

## About the BMA

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The BMA is a professional association and trade union representing and negotiating on behalf of all doctors and medical students in the UK. It is a leading voice advocating for outstanding health care and a healthy population. It is an association providing members with excellent individual services and support throughout their lives.

This response to the House of Commons Committee on the Future Relationship with the European Union's inquiry on EU-UK negotiations follows correspondence from Committee Chair Hilary Benn inviting the BMA to feed into the review. We have focused our comments around questions set out in that letter on the Mutual Recognition of Professional Qualifications (MRPQ).

## BMA key priorities

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### **What are the key priorities of your members and your sector in general regarding mutual recognition of qualifications in the negotiations between the UK and the EU?**

The current system of automatic recognition has significant benefits for both UK and EU professionals and our NHS. Brexit will impact severely on our members' professional mobility and ability to deliver high-quality healthcare to patients across Europe.

The BMA has called for continued mutual recognition of qualifications between the UK and the EU to help facilitate the free movement of citizens by making it easier for professionals qualified in one member state to practise their profession in another. In the UK, over 22,000 doctors gained their primary medical qualification from another EEA country<sup>1</sup>. The mutual recognition of qualifications is also a particularly vital issue in Northern Ireland, where clinicians move freely between both jurisdictions.

### **Has the Covid-19 pandemic changed any of these priorities?**

The COVID-19 pandemic has not changed these priorities, though it has reinforced the importance of enabling professionals to easily enter the UK medical workforce. It has further increased demands on a health service under huge pressure, while the expected backlog due to postponed and cancelled care will place an even greater strain on the health system and its workforce.

Figures compiled for a recent BMA report<sup>2</sup>, *The hidden impact of COVID-19 on patient care in the NHS in England*, estimate that millions of appointments and admissions were postponed or cancelled during the peak of the crisis in April, May, and June. It estimates there were up to 1.5 million fewer elective admissions than would usually be expected during those three months, and up to 2.6 million fewer outpatient attendances. During the

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<sup>1</sup> GMC (2019), [Our data about doctors with an EEA PMQ 2019](#)

<sup>2</sup> BMA (July 2020), *The hidden impact of COVID-19 on patient care in the NHS in England* [https://www.bma.org.uk/media/2840/the-hidden-impact-of-covid\\_web-pdf.pdf](https://www.bma.org.uk/media/2840/the-hidden-impact-of-covid_web-pdf.pdf)

same period, as many as 25,900 fewer patients started their first cancer treatments following a decision it was needed.

After months of tackling the increased pressure associated with COVID-19 and having risked or lost their own lives, healthcare professionals now face a huge battle to deal with the hidden costs of this unprecedented strain on the NHS. Enabling professionals to quickly and easily enter the UK medical workforce is essential to help meet increased workforce demands.

### **What might be the consequences of a deal which does not meet these priorities?**

The COVID-19 pandemic has further demonstrated how much we depend upon our international workforce. Around 9% of doctors in the UK are EEA graduates.<sup>3</sup> They deliver key public services, conduct vital medical research, and contribute to the overall economy.

### **To what extent did the UK Government consult your sector before publishing its negotiating aims and draft texts?**

The BMA was not consulted directly but our European Office has been in regular contact with the relevant UK Mission Staff over the last few years.

The UK Government's proposed process would provide for a system of mutual recognition, but it is one that is more burdensome than the system of automatic recognition that we have at present. The BMA has called for a system that mirrors the automatic system allowing fast access to the UK workforce.

## **UK and EU negotiating positions**

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### **How do the UK and the EU's positions in the negotiations compare with regard to mutual recognition of professional qualifications?**

The UK and the EU share the same ambition of ensuring mutual recognition of qualifications, with the EU seeking "ambitious provisions" for MRPQ in their negotiating position. However, the proposals put forward by each regarding the process for agreeing MRPQ are very different.

The BMA strongly favours a provision that would enshrine MRPQ directly in the free trade agreement, applies to every Member State on equal footing and that can immediately enter into force upon ratification. This would ensure continuity and legal certainty for both students and professionals at the end of the transition period. The solution proposed by the EU, which would enable future mutual recognition agreements (MRAs) to be agreed between professional regulatory organisations (i.e. the GMC in the UK) from both sides is – for all its flexibility – a largely untested process which is likely to require time to take shape.

