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Director General Health and Social Services/
NHS Wales Chief Executive
Health and Social Services Group



Llywodraeth Cymru
Welsh Government

28 January 2021

To: NHS Chief Executives, Directors of Social Services

Dear Colleagues

Update on EU Transition and the UK/EU Trade and Cooperation Agreement

We wrote to you on 11 December to provide an overview of EU Transition preparations in health and social care, ahead of the end of the Transition Period. Since that time, you will be aware that significant developments have taken place. A UK/EU Trade and Cooperation Agreement (TCA) was reached on 24 December, which was subsequently ratified by the UK Parliament ahead of new arrangements with the EU coming into effect from 1 January. This letter provides a further update in light of these developments.

The TCA means we now have a clearer picture of the UK's future relationship with the EU. This is very welcome for health and social care, although we would emphasise that even with an agreement in place, significant changes have now come into effect; such as changes in how goods travel between the UK and EU, and to border and customs infrastructure.

Our preparations for EU Transition have been designed to respond to a range of scenarios and, as such, they are still relevant to the new context within which we are now operating. For example, we are continuing to implement the extensive arrangements in Wales and across the UK for ensuring continued supply of medicines and other critical goods, including those for clinical trials, throughout this period. Whilst there is of course no room for complacency, these give us confidence that we will be able to manage any short term disruption that may arise in the coming weeks and months. We are also continuing to take forward our other cross-Government priorities such as promoting the EU Settled Status scheme. We appreciate your continued support in encouraging eligible staff, citizens and those who receive care and support services to apply in good time ahead of the deadline of 30 June.

Welsh Government expects to publish an overall assessment of what the TCA means for Wales in February. In the interim, our previous letter referenced some specific areas where future arrangements were dependent on the overall outcome of negotiations. The policy position for these has now become clearer through the TCA, although further detail is likely to continue to emerge as the agreement is implemented. An update on key areas relevant to health and social care is provided below.

Reciprocal healthcare

The Withdrawal Agreement previously negotiated with the EU already provided that certain groups continue to have life-long reciprocal healthcare rights. This meant that existing arrangements will not change for UK nationals who were resident in the EU (and EU citizens in the UK) before 31 December 2020, for as long as they are living in that country legally and covered by the Withdrawal Agreement.

The TCA further builds on the arrangements already in place. Key elements are:

- UK residents will continue to have access to emergency and necessary healthcare when they travel to the EU, operating like the current European Health Insurance Card (EHIC) scheme;
- A new UK Global Health Insurance Card (GHIC) is available but people are still able to use their EHIC, as current cards remain valid until their expiry date. Those travelling to the UK from the EU will also be able to continue to use their EHICs;
- Planned healthcare arrangements will continue, and eligible pensioners, frontier workers and certain other groups – and their family members - will continue to benefit from reciprocal healthcare arrangements covering their healthcare costs. Organisations should continue to use the processes already in place to recover these costs from Member States;
- Treatment under the Cross Border Directive has not been continued and this route can no longer be used by UK citizens to access healthcare treatment in the EU, other than in specific transitional circumstances; and
- With the ending of free movement, EU citizens who move to the UK from 1 January 2021 for more than six months will be subject to immigration control and pay the immigration health surcharge as part of any visa application (although certain groups will be able to seek reimbursement of the charge). Short-term visitors to the UK who are not covered by the reciprocal healthcare arrangements may be charged for NHS treatment.

Health security

The agreement with the EU includes arrangements for information sharing between the UK and the EU in the event of a serious cross border threat to health, which is particularly important in the context of Covid-19. It enables the UK to request access to the EU's Early Warning and Response System in respect of a serious cross-border health threat so that information can be exchanged and measures coordinated to protect public health. In addition, the agreement makes provision for cooperation on scientific and technical matters between the UK and the European Centre for Disease Prevention and Control (ECDC).

Mutual recognition of professional qualifications (MRPQ)

The TCA provides a framework to accommodate the mutual recognition of professional qualifications. A 'standstill period' of up to two years is in place where existing EEA healthcare professional qualifications continue to be recognised in the UK.

For professionals covered by the Swiss Citizens Rights agreement this period extends to four years and applies to professionals wishing to work in the UK as well as to professionals wishing to work in Switzerland. However, UK-qualified professionals who wish to supply services in the rest of the EEA after 1 January should seek recognition for their qualifications using the national rules in the EU Member States.

As part of the agreement, professional regulators such as the General Medical Council and the Nursing and Midwifery Council will be able to work with their EU equivalents to agree a process for recognising professional qualifications in one another's territories in the future. This will give regulators the flexibility to negotiate Mutual Recognition Agreements (MRAs) or alternatively use existing third country recognition routes to recognise EU qualifications.

In relation to social care, the Welsh Government continues to work with the UK Government and Devolved Administrations on the development of a consistent approach to the recognition of professional qualifications of social workers and social care workers from the EU and EEA. We recently made some minor technical changes to reflect the Swiss Citizens Rights Agreement and ensure these were incorporated into Welsh regulations. We will continue to work closely with our UK and Devolved Administration counterparts and Social Care Wales as regulator in this area.

Data

The agreement provides a time-limited 'bridging mechanism' which allows personal data from the EU and EEA EFTA States to continue to flow to the UK as it does now. This mechanism is in place whilst EU data adequacy decisions for the UK are adopted, and for no longer than six months (from 1 January 2021). In line with previous advice, during the bridging mechanism organisations should maintain, or put in place, alternative transfer mechanisms to safeguard against any future interruption to the free flow of EU-to-UK personal data. The UK has, on a transitional basis, deemed the EU and EEA EFTA states to be adequate to allow for data flows from the UK.

Research

Under the new arrangements, the UK will associate to the Horizon Europe programme and be able to participate once the EU has finalised its Multiannual Financial Framework for 2021-27. Participation will support continued partnerships between UK and European research and science experts. The programme is due to begin in early 2021 and UK researchers and businesses are encouraged to form collaborative partnerships with international counterparts with a view to preparing to bid. For current UK recipients of Horizon 2020 funding, the terms and conditions will remain the same as previously agreed under the Withdrawal Agreement.

We hope this update will be useful as we enter a period of adjusting to the various changes associated with leaving the EU. Please continue to refer to the Preparing Wales website (<https://gov.wales/preparing-wales>), the Welsh NHS Confederation's Frequently Asked

Questions (<https://www.nhsconfed.org/resources/2019/02/managing-eu-withdrawal-in-health-and-social-care-in-wales-faqs>) and other material disseminated through our established cascade mechanisms. We look forward to continuing to work with you on these areas and on emerging priorities during 2021.

Yours sincerely



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Albert Heaney
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