

**Evaluating the Professional Qualifications Directive  
Experience reports from competent authorities  
(ARCHITECTS)**

*This questionnaire does not need to be answered in full, and respondents are welcome to address topics not included in the questions. The purpose of the questionnaire is to prompt the experience reports which are a key part of the fact-finding phase of the evaluation.*

#### POSSIBLE QUESTIONNAIRE FOR EACH SECTORAL PROFESSION

As the profession is unregulated in Denmark, there is no competent authority/authorisation body responsible for the access to the profession in Denmark. The Danish coordinator for the directive has asked the school of Architecture at the Royal Danish Academy of Fine Arts in Copenhagen, the Aarhus school of Architecture, the Danish Ministry of Culture, the Danish Architects Association and the Danish Association of Architectural Firms to reply the questionnaire and has received contributions from the school of Architecture at the Royal Danish Academy of Fine Arts in Copenhagen, the Danish Architects Association and the Danish Association of Architectural Firms .

##### A. Recognition procedure in case of migration on a permanent basis

1. (a) Do you accept applications from EU citizens for the recognition of foreign diplomas sent by email or requests made on line? (b) Under which conditions can they send documents and declarations electronically? (c) What are your experiences in this respect?

As the profession is unregulated in Denmark, the question cannot be replied.

2. What is the yearly number of applications for recognition from 2000 to 2009? Please submit specific data for applications for automatic recognition based on diplomas, automatic recognition based on acquired rights (as from 2005), and recognition based on the general system<sup>1</sup>. Please verify first the data in the Regulated Professions Database.

As the profession is unregulated in Denmark, the question cannot be replied.

3. (a) To what extent have the system of automatic recognition and the general system been a success? (b) How do you see the costs and benefits? Specify in particular whether automatic recognition based on diploma, Annex V and the current notification system represent an efficient way to facilitate automatic recognition. Please submit comments for:

- automatic recognition based on diploma
- automatic recognition based on acquired rights (Art. 49 – Annex VI)
- recognition based on the general system.

As the profession is unregulated in Denmark, the question cannot be replied.

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<sup>1</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

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4. (a) Is the general system applied in your country each time the conditions for automatic recognition are not met? (b) What are in your view "specific and exceptional reasons" as provided in Art. 10 (1)? (c) Are there major difficulties in the recognition procedure under the general system (e. g. burden of proof)? Please include any comments you may have on the implementation of compensation measures.'

As the profession is unregulated in Denmark, the question cannot be replied.

5. What is your experience with the recognition procedure for EU citizens with professional qualifications obtained in a third country and already recognised in a first Member State (see Articles 2(2) and 3(3))?

As the profession is unregulated in Denmark, the question cannot be replied.

6. Please describe the government structure of the competent authority or authorities in charge of the recognition.

As the profession is unregulated in Denmark, the question cannot be replied.

### **B. TEMPORARY MOBILITY (OF A SELF-EMPLOYED OR AN EMPLOYED WORKER)**

7. Are EU citizens interested in using the provisions for exercising their professional activities on a temporary and occasional basis in your Member State? How many citizens used this new system in 2008 and 2009 (per month, per year)<sup>2</sup>?

As the profession is unregulated in Denmark, the question cannot be replied.

The Architects Association informs that the association issues certificates to its members telling that the member in question fulfil the requirements of the directive with regards to his/hers professional qualifications with regards to working outside of Denmark. Although the membership of a professional qualification is not mandatory in Denmark.

8. How are the provisions of Directive 2005/36/EC concerning temporary mobility applied by the competent authorities in practice taking into account the relevant provisions of the Code of Conduct? For instance:

As the profession is unregulated in Denmark, the question cannot be replied.

- How is the "legal establishment" criteria foreseen by Article 5(1) (a) interpreted in practice? What conditions does a migrant need to fulfil in his home Member State in order to be able to provide services?

As the profession is unregulated in Denmark, the question cannot be replied.

- How are the "temporary and occasional basis" criteria foreseen by Article 5.2 interpreted in practice? Do Member States assess duration, frequency, regularity and continuity of an activity and if so according to which criteria?

As the profession is unregulated in Denmark, the question cannot be replied.

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<sup>2</sup> Please provide this information unless it has already been provided to the Commission in the Database on Regulated Professions

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9. (a) Do you have a prior declaration system? (b) If so, please indicate why it is necessary? (c) What do competent authorities do with the information received? (d) Are other possibilities conceivable?

As the profession is unregulated in Denmark, the question cannot be replied.

### C MINIMUM TRAINING REQUIREMENTS

10. To what extent are the common minimum requirements for training set out in Title III Chapter III of Directive 2005/36/EC in line with scientific progress and professional needs in the last ten years? Are the knowledge and skills outlined in Article 46 still relevant and up to date? Please specify.

The title Architect is not protected academically or professionally in Denmark. However the title Architect MAA (Member of the Architects Association) is given to members of the Danish Architects Association, whose education complies with the Directive 2005/36/EC and the 11 points in art. 46. Membership of professional organisation is not mandatory and is not a precondition for access to the profession.

The Danish Architects Association finds that in spite of scientific progress and professional needs the skills outlined in Art 46 are still, from a Danish perspective, relevant and sufficiently, as they are broad and general in their demands, and therefore general enough to cover new demands on skills for the architects. In case they are made more specific ("modernized") it could mean that they have to be revised too often.

It is the opinion of The Danish Association of Architectural Firms that the 11 points in art. 46 are sufficiently adequate. They have furthermore noted that the broad wording can allow a rich variety of interpretive possibilities in practical application.

11. (a) How long is the duration of the training for architects under your national law? (b) In how many years do you cover all 11 items as listed in Article 46?

