

German Medical Association

Federation of the German Chambers of Physicians



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

CEOM Plenary Meeting,
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- Part of the so-called „service package“
- proportionality test to be used by Member States before adopting or amending national regulations restricting access to or pursuit of regulated professions (Ex-ante test)
- analytical proportionality framework for Member States to use when reviewing existing regulations of professions or proposing new regulations

- Finalising the Internal Market by removing inappropriate or unnecessary national regulation (notably for services)
- Directive 2013/55/EU: Art. 59 on Transparency, Member States must inform about regulated professions and reasons for regulation
- New Proposal aiming at professions with questionable regulation at national level, perceived as closed shop
- Horizontal directive: all professions in PQD are covered

Potential Consequences



- If medical chambers have been tasked with e.g. ethics and professional conduct, setting of professional standards, licensing, levels of specialty or similar this professional regulation may also be part of the test.
- COM acknowledges that regulation is justified when it comes to health and safety issues. MS may set level of protection and means to secure this level of protection.
- Member States must explain how regulation contributes to protection of health/safety issues
- Increased administrative burden and delayed regulation?

State of Play



- Commission Proposal: 10 January 2017
- Informal Trilogue aiming at first/second reading agreement
- Council position: despite subsidiarity concerns by several member states (AT, DE, FR) no exclusion of health professions
- EP: IMCO, report by Andreas Schwab (EVP, D) due 21 June 2017

Talking Points



- How proportionate is the proportionality directive?
- How severe are the consequences of a proportionality test for the Member States and/or medical chambers?
- How should medical profession position itself?