



Department for
Business, Energy
& Industrial Strategy

Recognition of professional qualifications

Guidance for Competent Authorities

Implementing the EU (Recognition of Professional Qualifications) Regulations 2015 (as amended by the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019)

April 2019



OGL

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Introduction

This document provides updated guidance to regulatory bodies on the obligations placed upon them by the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019. These regulations amend the European Union (Recognition of Professional Qualifications) Regulations 2015 as a consequence of the United Kingdom's withdrawal from the EU without a negotiated deal in place. 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. Competent authorities are subject to national law or membership rules of bodies governed by a Royal Charter. This guidance should be read in conjunction with the **amended 2015 Regulations**, the European Union (Recognition of Professional Qualifications) Regulations 2015, as amended by the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019.

Prior to exit day, the 2015 Regulations implemented part of EU Directive 2005/36/EC ("the Directive") covering the recognition of professional qualifications in the UK. The Directive set out a reciprocal framework of rules for recognition of professional qualifications which enabled European Economic Area (EEA) and Swiss nationals to have their professional qualifications recognised in an EEA State or Switzerland, other than the state in which the qualification was obtained.

Following the UK's exit from the EU, the UK will no longer be subject to the Directive, nor will the UK be part of the Single Market. It is therefore not appropriate to retain provisions based on a framework that will no longer be reciprocated by the EU.

The UK government will maintain a system that will continue to help meet domestic workforce demand, as well as to provide clarity and certainty to businesses and professionals working in the UK. Therefore, the government has amended the 2015 Regulations to ensure that there is a system for recognition of qualifications and that professionals arriving in the UK with EEA or Swiss qualifications after exit day will have a means to seek recognition of their qualifications.

The amended 2015 Regulations retain a general system for recognition based on equivalence of qualifications. Under the amended 2015 Regulations general system, UK competent authorities are obligated to consider applications for recognition from holders of EEA and Swiss qualifications but are only obligated to grant recognition to qualifications that are comparable to UK qualification requirements and standards in scope, level and content. Additional arrangements designed to remove barriers to free movement of persons, services and establishment, such as the obligation to provide compensation measures, partial access and temporary and occasional services have been revoked.

The amended 2015 Regulations do not apply in relation to certain professions, which are listed in Regulation 3 of the amended 2015 Regulations (see [section 1.4](#) of this guidance for more information). Additional secondary legislation laid by other government departments (the Department for Health and Social Care; the Ministry of Housing, Communities and Local Government; and the Department for Environment, Food and Rural Affairs) and the Welsh Government includes provisions relating to doctors, nurses, dental practitioners, veterinary surgeons, midwives, pharmacists, farriers and architects and other health and care professions. As the amended 2015 Regulations only cover the general system of recognition, it is recommended that UK competent authorities refer to the corresponding Statutory Instruments ("SIs") alongside this guidance for further detail on the above sectoral systems of

