



**ECEC opinion on the proposal for a regulation introducing a European services e-card and related administrative facilities and the proposal for a Directive on the legal and operational framework of the European services e-card introduced by Regulation:**

**Background:** The e-card is a new, fully electronic procedure for self-employed people and companies who provide construction or business services. It shall replace administrative formalities in different languages because the service provider follows a procedure in the home country language and with the home country administration. The service provider can submit documents online and has to deal only with a contact point in the home country which liaises with the host country.

The e-card shall be implemented by a Directive and a Regulation. The Directive sets out the legal and operational framework regulating aspects such as the conditions of eligibility, the competences of home and host Member State, validity of the card and conditions for revoking or suspending it etc. and the Regulation sets up tools and technical details and formalities for the procedures. The e-card procedure relies on cooperation between home and host Member States implemented via the existing Internal Market Information System (IMI). The e-card shall be offered to service providers on a voluntary basis.

The European services e-card is similar to the European professional card (EPC). Both are voluntary electronic procedures on EU level but have different objectives: While the European professional card facilitates provision of services through the recognition of professional qualifications for natural persons as workers or self-employed service providers the e-card addresses a much wider range of requirements. It shall be available for self-employed natural persons and companies.

**ECEC opinion:** The ECEC welcomes the idea to promote mobility within Europe and to better support services providers by offering them a simpler procedure for registration in the host Member State. Information research and fulfilment of national requirements for service provision in another Member State can indeed still be difficult for service providers.

However, In relation to the proposed introduction of a Services e-Card ECEC has a number of concerns:

### **Scope of services e-card / professional card:**

Although the Directive on the Recognition of Professional Qualifications is *lex specialis* and takes priority over the Services Directive under this proposal it is unclear if and how the PQD can take priority for regulating the mutual recognition of qualifications. It is not clear what the European Professional Card would cover and whether it would overlap with the new card. Engineering Services can be provided as a company or as a self-employed individual. As such the e-card would apply for engineering services. At the same time chartered Engineers such as e.g. Civil Engineers are a regulated profession and as such would fall under the Professional Card. It thus seems to be unclear what the adequate tool is for Chartered Engineers.

In case of application for a services e-card it seems to be unclear how professional recognition requirements are checked / fulfilled as the card focuses on less specific requirements. Therefore the ECEC sees a danger that the “Country of Origin” principle is introduced through the backdoor in regard to professional recognition.

**The ECEC thus is of the opinion that this has to be clarified in more detail or otherwise that the services e-card should not be made applicable for regulated professions.**

### **Sovereignty of Member States**

Although the European Commission stresses that the substance of applicable rules is not touched by the procedure the danger of infringing the sovereignty of the Member States to determine the form of their own vocational qualifications is particularly apparent if - as is proposed - a co-ordinating authority (see Art. 12 of proposed Directive) has to check professional qualifications in the least possible time. It is intended that Services e-Cards would be issued automatically, unless the host Member State decides to veto the application

within an extremely short time frame (see Art. 12 of proposed Directive). Otherwise an assumption of approval would come into effect which, in the case of a possible establishment, could become binding for registration as an architect in the country concerned. In addition, a veto against the issuing of a Services e-Card is only supposed to be possible if, among other things, the circumstances of the applicant lead to genuine and sufficiently serious threats to the public interest in the context of public order, public safety, public health or environmental protection.

This approach could endanger the European Union's tried and tested system for recognising professional qualifications under the Directive on the Recognition of Professional Qualifications.

**The ECEC would thus like to question if the system sufficiently ensures that justified requirements by the host Member State can be applied and that it is not possible to circumvent requirements of professional recognition by using the service – e-card.**

**The ECEC believes that in the current form the benefits of the e-card might not outweigh the possible negative effects.**