



Department for
Business, Energy
& Industrial Strategy

REVISED TECHNICAL GUIDANCE FOR REGULATORY BODIES

On Implementing the European Union
(Recognition of Professional
Qualifications) Regulations 2015 (as
amended by the Recognition of
Professional Qualifications (Amendment
etc.) (EU Exit) Regulations 2019, as
amended by the Professional
Qualifications and Services (Amendments
and Miscellaneous Provisions) (EU Exit)
Regulations 2020)

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Introduction

This document provides technical guidance for regulatory bodies on changes to the obligations placed upon them for the recognition of European Economic Area (EEA) and Swiss professional qualifications at the end of the Transition Period.

This guidance specifically addresses:

- the new temporary general system of recognition of EEA and Swiss qualifications which will be in force from 1 January 2021; and
- the transitional arrangements, which implement the recognition of professional qualification terms of the EU Withdrawal Agreement, EEA EFTA (Iceland, Liechtenstein and Norway) Separation Agreement and the Swiss Citizens' Rights Agreement ("the Agreements") to:
 - protect professionals who have received or applied for recognition decisions before 1 January 2021; and
 - temporarily retain after 1 January the recognition system in place before the end of the Transition Period for certain Swiss nationals.

Regulatory bodies are also known as "competent authorities" as they control access to regulated professions, professional and vocational titles and professional activities which require specific qualifications. Regulatory bodies are subject to national law or membership rules of bodies governed by a Royal Charter.

This guidance should be read in conjunction with the following legislation as it is in force on 1 January 2021:

- the European Union (Recognition of Professional Qualifications) Regulations 2015 as amended¹ ("the amended 2015 Regulations"); and
- the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019 as amended² ("the 2019 Regulations").

This guidance does not include information about all legislation relevant to the recognition of professional qualifications from 1 January 2021. For details of legislation not covered within this guidance, regulatory bodies should check relevant

¹ At 11pm on 31 December 2020, the European Union (Recognition of Professional Qualifications) Regulations 2015 will be amended by the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019. Therefore, the new temporary general system and the transitional arrangements come into effect in law from 11pm on 31 December 2020. For brevity, this technical guidance document shall state that the new arrangements come into effect "from 1 January 2021".

² At 11pm on 31 December 2020, the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019, will be amended by the Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) Regulations 2020.

information provided by other Government Departments or the Devolved Administrations.

Guidance in this document for the principal changes	Underpinning legislation	Scope & Commencement
<p>Details on the arrangements for a new temporary general system for recognition can be found in section 1 of this guidance. The system enables certain professionals with EEA and Swiss qualifications to apply for recognition from 1 January 2021. The system has been amended so that less obligations are placed upon regulatory bodies.</p>	<p>The European Union (Recognition of Professional Qualifications) Regulations 2015, as amended by the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019³ (“the amended 2015 Regulations”)</p>	<p>Comes into force at 11pm on 31 December 2020.</p> <p>Applies to all professions in scope of the 2015 Regulations unless excluded by regulation 3 of the amended 2015 Regulations. See section 1.4 for more details.</p>
<p>Details on the transitional arrangements can be found in section 5 of this guidance. These arrangements give effect to the recognition of professional qualifications obligations under the Agreements. This includes temporarily retaining after 1 January the recognition system in place before the end of the Transition Period for certain Swiss nationals.</p>	<p>The transitional arrangements will be contained in part 3 of schedule 1 the 2019 Regulations⁴, as amended by the Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) Regulations 2020.</p>	<p>Comes into force at 11pm on 31 December 2020.</p> <p>These transitional provisions have the same scope as the 2015 and 2007 Regulations⁵ had before the end of the Transition Period.</p>

Background

Prior to the end of the Transition Period, the European Union (Recognition of Professional Qualifications) Regulations 2015 (“the 2015 Regulations”) implemented part of EU Directive 2005/36/EC (“the Directive”) on the recognition of professional qualifications in the UK. The Directive sets out a reciprocal framework of rules which enables European Economic Area (EEA) and Swiss nationals to have their

³ The amendments will come into force and will be incorporated into the 2015 Regulations from 11pm on 31 December 2020

⁴ as will be in force from 11pm on 31 December 2020. Before this moment, part 3 of schedule 1 can be read [here](#)

⁵ The European Communities (Recognition of Professional Qualifications) Regulations 2007

professional qualifications recognised in an EEA State or Switzerland, other than the state in which the qualification was obtained.

After the end of the Transition Period at 11pm on 31 December 2020, the UK will no longer be subject to the Directive. To protect EEA, Swiss and UK citizens who have already benefitted from certain rights under the Directive, the UK has agreed to provisions for the recognition of professional qualifications in the Agreements set out above.

Furthermore, at the end of the Transition Period the UK Government will put in place a new temporary general system of recognition for EEA and Swiss qualifications. It will come into effect at 11pm on 31 December 2020.

The new system reduces the obligations placed upon regulators. It will help to meet domestic workforce demand, as well as provide clarity and certainty to businesses and professionals working in the UK. The system will also provide a route to recognition for professionals with equivalent Irish qualifications, helping the UK to meet its commitments under the Common Travel Area.

The Government will make appropriate modifications to this system in due course, informed by findings from *The Recognition of Professional Qualifications and Regulation of Professions: Call for Evidence*.⁶

Note on the Common Travel Area

The Common Travel Area (CTA) is a long-standing arrangement between the UK, the Crown Dependencies (Bailiwick of Jersey, Bailiwick of Guernsey and the Isle of Man) and Ireland that pre-dates both British and Irish membership of the EU and is not dependent on it.

