

Parliament of Romania

Chamber of Deputies

No 1/4482/VZ

23 December 2013

OPINION

concerning the Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on Evaluating national regulations on access to professions COM(2013)676

Having regard to the Treaty of Lisbon, and in particular Articles 5 and 12 TEU and Protocols 1 and 2 annexed to the Treaty,

Having regard to the Constitution of Romania, republished, in particular Article 148 thereof,

Having regard to Decision No 11/2011 of the Chamber of Deputies,

Taking into consideration the draft opinion adopted by the Committee for Education, Science, Youth and Sport at its meeting of 29 October 2013,

Taking into consideration the final draft opinion adopted by the Committee for European Affairs at its meeting of 11 December 2013,

Having regard to the approval given by the Standing Bureau of the Chamber of Deputies on 16 December 2013,

The Chamber of Deputies, acting in accordance with Article 40 of Decision No 11/2011 of the Chamber of Deputies of 19 April 2011, hereby adopts this opinion:

The Chamber of Deputies

1. Notes that the problem of access to professions can be seen in the broader context of the financial crisis that has affected all European economies and has made it necessary to consider how to stimulate employment creation and restore economic growth;
2. Notes that the Communication sets out a framework enabling Member States to present, by April 2015, a first set of national action plans with regard to the barriers to accessing regulated professions, based on in-depth, case-by-case analysis following mutual evaluation;
3. Notes that the number of regulated professions in Romania is lower in comparison to the situation in other Member States. In Romania, the largest number of regulated professions are in the field of transport, based on specific European and international rules;
4. Notes that the European Commission is urging Member States not to wait for the formal entry into force of the revised Professional Qualifications Directive (end 2013) and to begin reviewing at national level the qualifications requirements imposed on regulated professions and the scope of reserved activities. With regard to this issue the Chamber of Deputies notes the following:

– There are some cases where regulating access to professions may be

beneficial. In this sense, regulated professions allow consumers to make informed service provider choices when they face difficulties in assessing the level of qualification of service providers. In addition, professions may be regulated for health reasons so as to avoid accidents caused by malpractice or faulty products, or to prevent external effects for third parties;

- There are many benefits arising from opening access to professions, including liberalisation, which first and foremost leads to better prices and increased consumer choice;
- Reducing the regulation of professions could have positive effects on the economy, as increasing the number of suppliers would stimulate competitiveness. This would improve the employment situation for certain professions;
- By reviewing regulated professions, it is possible to assess the benefits and weigh them against the economic costs;
- The large disparities that exist between Member States impede professionals wishing to work abroad or offer their services across borders and therefore regulations on the access to professions need to be modern and flexible in order to facilitate the free movement of professionals. This would create economies of scale at European level and lead to a more efficient allocation of resources.
- The analyses carried out show that Member States should thoroughly consider the effects of potential barriers to trade in professional services throughout the Single Market, but also the role of regulated professions for their domestic economy. The evaluations carried out in the context of the Services Directive have shown that there are already barriers to the exercise of certain professional activities and to professionals wishing to establish in another Member State. While some Member States have modified their regulations to allow access, others did not carry out a thorough proportionality assessment of the regulations in place.
- Mutual evaluation offers the opportunity for each Member State to undertake a rigorous assessment of existing barriers. There is a need for transparency. In addition, all the entry restrictions identified must be screened and the necessity and proportionality of these restrictions analysed, taking into due consideration the impact these regulations have on quality, price and employment;

5. Takes note of the evaluation exercise launched by the Commission Communication, which will take place in parallel with the transposition of Directive 2005/36/EC on the recognition of professional qualifications, in particular Article 59 thereof;

6. Agrees with the Commission's recommendations on mutual evaluation, especially with regard to the following:

- a profession-by-profession analysis, considering each profession's specificities on its own merits;

- comparison of systems before each Member State takes a final position, as provided for in Article 59 of the revised Professional Qualifications Directive, which specifies criteria for examining requirements on the access to professions;
- for each regulated profession, identification by the Member States of the specific reason of general interest justifying a given regulatory framework and checking that the justifications are still valid today;

7. Welcomes the measures provided for in the work plan set out in Annex II, including:

- the accurate mapping by each Member State of all of its regulated professions and a screening of the justification for each regulated profession;
- comparison of the results in a mutual evaluation between all Member States as early as possible;
- presentation of first measures aimed at reviewing the entry restrictions by April 2015;
- dividing screening and mutual evaluation between two phases with distinct timetables, each one dealing with a different cluster of sectors;
- presentation by the Member States of national action plans;
- presentation by the Commission, of any remedial actions by June 2015 and March 2016, i.e. at the end of each evaluation phase;

8. Notes and shares the position of the members of the Committee for Education, Science, Youth and Sport with regard to Article 59 of the revised Professional Qualifications Directive, which specifies three criteria for examining requirements on the access to professions, as follows:

Compatibility with the principle of non-discrimination according to nationality or place of residence: Member States should ensure that professionals can access regulated professions without being a national or without having to reside in their national territory.

Justification: regulation must be justified by an overriding reason of general interest.

Proportionality: the proportionality of national measures should be analysed with reference to their suitability to securing the objectives they pursue. They should also not go beyond what is necessary in order to attain these objectives;

9. Agrees that the task of implementing the evaluation exercise launched by the Communication in Romania should be carried out by the National Coordinator for the Recognition of Professional Qualifications (CNERD - the National Centre for Equivalence and Recognition of Diplomas) within the Ministry of National Education;

10. Agrees with the decision taken in 2012 by the competent authorities in Romania not to support the proposal of certain Member States to initiate deregulation and notes that the mutual evaluation of national regulations in force could lead to conclusions being reached as to deregulation;

11. Would stress to the competent national authorities that Romania should actively support the transparency and mutual evaluation exercise launched by the European Commission, taking into consideration on the one hand the need to facilitate the free movement of professionals within the internal market and on the other hand the national social and economic context that has led to the regulation of certain professions.

This opinion is addressed to the Presidents of the European Parliament, the Council and the European Commission, and to the Romanian Government.

PRESIDENT

Valeriu Ștefan Zgonea