



2016/0404(COD)

11.9.2017

AMENDMENTS

1 - 308

Draft opinion
Paloma López Bermejo
(PE608.086v01-00)

Proportionality test before adoption of new regulation of professions

Proposal for a directive
(COM(2016)0822 – C8-0012/2017 – 2016/0404(COD))

Amendment 1

Laura Agea, Piernicola Pedicini, Marco Zullo, Tiziana Beghin, Rosa D'Amato, Marco Valli

Proposal for a directive

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Proposal for rejection

The Committee on Employment and Social Affairs calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to propose rejection of the Commission proposal.

Or. it

Justification

The need to respect the proportionality principle already exists in the Treaties, in Directive 123/2006/EC and in Directive 2005/36/EC, as amended by Directive 2013/55/EU. Moreover, there is a wide range of legal literature, formed by the judgments of the European Court of Justice, which provides a regulatory framework for the assessment of regulations for professions, such as to understand whether they are proportionate. Access to the professions, and the harmonised regulation of professions at EU level, should be improved, but this is not the appropriate instrument with which to do it.

Amendment 2

Jasenko Selimovic

Proposal for a directive

Title 1

Text proposed by the Commission

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on a proportionality test before adoption of
new regulation of professions
(Text with EEA relevance)

Amendment

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on a proportionality test before adoption of
new regulation of *services and* professions
(Text with EEA relevance)

Or. en

Amendment 3

Ádám Kósa

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) ***The freedom to choose an occupation is a fundamental right.*** The Charter of Fundamental Rights of the European Union guarantees the freedom to choose an occupation, as well as the freedom to conduct a business. The free movement of workers, freedom of establishment and freedom to provide services are fundamental principles of the internal market enshrined in the Treaty. National rules organising access to regulated professions should therefore not constitute any unjustified and disproportionate obstacle to the exercise of those fundamental rights.

Amendment

1. The Charter of Fundamental Rights of the European Union guarantees the freedom to choose an occupation, as well as the freedom to conduct a business. The free movement of workers, freedom of establishment and freedom to provide services are fundamental principles of the internal market enshrined in the Treaty. National rules organising access to regulated professions should therefore not constitute any unjustified and disproportionate obstacle, ***or any administrative obstacle which, referring to protectionism and social dumping, distorts competition,*** to the exercise of those fundamental rights.

Or. hu

Amendment 4

Jasenko Selimovic

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) The freedom to choose an occupation is a fundamental right. The Charter of Fundamental Rights of the European Union guarantees the freedom to choose an occupation, as well as the freedom to conduct a business. The free movement of workers, freedom of establishment and freedom to provide services are fundamental principles of the internal market enshrined in the Treaty. National rules organising access to regulated professions should therefore not constitute any unjustified and disproportionate obstacle to the exercise of those fundamental rights.

Amendment

(1) The freedom to choose an occupation is a fundamental right. The Charter of Fundamental Rights of the European Union guarantees the freedom to choose an occupation, as well as the freedom to conduct a business. The free movement of workers, freedom of establishment and freedom to provide services are fundamental principles of the internal market enshrined in the Treaty. National rules organising access to ***service activities, and in particular the activities of*** regulated professions should therefore not constitute any unjustified and disproportionate obstacle to the exercise of

those fundamental rights.

Or. en

Amendment 5

Dominique Martin, Mara Bizzotto, Joëlle Mélin

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) In the absence of specific provisions harmonising the requirements on access to a regulated profession or its pursuit laid down in Union law, it is the Member States' prerogative to decide whether and how to regulate a profession within the limits of the principles of non-discrimination and proportionality.

Amendment

(2) In the absence of specific provisions harmonising the requirements on access to a regulated profession or its pursuit laid down in Union law, it is the Member States' prerogative to decide whether and how to regulate a profession within the limits of the principles of non-discrimination and proportionality. ***The principle of non-discrimination shall apply to European qualifications and diplomas. This principle shall not apply to the diplomas and qualifications of third countries.***

Or. fr

Amendment 6

Jasenko Selimovic

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) In the absence of specific provisions harmonising the requirements on access to a regulated profession or its pursuit laid down in Union law, it is the Member States' prerogative to decide whether and how to regulate a profession within the limits of the principles of non-discrimination and proportionality.

Amendment

(2) In the absence of specific provisions harmonising the requirements on access to a ***service activity, such as an activity of a*** regulated profession or its pursuit laid down in Union law, it is the Member States' prerogative to decide whether and how to regulate a ***service activity or*** profession within the limits of the principles of non-discrimination and proportionality.

Amendment 7**Ádám Kósa****Proposal for a directive****Recital 3***Text proposed by the Commission*

(3) The principle of proportionality is one of the general principles of Union law. It follows from the case-law²³ that national measures liable to hinder or make less attractive the exercise of fundamental freedoms guaranteed by the Treaty should fulfil four conditions: ***they should be applied in a non-discriminatory manner***; they should be justified by public interest objectives; they should be suitable for securing the attainment of the objective which they pursue; and they should not go beyond what is necessary in order to attain it.

²³ Case C-55/94 Reinhard Gebhard v Consiglio dell'Ordine degli Avvocati e Procuratori di Milano [1995] ECR I-4165.

Amendment

3. The principle of proportionality is one of the general principles of Union law. It follows from the case-law²³ that national measures liable to hinder or make less attractive the exercise of fundamental freedoms guaranteed by the Treaty should fulfil four conditions ***in a way which is consistent with the Treaty***: they should be justified by public interest objectives; they should be suitable for securing the attainment of the objective which they pursue; and they should not go beyond what is necessary in order to attain it.

²³ Case C-55/94 Reinhard Gebhard v Consiglio dell'Ordine degli Avvocati e Procuratori di Milano [1995] ECR I-4165.

Or. hu

Amendment 8**Elena Gentile, Jutta Steinruck, Maria Arena, Siôn Simon, Brando Benifei****Proposal for a directive****Recital 4 a (new)***Text proposed by the Commission**Amendment*

(4 a) *The proportionality test should not apply to rules laid down in collective agreements negotiated by social partners, which should not be considered as legislative, regulatory or administrative provisions within the meaning of this Directive.*

Amendment 9

Danuta Jazłowiecka, Marek Plura, Agnieszka Kozłowska-Rajewicz, Ádám Kósa, Heinz K. Becker, Sven Schulze, Tom Vandenkendelaere

Proposal for a directive**Recital 5***Text proposed by the Commission*

(5) The results of the mutual evaluation process revealed a lack of clarity as regards the criteria to be used by national competent authorities when assessing the proportionality of requirements restricting access to or pursuit of regulated professions, as well as uneven scrutiny of such measures at all levels of regulation. To avoid fragmentation of the internal market and eliminate barriers to taking-up and pursuit of certain employed or self-employed activities, it is therefore necessary to establish a common approach at Union level, preventing disproportionate measures from being adopted.

Amendment

(5) The results of the mutual evaluation process revealed a lack of clarity as regards the criteria to be used by national competent authorities when assessing the proportionality of requirements restricting access to or pursuit of regulated professions, as well as uneven scrutiny of such measures at all levels of regulation. To avoid fragmentation of the internal market and eliminate barriers to taking-up and pursuit of certain employed or self-employed activities ***and therefore boost employment where relevant***, it is therefore necessary to establish a common approach at Union level, preventing disproportionate ***and unduly excessive*** measures from being adopted.

Or. en

Amendment 10

Heinz K. Becker

Proposal for a directive**Recital 7***Text proposed by the Commission*

(7) The activities covered by this Directive should concern the regulated professions falling within the scope of Directive 2005/36/EC. This Directive should apply in addition to Directive 2005/36/EC and without prejudice to other provisions laid down in a separate Union act concerning access to, and the exercise

Amendment

(7) The activities covered by this Directive should concern the regulated professions falling within the scope of Directive 2005/36/EC. This Directive should apply in addition to Directive 2005/36/EC and without prejudice to other provisions laid down in a separate Union act concerning access to, and the exercise

of a given regulated profession.

of a given regulated profession. *While professional regulation of healthcare services, consisting of activities intended to assess, maintain or restore the state of health of patients, remains, according to Article 59 of Directive 2005/36/EC, subject to compliance with the proportionality principle, it should be excluded from the scope of this Directive. This exception should also cover commercial health professions (opticians-optometrists including those specialising in contact lenses, hearing aid technicians, orthopaedic technicians, orthopaedic shoe makers and dental technicians).*

Or. de

Amendment 11

Elena Gentile, Emilian Pavel, Maria Arena, Siôn Simon, Brando Benifei

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) The activities covered by this Directive should concern the regulated professions falling within the scope of Directive 2005/36/EC. This Directive should apply in addition to Directive 2005/36/EC *and* without prejudice to other provisions laid down in a separate Union act concerning access to, and the exercise of a given regulated profession.

Amendment

(7) The activities covered by this Directive should concern the regulated professions falling within the scope of Directive 2005/36/EC. This Directive should apply in addition to Directive 2005/36/EC. *In line with the purposes of this Directive, the term "regulated profession" should refer to all existing regulated professions as defined in Directive 2005/36/EC and professions that Member States will regulate in the future so that they will fall under the definition of "regulated professions" of Directive 2005/36/EC. This Directive should be applied* without prejudice to other provisions laid down in a separate Union act concerning access to, and the exercise of a given regulated profession.

Or. en

Amendment 12
Jasenko Selimovic

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) The activities covered by this Directive should concern the regulated professions falling within the scope of Directive 2005/36/EC. This Directive should apply in addition to Directive 2005/36/EC and without prejudice to other provisions laid down in a separate Union act concerning access to, and the exercise of a given regulated profession.

Amendment

(7) The activities covered by this Directive should concern the ***legislative, regulatory or administrative provisions of Member States restricting the access to or pursuit of service activities, including in particular the activities of the*** regulated professions falling within the scope of Directive 2005/36/EC. This Directive should apply in addition to Directive 2005/36/EC and without prejudice to other provisions laid down in a separate Union act concerning access to, and the exercise of a given ***service activity or a*** regulated profession.

Or. en

Amendment 13
Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) The activities covered by this Directive should concern the regulated professions falling within the scope of Directive 2005/36/EC. This Directive should apply in addition to Directive 2005/36/EC and without prejudice to other provisions laid down in a separate Union act concerning access to, and the exercise of a given regulated profession.

Amendment

(7) The activities covered by this Directive should concern the regulated professions falling within the scope of Directive 2005/36/EC. This Directive should apply in addition to Directive 2005/36/EC and without prejudice to other provisions laid down in a separate Union act concerning access to, and the exercise of a given regulated profession. ***Following Article 168 TFEU, professions in the health and social service sector should be excluded from the scope of this directive.***

Or. en

Amendment 14
Maria Arena

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7 a) The right to determine the level of protection that Member States wish to provide to public health as well as the means and methods to reach that level lies solely with the Member States and health and life of humans rank foremost among the interests protected by the TFEU. The measures regarding the assessment of non-discrimination, justification and proportionality, as set out in specific provisions of this Directive, should therefore not apply to requirements concerning the regulation of professions providing healthcare services whether or not these are provided via healthcare facilities, and regardless of the way in which they are organised and financed at national level or whether they are public or private. Notwithstanding, provisions pertaining to consultation, exchange of information and transparency as set out in this Directive should remain applicable for such requirements. Requirements concerning the regulation of professions providing healthcare services remain as well subject to Directive 2005/36/EC, including the principles of non-discrimination, justification and proportionality and the procedures defined in Article 59 of that Directive

Or. en

Amendment 15
Jasenko Selimovic

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7 a) The rules of this Directive on a common framework for conducting proportionality assessments should begin to apply before Member States introduce new, or amend existing, legislative, regulatory or administrative provisions restricting the access to or pursuit of services activities, including, in particular, the activities of regulated professions. In addition, where the provisions being introduced, or amended, make substantive changes to the regulation of service activities or concern a profession, the existing requirements that are not being amended should also be subject to the proportionality assessment under this Directive.

Or. en

Amendment 16
Jutta Steinruck

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7 a) It is important to ensure full respect for the responsibilities of the Member States as defined in Article 168 of the Treaty on the Functioning of the European Union with regard to the definition of their health policy and the organisation of their health care systems, including the provision of health and medical services by the regulated professions designated for this purpose. To this end, the health and social care professions should be excluded from the scope of this Directive.

Or. en

Amendment 17
Mara Bizzotto, Joëlle Mélin, Dominique Martin

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) This Directive should be without prejudice to Member States' rules concerning the organisation, content and supervision of professional training.

Or. it

Amendment 18
Mara Bizzotto, Joëlle Mélin, Dominique Martin

Proposal for a directive
Recital 7 b (new)

Text proposed by the Commission

Amendment

(7b) There is a need to ensure that the Member States fulfil to the letter their responsibilities, as set out in Article 168 of the Treaty on Functioning of the European Union, regarding the details of their health policies and how they organise the provision of healthcare services and medical care by dedicated regulated professions. In order to achieve this, such regulated professions should be excluded from the scope of this Directive.

Or. it

Amendment 19
Maria Arena

Proposal for a directive
Recital 7 b (new)

Text proposed by the Commission

Amendment

(7 b) This Directive is without prejudice to national education and training structures and to the competence of Member States to define the organisation and the content of their systems of

education and professional training.

Or. en

Amendment 20
Jutta Steinruck

Proposal for a directive
Recital 7 b (new)

Text proposed by the Commission

Amendment

(7 b) *In order to protect public interest the Member States can exclude further professions from the scope of the directive in agreement with the social partners.*

Or. en

Amendment 21
Mara Bizzotto, Joëlle Mélin, Dominique Martin

Proposal for a directive
Recital 8

Text proposed by the Commission

Amendment

(8) Member States *should be able to rely on a common regulatory framework based on clearly defined legal concepts concerning the different ways to regulate a profession across the Union. There are several ways to regulate a profession, for instance by reserving access to or the pursuit of a particular activity to holders of a professional qualification. National provisions may also* regulate *one of* the modes of pursuit of a profession in laying down conditions for the use of professional titles.

(8) Member States *must have the option of adopting national requirements to* regulate the modes of pursuit of a profession in laying down conditions for the use of professional titles.

Or. it

Amendment 22
Elena Gentile, Emilian Pavel, Maria Arena, Siôn Simon, Brando Benifei

Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8 a) Regulation of professions plays a key role in protecting public interest objectives and should, inter alia, contribute to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health and to environmental and consumer protection; effective professional regulation is furthermore of paramount importance in order to ensure high quality products and services.

Or. en

Amendment 23

Danuta Jazłowiecka, Marek Plura, Agnieszka Kozłowska-Rajewicz, Ádám Kósa, Heinz K. Becker, Sven Schulze, Tom Vandenkendelaere, Csaba Sógor

Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8 a) This Directive establishes rules for proportionality test to be carried out before introducing new, or amending existing, legislative, regulatory or administrative provisions restricting access or pursuit of regulated professions. It has to be underlined, that this Directive leaves the prerogative to regulate access to or pursuit of regulated professions within Member States in respect of principles of non-discrimination and proportionality.

Or. en

Amendment 24

PE609.674v01-00

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Elena Gentile, Jutta Steinruck, Emilian Pavel, Maria Arena, Siôn Simon, Brando Benifei

**Proposal for a directive
Recital 8 b (new)**

Text proposed by the Commission

Amendment

(8 b) It is for the Members States to determine the level of protection which they wish to afford to the public interest objectives and the proportionate way in which that level is to be achieved. The fact that one Member State imposes less strict rules than another Member State does not mean that the latter Member State's rules are disproportionate and therefore incompatible with the EU law.

Or. en

Amendment 25

Elena Gentile, Emilian Pavel, Maria Arena, Siôn Simon, Brando Benifei

**Proposal for a directive
Recital 8 c (new)**

Text proposed by the Commission

Amendment

(8 c) Member States should undertake an assessment of non-discrimination, justification and proportionality in accordance with the rules laid down in this Directive before introducing new, or amending existing legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, taking into account the reasonable margin of appreciation allowed to Member States. The extent and degree of intensity of the assessment shall be proportionate to the nature, the content and the impact of the provisions being introduced. Provisions which would not restrict access to or pursuit of regulated professions, such as editorial amendments, or adaptations of content of training courses or modernisation of training regulations, should not fall

within the scope of this Directive.

Or. en

Amendment 26
Heinz K. Becker

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) The burden of proof of justification and proportionality lies on the Member States. The reasons for regulation invoked by a Member State by way of justification should thus be accompanied by an analysis of the ***appropriateness and*** proportionality of the measure adopted by that State and by specific evidence substantiating its arguments.

Amendment

(9) The burden of proof of justification and proportionality lies on the Member States. The reasons for regulation invoked by a Member State by way of justification should thus be accompanied by an analysis of the proportionality of the measure adopted by that ***Member*** State and by specific evidence substantiating its arguments. ***Although a Member State does not necessarily have to be able to produce a specific study or a specific form of evidence or materials establishing the proportionality of such measure prior to its adoption, it should carry out a review capable of demonstrating that there was a genuine need to achieve public-interest objectives in view of the specific circumstances of that Member State.***

Or. de

Amendment 27
Tatjana Ždanoka
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) The burden of proof of justification and proportionality lies on the Member States. The reasons for regulation invoked by a Member State by way of justification should thus be accompanied by an analysis

Amendment

(9) The burden of proof of justification and proportionality lies on the Member States. The reasons for regulation invoked by a Member State by way of justification should thus be accompanied by an analysis

of the appropriateness and proportionality of the measure adopted by that State and by specific evidence substantiating its arguments.

of the appropriateness and proportionality of the measure adopted by that State and by specific evidence substantiating its arguments. ***This should not prevent Member States from taking immediate measures which they consider necessary to protect public health or where they consider measures necessary to pursue other overriding reasons of public interest.***

Or. en

Amendment 28

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) ***The burden of proof of justification and proportionality lies on the Member States.*** The reasons for regulation invoked by a Member State by way of justification should ***thus*** be accompanied by an analysis of the ***appropriateness and*** proportionality of the measure adopted by that State ***and by specific evidence substantiating its arguments.***

Amendment

(9) The reasons for regulation invoked by a Member State by way of justification should be accompanied by an analysis of the proportionality of the measure adopted by that State, ***substantiating its arguments. In accordance with the Court of Justice, Member States must be allowed discretion in the election of the measure and level of protection of the public interest, which may vary from one Member State to another.***

Or. en

Justification

This proposal should not go beyond what is necessary to ensure Member States assess the proportionality of new regulation of professions and what is recognized by existing ECJ rulings.

Amendment 29

Sven Schulze

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) The burden of proof of justification and proportionality lies on the Member States. The reasons for regulation invoked by a Member State by way of justification should thus be accompanied by an analysis of the appropriateness and proportionality of the measure adopted by that State and by specific evidence substantiating its arguments.

Amendment

(9) The burden of proof of justification and proportionality lies on the Member States. The reasons for regulation invoked by a Member State by way of justification should thus be accompanied by an analysis of the appropriateness and proportionality of the measure adopted by that State and by specific evidence substantiating its arguments *in view of specific national professional requirements*.

Or. de

Amendment 30

Mara Bizzotto, Joëlle Mélin, Dominique Martin

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) *The burden of proof of justification and proportionality lies on the Member States. The reasons for regulation invoked by a Member State by way of justification should thus be accompanied by an analysis of the appropriateness and proportionality of the measure adopted by that State and by specific evidence substantiating its arguments.*

Amendment

(9) *The right to regulate professions is a matter for the Member States. Member States should evaluate the proportionality of regulated professions at national level and notify it to the Commission, on which the burden of proof will be placed to demonstrate any inconsistencies with the criteria laid down by Union law.*

Or. it

Amendment 31

Danuta Jazłowiecka, Marek Plura, Agnieszka Kozłowska-Rajewicz, Ádám Kósa, Heinz K. Becker, Tom Vandenkendelaere, Csaba Sógor

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) The burden of proof of justification and proportionality lies on the Member

Amendment

(9) The burden of proof of justification and proportionality lies on the Member

States. The reasons for regulation invoked by a Member State by way of justification should thus be accompanied by an analysis of the appropriateness and proportionality of the measure adopted by that State and by specific evidence substantiating its arguments.

States. The reasons for regulation invoked by a Member State by way of justification should thus be accompanied by an analysis of the appropriateness and proportionality of the measure adopted by that State and by specific *well justified* evidence substantiating its arguments.

Or. en

Amendment 32

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) It is appropriate to monitor the proportionality of *the* provisions restricting access to or pursuit of regulated professions *on a regular basis and with a frequency appropriate to the regulation concerned*. A review of the proportionality of restrictive national legislation in the area of regulated professions should *be based not only on the objective of that legislation at the time of its adoption, but also on the effects of the legislation, assessed after its adoption. The assessment of the proportionality of the national legislation should be based on developments found to have occurred in the area since the legislation was adopted.*

Amendment

(10) It is appropriate to monitor the proportionality of provisions restricting access to or pursuit of regulated professions *after they are adopted*. A review of the proportionality of restrictive national legislation in the area of regulated professions should *not exceed the requirements of Article 59(3) of Directive 2005/36/EC*.

Or. en

Justification

The proposed directive should not have a freezing effect on Members' States regulatory capacities and should not conflict with existing European legislation concerning regulated professions.

Amendment 33

Tatjana Ždanoka

on behalf of the Verts/ALE Group

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) It is appropriate to monitor the proportionality of the provisions restricting access to or pursuit of regulated professions on a regular basis and with a frequency appropriate to the regulation concerned. A review of the proportionality of restrictive national legislation in the area of regulated professions should be based not only on the objective of that legislation at the time of its adoption, but also on the effects of the legislation, assessed after its adoption. The assessment of the proportionality of the national legislation should be based on developments found to have occurred in the area since the legislation was adopted.

