

**Mutual Recognition Agreement of Professional Qualifications between
The Architects' Council of Europe (ACE) and The Canadian Architectural
Licensing Authorities (CALA)**

TABLE OF CONTENTS:

PREAMBLE

DEFINITIONS

FORM AND CONTENT OF THE AGREEMENT

1. Participants

- 1.1 Parties to the Agreement
- 1.2 Competent Authorities
- 1.3 Status and area of competence of each Party

2. Purpose of Agreement

3. Scope of the Agreement

- 3.1 Professional activities covered

4. Mutual Recognition

- 4.1 Eligibility for recognition (including registration or licensure): common requirements
- 4.2 Specific requirements for Canadian Architect going to Europe
- 4.3 Specific requirements for EU Architect going to Canada

5. Monitoring procedure

- 5.1 The ACE – CALA Panel

6. Licensing and other provisions in the host jurisdiction

- 6.1 Recognition requirements other than qualifications
- 6.2 Equality of treatment
- 6.3 Timeliness of Application process
- 6.4 Immigration and Visa

7. Revision of the Agreement

- 7.1 Terms of review
- 7.2 Amendment
- 7.3 Withdrawal
- 7.4 Termination

8. Next steps

PREAMBLE

This document sets out the terms and conditions of a profession-to-profession agreement between the signatories on the recognition of professional qualifications in the field of architecture that is intended to facilitate the movement of Architects between the jurisdictions covered.

This Agreement recognizes the acceptable standards of education and practical training of Architects within the Members States of the European Union (EU) and in Canada, which enables them to fulfill their fundamental professional requirements. These standards recognize different national, educational traditions and, therefore, allow for factors of equivalency. Qualified applicants under this Mutual Recognition Agreement (MRA) will subsequently have to apply for registration/licensing/recognition in the jurisdiction in which they wish to pursue the practice of the architectural profession.

This MRA is meant for the recognition of Professional Qualifications to allow registration/licensing/recognition of the Architect in the host jurisdiction. It does not cover the mobility of the firms or any matters relating to the establishment thereof. In addition, this MRA does not preclude the issuance of a temporary license/authorization for specific projects in the host jurisdiction where applicable (temporary supply of services).

DEFINITIONS

ACE: Architects' Council of Europe

Architect: A person who has acquired the education and training required to permit them to pursue activities in the field of architecture, who is legally established for that purpose and who is:

- a. Registered/licensed in their Canadian jurisdiction; or
- b. Registered/licensed/recognized in their EU Member State and eligible to practice under the Professional Qualifications Directive.

CALA: The Canadian Architectural Licensing Authorities

CETA: The Canada-European Union Comprehensive Economic Trade Agreement

Competent Authority: The relevant body or its agent empowered by law to decide on applications for the recognition of qualifications and/or registration in the field of architecture by persons wishing to pursue activities in the field of architecture in its jurisdiction (Appendix 1).

Jurisdiction: Each EU Member State or Canadian Province/Territory.

Registered/licensed/recognised: a country or Member State-specific requirement depending on the conditions in place giving access to the pursuit of the professional activities concerned.

FORM AND CONTENT OF THE AGREEMENT

1. Participants

1.1 The Parties to the Agreement are:

- The Canadian Architectural Licensing Authorities (CALA); and
- The Architects' Council of Europe (ACE).

1.2 Competent Authorities

- For Canada, the Provincial/Territorial Licensing Authorities, represented by CALA;
- For the EU, those the national registration bodies and professional associations, represented by ACE.

1.3 Status and area of competence of each Party

The Canadian Architectural Licensing Authorities (CALA) is a non-governmental body with representatives of each of the Provincial and Territorial Architectural Licensing Authorities established by statute under Canadian provincial and territorial laws. Any MRA requires approval by each Provincial and Territorial Architectural Licensing Authority in Canada (see list in Appendix 1).

