



**INT/904**  
**Liberal professions 4.0**

**OPINION**

European Economic and Social Committee

**Liberal Professions 4.0**  
[own-initiative opinion]

Rapporteur: **Rudolf KOLBE**

Plenary Assembly decision	20/02/2020
Legal basis	Rule 32 of the Rules of Procedure Own-initiative opinion
Section responsible	Single Market, Production and Consumption
Adopted in section	31/03/2021
Adopted at plenary	27/04/2021
Plenary session No	560
Outcome of vote (for/against/abstentions)	232/0/3

## **1. Conclusions and recommendations**

- 1.1 The liberal professions are already very successful in using digital and artificial intelligence (AI) applications for the benefit of their clients, for example in engineering, and are at the forefront of their technological development. They must continue to be more closely enlisted in the development and validation process in future in order to ensure applications are usable in practice and effective.
- 1.2 Digital applications should not be viewed as competition or as a substitute for professional services. Instead, they are tools that are already improving and expanding the provision of professional services.
- 1.3 For the sake of their clients and patients, the liberal professions must be able to identify and gauge the dangers arising from the use of digital technologies. This is because of the special aspect of trust that distinguishes the relationship and which will also remain a key element in the case of digital distribution channels.
- 1.4 When it comes to digital applications, patients and clients must be able to have trust in professional services being delivered under the provider's own responsibility on a professional basis and independently of outside interests. Appropriate professional regulations adapted to digital developments are an important prerequisite for this.
- 1.5 Professions must consistently ensure data protection and defend it against third parties. The EU needs secure digital infrastructure in order to avert data misuse.
- 1.6 The liberal professions need to update the content of training in order to ensure their own IT and digital skills and those of their employees are of the highest possible quality standard. The EU is called upon to support these processes with appropriate funding programmes.
- 1.7 The liberal professions need to adapt their self-government to digital developments and actively help shape the process. This may require an extension of the professional rules.
- 1.8 The creation of new professions made possible by digitalisation should be encouraged, on the basis of the criteria and principles set out in the Rome Manifesto.

## **2. COVID-19 and liberal professions**

- 2.1 The pandemic has triggered a massive digitalisation process in the liberal professions as elsewhere. The increased need for professional services and the restrictions provoked by the pandemic have necessitated a sharp expansion in digital services. The crisis has highlighted how reliant our society is on the outstanding professional know-how of the critically important professions. As key partners for governments in crisis management and in ensuring the population's basic needs, liberal professions must in future be even better integrated into social partner systems and their services guaranteed by adequate professional rules tailored to digital developments. The fact that many self-employed people and liberal professionals had no, or insufficient, access to state aid during the pandemic merits criticism.

2.2 The marked expansion of digitalisation in professional services will also potentially have a lasting impact on improved coverage in remote regions. It is important to ensure in the process that the urban-rural divide in fast broadband, which is currently far too deep, is reduced as soon as possible and that digitalised services are made equally accessible to people from all regions. The liberal professions have invested in digitalisation and data protection during the crisis to fulfil their role as public service providers in key positions in society. It is therefore important to explicitly include the liberal professions as a critically important group in all economic recovery measures.

### 3. **Rome Manifesto – definition of liberal professions**

3.1 The liberal professions play a crucial role in the EU's economic and social development. They are part of the wide range of regulated professions that must have specific qualifications and comprise 22% of all workers in Europe. In 2013, more than a tenth of gross value added in the EU came from the liberal professions sector. The COVID-19 crisis has highlighted the vital dependence of our society on highly qualified services provided by the liberal professions. As resilient employers and businesses, they offer significant employment potential. They perform important public interest roles; the services they provide are closely connected to people's basic needs, such as life, work, health, safety and property. It is important against this backdrop that democratic access to professional services is guaranteed – for example, in medicine, social security systems or in justice through legal aid. Recommendations for fee or cost ceilings serve as protection for those who use professional services and who, because of the information imbalance, are dependent on such measures.

3.2 The European Economic and Social Committee has looked at the liberal professions a number of times and in 2014 commissioned a comprehensive study entitled "The State of Liberal Professions Concerning their Functions and Relevance to European Civil Society"<sup>1</sup>. It emerges from this work that there is as yet no universally binding understanding or definition of liberal professions at EU level.