Amendment

(10) It is appropriate to monitor the proportionality of the provisions restricting access to or pursuit of regulated professions on a regular basis and with a frequency appropriate to the regulation concerned ***and to a degree commensurate with the complexity of the regulations in place and the extent of the new measures proposed.*** A review of the proportionality of restrictive national legislation in the area of regulated professions should be based not only on the objective of that legislation at the time of its adoption, but also on the effects of the legislation, assessed after its adoption. The assessment of the proportionality of the national legislation should be based on developments found to have occurred in the area since the legislation was adopted.

Or. en

Amendment 34
Jasenko Selimovic

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) It is appropriate to monitor the proportionality of the provisions restricting access to or pursuit of regulated professions on a regular basis and with a frequency appropriate to the regulation concerned. A review of the proportionality of restrictive national legislation in the area of regulated professions should be based not only on the objective of that legislation at the time of its adoption, but also on the effects of the legislation, assessed after its adoption. The assessment of the proportionality of the national legislation should be based on developments found to

Amendment

(10) It is appropriate to monitor the proportionality of the provisions restricting ***the*** access to or pursuit of ***service activities, including the activities of*** regulated professions on a regular basis and with a frequency appropriate to the regulation concerned. A review of the proportionality of restrictive national legislation in the area ***of regulated service activities, and in particular the activities*** of regulated professions should be based not only on the objective of that legislation at the time of its adoption, but also on the effects of the legislation, assessed after its

have occurred in the area since the legislation was adopted.

adoption. The assessment of the proportionality of the national legislation should be based on developments found to have occurred in the area since the legislation was adopted.

Or. en

Amendment 35

Dominique Martin, Mara Bizzotto, Joëlle Mélin

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) It is appropriate to monitor the proportionality of the provisions restricting access to or pursuit of regulated professions on a regular basis and with a frequency appropriate to the regulation concerned. A review of the proportionality of restrictive national legislation in the area of regulated professions should be based not only on the objective of that legislation at the time of its adoption, but also on the effects of the legislation, assessed after its adoption. The assessment of the proportionality of the national legislation should be based on developments found to have occurred in the area since the legislation was adopted.

Amendment

(10) It is appropriate to monitor the proportionality of the provisions restricting access to or pursuit, of regulated professions, ***following their adoption***, on a regular basis and with a frequency appropriate to the regulation concerned. A review of the proportionality of restrictive national legislation in the area of regulated professions should be based not only on the objective of that legislation at the time of its adoption, but also on the effects of the legislation, assessed after its adoption. The assessment of the proportionality of the national legislation should be based on developments found to have occurred in the area since the legislation was adopted.

Or. fr

Amendment 36

Jutta Steinruck

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) Member States should carry out proportionality assessments in an objective and independent manner, ***including where a profession is regulated indirectly, by***

Amendment

(11) Member States should carry out proportionality assessments in an objective and independent manner.

giving a particular professional body the power to do so. In particular, while the assessment of the local authorities, regulatory bodies or professional organisations, whose greater proximity to local conditions and specialised knowledge could in certain cases make them better placed to identify the best way of meeting the public interest objectives, there is particular reason for concern in cases where the policy choice made by those authorities or bodies provides benefits to established operators at the expense of new market entrants.

Or. en

Amendment 37

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) Member States should carry out proportionality assessments in an objective and independent manner, *including where a profession is regulated indirectly, by giving a particular professional body the power to do so. In particular, while the assessment of the local authorities, regulatory bodies or professional organisations, whose greater proximity to local conditions and specialised knowledge could in certain cases make them better placed to identify the best way of meeting the public interest objectives, there is particular reason for concern in cases where the policy choice made by those authorities or bodies provides benefits to established operators at the expense of new market entrants.*

Amendment

(11) Member States should carry out proportionality assessments in an objective and independent manner.

Or. en

Amendment 38

PE609.674v01-00

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Maria Arena

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) Member States should carry out proportionality assessments in an objective and independent manner, including where a profession is regulated indirectly, by giving a particular professional body the power to do so. ***In particular, while the assessment of the local authorities, regulatory bodies or professional organisations, whose greater proximity to local conditions and specialised knowledge could in certain cases make them better placed to identify the best way of meeting the public interest objectives, there is particular reason for concern in cases where the policy choice made by those authorities or bodies provides benefits to established operators at the expense of new market entrants.***

Amendment

(11) Member States should carry out ***the non-discrimination, justification and*** proportionality assessments in an objective and independent manner, including where a profession is regulated indirectly, by giving a particular professional body the power to do so.

Or. en

Amendment 39

Dominique Martin, Mara Bizzotto, Joëlle Mélin

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) Member States should carry out proportionality assessments in an objective and independent manner, including where a profession is regulated indirectly, by giving a particular professional body the power to do so. In particular, while the assessment of the local authorities, regulatory bodies or professional organisations, whose greater proximity to local conditions and specialised knowledge could in certain cases make them better placed to identify the best way of meeting the public interest objectives, there is

Amendment

(11) Member States should carry out proportionality assessments in an objective and independent manner, including where a profession is regulated indirectly, ***for instance*** by giving a particular professional body the power to do so. In particular, while the assessment of the local authorities, regulatory bodies or professional organisations, whose greater proximity to local conditions and specialised knowledge could in certain cases make them better placed to identify the best way of meeting the public interest

particular reason for concern in cases where the policy choice made by those authorities or bodies provides benefits to established operators at the expense of new market entrants.

objectives, there is particular reason for concern in cases where the policy choice made by those authorities or bodies provides benefits to established operators at the expense of new market entrants.

Or. fr

Amendment 40
Maria Arena

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Where the taking-up and pursuit of certain employed or self-employed activities are conditional on complying with certain provisions relating to specific professional qualifications, laid down directly or indirectly by the Member States, it is necessary to ensure that such provisions are justified by public interest objectives, such as those within the meaning of the Treaty, namely public policy, public security and public health or by overriding reasons of general interest, ***recognised as such in the case-law of the Court of Justice***. It is important to ensure that public interest objectives are adequately identified in order to determine the intensity of the regulation. ***For example, in order to ensure a high level of protection of public health, Member States should enjoy a margin of discretion to decide on the degree of protection which they wish to afford to public health and on the way in which that protection is to be achieved. It is also necessary to clarify that among the overriding reasons of general interest, recognised by the Court of Justice, are*** preserving the financial equilibrium of the social security system; the protection of consumers, recipients of services and workers; the safeguarding of the proper administration of justice; fairness of trade transactions; combating fraud ***and*** prevention of tax

Amendment

(12) Where the taking-up and pursuit of certain employed or self-employed activities are conditional on complying with certain provisions relating to specific professional qualifications, laid down directly or indirectly by the Member States, it is necessary to ensure that such provisions are justified by public interest objectives, such as those within the meaning of the Treaty, namely public policy, public security and public health or by overriding reasons of general interest. It is important to ensure that public interest objectives are adequately identified in order to determine the intensity of the regulation. ***It is also useful to provide certain examples of overriding reasons of general interest which have been recognized by the Court of Justice, whose case-law may continue to evolve. Those are, for example:*** preserving the financial equilibrium of the social security system; the protection of consumers, recipients of services and workers; ***ensuring safe, healthy and secure working conditions;*** the safeguarding of the proper administration of justice; fairness of trade transactions; combating fraud, prevention of tax evasion and avoidance ***and effectiveness of fiscal supervision;*** ***transport safety; guaranteeing the quality of products and services; promotion of research and development; ensuring high***

evasion and avoidance; *road* safety; the protection of the environment and the urban environment; the health of animals; intellectual property; the safeguarding and conservation of the national historic and artistic heritage, social policy objectives and cultural policy objectives. According to settled case-law, purely economic reasons, having essentially protectionist aims, as well as purely administrative reasons, such as carrying out controls or gathering statistics cannot constitute an overriding reason of general interest.

standards of education; the protection of the environment and the urban environment; the health of animals; intellectual property; the safeguarding and conservation of the national historic and artistic heritage, social policy objectives, ***including the encouragement of employment and recruitment and the maintenance of employment***, and cultural policy objectives. According to settled case-law, purely economic reasons, having essentially protectionist aims, as well as purely administrative reasons, such as carrying out controls or gathering statistics cannot constitute an overriding reason of general interest. ***Control measures should be considered justified if they are needed in order to ensure compliance with provisions justified by public interest objectives.***

Or. en

Amendment 41 **Jasenko Selimovic**

Proposal for a directive **Recital 12**

Text proposed by the Commission

(12) Where the taking-up and pursuit of certain employed or self-employed activities are conditional on complying with certain provisions relating to specific professional qualifications, laid down directly or indirectly by the Member States, it is necessary to ensure that such provisions are justified by public interest objectives, such as those within the meaning of the Treaty, namely public policy, public security and public health or by overriding reasons of general interest, recognised as such in the case-law of the Court of Justice. It is important to ensure that public interest objectives are adequately identified in order to determine the intensity of the regulation. For example, in order to ensure a high level of

Amendment

(12) Where the taking-up and pursuit of certain employed or self-employed activities are conditional on complying with certain provisions, ***and in particular requirements*** relating to specific professional qualifications, laid down directly or indirectly by the Member States, it is necessary to ensure that such provisions are justified by public interest objectives, such as those within the meaning of the Treaty, namely public policy, public security and public health or by overriding reasons of general interest, recognised as such in the case-law of the Court of Justice. ***Where those objectives apply, regulation of professions should be considered to be a necessary safeguard of the public interest rather than an obstacle***

protection of public health, Member States should enjoy a margin of discretion to decide on the degree of protection which they wish to afford to public health and on the way in which that protection is to be achieved. It is also necessary to clarify that among the overriding reasons of general interest, recognised by the Court of Justice, are preserving the financial equilibrium of the social security system; the protection of consumers, recipients of services and workers; the safeguarding of the proper administration of justice; fairness of trade transactions; combating fraud and prevention of tax evasion and avoidance; road safety; the protection of the environment and the urban environment; the health of animals; intellectual property; the safeguarding and conservation of the national historic and artistic heritage, social policy objectives and cultural policy objectives. According to settled case-law, purely economic reasons, having essentially protectionist aims, as well as purely administrative reasons, such as carrying out controls or gathering statistics cannot constitute an overriding reason of general interest.

to competition and free movement. It is important to ensure that public interest objectives are adequately identified in order to determine the intensity of the regulation. For example, in order to ensure a high level of protection of public health, Member States should enjoy a margin of discretion to decide on the degree of protection which they wish to afford to public health and on the way in which that protection is to be achieved. It is also necessary to clarify that among the overriding reasons of general interest, recognised by the Court of Justice, are preserving the financial equilibrium of the social security system; the protection of consumers, recipients of services and workers; the safeguarding of the proper administration of justice; fairness of trade transactions; combating fraud and prevention of tax evasion and avoidance; road safety; the protection of the environment and the urban environment; the health of animals; intellectual property; the safeguarding and conservation of the national historic and artistic heritage, social policy objectives and cultural policy objectives. According to settled case-law, purely economic reasons, having essentially protectionist aims, as well as purely administrative reasons, such as carrying out controls or gathering statistics cannot constitute an overriding reason of general interest.

Or. en

Amendment 42
Jutta Steinruck

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Where the taking-up and pursuit of certain employed or self-employed activities are conditional on complying with certain provisions relating to specific

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Amendment

(12) Where the taking-up and pursuit of certain employed or self-employed activities are conditional on complying with certain provisions relating to specific

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professional qualifications, laid down directly or indirectly by the Member States, it is necessary to ensure that such provisions are justified by public interest objectives, such as those within the meaning of the Treaty, namely public policy, public security and public health or by overriding reasons of general interest, recognised as such in the case-law of the Court of Justice. It is important to ensure that public interest objectives are adequately identified in order to determine the intensity of the regulation. For example, in order to ensure a high level of protection of public health, Member States *should* enjoy a margin of discretion to decide on the degree of protection which they wish to afford to public health and on the way in which that protection is to be achieved. It is also necessary to clarify that among the overriding reasons of general interest, recognised by the Court of Justice, are preserving the financial equilibrium of the social security system; the protection of consumers, recipients of services and workers; the safeguarding of the proper administration of justice; fairness of trade transactions; combating fraud and prevention of tax evasion and avoidance; *road* safety; the protection of the environment and the urban environment; the health of animals; intellectual property; the safeguarding and conservation of the national historic and artistic heritage, social policy objectives and cultural policy objectives. According to settled case-law, purely economic reasons, having essentially protectionist aims, as well as purely administrative reasons, such as carrying out controls or gathering statistics cannot constitute an overriding reason of general interest.

professional qualifications, laid down directly or indirectly by the Member States, it is necessary to ensure that such provisions are justified by public interest objectives, such as those within the meaning of the Treaty, namely public policy, public security and public health or by overriding reasons of general interest, recognised as such in the case-law of the Court of Justice. It is important to ensure that public interest objectives are adequately identified in order to determine the intensity of the regulation. For example, in order to ensure a high level of protection of public health, Member States *shall* enjoy a margin of discretion to decide on the degree of protection which they wish to afford to public health and on the way in which that protection is to be achieved. It is also necessary to clarify that among the overriding reasons of general interest, recognised by the Court of Justice, are preserving the financial equilibrium of the social security system; the *high* protection of consumers, recipients of services and workers; *the protection of the workers' rights, the workers participation and the systems of self government, the safeguarding of the proper administration of justice, the protection of vocational training, the safeguarding of the proper administration of justice; fairness of trade transactions; combating fraud and prevention of tax evasion and avoidance; safety; the protection of the environment and the urban environment; the health of animals; intellectual property; the safeguarding and conservation of the national historic and artistic heritage, social policy objectives and cultural policy objectives. According to settled case-law, purely economic reasons, having essentially protectionist aims, as well as purely administrative reasons, such as carrying out controls or gathering statistics cannot constitute an overriding reason of general interest.*

Or. en

Amendment 43
Ádám Kósa

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Where the taking-up and pursuit of certain employed or self-employed activities are conditional on complying with certain provisions relating to specific professional qualifications, laid down directly or indirectly by the Member States, it is necessary to ensure that such provisions are justified by public interest objectives, such as those within the meaning of the Treaty, namely public policy, public security and public health or by overriding reasons of general interest, recognised as such in the case-law of the Court of Justice. It is important to ensure that public interest objectives are adequately identified in order to determine the intensity of the regulation. For example, in order to ensure a high level of protection of public health, Member States should enjoy a margin of discretion to decide on the degree of protection which they wish to afford to public health and on the way in which that protection is to be achieved. It is also necessary to clarify that among the overriding reasons of general interest, recognised by the Court of Justice, **are** preserving the financial equilibrium of the social security system; the protection of consumers, recipients of services and workers; the safeguarding of the proper administration of justice; fairness of trade transactions; combating fraud and prevention of tax evasion and avoidance; road safety; the protection of the environment and the urban environment; the health of animals; intellectual property; **the safeguarding and** conservation of the national historic and artistic heritage, social policy objectives and cultural policy objectives. According to settled case-law, purely economic reasons, having

PE609.674v01-00

Amendment

12. Where the taking-up and pursuit of certain employed or self-employed activities are conditional on complying with certain provisions relating to specific professional qualifications, laid down directly or indirectly by the Member States, it is necessary to ensure that such provisions are justified by public interest objectives, such as those within the meaning of the Treaty, namely public policy, public security and public health or by overriding reasons of general interest, recognised as such in the case-law of the Court of Justice. It is important to ensure that public interest objectives are adequately identified in order to determine the intensity of the regulation. For example, in order to ensure a high level of protection of public health, Member States should enjoy a margin of discretion to decide on the degree of protection which they wish to afford to public health and on the way in which that protection is to be achieved. It is also necessary to clarify that **the following are** among the overriding reasons of general interest, recognised by the Court of Justice: preserving the financial equilibrium of the social security system; the protection of consumers, recipients of services and workers; the safeguarding of the proper administration of justice; fairness of trade transactions; combating fraud and prevention of tax evasion and avoidance; road safety; the protection of the environment and the urban environment; the health of animals; intellectual property; the conservation of the national historic and artistic heritage; **ensuring the provision and high quality of public services; and the** social policy objectives and cultural policy objectives **set**

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essentially protectionist aims, as well as purely administrative reasons, such as carrying out controls or gathering statistics cannot constitute an overriding reason of general interest.

out in the Treaty. According to settled case-law, purely economic reasons, having essentially protectionist aims, as well as purely administrative reasons, such as carrying out controls or gathering statistics cannot constitute an overriding reason of general interest.

Or. hu

Amendment 44 **Sven Schulze**

Proposal for a directive **Recital 12**

Text proposed by the Commission

(12) Where the taking-up and pursuit of certain employed or self-employed activities are conditional on complying with certain provisions relating to specific professional qualifications, laid down directly or indirectly by the Member States, it is necessary to ensure that such provisions are justified by public interest objectives, such as those within the meaning of the Treaty, namely public policy, public security and public health or by overriding reasons of general interest, recognised as such in the case-law of the Court of Justice. It is important to ensure that public interest objectives are adequately identified in order to determine the intensity of the regulation. For example, in order to ensure a high level of protection of public health, Member States should enjoy a margin of discretion to decide on the degree of protection which they wish to afford to public health and on the way in which that protection is to be achieved. It is also necessary to clarify that among the overriding reasons of general interest, recognised by the Court of Justice, are preserving the financial equilibrium of the social security system; the protection of consumers, recipients of services and workers; the safeguarding of the proper administration of justice; fairness of trade

Amendment

(12) Where the taking-up and pursuit of certain employed or self-employed activities are conditional on complying with certain provisions relating to specific professional qualifications, laid down directly or indirectly by the Member States, it is necessary to ensure that such provisions are justified by public interest objectives, such as those within the meaning of the Treaty, namely public policy, public security and public health or by overriding reasons of general interest, recognised as such in the case-law of the Court of Justice. It is important to ensure that public interest objectives are adequately identified **by the Member States, and the degree of protection of such objectives established**, in order to determine the intensity of the regulation. For example, in order to ensure a high level of protection of public health, Member States should enjoy a margin of discretion to decide on the degree of protection which they wish to afford to public health and on the way in which that protection is to be achieved. It is also necessary to clarify that among the overriding reasons of general interest, recognised by the Court of Justice, are: preserving the financial equilibrium of the social security system; the protection of consumers, recipients of services and

transactions; combating fraud and prevention of tax evasion and avoidance; road safety; the protection of the environment and the urban environment; the health of animals; intellectual property; the **safeguarding and** conservation of the national historic and artistic heritage, social policy objectives and cultural policy objectives. According to settled case-law, purely economic reasons, having essentially protectionist aims, as well as purely administrative reasons, such as carrying out controls or gathering statistics cannot constitute an overriding reason of general interest.

workers; the safeguarding of the proper administration of justice; fairness of trade transactions; combating fraud and prevention of tax evasion and avoidance; road safety; the protection of the environment and the urban environment; the health of animals; intellectual property; the conservation of the national historic and artistic heritage; social policy objectives and cultural policy objectives. According to settled case-law, purely economic reasons, having essentially protectionist aims, as well as purely administrative reasons, such as carrying out controls or gathering statistics cannot constitute an overriding reason of general interest.

Or. de

Amendment 45

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) Where the taking-up and pursuit of certain employed or self-employed activities are conditional on complying with certain provisions relating to specific professional qualifications, laid down directly or indirectly by the Member States, it is necessary to ensure that such provisions are justified by public interest objectives, such as those within the meaning of the Treaty, namely public policy, public security and public health or by overriding reasons of general interest, **recognised as such in the case-law of the Court of Justice**. It is important to ensure that public interest objectives are adequately identified in order to determine the intensity of the regulation. For example, in order to ensure a high level of protection of public health, Member States should enjoy a margin of discretion to decide on the degree of protection which

Amendment

(12) Where the taking-up and pursuit of certain employed or self-employed activities are conditional on complying with certain provisions relating to specific professional qualifications, laid down directly or indirectly by the Member States, it is necessary to ensure that such provisions are justified by public interest objectives, such as those within the meaning of the Treaty, namely public policy, public security and public health or by overriding reasons of general interest. It is important to ensure that public interest objectives are adequately identified in order to determine the intensity of the regulation. For example, in order to ensure a high level of protection of public health, Member States should enjoy a margin of discretion to decide on the degree of protection which they wish to afford to public health and on the way in which that

they wish to afford to public health and on the way in which that protection is to be achieved. It is also necessary to clarify that among the overriding reasons of general interest, recognised by the Court of Justice, are preserving the financial equilibrium of the social security system; the protection of consumers, recipients of services and workers; the safeguarding of the proper administration of justice; fairness of trade transactions; combating fraud and prevention of tax evasion and avoidance; **road** safety; the protection of the environment and the urban environment; the health of animals; intellectual property; the safeguarding and conservation of the national historic and artistic heritage, social policy objectives and cultural policy objectives. According to settled case-law, purely economic reasons, having essentially protectionist aims, as well as purely administrative reasons, such as carrying out controls or gathering statistics cannot constitute an overriding reason of general interest.

protection is to be achieved. It is also necessary to clarify that among the overriding reasons of general interest, recognised by the Court of Justice, are preserving the financial equilibrium of the social security system; the protection of consumers, recipients of services and workers; the safeguarding of the proper administration of justice; fairness of trade transactions; combating fraud and prevention of tax evasion and avoidance; **transport** safety; the protection of the environment and the urban environment; the health of animals; intellectual property; the safeguarding and conservation of the national historic and artistic heritage, social policy objectives, **the protection of individual and collective workers' rights, vocational training systems, workers' self-management**, and cultural policy objectives. According to settled case-law, purely economic reasons, having essentially protectionist aims, as well as purely administrative reasons, such as carrying out controls or gathering statistics cannot constitute an overriding reason of general interest.

