

De: Fabian.JUNGE@ec.europa.eu
Objet: RE: BASI
Date: 14 juillet 2020 à 10:29
A: james.lister@basi.org.uk
Cc: sbskiman@aol.com, contact@trackandflow.eu



Dear Mr Lister,

thank you very much for contacting us. Please allow me to respond to your queries below.

Please be aware that the answers given are only valid for UK nationals and holders of UK qualifications during the current transition period. Whether this remains the case after the transition period has ended depends on any potential agreement on the future relationships between the EU and the UK or whether any particular person may benefit from the provisions of the Withdrawal Agreement.

As a preliminary remark, the Delegated Regulation establishing the Common Training Test for ski instructors does not replace the recognition rules of the Professional Qualifications Directive as regards establishment or temporary provision of services. It is an additional and voluntary mechanism that complements the traditional venue for the recognition of professional ski qualifications pursuant to the Professional Qualifications Directive. Hence, even when benefiting from the Delegated Regulation, ski instructors would still need to follow the national recognition procedures for establishment or temporary provision or services purposes. The effect of the Delegated Regulation is that host Member States are precluded from checking the qualifications of incoming professionals that benefit from said Delegated Regulation during a recognition procedure.

The IMI module that we are creating is meant to facilitate the practical implementation of the Common Training Test by recording centrally all ski instructors that are eligible from benefitting from the rules of the Delegated Regulation and that have asked to be included in the database. The records can be used by entered ski instructors to demonstrate to host Member States in the context of a recognition procedure that they can rely on the Delegated Regulation. In practise, this means that as set out in the Delegated Regulation only ski instructors can be included that fulfil the necessary conditions, e.g. holding a qualification listed in Annex I.

For ski instructors not benefiting from the Delegated Regulation or ski instructors that do not want to rely for whatever reasons on the possibilities provided for by Delegated Regulation, the rules of the Professional Qualifications Directive remain in any event applicable and must be adhered to by any host Member State. This would include in practise ski instructors not holding one of the qualifications listed in Annex I or ski instructors that have not passed the Common Training Test or can benefit from any of the acquired rights set out in the Delegated Regulation.

Therefore, ski instructors holding a BASI qualification below level four can continue to request the recognition of their qualification in any host Member State in line with the rules of the Professional Qualifications Directive – regardless of whether a Member State is listed in Annex I of the Delegated Act. To complete the picture, also ski instructors holding a level four BASI qualification can do so as there is no obligation to follow the venue offered by the Delegated Regulation establishing the Common Training Test for ski instructors.

Can continue !

As in the past, the host Member State's procedures lay down how an incoming ski instructor can request recognition for establishment purposes. These procedures must comply with the rules of the Professional Qualifications Directive, including any possible request for compensation measures in case significant differences in training can be demonstrated.

The UKTF coordinates the Commission's work on all strategic, operational, legal and financial issues related to the UK's withdrawal from the European Union. We are working together with them to ensure full coherence of Commission responses on any BREXIT-related matter, but this is solely an internal requirement for me and there is no need for you to contact them as I am the responsible officer.

I trust you consider this reply as useful.

Best regards,
Fabian

Fabian JUNGE, LL.M.



European Commission

DG for Internal Market, Industry, Entrepreneurship and SMEs
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The views expressed in this e-mail are my own and may not, under any circumstances, be interpreted as stating an official position of the European Commission.

From: James Lister <james.lister@basi.org.uk>
Sent: Monday, July 13, 2020 1:57 PM
To: JUNGE Fabian (GROW) <Fabian.JUNGE@ec.europa.eu>; contact@trackandflow.eu
Cc: sbskiman@aol.com
Subject: BASI

Dear Mr Junge, Dear Mr Lapeyrère,

Thank you for taking an interest in the current and future situation for BASI members in Europe.

I would like to first of all make things very clear on my behalf and that of BASI. I am under no circumstances seeking to change current legislation, but merely to fully understand the rules and regulations going forward.

It has been brought to my attention by Mr Simon Butler (BASI member) through his sharing of communications between yourselves, that BASI members who hold qualifications at levels 2 and 3 it might be also legally possible to apply for recognition to work professionally in European countries who are part of the Delegated Act.

As a members organisation, BASI has a duty to inform it's members of legislation as thoroughly as it can. We very much appreciate your help in ensuring this happens with the correct information and not spurious interpretations.

From the previous communications between the BASI office and your good self, Mr Junge, it is BASI's current understanding that only the BASI Alpine Level 4 qualification is included in the list of qualifications in Annex 1 of the Delegated Act, which in turn BASI understands means that only these can be applied to the new IMI database for ski instructors.

However, from the communications between yourselves (shared with me by Mr Butler) it is being brought into question by Mr Lapeyrère, where it appears to be suggested that other BASI qualifications could gain recognition.

As such, please could you Mr Junge reply to the following questions:

- Are BASI qualifications below Level 4 recognised and applicable for authorisation to work independently in countries who are part of the delegated act?
- Do BASI members who hold qualifications below level 4 have the possibility to gain recognition for right of establishment in France? If so how?

BASI has agreed and signed up to the terms and conditions of the Delegated Act and fully understands the information received in Mr Junge's email dated 25/06/2020 (15:48) in response to the email sent by Dave Renouf, this letter is to make sure BASI is being rigorous, given the recent information provided to BASI from Mr Lapeyrère via Mr Butler.

Mr Junge, in your email reply to Mr Lapeyrère (03/07/2020) you mention the entity UKTF, would you be so kind as to provide the contact details for this entity, so that BASI can also ensure that it complying to its scrutiny?

I would also like to make it very clear, that I have never met or exchanged with you Mr Lapeyrère, and although I admire your determination to help BASI members where possible, it is unacceptable for you to address European authorities on making claims on my behalf without prior authorisation. For future reference, please make sure, either myself or BASI as an organisation gives consent before engaging in any future correspondence where you imply BASI's consent.

Thank you for your time and understanding,



R James Lister

BASI Chairman, BASI ISTD – Trainer

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