Under the CTA, British and Irish citizens can move freely and reside in either jurisdiction and enjoy associated rights and privileges, including the right to work, study and vote in certain elections, as well as to access social welfare benefits and health services. The recognition of professional qualifications is an essential facilitator to the right to work, so both the UK and Irish Governments have agreed to ensure there are adequate routes to recognition for qualified professionals across the UK and Ireland.

To uphold the CTA agreement, arrangements should be made between UK and Irish authorities to provide for the continued recognition of professional qualifications after the end of the Transition Period. Both the UK and Irish Governments are encouraging their respective regulatory bodies to engage with their counterparts.

As mentioned above, the temporary recognition system put in place by the amended 2015 Regulations will ensure there is a route for holders of Irish professional qualifications to get these recognised in the UK while the UK Government and regulatory bodies put in place long-term mechanisms.

⁶ The Call for Evidence closed on 23 October 2020. The Call for Evidence document can be found at: <https://www.gov.uk/government/consultations/recognition-of-professional-qualifications-and-regulation-of-professions-call-for-evidence>.

The New Temporary General System, established by the European Union (Recognition of Professional Qualifications) Regulations 2015 (as amended)

The 2015 Regulations will be amended by the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019 to provide a temporary system for recognition of professional qualifications for professionals arriving in the UK with EEA or Swiss professional qualifications from 1 January 2021.

The amended 2015 Regulations retain a general system for recognition based on equivalence of professional qualifications. Under the amended 2015 Regulations general system, UK regulatory bodies are obligated to consider applications for recognition from holders of EEA and Swiss **professional qualifications**, but are only obligated to grant recognition to qualifications that are comparable to UK qualification requirements and standards in scope, level and content.

This system will be in place for a temporary period after 1 January 2021. The Government will issue guidance on future arrangements at a later date.

The provisions of the amended 2015 Regulations are binding on UK regulatory bodies in scope of the Regulations⁷ and require them to:

- consider applications for recognition in accordance with the Regulations where professional qualifications are obtained in an EEA State or Switzerland;
- operate as a contact point providing detailed information to applicants about the profession; and
- collate information (including statistics) relating to applications received and decisions taken and make it available to the UK Government when requested.

Some arrangements designed to remove barriers to free movement of persons, services and establishment within the EU, such as the obligation to provide compensation measures, partial access to professions and arrangements for temporary and occasional service provision, have been removed from the amended 2015 Regulations.

The amended 2015 Regulations do not apply to certain professions, which are listed in regulation 3 of the amended 2015 Regulations (see section 1.4 of this guidance for more information on these professions).

As the amended 2015 Regulations only cover the general system of recognition for professions in scope of the Regulations, it is recommended that UK regulatory bodies for professions not in scope of the amended 2015 Regulations refer to the relevant legislation for their professions alongside this guidance. Details of other relevant legislation can be found in Annex 1 of this guidance.

⁷ The amended 2015 Regulations will be binding on regulatory bodies for the professions in scope of those Regulations.

The Transitional Arrangements, established by the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019 (as amended)

The 2019 Regulations also provide for transitional and saving provisions. These provisions will be contained in **part 3 of Schedule 1 of the 2019 Regulations** as in force on 1 January 2021 (Part 3 of Schedule 1 of the 2019 Regulations is amended by the Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) Regulations 2020). References in this guidance to ‘the transitional and saving provisions’ or ‘the 2019 Regulations’ are references to the amended version in force on 1 January 2021.

The transitional and savings provisions are designed to protect EEA, Swiss and UK nationals (and their family members) who have received, or applied for, recognition of their professional qualifications in the UK before 1 January 2021.

In respect of Swiss nationals (and UK nationals with Swiss qualifications and/or established in Switzerland), the transitional and saving provisions also provide for an extended transitional period in which certain Swiss or UK nationals can seek recognition for establishment purposes or can continue to provide temporary and occasional services in a regulated profession in the UK. These provisions allow for recognition in accordance with the rules in force prior to 1 January 2021.

In summary, the transitional and savings provisions of the 2019 Regulations are binding on UK regulatory bodies and require them to:

- grandfather recognition decisions made under the 2015 Regulations and the 2007 Regulations⁸ before 1 January 2021;
- continue processes to complete applications for recognition made by EEA and Swiss nationals before 1 January 2021 in accordance with the 2015 Regulations or 2007 Regulations in force before 1 January 2021⁹; and
- continue applying the current EU rules as set out in the 2007 Regulations¹⁰ to certain Swiss nationals (and to certain UK nationals with Swiss qualifications or established in Switzerland) for a further 4 years in respect of establishment and 5 years in respect of temporary service provision.

More details on these arrangements and the obligations on regulatory bodies can be found in **section 5**.

It is important to note that neither the Agreements nor the transitional and saving provisions provide for ongoing arrangements for individuals to seek recognition of their professional qualifications in the UK after the 1 January 2021. The only ongoing arrangements are the new temporary general system contained in the amended 2015 Regulations, and systems provided for in other legislation for certain specific

⁸ European Communities (Recognition of Professional Qualifications) Regulations 2007 which have been revoked by the 2015 Regulations except as in respect of Switzerland.

⁹ As modified by the 2019 Regulations

¹⁰ As modified by the 2019 Regulations

professions (there are limited extended transitional arrangements for certain Swiss (and UK) nationals as set out above).

