



2016/0404(COD)

8.9.2017

AMENDMENTS

53 - 333

Draft report
Andreas Schwab
(PE601.007v01)

on the proposal for a directive of the European Parliament and of the Council
on a proportionality test before adoption of new regulation of professions

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

Amendment 53
Marco Zullo, Laura Agea, Piernicola Pedicini

Proposal for a directive

—

Proposal for a rejection

The European Parliament rejects the Commission proposal on a proportionality test before adoption of new regulation of professions.

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 54
Jiří Maštálka

Proposal for a directive

—

Proposal for a rejection

The European Parliament rejects the Commission proposal .

Or. en

Amendment 55
Marcus Pretzell, Mylène Troszczynski

Proposal for a directive

—

Proposal for a rejection

The European Parliament rejects the Commission proposal.

Or. en

Justification

With this directive the EU tries to obtain power over a nation state competence by means of proportionality assessment. As set out by parliaments of Germany, France and Austria, the directive violates subsidiarity and proportionality. If national regulations are outdated for any reason, they will be abolished under the pressure of competing national legal systems. But it is not the EU's task to define criteria for unjustified regulation through legislation, such as protectionism in article 5(3).

Amendment 56

Jasenko Selimovic, Dita Charanzová

Proposal for a directive

Title

Text proposed by the Commission

Amendment

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)

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 57

Jasenko Selimovic, Dita Charanzová

Proposal for a directive

Recital 1

Text proposed by the Commission

Amendment

(1) The freedom to choose an
occupation is a fundamental right. The

(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.

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 58 **Adam Szejnfeld**

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 regulated professions should therefore not constitute any unjustified and disproportionate obstacle to the exercise of those fundamental rights *in the internal market*.

Or. pl

Amendment 59
Jasenko Selimovic, Dita Charanzová

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*** a profession within the limits of the principles of non-discrimination and proportionality.

Or. en

Amendment 60
Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Olga Sehnalová, Nicola Danti, Arndt Kohn, Kerstin Westphal, Pina Picierno, Sergio Gutiérrez Prieto

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, ***justification*** and proportionality.

Or. en

Amendment 61
Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Evelyne

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) Directive 2005/36/EC of the European Parliament and of the Council²⁴ established the obligation for Member States to assess the proportionality of their requirements restricting access to or pursuit of regulated professions and to communicate to the Commission the results of the assessment, launching the so-called mutual evaluation process. That process meant that Member States had to carry out a screening of all their legislation on all professions regulated in their territory.

²⁴ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p.22).

Amendment

(4) Directive 2005/36/EC of the European Parliament and of the Council²⁴ established the obligation for Member States to assess the ***non-discrimination, justification and*** proportionality of their requirements restricting access to or pursuit of regulated professions and to communicate to the Commission the results of the assessment, launching the so-called mutual evaluation process. That process meant that Member States had to carry out a screening of all their legislation on all professions regulated in their territory.

²⁴ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p.22).

Or. en

Amendment 62
Virginie Rozière

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

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, *it is therefore necessary to establish* a common approach at Union level, preventing disproportionate measures from being adopted.

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, *there should be* a common approach at Union level, preventing disproportionate measures from being adopted.

Or. fr

Amendment 63 **Othmar Karas**

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. ***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

Justification

The explicit exclusion of healthcare services from the scope of the Directive means that the healthcare professions and services need to be specified.

Amendment 64

Ivan Štefanec, Luděk Niedermayer

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. ***While professional activities in the healthcare services sector are covered by the assessment referred to in Article 59 of Directive 2005/36/EC and thus are within the scope of this Directive, the Directive respects Member States' competence to regulate professions in the field of public health based on Article 168(7) TFEU as well as their margin of appreciation to guarantee a high level of health care and patient safety, within the limits of proportionality.***

Or. en

Justification

Exclusion of health professions is neither necessary nor desirable (health professions will continue to fall under the proportionality requirements of the Treaty, as well as proportionality and notification obligations under the Professional Qualifications Directive). The above new wording in recital 7 acknowledges the specific nature of health professions in the context of application of proportionality test.

Amendment 65

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Nicola Danti, Pina Picierno, Sergio Gutiérrez Prieto

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. ***For the purpose of this Directive, the term “regulated profession” should refer to both existing regulated professions as defined in Directive 2005/36/EC and professions that Member States are considering to regulate with the result that they will fall under the definition of “regulated profession” in 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.

Or. en

Amendment 66

Richard Sulík

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. ***As according to Article 59 of Directive***

2005/36/EC professional regulation of healthcare services is subject to compliance with the proportionality principle, healthcare services fall within the scope of this Directive.

Or. en

Amendment 67
Jasenko Selimovic, Dita Charanzová

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 68
Christel Schaldemose

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

Amendment

(7) The activities covered by this Directive should concern the regulated professions falling within the scope of Directive 2005/36/EC, ***without prejudice***

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.

to Recital (7a). 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.

Or. en

Amendment 69

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Evelyne Gebhardt, Olga Sehnalová, Arndt Kohn, Sergio Gutiérrez Prieto

Proposal for a directive Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) 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 TFUE. 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 70
Christel Schaldemose

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) 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. This has been recognised by the European Court of Justice as well as the European Parliament and Council. Furthermore, both have also held that health and life of humans come before any other interest protected by the TFEU^{1a}. Hence, the provisions of this Directive should exclude health professions from its scope. This exclusion should include professions embracing activities related to the provision of healthcare services. Furthermore, this exclusion would also cover pharmaceutical services and the prescription, dispensation and provision of medicinal products and medical devices, to patients to assess, maintain or restore their state of health.

^{1a} Recital 22 of Directive 2011/62/EU of the European Parliament and of the Council of 8 June 2011 amending Directive 2001/83/EC on the Community code relating to medicinal products for human use, as regards the prevention of the entry into the legal supply chain of falsified medicinal products; and judgement of the Court of 19 May 2009 in joint cases C-171/07 and C- 172/07 Apothekerkammer des Saarlandes and

Amendment 71
Antonio López-Istúriz White, Lara Comi

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) In accordance with the Services Directive (2006/123/EC), another of the legal instruments underpinning this proposal for a directive, it is consistent, appropriate and necessary to exclude health professions from the scope of this Directive, along the same lines as the European legislator provided for in the Services Directive with regard to health services. In this respect, the Member States must regulate health services in the general interest in terms of safeguarding quality and protecting public health, applying the proportionality principle as they have been doing thus far, and taking into account the specific demographic, geographical, financial and cultural circumstances in the country concerned.

Or. es

Amendment 72
Philippe Juvin

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) While professional regulation of healthcare services, consisting of activities intended to assess, maintain, restore or improve 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. With regard to the protection of public health, it should be highlighted that health and life of humans rank foremost among the interests protected by the Treaty and that it is for the Member States to determine the level of protection which they wish to afford to public health and the way in which that level is to be achieved.

Or. fr

Amendment 73
Jasenko Selimovic, Dita Charanzová

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) 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 74

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Evelyne Gebhardt, Olga Sehnalová, Nicola Danti, Christel Schaldemose, Arndt Kohn, Kerstin Westphal, Pina Picierno, Sergio Gutiérrez Prieto

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 75

Soledad Cabezón Ruiz, Sergio Gutiérrez Prieto

Proposal for a directive

Recital 7 b (new)

Text proposed by the Commission

Amendment

(7b) Health services in the EU are, and must remain, among the top-ranked in the world in terms of accessibility and the high quality of health services provided to citizens, and this has been achieved in part as a result of the regulation of health professions by the Member States.

Or. es

Amendment 76

Antonio López-Istúriz White, Lara Comi

Proposal for a directive

Recital 7 b (new)

Text proposed by the Commission

Amendment

(7b) Health services in the EU are among the top-ranked in the world in terms of accessibility and the high quality of health services provided to citizens, and this has been achieved thanks to extensive regulation of health professions at national level.

Or. es

Amendment 77

Antonio López-Istúriz White, Lara Comi

Proposal for a directive

Recital 7 c (new)

Text proposed by the Commission

Amendment

(7c) The Court of Justice and the European legislator have held that people's health and lives are of prime importance among the assets and interests protected by the TFEU. Both have also acknowledged that it is for the Member States to determine the level of protection they wish to grant to public health, and the manner in which that level should be achieved.

