



## Professional Law Report Confédération Fiscale Européenne (CFE)

19 August - 2-3/2008

### NEWS - INTERNAL MARKET

## EUROPEAN COMMISSION

### Delays in transposing directive on services into Member States' domestic law

At a hearing with the French national assembly's delegation for the EU in June, the European Commission recognised that transposition of the directive on services in the Internal Market (due to come into force at the end of next year) is being delayed. At the hearing, their view was shared by German Social Democrat MEP Evelyne Gebhardt, who was the European Parliament's rapporteur on the directive. At a meeting at the end of May, the European Commission submitted a progress report to ministers on transposition of the services directive, noting that implementation of the directive was a weighty task for the Member States which had to implement several large-scale projects, e.g. establishing one-stop shops where companies can fill in the paperwork to carry out cross-border business; introducing electronic procedures favouring dialogue between the one stop shops and service providers; and screening national legislation on the supply of services to ensure it complies with the directive. The Commission suggests that a total of some 5.000 laws will have to be screened across the 27 Member States as a whole. The general impression is that the transposition exercise is being carried out unevenly across the EU Member States.

### Directive on the recognition of professional qualifications (RPQ): Commission acts to ensure eight Member States implement EU laws

The European Commission has decided to send a reasoned opinion to eight Member States, namely Germany, Estonia, Latvia, Lithuania, the Netherlands, Poland, Sweden and the United Kingdom, for failing to notify it of their transposition measures for Directive 2005/36/EC on the recognition of professional qualifications.

The RPQ consolidates in a single piece of legislation fifteen directives, including twelve sectoral directives and three directives which introduced a general system of recognition of professional qualifications and covered most other (regulated) professions as tax advisers. The directive simplifies the structure of the system of recognition of qualifications and improves the way it operates.

### Free movement of services: infringement proceedings against Estonia and Portugal

The European Commission has decided to pursue infringement proceedings against Estonia and Portugal in the area of free movement of services. The Commission will refer Portugal to the European Court of Justice over its rules on the provision of construction services. The Commission will also formally request Portugal to amend its rules on the provision of estate agent services. Finally the Commission will formally request Estonia to amend its rules on the recognition of medical prescriptions by pharmacists. These formal requests take the form of "reasoned opinions", the second stage of the infringement procedure laid down in Article 226 of the EC Treaty. If there is no satisfactory reply within two months, the Commission may refer the matter to the European Court of Justice.

**Portugal** – Construction service providers wishing to render temporary services in Portugal have to fulfil the same requirements as for establishment. The Commission considers that these obligations are incompatible with the freedom to provide services guaranteed in Article 49 of the EC Treaty.

**Portugal** – estate agent services: The rules on estate agent services and real estate brokerage firms in force require providers of such services from other Community countries to meet all the requirements necessary for establishment, even if the services are only of a temporary nature, with no distinction being made between establishment and temporary provision. The failure to make such a distinction infringes Article 49 of the EC Treaty. Furthermore, the obligation to provide exclusively estate agent and real estate brokerage services is disproportionate to Articles 43 and 49 of the EC Treaty.

**Estonia** – medical prescriptions: The Commission has decided to send Estonia a reasoned opinion under Article 226 of the EC Treaty in view of its rules prohibiting the recognition of medical prescriptions made out by medical practitioners who are qualified to act in their Member State of establishment but are not registered in Estonia. The Commission takes the view that the provisions in question restrict both the freedom of health professionals to provide services and patients' rights and are contrary to Article 40 of the EC Treaty.

### **Commission refers France to Court of Justice over restrictions on provision of services by networks of audit firms**

The European Commission has decided to refer France to the European Court of Justice over its national independence rules relating to international networks of audit firms. The Commission considers that Articles 24 and 29 of the 2005 French Code of Ethics for auditors unduly restrict the freedom to provide services as guaranteed by Article 49 of the Treaty. This follows a reasoned opinion sent in October 2007, after which the French authorities failed to amend the relevant articles accordingly. Articles 24 and 29 (III, second paragraph) of the Code of Ethics concern non-audit services provided worldwide by any member of an international network.

