Smart Regulation

Proportionality Test in Practice

meze

Overview

- Introduction
  - The Proportionality test introduced by EU-Law
    - Directive Mutual Recognition of Professional Qualifications
    - Directive Proportionality Test
- The Belgian Example
  - Historic overview of the regulations
  - Recent transposition of the Test in Belgian Law
  - Practical implications
- Conclusions

Overview

- Introduction
  - The Proportionality test introduced by EU-Law
    - Mutual Recognition of Professional Qualifications (2005/36/CE))
    - Proportionality Test ((EU) 2018/958 of 28 June 2018)
- The Belgian Example
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Kalamata Conclusions

- Property Surveying doesn't fall in the scope of the EU directives as such
  - Performed by civil servants or publicly appointed professionals
  - We have a certain level of auto-regulation with the CPQ for Property Surveyors
  - However, these are national matters and the mobility in that field is low to inexistent

Kalamata Conclusions

- Tackle the heterogeneity of our profession
- Define consistent core values and quality standards
- Break the EU – deregulation myth
  - Propose the regulation of sectors that deserve it
  - Deregulate of sectors that don’t require it
- Apply smart regulation

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1825 – Wilhelm I

- King of the Netherlands before Belgium was created
- Royal Decrees were transferred to Belgian Law
- The Royal Decree for Surveyors became a law!

1936 – Léopold III

- 4th King of the Belgians
- The profession was regulated again
- Again, by a Royal Decree
- Mistake!

- Strange initial education
  - High level liberal professional
  - One first Exam
  - 2 years of traineeship
  - Second Exam
  - Oath

1946 – Creation of OGE – Creation of UBG

- Ordre des Géomètres-Experts
  - 75 years of experience and successes
- UBG – ANGE – FRGE – CRGE …
  - 75 years of quarreling among associations

GÉOMÈTRE-EXPERT

GARANT D'UN CADRE DE VIE DURABLE

Landmeter-Expert

Géomètre-Expert

1947 - Charles

- Regent’s Decree
- Same mistake

- Exception but no improvement:
  - Civil Engineers
  - Graduates from the Military Academy
  - Officers Artillery and Engineer Corps
  - Only one final Exam

1995 – Albert II

- 6th King of the Belgians
- Tentative to create a professional Institute
  - Fell apart to internal disputes among surveyors (Civil Servants vs. Liberals)
  - 10 more years of legal vacuum
- In the meantime, universities started to propose diplomas at the Master levels

2003 – Albert II

- A new Law creation the Federal Council of Surveyors
  - Master or Bachelor
  - No traineeship
- Royal Decree 2005
  - Ethical code, Oath
  - Mandatory CPD (20 hours)
  - Mandatory Insurance

2022??? - Philippe

- New law to create an official Chamber (Ordre des GE)
  - Master or Bachelor
  - 210 Days of Traineeship
  - Additional exam
  - Ethical code - Oath
  - Mandatory CPD
  - Mandatory Insurance
  - Quality control

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Proportionality Test (EU) 2018/958

- Transposed in Belgian Law
  - No discrimination and general interest
  - Proportionality Test based on the evaluation of e.g.
    - Nature of the risks (consumers)
    - Appropriateness of the regulation
    - Insufficiency of other existing systems / less strict systems
    - Impact on the free movement of professionals
  - Information, follow-up and evaluation

Overview

CPQPS	1936 / 1947	2003		2022
Master	Bachelor? / Variable	Master or Bachelor	=	Master or Bachelor
2 Years Traineeship	2 years / 0	0	>	210 days
State Exam	1st and 2nd / Only one	No	>>	Yes
Ethical code	No	Yes	=	Yes
CPD	No	20 hours	=	20 hours
Mandatory Insurance	No	Yes	=	Yes
Oath	Yes	Yes	=	Yes
Quality Control	No	No	>>	Yes