Or. es

Amendment 78

Soledad Cabezón Ruiz, Sergio Gutiérrez Prieto

Proposal for a directive

Recital 7 c (new)

Text proposed by the Commission

Amendment

(7c) The Court of Justice and the European legislator have held that people's health and lives are of prime

importance among the assets and interests protected by the TFEU.

Or. es

Amendment 79
Soledad Cabezón Ruiz, Sergio Gutiérrez Prieto

Proposal for a directive
Recital 7 d (new)

Text proposed by the Commission

Amendment

(7d) Any reservation of an activity relating to the title, the registration of professionals, continuous professional development, professional codes of ethics or the requirements relating to insurance cover or language proficiency, where health professions are concerned, are elements intended to ensure that the rights of EU citizens to health and clinical safety are safeguarded.

Or. es

Amendment 80
Antonio López-Istúriz White, Lara Comi

Proposal for a directive
Recital 7 d (new)

Text proposed by the Commission

Amendment

(7d) The Member States currently take the proportionality principle into account when formulating their health policies, including those relating to the regulation of health professions, so that such regulation evolves in step with scientific development and with the development and requirements of health systems, in line with societal demands.

Or. es

Amendment 81
Soledad Cabezón Ruiz, Sergio Gutiérrez Prieto

Proposal for a directive
Recital 7 e (new)

Text proposed by the Commission

Amendment

(7e) Any regulation should take into account the specific nature of the aforementioned elements as means of safeguarding the rights of EU citizens to health and clinical safety.

Or. es

Amendment 82
Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Evelyne Gebhardt, Olga Sehnalová, Nicola Danti, Christel Schaldemose, Arndt Kohn, Kerstin Westphal, Pina Picierno, Sergio Gutiérrez Prieto

Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) 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 83

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Nicola Danti, Christel Schaldemose, Arndt Kohn, Kerstin Westphal, Pina Picierno, Sergio Gutiérrez Prieto

Proposal for a directive

Recital 8 b (new)

Text proposed by the Commission

Amendment

(8 b) 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 State does not mean that the latter Member State's rules are disproportionate and therefore incompatible with EU law;

Or. en

Amendment 84

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Evelyne Gebhardt, Nicola Danti, Arndt Kohn, Kerstin Westphal, Pina Picierno, Sergio Gutiérrez Prieto

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, 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 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 to content of training courses or modernisation of training regulations, should not fall within the scope of this Directive.

Or. en

Amendment 85
Othmar Karas

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 is a genuine need to achieve public-interest objectives in view of the specific circumstances of that Member State.*

Or. de

Amendment 86
Julia Reda

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. ***This should not prevent Member States from taking immediate measures in the field of health care which they consider necessary to protect public health, nor in other areas where they consider measures necessary to pursue other overriding reasons in public interest.***

Or. en

Amendment 87
Maria Grapini

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 order to avoid ***overregulation and additional costs to the institutions and to the beneficiaries of such regulation.***

Or. ro

Amendment 88
Antonio López-Istúriz White, Lara Comi

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 **as regards** justification and proportionality lies **with** the Member States, **who must be assisted by professional organisations and other stakeholders**. 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 **Member** State and by specific evidence substantiating its arguments.

Or. es

Justification

Professional organisations, which are familiar with the ins and outs of the profession, must be involved in assessing the proportionality of legislation that restricts access to regulated professions, contributing alongside the relevant authorities and providing quantitative and qualitative evidence to demonstrate whether or not the achievement of the relevant public interest objectives is genuinely at risk, and therefore whether or not the regulation of a profession is justified.

Amendment 89
Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Evelyne Gebhardt, Nicola Danti, Arndt Kohn, Kerstin Westphal, Pina Picierno, Sergio Gutiérrez Prieto

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**

Amendment

(9) **Member States should ensure that any measure introducing new, or amending existing, essential legislative, regulatory or administrative provisions restricting access to or pursuit of**

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

regulated professions is accompanied by an explanation making it possible to appraise compliance with the principles of non-discrimination, justification and proportionality, which should include specific elements substantiating its arguments.

Or. en

Amendment 90 **Virginie Rozière**

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 evidence substantiating its arguments *where such is available*.

Or. fr

Amendment 91 **Jasenko Selimovic, Dita Charanzová**

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

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

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.

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 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 92
Julia Reda

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. *This assessment should be completed before the adoption of new measures or the amendment of the existing national provisions.*

Or. en

Amendment 93

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Evelyne Gebhardt, Nicola Danti, Arndt Kohn, Kerstin Westphal, Pina Picierno, Sergio Gutiérrez Prieto

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 ***non-discrimination, justification and*** proportionality of the ***essential*** provisions restricting access to or pursuit of regulated professions ***after adoption***. A review of the ***non-discrimination, justification and*** 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. ***Such*** assessment of the national legislation should be based on ***significant*** developments found to have occurred in the area since the legislation was adopted.

Or. en

Amendment 94

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Nicola Danti, Arndt Kohn, Kerstin Westphal, Sergio Gutiérrez Prieto

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***

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.

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 95

Antonio López-Istúriz White, Lara Comi

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, including where a profession is regulated indirectly, by giving a particular professional body the power to do so. *The Member States may obtain comments from any bodies they consider relevant and capable of providing such comments, especially bodies that are part of the national legislative process and have advisory powers, such as professional organisations, for example.*

Or. es

Justification

It is important that proportionality assessments are carried out with the participation of regulatory bodies or professional organisations that the Member States regard as relevant

given their proximity to the regulatory context and their specialist knowledge. Those bodies and organisations might be better placed to identify the most suitable way to achieve the public interest objectives set out in this proposal for a directive.

Amendment 96

Ivan Štefanec, Luděk Niedermayer

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, including where a profession is regulated indirectly, by giving a particular professional body the power to do so. In *cases where regulatory provisions restricting the access to or pursuit of the regulated profession are established by professional bodies such as orders or chambers, there is a particular reason for concern given the proximity of such bodies to local conditions and a risk that policy choices made might favour* established operators at the expense of new market entrants.

Or. en

Amendment 97

Virginie Rozière

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 manner, including where a profession is regulated indirectly, by giving a particular

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.***

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, the policy choice made by those authorities or bodies ***should not be discriminatory.***

Or. fr

Amendment 98
Andreas Schwab

Proposal for a directive
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) As confirmed by settled case law, any discrimination on grounds of nationality or residence resulting from national legislation restricting the freedom of establishment or the freedom to provide services should be prohibited. When introducing new legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions or amending existing ones, Member States should guarantee that such provisions are based on non-discriminatory and objective criteria, which are known in advance.

Or. de

Amendment 99
Julia Reda

Proposal for a directive
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Member States should involve independent scrutiny bodies in the proportionality assessment in order to ensure that the assessment is carried out in an independent and objective manner. This could be achieved through the involvement of existing bodies, and should not entail the establishment of a new body.

Or. en

Amendment 100
Virginie Rozière

Proposal for a directive
Recital 12

Text proposed by the Commission

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

(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, ***such as those*** recognised 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.*

the way in which that protection is to be achieved.

Or. fr

Amendment 101
Andreas Schwab

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 employed or self-employed activities are conditional on complying with certain *requirements* relating to specific professional qualifications, laid down directly or indirectly by the Member States, it is necessary to ensure that such *requirements* 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; 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 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 protection of legal dealings***; ***ensuring the*** fairness of trade transactions; combating fraud and prevention of tax evasion and avoidance; road safety; ***guaranteeing the quality of craft work***; ***research and development***; ***the protection of the capital market***; 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, ***such as promoting the national economy to the detriment of the of fundamental freedoms***, as well as purely administrative reasons, such as carrying out controls or gathering statistics cannot constitute an overriding reason of general interest. ***It is important to ensure that public interest objectives are adequately identified in order to determine the appropriate level of regulation. For example, where the risks to the public interest objective increase, Member States should enjoy a margin of appreciation within which they are able to determine the degree of protection which they wish to afford, and if necessary to strengthen the regulation in place. 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 Union law.***

Or. de

Amendment 102

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Evelyne Gebhardt, Nicola Danti, Christel Schaldemose, Arndt Kohn, Kerstin Westphal, Sergio Gutiérrez Prieto

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

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 recognised by the European Court of Justice, whose case-law may continue to evolve. Such examples include:*** 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 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

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.