The transitional and saving provisions in the 2019 Regulations only apply to professions in scope of the 2015 and 2007 Regulations before the end of the transition period. Similar but separate legislation has been made by other Government Departments in respect of other regulated professions. Accordingly, it is recommended that UK regulatory bodies responsible for these other professions refer to the relevant legislation for their profession for their transitional arrangements, alongside this guidance.

1. Recognition under the new General System

1.1 Functions of a Regulatory Body

Under the amended 2015 Regulations, a regulatory body is only obligated to:

- receive and consider applications from applicants holding EEA or Swiss¹¹ professional qualifications to practise a regulated profession or use designatory letters. The authority is only obligated to permit access to, and pursuit of, a profession where qualifications are comparable to UK qualifications in level, content and scope;
- provide applicants with all information about the requirements, procedures and formalities they need to complete in order to gain access to and pursue their regulated profession;
- enable all requirements, procedures and formalities relating the recognition of professional qualifications covered by the amended 2015 Regulations to be easily completed, remotely and by electronic means. They may request certified copies at a later stage in the event of justified doubts and where necessary;
- assess applications in accordance with the provisions and timescales set out in the amended 2015 Regulations, as set out in sections 1.5 – 1.11 of this guidance;
- make a decision on applications and communicate that decision, with reasons, to the applicant;
- act as a point of single contact for their regulated profession; and
- fully cooperate with the UK's national information centre for professional qualifications (currently called UK NARIC) and provide all relevant information about individual cases to the assistance centre on request - subject to data protection legislation as defined by section 3(9) of the Data Protection Act 2018.

Regulatory bodies are no longer obligated to recognise the qualifications of EEA nationals if they have non-EEA or non-Swiss qualifications (for information on specific transitional arrangements for Swiss nationals under the Swiss Citizens' Rights Agreement see section 5).

¹¹ Regulatory bodies should note that there are transitional recognition arrangements that require regulatory bodies to treat certain Swiss nationals differently. For more information see section 5.

Nothing in the amended 2015 Regulations prevents regulatory bodies recognising applicants under their other international recognition routes (if they exist) if the amended 2015 Regulations do not apply.

As a result of the UK no longer being subject to EU law, under the amended 2015 Regulations UK regulatory bodies are no longer obligated to share and exchange information with regulatory bodies in EEA States or Switzerland when processing application under the general system.

However, the amended 2015 Regulations do allow regulatory bodies to share information about criminal sanctions and disciplinary action with EEA states and Switzerland subject to, and in accordance with, data protection legislation as defined by section 3(9) of the Data Protection Act 2018.

If a UK regulatory body receives information from a regulatory body of an EEA state or Switzerland about disciplinary action or criminal sanctions, the UK regulatory body must:

- (a) examine the veracity of the circumstances;
- (b) decide on the appropriate nature and scope of the investigations which are required and carry them out accordingly; and
- (c) inform the EEA or Swiss authority from whom it received the information of any conclusions that were drawn.

1.2 Definition of a regulated profession

The definition of a “regulated profession” in the amended 2015 Regulations has not changed from the earlier legislation. It is defined as:

- a) a professional activity or group of activities, access to which is subject by virtue of legislative, regulatory or administrative provisions to the possession of specific professional qualifications; or
- b) a professional activity or group of activities which is pursued by persons using a professional title limited by legislative, regulatory or administrative provisions to holders of a professional qualification.

Schedule 1, Parts 1 and 2 of the amended 2015 Regulations also provide a non-exhaustive list of regulated professions.

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

In relation to another relevant EEA State or Switzerland, “regulated profession” means a professional activity, or group of professional activities, that is regulated in that State as a professional activity.

A number of professions that were previously in scope of the 2015 Regulations have now been specifically excluded and will be governed by legislation laid by other Government Departments. The excluded professions are listed in regulation 3 of the amended 2015 Regulations (see section 1.4 of this guidance for more information on this).

1.3 Definition of a qualification

For the purposes of the amended 2015 Regulations, a “professional qualification” is defined as:

- qualifications attested by evidence of formal qualifications.

“Evidence of formal qualifications” means:

- diplomas, certificates and other evidence issued by an authority in the United Kingdom or in a relevant EEA State or Switzerland certifying successful completion of professional training obtained mainly in the United Kingdom or one or more relevant EEA States or Switzerland.

1.4 Eligibility for assessment and professions in scope of the amended 2015 Regulations

Applicants

The basis for eligibility for recognition decisions under the amended 2015 Regulations has changed. Eligibility is now based on the qualification itself and where it was obtained.

The Regulations no longer apply to applicants on the basis of their nationality. So a non-EEA or non-Swiss national holding a EEA or Swiss qualification that is equivalent to a UK qualification would be eligible for recognition under the new general system under the amended 2015 Regulations.

This also means that EEA and Swiss nationals with a non-EEA or non-Swiss qualification (third country qualifications) are not eligible or in scope of the new system.

Separately, there are limited situations where third country qualifications held by Swiss nationals are in scope of the transitional and saving provisions. These instances are outlined in more detail in section 5.

In summary, anyone holding an EEA or Swiss qualification is in scope of the new general system for recognition. In the Regulations, **applicants** are defined as individuals:

- who apply for authorisation to access and pursue a regulated profession in the United Kingdom, whether in an employed or self-employed capacity; and
- whose qualifications were obtained in an EEA State or Switzerland.