Under these rules, the provision of a large number of non-audit services to any company that is either a parent or a subsidiary of a company audited in France is deemed to be incompatible with the independence requirements of the French statutory auditor. Due to the fact that these presumptions cannot be challenged, an auditor and its network are not in a position to demonstrate that the independence of an audit is unaffected.

The Commission takes the view that the rules in question go far beyond of what is required by Article 22(2) of the Directive 2006/43/EC which establishes a general framework for independence of statutory auditors in the EU. The Commission considers, in this respect, that the rules are not proportionate to the objective of ensuring the independence of auditors. Moreover, the provisions of the French Code do not take into account the rules existing in other Member States that already protect the independence of auditors.

### **Proposal: Regulation introducing a statute for the European Private Company**

The European Commission has presented a proposal for a Statute on a European Private Company (SPE). This new company form will enable small- and medium-sized enterprises (SMEs) to do business throughout the EU, with the aim of cutting costs and encouraging growth in this area. The SPE has been designed to address the current obligations on SMEs operating across borders, who need to set up subsidiaries in different company forms in every Member State in which they want to do business. In practical terms, the SPE would mean that SMEs can set up their company in the same form, no matter if they do business in their own Member State or in another. Opting for the SPE may save entrepreneurs time and money on legal advice, management and administration. The proposal has been submitted to the European Parliament and Council. The new statute of the SPE is part of the 10 principles of the European Small Business Act. The SBA should be adopted at the highest political level and concrete measures. Its goal is to make life easier for small businesses.

[Read more \(click to open\):](#)

Proposal

[EN](#) [FR](#) [DE](#)

### **Auditing: recommendation to strengthen confidence in statutory audit**

The European Commission has issued a recommendation on „external quality assurance for statutory auditors and audit firms auditing public interest entities“. It provides guidance to Member States for establishing an independent and effective system of inspections on the basis of the directive on statutory audit. In essence, this recommendation gives more responsibilities to the public oversight bodies, strengthens the independence of inspection teams and enhances transparency on the results of inspections of individual audit firms. The recommendation only deals with inspections of statutory auditors or audit firms auditing public

interest entities, since co-operation between Member States is a priority with regard to audits of public interest entities.

It recommends an active role of the public oversight authorities in inspections. Professional associations may still assist the public oversight authorities, but should be subject to important safeguards, including accountability to the public oversight authority. Furthermore, the recommendation invites Member States to clarify that practitioners from audit firms (peers) should no longer have a leading role in inspections system and inspections teams. It also recommends to Member States to enhance transparency on the outcome of the inspections in order to improve accountability of the inspection system towards investors, companies and other stakeholders. The transparency reports published by audit firms should contain no misleading information in comparison to the findings of inspections. Major deficiencies in internal controls of audit firms should be disclosed if an audit firm does not address appropriately the recommendations for improving the audit quality.

[Read more \(click to open\):](#)

The Recommendation „strengthen confidence“

EN

### **Auditing: recommendation on limiting audit firms' liability**

The COM has issued a recommendation concerning the limitation of auditors' civil liability. It is accompanied by the publication of an impact assessment for this initiative. Its main purpose is to encourage the growth of alternative audit firms in a competitive market. The recommendation responds to the increasing trend of litigation and lack of sufficient insurance cover in this sector. It aims to protect European capital by ensuring that audit firms remain available to carry out audits on companies listed in the EU. The recommendation leaves it to Member States to decide on the appropriate method for limiting liability, and introduces a set of key principles to ensure that any limitation is fair for auditors, the audited companies, investors and other stakeholders. This initiative arises from a mandate in the 2006 directive on statutory audit to examine the issue of limitation of financial liability and to present recommendations to Member States where appropriate.

