

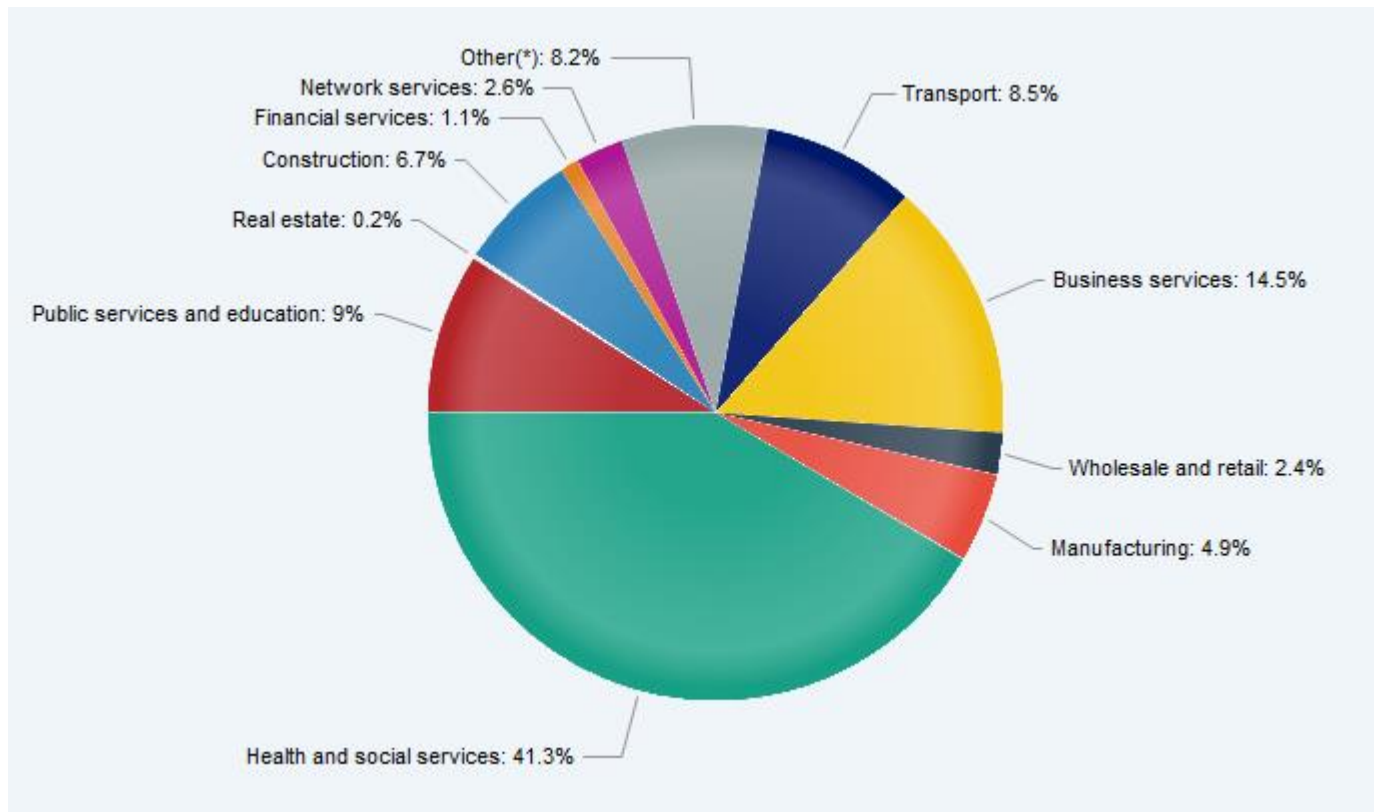


Modernising professional regulations and mutual evaluation

**SSDC Working group on Personal Services,
1 December 2015**

Barbara Van Liedekerke, DG GROW E5

Regulated professions – 5857 (EEA)



Source: Interactive Map of Regulated Professions

Context

- Conclusions of the European Council (2 March 2012)
 - ✓ Reduce the number of regulated professions and remove unjustified regulatory barriers
- Article 59 of the revised Directive 2005/36/EC on the recognition of professional qualifications: transparency and mutual evaluation
 - ✓ Notification of all regulated professions
 - ✓ Assess whether requirements restricting the access to a profession are justified and comply with the principle of proportionality
- Communication on evaluating national regulations on access to professions, 2.10.2013 – work plan for the mutual evaluation exercise

Objectives

Modernise, simplify and improve access to professions across Member States to:

