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Data Economy public consultation

On 10 January 2017, the European Commission adopted the "**Building the European Data Economy**" package consisting of a [Communication](#) and a [Staff Working Document](#), in which it looks into the free movement of data across Europe and into the emerging legal issues in the context of new data technologies (e.g. access and transfer, liability, portability).

On the basis of these documents, the Commission is organizing a dialogue with stakeholders, which includes [an online public consultation](#), in order to identify the most appropriate policy measures on these issues. The objective of this dialogue is to collect information on:

- whether and how local or national data localization restrictions inhibit the free flow of data in Europe
- whether and to what extent digital non-personal machine-generated data are traded and exchanged, and the nature and magnitude of any barriers to accessing such data
- emerging Internet of Things and robotics liability challenges
- Practices and issues relating to data portability, interoperability and standards.

This public consultation is running until **26 April 2017** and is available in 22 languages.

The consultation targets:

- Businesses of all sizes
- Manufacturers and users of connected devices
- Operators and users of online platforms
- Data brokers
- Businesses commercializing data-based products and services

SMEs are a key respondent's category and are called to help shaping the future policy agenda on the European data economy.

For further information, please feel free to contact our secretariat.



Business Transfer Conference



CEPLIS was invited to attend a conference on the Transfer of Business organized this coming 17th of March in Malta by the **Maltese Presidency with the support of the European Commission, co-financing this project through the COSME programme (2014 – 2020).**

Every year, around 450,000 firms and over two million employees are transferred to new owners within the European Union. However, up to one-third of these transfers may not be successful. The aim of the Business Transfer Conference is to identify the main obstacles for a successful transfer of ownership of businesses and the reasons for failure in the business transfer process. Furthermore, during the conference delegates will have the opportunity to identify and discuss which businesses are most vulnerable to 'transfer failure'. Policy makers will also be able to propose and debate possible incentives in terms of business support structure and policy solutions targeted at overcoming any related obstacles.

Should you wish attend this event, kindly register via <https://businessstransferconference.gov.mt>. As part of the registration process you shall be asked to complete a questionnaire. Following the completion of this questionnaire, you will be directed to the registration form. The outcome of this questionnaire will assist in the discussions during the conference. Please note that the deadline for registration is **Thursday 2nd March 2017**.

For further information, please feel free to contact our secretariat.

Should DG Trade be abolished?

In the January-March edition of the magazine **Confrontations Europe**, **Alain Berger, Executive Director of Strategy at Hill & Knowlton Strategies Brussels**, wrote an article about the Directorate General of Trade of the European Commission and its efficiency. Hill & Knowlton is a global public relations consulting company which has headquarters in 52 countries. The article promotes an interesting point of view on the European procedures of negotiation for trade agreements and their obstacles that we think is relevant for us all.

The recent trade negotiations between the European Union and the United States (TTIP or TAFTA) or Canada (CETA) have sparked heated debate amongst the public opinion. Does this climate of distrust call into question the advent of a common European trade policy?



Justin Trudeau, Prime Minister of Canada, Donald Tusk, President of the European Council and Jean-Claude Juncker, President of the European Commission.

Even before the election of Donald Trump in the United States, most of the major issues of trade policy seemed to be the objects of a misconception or even a questioning. The episode of CETA, the EU-Canada Free Trade Agreement, has sharply illustrated the tensions surrounding the central issue of the Union's trade competence. The same was true for the discussions on the Trade Agreement between the United States and Europe (TTIP): after giving a clear negotiating mandate to DG Trade and its European negotiators, Member States, several of them, "torpedoed" the talks with the threat of a veto, while the European Parliament demanded even more transparency, weakening the already delicate negotiating position of the Europeans. In the negotiations with Singapore or Morocco, the weakness of European policy is reflected in the continuing demands for legal advice to the Court of Justice of the European Union (CJEU). Another example is that anti-dumping

proceedings are increasing, but Member States have difficulty in agreeing with the European Parliament on the necessary modernization of the trade defense instruments proposed by the European Commission. All this, in an already tense context: China's market economy status, currently under discussion, would substantially change the models of economic calculations of "dumping duties".

