



## Professional Law Report Confédération Fiscale Européenne (CFE)

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### News - Internal Market

## EUROPEAN PARLIAMENT

### Service Directive - latest developments

In the meantime, the IMCO (Internal market and consumer protection committee of the European Parliament) voted on the Council common position for adopting a „Directive of the European Parliament and of the Council on services in the internal market“. On 23 October, the IMCO adopted a legislative resolution for the second reading in the EP plenary. All 43 amendments have been refused with the majority of the Conservatives, Liberals and some Socialists. This will support the common position of the Council (see professional law report 04/2006). The Plenary vote will possibly be on 14 November 2006.

### European Qualifications Framework EQF

The European Parliament adopted a resolution based on the own-initiative report on the creation of a European Qualifications Framework. It pointed out that one of the main tasks of the EQF must be to facilitate the transfer of qualifications between different education and training systems. This is in order to make transnational professional mobility possible and better to meet the requirements of supply and demand in the European labour market. There must be stronger support for common

European principles on validating non-formal and informal learning processes on lifelong learning particularly regarding the acquisition of technological and scientific knowledge and skills. The Parliament took the view that it is essential to pay particular attention to methods and systems of evaluating learning outcomes achieved by non-formal or informal methods. The European Parliament suggests having regard to the Presidency conclusions of the Barcelona European Council of 15 and 16 March 2002, especially to the agreed goal of making education and training systems in Europe a world-wide quality reference by 2010, and to the call for further action to introduce instruments to ensure the transparency of diplomas and qualifications, including by promoting action similar to the Bologna process in the area of vocational education and training.

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

European Parliament: A European Qualifications Framework

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

## EUROPEAN COMMISSION

### European order for payment procedure and small claims

The two proposals for regulations from the Commission, aiming on

the one hand to create a European order for payment procedure, and on the other hand to create a European small claims procedure, continue on their way to the legislative process. The first proposal aims to establish a uniform European order for payment procedure for the swift attainment of an enforceable decision on non-constant payment claims. The Parliament adopted in December 2005 several amendments to the Commission's proposal aiming to simplify the procedure. Contrary to the Commission's proposal, the parliament decided that the procedure should apply only to cross-border cases. However, the European Parliament adopted in October 2006 a recommendation for the second reading. The proposal continues on its way through the legislative process.

### The second proposal

The second proposal will apply in cross-border cases concerning civil and commercial matters where the value of a claim does not exceed € 2000 at the time the procedure is commenced, excluding all interest, expenses and outlays. It will not apply, in particular, to revenue, custom or administrative matters or the liability of the state for acts and omissions in the exercise of state authority. The European Parliament has not given its first reading opinion.

### 3rd Money laundering Directive

The Commission has adopted „level 2“ implementing measures for the 3rd money laundering Directive. These relate to technical measures with regard to the 3rd Directi-

ve (adopted in October 2005). The Directive must be implemented at national level before December 2007. The implementing measures concern the definition of a „politically exposed person“, the extension of simplified customer due diligence requirements and criteria for excluding persons/entities conducting financial activities on an occasional or limited base from the scope of the directive.

## News - Competition

### EUROPEAN PARLIAMENT

#### Follow up to the report on competition in professional services

On 12 October 2006 the European Parliament adopted a resolution on follow-up to the report on competition in professional services of the Commission. The Parliament acknowledges the right to issue regulations based on traditional, geographic demographic specificities. It emphasizes in this connection that rules should be chosen-which restrict competition as little as possible and that, within the existing system, substantive reform processes must be pursued in order to help attain the Lisbon targets. Furthermore, the Parliament calls on the Member States to overcome the fixed or minimum rates with measures which are less restrictive and more likely to comply with the principles of non-discrimination, necessity and proportionality.

#### Read more (click to open):

Resolution/Ehler Report

languages: [EN](#)

#### Conference „The economic case for professional services reform“ in Brussels

The Finnish competition authority together with the DG Competition of the Commission will held a conference on „the economic case for professional services reform“ on 13 December 2006 in Brussels. This conference follows on from the UK Presidency event on better regulation of professional services, held in November 2005. The aim is to discuss economic studies which have examined the need for more reform in the area of professional services. The CFE as well as some of the CFE Member organizations will be present at the conference.

#### Read more (click to open):

Invitation/ Programme/ Registration form etc.

languages: [EN](#)

## News - Justice

### EUROPEAN COMMISSION

#### Pilot project „Fight against Terrorism“ to enhance European capability to effectively prevent and respond to terrorist attacks

On 26 October 2006 the European Commission has decided to allocate 9 Mio € to a set of actions initiated in 2006 under the “Pilot project Fight against Terrorism” in the field of prevention, preparedness and response to terrorist attacks. This Decision covers ac-

tions aimed at supporting of the European Programme for Critical Infrastructure Protection (EPCIP), identifying and addressing the factors contributing to violent radicalisation , strengthening the Fight against the Financing of Terrorism, protection against bio-terrorism. It also encompasses actions aimed at involving, preparing and informing the public as well as at training and preparing intervention personnel. Finally, about 1.300.000 € will be allocated for Conducting studies and surveys in several fields. It is envisaged to continue in 2007 with an increased budget, under the EU programme Prevention, Preparedness and Consequence Management of Terrorism and other Security Related Risks, with a total amount of 137,4 million € for the period 2007-2013.

