



Crystal, HPP Architects, ©Photo: Ralph Richter, HG Esch

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PRESS RELEASE

The ACE acknowledges the publication of the European Commission's Single Market Strategy but warns against the misuse of EU legislation and undue deregulation tendencies

At a meeting on 4 November 2015, an ACE delegation presented Commissioner Elżbieta Bieńkowska its initial thoughts on the Single Market Strategy, published on 28 October by the European Commission. While ACE considers that the Strategy contains some positive elements to boost business opportunities for SMEs and facilitate the provision of services across the EU, it warns against the consequences of undue deregulation that can blur professional boundaries and undermine public confidence in providers of professional services.

ACE acknowledges the willingness of the EU Commission to facilitate the cross-border provision of business services and professional mobility. However, ACE underlines that there is little room of improvement in the mobility of Architects across Europe, given that 96% of cross-border registration requests from Architects are already satisfied, thanks to the system of automatic recognition provided for by the Professional Qualifications Directive. ACE is looking forward to discussing, with the Commission, moves to rationalise company structures (legal-form, shareholding and multi-disciplinary arrangements), in order to facilitate the provision of architectural services across Europe.

ACE also looks forward to the forthcoming Labour Mobility Package and the future review of the Posted Workers Directive, as well as measures to support the internationalisation of SMEs (VAT simplification, clarification of company law, greater access to finance).

However, ACE expresses concern regarding the implementation of the EU's internal market legislation. ACE is critical of the removal of all forms of fee-scales for architects; this has produced a situation in which the courts no longer have any basis on which to make awards during litigation, while public bodies have no references point they can use when drawing up budgets for public works.

Supported by statistics from the 2014 [ACE Sector Study](#), we contend that cross-border services are in no way affected by the presence of fee scales. On the contrary, fee guidelines can often be helpful for architects from other countries and offer many advantages to clients.

We would also wish to ensure that the proposed Services Passport remains optional and does not duplicate the European Professional Card for which provisions are made under the Qualifications Directive.

Regarding the Public Procurement Directive, the ACE recalls that the misuse of selection criteria is a continuing barrier to SMEs, especially turnover requirements. We believe that the choice of procedures is currently too open and that preferably contracting authorities should be more firmly guided to optimum solutions. Moreover, contracts below the thresholds defined by the Directive should be more transparent.

As for the Remedies Directives, we believe that “complaint competence” should be extended to professional bodies and contracting authorities that infringe the Public Procurement Directive should be penalised.

ACE expresses grave concern at the Commission’s intention to propose “*specific actions to improve access to, and the exercise of, regulated professions at national level and across the EU*” and the announced focus on the architectural profession as a “*priority sector*”. The ACE underlines again the fact that 96% of cross-border registration requests from architects are satisfied and that the architectural services market accounts for only 0.9% of overall construction industry output. ACE not only believes that the focus is misplaced, but also that the diversities found in the exercise of the profession across Europe are precisely the reflection of the cultural differences that make Europe unique.

While understanding the need for strict implementation of EU Internal Market legislation, ACE calls on the EU Commission and Member States to resist undue deregulatory tendencies that blur professional boundaries and undermine public confidence in service providers. ACE believes that deregulation in the architectural sector cannot lead to growth because the growth of the sector depends only on the levels of investment in the building market. Rather, the key issue for economic growth in the architectural market is the quality that can be achieved and maintained, regardless of regulatory approach.



From left: Ian Pritchard (ACE Secretary General), Mariusz Ścisło (President of Association of Polish Architects SARP), Paweł Kobylański (Vice President of SARP), Elżbieta Bieńkowska (Commissioner for Internal Market, Industry, Entrepreneurship and SMEs) Wolfgang Haack (ACE Vice President), Tomasz Konior (Head of the Competition Judges Coordination Team at SARP)

The Architects’ Council of Europe (ACE) is the representative organisation for the architectural profession at European level: it aspires to speak with a single voice on its behalf in order to achieve its aims. Its membership currently consists of 43 Member Organisations, which are the regulatory and professional representative bodies in all EU Member States, Accession Countries, Switzerland and Norway. Through them, the ACE represents the interests of over 565.000 architects from 33 countries in Europe.

Contact

Architects' Council of Europe

29 rue Paul Emile Janson

B-1050 Brussels

www.ace-cae.eu

info@ace-cae.eu

T: +32 2 543 11 40

F: +32 2 543 11 41

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