

Mutual evaluation of regulated professions

Overview of the regulatory framework in the business services sector by using the example of architects

*Report based on information transmitted by Member States
and on the meeting of 30th September 2014*

1. CONTEXT AND AIM OF MUTUAL EVALUATION EXERCISE

Following agreement made under Article 59 of Directive 2005/36/EC on the recognition of professional qualifications¹, as amended by Directive 2013/55/EU², a commitment was made to undertake a mutual evaluation of the regulated professions. The importance of this exercise is reinforced by Conclusions from the June 2014 European Council³ as well as from the special meeting of the European Council of 30th September 2014 which recalled the importance of jobs, growth and competitiveness enhancing measures alongside 'rapid progress on implementing these orientations'⁴.

This report presents an overview of the information communicated to the Commission by Member States, Iceland, Liechtenstein, Norway and Switzerland through specific reports⁵ and entries in the professional regulations database⁶ as well as of the discussions which took place during the meeting on 30 September 2014 on mutual evaluation dedicated to this sector⁷. This report is established with the aim to facilitate the mutual evaluation exercise and is therefore not a comprehensive report on the sector nor on the specific profession. Whilst the following focuses upon the profession of Architect, as an example for professions in the business services sector, the experiences and understanding gained from this discussion are meant to be understood across the professional landscape. Observations made may have a general or more meaningful application to the functions and consequences of regulation in other professions and it is hoped, in this way, to lead towards an overall better application of regulatory measures in the professions.

¹ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, OJ L 255, 30.9.2005, p. 22.

² Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System, OJ L 354, 28.12.2013, p. 132.

³ http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/143478.pdf: The recovery remains fragile and uneven and efforts to implement growth-enhancing structural reforms must continue and be enhanced in order to strengthen Europe's capacity to grow and create more and better jobs.

⁴ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/144538.pdf

⁵ Greece, Ireland, Luxembourg and Romania have not submitted reports as of 13/04/2015.

For ease of reading, Member States, Iceland, Liechtenstein, Norway and Switzerland are referred to collectively as "Member States" in this document.

⁶ However, not all entries in the database were up-to-date when this report was established.

⁷ For the purpose of this meeting Member States were organised in 4 different groups of 8 Member States (+ Iceland, Liechtenstein, Norway and Switzerland). Groups were organised as follow:

Group 1: Denmark, Cyprus, Greece, Luxembourg, France, Romania, Slovenia, Iceland; ;
Group 2: the United Kingdom, Latvia, Italy, Lithuania, Hungary, Slovakia, Sweden, Switzerland;
Group 3: Bulgaria, Germany, Spain, Croatia, Poland, Finland, the Czech Republic, Norway;
Group 4: Belgium, Estonia, Ireland, Malta, the Netherlands, Austria, Portugal, Liechtenstein.

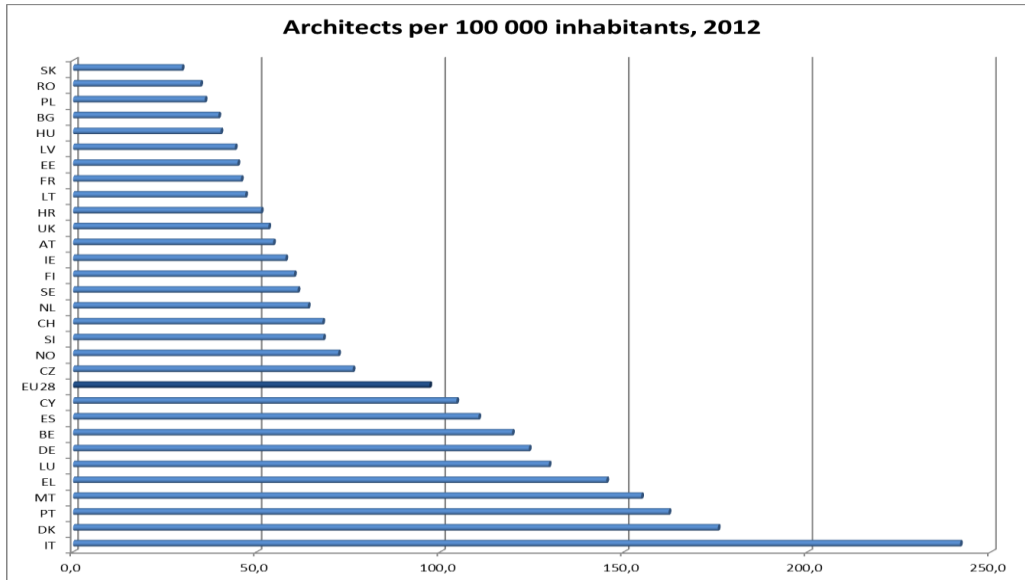
The education of architects has largely been harmonised for the purposes of those benefitting from automatic recognition under Article 46 of 2005/36/EC, though degree courses may still be undertaken which do not comply with these minimum training requirements and in which case fall under the general system of recognition. However, beyond this, there is a great deal of diversity in terms of reserves of activities and access requirements. Whilst the high standards of European architects are rightly recognised worldwide it is appropriate to review regulatory systems to ensure that they are supporting this highly mobile profession in the most efficient and effective manner. Member States often share the same general interest objectives for the architectural profession, but from the information submitted and summarised below, a wide divergence may be seen in how these are met through compulsory, and at times cumulative measures, running alongside the risk that other legal and administrative instruments, such as fire safety inspections, the permit approval or post-construction processes, exist to serve the same function in the general interest.

2. ECONOMIC AND STATISTICAL INFORMATION

In the NACE classification of economic activities⁸, architectural activities are classified under the section M, Professional, scientific and technical activities, sub-section 71.11. Architectural activities belong to the aggregate group defined as business services in the October 2013 Communication establishing the work plan for this mutual evaluation exercise. According to the NACE definition, architectural activities include building design and drafting, town and city planning and landscape architecture. Altogether in the EU-28 there were 311.200 architectural enterprises employing a total of 601.700 persons in 2011. The sector generated a turnover of EUR 39,3 billion in 2011, down from a high of EUR 48,1 billion in 2008. In 2012, the Architects' Council of Europe association (ACE) estimated that there were close to 493.000 architects in the Union. Based on the same source, there were 97 architects per 100.000 inhabitants in the EU on average. At country level **Italy** was by far the Member State with the highest density of architects with 242 architects per 100.000 persons, followed by **Denmark, Portugal, Malta**⁹ and **Greece**. At the other end, **Slovakia, Romania, Poland, Bulgaria** and **Hungary** had 40 or less architects per 100.000 inhabitants.

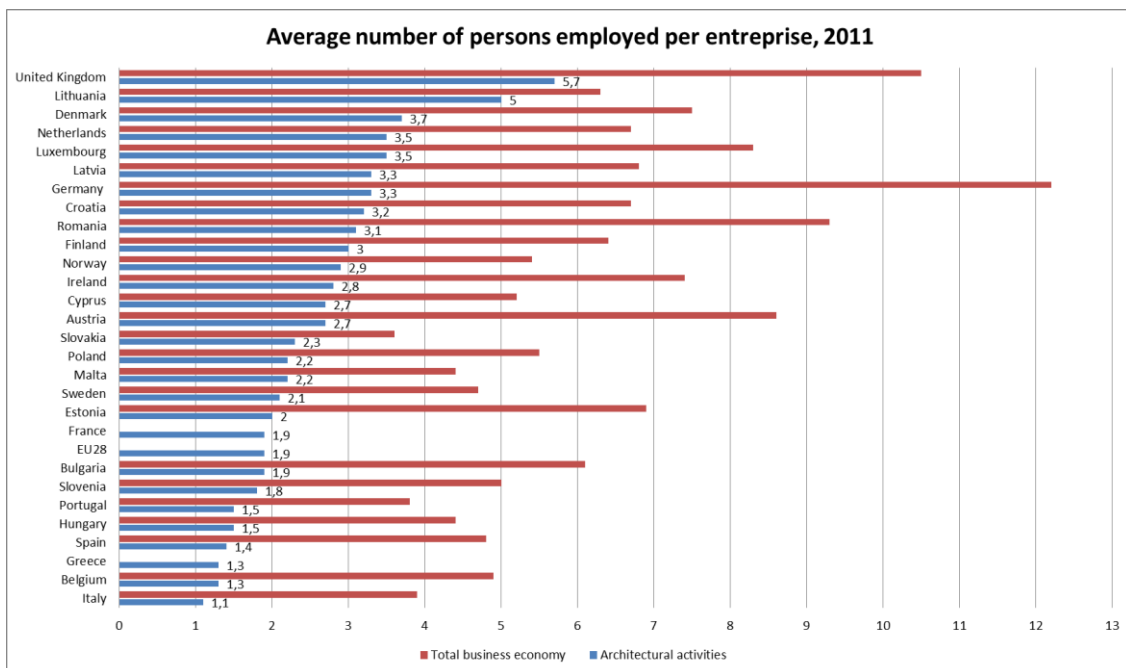
⁸ <http://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary:NACE>