What, then, does DG Trade serve if it is not in a position to negotiate an agreement with a foreign partner properly or is it not sufficiently supported to put into force a good Treaty?

The decision of the Attorneys General of the Court of Justice of the European Union (CJEU) of 21st of the last December, on Singapore sheds light on what might become of the rule on jurisdiction. The text clearly confirms that any trade agreement dealing with national (or regional) matters, such as the environment, working conditions, fundamental rights, dispute settlement mechanisms, etc. must effectively obtain the agreement of the competent national or regional authorities before being approved or enter into force. We will no longer be able to take refuge in this "gray" zone and it is fortunate.

Risky ratification between 38 Parliaments

Will it then be necessary to adapt the scope of our trade agreements to the Union's strict areas of competence and continue to have them negotiated by DG Trade or to revert to agreements negotiated by the national authorities? Will it finally be possible to add to the already long European procedure the ratification, which is often risky, of the 38 national or regional parliaments in the case of a 'mixed competence' agreement?

Common sense has indeed inspired the historical constructors of the EU by clearly recognizing that a trade or investment treaty negotiated on behalf of 28 Member States representing an economic area of more than 550 million Consumers, is more favorable than a text discussed by each State separately. What was true yesterday is even more so today as the European members of the club of the ten leading economic powers of the world will go from three to one - Germany - in the next ten years ... The "collective play" imposes That the "common" interest is superior to the individual interest, as there will always be grounds for frustration in a "collective" negotiation. As an example, CETA recognizes European products for "protected designations" for the first time. This is a major advance for Europe which will be a precedent. But France or Italy will always count more "controlled appellations" than Wallonia or Estonia. Similarly, we must continue to promote our "humanist" values in all our trade agreements, but without seeking to make them necessarily an absolute priority because of the conditionality of implementation or the questioning of treaties of business.

Our public institutions must be clearly positioned to avoid cacophony. In my opinion, the European dimension clearly gives an advantage in the matter of the Treaty of Commerce. Let us therefore stop squabbling over national or European competences. And give a clear mission to the European Commission and its DG Trade.

French CNPS Elections Results

The **Centre national des professions de santé (CNPS, French liberal professions of health)** has elected a new Executive Council with a mandate expiring on 2019. **Mr. François Blanchecotte**, President of the French “Syndicat” of biologists (SDB) and Vice-president of CEPLIS, was elected President of CNPS.

He is going to be seconded by **Mr. Jean Philipp, President of Syndicat des Laboratoires de biologie clinique (SLBC)**, who was elected as Vice-President and by **Mr. Serge Coïmbra, President of the French Federation of Podiatrists**, who took the position of Secretary-General. Both are representatives of organizations affiliated to CEPLIS and very active in our works.

CEPLIS congratulates the newly elected team and wishes them good luck for their tasks. We look forward to working with them for the benefit of all the liberal professional family very soon.



Mr. François Blanchecotte, the new president of the Executive Council of CNPS

The French Order (Regulatory Body) of Geodetic-Surveyors publishes a white book to the attention of the candidates of French Presidency

The 6th of this February, our French colleagues from the **Ordre des Géomètres-Experts** have published a white book addressed to the candidates for the French presidency. **Jean-François Dalbin, President of the Higher Council of the Ordre des Géomètres-Experts, is bringing this publication to our attention and inviting us to read it.** Mr. Dalbin points out that 2017 will be a key moment in France, marked by the electoral deadlines (presidential and then legislative elections) that will shape the future of the country. The challenges are numerous, as it is true that the French economy is still struggling to restart, that the digital transition does not only affect the production and distribution of goods and services, but also the relationship to work and to the world, as well as the European social and economic model. This situation calls to a collective mobilization to bring reforms to what is at stake.

The Ordre des géomètres-experts, which has just celebrated its 70th birthday, is dedicated to supervising, steering and promoting the profession, but also to defending the interests of consumers by guaranteeing a high quality of service for its members. **In this context, it became obvious to the Ordre des géomètres-experts that it would be useful to take part in the debate and to encourage candidates in the presidential elections to take a position on proposals made in the name of the profession.** These 8 proposals have a scope that goes beyond that of their professional activities because their missions have an undeniable societal dimension.