Professions in scope of the new general system

The amended 2015 Regulations apply generally to regulated professions unless they are specifically excluded.¹²

The new general system of recognition in the amended 2015 Regulations does not apply to any profession regulated under:

- The Medical Act 1983
- The Dentists Act 1984
- The Opticians Act 1989
- The Osteopaths Act 1989
- The Chiropractors Act 1994
- Part 3 of the Regulation of Care (Scotland) Act 2001
- Part 4 of the Regulation and Inspection of Social Care (Wales) Act 2016
- Part 2 of the Children and Social Work Act 2017
- The Nursing and Midwifery Order 2001
- The Health Professions Order 2001
- The Pharmacy Order 2010

The new general system in the amended 2015 Regulations also does not apply to the following professions:

- Architect
- Veterinary Surgeon
- Farrier in England, Wales and Scotland
- Statutory Auditor, as defined in section 1210 of the Companies Act 2006
- Notary, as appointed by an official Act of Government.
- Any regulated profession in relation to which, immediately before 1 January 2021 –

¹² The transitional provisions set out in section 5 have a different scope to that set out in this section for the new general system.

- specific arrangements directly related to the recognition of professional qualifications were made in any EU Regulation, EU Directive, EU decision or EU tertiary legislation; and
- the effect of those arrangements excluded the application of the Directive.

Information on the legislation applying to these professions can be found in Annex 1.

Acquired Rights

There are no longer any provisions on acquired rights in the amended 2015 Regulations.

Bridging Procedure

Under the amended 2015 Regulations, there are no longer any obligations for regulatory bodies to take into account bridging procedures.

Professional traineeships

In the new general system, there will be slight changes to the obligations on regulatory bodies for professional traineeships. Where access to a regulated profession in the UK is conditional on completion of a professional traineeship, the regulatory body must, when considering a request by an applicant for authorisation to practice the profession:

- recognise professional traineeships that have been carried out to an equivalent standard in an EEA State or Switzerland; and
- take account of traineeships that have been carried out in a third country.

The regulatory body must publish guidelines on the organisation and recognition of traineeships carried out in a relevant EEA State, Switzerland or third country, and in particular on the role of the supervisor of the professional traineeship.

Recognition of the professional traineeship does not replace any requirements to pass an examination in order to gain access to the profession. Regulatory bodies in the United Kingdom may impose a reasonable limit on the duration of the part of any traineeship which can be carried out abroad.

1.5 The assessment process

Obligations on regulatory bodies:

As under the rules applying before 1 January 2021, a regulatory body must continue to:

- provide applicants with all information about the requirements, procedures and formalities they need to complete to gain access to and pursue their regulated profession; and
- enable all requirements, procedures and formalities relating to the recognition of professional qualifications in accordance with the amended 2015 Regulations to be easily completed, remotely and by electronic means.

Discretionary actions regulatory bodies may take:

In the new general system, the following aspects of the assessment process are discretionary actions regulatory bodies may take; they are no longer obligatory.

When considering an application, a regulatory body may require any information or documentation necessary to be able to assess the application including:

- evidence of formal qualifications and any information necessary to determine the level and content of those qualifications;
- information concerning the applicant's training to the extent necessary to determine the existence of potential substantial difference to the training requirements in the UK;
- the applicant's fitness to practice and professional or financial standing; and
- the applicant's insurance cover.

The regulatory body must keep confidential all such information received.

In cases of justified doubt, a regulatory body may:

- request from a regulatory body of an EEA State or Switzerland confirmation of the authenticity of the evidence of formal qualifications awarded in that EEA State or Switzerland;
- when evidence of formal qualifications, that has been awarded by an EEA or Swiss regulatory body, includes training received in another EEA State or Switzerland, the UK regulatory body is entitled to verify:
 - whether the training course and establishment has been formally certified by the educational establishment in the EEA State or Switzerland making the award;

- whether the evidence of formal qualifications issued is the same as that which would have been awarded if the course had been followed in the EEA State or Switzerland which awarded it; and
- whether the evidence of formal qualifications confers the same professional rights in the territory of the EEA State or Switzerland who awarded the evidence of formal qualification;
- request confirmation from an EEA or Swiss regulatory body that the applicant is not suspended or prohibited from the pursuit of the profession as a result of serious professional misconduct or conviction of criminal offences relating to the pursuit of any of the applicant's professional activities; and
- refuse an application if an EEA or Swiss regulatory body does not provide the confirmation or verification requested before the expiry of the time limit for notifying the applicant of its decision.

Regulatory bodies should note that after the end of the Transition Period, EEA and Swiss regulators will no longer be obliged to cooperate with UK regulatory bodies regarding applications submitted after 1 January 2021. For more information, see section 3 – Online Processes.

It is best practice that an applicant be made fully aware at the outset of an application the documents they will be required to produce, and they should be told in writing if there are any missing documents. It is also good practice to inform the applicant that all the documentation has been received and to indicate when they might expect a decision.

1.6 Informing the applicant of the outcome of the assessment

Obligations on the regulatory body:

As under the rules applying before 1 January 2021, the regulatory body must acknowledge receipt of an applicant's application for authorisation to practise in the United Kingdom **within one month of receipt of the application**, and must inform the applicant if any document is missing within this time.

The regulatory body must consider the application as soon as is reasonably practicable, and must notify the applicant of its decision together with the reasons upon which it is based **within four months of receipt of all the relevant documentation**.

Discretionary actions regulatory bodies may take:

A regulatory body may wish to provide the applicant with:

- full and detailed reasons for the decision in writing;
- whilst regulatory bodies will no longer be obligated to offer compensation measures (see section 1.8), they may wish to provide applicants with a decision on whether compensation measures or partial access will be offered. Providing an explanation of the structure of the profession will help the applicant to have a better understanding of why these differences must be made up in order to practise the profession; and
- information on any appeal process.

