Universitets- och högskolerådet

Riktlinjer för underrättelse för anmälan enligt YKD-förordningen

Samordningskansli och rådgivningscentrum för yrkeskvalifikationer
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Underrättelse om nya eller ändrade krav på yrkeskvalifikationer

Den underrättelse som lämnas till UHR inför anmälan om nya eller ändrade krav på yrkeskvalifikationer till EU-kommissionen, kan vara relativt omfattande. Nedan följer en redogörelse för de punkter som ska inkluderas i underrättelsen till UHR. Informationen bör lämnas på engelska.

Underrättelsen ska innehålla:

- Uppgifter om den nationella författningen inklusive en kort övergripande beskrivning av förändringen av den yrkesreglering som författningen, se avsnitt A.

- Uppgifter om kraven som författning berör. Välj ett eller flera relevanta krav från avsnitt B (B.1 – B.13) och lämna den information som efterfrågas under varje typ av krav.

- Besvara därefter frågorna i avsnitt C om proportionaliteten för varje krav du har valt.

  Om underrättelsen gäller anmälan av ett nytt reglerat yrke ska den alltid omfatta minst kvalifikationskrav och regleringsteknik dvs. förbehållen rätt att utöva viss yrkesverksamhet genom reserverade aktiviteter och/eller förbehållen rätt att använda en yrkestitel.

- Bilagor till underrättelsen:
  - Fullständig inremarknadstest
  - Stöddokumentation så som kvalitativa eller kvantitativa analyser av yrkesregleringens effekter, kan med fördel bifogas, liksom kopior av relevant lagstiftning. Denna typ av dokumentation är dock inte obligatorisk.

- Kontaktuppgifter till sakkunnig tjänsteman som kan bistå UHR i anmälningsprocessen.

Uppgifter att lämna:

A. Details on regulatory change
Please indicate the law(s) or regulation(s) that are subject to notification.
Please include a link to a web-page where available.
Date of adoption.
Date of entry into force.
Please provide a description of the notified regulatory change. Max 1000 characters.

B. Requirement information

Please select the requirement type

- Qualification requirements (B.1)
- Knowledge of language(s) (B.2)
- Continuous professional development (B.3)
- Protected professional title (without reserves of activities) (B.4)
- Reserved activities (without title protection) (B.5)
- Reserves of activities and protected title (B.6)
- Restriction on corporate form/ incompatibilities (B.7)
    - Corporate form requirements
    - Restrictions related to shareholding and/or voting rights
    - Prohibitions on joint exercise of professions
    - Incompatibility rules
- Requirement for professional indemnity insurance (B.8)
- Tariff restrictions (B.9)
- Restrictions on advertising/marketing (B.10)
- Compulsory membership/registration (B.11)
- Quantitative restrictions (B.12)
    - Limitations to the number of licenses granted
    - Existence of territorial restrictions
    - Age restrictions
    - Limitations to the number of employees
- Other authorisation requirements (B.13)

Provide the necessary information on the selected requirement(s) as described below.

B.1 Qualification requirements

Requirement(s) relating to the aptitudes necessary to access and/or pursue a regulated profession. Requirement(s) concerning qualifications necessary to access and pursue a regulated profession. This may include requirements concerning education and training, professional traineeships, examinations and/or professional experience.

Please provide information on the method to obtain qualification. Please indicate the main pathway for obtaining the qualifications and provide the necessary information. If several pathways are available, please provide information even on the alternative pathways to obtain qualification, e.g., a qualification can be obtained not only by 3 years of specific post-secondary education but also by way of proving 5 years of relevant professional experience.

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.

Please describe the method to obtain qualification.

Please provide information on duration of education (years/month/days/hours/other/ECTS)

Please indicate if there is mandatory traineeship as a part of education or the requirements to be a qualified professional. If yes, please specify the duration of the mandatory traineeship (number of months)

Please indicate if there is mandatory State exam after or on top of academic graduation.

Please indicate if there is a period mandatory professional experience as a part of the requirements to be a qualified professional. If yes, please specify the number of months.

Vocational education secondary education level
This category covers education that prepares participants for entry, 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.

Please describe the method to obtain qualification.

