



**The Domestic services Market and the « Services » Directive :
opportunities for surveyors**

Par Jean Bergevin

E2 – DG MARKT unit manager

European Commission

- The Services directive has often been seen as a threat by many regulated trades, and the goal of this paper is to demonstrate that it should be considered as an opportunity.
- The transposition process is very demanding for member countries, and it is important for professional organisations to get involved right now in the work initiated by member countries to ensure a proper transposition of the directive.
 - The goal is to facilitate the free provision of land surveyor services throughout Europe by facilitating either their relocation in another state, or temporary service provision.
 - Considering the various services provided by land surveyors, making the provision of such services easier can only be considered as an advantage.
 - The services directive complements and does not affect the qualification directive, which still fully applies, the services directive dealing with issues other than those related to professional qualifications.
- The services directive implements an administrative simplification programme through two main measures to be implemented by 2010.
 - The setting up of "single counters" whose purpose is to facilitate the completion of administrative processes. Each member country is responsible for determining that organisation the single counter task should be entrusted to (that role could be assigned to professional organisations).
 - The possibility to carry out the procedures remotely and electronically: the purpose is to facilitate and modernise the performance of steps as well as improve access to information.

- The services directive will also contribute to modernising the regulatory framework applicable to service activities by :
 - Forcing Member countries to remove from their domestic laws all requirements condemned by the Court, such as nationality requirements.
 - Requiring Member countries to review a number of requirements (such as fixed prices, numerus clausus) to the end of assessing the need and proportionality thereof. Professional organisations have a role to play in that mutual assessment process and should contact national authorities to the end of advising their position.
- In border areas, there are already many cross-boarder service activities. The purpose is to facilitate temporary provisions of land surveyor services by creating a domestic service market such as there currently is a domestic market in the various member countries.
 - To that end, the services directive facilitates the temporary provision of services by specifying the free provision of service clause under which member countries should ensure free access and free exercising of services in their territories. Member countries cannot require compliance with their own requirements unless they are non non-discriminatory, justified and proportionate, for public order, public safety, public health and environment protection reasons.
 - The free provision of service clause does not apply to the subjects covered by title II of the directive relating to the acknowledgement of professional qualifications which will still apply.
- The services directive contains a duty of administrative co-operation between Member countries.
 - The objective is to achieve efficient provider supervision
 - These administrative co-operation systems should help ensure provided service quality.
 - Professional organisations that are considered as relevant authorities in the member country will be included in the IMI system.
- One of the main thought ill-known sections of the services directive is the section relating to service quality.
 - That section is an opportunity for professionals to express their added value.
 - Any initiative aimed at encouraging transparency is supported (information to the recipient of the services, business communications ...)
 - The services directive encourages the elaboration of codes of conduct at a European level, by professional organisations. In that framework, many professional organisations have prepared codes, such as the CEPLIS'.
 - The support to the elaboration of European codes of conduct is not new, and a similar provision was already contained in the e-commerce directive. However,

the professional organisations did not get involved in elaborating community codes, which are yet essential in enhancing the specificity and quality of the services provided, by this distinguishing themselves from less professional service providers.

- The purpose of the survey initiated by the Domestic Market DG on codes of conduct in 2007, as well as the published document on the importance of European codes of conduct is to
 - Take part in the promotion and enhancement of European codes.
 - Provide technical help to professional organisations that want to have some.
- In closing I would like to stress that codes of conduct are an opportunity for professional organisations to show the specificity and quality of the services provided by their members. Therefore it is important for all trades to have one, especially when the services take place in a competitive market. Professional organisations did not take that opportunity in the framework of the e-commerce directive, it is therefore all the more important that they take it now in the framework of the services directive transposition process.