



federatie vrije beroepen

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The added value of collaboration between different professional bodies



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I. Context

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- The Belgian liberal professions and their regulatory and ethical bodies have been confronted with important legal challenges, e.g. :
 - a new law on enterprises
 - a change in the law on insolvency
 - the EU General Data Protection Regulation or GDPR
- Such legal changes imply that each professional body has to study the implications of the proposed or implemented legal changes
- In many cases, they must also develop recommendations for the respective professionals or even the policy makers involved

I. Context

- Mutual collaboration between regulatory and ethical bodies from liberal professions in various sectors (health, legal, finance, etc.) would be useful in order to tackle some of these challenges together
- The Flemish interprofessional organisation for the liberal professions (FVB or *Federatie Vrije Beroepen*) took the initiative to create a national informal structure for knowledge exchange between the different regulatory and ethical bodies: “POI or *Platform Ordes en Instituten*”
- The official launch of the Platform took place in the Summer of 2017



II. Mode of operation of the Platform

1. Members of the platform

- A vast majority of the regulatory and ethical bodies have already joined the platform:
 - the *Ordre* of the Flemish Barristers
 - the Institute of Auditors
 - the Professional Institute of Accredited Bookkeepers and Tax Consultants
 - the Institute of Accountants and Tax Consultants
 - the National Chamber of Bailiffs
 - the Commission of Psychologists
 - the *Ordre* of Veterinarians (Flemish Council)
 - the National Chamber of Notaries
 - the Professional Institute of Real Estate Agents
- The following regulatory and ethical bodies are not yet member of the Platform, but do participate in the working group on insolvency law:
 - the *Ordre* of the French & German speaking Barristers
 - the *Ordre* of Pharmacists
 - the *Ordre* of Physicians
 - the *Ordre* of Architects

2. Structure of the platform

- Composition:
 - 1 delegate per regulatory body
 - 1 general expert in professional ethics and fitness-to-practice regulations
 - 1 chairman, appointed by and from amongst the members of the platform, rotating between four clusters (healthcare, construction, legal and finance)
 - 1 coordinator/legal advisor
- Competence:
 - Independence = key concept
 - The delegates can formulate recommendations by majority, but aim at full consensus
 - The right to a dissenting opinion from a minority of its delegates
 - The delegates decide autonomously on the agenda and operational matters of the Platform and its working groups

3. Working groups

- Competence: studying topics/cases chosen by the delegates
- A separate working group for each topic
- One or two experts per regulatory body (not necessarily Platform delegates)
- Substantive support by the Platform coordinator and chairman
- An outside expert may be hired on a freelance basis (usually a university professor or a legal consultant)
- Chaired by the freelance expert or the Platform chairman
- Meeting rhythm can be determined depending on the workload



II. Impact on the relationship with the government and on the law-making process

1. Mission and relation to the Federation for the Liberal Professions

- Mission: knowledge exchange, providing support and searching for the interprofessional "win-win" in matters that concern the regulatory and ethical bodies
 - Formulating recommendations with the right to dissenting opinion <-> no lobbying
 - The Platform is supported by the Federation for the Liberal Professions, but is independent: both can speak and decide independently
 - To emphasise the independence of the Platform, we have a separate e-mail address and are working on a separate logo and stationery

2. Subjects to tackle

- First working group on the reform of the national insolvency law
- Subject: The implementation of Book XX of the Belgian Code of Economic Law and the consequences of this new legislation for the liberal professions and their regulatory bodies in particular - *in effect since 1 May 2018*
- Results:
 - The elaboration of a detailed implementation guide for the regulatory and ethical bodies
 - The Executive Decree for Liberal Professions was drawn up in close consultation between the Federation, the regulatory bodies (via the working group) and the Ministry of Justice
 - The organisation of training sessions for candidate-insolvency practitioners
 - A template for lists of insolvency practitioners developed in collaboration with RegSol (the manager of the digitalised Solvency Register)

2. Subjects to tackle

- First working group: the reform of the national insolvency law
- Follow-up:
 - Drafting an explanatory note regarding compensation for curators and insolvency practitioners
 - Preparing a List of Frequently Asked Questions for 1) the regulatory bodies; 2) their members-practitioners of a liberal profession and 3) insolvency practitioners
 - Organising additional training sessions for insolvency practitioners
 - Retrieving quarterly figures on the number of bankruptcies in the sector of liberal professions

2. Subjects to tackle

- Second working group: GDPR (= General Data Protection Regulation) - *in effect since 25 May 2018*
- Important issue: the compulsory appointment of a DPO (= data protection officer) by each of the regulatory bodies
- Follow-up: organising a meeting for DPOs who have already been appointed or who work on a freelance basis for the regulatory bodies
- Objective: learn from one another and exchange information and experiences – e.g., elaboration of a code of conduct

2. Subjects to tackle

- Third working group: Reform of the law on enterprises - *in effect since 1 November 2018*
- Objectives:
 - Identifying the most important changes and novelties and listing specific points of attention for liberal professions and their professional bodies - e.g., the impact of the abolition of the notion 'trader' in ethical codes and regulations
 - Providing guidelines on how members - practitioners can be informed about this new legislation
 - Detect any anomalies in the law and inconsistencies with other legislation and notify the competent authorities if necessary
- Follow-up:
 - Pending ECJ case of the European Commission against Belgium: awaiting the ruling and completing the discussion paper on that basis

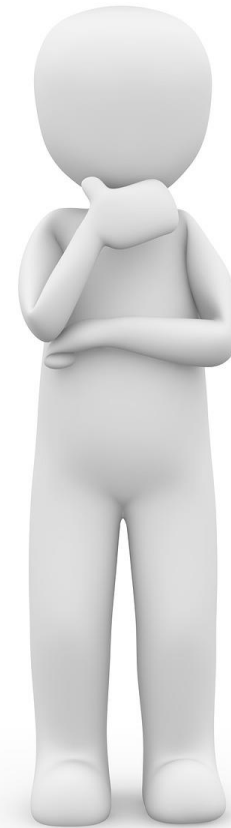


IV. Plans and expectations for the future

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- Presentation of the different professional bodies on the basis of a SWOT-analysis
- Follow-up of the current working groups
- Organizing a seminar on the proportionality test and subsequent networking moment – *Brussels, 12 June 2019*
 - The directive was approved and published on 9 July 2018
 - The Belgian authorities now have until 30 July 2020 to implement the Directive at the national level
 - Very important directive with potentially harmful consequences for (regulated) liberal professions if the conversion to and implementation in national legislation does not go well

Questions?



Thank you for your attention!

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