⁹ The professions of architects and civil engineers have traditionally been classified as one profession ("Perit") in Malta. It is therefore not possible to assess the number of professionals in architecture as distinct from those in civil engineering.



Source: the Architectural Profession in Europe 2012, Architects' Council of Europe

According to Eurostat figures, enterprises in the architectural activities had on average 1.9 employees in the EU in 2011. This is far less than in the rest of the economy where on average companies employed two to three times more personnel. Only the **United Kingdom** and **Lithuania** had companies of an average size of five or more employees. In **Italy**, **Belgium** and **Greece**, one-person companies mainly dominated that number.

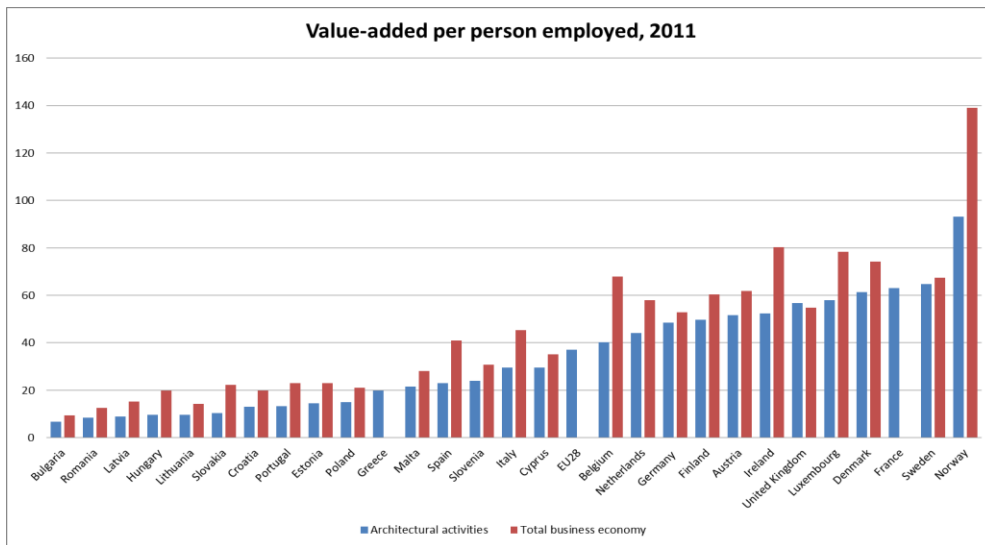


Czech Republic, Switzerland: no data available; Greece, Malta: 2010

Total business economy except financial and insurance activities

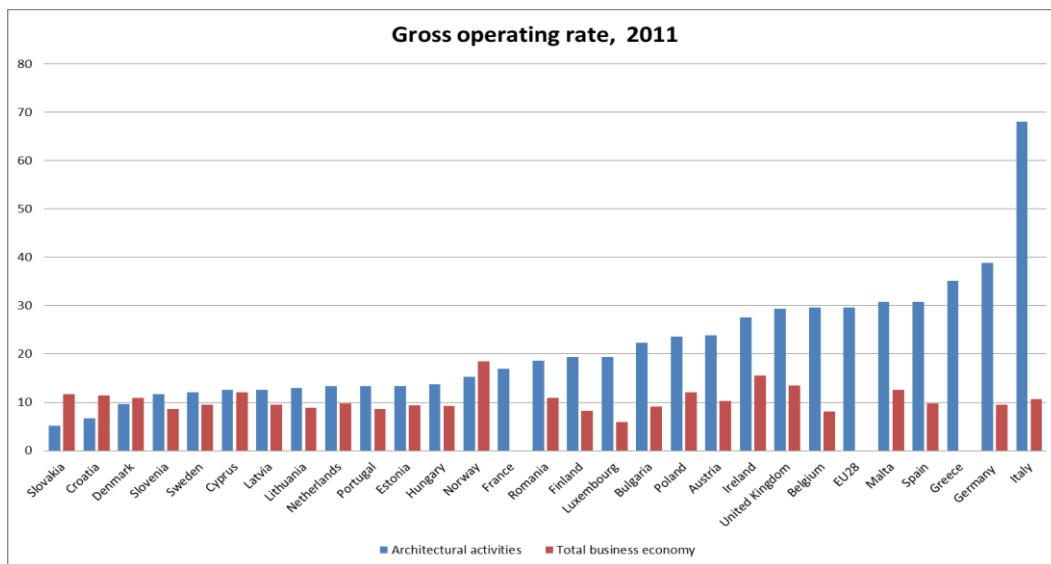
Source: Eurostat, Structural Business Statistics

The average value added per person employed in the EU, an indicator of apparent labour productivity, amounted to EUR 37.000 in 2011. It shows how productively labour is used to generate value-added. In this sense, countries with the highest figures have been more successful in achieving higher levels of value-added. In all countries with exception of the **United Kingdom**, apparent labour productivity was higher in the whole economy than in the architectural activities sector.



Czech Republic, Switzerland: no data available; Greece, Malta: 2010
 Total business economy except financial and insurance activities
 Source: Eurostat, Structural Business Statistics

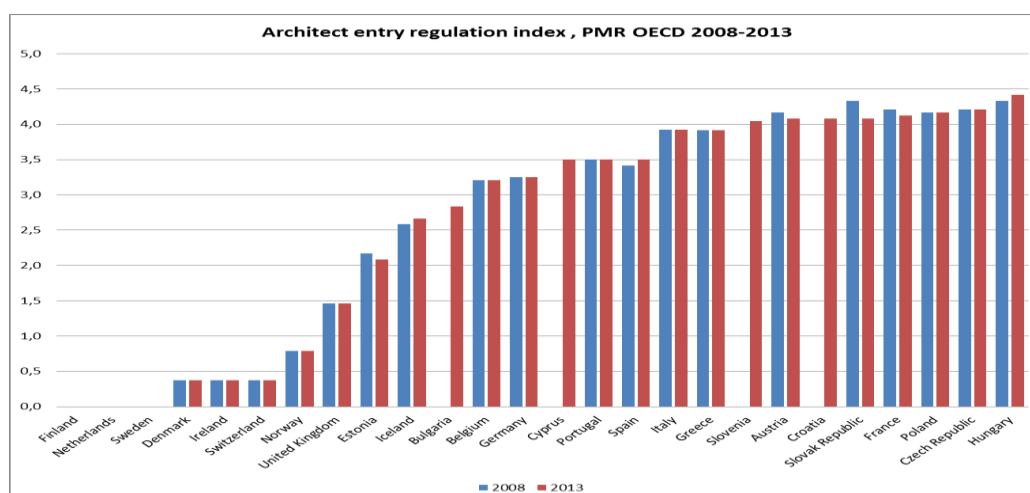
According to Eurostat figures the profitability of the sector, which can be approximated by the gross operating rate (ratio of gross operating surplus and turnover), stood at 29% for the EU on average in 2011. This is much higher than in the rest of the economy for the large majority of Member States and seems to indicate that the sector is enjoying profit margins that are relatively high in a number of Member States as compared to other sectors of the economy (as an example the average gross operating rate for the EU in 2011 in the manufacturing industry was estimated at under 9% and at 11% in the construction sector). Gross operating rates were particularly high in **Italy, Germany, Greece, Spain** and **Malta**, all above 30%.



