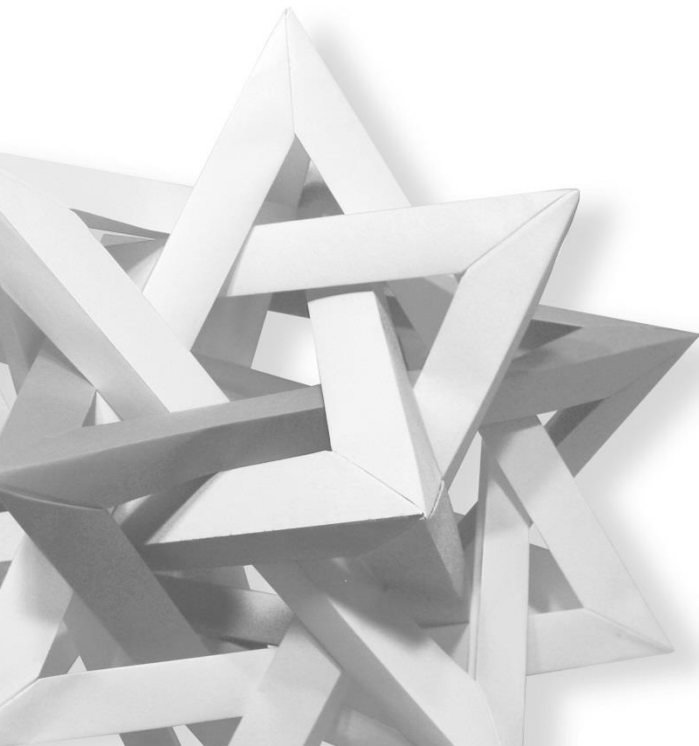


# MRPQ after the UK leaves the EU

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## Today's workshop will cover:

- The current situation under the EU Directive for the Mutual Recognition of Professional Qualifications (MRPQ)
- New 'no-deal' legislation from the end of the Transition Period (1 January 2021)
- Impact on PEI processes
- UK-EU Free Trade Agreement – possible scenarios
- Beyond the EU – recent BEIS consultation and possible implications

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## Current position

- Framework for the Mutual Recognition of Professional Qualifications is established under the EU MRPQ Directive (2005/36/EC, as amended by 2013/55/EU)
- A reciprocal framework of rules for recognition of professional qualifications which enables EEA and Swiss nationals to have their professional qualifications recognised and gain access to the regulated profession in which they are qualified in another EEA State or Switzerland
- Transposed into UK law by SI 2059 (2015)
- EngC and some PEIs are listed as competent authorities
- Engineering is covered by the 'general system'

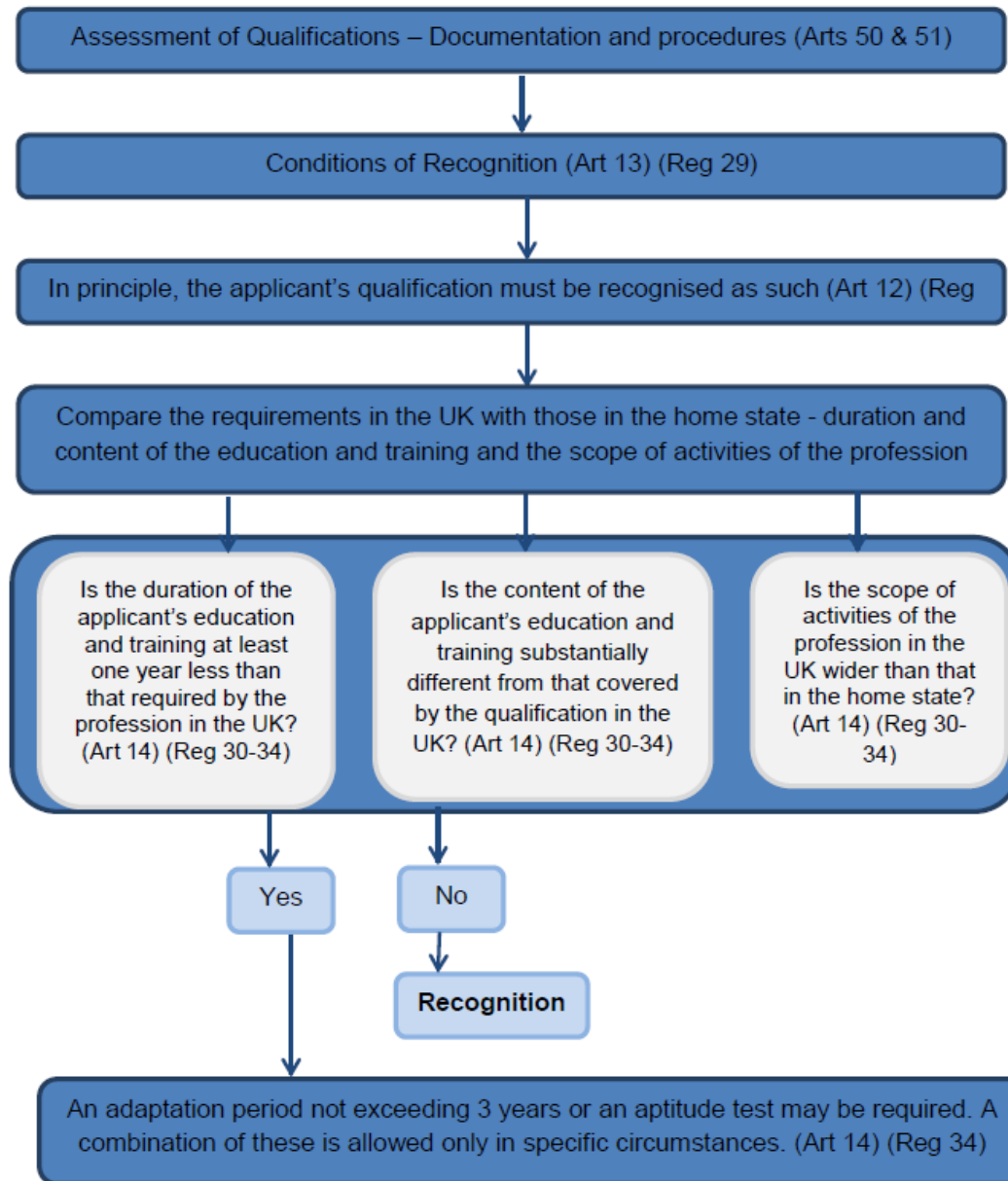
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## Current position

