



ICN Advocacy Working Group
Webinar on

“Successful advocacy towards governments and legislators”, 24.Nov 2025

PT NCA: *“Recommendations regarding self-regulated liberal professions”*

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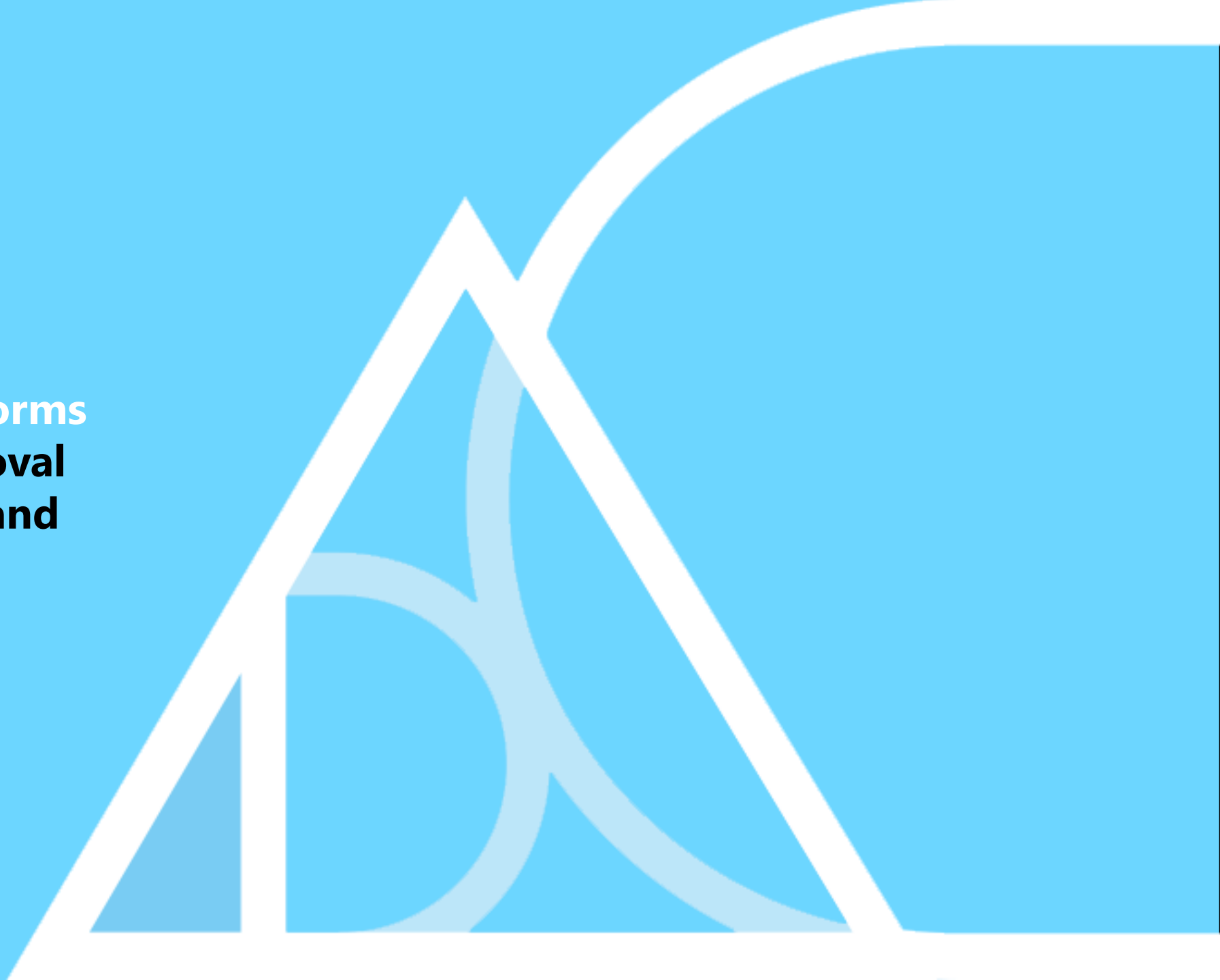
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- 02** **Success factors** that contributed for the implementation of the pro-competitive reforms
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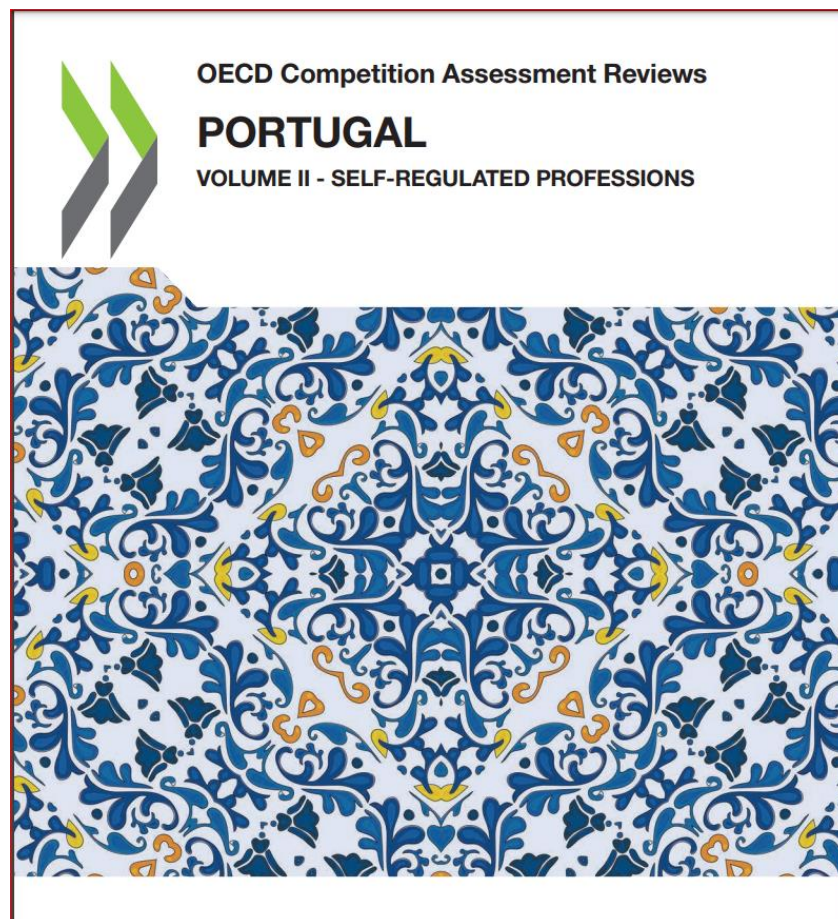
01