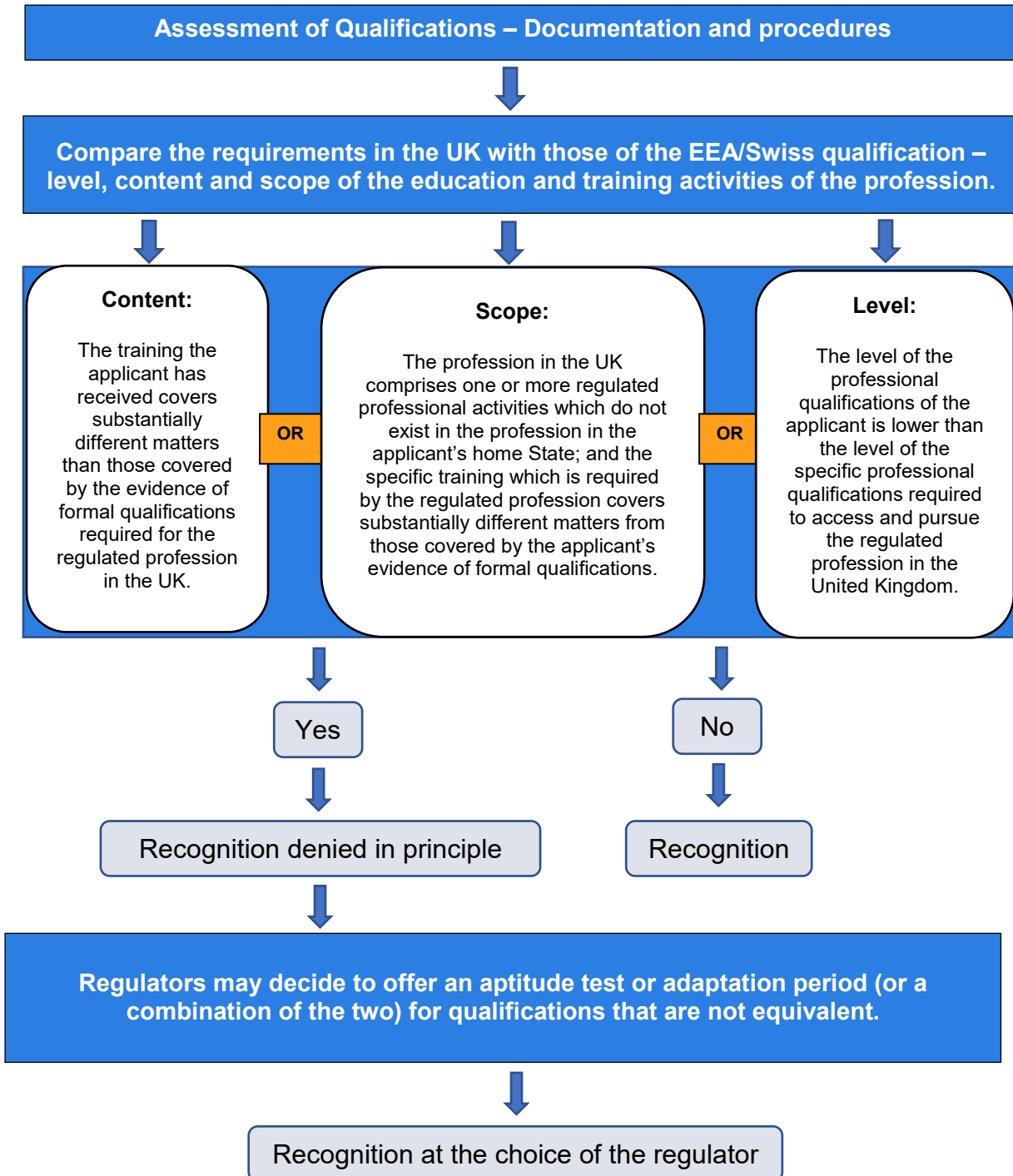
recognition. Details of the additional SIs can be found in [Annex 3](#) of this guidance. This guidance does not include information about all SIs relevant to the recognition of professional qualifications after exit day. For details of Statutory Instruments not contained within this guidance, competent authorities should check the relevant corresponding information submitted by other government departments or devolved administrations.

The provisions of the amended 2015 Regulations are binding on UK competent authorities and require them to:

- Consider applications for recognition where the qualification was obtained in an EEA Member State or Switzerland;
- Operate as a contact point providing detailed information to applicants about the profession (see further information below);
- Collate information (including statistics) relating to applications received and decisions taken and make it available to Her Majesty's government when requested.

1. General System Recognition

The process for recognition under the General System – Applications for Authorisation:



1.1 Definition and functions of a Competent Authority

In the case of a regulated profession listed in Part 1 or 2 of Schedule 1 to the amended 2015 regulations¹, the competent authority in the UK is the body or authority specified in relation to that profession.

In the case of a regulated profession that is regulated in the United Kingdom but is not listed in Part 1 or 2 of Schedule 1 to the amended 2015 regulations, the competent authority in the United Kingdom is the governing body of that profession in the United Kingdom.

