

October 2017: Case Studies of UKinEU and professional qualifications, and cross-border working

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- **France**

Dentist, living in France

I have had the good fortune to be able to practice as a dentist in France from 1984 to 1999, before moving to the Netherlands. This was possible due to mutual recognition of university dental degrees by each of the EU member states. In the Netherlands I have to register every 5 years in a national healthcare worker register. My next registration date will be sometime in 2021. I find it inconceivable that, due to the UK leaving the EU, there is a possibility, however small, that I will no longer be able to re-register as a dental practitioner. Since I have dual British/French citizenship, there can be no administrative problems due to my nationality. My dental degree, however, is from the UK, and subject to new deals being struck. Not being able to vote on June 23 was one thing. Casting doubts over my future is quite another. The Dutch Dental Association (KNMT) cannot give me any insights of what is going to happen.

- **Germany**

Lawyer established in Germany

I am a solicitor qualified in England and Wales. I am able to practise in Germany because I am a registered EU lawyer and under an EU directive EU qualifications are mutually recognized.

I am registered with the German lawyers chamber as an EU lawyer which means I can practise in the relevant region and contribute to the lawyers' pension fund. This means my access to my pension in the future and my right to contribute are conditional on my continued registration as an EU lawyer.

Therefore, if these rights cease on Brexit I will cease to be able to work as a lawyer and lose my right to contribute to my pension. My current accumulated contributions may be forcibly paid out without any kind of accumulated interest.

Lawyer. Living in Germany

I am a UK lawyer, specialised in EU law, living in Germany, married to a German national, with two dual national German-British children.

I am established at the Berlin Bar (RAK Berlin), practising EU law, under my UK title as a solicitor (England & Wales), although I am also qualified as a barrister (England & Wales). I am thus established at the Berlin Bar as a registered EU lawyer under the Lawyer's Establishment Directive. In order to become established I had to apply to the Berlin Bar providing evidence of all my legal qualifications back to undergraduate level, plus providing my practising certificate, certificate of good standing and a certificate from the UK and Belgium (where I lived prior to moving to Germany) confirming that I did not have a criminal record. I was then "called" to the Berlin Bar as an EU lawyer, and am able to practise in Berlin and contribute to the lawyers' pension fund. This also impacts my tax position as a self-employed lawyer (as a liberal professional under German law).

Prior to working in Germany, I worked in private practice in Belgium for two periods: first as an employee from 1992-1994 and then again as an employee initially, and then an independent lawyer with my current practice for 11 years. In between these two periods in Belgium, I practised as an independent lawyer with an Italian law firm for four years in Italy under the Lawyers Establishment Directive.

The current EU position on the Lawyers Establishment Directive would mean that, unless I were to become an integrated German lawyer, or were to qualify in another EU jurisdiction, my qualifications would not be covered by the Withdrawal Agreement and would not be recognised in any of these countries in which, to date, I have been able to be established and to practise. This is despite the fact that I have practised for the vast majority of my career outside of the UK (since 1992, apart from a short period before I returned to Brussels after working in Italy) and have thus practised in each of the relevant countries for far longer than I ever practised in the UK. Moreover, this could have far-reaching implications not just as regards the ability to practise and my livelihood, but also as regards my pension rights.

German qualified IP Lawyer with intellectual property consultancy. British national, living in Germany

Moving to Germany for me in the 1990s was simple. My employer didn't need to request a work permit and I didn't need to request a resident's permit. The local health insurance company insured me, and the German pension fund accepted my application for membership based on my previous contributions in the UK. Post Brexit, I am aware that my opportunities to work in the European Union might be severely restricted. Will I continue to be able to work for Austrian, Belgian and Norwegian companies? Will I need a work permit from each European country I work in, or will I be required to request a work permit each time? Then there is the question of recognition of my qualifications. The uncertainty is hugely unhelpful.