Recital 1 states that „any external quality assurance system should... be objective and independent from the auditing profession“.

However, the recommendation proposes three examples as possible methods but any other equivalent method might be used. The selected method should best suit the Member State's legal environment. The recommendation introduces furthermore key principles to be followed by Member States when they select a limitation method: The limitation of liability should not apply in the case of intentional misconduct on the part of the auditor; A limitation would be inefficient if it does not also cover third parties; Damaged parties have the right to be fairly compensated.

Point 7.4 (c) of the impact assessment refers to the acceptability for other professions. It is stated that “tax advisers act in the purely private interest of their clients. The statutory audit is mandatory and thus policy makers have a genuine public interest responsibility for ensuring a sustainable audit market”.

[Read more \(click to open\):](#)

The recommendation “limiting liability”

EN

### **Statutory Audit: Commission decision cuts red tape for audit firms from third countries**

The European Commission adopted a decision granting a transitional period for the registration requirements for audit firms from 30 non-EU countries, the countries concerned are Argentina, Australia, the Bahamas, the Bermudas, Brazil, Canada, the Cayman Islands, Chile, China, Croatia, Guernsey, Jersey, the Isle of Man, Hong Kong, India, Indonesia, Israel, Japan, Kazakhstan, Malaysia, Mauritius, Mexico, Morocco, New Zealand, Pakistan, Russia, Singapore, South Africa, South Korea, Switzerland, Taiwan, Thailand, Turkey, Ukraine, the United Arab Emirates and the US. The decision clarifies how the competent authorities in Member States should deal with third country audit firms under the Statutory Audit directive. In the context of its work on monitoring the implementation of the Statutory Audit Directive, the Commission published a scoreboard on where the 27 Member States

stand with their implementation of the Statutory Audit Directive, which had to be transposed into national law on June 29, 2008. The Commission has adopted a decision concerning a transitional period for audit activities of certain non-EU auditors and audit entities.

The decision ensures the proper implementation of Article 46 of the Statutory Audit Directive, which allows Member States to modify or not to apply the registration requirements for third country auditors set out in Article 45 of the Directive only if such auditors fulfil certain conditions. The Decision allows 30 third country audit firms to continue their audit activities regarding third country companies listed on European markets by granting the audit firms concerned a transitional period in respect to registration requirements until 1 July 2010. However, transition will only be granted if third country audit firms comply with the minimum information requirements necessary for investors in Europe. Audit firms from third countries that do not fall under the transitional regime will be subject to full registration and oversight by the competent EU Member State. On the practical application of the regime for all third countries, the audit regulators in the European Group of Auditors' Oversight Bodies worked out arrangements for a common approach on common application forms for the registration of third country auditors and audit firms.

[Read more \(click to open\):](#)

The COM decision

[EN](#)

Statutory Audit Directive Scoreboard

[EN](#)

in one Member State when opening branches in other Member States. In the accounting area, parent companies with no material subsidiaries no longer need to prepare consolidated accounts. Furthermore medium-sized companies can be exempted from providing detailed data in the annual accounts.

The proposals aim to abolish requirements in company law: Obligation to publish business data in the national gazettes: In most cases, the publication of information linked to the company's setting up, to its capital and its financial situation means additional costs. The publication in a national gazette does not create real added value anymore given that company registries, since the beginning of 2007, have to make this information available online. These new central electronic business platforms can guarantee easy access to the information saving additional costs (amendment to Directive 68/151/EEC).

The proposal would contribute to lowering the cost of establishing new branches of companies and thereby give a very concrete positive signal to European businesses (amendment to Directive 89/666/EC). The measures are part of the second package of fast track actions and form part of the overall programme to reduce the administrative burdens for enterprises, by 25 percent in 2012.