#### Read more (click to open):

Fight against terrorism languages: [EN](#)

#### The attachment of bank accounts: Green paper on improving the efficiency of the enforcement of judgements in the EU

On 24 October 2006, the Commission published a Green paper on improving the efficiency of the enforcement of judgements in the EU. The purpose is to launch a broad consultation among interested parties on how to improve the enforcement of monetary claims in Europe. It describes the problems of the current situation and proposes the creation of a European system for the attachment of bank accounts as a possible solution. The Commission intends to organise a public hearing on the subject matter of the Green Paper.

All those responding to the Green Paper will be invited to attend.

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

Green Paper: The attachment of bank accounts

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

**News - Infringements**

## EUROPEAN COMMISSION

### Infringements: Nationality requirements for notaries

The European Commission has taken action against 16 Member States to correct breaches of EU law. The Commission will formally request Austria, Belgium, France, Germany, Greece, Luxembourg and the Netherlands to modify their legislation allowing only nationals of their own country to become notaries, which is according to the Commission contrary to EC Treaty rules on freedom of establishment. These 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 Commission has also asked the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia to submit their observations on similar legislation in their countries. These requests take the form of „letters of formal notice“, the first stage of the infringement procedure under Article 226. If,

after reviewing the observations, the Commission considers that the legislation is contrary to EC Treaty rules, then the Commission may decide to send the Member States concerned a reasoned opinion requesting them formally to modify their legislation.

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

European Commission  
IP/06/1385

languages: [EN](#) and other languages

**News - Jurisdiction**

## EUROPEAN COURT OF JUSTICE

### Case C-149/05 Harold Price: Recognition of qualification in the field of the legal professions

On 7 September 2006 the European Court of Justice gave its decision in the case of Harold Price v Conseil des ventes volontaires de meubles aux enchères publiques, C-149/05. This reference for a preliminary ruling concerns the interpretation of the provisions of Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration (OJ 1989 L 19, p. 16) and Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional edu-

cation and training to supplement Directive 89/48 (OJ 1992 L 209, p. 25), as amended by Directive 2001/19/EC of the European Parliament and of the Council of 14 May 2001 (OJ 2001 L 206, p.1), ('Directive 89/48' and 'Directive 92/51' respectively). The reference was made in the course of proceedings brought by Mr Price, the holder of certain qualifications relating to auctioneering acquired in the United Kingdom, against the decision of the Conseil des ventes volontaires de meubles aux enchères publiques ('Authority for voluntary sales of chattels by public auction, 'the CVV'), by which the latter made Mr Price's admission to the profession of director of the voluntary sale of chattels by public auction ('director of voluntary sales') in France subject to the successful completion of an aptitude test covering three areas: legal matters, conduct of sales by public auction and professional regulations.

### First analysis

The judgment is the first one on the legal profession which allows Member States to derogate to the choice of the migrant for the compensating measures (in the context of Directive 89/48 ), i.e. a profession 'whose practice requires precise knowledge of national law and in respect of which the provision of advice and/or assistance concerning national law is an essential and constant aspect of the professional activity' (third subparagraph of Article 4(1) of Directive 89/48). This judgment also highlights the distinction between the fields of applications of the two directives on the general system for diplomas. Directive 89/48 applies where both the diploma required by the host Member State in order to take up the profession concerned and the diploma held by the applicant are diplomas as defined in that directive. Directive 92/51 is applicable where at least one of the two diplomas at issue is a diploma within the meaning of that directive; the other diploma may be covered either by that directive or by Directive 89/48.

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

C-149/05  
Judgement/ Opinion / Reference

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

News - Other

## European Economic and Social Committee - new President

At its constitutive session on 24 to 26 October 2006, the European Economic and Social Committee elected Dimitris Dimitriadis from Greece as its President for a term of two years. He replaces Anne Marie Sigmund.

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

Information on Dimitris Dimitriadis

languages: [EN](#) [FR](#)

## Work program-European Commission

On 24 October 2006 the European Commission has adopted its work programme for 2007. As the European Union prepares to celebrate the 50th anniversary of the Treaties of Rome, the Commission has mapped out the concrete action it will take to meet its strategic objectives for 2007. For the first time, the Commission identifies a series

of 21 strategic initiatives that will be the main focus of its work in 2007. In addition, the Commission sets out a further series of priority actions to be adopted over the next 12 to 18 months.

### New Phase of the work programme

The work programme takes the better regulation initiative to a new phase, by identifying simplification initiatives and withdrawals of pending legislation, and includes a list of priorities for communicating with citizens for the first time.

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Communication COM 2006 (629 final) from the European Commission

Commission Legislative and Work Programme 2007

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

## Impressum

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