

European Legislation – education, training, mobility and international recognition



ARCHITECTS' COUNCIL OF EUROPE
CONSEIL DES ARCHITECTES D'EUROPE

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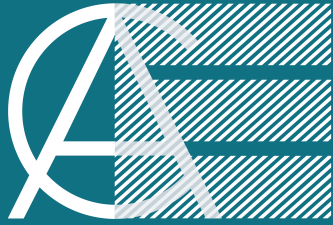
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EU Law and the Regulation of Architects

- Context – how and why is the profession regulated
- Genesis of EU law in this area
- Systems of recognition
- How does it work
- Modernisation and education
- Opportunities
- International Recognition
- The role played by the ACE
- Areas requiring our attention now



Regulation of Architects

Context

Regulation of access to the professions in the EU/EEA is governed by

- the Professional Qualifications Directive 2005/36/EC (the PQD).
- the Services Directive 2006/123/EC also has some effect

These Directives come from the European Directorate-General “**DG GROW: Internal Market, Industry, Entrepreneurship and SMEs**”

The driving principle can be summarised thus -

“The Single Market is at the heart of the European project, enabling people, services, goods and capital to move more freely, offering opportunities for European businesses and greater choice and lower prices for consumers. It enables citizens to travel, live, work or study wherever they wish.”



Genesis – regulating architects

The start - 1985 Architects Directive – sets minimum standards for recognition of architects between States, introduces the 11 points that are now in Art 46, allows ‘top up’ through PPE. Impacts statutory regulation of the profession in many States.

Consolidation - 2005/36/EC Professional Qualifications Directive – Brings almost all professions into one Directive. Introduces the ‘General System’ and ‘Temporary and Occasional’ recognition. Drops the ‘top up’ year of practical professional experience.

Modernisation - 2005/36/EC Modernised Professional Qualifications Directive (per 2013/55) – Professional Card (EPC), Deregulatory pressure (Art 59), More control vested in the Commission (delegated acts, Art 46), alert mechanisms, common training frameworks, IMI, Partial Access, Standard for architects raised from “4+0” to “4+2/5+0”.



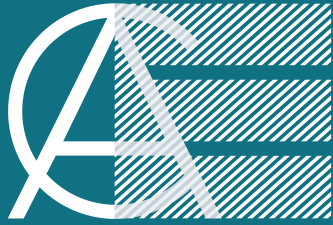
Systems of recognition

Automatic Recognition

(only for doctors, nurses, midwives, dentists, pharmacists, vets, architects)

- Qualifications recognised in Home State and at EU level
- Qualification notified, reviewed and listed in the PQD
- Confirmation of right of access from Home (qualifying state) Competent Authority
- Right to establish in other EU/EEA Member States

Other systems = General System, Recognition for provision of services on a temporary and occasional basis, Partial Access.



How does it work?

- The Directive is about MOBILITY – professionals moving to provide services between EU/EEA Member States
- Does not overtly address requirements within States, but has a direct effect on National Standards and systems.
- Architectural Qualifications are ‘notified’ to the European Commission and open to review by all Member States (work done online via the IMI, expert subgroup meets yearly). ‘Home State’ principle does NOT apply.
- Original 1985 Directive reflected the systems applying in Member States, process now reversed = EU legislation having a formative (and normative) effect on national systems.



