



HOUSE OF LORDS

International Agreements Committee

24th Report of Session 2022–23

Scrutiny of International Agreements: Agreement with Switzerland on the Mutual Recognition of Professional Qualifications

Ordered to be printed 19 September 2023 and published 20 September 2023

Published by the Authority of the House of Lords

International Agreements Committee

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See Appendix 1.

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SUMMARY

This report addresses the following Agreement, laid before Parliament in accordance with section 20 of the Constitutional Reform and Governance Act 2010:

- Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Recognition of Professional Qualifications¹

The purpose of this Agreement is to establish bilateral arrangements for the recognition of the professional qualifications of persons seeking to practise a regulated profession in the other country. Following the UK's exit from the EU, temporary arrangements were made in a Citizens' Rights Agreement which are due to expire at the end of 2024. There is also a Services Mobility Agreement which is temporarily governing arrangements until the end of 2025 for the movement of natural persons to supply services. A working group was set up under its provisions to discuss an agreement on recognition of professional qualifications, which has now concluded its discussions, leading to this Agreement.

The Agreement requires the two countries to ensure their regulators apply the provisions of the Agreement when considering applicants from the other country with comparable professional qualifications. It also sets out standards for decision-making timeframes and the exchange of information on disciplinary and criminal matters as well as on regulatory practices. The Agreement also contains an annex covering specific requirements for the legal profession, including rights of registration and requalification after three years' practice.

We consulted a range of business and regulatory stakeholders on the Agreement. Whilst the Law Society was very positive and saw it as a model for other potential Recognition of Professional Qualifications (RPQ) Agreements, and other professional bodies also welcomed the Agreement in principle, we heard criticisms from regulators. They expressed concern that the Agreement might compromise their ability to apply their existing regulatory frameworks for professionals from Switzerland. Concerns were also expressed about the extent and quality of consultation on the Agreement during negotiations. We were told that there may be problems using the Agreement as a model for others, as it may result in a large number of differing routes to registration for overseas professionals.

We report the Agreement for special attention, highlighting the concerns expressed by regulators and others. The consultation undertaken during negotiations was also clearly of poor quality. We urge the Government to ensure concerns are addressed, and that a more thorough consultation takes place, before implementing legislation is brought forward.

We also express concern that the Agreement may not be consistent with the principles of regulatory autonomy set out under the Professional Qualifications Act 2022 (PQA). We are not persuaded that the Government should treat this as a model for future Agreements, and urge it to ensure that any future RPQ negotiations are consistent with the principles of the PQA.

¹ Department for Business and Trade, *Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Recognition of Professional Qualifications* (20 June 2023): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1162806/uk-switzerland-rpq-agreement.pdf [accessed 13 September 2023]

Scrutiny of International Agreements: Agreement with Switzerland on the Mutual Recognition of Professional Qualifications

AGREEMENT REPORTED FOR SPECIAL ATTENTION

Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Recognition of Professional Qualifications

1. The Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Recognition of Professional Qualifications² was laid before Parliament on 20 June 2023. The scrutiny period for this Convention was originally scheduled to end on 6 September 2023, but at our request was extended by the Government under Section 21 of the Constitutional Reform and Governance Act 2010 (CRA) to 13 September.³
2. **We welcome the Government's acceptance of our request to extend the scrutiny period. This has given us time to consult more widely on the Agreement. We hope that this flexibility can be replicated for future Agreements, as it would help facilitate effective Parliamentary scrutiny.**

Background to the Agreement

3. The Explanatory Memorandum (EM)⁴ discusses the background to the Agreement primarily in the context of services trade, noting that both the UK and Switzerland are service-oriented economies and that Switzerland is the UK's third-largest services export market, after the US and EU. It also notes that UK services exports to Switzerland showed a positive trade surplus of nearly £6bn in 2022.⁵

2 Department for Business and Trade, *Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Recognition of Professional Qualifications* (20 June 2023): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1162806/uk-switzerland-rpq-agreement.pdf [accessed 13 September 2023]

3 HC Deb, 4 September 2023, [HCWS999](#)

4 Department for Business and Trade, *Explanatory Memorandum on the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Recognition of Professional Qualifications* (20 June 2023): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1162827/uk-switzerland-rpq-explanatory-memorandum.pdf [accessed 13 September 2023]

5 Department for Business and Trade, *Explanatory Memorandum on the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Recognition of Professional Qualifications* (20 June 2023), para 3.1: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1162827/uk-switzerland-rpq-explanatory-memorandum.pdf [accessed 13 September 2023]. Exports are reported as £14.8bn compared to £8.8bn in imports.

