

### The Proportionality Test



### [Law no. 245/2020 on carrying out a proportionality test prior to the adoption of new regulations regarding the professions](#)

Law no. 245/2020 transposes Directive (EU) 2018/958 of the European Parliament and of the Council of 28 June 2018 on the conduct of a proportionality test before the adoption of new regulations on professions establishing a common framework for carrying out the proportionality assessment before introducing new provisions or to amend existing legal provisions restricting access to or the exercise of regulated professions, in order to ensure the proper functioning of the internal market, while ensuring a high level of consumer protection. It does not affect the competence of the Member States, in the absence of harmonization, and their margin of discretion in deciding whether and how to regulate a profession, within the principles of non-discrimination and proportionality.

The Directive established a proportionality test to be applied by Member States when regulating a profession or amending the regulatory conditions of a profession and set out in Art. 7 of Law no. 245/2020.

In this regard, the European Commission has published [Guidance on the assessment of proportionality based on Directive \(EU\) 2018/958 of the European Parliament and of the Council of June 28 2018 regarding the performance of a proportionality test before the adoption of new regulations relating to professions](#) which includes: information on the requirements for the regulated professions and explanations relating to proportionality, in accordance with art. 59 para. (5) from Directive 2005/36/EC on the recognition of professional qualifications; the relevant jurisprudence of the Court of Justice of the European Union; other information resulting from the verification by the European Commission of the transposition and application of Directive 2018/958/EU and Directive 2005/36/EC.

CNRED in its legal capacity of National Coordinator for the Recognition of Professional Qualifications and the public regulatory authorities ensure the application of this normative act on the Romanian territory.

Friday, 3 March, 2023

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Drupal.jQueryUiFilter.globalOptions('accordion');