



# INTERNATIONAL MEETING ON SERVICES VALUE-ADDED IN EXPORTS

Services and trade policies  
for diversification and upgrading  
Brasilia, Brazil, 22-23 October 2019

## SERVICES POLICIES IN PROFESSIONAL SERVICES TO ENHANCE VALUE-ADDED POTENTIAL

Presentation by

Ms. Karla Borges  
Lawyer and Partner

Borges Furlaneto Sociedade de Advogados(BLSA)  
Brazil

MINISTÉRIO DA  
ECONOMIA



**Policies to harvest the potential of services value-added**

# Services policies in professional services to enhance value-added potential

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KARLA BORGES

BRASÍLIA, 23 DE OUTUBRO DE 2019.

INTERNATIONAL MEETING ON SERVICES VALUE-ADDED IN EXPORTS: SERVICES AND TRADE POLICIES FOR  
DIVERSIFICATION AND UPGRADING



# Professional Services

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- ❖ Non-tangibles (by definition)

(World Trade Organization - MTN.GNS/W/120)

For modes + a new mode (5) – “i.e., services embedded and embodied in exported goods”

Tariff



Regulation

(Constitution, laws, decrees, private normative)

## PEC 108/2019

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- Proposed Constitutional Amendment -

“The Constitution shall come into force with the following changes:

Art. 174a. The law shall not set limits on the exercise of professional activities or obligation to join a board unless lack of regulation characterizes risk of concrete damage to life, health, safety or social order.”

## PEC 108/2019

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Right of regulating + Domestic policy space

or

Brazilian society needs + Competition

- No regulation, less regulation or different regulation -

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## Law nr. 13.874/2019 – Economic Freedom Act

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Article 1 The Declaration of the Rights of Economic Freedom is hereby set, establishes rules for the protection of free enterprise and the free exercise of economic activity and provisions on the State's role as a normative and regulatory agent, pursuant to item IV of the caput of art. . 1, of the sole paragraph of art. 170 and of the caput of art. 174 of the Federal Constitution.

Paragraph 1. The provisions of this Law shall be observed in the application and interpretation of civil, corporate, economic, urban and labor law in the legal relations that are within its scope and public order, including the exercise of professions, commerce, together commercial, public records, transit, transportation and environmental protection.

## The Brazilian Bar Association Case

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- Provimento 91/2000 da OAB -

“Art. 1 The foreign professional in law, regularly admitted in his country to practice law, may only provide such services in Brazil after authorized by the Brazilian Bar, pursuant to this Provision.”

[...]

“Article 9 The Brazilian Bar Association shall adopt, by letter or by representation, the appropriate legal, administrative and / or judicial measures, whenever it is aware of conduct that is contrary to the rules of this Provision.

Is it a matter of licensing requirements or market reserve?



## The Brazilian government program “Mais Médicos”

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The program “Mais Médicos” is part of a broad effort by the Federal Government, with support from states and municipalities, to improve care for users of the Unified Health System (SUS).

The program accepted in the past citizens from other countries (Cuba, Bolivia, and others) to render medical services in far and poor regions of Brazil.

Flexibility of the provision of professional services allowing foreigners professionals in Brazil is really a risk?



## The Brazilian Public Policy

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It is time for Brazil to rethink its policy of internal service provision rules in order to make them open, more efficient and in line with the reality of international trade.

By doing so, the country will be able to insert itself more competitively in international trade, in addition to fulfilling its constitutional role of ensuring the provision of quality services at competitive costs for its society.

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# THANK YOU!

Karla Borges

[karla.borges@bfsalaw.com.br](mailto:karla.borges@bfsalaw.com.br)

