin or the member state from which the foreign national comes, or

(b) where the document referred to in paragraph (a) is not issued in the member state of origin or the member state from which the foreign national comes, the production of a certificate issued by a competent authority in that state corresponding to the certificate of physical or/and mental health issued in the Republic.

(3) The documents referred to in paragraphs (1) and (2) should be issued no more than three months before the date of presentation to the competent body.

(4) Where for the taking up or pursuit of a regulated profession in the Republic it is required to take an oath or make a solemn declaration and where the form of such oath or declaration cannot be used by nationals of member states, an appropriate form of oath or declaration is offered to the person concerned.

(5) Where, for the taking up or pursuit of a regulated profession in the Republic, proof of financial standing is required, the

certificates issued by banks in the member state of origin or in the member state from where the foreign national comes are considered as equivalent to those issued by the competent authorities in the Republic.

(6)(a) Where, for the taking up or pursuit of a regulated profession in the Republic, proof of insurance against the financial risks arising from the professional liability is required, certificated issued by insurance undertakings of member states are accepted as equivalent to those issued by undertakings operating in the Republic.

(b) The certificated referred to in paragraph (a) shall state that the insurer has complied with the laws and regulations in force in the Republic regarding the terms and extent of cover.

(c) The certificated referred to in paragraph (a) should be issued no more than three months before the date of presentation to the competent body.

Right to use  
professional and  
academic title

10.(1) The competent body shall recognize the right of nationals of member states who fulfill the conditions of this law regarding the taking up and pursuit of a regulated profession in the Republic to use -

(a) the professional title corresponding to that profession in the Republic and where appropriate the abbreviation of this title, and

(b) their lawful academic title acquired from their member state of origin or the member state from which they come, and where appropriate the abbreviation of this title, in the language of that state. This title shall be followed by the name and

location of the establishment or examining board which awarded it.

(2)(a) Where a profession is regulated in the Republic by an association or organization as defined in the interpretation of “regulated professional activity” in Article 2, the competent body shall recognize to the nationals of member states the right to use the professional title or designatory letters conferred by that organization or association only on proof of membership to such association or organization.

(b) Where the association or organization referred to in paragraph (a) makes membership subject to certain qualification requirements, it may apply such requirements to nationals of member states to which paragraphs (a) or (b) of section (1) of Article 4 are applied, only where the requirements of this law are met.

## **PART II – COMPETENT BODY AND PROCEDURE**

Submission of applications and examination by the competent body

11.(1) Every 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.

(2) The competent body shall examine applications submitted in accordance with paragraph (1) without prejudice, in any way, of any other responsibilities pursued in accordance with laws and administrative provisions regulating its operation.

National Contact Point

12.(1) The Labour Department, of the Ministry of Labour and Social Insurance, is designated as the National Contact Point for the application of this Law.

(2) The National Contact Point provides information to nationals of member states who wish to pursue a regulated profession in the Republic and to citizens 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.

Evaluation of applications and decision of the competent body

13.(1) The competent body examines and evaluates the applications submitted in accordance with Article 11, as soon as possible.

(2) The competent body during the evaluation of an application may ask the applicant to clarify or to provide any additional information considered necessary.

(3) The competent body may ask the applicant to furnish documents translated in the Greek language or in one of the other languages most commonly used in the European Union.

(4) 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.

Provided that, in case of doubt in relation with the academic recognition of qualifications, the competent body may refer to (KYSATS) for its opinion.

Right for Remedy

14. The applicant has the right to file a recourse 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.

National  
Coordinator

15.(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.

(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.

(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.

Regulations

16. The Council of Ministers may issue Regulations to be published in the official gazette of the Republic for the better application of this law.

Decree

17. The Council of Ministers may, through a decree published in the official gazette of the Republic, amend the Annex of this law.

Date of entry  
into force

18. This law shall entry into force on a date specified by the Council of Ministers through notification published in the official gazette of the Republic.

**ANNEX**

List of professional associations or organizations which satisfy the conditions of the second subparagraph of Article 1 (d)

**IRELAND (1)**

1. The Institute of Chartered Accountants in Ireland (2)
2. The Institute of Certified Public Accountants in Ireland (2)
3. The Association of Certified Accountants (2)
4. Institution of Engineers of Ireland
5. Irish Planning Institute

**UNITED KINGDOM**

1. Institute of Chartered Accountants in England and Wales
2. Institute of Chartered Accountants of Scotland
3. Institute of Chartered Accountants in Ireland
4. Chartered Association of Certified Accountants
5. Chartered Institute of Loss Adjusters
6. Chartered Institute of Management Accountants
7. Institute of Chartered Secretaries and Administrators
8. Chartered Insurance Institute
9. Institute of Actuaries
10. Faculty of Actuaries
11. Chartered Institute of Bankers
12. Institute of Bankers in Scotland
13. Royal Institution of Chartered Surveyors
14. Royal Town Planning Institute
15. Chartered Society of Physiotherapy
16. Royal Society of Chemistry
17. British Psychological Society
18. Library Association
19. Institute of Chartered Foresters
20. Chartered Institute of Building
21. Engineering Council
22. Institute of Energy
23. Institution of Structural Engineers
24. Institution of Civil Engineers
25. Institution of Mining Engineers
26. Institution of Mining and Metallurgy

(1) Irish nationals are also members of the following United Kingdom chartered bodies:

Institute of Chartered Accountants in England and Wales  
 Institute of Chartered Accountants of Scotland  
 Institute of Actuaries  
 Faculty of Actuaries  
 The Chartered Institute of Management Accountants  
 Institute of Chartered Secretaries and Administrators  
 Royal Town Planning Institute  
 Royal Institution of Chartered Surveyors  
 Chartered Institute of Building.

(2) For the purposes of the activity of auditing only.  
STATEMENT BY THE COUNCIL AND THE COMMISSION  
Re Article 9 (1)

'The Council and the Commission agree that professional bodies and higher-education establishments should be consulted or be involved in an appropriate way in the decision-making process.'

27. Institution of Electrical Engineers
28. Institution of Gas Engineers
29. Institution of Mechanical Engineers
30. Institution of Chemical Engineers
31. Institution of Production Engineers
32. Institution of Marine Engineers
33. Royal Institution of Naval Architects
34. Royal Aeronautical Society
35. Institute of Metals
36. Chartered Institution of Building Services Engineers
37. Institute of Measurement and Control
38. British Computer Society