

Romania

Ministry of National Education and Scientific Research

National Center for Recognition and Equivalence of Diplomas

Approved

MINISTER

Adrian Curaj

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Stamp

National action plan on the assessment of regulated professions in Romania

Background

In Romania, the list of regulated professions and competent authorities was drawn up prior to EU accession, being enclosed to the provisions of *Law No 200/2004 on the recognition of diplomas and professional qualifications for professions regulated in Romania*, which transposed *Directive 89/48/EEC on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration* and *Directive 92/51/EEC on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC*; this act also includes the list of professions regulated in Romania and competent authorities.

The 7 professions regulated on a sectoral basis have benefited from specific regulatory legislations, the line public institutions/ministries and professional bodies having, as competent authorities, specific competences as regards access to pursuing the profession, recognition of professional qualifications and actual pursue of profession; at the same time, the Ministry of Education has drawn up the legislation transposing the provisions regarding the minimum education and training requirements, at university level, for the 7 professions, which became standards for the assessment, authorization and accreditation of study programs by the Romanian Agency for Quality Assurance in Higher Education, as well as the legislation transposing the provisions establishing the minimum education and training requirements, at pre-university level, for the profession of nurse responsible for general care.

As of that moment, every legislative act regulating a profession includes a reference to Act no 200/2004 on the recognition of professional qualifications obtained in the European Union Member States, the European Economic Area or the Swiss Confederation, the recognition criteria and the competences of the competent authority in terms of the recognition of the professional qualification.

The Ministry of Education, through the National Center for Recognition and Equivalence of Diplomas, has become the National Coordinator for Recognition of Professional Qualifications and Center of assistance for recognition of professional

qualifications, being, at the same time, NARIC/ENIC Center for academic recognition of diplomas obtained abroad¹.

The assessment exercise launched by the European Commission in October 2013 was deployed by the competent authorities for the professions regulated under the coordination of the Ministry of National Education and Scientific Research, taking the following into consideration:

- identification of a national specificity/interest in regulating the professions,
- presentation of potential legislative measures adopted with regard to the reduction of certain/all barriers in the access to and pursuit of the regulated professions,
- presentation of potential legislative measures which are to be adopted with regard to the reduction of certain/all barriers in the access to and pursuit of the regulated professions,
- input of the regulation at social and economic level,
- identification of (new) competences of the competent authorities, in relation to the educational institutions/providers of professional training and employers.

The representatives of the competent authorities designated to manage the deployment of the assessment exercise have recorded information in *RegProf* with regard to the respective profession/s and submitted, where necessary, data about the measures taken or to be taken. In this regard, in the months of August 2015 and January 2016, the Ministry of Education as National Coordinator submitted a report with the Government of Romania on the status of the assessment exercise.

As regards the quality of competent authority for the regulated professions, 15 of these are professional bodies and 24 are public institutions, adding to the 6 professional bodies which represent the competent authorities for the 7 professions regulated on a sectoral basis; the quality of competent authority is acquired under the regulatory legislation, being sometimes carried out, for certain attributions², by both the professional

¹ <http://www.cnred.edu.ro/#RegProf>, in Romanian and in English.

<http://www.cnred.edu.ro/imipgnet/doku.php?id=regprof> – a wiki page where all the information about the professions regulated in RO, RegProf, IMI and other useful information, are updated in real time, by the National Coordinator.

<http://www.cnred.edu.ro/#Adrese-utile> – Guidelines regarding certification of skills and recognition of qualification.

<http://www.cnred.edu.ro/#Multimedia> – multimedia web page on the Internal Market.

² *Law No 96/2007 on pursuing the profession of dental technician, as well as the establishment, organization and functioning of the Order of Dental Technicians in Romania*, republished:

“Article 3(1) The control and supervision of the pursuit of the profession of dental technician shall be achieved by the Ministry of Health and the Order of Dental Technicians in Romania, hereinafter referred to as Romanian competent authorities.”

Law No 460/2003 on pursuing the professions of biochemist, biologist and chemist, the establishment, organization and functioning of the Order of Biochemists, Biologists and Chemists in the Health System in Romania:

“Article 3(1) Pursuing the professions of biochemist, biologist and chemist in the health system shall be carried out based on the free practice authorization, which is granted by the Ministry of Health based on the following documents:

- a) diploma delivered by a higher-education institution with specialization in biochemistry, biology or chemistry, recognized by the law;
- b) criminal record;
- c) health certificate;
- d) endorsement of the Order of Biochemists, Biologists and Chemists”.

body and the public institution which is the only one which holds the right of legislative initiative on the regulatory legislative act.

Number of regulated professions

In Romania, there is a tendency to regulate certain occupations or professions in agreement with the overall interest in the respective sector of activity, and in view of ensuring the protection of public health and consumers, under the circumstances in which, in certain situations, the specific control mechanisms cannot fully ensure this protection, so that the regulation was also determined by the socio-economic realities and the requirements of the society; in certain situations, the consumers have seen their interests better protected by regulating a profession/occupation. As a matter of fact, many regulated professions are liberal professions.

Thus, while, in 2004, when Act no 200/2004 was adopted, the annex with the regulated professions included **45 regulated professions**, in 2015, there were **156 regulated professions**, whereas **the number of regulated professions in pursuit of which qualifications are required to attest studies with a duration lower than the 3 years of higher education is double**, in conformity with *Government Ordinance no 43/2015 amending and supplementing Act no 200/2004 on the recognition of diplomas and professional qualifications for professions regulated in Romania*³.

The analysis below is focused on the contributions submitted by certain competent authorities and the measures they adopted.

Law No 213/2004 on pursuing the profession of psychologist with right of free practice, establishment, organization and functioning of the College of Psychologists in Romania, as subsequently amended and supplemented:

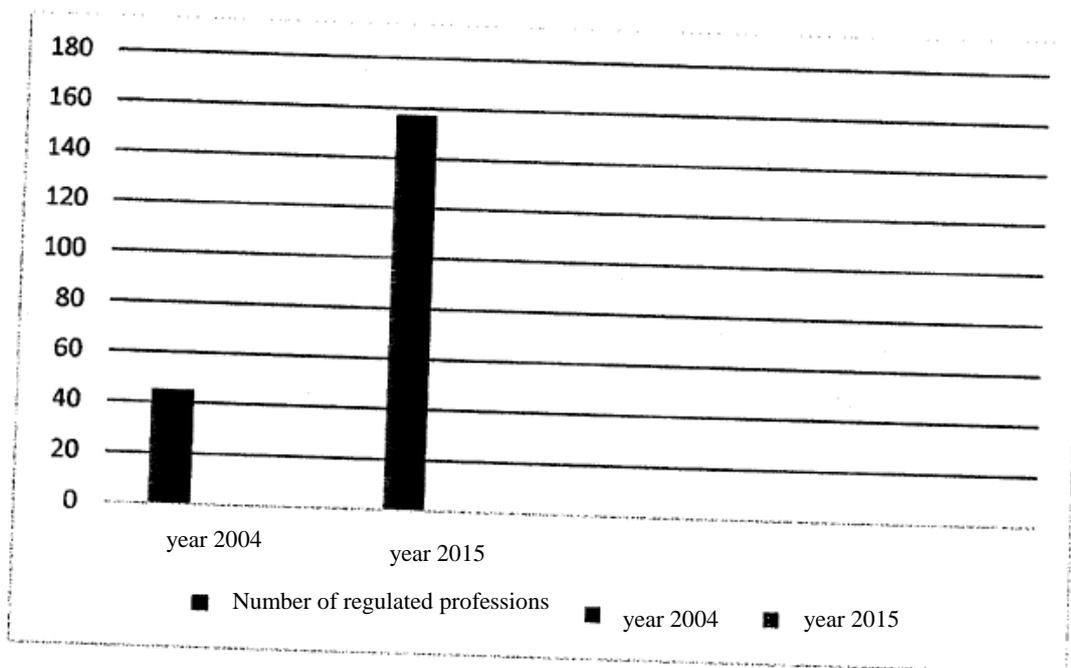
“Article 33

The executive committee (of the College of Psychologists – our note) shall have the following competences:

f) draw up, together with the Ministry of Education and Research, the detailed rules applying this law;”.

³ As it can be seen, in RegProf – <http://www.cnred.edu.ro/#RegProf>:

- there are many medical specializations for which no information is recorded, being not considered as independent regulated professions;
- the professions in the field of transports require the introduction of specific information; in certain cases, the information being similar. Moreover, we mention that the competent authorities consider that the information is doubled by recording it in RegProf under the circumstances in which these are, mostly, regulated at the EU level, by directives and/or specific regulations.
- In the field of security/protection of goods and people, the competent authority has introduced certain positions, as regulated professions, such as “shift supervisor”.



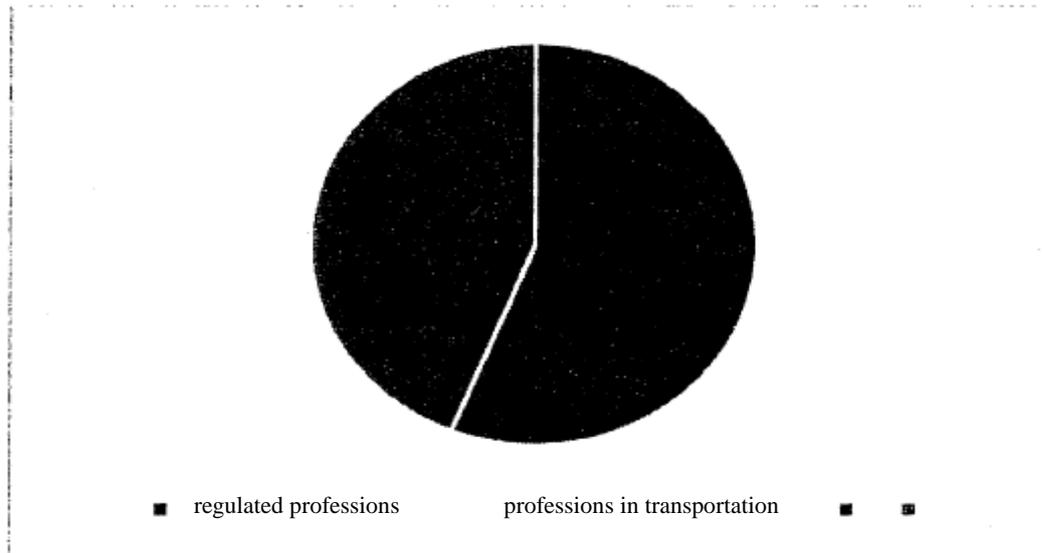
Group regarding services for enterprises, constructions, manufacturing, real estate sector, transport, retail and wholesale trade

As it can be seen, the number of professions in the field of air, maritime, road, railroad and inland water transportation predominate out of the total number of professions regulated in Romania, respectively **69 professions**, out of the total of 157 regulated professions, most coming from the European⁴ and international regulations in the field, which does not imply a regulation imposed by the Romanian authorities; as such:

⁴ For instance, as regards **maritime transports**, we mention *Directive 2005/45/EC of the European Parliament and of the Council of 7 September 2005 on the mutual recognition of seafarers' certificates issued by the Member States and amending Directive 2001/25/EC; Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers, as amended by Directive 2012/35/EC of the European Parliament and of the Council of 21 November 2012 amending Directive 2008/106/EC on the minimum level of training of seafarers.*

As regards **air transports**, the competent authority has mentioned the following:

- The international civil aviation has introduced, as early as 1949, minimum requirements for recognition of the main professions in civil aviation;
- At European level, there are European Regulations in force (EC 216/2008, EU 1178/2011, EU 805/2011, EU 340/2015, EC 2042/2003), establishing common training and certification criteria, in view of mutual recognition of the education and training, as well as the certificates, as civil aviation staff (pilots, flight attendants, air traffic controllers and technical maintenance staff). Subsequently, these certificates are automatically recognized, without additional requirements.
- For these professions, the European Commission, through EASA (European Aviation Safety Agency), is periodically conducting standardization visits for each field, with a view to assessing the conformity of the respective State with the common certification requirements. Based on the results, one possible consequence may even be the suspension of the recognition of the certificates issued by the respective State
- For the other professions, there are national certification regulations, which include requirements to recognize the certificates issued in other Member States (or equivalent documents – as not all States issue certificates, for a series of professions).



1. ship's captain;
2. second deck officer;
3. chief engineer officer;
4. second engineer officer;
5. sea pilot;
6. cadet sea pilot;
7. deck officer;
8. chief engineer;
9. ship's electric officer;
10. aircraft meteorologist, weather forecaster,
11. aircraft staff for the protection of air navigation and telecommunication (PNA-TC);
12. engineer for aircraft reception and control;
13. civil aviation security auditor;
14. aircraft technical staff;
15. road legislation teacher;
16. head of workshop in the field of repairs and/or functional adjustments to road vehicles, dismantle of decommissioned vehicles, as well as in the field of vehicle chassis/body replacement;
17. road safety auditor;
18. road safety impact assessment auditor;
19. road safety inspector;
20. lecturer for the training and advanced training of staff specialized in transport by road;
21. ITP inspector;
22. flight operations dispatcher;
23. aircraft technical staff;
24. mechanic on ships;

For the professions in the **road transport** field, we mention, as example, the fact that the profession of ITP inspector is a regulated profession for which maintenance is considered, the reasons related to the public interest which justify maintenance being: environmental protection and road safety. In addition, *Directive 2014/45/EU on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC* (in force, but applicable as of 20.05.2018), establishes the need to authorize the inspectors.

