Guidance for the transparency exercise

New workflow

Actors involved:

We distinguish two roles for Member States:

- **Provider:** responsible to provide information for his country. This would be in principle a competent authority (line ministries, regional authorities, chartered institution or registration body) or a member of the coordinating team at national level.

- **Coordinator:** the person responsible to submit information for validation by the Commission.

The Commission is represented in the workflow below with the role of Manager.

General Database information overview

Home page
This is the page you will be confronted with when you hit Home in the menu to your left on the screen. This presentation of the information has been revised. The home page has been split in two columns, the left column containing all tasks or ongoing activities, while the right column contains the full list of regulated professions visible on the public web site.

You now have the following information:

- **My Tasks:** tasks that have been assigned to you by your coordinator (if you are in the role of a provider) or by yourself (if you are a coordinator and you are filling yourself the transparency and screening information tabs).

- **Regulated professions processed in my country:**
  - New regulated professions: lists all new professions that have been created compared to the existing situation
  - Regulated professions being edited: lists all professions for which the general information, corresponding to the transparency, has been started. The status is either in draft, proposed, submitted or rejected.

- **Ongoing screening:** professions for which the screening information task has been started. The status is either in draft, proposed, submitted or rejected.

- **Tasks to complete in my country:** under this header are all the professions for which a task has been assigned to your country. By default, the "Start transparency" task appears for all existing professions because the new fields introduced in the "General" tab have to be filled.

  For all professions for which "screening information" is required, the task "Start screening" will appear. This will be the case for all professions under cluster 1 sectors to start with.

- **Regulated professions in my country:** lists all professions currently present in the database of regulated professions. By clicking on a profession, the coordinator or the provider have the possibility to start the screening of professions even if the Commission has not assigned the task to the country (this would be the case if a country decides to input the screening information for all regulated professions, irrespective to whether they belong to the first or the second cluster).

Screen shots of the home page (with role as provider):
Status of tasks:

Start transparency/screening: the task has not started

Draft: the task is being edited but has not yet been proposed or submitted

Proposed: The provider has submitted his draft to the coordinator for approval
Submitted: the coordinator has submitted the information to the Commission for validation

Valid: The Commission has approved the submitted proposal.

Reject: either the Commission has rejected the proposal from the coordinator or the coordinator has rejected the proposal from the provider.

Follow-up transparency information and assigning tasks

Transparency follow-up

Situation

- missing: 118
- draft: 16
- proposed: 3
- rejected: 1
- submitted: 9
- valid: 9

Tasks (119)

As coordinator, you can assign these tasks to colleagues with "provider" or "coordinator" role.

<table>
<thead>
<tr>
<th>ID</th>
<th>Assigned to</th>
<th>Regulated profession</th>
</tr>
</thead>
<tbody>
<tr>
<td>7748</td>
<td></td>
<td>Assistant pharmaceutico-technique / Pharmaceutisch-technisch assistant</td>
</tr>
<tr>
<td>7773</td>
<td></td>
<td>Masseur-Masseuse</td>
</tr>
<tr>
<td>8006</td>
<td></td>
<td>Licentiaat in de tandheelkunde / Licencié en science dentaire</td>
</tr>
<tr>
<td>10723</td>
<td></td>
<td>Aide-soignant/ Verzorgende</td>
</tr>
<tr>
<td>11405</td>
<td></td>
<td>Entreprise générale/Algemeen aannemer</td>
</tr>
<tr>
<td>8012</td>
<td></td>
<td>Vroedvrouw / Accoucheuse</td>
</tr>
<tr>
<td>8018</td>
<td></td>
<td>Hausarts / Médecin généraliste</td>
</tr>
</tbody>
</table>

The pie chart provides an overview of the situation as regards the status of all regulated professions for the information required under the transparency exercise (update of the general screen tab). The status "Missing" corresponds to the professions for which the task transparency has not yet been started. The table under the pie chart lists all professions for which a task "start transparency" has been assigned to the country by the Commission. The second column indicates the persons to whom the tasks have been assigned to (coordinator, competent authority/provider).

Assign these tasks
By clicking on this button, as coordinator, you have the option to assign the tasks of completing the transparency information (update general tab) to competent authorities/providers (those to which you have granted an access to) or to yourself if you plan to update the information yourself.

Don’t forget to save your changes by clicking the save button at the bottom of the page.

**Transparency follow-up**

**Situation**

- missing: 118
- draft: 17
- prepared: 3
- rejected: 1
- submitted: 9
- valid: 9

**Tasks (119)**

Please select in the last column the responsible to update the transparency information for the regulated profession. These persons will have the task visible in their home page. BE AWARE that NO email is sent to inform them.

