Universitets- och högskolerådet

Rådet för reglerade yrken



Informationsmöte om yrkeskvalifikationer och mobilitet efter Brexit, 16 september 2022

- Introduktion
- UK Center for Professional Qualifications- Katherine Latta
- Architects' Council of Europe- Ian Pritchard och Sveriges arkitekter- Katarina O Cofaigh
- Frågor och avslutning



Katherine Latta
Head of Professional Advisory Services, Ecctis Ltd

History

2008	UK National Contact Point for Professional Qualifications
2013	The UK's National Assistance Centre for Directive 2005/36/EC as modified by Directive 2013/55/EU (The Centre for Professional Qualifications)
2020	The UK Centre for Professional Qualifications providing advice and guidance on professional recognition in the UK, on behalf of the UK Department of Business, Energy and Industrial Strategy

UK Centre for Professional Qualifications

Reporting to and working closely with the UK Department for Business, Energy and Industrial Strategy (BEIS).

Government legislation concerning the recognition of professional qualifications:

- European Union (Recognition of Professional Qualifications) Regulations 2015;
- Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) Regulations 2020.
- In part, now replaced by the **Professional Qualifications Act 2022**

Our role - highlights

- Signposting for professionals, competent authorities and assistance centres – inbound and outbound
- Covering UK, EU, EEA, Switzerland, jurisdictions covered by Free Trade Agreements and other recognition arrangements – scope to extend remit beyond this
- ‘One Window’ - central point of contact for the UK.
- Guidance on drawing up mutual recognition arrangements will specifically reference UK CPQ.
- Certificate of Experience service for individuals.

UK legislation

European Union (Recognition of Professional Qualifications) Regulations 2015:

- Transposed the European Directive into UK law;
- Placed obligations on competent authorities;
  - Process for recognising qualifications
  - Sending alerts / establishing common training frameworks, etc.
- Set out our role as the Assistance Centre.

UK legislation

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

- Process for recognising qualifications equivalent in level, scope and content (professional recognition, not academic recognition);
- Changed scope to place of qualification, not nationality of holder;
- Special provisions for Switzerland;
- Certain professions removed from scope and have separate legislation;
  - Health and social care
  - Architecture
  - Animal care (vets, vet nurses, farriers).

UK legislation

Professional Qualifications Act 2022

- Gives broad powers for UK regulators to determine whether overseas-qualified professionals may be treated as holding the necessary qualifications to practise in the UK
- Authorisation to enter into recognition arrangements
- Strong emphasis on regulator autonomy
- Establishment of a UK Register of Regulated Professions, in part to mirror information previously available on the EU Database of Regulated Professions (still in development)

Swiss / EFTA agreements

- **Swiss Citizens' Rights Agreement**
- Protects the rights of UK and Swiss nationals who have chosen to call each other's countries home.
- Part 4 of the agreement provides for MRPQ
- Recognition decisions agreed prior to Brexit remain
- 4 year grace period from Brexit to start application for recognition, if the qualification was obtained / being studied towards prior to Brexit
- Services can continue to be provided on a temporary and occasional basis under the 90 day services provision (this can be for at least 4 years following Brexit if written contracts were concluded and started before Brexit)

- **EEA EFTA Separation Agreement**
- EEA EFTA Separation agreement protects the rights of UK and Norwegian, Icelandic and Liechtensteiner nationals who have chosen to call each other's countries home.
- If recognition decisions were reached or applied for prior to the end of the implementation period, this will continue (if they are resident or frontier workers)
- Applying to EPC decisions, General System decisions, EU lawyers, Statutory Auditors and those engaging in the trade and distribution of toxic products
- Does not apply to temporary and occasional provision of services
- Not yet in force in the UK - Joint Committee in place to oversee the implementation and application of the Agreement

