Universitets- och högskolerådet

Rapport från tekniskt expertseminarium (EU27) om praktiska konsekvenser i processer gällande erkännande av yrkeskvalifikationer i samband med Storbritanniens utträde ur EU, 2019-02-15

EU- kommissionen inledde seminariet med att understryka det unika i den givna situationen och att de praktiska åtgärder som presenterades under mötet avsåg ett avtalslöst utträde ur EU för Storbritannien. EU- kommissionen uppmanade även medlemsstaterna att i mesta möjliga mån beakta medborgarnas situation, i synnerhet i de ärenden som kommer att hanteras under övergångsperioden, se bilagda presentationer för vägledning.

IMI
Vid ett avtalslöst utträde ur EU kommer Storbritanniens tillgång till Internal Market Information System (IMI) att blockeras från och med 30 mars 2019. Medlemsstaterna kommer inte heller längre kunna kontakta brittiska myndigheter via IMI. Pågående ärenden med Storbritannien som motpart kommer att stängas automatiskt.

Europeiskt yrkeskort
Pågående ansökningar om europeiskt yrkeskort (EPC) kommer att avslutas automatiskt efter 29 mars 2019. Redan beviljade ansökningar kommer finnas kvar i IMI under giltighetstiden för yrkeskortet och avslutas därefter automatiskt.

Varningsmekanismen
Redan skickade varningar om begränsad eller förbjuden yrkesverksamhet, med Storbritannien som avsändare, kommer avslutas automatiskt efter giltighetstidens utgång. Personliga data kommer raderas ur IMI efter ytterligare tre år.

Härnäst
EU-kommissionen fortsätter arbeta med de konkreta åtgärderna för erkännande av yrkeskvalifikationer vid ett avtalslöst utträde ur EU. EU-kommissionen åtar sig att författa och distribuera vägledning för medlemsstaterna vad gäller erkännande av brittiska yrkeskvalifikationer under och efter Storbritanniens utträde.

Recognition of professional qualifications in relation to a no-deal Brexit

Professional qualifications - Key sectoral issues

1) **UK qualifications of EU27 and UK nationals recognised in EU27 before withdrawal date**

Decisions on the recognition of UK qualifications in any EU27 Member State taken before the withdrawal date are not affected.

2) **UK qualifications of EU and UK nationals whose applications for recognition in EU27 are still pending at withdrawal date**

EU27 Member States to take into consideration the fact that the application was made while the UK was still a Member State.

3) **EU nationals holding UK qualifications obtained before the withdrawal date applying for recognition in EU27 after withdrawal date**

Holders of qualifications obtained in the UK are advised to obtain recognition of these in an EU27 Member States before the withdrawal date.

EU27 Member States to take into consideration the fact that the qualification was acquired while the UK was still a Member State.

4) **EU nationals holding UK qualifications obtained after withdrawal date**

Applications for recognition in EU27 Member States to be assessed under Member State law and policy.

Minimum training conditions for the sectoral professions to be respected by any national recognition decision.

5) **UK nationals seeking first recognition of their UK qualifications (whenever acquired) in the EU27 after withdrawal date**

Applications for recognition to be assessed under Member State law and policy.

Minimum training conditions for the sectoral professions to be respected by any national recognition decision.

6) **UK nationals providing temporary or occasional services in the EU <u>after</u> the withdrawal date**

UK nationals legally established in the UK will not be able to provide temporary or occasional professional services in any EU27 Member State under EU law rules, as of the withdrawal date.

UK nationals legally established in an EU27 Member State will not be able to provide temporary or occasional professional services in any EU27 Member State under EU law rules, as of the withdrawal date.

National competence: Host Member States' law and policy will determine this issue.

7) **EU nationals legally established in the UK providing temporary or occasional services in EU27 <u>after</u> the withdrawal date**

EU nationals legally established in the UK will have no rights under EU law to provide temporary or occasional professional services in any EU27 Member State under EU law rules, as of the withdrawal date.

National competence: Host Member States' law and policy will determine this issue.

Supportive instruments

The European Professional Card (EPC) and the Alerts mechanism

UK's access to the Internal Market Information (IMI) System will stop as of the withdrawal date. UK users will no longer be able to access the IMI system itself. All competent authorities registered in the UK will be suspended and then deactivated.

Specific technical steps are being considered in relation to the effect that this cut-off will have on all modules relevant to recognition issues, such as the EPC and the Alerts modules.

Lawyers Directives - Directive 77/249/EEC and Directive 98/5/EC

The specific case of Lawyers

UK lawyers (of whatever nationality) will no longer be able to rely on the Lawyers' Directives to continue exercising their profession in any EU27 Member State under their home country title.

UK lawyers who are entitled to bear the host country title (through recognition of qualifications) will continue to be able to provide their services in the host Member State, but they will no longer be able to benefit from the two Lawyers' Directives in respect of other EU Member States.

IMI

Common approach regarding access in case of a no-deal Brexit: 1

- UK users will no longer be able to access IMI
- UK authorities will not be able to initiate, complete or respond to exchanges
- All other MS will be prevented from sending new exchanges to the UK

General approach for IMI exchanges:

- All on-going exchanges sent by the UK or sent specifically to the UK will be closed automatically
- The usual process for removal of personal data will apply, based on the date of closure
- A record of closed exchanges will be kept for statistical purposes as usual

Professional Qualifications information exchange:

- Information Requests
- Alerts
- Notifications of diplomas
- EPC applications
- Professionals accounts - for submitting EPC applications