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 103

Jasenko Selimovic, Dita Charanzová

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, ***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 to competition and free movement.*** It is important to ensure that public interest objectives are adequately identified in

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.

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 104

Antonio López-Istúriz White, Lara Comi

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

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, of the recipients of services and of workers; safeguarding 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.

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, of the recipients of services and of workers; safeguarding 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. ***The security of digital data, as well as industrial and energy security, must also be considered to be principles of general interest.***

Or. es

Justification

The list of overriding reasons of public interest needs to be extended to include additional reasons which enhance the protection of people and of general interests, and which are universally recognised and reflected in various ways in European legislation.

Amendment 105

Julia Reda

Proposal for a directive

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) 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 European 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 106

Jasenko Selimovic, Dita Charanzová

Proposal for a directive

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) 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 107

Antonio López-Istúriz White, Lara Comi

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 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. ***Member States should apply the proportionality criteria laid down in this Directive when introducing new or substantially amending existing legislative, regulatory or administrative provisions, to the extent that those criteria are relevant for a given profession. The extent of the assessment should be proportionate to the nature, the content and the impact of the provision being introduced, and should take into account the entirety of the regulatory context for a given regulated profession.***

Or. es

Justification

It needs to be made clear that this proposal for a directive is to apply, and proportionality assessments are to be carried out, when amendments to legislation restricting access to regulated professions and the pursuit thereof are substantial in nature and represent a genuine, unjustified and disproportionate obstacle to the pursuit of the profession concerned.

Amendment 108 **Andreas Schwab**

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 have 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, which may continue to happen despite the potential reduction in the asymmetry of information between professionals and service recipients as a result of scientific and technological developments.

Amendment

(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 have 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. ***Member States should apply the proportionality criteria laid down in this Directive when introducing new or amending existing legislative, regulatory or administrative provisions to the extent that those criteria are relevant for a given profession. The extent of the assessment should be proportionate to the nature, the content and the impact of the provision being introduced, and should take into account the regulatory context for a given regulated profession.***

Or. de

Amendment 109
Philippe Juvin

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 have 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 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. ***Member States should apply the proportionality criteria laid down in this Directive when introducing new or amending existing legislative, regulatory or administrative provisions to the extent that those criteria are relevant for a given profession. The extent of the assessment should be proportionate to the nature, the content and the impact of the provision being introduced for a given regulated profession.***

Or. fr

Amendment 110
Adam Szejnfeld

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

Amendment

(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.

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.

Or. pl

Amendment 111

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Evelyne Gebhardt, Nicola Danti, Christel Schaldemose, Pina Picierno, Sergio Gutiérrez Prieto

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 112
Jasenko Selimovic, Dita Charanzová

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 113
Lucy Anderson, Arndt Kohn, Marc Tarabella, Christel Schaldemose, Kerstin Westphal, Sergio Gaetano Cofferati

Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Additionally, when making their assessments of non-discrimination, justification and proportionality Member States should also, where relevant, give

full consideration to citizens' rights of access to justice, as guaranteed pursuant to Article 47 of the Charter of Fundamental Rights of the European Union.

Or. en

Amendment 114
Virginie Rozière

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, 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.

Or. fr

Amendment 115
Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Sergio Gutiérrez Prieto

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 116

Antonio López-Istúriz White, Lara Comi

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 effective to achieve the aim pursued.

Amendment

(15) Requirements linked to professional qualifications should be considered as necessary where existing measures, such as consumer protection law, cannot be regarded as being *strictly* suitable or genuinely effective to achieve the aim pursued.

Or. es

Justification

The degree of legal protection for consumers varies a great deal within the EU. The proposal for a directive therefore needs to be more flexible, because having specific professional

qualifications in order to provide a service implies an effective guarantee for the recipients of services, and this bridges any gaps there may be in Member State consumer protection legislation.

Amendment 117

Antonio López-Istúriz White, Lara Comi

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: 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. ***The failure to take account of one of the aforementioned elements does not mean that the proportionality assessment has not been carried out correctly.***

Or. es

Justification

The criteria set out in the proposal for a directive could produce different results depending on the approach chosen for the assessment, or on the people or organisations carrying out the assessment. Not all the criteria referred to in the proposal for a directive apply to all

professions: if they did, it could result in disproportionate obligations being established in some Member States, which would in turn lead to distortions on the market.

Amendment 118

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Arndt Kohn, Kerstin Westphal, Sergio Gutiérrez Prieto

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, *where relevant, by Member States*, the following are of 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; 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 119

Jasenko Selimovic, Dita Charanzová

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 120

Richard Sulík

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

deleted

Amendment 121

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Evelyne Gebhardt, Nicola Danti, Christel Schaldemose, Arndt Kohn, Pina Picierno, Sergio Gutiérrez Prieto

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 profession, account should be taken, **where relevant**, of the fact that developments may reduce **or increase** 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. **Where developments, including technological changes, carry a risk for the public interest objectives, it is for the Member States to provide for stricter regulation ensuring that professionals keep up with those developments.**

Amendment 122

Jasenko Selimovic, Dita Charanzová

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

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

and scientific progress, up-dates in access requirements may be of particular importance for a number of professions.

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 123
Adam Szejnfeld

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 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, *the reduction of bureaucratic barriers, and* up-dates in access requirements may be of particular importance for a number of professions.

Or. pl

Amendment 124
Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Christel Schaldemose, Arndt Kohn, Kerstin Westphal, Sergio Gutiérrez Prieto

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

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

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 125

Ivan Štefanec, Luděk Niedermayer

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 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. ***With regard to protection of public health, the Member States should be able to decide on the degree of importance of economic considerations in relation to other relevant proportionality criteria.***

Or. en

Justification

Restrictions must be assessed as to their impact on factors such as employment, prices,

availability of services. The intention of the proportionality test in its entirety is to find a balance between the guaranteed freedoms and the restriction imposed to protect public interest objective. Economic impact is one of the many criteria, the importance of which would depend on the nature and the contents of the provisions being introduced. Hence it is suggested clarifying that the importance of economic considerations might vary depending of the specific context, such as the area of public health.

Amendment 126
Virginie Rozière

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 the Union should be taken into **consideration** by the competent authorities; This analysis should **not be the sole evaluation criterion for the proportionality of a measure aimed at protecting an objective of general interest.**

Or. fr

Amendment 127
Lambert van Nistelrooij

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

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.

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, ***having due regard to the specific situation of cross-border regions***, 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 128
Jasenko Selimovic, Dita Charanzová

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 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 ***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 129

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Evelyne Gebhardt, Nicola Danti, Christel Schaldemose, Arndt Kohn, Kerstin Westphal, Sergio Gutiérrez Prieto

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

Or. en

Amendment 130

Virginie Rozière

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*

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.

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.

Or. fr

Amendment 131
Andreas Schwab

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 *solely* by consumer protection and where the risks identified are limited to the relationship between the professional and the consumer without negatively affecting third parties *or the legal process*, the objective *should* be attained by less restrictive means than reserving activities to professionals. *For instance, where consumers can reasonably make a choice between using the services of qualified professionals or not, less restrictive means*, such as protection of the professional title or enrolment on a professional register, *should be used*. Regulation by way of reserved activities *and protected*

professional titles should be considered where the measures aim at preventing a risk of serious harm to public interest objectives.

Or. de

Amendment 132
Ivan Štefanec, Luděk Niedermayer

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. 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. ***This Directive should apply to requirements concerning compulsory chamber membership, in particular where those requirements imply additional cost or administrative procedures.***

Or. en

Amendment 133
Richard Sulík

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. 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. ***The fact that one Member State imposes less strict rules than another Member State does not mean that the latter's rules are disproportionate and incompatible with EU law.***

Or. en

Amendment 134
Antonio López-Istúriz White, Lara Comi

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

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*. 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.