Source: Eurostat, Structural Business Statistics

Every five years the OECD conducts a survey amongst its members to build an indicator measuring the intensity of regulatory restrictions in selected markets. Within professional services, four professions are examined including architects. A lower value of the indicator reflects a more competition-friendly regulatory stance. The latest wave of the survey was conducted in 2013 and contains the results for all Member States. As illustrated by the chart, the indicator is relatively high in a majority of Member States, reflecting the current level of regulation that prevails in most Member States for

accessing this profession. Compared with 2008, there were only slight decreases in the indicator in **Estonia, Austria, Slovak Republic** and **France** and small increases in **Iceland, Spain** and **Hungary**.



Bulgaria, Luxembourg, Latvia, Lithuania, Malta, Poland, Romania: no data available
Source: OECD (2013), Product Market Regulation Database, www.oecd.org/economy/pmr

3. OVERVIEW OF REGULATION IN MEMBER STATES

25 Member States have notified the regulation of architects into the Regulated professions database: **Austria, Belgium, Bulgaria, the Czech Republic, Germany¹⁰, Ireland, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, United Kingdom, Liechtenstein, Iceland** and **Switzerland**. 4 Member States have notified that they do not: **Sweden, Denmark, Finland** and **Estonia**.

Country	Reserved activities	Duration of education/training ¹¹	Method to obtain qualification	Mandatory traineeship	State exam	Mandatory registration in professional bodies
Austria	Yes	8.0 years (5+3) ¹²	General or vocational Post-secondary education (Vocational post-secondary education level most common route)	Yes	Yes	Yes
Belgium	Yes	7.0 years (5+2)	Vocational post-secondary education level	Yes	No	Yes
Bulgaria	Yes	7.0 - 9.0 years (5 + 2 or 4 depending on if practice is under a fully qualified architect or as a freelancer)	General Post-Secondary education After 5-years integrated education in architecture and obtaining an evidence of formal qualification is issued after passed exam and diploma-project by notified High school for architecture.	Yes	Yes	Yes
Cyprus	Yes	6.0 years (5+1)	General Post-Secondary	Yes	No	Yes

¹¹ To note that this table lists national courses which may not be eligible for automatic recognition according to minimum training requirements and in which case would fall under the general system of recognition.

¹² Bracketed figures denote the break down between period in education (first number) and professional practice experience (second number).

			education			
Czech Republic	Yes	8.0 years (5+3)	General Post-Secondary education	Yes	Yes	Yes
Denmark (not regulated)	No	5.0 year	Post-Secondary education	No – voluntary system	No	No
Germany	Yes	6.0 years (4+2)	General Post-Secondary education	Yes	No	Yes
Greece	~	5.0 years	General Post-Secondary education	No	Yes	Yes
Spain	Yes	6.0 years (5+1)	General Post-Secondary education	No	No	Yes
Estonia (not regulated)		5.0 years				
Finland (not regulated)		5.0 years				
France	Yes	6.0 years (5+1)	General Post-Secondary education	No	No	Yes
Hungary	Yes	7.0 years (5+2)	General Post-Secondary education	Yes	No	Yes
Croatia	Yes	7.0 years (5+2)	General Post-Secondary education	Yes	Yes	Yes
Ireland	Yes	7.0 years (5+2)	General or vocational Post-secondary education	Yes	Yes	Yes
Italy	Yes	5.0 years	Vocational post-secondary education level	No	Yes	Yes
Lithuania	Yes	7.0 years (4+3 or 6+1)	General or vocational secondary education (general secondary most common route)	Yes	No	No
Latvia	~	8.5 years (5.5 +3)	~	~	Yes	Yes
Luxembourg	Yes	7.0 years (5+2)	General Post-Secondary education	Yes	No	Yes
Malta	~	7.0 years (5+2)	~	~	Yes	~
Netherlands	No	7.0 years (5+2)	General or vocational Post-secondary education (general Post-secondary most common route)	Yes	No	No
Poland	Yes	7.0 years (5+2)	Vocational higher education At least 5 years (magister inżynier - M.Eng.) and mandatory traineeship of at least 2 years and state exam.	Yes	Yes	Yes
Portugal	Yes	300.0 ECTS (5 years)	Vocational post-secondary education level	Yes	No	Yes
Romania	Yes	8.0 years (8+2)	General Post-Secondary education	Yes	Yes	Yes
Slovenia	Yes	8.0 years (5+3)	General Post-Secondary education	Yes	Yes	Yes
Slovakia*	Yes	9.0 years (6+3)		Yes	Yes	Yes
United Kingdom	No	7.0 years (5+2)	General Post-Secondary education	Yes	Yes	Yes
Liechtenstein	Yes	4.0 years	General Post-Secondary education	Yes	No	No
Iceland	No	4.0 years	General Post-Secondary education	No	No	No

Sweden (not regulated)		5.0 years				
Switzerland	Yes – in the 6 cantons which do regulate.	5.0 years	General or vocational Post-secondary education Vocational post-secondary education level most common route	No	No	No

Source: PQD database 11/09/2014.

*information submitted under acquired rights

~ denotes information not yet submitted by the Member State concerned

4. REQUIRED TRAINING / EDUCATION, MANDATORY TRAINEESHIP, STATE EXAMS

Given the minimum training requirements set out under Directive 2005/36/EC¹³ it is interesting to note the variance between requirements set out above which range from four to nine years long training programmes. In addition to this the actual type of education varies between vocational and general, post-secondary and higher¹⁴. Regarding requirements to undergo a professional traineeship, 16 Member States have notified this measure: **Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Germany, Croatia, Lithuania, Luxembourg, the Netherlands** (requirement introduced 2015 for a 2 year period of post-qualification training), **Ireland, Poland** (2 year duration), **Portugal, Slovenia, the United Kingdom and, Liechtenstein.**

Following the modernised Directive, 4 years long training programmes will no longer benefit from automatic recognition as the minimum length of programmes will be increased to either the 5 or 4+2 models.

5. RESERVED ACTIVITIES

Austria, Belgium, Croatia, Cyprus, the Czech Republic, Germany, Hungary, Italy, Liechtenstein, Lithuania, Poland, Portugal, and Switzerland, report *reserves of activities* to fully qualified architects. **Greece** reports a *licensing system*¹⁵ based on *specific qualifications with shared reserves of activities*. **Germany, the Netherlands, the United Kingdom and Iceland** all report *protecting the title* of architect without any reserves. **Belgium, Bulgaria, France, Slovakia, Slovenia, Romania, Ireland, Latvia, Luxembourg and Spain** report *protecting the title* as well as *reserving activities*. In **Latvia** reserves operate through a system of specialists accessed through varying levels of qualification.

Across the reporting of reservations summarised below, the same categories are repeated in substance although contrasting in detail. Additionally, in many of the cases below, the reserves are shared with other construction related professions, in particular engineers and in some cases junior architects/architectural technologists.

a) Documentation

Some Member States reserve to architects the submission of construction related documents to the building authorities, such as in the application for building permits or design approval, including: **Austria, Cyprus, the Czech Republic, France, Germany**¹⁶, **Ireland, Slovakia and Slovenia.** **Poland** has graduating levels of architectural access: whilst a master architect (according to minimum training criteria as set out under Article

¹³ 2005/36/EC Article 46 requires for automatic recognition at least 4 years of study. As of transposition of 2013/55/EU the minimum length of training will change to either a 5 years of study or 4 years of study with 2 years of training.

