

“De Lange Weg”

naar een publiekrechtelijke Orde

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“De Lijdensweg” naar een publiekrechtelijke Orde

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The **Council** of European Geodetic Surveyors

Comité de Liaison des Géomètres Européens

The long road to the Official Chamber of Property Surveyors in Belgium

12 May 2023

Oradea (RO) - CLGE GA



The **Council** of European Geodetic Surveyors

Comité de Liaison des Géomètres Européens

Smart Regulation

Proportionality Test in Practice

03 June 2021

Athens (GR) - CLGE Seminar @ HARSE Congress



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
 - Directive Mutual Recognition of Professional Qualifications
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- The Belgian Example
 - Historic overview of the regulations
 - Recent transposition of the Test in Belgian Law
 - **Evolution since 2021**
- Conclusions



Historical overview

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!



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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



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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



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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



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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



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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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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



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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

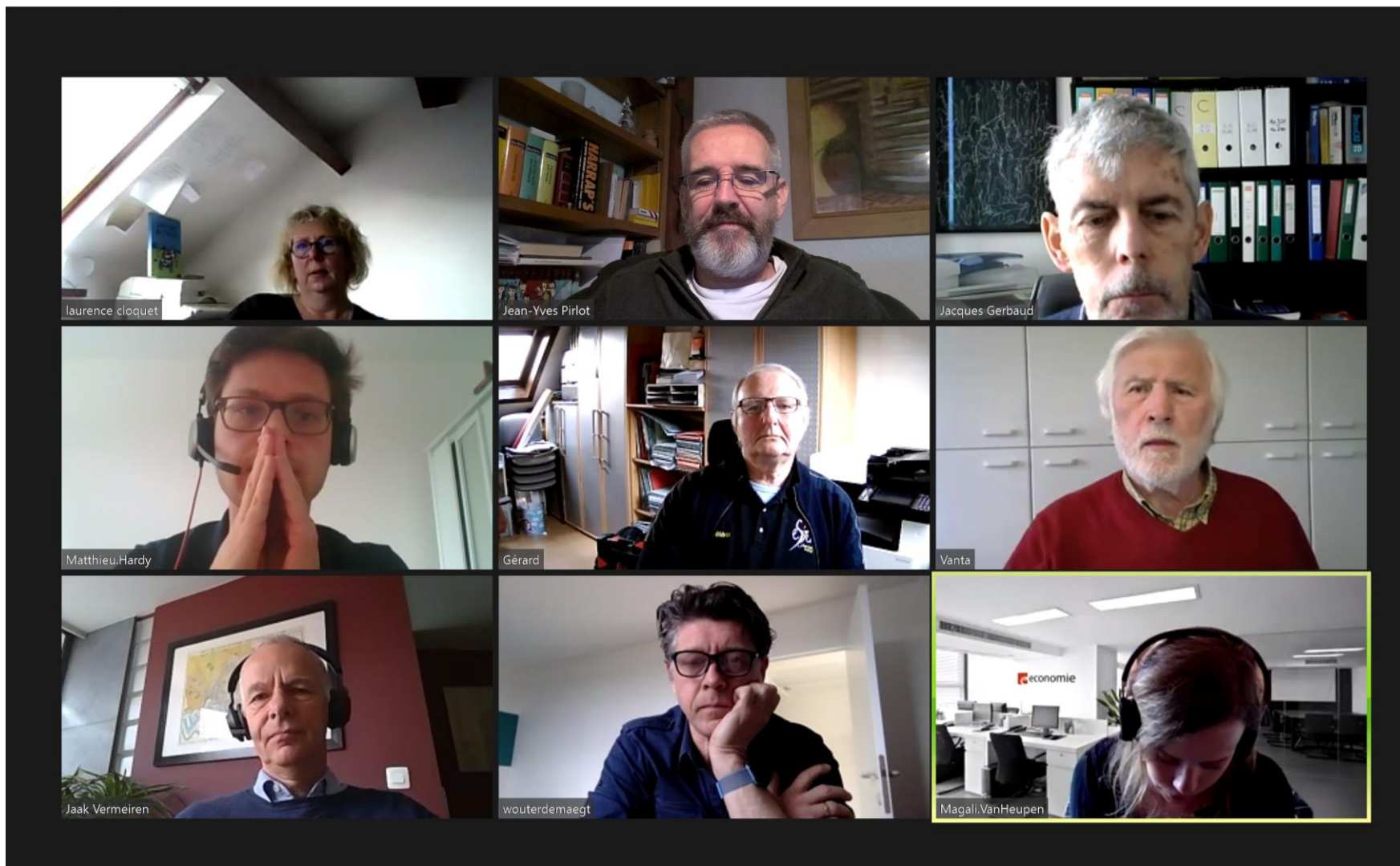


Minister Clarinval supports us





We cooperate with his administration





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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





We work with “devil’s advocate”