Current situation

- Many regulators had existing “overseas” routes and EU applicants post-Brexit are now processed this way (Health and Care Professions Council)
- Some regulators continue to distinguish between EU and “rest of world” recognition routes, in particular those still operating “standstill” arrangements (ex General Medical Council, Architects Registration Board) and those who have established specific EU routes (ex Royal College of Veterinary Surgeons accepting EAEVE-approved courses)
- Regulators for a number of professions will require evidence of English language competence via prescribed methods of evidence
- “Chartered” bodies no longer covered by legislation; recognition arrangements at their discretion

FTAs and MoUs

UK Government is seeking to establish Free Trade Agreements and Memoranda of Understanding globally

- UK-Australia FTA has been negotiated (though not yet in force) to include a chapter on Professional Services and Recognition of Professional Qualifications, containing provisions that seek to address barriers to trade related to professional services and recognition of professional qualifications.
- Encourages relevant bodies to establish and maintain systems for recognition of professional qualifications
- Establishes a legal services regulatory dialogue, designed to address behind the border barriers to legal services trade
- Contains provisions that guarantee UK and Australian lawyers can provide legal advisory services in home, foreign, and international law, using their existing qualifications.

Recognition Arrangements Grant Programme

- Department of Business, Energy and Industrial Strategy (BEIS) has put a grant programme into place to support professional bodies seeking to agree recognition arrangements with their counterparts.
- BEIS has stressed that the professional bodies are responsible for putting arrangements in place with each other
- The grants are intended to be tailored to the needs of the different professions and BEIS acknowledges that recognition arrangements vary from formal to informal.
- Funding is available up to £75,000 per applicant per year; this can fund activities such as hiring new staff to help set up international agreements, or commissioning external experts to assist the process.
- Professional regulators and UK “Chartered” bodies are eligible, as are other professional bodies where identifiable barrier to practicing overseas can be demonstrated.

Signposting



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Q & A

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Meeting with Swedish Ministry