A competent authority is obligated to:

- Receive and consider applications from applicants holding an EEA or Swiss qualification to practise a regulated profession or use designatory letters. They will only be obligated to permit access to, and pursuit of, a profession where qualifications are comparable to UK qualifications in level, content and scope;
- Act as a point of single contact for their regulated professions;
- Fully cooperate with the UK National Recognition Information Centre (the assistance centre) 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;
- 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 to matters 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;
- Make a decision on applications and communicate that decision, with reasons, to the applicant;

The amended 2015 Regulations allow competent authorities to share information about criminal sanctions and disciplinary action with EEA states and Switzerland;

- When in receipt of information from a competent authority of an EEA state or Switzerland on disciplinary action or criminal sanctions, must:
 - examine the veracity of the circumstances;
 - decide on the nature and scope of the investigations which need to be carried out; and
 - inform that authority of the conclusions which it draws from the information available to it.

¹ Schedule 1, Part 1 The European Union (Recognition of Professional Qualifications) Regulations 2015 (Professions Regulated by Law or Public Authority) and Schedule 1, Part 2 The European Union (Recognition of Professional Qualifications) Regulations 2015 (Professions Regulated by Professional Bodies Incorporated by Royal Charter) www.legislation.gov.uk/ukxi/2015/2059/schedule/1/made.

As a result of the UK no longer being an EEA Member State, UK competent authorities are no longer obligated to share and exchange information with competent authorities in EEA States or Switzerland. UK regulators will, however, need to ensure that any information that they do share with an EEA/Swiss regulator is done in accordance with UK law on data protection.

1.2 Definition of a regulated profession

In the amended 2015 Regulations, “regulated profession” in relation to the UK means:

- A profession listed in Schedule 1, Part 1 of the amended 2015 Regulations;
- A profession practised by members of a professional association who have a title or designation set out Schedule 1, Part 2 of the amended 2015 Regulations;
- 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
- 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.

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.

The amended 2015 Regulations do not apply in relation 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 this).

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

1.3 Definition of a qualification

A 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

The basis for recognition decisions under the amended 2015 Regulations is now based on **the qualification itself**. 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.

The amended 2015 Regulations do not apply in relation 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 and Social Work Professions Order 2001
- Health and Personal Social Services Act (Northern Ireland) 2001
- The Pharmacy Order 2010

The amended 2015 Regulations also do 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 exit day –
 - 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 regulations applying to these professions can be found in [annexes 3, 4 and 5](#) below.

Regulated education and training

Regulated education and training means education and training which is directed towards the practice of a profession in the United Kingdom, an EEA State or Switzerland. This will comprise a course complemented, where appropriate, by professional training or practice². The structure and level of this training are determined by the laws, regulations or administrative provisions of the United Kingdom, an EEA State or Switzerland. Alternatively, they can be monitored or approved by the competent authority in the United Kingdom, an EEA State or Switzerland.

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 regulators to take into account bridging procedures.

Third country qualifications

Third country qualifications held by EEA or Swiss nationals are no longer in scope of the amended 2015 Regulations, as it is no longer appropriate to differentiate between holders of the same third country qualifications on the basis of their nationality or if the qualification had already been recognised somewhere else in the EEA or in Switzerland. The emphasis of the amended 2015 Regulations is now on whether an applicant's qualifications meet the UK standards, not an EEA State or Switzerland's standards.

Professional traineeships

Where access to a regulated profession in the UK is conditional on completion of a professional traineeship, the competent authority 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 a relevant EEA State or Switzerland;
- Take account of traineeships that have been carried out in a third country.

The competent authority 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. Competent authorities in the United Kingdom may impose a reasonable limit on the duration of the part of any traineeship which can be carried out abroad.

² An example of this would be the teaching profession where in order to be considered for a Qualified Teacher Status award in England, EEA and Swiss applicants must have completed and gained a teacher training qualification and must have been awarded professional teacher status in an EEA country or Switzerland.

1.5 The assessment process

Obligations on regulators

A competent authority must provide applicants with all information about the requirements, procedures and formalities they need to complete to gain access to and pursue their regulated profession.

