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Mr Călin POPESCU-TĂRICEANU

President of the Senat

Calea 13 Septembrie nr. 1-3, sector 5

RO – 050711 BUCHAREST

Dear President,

The Commission would like to thank the Senat for its Opinion 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 {COM(2016) 822 final}.

The proposal, adopted by the Commission on 10 January 2017 as part of the “Services Package”, should be seen in light of President Juncker's political commitment to unleash the full potential of the Single Market and make it the launchpad for European companies to thrive in the global economy. This goal was confirmed by the European Council in its December 2015, June 2016 and December 2016 conclusions. The proposed measures aim to make it easier for services providers to navigate administrative formalities, and to help Member States identify overly burdensome or outdated requirements on professionals operating domestically or across borders.

The Commission welcomes the Senat's overall support for these objectives to steer the internal market for services, for service providers and professionals and for customers of these services.

With the proposal for a proportionality test on regulated professions, the Commission is proposing to streamline and clarify how Member States should undertake a comprehensive and transparent proportionality test before adopting or amending national rules on professional services.

The proposal does not interfere with the prerogative of the Member States to decide whether or not and how to regulate a profession. This applies independently from the kind of services that the profession which is to be regulated provides, including services of general economic interest. Additionally, the proposal does not have a direct link to the European Qualification Framework, in particular, as already the Directive 2005/36/EC¹ on the recognition of

¹ 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’), OJ L 354, 28.12.2013, p. 132–170.

professional qualifications operates with different levels of education. It will facilitate the implementation of the latter Directive by providing an European Union framework for Member States to follow to conduct proportionality assessments.

The proposal presented by the Commission is currently in the legislative process involving both the European Parliament and the Council. The Senat's Opinion has been made available to the Commission's representatives in the ongoing negotiations with the co-legislators and will inform these discussions.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Senat and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Elżbieta Bienkowska
Member of the Commission*