16 September 2022

Architects' Council of Europe

Up-date on ACE MRAs

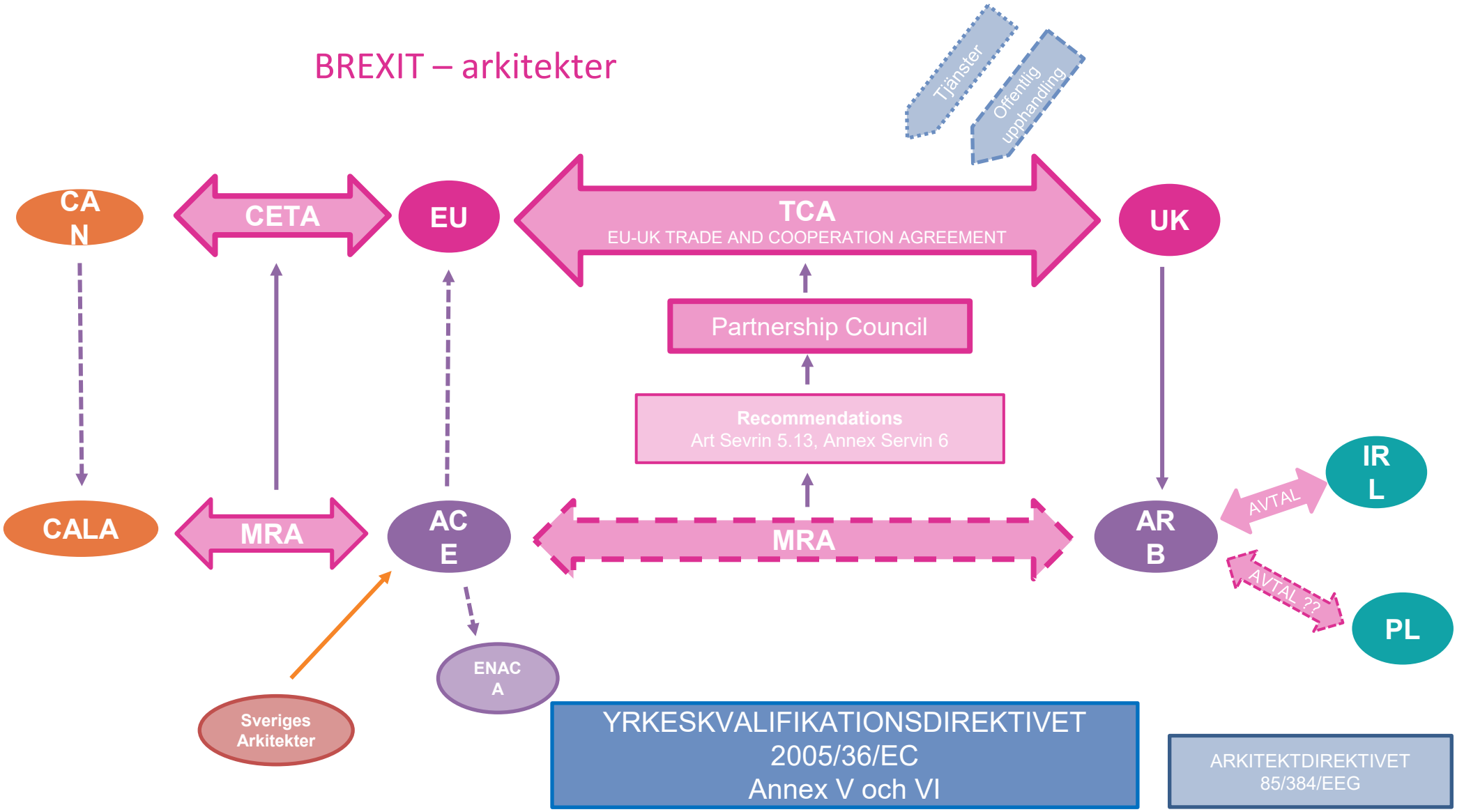
Ian Pritchard Hon. FRIBA, Hon. MRIAI

ACE Secretary General

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Introduction

BREXIT – arkitekter

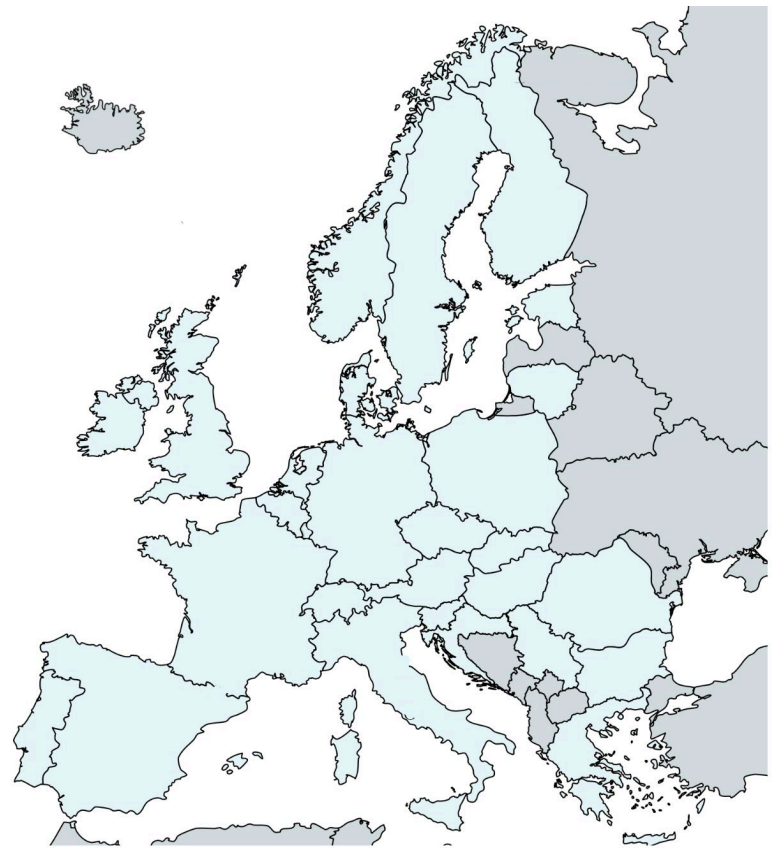


Membership

➔ The representative organisation of the architectural profession at EU level, founded in 1990