Or. en

Amendment 46

Dominique Martin, Mara Bizzotto, Joëlle Mélin

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) Where the taking-up and pursuit of certain employed or self-employed activities are conditional on complying with certain provisions relating to specific professional qualifications, laid down directly or indirectly by the Member States, it is necessary to ensure that such provisions are justified by public interest objectives, such as those within the meaning of the Treaty, namely public policy, public security and public health or

Amendment

(12) Where the taking-up and pursuit of certain employed or self-employed activities are conditional on complying with certain provisions relating to specific professional qualifications, laid down directly or indirectly by the Member States, it is necessary to ensure that such provisions are justified by public interest objectives, such as those within the meaning of the Treaty, namely public policy, public security and public health or

by overriding reasons of general interest, recognised as such in the case-law of the Court of Justice. It is important to ensure that public interest objectives are adequately identified in order to determine the intensity of the regulation. For example, in order to ensure a high level of protection of public health, Member States should enjoy a margin of discretion to decide on the degree of protection which they wish to afford to public health and on the way in which that protection is to be achieved. It is also necessary to clarify that among the overriding reasons of general interest, recognised by the Court of Justice, are preserving the financial equilibrium of the social security system; the protection of consumers, recipients of services and workers; the safeguarding of the proper administration of justice; fairness of trade transactions; combating fraud and prevention of tax evasion and avoidance; **road** safety; the protection of the environment and the urban environment; the health of animals; intellectual property; the safeguarding and conservation of the national historic and artistic heritage, social policy objectives and cultural policy objectives. According to settled case-law, purely economic reasons, having essentially protectionist aims, as well as purely administrative reasons, such as carrying out controls or gathering statistics cannot constitute an overriding reason of general interest.

by overriding reasons of general interest, recognised as such in the case-law of the Court of Justice. It is important to ensure that public interest objectives are adequately identified in order to determine the intensity of the regulation. For example, in order to ensure a high level of protection of public health, Member States should enjoy a margin of discretion to decide on the degree of protection which they wish to afford to public health and on the way in which that protection is to be achieved. It is also necessary to clarify that among the overriding reasons of general interest, recognised by the Court of Justice, are preserving the financial equilibrium of the social security system; the protection of consumers, recipients of services and workers; the safeguarding of the proper administration of justice; fairness of trade transactions; combating fraud and prevention of tax evasion and avoidance; **transport** safety; the protection of the environment and the urban environment; the health of animals; intellectual property; the safeguarding and conservation of the national historic and artistic heritage, social policy objectives and cultural policy objectives. According to settled case-law, purely economic reasons, having essentially protectionist aims, as well as purely administrative reasons, such as carrying out controls or gathering statistics cannot constitute an overriding reason of general interest.

Or. fr

Amendment 47

Tatjana Ždanoka

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12 a) This Directive seeks to strike a balance between securing public interest

objectives and quality of services on the one hand, and improving access to, and exercise of, regulated professions, which is in the interests of the professionals themselves, on the other. It is clear from settled case law of the Court of Justice that when one Member State imposes less strict rules than another Member State, this does not necessarily mean that the latter Member State's rules are disproportionate.

Or. en

Amendment 48
Dominique Martin, Mara Bizzotto, Joëlle Mélin

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12 a) It is for the Member States to determine the level of protection they wish to grant to the public interest objectives and the proportionate way in which that level is to be achieved. The fact that one Member State imposes less strict rules than another Member State does not mean that the latter Member State's rules are disproportionate and therefore incompatible with the EU law.

Or. fr

Amendment 49
Jasenko Selimovic

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12 a) Where an example of regulation of professions is justified by the protection of public health, the special characteristics of health services should be borne in

mind. Health services are very different from other services, and patients are very different from other service recipients. Consequently, health professions should be considered to be typically subject to regulation of professions.

Or. en

Amendment 50
Maria Arena

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) Where a Member State intends to regulate a profession or to amend existing rules, account should be taken of the nature of the risks related to the public interest objectives pursued, in particular the risks to consumers, to professionals or third parties. It should also be borne in mind that, in the field of professional services, there is usually an asymmetry of information between consumers and professionals. Professionals display a high level of technical knowledge which consumers may not have and consumers therefore find it difficult to judge the quality of the services provided to them.

Amendment

(13) *When assessing the proportionality of the provisions, Member States should consider the criteria which are relevant for the provisions being analysed.* Where a Member State intends to regulate a profession or to amend existing rules, account should be taken, *where relevant*, of the nature of the risks related to the public interest objectives pursued, in particular the risks to *service recipients, including* consumers, to professionals or third parties, *also where those risks are not certain or not fully apparent, taking into account the precautionary principle.* It should also be borne in mind that, in the field of professional services, there is usually an asymmetry of information between consumers and professionals. Professionals display a high level of technical knowledge which consumers may not have and consumers therefore find it difficult to judge the quality of the services provided to them.

Or. en

Amendment 51
Jasenko Selimovic

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) Where a Member State intends to regulate a profession or to amend existing rules, account should be taken of the nature of the risks related to the public interest objectives pursued, in particular the risks to consumers, to professionals or third parties. It should also be borne in mind that, in the field of professional services, there is usually an asymmetry of information between consumers and professionals. Professionals display a high level of technical knowledge which consumers may not have and consumers therefore find it difficult to judge the quality of the services provided to them.

Amendment

(13) Where a Member State intends to regulate a ***service activity, and in particular the access to or pursuit of a*** profession, or to amend existing rules, account should be taken of the nature of the risks related to the public interest objectives pursued, in particular the risks to consumers, to professionals or third parties. It should also be borne in mind that, in the field of professional services, there is usually an asymmetry of information between consumers and professionals. Professionals display a high level of technical knowledge which consumers may not have and consumers therefore find it difficult to judge the quality of the services provided to them.

Or. en

Amendment 52

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) To meet the requirement of proportionality, the measure should be suitable for securing the attainment of the objective pursued. ***A measure should only be considered suitable for securing the attainment of the objective pursued, if it genuinely reflects a concern to attain that objective in a consistent and systematic manner, for instance where similar risks related to certain activities are addressed in a comparable way and where any exceptions to the restrictions involved are applied in line with the stated objective.*** Furthermore, the national measure should contribute to achieving the objective pursued and therefore, where it has no

Amendment

(14) To meet the requirement of proportionality, the measure should be suitable for securing the attainment of the objective pursued. Furthermore, the national measure should contribute to achieving the objective pursued and therefore, where it has no effect on the ground for justification, it should not be considered as suitable.

effect on the ground for justification, it should not be considered as suitable.

Or. en

Amendment 53
Maria Arena

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) To meet the requirement of proportionality, the measure should be suitable for securing the attainment of the objective pursued. A measure should only be considered suitable for securing the attainment of the objective pursued, if it genuinely reflects a concern to attain that objective in a consistent and systematic manner, *for instance where similar risks related to certain activities are addressed in a comparable way and where any exceptions to the restrictions involved are applied in line with the stated objective.* Furthermore, the national measure should contribute to achieving the objective pursued and therefore, where it has no effect on the ground for justification, it should not be considered as suitable.

Amendment

(14) To meet the requirement of proportionality, the measure should be suitable for securing the attainment of the objective pursued. A measure should only be considered suitable for securing the attainment of the objective pursued, if it genuinely reflects a concern to attain that objective in a consistent and systematic manner. Furthermore, the national measure should contribute to achieving the objective pursued and therefore, where it has no effect on the ground for justification, it should not be considered as suitable.

Or. en

Amendment 54
Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) Requirements linked to professional qualifications *should* be considered *as necessary only where existing measures, such as consumer protection law, cannot be regarded as being suitable or genuinely*

Amendment

(15) *According to European case-law^{1a}, requirements linked to professional qualifications may be considered appropriate and necessary without Member States having to prove, positively,*

effective to achieve the aim pursued.

that no other conceivable measure could enable that objective to be attained under the same conditions.

^{1a} Case C-110/05; Case-518/06

Or. en

Amendment 55

Tatjana Ždanoka

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 16

Text proposed by the Commission

Amendment

(16) Among the elements to be taken into account by national authorities, the following are of most relevance: the link between the scope of professional activities covered by a profession and the professional qualification required; the complexity of the tasks in particular as regards the level, the nature and the duration of the training or experience required; the existence of different routes to obtain the professional qualification; the scope of the professional activities, reserved to holders of a particular professional qualification, and in particular whether the activities reserved to certain professionals can be shared with other professionals; the degree of autonomy in exercising a regulated profession in particular where the activities relating to a regulated profession are pursued under the control and responsibility of a duly qualified professional.

deleted

Or. en

Amendment 56

Jasenko Selimovic

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) Among the elements to be taken into account by national authorities, the following are of most relevance: the link between the scope of professional activities covered by a profession and the professional qualification required; the complexity of the tasks in particular as regards the level, the nature and the duration of the training or experience required; the existence of different routes to obtain the professional qualification; the scope of the professional activities, reserved to holders of a particular professional qualification, and in particular whether the activities reserved to certain professionals can be shared with other professionals; the degree of autonomy in exercising a regulated profession in particular where the activities relating to a regulated profession are pursued under the control and responsibility of a duly qualified professional.

Amendment

(16) Among the elements to be taken into account by national authorities, the following are of most relevance **when assessing the requirements falling within the scope of Directive 2005/36/EC**: the link between the scope of professional activities covered by a profession and the professional qualification required; the complexity of the tasks in particular as regards the level, the nature and the duration of the training or experience required; the existence of different routes to obtain the professional qualification; the scope of the professional activities, reserved to holders of a particular professional qualification, and in particular whether the activities reserved to certain professionals can be shared with other professionals; the degree of autonomy in exercising a regulated profession in particular where the activities relating to a regulated profession are pursued under the control and responsibility of a duly qualified professional.

Or. en

Amendment 57

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) Among the elements **to** be taken into account by national authorities, **the following are of most relevance**: the link between the scope of professional activities covered by a profession and the professional qualification required; the complexity of the tasks in particular as regards the level, the nature and the duration of the training or experience

Amendment

(16) Among the elements **that may** be taken into account by national authorities, **there are**: the link between the scope of professional activities covered by a profession and the professional qualification required; the complexity of the tasks in particular as regards the level, the nature and the duration of the training or experience required; the existence of

required; the existence of different routes to obtain the professional qualification; the scope of the professional activities, reserved to holders of a particular professional qualification, and in particular whether the activities reserved to certain professionals can be shared with other professionals; the degree of autonomy in exercising a regulated profession in particular where the activities relating to a regulated profession are pursued under the control and responsibility of a duly qualified professional.

different routes to obtain the professional qualification; the scope of the professional activities, reserved to holders of a particular professional qualification, and in particular whether the activities reserved to certain professionals can be shared with other professionals; the degree of autonomy in exercising a regulated profession in particular where the activities relating to a regulated profession are pursued under the control and responsibility of a duly qualified professional.

Or. en

Amendment 58

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Recital 17

Text proposed by the Commission

Amendment

(17) Where a Member State regulates a profession, account should be taken of the fact that technological developments may reduce the asymmetry of information between consumers and professionals. In view of the speed of technological change and scientific progress, up-dates in access requirements may be of particular importance for a number of professions.

deleted

Or. en

Amendment 59

Ádám Kósa

Proposal for a directive

Recital 17

Text proposed by the Commission

Amendment

(17) Where a Member State regulates a profession, account should be taken of the fact that technological developments may

17. Where a Member State regulates a profession, account should be taken of the fact that technological developments may

reduce the asymmetry of information between consumers and professionals. In view of the speed of technological change and scientific progress, up-dates in access requirements may be of particular importance for a number of professions.

reduce the asymmetry of information between consumers and professionals. In view of the speed of technological change and scientific progress, up-dates in access requirements may be of particular importance for a number of professions; *appropriate measures must therefore be taken to identify these professions and conduct more frequent reviews of their scope.*

Or. hu

Amendment 60
Jasenko Selimovic

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) Where a Member State regulates a profession, account should be taken of the fact that technological developments may reduce the asymmetry of information between consumers and professionals. In view of the speed of technological change and scientific progress, up-dates in access requirements may be of particular importance for a number of professions.

Amendment

(17) Where a Member State regulates a *service activity or a* profession, account should be taken of the fact that technological developments may reduce the asymmetry of information between consumers and professionals. In view of the speed of technological change and scientific progress, up-dates in access requirements may be of particular importance for a number of *service activities and regulated* professions.

Or. en

Amendment 61
Maria Arena

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) The *economic* impact of the measure, *including a cost-benefit analysis with particular regard to the degree of competition in the market and* the quality

Amendment

(18) The impact of the measure *on* the quality of the service provided and on the free movement of persons and services within the Union *and on the freedom to*

of the service provided, *as well as the impact on the right to work* and on the free movement of persons and services within the Union *should be duly taken into account by the competent authorities. Based on this analysis, Member States should ascertain, in particular, whether the extent of the restriction of access to or pursuit of regulated professions within the Union is proportionate to the importance of the objectives pursued and the expected gains.*

choose an occupation should be duly taken into account, where relevant, by the Member States.

Or. en

Amendment 62

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Recital 18

Text proposed by the Commission

(18) The *economic* impact of the measure, *including a cost-benefit analysis with particular regard to the degree of competition in the market and* the quality of the service provided, as well as the impact on the right to work and on the free movement of persons *and services* within the Union should be duly taken into account by the competent authorities. Based on this analysis, Member States should ascertain, in particular, whether the extent of the restriction of access to or pursuit of regulated professions within the Union is proportionate to the importance of the objectives pursued and the expected gains.

Amendment

(18) The impact of the measure *on* the quality of the service provided, as well as the impact on the right to work and on the free movement of persons within the Union should be duly taken into account by the competent authorities. Based on this analysis, Member States should ascertain, in particular, whether the extent of the restriction of access to or pursuit of regulated professions within the Union is proportionate to the importance of the objectives pursued and the expected gains.

Or. en

Amendment 63

Tom Vandenkendelaere, Jeroen Lenaers

Proposal for a directive

Recital 18

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Text proposed by the Commission

(18) The economic impact of the measure, including a cost-benefit analysis with particular regard to the degree of competition in the market **and** the quality of the service provided, as well as the impact on the right to work and on the free movement of persons and services within the Union should be duly taken into account by the competent authorities. Based on this analysis, Member States should ascertain, in particular, whether the extent of the restriction of access to or pursuit of regulated professions within the Union is proportionate to the importance of the objectives pursued and the expected gains.

Amendment

(18) The economic impact of the measure, including a cost-benefit analysis with particular regard to the degree of competition in the market, the quality of the service provided, **consumer choice, job creation, employment opportunities for young graduates** as well as the impact on the right to work and on the free movement of persons and services within the Union should be duly taken into account by the competent authorities. Based on this analysis, Member States should ascertain, in particular, whether the extent of the restriction of access to or pursuit of regulated professions within the Union is proportionate to the importance of the objectives pursued and the expected gains.

Or. en

Amendment 64

Tatjana Ždanoka

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 18

Text proposed by the Commission

(18) The **economic** impact of the measure, including **a cost-benefit analysis with particular regard to the degree of competition in the market and** the quality of the service provided, as well as the impact on the right to work and on the free movement of persons and services within the Union should be duly taken into account by the competent authorities. Based on this analysis, Member States should ascertain, in particular, whether the extent of the restriction of access to or pursuit of regulated professions within the Union is proportionate to the importance of the objectives pursued and the expected gains.

Amendment

(18) The impact of the measure, including the quality of the service provided, as well as the impact on the right to work and on the free movement of persons and services within the Union should be duly taken into account by the competent authorities. Based on this analysis, Member States should ascertain, in particular, whether the extent of the restriction of access to or pursuit of regulated professions within the Union is proportionate to the importance of the objectives pursued and the expected gains.

Amendment 65

Ádám Kósa

Proposal for a directive**Recital 18***Text proposed by the Commission*

(18) The economic impact of the measure, including a cost-benefit analysis with particular regard to the degree of competition in the market **and** the quality of the service provided, as well as the impact on the right to work and on the free movement of persons and services within the Union **should be duly taken into account** by the competent authorities. Based on this analysis, Member States should ascertain, in particular, whether the extent of the restriction of access to or pursuit of regulated professions within the Union is proportionate to the importance of the objectives pursued and the expected gains.

Amendment

18. The economic impact of the measure, including a cost-benefit analysis with particular regard to the degree of competition in the market, the quality of the service provided **and the interests of consumers**, as well as the impact on the right to work and on the free movement of persons and services within the Union **and the Member States, should be considered** by the competent authorities. Based on this analysis, Member States should ascertain, in particular, whether the extent of the restriction of access to or pursuit of regulated professions within the Union is proportionate to the importance of the objectives pursued and the expected gains.

Or. hu

Amendment 66

Jasenko Selimovic

Proposal for a directive**Recital 18***Text proposed by the Commission*

(18) The economic impact of the measure, including a cost-benefit analysis with particular regard to the degree of competition in the market and the quality of the service provided, as well as the impact on the right to work and on the free movement of persons and services within the Union should be duly taken into account by the competent authorities. Based on this analysis, Member States

Amendment

(18) The economic impact of the measure, including a cost-benefit analysis with particular regard to the degree of competition in the market and the quality of the service provided, as well as the impact on the right to work and on the free movement of persons and services within the Union should be duly taken into account by the competent authorities. Based on this analysis, Member States

should ascertain, in particular, whether the extent of the restriction of access to or pursuit of regulated professions within the Union is proportionate to the importance of the objectives pursued and the expected gains.

should ascertain, in particular, whether the extent of the restriction of access to or pursuit of *service activities, including the activities of* regulated professions, within the Union is proportionate to the importance of the objectives pursued and the expected gains.

Or. en

Amendment 67

Danuta Jazłowiecka, Marek Plura, Agnieszka Kozłowska-Rajewicz, Ádám Kósa, Heinz K. Becker, Tom Vandenkendelaere, Csaba Sógor

Proposal for a directive

Recital 18

Text proposed by the Commission

(18) The economic impact of the measure, including a cost-benefit analysis with particular regard to the degree of competition in the market and the quality of the service provided, as well as the impact on the right to work and on the free movement of persons and services within the Union should be duly taken into account by the competent authorities. Based on this analysis, Member States should ascertain, in particular, whether the extent of the restriction of access to or pursuit of regulated professions within the Union is proportionate to the importance of the objectives pursued and the expected gains.

Amendment

(18) The economic impact of the measure, including a cost-benefit analysis with particular regard to the degree of competition in the market and the quality of the service provided, as well as the impact on the right to work and on the free movement of persons and services within **Member States and** the Union should be duly taken into account by the competent authorities. Based on this analysis, Member States should ascertain, in particular, whether the extent of the restriction of access to or pursuit of regulated professions within the Union is proportionate to the importance of the objectives pursued and the expected gains.

Or. en

Amendment 68

Maria Arena

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) Member States should **carry out a**
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Amendment

(19) Member States should **consider,**

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comparison between the national measure at issue and the alternative and less restrictive solutions that would allow the same objective to be attained but would impose fewer restrictions. Where the measures are justified by consumer protection and where the risks identified are limited to the relationship between the professional and the consumer without negatively affecting third parties, the objective could be attained by less restrictive means than reserving activities to professionals, such as protection of the professional title or enrolment on a professional register. Regulation by way of reserved activities should be used only in cases where the measures aim at preventing a risk of serious harm to public interest objectives.

where *relevant, the possibility to use less restrictive solutions to achieve the same public interest objective.*

Or. en

Amendment 69

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) Member States should carry out a comparison between the national measure at issue and *the alternative and less restrictive* solutions that would allow the same objective to be attained but would impose fewer restrictions. Where the measures are justified by consumer protection and where the risks identified are limited to the relationship between the professional and the consumer without negatively affecting third parties, the objective could be attained by less restrictive means than reserving activities to professionals, such as protection of the professional title or enrolment on a professional register. *Regulation by way of reserved activities should be used only in cases where the measures aim at preventing a risk of serious harm to*

Amendment

(19) Member States should carry out a comparison between the national measure at issue and alternative solutions that would allow the same objective to be attained but would impose fewer restrictions. Where the measures are justified by consumer protection and where the risks identified are limited to the relationship between the professional and the consumer without negatively affecting third parties, the objective could be attained by less restrictive means than reserving activities to professionals, such as protection of the professional title or enrolment on a professional register.

public interest objectives.

Or. en

Amendment 70

Dominique Martin, Mara Bizzotto, Joëlle Mélin

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) Member States should carry out a comparison between the national measure at issue and the alternative and less restrictive solutions that would allow the same objective to be attained but would impose fewer restrictions. Where the measures are justified by consumer protection and where the risks identified are limited to the relationship between the professional and the consumer without negatively affecting third parties, the objective could be attained by less restrictive means than reserving activities to professionals, such as protection of the professional title or enrolment on a professional register. ***Regulation by way of reserved activities should be used only in cases where the measures aim at preventing a risk of serious harm to public interest objectives.***

Amendment

(19) Member States should carry out a comparison between the national measure at issue and the alternative and less restrictive solutions that would allow the same objective to be attained but would impose fewer restrictions. Where the measures are justified by consumer protection and where the risks identified are limited to the relationship between the professional and the consumer without negatively affecting third parties, the objective could be attained by less restrictive means than reserving activities to professionals, such as protection of the professional title or enrolment on a professional register.

