



Mr Thierry BRETON  
Commissioner for the Internal Market

Copy to:

- Mr Valère MUTARLIER, Head of Cabinet
- Ms Lucia CAUDET, Deputy Head of Cabinet
- Ms Gaëlle GARNIER, Member of Cabinet
- Ms Agnieszka SKONIECZNA, Member of Cabinet
- Ms Pauline WEINZIERL, Member of Cabinet

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Brussels, 27 May 2020

Dear Mr. Breton,

On behalf of the Architects' Council of Europe, I am writing to congratulate you on your appointment as Commissioner for the Internal Market. We are looking forward to cooperating with you and meeting you in the future.

The Architects' Council of Europe, ACE, is the voice of the architectural profession in Europe. Our Members represent 565.000 architects and as one of the 7 sectoral professions in the Qualification Directive (PQD), our work is recognised as being in the public interest, achieving quality in the built environment by reconciling the needs of clients and the public, while taking into account economic, social, cultural and sustainability considerations. Moreover, the Council of Ministers has included a work strand on "high quality architecture and built environment for everyone" in its work programme for culture.

Architects play a significant role in the design and delivery of the built environment. Their input to achieving quality homes has a direct correlation with health and the economy (contributing to the economic attractiveness of an area).

Regarding the current challenges presented by the Covid-19 crisis and in the interests of the profession and other market participants, we have started a reflection on how to kick-start the building sector and respond to the impact of the crisis. Therefore, we would like to draw your attention to the following concerns which relate, in particular, to SMEs, market access and public procurement.

The last modernisation of the Public Procurement Directive was well received, but there is more to be done.

**Simplification** - ACE welcomes the Commission's intention, as set out in its SME strategy of March 2020, to make public procurement practices more SME-friendly and less bureaucratic, to simplify administrative procedures and expand strategic procurement. In the current situation, simpler procedures could help firms to participate in the market more easily and overcome the crisis without State aid. Therefore, it should be made possible for local administrations to organise tenders in a more flexible and less formal way. This would be in line with the Commission's aim to improve the framework conditions for service providers, especially SMEs -which make up the majority of our profession.

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**Awarding criteria** - with respect to the award of contracts for architectural services in the public sector, we propose that awarding authorities give smaller firms and young professionals the chance of winning contracts for appropriate assignments. 96% of architectural firms are micro-enterprises with 1-5 staff. Turnover, past experience requirements and framework agreements tend to exclude SMEs from the market – and fewer participants means less innovation.

**Mitigation of Design & Build practices** - the effect of bundling all planning services related to a construction project within a single public procurement is similar. This leads to more invitations to tender for general construction industry contracts, with the result that even more architectural offices are excluded from procurement markets.

Therefore, the suitability criteria for SMEs to participate in public tender procedures should be designed so that awarding authorities may utilise the potential available in the best possible way, while not over-burdening administrative aspects.

**Architectural Design Competitions (ADCs)** - we advocate the use of the Architectural Design Competition as a quality-based, project orientated selection procedure with a long tradition which offers all architects the chance to take part, while the jury's decision is based on the quality of the project. It is also a future orientated procedure, as this quality-based selection is not focused on past achievements. It gives the awarding authority the opportunity to compare best solutions, also with regard to the costs of construction and later operation for each individual construction project, accompanied by professional advice. Anonymity ensures fairness and ADCs are one of the strongest tools to foster cross-border service provision.

Architects can provide high quality solutions via the competition process. Quality imparts value. Caring for aesthetics, functionality and durability is caring for value. Quality architecture creates long term value for clients, users and societies, as well as sustainability, limiting carbon footprint. Value is much more than the fee the client pays to the architect, which only represents a few days of the running costs of a building.

The health crisis forces us all, in the various Member States, to reflect on the quality of life of our citizens, the design of housing, especially the quality of apartments, tomorrow's urbanisation and the socio-economic re-balancing between different areas. The Architects' Council of Europe calls on the European Union to develop new strategies for the sustainable and virtuous development of land that is de-carbonised, resource efficient and respectful of the health and well-being of inhabitants.

Thank you in advance for your comprehension. As stressed before we would be very grateful to have the opportunity to meet you and explain our concerns personally to you. Our professional expertise and responsibilities cover topics from culture, built environment, circular economy, climate change to single market issues as well as professional qualifications and services.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Georg Pendl', is positioned above the typed name.

georg pendl  
ACE President