EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES

Brussels, 21 June 2018

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF REGULATED PROFESSIONS AND THE RECOGNITION OF PROFESSIONAL QUALIFICATIONS

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that, unless a ratified withdrawal agreement[1] establishes another date, all Union primary and secondary law will cease to apply to the United Kingdom from 30 March 2019, 00:00h (CET) ('the withdrawal date').[2] The United Kingdom will then become a 'third country'.[3]

In view of the considerable uncertainties, in particular concerning the content of a possible withdrawal agreement, all persons who need recognition of their professional qualifications with a view to access a regulated profession are reminded of legal repercussions, which need to be considered when the United Kingdom becomes a third country.[4]

Subject to any transitional arrangement that may be contained in a possible withdrawal agreement, as of the withdrawal date, the EU rules in the field of recognition of professional qualifications no longer apply to the United Kingdom. This has in particular the following consequences:

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1 Negotiations are ongoing with the United Kingdom with a view to reaching a withdrawal agreement.

2 Furthermore, in accordance with Article 50(3) of the Treaty on European Union, the European Council, in agreement with the United Kingdom, may unanimously decide that the Treaties cease to apply at a later date.

3 A third country is a country not member of the EU.

4 For recognition procedures that are ongoing on the withdrawal date, the "Joint report from the negotiators of the European Union and the United Kingdom Government on progress during phase 1 of negotiations under Article 50 TEU on the United Kingdom's orderly withdrawal from the European Union" establishes that, in respect of the persons covered in that report, these recognition procedures will be completed under Union law (paragraph 32): https://ec.europa.eu/commission/publications/joint-report-negotiators-european-union-and-united-kingdom-government-progress-during-phase-1-negotiations-under-article-50-teu-united-kingdoms-orderly-withdrawal-european-union_en.

1. APPLICATION OF EU RULES ON RECOGNITION OF PROFESSIONAL QUALIFICATIONS

Professionals seeking to access or pursue a regulated profession in a Member State different from the one where they have obtained their qualifications can rely on Directive 2005/36/EC on the recognition of professional qualifications[5] to have their qualifications recognised by that Member State and to pursue their profession there.

Directive 2005/36/EC covers EU citizens with qualifications obtained in one or more EU Member States. Under certain conditions and limitations, Directive 2005/36/EC also covers EU citizens with qualifications obtained in third countries.[6] On the contrary, recognition of qualifications of third country nationals, wherever obtained, is not covered by Directive 2005/36/EC.[7]

Directive 2005/36/EC also provides for a mechanism allowing professionals established in one Member State to move and provide regulated professional services in another Member State on a temporal or occasional basis (Articles 5 to 9 of Directive 2005/36/EC). Provision of such services may be subject to a prior declaration, if required by the host Member State. It may also involve a prior check of qualifications for a limited number of professions and only if this is necessary to avoid serious damage to the health or safety of the service recipients (Article 7(4) of Directive 2005/36/EC).

Other EU rules may provide for the recognition of professional qualifications in relation to specific regulated professions, such as Directive 2006/43/EC on statutory audits of annual accounts and consolidated accounts[8] or Directive 98/5/EC to facilitate practice of the profession of lawyer on a permanent basis in a Member

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5 Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

6 Articles 2(2), 3(3) and 10(g) of Directive 2005/36/EC.

7 A number of other EU Directives may, however, offer some limited recognition possibilities to specific categories of third country nationals, e.g. Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.5.2016, p. 21), Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (OJ L 94, 28.3.2014, p. 375), Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ L 180, 29.6.2013, p. 96). Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ L 337, 20.12.2011, p. 9), Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (OJ L 155, 18.6.2009, p. 17), Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research (OJ L 289, 3.11.2005, p. 15), Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (OJ L 16, 23.1.2004, p. 44).

8 Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts (OJ L 157, 9.6.2006, p. 87).

State other than that in which the qualification was obtained.[9] This notice does not deal with the recognition of professional qualifications pursuant to those other rules.[10]

2. RECOGNITIONS OF PROFESSIONAL QUALIFICATIONS RECOGNISED BEFORE THE WITHDRAWAL DATE

The withdrawal of the United Kingdom does not affect decisions on the recognition of professional qualifications obtained in the United Kingdom taken before the withdrawal date on the basis of Directive 2005/36/EC by an EU-27 Member State.

3. RECOGNITIONS AS OF THE WITHDRAWAL DATE OF PROFESSIONAL QUALIFICATIONS

As of the withdrawal date, United Kingdom nationals will be third country nationals and hence Directive 2005/36/EC no longer applies to them. It follows that:

- The recognition of professional qualifications of United Kingdom nationals in an EU-27 Member State will be governed by the national policies and rules of that Member State, irrespective of whether the qualifications of the United Kingdom national were obtained in the United Kingdom, in another third country or in an EU-27 Member State.

- The temporary or occasional provision of services by United Kingdom nationals in an EU-27 Member State, even if they are already legally established in an EU-27 Member State will be governed by the national policies and rules of that Member State.

Concerning EU-27 nationals, qualifications obtained in the United Kingdom (hereafter "UK professional qualifications") as of the withdrawal date are third country qualifications for the purpose of EU law. Recognition of such a qualification is no longer covered by the recognition regime of Directive 2005/36/EC (both in respect of EU citizens and of United Kingdom nationals) but, in accordance with Article 2(2) of Directive 2005/36/EC, the recognition will be governed by the national policies and rules of each of the EU-27 Member States.

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[9] Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained (OJ L 77, 14.3.1998, p. 36).

[10] EU rules on specific professional occupations are addressed in sectorial "Notices to stakeholders", for example as regards train drivers (see "*Notice to stakeholders - Withdrawal of the United Kingdom and EU rules in the field of rail transport*"), aviation personnel, such as pilots and cabin crew (see "*Notice to stakeholders - Withdrawal of the United Kingdom and EU aviation safety rules*"), seafarers (see "*Notice to stakeholders - Withdrawal of the United Kingdom and EU rules on the minimum level of training of seafarers and the mutual recognition of seafarers' certificates*"), boatmasters on inland waterways (see "*Notice to stakeholders - Withdrawal of the United Kingdom and EU rules in the field of inland waterways*"), auditors (see "*Notice to stakeholders - Withdrawal of the United Kingdom and EU rules in the field of statutory audit*"), or persons engaged in road transport (see "*Notice to stakeholders - Withdrawal of the United Kingdom and EU rules in the field of road transport*"; see also "*Notice to stakeholders - Withdrawal of the United Kingdom and EU rules for authorisations and certificates for transporters of live animals, drivers and attendants*"). All "Notices to stakeholders" are available here: https://ec.europa.eu/info/brexit/brexit-preparedness_en.

EU-27 nationals holding UK professional qualifications obtained before the withdrawal date should consult the relevant national authorities to assess whether it is advisable to obtain, before the withdrawal date, the recognition of those UK professional qualifications in an EU-27 Member State.

The website of the Commission on free movement of professionals provides for general information concerning recognition issues. (https://ec.europa.eu/growth/single-market/services/free-movement-professionals/qualifications-recognition_en) These pages will be updated with further information, where necessary.

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