

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

2010 No 26, 31 March

Entry into force 1 July 2010 *EEA Agreement: Annex VII, Directive 2005/36/EC. Amended by Act No 126/2011 (entry into force 30 September 2011) and Act No 63/2012 (entry into force 29 June 2012).*

Any reference in this Act to “the Minister” or “the Ministry” not accompanied by express mention of or reference to a specific field of responsibility shall be understood as being a reference to the **Minister of Education, Science and Culture** or to the **Ministry of Education, Science and Culture** as responsible for the implementation of this Act.

■ Article 1 *Scope*

This Act applies in situations where there is a need to evaluate whether a person wishing to take up work in Iceland in an employed or self-employed capacity meets the conditions for exercising a profession which is subject to authorisation, licencing or other equivalent recognition¹ by a regulatory authority based on professional qualifications acquired in another country.

This Act also applies to the mandatory notification of services which are provided in Iceland on a temporary or intermittent basis and which are subject to authorisation, licencing or other equivalent recognition by a regulatory authority.

■ Article 2 *Rights*

Nationals of a member state of the European Economic Area or of a country party to an agreement on the mutual recognition of professional qualifications are entitled to pursue a profession in Iceland in a self-employed or employed capacity under the same conditions as Icelandic nationals, provided that they meet the requirements laid down in:

a. Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications, and its annexes in their latest versions;

b. such agreements entered into between the governments of the Nordic countries as have come into force as far as Iceland is concerned and provide for general rules on the mutual recognition of professional qualifications,

c. the Hoyvík Agreement of 31 August 2005 between the Government of Iceland, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part.

■ Article 3 *Competent authorities*

Persons covered by the Directive or any agreement on the recognition of professional qualifications, cf. Article 2, and wishing to pursue an activity in Iceland, must submit an application to [the Ministry],⁽¹⁾ unless another authority is competent to resolve the case pursuant to legislative or administrative provisions.

¹ Regulated professions

- Persons not covered by the Directive or any agreement on the recognition of professional qualifications, cf. Article 2, must submit an application to [the Ministry]⁽¹⁾ unless another authority is competent to resolve the case pursuant to legislative or administrative provisions.
- The authority responsible for issuing authorisations, licences or recognitions for the pursuit of a profession in Iceland shall verify that the conditions laid down in the Directive or any of the agreements referred to in Article 2, points b and c, together with any other conditions pertaining to the profession, are fulfilled.
- Persons wishing to take up work in Iceland in an employed or self-employed capacity, on a temporary or intermittent basis, must submit a written notification of intent to the relevant authority in advance, see further Article 5.

⁽¹⁾Act No 126/2011, Article 522.

■ **Article 4** *Services provided on a temporary or intermittent basis*

- Persons meeting the requirements laid down in the Directive are entitled to provide services in Iceland on a temporary or intermittent basis provided that they:
 - a. are legally domiciled in a member state of the European Economic Area and entitled to pursue the same activities there, and
 - b. have exercised the profession for at least two years in the preceding ten years before the service is provided and the profession is not regulated in that state. The requirement of two years' professional experience does not apply when either the profession or the qualification required to exercise it is subject to authorisation, licencing or recognition by a public authority.

- The assessment of the nature of a service provided on a temporary or irregular basis shall in each case take into account its duration, frequency, regularity and continuity.

■ **Article 5** *Declaration of services provided on a temporary or intermittent basis*

- Persons wishing to provide a service in Iceland for the first time, cf. Article 4, must prior to commencement of the service submit a written declaration to the relevant authority stating, amongst other things, details of any insurance cover pertaining to it. The declaration must be re-submitted annually if the person concerned wishes to continue to provide services on a temporary or intermittent basis.

- For the first provision of services, or if there is a material change in the situation on which an authorisation was based, the relevant authority may require that the applicant's declaration be accompanied by the following documents:

- a. proof of the nationality of the service provider;
- b. an attestation certifying that the holder is legally established in a member state for the purpose of pursuing the activities concerned, and holds an authorisation to do so at the time of submission of the attestation;
- c. evidence of professional qualifications in the form of a diploma;
- d. proof that the activity concerned has been pursued for at least two years during the preceding ten years, cf. Article 4, first paragraph, point b; and
- e. for professions in the security sector, a clean criminal record in cases where this is a required by Icelandic rules.

■ **Article 6** *Information*

- [The Ministry],⁽¹⁾ as well as other relevant authorities, may require applicants to submit any information necessary to adopt a position on their applications for authorisation to exercise a profession in Iceland, or to provide services on a temporary or intermittent basis, such as diploma supplements where such exist. Similarly, information may be obtained from the competent authorities in the state where the qualification was obtained or where the person in question has worked or pursued activities, in order to confirm that the person does in fact possess the required qualification and has not been subjected to disciplinary or criminal sanctions of a professional nature.

