



REPUBLIC OF ESTONIA
MINISTRY OF EDUCATION
AND RESEARCH

EP Workshop on Reforming Professional Services Chair: MEP Nicola Danti

Tiia Raudma

Adviser, Higher Education Dept

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Directive 2005/36/EC on the recognition of professional qualifications

rules for Member States to follow when faced with other MS professional qualifications

main principle: a professional qualified in the home MS should, in general, be permitted to practise the same activity in the host MS

regulated profession/professional activity means there is a statutory qualification requirement: education / training / work



Directive 2005/36/EC and Estonia

relatively low number of regulated professions

generally regulate particular sensitive activities rather than whole professions

- and then, not all who carry out the activity: companies undertaking such activities need to have ONE such ‘competent person’ (specialist in charge)
- and this ‘competent person’ is the one with qualification requirements



Directive 2005/36/EC and Estonia

Ex. of ‘competent person’ regulation:

competent person in charge of building design

... in charge of construction

... in charge of issuing energy certificates

... in charge of explosive substances

Ex. of regulation of profession:

advocate (member of Bar Assoc)

patent agent



Updated Directive 2005/36/EC and National Action Plans

Transparency Exercise: mapping all
regulations, analyzing as to proportionality
of regulation

leading to preparation of National Action
Plan



Estonia's National Action Plan

Recognized that:

regulation has doubled since accession (60 vs 120 regulated professions/activities)
there is increased pressure on ministries to regulate (professional associations; believe regulating the person ensures quality)
some regulation due to state delegating tasks to private bodies (sets qualification requirements as a guarantee)



Estonia's National Action Plan

Results:

ministries more aware of the effects of
regulating professions/activities
increased (but reluctant) understanding of
need for proportionality analysis
→ proposed proportionality-test Directive
will be of assistance here (providing a list of
Q-s)
no enthusiastic commitment to reduce level
of regulation or to de-regulate



Reform Recommendations for Regulation in Professional Services

Professions analyzed (by MS):

Architect

Engineer

Accountant/tax adviser

Lawyer

Patent agent

Real estate agent

Tourist guide



Reform Recommendations for Regulation in Professional Services: Estonia

Situation in Estonia:

Architect – not a regulated profession

Engineer – not a regulated profession

Accountant/tax adviser – not reg.

professions

Lawyer – Advocate is a reg. profession

Patent agent – regulated profession

Real estate agent – not a regulated profession

Tourist guide – not a regulated profession



Reform Recommendations for Regulation in Professional Services: Estonia

2 professions in fields where no profession
is regulated (real estate agent, tourist guide)
4 professions (architect, engineer,
accountant, lawyer) in fields where some
professions/activities are regulated
(‘competent person’ responsible for design,
for construction; internal auditor; advocate)
(Note: we don’t need tax advisers ...)



Reform Recommendations for Regulation in Professional Services: Estonia

This leaves us with just: patent agent, where the restrictiveness indicator is quite high (over-regulated: protected title + reserve of activities)

Reaction by professions/ministries:

Advocate: requirements have been reduced

Patent agent: concerned that requirements may be reduced



Innovation in professional services

E-Estonia <https://e-estonia.com/>

e-Governance (1997): 99% of public services available as e-services

e-Tax (2000): simplifies running a business; 95% of tax declarations filed electronically

X-road (2001): links e-service public/private databases (distributed data - no master d/b)

Digital ID (2001): mandatory national card, chip with embedded files; e-signature; secure



Innovation in professional services

E-Estonia

i-Voting (2005): first in the world; uses ID-card, can vote from anywhere; simple, secure

Public safety (2007): IT tools – e-Police, rescue, emergency centre → saves lives

e-Health (2008): patients own their health data; e-medical-record integrity ensured by:

Blockchain technology: distributed d/b with time-stamped blocks; data cannot be altered retroactively)



Innovation in professional services

E-Estonia: e-Registers

<http://www.rik.ee/en>

e-Business Register

Company Registration Portal

e-Land Register

Immovables Portal

e-Financials





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Thank
you

Tiia Raudma

tiia.raudma@hm.ee