25. aircraft technician meteorologist;
26. aircraft staff for the protection of air navigation and aircraft telecommunications PNA-TC;
27. aircraft pilot;
28. coaster captain;
29. coaster deck officer;
30. coaster chief mechanic;
31. coaster engineer officer;
32. coaster electrician officer;
33. cadet sea deck officer;
34. cadet sea engineer officer;
35. cadet sea electric officer;
36. sea quartermaster;
37. operator;
38. first mate;
39. boatswain;
40. electrician;
41. fitter;
42. pumpman;
43. chief sea quartermaster;
44. assistant engineer officer;
45. sea pilot;
46. cadet sea pilot;
47. A category inland waterway captain;
48. B category inland waterway captain;
49. inland waterway quartermaster;
50. inland waterway chief engineer officer;
51. mechanic;
52. inland waterway boatswain;
53. inland waterway first mate;
54. seaman;
55. trainee seaman;
56. trainee engineer officer;
57. electrician on ships;
58. ITP inspector;
59. head of workshop in the field of repairs and/or functional adjustments to road vehicles, dismantle of decommissioned vehicles, as well as in the field of vehicle chassis/body replacement;
60. transport manager;
61. safety adviser for the transport of dangerous goods by road;
62. driver of motor vehicles carrying dangerous goods;
63. driver undertaking carriage of goods by road by vehicles whose maximum permissible mass exceeds 3.5 tones;
64. driver undertaking public carriage of passengers by road;
65. driver undertaking carriage by road by vehicles with masses and/or exceeded overall dimensions;
66. driver undertaking carriage by road by taxi vehicles;

- 67. driving trainer;
- 68. locomotive mechanic;
- 69. traffic dispatcher.

As regards the regulated professions in the construction field, these can be grouped in the following 4 large categories, being managed by different competent authorities, as follows:

- a) certified project verifier, certified technical expert, building energy auditor.

The need for the existence of the aforementioned regulated professions is supported by the fact that **Romania is situated in an area of high seismic hazard, with seismic conditions recognized among the most severe in Europe**; Vrancea seismic area, an active area, is the originating source of strong, sub-crustal, and deep earthquakes.

Thus, Law No 177/2015 amending and supplementing *Law No 10/1995 on quality in constructions* introduced new legal rules on supplementing the basic quality requirements in constructions so as to bring them into line with the basic requirements for construction works provided for in Annex I to *Regulation No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonized conditions for the marketing of construction products and repealing Council Directive 89/106/EEC of the Council*.

Moreover, these professions have a key role in implementing *Directive 2012/27/EU on energy efficiency*.

- b) site supervisor; development technical responsible person.

The activity undertaken as part of these two professions is aimed at checking the proper development of construction works throughout the duration of the development, respectively the first as representative of the investor and the second as representative of the developer.

The purpose of developing quality constructions that, throughout their existence, comply with the fundamental requirements provided by *Law No 10/1995 on quality in constructions*, republished, as subsequently amended and supplemented, cannot be achieved through a less restrictive measure than the authorization of site supervisors and development technical responsible persons, particularly because of the fact that a subsequent control of how the construction works/constructions are achieved is not possible and would be tardy, so as to be actually efficient.

In this context, keeping the aforementioned professions regulated by authorization by a public authority (the State Inspectorate in Constructions) is justified by imperative reasons of overall interest regarding public safety and health, protection of beneficiaries of construction services, as well as protection of the urban environment, including territorial set-up, with a view to protecting the people's life, their goods, the society and the environment, under the circumstances in which Romania has one of the highest levels of vulnerability to natural risk factors, particularly seismic risk, among the EU Member States.

- c) urban planner⁵. According to the competent authority, cluster 1 includes the professions of "town planner/town and country planner", «which only partially overlaps the wording of

⁵ The competent authority for this profession indicated that «the discussions at European level (European Council of Town Planners) are increasingly related to the wording *Spatial Planner*, so that, all the more so, we cannot agree with including the "urban planner" in the category of "architectural activities"».

urban planner in the professional terminology used in Romania, according to the legislation in force, being recognized in the documents of the European Council of Town Planners as the second official European version, in addition to “*spatial planner*”».

In RO, the competent authority for the profession of urban planner may grant a signature right to the architects, who can pursue activities in urbanism. «The urban planner is, however, the person qualified by an academic title, consequently, with dedicated license and master studies... As a matter of fact, in the Romanian legislation, the university study programs..., the qualification for “urban planner” is included under the ranking “Architecture and Urbanism”, but, under university study field “Urbanism” and license field “Urbanism”».

d) engineer surveyor; cadastral engineer; land surveyor; cartographic engineer; mine surveyor; junior engineer surveyor; cadastral junior engineer; junior land surveyor; junior cartographic engineer; junior mine surveyor; officer topographer; artillery officer (with certification of equivalence of studies in the field of topography and land cadaster); cartographic officer; geographer with specialization in cartography; cadastral technician; topography technician; cartographic technician; mining survey technician.

The competent authority supports the current regulation and, moreover, takes into account its simplification by adopting the Law on the organization and pursue of the profession of surveyor; moreover, we mention that a draft is under development to amend the Regulation regarding the authorization or recognition of the authorization of individuals and legal entities from Romania, from another European Union Member State or a state belonging to the European Economic Area with a view to developing and checking the specialized works in the field of cadaster, geodesy and cartography on the territory of Romania.’

As a general observation, we mention that the profession of engineer is not regulated in Romania, the education and training being, however, regulated, with a current duration of 4 years of university studies, followed by 2 years of Master specialization studies.

With regard to the professions in the real estate field, we mention that the profession of real estate agent is not regulated in Romania. In the Classification of Occupations in Romania, reference is made to the fact that the occupation can be pursued by individuals having, at least, secondary or post-secondary education, being included in Major Group 3 – Technicians and other specialists in the technical field, Major Subgroup 33 – Specialists in administrative services and assimilated, Minor Group 333 – Commercial service agents, Basic Group 3334 – Real estate agents and administrators; according to the same Classification, “the real estate agents and administrators intermediate the sale, purchase and rental of real estate, usually on behalf of the clients and based on a fee”.

In addition to the aforementioned, the competent authority further showed the following: «In the event that this situation remains as it was accounted for, this means that the professions of “urban planner”, regulated in Romania (for which a regulatory action at European level was initiated), does not enter this exercise. As we informed the European Council of Town Planners about the involvement of the Registry of Urban Planners in Romania in this exercise, we will have to communicate and request a point of view in our Biannual Report».

Services for enterprises are provided by professionals who mostly pursue regulated professional activities, as follows:

1. statutory auditor.

The requirement to have the annual accounts or consolidated annual accounts audited by persons approved to carry out such missions was established by the fourth Council Directive 78/660/EEC of 25 July 1978 on the annual accounts of certain forms of business companies, the seventh Council Directive 83/349/EEC of 13 June 1983 on consolidated accounts. Council Directive 86/635/EEC of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions and Council Directive 91/674/EEC of 19 December 1991 on the annual accounts and consolidated accounts of insurance undertakings.

The requirements for the approval of persons responsible for carrying out the statutory audit were set out under the eighth Council Directive 84/253/EEC of 10 April 1984 on the approval of persons responsible for carrying out the statutory audits of accounting documents.

Subsequently, in view of better harmonization of the requirements regarding the development of the statutory audit, the approval of the persons carrying out such missions, respectively the statutory auditors, assurance of consistency at the level of the Member States (MS) regarding the audit standards based on which auditors conduct their activity, was adopted by Directive 2006/43/EC of 17 May 2006 on statutory audits of annual accounts and consolidated accounts.