Please provide information on duration of education (years/month/days/hours/other/ECTS)

Please indicate if there is mandatory traineeship as a part of education or the requirements to be a qualified professional. If yes, please specify the duration of the mandatory traineeship (number of months)

Please indicate if there is mandatory State exam after or on top of academic graduation.

Please indicate if there is a period mandatory professional experience as a part of the requirements to be a qualified professional. If yes, please specify the number of months.

Post-secondary education
A post-secondary/tertiary education is required to be qualified.

Please describe the method to obtain qualification.

Please provide information on duration of education (years/month/days/hours/other/ECTS)

Please indicate if there is mandatory traineeship as a part of education or the requirements to be a qualified professional. If yes, please specify the duration of the mandatory traineeship (number of months)

Please indicate if there is mandatory State exam after or on top of academic graduation.

Please indicate if there is a period mandatory professional experience as a part of the requirements to be a qualified professional. If yes, please specify the number of months.

Vocational post-secondary education level

This category covers education that prepares participants for entry, 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.

Please describe the method to obtain qualification.

Please provide information on duration of education (years/month/days/hours/other/ECTS)

Please indicate if there is mandatory traineeship as a part of education or the requirements to be a qualified professional. If yes, please specify the duration of the mandatory traineeship (number of months)

Please indicate if there is mandatory State exam after or on top of academic graduation.

Please indicate if there is a period mandatory professional experience as a part of the requirements to be a qualified professional. If yes, please specify the number of months.

Training course (not forming not forming part of any above)

Please describe the method to obtain qualification.

Please provide information on duration of education (years/month/days/hours/other/ECTS)

Please indicate if there is mandatory traineeship as a part of education or the requirements to be a qualified professional. If yes, please specify the duration of the mandatory traineeship (number of months)

Please indicate if there is mandatory State exam after or on top of academic graduation.

Please indicate if there is a period mandatory professional experience as a part of the requirements to be a qualified professional. If yes, please specify the number of months.

Other
If the type of qualification does not correspond to any of the entries proposed, please provide a description, max 500 characters.

Please provide information on duration of education (years/month/days/hours/other/ECTS)

Please indicate if there is mandatory traineeship as a part of education or the requirements to be a qualified professional. If yes, please specify the duration of the mandatory traineeship (number of months)

Please indicate if there is mandatory State exam after or on top of academic graduation.

Please indicate if there is a period mandatory professional experience as a part of the requirements to be a qualified professional. If yes, please specify the number of months.

B.2 Knowledge of language(s)
Requirement(s) relating to the aptitudes necessary to access and/or pursue a regulated profession. Requirement(s) for the knowledge of language(s) necessary for practicing a regulated profession.

Please specify language(s) concerned.

B.3 Continuous professional development
Requirement(s) relating to the aptitudes necessary to access and/or pursue a regulated profession. Continuous professional development requirements that are mandatory for the pursuit of a regulated profession.

Please provide a description including information on costs for the professionals.

B.4 Protected professional title (without reserves of activities)
Requirement(s) concerning professional title reserved by the state to the holders of specific professional qualifications.

Please provide a description of the professional title (in original language)

Please indicate if the qualification requirement relevant only for special modes of pursuit of the professional activity?

- only for managers (or supervisors, shareholders)
- only for the salaried staff (not self-employed)
- only for self-employed persons
- only for activities, subject to reimbursement by social security schemes or other public funds (legal aid),
- only for activities in the public sector
- only for activities in the private sector
- for other special modes of pursuit, please describe

B.5 Reserved activities (without title protection)

Requirement(s) concerning activities reserved by the state to the holders of specific professional qualifications.

Please provide the legal basis for the reserved activities as well as detailed description of the activities reserved to the holders of the relevant professional qualifications in the original language, max 4000 characters, and in English, max 4000 characters.

Please indicate whether the activities are reserved exclusively to a particular profession or shared with other professions. If yes, please indicate the specific reserved activities and other professions entitled to carry out those activities.

Please indicate if the qualification requirement relevant only for special modes of pursuit of the professional activity?