¹⁴ There appear to be cases where Member States have notified a vocational route. If this option applies solely to acquired rights it is not relevant to the current discussion, Member States should ensure this understanding is reflected correctly in the database.

¹⁵ Licensing makes it unlawful for those who do not meet entry criteria, such as qualifications or work experience, to carry out a specified range of activities.

¹⁶ Germany reports the sharing of these reserves with Civil Engineers

46 of Directive 2005/36/EC on the conditions of training of architects¹⁷) can access all activities, responsibility for either designing or managing projects may be limited according to the individual's education/experience. In **Lithuania** activities on structures of exceptional significance require an attestation issued by the Chamber. Acquiring such an attestation entails responsibility for designing (it concerns reserved activities related to design of the architectural part of building design documentation) and managing of projects of buildings of exceptional significance.

However, what is apparent from the reports received is that there is a very wide variety of type of documentation captured under this reservation. As such this reserve may encompass documentation not only of an exclusively design and construction related nature but also, for instance, documentation pertaining to a broad range of other environmental, energy, fire safety, disability and land-use factors. In some cases, for example in **Germany** much of the assurance and inspection role of these factors has over recent years been devolved away from authorities and made the increasing responsibility of architects. Also in **Italy**, architects assume the responsibility for not only drawing up such certification but also for performing technical inspections¹⁸. **Ireland** requires that a qualified professional, either an architect or engineer, sign compliance documentation at both the design and completion stage of the build. This is a new requirement and the Irish authorities will conduct a review into its impact in the near future.

b) Drafting/Design work

Many Member States also reserve the drawing up of designs to architects. In **Belgium**, for projects requiring a permit; **Bulgaria**, distinguishes access levels between those with 'limited' and 'full design capacity'¹⁹; in **Austria**, shared with engineers; the **Czech Republic**; **France**; **Portugal**; **Spain**, according to the nature of the building project design, some types of construction may be shared with other professionals²⁰; **Italy**; **Lithuania** reserves activities related to the design of the architectural part of building design documentation; **Poland**; **Portugal**; **Slovenia** and **Switzerland**, in the 6 cantons where the profession is regulated. The **Czech Republic** reports that in instances where a designer is not qualified at the level required to develop some aspect of the design documentation then he is obliged to use the services of a duly qualified/licensed person. In **Belgium**, the task of drawing up plans for projects that require a special permit requires that the professional be both registered in a professional order and insured. The cases when planning permission is required are in three codes of town and country planning (one for each Region: Code Wallon de l'Aménagement du Territoire, de l'Urbanisme et du Patrimoine (CWATUPE), Code Bruxellois de l'Aménagement du Territoire (COBAT) and Vlaamse Codex Ruimtelijke Ordening (VCRO). **Romania**

¹⁷ Please refer to Annex 1

¹⁸ It is not clear if the same individual/entity can perform each role in a project.

¹⁹ Full access granted after two years as employees on a labour contract with a designer of a full designer's legal capacity, or 4 years as freelance designers or as employees on a civil servant contract or a main labour contract, on a position requiring the respective education

²⁰ Architects have exclusive reserved activities, in terms of design and management, concerning buildings for administrative purposes; buildings for healthcare purposes; buildings for religious purposes; buildings for residential purposes, in all its forms; buildings for educational purposes and buildings for cultural purposes. Architects have reserved activities shared with other professionals, in terms of design and management, concerning buildings intended to aeronautics; agriculture and livestock; energy; hydraulics; mining; telecommunications (referring to the telecommunications engineering); land, ocean, fluvial and air transport; forestry; industry; naval; plumbing and hygiene engineering; accessories to engineering works and the operation thereof; and all other buildings whose purposes are not specifically indicated in the preceding groups.

reserves the drawing of designs to architects but allows buildings of 'lower importance' to be designed by architectural technologists.

Regarding reserved and shared activities **Portugal** indicated that it was working on clarifying reserves between the civil engineering and architectural professions but could provide no further detail at this time.

c) *Management of projects*

Again in 11 instances, the management of construction projects is reserved to fully qualified architects²¹; **Austria**, and **Lithuania** shared with engineers; **Belgium**, for those projects which require a permit; the **Czech Republic**, overall management including implementation of the building code; **Spain**, although depending on the nature of the project the profession of 'technical architect' may access this reserve²²; **Cyprus, Italy**²³, **Lithuania, Poland, Slovenia** and **Switzerland**. In **Ireland**, anyone may manage a construction project however final compliance certification must be signed off by either an architect or civil engineer.

The table below summarises the reserves discussed:

	AT	BE	BU	CY	CZ	DE	ES	FR	IE	IT	LT	LV	PL	PT	SI	SK	CH
Reserves submission of documentation	X			X	X	X		X	X	X	X		X		X	X	
Reserves design/drafting activities	X	X	X		X		X	X	X	X	X	X	X	X			X (in 6 cantons)
Use of stratified access according to professional skills / significance of the project		X	X		X		X	X		X	X	x	X				
Management of projects	X	X		X	X		X			X	X		X				X

The stratification of access to reserves according to the nature of the project or ability of the professional may lead to complexity. The scope of constructions defined as being of some form of special status may inflict onerous demands on professionals as well as consumers. In many cases this will be entirely justified but the issue would benefit from further analyses.

From structural integrity to energy efficiency, not all documentation is equal, and in some instances there are additional checks made by authorities. Member States should ensure efficiency in that there are no unnecessary duplications of either the documentation or the ex-post/ex-ante checks and that the proper levels of professionals

²¹ By the term management we understand the supervision of the actual building process.

²³ Like **Spain, Italy** makes a distinction on the nature of a project and who can carry it out: "Many of the activities are reserved for the architect in **Italy** also the Engineer, civil and environmental. In particular, the RD October 25, 1925, n. 2537 Article 52 provides that "The construction works that have significant artistic and restoration and the restoration of the buildings covered by L.20 June 1909, n. 364, for the antiques and fine arts, are attributable to the profession of architect, but the technical part of it can be accomplished by the architect as much by the engineer".

are able to execute these activities which may in some cases include construction professionals other than architects.

We see the same stratification of access according to the nature of the structure/ skills or experience of the professional in some Member States for accessing design and project management reserves.

Related professions

Landscape architect/designer is reported as a regulated profession in the database by **Slovakia**, the **Netherlands**, the **United Kingdom**, **Italy**, **Iceland**, **Cyprus**, **Slovenia** and **Germany**. The title being *landscape gardener* in the case of **Slovakia** and **Iceland**.

Junior architect, by **Poland** and **Italy**. *Technical architect* by **Spain**. *Interior design architect*, by **Spain**, the **Netherlands**, **Liechtenstein**, **Iceland** and **Germany**. *Architectural technologist* by **Romania**, the **United Kingdom** and **Hungary**.

There is a variety of approaches to those professions which fall within the bounds of the architectural profession but which cannot be understood as fully qualified architects according to harmonised minimum training requirements²⁴. Within this field, the **Czech Republic** has notified that it reserves the preparation of documents pertaining to the design of gardens, landscape arrangement and interior decoration to fully qualified architects and that the Czech Chamber of Architects is tasked with certification duties. **Slovakia** requires 5 years of education followed by 3 years of professional experience to access the profession of *landscape architect*, a year less than the training to become an architect. In Slovakia this profession shares some reserves with architects but these reserves are not reported. **Belgium** specifically stated that it regards *interior architects* as *decorators*²⁵ neither of which are currently regulated. None-the-less, Belgium plans to introduce regulation protecting the title of *interior architect* according to two sub-categories. The reason they feel this is necessary is following some negative publicity which is thought to have devalued the title of 'architect'. The **Netherlands** is also considering new regulation for *interior architects/designers* for the purposes of aesthetic harmony as well as a respect for tradition. In the **Netherlands** the Order of Architects registers *urban planners*, *garden and landscape architects* and, *interior designers* but again information is lacking on entry requirements and scope of activities. **The Netherlands** has stated that they consider these related professions as equal to that of an architect in terms of regulation and with their own educational structure.