3.3 In order to define the concept of liberal professions, the EESC therefore adopted the Rome Manifesto in December 2017. This was able to draw on preparatory work carried out by individual European federations of liberal professions, which had together attempted to frame a European definition in the form of a Charter for Liberal Professions.

3.4 According to the Rome Manifesto, liberal professions provide intellectual services based on a specific professional qualification or skill. These services are provided personally and rest on a relationship of trust. Members of the liberal professions carry out their activity autonomously and on a professionally independent basis. They are characterised by a professional ethos, have an obligation to the interests of their client, are required to act in the public interest and are subject to a system of professional organisation and oversight.

---

<sup>1</sup>

["The State of Liberal Professions Concerning their Functions and Relevance to European Civil Society"](#) (study), EESC-2014-46-EN, ISBN 978-92-830-2460-6.

- 3.5 This definition is not exhaustive but open to new technological developments and new professions. The Rome Manifesto demonstrates that these characteristics are indicative of liberal professions, but need not necessarily be cumulatively present.

#### 4. **Challenges of digitalisation**

- 4.1 Global digitalisation has triggered a process of transformation of society as a whole, the consequences of which cannot be foreseen. The COVID-19 pandemic will further accelerate this trend.
- 4.2 The following examples show that digital applications and distribution channels and the use of artificial intelligence are already an indispensable part of many professional services and have the potential to further improve these in future. What remains to be ascertained are the impact of the lack of personal contact on the special relationship of trust between professionals and their clients or patients and how far the "human factor" can be replaced by artificial intelligence.
- 4.2.1 The field of legal advice is seeing a growing spread of blockchain technologies and legal tech. Electronic lawyer mailboxes and e-government applications will change for ever the way people interact with courts and authorities. The liberal professions are already important partners in the implementation of eGovernment projects and contribute appreciably to administrative simplification in this area.
- 4.2.2 In the planning area, Building Information Modelling (BIM), a method for networked design, construction and operation of buildings, is becoming increasingly important and many infrastructure safety assessments are carried out with the help of artificial intelligence.
- 4.2.3 In the health sector, AI applications are leading to significant changes in medical diagnostics. This is compounded by the advance of virtual consultations, e-prescriptions and the increasing use of electronic medical records.
- 4.3 Digitalisation is changing communication and information channels. On the one hand, it opens up the possibility of obtaining information before and while using professional services, thus reducing the information imbalance that exists. On the other hand, there is a risk that a glut of unfiltered and uncured information or targeted fake news may make consumers uncertain and lead them to serious miscalculations, and may even reinforce information imbalances.
- 4.4 Digitalisation of professional services and AI-based speech-recognition and translation systems will lead to a reduction in attachments to place and language. This is true above all of advisory and planning services, though it also applies to social and health services. This must not undermine the country-of-reception principle laid down in the services directive.
- 4.5 The quality of data in AI applications is particularly important in the area of professional services. If such applications are to be successfully used in practice in sensitive areas, the involvement of the liberal professions in technical development and, in particular, in the quality assurance of data is essential.

4.6 One important aspect here is the anonymisation or pseudonymisation of data as a basis for its safe use for the benefit of clients. At the same time, technological advances increase the risk of cybercrime, which also threatens the services offered by the liberal professions.

4.7 Digitalisation will facilitate the market entry of new commercial operators catering to the business models of the liberal professions. The European Union and the EU Member States are called upon to support this process by regulating where necessary – for example, the relationship between platform operators and the liberal professions and access to such platforms. This should involve national supervisory authorities or professional chambers. In the field of pharmaceutical services, recent years have seen the emergence of large online cross-border pharmacies. New entrant companies that already have digital expertise are likely to benefit from this.

## **5. Key elements of liberal professions in the digital transformation**

5.1 There is a particular relationship of trust between the liberal professions and their clients or patients that is an essential feature of their services. Digitalisation is putting this relationship of trust to the test. This comes, for example, with the fact that contact no longer takes place in person, but increasingly via technology, such as video links or electronic message services. Nevertheless, personal counselling and care grounded in trust will remain the core element of professional services provision, including in digital form.

5.2 In the long term, however, the question is whether AI applications can meet the same requirements as human counselling services. In theory, it is conceivable that the relationship of trust between humans could turn into a relationship of trust between humans and machines. AI applications still have a long way to go on this at present. The final decision must rest with people (the "human in command" principle). The programming underpinning AI must be human-centred, transparent, focused primarily on the interests of service recipients and based on the same standards of liability. Transparency of the underlying algorithms is also essential for success and trust in AI services. They must not lead to distortions or to the proliferation of prejudices.

