

European Day of Liberal Professions



"Orders, colleges and Liberal Professional Associations as Players under the single market and the professional qualification directive"

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Orders, colleges and liberal Professional Associations as Players under the single market

Orders, colleges and liberal Professional Associations as Players under the single market



The General Council of the National Council of Professional Associations (CNOP) is the representative organisation of the fourteen regulated professions in Portugal, representing over 300,000 practicing professionals.

➔ Established in 1990 to:

- Advise public and private, national and international organizations on matters relating to the regulated professions;**
- Promote high standards of services providers;**
- Promote effective consumer-safety centred professional practice across Europe.**
- These 14 professions have delegated public competences by the Estate, and the statutory laws of each representative association have been approved by national parliament in Portugal.**

**Orders, colleges and liberal
Professional Associations as Players
under the single market**



Key principle:

**➔ Professional Associations are
independent of the State bodies and
free and autonomous in their
regulations.**

Regulated Professions



**Self regulation: a way for commitment
to general public interest?**

Regulated Professions



- The General Council represents a group of professional activities, access to which, is subject to the possession of specific professional qualifications by virtue of public law.
- In most situations the use of a professional title requires registration under the regulatory or administrative provisions of the professional association.
- Meaning that, the holders of a given professional qualification shall pursue their activities with strict respect for public health, and for safety and consumer protection.
- Under a Professional Association the service provider shall be subject to the application of disciplinary rules which are directly and specifically linked to consumer protection and safety.

Public Trust



**Professional Associations:
core competence to protect public
interest of the populations.**

Public Trust



- Training conditions:

It is a matter of public trust the guarantee that all intern recognition of each professional must respect in any case minimum training conditions for certain professions with a scientific and social dimension.



- Quality:

The mandatory minimum level of qualification ensures the quality of the services provided, and therefore the liability of the provider.

Code of ethics are basic standard rules that dignify and protect internal market.

Public competences allow professional bodies to prosecute activities carried out illegally.



- Competence:

Also important is the **definition** of the profession, identifying the **scope of activities covered by a profession or reserved to it**, having assured professional standards on the basis.

Public Trust



- Advertising:

The use of titles holds concerns of ethics and truth facing the populations.

Rules on advertising must respect single market competitiveness but also public trust.

Public Trust



- Supervision and liability:

Are achieved by punishing and preventing serious
professional malpractice:

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Professional Continuing Education

Professional Continuing Education



Professional Associations are committed to continually reviewing and updating a strategic professional education of the regulated professions, in view of the speed of technological change and scientific progress.

The suitable ongoing training is under the responsibility of individual Member States, but at the same time, the development results also from increasing specific regulatory provisions that have in mind the cross border movement.

Life-long learning dedicated to the specificity of each profession is of particular importance for consumers and professionals.

Professional Continuing Education



It is imperative to ensure that each profession meets service care needs in Europe, both now and in the future.

Self regulated professions have successfully achieved well-trained, skilled and fully competent professionals using the latest and most appropriate technology.

There is a constant need for a suitable and self regulated procedure for adopting measures regarding scientific updating and evolution of the professionals.

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Organisation of the Professions

Organisation of the Professions



Internal Market needs to be continuously valued when pursuing objectives such as :

- Rationalisation;
- Simplification;
- Quality and trust;
- Mobility and safety;
- Free competition.



2 Main Questions

- 1. Who holds better condition for achievement?**
- 2. Provider's specific knowledge – what way for fundamental freedoms?**

Organisation of the Professions



1- Achievement

1. Member States(ME) under EU harmonization;
2. Professional bodies of the ME have better conditions to achieve key issues when improving rules that are specially prepared to satisfy the needs of each professional sector.

2- Specific experience

Special needs for free competition a long with the focus on quality services cannot be sufficiently achieved only with general politics regardless specific knowledge and self regulation of those who are aimed by the laws.

Organisation of the Professions



Self regulation : organizations speak with one voice after the legitimacy of the opinion diversity

- Associations are responsible for building rules headed for an accountable and professionally independent capacity by those providing Services.
- Self regulation constitutes a key issue for democratic legitimacy related to professional matter decisions, within the professionals.
- The body of regulatory provisions has the ability to promote the interest of the client and the public assuring a general perspective of belonging.