Discretionary actions regulators may take

A competent authority may, in cases of justified doubt, request from a competent authority of a relevant EEA State or Switzerland confirmation of the authenticity of the evidence of formal qualifications awarded in that EEA State or Switzerland.

Where evidence of formal qualifications has been issued which includes training received in an EEA State or Switzerland, UK competent authorities are entitled, in cases of justified doubt, to verify with an EEA or Swiss competent authority the origin of the award, including:

- Whether the training course has been formally certified by the educational establishment in the relevant EEA State or Switzerland;
- 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 relevant EEA State or Switzerland; and
- Whether the evidence of formal qualifications confers the same professional rights in the territory of the relevant EEA State or Switzerland.

A competent authority, in cases of justified doubt, is entitled to request confirmation from a competent authority of a relevant EEA State or Switzerland 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. If an EEA or Swiss competent authority does not provide the confirmation before the expiry of the time limit for notifying the applicant of its decision, the competent authority may refuse the application.

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:

- 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 differences to the training requirements in the United Kingdom;
- The applicant's fitness to practice and professional or financial standing;
- The applicant's insurance cover.

The competent authority must keep confidential all such information received.

Best practice

It is best practice that an applicant is 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.

When assessing the application, it is good practice for the competent authority to take into account formal qualifications, training and any professional experience of the applicant. These should be compared with the relevant UK requirements in respect of the professional activities covered and the areas of knowledge and skills required to perform them in the UK. It may not be appropriate to include detailed comparisons of areas of academic study which may usually form part of the UK studies leading to the qualification, but which have no practical bearing on the ability to carry out the professional activities.

1.6 Informing the applicant of the outcome of the assessment

Obligations on the Regulator

The competent authority must acknowledge receipt of an applicant's application for authorisation to practise in the United Kingdom within one month of receipt, and must inform the applicant if any document is missing. The competent authority 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 the relevant documentation.

Discretionary actions regulators may take

A competent authority may wish to provide the applicant with:

- Full and detailed reasons for the decision in writing;
- Whilst competent authorities are no longer obligated to offer compensation measures, 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 are essential to the practice of the profession and hence must be successfully addressed;
- Information on the appeal process: both internal and external routes.

Although it is important to use the correct terminology, all correspondence should be easily understood by applicants whose first language may not be English. It is better to make a point several times in different ways than risk being misunderstood. An offer to give further explanation by telephone may also be worth considering.

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

1.7 Conditions for recognition

Regulators will only be obligated to permit access to an applicant who provides evidence of formal qualifications that are comparable to UK qualification requirements and standards. The requirement on the competent authority 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 required for the qualification in the United Kingdom;
- 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 covers substantially different matters from those covered by the applicant's evidence of formal qualifications;
- 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 competent authorities to offer compensation measures to applicants whose professional qualifications clearly fall short of the UK equivalent standard. However, the amended 2015 Regulations do not restrict the ability of regulators to make their own arrangements in relation to compensation measures if they choose to, and if they have their own powers to do so. Competent authorities who do decide to make their own arrangements in relation to compensation measures may wish to follow previous best practice as outlined below.

The aptitude test

A competent authority might choose to set an aptitude test to assess the applicant's ability to adapt their skills to the different circumstances and knowledge base required in the UK. In order to set the test, which might be tailored specifically to the gaps in knowledge of the applicant concerned, the authority might decide to draw up a list of the theoretical and/or practical subjects not covered by the education, training and practical experience of the applicant but which are regarded as essential for the practice of the profession in the UK. The competent authority might decide that the test should relate only to the subjects covered by this list, and that it should be a theoretical or practical examination. Alternatively, the competent authority might decide that the test should be professionally, rather than academically, focused, taking account of the fact that the applicant is already a fully qualified professional in an EEA State or Switzerland.

The candidate may be helped in their preparations for the test by the competent authority providing information about preparatory courses, a list of recommended reading, and by providing examples of the sort of questions which are going to be asked or sample test papers (if these exist). The competent authority might decide that the test should not be a memory-based test and that reference material should be allowed during the course of the examination.

