

Service Package

JOINT POSITION EUROCADRES & CEPLIS

3 July 2017

Eurocadres – Council of European Professional and Managerial staff – and CEPLIS – European Council of the Liberal Professions – put forward a joint position on the so called “Service Package” presented by the Commission in January 2017.

The aim of the Commission’s initiative is to make it easier for companies and professionals to provide services in the European Single Market. Eurocadres and CEPLIS in general welcome and support improved facilitation of cross-border mobility of high-qualified professionals. Considering that there are still high obstacles for professionals, especially the recognition of their professional qualifications, to exercise their profession in another EU country it is high time for improvement.

Eurocadres and CEPLIS call for equal treatment and non-discrimination for all professions – regulated or not – in the European Single Market. Regulation of professions shall be objectively justified on the basis of public policy, public security or public health, or by overriding reasons in the public interest. When appropriate the subsidiarity principle should be taken into consideration. In order to reach this aim, which is rather an evolutionary process, it is of utmost importance to engage in a constant dialogue with social partners, professional associations, European institutions and national administration in order to reach sustainable and optimal solutions.

The present initiative goes in the right direction but it needs to be thoroughly examined if the proposed measures will provide the desirable improvements.

Some key issues for Eurocadres and CEPLIS have raised concern which are here put forward for further discussion.

European services e-card

The potential links between the proposed e-card and the European professional card need to be clarified. It is necessary to avoid any overlap between the two mentioned instruments.

The proposal as such is favouring the country of origin principle which is problematic. It should be the host country being in charge for the procedure since the service provider is required to perform the service according to the rules of the host country.

Notification procedure

The proposal for a broader notification procedure is probably not proportionate in respect to its objective, which is a better compliance and enforcement of the Service Directive. The proposal as such will have the likely consequence that the notification procedure will impede and slow down national legislation procedures and will increase administrative burden.

Proportionality test

Regulations shall already at present day be proportional. The directive proposal however codifies a procedure for the test, a necessary step considering that the current situation is not satisfactory with lacking compliance from Member States.

Our concern is that it could become a driver against necessary modernisation of regulation. The criteria are quite broad and leave a wider scope of interpretation which will cause administrative burden if all of them need to be examined in detail. In addition, in combination with the notification procedure the whole legislative process risks to become inefficient.

As periodic guidance will be issued on specific needs, identifying countries and professions where reform would be beneficial. This soft law instrument on periodic guidance would be an important complement to the directive to reduce this potential counter-modernisation effect. There is a need to clarify if, when amending existing regulation, only the change should meet the assessment criteria or the overall regulation.

Finally, it should obligatory to involve social partners and professional associations in the process.