<table>
<thead>
<tr>
<th>ID</th>
<th>Assigned to</th>
<th>Regulated profession</th>
</tr>
</thead>
<tbody>
<tr>
<td>7748</td>
<td>unassigned</td>
<td>Assistant pharmaceutico-technique / Farmaceutisch-technisch assistant</td>
</tr>
<tr>
<td>7779</td>
<td>unassigned</td>
<td>Masseur-Masseuse</td>
</tr>
<tr>
<td>5884</td>
<td>unassigned</td>
<td>Vétérinaire vétérinaire et pharmacien / Veterinaire en pharmacie et vétérinaire</td>
</tr>
</tbody>
</table>

**Follow-up screening information and assigning tasks**

**Screening and country tasks**

**Ongoing screenings**

Click on the icon 📦 to follow the screening exercise.

- Comptable agréé/Erkend boekhouder : proposed
- Maître assistant (assistanat supérieur non-universitaire) :

On the home page, under "Screening and country tasks" the icon above allows you to follow-up the screening exercise.

The follow-up screening page can also be attained by selecting the option "Screening follow-up" in the left menu.
By clicking on it you come to the following screen:
Screening follow-up

Situation

- missing: 17
- approved: 7
- draft: 20
- proposed: 14
- rejected: 2
- submitted: 6

The pie chart provides an overview of the situation as regards the status of the filling in of the screening information for all regulated professions. The table under the pie chart lists all professions for which a task has been assigned to the country by the Commission. The second column indicates the persons to whom the tasks have been assigned to (coordinator, competent authority/provider).

Assign these tasks

By clicking on this button, as coordinator, you have the option to assign the tasks to competent authorities/providers (those to which you have granted an access to) or to yourself if you plan to update the information yourself.

Don’t forget to save your changes by clicking the save button at the bottom of the page.
Tasks (17)

Please select in the last column the responsible to screen the regulated profession. These persons will have the task visit BE AWARE that NO email is sent to inform them.

<table>
<thead>
<tr>
<th>ID</th>
<th>Assigned to</th>
<th>Regulated profession</th>
</tr>
</thead>
<tbody>
<tr>
<td>4807</td>
<td>- unassigned</td>
<td>Installateur en chauffage central / Installateur in centrale verwarming - Depuis le 01-09-20</td>
</tr>
<tr>
<td></td>
<td></td>
<td>central, de climatisation, de gaz et de sanitaire&quot; (4873)</td>
</tr>
<tr>
<td>4864</td>
<td>- unassigned</td>
<td>Finition (Construction)/Eindafwerking (Bouw)</td>
</tr>
<tr>
<td>4872</td>
<td>- unassigned</td>
<td>Menuiserie (placement/reparation) et vitrierie/Plaatsen/herstellen van schrijnwerk-gloezen</td>
</tr>
<tr>
<td>4875</td>
<td>- unassigned</td>
<td>Installateur de chauffage au gaz par appareils individuels / Installateur van verwarming me</td>
</tr>
<tr>
<td></td>
<td></td>
<td>de chauffage central, de climatisation, de gaz et de sanitaire(4873)</td>
</tr>
<tr>
<td>4876</td>
<td>- unassigned</td>
<td>Entrepreneur de zinguerie et de couvertures metaliques de constructions/ Aanmner van zi</td>
</tr>
<tr>
<td></td>
<td></td>
<td>profession a été regroupée sous l’appellation &quot;Toiture et étanchéité&quot; (4881)</td>
</tr>
<tr>
<td>4877</td>
<td>- unassigned</td>
<td>Entrepreneur de couvertures non metaliques de constructions/ Aanmner van niet metalen</td>
</tr>
<tr>
<td></td>
<td></td>
<td>sous &quot;Toiture et étanchéité/Dakdokker- en waterdichtmakingactiviteiten&quot; (4881)</td>
</tr>
<tr>
<td>4878</td>
<td>- unassigned</td>
<td>Installateur frigoriste / Installateur-frigorist</td>
</tr>
<tr>
<td>4881</td>
<td>- unassigned</td>
<td>Toiture et étanchéité/Dakdokker- en waterdichtmakingactiviteiten</td>
</tr>
<tr>
<td>11405</td>
<td>- unassigned</td>
<td>Entreprise générale/Algemeen aannemer</td>
</tr>
</tbody>
</table>

End update

**Description of type of information required for each profession**

These tabs provide an overview of the profession and is the information that will be available publically on the Professional Qualifications Database.

The General tab gives basic information for citizens on the profession in the relevant Member State such as the activites covered, the legislative basis and the Competent Authority. This is the information that needs to be updated for the transparency exercise. The deadline for completing this information is 15th March 2014.