The competent authority might choose to give an applicant who fails another attempt. It may be helpful for there to be minimal delay from the decision of the applicant to undertake the test and the administration of the test and the notification of the result.

The adaptation period

Competent authorities may also want to provide an adaptation period as a compensation measure, in order to allow the applicant to acquire the knowledge and skills they lack, but are considered essential for the practice of the profession in the UK. It may be helpful for an applicant to acquire the knowledge and skills during a defined period of practice under the guidance of a qualified member of the profession. The period of supervised practice could include further education and training if this is considered to be the most suitable way for the applicant to acquire that skill or knowledge.

The authority might decide to draw up a list of the knowledge and skills that are essential to practice the profession which are missing from the applicant's qualifications, training and practical experience. This could be used to determine the activities to be covered by the adaptation period and its probable length.

The assessment of the adaptation period could cover the tasks performed by the applicant under the supervision of a qualified member of the profession. The competent authority might decide that this should not typically be a formal examination (either written or by interview), but could be based on a written report drawn up by the person supervising the applicant. If the performance is assessed as unsatisfactory, the competent authority might decide that it should be possible to extend the adaptation period.

The competent authority may set the 'rules' for the operation of an adaptation period. This means that the authority may decide to formalise any general administrative procedures with which the applicant or the mentor/supervisor complies. For example, this may require mentors/supervisors to be agreed in advance or adaptation plans to be submitted before commencing the adaptation period. The competent authority may wish to provide information and guidance to assist the applicant in finding a suitable organisation and supervisor to guide them through the adaptation period. The competent authority may also decide to provide a list of establishments or people responsible for adaptation traineeships for the profession. However, a competent authority might decide that an applicant should be free to choose a training supervisor and the place where the adaptation traineeship will be spent from this list. The competent authority might decide that it is the responsibility of the applicant to find a placement – this may ensure the applicant has the maximum and necessary flexibility to find a suitable placement, which may be voluntary or paid and might be in the capacity as an assistant to the qualified professional.

1.9 Partial access

Under the Directive, the principle of partial access allows a professional who is fully qualified in their home State to practise a part of a regulated profession's activities in another State without having to gain qualifications or recognition for practising the domestic scope of the profession.

Under the amended 2015 Regulations, there is no longer any obligation on regulators to offer partial access because of substantial differences in qualifications. These obligations rely on reciprocal relationships with the EEA and facilitate rights of free movement of persons and

services which is now no longer appropriate. As with compensation measures, regulators will still have discretion in relation to how they deal with non-equivalent qualifications.

1.10 Titles

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 competent authority may make certain stipulations if they wish.

1.11 Language checks

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's 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 regulator 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 specific provisions for the temporary and occasional provision of services. This is because these provisions relied on reciprocal arrangements with the EEA and Switzerland and were designed to facilitate free movement of persons and services. This allowed a high level of market access with limited regulatory oversight. This is no longer appropriate now the UK has left the EU. Accordingly, there is no longer an obligation on regulators to facilitate a specific system for the temporary and occasional provision of services. However, the amended 2015 Regulations do not prevent competent authorities from offering arrangements for the temporary and occasional provision of services that are lighter touch than the requirements of the general system under the amended 2015 Regulations, if they have the power and desire to do so.

The Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019 provide transitional and saving provisions in relation to temporary and occasional provision of services. These are detailed in [Annex 1](#).

3. Online processes

3.1 Internal Market Information System

As the Internal Market Information (IMI) System is a European Commission service, the UK no longer has access to it and will not be able to process applications, even unilaterally, using this service. Instead, regulators should communicate voluntarily with other EEA and Swiss regulators by alternative means.

If UK competent authorities 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.

3.2 European Professional Card

Following the UK's departure from the EU, the UK loses immediate access to the online IMI system. As the IMI facilitates the European Professional Card (EPC), the UK therefore loses the ability to process EPC applications made before or after exit. Given that the system will no longer be available to the UK, the amended 2015 Regulations no longer give effect to this system. EPC applications cannot be processed after exit and applicants will have to apply under sector specific legislation (in the case of nurses, pharmacists and physiotherapists).