➔ 46 Member Organisations, from 33 countries (EU27 + 6), representing 562.000 architects

➔ Regulatory bodies and professional associations



Objects

➔ Work for a better understanding of architectural + cultural values

➔ Promote quality in the built environment

➔ Promote higher quality levels of education, training + practice

➔ Promote the independence + integrity of the profession

➔ Promote the profession towards the EU institutions

Critical Themes

- Green Deal
- Quality of Public Space
- Affordable Housing
- Value of Architecture
- Procurement
- Digitalisation
- Mobility / internationalisation
- Practice
- Regulation

Why MRAs?

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- UIA Professional Practice Committee – since 1995
- Accord on International Standards of Professionalism, 1996
- 1997 WTO Guidelines for MRAs (in accountancy)
- 1998 Disciplines on Domestic Regulation (accountancy)

WTO MRA Guidelines

checklist

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- Identify participants, purpose, scope
- Conditions for recognition (eligibility), level of equivalency incl. “compensatory measures”)
- Implementation mechanism (monitoring, cooperation)
- Technical elements (duration for processing applications, documentation, fees, tests, language)

Disciplines on Domestic Regulation

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➔ to ensure that qualification, procedures and licensing requirements to not constitute unnecessary barriers to trade

➔ That such disciplines are

- based on objective / transparent criteria
- not more burdensome than necessary
- in the case of licensing procedures, not a restriction on supply of service

Free Trade Agreement

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- initially less broad in scope;
- did not include professional qualifications
- Cf. EU-Mexico FTA 2000
- New FTAs incl. chapter on professional qualifications + template for MRAs (cf. CETA)

Recommendation

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- work on mutual recognition within the EU
- Work on international standards
- Availability of structural guideline for WTO compliant MRAs

Selection criteria

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- FTA with EU?
- does FTA include chapters on procurement and professional qualifications?
- knowledge of academic standards

