



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 4 January 2013

17816/12

**ETS 30
MI 833
COMPET 780
EDUC 381
CODEC 3058**

NOTE

from: Presidency
to: Permanent Representatives Committee (Part I)
No. Cion prop.: 18899/11 ETS 22 MI 679 COMPET 629 EDUC 297 CODEC 2507
Subject: Guidance for Working Party on Establishment and Services on Proposal for a Directive amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation on administrative cooperation through the Internal Market Information System

I. INTRODUCTION

The Permanent Representatives Committee is invited to note the Presidency's intentions for the further examination of the proposal on the recognition of professional qualifications and to agree guidance on next steps for the Working Party on Establishment and Services.

II. BACKGROUND

The proposal for the modernisation of Directive 2005/36/EC is a major outstanding Single Market Act 1 priority. On 10 December 2012, the Competitiveness Council took note of a progress report from the Cyprus Presidency (doc. 16293/12). The report outlined the significant progress that has been made in the technical examination of the file at Working Party under the Danish and Cyprus Presidencies. A revised compromise text was circulated in December 2012 and this will serve as the basis for further discussions at Working Party.

III. CURRENT POSITION

The Presidency notes that the examination of this file has progressed well in the Working Party in 2012 and that compromises are emerging on many of the key provisions. This provides a strong basis for the substantial completion of the technical examination in the initial Working Party meetings in 2013.

The EP Committee on Internal Market and Consumer Protection (IMCO) plans to vote on the file on 23/24 January.

Coreper is asked to note the Presidency's intention that the file should be submitted to Coreper 1 in late February with a view to agreeing a mandate for a possible first trilogue with Parliament.

IV. GUIDANCE FOR WORKING PARTY

The Presidency seeks the agreement of Coreper 1 to guidance to Working Party on the timescale for substantially completing its examination of the file. Some issues have also been identified which will require further consideration by Coreper in late February.

Timescale (See Annex 1)

In order to progress the dossier to trilogues and building on the significant progress already achieved, the Presidency requests Coreper 1 to indicate to the Working Party that it should seek to complete its examination of technical issues at its three meetings scheduled for the 14th of January and the 4th and 19th of February, with a view to submitting the file to Coreper at the end of February. The examination in the Working Party in January and February should encompass the outstanding technical issues, with the exception of those specific issues identified below which it is intended will be discussed at Coreper in late February. The Working Party examination of the file should also include a consideration of the IMCO Report when it becomes available.

Issues for Coreper

The Presidency requests Coreper to signal to the Working Party that among the issues it intends to further discuss in late February are:

- the inclusion of the profession of **notary** in the Directive;
- the **transparency provision**.

It is the view of the Presidency that these issues have been progressed as far as possible through discussion in the Working Party and that they are among the issues that would now benefit from discussion at Coreper at the end of February.

Finally, Coreper is requested to signal to the Working Party that, while it should continue its consideration of the technical scope of **delegated and implementing acts** in this Directive, it will be finalised at Coreper level, given the cross-dossier implications of the issue.

V. CONCLUSION

The Permanent Representatives Committee is invited to note the Presidency's intentions for the examination of the file and agree guidance for the Working Party on Establishment and Services.

ANNEX

Tentative Timescale (subject to further discussions with European Parliament)

11 January	Coreper guidance for Working Party
14 January	Consideration of the outstanding technical issues in the Presidency compromise text at Working Party
23/24 January	Vote at the Parliament's IMCO Committee (scheduled)
4 February	Consideration of outstanding technical issues and the IMCO Committee's report at Working Party
19 February	Consideration of outstanding technical issues and the IMCO Committee's report at Working Party
27 February	Request for mandate from Coreper for first trilogue, if appropriate, and discussion at Coreper of specific policy/political issues.
March - May	Scheduling of trilogues as necessary depending on progress of discussions with Parliament, and further consideration of the file in Working Party and Coreper as appropriate.
29/30 May	Competitiveness Council