4. The UK has a number of existing treaties with Switzerland, including a Trade Agreement (FTA) and a Citizens' Rights Agreement (CRA) both made in February 2019, and a temporary Services Mobility Agreement (SMA) done in December 2020. The UK recently announced the launch of negotiations on an enhanced free trade agreement with Switzerland.⁶
5. The CRA contains rolled over recognition of professional qualifications (RPQ) arrangements from EU legislation which applied to both EU and Swiss citizens. These arrangements expire after 31 December 2024 for new applications for recognition, so the EM notes that "it is therefore important that we aim for RPQ arrangements to be in place beyond 2024 in a bilateral UK-Switzerland agreement to provide certainty for professionals, businesses, consumers, and investors in both our countries".⁷ The SMA also established a working group to discuss a comprehensive UK-Switzerland RPQ agreement. The working group has now completed its discussions, which has led to the conclusion of this Agreement.

The Agreement

6. The Agreement provides a framework for RPQ and applies to professionals holding qualifications from the UK and Switzerland applying for recognition by a relevant authority in the other country, regardless of nationality. It requires the two countries to ensure their regulators apply the provisions of the Agreement when considering applicants with comparable professional qualifications.
7. Regulators can refuse to recognise professional qualifications under certain conditions, such as when there is a substantial difference between qualifications held and essential knowledge or skills required in the host country, or when the regulated profession in the host country covers activities that are substantially different. In such cases the host country authority must offer compensatory measures, meaning an aptitude test or adaptation period.
8. In relation to applications to practise, the Agreement requires relevant authorities to issue a decision no later than four months after the date on which the complete application was made. It also imposes requirements regarding information exchange on disciplinary and criminal matters, as well as information on the practice of the relevant regulated profession, including applicable conditions.
9. The EM notes that the two countries may establish more detailed sector specific arrangements to facilitate the recognition of professional qualifications. Such arrangements may be annexed to the Agreement or established as a mutual recognition arrangement separate to the Agreement.
10. In keeping with this approach, Annex A of the Agreement sets out specific provisions for legal professionals. It states that a lawyer qualified in one country can register with the host authority in the other country, provide legal

6 Department for Business and Trade, 'UK to launch talks with Switzerland on new trade deal' (15 May 2023): <https://www.gov.uk/government/news/uk-to-launch-talks-with-switzerland-on-new-trade-deal> [accessed 13 September 2023]

7 Department for Business and Trade, *Explanatory Memorandum on the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Recognition of Professional Qualifications* (20 June 2023), para 3.3: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1162827/uk-switzerland-rpq-explanatory-memorandum.pdf [accessed 13 September 2023]

services in that country under their home title for three years and, subject to meeting the other conditions, can requalify into the legal profession of the opposite country.

11. The Agreement and any annexes may be amended if the two parties agree in writing. The date for entry into force of an amendment may differ depending on whether it relates to the overall treaty (Article 3.5) or to Annex A (Article A.5). In either case, this is subject to notification of completion of domestic procedures. This amendment process as a default would engage the parliamentary scrutiny process as set out in CRAG.

Stakeholder views

12. The extension of the scrutiny period enabled us to consult with a range of professional associations and regulatory bodies to seek their views on the Agreement.
13. UK regulators, who are responsible for the protection of the producers and consumers of regulated services and of the public interest in this realm, were largely critical of the Agreement and its implications. The Solicitors' Regulation Authority told us that "we are concerned that the agreement is out of step with the arrangements we have in place through which lawyers qualified in other jurisdictions can qualify as a solicitor in England and Wales".⁸ It added that their current arrangements align with the provisions for regulator determination in the Professional Qualifications Act 2022.
14. The General Medical Council expressed similar concerns, stating that "maintaining a route to registration for Swiss qualifications that is separate to all other countries of the world is operationally burdensome and risks setting a precedent for future negotiations with the wider EU or other countries".⁹ It added that "the provisions of the Swiss Agreement grant a system akin to the EU 'general system of qualification recognition' that was abolished with EU exit. We believe this is counterproductive as our existing international medical graduate (IMG) pathways to registration may well be more efficient for Swiss applicants".¹⁰
15. The Nursing and Midwifery Council gave a similar view, telling us that "our current understanding is that the Swiss agreement will stipulate how we should treat holders of Swiss qualifications and limits our ability to apply additional testing or assessment measures. This places a disproportionate resource burden on us because it means that we will need to develop a bespoke registrations pathway for Swiss applicants", despite a very low number of applicants coming from Switzerland. It added that its preferred approach "is that any trade agreement should allow us to apply our Test of Competence (ToC) as the primary assessment pathway" because "it offers a holistic assessment method designed to test the knowledge, skills and attributes needed for nursing and midwifery in the UK specifically".¹¹
16. The Health and Care Professions Council told us that, unlike other regulators, they do not currently apply a test of competence before admitting applicants to their register, and therefore the approach proposed in the Agreement would not differ greatly from their existing practice, though