- Definition of regulated profession covers practising under a professional title or designatory letters
- Competent authorities are required to:
  - receive and consider applications from professionally qualified applicants from the EEA to practise a regulated profession or use a protected title or designatory letters
  - assess applications in accordance with the provisions and timescales set out in the regulations
  - ensure arrangements for compensation measures are in accordance with the regulations
- EngC RCoP sets out the requirement that all PEIs licensed to admit individuals to the EngC registers must have procedures in place to assess applicants in accordance with the Directive

# General System Recognition



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## Transition Period

- Directive will no longer apply to the UK from 31 December 2020 at 11.00pm
- Recognition decisions already made remain valid
- Applications in progress before end of Transition Period can be concluded under current rules, as far as possible
- UK regulators will no longer have access to Internal Market Information System (IMIS) and SOLVIT
- Regulated Professions Database will still be available (<https://ec.europa.eu/growth/tools-databases/regprof/>)

## Transition Period and current MRPQ Directive

- QUESTIONS

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## New legislation

- After the Transition Period ends the MRPQ Directive will no longer apply to the UK
- The Recognition of Professional Qualifications Amendment (EU Exit) Regulations (2019)
  - [Explanatory memorandum](#)
- Amends the EU-derived domestic legislation that relates to MRPQ - EEA (2015) and Switzerland (2007)
- Applies from 1 January 2021
  - Definitely in the event of a 'no deal'
  - Very likely in the event of a negotiated settlement



## New legislation

- Purpose of legislation is to ensure that a system of recognition of professional qualifications continues and that individuals arriving in the UK with EEA or Swiss qualifications after exit day will have a means to seek recognition
- This is intended to help to maintain workforce supply for businesses and key public services after the UK leaves the EU
- Obligations apply to competent authorities under the new regulations – see list of titles and organisations in schedule 1 part 2 of SI 2059 (2015)
- Competent authorities must provide applicants with all information on requirements and procedures needed to gain access to their professions

## New legislation - major changes

- The amended regulations will retain a general system of recognition for EEA and Swiss qualifications
- Will no longer include obligations on regulators such as compensation measures, partial access and temporary and occasional provision of services
- Greater discretion for regulators
- New applications will be considered under new regulations from 1 January 2020

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## New legislation - major changes

| MRPQ Directive  | New Regulations  |
|---|--|
| Recognition based on nationality  | Based on the qualification itself  |
| Qualification level decided by EEA/Swiss competent authority            | UK regulator must be satisfied that qualifications are equivalent in scope, content and level to UK qualifications     |
| Compensation measures offered if qualifications substantially different | No obligation to offer compensation measures, but regulators can choose how to deal with non-equivalent qualifications |
| Partial access to a regulated profession                                | No longer obliged to offer   |
| Temporary and occasional access to a profession                         | No longer obliged to offer   |

## New legislation - equivalence

- An applicant's qualification can be considered **not equivalent** if:
- **CONTENT:** The training the applicant has received covers substantially different matters than those covered by the evidence of formal qualifications required for the regulated profession in the UK.
- **LEVEL:** The level of the professional qualifications of the applicant is lower than the level of the specific professional qualifications required to access and pursue the regulated profession in the UK.
- **SCOPE:** The specific training which is required by the regulated profession covers substantially different matters from those covered by the applicant's evidence of formal qualifications.