In the field of statutory audit, the auditing profession is regulated by the sectoral directive, respectively Directive 2006/43/EC on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC ("Directive 2006/43/EEC"), transposed at the level of each Member State.

In Romania, by the time of the transposition of Directive 2006/43/EC, the Chamber of Statutory Auditors in Romania (CAER) was established by Government Emergency Ordinance no 75/1999 on the statutory auditing activity, republished, amended and supplemented by Law No 26/2010, as professional body of public authority, competent authority for the organization, coordination and approval of the development of the statutory auditing activity in Romania.

Subsequently, Directive 2006/43/EC was transposed at the national level by *Emergency Ordinance no 90/2008 on the statutory audit of financial statements and consolidated annual financial statements*, under which, amongst others, the public oversight of the statutory auditing activity is established (Council for Public Oversight of the Accountancy Profession CSIPPC).

Directive 2006/43/EC has been amended by Directive 2014/56/EU, which is undergoing transposition at MS level by 17 June 2016.

As regards the recognition of professional qualifications, according to Directive 2005/36/EC, the regulated professions in the statutory audit field fall under the scope of the general qualification recognition system, at the level of qualification which certifies the graduation of training courses in post-secondary, university education, with a duration of 3-4 years or over four years. Moreover, we mention that the preamble of Directive 2005/36/EC, at item 42, expressly indicates: "This Directive applies, concerning the right of establishment and the provision of services, without prejudice to other specific legal provisions regarding

the recognition of professional qualifications, such as those existing in the field of ..., insurance intermediaries and statutory auditors.”

Therefore, we emphasize the fact that, at EU level, the pursuance of the profession of statutory audit presents a high level of harmonization, ensured by the transposition of Directive 2006/43/EC on statutory audits of annual accounts and consolidated accounts in the national legislation of the Member States.

Just as the profession of statutory auditor is regulated at the international level as well, the statutory auditor is part of the category of regulated financial professional activities, which is why the statutory auditing activity can be pursued either as a freelancer, or by means of an audit firm, which is why there is the Public Register of Statutory Auditors at the national level, which includes the approved individuals and legal entities, the Register being held by the Chamber of Statutory Auditors in Romania, under the supervision of CSIPPC.

With regard to how the profession of statutory auditor is pursued, the minimum obligations required by Directive 2006/43/EC transposed at the national level are the following:

- All statutory audits shall be carried out based on the International Auditing Standards adopted by the EC.
- The persons who wish to carry out statutory audits shall meet specific requirements for approval, established according to the International Education Standards issued by the Council for International Education Standards and for which a certificate is required to attest the qualification and professional approval obtained.
- The statutory auditors and audit firms shall adhere to the professional ethical principles, established by the Code of Ethics of professional accountants issued by the International Federation of Accountants (IFAC) and fully adopted by CAFR.
- The statutory auditors and audit firms shall be subject to a system of quality assurance that is organized in a manner which is independent and subject to public oversight.
- The statutory auditors shall be independent when carrying out a statutory audit and shall not be involved in the decision-taking of the audited entity. If the importance of threats to their independency, even after applying safeguards in order to mitigate those risks, is too high, they shall resign or refrain from accepting the auditing mission.
- The statutory auditors shall comply with stringent regulations about confidentiality and professional secrecy.
- The professional recognition of persons approved in other European Union Member States shall be achieved according to Directive 2006/43/EC, which sets out specific requirements on the mobility of auditing professionals on the territory of the Union.

The main professional activities which the statutory auditors have the right to develop at national level are:

- statutory audits of annual financial statements and consolidated annual financial statements, related to public interest entities;
- statutory audits of annual financial statements and consolidated financial statements of entities which chose for the auditing of annual financial statements;
- missions to review the annual financial statements, the consolidated financial statements, as well as the intermediary financial statements;
- missions to assure, missions to carry out agreed procedures (including the auditing of projects financed by European funds) and other missions and professional services, in agreement with the international standards in the field and other regulations adopted by the Chamber.

- internal audit.

The statutory auditing activity is one of the missions which can be developed by a statutory auditor, as previously indicated.

As regards the structure at national level of statutory auditors, on 25.11.2015, there were 4 596 individual members and 965 legal entity members registered in the Public Register of statutory auditors managed by the competent authority.

The professionalism of Romanian statutory auditors is recognized both internally and internationally, a consequence hereof being the membership with full rights of the Chamber of Statutory Auditors in Romania – competent authority in international bodies in the field: International Federation of Accountants (IFAC), Federation of European Accountants (FEE) and International Federation of Francophone Accountants (FIDEF).

Conclusions regarding the regulation of the audit profession at national level:

- The audit profession is necessary to be regulated at national level because the field of statutory audit is regulated by a sectoral directive, Directive 2006/43/EC, amended by Directive 2014/56/EU.
- The development of the profession of statutory audit in Romania is conditioned by holding a document certifying qualification and professional approval in the field, obtained according to Directive 2006/43/EC, transposed at national level, and Directive 2005/36/EC.
- The activity of statutory auditors is conducted based on professional, international standards: International Auditing Standards, International professional training standards and Code of Ethics of professional accountants.

2. lawyer;

3. industrial property adviser. The State Office for Inventions and Trademarks (OSIM) manages the profession of industrial property (IP) adviser, for items: Invention Patents, Trademarks and Geographical Indications, Drawings and Patterns, Topographies of semiconductor products by certification of these advisers after passing an exam, organized by OSIM. OSIM does not carry out a recognition procedure for this profession it manages together with the National Chamber of Industrial Property Advisers in Romania (CNCPIR). The recognition procedure for the profession of IP adviser falls under the competences of CNCPIR.

4. expert accountant; authorized accountant.

Based on *Government Ordinance no 65/1994 on the organization of the accounting expertise activity and authorized accountants*, republished, as subsequently amended and supplemented, the Body of Accounting Experts and Authorized Accountants in Romania (CECCAR) is the competent authority in the field of accountancy profession, for the professions of expert accountant and authorized accountant. CECCAR supports and promotes high-quality professional practices through particular care for the competence, skills and ethics of the persons involved in the profession.

Having a long tradition and benefiting from international and European recognition by its quality as a member of the International Federation of Accountants – IFAC and the Federation of European Accountants – FEE, CECCAR pursues the

development of an accountancy profession able to meet the public interest and contribute to the progress of the economy.

CECCAR mission is to ensure, through the activity of its members, protection of the public interest, and all the attributions provided by law are encompassed into the three basic commandments by which the protection of the public interest is ensured:

- education: obtaining and maintaining skills;
- ethics: measures to comply with the deontological rules;
- quality: measures for the public (consumers) to benefit from quality services.

In order to achieve these objectives, the professional bodies should support and promote high-level professional practices of its members, including by means of regulation. The professional body should regulate the activities and conduct of its members so as to make sure that the responsibility towards public interest is fulfilled.

A profession, in general, is defined and considered based on the knowledge, skills, attitude and ethics of the persons involved in this profession; regulating a profession is a precise response to the need for safe standards, to be fulfilled by the members of that profession.

