



Joint Statement of Union Nationale des Professions Libérales (UNAPL) and Bundesverband der Freien Berufe (BFB) in the context of the French Presidency of the European Council

What the liberal professions expect from the French Presidency

Deeply attached to democratic values on which their existence directly depends, the liberal professions cannot fail to mention in this communiqué, the Ukrainian crisis and to firmly denounce the Russian invasion. While Europe resolve to impose massive sanctions against this aggression, they are convinced that this is an opportunity to “show the power that lies in our democracies”, as the President of the European Commission, Mrs. Ursula von der Leyen, has stressed.

The German and French liberal professions fully subscribe to the three key and interdependent ideas which the French Presidency intends to pursue: “Recovery, strength, and sense of belonging”.

They would like to share their expectations and their thoughts on the issues particularly close to their hearts:

A new European growth model based on future-oriented investment and increased coordination at European level

In view of the hoped-for recovery of the European economy, the German and French liberal professions wish to contribute to the debate on what should be the “new European model of growth and investment”, called for by the French Presidency, and which should be a source of innovation, competitiveness and job creation.

They reiterate that the objective should not only be to boost GDP, but also to improve the social and economic well-being of European citizens, their mental and physical health, their cultural links, their security, and the quality of their environment.

The BFB and UNAPL therefore stress the need to use the recovery plans to invest in the future, and take this opportunity to remind us that certain expenditure - education, health, R&D, innovation - helps accelerate growth. Rather than the level of public spending, it is its allocation that should be considered in the next revision of the Stability and Growth Pact rules.

The BFB and UNAPL recall that there is a considerable need for investment to underpin the EU's dual ecological and digital transition, but also to develop research and innovation in health, where the health crisis has shown how investment has been delayed.

In this respect, they consider that greater coordination is needed at EU level to improve the effectiveness of the recovery plans and to launch an ambitious European policy, particularly in health, energy, innovation, etc.

Trust and liberal professionals as essential drivers of this new growth model

Liberal professionals, who have played and continue to play an essential economic, social, societal and health-related role during the crisis, are pivotal to the recovery, and will also play a fundamental role in the new growth model called for by the French Presidency.

The strengthening of the internal market, based on mutual trust, itself a function of the quality and safety of services, must be a lever for recovery. From this perspective, the BFB and UNAPL remind us of the specific status that liberal professions have within the Single Market and their role in addressing the public interest. Therefore, the BFB and UNAPL ask that we revitalise liberal professions in Europe with the goal of guaranteeing high quality services and protecting consumers, clients, patients and the environment.

Liberal professionals will seek to contribute to this new growth model based on innovation and competitiveness in proportion to the support they are given, particularly in the digital transformation of their businesses.

The BFB and UNAPL are keen to develop this aspect, which they consider crucial to the digital transition of the European economy.

As recently emphasised on two occasions by the European Economic and Social Committee (EESC)¹:

- The training of self-employed entrepreneurs and their employees is fundamental. Aspects related to data security, quality and protection, and cybersecurity are essential.
- A strong political will must be given momentum at European level to ensure that European funds such as Horizon Europe and the Digital Europe programme are effectively targeted at microenterprises and SMEs.
- There must be improved coordination between the various support tools set up for businesses (innovation clusters, Enterprise Europe Network).

¹ Opinion on the new coordinated plan on artificial intelligence, December 2021, and opinion on the development of artificial intelligence in MSMEs, January 2022 (rapporteur : Marie-Françoise GONDARD-ARGENTI, UNAPL representative at the EESC).

Digital sovereignty still needs to be established, while respecting the need for data protection

Many of the liberal professions already use online intermediation platforms.

The proposals for a Digital Services Act (DSA) on the one hand and the Digital Markets Act (DMA) on the other hand are of major importance in establishing European sovereignty in the digital economy.

They also strive for greater transparency for consumers and end user companies, as well as for greater legal certainty in compliance with competition rules.

The BFB and UNAPL consider the following requirements imposed on platforms as envisaged in the DSA to be legitimate: transparency on recommended systems, traceability of operators, free choice for end user companies and consumers.

The BFB and UNAPL also consider that end users' consent to the sharing of their data is an essential aspect that should always be respected.