Italy reserves services related to land use and urban planning, including *landscape planning*, to architects, qualified industrial technicians and engineers. Italy appears also to have other sub-categories including *landscape architects*, *conservationists* and *planners*. **Luxembourg** lists independent engineers, *landscape* and *interior architects* under the profession of architect but with different education requirements, it does not set out the scope of activities.

Regarding *interior architects*, **Slovenia**, who does not regulate the profession, considered the nature of it to be about security, acoustic and fire safety considerations as well as aesthetics. Regarding landscaping work, **Austria** views it as requiring significant architectural as well as engineering expertise. However, in **Ireland** the concept of

²⁴ Please refer to Annex 1.

²⁵ A profession which Belgium regulates under the crafts sector alongside 8 other Member States.

landscape architect is akin more to that of horticulturalist which is a separate professional category in the Netherlands²⁶.

In **Hungary** *architectural technologists*, a sort of 'junior architect' which also exists in the **United Kingdom**, may access activities in urban planning and must follow continuous professional development. Access to this profession is supervised by a professional chamber. As outlined above, in **Romania**, such professional may design constructions of less significance, how this demarcation operates is not explained. Similarly, **Italy** and **Latvia** have a profession of 'junior architect'. In **Latvia** 'junior architects' are not allowed to sign documentation.

In the case of landscape architect there seems to be a variance of definition and in activities captured under this profession. This variety may have an impact on access or mobility and should therefore be analysed thoroughly.

Regarding interior architects, there were diverging views as to relevant justifications for the need to regulate the profession. Some attendees saw it more as one relating to tradition rather than any overriding reason in the general interest.

6. ADDITIONAL REQUIREMENTS²⁷

Additionally, many Member States impose requirements such as on mandatory registration; limits on number of licences granted; corporate form/type restrictions; shareholding / voter restrictions; prohibitions on joint practices; insurance requirements and /or continuous professional development (CPD). Assessments as to the cumulative effects of these are missing and not all Member States have supplied the requested information.

	Mandatory registration	Limits on number of licences granted	Corporate form/type restrictions	Shareholding / voter restrictions	Prohibition on joint practices ²⁸	Indemnity insurance requirement	Cross-border insurance requirement	CPD
Austria	Yes	No	No	Yes (51%)	Yes	No	No	Yes
Belgium	Yes	No	No	No	Yes	Yes	Yes	Yes
Bulgaria	Yes	No	No	Yes (50%) ²⁹	Yes ³⁰ -	Yes	~	
Cyprus	Yes	No	No	Yes (100%)	No	No	No	Yes
Czech Rep	Yes	No	Yes	Yes (51%)	No	Yes	Yes	Yes
Germany	Yes	No	Yes	Yes (50%)	~	Yes	Yes	
Denmark (not regulated)	No	No	No	No	No	Yes	Yes	Yes
Spain	Yes	No	No	Yes (50%) ²	No	No	No	
France	Yes	No	No	Yes (51%)	No	Yes	Yes	Yes

²⁶ For comparative purposes, **Switzerland**, **Lichtenstein** and **Austria** regulate the profession of *gardener*.

²⁷ In Federal states it is not always clear whether these requirements exist at a Federal or a Regional level only

²⁸ This refers to the ability or otherwise for architects to form practices with other disciplines and not only with engineering providers. Member States should review their response to this question updating the database as well as the Commission, for the purposes of this paper, as necessary.

²⁹ Owners with full design capacity, both architects and engineers.

³⁰ Prohibition on combining activities of designer, consultant of technical control under "Construction" and builder, as those relate to the same site.

Greece	Yes	No	No	No	~	Yes	Yes	Yes
Croatia	Yes	No	No	No	No	Yes	No	Yes
Hungary	Yes	No	No	No	No	No	No	Yes
Ireland	Yes	No	No	No	No	Yes	Yes	Yes
Italy	Yes	No	No	No	No	Yes	Yes	Yes
Lithuania	No	No	No	No	No	Yes ³¹	No	Yes ³²
Luxembourg	Yes	No	No	No	Yes	Yes	Yes	
Latvia	~	~	~	~	~	Yes	~	
Malta	Yes ³³	~	Yes	Yes (100%)	Yes	Yes	~	³⁴
Netherlands	No	No	No	No	No	No	No	Yes
Poland	Yes	No	No	No	No	Yes	Yes	
Portugal	Yes	No	No	No	No	No	No	Yes
Romania	Yes	Yes	Yes	No	No	No	No	
Slovenia	Yes	No	No	No	No	Yes	Yes	Yes
Slovakia*	Yes	No	No	No	No	Yes	Yes	Yes
UK	Yes	No	No	No	No	Yes	~	Yes
Switzerland	No	No	No	No	No	No	No	
Iceland	No	No	No	No	No	No	No	
Liechtenstein	No	No	No	No	No	Yes	No	

Taken from PQD database 11/09/2014.

~ denotes information not yet submitted

* denotes information given under aquired rights

a) Company Form/Joint practices

4 Member States have reported corporate form restrictions: **the Czech Republic, Germany, Malta and Romania. Austria, Belgium, Bulgaria, Luxembourg and Malta** report prohibitions on joint practices³⁵. **Malta** 'warrants' professionals through their Chamber, since 2000 Malta introduced legislation regarding the practice of warranted professionals, acting as one legal entity, with the members of the practice being jointly and severally liable for the work of each other whereas previously the concept was limited to the individual sole-practitioner. **Belgium** operates prohibitions on joint practices for architects working as a public or private works contractor.

Shareholder/voting restriction appear in 8 instances: **Bulgaria, Germany and Spain** require 50% shareholders to be architects; **Austria, the Czech Republic and France** 51%; **Cyprus and Malta**³⁶ 100%. Even for those who set a limit of 50% this was generally felt to be a valuable way to ensure professional autonomy and standards.

Regarding joint practice, some participants seemed to have understood the question as being related to practices between architects and other engineering professions only. For example, if architects and engineers can have a joint practice in Luxembourg, but e.g.

³¹ For design of a structure and for technical construction supervision of a structure.

³² <20hours/5 years and test. The focus is on legislation as well as technology.

³³ Mandatory registration only occurs in relation to the registration of a warrant and does not reflect automatic membership within the Chamber of Architects

³⁴ The introduction of mandatory CPD is the subject of on-going discussions, as part of a review of the current legislation.

³⁵ In the case of Malta, this prohibition is limited to partnerships registered under the Periti Act and does not apply to commercial partnerships and limited liability companies registered under the Companies Act.

³⁶ Ibid.

architects and building company (developer), cannot, this represents a restriction on joint practices.

Those 19 Member States who do not have measures on company form, shareholder/voting restrictions or prohibitions on joint practices did not report the incidence of any negative consequences nor did any indicate their wish to introduce such measures at a future date.

b) Membership in an order

Not all Member States require membership in a professional order. **Ireland**, who has recently introduced measures to regulate its construction sector, has implemented a regime whereby architects must be registered but enrolment as a member of the professional Chamber is optional. The Irish state also maintains some control over the Chamber by way of setting out its standards and functioning. This stands in contrast to **Portugal** where the professional Order may regulate on behalf of the Portuguese Government. **Slovakia** acknowledges that their chamber also plays an important role in the regulation of the profession and in Italy the the national council of architects co-regulate with the ministry.

c) State Exam

Austria, Bulgaria, Croatia, the Czech Republic, Greece, Hungary, Italy, Poland, Slovenia and the **United Kingdom** report the existence of a state level examination. **Hungary** has reported that the pursuit of design activities is reliant upon holding a certificate obtained by passing an eligibility exam administered by the professional chambers.

d) Insurance

Reported by **Belgium, Bulgaria, the Czeck Republic, Germany, Denmark, France, Greece, Croatia, Ireland, Italy, Lithuania, Luxembourg, Latvia, Malta, Poland, Slovenia, the United Kingdom and Liechtenstein. The Netherlands** do not require that professionals be insured, rather architects are legally required to inform a client if they are insured or not and the decision to proceed is left to the procurer. **Denmark** is the only 'non-regulating' Member State who uses this measure as an additional safety net.