Or. fr

Amendment 71

Jasenko Selimovic

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) The national authorities should carry out a global assessment of the circumstances in which the restrictive measure is adopted and implemented and

Amendment

(20) The national authorities should carry out a global assessment of the circumstances in which the restrictive measure is adopted and implemented and

examine in particular the cumulative effect of imposing several requirements *in addition to the specific professional qualification*. The taking-up and pursuit of certain activities may be conditional on complying with certain provisions such as rules relating to the organisation of the profession, compulsory membership of a professional body, professional ethics, supervision and liability. Therefore, when assessing the cumulative effect of the measures, the competent authorities should also take into account other existing requirements, such as continuous professional development, compulsory chamber membership, registration or authorisation schemes, quantitative restrictions, specific legal form requirements and shareholding requirements, territorial restrictions, multidisciplinary restrictions and incompatibility rules, requirements concerning insurance cover as well as *language knowledge* requirements, to the extent necessary to practise the profession. A measure introduced by a Member State cannot be regarded as necessary to achieve the objective pursued if it essentially duplicates requirements which have already been introduced in the context of other rules or procedures.

examine in particular the cumulative effect of imposing several requirements. The taking-up and pursuit of certain activities may be conditional on complying with certain provisions such as rules relating to the organisation of the profession, compulsory membership of a professional body, professional ethics, supervision and liability. Therefore, when assessing the cumulative effect of the measures, the competent authorities should also take into account other existing requirements, such as continuous professional development, compulsory chamber membership, registration or authorisation schemes, quantitative restrictions, specific legal form requirements and shareholding requirements, territorial restrictions, multidisciplinary restrictions and incompatibility rules, requirements concerning insurance cover, *language knowledge requirements, authorisation schemes, restrictions on advertising* as well as *mandatory tariff* requirements, to the extent necessary to *exercise service activities or* practise the profession. A measure introduced by a Member State cannot be regarded as necessary to achieve the objective pursued if it essentially duplicates requirements which have already been introduced in the context of other rules or procedures.

Or. en

Amendment 72

Dominique Martin, Mara Bizzotto, Joëlle Mélin

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) The national authorities should carry out a global assessment of the circumstances in which the *restrictive measure* is adopted and implemented and examine in particular the cumulative effect of imposing several requirements in

Amendment

(20) The national authorities should carry out a global assessment of the circumstances in which the *requirement* is adopted and implemented and examine in particular the cumulative effect of imposing several requirements in addition

addition to the specific professional qualification. The taking-up and pursuit of certain activities may be conditional on complying with certain provisions such as rules relating to the organisation of the profession, compulsory membership of a professional body, professional ethics, supervision and liability. Therefore, when assessing the cumulative effect of the measures, the competent authorities should also take into account other existing requirements, such as continuous professional development, compulsory chamber membership, registration or authorisation schemes, quantitative restrictions, specific legal form requirements and shareholding requirements, territorial restrictions, multidisciplinary restrictions and incompatibility rules, requirements concerning insurance cover as well as language knowledge requirements, to the extent necessary to practise the profession. A measure introduced by a Member State cannot be regarded as necessary to achieve the objective pursued if it essentially duplicates requirements which have already been introduced in the context of other rules or procedures.

to the specific professional qualification. The taking-up and pursuit of certain activities may be conditional on complying with certain provisions such as rules relating to the organisation of the profession, compulsory membership of a professional body, professional ethics, supervision and liability. Therefore, when assessing the cumulative effect of the measures, the competent authorities should also take into account other existing requirements, such as continuous professional development, compulsory chamber membership, registration or authorisation schemes, quantitative restrictions, specific legal form requirements and shareholding requirements, territorial restrictions, multidisciplinary restrictions and incompatibility rules, requirements concerning insurance cover as well as language knowledge requirements, to the extent necessary to practise the profession. ***When doing so, existing requirements which are not being amended would not be subject to a new proportionality assessment.*** A measure introduced by a Member State cannot be regarded as necessary to achieve the objective pursued if it essentially duplicates requirements which have already been introduced in the context of other rules or procedures.

Or. fr

Amendment 73

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) The national authorities should carry out a global assessment of the circumstances in which the restrictive measure is adopted and implemented and examine in particular the cumulative effect of imposing several requirements in

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Amendment

(20) The national authorities should carry out a global assessment of the circumstances in which the restrictive measure is adopted and implemented and examine in particular the cumulative effect of imposing several requirements in

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addition to the specific professional qualification. The taking-up and pursuit of certain activities may be conditional on complying with certain provisions such as rules relating to the organisation of the profession, compulsory membership of a professional body, professional ethics, supervision and liability. Therefore, when assessing the cumulative effect of the measures, the competent authorities should also take into account other existing requirements, such as continuous professional development, compulsory chamber membership, registration or authorisation schemes, quantitative restrictions, specific legal form requirements and shareholding requirements, territorial restrictions, multidisciplinary restrictions and incompatibility rules, requirements concerning insurance cover as well as language knowledge requirements, to the extent necessary to practise the profession. A measure introduced by a Member State cannot be regarded as necessary to achieve the objective pursued if it essentially duplicates requirements which have already been introduced in the context of other rules or procedures.

addition to the specific professional qualification. The taking-up and pursuit of certain activities may be conditional on complying with certain provisions such as rules relating to the organisation of the profession, compulsory membership of a professional body, professional ethics, supervision and liability. Therefore, when assessing the cumulative effect of the measures, the competent authorities should also take into account other existing requirements, such as continuous professional development, compulsory chamber membership, registration or authorisation schemes, quantitative restrictions, specific legal form requirements and shareholding requirements, territorial restrictions, multidisciplinary restrictions and incompatibility rules, requirements concerning insurance cover as well as language knowledge requirements, to the extent necessary to practise the profession. ***When doing so, existing procedures that are not amended should not be subject to a new proportionality assessment.*** A measure introduced by a Member State cannot be regarded as necessary to achieve the objective pursued if it essentially duplicates requirements which have already been introduced in the context of other rules or procedures.

Or. en

Amendment 74

Maria Arena

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) *The national authorities* should carry out ***a global*** assessment of the circumstances in which the ***restrictive*** measure is adopted and implemented and examine in particular the ***cumulative*** effect of ***imposing several*** requirements ***in***

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Amendment

(20) ***Where relevant, Member States*** should carry out ***an*** assessment of the circumstances in which the measure is adopted and implemented and examine in particular the effect of ***the new or amended provisions when combined with other***

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addition to the specific professional qualification. The taking-up and pursuit of certain activities may be conditional on complying with certain provisions such as rules relating to the organisation of the profession, compulsory membership of a professional body, professional *ethics*, supervision and liability. Therefore, when assessing the *cumulative* effect of the measures, *the competent authorities* should also take into account other existing requirements, such as *continuous professional development*, compulsory chamber membership, registration or authorisation schemes, quantitative restrictions, specific legal form requirements and shareholding requirements, territorial restrictions, multidisciplinary restrictions and incompatibility rules, requirements concerning insurance cover as well as language knowledge requirements, to the extent necessary to practise the profession. *A measure introduced by a Member State cannot be regarded as necessary to achieve the objective pursued if it essentially duplicates requirements which have already been introduced in the context of other rules or procedures.*

requirements *restricting access to or pursuit of the profession.* The taking-up and pursuit of certain activities may be conditional on complying with certain provisions such as rules relating to the organisation of the profession, compulsory membership of a professional body, professional supervision and liability. Therefore, when assessing the effect of the *new or amended* measures, *Member States* should also take into account, *where relevant, the effects of those measures combined with* other existing requirements, such as compulsory chamber membership, registration or authorisation schemes, quantitative restrictions, specific legal form requirements and shareholding requirements, territorial restrictions, multidisciplinary restrictions and incompatibility rules, requirements concerning insurance cover as well as language knowledge requirements, to the extent necessary to practise the profession. *In carrying out this assessment, existing requirements which are not being amended should not be subject to the proportionality assessment.*

Or. en

Amendment 75
Ádám Kósa

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) The national authorities should carry out a global assessment of the circumstances in which the restrictive measure is adopted and implemented and examine in particular the cumulative effect of imposing several requirements in addition to the specific professional qualification. The taking-up and pursuit of certain activities may be conditional on

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Amendment

20. The national authorities should carry out a global assessment of the circumstances in which the restrictive measure is adopted and implemented and examine in particular the cumulative effect of imposing several requirements in addition to the specific professional qualification. The taking-up and pursuit of certain activities may be conditional on

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complying with certain provisions such as rules relating to the organisation of the profession, compulsory membership of a professional body, professional ethics, supervision and liability. Therefore, when assessing the cumulative effect of the measures, the competent authorities should also take into account other existing requirements, such as continuous professional development, compulsory chamber membership, registration or authorisation schemes, quantitative restrictions, specific legal form requirements and shareholding requirements, territorial restrictions, multidisciplinary restrictions and incompatibility rules, requirements concerning insurance cover as well as language knowledge requirements, to the extent necessary to practise the profession. A measure introduced by a Member State cannot be regarded as necessary to achieve the objective pursued if it essentially duplicates requirements which have already been introduced in the context of other rules or procedures.

complying with certain provisions such as rules relating to the organisation of the profession, compulsory membership of a professional body, professional ethics, supervision and liability. Therefore, when assessing the cumulative effect of the measures, the competent authorities should also take into account other existing requirements, such as continuous professional development, compulsory chamber membership, registration or authorisation schemes, quantitative restrictions, specific legal form requirements and shareholding requirements, territorial restrictions, multidisciplinary restrictions and incompatibility rules, requirements concerning insurance cover as well as language *and specific local* knowledge requirements, to the extent necessary to practise the profession. A measure introduced by a Member State cannot be regarded as necessary to achieve the objective pursued if it essentially duplicates requirements which have already been introduced in the context of other rules or procedures.

Or. hu

Amendment 76
Jasenko Selimovic

Proposal for a directive
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20 a) The proportionality criteria as set out in this Directive should be applied to the appropriate extent and degree of intensity as part of an assessment of proportionality to be undertaken before introducing new or amended legislative, regulatory or administrative provisions restricting access to or pursuit of service activities, including the activities of regulated professions. The extent and degree of intensity applied during the

assessment should be proportionate to the content of the provision being introduced and its impact.

Or. en

Amendment 77

Danuta Jazłowiecka, Marek Plura, Agnieszka Kozłowska-Rajewicz, Ádám Kósa, Heinz K. Becker, Tom Vandenkendelaere, Sven Schulze

Proposal for a directive

Recital 20 a (new)

Text proposed by the Commission

Amendment

(20 a) The extent and degree of the criteria being used during the proportionality test should be appropriate and adjusted to the content of the provisions being introduced and its impact.

Or. en

Amendment 78

Maria Arena

Proposal for a directive

Recital 21

Text proposed by the Commission

Amendment

(21) It is essential for the proper functioning of the internal market to ensure that Member States ***provide*** information to citizens, representative associations ***or*** other relevant stakeholders ***before introducing new measures restricting access to or pursuit of regulated professions*** and give them the opportunity to make known their views.

(21) It is essential for the proper functioning of the internal market to ensure that Member States, ***before introducing new, or amending existing measures restricting access to or pursuit of regulated professions, publicly disclose the relevant information on the provisions, adequately consult*** citizens, ***service recipients, including consumers, representative associations, social partners and*** other relevant stakeholders, ***including those who are not members of the profession,*** and give them the opportunity to make known their views.

Amendment 79

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Recital 21

Text proposed by the Commission

(21) It is essential for the proper functioning of the internal market to ensure that Member States provide information to citizens, representative associations or other relevant stakeholders before introducing new measures restricting access to or pursuit of regulated professions and give them the opportunity to make known their views.

Amendment

(21) It is essential for the proper functioning of the internal market to ensure that Member States provide information to ***the social partners, as well as*** citizens, representative associations, or other relevant stakeholders ***with a legitimate interest***, before introducing new measures restricting access to or pursuit of regulated professions and give them the opportunity to make known their views.

Or. en

Amendment 80

Danuta Jazłowiecka, Marek Plura, Agnieszka Kozłowska-Rajewicz, Ádám Kósa, Heinz K. Becker, Tom Vandenkendelaere, Sven Schulze

Proposal for a directive

Recital 21

Text proposed by the Commission

(21) It is essential for the proper functioning of the internal market to ensure that Member States provide information to citizens, representative associations or other relevant stakeholders before introducing new measures restricting access to or pursuit of regulated professions and give them the opportunity to make known their views.

Amendment

(21) It is essential for the proper functioning of the internal market to ensure that Member States provide information to citizens, representative associations, ***social partners and consumers*** or other relevant stakeholders before introducing new measures restricting access to or pursuit of regulated professions and give them the opportunity to make known their views.

Or. en

Amendment 81

Jasenko Selimovic

**Proposal for a directive
Recital 21**

Text proposed by the Commission

(21) It is essential for the proper functioning of the internal market to ensure that Member States ***provide information to*** citizens, representative associations or other relevant stakeholders before introducing new measures restricting access to or pursuit of regulated professions ***and give them the opportunity to make known*** their views.

Amendment

(21) It is essential for the proper functioning of the internal market to ensure that Member States ***consult*** citizens, representative associations or other relevant stakeholders before introducing new measures restricting access to or pursuit of ***service activities, including the activities of*** regulated professions, ***and that they take account of*** their views.

Or. en

**Amendment 82
Jutta Steinruck**

**Proposal for a directive
Recital 21**

Text proposed by the Commission

(21) It is essential for the proper functioning of the internal market to ensure that Member States provide information to citizens, representative associations ***or*** other relevant stakeholders before introducing new measures restricting access to or pursuit of regulated professions and give them the opportunity to make known their views.

Amendment

(21) It is essential for the proper functioning of the internal market to ensure that Member States provide information to citizens, representative associations, ***social partners and*** other relevant stakeholders before introducing new measures restricting access to or pursuit of regulated professions and give them the opportunity to make known their views.

Or. en

**Amendment 83
Amjad Bashir**

**Proposal for a directive
Recital 21**

Text proposed by the Commission

Amendment

(21) It is essential for the proper functioning of the internal market to ensure that Member States provide information to citizens, representative associations or other relevant stakeholders before introducing new measures restricting access to or pursuit of regulated professions and give them the opportunity to make known their views.

(21) It is essential for the proper functioning of the internal market to ensure that Member States provide information to citizens, representative associations or other relevant stakeholders *in a due time* before introducing new measures restricting access to or pursuit of regulated professions and give them the opportunity to make known their views.

Or. en

Amendment 84

Danuta Jazłowiecka, Marek Plura, Agnieszka Kozłowska-Rajewicz, Ádám Kósa, Heinz K. Becker, Sven Schulze, Tom Vandenkendelaere, Csaba Sógor

Proposal for a directive

Recital 22

Text proposed by the Commission

(22) To facilitate the exchange of best practices, each Member State should **encourage** the relevant competent authorities **to** share adequate and regularly updated information with other Member States on the regulation of professions.

Amendment

(22) To facilitate the exchange of best practices, each Member State should **ensure that** the relevant competent authorities share adequate and regularly updated information with other Member States on the regulation of professions. **The Commission should take relevant initiatives in order to encourage smooth exchange of information between Member States.**

Or. en

Amendment 85

Amjad Bashir

Proposal for a directive

Recital 22

Text proposed by the Commission

(22) To facilitate the exchange of best practices, each Member State should encourage the relevant competent authorities to share adequate and regularly updated information with other Member

Amendment

(22) To facilitate the exchange of best practices, each Member State should encourage the relevant competent authorities to share adequate and regularly updated information **and known**

States on the *regulation* of professions.

effects with other Member States on the *deregulation* of professions.

Or. en

Amendment 86
Jasenko Selimovic

Proposal for a directive
Recital 22

Text proposed by the Commission

(22) To facilitate the exchange of best practices, each Member State should encourage the relevant competent authorities to share adequate and regularly updated information with other Member States on the regulation of professions.

Amendment

(22) To facilitate the exchange of best practices, each Member State should encourage the relevant competent authorities to share adequate and regularly updated information with other Member States on the regulation of *services and* professions.

Or. en

Amendment 87
Jasenko Selimovic

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) In order to increase transparency and promote proportionality assessments based on comparable criteria, it is important that the information submitted by Member States be easily accessible in the database of regulated professions to allow all interested parties to submit comments.

Amendment

(23) In order to increase transparency and promote proportionality assessments based on comparable criteria, it is important that the information *on regulated professions* submitted by Member States be easily accessible in the database of regulated professions to allow all interested parties to submit comments.

Or. en

Amendment 88
Jasenko Selimovic

Proposal for a directive
Recital 24

Text proposed by the Commission

(24) Since the objectives of this Directive, namely the removal of disproportionate restrictions on access to or pursuit of regulated professions cannot be sufficiently achieved by the Member States but can rather, by reason of the scale of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives,

Amendment

(24) Since the objectives of this Directive, namely the removal of disproportionate restrictions on access to or pursuit of *service activities, and in particular the activities of* regulated professions cannot be sufficiently achieved by the Member States but can rather, by reason of the scale of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives,

Or. en

Amendment 89
Heinz K. Becker

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

This Directive lays down rules on a common framework for conducting proportionality assessments *before* introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, *or amending existing ones*, with a view to ensuring the proper functioning of the internal market.

Amendment

This Directive lays down rules on a common framework for conducting proportionality assessments *when* introducing new *or amending existing* legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, with a view to ensuring the proper functioning of the internal market. *The Directive shall be without prejudice, however, to the prerogative of Member States as to whether and how they regulate professions, subject to the principles of non-discrimination and proportionality, and to their margin of appreciation in that regard. The adoption by a Member State*

of protective measures more extensive than those of other Member States shall not necessarily be disproportionate.

Or. de

Amendment 90

Maria Arena

Proposal for a directive

Article 1 – paragraph 1

Text proposed by the Commission

This Directive lays down rules on a common framework for conducting proportionality assessments before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, ***or amending existing ones***, with a view to ensuring the proper functioning of the internal market.

Amendment

This Directive lays down rules on a common framework for conducting proportionality assessments before introducing new, ***or amending existing***, legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions with a view to ensuring the proper functioning of the internal market. ***It does not affect Member States' prerogative and margin of discretion to decide, in the absence of harmonisation at EU level, whether and how to regulate a profession while respecting the principles of non-discrimination, justification and proportionality.***

Or. en

Amendment 91

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Article 1 – paragraph 1

Text proposed by the Commission

This Directive lays down rules on a common framework for conducting proportionality assessments before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or

Amendment

This Directive lays down rules on a common framework for conducting proportionality assessments before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or

amending existing ones, with a view to ensuring the proper functioning of the internal market.

amending existing ones, with a view to ensuring the proper functioning of the internal market. ***It does not affect the Member States' prerogative and margin of discretion to decide whether and how to regulate a profession within the limits of the principles of non-discrimination and proportionality.***

Or. en

Amendment 92
Jutta Steinruck

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

This Directive lays down rules on a common framework for conducting proportionality assessments before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, with a view to ensuring the proper functioning of the internal market.

Amendment

This Directive lays down rules on a common framework for conducting proportionality assessments before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, with a view to ensuring the proper functioning of the internal market. ***It does not affect the Member States' prerogative and margin of discretion to decide whether and how to regulate a profession within the limits of the principles of non-discrimination and proportionality.***

Or. en

Amendment 93
Mara Bizzotto, Joëlle Mélin, Dominique Martin

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

This Directive lays down rules on a common framework for conducting proportionality assessments ***before***

Amendment

This Directive lays down rules on a common framework for conducting proportionality assessments ***after***

introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, with a view to ensuring the proper functioning of the internal market.

introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or *after* amending existing ones with a view to ensuring the proper functioning of the internal market.

Or. it

Amendment 94
Thomas Mann

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

This Directive lays down rules on a common framework for conducting proportionality assessments before introducing new legislative, **regulatory or administrative** provisions restricting access to or pursuit of regulated professions, **or amending existing ones**, with a view to ensuring the proper functioning of the internal market.

Amendment

This Directive lays down rules on a common framework for conducting proportionality assessments before introducing **exclusively** new legislative **or regulatory** provisions restricting access to or pursuit of regulated professions, with a view to ensuring the proper functioning of the internal market.

Or. de

Amendment 95
Elena Gentile, Jutta Steinruck, Siôn Simon, Maria Arena, Brando Benifei

Proposal for a directive
Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

It is for the Member States to determine the level of protection which they wish to afford to the public interest objectives and the proportionate way in which that level is to be achieved. The fact that one Member State imposes less strict rules than another Member States does not mean that the latter Member State's rules are disproportionate and therefore incompatible with EU Law.

Amendment 96**Dominique Martin, Mara Bizzotto, Joëlle Mélin****Proposal for a directive****Article 2 – paragraph 1***Text proposed by the Commission*

1. This Directive shall apply to requirements under the legal systems of the Member States restricting access to a regulated profession or its pursuit, or one of its modes of pursuit, including the use of professional titles and the professional activities allowed under such title, falling within the scope of Directive 2005/36/EC.

Amendment

1. This Directive shall apply to requirements under the legal systems of the Member States restricting access to a regulated profession or its pursuit, or one of its modes of pursuit, including the use of professional titles and the professional activities allowed under such title, falling within the scope of Directive 2005/36/EC.

It shall not affect the Member States' prerogative and margin of discretion to decide whether and how to regulate a profession within the limits of the principles of non-discrimination between Europeans, Community preference and proportionality.

Or. fr

Amendment 97**Jasenko Selimovic****Proposal for a directive****Article 2 – paragraph 1***Text proposed by the Commission*

1. This Directive shall apply to requirements under the legal systems of the Member States restricting access to a regulated profession or its pursuit, or one of its modes of pursuit, including the use of professional titles and the professional activities allowed under such title, falling within the scope of Directive 2005/36/EC.

Amendment

1. This Directive shall apply to requirements under the legal systems of the Member States restricting access to ***or exercise of service activities, and in particular requirements restricting the access to*** a regulated profession or its pursuit, or one of its modes of pursuit, including the use of professional titles and the professional activities allowed under such title, falling within the scope of Directive 2005/36/EC.

Article 9 of this Directive shall apply to requirements falling within the scope of Directive 2005/36/EC.

Or. en

Amendment 98

Tatjana Ždanoka

on behalf of the Verts/ALE Group

Proposal for a directive

Article 2 – paragraph 1

Text proposed by the Commission

1. This Directive shall apply to requirements under the legal systems of the Member States restricting access to a regulated profession or its pursuit, or one of its modes of pursuit, including the use of professional titles and the professional activities allowed under such title, falling within the scope of Directive 2005/36/EC.