Barrister (England & Wales) established in Munich, Germany

Upon completion of my legal education in late 2012, I moved to Munich, Germany to live with my then-girlfriend and now-wife, a German national, initially only for a period of six months to

one year, due to doubts as to whether I could enjoy a career within the law here.

Shortly after arriving, I discovered that I could work and embark upon a career at a law firm "in the usual way", due to my qualification being recognised in Germany under EU law and my right to be registered as a European Lawyer with the Munich Bar Association (*Rechtsanwaltskammer München*). Such status and recognition has enabled me to enjoy all of the rights and benefits of a German lawyer (membership of the bar association, membership of the Bavarian lawyers' pension scheme and certain rights of audience in German courts, to name but a few). EU law also permits me to "convert" my English legal qualification to that of a German lawyer (*Rechtsanwalt*), either through legal practice in Germany for a continuous period of three years or the taking of the conversion test (*Eignungsprüfung*); I plan to do the latter. These rights have been invaluable to me in my professional career, as they have provided me with status (as a member of the local bar association), recognition (as a European Lawyer), protection (against discrimination for my "foreign" qualification & - to the extent possible - the enjoyment of the same rights and benefits as a German lawyer) and perspectives (to become a German lawyer through conversion of my English qualification).

I cannot emphasise enough how important a role EU law has played in enabling my integration into Germany, both professionally and personally. The ease with which I was able to have my English qualification recognised has allowed me to build up a career in Germany, spanning an international law firm, the law department of a global company and a top national law firm, and was decisive in my wife and I choosing to stay in Germany for the long term and buying our first home here in Munich. All of the other aspects of free movement enjoyed by EU nationals have been extremely valuable, but one's career and one's profession is, quite frankly, the root of all, as it finances one's life and enables one to integrate within the local community. Moreover, since day one, I have been a higher-rate tax-payer in Germany and have duly contributed to the state and thus my community.

For me (and almost all of my fellow Brits), it is imperative that these rights and recognitions are continued beyond the United Kingdom's departure from the European Union. Were such not to be the case, I would no longer be able to "convert" my English legal qualification to that of a German lawyer, neither would I enjoy the status and rights membership of the Munich Bar Association as a European Lawyer provides me with. It would also very much damage my job prospects, as my future at my current law firm (a top German law firm) is contingent on my becoming a German lawyer through the passing of the conversion test. This would call into question the viability of staying in Germany for the long term and would - and it should not be understated - also cause an emotional detachment from German society, as one would always be a "foreign" worker with no local recognition or perspective to "naturalise" one's professional qualification(s). To enable me to continue to be a net contributor to German society and to feel truly welcome in my (relatively) new home, it is vitally important that Germany (and thus the EU) continues to recognise the professional qualifications of UK nationals.

European Patent Attorney, Germany

I qualified as a European Patent Attorney in 2015, having moved to Munich in 2012. I am also 90% of the way through the process of completing the UK Chartered Patent Attorney exams, and hope to qualify fully in the next one or two years.

My status and admission as a European Patent Attorney derives from the European Patent Convention. This is not part of the EU body of law, and my ability to represent clients before the

EPO will not be affected in any way by Brexit.

My basic understanding is that I currently have the right to take a "conversion exam" hosted by the German Patentanwaltskammer, to enable recognition as a German Patent Attorney by virtue of my (future) UK qualification. This conversion exam could allow me to avoid the requirement to spend a year working at the DE patent office, which most German candidates must undertake as part of their qualification. If the UK qualification is not cross-recognised at EU level, there is a question mark over whether participation in such a conversion exam would be possible in the future.

Another question concerns possible entry into the German Patent Attorney's pension scheme. My basic understanding is that you need to be a German Patent Attorney, or equivalent. "equivalent" must presumably be connected to the cross-recognition of national professional qualifications under EU provisions. Therefore, suspension of cross-recognition would deny me access to such a pension scheme.