**Pro-competitive reforms
advocating the removal
of barriers to entry and
exercise in self-
regulated liberal
professions**



AdC/OECD Background advocacy work (2018)

AdC/OECD Cooperation Project (2016-2018)



AdC's Action Plan (2018)



01 Background advocacy work: "AdC's Action Plan" (2018)

13 Self-regulated professions

- **Legal:** lawyer; notary; solicitor; enforcement agent
- **Financial and economic:** economist; certified accountant; statutory auditor; customs broker
- **Technical and scientific:** architect; engineer; technical engineer
- **Health:** nutritionist; pharmacist

9 Strategic key proposals (348 proposals)



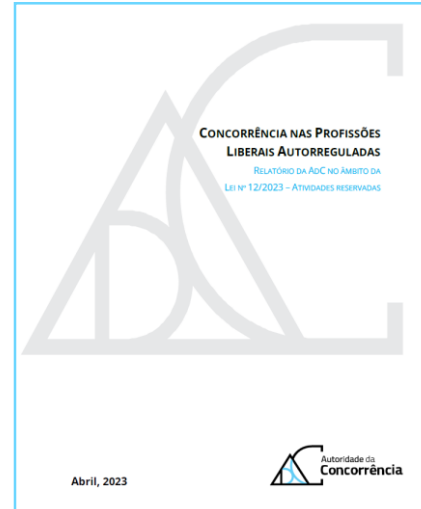
1. **All professions** - **Separation of the regulatory and representative function** for all self-regulated professional associations
 - Independent supervisory body external or internal, regulating access to the profession
 - Representatives of the profession and other high-profile individuals
2. **All professions** - **Reanalyse all reserved/tasks** granted to the specific categories of professionals. Abolish when they are disproportionate, overprotective or obsolete
3. **All professions** - **Reanalysis and identification of alternative routes to obtain the necessary and adequate academic qualifications** for the exercise of a self-regulated profession. Post-graduate degree or a conversion course
4. **All professions** - **Reassess proportionality of the characteristics of traineeships** required to join a professional association. Duration, Purpose, Evaluation model & Charges
5. **All professions** - **Open ownership and partnership of all professional firms to non-professionals** (totality or majority), if decided by the firms
6. **All professions** - **Open the management of all professional firms to include only non-professionals members**, if decided by the firms
7. **All professions** - **Allow multidisciplinary practice in all professional firms**. Reevaluate the proportionality of incompatibilities and impediments
8. **Notaries** - **Abolish the quotas and territorial limitations for notaries** to allow for competition between notarial offices (at least where demand and economic activity are high)
9. **Auditors** - **Eliminate rules requiring notification to the professional association of statutory auditors of strategic information** in contracts related to the exercise of public interest functions

