

Implementation of Directive 2005/36/EC as regards regulation and the need for reform in professional services

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The Committee on the Internal Market and Consumer Protection adopted an own-initiative report by Nicola DANTI (S&D, IT) on the implementation of Directive 2005/36/EC on the implementation of Directive 2005/36/EC as regards regulation and the need for reform in professional services.

Background: [Directive 2005/36/EC](#) of the European Parliament and of the Council on the recognition of professional qualifications provides for **automatic recognition for a number of professions** on the basis of harmonised minimum training requirements, a general system for the recognition of professional qualifications, an automatic recognition system for professional experience, and a new system of cross border provision of services in the context of regulated professions.

In 2013, Directive 2013/55/EU, amending Directive 2005/36/EC introduced in its Article 59 a **transparency and mutual evaluation exercise** for all regulated professions in the Member States, whether they are regulated on the basis of national rules or on the basis of rules harmonised at EU level.

According to Article 59 of Directive 2005/36/EC the Commission was expected to present by 18 January 2017 its conclusions on the mutual evaluation exercise, together with proposals for further initiatives where necessary.

On 10 January 2017, the Commission presented a [communication](#) on reform needs in professional services, analysing professional regulation in seven sectors of activity and addressing recommendations to Member States in this regard.

Review of the implementation of Article 59 of Directive 2005/36/EC: Members stressed the **fundamental role** of regulated professions in the Union economy. There are more than 5 500 regulated professions across the EU, representing 22% of the workforce in all sectors. Members also stated that the **quality of professional services** is essential to preserve the European economic, social and cultural model.

As part of an overall assessment of the European Commission's communication, the report identified key aspects of the implementation of Article 59 of Directive 2005/36/EC and recalled the importance of professional regulations in **safeguarding legitimate public interest objectives**.

Members stressed in particular the need to **improve the transparency and comparability of the national requirements** governing access to or pursuit of regulated professions could enable greater professional mobility. Also, all national requirements should be made available to the public in the Regulated Professions Database in a clear and intelligible manner.

The Commission is invited to:

- improve the **database** for regulated professions;
- improve the **comparability** of different professions;
- define a **common set of activities for each profession** notified in the database, with a view to facilitating voluntary harmonisation across the EU.

Member States are invited to:

- fully implement Article 59 of Directive 2005/36/EC and to step up their efforts to guarantee more transparency of their professional regulations;
- **involve all stakeholders in the future**, not only with a view to preparing national action plans, but also in advance of the reform of the regulation of the professions, to allow them to express their opinions;
- adapt their regulation of professions in line with the specific reform recommendations contained in the Commission Communication of 10 January 2017.

The Commission, as guardian of the Treaties, should take measures and initiate **infringement procedures** where it identifies discriminatory, unjustified or disproportionate legislation.

Restrictiveness indicator: the Commission has issued a new indicator on the restrictiveness of professional regulation. The report analysed the usefulness of this indicator and the need to promote high quality services in Europe. It emphasised that this indicator **should be used as a purely indicative tool**, and not as one permitting the drawing of conclusions as to whether what may be stricter regulation in some Member States is disproportionate.

In addition, Members recalled that the overall **analysis of the impact** of the regulations in Member States should be subject not only to a quantitative but also to a qualitative assessment encompassing the general interest objectives and the **quality of the service provided**, including the possible indirect benefits for citizens and the labour market.

Future of regulated professions: the report stressed the need for an **effective regulatory framework** in the Union and the Member States, but also for effective and coordinated policies aimed at supporting professionals in the EU and strengthening competitiveness, innovation capacity and the quality of professional services in the EU.

Members also stressed the importance of education, skills development and entrepreneurial training so that European professionals may remain competitive and be able to cope with the changes affecting the liberal professions as a result of **innovation, digitalisation and globalisation**.

In this respect, they welcomed the Commission's acknowledgement of the need to reflect on the impact of new technologies in the field of professional services, particularly in the legal and accounting sectors where procedures could be improved.