Amendment

1. This Directive shall apply to requirements under the legal systems of the Member States restricting access to a regulated profession or its pursuit, or one of its modes of pursuit, including the use of professional titles and the professional activities allowed under such title, falling within the scope of Directive 2005/36/EC. ***It does not affect Member States' competence to decide whether and how, in accordance with the principles of non-discrimination and proportionality, to regulate a profession.***

Or. en

Amendment 99

Thomas Mann

Proposal for a directive

Article 2 – paragraph 1

Text proposed by the Commission

1. This Directive shall apply to requirements under the legal systems of the Member States restricting access to a ***regulated*** profession or its pursuit, ***or one of its modes of pursuit, including the use of professional titles and the professional activities allowed under such title, falling*** within the scope of Directive 2005/36/EC.

Amendment

1. This Directive shall apply to requirements under the legal systems of the Member States, restricting access to a profession or its pursuit, ***which fall*** within the scope of Directive 2005/36/EC.

Amendment 100

Elena Gentile, Maria Arena, Siôn Simon, Brando Benifei

Proposal for a directive

Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall undertake an assessment of non-discrimination, justification and proportionality in accordance with the rules laid down in this Directive before introducing new, or amending existing legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, taking into account the reasonable margin of appreciation allowed to Member States. The extent and degree of intensity of the assessment shall be proportionate to the nature, the content and the impact of the provision being introduced. Provisions which would not restrict access or pursuit of regulated professions, such as editorial amendments, or adaptations of content of training courses or modernisation of training regulations, shall not fall within the scope of this Directive.

Or. en

Amendment 101

Jasenko Selimovic

Proposal for a directive

Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The common framework for conducting proportionality assessments set out in this Directive shall apply to new or amended legislative, regulatory or administrative provisions restricting

access to or pursuit of service activities, including the activities of regulated professions. Where those new or amended provisions make substantive changes to the regulation of a service activity or the profession concerned, the common framework for conducting proportionality assessments shall also apply to existing requirements that are not being amended.

Or. en

Amendment 102

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Without prejudice to the application of Directive 2005/36/EC, this directive shall not apply to professions providing health care services and social services, whether or not those services are provided within the framework of healthcare or social service establishments and independently of the manner in which they are organised and financed at national, regional and local level and independently from its provision by the public or private (non-profit or commercial) sector.

Or. en

Justification

This is in line with the special status of these sectors, following article 168 TFEU.

Amendment 103

Heinz K. Becker

Proposal for a directive

Article 2 – paragraph 1 a (new)

1a. *This Directive shall not apply to healthcare services consisting of activities intended to assess, maintain or restore the state of health of patients whether or not they are provided via healthcare facilities. This shall also include commercial health professions (opticians-optometrists including those specialising in contact lenses, hearing aid technicians, orthopaedic technicians, orthopaedic shoe makers and dental technicians).*

Or. de

Amendment 104
Heinz K. Becker

Proposal for a directive
Article 2 – paragraph 2

Text proposed by the Commission

Amendment

2. Where specific *arrangements* concerning the regulation of a given profession are established in a separate Union act, the corresponding provisions of this Directive shall not apply.

2. Where specific *requirements* concerning the regulation of a given profession are established in a separate Union act, the corresponding provisions of this Directive shall not apply. *Nor shall the provisions of the Directive apply in respect of Member States' provisions on the organisation or content of professional education and training or on delegating the organisation and supervision of such education and training to professional organisations.*

Or. de

Amendment 105
Jasenko Selimovic

Proposal for a directive
Article 2 – paragraph 2

Text proposed by the Commission

Amendment

2. Where specific arrangements concerning *the* regulation of a given profession are established in a separate Union act, the corresponding provisions of this Directive shall not apply.

2. Where specific arrangements concerning regulation of *a service activity* or a given profession are established in a separate Union act, the corresponding provisions of this Directive shall not apply.

Or. en

Amendment 106

Mara Bizzotto, Joëlle Mélin, Dominique Martin

Proposal for a directive

Article 2 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Without prejudice to the application of Directive 2005/36/EC, this Directive shall not apply to professions which provide healthcare services, regardless of the way in which they are organised and financed at national level, or whether they are public or private.

Or. it

Amendment 107

Jutta Steinruck

Proposal for a directive

Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. This Directive establishes rules which should be applied before introducing new, or amending existing, legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions. Provisions which would not restrict access to or pursuit of regulated professions, for instance editorial amendments, or technical adaptations to content of training courses or modernisation of training regulations, shall not fall within the scope of this Directive.

Amendment 108

Guillaume Balas, Maria Arena, Edouard Martin

Proposal for a directive

Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Articles 4, 4(a), 5 and 6 of this Directive shall not apply to requirements concerning the regulation of professions providing healthcare services whether or not these are provided via healthcare facilities, and regardless of the way in which they are organised and financed at national level or whether they are public or private.

Or. en

Amendment 109

Georgi Pirinski

Proposal for a directive

Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. This Directive shall not apply to healthcare services whether or not they are provided via healthcare facilities.

Or. en

Amendment 110

Jutta Steinruck

Proposal for a directive

Article 2 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. Without prejudice to the application of Directive 2005/36/EC, this

Directive shall not apply to professions providing health care and social services, whether or not those services are provided within the framework of healthcare or social service establishments and regardless of the way in which they are organised and financed at national, regional and local level and independently from a provision by the public or the private (not-for-profit or commercial) sector.

Or. en

Amendment 111
Georgi Pirinski

Proposal for a directive
Article 2 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. This Directive shall not apply to any changes in curricula or syllabi for obtaining professional qualification required for regulated professions.

Or. en

Amendment 112
Jutta Steinruck

Proposal for a directive
Article 2 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2 c. In order to protect public interest the Member States can exclude further professions from the scope of the directive in agreement with the social partners.

Or. en

Amendment 113

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Thomas Mann

**Proposal for a directive
Article 3 – paragraph 2**

Text proposed by the Commission

Amendment

In addition, the following definitions shall apply:

deleted

(a) "protected professional title" means a form of regulating a profession where the use of the title in a professional activity or group of professional activities is subject to a particular professional qualification in the relevant field by virtue of legislative, regulatory or administrative provisions, either directly, or indirectly, and where the improper use of this title is subject to sanctions or other measures.

(b) "reserved activities" means a form of regulating a profession where the access to a professional activity or group of professional activities is reserved, directly or indirectly, by virtue of legislative, regulatory or administrative provisions to members of a regulated profession, including where the activity is shared with other regulated professions.

Or. de

**Amendment 114
Jasenko Selimovic**

**Proposal for a directive
Article 3 – paragraph 2 – point b a (new)**

Text proposed by the Commission

Amendment

(b a) "service activity" means any economic activity, normally provided for remuneration, within the meaning of Article 57 TFEU.

Or. en

Amendment 115

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Article 4 – title

Text proposed by the Commission

Amendment

Ex ante assessment of new measures

Assessment of new measures

Or. en

Amendment 116

Elena Gentile, Emilian Pavel, Siôn Simon, Brando Benifei

Proposal for a directive

Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, the relevant competent authorities undertake an assessment of their proportionality in accordance with the rules laid down in this Directive.

1. Member States shall ensure that before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, the relevant competent authorities undertake an assessment of their proportionality, ***taking into account the necessity to guarantee a high level of protection of fundamental rights guaranteed by Article 6 of Treaty on European Union and the Charter of Fundamental Rights of the European Union***, in accordance with the rules laid down in this Directive.

Or. en

Amendment 117

Maria Arena

Proposal for a directive

Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ***ensure that*** before introducing new legislative,

1. Member States shall ***undertake an assessment of non-discrimination***,

regulatory or administrative provisions restricting access to or pursuit of regulated professions, **or amending existing ones, the relevant competent authorities undertake an assessment of their proportionality in accordance with the rules laid down in this Directive.**

justification and proportionality in accordance with the rules laid down in this Directive before introducing new, **or amending existing, essential** legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, **taking into account the reasonable margin of appreciation allowed to Member States. The extent of the assessment shall be proportionate to the nature, the content and the impact of the provisions being introduced.**

Or. en

Amendment 118

Tatjana Ždanoka

on behalf of the Verts/ALE Group

Proposal for a directive

Article 4 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that ***before*** introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, the relevant competent authorities undertake an assessment of their proportionality in accordance with the rules laid down in this Directive.

Amendment

1. Member States shall ensure that ***when*** introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, the relevant competent authorities undertake an assessment of their proportionality in accordance with the rules laid down in this Directive, ***taking full account of the specific nature of each profession. The extent of this assessment shall be commensurate to the content and impact of the provisions in question.*** .

Or. en

Amendment 119

Tom Vandenkendelaere, Jeroen Lenaers

Proposal for a directive

Article 4 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, the relevant competent authorities undertake an assessment of their proportionality in accordance with the rules laid down in this Directive.

Amendment

1. Member States shall ensure that before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, the relevant competent authorities undertake an assessment of their proportionality in accordance with the rules laid down in this Directive ***and taking into account the nature, content and effects of the provisions being introduced or amended.***

Or. en

Amendment 120
Georgi Pirinski

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, the relevant competent authorities undertake an assessment of their proportionality in accordance with the rules laid down in this Directive.

Amendment

1. Member States shall ensure that before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, the relevant competent authorities undertake an assessment of their proportionality in accordance with the rules laid down in this Directive. ***Any restrictions based on nationality and/or place of residence are hereby prohibited.***

Or. en

Amendment 121
Jasenko Selimovic

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that
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Amendment

1. Member States shall ensure that

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before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of **regulated professions, or amending existing ones**, the relevant competent authorities undertake an assessment of their proportionality in accordance with the rules laid down in this Directive.

before introducing new, **or amending existing**, legislative, regulatory or administrative provisions restricting access to or pursuit of **service activities, including in particular the activities of regulated professions**, the relevant competent authorities undertake an assessment of their proportionality in accordance with the rules laid down in this Directive.

Or. en

Amendment 122

Thomas Mann

Proposal for a directive

Article 4 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that before introducing new legislative, regulatory or administrative provisions restricting access to **or pursuit of** regulated professions, **or amending existing ones**, the relevant competent authorities undertake an assessment of their proportionality in accordance with the rules laid down in this Directive.

Amendment

1. Member States shall ensure that before introducing new legislative, regulatory or administrative provisions restricting access to regulated professions, the relevant competent authorities undertake an assessment of their proportionality in accordance with the rules laid down in this Directive.

Or. de

Amendment 123

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Article 4 – paragraph 1

Text proposed by the Commission

1. Member States shall **ensure that before** introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, **the relevant competent authorities undertake an assessment of their proportionality in**

Amendment

1. Member States shall **undertake an assessment of proportionality when** introducing **significant** new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, in accordance with the rules laid down in this

accordance with the rules laid down in this Directive.

Directive.

Or. en

Amendment 124
Jutta Steinruck

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

1. Member States **shall** ensure that before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, the relevant competent authorities undertake an assessment of their proportionality in accordance with the rules laid down in this Directive.

Amendment

1. Member States **might** ensure that before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, the relevant competent authorities undertake an assessment of their proportionality in accordance with the rules laid down in this Directive.

Or. en

Amendment 125
Mara Bizzotto, Joëlle Mélin, Dominique Martin

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

1. Member States **shall ensure that before** introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, **the relevant competent authorities** undertake an assessment of their proportionality **in accordance with the rules laid down in this Directive**.

Amendment

1. Member States, **after** introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or **after** amending existing ones, **shall** undertake an assessment of their proportionality **only with regard to important decisions concerning regulated professions, not every profession**.

Or. it

Amendment 126
Thomas Mann

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. Any provision referred to in paragraph 1 shall be accompanied by a *detailed statement making it possible to appraise compliance with the principle of proportionality.*

deleted

Or. de

Amendment 127
Tatjana Ždanoka
on behalf of the Verts/ALE Group

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. Any provision referred to in paragraph 1 shall be accompanied by a *detailed* statement making it possible to appraise compliance with the principle of proportionality.

2. Any provision referred to in paragraph 1 shall be accompanied by a statement making it possible to appraise *the provision's* compliance with the principle of proportionality.

Or. en

Amendment 128
Jutta Steinruck

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. Any provision referred to in paragraph 1 *shall* be accompanied by a *detailed statement* making it possible to appraise compliance with the principle of proportionality.

2. Any provision referred to in paragraph 1 *might* be accompanied by *an explanation* making it possible to appraise compliance with the principle of proportionality.

Amendment 129

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Article 4 – paragraph 2

Text proposed by the Commission

2. Any provision referred to in paragraph 1 shall be accompanied by *a detailed statement* making it possible to appraise compliance with the principle of proportionality.

Amendment

2. Any provision referred to in paragraph 1 shall be accompanied by *an explanation* making it possible to appraise compliance with the principle of proportionality.

Amendment 130

Thomas Mann

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

3. *The reasons for considering that a provision is justified, necessary and proportionate shall be substantiated by qualitative and, wherever possible, quantitative evidence.*

Amendment

deleted

Amendment 131

Heinz K. Becker

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

3. The reasons for considering that a provision is *justified, necessary* and proportionate shall be substantiated by qualitative and, wherever possible,

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Amendment

3. The reasons for considering that a provision is *non-discriminatory, justified* and proportionate shall be substantiated by qualitative and, wherever possible,

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quantitative evidence.

quantitative evidence, *taking into account the reasonable margin of appreciation allowed to Member States. An absence of quantitative evidence shall not be grounds for concluding that a provision is disproportionate.*

Or. de

Amendment 132

Tatjana Ždanoka

on behalf of the Verts/ALE Group

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

3. The reasons for considering that a provision is justified, necessary and proportionate shall be substantiated *by qualitative and, wherever possible, quantitative evidence.*

Amendment

3. The reasons for considering that a provision is justified, necessary and proportionate shall be substantiated.

Or. en

Amendment 133

Danuta Jazłowiecka, Marek Plura, Agnieszka Kozłowska-Rajewicz, Ádám Kósa, Heinz K. Becker, Sven Schulze, Tom Vandenkendelaere, Csaba Sógor

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

3. The reasons for considering that a provision is justified, necessary and proportionate shall be substantiated by qualitative and, wherever possible, quantitative evidence.

Amendment

3. The reasons for considering that a provision is justified, necessary, *non-discriminatory* and proportionate shall be substantiated by qualitative and, wherever possible, quantitative evidence.

Or. en

Amendment 134

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

3. *The reasons for considering that a provision is justified, necessary and proportionate shall be substantiated by qualitative and, wherever possible, quantitative evidence.*

Amendment

3. *Any provision referred to in paragraph 1 shall be substantiated by qualitative and, where relevant, quantitative evidence.*

Or. en

Amendment 135
Jutta Steinruck

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

3. The reasons for considering that a provision is justified, necessary and proportionate *shall* be substantiated by qualitative and, wherever possible, quantitative evidence.

Amendment

3. The reasons for considering that a provision is justified, necessary and proportionate *might* be substantiated by qualitative and, wherever possible, quantitative evidence.

Or. en

Amendment 136
Mara Bizzotto, Joëlle Mélin, Dominique Martin

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

3. The *reasons for considering that a provision is justified, necessary and proportionate shall be substantiated by qualitative and, wherever possible, quantitative evidence.*

Amendment

3. The *assessment of proportionality of a provision shall be conducted while respecting and ensuring the primacy of freedom of determination for Member States.*

Or. it

Amendment 137

Amjad Bashir

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

3. The reasons for considering that a provision is justified, necessary and proportionate shall be substantiated by qualitative and, *wherever* possible, quantitative evidence.

Amendment

3. The reasons for considering that a provision is justified, necessary and proportionate shall be substantiated by qualitative and, *if* possible, quantitative evidence.

Or. en

Amendment 138

Thomas Mann

Proposal for a directive

Article 4 – paragraph 4

Text proposed by the Commission

4. Member States shall monitor the proportionality of legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions on a regular basis and with a frequency appropriate to the regulation concerned, having due regard to any developments that have occurred since the measure concerned was adopted.

Amendment

deleted

Or. de

Amendment 139

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Article 4 – paragraph 4

Text proposed by the Commission

4. Member States shall monitor the proportionality of legislative, regulatory or administrative provisions restricting access

Amendment

4. Member States shall monitor the proportionality of legislative, regulatory or administrative provisions restricting access

to or pursuit of regulated professions *on a regular basis and with a frequency appropriate to the regulation concerned, having due regard to any developments that have occurred since the measure concerned was adopted.*

to or pursuit of regulated professions *after adoption.*

Or. en

Amendment 140
Jasenko Selimovic

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

4. Member States shall monitor the proportionality of legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions on a regular basis and with a frequency appropriate to the regulation concerned, having due regard to any developments that have occurred since the measure concerned was adopted.

Amendment

4. Member States shall monitor the proportionality of legislative, regulatory or administrative provisions restricting access to or pursuit of *service activities, and in particular the activities of* regulated professions, on a regular basis and with a frequency appropriate to the regulation concerned, having due regard to any developments that have occurred since the measure concerned was adopted.

Or. en

Amendment 141
Jutta Steinruck

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

4. Member States *shall* monitor the proportionality of legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions on a regular basis and with a frequency appropriate to the regulation concerned, having due regard to any developments that have occurred since the measure concerned was adopted.

Amendment

4. Member States *might* monitor the proportionality of legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions on a regular basis and with a frequency appropriate to the regulation concerned, having due regard to any developments that have occurred since the measure concerned was adopted.

Amendment 142

Dominique Martin, Mara Bizzotto, Joëlle Mélin

Proposal for a directive

Article 4 – paragraph 5

Text proposed by the Commission

5. Member States shall take the necessary measures to ensure that the assessment of proportionality referred to in paragraph 1 is carried out in an objective **and independent** manner **including through involvement of independent scrutiny bodies**.

Amendment

5. Member States shall take the necessary measures to ensure that the assessment of proportionality referred to in paragraph 1 is carried out in an objective manner.

Or. fr

Amendment 143

Maria Arena

Proposal for a directive

Article 4 – paragraph 5

Text proposed by the Commission

5. Member States shall take the necessary measures to ensure that the assessment **of proportionality** referred to in paragraph 1 is carried out in an objective and independent manner **including through involvement of independent scrutiny bodies**.

Amendment

5. Member States shall take the necessary measures to ensure that the assessment referred to in paragraph 1 is carried out in an objective and independent manner.

Or. en

Amendment 144

Heinz K. Becker

Proposal for a directive

Article 4 – paragraph 5

Text proposed by the Commission

Amendment

5. Member States shall take the necessary measures to ensure that the assessment of proportionality referred to in paragraph 1 is carried out in an objective and independent manner ***including through involvement of independent scrutiny bodies.***

5. Member States shall take the necessary measures to ensure that the assessment of proportionality referred to in paragraph 1 is carried out in an objective and independent manner.

Or. de

Amendment 145

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive Article 4 – paragraph 5

Text proposed by the Commission

5. Member States shall take the necessary measures to ensure that the assessment of proportionality referred to in paragraph 1 is carried out in an objective and independent manner ***including through involvement of independent scrutiny bodies.***

Amendment

5. Member States shall take the necessary measures to ensure that the assessment of proportionality referred to in paragraph 1 is carried out in an objective and independent manner.

Or. en

Amendment 146 Jasenko Selimovic

Proposal for a directive Article 5 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions they intend to introduce and amendments they intend to make to existing provisions are justified by public interest objectives.

Amendment

1. Member States shall ensure that legislative, regulatory or administrative provisions restricting access to or pursuit of ***service activities, and in particular the activities of*** regulated professions, they intend to introduce and amendments they intend to make to existing provisions are justified by public interest objectives.
Where those provisions introduce substantive changes to the regulation of a service activity or the profession

concerned, Member States shall also review whether the existing regulation that is not being amended remains justified by its underlying public interest objectives.

Or. en

Amendment 147

Tatjana Ždanoka

on behalf of the Verts/ALE Group

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions *they intend to introduce and amendments they intend to make to existing provisions* are justified by public interest objectives.

Amendment

1. Member States shall ensure that legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions are justified by public interest objectives.

Or. en

Amendment 148

Mara Bizzotto, Joëlle Mélin, Dominique Martin

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions they *intend to* introduce and amendments they *intend to* make to existing provisions are justified by public interest objectives.

Amendment

1. Member States shall ensure that legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions they introduce and amendments they make to existing provisions are justified by public interest objectives.

Or. it

Amendment 149

Elena Gentile, Emilian Pavel, Maria Arena, Siôn Simon, Brando Benifei

Proposal for a directive

Article 5 – paragraph 2

Text proposed by the Commission

2. ***The relevant competent authorities*** shall consider in particular whether those provisions are objectively justified on the basis of public policy, public security or public health, or by overriding reasons in the public interest, such as preserving the financial equilibrium of the social security system, the protection of ***consumers***, recipients of services ***and workers***, the safeguarding of the proper administration of justice, fairness of trade transactions, combating fraud and prevention of tax evasion and avoidance, ***road*** safety, the protection of the environment and the urban environment, the health of animals, intellectual property, the safeguarding and conservation of the national historic and artistic heritage, social policy objectives and cultural policy objectives.

Amendment

2. ***Member States*** shall consider in particular whether those provisions are objectively justified on the basis of public policy, public security or public health, or by overriding reasons in the public interest, such as preserving the financial equilibrium of the social security system, the protection of ***users***, recipients of services ***ensuring healthy and safety and decent working conditions***, the safeguarding of the proper administration of justice, fairness of trade transactions, combating fraud and prevention of tax evasion and avoidance, ***and effectiveness of fiscal supervision, transport*** safety, ***guaranteeing the quality of products and services, promotion of research and development, ensuring high standards of education and training***, the protection of the environment and the urban environment, the health of animals, intellectual property, the safeguarding and conservation of the national historic and artistic heritage, social policy objectives, ***including the encouragement of employment and recruitment and sustainability of employment***, and cultural policy objectives.