01 AdC's further advocacy work

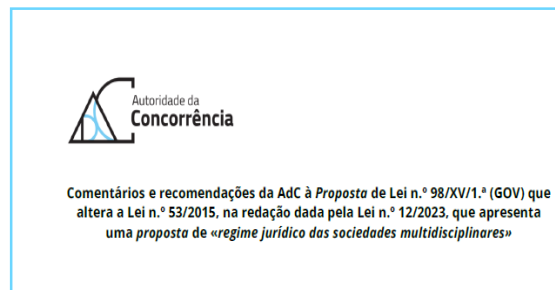
AdC's further advocacy work (2019-2024)

- **Amendment of 2 Framework Laws:**
 - ❑ Law 2/2013: public professional associations regime
 - ❑ Law 53/2015: professional societies regime
- **Amendment of 20 By-Laws**
 - ❑ Of the 21 public professional associations
- **Other relevant legislation / regulation**
 - ❑ e.g. reserved activities;
 - ❑ e.g. traineeship regulations.

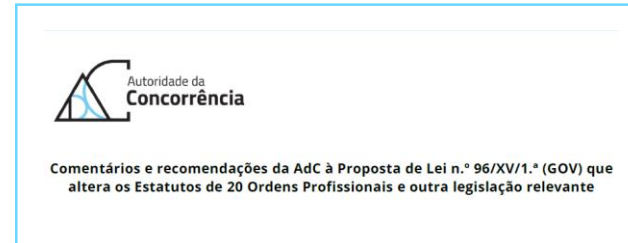
AdC's Report to the Gov and Legislator: reserved activities (2023)



AdC's Recommendations to the Gov and Legislator: multidisciplinary societies regime (2023)



AdC's Recommendations to Gov and Legislator: 20 By-Laws (2023)



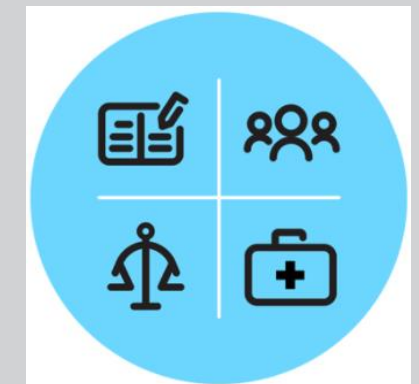
Roundtable on competition and regulation in professional services – OECD: Note by the AdC (2024)



21 Self-regulated professions

- **Legal:** lawyer; notary; solicitor; enforcement agent
- **Financial and economic:** economist; certified accountant; statutory auditor; customs broker
- **Technical and scientific:** architect; engineer; technical engineer
- **Health:** nutritionist; pharmacist; doctor; dentist; veterinarian; nurse; psychologist; biologist; physiotherapist
- **Social security:** social worker

(Same) 9 Strategic key proposals



01 Sucessful implement reforms: removing barriers to entry and exercise in self-regulated liberal professions

Implemented reforms in Portugal (2023 & 2024)



