

WRITTEN QUESTION E-3398/06

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to the Commission

Subject: Free movement of professionals with regard to the activity of reviewing, inspecting or verifying the fulfilment of statutory requirements relating to the safety of installations

The review or verification of the fulfilment of the safety conditions of installations, specified in normative provisions of a regulatory type, is a relevant part of the activity performed by the engineers in the free exercise of their profession in the EU Member States.

The Spanish Law on Industry holds that competent qualified professionals shall carry out the activity of verifying whether the conditions of safety of installations established according to the regulations are fulfilled. However, the Regulations approved by the Spanish Government during the last years with regard to the safety of installations (to mention a few: electrical installations of low tension [Royal Decree 842/2002, of 2 August], fire safety installations [Royal Decree 2267/2004, of 3 December] or heat installations in the buildings [Royal Decree 1751/1998, of 31 July, amended in Royal Decree 1218/2002, of 22 November]) dismiss the possibility that a free professional individual who holds the professional qualifications legally required, may carry out the activities of maintenance or verification.

The above- mentioned situation, which was reported to the Commission, not only restricts the legally recognised professional competence of Spanish engineers and technical engineers but also (considering that in other EU States such as France, the United Kingdom, Portugal and Greece the competent qualified technical engineers are legally authorised to carry out the above-mentioned activities of maintenance or verification of installations) the legal restrictions imposed in Spain prevent professionals from other Member States from exercising their professional activity in the same conditions as in their respective State, therefore restricting the competence allocated to these professionals and breaching the freedom to provide cross-border services and the freedom of establishment set out in Articles 43, 49 and 50 of the EC Treaty.

Is the Commission aware of this situation? What measures does the Commission intend to take to guarantee compliance with the Treaty?