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. Regulation by way of reserved activities should be used in cases where the measures aim at preventing a risk of harm to public interest objectives.

Or. es

Justification

Some professional activities – owing to the safety risk posed to the consumer and to third parties – are reserved to holders of a professional title, which is generally obtained following the award of a basic academic qualification and/or by gaining a number of years of proven professional experience. The proposal for a directive must reflect this reality, the reason for which is to ensure that the public interest is protected.

Amendment 135 **Julia Reda**

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 complying with certain provisions such as rules relating to the organisation of the profession, compulsory membership of a

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.

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. en

Amendment 136
Adam Szejnfeld

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 complying with certain provisions such as

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.

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 *or it is clearly disproportionate to needs*.

Or. pl

Amendment 137
Jasenko Selimovic, Dita Charanzová

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 complying with certain provisions such as

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. 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,

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.

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 138

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Evelyne Gebhardt, Nicola Danti, Arndt Kohn, Kerstin Westphal, Pina Picierno, Sergio Gutiérrez Prieto

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

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* requirements *restricting access to or pursuit of the profession*. The taking-up

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.*

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 139
Antonio López-Istúriz White, Lara Comi

Proposal for a directive
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) The introduction of additional requirements might be suitable to attain the public interest objectives. The mere fact that their individual or combined effect should be assessed does not mean that those requirements are prima facie disproportionate. For example, the obligation to undergo continuous professional development might be

suitable to ensure that professionals keep abreast of developments in their respective areas, as long as it does not lay down discriminatory and disproportionate conditions to the detriment of new entrants. Likewise, compulsory membership of a professional organisation should be considered appropriate where professional organisations are entrusted by the State with safeguarding the relevant public interest objectives, for example in supervising the legitimate practice of the profession, or organising or supervising continuous professional training; where the independence of a profession cannot be adequately guaranteed by other means, Member States may consider the application of safeguards, such as limiting the shareholding of persons outside the profession or providing that the majority of the voting rights are to be held by persons practising the profession, as long as such safeguards do not go beyond what is necessary in order to protect the public interest objective. Where the introduction of additional requirements duplicates requirements which have already been introduced by a Member State in the context of other rules or procedures, such requirements cannot be regarded as proportionate to achieve the objective pursued.

Or. es

Justification

In line with established case law, Member States are free to impose requirements on access to certain professions, such as membership of professional organisations, continuous training etc., which can be important to achieve the public interest objective and should be accepted, unless they are disproportionate. It is therefore necessary to clarify in which cases such requirements are deemed to be appropriate.

Amendment 140
Jasenko Selimovic, Dita Charanzová

Proposal for a directive
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) 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 141
Julia Reda

Proposal for a directive
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) According to Article 168(1) of the Treaty on the Functioning of the European Union (TFEU), a high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities. This also implies that a high level of human health protection is to be ensured when the Union adopts acts under other Treaty provisions.

Or. en

Amendment 142

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Evelyne Gebhardt, Nicola Danti, Christel Schaldemose, Pina Picierno, Sergio Gutiérrez Prieto

Proposal for a directive

Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) The need to assess the effects of additional requirements combined with existing measures does not mean that the new requirements are disproportionate, since those can have a positive effect for the public interest objectives.

Or. en

Amendment 143

Julia Reda

Proposal for a directive

Recital 20 b (new)

Text proposed by the Commission

Amendment

(20 b) This Directive should respect Member States' competence to regulate professions in the field of health care based on Article 168(7) TFEU as well as Member States' intention to provide and guarantee a high level of health care and patient safety. For this purpose, Member States should be able to give less weight to economic considerations in relation to public policy objectives and other relevant proportionality criteria.

Or. en

Amendment 144

Antonio López-Istúriz White, Lara Comi

Proposal for a directive

Recital 20 b (new)

(20b) Proportionality assessments on legislation restricting access to regulated professions must be accompanied by a methodology that makes it clear what steps competent authorities are required to take, and stakeholders such as professional organisations also need to be involved in the process.

Or. es

Justification

The objectives of making sure that proportionality assessments are reliable and comparable could be met if there were a standardised ‘method’ the Member States had to use in order to carry out the assessments. This would also make it possible to ensure that the rules are applied in the same way by all the national authorities.

Amendment 145

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Olga Sehnalová, Nicola Danti, Arndt Kohn, Kerstin Westphal, Pina Picierno, Sergio Gutiérrez Prieto

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 146**Antonio López-Istúriz White, Lara Comi****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, **professional organisations and** representative associations or other relevant stakeholders **when** introducing new **or amending existing requirements** restricting access to, or pursuit of, regulated professions, and give them the opportunity to make known their views.

Or. es

Justification

Professional organisations, which know the ins and outs of the profession, should be informed when new measures are introduced that restrict or ease access to, or pursuit of, regulated professions, enabling them to voice their opinions and points of view.

Amendment 147**Jasenko Selimovic, Dita Charanzová****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**

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**

to make known their views.

they take account of their views.

Or. en

Amendment 148

Maria Grapini

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 *and all* 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. ro

Amendment 149

Jasenko Selimovic, Dita Charanzová

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 150

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Evelyne Gebhardt, Olga Sehnalová, Nicola Danti, Arndt Kohn, Kerstin Westphal, Pina Picierno, Sergio Gutiérrez Prieto

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 *promote* the exchange of best practices, *the Commission* should encourage *Member States* to share adequate and regularly updated information with other Member States on the regulation of professions *and facilitate such exchange*.

Or. en

Amendment 151

Maria Grapini

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 submitted by Member States be easily accessible in the database of regulated professions to allow all interested parties to submit comments *and forward suggested proportionality assessments in a transparent manner*.

Or. ro

Amendment 152

Jasenko Selimovic, Dita Charanzová

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 153
Jasenko Selimovic, Dita Charanzová

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 154
Othmar Karas

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

Justification

The Member States have a certain amount of leeway in their lawmaking. In addition, different levels of regulation are not necessarily indicators of proportionality in the regulation of professions.

Amendment 155
Lambert van Nistelrooij

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

This Directive lays down rules on a common framework for conducting

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.

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 Member States' prerogative and margin of discretion to decide whether and how to regulate a profession, including as regards guaranteeing a high level of health care and patient safety, within the limits of the principles of non-discrimination and proportionality.***

Or. en

Amendment 156

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Evelyne Gebhardt, Nicola Danti, Christel Schaldemose, Arndt Kohn, Kerstin Westphal, Pina Picierno, Sergio Gutiérrez Prieto

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 157

Julia Reda

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' competence to decide whether and how, in accordance with the principles of non-discrimination and proportionality, to regulate a profession.***

Or. en

Amendment 158

Antonio López-Istúriz White, Lara Comi

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 substantially 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.

Or. es

Justification

It needs to be made clear that this proposal for a directive is to apply, and proportionality assessments are to be carried out, when amendments are substantial in nature: that is, when they represent a genuine, unjustified and disproportionate obstacle to the pursuit of the profession concerned. Applying the directive when irrelevant changes are made could be unworkable for legislative bodies in the Member States.

Amendment 159 **Virginie Rozière**

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 **criteria** 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.

Or. fr

Amendment 160 **Adam Szejnfeld**

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 **of applicable** legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, **as well as planned** ones with a view to ensuring the proper functioning of the internal market.

Amendment 161

Jasenko Selimovic, Dita Charanzová

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 162

Christel Schaldemose

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, ***without prejudice to paragraph 2.***

Amendment 163

Othmar Karas

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

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

Justification

The explicit exclusion of healthcare services from the scope of the Directive means that the healthcare professions and services need to be specified.

Amendment 164

Philippe Juvin

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

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.

Or. fr

Amendment 165
Jasenko Selimovic, Dita Charanzová

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 166
Christel Schaldemose

Proposal for a directive
Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. This Directive shall not apply to any requirements restricting access to, or the pursuit of regulated health professions in relation to the provision of healthcare services, including pharmaceutical services and the prescription, dispensation and provision of medicinal products and medical devices, whether or not they are provided via healthcare facilities, and regardless of the ways in which they are organised and financed at national level or whether they are public or private.