These are two ways that I can think of that I am helped by the cross-recognition of national professional qualifications. I hope that an overarching solution to this problem can be found. For many professions, the numbers affected might not be large, and it would be easy for affected individuals to slip unnoticed owing to larger concerns in the negotiations. However, the impact on individuals who might be relying on cross-recognition is significant, especially as qualification into many professions might take four or five years, and people might have started training with an expectation that cross-recognition would be available. That alone must be a good reason for a transitional provision on cross-recognition of professional qualifications to be generously back-dated, to help people not yet qualified but who started training several years ago.

Architect, living and working in Germany

I am an architect and teacher, born in the UK and trained at the Architectural Association London. I worked for several years in practice in London, but in 1991 moved to Germany, to work first as Guest Professor in the HdK Berlin and then as Professor for Architecture in the Stuttgart Academy of Arts, where I remained until 2006. In the Stuttgart Academy I was able to use the professional skills I gained from a UK education within the very different academic system of German universities. I also became a member of the Berlin Architektenkammer, on the basis of my UK professional qualifications, and thus have been able to practice architecture in Germany.

Such ease of movement at a professional level from the UK to the rest of the EU, and vice versa are now under threat due to the potential abandonment of mutual recognition of professional qualifications between the UK and EU 27, as a result of Brexit. I have spoken today with a colleague at the RIBA in London who has confirmed that there is a real danger that professional qualifications that until now have been mutually recognised by the UK and EU 27 will no longer be acknowledged, making it very hard for architects to work in lands under the another jurisdiction.

In addition, this will also imply that the large number students who study 'abroad', from either UK or EU 27, will no longer be able to use the qualifications they gain if/when they return home, bringing to an end the very important interchange that has existed until now between UK

and EU schools, a vital part of the architectural culture of both.

I am very disturbed that a professional career such as I have enjoyed will not be possible for architects from the UK or EU 27 after Brexit. There are many architects from the UK working in the EU 27, and from the EU 27 in the UK, who have brought benefits to both, through bringing together different backgrounds in architecture and ensuring a higher standard for all. The recognition of mutual qualifications, and the acceptance of freedom of movement have been a vital part of architectural life over the last decades, and brought immense benefits to all. It is no advantage to anybody that this should cease. We have all gained from the many opportunities offered by being part of one European society, without unnecessary divisions. That the current threat to this mutually advantageous situation has now arisen is a sad indication of the lack of serious pragmatic thinking about the consequences of Brexit for architects and other professionals - and naturally for all others who have gained from the potential to live to live in other EU lands. The current negotiations must ensure that both the mutual agreement on the recognition of professional qualifications and freedom of movement continue to be guaranteed.

Financial Services Professional, living in Germany

I started working for an insurance company in Germany in 2015, following seven years in the financial services sector in London. This was to be the start of my international career in financial services. Brexit has undermined my career plans, to put it mildly. A whole range of questions arise: How will this impact on my employment status in Germany? My employer has assured me that they will support me as regards a work permit, but this could mean I am tied to one employer in Germany. This is not a desirable scenario. Any application I might now (before Brexit) make for a job in another EU27 country will be seriously impacted - because any future employer is uncertain of my status post-Brexit. And any application post Brexit will be presumably subject to the future employer not being able to find another suitable candidate from within the EU27.

I am also concerned about my skills and employability in Europe. For example, currently there is a big push to harmonise the rules regulating the banking and insurance industries within the EU. This means that the skills of a professional working for an insurer in London are directly transferable to Frankfurt or Brussels. However, post Brexit, the UK is unlikely to continue to move into the direction of harmonisation - making it harder for people like me to do jobs in other countries, which is not ideal for one's career growth.

Marketing Manager, living in Germany

I originally moved to Germany in the early 90s shortly after graduating. I then worked in various roles and sectors and in different cities until leaving Germany to go back to the UK for work reasons in 2006. Five years ago, I moved to Sweden for a role with my present employer and then moved within the same company to a different role back to Germany two years later. My life and work choices have been driven by free movement and open doors.

