



Brussels, 16 October 2020  
Ref: 186/20/CO

Dear Member,

**Re: UK withdrawal from the European Union**

The United Kingdom left the European Union on 31 January 2020.

A **Transition Period** was agreed, running from 31 January 2020 to 31 December 2020 – during which time, the UK and the EU are negotiating the terms of a Free Trade Agreement which should cover, amongst other things, provisions for mobility and the provision of professional services.

While Directive 2005/36/EC on the Mutual Recognition of Professional Qualifications (MRPQ) will no longer apply from 1 January 2021, the arrangements currently set out in this Directive continue to apply until the end of the Transition Period – including provisions for automatic recognition, recognition under the general system and temporary or occasional provision of services.

**From 1 January 2021**

- the UK Government has said that
  - EEA/Swiss Architects already registered with ARB will continue to be recognised;
  - EEA/Swiss Architects practising under temporary and occasional status will be able to continue to do so until the expiry of such status, with no option to renew;
  - EEA/Swiss Architects who have submitted applications to ARB to have their professional qualification recognised before exit day but have not yet received a decision will have their application considered/concluded under the Directive procedure as far as possible (within the deadlines set out in the UK Architects Act 1997).
- The EU Commission has also stated that decisions on the recognition of UK qualifications in EU Member States before 1 January 2021 are not affected.<sup>1</sup>

**Therefore, UK architects thinking of registering in one of the 27 EU Member States – and EU27 architects thinking of registering in the UK – are advised to initiate the procedure before 31 December and ideally as soon as possible if they wish to benefit from current arrangements. All those seeking to register in the EU27 or the UK are advised to check national application requirements in the host state and ensure that all relevant documents and certificates are available prior to making an application.**

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<sup>1</sup> For recognition procedures that are on-going on withdrawal date, the “Joint report from the negotiators of the EU and the UK Government on progress during phase 1 of negotiations under Article 50 TEU on the UK’s orderly withdrawal from the EU: establishes that, in respect of persons covered in that report, these recognition procedures will be completed under Union law (para. 32).



### **Applications submitted after 1 January 2021**

- The UK has indicated that it will retain a system of recognition for EEA and Swiss qualifications at exit day that is similar to the current system.
- ARB, the UK regulator of architects will continue to recognise EEA/Swiss qualifications that are currently automatically recognised and referred to in point 5.7.1 of Annex V to Directive 2005/36/EC as it has effect on the day the UK exits the EU, provided the applicant has access to the profession in their home state. EEA/Swiss citizenship will not be a requirement for this system of recognition.
- EEA/Swiss qualifications previously falling in the scope of the General System, and acquired rights nationals, will be required to apply under the third country route to recognition. This includes undertaking ARB's Prescribed Examinations at Part 1 and Part 2, and the completion of an ARB-prescribed UK Part 3 qualification.
- individuals with UK qualifications seeking recognition to offer services in the EEA or Switzerland should check national policies in the host State.

### **Implications for the recognition, in the UK, of holders of EEA/Swiss qualifications**

- For EEA/Swiss professionals (including UK nationals holding EEA/Swiss qualifications) who are already established and have received a recognition decision in the UK, this recognition decision will not be affected and will remain valid.
- EEA/Swiss professionals (including UK nationals holding EEA/Swiss qualifications) who have not started an application for a recognition decision in the UK before 1 January 2021 will be subject to future arrangements, as detailed above.
- EEA/Swiss professionals (including UK nationals holding EEA/ Swiss qualifications) who have applied for a recognition decision and are awaiting a decision on 1 January 2021 will, as far as possible, be able to conclude their applications in line with the provisions of the MRPQ Directive.
- EEA/Swiss Architects practising under temporary and occasional status will be able to continue to do so until the expiry of such status, with no option to renew.

### **Implications for the recognition, in EU27, of holders of UK qualifications**

- The European Commission's "Notice to Stakeholders" of 21 June 2018 states that "the withdrawal of the UK does not affect decisions on the recognition of professional qualifications obtained in the UK taken before the withdrawal date on the basis of Directive 2005/36/EC) by an EU-27 Member State.
- The EC's Notice to Stakeholders also states that as of the withdrawal date, "UK nationals will be third country nationals and hence Directive 2005/36/EC no longer applies to them". It follows that:



- Recognition of professional qualifications of UK nationals in an EU-27 Member State will be governed by national policies and rules of that Member State irrespective of whether the qualifications of the UK national were obtained in the UK, in another third country or in an EU-27 MS;
- The temporary or occasional provision of services by UK nationals in an EU-27 MS, even if they are already legally established in an EU-27 MS will be governed by the national policies and rules of that MS.

For further information please consult

- the Architects' Registration Board (ARB): <http://www.arb.org.uk/>
- [for ARB information on EU Exit: arb.org.uk/eu-exit/](http://arb.org.uk/eu-exit/)
- to contact ARB for advice: [info@arb.org.uk](mailto:info@arb.org.uk)
  
- the website of the European Commission on free movement of professionals [https://ec.europa.eu/growth/single-market/services/free-movement-professionals/qualifications-recognition\\_en](https://ec.europa.eu/growth/single-market/services/free-movement-professionals/qualifications-recognition_en)
- the website of the Architects' Council of Europe for contact details of its Member Organisations: <https://www.ace-cae.eu>