[Read more \(click to open\):](#)

Action Programme

[EN](#)

## Commission cuts administrative burdens in EU company law

The European Commission is moving to deliver on its 2008 programme to cut administrative costs. The Commission approved proposals for four of these measures which may make life easier for small and medium enterprises (SMEs) by cutting the following burdens on enterprises. Companies will no longer need to publish business data in the national gazettes and they can (re-)use translations certified

The COM published a document regarding the relationship between Directive 2005/36/EC on the mutual recognition of qualifications (RPQ) and the European qualifications framework (EQF) (see PLR 1/2008). The main purpose of the EQF (a recommendation) is to act as a translation device and neutral reference point from comparing qualifications across different education and training systems. To achieve this objective, eight levels have been fixed in which qualifications will be qualified. Recital 11 of the recommendation states that "this recommendation is without prejudice to Directive 2005/36/EC

## Relationship RPQ/EQF



of the EP and the Council of 7 September 2005 on the recognition of professional qualifications which confers rights and obligations on both the relevant national authority and the migrant. Reference to the EQF levels on qualification should not affect access to the labour market where professional qualifications have been recognised in accordance with Directive 2006/36/EC". The recently published document stresses that the directive RPQ is the legally binding instrument. Therefore, in situations covered by the RPQ, competent authorities in Member States are not free to decide to which system they will refer to in order to compare qualifications for the purpose of recognition. The meaning of the mentioned recital is explained in the recently published document.

[Read more \(click to open\):](#)

Relationship RPQ/EQF

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## NEWS - COMPETITION

### EUROPEAN COMMISSION

#### Public consultation on keystone antitrust regulation

The Commission has launched a public consultation on the functioning of the Council Regulation that sets out the rules for the Commission's enforcement of EC Treaty antitrust rules. This Regulation, in force since 1 May 2004, also entrusts national competition authorities and courts with the role of applying these rules, meaning that there is wide-spread enforcement of the same set of rules to prosecute cartels and other anti-competitive practices. The Commission will use the results of the consultation to prepare the report, which should be presented to the European Parliament and the Council by 01.05.09. Interested parties are invited to submit their comments by 30.09.2008 at the latest. The Commission welcomes comments from the business community and their representatives as well as other stakeholders who have had direct experience of the implementation of Regulation 1/2003, including courts, industry associations and consumer associations.

[Read more \(click to open\):](#)

The questionnaire for stakeholders

[EN](#)

### 2007 Annual Report on Competition Policy

The European Commission has adopted its 2007 Annual Report on Competition Policy. It gives an overview of the main developments in competition policy. It outlines key changes to competition rules and policy as well as major enforcement actions. Using concrete examples it demonstrates how the tools of competition policy were used to reinforce Europe's competitiveness and to protect consumers and businesses from anticompetitive conduct.

[Read more \(click to open\):](#)

Report Competition Policy 2007

[EN](#)

### OECD

#### Report „Competitive restrictions in legal professions”

The OECD published its report on „Competitive restrictions in legal professions“. It is one of the series of publications entitled „Competition policy roundtables“. According to the OECD „regulations and self regulations of the legal professions typically involve restrictions on entry and professional conduct. Certain restrictions may be a remedy to market failures and may also be based on distributional or paternalistic motives. But other restrictions can be based on rent-seeking and achieve cartel-like effects“. OECD's intention is to bring the topic to the attention of a wide audience. The report contains 390 pages and is available in FR and EN.

[Read more \(click to open\):](#)

OECD report

**EN**

[Read more \(click to open\):](#)

Ecorys Report into pharmacy regulation

**EN**

## Study into pharmacy regulation

To evaluate how rules applicable to pharmacies impact on the productivity, the efficiency and quality of pharmacy services in the different Member States, the Commission asked ECORYS Nederland BV to carry out a study into the sector. It tries to provide an analysis on how differing national laws regulating pharmacies impact on the effective functioning of the Internal Market, and therefore on the performance of the European pharmacy services sector as a whole. The study concentrates on community pharmacists in the EU-25. The report was published in January.