Or. en

Amendment 150

Jutta Steinruck

Proposal for a directive

Article 5 – paragraph 2

Text proposed by the Commission

2. The relevant competent authorities shall consider in particular whether those

Amendment

2. The relevant competent authorities shall consider in particular whether those

provisions are objectively justified on the basis of public policy, public security or public health, or by overriding reasons in the public interest, such as preserving the financial equilibrium of the social security system, the protection of consumers, recipients of services and workers, the safeguarding of the proper administration of justice, fairness of trade transactions, combating fraud and prevention of tax evasion and avoidance, road safety, the protection of the environment and the urban environment, the health of animals, intellectual property, the safeguarding and conservation of the national historic and artistic heritage, social policy objectives and cultural policy objectives.

provisions are objectively justified on the basis of public policy, public security or public health, or by overriding reasons in the public interest, such as preserving the financial equilibrium of the social security system, the **high** protection of consumers, recipients of services and workers, the **protection of the workers' rights, the workers participation and the systems of self government, the** safeguarding of the proper administration of justice, **the protection of vocational training,** fairness of trade transactions, combating fraud and prevention of tax evasion and avoidance, road **transport** safety, the protection of the environment and the urban environment, the health of animals, intellectual property, the safeguarding and conservation of the national historic and artistic heritage, social policy objectives and cultural policy objectives. ***This list is not exhaustive.***

Or. en

Amendment 151

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive Article 5 – paragraph 2

Text proposed by the Commission

2. ***The relevant competent authorities*** shall consider in particular whether those provisions are objectively justified on the basis of public policy, public security or public health, or by overriding reasons in the public interest, ***such as*** preserving the financial equilibrium of the social security system, the protection of consumers, recipients of services and workers, the safeguarding of the proper administration of justice, fairness of trade transactions, combating fraud and prevention of tax evasion and avoidance, ***road*** safety, the protection of the environment and the urban environment, the health of animals, intellectual property, the safeguarding and conservation of the national historic and

Amendment

2. ***Member States*** shall consider in particular whether those provisions are objectively justified on the basis of public policy, public security or public health, or by overriding reasons in the public interest. ***These include, inter alia,*** preserving the financial equilibrium of the social security system, the protection of consumers, recipients of services and workers, the safeguarding of the proper administration of justice, fairness of trade transactions, combating fraud and prevention of tax evasion and avoidance, ***transport*** safety, the protection of the environment and the urban environment, the health of animals, intellectual property, the safeguarding and conservation of the national historic and

artistic heritage, social policy objectives and cultural policy objectives.

artistic heritage, social policy objectives; ***the protection of individual and collective worker's rights, vocational training systems, workers' self-management*** and cultural policy objectives.

Or. en

Amendment 152

Ádám Kósa

Proposal for a directive

Article 5 – paragraph 2

Text proposed by the Commission

2. The relevant competent authorities shall consider in particular whether those provisions are objectively justified on the basis of public policy, public security or public health, or by overriding reasons in the public interest, such as preserving the financial equilibrium of the social security system, the protection of consumers, recipients of services and workers, the safeguarding of the proper administration of justice, fairness of trade transactions, combating fraud and prevention of tax evasion and avoidance, road safety, the protection of the environment and the urban environment, ***the health of animals***, intellectual property, ***the safeguarding and*** conservation of the national historic and artistic heritage, social policy objectives and cultural policy objectives.

Amendment

2. The relevant competent authorities shall consider in particular whether those provisions, ***whilst complying with the objectives set out in the Treaty***, are objectively justified on the basis of public policy, public security or public health, or by overriding reasons in the public interest, such as preserving the financial equilibrium of the social security system; the protection of consumers, recipients of services and workers; the safeguarding of the proper administration of justice; fairness of trade transactions; combating fraud and prevention of tax evasion and ***tax*** avoidance; road safety; the protection of the environment and the urban environment; ***animal*** health; intellectual property; ***the*** conservation of the national historic and artistic heritage; ***and*** social policy objectives and cultural policy objectives.

Or. hu

Amendment 153

Tatjana Ždanoka

on behalf of the Verts/ALE Group

Proposal for a directive

Article 5 – paragraph 2

Text proposed by the Commission

2. The relevant competent authorities shall consider in particular whether those provisions are objectively justified on the basis of public policy, public security or public health, or by overriding reasons in the public interest, such as preserving the financial equilibrium of the social security system, the protection of consumers, recipients of services and workers, the safeguarding of the proper administration of justice, fairness of trade transactions, combating fraud and prevention of tax evasion and avoidance, road safety, the protection of the environment and the urban environment, the health of animals, intellectual property, the safeguarding and conservation of the national historic and artistic heritage, social policy objectives and cultural policy objectives.

Amendment

2. The relevant competent authorities shall consider in particular whether those provisions are objectively justified on the basis of public policy, public security or public health, or by overriding reasons in the public interest, such as ***for example but not limited to:*** preserving the financial equilibrium of the social security system, the protection of consumers, recipients of services and workers, the safeguarding of the proper administration of justice, fairness of trade transactions, combating fraud and prevention of tax evasion and avoidance, road safety, the protection of the environment and the urban environment, the health of animals, intellectual property, the safeguarding and conservation of the national historic and artistic heritage, social policy objectives and cultural policy objectives.

Or. en

Amendment 154
Jasenko Selimovic

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

2. The relevant competent authorities shall consider in particular whether those provisions are objectively justified on the basis of public policy, public security or public health, or by overriding reasons in the public interest, such as preserving the financial equilibrium of the social security system, the protection of consumers, recipients of services and workers, the safeguarding of the proper administration of justice, fairness of trade transactions, combating fraud and prevention of tax evasion and avoidance, road safety, the protection of the environment and the urban environment, the health of animals,

Amendment

2. The relevant competent authorities shall consider in particular whether those provisions are objectively justified on the basis of public policy, public security or public health, or by overriding reasons in the public interest, such as preserving the financial equilibrium of the social security system, the protection of consumers, recipients of services, ***including patients,*** and workers, the safeguarding of the proper administration of justice, fairness of trade transactions, combating fraud and prevention of tax evasion and avoidance, road safety, the protection of the environment and the urban

intellectual property, the safeguarding and conservation of the national historic and artistic heritage, social policy objectives and cultural policy objectives.

environment, the health of animals, intellectual property, the safeguarding and conservation of the national historic and artistic heritage, social policy objectives and cultural policy objectives.

Or. en

Amendment 155

Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, Ádám Kósa, Heinz K. Becker, Sven Schulze, Tom Vandenkendelaere, Csaba Sógor

Proposal for a directive

Article 5 – paragraph 2

Text proposed by the Commission

2. The relevant competent authorities shall consider in particular whether those provisions are objectively justified on the basis of public policy, public security or public health, or by overriding reasons in the public interest, such as preserving the financial equilibrium of the social security system, the protection of consumers, recipients of services and workers, the safeguarding of the proper administration of justice, fairness of trade transactions, combating fraud and prevention of tax evasion and avoidance, road safety, the protection of the environment and the urban environment, the health of animals, intellectual property, the safeguarding and conservation of the national historic and artistic heritage, social policy objectives and cultural policy objectives.

Amendment

2. The relevant competent authorities shall consider in particular whether those provisions are objectively justified on the basis of public policy, public security or public health, or by overriding reasons in the public interest, such as preserving the financial equilibrium of the social security system, the protection of consumers, recipients of services and workers, the safeguarding of the proper administration of justice, fairness of trade transactions, combating fraud and prevention of tax evasion and avoidance, road safety, the protection of the environment and the urban environment, the health of animals, intellectual property, the safeguarding and conservation of the national historic and artistic heritage, *threats to* social policy objectives and cultural policy objectives.

Or. en

Amendment 156

Mara Bizzotto, Joëlle Mélin, Dominique Martin

Proposal for a directive

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. *The relevant competent authorities shall consider in particular whether those provisions are objectively justified on the basis of public policy, public security or public health, or by overriding reasons in the public interest, such as preserving the financial equilibrium of the social security system, the protection of consumers, recipients of services and workers, the safeguarding of the proper administration of justice, fairness of trade transactions, combating fraud and prevention of tax evasion and avoidance, road safety, the protection of the environment and the urban environment, the health of animals, intellectual property, the safeguarding and conservation of the national historic and artistic heritage, social policy objectives and cultural policy objectives.*

2. *A national provision is always justified, necessary and proportionate when it concerns public policy, public security or public health, or overriding reasons in the public interest, such as preserving the financial equilibrium of the social security system, the protection of research and of the development of arts and crafts, the protection of consumers, recipients of services and workers, the safeguarding of the proper administration of justice, fairness of trade transactions, combating fraud and prevention of tax evasion and avoidance, road safety, intellectual property, the safeguarding and conservation of the national historic and artistic heritage, social policy objectives and cultural policy objectives.*

Or. it

Amendment 157

Amjad Bashir

Proposal for a directive

Article 5 – paragraph 2

Text proposed by the Commission

2. *The relevant competent authorities shall consider in particular whether those provisions are objectively justified on the basis of public policy, public security or public health, or by overriding reasons in the public interest, such as preserving the financial equilibrium of the social security system, the protection of consumers, recipients of services and workers, the safeguarding of the proper administration of justice, fairness of trade transactions, combating fraud and prevention of tax evasion and avoidance, road safety, the protection of the environment and the urban environment, the health of animals, intellectual property, the safeguarding and conservation of the national historic and artistic heritage, social policy objectives*

Amendment

2. *Member States shall consider in particular whether those provisions are objectively justified on the basis of public policy, public security or public health, or by overriding reasons in the public interest, such as preserving the financial equilibrium of the social security system, the protection of consumers, recipients of services and workers, the safeguarding of the proper administration of justice, fairness of trade transactions, combating fraud and prevention of tax evasion and avoidance, road safety, the protection of the environment and the urban environment, the health of animals, intellectual property, the safeguarding and conservation of the national historic and artistic heritage, social policy objectives*

and cultural policy objectives.

and cultural policy objectives.

Or. en

Amendment 158

Thomas Mann

Proposal for a directive

Article 5 – paragraph 3

Text proposed by the Commission

3. *Grounds of a purely economic nature having essentially protectionist aim or effects or purely administrative reasons shall not constitute overriding reasons in the public interest, justifying a restriction on access to or pursuit of regulated professions.*

Amendment

deleted

Or. de

Amendment 159

Maria Arena

Proposal for a directive

Article 5 – paragraph 3

Text proposed by the Commission

3. Grounds of a purely economic nature having essentially protectionist aim or effects or purely administrative reasons shall not constitute overriding reasons in the public interest, justifying a restriction on access to or pursuit of regulated professions.

Amendment

3. Grounds of a purely economic nature having essentially protectionist aim or effects or purely administrative reasons shall not constitute overriding reasons in the public interest, justifying a restriction on access to or pursuit of regulated professions. ***Control measures shall be considered justified if they are needed in order to ensure compliance with provisions justified by public interest objectives.***

Or. en

Amendment 160

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Ádám Kósa

**Proposal for a directive
Article 5 – paragraph 3**

Text proposed by the Commission

3. Grounds of a purely economic nature having essentially protectionist aim or effects or purely administrative reasons shall not constitute overriding reasons in the public interest, justifying a restriction on access to or pursuit of regulated professions.

Amendment

3. Grounds of a purely economic nature having essentially ***or indirectly*** protectionist aim or effects or purely administrative reasons shall not constitute overriding reasons in the public interest, justifying a restriction on access to or pursuit of regulated professions.

Or. hu

Amendment 161

Dominique Martin, Mara Bizzotto, Joëlle Mélin

**Proposal for a directive
Article 5 – paragraph 3 – subparagraph 1 (new)**

Text proposed by the Commission

Amendment

Member States shall retain the right to set the minimum level necessary in order to ensure the quality and quantity of the services provided on their territory. A Member State may impose on any non-citizen of the Union wishing to practise a profession in that Member State specific requirements justified by the public interest, such as a geographical area of practice for a certain period or proficiency in the language of that Member State.

Or. fr

Amendment 162

Jutta Steinruck

**Proposal for a directive
Article 5 – paragraph 3 a (new)**

3 a. Referring to public interests
Member States may take protective measures if there is uncertainty about the extent or existence of risks without those risks becoming fully apparent.

Or. en

Amendment 163
Jasenko Selimovic

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. Before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of **regulated professions, or amending existing ones**, Member States shall assess whether those provisions are necessary and suitable for securing the attainment of the objective pursued and do not go beyond what is necessary to attain that objective.

1. Before introducing new, **or amending existing**, legislative, regulatory or administrative provisions restricting access to or pursuit of **service activities, including the activities of regulated professions**, Member States shall assess whether those provisions are necessary and suitable for securing the attainment of the objective pursued and do not go beyond what is necessary to attain that objective **Where those provisions introduce substantive changes to the regulation of a services activity or the profession concerned, Member States shall also assess the proportionality of the existing regulation.**

Or. en

Amendment 164
Tom Vandenkendelaere, Jeroen Lenaers

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. Before introducing new legislative, regulatory or administrative provisions

1. Before introducing new legislative, regulatory or administrative provisions

restricting access to or pursuit of regulated professions, or amending existing ones, Member States shall assess whether those provisions are necessary and suitable for securing the attainment of the objective pursued and do not go beyond what is necessary to attain that objective.

restricting access to or pursuit of regulated professions, or amending existing ones, Member States shall assess whether those provisions are necessary and suitable for securing the attainment of the objective pursued and do not go beyond what is necessary to attain that objective. ***The intensity of the assessment shall be proportionate to the nature, content and effects of the new or amended legislative, regulatory or administrative provisions in view of their pursued public interest objectives.***

Or. en

Amendment 165

Ádám Kósa

Proposal for a directive

Article 6 – paragraph 1

Text proposed by the Commission

1. Before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, Member States shall assess whether those provisions are necessary and suitable for securing the attainment of the objective pursued and do not go beyond what is necessary to attain that objective.

Amendment

1. Before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, Member States shall assess whether those provisions are necessary and suitable for securing the attainment of the objective pursued and do not go beyond what is necessary to attain that objective, ***which would be in violation of the provisions and objectives of the Treaty.***

Or. hu

Amendment 166

Mara Bizzotto, Joëlle Mélin, Dominique Martin

Proposal for a directive

Article 6 – paragraph 1

Text proposed by the Commission

1. ***Before*** introducing new legislative,

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Amendment

1. ***After*** introducing new legislative,

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regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, Member States shall **assess whether** those provisions are necessary and suitable for securing the attainment of the objective pursued and do not go beyond what is necessary to attain that objective.

regulatory or administrative provisions restricting access to or pursuit of regulated professions, or **after** amending existing ones, Member States shall, **in full autonomy, ensure that** those provisions are necessary and suitable for securing the attainment of the objective pursued and do not go beyond what is necessary to attain that objective.

Or. it

Amendment 167
Jutta Steinruck

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

1. Before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, Member States **shall** assess whether those provisions are necessary and suitable for securing the attainment of the objective pursued and do not go beyond what is necessary to attain that objective.

Amendment

1. Before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, Member States **might** assess whether those provisions are necessary and suitable for securing the attainment of the objective pursued and do not go beyond what is necessary to attain that objective.

Or. en

Amendment 168
Thomas Mann

Proposal for a directive
Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

2. **When assessing the necessity and the proportionality of the provisions, the relevant competent authorities shall consider in particular:**

Amendment

2. **deleted**

Or. de

Amendment 169
Jasenko Selimovic

Proposal for a directive
Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

2. When assessing the *necessity and the proportionality* of the *provisions*, the relevant competent authorities shall consider in particular:

Amendment

2. When assessing the *proportionality of the provisions, the competent authorities shall apply the criteria set out in this paragraph in a considered manner, and having regard to the particular circumstances of the individual case and the nature* of the *provision being assessed*. The relevant competent authorities shall consider in particular:

Or. en

Amendment 170
Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive
Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

2. *When assessing the necessity and the proportionality of the provisions, the relevant competent authorities* shall consider in particular:

Amendment

2. *For the purposes of the assessment in paragraph 1, Member States* shall consider in particular:

Or. en

Amendment 171
Maria Arena

Proposal for a directive
Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

2. When assessing the *necessity and the* proportionality of the provisions, *the*

Amendment

2. When assessing the proportionality of the provisions, *Member States* shall

relevant competent authorities shall consider *in particular*:

consider, *where relevant*:

Or. en

Amendment 172
Jutta Steinruck

Proposal for a directive
Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. When assessing the necessity and the proportionality of the provisions, the relevant competent authorities *shall* consider in particular:

2. When assessing the necessity and the proportionality of the provisions, the relevant competent authorities *might* consider in particular:

Or. en

Amendment 173
Amjad Bashir

Proposal for a directive
Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. When assessing the necessity and the proportionality of the provisions, *the relevant competent authorities* shall consider in particular:

2. When assessing the necessity and the proportionality of the provisions, *Member States* shall consider in particular:

Or. en

Amendment 174
Thomas Mann

Proposal for a directive
Article 6 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) *the nature of the risks related to the public interest objectives pursued, in*

deleted

particular the risks to consumers, to professionals or third parties;

Or. de

Amendment 175

Elena Gentile, Siôn Simon, Brando Benifei

Proposal for a directive

Article 6 – paragraph 2 – point a

Text proposed by the Commission

(a) the nature of the risks related to the public interest objectives pursued, in particular the risks to **consumers**, to professionals or third parties;

Amendment

(a) the nature of the risks related to the public interest objectives pursued, in particular the risks to **services recipients, users, including patients**, to professionals or third parties, **considering that, where there is uncertainty as to existence or extent of risk, a Member State shall be able to take protective measures without having to wait until the reality of those risks becomes fully apparent;**

Or. en

Amendment 176

Maria Arena

Proposal for a directive

Article 6 – paragraph 2 – point a

Text proposed by the Commission

(a) the nature of the risks related to the public interest objectives pursued, in particular the risks to consumers, to professionals or third parties;

Amendment

(a) the nature of the risks related to the public interest objectives pursued, in particular the risks to **service recipients, including** consumers, to professionals or third parties, **also where the risks may be uncertain or not fully apparent, taking into account the precautionary principle;**

Or. en

Amendment 177

Jutta Steinruck

**Proposal for a directive
Article 6 – paragraph 2 – point a**

Text proposed by the Commission

(a) the nature of the risks related to the public interest objectives pursued, in particular the risks to consumers, to professionals or third parties;

Amendment

(a) the nature of the risks related to the public interest objectives pursued, in particular the risks to consumers, to professionals or third parties; ***the definition of public interest is part of the Member States authority;***

Or. en

**Amendment 178
Jasenko Selimovic**

**Proposal for a directive
Article 6 – paragraph 2 – point a**

Text proposed by the Commission

(a) the nature of the risks related to the public interest objectives pursued, in particular the risks to consumers, to professionals or third parties;

Amendment

(a) the nature of the risks related to the public interest objectives pursued, in particular the risks to consumers, ***service recipients, including patients,*** to professionals or third parties;

Or. en

**Amendment 179
Dominique Martin, Mara Bizzotto, Joëlle Mélin**

**Proposal for a directive
Article 6 – paragraph 2 – point a**

Text proposed by the Commission

(a) the nature of the risks related to the public interest objectives pursued, in particular the risks to consumers, ~~to~~ professionals or third parties;

Amendment

(a) the nature of the risks related to the public interest objectives pursued, in particular the risks to ***service recipients, including*** consumers, professionals or third parties;

Or. fr

Amendment 180

Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, **Ádám Kósa**, Heinz K. Becker,
Tom Vandenkendelaere, Csaba Sógor

Proposal for a directive

Article 6 – paragraph 2 – point a

Text proposed by the Commission

(a) the nature of the risks related to the public interest objectives pursued, in particular the risks to consumers, to professionals or third parties;

Amendment

(a) the nature of the risks related to the public interest objectives pursued, in particular the risks to consumers, *patients* to professionals or third parties;

Or. en

Amendment 181

Thomas Mann

Proposal for a directive

Article 6 – paragraph 2 – point b

Text proposed by the Commission

(b) *the suitability of the provision namely as regards its appropriateness to attain the objective pursued and whether it genuinely reflects that objective in a consistent and systematic manner and thus, addresses the risks identified in a similar way as in comparable activities;*

Amendment

deleted

Or. de

Amendment 182

Dominique Martin, Mara Bizzotto, Joëlle Mélin

Proposal for a directive

Article 6 – paragraph 2 – point b

Text proposed by the Commission

(b) the suitability of the provision namely as regards its appropriateness to attain the objective pursued *and whether it*

Amendment

(b) the suitability of the provision namely as regards its appropriateness to attain the objective pursued;

genuinely reflects that objective in a consistent and systematic manner and thus, addresses the risks identified in a similar way as in comparable activities;

Or. fr

Amendment 183

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Article 6 – paragraph 2 – point b

Text proposed by the Commission

(b) the suitability of the provision namely as regards its appropriateness to attain the objective pursued *and whether it genuinely reflects that objective in a consistent and systematic manner and thus, addresses the risks identified in a similar way as in comparable activities;*

Amendment

(b) the suitability of the provision namely as regards its appropriateness to attain the objective pursued;

Or. en

Amendment 184

Jasenko Selimovic

Proposal for a directive

Article 6 – paragraph 2 – point b

Text proposed by the Commission

(b) the suitability of the provision namely as regards its appropriateness to attain the objective pursued *and whether it genuinely reflects that objective in a consistent and systematic manner and thus, addresses the risks identified in a similar way as in comparable activities;*

Amendment

(b) the suitability of the provision, namely as regards its appropriateness to attain the objective pursued;

Or. en

Amendment 185

Maria Arena

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Proposal for a directive
Article 6 – paragraph 2 – point b