Amendment 167

Antonio López-Istúriz White, Lara Comi

Proposal for a directive

Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. This Directive shall not apply to requirements restricting access to, or the pursuit of, regulated professions providing health services, including pharmaceutical services, whether or not they are provided in healthcare facilities, and regardless of the ways in which they are organised and financed at State level or whether they are public or private.

Or. es

Justification

In order to ensure consistency with EU law, the exclusion of health professions from the scope of this directive should be based on the definition of health services as laid down in Article 2 of Directive 2006/123/EC, in Directive 2011/24/EU on patients' rights, and in the case-law of the Court of Justice of the European Union.

Amendment 168

Ivan Štefanec, Luděk Niedermayer

Proposal for a directive

Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Within the limits of proportionality, Member States shall enjoy a margin of discretion to decide whether and how to regulate professions.

Or. en

Justification

See also Article 1 and Recital 12a of General Approach text aimed at clarify that the proposal does not interfere with Member State competences in line with subsidiarity. Note that the wording suggested to Article 4(3) in draft IMCO report introduces the margin appreciation unlimited by the principles of proportionality; the wording that risks to open the door for varied interpretations by Member States.

Amendment 169 **Othmar Karas**

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

Text proposed by the Commission

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.

Amendment

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

Justification

It is important to clarify that the rules concerning professional education and training remain within the competence of the Member States, especially concerning the possibility to delegate this task to professional organisations.

Amendment 170 **Jasenko Selimovic, Dita Charanzová**

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 171

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Evelyne Gebhardt, Olga Sehnalová, Arndt Kohn, Kerstin Westphal, Sergio Gutiérrez Prieto

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 172

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Nicola Danti, Pina Picierno, Sergio Gutiérrez Prieto

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

Amendment

For the purpose of this Directive, the definitions of Directive 2005/36/EC shall apply.

For the purpose of this Directive, the definitions of Directive 2005/36/EC shall apply **with the understanding that the term “regulated professions” shall refer to**

both existing regulated professions and professions Member States are considering to regulate.

Or. en

Amendment 173

Soledad Cabezón Ruiz, Sergio Gutiérrez Prieto

Proposal for a directive

Article 3 – paragraph 2 – point a

Text proposed by the Commission

(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.

Amendment

(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. ***The ‘protected professional title’ is the cornerstone of the individual responsibility of professionals, of their independence, and of the qualitative and quantitative requirements with regard to knowledge, training and competence.***

Or. es

Amendment 174

Jasenko Selimovic, Dita Charanzová

Proposal for a directive

Article 3 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

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

Amendment 175

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Arndt Kohn, Kerstin Westphal, Sergio Gutiérrez Prieto

Proposal for a directive

Article 4 – title

Text proposed by the Commission

Amendment

Ex ante assessment of new measures

Ex ante assessment of new measures ***and monitoring***

Amendment 176

Julia Reda

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 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.***

Amendment 177

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Evelyne Gebhardt, Nicola Danti, Arndt Kohn, Kerstin Westphal, Pina Picierno, Sergio Gutiérrez

Prieto

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 ***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, 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 178
Ivan Štefanec, Luděk Niedermayer

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. ***This shall not apply to editorial amendments or technical adaptations to content of training courses which do not restrict access to or pursuit of regulated professions.***

Or. en

Justification

It should be clear that the intensity of the assessment should be commensurate with the requirements introduced (recital 7a of the Council General Approach). The wording suggested in draft IMCO report of Article 4(1) reducing the scope to "essential regulatory decisions", without defining "essential", could be used by the MS, arguing that a new disproportionate requirement would not be "essential". The suggestion above clarifies that certain minor changes having no impact on the access to or pursuit of the activities would not be subject to compulsory testing.

Amendment 179

Soledad Cabezón Ruiz, Sergio Gutiérrez Prieto

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, ***such as the non-discriminatory nature and proportionality of, and the need for, national measures, forms of regulation and protected titles.***

Or. es

Amendment 180

Lambert van Nistelrooij

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

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.

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 impact of the requirements being introduced or amended.***

Or. en

Amendment 181
Jasenko Selimovic, Dita Charanzová

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, ***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 182
Dariusz Rosati, Róza Gräfin von Thun und Hohenstein

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

Amendment

1. Member States shall ***undertake an assessment in accordance with the rules laid down in this Directive before introducing new*** or amending existing ***legislative, regulatory or administrative***

existing ones, the relevant competent authorities undertake an assessment of their proportionality in accordance with the rules laid down in this Directive.

provisions restricting access to or pursuit of regulated professions.

Or. en

Amendment 183
Maria Grapini

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, taking into account the precautionary principle, in accordance with the rules laid down in this Directive **and ensuring the transparency of this assessment.**

Or. ro

Amendment 184
Daniel Dalton

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***

Amendment

1. Member States shall ***undertake an assessment of 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.***

the rules laid down in this Directive.

Or. en

Amendment 185

Adam Szejnfeld

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 ***carry out an assessment of the proportionality of*** the rules laid down in this Directive when introducing new or amending existing legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions ***in accordance with the rules set out in this Directive. Member States shall remove disproportionate restrictions on access to or pursuit of regulated professions.***

Or. pl

Amendment 186

Richard Sulík, Daniel Dalton

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 a detailed ***written*** statement ***in accordance with Article 5 making it possible to appraise justification on grounds of public interest objectives and in accordance with the criteria defined in article 6*** making it possible to appraise compliance with the principle of proportionality.

Amendment 187

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Nicola Danti, Arndt Kohn, Kerstin Westphal, Pina Picierno, Sergio Gutiérrez Prieto

**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 *principles of non-discrimination, justification and proportionality*.

Or. en

Amendment 188

Julia Reda

**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 a detailed statement making it possible to appraise *the provision's* compliance with the principle of proportionality.

Or. en

Amendment 189

Virginie Rozière

**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 a statement making it possible to appraise compliance with the principle of proportionality.

Or. fr

Amendment 190
Othmar Karas

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 **non-discriminatory, justified** and proportionate shall be substantiated by qualitative and, wherever possible, 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 191
Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Nicola Danti, Arndt Kohn, Kerstin Westphal, Pina Picierno, Sergio Gutiérrez Prieto

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,

Amendment

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

quantitative *evidence*.

relevant, quantitative *elements*, taking into account *the specific circumstances of that Member State*.

Or. en

Amendment 192

Maria Grapini

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 *necessary* evidence.

Or. ro

Amendment 193

Virginie Rozière

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. *does not affect the English*

Or. fr

Amendment 194

Richard Sulík

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 and proportionate shall be substantiated by qualitative and, wherever possible, quantitative evidence.

Or. en

Justification

The necessity has two dimensions: (i) it is a part of justification on the ground of public interest objectives definition (see Recital 12 of this proposal and Article 15 (3)(b) of Directive 2006/123/EC, as well as (ii) a part of the proportionality definition: proportionality: requirements must be suitable; they must not go beyond what is necessary to attain that objective and it must not be possible to replace those requirements with other, less restrictive measures (Art. 15 (3)(c) of Directive 2006/123/EC). That is why it is not important to mention necessity/necessary separately.

Amendment 195

Jasenko Selimovic, Dita Charanzová

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 196

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Nicola

Danti, Arndt Kohn, Pina Picierno, Sergio Gutiérrez Prieto

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 ***compliance of essential*** legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions ***with the principles of non-discrimination, justification and proportionality after adoption***, having due regard to any ***significant*** developments that have occurred since the measure concerned was adopted.

Or. en

Amendment 197

Antonio López-Istúriz White, Lara Comi

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

Text proposed by the Commission

Amendment

4a. The Member States shall, on a regular basis and with an appropriate frequency, assess the effects of the implementation of this Directive on new or amended legislative, regulatory or administrative provisions.

Or. es

Justification

Assessing the proportionality of legislation that restricts access to regulated professions and the subsequent removal of barriers to entry into those professions can have positive effects on the development of the internal market, but they can also have adverse effects on public order and security or on public health. The implementation of the proposal for a directive should also include arrangements to ensure that impact assessments are carried out on a regular basis.