According to the Pharmaceutical Group of the European Union, PGEU, the European association representing community pharmacists in Europe, the report incorrectly claims in its consideration to have found “strong negative relation between operating requirements (notably ownership restrictions for non pharmacists, location requirements for pharmacies and entry barriers for pharmacists from other Member States) and productivity”. The report claims that on the basis “barriers to freedom of establishment lead to significant social costs”.

The report reaches this conclusion by analysing data from two groups of countries, a “high regulation group” and a “low regulations group”, each containing five members. In the low regulation group it finds higher average productivity than in the high regulation group. One of the five low regulation countries, three countries achieve maximum productivity. SK, D and DK, thus increasing the average productivity of the low regulation group. However, it seems that the report contains a number of factual errors. The problem is that both D and DK have high regulated pharmacy systems. E.g., in D, ownership of pharmacies is reserved for professional pharmacists. In DK, there are both ownership restrictions and restrictions on the establishment of pharmacies although Ecorys acknowledge in the report that they have no information about the latter. However, they include DK as a “low regulations” country anyway. It seems that the inclusion as low regulation countries invalidates the whole analysis in this area.

## NEWS - JUSTICE

### EUROPEAN COMMISSION

#### Money laundering directive: COM takes measures against 15 Member States for non timely implementation

The European Commission has decided to pursue infringement procedures against 15 Member States for failure to implement the Third Money Laundering directive in national law. The Commission sent in June formal requests to Belgium, Czech Republic, Germany, Greece, Spain, Finland, France, Ireland, Luxembourg, Malta, the Netherlands, Poland, Portugal, Sweden and Slovakia. These formal requests take the form of “reasoned opinions”, the second stage of the infringement procedure laid down in Article 226 of the EC Treaty. If there is no satisfactory reply within two months, the Commission may refer the matter to the European Court of Justice. The directive should have been implemented by 15 December 2007.

The Third Anti-Money Laundering directive adopted in 2005 builds on existing EU legislation and incorporates into EU law the June 2003 revision of the Forty Recommendations of the Financial Action Task Force (FATF), the international standard-setter in the fight against money laundering and terrorist financing. The directive is applicable to the financial sector as well as lawyers, notaries, “accountants”, real estate agents, casinos, trusts and company service providers. Its scope also encompasses all providers of goods, when payments are made in cash in excess of €15.000. Those subject to the directive need to - identify and verify the identity of their customer and of its beneficial owner, and to monitor their business relationship with the customer; - report suspicions of money laundering or terrorist financing to the public authorities - usually, the national financial intelligence unit; and take

supporting measures, such as ensuring proper training of personnel and the establishment of appropriate internal preventive policies and procedures. The directive introduces additional requirements and safeguards for situations of higher risk (e.g. trading with correspondent banks situated outside the EU).

## EUROPEAN COUNCIL

### EU strengthens Eurojust's powers

In July, EU justice ministers obtained a political agreement aimed at reinforcing the powers of Eurojust members, the European Union's legal cooperation body. It also obtained an agreement on the extension of the European Legal Network's powers on criminal legal matters. The Eurojust agreement aims to help strengthen judicial cooperation in Europe, as part of the fight against serious crime. This information-sharing is even obligatory during cases involving at least three Member States. A crisis unit, open 24 hours a day, will be set up at Eurojust, which will also assist autonomous bodies, particularly in drug trafficking cases. Liaison magistrate posts will be set up in third countries and the link between Eurojust and the European Legal Network will also be enhanced. Strengthening the European Legal Network is aimed at facilitating cooperation and the exchange of information between the 200 contact points in the different member states. These contact points permanently provide information to national legal authorities in the fight against fraud, swindling and the trafficking of human beings.