While we still believe that it would be preferable to replicate a system of automatic recognition in a free trade agreement, the proposal put forward by the UK government

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<sup>3</sup> GMC (2019), [Our data about doctors with an EEA PMQ 2019](#)

accounts for both the current degree of harmonisation of the applicable regulatory framework and any dynamics which may occur in future.

The solution proposed by the UK government offers a solution established in the FTA and draws on processes that are familiar to national competent authorities thus allowing swift implementation. This too is beneficial for legal certainty and operational efficiency at Member State level.

**To what extent have you engaged with your counterparts in EU Member States to progress mutual recognition of qualifications on a bilateral basis, outside the framework of a future UK/EU agreement; and if you have, what progress has been made?**

The BMA has written to the CPME (Standing Committee of European Doctors) to call for its support in encouraging member states to set-up a system of mutual recognition of qualifications on a bilateral basis. In addition, the CPME, and our other partners in the European medical profession, wrote to Michel Barnier calling on the EU to support the solution proposed by the UK Government. These letters are enclosed for your information.

**What would happen if agreement was not reached between the UK and the EU on mutual recognition of professional services?**

Whilst the UK has made provisions for the recognition of EU qualifications in the event of a no-deal, this is not the case in the EU. The DHSC has implemented changes to the Medical Act to ensure the vast majority of European qualifications will be recognised<sup>4</sup> under a ‘no deal’ Brexit. These amendments would allow the UK to continue to accept the vast majority of EEA qualifications that are listed in Annex V of the Professional Qualifications Directive on exit day as sufficient evidence of knowledge, skills and experience for entry onto the UK’s medical register. This will last for a period of two years when the system will be reviewed by Government.

Whilst this is welcome news for EEA qualified doctors, and by extension our NHS, we are extremely concerned by what a no deal scenario means for the future of the 4,434<sup>5</sup> EU nationals currently studying medicine in the UK who will be treated as “third country nationals” should they seek to return home to work. Indeed, all UK qualified doctors will find themselves in the same disadvantageous position should they seek to practise in one of the EEA member states should a no deal Brexit come to pass.

EU countries will need to unilaterally amend their “third country route” – what the UK will become in the event of a no deal Brexit – to accept UK qualifications. However, as only a small number of European countries like France and Ireland are taking action to do so, a ‘no deal’ Brexit would have significant repercussions for UK qualified doctors, be they UK nationals or citizens from another EEA country, seeking to return home or to work in other European countries. These doctors will be in the hugely disadvantageous position of being treated as ‘third country nationals’ and risk being significantly disadvantaged when they register to work.

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<sup>4</sup> The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2018

<sup>5</sup> HESA Student Record 2016/17

## **Is it clear what your members and employers in your sector must do to prepare for the end of the transition period?**

To ensure they are able to continue to practice in EU Member States, doctors must apply now for automatic recognition in EU countries if they want to ensure they have this granted before the end of the transition period.

## **Impact on Northern Ireland**

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### **What provisions exist in the Ireland/Northern Ireland Protocol on mutual recognition of professional qualifications?**

The Ireland/Northern Ireland Protocol does not address issues relating to the Mutual Recognition of Professional Qualifications. The BMA is very concerned that without an ambitious agreement on the mutual recognition of professional qualifications, EEA (European Economic Area) nationals graduating, with what will be UK medical qualifications, will be treated as “3<sup>rd</sup> country nationals” and obliged to undergo extremely onerous separate registration processes in both their “home” country and in every other EEA jurisdiction in which they wish to practise.

Having spoken to many of our members who would fall within this category, it is clear that such obstacles would detract significantly from the attractiveness of studying medicine in Northern Ireland (NI) and ultimately further reduce the provision of healthcare in the, already understaffed, cross-border area.

Likewise, the All-Island Congenital Heart Disease Network’s ongoing efforts develop “*a world-class patient and family-centric CHD service for the island of Ireland*” is dependent upon the ability to run cross-border training programmes with successful graduates’ qualifications being automatically recognised across the EEA.

Should, as is unfortunately entirely feasible, the future arrangements governing the recognition of professional qualifications impinge on these highly specialised professionals’ mobility, there is a genuine risk that they would choose to pursue their careers in a more welcoming environment and endanger the future of the CHD network.

The ongoing lack of detail regarding the application of the Protocol on Ireland and Northern Ireland, particularly what goods entering NI from GB will be deemed to be “at risk”, and therefore subject to checks, tariffs and possible delays, is another area of serious concern for our members.

