

The first Trade Specialised Committee on Services, Investment and Digital Trade under the EU-UK Trade and Cooperation Agreement

11 October 2021 11, 11:00-12:30, 13:30 – 15:30 (BST)

Via videoconference

Joint Minutes

The first meeting of the Trade Specialised Committee on Services, Investment and Digital Trade under the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, took place on 11 October 2021 via videoconference.

Agenda Item 2: Recognition of Professional Qualifications – Arrangements for the implementation of Article 158

The Parties discussed proposals to establish the role of the Trade Specialised Committee on Services, Investment and Digital Trade with respect to the process set out in Article 158 of the Trade and Cooperation Agreement. The Parties acknowledged the importance of technical exchanges and expertise within the process.

The EU outlined its proposals for the formal steps towards the adoption of a Decision on a recognition arrangement under Article 158 of the TCA to be dealt with by the Partnership Council, whereas the text of such an arrangement would be discussed and prepared in advance by technical experts. The EU also explained that the Partnership Council could adopt an arrangement by written procedure. The UK took note of the proposals, and noted the need for a flexible and efficient process. The Parties noted that they would discuss how to perform, in accordance with article 8.3.c of the TCA, the joint preparatory technical work for reviewing any joint recommendation submitted by the professional bodies or authorities and for developing any recognition arrangement in a given sector of activity.

The Parties acknowledge that authorities and professional bodies in the EU and the UK can engage with their counterparts in developing and submitting to the Partnership Council joint-recommendations for specific professions of interest to them.

Agenda Item 3: Entry and temporary stay of natural persons for business purposes: implementation, transparency and sharing best practice

Item 1: The Parties discussed the transparency commitments in Article 145 of the TCA in relation to accessible guidance. They also presented their respective tools for implementation of those commitments.

- The UK outlined enhancements made to its guidance, giving examples of recent improvements following stakeholder feedback. It also underlined that the guidance provides for publicly available information on all measures that are relevant not only to the entry and temporary stay of the EU service suppliers covered by the TCA but to other service suppliers as well. The UK explained that some UK stakeholders, including touring artists, have found it difficult to access clear guidance on short-term business travel to the EU although noted its appreciation for recent enhancements to information provided by some EU Member States.
- The EU explained the functioning of its Immigration Portal, which is comprehensive as it gathers all relevant information on entry requirements, regardless of the duration of stay, applicable to all mode 4 suppliers as well as all migration categories entering its territory, such as employed workers, seasonal workers, students or researchers and service suppliers. The EU noted the UK's comments on touring artists, and set out that such activity was not covered by the TCA.

Item 2: The Parties discussed the implementation of commitments in Annex 21 on short-term business visitors in the area of “after-sales or after-lease service”.

- The EU explained its concerns regarding the scope of this activity, with particular reference to sub-contractors and the duration of stay afforded to this category of business travellers.
- The UK summarised its interpretation of the activities permitted by Annex 21 (Clause 8) of the TCA, and explained that it has recently modified its immigration rules (as of 6 October) to more clearly reflect that interpretation. The UK confirmed that it does allow the activities of sub-contractors as committed in the TCA and noted its availability to continue exchanges on the implementation of the commitments on duration of stay. In addition, the UK explained that its stakeholders have also raised issues regarding this activity, when sending employees to fulfil some maintenance contracts who do not require work permits and noted that it would shortly provide more concrete information.

Agenda Item 4: Digital trade - update on regulatory developments in the EU and UK

The Parties exchanged updates on their respective online safety policies, the Online Safety Bill (UK) and the Digital Services Act and Digital Markets Act (EU), pointing to possible additional information exchanges at working level.

The UK updated on its work on digital identity, electronic authentication and trust services, referencing Article 211 of the TCA.

The EU updated on its proposal for the Data Governance Act.

Both Parties took note of the work being done by the EU and UK in the field of Artificial Intelligence (AI), notably the EU's AI regulatory proposal and the UK's National AI Strategy.

Attachments

1. Final agenda
2. List of participants

Attachment 1 – Final agenda

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Final Agenda

Via videoconference

1.	Opening remarks and adoption of the agenda
2.	Recognition of Professional Qualifications – Arrangements for the implementation of Article 158
3.	Entry and temporary stay of natural persons for business purposes: implementation, transparency and sharing best practice
4.	Digital trade - update on regulatory developments in the EU and UK
5.	Closing

Attachment 2 - List of participants of the first Trade Specialised Committee on Services, Investment and Digital Trade under the EU-UK Trade and Cooperation Agreement

UK Delegation (35 participants)

- UK Co-chair of the Trade Specialised Committee on Services, Investment and Digital Trade
- UK Government Officials from BEIS, Cabinet Office, DDCMS, Home Office
- UK Government Official from UK Mission to the European Union
- Scottish Government Official
- Northern Ireland Executive Official
- Welsh Government Official

EU Delegation (43 participants)

- EU Co-chair of the Trade Specialised Committee on Services, Investment and Digital Trade
- European Commission Officials
- EU Officials from Delegation of the European Union to the UK
- Representatives of EU Member States