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**Memorandum presented by FNO (France)  
Following the GA held in Cyprus  
On Saturday October 16<sup>th</sup> 2004**

Representing FNO

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**Background :** during the ordinary statutory General Assembly held in Malmö (Sweden) in October 2003, the CPLOL Executive Committee members presented a project to update the functioning of the organisation, followed by a reform of the statutes, as a result of the EU enlargement and the resulting new constraints. A written project was sent before the Tallinn meeting (Estonia) in May 2004, and discussed for the first time during the statutes committee meeting in Tallinn.

Concerning the reform project, FNO (represented by Nicole Denni-Krichel, our new president, and by myself) accepted to reduce the number of representatives at the GA from three to two people, but was very critical concerning the announced modification to reduce the committees to 2 standing committees (a commission for “academic affairs” and a commission for “professional practice”). These two committees would cope with various and general miscellaneous subjects, and would automatically include the member country representatives for the GA, since of course only 2 representatives per country would have their fees paid for.

Moreover, it was planned, in this project, to create some “working groups” (one of which to take care of congresses), directed by members of the EC, where some experts could regularly be invited. Only those countries who could afford sending any representatives (travel and accommodation expenses) would in fact be able to attend these groups.

**I - Preparation for the Limassol meeting - Cyprus October 2004**

In view of the committees meetings in Cyprus in October, held at the same time as an extraordinary general Assembly (since the ordinary GA is only organised every 2 years), I prepared a counter-proposal from the French delegation relating to the EC project. This document, written on request of the FNO, was unanimously validated by the Federal Council in Sept 2004. This counter-proposal was addressed on Sept 18<sup>th</sup> 2004 to the CPLOL General Secretary, to be distributed to all the CPLOL member countries. It was obvious to us that this action would be followed by a new working session on this project in Cyprus.

*Instead of which we realised that :*

1. during the month of September, a reform of the CPLOL statutes was proposed, for some obvious technical reasons :
  - correcting the head office address (since FNO had moved, including the CPLOL headquarters),
  - correcting some terms relating to the member organisations,
  - adding new member organisations following the official EU enlargement on May 1st 2004.

But we saw that at the same time as these formal modifications were processed, some more profound changes were made (including the member country delegations in the GA and the dismissal of the current working committees : Research-documentation-congresses, Training, Prevention, Professional Profile, etc...)

2. On October 7<sup>th</sup>, 8 days before the Cyprus meeting, the counter-proposal from France had not yet been distributed to the CPLOL member organisations, despite our request made via the General Secretary on Sept 18<sup>th</sup>. We then inquired about this and the text was transmitted thanks to the CPLOL president Linda Schrey-Dern's intervention; some technical reasons were given to us to explain the fact that the document had not been distributed before.
3. No other meeting about the statutes was programmed in Cyprus, where we could have worked on this important and necessary reform, exchanged and maybe found a consensus between the EC proposal and the French one, which should have been submitted to the member organisations. The reform about the functioning and the structure of CPLOL could then have been adopted in may 2005, during the Ordinary GA in Vienna.

## **II - CPLOL Extraordinary General Assembly in Limassol, 16th October.**

A General Assembly, being ordinary or extraordinary, is an important time in the course of CPLOL affairs, where "political" decisions are made, usually after a committee meeting. All the member countries are represented, as well as observer members, and since all discussions have to happen in both official languages, French and English, dealing with concepts which vary widely within our 20 or so countries, it takes time, a very useful time for each of us to comprehend, so that decisions are made in full understanding.

However, this last Extraordinary General Assembly was planned between 11.30 am and 2 pm, even though between 2pm and the official CPLOL dinner time on Saturday night, no meeting had been programmed (free time)...

After the EC informed about the following...:

- the CEPLIS questionnaire (valeurs communes des professions libérales en Europe)
- the on-going procedure to recognise CPLOL as a NGO by the EU,
- the updating of criteria defining the quality of CPLOL member
- contacts made with some Eastern European countries (some of which are not yet members of the EU)
- and the call for candidature for the positions at the EC from next May (Graz GA)

...it was time to proceed to the reform of the statutes.

We did not oppose to any statutory modifications relating to administrative matters (see above), but we protested vigorously and showed our opposition to some more profound modifications, made without a necessary preparatory time for further reflection and discussion.

We even felt that our voting positions could seem like being the result of the "French bad mood" in the eyes of the majority of the delegates of other member countries, who then accepted altogether all the EC proposals !

It then became very difficult to express arguments sustaining our opinion (lack of time, other events...)

The result of this was that our counter-proposal was not taken into account, nor discussed, in any statutory group...

## **III - Conclusions and analysis...**

CPLOL will therefore function as follows :

- the number of delegates attending the GA : 2 (the financial aspect was the main reason for the EC to justify this decision, however it is clear it is necessary, simply for functional reasons)
- CPLOL will pay for only those 2 delegates.
- the 4 standing working committees are disbanded (see above), although we feel they represented, since CPLOL was founded in Paris in 1988, all its richness and its creativity.
- these committees are to be replaced, due to a statutory decision given to the GA to implement working groups.

### **The results are, amongst others:**

- we do not know whether there will be 2 or 3 delegates attending the ordinary GA in Graz (Austria) in 2005: it was said in Limassol that the EC would make this coming decision!
- NB: since no resolution was made concerning the date at which the new statutes should come into action, these are fully due as soon as the votes are recorded...***
- how should the members of the EC be counted; are they part of the 2 delegates per country? Are they counted as well as their delegation, and if yes, under which statute (vote); this has not been decided in the statutes...
  - since the Limassol GA disbanded the 4 working committees without creating any replacements, if the working groups continue to function, and convene in Graz, they will not be statutory (see the above legal note)
  - the French counter proposal, first forgotten, will therefore become non existent (because of the vote on the reform of the statutes), except if a new reform is requested and accepted by another GA (including some preparatory time for discussion within ad hoc committees...), which now seems highly improbable.

### **Our feeling is:**

That the debate about the necessary reform of the structure of CPLOL, and its functioning was totally non existent: was it deliberate?

It also seems that this threatens the “democratic attitude” which was deeply part of CPLOL, even though difficult and costly to implement because of linguistic problems and different cultural concepts between northern and southern parts of Europe.

Finally, and we feel it adds to these problems, it seems that the quality of the translations, especially during the GA, where time flies, is somewhat amateurish and does not help to transmit exactly what the speaker meant (we of course highly respect the non paid people who accept kindly to undertake this difficult and specialized work).

***Translation: Frédérique Brin***