Modernisation and education

Focussing on the 'Automatic recognition' regime

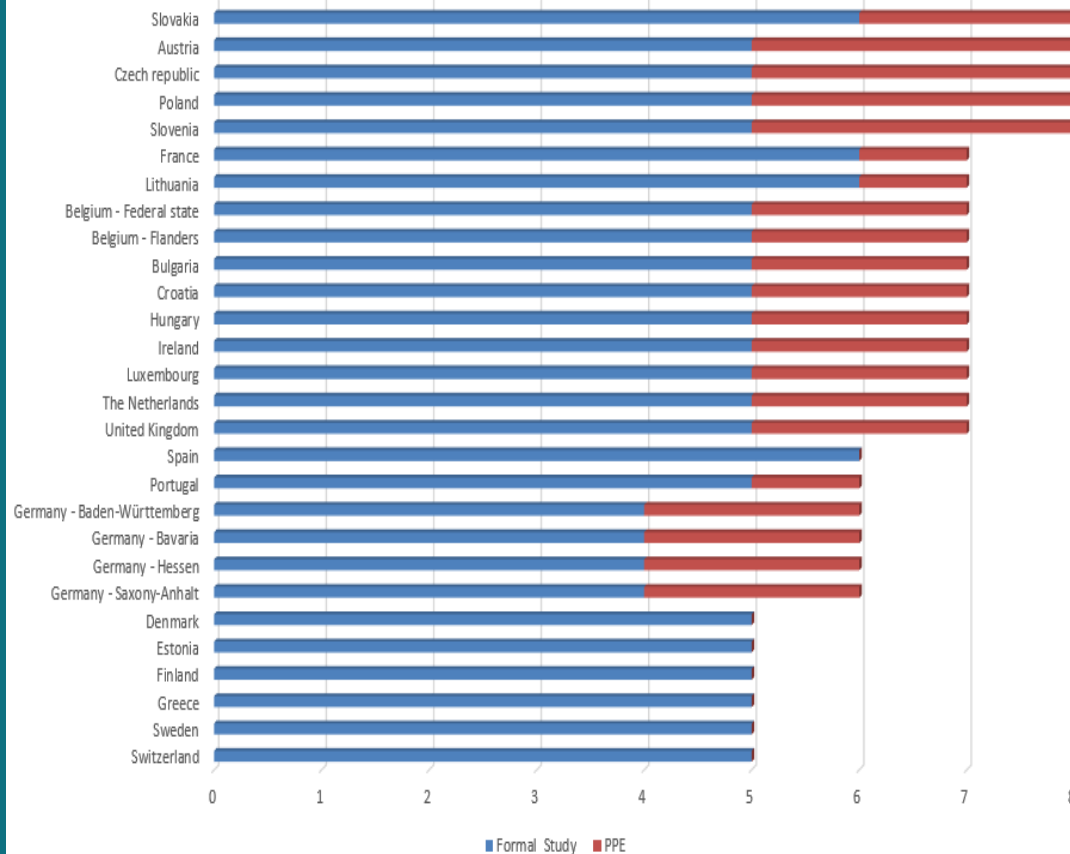
- Minimum Training required for automatic recognition between states increases from four years full time study (4+0) to 4+2 OR 5+0.
- National systems updated to ensure the minimum standard is
 - a five year award, or
 - a four year award accompanied by a certificate attesting to the completion of two years of professional traineeship, at least one year of which must be built upon the Article 46 standard, andshall be carried out under the supervision of a person or body that has been authorised by the competent authority in the home Member State.
- Non compliant qualifications, including five year degrees with a year of specialisation, to be withdrawn from recognition/discontinued.

The decision as to what systems will apply at the national level and is decided by the State, generally through the Competent Authority



Pre-modernisation State of Play

Fig.3: Minimum study/PPE requirements (in years) per State/federal region for recognition as an architect



“4+2” an alternative way to meet the new “5” year minimum standard.

The pre-existing practical professional experience provisions which exist in a majority of EU Member States generally apply above and beyond the minimum standard.



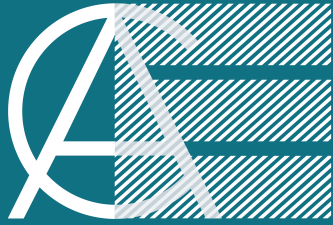
Further changes and education I

- Practical professional experience may be acquired anywhere in the EU, extra EU training to be recognised. Compliance assessed by the 'Home' State.
- For inclusion in the automatic regime, specialisation can only be addressed following completion of the five year programme, or the programme must extend beyond five years.
- Article 46 can now be amended by 'delegated acts'.



Further changes and education II

- Common Training Frameworks provide for quasi automatic recognition of additional professions and of specialisations within those professions in the automatic regime (i.e. incl architects) Art. 49a(7).
- Access to the profession cannot be restricted on the basis of nationality OR residence.
- CPD – “**ensure, by encouraging** continuous professional development, that professionals whose professional qualification is covered ...**are able** to update their knowledge, skills and competences in order to maintain a safe and effective practice and keep abreast of professional developments



Opportunities I

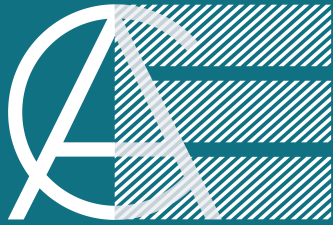
“Architecture must be the principal component of the study referred to in paragraph 1. The study shall maintain a balance between theoretical and practical aspects of architectural training and shall guarantee at least the acquisition of the following knowledge, skills and competences:.....”

- Article 46 remains a minimum requirement, there is room for innovation, the concepts are broad, mutual understanding and consensus is essential.



Opportunities II

- Engagement between Schools, Professional Bodies, Regulators and Competent Authorities at National and EU level is key to ensuring that
 - Schools can distinguish themselves while still meeting the required standards
 - The evolution of Article 46 reflects necessary changes in architectural education
- Common Training Frameworks may provide a mechanism for specialisation, if desired.