8 Written evidence from the Solicitors Regulation Authority ([SPQ0007](#))

9 Written evidence from the General Medical Council ([SPQ0005](#))

10 Written evidence from the General Medical Council ([SPQ0005](#))

11 Written evidence from the Nursing and Midwifery Council ([SPQ0006](#))

they noted that they have the power to apply such a test and that this might result in different impacts. It argued that “It will be vital that any secondary legislation does not impinge on the principle of regulatory independence and create prescriptive measures for regulators”, adding that “creating bespoke sections within our legislation for differing applicant groups to implement various trade deals risks creating duplication, confusion and a lack of clarity for applicants”.¹²

17. We have also received feedback from other regulators about the impact of the Agreement on their ability to regulate autonomously and on alignment with existing registration routes.
18. Some professional bodies were more positive about the agreement: for example, the Law Society of England and Wales praised it for protecting the right of UK lawyers to requalify in Switzerland without needing to take new exams, and for applying to UK-qualified lawyers regardless of nationality, which had not been the case with the CRA.¹³ It added that “it establishes a new blueprint which the UK can use in trade negotiations with other countries where requalification is a priority for, or interest of, the legal profession in the UK”.¹⁴ As Marco Cillario of the Law Society of England and Wales recognised in oral evidence, the legal profession may have fewer concerns about the specifics of the Agreement because of the annex which is specifically dedicated to legal services.¹⁵
19. The Law Society of Scotland noted that its main concern for its members in Switzerland was to maintain the status quo in relation to their practising status, as set out in the SMA and CRA.¹⁶ It added that “we have previously stated that we would welcome these being gathered together into one agreement to make it simpler for our members to practice cross border trade”.¹⁷ Because of the small numbers of Swiss legal professionals practising in Scotland, for this purpose they said that “we would not want to create a system that created any significant administrative workload”.
20. The Bar Council said that it welcomed the central element of the Agreement providing for acquisition of host title based on mutual recognition of the practitioner’s host title, as well as the provision for sitting an aptitude test rather than completing a three year adaptation period, the latter of which it described as “impracticable for most of our membership”.¹⁸
21. The Royal Institute of British Architects (RIBA) also welcomed the Agreement, but noted that “it will still require the Architects Registration Board (ARB) to agree a formal MRA with the Swiss regulator”. It added that “this must be backed by movement of people policies that support businesses to grow” and that “reducing barriers as much as possible would help support trade and increase the pool of talented architectural staff British practices can benefit from, growing the UK architecture sector”.
22. **While some bodies have welcomed the Agreement, we are concerned about the potential impacts highlighted to us by regulators, concerning**

12 Written evidence from the Health and Care Professions Council (SPQ0009)

13 Written evidence from the Law Society of England and Wales (SPQ0001)

14 Written evidence from the Law Society of England and Wales (SPQ0001)

15 Supplementary written evidence from Marco Cillario, Law Society of England and Wales (SPQ0004)

16 Written evidence from the Law Society of Scotland (SPQ0002)

17 Written evidence from the Law Society of Scotland (SPQ0002)

18 Written evidence from the Bar Council (SPQ0008)

their ability to maintain their existing regulatory approaches for professionals from Switzerland. If existing approaches cannot be maintained, there is a risk of duplication, confusion and unnecessary bureaucracy across a range of professional sectors. The Government must ensure these concerns are addressed before it proceeds with implementing legislation for this Agreement.