Amendment 198

Julia Reda

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 including through involvement of independent scrutiny bodies. ***This can be achieved through the involvement of existing bodies.***

Or. en

Amendment 199

Virginie Rozière

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 200

Adam Szejnfeld

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 including through involvement of independent scrutiny bodies, ***while also taking into account the opinions of the social partners.***

Or. pl

Amendment 201

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Nicola Danti, Christel Schaldemose, Arndt Kohn, Kerstin Westphal, Pina Picierno, Sergio Gutiérrez Prieto

**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 202

Richard Sulík

**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

Amendment

5. Member States shall take the necessary measures to ensure that the assessment referred to in ***this Article*** is

paragraph 1 is carried out in an objective and independent manner ***including through involvement of independent scrutiny bodies***.

carried out in an objective and independent manner.

Or. en

Amendment 203
Othmar Karas

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. de

Amendment 204
Antonio López-Istúriz White, Lara Comi

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 including through involvement of independent scrutiny bodies ***and professional organisations***.

Or. es

Justification

This article is open and vague about the organisations that can help in achieving the objective concerned. Professional organisations, which are familiar with the ins and outs of the profession, must be involved in proportionality assessment, contributing alongside ‘independent bodies’, and providing quantitative and qualitative evidence.

Amendment 205

Jasenko Selimovic, Dita Charanzová

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 206

Adam Szejnfeld

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

Amendment

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.

of regulated professions are justified by public interest objectives.

Or. pl

Amendment 207
Adam Szejnfeld

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 intend to introduce and amendments they intend to make to existing provisions are **unquestionably** justified by public interest objectives.

Or. pl

Amendment 208
Virginie Rozière

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*

Amendment

deleted

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. fr

Amendment 209

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Evelyne Gebhardt, Nicola Danti, Christel Schaldemose, Arndt Kohn, Kerstin Westphal, Sergio Gutiérrez Prieto

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 justified on the basis of public policy, public security or public health, or by overriding reasons in the public interest, such as, **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 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.

Or. en

Amendment 210

Antonio López-Istúriz White, Lara Comi

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 *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, *guaranteeing the quality of craft work, research and development*, 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, *the security of digital data, and industrial and energy security*.

Or. es

Justification

The list of overriding reasons of public interest needs to be extended to include additional reasons which enhance the protection of people and of general interests, and which are universally recognised and reflected in various ways in European legislation.

Amendment 211
Andreas Schwab

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

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. 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. preserving the financial equilibrium of the social security system, the protection of consumers, recipients of services and workers, the ***protection of the legal process, the*** safeguarding of the proper administration of justice, fairness of trade transactions, combating fraud and prevention of tax evasion and avoidance, road safety, ***guaranteeing the quality of craft work, research and development, the protection of the capital market,*** 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. de

Amendment 212
Jasenko Selimovic, Dita Charanzová

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

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.

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 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 213
Lambert van Nistelrooij

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, *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 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.

objectives.

Or. en

Amendment 214
Richard Sulík, Daniel Dalton

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 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 215
Philippe Juvin

Proposal for a directive
Article 5 – paragraph 2 – point a (new)

Text proposed by the Commission

Amendment

2 a. *The assessment of proportionality cannot represent a restriction of the capacity of the Member States to*

determine the level of the public interest protection they consider as appropriate in the field of the medical and paramedical professions, which therefore can differ within the EU.

Or. en

Amendment 216

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Evelyne Gebhardt, Christel Schaldemose, Arndt Kohn, Kerstin Westphal, Pina Picierno, Sergio Gutiérrez Prieto

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 217 Adam Szejnfeld

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

Amendment

3. Grounds of a purely economic nature, ***including persons pursuing regulated professions***, having essentially protectionist aim or effects or purely administrative reasons shall not constitute

on access to or pursuit of regulated professions.

overriding reasons in the public interest, justifying a restriction on access to or pursuit of regulated professions.

Or. pl

Amendment 218

Dariusz Rosati, Róza Gräfin von Thun und Hohenstein

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, **or amending existing**, legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, Member States shall assess whether those provisions are suitable for securing the attainment of the objective pursued and do not go beyond what is necessary to attain that objective. **The extent of the assessment shall be proportionate to the nature, the content and the impact of the provision being introduced, in view of all regulation in place, taking into account the reasonable margin of appreciation of the Member States within the limits of the principles of non-discrimination and proportionality.**

Or. en

Amendment 219

Jasenko Selimovic, Dita Charanzová

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**

Amendment

1. Before introducing new, **or amending existing**, legislative, regulatory or administrative provisions restricting

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.

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 220
Lambert van Nistelrooij

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. ***The assessment shall take into account the specificities of the profession concerned as well as the nature, content and impact of the requirements being introduced or amended in view of the public interest objectives being pursued.***

Or. en

Amendment 221
Adam Szejnfeld

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. ***The Member States shall assess whether the*** legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions 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. pl

Amendment 222

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Sergio Gutiérrez Prieto

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

Or. en

Amendment 223

Ivan Štefanec, Luděk Niedermayer

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

1 a. The assessment shall be proportionate to the nature, the content and the impact of the provision being introduced or amended, taking into account the specificities of the profession concerned and the regulation already in place.

Or. en

Justification

Member States may retain sufficient flexibility in applying the criteria, without watering down the proposal. The changes proposed in Art. 6(1) draft IMCO report introduced "margin of appreciation by Member States", which is not limited by the principles of proportionality. The ECJ case-law states that in the areas where MS enjoy a broad margin of appreciation, regulation is subject to the principles of non-discrimination and proportionality. See AM to Art. 1 giving assurances that MSs' competences are duly respected and Recital 20b and Art. 6 of the General approach text).

Amendment 224

Jasenko Selimovic, Dita Charanzová

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 225
Virginie Rozière

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 necessity and the proportionality of the provisions, the **scope of the assessment must be proportionate to the nature, content and impact of the provision introduced.**

The relevant competent authorities shall take into consideration the following elements, among others:

Or. fr

Amendment 226
Maria Grapini

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 necessity and the proportionality of the provisions, the relevant competent authorities shall consider **the following where applicable:**

Or. ro

Amendment 227
Richard Sulík, Daniel Dalton

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

Amendment

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

consider in particular:

consider in particular:

Or. en

Justification

As for AM on Art. 4(2), this provision is unnecessary. The necessity has two dimensions: (i) it is a part of public interest objectives justification (see Recital 12 and Article 15(3)(b) of Directive 2006/123/EC), as well as (ii) a part of the proportionality definition: proportionality: requirements must be suitable; they must not go beyond what is necessary to attain that objective and it must not be possible to replace those requirements with other, less restrictive measures which attain the same result (f.e. Article 15((3)(c) of Directive 2006/123/EC).

Amendment 228

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Evelyne Gebhardt, Christel Schaldemose, Arndt Kohn, Kerstin Westphal, Sergio Gutiérrez Prieto

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, *Member States* shall consider, *where relevant*:

Or. en

Amendment 229

Ivan Štefanec, Luděk Niedermayer

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, *the Member States* shall consider in particular *and in any event*:

Amendment 230

Antonio López-Istúriz White, Lara Comi

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 necessity and the proportionality of the provisions, the **Member States** shall consider in particular:

Or. es

Justification

The criteria set out in the proposal for a directive could make for different outcomes depending on the approach chosen for the assessment, or on the people or organisations carrying out the assessment. Not all the criteria referred to in the proposal for a directive apply to all professions: having a list of mandatory elements could result in disproportionate obligations being established in some Member States, which would in turn lead to distortions on the market.

