



***Maroš ŠEFČOVIČ***

*Vice-President of the European Commission*

*Co-Chair of the EU-UK Joint Committee*

*Co-Chair of the EU-UK Partnership Council*

*Brussels, 25 Aug. 2021*

*Dear Chairperson,*

*Thank you for your letter of 5 July 2021, following up on the extraordinary meeting of your Committee on 28 June that I had the pleasure to attend.*

*As you rightly pointed out, the Withdrawal Agreement<sup>1</sup> addressed the questions of (i) the “grandfathering” of the decisions on recognition of professional qualifications adopted before the end of the transition period (Article 27), and (ii) the handling of the applications for recognition of professional qualifications pending on 31 December 2020 (Article 28). Those provisions applied in respect of persons falling under the personal scope of the citizens’ rights part of the Withdrawal Agreement. By professional qualifications, we are referring to those qualifications that are required by law for the taking up or pursuit of a regulated profession.*

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<sup>1</sup> *Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.*

*Mr Colin McGrath, MLA*

*Chairperson*

*Committee for the Executive Office*

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*Beyond those cases, as of 1 January 2021, the EU single market rules on the recognition of professional qualifications ceased applying in and to the United Kingdom<sup>2</sup>. The United Kingdom is entirely free to decide whether to recognise the professional qualifications acquired in a third country or not, in accordance with its own laws. The European Union obviously enjoys the same freedom. However, the freedom of both Parties is limited by Articles 146 et seq. on “Domestic Regulation” of the Trade and Cooperation Agreement<sup>3</sup>: these provisions impose obligations on the way the European Union and the United Kingdom may unilaterally recognise professional qualifications, ensuring in particular that requirements and procedures for the recognition of qualifications are transparent and based on objective criteria.*

*Furthermore, the European Union and the United Kingdom have agreed on a framework for the recognition of professional qualifications, following the approach in recent ambitious trade agreements. This framework is addressed in Article 158 of the Trade and Cooperation Agreement, which creates a pathway for the Partnership Council to adopt recognition agreements on a case-by-case basis and for specific professions (any such recognition arrangement would become an annex to the Trade and Cooperation Agreement). The procedure in view of the adoption of such recognition arrangements is to be initiated by the professional bodies or authorities of a specific profession of the European Union and the United Kingdom – they should prepare a joint recommendation addressed to the Partnership Council (Annex 24 of the Trade and Cooperation Agreement provides guidance on how to prepare the joint recommendation). This bottom-up approach ensures that arrangements meet the needs of the professions on both sides. On the basis of a joint recommendation, the Partnership Council can develop and adopt binding arrangements on the conditions for the recognition of professional qualifications in a certain professional services sector.*

*We look forward to receiving joint recommendations from professional bodies/authorities for recognition arrangements as provided for in Article 158 of the Trade and Cooperation Agreement. So far, we have not received any.*

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<sup>2</sup> *As a member of the EU and its Single Market, United Kingdom nationals and EU citizens holding a qualification from the United Kingdom previously benefitted from a simplified – in some cases automatic – recognition regime in other EU countries, which allowed professionals such as doctors, nurses, dental practitioners, pharmacists, veterinary surgeons, lawyers, architects or engineers to supply services across the European Union, including in the United Kingdom. The EU rules on recognition of professional qualifications are ancillary measures to the EU Treaty rules on free movement of workers, on freedom to provide services and on right of establishment.*

<sup>3</sup> *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.*

*Let me finally clarify that the framework provided for in Article 158 of the Trade and Cooperation Agreement is a framework for recognition arrangements between the European Union and the United Kingdom, but not between the United Kingdom and individual Member States. Agreements on the recognition of professional qualifications with third countries fall within the common commercial policy, which is an EU exclusive competence under the EU Treaties. Therefore, bilateral agreements between a Member State and the United Kingdom on such an issue would contravene the EU Treaties and lack legal certainty.*

*Yours faithfully,*

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*Maroš ŠEFČOVIČ*



## Committee for the Executive Office

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Vice-President of the European Commission for Interinstitutional Relations  
European Commission  
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5 July 2021

### MEETING WITH THE COMMITTEE FOR THE EXECUTIVE OFFICE

Dear Vice President Šefčovič,

At its meeting on 30 June 2021, the Committee for the Executive Office considered a number of follow up actions following the Committee's extraordinary meeting on 28 June 2021 with yourself.

Following the United Kingdom's exit from the European Union, the Withdrawal Agreement makes provision for the continuing recognition of professional qualifications for EU Citizens and UK nationals, and their family members. Chapter 3 Article 27 of the Withdrawal Agreement states:

*“The recognition, before the end of the transition period, of professional qualifications, as defined in point (b) of Article 3(1) of Directive 2005/36/EC of the European Parliament and of the Council, of Union citizens or United Kingdom nationals, and their family members, by their host State or their State of work shall maintain its effects in the respective State, including the right to pursue their profession under the same conditions as its nationals.”*

From the 1 January 2021, professionals with EEA or Swiss qualifications are subject to a new system of recognition. Similarly, professionals with UK qualifications will be treated as originating from a 'third country' and will face more restrictive host state rules when seeking recognition in an EU Member State.

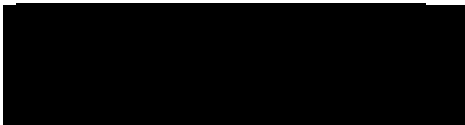
The Committee agreed that I should write to you to ask, as the Agreement states that both sides will seek to establish more detailed reciprocal arrangements on a sector-by-sector basis in the future, what work has been carried out in relation to these arrangements so far.

The Committee is aware of the recent announcement from the UK Government following the introduction of the Professional Qualifications Bill to Parliament last month, which aims to establish a new approach based on regulator autonomy and support for UK professionals to deliver services overseas.

The Committee have also sent a similar letter on this matter to Lord Frost.

I would appreciate a response at your earliest convenience.

Yours sincerely

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**Colin McGrath, MLA Chairperson, Committee for the Executive Office**

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