## New legislation - other points

- Swiss nationals who have held, or started, their qualification before 1 January 2021 can seek recognition under current MRPQ rules until 1 January 2024
- These amended regulations are intended to be **temporary** and to be eventually superseded by a system of recognition for international qualifications (not just EEA/Swiss)
- Assessment timescales as current Directive

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## Recognition decisions

|                         | Prior to exit                                     | At exit   | After exit  |
|-------------------------|---|---|---|
| EEA/Swiss professionals | Previous recognition decisions will be unaffected | Recognition decisions that began in the Transition Period and are awaiting a decision will be concluded under pre-exit rules as far as possible | Will be conducted under new regulations           |
| UK professionals        | Previous recognition decisions will be unaffected | Will be taken into consideration that application was made when the UK was a member state or in Transition Period                               | Will be assessed under rules of each member state |

Covered by : Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) Regulations 2020

## **New legislation – Common Travel Area**

- Common Travel Area (CTA) predates Brexit (1922)
- UK and Irish citizens have the right to live and work in one another's jurisdiction without any requirement to obtain permission.
- UK and Irish Governments signed a Memorandum of Understanding in May 2019 to reaffirm the CTA agreement. This includes MRPQ and competent authorities are encouraged to work on Mutual Recognition Agreements.
- EngC has the Admission Pathways Agreement with Engineers Ireland.

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## New legislation

- QUESTIONS



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## PEI processes

- Old Directive route will not be required from January 2021, except for Swiss nationals.
- New route required to implement new regulations from 1 January 2021
- RCoP will be amended
- Base on current routes – probably best to keep a separate pathway, even though it will include both standard and individual route candidates. May be required to report data on recognitions to BEIS

## PEI processes

- Regulation 38, SI 2059 (2015, amended by 2019 regulations)
- *When considering an application for authorisation to pursue a regulated profession, the competent authority may require any information or documentation necessary to enable the competent authority to assess the application, including—*
  - a) evidence of formal qualifications, and any information necessary to determine the level and content of those qualifications;*
  - b) information concerning the applicant's training to the extent necessary to determine the existence of potential substantial differences to the training requirements in the United Kingdom;*
  - c) the applicant's fitness to practice and professional or financial standing; and*
  - d) the applicant's insurance cover.*

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## PEI processes

| New regulations  | RCoP rules  |
|--|---|
| Evidence of formal qualifications, and any information necessary to determine the level and content of those qualifications  | Assessment of underlying knowledge and understanding (RCoP 4 para 26/7)<br><br>(RCoP 4 para 28-32)                                  |
| Information concerning the applicant's training to the extent necessary to determine the existence of potential substantial differences to the training requirements in the United Kingdom | Initial assessment (RCoP 4 para 14-16)<br><br>Professional Review<br>a) assessment of competence and commitment (RCoP 4 para 17-25) |
| The applicant's fitness to practice and professional or financial standing   | Professional Review<br>b) Professional review interview (RCoP 4 para 17-25)   |

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## PEI processes

- QUESTIONS

## UK-EU Free Trade Agreement

- UK and EU negotiating ‘as sovereign equals without obligation to vast alignment and harmonisation of regulations’
- UK position sets out a framework to facilitate a fair, transparent and consistent regime for the mutual recognition of professional qualifications (‘Directive-like’) [Link](#)
- EU position sets out a different approach in which professional bodies are encouraged to develop recognition arrangements, as included in the EU-Canada Comprehensive Economic and Trade Agreement (CETA) [Link](#)
- The latter is more likely

## UK-EU Free Trade Agreement

- In the event of an FTA which contains CETA-type provisions for MRPQ, the new temporary regulations outlined today will very likely run in parallel
- Within the CETA-type provision MRAs within the FTA would have to be negotiated with **all** Member States simultaneously
- UK regulators may negotiate arrangements with Member State regulators – suitable forms of arrangements to be confirmed
- Existing MRAs will continue

## UK-EU Free Trade Agreement

- QUESTIONS

## Other considerations

- Membership of FEANI, ENAEE, ENGINET will continue
- In September BEIS opened a consultation on the regulation of professional qualifications and regulation of the professions
  - a broad look at the way that UK professions recognise professional qualifications gained overseas
- Aim is to have one system for overseas qualifications
- EngC response submitted in late October after review by PEIs



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## Useful links

- [European Union \(Recognition of Professional Qualifications\) Regulations 2015](#)
- [The Recognition of Professional Qualifications \(Amendment etc\) EU Exit Regulations \(2019\)](#)
- [Explanatory Memorandum to RPQ Regulations 2019](#)
- [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020](#)
- For general queries on UK regulation and signposting to EU information, the UK National Assistance Centre is at: (<http://cpq.naric.org.uk>).
- EU Single Market regulated professions database (<https://ec.europa.eu/growth/tools-databases/regprof/>)

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## MRPQ after Brexit

- FURTHER QUESTIONS
- Dave Clark, International Affairs Manager [dclark@engc.org.uk](mailto:dclark@engc.org.uk)