The Architects' Council of Europe (ACE) is a non-governmental, representative body for the architectural profession in Europe. Its membership is drawn from national regulatory and professional representative architectural organizations from all of the European Union (EU) Member States. Any agreement requires approval by the ACE General Assembly and the relevant Competent Authorities (see list in Appendix 1).

2. Purpose of the Agreement

This Agreement establishes criteria, procedures and measures for the mutual recognition of qualifications that will allow for the provision of architectural services within the jurisdictions represented by the Parties. The Parties agree that the purpose of this Agreement is to facilitate the registration/licensing of a EU Architect as a Canadian Architect and the registration/licensing/recognition of a Canadian Architect as a EU Architect.

3. Scope of the Agreement

3.1 Professional Activities Covered

The laws in force in each jurisdiction regulate the practice of architecture. Architects are required to follow the laws and codes in force in each jurisdiction in which they have been authorized to practice. Architects practicing outside their own jurisdiction under this Agreement are limited to providing no more than those services that Architects are permitted to provide in their own jurisdiction and will only provide those services that they customarily provide in their own jurisdiction; if this is less than, or equal to, the range of services permitted in the host jurisdiction.

4. Mutual Recognition

Mutual recognition means that *Architects* from the EU and *Architects* from Canada who meet the following requirements shall be eligible for registration/licensure/recognition in each other's jurisdictions:

4.1 Eligibility for recognition (including registration or licensure): common requirements

An *Architect* from the EU and Canada shall be registered or licensed or otherwise recognized and a member in good standing in its home jurisdiction and have completed a minimum of twelve years' education, training and practice in the field of architecture, in one or more of the States, Provinces or Territories of his/her home jurisdiction, of which a minimum of four years shall be post registration/licensure experience.

Any Architect who obtained authorization to practice in Canada or in the EU by way of any other MRA is not eligible under this MRA.

4.2 Specific requirements for Canadian Architect going to Europe

A qualifying *Architect* from Canada shall:

- Comply with any jurisdictional registration/licensing/recognition requirements (including requirements for practical experience);
- Submit a signed declaration indicating the candidate has met the requirements outlined in this Agreement and is not subject to any on-going disciplinary action;
- Submit a letter from the Canadian jurisdiction confirming date of registration/licensure and confirming that they are a member in good standing;
- Pay the required application fees.

4.3 Specific requirements for EU Architect going to Canada

A qualifying *Architect* from the EU shall:

- Comply with any jurisdictional registration/licensing requirements (including requirements for practical experience);
- Submit a signed declaration indicating the candidate has met the requirements outlined in this Agreement and is not subject to any on-going disciplinary action;
- Submit a letter from the EU jurisdiction confirming that the candidate meets the requirements set down in Section 46 of the EU Professional Qualifications Directive 2005/36/EC (see Appendix 2) or version of this Directive currently in force, the date of their registration/licensure and confirming that they are a member in good standing;
- Successfully undertake 10 hours of online pre-registration course to satisfy Domain Specific Knowledge requirements on topics such as building regulation, construction documents, contract administration and professional practice. Henceforth, no supplementary course shall be imposed to the EU Architect by any Canadian jurisdiction over and above what is expected of an Architect registered in a Canadian jurisdiction. Therefore, mobility of the EU Architect within Canada will be permitted on the same basis as a Canadian Architect;
- Pay the required application fees.

5. Monitoring procedure

5.1 The ACE – CALA Panel

ACE and CALA will create a joint panel of equal representation in order to facilitate the implementation of this Agreement, monitor its performance, resolve any disagreements that may arise and facilitate the practical implementation of the Agreement.

The joint Panel will report regularly to both CALA and ACE and hold meetings at least once every year to review the implementation and effectiveness of the Agreement.

The ACE – CALA Panel shall provide support with regards to:

- The application, evaluation and monitoring of the provisions of this Agreement;
- The implementation of the MRA (forms, documentation required from applicants, point of contact, time-frame for processing, fees, etc.);
- Dispute resolution process for applicants.

