



Technical Notice (17)

Getting ready for the end of the Transition Period

Recognition of Professional Qualifications

8 December 2020

On 31 December 2020, the Transition Period (sometimes also referred to as the “Implementation Period”) under the EU-UK Withdrawal Agreement will come to an end. The end of the Transition Period will bring an end to the current status quo whereby Gibraltar, its citizens and its business, have enjoyed EU rights. Therefore, subject to the outcome of ongoing negotiations concerning the UK and Gibraltar’s future relationship with the EU, the end of the Transition Period will bring about important changes which Gibraltar, as a whole, will need to be ready for.

Purpose.

Gibraltar’s departure from the European Union means that certain processes and procedures will inevitably become more difficult, cumbersome and bureaucratic. It is important that citizens and businesses are aware of this and that, where possible, they plan ahead. The Government can only prepare in areas that are within its control. Even then, there will be certain areas where mitigation is not possible because the new situation simply reflects what it means to be outside the European Union.

The purpose of this Notice is to explain what the effect of those changes are on procedures for the recognition in EU Member States of professional qualifications obtained in the UK or Gibraltar.



If there is no agreement with respect to the UK and Gibraltar's future relationship with the EU by 31 December 2020.

In the EU Member States.

As from 1 January 2021, EU Member States will no longer have to apply EU recognition rules to professional qualifications obtained in the UK or Gibraltar. Therefore, unless you are a person covered by the personal scope of the EU-UK Withdrawal Agreement, and you are already residing in an EU Member State or working there on the basis of a UK or Gibraltar qualification, you may no longer benefit from EU recognition regimes after 31 December 2020.

Consequently, if you are a lawyer, nurse, doctor, veterinary surgeon, architect, engineer etc. wanting to work in an EU Member State, or provide services in an EU Member State, you may have to take steps to have your qualifications recognised there in accordance with the national rules which apply to third-country nationals and third-country qualifications. The same applies with respect to the position in Norway, Iceland, Liechtenstein and Switzerland.

In Gibraltar.

In Gibraltar, persons covered by the EU-UK Withdrawal Agreement who have had their professional qualification recognised in Gibraltar will continue to be able to carry out their professional activities as normal.

Applications for recognition of qualifications made before 31 December 2020 will be dealt with under the existing legislation. As from 1 January 2020, HM Government of Gibraltar will maintain a general system of recognition of EEA qualifications where these are equivalent to UK or Gibraltar qualifications.

There will be some changes to the recognition of qualifications framework as there are aspects of the same which will no longer work without reciprocity, or access to EU



databases, but these largely relate to schemes which have not been used frequently or at all in Gibraltar.

There will no longer be provision in Gibraltar law for the temporary and occasional provision of services, other than as provided for in domestic legislation, under the Recognition of Professional Qualifications and Services (Amendments and Miscellaneous Provisions)(EU Exit) Regulations 2020, which is yet to come into force.

Specific Guidance for Lawyers.

Other than for lawyers covered by the EU-UK Withdrawal Agreement, the EU lawyers' directives (Directive 77/249/EEC and Directive 98/5/EC) will no longer apply to UK qualified lawyers in EU Member States after 31 December 2020. If this could affect your professional activities in an EU Member State, the Government would recommend that you familiarise yourself with the guidance published by the Law Society of England & Wales which can be found here:

<https://www.lawsociety.org.uk/topics/brexit/preparing-for-the-end-of-the-transition-period>

With respect to the position of EU qualified lawyers in Gibraltar, and in keeping with the previously communicated policy, the Government has decided to retain the application of the EU lawyers' directives beyond 31 December 2020. In future, it is possible that this policy could be reviewed. .

If there is an agreement with respect to the UK and Gibraltar's future relationship with the EU by 31 December 2020.

Negotiations with respect to the UK and Gibraltar's future relationship with the EU are ongoing. Should an agreement be reached, it is possible that this agreement may include provisions with respect to the mutual recognition of professional qualifications. HM Government of Gibraltar remains hopeful that such an agreement can be reached.



However, in the event of no agreement, citizens and businesses should make adequate preparations.

Further information

This Notice is meant for guidance only.

Further information can be sought from brexit@gibraltar.gov.gi.