Text proposed by the Commission

(b) the suitability of the provision ***namely as regards its appropriateness*** to attain the objective pursued and whether it genuinely reflects that objective in a consistent and systematic manner ***and thus, addresses the risks identified in a similar way as in comparable activities;***

Amendment

(b) the suitability of the provision to attain the objective pursued and whether it genuinely reflects that objective in a consistent and systematic manner;

Or. en

Amendment 186
Jasenko Selimovic

Proposal for a directive
Article 6 – paragraph 2 – point b a (new)

Text proposed by the Commission

(b a) whether the provision genuinely reflects the pursued objective in a consistent and systematic manner and, therefore, addresses the risks identified in a similar way as in comparable activities;

Amendment

Or. en

Amendment 187
Thomas Mann

Proposal for a directive
Article 6 – paragraph 2 – point c

Text proposed by the Commission

(c) ***the necessity of the provision and in particular whether existing rules of a specific or more general nature, such as product safety legislation or consumer protection law, are insufficient to protect the objective pursued;***

deleted

Amendment

Amendment 188

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Article 6 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) *the necessity of the provision and in particular whether existing rules of a specific or more general nature, such as product safety legislation or consumer protection law, are insufficient to protect the objective pursued;*

deleted

Or. en

Amendment 189

Jutta Steinruck

Proposal for a directive

Article 6 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) the necessity of the provision and in particular whether existing rules of a specific or more general nature, *such as product safety legislation or consumer protection law*, are insufficient to protect the objective pursued;

(c) the necessity of the provision and in particular whether existing rules of a specific or more general nature are insufficient to protect the objective pursued;

Or. en

Amendment 190

Maria Arena

Proposal for a directive

Article 6 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) *the necessity of the provision and in particular* whether existing rules of a

(c) whether existing rules of a specific or more general nature, such as product

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specific or more general nature, such as product safety legislation or consumer protection law, are insufficient to protect the objective pursued;

safety legislation or consumer protection law, are insufficient to protect the objective pursued;

Or. en

Amendment 191
Tom Vandenkendelaere, Jeroen Lenaers

Proposal for a directive
Article 6 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) the economic impact of the measure, including the degree of competition in the market, the quality of the service provided, consumer choice, job creation, employment opportunities for young graduates as well as the impact on the free movement of persons and services within the Union;

Or. en

Amendment 192
Jasenko Selimovic

Proposal for a directive
Article 6 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) the scientific and technological developments which might reduce the asymmetry of information between professionals and consumers;

Or. en

Amendment 193
Jasenko Selimovic

Proposal for a directive

Article 6 – paragraph 2 – point c b (new)

Text proposed by the Commission

Amendment

(c b) the economic impact of the measure, with particular regard to the degree of competition in the market and the quality of the service provided, as well as the impact on the free movement of persons and services within the Union;

Or. en

Amendment 194
Jasenko Selimovic

Proposal for a directive
Article 6 – paragraph 2 – point c c (new)

Text proposed by the Commission

Amendment

(c c) the possibility to use less restrictive means to achieve public interest objective; where the measures are justified by consumer protection and where the risks identified are limited to the relationship between the professional and the consumer without negatively affecting third parties, the relevant competent authorities shall assess in particular whether the objective can be attained by the use of a protected professional title, without reserving activities;

Or. en

Amendment 195
Jasenko Selimovic

Proposal for a directive
Article 6 – paragraph 2 – point c d (new)

Text proposed by the Commission

Amendment

(c d) the cumulative effect of restrictions to both the access and pursuit of the service activity, including the

activity of a regulated profession, and in particular how each of those requirements contributes to and whether it is necessary to achieve the same public interest objective.

Or. en

Amendment 196
Thomas Mann

Proposal for a directive
Article 6 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) the link between the scope of activities covered by a profession or reserved to it and the professional qualification required; *deleted*

Or. de

Amendment 197
Jasenko Selimovic

Proposal for a directive
Article 6 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) the link between the scope of activities covered by a profession or reserved to it and the professional qualification required; *deleted*

Or. en

Amendment 198
Tatjana Ždanoka
on behalf of the Verts/ALE Group

Proposal for a directive
Article 6 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) *the link between the scope of activities covered by a profession or reserved to it and the professional qualification required;* ***deleted***

Or. en

Justification

This criterion does not apply in all cases

Amendment 199
Jasenko Selimovic

Proposal for a directive
Article 6 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) *the link between the complexity of the tasks and the necessary possession of specific professional qualifications, in particular as regards the level, the nature and the duration of the training or experience required, as well as the existence of different routes to obtain the professional qualification;* ***deleted***

Or. en

Amendment 200
Tatjana Ždanoka
on behalf of the Verts/ALE Group

Proposal for a directive
Article 6 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) *the link between the complexity of the tasks and the necessary possession of specific professional qualifications, in particular as regards the level, the nature and the duration of the training or experience required, as well as the* ***deleted***

existence of different routes to obtain the professional qualification;

Or. en

Justification

This criterion does not apply in all cases

Amendment 201
Thomas Mann

Proposal for a directive
Article 6 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) the link between the complexity of the tasks and the necessary possession of specific professional qualifications, in particular as regards the level, the nature and the duration of the training or experience required, as well as the existence of different routes to obtain the professional qualification; **deleted**

Or. de

Amendment 202
Thomas Mann

Proposal for a directive
Article 6 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) the scope of the professional activities reserved to holders of a particular professional qualification, namely whether and why the activities reserved to certain professions can or cannot be shared with other professions; **deleted**

Or. de

Amendment 203
Jasenko Selimovic

Proposal for a directive
Article 6 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) *the scope of the professional activities reserved to holders of a particular professional qualification, namely whether and why the activities reserved to certain professions can or cannot be shared with other professions;*

deleted

Or. en

Amendment 204
Tatjana Ždanoka
on behalf of the Verts/ALE Group

Proposal for a directive
Article 6 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) *the scope of the professional activities reserved to holders of a particular professional qualification, namely whether and why the activities reserved to certain professions can or cannot be shared with other professions;*

deleted

Or. en

Amendment 205
Maria Arena

Proposal for a directive
Article 6 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) *the scope of the professional activities reserved to holders of a particular professional qualification, namely whether and why the activities*

(f) whether and why the activities reserved to certain professions can or cannot be shared with other professions;

reserved to certain professions can or cannot be shared with other professions;

Or. en

Amendment 206

Thomas Mann

Proposal for a directive

Article 6 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) *the degree of autonomy in exercising a regulated profession and the impact of organisational and supervision arrangements on the attainment of the objective pursued, in particular where the activities relating to a regulated profession are pursued under the control and responsibility of a duly qualified professional;*

deleted

Or. de

Amendment 207

Tatjana Ždanoka

on behalf of the Verts/ALE Group

Proposal for a directive

Article 6 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) *the degree of autonomy in exercising a regulated profession and the impact of organisational and supervision arrangements on the attainment of the objective pursued, in particular where the activities relating to a regulated profession are pursued under the control and responsibility of a duly qualified professional;*

deleted

Or. en

Amendment 208
Jasenko Selimovic

Proposal for a directive
Article 6 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) *the degree of autonomy in exercising a regulated profession and the impact of organisational and supervision arrangements on the attainment of the objective pursued, in particular where the activities relating to a regulated profession are pursued under the control and responsibility of a duly qualified professional;* ***deleted***

Or. en

Amendment 209
Thomas Mann

Proposal for a directive
Article 6 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) *the scientific and technological developments which may reduce the asymmetry of information between professionals and consumers;* ***deleted***

Or. de

Amendment 210
Tatjana Ždanoka
on behalf of the Verts/ALE Group

Proposal for a directive
Article 6 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) *the scientific and technological developments which may reduce the asymmetry of information between* ***deleted***

professionals and consumers;

Or. en

Amendment 211
Jasenko Selimovic

Proposal for a directive
Article 6 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) the scientific and technological developments which may reduce the asymmetry of information between professionals and consumers;

deleted

Or. en

Amendment 212
Amjad Bashir

Proposal for a directive
Article 6 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) the scientific and technological developments which may reduce the asymmetry of information between professionals and consumers;

(h) the scientific and technological developments which may reduce **or increase** the asymmetry of information between professionals and consumers;

Or. en

Amendment 213
Elena Gentile, Siôn Simon, Brando Benifei

Proposal for a directive
Article 6 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) the scientific and technological developments which may reduce the asymmetry of information between

(h) the scientific and technological developments which may **effectively** reduce the asymmetry of information

professionals and consumers;

between professionals and consumers;

Or. en

Amendment 214

Thomas Mann

Proposal for a directive

Article 6 – paragraph 2 – point i

Text proposed by the Commission

Amendment

(i) the economic impact of the measure, with particular regard to the degree of competition in the market and the quality of the service provided, as well as the impact on the free movement of persons and services within the Union;

deleted

Or. de

Amendment 215

Jasenko Selimovic

Proposal for a directive

Article 6 – paragraph 2 – point i

Text proposed by the Commission

Amendment

(i) the economic impact of the measure, with particular regard to the degree of competition in the market and the quality of the service provided, as well as the impact on the free movement of persons and services within the Union;

deleted

Or. en

Amendment 216

Elena Gentile, Siôn Simon, Brando Benifei

Proposal for a directive

Article 6 – paragraph 2 – point i

Text proposed by the Commission

Amendment

(i) *the economic impact of the measure, with particular regard to the degree of competition in the market and the quality of the service provided, as well as the impact on the free movement of persons and services within the Union;*

deleted

Or. en

Amendment 217

Danuta Jazłowiecka, Marek Plura, Agnieszka Kozłowska-Rajewicz, Ádám Kósa, Heinz K. Becker, Sven Schulze, Tom Vandenkendelaere

Proposal for a directive

Article 6 – paragraph 2 – point i

Text proposed by the Commission

Amendment

(i) the economic impact of the measure, with particular regard to the degree of competition in the market and the quality of the service provided, as well as the impact on the free movement of persons and services within the Union;

(i) the economic impact **and impact on employment** of the measure, with particular regard to the degree of competition in the market and the quality of the service provided, **job creation, employment opportunities for young graduates** as well as the impact on the free movement of persons and services within the Union;

Or. en

Amendment 218

Ádám Kósa

Proposal for a directive

Article 6 – paragraph 2 – point i

Text proposed by the Commission

Amendment

(i) the economic impact of the measure, with particular regard to the degree of competition in the market **and** the quality of the service provided, as well as the impact on the free movement of persons and services within the Union;

(i) the economic impact of the measure, with particular regard to the degree of competition in the market, the quality of the service provided - **including services guaranteed when public services are provided** - as well as the impact on the free movement of persons and services

within the Union;

Or. hu

Amendment 219

Tatjana Ždanoka

on behalf of the Verts/ALE Group

Proposal for a directive

Article 6 – paragraph 2 – point i

Text proposed by the Commission

(i) the *economic* impact of the measure, *with particular regard to the degree of competition in the market and* the quality of the service provided, as well as the impact on the free movement of persons *and services* within the Union;

Amendment

(i) the impact of the measure *on* the quality of the service provided, as well as the impact on the free movement of persons within the Union;

Or. en

Amendment 220

Elena Gentile, Maria Arena, Siôn Simon, Brando Benifei

Proposal for a directive

Article 6 – paragraph 2 – point i

Text proposed by the Commission

(i) the *economic* impact of the measure, *with particular regard to the degree of competition in the market and* the quality of the service provided, *as well as the impact* on the free movement of persons *and services within the Union*;

Amendment

(i) the impact of the measure *on* the quality of the service provided *and* on the free movement of persons *within the Union, and on the freedom to choose an occupation*;

Or. en

Amendment 221

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Article 6 – paragraph 2 – point i

Text proposed by the Commission

Amendment

(i) the economic impact of the measure, with particular regard to the ***degree of competition in the market and the*** quality of the service provided, as well as the impact on the free movement of persons and services within the Union;

(i) the economic impact of the measure, with particular regard to the quality of the service provided, as well as the impact on the free movement of persons and services within the Union;

Or. en

Amendment 222

Thomas Mann

Proposal for a directive

Article 6 – paragraph 2 – point j

Text proposed by the Commission

Amendment

(j) ***the possibility to use less restrictive means to achieve the public interest objective;***

deleted

Or. de

Amendment 223

Jasenko Selimovic

Proposal for a directive

Article 6 – paragraph 2 – point j

Text proposed by the Commission

Amendment

(j) ***the possibility to use less restrictive means to achieve the public interest objective;***

deleted

Or. en

Amendment 224

Elena Gentile, Emilian Pavel, Maria Arena, Siôn Simon, Brando Benifei

Proposal for a directive

Article 6 – paragraph 2 – point j

Text proposed by the Commission

Amendment

(j) the possibility to use less restrictive means to achieve the public interest objective;

(j) the possibility to use less restrictive means to achieve the ***same or higher level protection of the*** public interest objective;

Or. en

Amendment 225

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Article 6 – paragraph 2 – point j

Text proposed by the Commission

Amendment

(j) the possibility to use ***less restrictive*** means to achieve the public interest objective;

(j) the possibility to use ***alternative*** means to achieve the public interest objective;

Or. en

Amendment 226

Heinz K. Becker

Proposal for a directive

Article 6 – paragraph 2 – point k

Text proposed by the Commission

Amendment

(k) ***the cumulative effect of restrictions to both access to and pursuit of the profession, and in particular how each of those requirements contributes to and whether it is necessary to achieve the same public interest objective.***

deleted

Or. de

Amendment 227

Thomas Mann

Proposal for a directive

Article 6 – paragraph 2 – point k

Text proposed by the Commission

Amendment

(k) the cumulative effect of restrictions to both access to and pursuit of the profession, and in particular how each of those requirements contributes to and whether it is necessary to achieve the same public interest objective.

deleted

Or. de

Amendment 228

Elena Gentile, Siôn Simon, Brando Benifei

Proposal for a directive

Article 6 – paragraph 2 – point k

Text proposed by the Commission

Amendment

(k) the cumulative effect of restrictions to both access to and pursuit of the profession, and in particular how each of those requirements contributes to and whether it is necessary to achieve the same public interest objective.

deleted

Or. en

Amendment 229

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Article 6 – paragraph 2 – point k

Text proposed by the Commission

Amendment

(k) the cumulative effect of restrictions to both access to and pursuit of the profession, and in particular how each of those requirements contributes to and whether it is necessary to achieve the same public interest objective.

deleted

Or. en

Amendment 230
Jasenko Selimovic

Proposal for a directive
Article 6 – paragraph 2 – point k

Text proposed by the Commission

Amendment

(k) *the cumulative effect of restrictions to both access to and pursuit of the profession, and in particular how each of those requirements contributes to and whether it is necessary to achieve the same public interest objective.*

deleted

Or. en

Amendment 231
Maria Arena

Proposal for a directive
Article 6 – paragraph 2 – point k

Text proposed by the Commission

Amendment

(k) *the cumulative effect of restrictions to both access to and pursuit of the profession, and in particular how each of those requirements contributes to and whether it is necessary to achieve the same public interest objective.*

(k) *the effect of **the new or amended provisions when combined with other** requirements **restricting access to or pursuit of the profession.***

Or. en

Amendment 232
Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive
Article 6 – paragraph 2 – point k a (new)

Text proposed by the Commission

Amendment

(k a) ***the necessity to uphold the precautionary principle, so that the maximum protection of public health, consumer safety and the environment is ensured in the face of risks that are***

uncertain or not fully apparent;

Or. en

Amendment 233
Jasenko Selimovic

Proposal for a directive
Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. When assessing the proportionality of the provisions falling within the scope of Directive 2005/36/EC, the relevant competent authorities shall also consider:

(a) the link between the scope of activities covered by a profession or reserved to it and the professional qualification required;

(b) the link between the complexity of the tasks and the necessary possession of specific professional qualifications, in particular as regards the level, the nature and the duration of the training or experience required;

(c) the existence of different routes to obtain the professional qualification;

(d) whether and why the activities reserved to certain professions can or cannot be shared with other professions;

(e) the degree of autonomy in exercising a regulated profession and the impact of organisational and supervision arrangements on the attainment of the objective pursued, in particular where the activities relating to a regulated profession are pursued under the control and responsibility of a duly qualified professional.

Or. en

Justification

(The points in this new paragraph 2a come, with some changes, from the existing paragraph 2 of the COM proposal.)

Amendment 234

Thomas Mann

Proposal for a directive

Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. *For the purposes of paragraph 2(j), where the measures are justified by consumer protection and where the risks identified are limited to the relationship between the professional and the consumer without negatively affecting third parties, the relevant competent authorities shall assess in particular whether the objective can be attained by protected professional title without reserving activities.* **deleted**

Or. de

Amendment 235

Maria Arena

Proposal for a directive

Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. *For the purposes of paragraph 2(j), where the measures are justified by consumer protection and where the risks identified are limited to the relationship between the professional and the consumer without negatively affecting third parties, the relevant competent authorities shall assess in particular whether the objective can be attained by protected professional title without reserving activities.* **deleted**

Or. en

Amendment 236

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Jasenko Selimovic

**Proposal for a directive
Article 6 – paragraph 3**

Text proposed by the Commission

Amendment

3. *For the purposes of paragraph 2(j), where the measures are justified by consumer protection and where the risks identified are limited to the relationship between the professional and the consumer without negatively affecting third parties, the relevant competent authorities shall assess in particular whether the objective can be attained by protected professional title without reserving activities.* **deleted**

Or. en

Amendment 237

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

**Proposal for a directive
Article 6 – paragraph 3**

Text proposed by the Commission

Amendment

3. *For the purposes of paragraph 2(j), where the measures are justified by consumer protection and where the risks identified are limited to the relationship between the professional and the consumer without negatively affecting third parties, the relevant competent authorities shall assess in particular whether the objective can be attained by protected professional title without reserving activities.* **deleted**

Or. en

Amendment 238

Heinz K. Becker

Proposal for a directive

Article 6 – paragraph 3

Text proposed by the Commission

3. For the purposes of paragraph 2(j), where the measures are justified by consumer protection and where the risks identified are limited to the relationship between the professional and the consumer without negatively affecting third parties, the **relevant competent authorities** shall assess in particular whether the objective can be attained by **protected professional title without** reserving activities.

Amendment

3. For the purposes of paragraph 2(j), where the measures are justified by consumer protection and where the risks identified are limited to the relationship between the professional and the consumer without negatively affecting third parties, the **Member States** shall assess in particular whether the objective can be attained by **less restrictive means than** reserving activities. **Compulsory chamber membership shall also be an appropriate requirement in respect of professions covered by this Directive where the State has made professional organisations responsible for safeguarding the relevant public-interest objectives.**

Or. de

Amendment 239

Jutta Steinruck

Proposal for a directive

Article 6 – paragraph 4 – introductory part

Text proposed by the Commission

4. **For the purposes of paragraph 2(k), the relevant competent authorities shall assess in particular the cumulative effect of imposing any of the following requirements:**

Amendment

4. **deleted**

Or. en

Amendment 240

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Article 6 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. *For the purposes of paragraph 2(k), the relevant competent authorities shall assess in particular the cumulative effect of imposing any of the following requirements:*

4. *deleted*

Or. en

Amendment 241
Thomas Mann

Proposal for a directive
Article 6 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. *For the purposes of paragraph 2(k), the relevant competent authorities shall assess in particular the cumulative effect of imposing any of the following requirements:*

4. *deleted*

Or. de

Amendment 242
Elena Gentile, Siôn Simon, Brando Benifei

Proposal for a directive
Article 6 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. For the purposes of paragraph 2(k), *the relevant competent authorities* shall assess in particular the *cumulative* effect of imposing any of the following requirements:

4. For the purposes of paragraph 2(k), *Member States* shall assess in particular the effect of *the new or amending regulation considering that Member States can increase the level of protection of public interest objectives* imposing any of the following requirements:

Or. en

Amendment 243
Maria Arena

Proposal for a directive
Article 6 – paragraph 4 – introductory part

Text proposed by the Commission

4. For the purposes of paragraph 2(k), **the relevant competent authorities** shall assess in particular the **cumulative** effect of **imposing any of** the following requirements:

Amendment

4. For the purposes of paragraph 2(k), **Member States** shall assess in particular the effect of **the new or amended provisions when combined with** the following requirements, **where relevant, it being understood that there might be positive as well as negative effects**:

Or. en

Amendment 244
Jasenko Selimovic

Proposal for a directive
Article 6 – paragraph 4 – introductory part

Text proposed by the Commission

4. For the purposes of paragraph 2(k), the relevant competent authorities shall assess in particular the cumulative effect of imposing any of the following requirements:

Amendment

4. For the purposes of **point (cd) of paragraph 2**, the relevant competent authorities shall assess in particular the cumulative effect of imposing any of the following requirements:

Or. en

Amendment 245
Thomas Mann

Proposal for a directive
Article 6 – paragraph 4 – point a

Text proposed by the Commission

(a) **reserved activities, existing alongside protected professional title;**

Amendment

deleted

Or. de

Amendment 246

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Article 6 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) *reserved activities, existing
alongside protected professional title;*

(a) *deleted*

Or. en

Amendment 247

Jutta Steinruck

Proposal for a directive

Article 6 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) *reserved activities, existing
alongside protected professional title;*

(a) *deleted*

Or. en

Amendment 248

Jasenko Selimovic

Proposal for a directive

Article 6 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) reserved activities, *existing*
alongside protected professional title;

(a) reserved activities,

Or. en

Amendment 249

Jasenko Selimovic

Proposal for a directive

Article 6 – paragraph 4 – point a a (new)

Text proposed by the Commission

Amendment

(a a) a protected professional title;

Or. en

Amendment 250

Thomas Mann

Proposal for a directive

Article 6 – paragraph 4 – point b

Text proposed by the Commission

Amendment

**(b) continuous professional
development requirements;**

deleted

Or. de

Amendment 251

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Article 6 – paragraph 4 – point b

