



EUROPEAN COMMISSION  
Impact Assessment Board

Brussels,  
D(2011)

## Opinion

**Title**   **Impact assessment on a Directive amending Directive 2005/36/EC on the recognition of professional qualifications**

**(draft version of 14 October 2011)**

### **(A) Context**

The Professional Qualifications Directive 2005/36/EC (PQD) obliges Member States to recognise qualifications gained in other Member States as equivalent to national qualifications. Persons wishing to permanently establish in a regulated profession abroad can apply to a host state authority for either unconditional "automatic recognition", or "general system" recognition which may be conditional on a competence test or adaptation period or require a specific assessment of their training. Persons wishing to temporarily work in a profession may need to give prior notice to the host Member State, and may need to undergo qualification checks if the host State deems this essential to reduce health and safety risks. Mobility of professionals affects various sectors, including health, construction, business services and education, and has economic benefits.

This proposal was announced in the Single Market Act Communication (COM/2011/0206), where one of the twelve sets of actions to create growth is mobility for citizens. This Impact Assessment was preceded by an ex-post evaluation of the Directive, consultation activities and a Green Paper in June 2011.

### **(B) Overall assessment**

**The report provides an adequate evidence base for decision-making and reflects a thorough preparation process for most issues. It should however be improved in various respects. Firstly, the context for this initiative should be clarified via a summary of the evaluation and an early explanation of the interactions with the Services Directive. Also, the report should identify the most significant problems and should discuss the likely causes of these. Secondly, it should clarify the nature and impacts of options for improving "transparency and justification", and should be clear about the type of mutual evaluation planned and its synergy with other elements of this initiative, given the analysis is sufficient to justify an exercise that supports the objective of promoting mobility via improved transparency. Thirdly, the report should better assess the impacts of options on "access to information and online procedures", including by giving a deeper analysis of the costs of moving to online procedures. Fourthly, the report should generally improve its analysis of impacts by using additional data and recording data gaps.**

## **(C) Main recommendations for improvements**

**(1) Clarify the context and identify the most significant problems and their likely causes.** The report should clarify the context by both providing a summary of the evaluation findings in an annex and by briefly explaining the professions within scope of the PQD and its interaction with the Services Directive early on within the main text. On that basis the report should be amended to more clearly label those problems which are of particular significance. The report should explain how these significant problems were selected, with reference to clear criteria and relevant empirical evidence. For the most significant problems, the report should then discuss their likely causes. For example, some key causes of inadequate information provision for citizens could be illustrated by giving examples of the numbers of competent authorities that oversee particular professions in certain States and by explaining how far it has been possible to resolve difficulties via voluntary mechanisms such as the sharing of best practice.

**(2) Clarify the nature and impacts of options on "transparency and justification".** The report should more fully describe the baseline and second option (reporting obligation) for addressing the issue of transparency and justification, clarifying what information is currently recorded in the EU database of regulated professions, who supplies data to it and whether this is done on a voluntary basis. Any available indicators of the database's completeness and quality should be supplied. The third option on mutual evaluation should also be more fully described to confirm it is fully in line with the objective of promoting mobility via improved transparency, and with the updating and improving nature of the initiative. The report should also clarify how it would interact with other processes such as the European semester and country recommendations. An effort should be made to explain its synergy with other preferred options in this IA, notably easier access to information for citizens. The report should clarify whether the Commission has any particular plans for managing this process, e.g. as regards the number of meetings each year and ways to focus on particular professions. The expected impact of each option should be presented separately from the description of option content. Any difficulties in predicting impacts should be clearly acknowledged. For option 2, the report should assess administrative costs in a systematic fashion and quantify them using the Standard Cost Model if significant, e.g. by considering the information to be gathered and sent, time taken and how far this would generate additional work.

**(3) Better assess the impacts of options on "access to information and online procedures".** The report should provide a deeper analysis of the likely costs involved in moving to systems for online submission of applications for mobility. This should draw on experiences with the Services Directive e.g. transition times. The report should also better assess the implications for Member States of providing high-quality online information for citizens of other EU states about working there, preferably discussing the extent to which such data is already provided or could be provided by using existing information that should be available to satisfy the current PQD requirements.

**(4) Improve the analysis of impacts by using additional data and recording data gaps.** For its other options, the report should make further use of facts and quantitative data to support its impact analysis where possible. Evidence from the recent study should be better integrated, as should information on Member State's recognition procedures that the Board was told has been recently collected. When discussing language skill options, the report should provide a deeper analysis of both costs and benefits. Here and elsewhere, it should better discuss social impacts in terms of patient/consumer experiences. On other issues, the nature of expected benefits and their likely scale should

be clarified where possible, giving due consideration to the effects on employment and particularly the potential reduction in skill mismatches in EU labour markets. The report could, as a minimum, mention the population of EU professionals or applicants for mobility who could gain when detailed data is unavailable. Where data is difficult to obtain and when data or estimates have limitations, the report should be transparent in recording this, for example as seems to be the case for the analysis on nurses' training.

*Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.*

#### **(D) Procedure and presentation**

The report should provide a short summary of the opinion of major groups of stakeholders in the main report, and should also present a fuller summary of consultation findings in an annex. The report should briefly explain why certain of the issues are discussed in annexes. In the summary table showing all chosen options, it should also record that a "no change" option was selected following analysis on the issue of third-country qualifications.

#### **(E) IAB scrutiny process**

Reference number	2011/MARKT/049
External expertise used	No
Date of IAB meeting	9 November 2011