Overview

CPQPS	1936 / 1947	2003		2022
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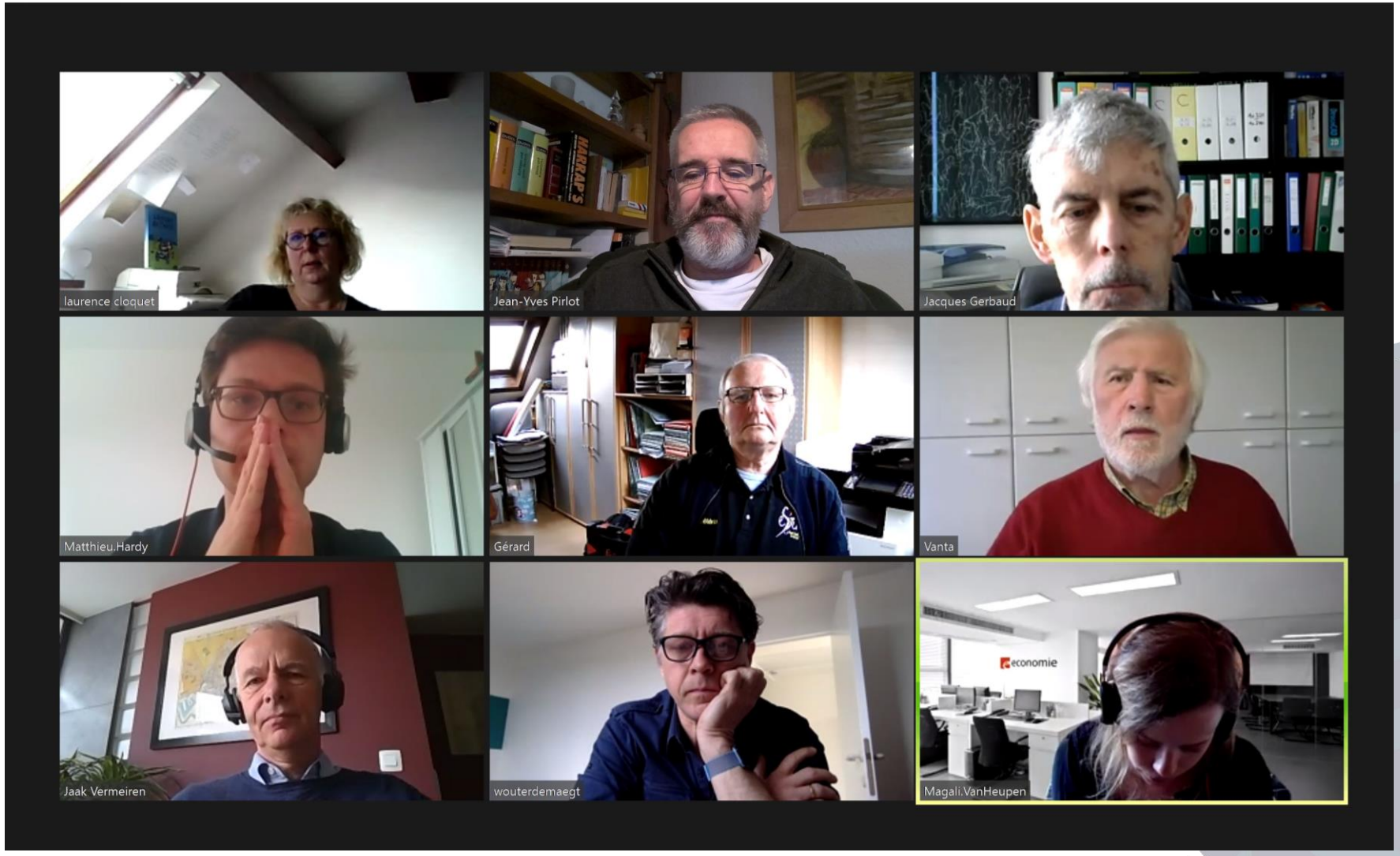
Minister Clarinval supports us