In terms of guarding against risk, we witness different approaches beyond insurance to ensure redress within the system. Professional Orders may offer mediation facilities (**Austria, Ireland**) which in their experience has proven to be a more efficient system of redress than the legal system. Others consider consumer legislation to be sufficient, even an easier route for recompense. Issues around insurancing were also discussed, such as their ability to inadvertently control access to service provision as well as the complexity of and reliability in winning justified redress from an insurance provider.

Regarding insurance requirements for cross-border service provision the trend seems to be that those who request it for establishment do so also for cross-border provision of services. 9 countries have no insurance related requirement, their general view on this being that other mechanisms suffice and in some cases are even considered a more reliable and straight-forward means of addressing relevant public interest objectives.

e) Continuous Professional Development(CPD)

Not all States included this information in their reporting so the table above is incomplete with only those who explicitly stated that they operated a CPD system represented. **Lithuania** requests a qualification certificate to access structures of exceptional significance; this can be revoked without documentary proof of CPD every 5 years and is renewed through a 20 hour programme of training in legislation and technology³⁷. **Hungary** reports implementing an obligatory system set at a 5 year cycle, in 2006 they removed the obligatory exam that formed part of this. In 2010 **the Netherlands** introduced a system for not only architects but also the architecture related professions such as interior designers. This was as part of a move to 'uplift the status and quality-assurance' of the professions. The Netherlands requires professionals to conduct 16 hours CPD annually. **Austria** reports their CPD is delivered through the competent authority amongst others. There is no further information on how these systems operate, for example issues such as the voluntary or mandatory nature, duration, the possibility for sanctions or the anticipated learning outcomes. **Cyprus** is currently studying how CPD requirements for architects linked to specific reserved activities could further serve the achieving of general interest objectives (public safety, protection of the consumer and protection of the environment). **Slovenia** provides CPD through their Chamber however it is not mandatory. **Denmark** takes a different approach whereby 10% of an architect's salary is set aside by employers to provide for CPD. **Italy** made CPD obligatory in 2013, requiring CPD be undertaken over a three year period.

Ireland requires obligatory CPD which is conducted and audited online. **Belgium** has recently introduced CPD as requested by its order to 'ensure standards are maintained'. If a Belgian architect does not comply with the annual 15 hours requirement he may be struck off the register. **Portugal** may also sanction non-compliance in this manner and indicated its wish to improve its current CDP system but did not expand upon the direction this may take nor the impetus behind it. **Austria** takes a different approach, in that the projects undertaken by the architect during the reporting period are considered as part of their CPD. A tension discussed in one group exists between the perception that 'good' architects will pursue their development regardless of regulatory compulsion as it is 'part of their job' whereas less good architects who, through lack of genuine engagement, will not benefit regardless of regulation to do so. In **France**, the code of ethics requires, as a general rule, that the architect maintains and improves its competences and that he contributes and participates to this effect to information, training and development activities, including those accepted by the Order of Architects.

During discussions participants were asked to consider the potential for CPD to ameliorate other entry requirements or reserves on activities. **Greece** and **France**³⁸ rejected this possibility seeing CPD rather as a tool for updating and maintaining professional knowledge. Latvia conducts a monitoring of architects work on an annual basis, there is an institute of certification who conducts this as well as the monitoring of the professional body.

Across the European landscape in regulated professions there is a trend towards increasing CPD requirements, often administered by the professional bodies. Given the rapid advancements in technology and practice that professionals face, this seems a suitable measure to ensure they keep pace with key developments. However, implementation of this objective diverges significantly and contains the potential for imposing expensive as well as time consuming burdens on professionals. CPD

³⁷ Lithuania are reviewing this system alongside that for Civil Engineers.

³⁸ Information on the operation of CPD in Greece is lacking.

requirements need to be designed so as to ensure the most effective and efficient outcomes.

f) *Fee Scales-Tariffs*

Some States raised the issue of fee scales in their reports. Including, **Italy** who repealed professional fees in 2012, **Austria** abolished them in 2006 as part of free movement and competition enhancing measures brought in with the implementation of the Services Directive 2006/123/EC³⁹. In 2010, Malta also abolished the mandatory fee-scale that was previously in place. Also, in the context of the Services Directive, **Germany** reviewed its application of fee schedules. The activities which are subject to fixed tariffs were reduced and for activities which are not subject to binding tariffs anymore recommendations for fees were introduced. **Poland** issues guidelines of up to 9,40% and finds the average rate fluctuates around 2-3% of overall project costs. The **Czech Republic** has a fee calculating system designed as a consumer protection measure which appears to operate as guidelines.

Tariffs are the prices with which operators must comply when offering their services in the market. Fixed minimum or maximum tariffs constitute a serious obstacle to the Internal Market, since they deprive service providers of the possibility of competing on price or on quality, which is an essential tool of any economic activity, and may render the establishment in a Member State less attractive. Member States should normally find more appropriate means to protect the general interest objectives at stake, such as consumer protection.

The Services Directive requires Member States to review and, as the case may be, abolish fixed minimum or maximum tariffs that are imposed on regulated professions. The ECJ has equally pointed out that these tariffs are not necessary in a number of cases since rules relating to organisation, qualifications, professional ethics, supervision and liability may suffice in themselves to attain the objectives of the protection of consumers.

Fixed tariffs, in particular minimum prices, may be in conflict with Union law.

g) *The Role of Professional Orders*

Professional associations often play a role in CPD and some exist as separate entities to the official registration authority. Membership into Professional Orders often enables a degree of disciplinary sanction to be exercised on those professionals who, for whatever reason, are found unfit to practice. 'Codes of ethics' operate in many Orders; **Belgium, Croatia, Cyprus, Czech Republic, France, Italy, Luxembourg, Malta, the Netherlands**⁴⁰, **Poland, Portugal, Spain, Slovenia, Slovakia** and the **United Kingdom**. **Spain** cites not only the lack of complaints as testament to the effective functioning of their current system but also on-the-other-hand that numerous disciplinary cases are dealt with through architectural associations annually. **Austria** reports liberalising their code of conduct rules in 2006. In the **Netherlands** membership to the Order may be revoked if one has undertaken 'no practical experience for a certain period of time'.

³⁹ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market, OJ L 376, 27.12.2006, p. 36

⁴⁰ The Association of Dutch Architects sets membership conditions including a code of conduct. However, membership is low at 22%. It is not clear if the Registration board also issues sanctions to protect the consumer interests cited by the **Netherlands**. There is no mandatory registration reported.

7. JUSTIFICATION AND PROPORTIONALITY

Member States were asked to report overriding reason(s) in the general interest which justified their regulatory frameworks. The most cited reasons were:

- *Public Security*⁴¹: **Austria, Belgium, Bulgaria, the Czech Republic, Cyprus, Croatia, France, Germany, Iceland, Liechtenstein, Portugal and Slovenia.**
- *Protection of consumers/recipients of services*: **Austria, Belgium, Bulgaria, Croatia, Cyprus, France, Germany, Hungary, Iceland, Ireland, Liechtenstein, Lithuania, Luxembourg, the Netherlands, Slovakia, Slovenia, Spain, Switzerland, Poland, Portugal and the United Kingdom.**
- *Protection of the environment and urban environment*: **Austria, Bulgaria, Croatia, Cyprus, Czech Republic, France, Hungary, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain and Switzerland.**
- *Public health*⁴²: **Bulgaria, Czech Republic, France, Iceland, Liechtenstein, and Slovenia.**
- Some Member States also gave reasons related to *cultural/historical/archaeological/artistic considerations*; **Bulgaria, Cyprus, Hungary, Lithuania, Poland, Portugal, Slovenia, Slovakia, Spain and Switzerland.**
- *Public Safety*: **Belgium, Ireland.**

Switzerland reports that, in those cantons which regulate the profession, an additional benefit to qualification entry barriers is to reduce the risk of fraud on prices. **Spain** also cites fraud prevention as an additional benefit though not as a specific overriding reason.

