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Task Force for the Preparation and Conduct of the
Negotiations with the United Kingdom under Article 50 TEU

Unit TF50.02 – Internal market and Sectorial Policies

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Dear Madam, Sirs,

Your letter to Chief negotiator Michel Barnier of 27 September last on the question of the mutual recognition of professional qualifications in the context of the future relationship between the European Union and the United Kingdom has received his full attention. Mr Barnier has asked me to thank you and to reply on his behalf.

The European Council Guidelines of 23 March 2018 opened the door to the negotiations on a framework for the future relationship between the European Union and the United Kingdom. In their paragraph 10, the Guidelines call for the future partnership to include "*ambitious provisions on movement of natural persons, based on full reciprocity and non-discrimination among Member States, and related areas such as [...] recognition of professional qualifications.*" As you will have appreciated, the European Council linked the ambition on the recognition of professional qualifications to that on the movement of natural persons.

In the meantime, the United Kingdom published in July its White Paper on *The Future Relationship between the United Kingdom and the European Union*. The ambition set out therein as regards the mobility of natural persons is limited, as it would only concern temporary movements within a short time-frame. This is expected to be in line with the United Kingdom's future immigration system which, we understand, will be set out in a specific White Paper expected for this autumn. According to the announcements made so far, the latter should not provide for any particular facility or advantage for EU citizens seeking to settle in the United Kingdom after its withdrawal from the European Union.

There is therefore, at this stage, uncertainty as to whether a future partnership between the European Union and the United Kingdom could contain ambitious provisions on the movement of natural persons. Should that not be the case and if the future mobility of natural persons between the European Union and the United Kingdom were to be governed by unilateral policy decisions of both parties, the question of the recognition of professional qualifications as part of the future partnership would have to be considered in that context. The European Union continues however discussions with the United Kingdom on this issue.

I note that you represent professions whose professional qualifications are covered by the so-called automatic recognition scheme of the Directive on the Recognition of Professional Qualifications (2005/36/EC). Recognition under that scheme is based on commonly agreed enforceable standards regarding professional training conditions, established by European Union law in relation to the operation of the internal market, and based on shared competencies and responsibilities, as well as pooled sovereignty.

The United Kingdom took the decision to leave the European Union to, *inter alia*, take back control of its laws and regulation. This is in principle not compatible with an automatic recognition scheme underpinning the functioning of the internal market. May I draw your attention in this regard to paragraph 7 of the European Council Guidelines of 23 March 2018, emphasizing that any agreement with the United Kingdom will have to be based on a balance of rights and obligations.

May I finally recall that the Withdrawal Agreement, as currently drafted, would preserve the recognition of the professional qualifications obtained in the United Kingdom by European Union professionals who reside in the United Kingdom and, conversely, for British nationals residing in the European Union (see draft Article 25 and seq). As regards other situations, I refer you to the notice on professional qualifications published by the Commission in June 2018: https://ec.europa.eu/info/brexit/brexit-preparedness/preparedness-notices_en#grow

I stand available for a meeting, should you deem this useful. Should that be the case, please liaise with my assistant Julie François (Julie.Francois@ec.europa.ecu) who will see to the practical arrangements.

Yours sincerely,



François ARBAULT
Head of Unit