6. Licensing and other provisions in the host jurisdiction

6.1 Recognition requirements other than qualifications

- Establishment & residency requirements:
 - In the case of the temporary or occasional provision of services, it is recommended that there be no requirement as to the establishment of a commercial presence or residency in the host country.
 - In the case of establishment, there may be, for reasons of transparency or public interest, a requirement for a commercial presence or residency in the host country.
- Language requirements:

Applications for registration or recognition shall be made in the language of the host jurisdiction. Unless provided otherwise by local laws, there shall be no imposition of any additional language requirements in respect of procedures to recognize professional qualifications under the terms of this Agreement.
- Compliance with host country laws, regulations, rules of conduct and ethics

Successful applicants shall, when providing architectural services in a host country, comply with laws, regulations, rules of conduct and ethics, for instance: mandatory professional indemnity insurance, continuing education, continuing professional development, registration fees and practice names.

6.2 Equality of treatment

The Canadian Provincial/Territorial Licensing Authorities and the EU Competent Authorities shall prescribe registration and other fees for a successful applicant equal to the fees applicable to local Architects. Unless provided otherwise in this Agreement, no additional requirement shall be imposed on the Architect registered/licensed/recognized under the terms of this Agreement.

6.3 Timeliness of Application Process

The Competent Authority of the host jurisdiction shall acknowledge receipt of the application within one month of receipt and inform the applicant of any missing document.

The procedure for examining an application under this MRA must be completed as quickly as possible and lead to a duly substantiated decision by the Competent Authority in the host jurisdiction in any case within three months after the date on which the applicant's complete file was submitted.

6.4 Immigration and Visa

Parties agree that registration/licensure/recognition in a host jurisdiction does not preclude the need to comply with applicable immigration and visa requirements in the host jurisdiction.

7. Revision of the Agreement

- 7.1 Terms of review: the content of the Agreement shall be subject to review at intervals to be determined by ACE and CALA.
- 7.2 Amendment: this Agreement may only be amended with the written consent of ACE and CALA.
- 7.3 Withdrawal: any Canadian Provincial and Territorial jurisdiction or any EU Member State jurisdiction may withdraw from this Agreement with 90 days written notice given to CALA or ACE. In the event of withdrawal, all licenses/registrations/recognitions granted to Architects pursuant to this Agreement to the date of withdrawal shall remain valid as long as renewal obligations are met, but new applications from Architects from these jurisdictions will not be considered.
- 7.4 Termination: ACE or CALA may invoke termination of this Agreement with 90 days written notice to the other party. In the event of termination, all licenses/registrations/recognitions granted to Architects pursuant to this Agreement to the date of Termination shall remain valid as long as renewal obligations are met.

8. Next steps

This MRA shall be concluded by ACE and CALA in 2018 and notified to the CETA MRA Committee in the form of a Recommendation that a MRA be negotiated under the CETA to reflect the terms contained herein. The date of entry into force of the MRA will be determined by the CETA MRA Committee.

9. Signatures of Parties

Signed in Brussels, 20 April 2018.

The Architects' Council of Europe

Georg Pendl, ACE President

Ian Pritchard, ACE Secretary General

Witnessed

Luciano Lazzari, ACE Immediate Past President

Olga Mihalikova, Chair of ENACA
(European Network of Architects' Competent Authorities)

The Canadian Architectural Licensing Authorities

Peter Streith, Chair of CALA International Relations Committee

Dave Edwards, Member of CALA International Relations Committee

Nathalie Dion, Member of CALA International Relations Committee

Witnessed

Jean-Pierre Dumont, CALA International Relations Committee
Administrator

Ratified in Montreal, 27 October 2018.

