Modernising regulated professions

Transposition of the revised Professional Qualifications Directive

European Parliament, IMCO Committee meeting
6th February 2017
Modernised Professional Qualifications Directive

- Directive 2005/36/EC was amended by Directive 2013/55/EU
- Deadline for transposition: 18 January 2016
- Core issue of the modernisation → Facilitate safe mobility = delicate balance
  - *European Professional Card (EPC) – streamlined electronic recognition procedure*
  - *Alert mechanism – gives greater protection*
Other main novelties of the Modernisation

- Rules on **partial access** to a regulated profession and extending the scope of the Directive to professionals who are **not fully qualified**

- Setting a legal framework for future **Common Training Principles**

- Introduction of the **Mutual Evaluation and Transparency exercise**
Implementation of the Modernised Professional Qualifications Directive

- Conference (February 2014), brochure
- Implementation workshops
- Implementation plan
- Bilateral exchanges with Member States
- Continued support for Member States and national competent authorities on a demand-led basis
Transposition checks

- Completeness / Compliance checks
- **Reasoned opinions** sent to 16 MSs (14 in September and 2 in December 2016 (completeness check))
- **National transposition measures available** (13 MSs complete, 10MSs partial, 5 no communication)
- Compliance checks
European Professional Card (EPC)

*Streamlined, electronic recognition procedure* (via the Internal Market Information System):

- **Shortened deadlines, less** administrative burden, more **enhanced cooperation** between competent authorities
- Focus on the **most mobile professions**; to be introduced in subsequent waves
- **Professions**: general care nurses, pharmacists, physiotherapists, real estate agents, mountain guides

*Electronic certificate* (*not* a plastic card)
EPC - the first year

- Available for 5 professions from 18th January 2016
- Dedicated information site and application portal: http://europa.eu/youreurope/epc
- Communication campaign (conference, video, press releases, social media)
- Great interest by professionals
- Engagement of national competent authorities and professional organisations
- More than 2100 EPC applications, more than 700 issued EPCs
Total issued EPCs: 703
Alert mechanism – protect patients and consumers

- A warning to **all** Member States, **quickly**, through the IMI-system
- On professionals exercising a **health-**, or **child-related profession**
- Restriction or prohibition, fake diplomas
- Strong data protection safeguards
- Implementing act, alert mechanism in place from January 2016
Alert mechanism - the first year

Total: 11,212 alerts

- Nurses (6,212)
- Doctors (2,509)
- Other health professions (2,291)
- Vets (30)
- Education of minors (168)
- Falsified diplomas (2)
Mutual evaluation and transparency exercise

Context
Article 59 of revised Professional Qualifications

Objectives
Modernise, simplify and improve access to regulated professions across MSs to:
- Promote mobility and encourage cross border service development
- Improve competitiveness and employment in professional services
- Maintain the best interests of consumers
Process:

Database

Transparency

Screening

Proportionality

Meetings in Brussels

Sector specific / summary papers

Conference / SIMFOs

=> MS reports = National Action Plans (NAPS) – 7 still to be submitted
Results of the Mutual Evaluation

- Multitude of different regulations, also in comparable professions, limited reforms
- Difficulties in completing proportionality assessments
  - Lack of clarity as to the criteria to be used for proportionality assessments
  - Significant number of proportionality assessments missing or superficial
Two specific initiatives focusing on regulated professions

1. Guidance on reform needs

2. Proportionality test for regulated professions
Proportionality test

- Periodic review/modernisation
- Understanding risks and effects
- Evidence led
- Criteria – clarity and common approach case law
- Preventative – sunrise rather than sunset
- Information exchange – best practice
- Transparency
- Cumulative approach
- Proportionality test
Guidance on reform needs

- Periodical qualitative & quantitative assessment of national legislation
- Drawing attention to requirements on access and exercise
- Recommendations by MS and profession, focusing on 7 economically significant sectors
- Supported by a restrictiveness indicator aimed to
  - (1) measure the intensity of restrictiveness of national regulation as regards access to and exercise of regulated professions and
  - (2) set a benchmark for regulatory differences across MS and professions
- Looking at a large number of restriction types (such as reserves of activities, legal form and shareholding requirements, multidisciplinary restrictions, authorisations)