3.3 Alert mechanism

The UK has lost access to the alert mechanism, as it is underpinned by the EU's IMI system. Instead, UK regulators may request documents confirming the applicant's fitness to practice and professional standing from their EEA and Swiss counterparts.

Competent authorities are no longer obligated to share and exchange information via the alert mechanism with competent authorities in EEA States or Switzerland. The amended 2015 Regulations will continue to allow UK regulators, where possible, to provide information to the relevant Member State and/or the European Commission regarding disciplinary or criminal sanctions taken against professionals. UK regulators sharing any information with an EEA/Swiss regulator will have to process and handle information in accordance with UK law on data protection.

Transitional and saving provisions in the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019 provide a route for appealing alerts issued before exit day. These provisions obligate regulators 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 IMI.

3.4 Online applications

The amended 2015 Regulations require competent authorities to enable all requirements, procedures and formalities relating to matters covered by those Regulations to be easily completed, remotely and by electronic means. Many competent authorities will already have established online application forms through their websites, which may need amending. Competent authorities who do not have established forms are encouraged to follow examples set by other competent authorities.

3.5 Online information

The requirement for certain information to be accessible online has been removed from the 2015 Regulations. The information which previously needed to be accessible online was:

- The requirements and procedures of an application for recognition;
- Any fees to be paid by the applicant;
- Any documents that the applicant will need to submit;
- The appeal process for decisions made.

However, the majority of information will still be covered by UK NARIC's webpage (see [section 4.5](#)). Furthermore, competent authorities may still wish to also make this information clear on their website.

4. Additional Information

4.1 Contact point

This is a vital part of the recognition process. Competent authorities must act as a point of single contact for their regulated professions and provide applicants with all information about the requirements, procedures and formalities they need to complete to gain access to, and pursue, their regulated professions. It is good practice to make readily obtainable information such as legislation pertaining to the profession, the code of ethics, standards of competence, professional rules and an application form for recognition. Having such information easily identified and accessible on your website will make it easier for applicants to find the information and reduce the number of queries you receive. Having a section on recognition is good practice.

4.2 Appeals

Applicants may appeal against a decision on a matter of law or fact (or both) to the appropriate appeal body³ 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 competent authority 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 competent authority under regulation (6(1) or 42(2):

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

4.3 European case law

Any Court of Justice of the European Union case law relevant to the interpretation of the amended 2015 Regulations will continue to have relevance to the extent set out in the European Union (Withdrawal) Act 2018.

³ An appropriate appeal body is contained in schedule 5 of the amended 2015 regulations: www.legislation.gov.uk/ukSI/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.

4.4 Statutory Instruments

A copy of the 2015 Regulations can be found here:

www.legislation.gov.uk/uksi/2015/2059/contents.

4.5 National Assistance Centre- UK NARIC

The 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:

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 applicants in exercising the rights conferred on them by the amended 2015 Regulations, in co-operation where appropriate with points of single contact and competent authorities in the United Kingdom;
- 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.

Annex 1: Transitional and savings provisions

The amended 2015 Regulations provide transitional and saving provisions to ensure certainty to individuals who, before exit day have had a recognition decision, have made an application for a recognition decision for establishment purposes, or have made a declaration in respect of temporary and occasional service provision under either the 2007 or 2015 Regulations.

For individuals who have, before exit day, received a recognition decision for the purposes of establishment, under either the 2007 or 2015 Regulations, those decisions will be protected and remain valid, post exit.

Individuals who have made an application to have their qualifications recognised for the purposes of establishment under either the 2007 or 2015 Regulations before exit day, but have not yet received a decision, will be permitted to complete their application under the pre-exit rules (as far as possible given the aforementioned limits regarding access to IMI and regulator cooperation). If they receive a positive recognition decision, they will also to have that decision protected so that it remains valid post exit.

Individuals who have made declarations in relation to the provision of temporary and occasional services before exit day will be permitted to complete their service provision within a year from when they made their declaration. They will be unable to renew their declaration past this time.