Both the Establishment and Provision of Services tabs give an anonymised and statistical case breakdown of mobility in the chosen Member State. This is not part of the transparency exercise.

The Competent Authority tab is especially important so that citizens know who is the responsible recognition agency in the Member State. It is important that this information is current. Once approved this is publically visable. See section later in this guide on the new rules for updating the "Competent Authority" information.

Screening Information, this is key information that is required before Member States begin their own internal screening process leading into the mutual evaluation of regulated professions between Member States. The Commission will follow up with materials intended to support Member States in evaluating this information. This information will not be visible to citizens but will be visible to other Member States once the transparency has been completed and the map of regulated professions published. The deadlines for completing this information is 15 March 2014. Until then, the new
information will only be visible to the Member State concerned and the Commission (once the information has been submitted).

**Filling in the General tab in view of the transparency exercise**

Competent authorities can fill in the necessary information at the request of Member States’ coordinators – please contact the technical helpdesk ([MARKT-REGULATED-PROFESSIONS@ec.europa.eu](mailto:MARKT-REGULATED-PROFESSIONS@ec.europa.eu)) on how to generate access and passwords.

If a coordinator has delegated the completion of the information to a competent authority then, on completion, the competent authority must submit to the coordinator for content approval. The coordinator may choose then to reject the submission, sending it back to the competent authority for alteration.

Once the coordinator has received the completed information and are happy with its content they may then submit to the Commission.

As shown in the screenshot example pasted above, the Commission will then have the option to Approve creation or Reject to Coordinator. Approving will upload the content to be viewable publically or otherwise as described above. Rejecting will return the submission to the coordinator who may then chose to send it back down the line to the Competent Authority for editing.

Where rejections are made there is a freetext option to explain the reason for rejection.

**Please consult the workflow tab for a visual representation of the above.**

**Creation of new regulated profession as part of the transparency exercise**
New features compared to the previous version:

- The edition form is dedicated to the data of the regulated profession and does NOT include anymore the possibility to make a reference to 3 competent authorities and to 3 points of contact. See section on competent authorities for the new rules applying to this type of information.

- New fields have been added to the previous version: they are highlighted in red when you create a new profession. These fields have to be filled before you may save your input.

Description of the new fields:
**Legislative information**

<table>
<thead>
<tr>
<th>Legal basis for regulation</th>
<th>EU REGULATION (EC) No 842/2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>National legislation</td>
<td>Loi de 2014</td>
</tr>
<tr>
<td>Useful link</td>
<td><a href="http://www.google.be">http://www.google.be</a></td>
</tr>
<tr>
<td>Regions legislation</td>
<td>regional law</td>
</tr>
<tr>
<td>Regions links</td>
<td></td>
</tr>
<tr>
<td>Type of regulation</td>
<td>Other</td>
</tr>
<tr>
<td>Other type of regulation</td>
<td></td>
</tr>
</tbody>
</table>

**Recognition**

- Recognition under: Other
- Recognition under something else

**Additional info:**
- Level in case of subsidiarity application of GS: undefined
- Prior check of qualifications under article 7(4): No

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**Legal Basis for regulation**

This information needs to be provided on several levels according to the specific circumstances of the profession.

For **EU** level legislation (regulation, directive) please consult the tab on EU Directives that we have identified. Should the relevant EU regulation not be supplied in the drop down menu there is a free text option to include.

You also need to include the **national** law, decree, regulation which establishes the regulation of the profession (or certification obligation). In certain cases, there is both an EU legal instrument which is then transposed into a national one, in this case both references are needed. The reference to the latest law is needed as well as a weblink to the legislation.

The profession may also be regulated at a **regional** level. If this is the case please state the regions this applies to in the **Regions Legislation** field and in the **Regions links** field please paste hyperlink to the relevant legislation. This is a free text box and if you have several regional links to include please paste each into its own text line.

There is a drop down menu for the **Type of Regulation** tab with the following options for you to chose from:

- Licensing system based on qualifications: Access to the profession is reserved to professionals with the appropriate qualifications, defined in laws and regulations. This form of regulation is associated with reserved activities to the profession.

- Protected title: the use of the professional title is reserved to professionals possessing specific qualifications according to laws and regulations.

- Mandatory certification: obligation by law (national and/or EU level) to be certified in order to exercise the professional activity. In this case, the regulation is linked to a
professional activity and not to a specific profession. The certification may for example correspond to specific trainings requirements.