5.3 An important basis for this relationship of trust is professional independence and ownership. It is an indispensable feature of professional services that patients and clients can put trust in these being delivered on a professional basis, independently of external interests and with the provider taking personal responsibility. Trust in independent technical expertise will become increasingly important particularly in the digital field, where there is less transparency regarding the influence of various interests.

5.4 Data security and data protection are core elements in the provision of professional services in the digital age. The liberal professions have a key role to play here in guaranteeing their clients or patients safe use of digital applications and informing them of dangers. This strengthens the relationship of trust with the recipient of the service and goes hand in hand with the maintenance of professional confidentiality.

- 5.5 At the same time, it should be noted that the liberal professions are not able to detect all cases of misuse of data, a fact crucial in terms of possible liability issues. This is especially the case when data misuse occurs through external access to available digital infrastructure outside the EU. The European Union should therefore promote the development and expansion of secure digital infrastructure to keep up with competitors from other regions of the world.

## **6. Digitalisation and training**

- 6.1 Digitalisation will change the requirements for the education and initial and further training of the liberal professions. A commitment is needed to lifelong learning that not only covers the field itself but also involves the acquisition of rapidly changing digital skills in other fields.
- 6.2 Professionals need to be equipped with the relevant digital skills in their initial training and in their professional life thereafter to make sure they have something to build on in future. The European Union is called upon to support these processes with appropriate funding programmes.
- 6.3 The acquisition and further development of digital skills also applies to the staff of professionals for whose training they are responsible.

## **7. Digitalisation and law governing professions**

- 7.1 The stringent quality and safety requirements for the provision of professional services are regulated by law in many countries. They must be guaranteed whether these services are provided digitally or not. National professional law has been a bone of contention in the EU for many years. While the European Commission hopes that the reduction of national professional regulations will boost economic growth and competition, there is no mention of the consequential costs in the area of professional services of mistakes due to a lack of quality assurance in deregulated markets. As a result, many Member States consider their rules to be necessary and appropriate to ensure quality, especially when it comes to critically important professional services.
- 7.2 Because new digital forms of professional service provision will increasingly fall outside existing legal provisions, existing law governing professions will be adapted. In order to bring about the greater flexibility needed, rules rendered unnecessary by digitalisation should be revised. On the other hand, it will become more necessary to enshrine in law certain principles regarding access to and exercise of liberal professions in order to avoid digitalisation having adverse consequences for consumers and the professions.
- 7.3 In principle, the aim will be to find an optimal balance between binding rules and soft law, with professional self-regulation taking priority. Only when this fails to work is it for the legislator to regulate. Liberal professions that are not regulated should be encouraged to adopt codes of ethics.

## **8. Digitalisation and professional self-regulation**

- 8.1 An essential feature of the liberal professions is some form or other of professional organisation. However, these vary from one Member State to another.
- 8.2 Self-regulation is mainly organised regionally, and sometimes locally. Digitalisation removes the traditional geographical and linguistic dependency of service provision. This raises the question of how professional scrutiny can be effectively ensured in the future. It is one self-regulation bodies should address at an early stage.
- 8.3 Digitalisation opens up new lines of work for professional organisations and associations of the liberal professions. They can help their members develop new digital business areas or work with new media.
- 8.4 Digitalisation will require an adaptation of the codes of conduct developed in the system of professional self-regulation. A professional ethics that ensures compliance with the prime basic elements of the liberal professions is an important prerequisite for avoiding adverse effects of digitalisation processes for consumers. Codes of conduct can here supplement legal provisions.

## **9. Emergence of new liberal profession profiles**

- 9.1 Digitalisation can broaden existing professional profiles and strengthen interdisciplinary collaboration with other professions, and, if the criteria set out in the Rome Manifesto are followed, favour the emergence of new liberal professions in the spirit of an open and evolving system.
- 9.2 In addition, digitalisation will increase the continuing commercialisation of professional services and transform traditional professional profiles.
- 9.3 Self-government, professional ethics and minimum legal requirements will therefore play an important role in the future in order to secure, through innovative and flexible approaches, the public interest aspect in contrast to pure profit-making and thus the quality of professional services for consumers.

Brussels, 27 April 2021

Christa Schweng

The president of the European Economic and Social Committee

---