- Following the [AdC/OECD Cooperation Project \(2016-2018\)](#), the AdC has been actively promoting the implementation of the OECD pro-competitive recommendations and the AdC key-proposals addressed to the public decision-maker contained in [AdC's Action Plan \(2018\)](#).
- **Self-regulated liberal professions play a central role in the Portuguese economy. Their professionals provide services across 21 professions (20 public professional associations)** - legal, economical-financial, technical-scientific, health and social security - **for companies and individuals**. Many of these services are used as inputs in other economic sectors and therefore have a multiplier effect across the economy. Any inefficiencies or gains will, thus, likely spread to other sectors of the economy.
- **Removing unnecessary or disproportionate legal or regulatory barriers** to access to and the exercise of self-regulated liberal professions **promotes increased supply, competition and strengthens the conditions for innovation, the quality of services, competitive prices and new business models**.
- The removal of unnecessary barriers to access to professions is also crucial so that **individuals are not restricted in their ability to redirect their professional careers and, if necessary, re-enter the labour market**.
- In **2023 and 2024, the PT Parliament approved relevant legislative amendments, based on Government proposals**. [Law No. 12/2023](#) amended two framework laws applicable to all public professional associations and professional and multidisciplinary societies ([Law No. 2/2013](#) and [Law No. 53/2015](#)). The latter further amended by [Law No. 64/2023](#), to reduce the restrictions on the ownership and on the management of (new type) multidisciplinary societies. By January 2024, the 20 By-Laws were revised accordingly.

01 Sucessful implement reforms: removing barriers to entry and exercise in self-regulated liberal professions

Implemented reforms in Portugal (2023 & 2024)



Amendments following AdC's Action Plan (2018): 9 Priority Proposals (Implemented the majority of the main proposals)

1. *All professions* - **Separation of the regulatory and representative function** for all self-regulated professional associations. Internal independent supervisory body, regulating access to and the exercise of the profession. Representatives of the profession and other high-profile individuals (majority).
2. *All professions* – **Re-evaluation of reserved activities deemed unnecessary or disproportionate.**

Eg., reduced the exclusive acts of lawyers and solicitors; reduced the exclusive acts of the certified accountants.

But, **still lacking implementation**: e.g. disproportionate legal barriers remain regarding reserved activities within technical and scientific professions, e.g., between architects, engineers, and technical engineers.
3. *All professions* – **Re-evaluation and identification of potential alternative routes to obtain the necessary and adequate academic qualifications** for the exercise of a self-regulated profession.
4. *All professions* – **Re-evaluation of the proportionality of the characteristics of professional traineeships** required to join a professional association. Duration, Purpose, Evaluation model & Charges.

Eg., maximum duration of 12 months, instead of 18 months, to become a lawyer; non-overlapping of the curricular units during the training period with the ones assessed in the academic qualification.
5. *All professions* – **Reduction of restrictions on the ownership and partnership of all professional firms.**
6. *All professions* – **Reduction of restrictions on the management of all professional firms.**

01 Removing barriers to entry in self-regulated liberal professions

Implemented reforms in Portugal (2023 & 2024)



Amendments following AdC's Action Plan (2018): 9 Priority Proposals (Implemented the majority of the main proposals)

Eg., possibility of setting up: the (existing type) professional societies and the (new type) multidisciplinary societies; (i) allowing non-professionals to be a share capital partner or a manager, subject to deontological duties; (ii) revoking the obligation for the majority of the voting share capital or a majority of the voting rights, as applicable, to be owned by its professional members; (iii) revoking the possibility for the By-Laws to derogate the general rule and adopt restrictions.

*But, **legal restrictions on holding the capital and management of the professional societies remained;***

*And **new legal barriers have been introduced in the new type of multidisciplinary societies.***

7. *All professions* – **Reduction of restrictions on the offer of multidisciplinary activities by professional and multidisciplinary societies** (comply with Article 25 of the EU Services Directive). Multidisciplinary is not prohibited, as a general rule; but it still remains derogations from the rule.