Amendment 231

Dariusz Rosati, Róza Gräfin von Thun und Hohenstein

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 necessity and the proportionality of the provisions, the **Member States** shall consider in particular:

Or. en

Amendment 232

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Evelyne

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 233

Jasenko Selimovic, Dita Charanzová

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 234

Maria Grapini

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 ***and costs*** related to the public interest objectives pursued, in particular the risks to consumers, to professionals or third

parties;

Or. ro

Amendment 235

Richard Sulík

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 236

Jasenko Selimovic, Dita Charanzová

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 237

Lambert van Nistelrooij

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 and whether it genuinely reflects that objective

Or. en

Amendment 238

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Nicola Danti, Pina Picierno, Sergio Gutiérrez Prieto

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 239

Ivan Štefanec, Luděk Niedermayer

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 and whether

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

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

Or. en

Amendment 240
Virginie Rozière

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 and whether it genuinely reflects that objective in a consistent and systematic manner;

Or. fr

Amendment 241
Lambert van Nistelrooij

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

Text proposed by the Commission

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

Amendment

Or. en

Amendment 242
Jasenko Selimovic, Dita Charanzová

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 243
Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Nicola Danti, Arndt Kohn, Kerstin Westphal, Pina Picierno, Sergio Gutiérrez Prieto

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) 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;

Or. en

Amendment 244
Lambert van Nistelrooij

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

Text proposed by the Commission

Amendment

(ca) the economic impact of the measure, including the degree of competition in the market, the quality of

the service provided, the availability of services, the effects on job creation as well as the impact on the free movement of persons and services within the Union, having due regard to the specific situation of cross-border regions;

Or. en

Amendment 245
Jasenko Selimovic, Dita Charanzová

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 246
Lambert van Nistelrooij

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

Text proposed by the Commission

Amendment

(cb) the cumulative effect of restrictions to both the access 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.

Or. en

Amendment 247
Jasenko Selimovic, Dita Charanzová

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 248
Jasenko Selimovic, Dita Charanzová

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 249
Jasenko Selimovic, Dita Charanzová

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 250

Jasenko Selimovic, Dita Charanzová

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 251

Julia Reda

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 would be re-added as a criterion to be assessed where relevant, rather than in every case.

Amendment 252

Antonio López-Istúriz White, Lara Comi

Proposal for a directive

Article 6 – paragraph 2 – point d

Text proposed by the Commission

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

Amendment

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

Or. es

Justification

Some professional activities – owing to the safety risk posed to the consumer and to third parties – are reserved to holders of a professional title, which is generally awarded following the completion of a basic academic qualification and/or by gaining a number of years of proven professional experience. The proposal for a directive ought to take into account the realities involved in reserved activities and consider an appropriate link with the professional qualifications required.

Amendment 253

Maria Grapini

Proposal for a directive

Article 6 – paragraph 2 – point d

Text proposed by the Commission

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

Amendment

(d) the [...] ***correlation*** between the scope of activities covered by a profession or reserved to it and the professional qualification required;

Or. ro

Amendment 254
Jasenko Selimovic, Dita Charanzová

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 255
Julia Reda

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

Justification

This criterion would be re-added as a criterion to be assessed where relevant, rather than in every case.

Amendment 256
Lambert van Nistelrooij

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

Text proposed by the Commission

(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;*

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,

Or. en

Amendment 257
Maria Grapini

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

Text proposed by the Commission

(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;

Amendment

(e) The *correlation* 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;

Or. ro

Amendment 258
Lambert van Nistelrooij

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

Text proposed by the Commission

Amendment

(ea) the existence of different routes to obtain the professional qualification

Or. en

Amendment 259

Jasenko Selimovic, Dita Charanzová

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 260

Julia Reda

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

Justification

This criterion would be re-added as a criterion to be assessed where relevant, rather than in every case.

Amendment 261

Philippe Juvin

Proposal for a directive

Article 6 – paragraph 2 – point f

Text proposed by the Commission

(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;

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, ***provided that the security and the quality of the service can be guaranteed at the same level.***

Or. en

Amendment 262

Lambert van Nistelrooij

Proposal for a directive

Article 6 – paragraph 2 – point f

Text proposed by the Commission

(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;

Amendment

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

Or. en

Amendment 263

Richard Sulík

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

Text proposed by the Commission

(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;

Amendment

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

Or. en

Amendment 264

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Nicola Danti, Arndt Kohn, Kerstin Westphal, Pina Picierno, Sergio Gutiérrez Prieto

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

Text proposed by the Commission

(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;

Amendment

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

Or. en

Amendment 265

Julia Reda

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

Text proposed by the Commission

(g) *the degree of autonomy in exercising a regulated profession and the impact of organisational and supervision arrangements on the attainment of the*

Amendment

deleted

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

This criterion would be re-added as a criterion to be assessed where relevant, rather than in every case.

Amendment 266
Jasenko Selimovic, Dita Charanzová

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 267
Julia Reda

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

Justification

This criterion would be re-added as a criterion to be assessed where relevant, rather than in every case.

Amendment 268

Jasenko Selimovic, Dita Charanzová

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 269

Richard Sulík

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

Justification

Simplification of the criteria. This requirement is rather too vague, not comparable and might not produce a desired result in practice.

Amendment 270
Lambert van Nistelrooij

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 271
Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Nicola Danti, Arndt Kohn, Kerstin Westphal, Pina Picierno, Sergio Gutiérrez Prieto

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 272
Jasenko Selimovic, Dita Charanzová

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* **deleted**

as the impact on the free movement of persons and services within the Union;

Or. en

Amendment 273

Ivan Štefanec, Luděk Niedermayer

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 economic impact of the measure, with particular regard to the degree of competition in the market, the quality of the service provided, *consumer choice, employment opportunities*, as well as the impact on the free movement of persons and services within the Union; *the importance of this criterion may depend upon the public interest objectives being pursued;*

Or. en

Amendment 274

Julia Reda

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 and services within the Union;

Or. en

Amendment 275

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Evelyne Gebhardt, Nicola Danti, Arndt Kohn, Kerstin Westphal, Pina Picierno, Sergio Gutiérrez Prieto

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 and services within the Union *and on the freedom to choose an occupation*;

Or. en

Amendment 276

Lambert van Nistelrooij

Proposal for a directive

Article 6 – paragraph 2 – point j

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 277

Jasenko Selimovic, Dita Charanzová

Proposal for a directive

Article 6 – paragraph 2 – point j

Text proposed by the Commission

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

Amendment

deleted

Amendment 278

Ivan Štefanec, Luděk Niedermayer

Proposal for a directive

Article 6 – paragraph 2 – point j

Text proposed by the Commission

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

Amendment

(j) the possibility to use less restrictive means to achieve the 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 protected professional title without reserving activities.***

Or. en

Amendment 279

Othmar Karas

Proposal for a directive

Article 6 – paragraph 2 – point k

Text proposed by the Commission

(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.***

Amendment

deleted

Or. de

Justification

Reviewing the cumulative effect might mean that the Member States are unable or unwilling to make small but necessary changes to existing national legal provisions, since the whole existing body of law would have to be subjected to an unwieldy review.

Amendment 280
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 281
Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Evelyne Gebhardt, Nicola Danti, Arndt Kohn, Pina Picierno, Sergio Gutiérrez Prieto

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 282
Julia Reda

Proposal for a directive
Article 6 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall also consider the following elements where relevant to the provision being introduced, having regard to the particular circumstances of the profession concerned, the nature of the provision and the pursued public interest objective:

(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, as well as the existence of different routes to obtain the professional qualification;

(c) 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;

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

Or. en

Justification

This amendment seeks to establish a 2-tier list in which certain criteria shall always be assessed, while others are assessed according to their relevance.

Amendment 283

Jasenko Selimovic, Dita Charanzová

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

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

Amendment 284
Virginie Rozière

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. fr

Amendment 285
Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Christel Schaldemose, Sergio Gutiérrez Prieto

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**

Amendment 286

Jasenko Selimovic, Dita Charanzová

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**deleted*

Or. en

Amendment 287

Othmar Karas

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 *only* 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

Justification

In line with established case law, Member States are free to impose requirements on the access to certain professions, such as membership in professional organisations, continuous training etc., which might be important in achieving the public interest objective and should be accepted. Membership of a chamber (even if this is a legal requirement) has no negative impact on access to or the practice of professions.

Amendment 288
Andreas Schwab

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 ***only*** by consumer protection and where the risks identified are limited to the relationship between the professional and the consumer without negatively affecting third parties ***or the legal process, the Member States*** shall assess in particular whether the objective can be attained by ***less restrictive means than*** reserving activities.