Annex 2: Changes to the recognition of ‘Harmonised Professions’

The departments responsible for the ‘harmonised professions’ have revised their MRPQ legislation so that a system of recognition for EEA and Swiss qualifications is retained at exit day. These professions include:

- Doctors
- Nurses
- Midwives
- Dental Practitioners
- Pharmacists
- Veterinary Surgeons
- Architects

Details regarding changes to these systems can be found below.

The European Qualifications (Health and Social Care Professions) (Amendment) (EU Exit) Regulations 2018

The European Qualifications (Health and Social Care Professions) (Amendment) (EU Exit) Regulations 2018 amends the legislation of UK health and social care regulatory bodies, which implements parts of the European Union Directive 2005/35/EC. The Department for Health and Social Care is responsible for this legislation. The regulatory bodies in scope include the General Medical Council and the Nursing and Midwifery Council.

The UK has retained a system of recognition for EEA or Swiss qualifications that is similar to the current system for those health and care professionals who currently enjoy automatic recognition (near automatic recognition route). UK regulators will continue to recognise those EEA or Swiss qualifications without additional tests, other than language skills tests and checks on fitness to practise where necessary. UK regulators will have the ability to designate qualifications which will remove them from the near automatic recognition route. Such a designation will require Privy Council approval.

These arrangements will be reviewed no later than two years after exit day.

EEA or Swiss qualifications for those health and social care professionals who were previously in scope of the general system will be considered against UK qualification standards. If those qualifications are comparable to UK qualifications then the qualification will be recognised without additional tests, other than language skills tests.

UK health and social care regulators will have the discretion to decide how to treat individual non-comparable EEA or Swiss qualifications.

The Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations 2019

Changes to the Veterinary Surgeons Act 1966 (“the VSA”) took effect on exit day to ensure the continued operability of this legislation.

As the UK is no longer part of the EU’s Single Market, the Department for Environment, Food and Rural Affairs has repealed the existing legislative provisions in the VSA, which transposed Directives 2005/36EC and 2013/55/EU - known as the Mutual Recognition of Professional Qualification (MRPQ) 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) that they have the requisite knowledge and skill for practising veterinary surgery in the United Kingdom, or pass the statutory examination. This allows them quality control and assurance that veterinary degrees meet their equivalent standards. These provisions also apply to UK nationals who obtained their professional qualifications abroad.

In future, the RCVS will accept EEA & other veterinary degrees that meet the audited standards of the European Association of Establishments for Veterinary Education (www.eaeve.org) 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 nationals already registered to practice veterinary surgery or in the process of registering on exit day.

The Architects Act 1997 (Amendment) (EU Exit) Regulations 2019

The Ministry of Housing, Communities and Local Government has published separate guidance regarding amendments made by the Architects Act 1997 (Amendment) (EU Exit) Regulations 2019. Please see www.gov.uk/guidance/the-system-for-recognising-eu-qualified-architects-in-the-uk-if-there-is-no-brexit-deal for further information.

Annex 3: The Regulation and Inspection of Social Care (Qualifications) (Wales) (Amendment) (EU Exit) Regulations 2019

This Statutory Instrument is led by the Welsh Government, and makes similar provision for social care professionals in Wales to those made by the European Qualifications (Health and Social Care Professions) (Amendment) (EU Exit) Regulations 2018, as detailed above. This will ensure that a common framework for the recognition of social care professionals within the UK continues to exist post-EU exit.

EEA or Swiss qualifications for social care professionals who were previously in scope of the general system will be considered against UK qualification standards. If those qualifications are comparable to UK qualifications, then the qualification will be recognised without additional tests other than checks on language skills.

Social Care Wales, the workforce regulator, will have the discretion to decide how to treat non-comparable EEA or Swiss qualifications.

Annex 4: Automatic recognition on the basis of professional experience or common training frameworks - Farriers

Changes to the Farriers (Registration) Act 1975 took effect on exit day to ensure the continued operability of this legislation.

Once the UK leaves the EU, 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. For further information on this please see the FRC website.

