

Regulation of Liberal Property Surveyors Profession Versus Society Deregulation Requirement for Growth and Competition

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SUMMARY

The surveying profession is regulated in many EU member states. In particular, liberal surveyors, who operate in the very specific areas of property delimitation and cadastral matters, are regulated, because the nature of their activities affects, not just their immediate clients, but also the public good, in that state where property registers and cadastres are matters of vital public importance – part of the societal economic infrastructure. A high level of professional skills and education, both legal and technical, and a high level of ethical codes for surveyors, is therefore essential to ensure that constitutionally guaranteed property rights are not endangered, that the credibility, confidentiality and security of their clients data and rights is protected and that the state's vital function in this field is safeguarded. In order to boost growth potential in European economies and to support competition in order to reduce consumer prices, the European Parliament and Commission “stressed the importance of in this context of ensuring that the regulatory framework for professional services remains fit for purpose.” The mindset and philosophy behind this initiative is that regulations of liberal professions are potential barriers affecting the access and exercise of regulated professions and thus an obstruction for growth and free market-based price formation. EU defines a regulated profession as one in which access to the professional activity or the use of a professional title is subject, by means of legislative, regulatory or administrative provisions to the possession of specific professional qualifications. The key question is whether or not it is possible to combine these two key demands in a cadastral process carried out in a private business model by a liberal property surveyor's profession. The paper will give a hint on the problems and on the possible solutions in a Danish context and from a Danish point of view. The paper will describe the requirements to professional qualifications and skills, and the necessary professional business and disciplinary requirements on the one hand. And on the other hand the balance to the general requirements in society to maintain a trustworthy property formation process and authoritative property basic data and at the same time a free completion to secure low consumer prices.

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