Text proposed by the Commission

Amendment

**(b) continuous professional
development requirements;**

(b) deleted

Or. en

Amendment 252

Jutta Steinruck

Proposal for a directive

Article 6 – paragraph 4 – point b

Text proposed by the Commission

Amendment

**(b) continuous professional
development requirements;**

(b) deleted

Or. en

Amendment 253
Jasenko Selimovic

Proposal for a directive
Article 6 – paragraph 4 – point b

Text proposed by the Commission

(b) *continuous* professional development requirements;

Amendment

(b) *mandatory* professional development requirements;

Or. en

Amendment 254
Thomas Mann

Proposal for a directive
Article 6 – paragraph 4 – point c

Text proposed by the Commission

(c) *rules relating to the organisation of the profession, professional ethics and supervision;*

Amendment

deleted

Or. de

Amendment 255
Jutta Steinruck

Proposal for a directive
Article 6 – paragraph 4 – point c

Text proposed by the Commission

(c) *rules relating to the organisation of the profession, professional ethics and supervision;*

Amendment

(c) *deleted*

Or. en

Amendment 256
Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive
Article 6 – paragraph 4 – point c

Text proposed by the Commission

Amendment

(c) *rules relating to the organisation of the profession, professional ethics and supervision;*

(c) *deleted*

Or. en

Amendment 257
Heinz K. Becker

Proposal for a directive
Article 6 – paragraph 4 – point d

Text proposed by the Commission

Amendment

(d) *compulsory chamber membership, registration or authorisation schemes, in particular where those requirements imply the possession of a particular professional qualification;*

deleted

Or. de

Amendment 258
Thomas Mann

Proposal for a directive
Article 6 – paragraph 4 – point d

Text proposed by the Commission

Amendment

(d) *compulsory chamber membership, registration or authorisation schemes, in particular where those requirements imply the possession of a particular professional qualification;*

deleted

Or. de

Amendment 259

Jutta Steinruck

Proposal for a directive

Article 6 – paragraph 4 – point d

Text proposed by the Commission

Amendment

(d) *compulsory chamber membership, registration or authorisation schemes, in particular where those requirements imply the possession of a particular professional qualification;*

(d) *deleted*

Or. en

Amendment 260

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Article 6 – paragraph 4 – point d

Text proposed by the Commission

Amendment

(d) *compulsory chamber membership, registration or authorisation schemes, in particular where those requirements imply the possession of a particular professional qualification;*

(d) *deleted*

Or. en

Amendment 261

Thomas Mann

Proposal for a directive

Article 6 – paragraph 4 – point e

Text proposed by the Commission

Amendment

(e) *quantitative restrictions, in particular requirements limiting the number of authorisations to practise, or fixing a minimum or a maximum number of employees, managers or representatives holding particular professional qualifications;*

deleted

Amendment 262

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Article 6 – paragraph 4 – point e

Text proposed by the Commission

Amendment

(e) *quantitative restrictions, in particular requirements limiting the number of authorisations to practise, or fixing a minimum or a maximum number of employees, managers or representatives holding particular professional qualifications;*

(e) *deleted*

Or. en

Amendment 263

Jutta Steinruck

Proposal for a directive

Article 6 – paragraph 4 – point e

Text proposed by the Commission

Amendment

(e) *quantitative restrictions, in particular requirements limiting the number of authorisations to practise, or fixing a minimum or a maximum number of employees, managers or representatives holding particular professional qualifications;*

(e) *deleted*

Or. en

Amendment 264

Thomas Mann

Proposal for a directive

Article 6 – paragraph 4 – point f

Text proposed by the Commission

Amendment

(f) *specific legal form requirements or requirements which relate to the shareholding or management of a company, to the extent those requirements are directly linked to the exercise of the regulated profession;* *deleted*

Or. de

Amendment 265

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive

Article 6 – paragraph 4 – point f

Text proposed by the Commission

Amendment

(f) *specific legal form requirements or requirements which relate to the shareholding or management of a company, to the extent those requirements are directly linked to the exercise of the regulated profession;* (f) *deleted*

Or. en

Amendment 266

Jutta Steinruck

Proposal for a directive

Article 6 – paragraph 4 – point f

Text proposed by the Commission

Amendment

(f) *specific legal form requirements or requirements which relate to the shareholding or management of a company, to the extent those requirements are directly linked to the exercise of the regulated profession;* (f) *deleted*

Or. en

Amendment 267

Thomas Mann

Proposal for a directive
Article 6 – paragraph 4 – point g

Text proposed by the Commission

Amendment

(g) territorial restrictions, in particular where the profession is regulated in parts of a Member State's territory in a different manner;

deleted

Or. de

Amendment 268
Jutta Steinruck

Proposal for a directive
Article 6 – paragraph 4 – point g

Text proposed by the Commission

Amendment

(g) territorial restrictions, in particular where the profession is regulated in parts of a Member State's territory in a different manner;

(g) deleted

Or. en

Amendment 269
Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive
Article 6 – paragraph 4 – point g

Text proposed by the Commission

Amendment

(g) territorial restrictions, in particular where the profession is regulated in parts of a Member State's territory in a different manner;

(g) deleted

Or. en

Amendment 270
Thomas Mann

Proposal for a directive
Article 6 – paragraph 4 – point h

Text proposed by the Commission

Amendment

(h) requirements restricting the exercise of a regulated profession jointly or in partnership, as well as incompatibility rules;

deleted

Or. de

Amendment 271

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive
Article 6 – paragraph 4 – point h

Text proposed by the Commission

Amendment

(h) requirements restricting the exercise of a regulated profession jointly or in partnership, as well as incompatibility rules;

(h) deleted

Or. en

Amendment 272

Jutta Steinruck

Proposal for a directive
Article 6 – paragraph 4 – point h

Text proposed by the Commission

Amendment

(h) requirements restricting the exercise of a regulated profession jointly or in partnership, as well as incompatibility rules;

(h) deleted

Or. en

Amendment 273

Thomas Mann

Proposal for a directive
Article 6 – paragraph 4 – point i

Text proposed by the Commission

Amendment

(i) *requirements concerning insurance cover or other means of personal or collective with regard to professional liability;*

deleted

Or. de

Amendment 274
Jutta Steinruck

Proposal for a directive
Article 6 – paragraph 4 – point i

Text proposed by the Commission

Amendment

(i) *requirements concerning insurance cover or other means of personal or collective with regard to professional liability;*

(i) *deleted*

Or. en

Amendment 275
Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive
Article 6 – paragraph 4 – point i

Text proposed by the Commission

Amendment

(i) *requirements concerning insurance cover or other means of personal or collective with regard to professional liability;*

(i) *deleted*

Or. en

Amendment 276
Elena Gentile, Emilian Pavel, Maria Arena, Siôn Simon, Brando Benifei

Proposal for a directive
Article 6 – paragraph 4 – point i

Text proposed by the Commission

(i) requirements concerning insurance cover or other means of personal or collective with regard to professional liability;

Amendment

(i) requirements concerning insurance cover or other means of personal or collective **protection** with regard to professional liability;

Or. en

Amendment 277

Thomas Mann

Proposal for a directive
Article 6 – paragraph 4 – point j

Text proposed by the Commission

(j) *language knowledge requirements, to the extent necessary to practise the profession.*

deleted

Amendment

Or. de

Amendment 278

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

Proposal for a directive
Article 6 – paragraph 4 – point j

Text proposed by the Commission

(j) *language knowledge requirements, to the extent necessary to practise the profession.*

(j) *deleted*

Amendment

Or. en

Amendment 279

Jutta Steinruck

Proposal for a directive

Article 6 – paragraph 4 – point j

Text proposed by the Commission

Amendment

(j) *language knowledge requirements, to the extent necessary to practise the profession.*

(j) *deleted*

Or. en

Amendment 280

Ádám Kósa

Proposal for a directive

Article 6 – paragraph 4 – point j

Text proposed by the Commission

Amendment

(j) language knowledge requirements, to the extent necessary to practise the profession.

(j) *higher-level* language knowledge requirements, to the extent *strictly* necessary to practise the profession.

Or. hu

Amendment 281

Jasenko Selimovic

Proposal for a directive

Article 6 – paragraph 4 – point j

Text proposed by the Commission

Amendment

(j) language knowledge requirements, to the extent necessary to practise the profession.

(j) language knowledge requirements, to the extent necessary to practise the profession;

Or. en

Amendment 282

Danuta Jazłowiecka, Marek Plura, Agnieszka Kozłowska-Rajewicz, Ádám Kósa, Heinz K. Becker, Sven Schulze, Tom Vandenkendelaere, Csaba Sógor

Proposal for a directive

Article 6 – paragraph 4 – point j a (new)

Text proposed by the Commission

Amendment

(j a) proportionality of administrative requirements.

Or. en

Amendment 283
Jasenko Selimovic

Proposal for a directive
Article 6 – paragraph 4 – point j a (new)

Text proposed by the Commission

Amendment

(j a) authorisation schemes;

Or. en

Amendment 284
Jasenko Selimovic

Proposal for a directive
Article 6 – paragraph 4 – point j b (new)

Text proposed by the Commission

Amendment

(j b) requirements on advertising;

Or. en

Amendment 285
Jasenko Selimovic

Proposal for a directive
Article 6 – paragraph 4 – point j c (new)

Text proposed by the Commission

Amendment

(j c) compulsory tariff requirements.

Or. en

Amendment 286
Tatjana Ždanoka
on behalf of the Verts/ALE Group

Proposal for a directive
Article 6 – paragraph 4 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

These requirements shall not be considered disproportionate restrictions per se, nor shall any restrictive effect resulting from their implementation.

Or. en

Justification

The Directive should be clear as possible that requirements for regulating professions are legitimate.

Amendment 287
Anne Sander

Proposal for a directive
Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In border areas, Member States shall ensure that laws, regulations or administrative provisions safeguard the integrity of the internal market, while ensuring a high level of protection for workers and undertakings.

Or. fr

Amendment 288
Tatjana Ždanoka
on behalf of the Verts/ALE Group

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall, by appropriate
PE609.674v01-00

Member States shall, by appropriate means
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means, *inform citizens, service recipients, representative associations and* relevant stakeholders *other than the members of the profession* before *introducing* new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, and give them the opportunity to make known their views.

and in addition to the members of the profession, inform all relevant stakeholders, *including service recipients, representative associations* before *proposing* new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, and give them the opportunity to make known their views *which shall then be given due consideration. This requirement may be fulfilled, for example, by means of a public consultation whose results inform the content of the adopted provisions.*

Or. en

Amendment 289
Jutta Steinruck

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

Member States *shall, by appropriate means, inform citizens, service recipients, representative associations and relevant stakeholders other than the members of the profession* before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, and give them the opportunity to make known their views.

Amendment

It lays within the competence of the Member States' authority to define who takes part in law and regulation making processes. Member States shall, by appropriate means, inform participants before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, and give them the opportunity to make known their views. *Participants can be service recipients, other relevant stakeholders as well as social partners.*

Or. en

Amendment 290
Elena Gentile, Emilian Pavel, Maria Arena, Siôn Simon, Brando Benifei

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

Member States shall, by appropriate means, inform citizens, *service recipients*, representative associations and relevant stakeholders other than the members of the profession ***before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, and give them the opportunity to make known their views.***

Amendment

Member States shall, ***before introducing new, or amending existing legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions***, by appropriate means, inform citizens, *users, social partners*, representative associations and ***all*** relevant stakeholders other than the members of the profession, ***and give them the opportunity to make known their views through a public and transparent consultation. To this purpose, Member States may use national procedures.***

Or. en

Amendment 291

Danuta Jazłowiecka, Marek Plura, Agnieszka Kozłowska-Rajewicz, Ádám Kósa, Heinz K. Becker, Sven Schulze, Tom Vandenkendelaere, Csaba Sógor

**Proposal for a directive
Article 7 – paragraph 1**

Text proposed by the Commission

Member States shall, by appropriate means, inform citizens, service recipients, representative associations and relevant stakeholders other than the members of the profession before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, and give them the opportunity to make known their views.

Amendment

Member States shall, by appropriate means, inform citizens, service recipients, ***those in relevant training or education***, representative associations and relevant stakeholders other than the members of the profession before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, and give them the opportunity to make known their views.

Or. en

Amendment 292

Jasenko Selimovic

**Proposal for a directive
Article 7 – paragraph 1**

Text proposed by the Commission

Member States shall, by appropriate means, **inform** citizens, service recipients, representative associations and relevant stakeholders other than the members of the profession before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of **regulated professions, or amending existing ones, and give them the opportunity to make known** their views.

Amendment

Member States shall, by appropriate means, **consult** citizens, service recipients, representative associations and relevant stakeholders other than the members of the profession before introducing new, **or amending existing**, legislative, regulatory or administrative provisions restricting access to or pursuit of **services activities, including activities of regulated professions, and take account of** their views.

Or. en

Amendment 293

Paloma López Bermejo, Rina Ronja Kari, Neoklis Sylikiotis

**Proposal for a directive
Article 7 – paragraph 1**

Text proposed by the Commission

Member States shall, by appropriate means, inform citizens, service recipients, representative associations and relevant stakeholders **other than the members of the profession** before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, and give them the opportunity to make known their views.

Amendment

Member States shall, by appropriate means, inform **the social partners, as well as** citizens, service recipients, representative associations and relevant stakeholders **with a legitimate interest**, before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, and give them the opportunity to make known their views.

Or. en

Amendment 294

Amjad Bashir

**Proposal for a directive
Article 7 – paragraph 1**

Text proposed by the Commission

Member States shall, by appropriate

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Amendment

Member States shall, by appropriate

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means, inform citizens, service recipients, representative associations and relevant stakeholders other than the members of the profession before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, and give them the opportunity to make known their views.

means, inform citizens, service recipients, representative associations and relevant stakeholders other than the members of the profession *in a due time* before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, and give them the opportunity to make known their views.

Or. en

Amendment 295

Tom Vandenkendelaere, Jeroen Lenaers

Proposal for a directive Article 7 – paragraph 1

Text proposed by the Commission

Member States shall, by appropriate means, *inform* citizens, service recipients, representative associations and relevant stakeholders other than the members of the profession before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, and *give them the opportunity to make known* their views.

Amendment

Member States shall, by appropriate means, *consult* citizens, service recipients, representative associations and relevant stakeholders other than the members of the profession, *including social partners*, before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, and *take* their views *into account*.

Or. en

Amendment 296

Elena Gentile, Maria Arena, Siôn Simon, Brando Benifei

Proposal for a directive Article 8 – title

Text proposed by the Commission

Exchange of information between *competent authorities*

Amendment

Exchange of information between *Member States*

Or. en

Amendment 297
Jasenko Selimovic

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

1. For the purposes of the efficient application of this Directive, before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, ***or amending existing ones***, Member States shall encourage the exchange of information with competent authorities of other Member States on matters covered by this Directive, such as the particular way they regulate a profession or the effects of regulation identified in similar sectors of activities, on a regular basis, or, where appropriate, on an ad hoc basis.

Amendment

1. For the purposes of the efficient application of this Directive, before introducing new, ***or amending existing***, legislative, regulatory or administrative provisions restricting access to or pursuit of ***services activities, including activities of regulated professions, and when reviewing existing regulation in case of substantive changes being introduced***, Member States shall encourage the exchange of information with competent authorities of other Member States on matters covered by this Directive, such as the particular way they regulate a profession or the effects of regulation identified in similar sectors of activities, on a regular basis, or, where appropriate, on an ad hoc basis.

Or. en

Amendment 298
Maria Arena

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

1. For the purposes of the efficient application of this Directive, ***before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones***, Member States shall encourage the exchange of information ***with competent authorities of other*** Member States on matters covered by this Directive, such as the particular way they regulate a profession or the effects of regulation

Amendment

1. For the purposes of the efficient application of this Directive ***and of Directive 2005/36/EC, the Commission shall encourage and facilitate*** the exchange of information ***between*** Member States on matters covered by this Directive ***and by Directive 2005/36/EC***, such as the particular way they regulate a profession or the effects of regulation identified in similar sectors of activities, on a regular basis, or, where appropriate, on an ad hoc basis.

identified in similar sectors of activities, on a regular basis, or, where appropriate, on an ad hoc basis.

Or. en

Amendment 299

Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, Adam Kósa, Heinz K. Becker, Sven Schulze, Tom Vandenkendelaere, Csaba Sógor

Proposal for a directive Article 8 – paragraph 1

Text proposed by the Commission

1. For the purposes of the efficient application of this Directive, before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, Member States shall **encourage the** exchange of information with competent authorities of other Member States on matters covered by this Directive, such as the particular way they regulate a profession or the effects of regulation identified in similar sectors of activities, on a regular basis, or, where appropriate, on an ad hoc basis.

Amendment

1. For the purposes of the efficient application of this Directive, before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, Member States shall **ensure** exchange of information with competent authorities of other Member States on matters covered by this Directive, such as the particular way they regulate a profession or the effects of regulation identified in similar sectors of activities, on a regular basis, or, where appropriate, on an ad hoc basis.

Or. en

Amendment 300

Elena Gentile, Emilian Pavel, Siôn Simon, Brando Benifei

Proposal for a directive Article 8 – paragraph 1

Text proposed by the Commission

1. For the purposes of the efficient application of this Directive, before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, **Member States** shall encourage the exchange of

Amendment

1. For the purposes of the efficient application of this Directive, before introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones, **the Commission** shall encourage the exchange of

information *with competent authorities of other* Member States on matters covered by this Directive, such as the particular way they regulate a profession or the effects of regulation identified in similar sectors of activities, on a regular basis, or, where appropriate, on an ad hoc basis.

information *between* Member States on matters covered by this Directive, such as the particular way they regulate a profession or the effects of regulation identified in similar sectors of activities, on a regular basis, or, where appropriate, on an ad hoc basis.

Or. en

Amendment 301

Dominique Martin, Mara Bizzotto, Joëlle Mélin

Proposal for a directive Article 8 – paragraph 2

Text proposed by the Commission

2. Member States shall inform the Commission of the competent authorities responsible for transmitting and receiving information for the purposes of applying paragraph 1.

Amendment

2. Member States shall inform the Commission of the competent *public* authorities responsible for transmitting and receiving information for the purposes of applying paragraph 1.

Or. fr

Amendment 302

Elena Gentile, Maria Arena, Siôn Simon, Brando Benifei

Proposal for a directive Article 8 – paragraph 2

Text proposed by the Commission

2. Member States shall inform the Commission of the *competent* authorities responsible for transmitting and receiving information for the purposes of applying paragraph 1.

Amendment

2. Member States shall inform the Commission of the *public* authorities responsible for transmitting and receiving information for the purposes of applying paragraph 1.

Or. en

Amendment 303

Jasenko Selimovic

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

1. The reasons for considering that provisions, assessed in accordance with this Directive, are justified, necessary and proportionate, and which are communicated to the Commission pursuant to paragraphs 5 and 6 of Article 59 of Directive 2005/36/EC, shall be recorded by the relevant competent authorities in the database of regulated professions, referred to in Article 59 paragraph 1 of Directive 2005/36/EC and thereafter made publicly available by the Commission.

Amendment

1. The reasons for considering that provisions ***restricting access to or the pursuit of regulated professions***, assessed in accordance with this Directive, are justified, necessary and proportionate, and which are communicated to the Commission pursuant to paragraphs 5 and 6 of Article 59 of Directive 2005/36/EC, shall be recorded by the relevant competent authorities in the database of regulated professions, referred to in Article 59 paragraph 1 of Directive 2005/36/EC and thereafter made publicly available by the Commission.

Or. en

Amendment 304
Maria Arena

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

1. The reasons for considering that provisions, assessed in accordance with this Directive, are ***justified, necessary*** and proportionate, and which are communicated to the Commission pursuant to paragraphs 5 ***and 6*** of Article 59 of Directive 2005/36/EC, shall be recorded by the ***relevant competent authorities*** in the database of regulated professions, referred to in Article 59 paragraph 1 of Directive 2005/36/EC and thereafter made publicly available by the Commission.

Amendment

1. The reasons for considering that provisions, assessed in accordance with ***Directive 2005/36/EC and with this Directive***, are ***non-discriminatory, justified*** and proportionate, and which are communicated to the Commission pursuant to paragraphs 5 of Article 59 of Directive 2005/36/EC, shall be recorded by the ***Member States*** in the database of regulated professions, referred to in Article 59 paragraph 1 of Directive 2005/36/EC and thereafter made publicly available by the Commission.

Or. en

Amendment 305

Tom Vandenkendelaere, Jeroen Lenaers

**Proposal for a directive
Article 9 – paragraph 2**

Text proposed by the Commission

2. Member States **and** other interested parties may submit comments to the Commission or to the Member State which has notified the provisions.

Amendment

2. Member States, **relevant stakeholders such as social partners and consumer protection associations as well as** other interested parties may submit comments to the Commission or to the Member State which has notified the provisions.

Or. en

**Amendment 306
Maria Arena**

**Proposal for a directive
Article 9 – paragraph 2**

Text proposed by the Commission

2. Member States and other interested parties may submit comments to the Commission or to the Member State which has **notified** the provisions.

Amendment

2. Member States and other interested parties may submit comments **concerning the provisions and the reasons referred to in paragraph 1** to the Commission, or to the Member State which has **communicated** the provisions.

Or. en

**Amendment 307
Thomas Mann**

**Proposal for a directive
Article 10 – paragraph 2**

Text proposed by the Commission

2. **Where appropriate, the report referred to in paragraph 1 shall be accompanied by relevant proposals.**

Amendment

deleted

Or. de

Amendment 308

Elena Gentile, Emilian Pavel, Siôn Simon, Brando Benifei

Proposal for a directive

Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Member States shall not submit new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, or amending existing ones assessed in accordance with this Directive , to any other ex ante procedure to assess their compatibility with EU legislation prior to its adoption.

Or. en