Patients in Northern Ireland, and the many thousands who travel from the south for treatment, need certainty that their medications, like those biological medicines used in paediatric haematology/oncology which require refrigerator storage to retain their efficacy, will continue to be delivered in time to meet their diverse healthcare needs. It is imperative that doctors in Northern Ireland have clarity as to exactly what treatments they will be able to prescribe for their patients.

It is vital that an agreement between the UK and EU is reached that permits our members' continued treatment of their patients, on both sides of the border, to the highest possible level beyond the end of the transition period.

***July 2020***



# Committee on the Future Relationship with the European Union

House of Commons, London, SW1A 0AA

Email: [freucom@parliament.uk](mailto:freucom@parliament.uk) Website: <https://committees.parliament.uk/committee/366/committee-on-the-future-relationship-with-the-european-union/>

2 July 2020

Mr Tom Grinyer  
Chief Executive  
British Medical Association

Dear Mr Grinyer,

The House of Commons Committee on the Future Relationship with the European Union is inquiring into the progress of the negotiations between the UK and the EU. Under normal circumstances, the Committee holds regular oral evidence sessions in Westminster. However, measures to prevent the spread of the coronavirus make this difficult.

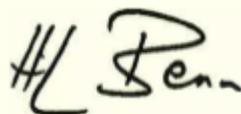
The Committee is keen to gather as much evidence as possible to inform its deliberations so I am writing to you to ask whether you would be willing to help us with our work by making a written submission. We welcome general responses to our [call for evidence](#), which was published on 4 March. We also hope that you would be willing to answer some of the more specific questions set out below on the mutual recognition of professional qualifications. Submissions need not address every bullet point and can include other matters that you think are relevant to the negotiations and should be drawn to the attention of the Committee.

- What are the key priorities of your members and your sector in general regarding mutual recognition of qualifications in the negotiations between the UK and the EU? Has the Covid-19 pandemic changed any of these priorities? What might be the consequences of a deal which does not meet these priorities?
- To what extent did the UK Government consult your sector before publishing its negotiating aims and draft texts? How well does what the Government has proposed meet its needs? What further provisions would you have advised the Government to seek?
- How do the UK and the EU's positions in the negotiations compare with regard to mutual recognition of professional qualifications? On which areas are the UK and EU's aims farthest apart? Where do their positions align? What is your assessment of the level of technical detail the negotiators have grappled with on this topic to date?
- How does the EU's position on mutual recognition of professional qualifications compare to that which it held in negotiations on CETA with Canada and the EU-Japan FTA? To what extent are these FTAs suitable precedents for a UK/EU deal?
- To what extent is the UK seeking provisions on mutual recognition of professional qualifications unprecedented in existing free trade agreements? What would be the advantages and disadvantages of agreeing these provisions for each party? Why might agreeing such provisions prove difficult?
- How is responsibility for, and competence over, professional qualifications divided between the European Union, national governments, and trade associations and professional bodies? To what extent does this complicate the mutual recognition of professional qualifications aspect of the UK/EU future relationship negotiations? What impact might it have on the implementation of any future deal?
- To what extent have you engaged with your counterparts in EU Member States to progress mutual recognition of qualifications on a bilateral basis, outside the framework of a future UK/EU agreement; and if you have, what progress has been made?
- Could you sketch out a possible compromise between the UK and the EU on mutual recognition of professional qualifications and how it might be achieved?

- Based on the parameters set out by the UK and EU draft legal texts, could reaching an agreement with the EU restrict the UK's ability to pursue a free trade agreement covering mutual recognition of professional qualifications with third countries? If so, how?
- What would happen if agreement was not reached between the UK and the EU on mutual recognition of professional services? What would be the international legal baseline they would fall back on? What would be the consequences of this for your members and your sector in general?
- What implications could other provisions of a future UK/EU agreement have on your members and your sector in general (for example, those related to cross-border trade in services or labour mobility)?
- Is it clear what your members and employers in your sector must do to prepare for the end of the transition period? How much progress have been made on preparations so far? Do SMEs face any additional challenges?
- What provisions exist in the Ireland/Northern Ireland Protocol on mutual recognition of professional qualifications? How might the all-island economy be affected by the UK leaving the transition period with different forms of UK/EU future relationship?

The Committee staff will be happy to discuss the inquiry, any issues raised, or the process for submitting written evidence. You can contact them at [freucom@parliament.uk](mailto:freucom@parliament.uk).

Yours,

A handwritten signature in black ink, appearing to read 'H Benn', written in a cursive style.

**Hilary Benn**  
Chair of the Committee