In the international and European doctrine, in the international standards and the European regulations, accountancy services are considered of public interest because the faithfulness of the financial reports in relation to the assets, health and financial performances of undertakings is of outmost interest for all the users of the respective financial statements and namely:

- budget, taking into account the fact that the financial statements underpinning the determination of taxable values are properly drawn up;
- potential investors, taking into account the fact that they invest in an undertaking which presents credibility through the financial statements;
- banks and other financing institutions, taking into account the fact that they finance profitable activities which could enable them to recover the amounts loaned;
- salaried employees, taking into account the fact that they have a job in a secure entity, and the part they are entitled to from the product of their work is properly determined;
- population, taking into account the fact that the financial statements are properly drawn up and the tax obligations are properly determined.

5. tax consultant;

The tax consultancy activity in Romania is an activity regulated under Government Ordinance no 71/2001 on the organization and pursue of the tax consultancy activity, as subsequently amended and supplemented.

Admission to the tax consultant profession requires the fulfillment of stringent requirements.

Thus, according to the law, the academic requirement for the access to the profession of tax consultant is the license in economic studies, adding to a professional experience of 5 years, of which 3 years in one or more of the following activities:

- draw up, authorize, approve or enforce the tax legislation;
- tax administration;
- draw up or enforce accountancy regulations;

- financial-accounting activity;
- university teaching activity in the field of public finances, taxation, tax and budgetary policies, financial accountancy, finances of public institutions;
- activity as assistant tax consultant.

In order to support young people passionate about taxation, who do not have the studies required by law or the experience related to the fulfillment of the requirements necessary to register for the exam for being assigned the quality of tax consultant, the law provides for a new professional quality, that of assistant tax consultant.

The requirements for admission in the profession of tax consultant are absolutely necessary as this professional activity is strictly specialized and can only be conducted by specialists with thorough knowledge of the internal and international tax legislation, adding to vast expertise in the field.

The importance of services provided by a tax consultant is felt as early as the business planning stage, because an investor's decision is influenced by the investment alternatives as well as the tax implications related to each of these.

Knowledge of the tax legislation is critical for the tax consultant, as he/she is the professional who contributes to the understanding of the issues regarding business taxation, in terms of the taxes and fees regulated in Romania, as well as the taxes and fees of other countries.

The activity of a tax consultant consists also of the following:

- development of judiciary tax expertise reports at the request of courts, criminal investigation bodies, tax bodies or other stakeholders; these expertise matters can be exclusively carried out by tax consultants;
- assistance and representation before tax bodies, including provision of specialized assistance during the development of the tax inspection;
- assistance on drawing up the documentation for exerting appeals against debt securities and other tax administrative acts;
- tax assistance in causes pending at a jurisdictional authority.

All these activities require thorough knowledge of economic and legal sciences, thorough knowledge of internal and international taxation, a strict specialization and vast experience in the field, qualities which can be acquired only by a person which economic education and a minimum experience of 3 years.

In addition, regulating the profession of tax consultant and, in general, regulating any professional activity is a guarantee of the quality of the services offered.

We also mention that the **legislation regulating the profession of tax consultant in Romania observes the requirements of the European directives in the field**, particularly after the latest amendments brought in the case of the provisions related to the recognition of professional qualification for tax consultant obtained in other member states of the European Union, of the European Economic Area or of the Confederation of Switzerland.

6. insolvency practitioner;

7. restorer.

This profession refers to the specialists, experts and technical experts in the field of protection of historical monuments, the competent authority – the National Institute for Research and Cultural Training choosing for maintaining the existing regulation regarding access to this profession.

8. authorized interpreter and translator, with either more or less than 3 years of higher education.

We would mention that this covers translation and interpreting work for the Superior Council of Magistracy, the Ministry of Justice, courts of law, prosecutor's offices attached to courts of law, criminal investigation bodies, offices of public notaries, lawyers and bailiffs, carried out by persons certified in the profession and authorized by the Ministry of Justice, in compliance with the provisions of *Law No 178/1997 on the authorization and payment of interpreters and translators used by the Superior Council of Magistracy, the Ministry of Justice, the Prosecution Office of the High Court of Cassation and Justice, the National Anti-corruption Prosecution Office, public prosecution authorities, law courts, notary public offices, lawyers and bailiffs*, as subsequently amended and supplemented.

The Ministry of Justice has recently initiated a draft law amending and supplementing Law No 178/1997 on the authorization and payment of interpreters and translators used by the Superior Council of Magistracy, the Ministry of Justice, the Prosecution Office of the High Court of Cassation and Justice, the National Anti-corruption Prosecution Office, public prosecution authorities, law courts, notary public offices, lawyers and bailiffs, as subsequently amended and supplemented. The draft was initiated taking into account the need to fulfil the obligations imposed on the Member States by *Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings*. As regards the formal verification of applicants' professional training required by the current legislation, this draft envisages more rigorous certification requirements for interpreters and translators, thus providing more guarantees with regard to the quality of the services provided by authorized interpreters and translators pursuant to Law no 178/1997..

9. legal adviser;

10. probation officer;

The Ministry of Justice as competent authority has drawn up a draft Order approving the Regulation regarding the procedure for testing competences and Romanian language skills for the recognition of the professional qualification of probation officers for citizens of the Member States of the European Union or belonging to the European Economic Area and for citizens of the Confederation of Switzerland for pursuing this profession in Romania. This draft was drawn up taking into account the need to fulfil the obligations imposed on Member States by Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (the "IMI Regulation").

At present, the internal legal framework in the field is governed by Law No 123/2006 on the status of probation staff, as subsequently amended and supplemented and by Law No 200/2004 on the recognition of diplomas and professional qualifications for

professions regulated in Romania, as subsequently amended and supplemented. Law No 123/2006 regulates the possibility to recognize the professional qualification of probation officers for citizens of the Member States of the European Union or belonging to the European Economic Area and for citizens of the Confederation of Switzerland to be able to pursue this profession in Romania.

According to Article 20¹ indent (2) and (3) of Law no 123/2006 on the status of the probation staff, as subsequently amended and supplemented, *“in view of recognition of professional qualification, the applicant shall take a test to check his/her Romanian language knowledge and a skills test”*, whereas *“the procedure for testing the Romanian language knowledge and developing the skills test, as well as distribution to fill in a vacancy shall be established by regulation approved by order of the minister of justice”*.

Taking into account the fact that, according to the previously mentioned legal provisions, a procedure is required to establish the development of the testing of the Romanian language knowledge, skills test, as well as the distribution to fill in a vacancy, the Ministry of Justice adopted the *Order of the Minister of Justice no 340/C/2016 of 3 February 2016 approving the Regulation regarding the procedure for testing the skills and Romanian language knowledge, in view of recognition of the professional qualification for probation officer of citizens of the Member States of the European Union or belonging to the European Economic Area and for the citizens of the Confederation of Switzerland for pursuing this profession in Romania.*

11. legal technical expert; forensic expert;
12. mediator;
13. authorized evaluator, who mainly conducts the following activities: a) evaluations of immovable assets; b) evaluations of undertakings; c) evaluations of movable assets; d) evaluations of shares and other financial instruments; e) evaluations of goodwill and other intangible assets; f) checks of evaluation reports⁶.
14. private detective;
15. security guard; head of site security; security manager; security systems engineer; security department manager; security systems planner; head of guard and order crew; security inspector; trespass risk evaluator; security consultant; head of shift; alarm center dispatcher; service dog leader agent; access control agent; site security agent; bodyguard agent; guard and order intervention agent; asset transportation agent; technician trainer on the shooting site; technician trainer on the firing site; fireman; fireworks pyrotechnician.