We cooperate with his administration



We work with “devil’s advocate”

- We are challengend
  - Master
  - Traineeship, necessary ???
  - State Exam, why, for what ???
- Less resistance but still to motivate
  - Ethical code
  - Mandatory CPD
  - Mandatory insurance

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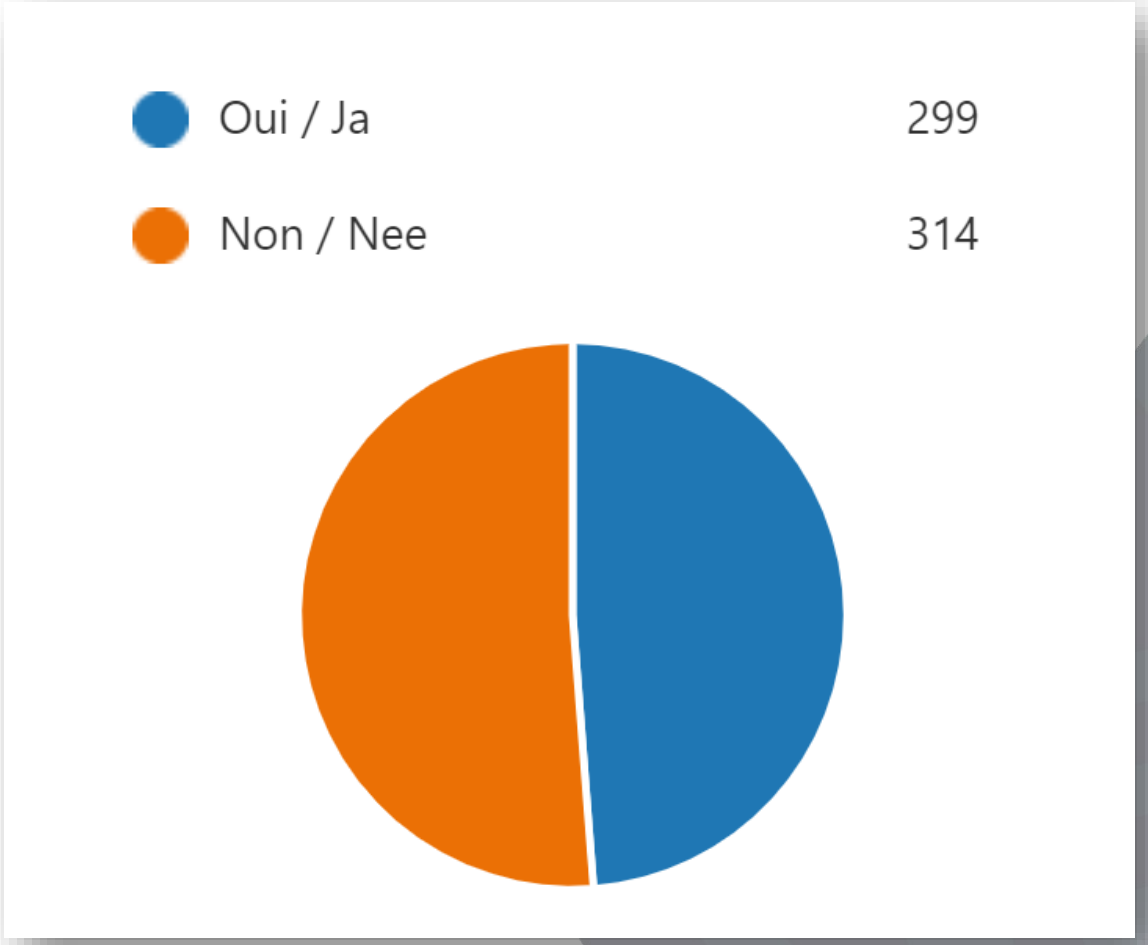
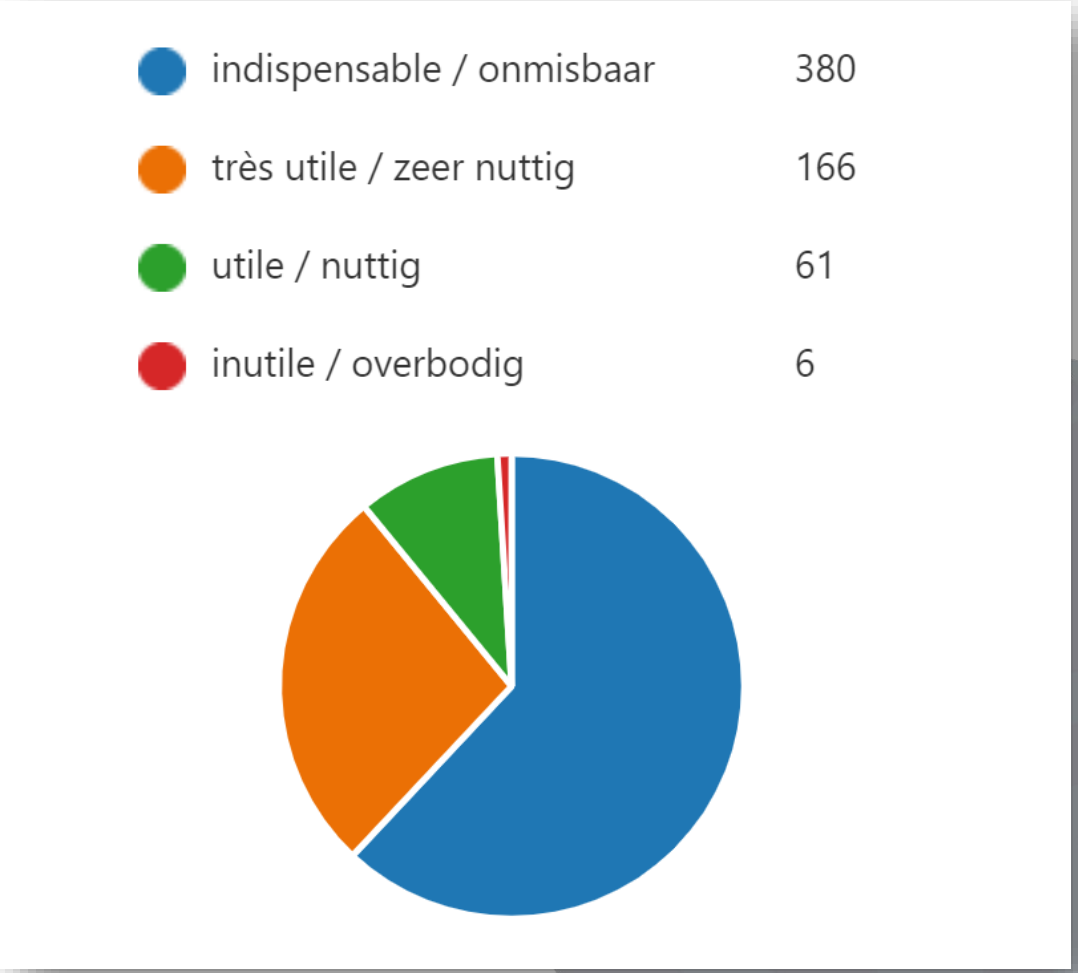
Mandatory Traineeship

- 615 participants out of 1700 professionals
- Only a few days and one reminder
- Did you follow a Traineeship?



Importance of a Traineeship

- 6 answers “useless”
- 60 answers “useful”
- Close to 90
  - Very useful 27%
  - Indispensable 62%



Conclusion

- Smart regulation is a must
- Justify the evident…
- We can rely on available CLGE Tools:
  - Code of Professional Qualifications
  - European Requirements for Property Surveyors
- We need more:
  - Develop a tool for all CLGE members when they must undergo a Proportionality Test