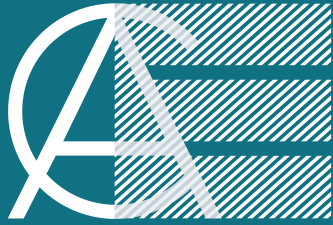
International Recognition

- CETA: EU-Canada Comprehensive Economic and Trade Agreement first planned appendix -

“Agreement for the Mutual Recognition of Professional Qualifications between The Architects Council of Europe (ACE) and The Canadian Architectural Licensing Authority (CALA)”

“Architects from the EU and Canada shall be registered/licensed and a member in good standing in their home jurisdiction and have completed a minimum of twelve years’ education, training and practice in the field of architecture, of which a minimum of four years shall be post registration/licensure experience.”

- TTIP



What does the ACE do I

- Bring Member Organisations from across Europe together to develop understanding and establish expertise and common positions
- Maintain strong communication channels with the relevant units in the European Commission.
- Engage actively with all EU consultations and decision making processes.



What does the ACE do II

- Support Member Organisations with information and resources for their own national level engagement.
- Observatory/expert centre role in terms of understanding the various strands of activity, maintaining a strong knowledge base from which to negotiate.
- Work with the EAAE to share knowledge and experience.
- Engage and work with other professional organisations where appropriate.
- Work and engage internationally, beyond Europe



Areas requiring attention I

Deregulatory pressure driven by market expansion focus without due concern for quality of outcome, consumer protection and public health and welfare.

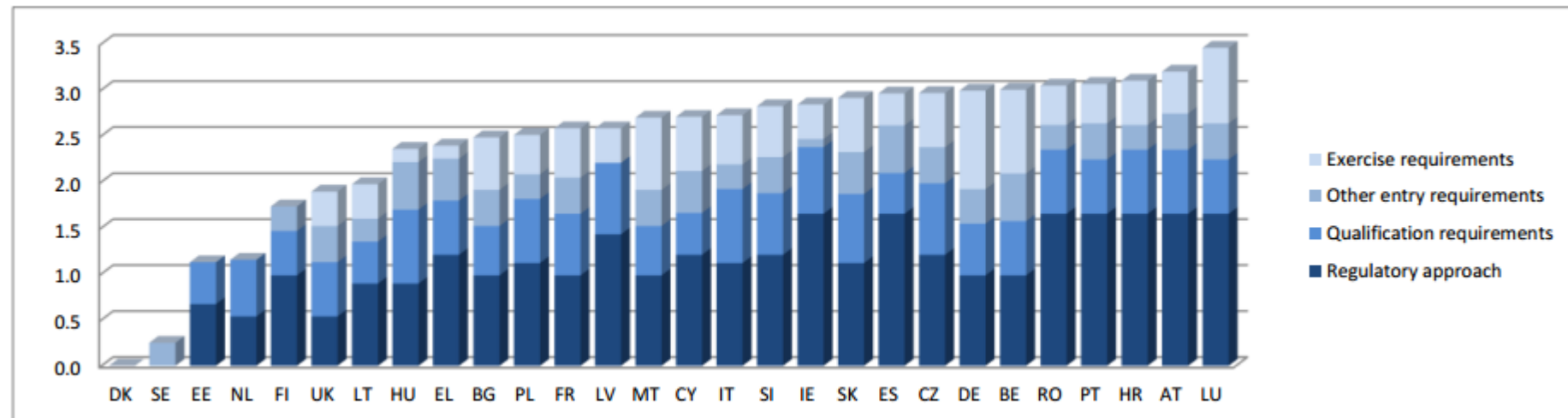
Article 59 (3) “Member States shall examine whether requirements under their legal system restricting the access to a profession or its pursuit to the holders of a specific professional qualification, including the use of professional titles and the professional activities allowed under such title, referred to in this Article as ‘requirements’ are compatible with the following principles:

- (a) requirements must be neither directly nor indirectly discriminatory on the basis of nationality or residence;
- (b) requirements must be justified by overriding reasons of general interest;
- (c) requirements must be suitable for securing the attainment of the objective pursued and must not go beyond what is necessary to attain that objective.”



Areas requiring attention II

Chart 2: Restrictiveness indicator: Architects



Source: European Commission, November 2016.

“Exercise requirements” appear to include – Insurance, Continuing Professional Development and other measures aimed at consumer protection and quality assurance



Areas requiring attention III

10 January 2017

“Today the Commission offers guidance on national reform needs in the regulation of professional services with high growth and jobs potential: architects, engineers, lawyers, accountants, patent agents, real estate agents and tourist guides. Member States are invited to assess whether professional requirements fulfil the declared national public policy objectives. “

Proposed Legislative Package –

- Proposal for a Services E-Card
- Proposal for a Services Notification procedures
- Proposal for a Proportionality test
- Guidance on reform recommendations for regulation in professional services

DG GROW: Internal Market, Industry, Entrepreneurship and SMEs

Thank you for your attention



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Speaker - Meeting