The book is a result of a remarkable collective work and reflects the dynamic undertaken by the Ordre des géomètres-experts: making the voice of the profession heard, valuing the activities among public stakeholders, and supporting a genuine dynamic of change and modernization of the French society, in a European and globalized context.

This White Book is distributed to candidates in the presidential election, invited to speak on our 8 proposals. Their answers will be published on the website www.amenagerlafrance.org. Finally, this White Book will be the subject of a large media campaign in order to ensure as much visibility as possible.

The publication White Book is now at your disposal by our Secretariat.

News in Brief & Upcoming Events

1st European Conference on Connected and Automated Driving (Especially for our Member: International Association of Automobile Experts)

When?	3 rd and 4 th April 2017
Who organises it?	European Commission
To Whom?	Major road transport stakeholders, automotive and telecom industry, transport operators regulators, research centres, universities and representatives of European Commission and Member States
Where?	European Commission, Charlemagne Building, Brussels
Language?	English

Issue: The event will be a unique opportunity for all participants to network and to discuss on how to boost the development and deployment of connected and automated driving technologies from a fourfold perspective: transport policy issues; technological challenges; legal and regulatory frame, and digital transformation.

For two days, EU leaders, CEOs and representatives from major road transport stakeholders will discuss interactively on:

- o Role of R&I and policy making to accelerate roll out in Europe;
- o What's going on in the Member States;
- o Role of connectivity between vehicles, road infrastructure and other road users to enhance performance;
- o Progress of C-ITS deployment and how it supports automated driving throughout Europe's main corridors;
- o Latest findings of European-funded projects;
- o The importance of international cooperation

The European Professional Card celebrates its first birthday

One year ago the first EU-wide fully digital procedure for the recognition of professional qualifications was launched. The European Professional Card (EPC), that is an electronic procedure rather than a 'physical' card, is easier, quicker and more transparent to manage than traditional qualification recognition procedures.

This important achievement, created to help EU professionals move within the EU more easily, is the result of joint efforts and efficient cooperation between the European Commission and public administrations in EU countries.

The EPC targets the most mobile professions. Currently, it applies to nurses responsible for general care, pharmacists, physiotherapists, mountain guides and real estate agents. But in the future, the EPC procedure may be extended to other professions.

In the first year, 2,100 EPC applications were submitted and more than 700 EPCs were issued. These figures show both the need and the effectiveness of this innovative tool.

To ensure that EU patients and consumers are adequately protected, an 'Alert Mechanism' was introduced in parallel with the EPC.

[For more information about the EPC](#)



SME Assembly 2016 – Refresh your memory with presentations

As the SME Assembly 2017 in Tallinn is being prepared, the European Commission reminds the success of the SME Assembly 2016 in Bratislava. The presentations from the SME Assembly 2016 are now available for you to look at [here](#).



Public Consultation on the rules on liability of the producer for damage caused by a defective product

The European Commission launched a public consultation on the evaluation of Directive 85/374/EEC on the liability for defective products.

The aim of this public consultation is to collect stakeholders' feedback on the application and performance of the Directive on liability for defective products. In particular:

- whether and to what extent the Directive meets its objectives of guaranteeing at EU level the liability without fault of the producer for damage caused by a defective product
- whether it still corresponds to stakeholders' needs
- if the Directive is fit-for-purpose vis-à-vis new technological developments such as the Internet of Things and autonomous systems

The results of the public consultation will provide evidence to assess the extent to which the provisions of the Directive have been effective and efficient, relevant (given the needs and its objectives), coherent (with other EU policies) and whether they have achieved EU added-value.

The consultation consists of 3 online questionnaires addressed to producers, consumers and public authorities respectively. The questionnaire is available in English and 22 other official EU languages.

With this consultation the Commission will seek the views of all interested parties, and in particular of producers and insurers, business representatives, consumers, as well as public authorities and researchers.

You can find the consultation on http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=9048 until **26 April 2017**.