The minimum requirement for training and obtaining the knowledge listed in the 11 points of art. 46 are in Denmark (a) 5 years of full time studies (3 years bachelor degree and 2 more years masters degree) including the diploma project (b).

12. The Directive is based on mutual trust between Member States. (a) To what extent is such trust actually achieved? (b) Are training programmes accredited by external bodies in your country? (c) Does accreditation of a training program in another Member State enhance trust or is it not relevant?

You can only become a member of the Architects Association in Denmark and thereby obtain the title Architect MAA, that the association gives to its members, if your education fulfils the requirements of the Directive. However the function as architect is not restricted and does not require accreditation according to Danish law.

All public training programmes have to be accredited by the Danish Accreditation Council that is an institution under the Ministry of Science, Technology and Innovation - <http://acedenmark.eu/index.php?id=279>.

13. (a) To what extent are the existing Directive provisions (see recital 39 and Article 22(b) on continuous professional development (continuous training) adequate? (b) Is continuous training mandatory in your country and what are the exact conditions?

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The profession is not regulated in Denmark, but the Architect Association is preparing Continuing Professional Development (CPD) programme to maintain membership of the Architects Association in Denmark.

### D. ADMINISTRATIVE COOPERATION

14. To which extent does administrative cooperation, as outlined in Articles 8, 50, and 56 of the Directive, simplify procedures for the migrant professionals?

As the profession is unregulated in Denmark, the question cannot be replied.

15. (a) Is the competent authority in your country registered with IMI? (b) Under which circumstances does your competent authority use IMI? (c) What are your experiences? (d) If not registered, why not and what would be the conditions for changing this situation?

As the profession is unregulated in Denmark, the question cannot be replied.

16. (a) How could a professional card (see Recital 32 of the Directive) facilitate recognition of professional qualifications and provision of temporary services? (b) Under which conditions could it be issued by professional associations?

A professional card might be helpful for a Danish migrant, however there are no examples known of difficulties obtaining recognition in another EU country. The Architect Association in Denmark issues papers and cards to its members confirming that the architect in question has education complying with Directive 2005/36/EC as well as relevant professional experience.

17. How do you share information about suspensions/restrictions with competent authorities in other Member States?

The profession is not regulated by law and there is no legislation regarding suspensions/restriction related to the profession. If requested the Architect Association can supply information about suspension from the association due to non professional behaviour or conduct.

### E. OTHER OBSERVATIONS

18. (a) How and when are the necessary language skills of migrants checked after recognition of the professional qualifications? (b) Are you aware of any complaints (especially from patients/clients/employers) about insufficient language skills of migrants? (c) If serious doubts about language skills have arisen which action do competent authorities undertake towards the migrant?

In Denmark we are not aware of any complaints or problems.

19. Are there any considerable cost implications for the migrant? Please specify the fees involved with establishment and the fees involved with temporary services.

In Denmark there are no fees related to access to the profession.

20. What is your experience with training provided by franchising universities?

We have no experience of that kind in Denmark

21. Have you encountered particular problems with non-EU nationals with qualifications listed in Annex V being treated differently to EU nationals with the same listed qualifications?

We have not encountered problems in Denmark

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22. (a) What are the experiences of (outgoing) architects from your country who (would like to) practice in another Member State? (b) Are there in particular problems if the profession of an architect is not regulated in your country? (c) What feedback do you have from incoming migrants on the assistance they have been given by their home Competent Authority? (a general response without naming any Competent Authority in particular is expected)

As long as the documentation, issued by the national, professional organisations or relevant competent authorities, is accepted abroad, there should be no problems for members of the Danish Architects association. See answer to question no. 16.

Some architectural firms have in connection to working abroad been met with a general demand to document the architectural firm's work experience. As the profession is not regulated in Denmark, there is not a central Danish authority that can deliver this documentation.

The Danish Association of Architectural Firms has in a number of years published certificates to its members stating that

- the architectural firm is a member of The Danish Association of Architectural Firms,
- that The Danish Association of Architectural Firms is a member of the Architects Council of Europe,
- that persons in the architectural firm's daily management fulfils The Danish Association of Architectural Firms requirements of a documented architectural education in correspondence with article 46-49 in the directive 2005/36/EC and has at least five years experience as an architect, where the individual in at least two of those years have worked as a self-employed architect or in a leading position in the firm.

With this certificate the required documentation is given both for individuals and the architectural firm. The certificate can be flexibly adapted to the concrete requirements of the architectural firm's specific needs in the given situation based on the documentation in The Danish Association of Architectural Firms possession at the time.

An example of the certificate is enclosed.

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**DANSKE  
ARKITEKT  
VIRKSOMHEDER**

To whom it may concern

EXAMPLE – fictive names

2010-10-06

No. 150/1

Danske Arkitektvirksomheder (DANSKE ARK) / Danish Association of Architectural Firms hereby confirms that

***Hans Hansen Architects***  
*Wildersgade 214*  
*1408 København K*  
*Denmark*

is a member of our organisation.

DANSKE ARK is a member of Architects' Council of Europe, ACE.

The daily responsible management of the member firms comprises among others:

- Mr. Søren Hans Hansen, DANSKE ARK no. 1401-210157
- Mr. Hans Søren Sørensen. DANSKE ARK no. 1401-160344
- Mr. Jens Nielsen, DANSKE ARK no. 1401-171161
- Mr. Niels Jensen, DANSKE ARK no. 1401-050359

who have been employed full time with architectural work for more than 5 years and of these at least 2 years as self employed architects or as responsible managers. They fulfill the conditions specified in the EC-Directive No. 2005/36/EC concerning mutual approval in the EC-countries of certificates and diplomas within the architectural field.

Paul K. Jeppesen