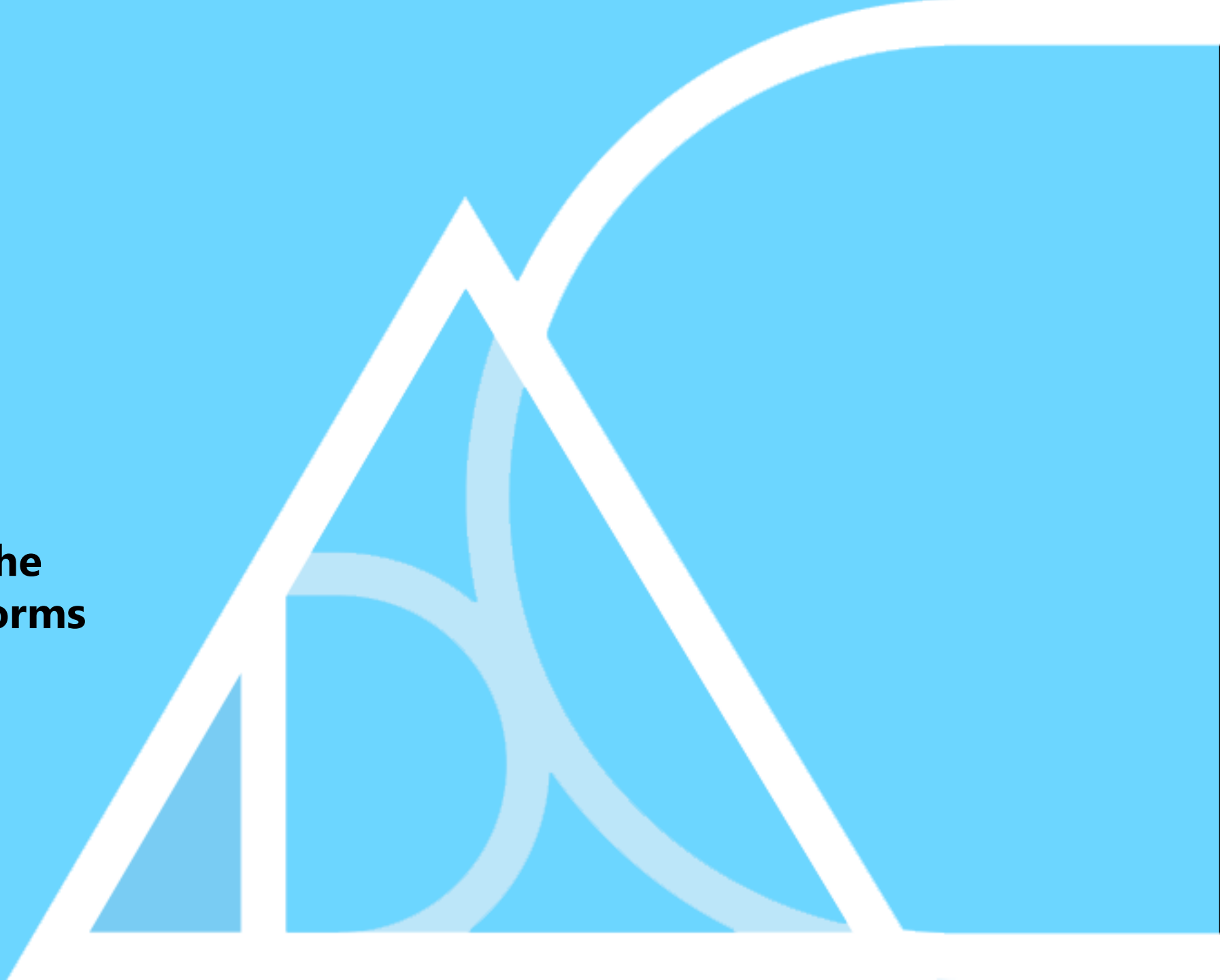
Eg., lawyers can set up or join professional law firms or multidisciplinary societies, as partners or associates; solicitors and enforcement agents may set up or join professional societies of solicitors or enforcement agents or multidisciplinary societies, as partners or associates.

But, ***still lacking implementation***, e.g., notaries continue restricted to set up or joining professional notary societies only as partners, barring them from exercising in a multidisciplinary society.

8. *Notaries* – **Not implemented**: Persistence of legal barriers on the free establishment of the notarial activity (quotas and territorial limitations).
9. *Auditors* – **Not implemented**: Persistence of legal barriers imposed on auditors (rules requiring notification to the professional association of auditors of strategic information in contracts related to the exercise of public interest functions).