I am now facing uncertainty on a number of fronts: Will I still be able to move country to new roles both with my current employer or any new employer? If I were made redundant here in Germany would I still be able to search for a new role in Germany whilst receiving unemployment benefit - or would I be forced to move back to the UK? What about my diploma

as a chartered marketing professional - would this be recognised in the EU 27? Would I be less interesting for a new employer if I am no longer an EU citizen? Will my pension rights suffer through having paid into three different pension systems? I can't apply for dual citizenship before the UK leaves the EU as the requirement states eight years' continuous residency in Germany - and this I do not have. I feel I am now being penalised for exercising my right to free movement and work across the EU.

- **Austria**

Barrister (England & Wales), established in Austria

I left the UK almost 10 years ago, and have since gained enormous cultural and professional experience living and working in four EU member states. I have been professionally engaged as a English lawyer for nearly five years; firstly in Munich and then in Austria, which is where I am currently based, working for a global company. I met and married an Austrian, and happily live in our home in Salzburg. Until Brexit, I had no intention to return to the U.K., but I am seriously considering what this will mean for me in practice. I have concerns relating to my right to continue to work and reside in Austria, recognition of my professional UK legal qualifications and my personal and professional status; all of which are tainting my experience as a once settled and established citizen here. Brexit will not only affect my immediate life, it will also impact on my life in the future, for example my right to claim a state pension in the other three member states in which I have worked, and my family's citizenship status if we were ever to return to the U.K. If you'd have asked me 10 years ago whether I'd ever imagine contemplating renouncing my British passport, or having to apply for a visa to work in a neighbouring EU member state, I would have told you to stop with the bad jokes.

- **Luxembourg**

Speech and language therapist, living in Luxembourg

I work in Luxembourg as a speech and language therapist and obtained my license to practise here from the Ministry of Education in 2005, having qualified in the UK. There is one other (not British) native English-speaking therapist working in Luxembourg. I am self-employed, but only work part time for the Ministry of Health, doing the national speech and hearing screening assessments for pre-school children. If I lost my license to practice, the language assessments for English speaking children would have to be undertaken by non-native speaker therapists. Many of the children I see are not British, I see families from many different countries who have requested an assessment in English because it is their child's best language, or the language that the parents use here if they cannot speak French, German or Luxemburgish.

Translator, Luxembourg

I am a British citizen employed and living in Luxembourg. I have made use of my EU freedom of

movement rights since 1982. After my studies, I lived and worked for six months in Pau, France, for Elf Aquitaine as an English-language teaching assistant, then six months in Stuttgart, Germany, as translator for Daimler-Benz AG. Following this, I worked and travelled in New Zealand for six months as part of an exchange scheme for young people. Upon my return, I was offered another two-year assignment at Daimler-Benz AG in Stuttgart (1984-86). I then took up employment in a small translation company in Schwäbisch Gmünd, near Stuttgart, Germany, where I lived and worked until end-1989. In January 1990, I began working for the European Investment Bank in Luxembourg. I initially lived in Luxembourg but after two years I married, and my husband and I bought a property across the border in France. I continued to work in Luxembourg, however, commuting across the Luxembourg-French border on a daily basis.

Even now, although we live and work in the same country, we still cross borders frequently for medical treatment, study purposes etc. (e.g. I recently had an operation in a German hospital). After many years of using my EU freedom of movement rights, I am therefore extremely concerned by the proposal to limit these rights to one EU state, which would result in my family and I being "landlocked" in a particularly small country.

- **The Netherlands**

British Housewife and IT Contractor. Living in the Netherlands

We left the UK in 2012, accompanying my husband who is a self employed IT contractor. We moved to Munich in 2012, paid into the German tax system and stayed for 3 years. In 2015 my husband started contracting for NATO, using his UK Limited Company. We moved to Maastricht in the Netherlands, stayed a year at which point his project relocated to Brussels. In 2016 the Brussels project located to The Hague in the Netherlands and this is where we currently live. We have no permanent residency rights in any of the EU 27 countries we have lived in. So what will happen to us? What are the implications on our earnings? Will we still be able to trade? What about our pensions? What about the mutual recognition of qualifications of my husband's qualifications for the future if we move to another EU 27 country for future contracts? Will we be required to have a work permit to move between countries like we've done since 2012?