⁽¹⁾Act No 126/2011, Article 522.

■ **Article 7** *Processing and exchange of information*

The Icelandic authorities shall collaborate with the authorities of states applying the Directive, including as regards the exchange of any information likely to have consequences for the right to pursue activities for which an authorisation, licence or other equivalent recognition is required.

The authority responsible for recognising professional qualifications covered by the Directive may process personal data and other information considered necessary for the application of the Directive. For this purpose, the authority may create a special register to hold the data and share it with other competent authorities in the member states of the European Economic Area, provided that such exchange of information takes place via the Internal Market Information System, and subject to the provisions of Article 29 of the Act on the Protection of Privacy as regards the Processing of Personal Data, No 77/2000. Similarly, the authority may receive information from such a system and store it in a special register. The information may not be communicated by other means.

Authorities and other parties entrusted by law with the recognition of professional qualifications in accordance with the Directive, or with the monitoring of the activities of those authorised to pursue an activity in Iceland pursuant to the Directive, shall have access to the recorded data.

Other aspects of the processing of data under the second paragraph shall be governed by the provisions of Act No 77/2000, including as regards providing data subjects with information about the handling of the data, cf. Article 18 of that Act. The authority responsible for the recognition or granting of the relevant professional qualifications shall be regarded as ‘controller’ for the purposes of that Act.

■ **Article 8** *Authorisation to issue administrative provisions; fees to be charged*

The relevant minister may issue a Regulation granting exemption from legal provisions regarding nationality, residence or the recognition of diplomas to the extent necessitated by obligations resulting from the Directive or the any of the agreements referred to in Article 2.

The relevant minister shall issue rules on aptitude tests or additional training, as appropriate. The relevant minister may furthermore decide that costs incurred in assessing aptitude and/or providing additional training be borne by the applicant. The fee charged may cover the costs incurred for the translation of documents, training, student assessment and other administration work in connection with supplementary training in the field in question.

The relevant minister shall issue rules on fees that may be charged for the processing of applications for authorisation to pursue a profession in Iceland.

■ **Article 9** *Coordination, Regulation, etc.*

[The Ministry]⁽¹⁾ shall oversee and coordinate the implementation of the Directive and of the agreements referred to in Article 2.

[The Minister]⁽¹⁾ shall issue a Regulation⁽²⁾ containing more detailed provisions on the transposition and implementation of the Directive, including on authorisations to gather information from those authorities responsible for granting authorisations or licences in accordance with the Directive. The Regulation shall also provide for the arrangement of assessments and the procedure to be applied when an authority examines applications for recognition to exercise a regulated profession in Iceland.

[The relevant minister, as designated by legislative and regulatory provisions on the division of responsibilities between the ministries forming part of the Government Offices of Iceland, may issue regulations pertaining to the professions falling under that Minister’s responsibility in the manner provided for in the second paragraph.]⁽³⁾

[The Minister]⁽¹⁾ may conclude agreements entrusting competent parties with the implementation of aptitude tests and the provision of additional training in accordance with

Article 8, second paragraph. Such parties may furthermore be entrusted with assessing whether applicants meet the legally prescribed requirements for exercising the profession and with accepting and processing applications, cf. Article 3, second and third paragraphs. Official decisions made on the basis of such agreements shall be final and are not subject to appeal to a higher authority.

Moreover, [the Minister]⁽¹⁾ may issue a Regulation containing more detailed provisions on the processing and exchange of data essential to the implementation of the Directive, subject to the provisions of the Act on the Protection of Privacy as regards the Processing of Personal Data, No 77/2000.

⁽¹⁾Act No 126/2011, Article 522. ⁽²⁾Regulation No 374/2010. Regulation No 375/2010. Regulation No 376/2010. Regulation No 879/2010. Regulation No 461/2011. Regulation No 585/2011, cf. No 1324/2011. Regulation No 544/2012. Regulation No 414/2013. ⁽³⁾Act No 63/2012, Article 1.

■ **Article 10** *Transposition of the Directive*

This Act transposes Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, as incorporated into the Agreement on the European Economic Area by Decision of the EEA Joint Committee No 142/2007, published on 10 April 2008 in the EEA Supplement to the Official Journal of the European Union No 19/2008.

■ **Article 11** *Entry into force*

This Act shall enter into force on 1 July 2010. ...

■ **Article 12** *Amendments to other Acts. ...*

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.