- only for managers (or supervisors, shareholders)
- only for the salaried staff (not self-employed)
- only for self-employed persons
- only for activities, subject to reimbursement by social security schemes or other public funds (legal aid),
- only for activities in the public sector
- only for activities in the private sector
- for other special modes of pursuit, please describe

B.6 Reserves of activities and protected title

Type of regulation involving both a requirement of professional title and the activities reserved by the state to the holders of specific professional qualifications.

Please provide a description of the professional title (in original language).

Please provide the legal basis for the reserved activities as well as detailed description of the activities reserved to the holders of the relevant professional qualifications in the original language, max 4000 characters, and in English, max 4000 characters.

Please indicate whether the activities are reserved exclusively to a particular profession or shared with other professions. If yes, please indicate the specific reserved activities and other professions entitled to carry out those activities.

Please indicate if the qualification requirement relevant only for special modes of pursuit of the professional activity?

- only for managers (or supervisors, shareholders)
- only for the salaried staff (not self-employed)
- only for self-employed persons
- only for activities, subject to reimbursement by social security schemes or other public funds (legal aid),
- only for activities in the public sector
- only for activities in the private sector
- for other special modes of pursuit, please describe

B.7 Restriction on corporate form/ incompatibilities

Requirement(s) concerning exercise of a profession. Requirements on specific legal form, shareholding or voting rights in a company, restriction(s) on the exercise of a regulated profession jointly or in partnership with other types of professions, and/or incompatibility rules.

Corporate form requirements

Can the professional organize their practice under any corporate form or are there restrictions on the type of entity? Please specify if there are specific legal form requirement(s), to the extent they are directly linked to the exercise of the regulated profession. If yes, please provide a short description.

Restrictions related to shareholding and/or voting rights

Please specify if there are specific requirement(s) relating to shareholding and/or voting rights to the extent they are directly linked to the exercise of the regulated profession, e.g. an obligation to have a minimum percentage of shares or votes to be held by professionals with specific qualifications. If yes, please specify the qualifying % to be held by professionals. In case percentages are different between shareholding requirements and voting rights, please enter the average percentage and provide relevant explanations.

Prohibitions on joint exercise of professions
Please specify if there are restriction(s) on the exercise of a regulated profession jointly or in partnership with other types of professions. If yes, please provide a short description.

Incompatibility rules
Please specify if there are situations where the professional himself may not exercise certain activities, e.g. tourist guide cannot be a travel agent at the same time. If yes, please provide a short description.

B.8 Requirement for professional indemnity insurance
Requirement(s) concerning exercise of a profession. Mandatory insurance cover or other means of personal or collective protection with regard to professional liability.

Please specify whether there is a requirement for professional indemnity insurance. If yes, please provide a short description.

Please specify whether there is a requirement for insurance applying for cross-border. If yes, please provide a short description.

B.9 Tariff restrictions
Requirement(s) concerning exercise of a profession. Measures that define rules on the level of the fees or prices charged by the professional to the service recipients.

Please indicate if there are measures that define rules on the level of the fees or prices charged by the professional to the service recipients. If yes, please select the type of measure from the list below and provide a short explanation of the measure.

- non-binding recommended prices for some services
- non-binding recommended prices for all services
- binding maximum prices for some services
- binding minimum prices for some services
- binding maximum prices for all services
- binding minimum prices for all services

B.10 Restrictions on advertising/marketing
Requirement(s) concerning exercise of a profession. Requirement(s) restricting advertising by professionals in one or more given media, as regards the content and methods of commercial communication.

Please specify if there are restrictions on advertising by professionals in one or more given media, as regards the content and methods of commercial

communication. If yes, please specify if advertising/marketing is restricted or prohibited and provide a short description.

B.11 Compulsory membership/registration

Requirement(s) concerning access to a profession. Requirement(s) concerning compulsory chamber membership or registration with professional or state bodies.

Please specify whether there is mandatory registration in professional or state bodies/compulsory chamber membership (establishment).

Please specify whether there is mandatory authorisation by, registration with or membership with professional or state bodies (temporary service).

B.12 Quantitative restrictions

Requirement(s) concerning access to a profession. Requirement(s) limiting the number of authorisations to practice or fixing a number of employees, age-related, territorial restrictions.