In the case of a decision to refuse recognition, the applicant should be informed of any appeal procedure, if one exists, in addition to their right to make a formal appeal against a regulator's decision through legislative channels (see 4.2).

1.7 Conditions for recognition

The conditions by which regulatory bodies are obligated to recognise applicants will change under the amended 2015 Regulations. Regulatory bodies will only be obligated to recognise an applicant who provides evidence of formal qualifications that are comparable to the UK qualification requirements and standards for that profession.

The requirement on the regulatory body to grant recognition will not apply where:

- the training the applicant has received covers substantially different matters (knowledge, skills and competences acquired that are essential for pursuing the profession) than those covered by the qualifications required for the profession in the United Kingdom; or
- the regulated profession in the United Kingdom;
 - comprises one or more regulated professional activities which do not exist in the profession in the applicant's home State; and
 - the specific training which is required by the regulated profession in the United Kingdom covers substantially different matters from those covered by the applicant's evidence of formal qualifications); or
- 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 United Kingdom.

1.8 Compensation Measures

The amended 2015 Regulations no longer require regulatory bodies to offer compensation measures to applicants whose professional qualifications fall short of the UK equivalent standard.

However, the amended 2015 Regulations do not restrict the ability of regulatory bodies to make their own arrangements in relation to compensation measures if they choose to do so, and if they have their own powers to do so. Regulatory bodies which do decide to make their own arrangements in relation to compensation measures may wish to follow previous best practice as outlined in the previous [guidance](#) for the implementation of the Directive.

Separately and to note, the transitional and saving provisions in the 2019 Regulations provide certain Swiss nationals with an extended transitional period of a further four years to seek recognition. In these cases, regulatory bodies are still required to offer compensation measures for these applicants in line with the 2007 Regulation in force before 1 January 2021. For more details see section 5.

1.9 Partial Access

The amended 2015 Regulations no longer contain any obligation on regulatory bodies to offer partial access to a profession where there are substantial differences in qualifications or professional activities.

1.10 Titles

As under the 2015 Regulations, on being accepted into the UK profession the professional will operate under the UK professional title, where one exists, and make use of any associated initials. Where a profession is regulated in the United Kingdom by a professional association, applicants cannot be authorised to use the professional title issued by that professional association, or its abbreviated form, unless they furnish proof that they are members of that professional association.

The professional also has the right to use their home state academic title. However, the regulatory body may make certain stipulations if they wish.

1.11 Language checks

As under the 2015 Regulations, for professions that have patient safety implications, or for those professions where there is 'a serious and concrete doubt' about the sufficiency of the professional's language knowledge, language controls can be imposed to ensure the applicant has sufficient knowledge of the language necessary for practising the profession. This decision must be communicated with the

justification. Such controls can only be exercised after recognition of a professional qualification.

If the regulatory body decides to offer compensation measures, then any language checks should be carried out after the measures have been offered.

2. Temporary Provision of Services

The amended 2015 Regulations no longer contain provisions for the temporary and occasional provision of services in the UK by EEA or Swiss nationals.

Accordingly, under the amended 2015 Regulations, there is no longer an obligation on regulatory bodies to facilitate a specific system for the temporary and occasional provision of services. However, the amended 2015 Regulations do not prevent regulatory bodies from offering arrangements for the temporary and occasional provision of services that are lighter touch than the requirements of the new general system, if they have the power and desire to do so.

The 2019 Regulations include transitional and savings provisions in relation to professionals finishing temporary and occasional service provisions that were begun before 1 January 2021. These are detailed in section 5.

The transitional and savings provisions in the 2019 Regulations also include, as part of the implementation of Swiss Citizens' Rights Agreement, specific provisions allowing certain Swiss service providers to continue providing temporary and occasional services in a regulated profession for up to 5 years from 1 January 2021, provided these services are on the basis of written contracts entered into and begun before the 1 January 2021. This is also detailed in section 5.

3. Online Processes

3.1 Internal Market Information (IMI) System

As the IMI System is a European Commission service, from 1 January 2021, the UK will no longer have access to it and will not be able to process applications, even unilaterally, using this service, except in very limited circumstances under the terms of the Withdrawal Agreement as set out below.

Instead, regulatory bodies should communicate voluntarily with other EEA and Swiss regulatory bodies by alternative means. For more information, regulatory bodies should look to the UK's national information centre for professional qualifications (currently [UK NARIC](#)).

If UK regulatory bodies are unable to secure communication methods with their EEA or Swiss counterparts, then the responsibility for obtaining all relevant documents required for applications will fall on the applicant.

Under the terms of Withdrawal Agreement, relevant regulatory bodies will have access to IMI for up to a further 9 months, for the purposes of completing applications for recognition made using the European Professional Card before the 1 January 2021 only.

3.2 European Professional Card (EPC)

From 1 January 2021, the UK will no longer process new EPC applications except in accordance with the terms of the Withdrawal Agreement. Therefore, the amended 2015 Regulations no longer give effect to the EPC system.

EPC applications made before 1 January 2021 will be able to be processed using the IMI System for up to 9 months following 1 January 2021 in accordance with the terms of the Withdrawal Agreement and provided for in sector specific legislation for the professions that utilise the EPC.

3.3 Alert Mechanism

The UK will no longer have access to the alert mechanism in the IMI System. Instead, UK regulatory bodies may request documents confirming the applicant's fitness to practice and professional standing from their EEA and Swiss counterparts.

