



## General Affairs

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EU Commission Services Package

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ACE position on N. Danti's draft report on the implementation of Directive  
2005/36/EC as regards regulation and the need for reform in professional services

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### **POSITION OF THE ARCHITECTS' COUNCIL OF EUROPE (ACE) AND SUGGESTION OF AMENDMENTS**

#### **to Nicola Danti's draft report on the implementation of Directive 2005/36/EC as regards regulation and the need for reform in professional services**

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 European Union (EU) Member States, Accession Countries, Switzerland and Norway. Through them, the ACE represents the interests of 600.000 architects from 31 countries in Europe.

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The Architects' Council of Europe (ACE) generally welcomes the Rapporteur's draft report. In particular, we believe that the following points **should be supported** as they contribute to a greater recognition of the quality of professional services; the importance of going beyond mere economic analysis when assessing national regulation frameworks; and the benefits of professional regulations to the society:

1. (...) *the quality of professional services is of paramount importance for preserving the EU economic, social and cultural model*

3. (...) *stresses, however, that elements beyond mere economic analysis are needed for a holistic assessment of the performance of the regulatory environment in each Member State;*

9. (...) *recalls that Member States are free to introduce new regulations or to amend existing rules restricting the access to or pursuit of regulated professions where justified by public interest objectives, including overriding reasons of general interest, reflecting thus their vision for society and their socio-economic context;*

11. *Recognises the role of professional regulation in achieving a high level of protection of public interest objectives, such as the protection of consumers, recipients of services and workers, the safeguarding of the proper administration of justice, the protection of the environment, and the preservation of national historic and artistic heritage and social and cultural policy objectives; acknowledges the margin of appreciation of Member States in determining the ways to achieve this;*

16. *Underlines that this indicator, based on numerical data and including merely an analysis of the barriers to free movement, is to be used as a purely indicative tool and does not determine automatically whether a possibly stricter regulation in some Member States is disproportionate;*

17. *Recalls that the analysis of the impact of the regulations in Member States should be subject not only to a quantitative but also to a qualitative assessment encompassing the general interest objectives and the quality of the service provided;*

On the other hand, ACE suggests a new point 16:

*16 bis: Calls on the European Commission to make the numerical data and analysis supporting the calculation of the indicator public and to review and improve the indicator on a regular basis, in consultation with stakeholders;*

#### *Justification*

For transparency reasons, it is important that all the numerical data and analysis underpinning the calculation of the indicator are made public. ACE believes that the indicator should be dynamic – the Commission should review and improve it on a regular basis, notably in order to better take into account ex-post regulation. The process should be conducted in consultation with stakeholders.