Limitations to the number of licenses granted

Please specify whether there are requirements limiting the number of authorisations to practice. If yes, please provide a short description.

Existence of territorial restrictions

Please specify whether there are requirements that restrict professionals´ right to exercise the profession on the entire national territory. This may be the case where the regulation is regional only or situation where the licences are granted with specific geographical boundaries. If yes, please specify whether the requirement concern local/regional authorisations with internal system of equivalence/mutual recognition or if new application must be made for each city/region.

Age restrictions

Please indicate whether there is any age restriction regarding access to or exercise of the profession. If yes, please specify the minimum age and/or maximum age.

Limitations to the number of employees

Please indicate whether there are requirements fixing a minimum or maximum number of employees, managers or representatives holding particular professional qualifications. If yes, please provide a short description.

B.13 Other authorisation requirements
Other authorisation procedures or requirements for accessing the profession and/or for exercising specific activities within the scope of the profession. “Other” in the sense that they go beyond other notified requirements.

Other authorization procedures or requirements for accessing a profession, e.g. check of criminal records, financial standing, compliance with business premises requirements etc. Other authorization procedures or requirements for exercising specific activities within the scope of the profession, e.g. a requirement for a specific authorization to work om electrical infrastructures part of the national grip for an engineer.

Please, indicate if there are other authorisation procedures or requirements for access to/pursuit of a regulated profession concerned. If yes, please specify requirements concerned by authorisation procedure

- proof of good character/repute
- check of criminal records, or/and
- good financial standing

Please provide a short description.

Please, indicate if there are other authorisation procedures or requirements for access to/pursuit of specific professional activities. If yes, please specify relevant professional activities.

Please specify requirements concerned by authorisation procedure

- proof of good character/repute
- check of criminal records, or/and
- good financial standing

Please provide a short description.

C. Proportionality

Non-discrimination
Please confirm that the notified requirement(s) is not directly or indirectly discriminatory on the basis of nationality or residence.

Public interest objectives
Please indicate the overriding reasons relating to public interest objectives that justify the measure. Select from the list below or specify other public interest objective.

- Public policy
- Public health

- Public security
- Preserving the financial equilibrium of the social security system
- Protection of consumers, of the recipients of services
- The protection of workers
- The safeguarding of the proper administration of justice
- Fairness of trade transactions
- Combating fraud and prevention of tax evasion and avoidance
- Transport safety
- The protection of the environment and the urban environment
- The protection of the health of animals
- The protection of intellectual property
- The safeguarding and conservation of the national historic and artistic heritage
- Social policy objectives
- Cultural policy objectives

Suitability of the measure (9 § punkterna 1,3,4,5 och 11 § punkt 6 2020:757)

Please explain whom the measure aims to protect (consumers, professional, third parties)?

What are the risks the measure aims to minimise, or the benefits it aims to maximise, for the pursuit of the public interest objectives? How does the measure operate to achieve those objectives? Please also explain whether and how you assessed whether the objective is being used in a consistent and systematic manner (how are the same objectives being pursued in similar ways as in comparable professional activities)? Have you taken into account any scientific and technological developments which might effectively reduce the asymmetry of information between professionals and consumers? Have you assessed the economic impacts of the measure (for instance, on the degree of competition in the market and the quality of services, as well the impact on the free movement of persons and services)?

Necessity of the measure (9 § punkterna 2 och 6 2020:757)

Please explain whether and how you assessed whether existing rules of specific or general nature (e.g., product and safety legislation, consumer protection law) are insufficient to protect the public interest objective(s) pursued. Have you considered the possibility of using less restrictive means to achieve these objective(s)?

Combined effect (9 § punkt 7 och 10 § 2020:757)

Please explain whether and how you assessed the effects of the notified measure when combined with other existing requirements? Please explain how the notified measure when combined with other requirements would contribute to and whether it is necessary to achieve the same objective(s).

For Reserved activities (without title protection)/reserved activities and protected title, and Qualification Requirements (11 § punkterna 1,2,4,5 2020:757)

Please explain whether and how you have assessed the connection between the scope of activities reserved to the profession and the professional qualification required.