The amended 2015 Regulations allow UK regulatory bodies, where possible and appropriate, to provide information to the relevant EEA State or Switzerland and/or the European Commission regarding disciplinary or criminal sanctions taken against professionals. UK regulatory bodies sharing any information with an EEA/Swiss regulatory body will have to process and handle information in accordance with UK law on data protection.

The transitional and saving provisions in the 2019 Regulations provide a route for appealing alerts issued before the 1 January 2021. These provisions obligate regulatory bodies to notify the European Commission that the alert is subject to proceedings by the professional concerned. The European Commission would have the power to amend or remove the alert, if necessary, on the IMI System.

3.4 Online applications

The amended 2015 Regulations continue to require regulatory bodies to enable all requirements, procedures and formalities relating to matters covered by those Regulations to be easily completed, remotely and by electronic means.

Regulatory bodies should already have established online application forms through their websites, which may need amending. Regulatory bodies who do not have established forms are encouraged to follow examples set by other regulatory bodies.

4. Additional Information

4.1 Appeals

As under the 2015 Regulations, applicants may appeal against a decision on a matter of law or fact (or both) to the appropriate appeal body¹³ within four months of the notification to the applicant of a decision, made under either regulation 6(1) or 42(2), or thereafter with the permission of the appropriate appeal body.

This does not apply in relation to a decision of a regulatory body made under either regulation 6(1) or 42(2), for a particular profession where the right of appeal is provided for in a different enactment relating to that profession.

An appropriate appeal body may, for the purpose of determining any appeal against the decision of a regulatory body under regulation 6(1) or 42(2):

- Give any authorisation to practise and impose any condition which the regulatory body could give or impose in relation to that profession; or
- Refer the matter to the regulatory body with such directions as the appeal body sees fit.

4.2 European Case Law

Any Court of Justice of the European Union case law relevant to the interpretation of the amended 2015 Regulations or the 2019 Regulations will continue to have relevance to the extent set out in the European Union (Withdrawal) Act 2018¹⁴.

4.3 Statutory Instruments

A copy of the 2015 Regulations can be found here:

¹³ An appropriate appeal body is contained in schedule 5 of the amended 2015 regulations: <http://www.legislation.gov.uk/ukxi/2015/2059/schedule/5/made>. The appropriate appeal body for any profession not listed in schedule 5 will be the County Court or, in the case of Scotland, the Sheriff.

¹⁴ The European Union (Withdrawal Agreement) Act 2020 makes relevant amendments to the European Union (Withdrawal) Act 2018.

<http://www.legislation.gov.uk/ukxi/2015/2059/contents>

A copy of the Recognition of Professional Qualifications (Amendments etc) (EU Exit) 2019 can be found here:

<https://www.legislation.gov.uk/ukxi/2019/312/contents/made>

A copy of the Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) Regulations 2020 can be found here:

<https://www.legislation.gov.uk/ukdsi/2020/9780348209471/contents>

4.4 National information centre for professional qualifications – (currently UK NARIC)

Currently, UK NARIC acts as the national assistance centre and provides information and advice on the comparability of overseas qualifications with those from the UK. The centre also acts as the national reference point for vocational qualifications:

<https://www.naric.org.uk/naric/>.

The amended 2015 Regulations require the assistance centre to:

- provide applicants with necessary information concerning the recognition of professional qualifications, such as information on the national legislation governing the regulated profession and pursuit of that profession, including social legislation;
- on receipt of an enquiry, assist individuals in making their applications under the amended 2015 Regulations, in co-operation where appropriate with points of single contact and regulatory bodies in the United Kingdom; and
- on request from the Secretary of State for Business, Energy and Industrial Strategy, the assistance centre must inform the Secretary of State of the result of the enquiries with which they are dealing within two months after receiving such a request.

5. Transitional and Savings Provisions

Transitional and saving provisions will be introduced in order to wind down the system of recognition in place up until the end of the Transition Period and to give effect to the RPQ provisions of the Agreements set out in the introduction of this guidance.

The transitional and saving provisions are contained in part 3 of schedule 1 of the 2019 Regulations¹⁵ as in force on 1 January 2021¹⁶.

These provisions implement the terms of the Agreements, which are designed to protect recognition decisions already received or applied for by EEA, Swiss and UK professionals before the end of the Transition Period. These provisions do not generally require professionals to be resident in the UK at the end of the Transition Period in order to benefit from the protections they provide.

5.1 Recognition decisions made before 1 January 2021

For EEA and Swiss nationals who have, before 1 January 2021, received a recognition decision for the purposes of establishment, under either the 2007 or 2015 Regulations¹⁷, those decisions will be protected and remain valid, from 1 January 2021.

5.2 Recognition applications made before 1 January 2021

EEA and Swiss nationals who have made an application to have their qualifications recognised for the purposes of establishment under either the 2007 or 2015 Regulations before 1 January 2021, but have not received a decision by this date, will be permitted to complete their application under the relevant 2007 or 2015 Regulations as they were in force before 1 January 2021.¹⁸

Regulatory bodies will only have access to the IMI System for the purposes of completing EPC applications under the terms of the Withdrawal Agreement. In all other cases, regulatory bodies will not have access to the IMI System or alerts mechanism, but must communicate with their EEA or Swiss counterparts by other means to facilitate the completion of applications made before 1 January 2021. UK regulatory bodies may use UK NARIC's website for contact details of EU Member State regulatory bodies and National Assistance Centres.