With regard to regulating the technician trainer on the firing site, the competent authority supports “maintaining the profession regulated taking into account that the persons who acquire such quality may, subsequently, purchase, hold, carry and use

⁶ Adrian VASCU, *Despre evaluare și verificarea evaluării*, Ed. Hamangiu, Ed. IROVAL, Bucharest, 2015, p. 11-12: “In my opinion, for a **profession to become de-regulated** or with a high level of de-regulation, it should first have been regulated. (...) For this reason, I believe we should first build a **regulation well understood by all parties and then talk about de-regulation**. (...) Regulating the evaluation of assets in Romania is a modern one which enables a **high level of self-regulation**, which the profession must use wisely and maturely”.

fire arms, their use in other conditions than those established by law potentially bringing prejudice to public order and, implicitly, citizens' safety".

In conclusion, as one can note, most of these professions are liberal professions (in Romania, no law on liberal professions has been drafted to the present). In this regard, we mention that, in Romania, the Romanian Union of Liberal Professions (UPLR) has been legally operating and included, in 2011⁷:

No.	Name of the association	Number of members	
		No of individuals	No of legal entities
1.	Order of Architects in Romania	6 800	-
2.	Chamber of Statutory Auditors in Romania	3 878	926
3.	National Union of Bar Associations in Romania	26 025	-
4.	Chamber of Tax Consultants	5 386	440
5.	National Union of Authorized Evaluators in Romania	4 350	290
6.	College of Pharmacists in Romania	15 800	-
7.	Order of Land Surveyors in Romania	1 700	-
8.	College of Medical Doctors in Romania	53 704	-
9.	National Union of Public Notaries in Romania	2 190	-
10.	National Union of Insolvency Practitioners in Romania	3 205	489
11.	Order of Dental Technicians in Romania	4 000	-
12.	Association of Management Consultants in Romania	-	80
13.	Mediation Council	2 791	-
14.	College of Veterinarians in Romania	8 300	-
15.	National College of Social Workers	3 000	-
16.	National Chamber of Industrial Property Advisers in Romania	270	-

MEMBERS – INDIVIDUAL AND LEGAL ENTITIES – LIBERAL PROFESSIONS NOT INCLUDED IN UPLR⁸

No.	Name of the association	Number of members	
		No of individuals	No of legal entities
17.	Order of General Care Doctors, Midwives and Nurses in Romania	122 000	-
18.	Body of Technical Experts in Romania – CETR	1 200	0
19.	Romanian Association of Real Estate Agencies	-	50
20.	CECCAR	50 0000	-

⁷ www.uplr.ro

⁸ www.uplr.ro

**VALUE OF SERVICES GENERATED BY PERSONS PURSUING LIBERAL PROFESSIONS
(ESTIMATE) 2011⁹**

CASE SCENARIO NO. 1:

- NET INCOME TAX COLLECTED BY ANAF: RON 841 MIL.
- PROFITABILITY AVERAGE RATE (ADJUSTED): 10%

CASE SCENARIO NO. 2:

- EUROPEAN AVERAGE SHARE OF LIBERAL PROFESSIONS IN TOTAL SERVICES SECTOR (+30%)
- PROFITABILITY AVERAGE RATE (NON-ADJUSTED): 6%

REFERENCE: -TOTAL VALUE SERVICES SECTOR: RON 365 BILLION

CONCLUSION 1:

- TOTAL GROSS REVENUES: AROUND RON 53 BILLION
- SHARE IN SERVICES SECTOR: AROUND 15%

CONCLUSION 2:

- TOTAL GROSS REVENUES: AROUND RON 87 BILLION
- SHARE IN SERVICES SECTOR: AROUND 24%

AVERAGE ESTIMATE:

- TOTAL REVENUES: AROUND RON 70 BILLION
- SHARE IN SERVICES SECTOR: AROUND 20%

⁹ www.uplr.ro

Group concerning education, entertainment sector, social and health services, network services other than transports, public administration, tourism, other services/activities

The regulated professions **in the education field** are:

1. teaching staff in pre-university education (teaching positions: professor, assistant professor/itinerant teacher, resource teacher, teaching kinetotherapist, teacher for pre-school education/educator, teacher for primary education, visually impaired prep teacher, teaching school psychologist, professor-coach/coach, professor-educator, professor-speech therapist/speech therapist, professor-educational psychologist);
2. teaching staff in higher education (teaching positions: university assistant, university lecturer/senior lecturer, associate professor, professor);

One can note that, within the 2 regulated professions – teaching staff in pre-university education and teaching staff in higher education, there are several positions for which certain requirements/criteria must be fulfilled, in agreement with the recommendations and international best practices.

Moreover, in this sector, we also include regulated professions in the field of sports which require teaching/learning activities, respectively coach and instructor of ski, snowboard and sledding sports.

Under **social and health services**, the following professions have been regulated, being managed by different competent authorities, as follows:

- a) psychologist (including other persons certified in psychotherapy, special educational psychology or legal psychology – evaluation of behaviour simulated through the polygraph technique);
- b) biochemist in the health system; biologist in the health system; chemist in the health system; these professions are regulated pursuant to *Law No 460/2003 on pursuing the professions of biochemist, biologist and chemist, establishment, organization and functioning of the Order of Biochemists, Biologists and Chemists in the health system in Romania*, as subsequently amended and supplemented and *Order of the Minister of Health no 1301/2007 approving the regulations regarding the functioning of medical testing laboratories*.

“70-80% of the medical diagnoses and medical conduct of diagnosed patients are based on the tests conducted by specialists in medical laboratories. Patient’s safety is of outmost importance for all activities in the health field, including the activity of medical laboratories.

The user of health services – patient wants medical tests which are as little invasive as possible, conducted within a short period of time, at a high level of quality and skill so as not to be declared healthy based on a test report issued by a medical laboratory and sick based on another test report issued by the same medical laboratory within a short period of time or by another medical laboratory”.¹⁰

¹⁰ Constanța POPA, *Specialiștii din laboratoarele medicale*, [Medical Laboratory Specialists], Copyright 2015, Bucharest, p. 18

With regard to improving the quality of professional education and training of these professionals, Decision no 6/2013 of the National Council of the Order of Biochemists, Biologists and Chemists (OBBCSSR) in the health system in Romania requires the obligation of the persons who wish to enter the Order – competent authority together with the Ministry of Health that, in addition to fulfilling the requirements for License studies in the field/specialization of Biology, Chemistry of Biochemistry, they make proof of having graduated a Master program in the medical field that proves professional competence, respectively the competence to carry out medical tests.

