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**Manifesto of liberal professions at European level**

*The Capitoline Hill, Rome, 4 December 2017*

*Since the Treaties of Rome were signed on this historical site, the liberal professions have been a recognised element of European civil society. In addition to being important economically, they also have constitutive significance for the overall liberal system underpinning European civil society, and the civil rights it guarantees. In this connection, the key elements of the liberal professions are subject to professional regulations of varying intensity and with different characteristics. These rules may come into conflict with one another when services are provided across borders. This has resulted in various measures to standardise the rules and attempts to cut regulation applying to specific countries. According to the European Commission, less regulation means more border traffic and more growth based on professional services.*

Since the beginning of the internal market for services and the European Commission’s efforts to implement it, the liberal professions have been struggling with the European institutions to find out what these economic rules mean, and whether they are transferable.

**Background**

This struggle is reflected in several current developments, including the various infringement procedures and the services package presented in January 2017. From the European Commission’s perspective, the liberal professions are part of the regulated professions. No distinction is made between the liberal professions and other regulated professions.

It is likely that this debate will continue, and that the pressure on these professions to cut regulation in the interests of more economic growth will become much more intense. If we want to shed light on the specific characteristics of the liberal professions in general and, more specifically, as regards the tension between regulation and liberalisation, we need to work towards a common understanding of the liberal professions and an appropriate definition at European level. To date, various European legislative documents, European Parliament resolutions, rulings of the European Court of Justice (ECJ) and other EU initiatives have made reference to the liberal professions but without providing an exhaustive definition of this concept. Examples include the mention in Article 57(d) TFEU relating to the provision of services, and Recital 43 of the Professional Qualifications Directive adopted in 2005.

A common European definition of the liberal professions could be added to, and combined with, existing legal definitions under national law as well as other definitions. In particular, these include the list of criteria drawn up by the ECJ in 2001, Recital 43 of the 2005 Professional Qualifications Directive as well as definitions developed by various European (umbrella) associations in recent years.

A common European definition should be based on existing definitions and key common elements, without being overly rigid, especially so that it can accommodate changes to the world of work and the emergence of new professions. It could lead to efforts in the European institutions to build consensus around which social interests service providers require specific regulation because of the distinct nature of their work. Such regulation would frame the areas of European competition applicable to service providers in such a way that they are able to fulfil their specific requirements and tasks and can grow.

By proceeding in this way, the EESC has met its advisory responsibilities vis-à-vis the European Commission, the Council and the Parliament with the aim of rebuilding trust in Europe and strengthening the Single Market.

1. **Outcomes of the conference: description of the liberal professions in the past, present and future**

**European criteria for the definition of the liberal professions**

Drawing on the discussions taking place in Europe, the conference highlighted that the concept of liberal professions consisted of various elements that could be used for a European definition.

The liberal professions can be characterised as follows:

* they provide intellectual services based on a specific professional qualification or skill,
* these services are provided personally and are based on a relationship of trust,
* the activity is carried out autonomously and on a professionally independently basis,
* the liberal professions are characterised by a professional ethos, they have an obligation to the contracting authority and are required to act in the public interest,
* and they are subject to a system of professional organisation and oversight.
* The above characteristics do not appear altogether in every definition. Some features are increasingly commonly, while others appear only occasionally or are worded differently with varying levels of significance attached. Relatively often, mention is made of particular qualifications, the intellectual nature of the service provided and the autonomy/independence of those belonging to a liberal profession. Reference to a special relationship of trust and public service obligations is also to be found in some definitions.
* The same applies to the idea of personal provision. Fewer matches are found with regard to laws governing professions, professional self-governance, the need for registration, a professional code of conduct and ethical principles. Definitions from the German-speaking world are generally more comprehensive and include more criteria than definitions from other EU Member States. A European definition should include a sufficient number of criteria, without being too unwieldy or overly complicated.

**Questions for the future raised at the conference and to be further explored by the EESC:**

Support in an institutional crisis of confidence: according to socio-epidemiological surveys, are liberal professions the trusted partners of European citizens, underpinned by the various regulatory approaches taken by the EU Member States? Could they be a key pillar of future efforts to build confidence in the EU?

Ethics as a guiding principle: is it an inherent feature of the liberal professions that they, in accordance with ethical principles, act both in the public interest and the interest of the direct contractor? Would this need to be a key element of the education and training of the liberal professions!?

Changing society: new demands and needs require the creation of new liberal professions as part of a living and breathing system.

Industrial society 4.0/digitalisation: the liberal professions must continuously refine their own activities and it is essential to evaluate the (potential) effects of digitalisation on all liberal professions and the scope of the services they provide, their areas of activity and the special relationship of trust with their customers, clients and patients.

The impact of cost-efficiency measures and interest-related (foreign) capitalisation: potential for conflict as regards safeguards for a high level of customer, consumer and patient protection. Proposal to combine with the results of the Gothenburg summit on the social pillar.

Self-regulation and administration: protection of self-regulation and administration due to market proximity and the need for “special regulation” because of the proven, asymmetric knowledge advantage vis-à-vis the state, on the one hand, and clients, customers and patients, on the other.

Quality and price: Analysis of the connection, in line with the current study by Heinrich Heine University in Düsseldorf.

Gender: are there particular, gender-specific conditions regulating access to certain professions? Is there a much higher proportion of women than in other service sectors?

Codes of conduct: over and above existing regulatory systems at national level, are there suitable and complementary approaches at European level that could be pursued to enhance the rights of the liberal professions and their clients, customers and patients?

Liability for professional activities: do the various liability frameworks and legal systems that determine the liability of the liberal professions in Europe constitute a major obstacle in the internal market and how could this be overcome?

From among its members, the EESC has created a new category and working instrument entitled “liberal professions”.

Participants called on the Committee to press ahead with efforts to strengthen the liberal professions as trusted partners and catalysts of growth in European civil society 4.0/2030 by developing a European stakeholder platform.

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