Now that the Council has adopted its general approach and that the European Parliament reports have been adopted by the plenary, BFB and UNAPL encourage the French presidency to make rapid progress on negotiations regarding these two Regulations.

The BFB and UNAPL stress the need to specifically ensure high data quality in cases where artificial intelligence systems are part of liberal professional services. Data quality is the measure of how well suited a data set is to serve its specific purpose. In this regard, data quality, as well as the control of algorithms, should be verified by professional services when their profession is targeted.

Given the very sensitive nature of the data held by liberal professionals, BFB and UNAPL recall once more that the challenges in terms of privacy, data protection and security, confidentiality, transparency and non-discrimination within the platform economy are of particular importance for the liberal profession sector.

The BFB and UNAPL also emphasize the importance of face-to-face consultations regarding the quality of the day-to-day work of liberal professions that cannot be replaced by digital intervention alone.

A presidency deliberately presented as a “great moment of European humanism”

European values (respect for democracy, the Rule of Law, human dignity, principle of non-discrimination, etc.) are the basis of the “commonality” and “belonging” to the European project. This is why, in the eyes of the BFB and the UNAPL, it is more necessary than ever to apply the mechanism of conditionality between access to European funds and the respect for the rule of law

The liberal professions, which focus day-to-day on legal work, health care, auditing and accounting, and also technical services, help strengthen these values, while expressing their growing concern about the infringement of professional secrecy. This core value of many liberal professions is currently being put at risk both by the requirements of anti-money

laundering measures and by the phenomenon of online intermediation platforms for health services. A possible compromise on the E-Evidence Regulation should guarantee respect for fundamental rights. Access to traffic data and content should be given the same legal protection, requiring a mandatory notification with suspensive effects to the executing State. BFB and UNAPL hope that the proposals put forward by the EP Rapporteur will be given due consideration during the upcoming meetings.

They consider that these European values must be translated into concrete terms in the digital age, which implies that profiling, biometric identification and social rating will be prohibited.

Social Europe is an integral part of the European humanism invoked by the French Presidency. The liberal professions stress the importance of providing self-employed people with social security worthy of the name within the various Member States, in particular for the new unregulated professions of an intellectual nature, which are the focus of the European Commission's attention. The momentum provided by the European Commission must be taken up by the French Presidency and translated into concrete results within the Member States.

For a Europe of Health that values the key role of liberal health professionals

Even if it has taken too long to be put in place, genuine coordination of Member States in the field of health is now a reality, and this fact deserves to be welcomed (harmonisation and exchange of epidemiological data, European health pass, joint purchase of vaccines under the authority of the European Commission, etc.). This can, of course, always be improved.

Healthcare is recognised, more than ever, as an essential commodity, and it meets the requirement of a “Europe that protects“. Beyond the industrial and pharmaceutical issues, Europe must focus on enhancing the appeal of health professions, the need for which has been revealed by the health crisis.

The mobility of healthcare students, which is almost ten times lower than that of students in other disciplines, must also be supported and developed. Therefore, understanding the conditions of practice in other Member States is important to embody this “Europe of health“.

European health research must also be developed, including in the field of public health.

Aware that the forthcoming creation of a European health data area will enable research to make decisive progress, the liberal professionals wish to reiterate the need to establish an ethical framework for the processing of such data.

The liberal professions in Europe:

Within the European Union, the liberal professions play a key role in the economy, but also constitute a key indicator of humanism, political stability and dynamism in a changing world. The professions are life professions at the heart of society, constantly and uncompromisingly adapting to people's needs, based on trust and proximity.

As recognised by the European Commission, the liberal professions represent one of the highest rates of job creation in Europe.

Of the approximately 5 million self-employed liberal professionals in Europe, Germany (1.46 million) and France (1.2 million) together account for more than half, with 4.2 million and more than 1 million employees respectively. The sector's employment and growth potential could be developed further.

It seems logical under these circumstances that the liberal professions should receive continued and renewed attention from the European Commission. However, although they are recognised at European level as enterprises in their own right, providing jobs and fuelling growth, their specific characteristics are often ignored. The "trust asset" dimension of their services is well documented and the European Parliament itself has recognised the particular contribution of the liberal professions to the common good.

This objective implies that the safety and quality of their services must be guaranteed at all times, which requires a suitable framework based on self-regulation and professional regulation.

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