“OBBCSSR has obtained the title “medical” for its members (biologists, chemists, biochemists) in 2014 additional to the professions of biologist, chemist, biochemist which become, respectively, medical biologist, medical chemist, medical biochemist; the title of “medical” is granted by law (Order of the Minister of Labour no 190/2014) to all biologists, chemists, biochemists who have the degree of specialist or principal granted by the Ministry of Health in a medical specialization”¹¹.

According to OBBCSSR, “the need to align the professional training of specialists in the medical laboratories of EU Member States” has come to the forefront; thus, “mutual recognition of lab specialists within the European Union requires the equivalence of standards and harmonization of training curriculum for all lab specialists in all EU Member States; this has been declared a central task by the European professional organizations”¹².

c) nurse, with either more or less than 3 years of higher education;

Law 278/2015 amending and supplementing GEO 144/2008 concerning the pursuit of the profession of nurse responsible for general care, midwife and nurse, as well as the organization and functioning of the Order of General Care Nurses, Midwives and Nurses in Romania (OAMGMAMR), which transposes the provisions of Directive 2013/55/EU, maintains the criteria for access to the regulated professions of general care nurse, midwife and nurse (specialized), with the observation that they were revised in agreement with the new European trends (for instance, it implements the European Professional Card (EPC), an electronic document which facilitates access to the profession).

We mention that OAMGMAMR was actively involved in drawing up the draft law and, at the present, is conducting the necessary activities to issue the EPC, starting with 18 January 2016.

As professional organization with a role of control in pursuing the aforementioned professions, OAMGMAMR, as part of the public health program implementation activities, provided in the Strategy of the Ministry of Health, as well as with a view to providing specialized human resources, to guarantee a better quality of the health care services, and increase of patients’ safety in relation hereto, has organized and conducted, based on the regulations drawn up by the Ministry of Health, Specialization Programs for nurses, in fields complementary to their core specialization, in order to close the deficit of specialized staff in both the public and private health system.

Taking into account that these professions exist and are pursued based on the health needs of the population, the competent authority supports and militates for maintaining the regulations of the aforementioned professions, periodically updating these regulations according to the European requirements and for the implementation

¹¹ Constanța POPA, *quoted work*, p. 151

¹² Constanța POPA, *quoted work*, p. 154

of sustainable policies to ensure human resources in health, provided by the National Health Strategy of the Ministry of Health. In this regard, a proposal of draft legislative act is under development, to the Ministry of Health, regarding the introduction of new nursing specializations.

d) dental technician;

e) social worker;

f) sign language interpreter; interpreter for language specific to the deafblind people.

Existence and maintenance of a system to certify the quality of qualification regarding these professions guarantee the establishment of a professional body of sign language interpreters and personal assistants of persons with serious and accentuated disability, which is a certainty as regards **non-discriminatory access of the disabled to the physical, informational and communicational environment.**

With a view to avoiding the occurrence of new sources of discrimination, assurance of continuity of qualification and authorization procedures aligned at the level of the Member States is required, elements which must be recorded on the European professional card. This document guarantees that the necessary authorization regime is maintained so as to ensure a minimum quality standard in the training, education and certification process of sign language interpreters and personal assistants for people with serious and accentuated disability, which determines **the observance of the fundamental rights of the disabled, elimination of discrimination forms, improvement of the quality of life and their social inclusion.**

g) professional personal assistant; personal assistant;

The professions of personal assistant for the person with serious disability and professional personal assistant for the adult person with serious or accentuated disability were regulated under Law No 448/2006, republished, concerning the protection and promotion of the rights of persons with disability where it is indicated that “The person with serious disability has the right, based on a socio-psycho-medical evaluation, to a personal assistant” and “The adult with a serious or accentuated disability who does not have a living space available, does not gain any incomes or gains incomes lower than the level of the average salary per economy may benefit from the care and protection of a professional personal assistant”.

h) child-minder; babysitter.

The profession of child-minder was regulated by *Government Decision no 679/2003 concerning the conditions to obtain the certificate, certification procedures and status of the professional child-minder*, as an alternative to ensuring the protection of children in residential institutions. The option for such a protection measures was based on thoroughly justified considerations which proved the efficiency and positive impact that the family-type protection had on the development of the personality of children.

Thus, taking into account that, **there are still a high number of children protected in residential-type services in Romania** and taking into account that **child placement under the care of a child-minder is an alternative solution which proved efficient over time**, we believe this profession is necessary to be maintained.

As an example, taking into account the recent date of the regulation, we illustrate the legal justification, provided in the Statement of Reasons for *Law No 167/2014 on performing the babysitter profession*, to regulate the babysitter profession, which

proves the need, based on objective reasons referred to in chapter Background, to adopt a specific legal framework:

“In Romania, the insufficient number of places in nurseries and kindergartens correlated with the increasing need of parents to go back to work determines a significant number of families to resort to “babysitting” services intermediated by placement agencies or to directly contract people who provide their services in press announcements. In both situations, once the recruitment process is finished, the nursemaid or babysitter who arrives in the family, in most cases, has no labour agreement registered with the competent institutions and is not monitored either by an institution with competences in the field.

As such, “work under the table” is perpetuated, with all legal, financial and social consequences deriving from this phenomenon, respectively: the state budget is damaged because of the taxes not paid (social security contribution, contribution to insurances for work accidents and professional diseases, contribution to the unemployment insurance budget, contribution to social health insurances, fee owed to the territorial labour inspectorate, salary income tax, etc.), the nursemaids and babysitters are deprived of the opportunity to benefit from the legal rights related to a labour agreement, children cared for by unqualified nursemaids or babysitters are exposed to dangers not assumed by the nursemaids or babysitters under a legal agreement and framework.

By regulating this field, the impact of organization in a real and legal manner will also have consequences on the increase of the number of jobs, by reducing the costs incurred with the organization and functioning of nurseries and kindergartens (which require very high costs for construction, endowment, utilities and staff), by reducing the costs with the unemployment allowance and by increasing the revenues with the social security contributions related to the salaries of the employed nursemaids/babysitters, as well as the contributions of the legal representatives of children, as employers, for the payment of the services they benefit from.

This field of activity of nursemaids and babysitters will have a complementary role to the existing one by means of nurseries and kindergartens, with further impact on an increasing level of supervision of children through eliminating the accident risks for children who are not professionally supervised, as well as reducing the risks of diseases and outbreaks in case of the high number of children in nurseries and kindergartens.

Small-income families, who can no longer find places in the state nurseries or kindergartens which show deficits including in the staff necessary to organize such care units, cannot afford to employ a nursemaid or babysitter under the circumstances in which a babysitter’s salary on the market varies between RON 700 and RON 3 000 per month for a full-time program, depending on the locality where the family resides”.

i) veterinary assistant; veterinary technician.

Maintaining these professions regulated is justified taking into account the fact that, by pursuing the profession, the veterinary assistant/technician can influence animals’ health, public health, food safety and consumer protection. Moreover, the veterinary assistant/technician must observe the requirements of the national and European Union sanitary-veterinary legislation.

We mention that, in this sector, an important change was made, in that the profession of labour protection inspector is no longer a regulated profession.