5.3 Equal treatment

¹⁵ The Recognition of Professional Qualifications (Amendments etc) (EU Exit) Regulations 2019

¹⁶ Part 3 of schedule 1 of the 2019 Regulations is amended by paragraph 3 of schedule 1 of the Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) 2020

¹⁷ The European Communities (Recognition of Professional Qualifications) Regulations 2007 and European Union (Recognition of Professional Qualifications) Regulations 2015.

¹⁸ Whilst these applications can continue under the Regulations as in force before 1 January 2021, the Regulations must be read with the minor modifications made by the 2019 Regulations.

Regulatory bodies must continue to ensure that EEA and Swiss nationals in scope of the transitional and saving provisions of the 2019 Regulations can access and pursue their professions on the same basis as UK nationals in that profession.

5.4 Temporary and occasional service providers

EEA and Swiss nationals who made declarations in relation to the provision of temporary and occasional services before 31 January 2020 (exit day) will be permitted to complete their service provision up to a year after the dates of their declarations, or up until 31 January 2021, whichever is earlier. Regulatory bodies are not obliged to renew declarations past these dates. The details of these provisions are in part 3 of schedule 1 of the 2019 Regulations as in force on 1 January 2021.

5.5 Additional provisions for Swiss nationals

Under the Swiss Citizens' Rights Agreement, extended transitional arrangements were agreed, in addition to the transitional arrangements described above.

These extended transitional arrangements provide that Swiss nationals, as well as UK nationals established in Switzerland or who have Swiss qualifications (and family members of either who have EU enforceable rights), who started obtaining their professional qualifications before 1 January 2021 can apply for recognition in the UK under the 2007 Regulations (as in force before 1 January 2021 subject to modifications made by the 2019 Regulations) up until 1 January 2025.

There will be situations in which a Swiss or UK national in scope of these extended transitional arrangements will also be in scope of the temporary general system under the amended 2015 Regulations. In this situation, the more generous system (most likely to be the 2007 Regulation as in force before 1 January 2021) should be applied.

The extended transitional arrangements also provide that Swiss service providers, as well as UK service providers established in Switzerland (and family members of either with EU enforceable rights), with service contracts (to provide services in a regulated profession in the United Kingdom) entered into and performance begun before 1 January 2021, can continue to provide temporary and occasional services in accordance with their contracts and the 2007 Regulations (as in force before 1 January 2021 subject to modifications made by the 2019 Regulations), up until 1 January 2026.

Annex 1 – Arrangements for specific professions

This annex outlines other relevant arrangements and legislation in respect of professions not in scope of the amended 2015 Regulations, or not in scope of the transitional and saving provisions in the 2019 Regulations.

This annex only provides an overview of other arrangements and legislation and is not exhaustive. Therefore, it is recommended that regulatory bodies concerned with these professions contact the responsible government department or devolved administration for further details.

Health Care and Social Care Professions

Prior to 1 January 2021, the European Union Directive 2005/35/EC allows EEA and Swiss professionals to have their qualifications recognised in the UK (and vice versa) with minimal barriers. Within healthcare, it ensures the qualifications of doctors, nurses, midwives, pharmacists and dentists, comply with minimum agreed standards and are recognised automatically by regulatory bodies throughout the EU. (Additional treaties ensure the same also applies with the EEA EFTA states and Switzerland.)

As this Directive will no longer apply after 31 December 2020, The Department for Health and Social Care has put in place **The European Qualifications (Health and Social Care Professions) (Amendment) (EU Exit) Regulations 2019** to ensure the UK retains a system of recognition for EEA and Swiss healthcare qualifications that is similar to the current system for a specified period (see below).

Under these Regulations, UK regulatory bodies will continue to recognise EEA-obtained qualifications and the qualifications of Swiss nationals (and their spouses and dependents) without additional tests, other than language skills tests and checks on fitness to practise where necessary. These Regulations – together with a further piece of legislation which implements the Swiss Citizens' Rights Agreement – ensure that:

- EEA-awarded healthcare qualifications that are currently recognised automatically will continue to be recognised automatically, for up to two years after 31 December 2020;
- healthcare qualifications held by Swiss nationals (and their spouses and dependents) that are currently recognised automatically will continue to be recognised automatically, for up to four years after 1 January 2021;

- previous recognition decisions concerning healthcare qualifications will be upheld;
- applications for recognition submitted before 1 January 2021 will be concluded after that date on the basis that they were started;
- from 1 January 2021, EEA-qualified healthcare professionals will no longer be able to apply to provide temporary and occasional services. Those who already have a contract to undertake temporary and occasional work, or have a contract to deliver temporary and occasional work that will be in place before 1 January 2021, can continue to provide services under that contract until their temporary registration expires. It will not be possible to renew temporary registration after 11pm GMT on 31 December 2020;
- the provision for Swiss healthcare professionals to deliver temporary and occasional services in the UK will remain for a period of five years from 1 January 2021 in cases where contracts to deliver such services have been signed and started by that date;
- EEA-awarded healthcare qualifications that were previously in scope of the general system of recognition (not automatic recognition) will now be considered by UK regulatory bodies under their existing recognition routes for international applicants. Qualifications deemed comparable to UK equivalents will be recognised without additional tests, other than language skills tests;
- UK regulatory bodies of healthcare professions will have the discretion to decide how to treat EEA or Swiss qualifications that are deemed not so comparable.

From 1 January 2021, UK health and care professional regulatory bodies will have the ability to designate qualifications, meaning that a qualification can be removed from the near automatic recognition route. Such a designation will require Privy Council approval.