- Not regulated
- Other: If none of the above correspond to the type of regulation applying to this profession

**Recognition**

**Recognition under:** Directive 2005/36 is not the only European directive which provides for mutual recognition. Please refer to the Guidance tab on other EU level directives for further information.

**Recognition under directive 2005/36/EC:** This refers to either the automatic or general system of recognition under 2005/36.

**Prior check of qualifications under article 7(4):** This refers to professions with public health and safety implications. This information is now required under the new Professional Qualifications Directive.

### Activities covered

<table>
<thead>
<tr>
<th>Description of activities : activités couvertes par cette prof (FR)</th>
<th>Translation(s) : activities covered activities covered activites covered activities covered activities covered (EN)</th>
</tr>
</thead>
</table>

Short description (in the form of bullet points) of the activities covered by the professions

**Activities covered**

**Description of activities:** Please provide a short description of the activities covered by the professions. The first tab requires the description in the home language and the second a translation of this description into English with the optional to add also a german and or french translation in addition...... It is important for Member States to be able to evaluate one-another that the translation is given.

<table>
<thead>
<tr>
<th>Reserved activities</th>
<th>Reserved activities : activités réservées (SV)</th>
<th>Translation(s) : english translation (EN)</th>
</tr>
</thead>
</table>
**Reserved activities:** Please provide a list of the activities which are reserved exclusively to the profession. As with the description of activities tab above, this information is required in both home Member State and an English translation. There is the option to include German and French translations in addition.

Save, Edit or Reset

Steps when click each of these buttons..to explain with screenshots.

This tab field will automatically update with details of the person last inputting information and the date last edited.

<table>
<thead>
<tr>
<th>Audit data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Created by: DE BHR Coordinator on 28/01/2014 10:22</td>
</tr>
<tr>
<td>Last update by:</td>
</tr>
</tbody>
</table>

Please fill the corresponding generic profession used in the European database of regulated professions.

**Sectoral professions**, those benefitting from automatic recognition, have already been inputted on your behalf. New fields introduced as part of the transparency exercise should however be also filled. See example below of the information to be updated:
2.2 Screening information

The following screen becomes available once the screening for a profession has been started.
The screening targets the provisioning of additional information for regulated professions. It provides factual information necessary to perform a meaningful screening and assessment exercise. The following questions need to be answered:

On qualifications:

- **Method to obtain qualifications**: how to obtain qualifications
  - General secondary education: A secondary level (lower or upper) education is required to be qualified. It covers education that is not designed explicitly to prepare participants for a specific class of occupation or trade or for entry into further vocational or technical educational programmes. The programmes give access to higher levels of education.
  - General post-secondary education: a post-secondary/tertiary education is required to be qualified
  - Vocational education secondary education level: this category covers education that prepares participants for direct entry, without further training, into specific occupations. Successful completion of such programmes leads to a labour-market relevant vocational qualification. The programme corresponds to a secondary level education. It includes programmes which cover both periods of practical or in-company training and theoretical education. This type of qualification is required to access the profession.
Vocational post-secondary education level: this category covers education that prepares participants for direct entry, without further training, into specific occupations. Successful completion of such programmes leads to a labour-market relevant vocational qualification. The programme corresponds to a post-secondary level education. It includes programmes which cover both periods of practical or in-company training and theoretical education. This type of education is required to access the profession.

General or vocational secondary education: qualifications required may be obtained through both types of education

General or vocational Post-secondary education: qualifications required may be obtained through both types of education

Other: if the type of qualification does not correspond to any of the entries proposed. In this case a free field appears and you have to provide a description in English in less than 500 characters.

- **Most common path to obtain qualification**: please specify the most common type of education to get the qualification required among the list of proposed options. The answer should be based on a general assessment. The purpose of this question is to obtain additional information (spelled out in the next questions) on this type of education. If "Other" is selected, you should specify in English this path to obtain the qualification.

- **Duration of education/training programme**: this field is to assess the length of the training. The information should be given preferably in years. Options also available are months, days and ECTS (European Credit Transfer System)

- **Existence of mandatory traineeship**: as part of the education or the requirements to be a qualified professional, is there a mandatory traineeship or a period of professional practice?

- **Existence of State exam to access the profession**: is there an obligation to pass an exam organised by the State in order to have access to the profession (after and on top of academic graduation)?

On restrictions

- **Mandatory registration in professional bodies**: does the regulation impose the obligation to register with a professional body? This applies also to the organisation/body which grants the protected titles.

- **Limitations to the number of licenses granted**: for certain professions, there are limits to the number of licenses which are granted. This may couple with territorial restrictions.

