

15 July 2018

First Reactions to the White Paper

Perhaps it goes without saying, but we must make clear that the White Paper is just about the future relationship. Unless otherwise stated any proposals refer to all UK citizens, including those who move temporarily (e.g. holiday) or permanently after 2020. Only point 13 below applies just to those covered by the Withdrawal Agreement.

1. The White Paper (WP) draws a distinction between movement of goods and provision of services, with a free trade area for goods but not for services. This is probably more because the UK wants to be free to export its successful services sector across the globe without customs union-style restrictions, rather than any recognition that the UK would not be able to get such a good deal for services in any event (Chapter 1 para. 47 notes that UK non-EU services trade grew by 73% in the last 10 years).
2. For services the WP proposes broad coverage across services sectors and modes of supply, “deep” market access commitments with no limit on the number of service providers from one country that can operate in another, and “deep” commitments to prevent as far as possible national suppliers being given more favourable treatment (1:52).
3. On Mutual Recognition of Professional Qualifications – the proposal is for the same range of professions to be covered as at present, including those operating on permanent and temporary bases, and operating in a very similar way to the existing Directive (1:55).
4. In addition to the general provisions on services, it proposes special arrangements for “professional and business services” including, e.g., joint practice between UK and EU lawyers, and joint UK/EU ownership of accounting firms, though the rights of service providers would differ from present rights in unspecified ways (1:57).
5. We are referred to as being around 800,000 again and it says that an EU/UK agreement already reached gives us certainty about our rights. At least it does not say that we will be able to continue to live our lives as before. (1:72).
6. Free movement will end and EU migration brought under EU law. (1:73)
7. Aim is to allow UK firms to move and attract talent and to deploy staff to provide cross-border services (1:79).
8. Will seek reciprocal visa free travel for short-term business reasons which would permit

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only paid work in limited and clearly defined circumstances in line with current business visa policy (how does this apply to self-employed people?)(1:80).

9. Will seek to agree reciprocal provisions on inter-corporate transfers in line with rules in trading agreements with non-EU countries. Will also discuss how to facilitate temporary mobility of scientists, researchers, self-employed professionals, employees providing services as well as investors (note the use of the word “discuss” rather than seek to agree in this context). (1:81)
10. Will seek reciprocal visa free tourist travel (1:83) and EHIC cover for travel (1:84).
11. Proposes a UK-EU youth mobility scheme for students similar to those for Australia and Canada: query whether this will mean that international fees apply and whether student loans would be available – this will need to be checked. (1:86). Includes successor scheme to Erasmus + (4:36)
12. Will seek continuation of reciprocal social security system, including aggregation of contributions, and EHIC cover for UK citizens who go to live in the EU in future. (1:89)
13. Will seek “onward movement opportunities” for UKinEU (i.e. those covered by the Withdrawal Agreement) but then references “the opportunities we will have if we choose to move to another country” i.e. the focus is on moving from one country to another, rather than free movement to work in other countries or spend time in other countries without moving. This is not the key or at least not the only issue as regards free movement for this group and the UK government must understand that. (1:90)
14. Framework that would be sought on mobility could also cover recognition of professional qualifications as referred to above. (1:91)
15. UK wants to explore options for reciprocal access for road haulage and passenger transport operators, as well as private motoring (1:134).
16. UK to bind itself by treaty to require UK courts to pay due regard to CJEU decisions on matters covered by “common rule book” for trade, though not able to make preliminary references to CJEU (4:35)
17. UK to work “at pace” to conclude Art. 50 negotiations this autumn (October), including the political statement about the future relationship (Conclusion:4)
18. “Nothing is agreed until everything is agreed” applies not only to the WA but also the political statement (barely sotto voce, if we don’t get the future relationship we want CR and the divorce bill go out of the window too) (Conclusion: 5).

[ENDS]

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