Architectural Institute of British Columbia

Alberta Association of Architects

Saskatchewan Association of Architects

Manitoba Association of Architects

Ontario Association of Architects

Ordre des architectes du Québec

Architects' Association of New Brunswick/
Association des architectes du Nouveau-Brunswick

Nova Scotia Association of Architects

Architects Association of Prince Edward Island

Architects Licensing Board of Newfoundland and Labrador

Northwest Territories Association of Architects

Appendix 1: List of Competent Authorities

Appendix 2: Section 46 of the EU Professional Qualifications Directive 2005/36/EC

APPENDIX 1

LIST OF COMPETENT AUTHORITIES

To be updated periodically

Austria	Bundesministerium für Wissenschaft, Forschung und Wirtschaft
Belgium	Ordre des Architectes
Bulgaria	Chamber of Architects
Croatia	Hrvatska komora arhitekata
Cyprus	Technical Chamber of Cyprus
Czech Republic	Ceská komora architektu
Denmark	n/a
Estonia	Majandus- ja Kommunikatsiooniministeerium
Finland	Opetushallitus
France	Ministère en charge de la culture - Direction générale des patrimoines - Service de l'architecture Conseil régional de l'Ordre des architectes (du lieu d'exercice de l'activité)
Germany	Bundesministerium für Wirtschaft und Technologie
Greece	n.a.
Hungary	Budapesti Építész Kamara
Ireland	Royal Institute of the Architects of Ireland
Italy	Ministero dell'Istruzione, Università e Ricerca - Dipartimento per la formazione superiore e per la ricerca - DG SINFS
Latvia	Akadēmiskās informācijas centrs Latvijas Arhitektu savienība
Lithuania	Lietuvos Respublikos aplinkos ministerija
Luxembourg	Ministère de l'Economie, Direction générale PME et Entrepreneuriat
Malta	Bord tal-Warrant tal-Periti
Netherlands	Bureau Architectenregister
Poland	Krajowa Rada Izby Architektów RP
Portugal	Ordem dos Arquitectos
Romania	Ordinul Arhitecților din România
Slovakia	Slovenská komora architektov
Slovenia	Zbornica Za Arhitekturo In Prostor Slovenije
Spain	Ministerio de Fomento (Subdirección General de Normativa y Estudios Técnicos, Secretaría General Técnica)
Sweden	Högskoleverket
United Kingdom	Architects Registration Board

APPENDIX 2

DIRECTIVE 2005/36/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 7 September 2005

on the recognition of professional qualifications

Section 8

Architect

Article 46

Training of architects

1. Training as an architect shall comprise a total of at least four years of full-time study or six years of study, at least three years of which on a full-time basis, at a university or comparable teaching institution. The training must lead to successful completion of a university-level examination.

That training, which must be of university level, and of which architecture is the principal component, must maintain a balance between theoretical and practical aspects of architectural training and guarantee the acquisition of the following knowledge and skills:

- (a) ability to create architectural designs that satisfy both aesthetic and technical requirements;
- (b) adequate knowledge of the history and theories of architecture and the related arts, technologies and human sciences;
- (c) knowledge of the fine arts as an influence on the quality of architectural design;
- (d) adequate knowledge of urban design, planning and the skills involved in the planning process;
- (e) understanding of the relationship between people and buildings, and between buildings and their environment, and of the need to relate buildings and the spaces between them to human needs and scale;
- (f) understanding of the profession of architecture and the role of the architect in society, in particular in preparing briefs that take account of social factors;
- (g) understanding of the methods of investigation and preparation of the brief for a design project;
- (h) understanding of the structural design, constructional and engineering problems associated with building design;
- (i) adequate knowledge of physical problems and technologies and of the function of buildings so as to provide them with internal conditions of comfort and protection against the climate;
- (j) the necessary design skills to meet building users' requirements within the constraints imposed by cost factors and building regulations;
- (k) adequate knowledge of the industries, organisations, regulations and procedures involved in translating design concepts into buildings and integrating plans into overall planning.

2. The knowledge and skills listed in paragraph 1 may be amended in accordance with the procedure referred to in Article 58(2) with a view to adapting them to scientific and technical progress.

Such updates must not entail, for any Member State, any amendment of existing legislative principles relating to the structure of professions as regards training and the conditions of access by natural persons.