Ministers also examined the „ECRIS“ project providing a criminal record interconnection in the EU 27. This cooperation instrument is indispensable in helping develop a European criminal record link-up. Two other decisions are essential if this objective is to be attained. The first, a framework decision, was adopted during this Council and aims at taking previous convictions into account during new criminal proceedings. This aims to determine the conditions (during criminal proceedings against someone) in which previous convictions were reached in another Member State where the person had committed their misdemeanours. The other framework decision, which is due to be adopted by the end of the year, focuses on information exchange on national criminal records. According to this proposal, all nationals convicted in any EU Member State will have their convictions registered in their national criminal record.

## FATF - Financial Action Task Force Guidance Risk-Based approach

The Financial Action Task Force (FATF) is an inter-governmental body whose purpose is the development and promotion of national and international policies to combat money laundering and terrorist financing. The FATF is a 'policy-making body' created in 1989 that works to generate the necessary political will to bring about legislative and regulatory reforms in these areas. The FATF organised a meeting in Bern last December to discuss developing guidance to the Risk-Based Approach (RBA) for (a) dealers in precious metals and stones, (b) real estate agents, (c) casinos, (d) accountants and (e) lawyers/notaries/trust company service providers. The recently published "guidance for Accountants on the Risk-Based Approach to combating Money Laundering and Terrorist Financing" was developed by the FATF in consultation with representatives of the accountants industry. The guidance may support the development of a common understanding of what the risk-based approach involves, outlines the high-level principles involved in applying the risk-based approach, and indicates good public and private sector practice in the design and implementation of an effective risk-based approach. The guidelines will follow the model of the guidelines for the financial service sector which were adopted by the FATF in June 2007. The Guidance is addressed to "accountants". However, according to point 18 (page 3), the service of accountants may include "... Tax compliance work, and advice on the legitimate minimisation of tax burdens..."

[Read more \(click to open\):](#)

Guidelines accountants

**EN**

## EUROPOL

On 17 July, the European Police Office (Europol) published its annual report for 2007. The document looks at the significant increase in information exchange in police-related cases, as well as data contained in the information system on 63,000 items of information, twice as much as last year. In relation to organised crime, the European Council defined fraud (esp. in the field of ...VAT carousels) of a priority in identifying terrorist groups and networks.

[Read more \(click to open\):](#)

Europol: Annual Report 2007

EN

## EUROPEAN PARLIAMENT

### Strengthen protection of personal data in police/judicial cooperation

The European Parliament's committee on civil liberties (LIBE) adopted its third report regarding the framework decision on the protection of personal data processed in the framework of judicial and police cooperation in criminal matters. The report, which was presented by French socialist Martine Roure, was adopted unanimously (except for one abstention). MEPs are banking on a strengthened version, as they deemed the text to have been weakened by the political agreement reached in November in the Council because of the need for unanimity. Overall, the rapporteur regretted the fact that the Council had emptied the initial Commission proposal of its content and reached an agreement based on the lowest common denominator. The scope: the text drafted in the Council would only apply to exchanges of data between Member States and not the processing of data within them, as initially envisaged. However, MEPs think that the exchange should also cover data processed at national level and that special attention should be paid to the issue of determining the ends to which personal data can be used.

MEPs are aware of the difficulties in the Council, and proposed that a deadline of three years be set, after which the European Commission would carry out an evaluation and make proposals for broadening the scope. MEPs are due to be consulted at the first plenary session in September in Strasbourg. They had hoped that this dossier would be dealt with under codecision in 2009, if the Lisbon Treaty had been able to enter into force. For the moment the Council is not at all inclined to take on board the improvements advocated by MEPs.