- **Italy**

Journalist, living and working in Italy as well as cross-border

I am a professionally qualified journalist, having completed a post-graduate degree in radio and TV journalism at one of the three universities that were accredited with the (UK) National Union of Journalists at the time (Preston), more than 25 years ago. I have been a practising journalist ever since.

I now live and work out of Italy, where my qualifications have been recognised by the Italian

union of journalists (Ordine dei Giornalisti, OdG). I have been a member of this union since around 2004 or so and I am registered on the “foreigners” list of professional journalists in Italy.

My full ODG membership (only given to professional journalists who have all the necessary qualifications) means that even as a freelance I can pay into the union’s pension scheme (INPGI). What’s more, I can also sign up to a form of health insurance (CASAGIT) too. Finally, my OdG union membership also provides me with professional indemnity insurance, among other things.

I work as a professional journalist, mainly using English as my primary language, both in Italy and also all over the EU, often working with a communications agency in Brussels or directly with the European institutions themselves (e.g. the Directorate General for Environment at the Commission)

Often when I work in Europe, since I am now fairly well known they do not ask for proof of my professional qualifications. Then again, when I am approached by a new client or want to apply for a new contract, I have to provide a Europass CV showing my professional qualifications, which must meet the criteria set out in the application notice.

If my professional qualifications obtained in the UK were not to be recognised across the EU 27 this would clearly have an impact for me. To obtain “legal” qualifications to practise as a professional journalist in Italy I would have to sit the Italian journalism exams. These are in Italian, are related to Italian laws and administrative setups and would be of no real use for me as a journalist with more than 25 years’ experience, working mainly in Europe, where the laws etc. are very different.

Furthermore, while my spoken Italian is very fluent, my written Italian is not as strong and this would certainly penalise me when taking the exams. And of course the exams are expensive and frankly would not add much of use to my portfolio of skills, which could benefit from other kinds of training, not repeating training I underwent more than 25 years ago, and have practiced every day since. Since I am a freelance this new training to convert my professional qualifications would also take valuable time away from actually working (i.e. making a living) and/or finding new clients.

Finally, these considerations do not even touch on the potential removal of access to the OdG pension scheme and the health insurance scheme offered to professionally qualified journalists residing in Italy, both of which I currently pay into.

Financial advisor

For financial planning firms, we are regulated as a group and the group is responsible for ensuring CPD, minimum qualifications and ensuring this documentation is registered with the regulators. In reality, I did it all myself but the sign off was done by the group I work for. I actually contacted IVASS (which are the insurance intermediary regulators in Italy) and they told me that my group have to approve me to work under the firm as a regulated individual. I submitted all my UK qualifications to them, they confirmed that they passed the Italian equivalence test and that I could be registered by the group as a regulated adviser for the firm.

So, in short I am authorised with IVASS to give advice under the group I work for.

I also have to have a similar authorisation under the group with CONSOB.

What would happen without regulation under IVASS? Simply put I would not be allowed to practice in Italy. However, financial advice works differently in Europe, from the UK, in that I work under the firm and the firm authorises me to operate in any give territory. I am not authorised individually to provide advice in any capacity.

Of course, the big question would be if I ever decided to leave the group and wanted work in the Italian system, or set up on my own, for example, then I would have to register on my own basis and that might cause trouble. However, given that I have had confirmation, on an individual level, that my UK qualifications were accepted on the equivalence basis then the Italian authorities might agree to continue that recognition. But there is no guarantee. That would leave me in big pickle.

That would apply for both IVASS and CONSOB.