23. **We would also be grateful for clarification as to why the healthcare sector was included in the scope of the Agreement and the extent of consultation that took place with this sector.**

Implementation

24. The Agreement will need to be implemented across the UK to give effect to the provisions in domestic law. The Government is beginning work on implementation, and the Professional Qualifications Act 2022 contains powers which can be used by the Government or the Devolved Administrations to implement international recognition agreements.
25. The NMC told us that it would need to analyse implementing legislation before it could consider any implementation issues. It argued that Swiss nationals could be incorporated into legislation implementing the RPQ provisions of the EEA-EFTA trade agreement, “so that we have consistency of process and are not required to duplicate similar registration pathways”.¹⁹
26. The Bar Council stated that “how discretion is exercised in practice will need to be monitored”, noting in particular questions around how regulators will assess whether qualifications are comparable, how willing they will be to provide written reasons for a decision to require compensatory measures, and whether the requirement set out in Annex A for regulators to offer a choice between adaptation or aptitude test will be “fully honoured”. It therefore called for “close monitoring and, as necessary, enforcement” of the Agreement once it is in force.²⁰
27. The Law Society of England and Wales told us that “the FTAs that the UK has negotiated with foreign countries have so far had limited impact on the ability of UK lawyers to practise in foreign countries ... we think that more should be done to dedicate resources to the implementation of FTAs going forward”.²¹
28. The Law Society of Scotland expressed particular concern about one aspect of implementation in Scotland, stating that “we believe that this agreement has created a new route to qualification whereby lawyers can come forward and state ‘I chose to do a three year adaption period and then want to become a qualified solicitor’. We have some concern about whether our current legislation allows that”.²²
29. **With the exception of the legal services annex, there is currently little detail on implementation arrangements for specific sectors. We call on the Government to work with professional bodies and regulators to ensure any necessary arrangements can be put in place where necessary, and to support the creation of sector-specific**

19 Written evidence from the Nursing and Midwifery Council ([SPQ0006](#))

20 Written evidence from the Bar Council ([SPQ0008](#))

21 Supplementary written evidence from Marco Cillario, Law Society of England and Wales ([SPQ0004](#))

22 Written evidence from the Law Society of Scotland ([SPQ0002](#))

arrangements where needed, along the lines of the legal services annex. Any such arrangements must take into account the regulatory concerns discussed above, and set out how they will be resolved.

30. **We also call on the Government to provide further detail on how and when the Agreement will be implemented and monitored.**

Territorial scope

31. The EM notes that certain aspects of professional qualifications regulation are devolved to Scotland, Northern Ireland and Wales.²³ The EM states that the Government has consulted the Devolved Administrations on the drafting of the Agreement and shared the relevant draft text in advance of signature.²⁴ The UK Government have also engaged with relevant authorities in the Devolved Administrations via the Department for Business and Trade's Regulated Professional Advisory Forum and consulted them on progress.
32. The Welsh Parliament Legislation, Justice and Constitution Committee reported on the Agreement in July 2023.²⁵ It noted that the Professional Qualifications Act 2023 contains powers which can be used by the UK Government to implement international recognition agreements. It also noted that the Senedd withheld consent to the Professional Qualifications Act 2022 following consideration of the Welsh Government's Legislative Consent Memorandum.²⁶ The Memorandum had expressed concerns around the linking of professional qualifications to trade policy, in particular that decisions could be badged as 'trade' rather than 'professional qualification' decisions and imposed on Wales in contravention of the Sewel Convention. The Legislation, Justice and Constitution Committee wrote to the Welsh Government seeking further information on this question, in light of it having refused consent for the parent legislation being used for the Agreement's implementation.
33. The Agreement does not extend to the Crown Dependencies and Overseas Territories. The EM states that they were informed of the negotiation and the likely form of the Agreement during its negotiation.²⁷

23 Department for Business and Trade, *Explanatory Memorandum on the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Recognition of Professional Qualifications* (20 June 2023): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1162827/uk-switzerland-rpq-explanatory_memorandum.pdf [accessed 13 September 2023]

24 Department for Business and Trade, *Explanatory Memorandum on the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Recognition of Professional Qualifications* (20 June 2023): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1162827/uk-switzerland-rpq-explanatory_memorandum.pdf [accessed 13 September 2023]

25 Welsh Parliament Legislation, Justice and Constitution Committee, *International Agreement: Agreements considered on 10 July 2023* (July 2023): <https://senedd.wales/media/sa4c5os2/cr-ld15947-e.pdf> [accessed 13 September 2023]

26 Welsh Parliament Legislation, Justice and Constitution Committee, *International Agreement: Agreements considered on 10 July 2023* (July 2023): <https://senedd.wales/media/sa4c5os2/cr-ld15947-e.pdf> [accessed 13 September 2023]

27 Department for Business and Trade, *Explanatory Memorandum on the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Recognition of Professional Qualifications* (20 June 2023): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1162827/uk-switzerland-rpq-explanatory_memorandum.pdf [accessed 13 September 2023]