CETA

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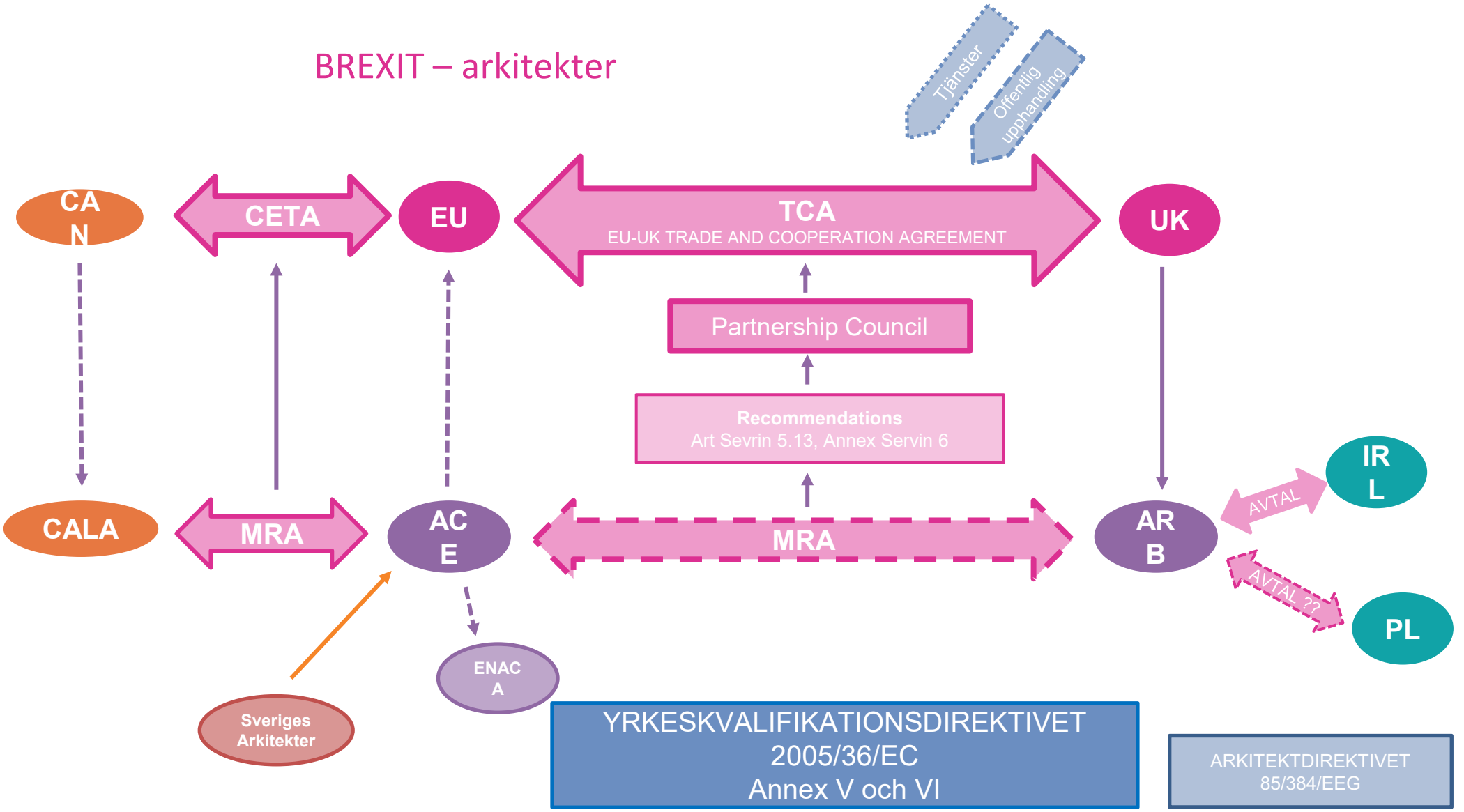


➔ chapter on Professional Services + appendix

➔ 4-step process

- verification of equivalency
- evaluation of substantial differences
- equivalence measures (bridging gaps)
- conditions for recognition

BREXIT – arkitekter



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➔ 12 years of Education, training and experience (at least 4 years of which = post-license/recognition)

➔Compensatory Measure - 10 hour course (DSK)

- building regulations
- construction documentation
- contract administration, professional practice

CETA - latest

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- COM published MRA proposal for Council: 19/7
- Council to agree and authorise COM to adopt MRA in relevant CETA Committee
- “Legal scrubbing”; translation
- CAN / EU to adopt at a Committee meeting
- MRA in force 1-2 months after completion of “internal procedural requirements”, notification to MRA committee

United Kingdom

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- ACE-ARB task-force
- Recommendation for Services, Investment and Digital Trade Committee of TCA
- UK Professional Qualifications Act (legal competence for recognition devolved to sectoral regulators, empowering them to conclude MRAs
- Given compatibility of systems, Recommendation based on 7 years education, training (5+2 etc.)

United Kingdom

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➔ UK Adaptation Assessment Process

- clients, users, delivery of services
- legal framework and processes
- building procurement

➔ Reflective Career Summary and respond, in writing, to scenario-based questions + professional interview

➔ EU27 are not currently looking to reciprocate the DSK requirement, but may do so in future.

United Kingdom

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➔ Matters for future consideration

- Notifications
- Dispute Resolution
- Review clause

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Recommendations to UK Ministry and DG TRADE in September?

SIDT committee meets in October

Other areas of interest

- Mexico
- South Korea
- Japan
- ++ Australian, Singapore, USA

Architects' Council of Europe
Council des Architectes d'Europe

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Thank you for your attention!

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Tack!

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