Or. de

Amendment 289
Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Evelyne Gebhardt, Nicola Danti, Arndt Kohn, Kerstin Westphal, Sergio Gutiérrez Prieto

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 290

Jasenko Selimovic, Dita Charanzová

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 291

Virginie Rozière

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), the relevant competent authorities shall **take into consideration** the cumulative effect of imposing any of the following requirements:

Or. fr

Amendment 292
Richard Sulík, Daniel Dalton

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 cumulative effect of imposing any of the following requirements:

Or. en

Amendment 293
Jasenko Selimovic, Dita Charanzová

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

Text proposed by the Commission

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

Amendment

(a) reserved activities,

Or. en

Amendment 294
Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Nicola Danti, Arndt Kohn, Sergio Gutiérrez Prieto

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

Text proposed by the Commission

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

Amendment

(a) reserved activities;

Or. en

Amendment 295

Richard Sulík

Proposal for a directive

Article 6 – paragraph 4 – point a

Text proposed by the Commission

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

Amendment

(a) reserved activities, protected professional title;

Or. en

Amendment 296

Jasenko Selimovic, Dita Charanzová

Proposal for a directive

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

Text proposed by the Commission

Amendment

(aa) ***a protected professional title;***

Or. en

Amendment 297

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Nicola Danti, Arndt Kohn, Kerstin Westphal, Sergio Gutiérrez Prieto

Proposal for a directive

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

Text proposed by the Commission

Amendment

(aa) ***protected professional title;***

Or. en

Amendment 298

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Nicola Danti, Arndt Kohn, Kerstin Westphal, Sergio Gutiérrez Prieto

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

Text proposed by the Commission

Amendment

(b) *continuous professional development requirements;*

deleted

Or. en

Amendment 299
Jasenko Selimovic, Dita Charanzová

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

Text proposed by the Commission

Amendment

(b) continuous professional development requirements;

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

Or. en

Amendment 300
Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Nicola Danti, Arndt Kohn, Kerstin Westphal, Sergio Gutiérrez Prieto

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) rules relating to the organisation **and supervision** of the profession;

Or. en

Amendment 301
Othmar Karas

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

Justification

See amendment to Article 6 – paragraph 3

Amendment 302

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Nicola Danti, Sergio Gutiérrez Prieto

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

Or. en

Amendment 303

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Arndt Kohn, Kerstin Westphal, Pina Picierno, Sergio Gutiérrez Prieto

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

Amendment 304

Julia Reda

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 305

Jasenko Selimovic, Dita Charanzová

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.

Amendment

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

Or. en

Amendment 306

Jasenko Selimovic, Dita Charanzová

Proposal for a directive

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

Text proposed by the Commission

Amendment

(ja) **authorisation schemes;**

Or. en

Amendment 307
Jasenko Selimovic, Dita Charanzová

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 308
Jasenko Selimovic, Dita Charanzová

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 309
Julia Reda

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

Text proposed by the Commission

Amendment

These requirements, or any restrictive effect resulting from their implementation, shall not be considered disproportionate restrictions per se.

Or. en

Justification

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

legitimate.

Amendment 310

Antonio López-Istúriz White, Lara Comi

Proposal for a directive

Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Commission shall provide guidelines on the procedure and methodology that the Member States must follow to conduct proportionality assessments on legislative, regulatory or administrative provisions restricting access to regulated professions that they wish to introduce or amend, making reference to the elements described in Article 6(2) of the proposal for a directive.

Or. es

Justification

The objectives of making sure that proportionality assessments are reliable and comparable could be met if there were a standardised ‘method’ the Member States had to use in order to carry out the assessments. This would also make it possible to ensure that the rules are applied in the same way by all the national authorities.

Amendment 311

Richard Sulík

Proposal for a directive

Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Commission shall publish a template for proportionality assessment based on several situations which will serve as a guideline to the Member States. The templates shall be published within three months of the Directive’s entry into

force.

Or. en

Amendment 312

Julia Reda

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 *and in addition to the members of the profession, inform all* relevant stakeholders, *including citizens, 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.*

Or. en

Amendment 313

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Nicola Danti, Arndt Kohn, Kerstin Westphal, Pina Picierno, Sergio Gutiérrez Prieto

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

Amendment

Before introducing new, or amending existing, legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, Member States shall, by appropriate means, publicly disclose the relevant information on the provisions,

of regulated professions, or amending existing ones, and give them the opportunity to make known their views.

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.

Or. en

Amendment 314
Jasenko Selimovic, Dita Charanzová

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, or amending existing ones, and ***take account of*** their views.

Or. en

Amendment 315
Richard Sulík

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

Amendment

Member States shall, by appropriate means, inform citizens, service recipients, representative associations and relevant stakeholders before introducing new legislative, regulatory or administrative

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.

provisions restricting access to or pursuit of regulated professions, or amending existing ones, and give them the opportunity to make known their views ***during a period which may not be less than 2 months prior to adoption of the proposal.***

Or. en

Amendment 316

Antonio López-Istúriz White, Lara Comi

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, ***professional organisations*** and relevant stakeholders ***when they are*** 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. es

Justification

The obligation to provide information should apply to all stakeholders equally, including members of the profession in question and of professional organisations, and they should be able to provide their views in the same way when the Member States introduce or repeal legislation restricting access to the profession.

Amendment 317

Antonio López-Istúriz White, Lara Comi

Proposal for a directive

Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

The obligation to provide information referred to in the previous paragraph shall also apply when new legislative, regulatory or administrative provisions removing restrictions on access to or pursuit of regulated professions are introduced, or existing ones are amended, and all stakeholders shall be given the opportunity to make known their views.

Or. es

Justification

The obligation to provide information should apply to all stakeholders equally, including members of the profession in question and of professional organisations, and they should be able to provide their views in the same way when the Member States introduce or repeal legislation restricting access to the profession.

Amendment 318

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Arndt Kohn, Kerstin Westphal, Pina Picierno, Sergio Gutiérrez Prieto

Proposal for a directive

Article 8 – title

Text proposed by the Commission

Amendment

Exchange of information between
competent authorities

Exchange of information between ***Member States***

Or. en

Amendment 319

Jasenko Selimovic, Dita Charanzová

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 320

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Nicola Danti, Pina Picierno, Sergio Gutiérrez Prieto

**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

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.

an ad hoc basis.

Or. en

Amendment 321

Adam Szejnfeld

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, ***when assessing current*** legislative, regulatory or administrative provisions restricting access to or pursuit of regulated professions, ***as well as before introducing new provisions*** 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.

Or. pl

Amendment 322

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Nicola Danti, Christel Schaldemose, Pina Picierno, Sergio Gutiérrez Prieto

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 323
Jasenko Selimovic, Dita Charanzová

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 324
Richard Sulík

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. ***Assessments undertaken*** in accordance with this Directive, which are communicated to the Commission pursuant to ***paragraph 5*** 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 325**Julia Reda****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 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 ***expeditiously*** 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, ***as soon as possible***, by the Commission.

Or. en

Amendment 326**Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Lucy Anderson, Nicola Danti, Arndt Kohn, Kerstin Westphal, Pina Picierno, Sergio Gutiérrez Prieto****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

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

2005/36/EC and thereafter made publicly available by the Commission.

paragraph 1 of Directive 2005/36/EC and thereafter made publicly available by the Commission.

Or. en

Amendment 327

Daniel Dalton

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 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, **without undue delay**, 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 328

Richard Sulík

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

Amendment

1. The reasons for considering that provisions, assessed in accordance with this Directive, are justified 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.

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 329

Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini, Sergio Gutiérrez Prieto

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 330

Antonio López-Istúriz White, Lara Comi

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, *including professional organisations*, may submit comments to the Commission or to the Member State which has notified the provisions.

Or. es

Justification

Professional organisations, which are familiar with the ins and outs of the profession, must be

involved in assessing the proportionality of legislation that restricts access to regulated professions, contributing alongside the relevant authorities and providing quantitative and qualitative evidence to demonstrate whether the achievement of the relevant public interest objectives is genuinely at risk, and therefore whether the regulation of a profession is justified.

Amendment 331

Lambert van Nistelrooij

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

Or. en

Amendment 332

Richard Sulík

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 to the Commission or to the Member State which has **adopted** the provisions.

Or. en

Amendment 333

Richard Sulík

Proposal for a directive

Article 11 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ***12 months following the day of its publication in the Official Journal of the European Union*** at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Or. en