

Procedure file

Basic information		
INI - Own-initiative procedure	2017/2073(INI)	Procedure completed
Implementation of Directive 2005/36/EC as regards regulation and the need for reform in professional services		
See also Directive 2005/36/EC 2002/0061(COD)		
Subject		
4.40.07 Recognition of diplomas, equivalence of studies and training		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Internal Market and Consumer Protection	 DANTI Nicola	09/02/2017
		Shadow rapporteur	
		 SCHWAB Andreas	
		 SULÍK Richard	
		 SELIMOVIC Jasenko	
		 ZULLO Marco	
		 TROSZCZYNSKI Mylène	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Employment and Social Affairs	The committee decided not to give an opinion.	
European Commission	Commission DG	Commissioner	
	Internal Market, Industry, Entrepreneurship and SMEs	BIENKOWSKA Elżbieta	

Key events			
18/05/2017	Committee referral announced in Parliament		
04/12/2017	Vote in committee		
12/12/2017	Committee report tabled for plenary	A8-0401/2017	Summary
18/01/2018	Results of vote in Parliament		

18/01/2018	Debate in Parliament		
18/01/2018	Decision by Parliament	T8-0019/2018	Summary
18/01/2018	End of procedure in Parliament		

Technical information

Procedure reference	2017/2073(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Implementation
	See also Directive 2005/36/EC 2002/0061(COD)
Legal basis	Rules of Procedure EP 54
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	IMCO/8/09949

Documentation gateway

Committee draft report	PE607.891	19/07/2017	EP	
Amendments tabled in committee	PE610.720	20/09/2017	EP	
Committee report tabled for plenary, single reading	A8-0401/2017	12/12/2017	EP	Summary
Text adopted by Parliament, single reading	T8-0019/2018	18/01/2018	EP	Summary
Commission response to text adopted in plenary	SP(2018)139	24/04/2018	EC	

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

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 Commissions 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.

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

The European Parliament adopted by 490 votes to 54, with 38 abstentions, a resolution 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: there are more than 5 500 regulated professions across the EU, representing 22% of the workforce in all sectors.

Parliament stressed that regulated professions play a fundamental role in the EU economy, making a major contribution to the employment rate, as well as to labour mobility and added value in the Union. It stressed the paramount importance of high-quality professional services and an effective regulatory environment in preserving the EU economic, social and cultural model and 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 resolution 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: Parliament 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. Member States shall undertake proper market analysis with a view to developing policies for making EU professional services globally competitive in future decades.

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.

The Commission is called on to continue to keep Parliament regularly informed on the state of play regarding compliance with Directive 2005/36/EC by the Member States.