

**Question for written answer E-001886/2018  
to the Commission**  
Rule 130  
**Tania González Peñas (GUE/NGL)**

Subject: Legal insecurity affecting the nursing profession in Spain

The Organización Colegial de Enfermería de España (Spanish College of Nursing) has announced its intention to report the Spanish Government to the Commission for not properly transposing the European Professional Qualifications Directive into Spanish law.

The European Professional Qualifications Directive (2013) is more up to date than the Ley de Ordenación de las Profesiones Sanitarias (LOPS, 2003; Law on the Regulation of Healthcare Professions). For example, the directive includes a fundamental competence not addressed in the LOPS: the competence to independently diagnose nursing care required. However, by incorporating the directive into Spanish law by means of a Royal Decree, which is subordinate to the law, the Spanish Government could be creating a situation of legal incompatibility by violating the principle of the hierarchy of norms (Article 9(3) of the Spanish Constitution), as the EU provisions have no force if they contradict the corresponding law.

1. Does the Commission consider that this directive has been properly transposed into Spanish law?
2. The Commission can begin its own investigations when it finds irregularities in the transposition of directives. In this case, will the Commission request information from the Spanish Government?