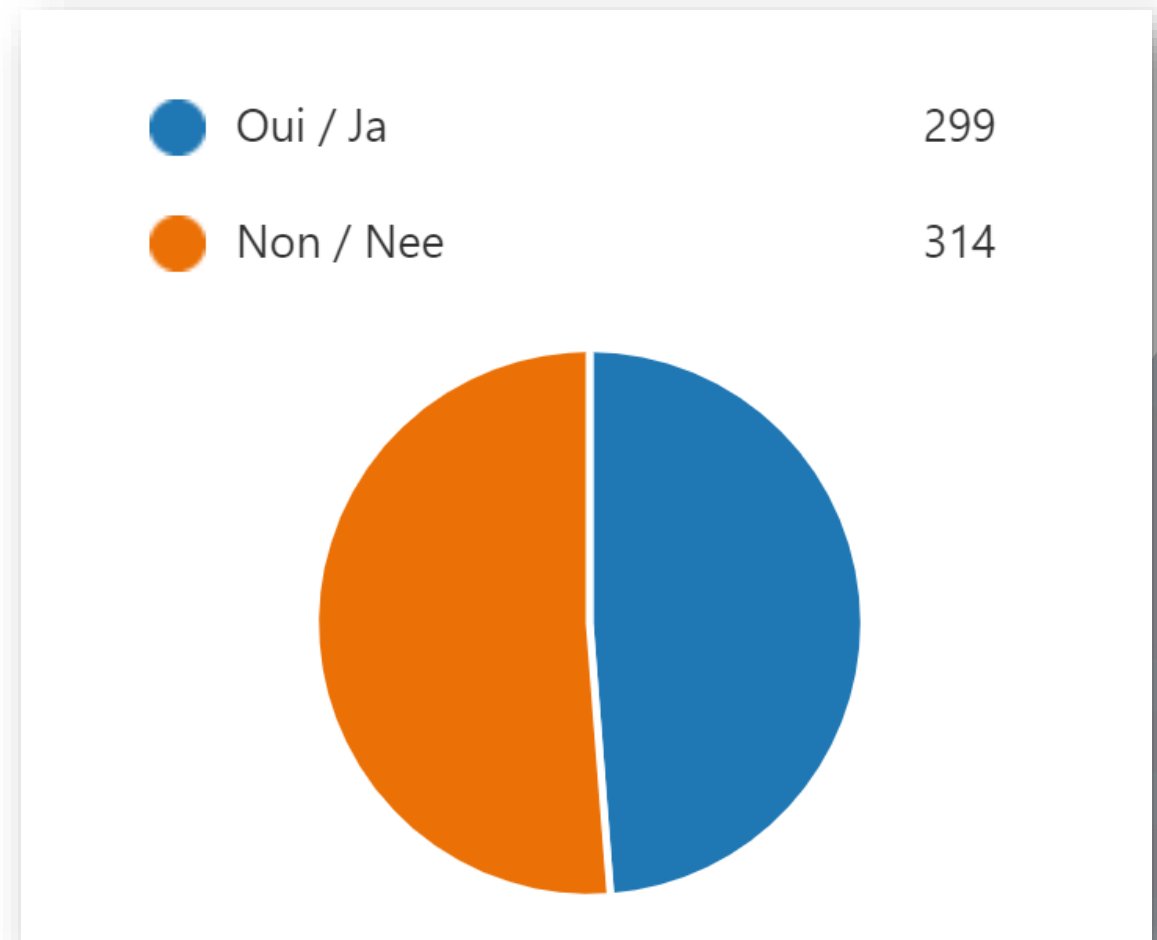
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Mandatory Traineeship





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

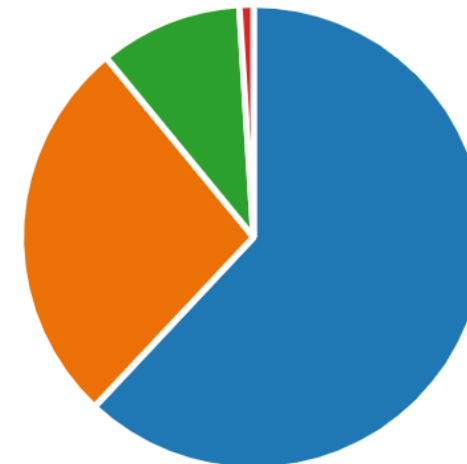




Importance of a Traineeship

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

	indispensable / onmisbaar	380
	très utile / zeer nuttig	166
	utile / nuttig	61
	inutile / overbodig	6





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	1 st and 2 nd / 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	😊



Last ordeal

- Recognition of Professional Experience
 - No Diploma: 15 Years in a Property Surveyor's Office
 - Bachelor Diploma: 12 Years
 - Bachelor Diploma in related fields: 10 Years
(Topography, Real Estate, Law, Architecture, ...?)
- Antidote
 - Traineeship Commission → Professional Education Commission
 - A final Capacity Exam to enter the profession



7 March 2023 – Prince Albert Club





7 March 2023 – Prince Albert Club





7 March 2023 – Prince Albert Club





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 → **EGSAct**