## NEWS - JURISDICTION

### Germany: Judgment of the BFH, admission to the tax adviser exam

An EU citizen, who is admitted to the tax advisers' profession in another EU Member State, can establish its business as tax adviser in Germany if he/she passed the German aptitude test ("Eignungsprüfung"). Germany implemented the Directive in harmony to the relevant Directive 2005/36/EC on the recognition of professional qualifications. The German „Bundesfinanzhof" (German Federal Fiscal Court) delivered its judgement in a case, where a German candidate with a German university degree failed three times the German tax adviser exam ("Steuerberater - prüfung"). He then has been admitted in Belgium as tax adviser. Finally he applied in Germany for the admission to the exam of the aptitude test (for EU citizens). The Court complements that a person with a German university degree is obliged to participate only in the tax adviser exam (and not in the aptitude test) even if the candidate is admitted to the profession in another EU Member State (Az VII R13/07).

### French court decision on money laundering reporting

The French „Conseil d'Etat" (the highest administrative Court in France) delivered its judgment on the implementation of the second money laundering directive in France ("Directive 2001/97/EC of the EP and of the Council of 4 December 2001 amending Council Directive 91/308/EEC of the use of financial system for the purpose of money laundering"). The Conseil d'Etat complements in harmony the recent case law from the decision of 26 June 2007 of the ECJ (Case C-305-05, see PLR 3/2007) and from the decision of 23 January 2008 of the Belgian Constitutional Court (Judgment of 23 January in joint cases 3064 and 3065), by ruling that the EU Member States do not have just the opinion to respect lawyers' professional secrecy within the framework of judicial activities and legal advice, as mentioned in the directive, but are under an obligation to do so.



By referring to Article 8 of the European Convention of Human Rights, the court gives the widest meaning to legal advice to one side the expression of ascertaining of the legal position of a client mentioned in Article 6 of the directive.

The Conseil d'Etat also states that all direct contacts between the lawyer and the national financial intelligence unit should be forbidden in order to safeguard the professional secrecy. The French and the Belgian decisions are framed with reference to community law. It is remarkable that national Courts from different Member States apply, in harmony between them, the laws coming from the treaties.

## NEWS - OTHERS

## CFE

**Next CFE Conference on professional affairs  
26 November 2008 in Brussels- please block  
the date in your agenda!**

The next conference on professional affairs will take place on 26 November in the afternoon in Brussels. The main subject will be "ownership of professional firms and co-operation of professionals". One of the speakers will be a former French advocate general in Luxembourg.

The programme will be published soon on the CFE website.

**[Read more \(click to open\):](#)**

CFE Website

**EN**

## EUROPEAN ECONOMIC AND SOCIAL COMMITTEE

### Second European Day of liberal professions in Brussels

On 9 June the second European day of liberal professions of the European economic and social committee took place in Brussels. Henk Koller, chairman of the CFE professional affairs committee was a speaker at the round table 1 "The internal market and the liberal professions, service of economic and general interest". In the afternoon, a lively debate took place with the issue of "liberal professions and public service". Finally, the round table 3 dealt with the subject of the European "Small business act". The next European day of liberal professions is scheduled for 2010.

## EUROPEAN PARLIAMENT

### Written declaration liberal professions

A **written declaration** on the significance of the liberal professions for Europe has been submitted by some MEPs on 16 June 2008. Lapse date is 23 October 2008. (According to Rule 116 of the Rules of Procedure EP, a written declaration is a text of a maximum of 200 words on a matter falling within the European Union's sphere of activities. Written declarations are printed in all the official languages, distributed and entered in a register. MEPs can use written declarations to launch or relaunch a debate on a subject that comes within the EU's remit. Adoption procedure: A group of up to five MEPs can submit a written declaration by presenting a text to be signed by their colleagues.

If the declaration is signed by a majority of the MEPs, it is forwarded to the President, who announces it in plenary. At the end of the part-session, the declaration is forwarded to the institutions named in the text, together with the names of the signatories. It is included in the minutes of the sitting at which it is announced. Publication in the minutes closes the procedure. Declarations lapse after three months in the register if they have not been signed by at least half the MEPs).