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

These amendments do not affect EEA nationals already registered to practice farriery in Great Britain, or who are in the process of registering by exit day.

Annex 5: The Services of Lawyers and Lawyer's Practice (Revocation etc.) (EU Exit) Regulations 2019

As the UK is no longer part of the EU, the EU Lawyers' Directives (Lawyers' Establishment and Lawyers' Services), which allowed reciprocal practice and establishment arrangements, no longer apply to the UK.

The Services of Lawyers and Lawyer's Practice (Revocation etc) (EU Exit) Regulations 2019 revoked the domestic implementing legislation that provided for legal services specific reciprocal arrangements in England and Wales and Northern Ireland. Scotland brought forward their own legislation on this matter.

These arrangements allowed EU and EFTA lawyers to provide services in the UK, on a temporary or permanent basis, including legal services normally reserved to advocates, barristers or solicitors (reserved legal activities) under their home state professional title (with some restrictions); and set out the conditions under which they could do so. They also allowed EU and EFTA lawyers that had been practising in the UK to join a UK legal profession, after 3 years of practice in the laws of the UK, without having to go through the usual qualification routes. EU and EFTA lawyers who practised in the UK on a permanent basis had to register with a UK regulator as Registered European Lawyers (REL). As RELs, they had the right to jointly practise with, and own legal businesses without a UK qualified lawyer.

As the UK has left the EU without a deal, EEA lawyers no longer have these rights to carry out reserved legal activities under their EEA professional title, or to own firms in the same way as solicitors, barristers or advocates can. They can also no longer use the 'three years' experience' route provided for under the Directives, to become a barrister or solicitor in England and Wales and Northern Ireland. However, they can still seek admission as a solicitor or barrister (in England and Wales) through alternative examination routes open to third country qualified lawyers. Separate arrangements apply to Swiss lawyers (to see below).

EU and EFTA qualified lawyers who have already successfully joined the English/Welsh or Northern Irish profession will retain their qualification and related practice rights.

While we have revoked the framework that implemented the above Directives in England, Wales and Northern Ireland, we have also provided a transition period to give EEA lawyers who were RELs before exit day (and those that had applied to become RELs by exit day) time to comply with the new regulatory position.

This transition period runs from exit day until 31 December 2020 and allows RELs to practise in the same way as they do now while they use the time to adjust.

During the transition period, RELs can continue to use the 'three years' experience' route to join the legal profession in England, Wales or Northern Ireland, with related practice rights, in addition to routes available to foreign lawyers. If they submit an application by the end of the transition period under this route, they will be able to get a decision on their application after the end of the transition period. EEA lawyers who apply to join the England and Welsh or Northern Irish profession using this route during the transition period will retain their qualification and related practice rights if successful.

RELs in the process of applying to join the English/Welsh or Northern Irish profession at the end of the transition period will not, however, be able to continue to practise under their home state professional title once the transition period has finished.

The transitional period also allows EEA lawyers with ownership interests in regulated legal businesses in England, Wales or Northern Ireland time to adjust their regulatory status.

Swiss lawyers

The government also made an amending statutory instrument (the Services of Lawyers and Lawyer's Practice (Amendment) (EU Exit) Regulations 2019) which retains some provisions for Swiss lawyers in line with the UK-Switzerland Citizens' Rights Agreement. Scotland has taken forward its own legislation on this matter.

The UK-Switzerland Citizens' Rights Agreement of 2019 preserves recognition and establishment rights for UK and Swiss lawyers, provided they transferred into the other state's legal profession before exit day. It also protects the rights of UK or Swiss lawyers who are established, registered and providing services as RELs under their home title – so long as they remain registered, they can continue to provide services as they do now. It also provides a transition period of 4 years for lawyers to register or transfer under these arrangements. This includes transition on the basis of 3 years' qualifying experience as a REL, in addition to routes available to foreign lawyers. Finally, Swiss and UK lawyers and law firms can continue to provide up to 90 days temporary services in the other jurisdiction in a year, for at least 5 years, where this is under a contract agreed and started before exit.

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