- **Existence of territorial restrictions**: has the professional the right to exercise the profession on the entire national territory? There may be cases where the regulation is regional only or situation where the licences are granted with specific geographical boundaries.
• **Restriction on the corporate form/type of entity to be used to exercise related activities:** can the professionals organise their practice under any corporate form or are there restrictions on the type of entity that may be used?

• **Restrictions related to shareholding or voting rights:** if the setting up of companies is authorised, are there any rules related to the shareholding or voting rights?

• If yes, qualifying % to be held by professionals: what is the % ("qualifying percentage") that is required to be held by professionals?

On joint practices and insurance:

• **Prohibitions on joint practices:** in the cases where there are restrictions to the types of professionals who be associated with this profession, list the professions which are not accepted

• **Requirement for professional indemnity insurance:** is there an obligation for the professional who wants to provide services on your territory to possess a professional indemnity insurance?

• **Insurance requirement applying for cross-border:** is the cross-border activity of the professional covered under this professional indemnity insurance?

At the bottom of the page, three options are available:

• Save: saves the information inserted. The information is only visible to you (whether you are a provider or a coordinator).

• Cancel: stops the action of filling the screening information questions

• Reset: resets all values on the screen to their original status.

As a provider:

Once the "Save" button has been clicked, the screening is in "draft" state and the following screen appears:
You have the possibility either to propose your contribution to your coordinator or to edit your contribution and go back to the previous screen.

If you select "Propose to coordinator" the information will be sent to the coordinator and the status of your contribution is in "proposed" state. You are no longer able to edit this profession (except if the coordinator rejects your contribution). The following screen appears:

<table>
<thead>
<tr>
<th>Qualification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Method to obtain qualifications: General or vocational secondary education</td>
</tr>
<tr>
<td>Most common path to obtain qualification: Vocational education secondary education level</td>
</tr>
<tr>
<td>Duration of education/training programme: 3.0 year</td>
</tr>
<tr>
<td>Existence of mandatory traineeship: N</td>
</tr>
<tr>
<td>Existence of State exam to access the profession: N</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mandatory registration in professional bodies: Y</td>
</tr>
<tr>
<td>Limitations to the number of licenses granted: N</td>
</tr>
<tr>
<td>Existence of territorial restrictions: N</td>
</tr>
<tr>
<td>Restriction on the corporate form/type of entity to be used to exercise related activities: N</td>
</tr>
<tr>
<td>Restrictions related to shareholding or voting rights: Y</td>
</tr>
<tr>
<td>If yes, qualifying % to be held by professionals: 60</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Joint practices and insurance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prohibitions on joint practices: Y</td>
</tr>
<tr>
<td>Requirement for professional indemnity insurance: Y</td>
</tr>
<tr>
<td>Insurance requirement applying for cross-border: N</td>
</tr>
</tbody>
</table>
As a coordinator:

Once the "Save" button has been clicked, the screening is in "draft" state and the following screen appears:
You have the possibility either to submit your contribution to the Commission or to edit your contribution and go back to the previous screen.

The "History log" at the bottom of the screen records all actions taken as well as the current status of the screening.

If you select "Submit to Commission", you arrive at the following screen:

You can either:

"Confirm submit to Commission": the information is sent to the Commission and you are no longer able to edit it. The screening is in "submitted" state.

"Cancel": brings you back to the previous screen.

"Reset": clears the comment inserted in the free text box.
Once submitted, the following screen appears:

The status in the history log changes from "draft" to "submitted".

2.9 Competent authorities

This module allows providers/coordinators and managers to manage competent authorities.

It is based on some functionalities available or not depending on the role

<table>
<thead>
<tr>
<th></th>
<th>provider*</th>
<th>coordinator*</th>
<th>manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>List of all CAs</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Index per country</td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Index per name</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Find CAs</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Add new CA</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Show CA</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Delete CA</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See regprofs with documents for CA</td>
<td></td>
<td></td>
<td>x</td>
</tr>
</tbody>
</table>

* = restricted to country of user logged in

Adding a new competent authority
The database offers now the possibility for coordinators and providers to directly input the name and references of competent authorities without having to require and obtain the validation by the Commission. This option has been added in view of the expected changes and new professions to be introduced in the course of the transparency exercise.

Workflow:

1. The actors select the option "New CA":
   - The system displays the "New Competent Authority" form.
     - When this action is carried out by a national official, the country is by default filled by the country of the MS and the choice of the country is disabled.

2. The actor inputs the required data for a competent authority and clicks "Next step"
   - The system checks if all the data are correct. If all data is correct, the system will look for similar competent authorities:
     - Same name
     - Same city and same street

3. The actor clicks "Confirm new one"
   - The system creates a new request in the database and informs the actor about the successful operation.