[Read more \(click to open\):](#)

Written declaration

**EN**

## Debate continues on „blue card“ for highly qualified migrants

**EP:** A new debate surrounding the proposed “blue card” directive, which aims to attract skilled workers from third countries, has thrown up a new set of questions. The project, which was presented by the European Commission in October 2007 and is designed to compensate for the lack of workers in certain sectors by attracting highly qualified workers from third countries, was the subject of a hearing between MEPs and experts on 25 June at the European Parliament. In the view of German MEP Ewa Klant (EPP-ED), the text’s rapporteur, the EU is „not attractive“ to qualified workers from third countries; one only has to look at the 95 000 unfilled engineering posts in Germany. In her view, this is due to the presence of “27 different and illegible admission systems” in the EU.

**Council:** EU immigration ministers discussed the proposal for a European “blue card”, The proposal for a directive, presented in October 2007 by the European Commission, should be adopted unanimously by Member States.

The “blue card”, like the “green card” in force in the US, would allow immigrants to have a work permit renewable for two years, issued under the same conditions in the 27 Member States. Immigrants would also have the possibility to go and work in a second European state under the same conditions as for the first and to bring their family to join them according to expedited procedure, if wished. According to forecasts, the number of active Europeans will fall spectacularly in coming decades. This will create major shortfalls particularly for doctors, nurses, engineers and ICT specialists. France is hoping to use its period of EU presidency to have this “blue card” project adopted during the next Council. The EU Council held a policy debate on two essential aspects of the proposal: criteria to be retained so that third country nationals concerned may have access to highly qualified employment, and for the provisions of the proposal to act in a complementary manner with the national system.

The Council was largely in favour of complementarity between the European “blue card” system and national schemes for issuing work and residence permits. A compromise is still to be found. France fixed itself the target of reaching an agreement under French EU Presidency.

## EUROPEAN COUNCIL

### Compromise on revision of European rules governing insurance companies

The French Presidency has presented the Council with a proposed compromise on the revision of the European rules, known as „Solvency II“, which govern the activities of European insurance companies. The new „Solvency II“ regime proposed by the European Commission “still divides the Member States”, the president-in-exercise of the Ecofin Council Ms Christine Lagard stated. Under the French proposal, the subsidiaries of an insurance group must hold one third of the capital requirements, with the headquarters of the group holding the remaining required own funds, in order to ensure the solvency of the group. This provision goes against the preferences of the Commission and the EP. France keeps in place the objective of an adoption of this directive before the end of 2008. France also hopes to continue Europe’s work on financial stability.

## Personalia European Commission

### Nomination of Jaques Barrot and Antonio Tajani

The President of the European Commission, José Manuel Barroso, has written to the President of the Council and to the President of the European Parliament, transmitting the resignation of Mr Franco Frattini as a member of the European Commission, and President Barroso’s agreement with the nomination of Mr Jaques Barrot as Commissioner for justice, freedom and security. Furthermore, Mr Antonio Tajani is the new Italian member of the Commission, responsible for „Transport “.

## **50<sup>th</sup> anniversary of Eurochambres: event at the European Parliament**

At its 50th anniversary, the European Chambers of Commerce and Industry (Eurochambres) is organising on 14 October, the first ever „European Parliament of Enterprises“ (EPE). 750 entrepreneurs from the 27 EU Member States will gather in the hemicycle of the European Parliament to debate and vote on specific business-related issues, just like real Members of Parliament would do. 24 entrepreneurs from 18 non-EU countries will also attend. They will participate in debates on three main subjects: the internal market and market access; energy and the environment; qualifications and entrepreneurship. In an effort to make their positions known to political decision makers on areas that have a direct impact on their activities, European entrepreneurs will adopt detailed recommendations outlining their priorities and needs in connection with each of these three themes. Participants will include Hans-Gert Pöttering, President of the EP, Hervé Novelli, acting president of the Competitiveness Council, European Commissioners McCreevy (internal market) and Commissioner Verheugen (enterprise, industry), as well as many MEPs.

### **IMPRESSUM**

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