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**Compliance with the rules
increases with the feeling of
belonging**

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- Individuals holding professional qualifications recognize **prestige and dignity** on professional rules whenever their application is justified by the **general public interest**, assuring that provisions are laid down **autonomously**.

**Compliance with the rules
increases with the feeling of
belonging**



The framework created by the professional representative bodies, safeguard and develop:

- **Professionalism;**
- **Quality of service;**
- **Confidentiality of relations with the client;**
- **Rights protection;**
- **Proximity with members;**
- **Amongst equals surveillance.**

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Advisory Cooperation and Point of Contact

Advisory, Cooperation and Point of Contact



The Collective Organization of a profession brings an accurate :

- **Encouragement of educational initiatives related to the welfare of general population;**
- **Publishing and publishing encouragement of general information related to key quality and safety issues;**
- **Support and promotion of international contacts as well as cultural and socio-professional exchanges.**

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Advisory about Crisis EU Financial Support Program

**Advisory about Crisis
EU Financial Support Program**



**Professional Associations have been contacted by the Foreign
Affair office in order to inform and contribute for crisis solution.**

**Associations have been taking into serious consideration the new
challenges faced by the professionals and also by the
consumers.**

**Portuguese Professional Associations provide public service
without any kind of financial support from the State.**

**The receipts come from symbolic fees paid by associates in
order to provide a wide range of services and advisory. This
Associations are not part of government expenditure.**



**Advisory about Crisis
EU Financial Support Program**

Lined up with the needs for free competition and employment, professional bodies have no interference whatsoever on fees level.

The respect for the requirements of competition law brought entire freedom of prices and also freedom of advertising.

Professional Associations act against all forms of unfair competition and there is a strong effort to support freedom along with quality and safety for the consumers.

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Actual Key Safety Issues of Public Regulation

Actual Key Safety Issues of Public Regulation



- **Licence of offices and units;**
- **Core competences definition;**
- **Advertising Regulation;**
- **Role function of providers to get trough crisis;**
- **Bologna Process harmonization;**
- **Vocational Training.**

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**Directive 2005/36/EC of the
European Parliament and of the
Council of 7 September 2005 on
the recognition of professional
qualifications**



Stakeholders within the transposition process

- Professional Associations are *Competent Authorities* working on the description of minimum competences which a professional must have acquired by the end of his higher education, in line with the new trends of each profession.
- Professional organizations know better to which extent is safety of consumers sufficiently taken into account in the training of each professions.
- Professional Associations have the role function to “ *recognise professional qualifications obtained in one or more other Member States and which allow the holder of the said qualifications to pursue the same profession there, for access to and pursuit of that profession.*” (Directive 2005/36/EC)



Stakeholders within the transposition process

- **Self regulation can grant the migrants take language skills in order to safeguard an accurate and comprehensive capacity of informed consent, by explaining advantages and shortcomings of the service.**
- **The consumers interests will be protected from any misunderstanding or dispute which might arise if a consumer legally challenge the service provided.**

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Temporary and occasional provision of services

Temporary and occasional provision of services



- **There is need for a common definition of Temporary and occasional provision of services: this should take into account the complexity of each field of knowledge, revealed and worked within each professional body, and then EU harmonized.**
- **Single points of contact are in good conditions to support the European Commission on finding ways for better traceability.**
- **To promote uniform application of the Directive, and also collect all the relevant information, professional bodies are most able to exchange information between competent authorities and all other related bodies.**

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IMI – Internal Market Information system

IMI System



Exchanging information between competent authorities, through an world wide electronically and dematerialized platform, has been a **significant experience of simplification and safety** held by the public service of the Professional Associations.

Represents:

- Celerity;
- Safety and security;
- Cooperation;
- Welfare of all agents.

Along with the next professional card project, the IMI has turned into a quick and safe administrative cooperation in compliance with EU legislation.

For improvement we feel that IMI should now go even further by providing also the traceability of illegal migrants across EU.

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Self Regulation an Experience of Success!

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Thank You!

Orlando Monteiro da Silva