Moreover, we consider that the professionals who pursue the regulated professions of diver and mountain rescuer provide social services.

As regards the profession of **diver**, in compliance with the provisions of *Government Decision no 350/1993 on the education, training, specialized training and permitting of divers*, as subsequently amended and supplemented, the education, training, specialized training and permitting of divers, in view of fulfilling the country defense missions and for other needs is achieved by the Ministry of National Defense through the Diving Center based in Constanta garrison. The Diving Center (Military Unit 02145 Constanta), according to the provisions of articles 2 and 3 of the aforementioned legislative act, operates as a budgetary military unit and sole body for the permitting of divers, authorization and inspection of underwater activities with divers and conducts the following activities:

- education, training, specialized training and permitting of divers, training and certification of the technical staff for assurance of dives and immersion works;
- training and certification of specialized medical staff according to the methodology of the Ministry of Health;
- scientific, technological engineering and medical research to develop technical means and perfect diving and underwater procedures;
- periodical verification of permitted divers in view of reconfirming their skills, habits and knowledge;
- performance of works with divers, at different immersions.

The professions under the Group “Divers and other underwater workers” (diver, heavy diver, underwater diving worker, rescuer diver, dive leader, barochamber operator, diving technician) are pursued in the national defense system, as well as within different-sized companies, requiring the performance of works in the underwater environment, water constructions and facilities, search operations and recoveries of items and people in the underwater environment, ship salvages, research of the underwater environment, collection and registration of information related to various objectives: constructions, installations, ecosystems, bottom of the water, performance of technical inspections to ship bodies, performance of underwater works with hydraulic and pneumatic tools, underwater cutting and welding, non-destructive control of immerse structures, demolitions with explosives, etc. These activities have a high level of complexity and risk, which requires that they are conducted in a well-established legislative framework.

The performance of attributions and responsibilities specific to these professions must be conditioned on the graduation of regulated professional training programs, special medical ability, as well as regulations issued by the national competent authority.

Existence of national regulations which establish the specific professional education, the development and organization of diving activities, training and classification of divers, authorization and inspection of all underwater activities with divers, the general and specific health and safety rules and the recognition of professional qualifications prevents that these professions are pursued in a disorganized framework and divers are used in underwater activities for which they failed to obtain

specific competences during qualification/initiation/development trainings, **reducing the health and safety risks and ensuring better public safety protection.**

In the context of the free movement of workers in the European Union, the provision of data to authorities in the European Union member countries which require information about the qualified persons in Romania who wish to pursue professions in the occupational area “Divers and other underwater workers” is facilitated.

In the **field of tourism**, the profession of tourist guide is regulated in Romania, with the following categories of guides:

- a) local guide, who provides tourist assistance on a limited territory;
- b) national guide, who provides tourist assistance on the national territory and abroad;
- c) guide specialized in certain segments of tourist services: in mountain regions/hiking in the mountains, arts, supervising, animation, natural habitat (fauna, flora), ornithology, sports (mountain and rock climbing, skiing, bobsleighbing, swimming, canoeing, yachting, ultralight aviation), or other specializations according to the demand on the tourism market.

The obligations of economic operators in the field of tourism in Romania include the obligation to protect tourists to whom they provide travel-related services, throughout the tourism programme, according to the regulations for tourist guides (Order No 58/1998 on the organization and development of the tourism activity in Romania, as subsequently amended and supplemented).

Within the meaning of *Government Decision no 305/2001 on certifying and using tourist guides*, amended and supplemented by Government Decision No 631/2003, a tourist guide is a person who leads and guides a group of tourists or visitors, providing the necessary explanations regarding the visited places and who ensures that the contracted tourism programme takes place in the best of conditions, whereas the minimum criteria necessary to obtain the tourist guide certificates are established by *Order No 637 of 1 April 2004 approving the detailed rules on the requirements and criteria for selecting, schooling, certifying and using tourist guides*.

According to the Occupational Standard, a tourist guide is a qualified and specialized person who accompanies and assists tourists throughout the tourist programmes, provides tourist services at the level of the contract concluded by the tourists with the agency, and ensures that the tourism programme takes place fully and at the quality standard established.

Taking the aforementioned into account, we believe it is necessary for the profession of tourist guide to continue to be regulated, as it must be performed by specialists, with solid knowledge, capable of developing tourism programs, accompanying and assisting the tourists.

We believe that, in the **public administration** field, the regulated professions of archivist and recorder may be included.

The archivist is the specialist who conducts his/her activity with a creator and holder of documents, being in charge with the processing, administration, preservation and protection of archives, who has a diploma in the university educational field provided in the occupational standard.

The recorder is the person who administers, processes and manages the documents of a creator/holder of archives, who has a baccalaureate diploma and a qualification certification in the archiving field.

With regard to access to these professions, there is no limitation, any person who studied in the archiving field may hold a position of archivist or recorder.

In view of standard qualification in the archiving field, the National Archives have drawn up the occupational standards and framework programs for the two professions, providing for the specific competences a person should have. This requirement is a major one, because there are archive compartments at the level of public and private institutions in Romania where specialized staff (archivist and recorder) works, with the approval of the National Archives (the requirement being the completion of specialization studies). For this reason, the National Archives continue to be the authority which regulates qualification in the archiving field, as it happens in most European countries.

Conclusions and proposals:

We believe that, in Romania, the number of regulated professions is relatively limited taking the following into account:

- most of these are professions in the transportation field, therefore, they are regulated by provisions of international or European Union law or, in some cases, certain positions were registered as regulated professions, as previously mentioned;
- the specific national framework, particularly the socio-economic one, which requires, from the competent public authorities, a stringent control on certain professions;
- the need to ensure consumer protection, public health and safety determines the regulation of certain professional activities;
- the regulation implies, in most cases, only the obligation to obtain, from a competent authority, an authorization to pursue the profession/an approval, either based on solely the specific academic qualifications held (e.g. specialized nurse), or after taking an exam (e.g. lawyer) or promoting some specialized professional trainings, supplementation in relation to the initial academic training;
- the Romanian competent authorities have a role in providing specific ongoing training, in collaboration with the educational institutions.

We also mention that, in Romania, as well as other Member States, there is a series of regulated professions for pursuing of which one must make proof of citizenship (namely, the Romanian citizenship) taking into account the specificity of the professional activities involved (e.g. the profession of public worker, the professions in the legal system).

With a view to making a complete analysis on the number and structure of regulated professions in the Member States, we appreciate it is necessary:

- to establish concrete collaboration mechanisms between the different competent authorities in the Member States which regulate a certain profession and for the European Commission to provide common reports regarding this regulation;
- for the Member States and the European Commission to identify elements of general national interest which justify the regulation/maintaining the regulation of a profession;
- for the Member States and the European Commission to develop a methodological framework that enables the achievement of a study, at European level, concerning the impact of regulated professions in the economy of the Member States and on the functioning of the Internal Market rules;
- to collaborate with the European Commission structures which manage the EU policy in the field of education and professional training in order to establish the role that initial and ongoing training will have in performing, at a high level of quality, of professional activities, in the event that the role of competent authorities – which approve the performance of profession – disappears.

DIRECTOR

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