- Promote mobility and encourage cross border service development*
- Improve competitiveness and employment in professional services*
- Maintain the best interests of consumers*

Ensure that the regulation of professional services in Member States is **fit for purpose**

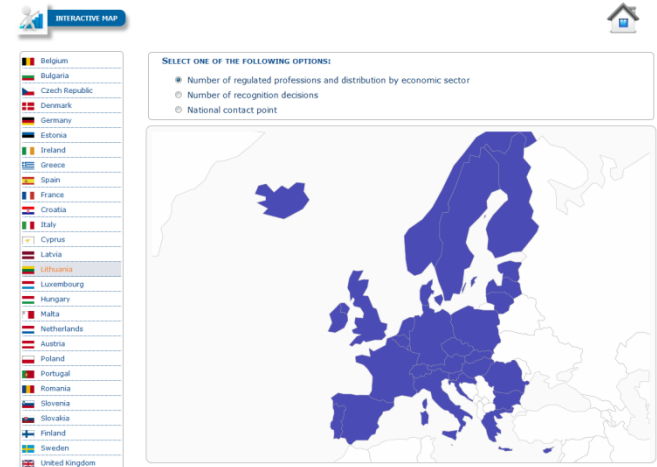
A better regulation exercise, **not** a deregulation exercise

Process - Transparency

- Notification by Member States of all regulated professions

Information on:

Type of regulation
National and/or EU legal basis
Recognition
Description of activities
Reserves of activities, where applicable



[European map of regulated professions](#) published in May 2014

Process - Screening

- **Information on methods to obtain qualification**
- **Existence of other restrictions/obligations**
 - **Registration in professional body/ quantitative/territorial restrictions**
 - **Restrictions on corporate form, shareholding structure**
 - **Restrictions on joint practices, professional insurance indemnity**

Objectives

- ▶ **Get overview of all restrictions affecting professional activities in regulated professions**
- ▶ **Basis for assessment of cumulative impact**

Process - Proportionality

- Case-by-case examination of professional access restrictions in Member States:
 - **Overriding reasons of public interest**
 - **Link between regulation and risks identified (what/how)**
 - **Information on concrete effects of measures**
 - **Questions on reserves of activities**
 - **Question on assessment of cumulative effect**

Objectives

- ▶ **Ensure entry barriers justified/proportionate to protect public interest (health and consumer safety)**
- ▶ **Consider impact on mobility, quality, prices, costs to consumers innovation, employment & economic growth**

Mutual evaluation meetings

Exemplary professions
discussed

Cluster 1

Real estate agent
Driving instructor
Civil engineer
Architect
Optician
Electrician

Cluster 2

Physiotherapist
Psychologist
Hairdresser/aesthetician
Dental hygienist
Sports instructor
Tourist guide/ travel agent

- Discussions in small groups, government officials and/or appointed experts
- National reports, sector reports

Next Steps

- Transposition **deadline**: 18th January 2016
- Notification of **National Action Plans**
- 6 months consultation
- Follow-up actions according to **Single Market Strategy**



THE SINGLE MARKET STRATEGY



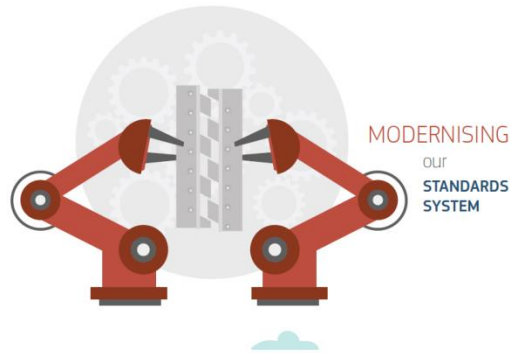
A new Strategy based on:

- **Creating opportunities for consumers, professionals and job creators**
- **Encouraging modernisation and innovation**
- **Ensuring practical delivery**



European
Commission

SMS – Key actions



SMS – Actions concerning services

- *Periodic guidance with proposals for specific actions for specific Member States and professions*
First phase: civil engineers, architects, accountants, lawyers, real estate agents, tourist guides and patent agents
- *Analytical framework*
Methodology for comprehensive proportionality assessments of professional regulations



SMS – Actions concerning services (II)

- *Services passport*
Harmonised notification form, electronic document repository
- *Address regulatory barriers*
Legislative initiative to address legal form and shareholding requirements and multidisciplinary restrictions
Business services: accounting, architecture and civil engineering services
Possibly also for construction services



Thank you!

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