Have you assessed the connection between the complexity of the tasks and the professional qualification required (with regard to the level, nature and duration of training required)?

Have you assessed the relevance of the degree of autonomy in exercise the profession and the impact of organisational and supervisory arrangements (in particular, where activities are pursued under supervision/responsibility of a duly qualified professional)?

Please also explain whether and how you have assessed the possibility of sharing the activities being reserved with other professions.

For Qualification Requirements (11§ punkt 3 2020:757)

Have you considered alternative possibilities to obtain required professional qualification (e.g., other training options, or a combination of training and professional experience, etc.)?

Supporting information and data

Please provide any relevant information you have gathered, such as qualitative and/or quantitative evidence, regarding the concrete effects of the measure. The reasons for regulating should be accompanied by specific evidence substantiating its arguments. Although a Member State does not necessarily have to produce a specific study or a specific form of evidence or materials establishing the proportionality of such a measure prior to its adoption, it should carry out an objective analysis, taking into account the specific circumstances of that Member State, that demonstrates that there are genuine risks for the achievement of public interest objectives. Where such supporting information or data exists, it should be clearly referred to in the screening form, and where available, with relevant links to publicly available sources.

Underrättelse om begränsningar av rätten att tillfälligt utöva ett reglerat yrke

Nedan följer en redogörelse för de punkter som ska inkluderas i underrättelsen till UHR. Informationen bör lämnas på engelska.

Underrättelsen ska innehålla:

- Uppgifter om den nationella författningen inklusive en kort övergripande beskrivning av förändringen av den yrkesreglering som författningen, se avsnitt A.

- Uppgifter om kraven som författning berör. Välj ett eller flera relevanta krav från avsnitt B (B.1 – B.3) och lämna den information som efterfrågas under varje typ av krav.

- Besvara därefter frågorna i avsnitt C om proportionaliteten för varje krav du har valt.

- Bilagor till underrättelsen:
    - Fullständig inremarknadstest
    - Stöddokumentation så som kvalitativa eller kvantitativa analyser av yrkesregleringens effekter, kan med fördel bifogas, liksom kopior av relevant lagstiftning. Denna typ av dokumentation är dock inte obligatorisk.

- Kontaktuppgifter till sakkunnig tjänsteman som kan bistå UHR i anmälningsprocessen.

Uppgifter att lämna:

A. Details on regulatory change
Please indicate the law(s) or regulation(s) that a subject to notification.
Please include a link to a web-page where available.
Date of adoption.
Date of entry into force.
Please provide a description of the notified regulatory change. Max 1000 characters.

B. Requirement information
Please select the requirement type and provide the necessary information on the specific requirements related to temporary or occasional provision of services as described below.

B.1 Prior declaration

Please indicate if there is mandatory prior declaration requirement, when service provider first moves into your country. If yes, please specify what information to be provided with a declaration.

Please specify if there is any fee for the administrative procedures. If yes, please provide a short description of the fees.

Please indicate whether annual renewal of the declaration is required.

B.2 Document requirements

Please indicate whether documents to be provided with a declaration? If yes, please specify which of the documents below are required

- Proof of nationality
- Attestation of legal establishment
- Attestation of the absence of prohibition or suspension from practice
- Evidence of qualifications
- Proof of professional experience (if profession not regulation in home country)
- Attestation confirming no criminal convictions (security, health sectors, education of minors)
- Declaration about language knowledge
- Certificate on the nature and duration of activity (crafts, trade, industry)
- Other document, please specify

Please specify if translations are required. If yes, for which documents. Are certified translations required?

Please specify if certified copies are required. If yes, for which documents.

You are welcome to provide any additional comments concerning the document requirements.

B.3 Compulsory membership/registration

Please specify whether there is mandatory authorisation by, registration with or membership with professional or state bodies.

D. Proportionality

Non-discrimination

Please confirm that the notified requirement(s) is not directly or indirectly discriminatory on the basis of nationality or residence.

Public interest objectives
Please indicate the overriding reasons relating to public interest objectives that justify the measure. Select from the list below or specify other public interest objective.