Across regulating Member States a general causal link is assumed between the a priori control of quality and safety considerations through the control of architectural training and/or the reservation of activities as a preventative measure. This is seen as a proxy for indicating ability and as such related to ensuring the asymmetry of information between the professional and the consumer is balanced.

The **United Kingdom** recognised that the 'disadvantages of statutory regulation are the costs and administrative burdens placed on architects' so to this end aim to achieve as light touch a process as necessary to achieve the public interests. The UK also uses its system of building inspections as a quality and safety control mechanism. With this in mind it is worthwhile considering how other convergent measures are operating simultaneously. For instance, what is not clear from the proportionality analyses submitted to the Commission is to what degree the responsibility for ensuring structural security and/or aesthetic harmony/cultural heritage rests exclusively upon the shoulders of architects. In some cases (**Italy, Lithuania, Spain**) distinctions are made between the

⁴¹ It should be noted that the terms “public policy”, “public security” and “public health” are concepts of European Union law which stem directly from Article 52 TFUE. These concepts have been consistently interpreted by the ECJ in a narrow sense, meaning that there must be a genuine and serious threat to a fundamental interest of society and it is for the Member State invoking these public interest objectives to demonstrate the risks involved. See Judgment of 14 December 2006, Case C-257/05, paragraph 25.

⁴² Idem.

specific nature of architectural projects and the level of expertise required. The **Netherlands** protects only the title with oversight of project compliance, in the public interest, the responsibility of municipal authorities. Building permits are approved by the vote of local Mayors and municipal services in **Luxembourg**. In **Poland** whilst architects must work with other professionals in preparing safety related documentation criminal and professional responsibility rests upon the architect. Also, **Germany's** devolving of responsibility away from the authorities and onto architects has been discussed above. However, the disparity in professional responsibility remains vast, on the one hand **Croatia** considers issues of consumer protection as a matter of wider regulatory application and not specific to the sector, and on the other **Austria** takes the view that 'specific organisational requirements for architects companies guarantee that professional decisions have to be taken by authorised architects'.

Not all screening measures were addressed in proportionality assessments or reports. Often a high-level relationship is made between regulation, ipso facto, and the protection of interests without explaining the effects of individual measures and a direct correlation to the outcome desired. Instances where this did occur would include **Spain** and **Croatia** who both cite the minimisation of inter-professional conflicts by regulation. **Spain** suggests this is achieved through focusing on the education of individuals commensurate to the scale of the project, thus linking competence with safety. Diploma protections they say minimises the risk of 'professional encroachment' by removing any doubts around professional skills. Similarly, **Hungary** maintains that regulation, by codifying the provisions that govern professional practice offers the benefit of legal certainty⁴³.

Cyprus reports that its screening of all cumulative measures (6 years study & training, mandatory registration, 100% shareholding and continuous professional development) found all to be necessary, proportionate and complimentary to one another and as such do not propose alteration.

All Member States have valid reasons of general interest which they seek to protect. In an area such as architecture this is more apparent than in some other professions. It is interesting to note that despite the general congruence of interests there is a great variety of approaches across the EU with some Member States not even regulating the profession at all. In these latter cases legislation generally focuses less around entry measures (ex ante) and uses the regulation more as a check on processes and standards within the actual building process (ex post). Either way regulation in some form is apparent. In some cases regulation exists both ex ante and ex post and in such circumstances systems should be reviewed for any unnecessary duplication of efforts.

8. ALTERNATIVE REGIMES

Interesting contrasts can be made with the experiences of those Member States who do not regulate access to architectural activities. **Denmark** considers its lack of any penal record testament to the good functioning of its system. In **Denmark** the Danish Building Act regulates much of the construction process in terms of safety and standards criteria and it is the Danish municipal authorities who exercise oversight of this, largely through the building permit application process. In addition Danish architects may operate by

⁴³ Alongside this **Hungary** report having, in 2004, 'significantly reduced the number of licenses to about 40'. It is not clear from their report but this may refer to 40 areas of architectural practice each perhaps with distinct entry requirements.

agreeing a '*description of services*' with clients, legally obliging them to deliver upon as agreed. The wider community is actively engaged on planning applications. Ultimate responsibility rests upon building owners, who may as appropriate seek civil redress from any construction project participants seen to be at fault. Checking/ensuring health and safety on construction sites is the function of 'health and safety coordinators'. Energy Performance checks are conducted by verified practitioners. Architects (and engineers) are included in the planning and design of the vast majority of plans, building and construction work in **Denmark**. Also fully qualified architects, engineers and construction engineers are typically employed as building inspectors in municipalities. Denmark reports its overall satisfaction with its system and its safety record, pointing out that there is 'no penal history'.

Finland also places the onus for construction compliance upon the procuring party (clients are in a private law relationship with construction specialists). In Finland anyone can access the profession; however, there are task specific regulations. Building control responsibility rests with the local government; however, from September 2014 they will no longer inspect structural plans and instead rest the responsibility on 'project leads'. Projects are undertaken under lead designers who have responsibilities under law and who must meet eligibility requirements which are assessed by local building authorities⁴⁴. Health, safety and quality factors are also overseen by the local authority.

In **Sweden**, the responsibility for location and design issues rests with municipalities who are duty bound to hold the relevant qualified expertise in-house and with technical requirements being supervised through an independent system. As with other 'non-regulator' Member States responsibility rests with the project client, who may be granted building permits without the participation of an architect. Clients must appoint a quality control manager⁴⁵ to ensure project compliance with the plans agreed with the municipality. Consumer legislation protects consumers in cases of faulty or tardy provision of the architect's services.

In **Switzerland** the profession is regulated in 6 of its 26 cantons⁴⁶. The 20 Swiss cantons which do not regulate the profession meet general interest objectives through strict building standards which operate across all 26 cantons. There, the activities of design and construction may be carried out without qualification. In 2004 Switzerland refused a draft law submitted by the architectural profession to further regulate at a Federal level. The Federal government reasoned that building standards and already existing law were sufficient to guarantee the public interest and support professional mobility. In the 6 Swiss cantons which do regulate this is done at the time of requesting project approval from the authorities and when competence to practice is given either through proof of registration as an architect or proof of qualification (registration in an order is not compulsory). Once work is completed, the authority will inspect for conformity. Switzerland reports no perceived difference in quality between the regulated and non-regulated cantons.

Estonia reports not regulating the profession but only some of the activities. Companies and individuals may conduct architectural activities so long as they are registered in the

⁴⁴ There is a sliding scale of qualification requirements, from 'adequate skills' to university level construction related degrees according to four grades of difficulty in design and site management tasks. There is a voluntary certification system running alongside this with pickup rates of 10-20%.

⁴⁵ May be educated at university level in a construction discipline or may have 10 years practical experience. Specialists, such as a fire specialist, may require specific training.

⁴⁶ Vaud, Geneva, Fribourg, Neuchâtel, Lucerne, Ticino

Register of Economic Activities and have named a specialist in charge of those activities. Ex-post controls are conducted by authorities. Estonia claims that 'no safety or particular consumer concerns regarding quality have arisen'.

One issue discussed during the meeting of 30th September was the possibility for such 'non-regulated' systems operating at a very local level to bring burdens of their own. The example given was the possibility that an architect's suitability for each particular task or project is re-examined by different local authorities. It was suggested that this may pose a heavier barrier to cross-border service provision than a more centralised system.