02

**Success factors that
contributed for the
implementation of the
pro-competitive reforms**



02 Success factors: AdC's efforts towards the implementation of the pro-competitive reforms

AdC's efforts towards the implementation of the pro-competitive reforms (2019-2023)



The AdC has adopted several advocacy strategies, namely:

- i. Promoting contacts with relevant stakeholders (letters/requests for meetings/meetings)
 - ☐ with relevant **ministries** (e.g., Justice, Health, Infrastructures)
 - ☐ with **political parties** represented at the PT Parliament with legislative initiative powers
 - ☐ with **public professional associations**
- ii. Continuing adopting opinions and recommendations addressed to the public-decision maker
 - ☐ regarding the legislative initiatives put forward by the **Government**
 - ☐ regarding the legislative procedures at the **Parliamentary** level (e.g. follow public consultations)
- iii. Participation in Parliamentary hearings
 - ☐ e.g., within the scope of the Working Group - Professional Associations
- iv. Publication of further notes and reports
 - ☐ highlighting the estimated benefits with the implementation of the AdC's recommendations
- v. Participation in relevant conferences
 - ☐ disseminating a competition policy culture and promoting the need for implementation

02 Success factors: EU and the EC's role in the implementation of the pro-competitive reforms

EU and the EC's role in the implementation of the pro-competitive reforms



i. EC's "Reform Recommendations for regulation in professional services" – addressed to the EU Member States in 2017 and 2021 [COM(2016) 820 final COM(2021) 385 final]

- ❑ assesses a "**Restrictiveness Indicator**" for various professions, **including lawyers, architects, civil engineers and accountants**
- ❑ this indicator concerns the restrictiveness of several regulations, including qualification requirements, shareholding and voting requirements, and restrictions on joint exercise of professions and on reserved activities
- ❑ by addressing **recommendations to the EU Member States**, including Portugal, **in line with those recommended by the AdC**, it endorsed and reinforced the rationale for the implementation

ii. Directive (EU) 2018/958 – requires a proportionality assessment before enacting laws that restrict the access and or the exercise of regulated professions

- ❑ transposed in Portugal by Law 2/2021 – *Inspirational, since:*
- ❑ PT Parliament requested the Gov to **assess and amend the 20 By-Laws** of the public professional associations and all other relevant laws in accordance
- ❑ PT Parliament requested the Gov to submit a draft law on a **multidisciplinary societies' regime**
- ❑ PT Parliament requested the AdC to address a report to the Gov with recommendations regarding the **maintenance, modification or revocation on the reserved activity regimes** in force

iii. EU financial support [Covid context] – "Portuguese Gov Recovery and Resilience Plan" (2021)

- ❑ included reforms to "*reduce unnecessary regulatory restrictions to access and exercise of self-regulated professions*" (RE-r16)

03

**Challenges regarding
the implementation of
the pro-competitive
reforms**



Challenges and the AdC's resilience

i. AdC's resilience in waiting for the political will and the legislative opportunity

- ❑ In Portugal, between 2019 and 2024, there were two elections for the position of prime minister, which had an impact on the structure of the Gov and the composition of the PT Parliament
- ❑ As such, all legislative initiatives had to be renewed at the Gov level, and evaluation processes had to be restarted at the PT Parliament level

ii. AdC's resilience in convincing the public decision maker and counter-arguing the public professional associations' arguments


iii. AdC's resilience in communicating the expected competitive benefits within the implementation of the reforms

- ❑ explaining the **expected qualitative benefits**: increase in the number of professionals and professional and multidisciplinary societies offering these services; wider range of services and new types of business; improvements in the quality of the services provided, as well as consumer trust, attracting new clients; competitive prices for consumers; and benefits in general for the PT economy, e.g., productivity growth, increased investment and innovation and job creation
- ❑ explaining that **quantitative benefits would also be expected**. It is early to quantify the benefits from the implemented reforms. Within the scope of the AdC/OECD Project, it was estimated a positive impact on the PT economy of EUR 128 M€/year (2015 data), limited to the 13 self-regulated liberal professions analysed, and a multiplier effect of 1.49€ in the GVA of Portugal

iv. AdC's resilience in remaining committed to advocating for the adoption of the recommendations that have not yet been implemented



Thank you!

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