Wider consultation

34. The EM states that the Government consulted with businesses through “established formal discussion groups and in other ad hoc discussions”.²⁸ It also consulted with relevant authorities in DBT’s Regulated Professions Advisory Forum. In addition, it held a ‘Call for Input’ on trade negotiations with Switzerland from April to June 2022; this was a consultation on the whole trading relationship but included questions on RPQ, the responses to which the EM states “were considered in negotiation of the Agreement”.²⁹
35. The General Medical Council (GMC) and Nursing and Midwifery Council (NMC) were critical of the level of consultation.^{30,31} The NMC told us that it was not offered the opportunity to input outside of the public Call for Input and that “there are Government-led forums, such as the Regulated Professions Advisory Forum where such input could have been sought”.³² Similarly, the GMC told us that it had responded to the Call for Input on wider trade negotiations but only became aware of the negotiations for the RPQ Agreement through conversations with officials in the Department for International Trade (now the Department for Business and Trade), and that they then wrote to the relevant DBT director to highlight their concerns in September 2022.³³
36. The NMC added that in its Call for Input response it had argued that “any agreement should stop the disproportionately generous level of access currently afforded to Swiss applicants on the basis that this does not reflect the significance of Switzerland as a supply country to the UK” and that “we believe that it is in the UK’s national interest for regulators’ views to be fully considered as part of the negotiation process, and we would welcome closer working with Government to ensure that our expertise can properly inform trade negotiations”.³⁴
37. The Law Society of England and Wales told us that it had responded to the 2022 Call for Input, and it had also taken part in several meetings and stakeholder roundtables with the Government.³⁵ In oral evidence it told us that the Agreement “exactly reflects the asks and recommendations that the Law Society made in consultation with the Government throughout the negotiations”.³⁶ The Law Society of Scotland, however, stated that “we would welcome more time to respond to any consultations or enquiries”, adding that “a number of the communications seemed to have had short

28 Department for Business and Trade, *Explanatory Memorandum on the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Recognition of Professional Qualifications* (20 June 2023): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1162827/uk-switzerland-rpq-explanatory-memorandum.pdf [accessed 13 September 2023]

29 Department for Business and Trade, *Explanatory Memorandum on the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Recognition of Professional Qualifications* (20 June 2023): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1162827/uk-switzerland-rpq-explanatory-memorandum.pdf [accessed 13 September 2023]

30 Written evidence from the General Medical Council (SPQ0005)

31 Written evidence from the Nursing and Midwifery Council (SPQ0006)

32 Written evidence from the Nursing and Midwifery Council (SPQ0006)

33 Written evidence from the General Medical Council (SPQ0005)

34 Written evidence from the Nursing and Midwifery Council (SPQ0006)

35 Written evidence from the Law Society of England and Wales (SPQ0001)

36 Q 1

timescales for response that did not give us time to consult fully with our committees”.³⁷

38. **We note that there was no separate public consultation on this Agreement other than the 2022 Call for Input on wider trade arrangements. Some bodies also criticised the quality of consultation through existing forums, with some regulators telling us they had not even been advised of the negotiation of the Agreement.**
39. **We are deeply concerned by this lack of consultation, which means that there may be regulators and professional groups affected who have limited awareness of the effect of the Agreement. We would urge the Government to ensure that all those affected are fully informed and consulted before the Agreement is implemented in legislation.**
40. **For future recognition of professional qualifications agreement negotiations, the Government should consider undertaking a separate call for input or other formal stakeholder consultation. It should also review its approach to consultation through existing business and regulatory forums, to ensure that key groups are not left out and that stakeholders feel they have been properly consulted through the process.**

Use of the Agreement as a model for others

41. We also asked stakeholders whether they saw the Agreement as a suitable model for potential other RPQ Agreements with other countries.
42. Regulators we consulted expressed concern at this prospect. For example, the GMC stated that “we would not favour any provision that either imposed mutual recognition or required regulator-led mutual recognition in any other agreements”, and that there should be “the option to explore frameworks to recognise each other’s qualifications but should not impose blanket recognition... we would not be in favour of the Swiss Agreement setting a precedent for any future agreements or being replicated for other countries”.³⁸
43. Similar views were expressed by the Solicitors Regulation Authority, which told us that “we do not believe similar agreements should be considered for other countries. The Professional Qualifications Act 2022 sets out a clear framework within which we and other professional regulators determine how those qualified in other countries should qualify here... We would prefer that we determine the arrangements for lawyers qualified in other jurisdictions to qualify as solicitors in England and Wales, in accordance with the Professional Qualifications Act, and with a focus on public protection”.³⁹
44. We also note the concerns expressed by the Welsh Parliament concerning the Professional Qualifications Act 2022, regarding the possibility of the UK Government using its provisions to impose RPQ arrangements on the devolved nations through trade negotiations (see paragraph 32).
45. By contrast, the Law Society of England and Wales welcomed the prospect of similar Agreements being negotiated with other countries, telling us

