

Recognition of Professional Qualifications after EU Exit

October 31st 2019



Recognition of Professional Qualifications - Agenda

This presentation will cover:

- what is a regulated profession
- the current recognition system
- changes in the UK recognition system after Exit
- changes in recognition in the EU after Exit



What is a regulated profession?

A profession is regulated when the qualification requirements are set by legally binding measures of general scope such as laws, regulations or administrative provisions.

This mean individuals may need to have a professional qualification in order to provide certain services e.g. engineers, architects, electricians, accountants...

The number of regulated professions differs across the EU. In the UK there are approximately 300 regulated professions.

There are differences in how EU Member States regulate professions. Some professions are regulated in all Member States e.g. doctors, vets, lawyers. There are also professions which are not regulated in the UK but still regulated in an EU country such as Tour Guides in Italy and Ski Instructors in Austria.



Recognition of professional qualifications after Exit

If you are practising in a country where you did not gain your qualification, you may need to have your qualification officially recognised in the country you are practising.

The mutual recognition of professional qualifications allows people with professional qualifications obtained in one country to have these qualifications recognised in another.

Rules for the recognition of UK professional qualifications in the EU, and vice versa, will change after the UK leaves the EU.

This may affect you if you, or your employees, require professional qualifications to provide your services.



EXISTING RECOGNITION SYSTEM

MUTUAL RECOGNITION OF PROFESSIONAL QUALIFICATIONS (MRPQ) DIRECTIVE

A reciprocal framework to enable EEA and Swiss nationals to have their professional qualifications recognised in a State other than which the qualification was obtained. Implemented in UK law by the European Union (Recognition of Professional Qualifications) Regulations 2015 and sector specific legislation.

AUTOMATIC SYSTEM RECOGNITION

On the basis of minimum training conditions across the EU. Applies to Doctors, Nurses, Midwives, Dentists, Pharmacists, Architects and Veterinary Surgeons. On the basis of professional experience, only Farriers in the UK.

GENERAL SYSTEM RECOGNITION

Obligation on regulators to consider and recognise EU nationals' qualifications that are equivalent to UK standards. Regulators must consider compensation measures and partial access, such as Mountain Guides in France.

TEMPORARY AND OCCASIONAL PROVISION OF SERVICES

A mechanism for those who want to work on a temporary or occasional basis in another EEA state or Switzerland.



What happens during the extension period and deal?

What happens in the extension period?

During the Extension Period granted by the EU until January 31st 2020, EU law on the recognition of professional qualifications will continue to apply in the UK.

What happens in the implementation period?

If the UK leaves with a Deal, during the agreed Implementation Period, EU law on the recognition of professional qualifications will continue to apply in the UK.

What does this mean for professionals?

If necessary, individuals can continue to seek recognition from the relevant regulators (in both the UK and EEA/Switzerland) and make sure this process is completed where possible, before exit day.



Citizens' Rights in a deal

- The Withdrawal Agreement protects the rights of those citizens who at the end of the implementation period reside in one state and work in another. These are known as frontier workers.
- EU citizens and EEA EFTA nationals frontier working or resident in the UK, will continue to have their professional qualifications recognised, as long as they obtained or applied for a recognition decision before the end of the implementation period.
- Family members of EU citizens and EEA EFTA nationals who are resident in the UK will also have the right to have their qualifications recognised under these agreements.
- Swiss nationals will continue to have their professional qualifications recognised, as long as they obtained or applied for a recognition decision by the end of a four-year grace period following the implementation period.



No-Deal: What will change if you provide a service based on an EEA/Swiss professional qualification in the UK?

- If the UK leaves the EU without a deal, the MRPQ Directive will no longer apply to the UK and the domestic legislation implementing the Directive will no longer operate effectively.
- This means there may be new rules that you need to comply with, depending on which sectors you operate in.
- The UK government has made legislation which:
 - Ensures the domestic legislation does not place obligations on regulators that they are unable to meet when the UK is not an EU Member State
 - Protects recognition decisions received before Exit
 - Maintains a general system for recognition of professional qualifications in the UK following Exit



No-Deal: Professionals providing services in the UK

PRIOR TO EXIT

Recognition decisions made on EEA and Swiss qualification by UK regulators before exit will not be affected by the UK leaving the EU.

AT EXIT

EEA and Swiss professionals who have applied and are awaiting a recognition decision on exit will, as far as possible, be able to conclude their applications under pre-Exit rules.

POST EXIT

Professionals with EEA or Swiss qualifications who have not started an application for a recognition decision in the UK before exit will be subject to the new system of recognition.



No-Deal: UK recognition system after Exit

Applications for recognition in the UK made after exit will be decided under the new regulatory framework. Key points of the system are:

- Eligibility for recognition will be based on where the qualification was gained, rather than citizenship
 - UK regulators will be obligated to recognise EEA/Swiss qualifications that are equivalent to the UK standard
 - European Professional Card applications cannot be processed after exit and applicants will have to apply under sector specific legislation (in the case of mountain guides).
 - Regulators no longer obliged to offer compensation measures or partial access if there are substantial differences in qualifications but can choose to make their own arrangements.
 - Obligation to offer Temporary and Occasional provisions is removed, but regulators may choose to. Individuals will be permitted to complete their service provision if they have made their declaration before exit.
- **You should check specific requirements with the appropriate UK regulator of your profession**



No-Deal: What will change if you provide a service based on a UK professional qualification in the EU?

- If the UK leaves the EU with no deal, UK businesses and professionals will be treated as originating from a 'third country' and will not have the same kind of access to EU markets.
- This means there may be new rules that you need to comply with, depending on which Member State and what sector or sectors you operate in.
- Some Member States regulate some professions within their jurisdiction (and this will vary by Member State and sector).
- If you need a professional qualification to provide your service, you should check whether this needs to be officially recognised by the national regulator of your profession in the country you want to operate in.



No-Deal: Professionals providing services in the EU

The EU has released a [Preparedness Notice](#) and a [Brexit Preparedness Seminar](#) on professional qualifications.

PRIOR TO EXIT

Recognition decisions on UK qualifications made before Exit will not be affected by the UK's withdrawal from the EU.

AT EXIT

For professionals with UK qualifications and applications for recognition in the EU are pending at Exit day, it should be taken into consideration that these applications were made when the UK was a Member State.

POST EXIT

UK nationals seeking recognition of their professional qualifications in the EU27 will be assessed under the rules of the host EU27 Member State.

- **If you need to have your professional qualification officially recognised, you should seek recognition from the relevant national regulator and make sure this process is completed before exit day.**



No-Deal: Next Steps

- Consider whether you need to have your qualification officially recognised, if you have not already done so. If you do, check the specific requirements for your profession with the appropriate regulator in each country you want to work in.
- Visit the “Get Ready for Brexit” webpage (and the checker tool) to find relevant information on a range of different topics: [gov.uk/Brexit](https://www.gov.uk/Brexit)
- Visit <https://www.gov.uk/government/collections/providing-services-to-eea-and-efta-countries-after-eu-exit> for guidance on providing services in each of the 31 EU and EFTA countries, which includes links to the relevant country websites.



Any questions?