- Public policy
- Public health
- Public security
- Preserving the financial equilibrium of the social security system
- Protection of consumers, of the recipients of services
- The protection of workers
- The safeguarding of the proper administration of justice
- Fairness of trade transactions
- Combating fraud and prevention of tax evasion and avoidance
- Transport safety
- The protection of the environment and the urban environment
- The protection of the health of animals
- The protection of intellectual property
- The safeguarding and conservation of the national historic and artistic heritage
- Social policy objectives
- Cultural policy objectives

Suitability of the measure (9 § punkterna 1,3,4,5 och 11 § punkt 6 2020:757)
Please explain whom the measure aims to protect (consumers, professional, third parties)?
What are the risks the measure aims to minimise, or the benefits it aims to maximise, for the pursuit of the public interest objectives? How does the measure operate to achieve those objectives? Please also explain whether and how you assessed whether the objective is being used in a consistent and systematic manner (how are the same objectives being pursued in similar ways as in comparable professional activities)? Have you taken into account any scientific and technological developments which might effectively reduce the asymmetry of information between professionals and consumers? Have you assessed the economic impacts of the measure (for instance, on the degree of competition in the market and the quality of services, as well the impact on the free movement of persons and services)?

Necessity of the measure (9 § punkterna 2 och 6 2020:757)
Please explain whether and how you assessed whether existing rules of specific or general nature (e.g., product and safety legislation, consumer protection law) are insufficient to protect the public interest objective(s) pursued. Have you considered the possibility of using less restrictive means to achieve these objective(s)?

Combined effect (9 § punkt 7 och 10 § 2020:757)
Please explain whether and how you assessed the effects of the notified measure when combined with other existing requirements? Please explain how the notified measure when combined with other requirements would contribute to and whether it is necessary to achieve the same objective(s).

Supporting information and data
Please provide any relevant information you have gathered, such as qualitative and/or quantitative evidence, regarding the concrete effects of the measure. The reasons for regulating should be accompanied by specific evidence substantiating its arguments. Although a Member State does not necessarily have to produce a specific study or a specific form of evidence or materials establishing the proportionality of such a measure prior to its adoption, it should carry out an objective analysis, taking into account the specific circumstances of that Member State, that demonstrates that there are genuine risks for the achievement of public interest objectives. Where such supporting information or data exists, it should be clearly referred to in the screening form, and where available, with relevant links to publicly available sources.

Underrättelse om kravändringar som inte begränsar tillträde till eller utövande av yrket

I de fall undantag från inremarknadstest åberopas då ändringarna endast innebär redaktionella ändringar, tekniska anpassningar till innehållet i utbildningar, modernisering av bestämmelser om utbildning eller andra ändringar som inte begränsar tillträdet till eller utövandet av reglerade yrken, ska underrättelsen innehålla uppgifter om den nationella författningen samt motivering till undantaget som beskriver på vilket sätt ändringen inte begränsar tillträdet till eller utövandet av reglerade yrken. Motivering ska omfatta max 1000 tecken och bör vara skriven på engelska.

Uppgifter att lämna:

Please indicate the law(s) or regulation(s) that a subject to notification.
Please include a link to a web-page where available.
If the notified requirement(s) consists of an editorial amendment or technical adaption having no restrictive effect, please provide a short explanation.

Underrättelse om krav på yrkeskvalifikationer som följer av en bindande unionsakt

Krav i nationella författningar som följer av en bindande unionsakt vilken inte lämnar valmöjlighet vad gäller kraven på yrkeskvalifikationer, är undantagna från krav på proportionalitetsprövning. Underrättelsen ska i detta fall innehålla uppgifter om den nationella författningen samt den unionsakt som kraven på yrkeskvalifikationer följer av.

Uppgifter att lämna:

Please indicate the law(s) or regulation(s) that a subject to notification.
Please include a link to a web-page where available.
Please specify EU basis for regulation.

Underrättelse om borttagna krav på yrkesreglering

Underrättelsen ska innehålla uppgifter om den nationella författningen.

Riktlinjer för underrättelse för anmälan enligt YKD-förordningen
Samordningskansli och rådgivningscentrum för yrkeskvalifikationer
ykinfo@uhr.se

Universitets- och högskolerådet, december 2021

För mer information om myndigheten, se **www.uhr.se**.