



# federatie vrije beroepen

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# The added value of collaboration between different professional bodies



# Overview

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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



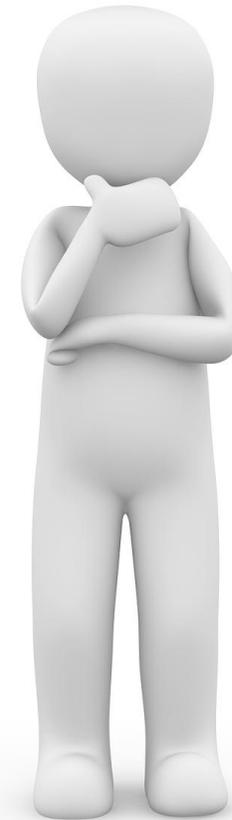
## IV. Plans and expectations for the future

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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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