37 Written evidence from the Law Society of Scotland (SPQ0002)

38 Written evidence from the General Medical Council (SPQ0005)

39 Written evidence from the Solicitors Regulation Authority (SPQ0007)

that “considering the numerous advantages and benefits of this agreement, similar arrangements should be pursued through trade negotiations with other countries where requalification is a priority for, or interest of, the legal profession in the UK”.⁴⁰ The Bar Council agreed, stating that it provides “an excellent foundation for the future UK-Swiss FTA and indeed for other comparable international agreements”, while stressing that “all affected branches of the legal profession should be consulted in a full and timely manner at every stage of negotiation of such agreements”.⁴¹

46. The Law Society of Scotland was less positive, stating that “bodies such as the Australia Legal Services Regulatory dialogue that allow the professions to lead on the negotiations are preferable to agreements as part of trade deals since we do not want to have to create a large number of bespoke routes to qualification for a small number of applications”.⁴²
47. **Concerns we have heard about the use of this Agreement as a model include the possibility of creating a large number of distinct routes to qualification, the risk of blanket imposition of arrangements, and the undermining or complication of existing arrangements.**
48. **We share these concerns, noting in particular that the arrangements imposed by this Agreement may not be consistent with the principles of the Professional Qualifications Act 2022 (PQA). If this Agreement were to be used as a precedent we are concerned that those principles would be further undermined, diminishing the autonomy of regulators and adding complications to the RPQ process.**
49. **We are not therefore persuaded that the Government should treat this as a model for future Agreements. The Government should draw lessons from the implementation of this Agreement before pursuing future negotiations, and should avoid making Agreements which are inconsistent with the principles of the PQA.**

Conclusions

50. **We note that the Agreement enables the recognition of professional qualifications beyond 2024, providing certainty to businesses and professionals, and that advances that have been made for professionals on the existing Citizens’ Rights Agreement, for example the extension of its provisions to all regulated services professionals in the UK, regardless of citizenship.**
51. **Nevertheless, we highlight concerns with the Agreement and its implications, as discussed in paragraphs 22–23 (impact on existing regulatory frameworks), 29–30 (implementation arrangements), 38–40 (quality of consultation) and 47–49 (use of the Agreement as a model). We call on the Government to address these concerns in implementing the Agreement and in negotiating future RPQ arrangements with other countries.**
52. **Noting these concerns, we report the Agreement to the House for special attention.**

40 Written evidence from the Law Society of England and Wales ([SPQ0001](#))

41 Written evidence from the Bar Council ([SPQ0008](#))

42 Written evidence from the Law Society of Scotland ([SPQ0002](#))

APPENDIX 1: LIST OF MEMBERS AND DECLARATIONS OF INTEREST

Members

Lord Fox
 Lord Geidt
 Lord Goldsmith (Chair)
 Lord Grimstone of Boscobel
 Baroness Hayter of Kentish Town
 Lord Howell of Guildford
 Lord Kerr of Kinlochard
 Baroness Kingsmill
 Lord Marland
 Lord Razzall
 Lord Udny-Lister
 Lord Watts

Declarations of Interest

Lord Fox
No relevant interests

Lord Geidt
Chairman of Council, King's College London
President, Royal Overseas League

Lord Goldsmith
Chair, European and Asian Litigation, Debevoise

Lord Grimstone of Boscobel
No relevant interests

Baroness Hayter of Kentish Town
Senior Non-Executive Director, Association of British Insurers

Lord Howell of Guildford
No relevant interests

Lord Kerr of Kinlochard
No relevant interests

Baroness Kingsmill
No relevant interests

Lord Marland
Director, Janspeed Technologies Ltd (manufacturer of motor parts)

Lord Razzall
Director, North Atlantic Mining Associates Limited
Director, ZeU Technologies Inc
Shareholdings, ZeU Technologies Inc
Shareholdings, St-Georges Eco-Mining Corporation
Shareholdings, Tintra plc

Lord Udny-Lister
No relevant interests

Lord Watts
No relevant interests