
STATUTORY INSTRUMENTS

2020 No. 1038

The Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) Regulations 2020

PART 4

Cessation of directly effective treaty rights

Interpretation of this Part

9. In this Part, “the Swiss Agreement” means the Agreement between the European Community and its Member States and the Swiss Confederation on the free movement of persons signed at Luxembourg on 21st June 1999⁽¹⁾.

Cessation of freedom of movement in relation to recognition of professional qualifications

10.—(1) Any rights, powers, liabilities, obligations, restrictions, remedies and procedures which—

- (a) continue by virtue of section 4(1)(2) of the European Union (Withdrawal) Act 2018; and
- (b) are derived (directly or indirectly) from—
 - (i) Article 45 of the Treaty on the Functioning of the European Union;
 - (ii) Article 28 of the EEA Agreement,

so far as they relate to the recognition of professional qualifications, cease to be recognised and available in domestic law (and to be enforced, allowed and followed accordingly).

(2) In paragraph (1), “professional qualifications” has the same meaning as in Article 3(1)(b) of [Directive 2005/36/EC](#) of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications⁽³⁾, as it had effect immediately before IP completion day.

Cessation of directly effective treaty rights in relation to recognition of professional qualifications under the Swiss Agreement

11. Any rights, powers, liabilities, obligations, restrictions, remedies and procedures which—

- (a) continue by virtue of section 4(1) of the European Union (Withdrawal) Act 2018; and
- (b) are derived (directly or indirectly) from Article 9 of, and Annex 3 to, the Swiss Agreement,

cease to be recognised and available in domestic law (and to be enforced, allowed and followed accordingly).

⁽¹⁾ This Agreement was specified as an EU Treaty by [S.I. 2000/3269](#).

⁽²⁾ Section 4(1) is amended by section 25(3)(a) of the 2020 Act, from a date yet to be appointed.

⁽³⁾ OJ No L255, 30.09.2005, p 22.

Cessation of discrimination on the grounds of nationality

12. The prohibitions on discrimination on the grounds of nationality which—

- (a) continue by virtue of section 4(1) of the European Union (Withdrawal) Act 2018; and
- (b) are derived from—
 - (i) Article 18 of the Treaty on the Functioning of the European Union;
 - (ii) Article 4 of the EEA Agreement;
 - (iii) Article 2 of the Swiss Agreement,

so far as they relate to the cessation effected by regulations 10(1) and 11, cease to be recognised and available in domestic law (and to be enforced, allowed and followed accordingly).