The above arrangements concerning EEA and Swiss-awarded qualifications will be reviewed no later than two years after 1 January 2021, and the arrangements concerning the qualifications of Swiss nationals (and their spouses and dependents) will be reviewed no later than four years after 1 January 2021.

The Department for Health and Social Care has published guidance on the actions that EU, EEA-EFTA and Swiss healthcare workers practising in the UK need to take from 1 January 2021. Please see:

<https://www.gov.uk/government/publications/recognition-of-professional-qualifications-guidance-for-regulatory-bodies> for further information.

Veterinary Surgeons

Changes to the Veterinary Surgeons Act 1966 (“the VSA”) will take effect on 1 January 2021 to ensure the continued operability of this legislation.

As the Transition Period ends on 31 December 2020, the Department for Environment, Food and Rural Affairs has repealed the existing legislative provisions in the VSA, which transposed the Directive.

Any person holding a veterinary degree obtained outside the UK who wishes to register must either have a degree that satisfies the [Royal College of Veterinary Surgeons](#) (“RCVS”) or sit the RCVS statutory examination. From 1 January 2021, RCVS will accept EEA & other European veterinary degrees that meet the audited standards of the [European Association of Establishments for Veterinary Education as demonstrating that a potential registrant has the requisite skill and knowledge](#). The [RCVS website](#) contains details of all non-UK degrees that the RCVS recognise.

These amendments do not affect EEA & Swiss nationals already registered to practice veterinary surgery or in the process of registering on 1 January 2021. EEA and Swiss nationals who have made an application to have their qualifications recognised before 1 January 2021, but have not yet received a decision, will be permitted to complete their application under the EU rules in force before the end of the Transition Period.

EEA nationals who have made declarations to RCVS in relation to the provision of temporary and occasional services before 31 January 2020 will be permitted to complete their service provision within a year from when they made their declaration, or up until 31 January 2021.

Swiss nationals who started their qualification before the 1 January 2021 can apply for recognition in the UK under the EU rules in force before the end of the Transition Period, up until the 1 January 2024.

Swiss temporary and occasional service providers who signed and initiated a contract before 1 January 2021 can continue to provide the services specified in that contract until 1 January 2025 in accordance with the EU rules in force before the end of the Transition Period.

Architects

The Ministry of Housing, Communities and Local Government has published guidance on the actions that EU, EEA-EFTA and Swiss architects practising in the UK need to take from 1 January 2021. Please see:

<https://www.gov.uk/guidance/the-system-for-recognising-eu-qualified-architects-in-the-uk-from-1-january-2021> for further information.

Farriers

Changes to the Farriers (Registration) Act 1975 take effect on 1 January 2021 to ensure the continued operability of this legislation.

After the end of the Transition Period, persons with EEA qualifications in farriery wishing to register to practise in Great Britain will need to either hold qualifications which the [Farriers Registration Council](#) (“FRC”) consider to be of an equivalent standard or undertake additional training in order to meet that standard. This might include:

- taking the Diploma of the Worshipful Company of Farriers (“DipWCF”) examination as soon as possible
- completing a prescribed number of weeks at an approved training college, including completion of the NVQ Level 3 in Farriery and then the DipWCF examination
- taking an apprenticeship with an ATF, including completion of the NVQ Level 3 in Farriery and then the DipWCF examination

These provisions will also apply to UK nationals who obtained their professional qualifications abroad.

These amendments do not affect EEA & Swiss nationals already registered to practice farriery in Great Britain, or who are in the process of registering by 1 January 2021. EEA and Swiss nationals who have made an application for registration with the FRC before 1 January 2021, but have not yet received a decision, will be permitted to complete their application under the EU rules in force before the end of the Transition Period.

EEA nationals who have made declarations to FRC in relation to the provision of temporary and occasional services before 31 January 2020 (Exit Day) will be permitted to complete their service provision within a year from when they made their declaration, or up till 31 January 2021 whichever is earlier.

Swiss nationals who started their farriery qualification process before the 1 January 2021 can apply for recognition in the UK under the EU rules in force before the end of the Transition Period, up until the 1 January 2024. Swiss temporary and occasional service providers who signed and initiated a contract before 1 January 2021 can continue to provide the services specified in that contract until 1 January 2025 in accordance with the EU rules in force before the end of the Transition Period.

Lawyers

The Services of Lawyers and Lawyer's Practice (Revocation etc.) (EU Exit) Regulations 2020 will implement into domestic law the provisions relevant to lawyers' practice rights and the recognition of legal qualifications in the Agreements set out in the introduction to this guidance.

These provisions ensure applications can be completed where European lawyers have applied to join one of the legal professions in England and Wales or Northern Ireland before the end of the Transition Period; protect the rights of Swiss Registered European Lawyers ("RELs"), or those applying to be a REL, as set out in the Swiss Citizens' Rights Agreement; implement transitional arrangements for the provision of temporary services by lawyers under the Swiss Agreement; and implement the provisions in the Agreements relating to ensuring regulator cooperation. The Regulations also enable regulators in England and Wales and Northern Ireland to complete any ongoing disciplinary proceedings against EU and EEA-EFTA lawyers which commenced before the end of the Transition Period.

The Ministry of Justice has published guidance on the actions that EU, EEA-EFTA and Swiss lawyers practising in the UK need to take from 1 January 2021. Please see <https://www.gov.uk/government/publications/eu-lawyers-in-the-uk-from-1-january-2021> for further information.