9. REFORMS

A wide variety of reforms have recently been considered. Some, as discussed above, in response to the legal obligations set out in Services Directive. In summary:

Estonia is currently updating legislation and mandatory certification as well as rolling out a mandatory certification system for some specialities. **Spain** has plans to implement a certification system in 2014 for various professionals in the building sector. It is designed to comply with ISO standards⁴⁷. Additionally, it is redefining the professions for which membership in an Order is compulsory. In the **Netherlands** a new professional experience requirement comes into force for graduates in 2015. However, they also state they look to ease building regulations so as to 'create more scope for market forces'. The **Netherlands** additionally report having considered the reserve of activities alongside the protection of the title but found this measure to be unnecessary. In 2005 **Croatia** introduced an obligatory system of CPD, the sanction part of this measure is now under reconsideration in response to the economic crisis. More broadly **Croatia** is consulting on the appropriateness of education and learning outcomes across the professions and in addition, is considering a future voluntary certification scheme. **Italy** in 2012 made it possible to establish partnerships between different professionals⁴⁸. **Lithuania** is revising the use of the qualification certificate that is currently required for constructions of 'exceptional significance' and planning in addition to establish as well to those wishing to work on 'non-exceptional significance' the requirement for a certificate which proves their education and professional practice. The draft law is awaiting approval.

Luxembourg is also drafting legislation to update the organisation of the profession of architect. In **Portugal** there is an ongoing revision of bylaws surrounding the operation of the Association of Architects. In addition they are currently amending qualification requirements for certain tasks related to the drawing up and management of construction projects. **Slovenia** is currently screening procedures and looking for streamlining measures for introduction in 2015. Obligatory CPD may form part of this as well as moving the liability from companies and onto the professional. They are also looking to review the division of reserved tasks since, for example, landscape architects have 'over time gained some tasks that are reserved only to architects in most other EU countries' and their response to this may include title protection. The **United Kingdom** ran a consultation earlier this year into different models of architecture related regulation with initial outcomes due to be published autumn 2014. In 2010 **Iceland** adopted the Act on Construction with the aim to simplify the regulatory landscape. This placed all aspects and actors in the construction field, from design to final inspection under one authority

⁴⁷ <http://www.iso.org/iso/home/standards.htm>

⁴⁸ Requiring a two-thirds majority of professional partners.

and clarified entry criteria for different roles. Following reform of project scrutiny by the authorities in recent years and including a deregulation of the building permit procedure, **Germany** has concluded that title protection is the least restrictive and most transparent means of intervention. In **Slovakia** the different categories of architectural 'sub-disciplines' (interior design, urban design, landscaping and architecture) have been abolished to merge into one, complex professional authorization to allow for specialization of a group of professionals who have a specific education and practice a separate profession. **Poland** has reduced the duration of required professional practice from three to two years which it sees as a cost saving measure without great risk to quality. In 2001 the **Swiss** Federal Competition Committee found that the 6 cantons regulating professional access were in breach of the law; however, the requirements for professional practice upon graduating and to be registered in the canton, and which were found to be at fault, remain. **Liechtenstein** has regulated the profession of architect under construction laws since 1989; prior to this the profession was regulated by general trade provisions. Regarding reforms, **Liechtenstein** also reports that they consider the profession of architect to be already 'highly regulated in the EEA'.

Prior to accession, professionals in **Malta** operated under the combined professional title of "architect and civil engineer". In 2000, Malta changed its system to allow the practice of the potentially separate professions of architect and of civil/structural engineer, under the umbrella generic term of "perit", but inscribed in a single register of professionals. They are now considering setting up a professional register for each of the categories. The setting up of these registers follows changes already implemented in the training of architects and engineers, and the creation of a greater diversity in the specialist skills of both professional categories, to respond to the evolving complexity of the industry.

Slovenia does not protect the title of architect however is considering doing so to protect the names of companies operating in architectural services but in which no qualified architect works.

Ireland previously ran a building system based upon voluntary and self-regulation. Following specific market failures the Building Control Act was introduced in 1990 to establish a legal framework, statutory responsibilities and compliance enforcement for construction activities and which then in 2007 introduced title protection for architects. Following this in 2014 reserves on activities, generally related to building compliance certification. The reasons given for this final alteration are the 'perceived need for consumers to be protected against unqualified persons'. Ireland has not provided any analyses on what these needs were nor how the reforms have impacted professionals and the market since introduction although a Review is forecast for Spring 2015 and Ireland has introduced the possibility for amending and simplifying these reforms once they have been a period to measure effect. Ireland continues to consider the introduction of an independent regulator.

In 2014 **Latvia** introduced an insurance requirement for construction specialists and workers. The motivation for this measure was not included.

France introduced in 2011 amendments in the regulations to open architectural companies established on the national territory to natural persons established in another Member State and lawfully exercising the profession. A recent law of August 2015 has made the rules on ownership of architectural companies more flexible by allowing architect majority-owned legal persons exercising architectural activities in another

Member State a greater access to capital of architectural companies, notably by way of subsidiaries and branches.

There may be seen a trend in some Member States towards reform, often with the result being an increase in measures. Information is not always provided on the rationale for these reforms, in particular on the objectives sought. Additionally, information is rarely given about what other methods of achieving these objectives were considered or any evidence base that was used / impacts compared in designing the reported reforms.

10. CONCLUSION

In conclusion a complex landscape of contrasting requirements may be observed across Member States. A simplified distinction could be made between countries that regulate more strictly ex ante, having less external controls during the planning/building process and a high level of responsibility on the professional while those that do not regulate entry into the profession quite so rigorously seem to have more ex ante controls of building projects (such as through the issuing of permits). However this operates as a continuum with many using both points to regulate at different levels. The **United Kingdom** could be seen as an instance which straddles both these systems with the relatively light touch entry level use of title protection and building inspections at the other end to ensure standards.

Many architectural qualifications benefit from automatic recognition through harmonised minimum training requirements so it is striking to find so much disparity existing despite this common understanding. The range of approaches taken towards the other architecture related professions and the degree of diversity across Member States in how rather similar public interest objectives are addressed begs the question how this disparity can be rationally explained and whether there would be some room for reassessing regulation in light of this finding. Contrary to what one might expect to find in such a multifaceted environment, it could be noted with interest that a high incidence of those reporting show little appetite to seek improvements and total satisfaction with their current systems. Where an appetite for reform is indicated it tends generally towards an increase in requirements and is not always supported by a clear rationale.

As set out in the introduction to this paper, it must ensure that the needs of professionals and consumers are best served and in the most effective manner possible. Looking to National Action Plans, Member States are invited to consider the issues covered in this report when reviewing their regulation of professions, including but not limited to the practice of architecture.

Annex 1

Article 46

Training of architects

1. Training as an architect shall comprise a total of at least four years of full-time study or six years of study, at least three years of which on a full-time basis, at a university or comparable teaching institution. The training must lead to successful completion of a university-level examination.

That training, which must be of university level, and of which architecture is the principal component, must maintain a balance between theoretical and practical aspects of architectural training and guarantee the acquisition of the following knowledge and skills:

- (a) ability to create architectural designs that satisfy both aesthetic and technical requirements;
- (b) adequate knowledge of the history and theories of architecture and the related arts, technologies and human sciences;
- (c) knowledge of the fine arts as an influence on the quality of architectural design;
- (d) adequate knowledge of urban design, planning and the skills involved in the planning process;
- (e) understanding of the relationship between people and buildings, and between buildings and their environment, and of the need to relate buildings and the spaces between them to human needs and scale;
- (f) understanding of the profession of architecture and the role of the architect in society, in particular in preparing briefs that take account of social factors;
- (g) understanding of the methods of investigation and preparation of the brief for a design project; ▼B 2005L0036 — EN — 24.03.2011 — 006.001 — 50
- (h) understanding of the structural design, constructional and engineering problems associated with building design;
- (i) adequate knowledge of physical problems and technologies and of the function of buildings so as to provide them with internal conditions of comfort and protection against the climate;
- (j) the necessary design skills to meet building users' requirements within the constraints imposed by cost factors and building regulations;
- (k) adequate knowledge of the industries, organisations, regulations and procedures involved in translating design concepts into buildings and integrating plans into overall planning.