



ARCHITECTS' COUNCIL OF EUROPE  
CONSEIL DES ARCHITECTES D'EUROPE

SECRETARIAT GENERAL

Architects' Council of Europe  
Rue Paul Emile Janson, 29 B-1050 Bruxelles  
Tel: (32) 2 543 11 40 Fax: (32) 2 543 11 41  
E-mail: [info@ace-cae.eu](mailto:info@ace-cae.eu) Website: [www.ace-cae.eu](http://www.ace-cae.eu)

**PRESS RELEASE  
16 JULY 2009**

**In the public interest, the architectural sector must remain as independent as possible of vested interests**

The architectural profession is, without doubt and since a long time, one of the most mobile professions in Europe and in the world. The Architects' Council of Europe (ACE<sup>1</sup>) is therefore fully supportive of the objective of the Commission to facilitate cross-border provision of services within the European Union.

Nevertheless, the ACE notes, with concern, the tendency in certain Member States, to liberally interpret the requirement that is set out in the European « Services » Directive<sup>2</sup> to examine national legislation and regulation that could, a priori, act as barriers to the free provision of services and the freedom of establishment. Among the questions that have been, or are, the subject of enquiry in several Member States are obligatory registration in an Order or Chamber and reserved functions, to mention just two striking examples among many.

Another recent example that the ACE has learnt of relates to the question of the ownership of architectural companies. This is a crucial question insofar as the holding, by architects, of a majority of the ownership, shares and decision-making powers is indispensable to guarantee, in the public interest, the independence of the professionals concerned from the vested interests of industry or economic actors to protect the interest of their clients and users.

It is recalled that one of the principles set out in the ACE Deontological Code – a reference document adopted by the General Assembly of the ACE in November 2005:

*Providers of architectural services within the European Union must be dedicated to the highest standards of independence, impartiality, professional secrecy, integrity, competence and professionalism, and to the highest possible quality of their design, technical and service output*

A systematic and ill-considered deregulation is likely to have effects that are contrary to the public interest, particularly when it comes to the architectural profession. The necessary control of the qualifications, through appropriate procedures such as registration and the respect of a deontological code; the fact that the profession is constituted, in great part across all of Europe, of very small, even micro-enterprises; the legitimate call for equal access for all enterprises to the market are, among other factors, criteria that justify the need to recognise the specific nature of the profession. It should not be forgotten that European citizens generally spend more than 90% of their time in buildings, which represent a major part of the work done by architects.

At the time when the global economic and financial crisis bears witness to the negative effects that arise when excessive confidence is placed in the capacity of the market to protect the consumer and when policies for a more sustainable development are being put in place, systematic deregulation evidently appears to be an inappropriate choice.

Already at the start of May 2009, the ACE drew the attention of the European Institutions and of the governments of the Member States to the perverse and potentially dangerous effects of certain deregulatory actions. The ACE also called on the candidates for the European Elections to give their attention to this matter and it is preparing to engage, this autumn, in a serious dialogue with the newly elected Parliament and the new European Commission that will be based on the propositions already set out in order to promote a more balanced and positive approach to (de)regulation in this sector.

Annexed to this Press Release, several recent political developments that lend support to the ACE view are set out.

<sup>1</sup> The Architects' Council of Europe (ACE) is the European organisation representing the architectural profession at European level. Its headquarters and Secretariat are located in Brussels. Its growing membership consists of Member Organisations, which are the nationally representative regulatory and professional bodies of all European Union (EU) Member States, Accession States, Switzerland and Norway. Through them, it represents the interests of about 480,000 architects. The principal function of the ACE is to monitor developments at EU level, seeking to influence those areas of EU Policy and legislation that have an impact on architectural practice and on the overall quality and sustainability of the built environment.

<sup>2</sup> Directive on Service in the Internal market (2006/123/EC), which must be fully transposed by the end of 2009



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Annexe to the ACE Press Release of 16<sup>th</sup> July 2009:

The provisions of the « Services » Directive are intrinsically linked to those of the Directive on the Recognition of Professional Qualifications in which Recital 27 reads:

*« Architectural design, the quality of buildings, their harmonious incorporation into their surroundings, respect for natural and urban landscapes and for the public and private heritage are a matter of public interest. Mutual recognition of qualifications should therefore be based on qualitative and quantitative criteria which ensure that the holders of recognised qualifications are in a position to understand and translate the needs of individuals, social groups and authorities as regards spatial planning, the design, organisation and realisation of structures, conservation and the exploitation of the architectural heritage, and protection of natural balances. »*

In the Council Conclusions on architecture and sustainable development of the 13th December 2008<sup>3</sup>:

*« Calls on the Member States and the Commission, within their respective limits and with due respect for the principle of subsidiarity (to) make allowance for architecture and its specific features, in particular its cultural aspects, in all relevant policies, especially in research, economic and social cohesion, sustainable development and education policies »*

Additionally, it is recalled that in the final declaration of the Ministers in charge of urban development who met on the 25th November 2009 in Marseille, on the invitation of the French Presidency of the Council of the European Union on the theme of « Sustainable Cities », the Ministers proposed: *« ...to consider the key role of architecture and urban quality in the process of integrated and sustainable urban development, giving particular attention to heritage, creative and innovative architectural solutions and thus achieve better quality of living environment. »*

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<sup>3</sup> Council Conclusions relating to architecture: the contribution of culture to sustainable development – OJEU 2008/C319/05