



ARCHITECTS' COUNCIL OF EUROPE  
CONSEIL DES ARCHITECTES D'EUROPE

SECRETARIAT GENERAL

Architects' Council of Europe  
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**PRESS RELEASE**  
**5<sup>th</sup> May 2009**

***The Architects' Council of Europe (ACE)<sup>1</sup> draws the attention of the EU Institutions and competent authorities in the Member States to the potentially undesired effects of ill-thought deregulatory activities, notably in the case of the architectural profession, which could result in a lesser degree of consumer protection and which could negatively impact on the public interest and on the overall quality and sustainability of the built environment.***

***The recognised need to further facilitate the cross-border provision of services in the EU should not lead to deregulation actions that are based on wrong assumptions and interpretations that claim there are potential benefits to systematic deregulation. This is particularly the case in a sector that impacts so profoundly on society. It appears that maybe not all lessons have yet been learnt by public authorities from the global financial and economic crisis, which were caused, precisely, by an overly confident belief in fully market-based approaches. Deregulation seems to continue to be seen as the panacea.***

***Furthermore, the ACE also calls on all candidates to the European Elections in 2009 to give appropriate consideration to this topic and it is preparing to submit, in due course, a proposal for a more balanced and positive approach to regulation in this sector, to the newly elected European Parliament and new Commission that will be appointed, with a view to establishing a structured dialogue on these topics.***

At its General Assembly meeting held in Helsinki at the end of April 2009 the Member Organisations of the ACE examined the situation that is being faced by the official Representative Organisations of the architectural profession in some Member States in the context of the transposition of the "Services" Directive (2006/123/EC) into national law that must be completed before the 28<sup>th</sup> of December 2009.

Over the last few months and years there has been an increasing tendency in the EU to adopt cross-sectoral approaches to the business environment of professional services whereby the specific features of certain professions and activities, certainly in the case of the architectural profession, are not adequately or sufficiently taken into account. This is true, in particular, with regard to the screening exercise of regulatory aspects imposed on the Member States by the Services Directive (e.g. Articles 14 and 15).

Of particular concern to the ACE is the fact that there appears to be a conceptually flawed thinking that derives from the assumption that certain aspects of the regulatory framework of the architectural profession, such as, for example, mandatory registration procedures, impede the principle of the freedom to provide services whereas the contrary is the case – such procedures are useful and necessary safeguards for the consumer. The ACE takes the view that it is important to ensure that at any rate, appropriate regulation is in place in order to safeguard the public interest.

The ACE has adopted a series of Policy Recommendations (annexed to this Press Release) that will, in close coordination with the Member Organisations of the ACE, be transmitted to the candidates for the European Elections in the coming weeks. Furthermore the ACE is preparing several guidelines in relation to relevant aspects of the specific chapter on quality of services contained in the "Services" Directive that is intended for dissemination at the time when the Directive will come into force later this year.

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<sup>1</sup> 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 growing membership currently consists of 46 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 over 480,000 architects from 33 countries in Europe.



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## Policies of the ACE

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European Elections 2009

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ACE Policy Statements

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Final

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### Introduction

At its meeting held in Helsinki on 24th April 2009 the General Assembly of the Architects' Council of Europe has endorsed the following Policy Statements.

## ACE' Policy Statements Addressed to Candidates to the European Elections

### Ensure Procurement in the Built Environment is Quality-Based

- Ensure that the procedures used for the procurement of buildings and all structures that constitute the built environment, in particular for those projects that receive public funding, are conceived and implemented in such a way that they permit the selection of the best quality proposals having regard to sustainability, architectural quality and life cycle costing. Public purchasers must be alerted to the fact that in relation to the built environment the most economically advantageous tender that includes quality criteria must always be preferred. Furthermore adopt relevant measures, including an early revision of the Public Procurement Directives, to ensure that the market for architectural services remains open in a level-playing field, especially for innovative and emerging talent and for alternative systems of delivery that are quality based.
- There is a tendency in certain Member States to generalise the recourse to Public-Private Partnerships (PPP) whereby this shows a (mis)use of the principles of such PPPs by wrongly extending this method to the procurement of buildings. There is enough evidence of the perverse, negative effects that result from an excessive use of design & build approaches that do not guarantee the independence of the architect to preserve the general interest and to ensure a coherent quality based outcome.
- More generally it is necessary to adopt more positive attitudes towards the regulatory environment of the architectural profession and conditions of architectural practice, in the public interest, taking due account of the specific nature of architectural services and of their fundamental impact on the health and welfare of society as a whole while not transgressing the fundamental principles of the EU.

### Create Adequate Conditions for Enhancing Quality of the Environment for Living in Europe

- Adopting integrated and holistic approaches that take more than economic and technical aspects into account so as to include social and cultural considerations is the only option for the European Union to allow it to achieve all and any political objectives and targets it has set out that affect the quality and sustainability of the built environment. It is only by doing so that it may be able to answer the expectations of society and of future generations for a better quality of life.
- There is an urgent need to elaborate and build upon the policies and other relevant political conclusions and declarations, relating to architecture and the built environment, that have been adopted over recent years at EU level such that their recommendations become truly integrated into all EU policies and legislation and, furthermore, see to their effective transposition in the Member States.

- New approaches and methodologies must be developed to describe and assess the quality of the built environment, in all its dimensions, so that new criteria and tools are made available to procurement and local authorities for use when they are judging the quality and sustainability of projects and taking decisions about the management, development or re-development of the human habitat.
- The European Commission, Member States and Local Authorities, through the adoption and implementation of coherent and well-thought out architectural policies, must ensure that decision-makers at all levels and the public at large are aware of the positive benefits that architecture can bring to their daily lives so that they will strive to enhance the overall quality and sustainability of the built environment.
- There is a need to put actions behind the words of the European Economic Recovery Plan by giving to the construction sector, and thus to the architectural profession for its specific skills in synthetic and holistic problem solving, the necessary resources for it to achieve its Strategic Research Agenda, especially in relation to the energy efficiency of buildings, thus allowing the emergence of the necessary innovations that are needed for the achievement of the targets of the EU, having regard, in particular, to the existing building stock and, more generally, architectural heritage.

#### **Develop a Converging Approach to Ensure Adequate Level of Qualifications of Persons who provide Architectural Services**

- It is essential to ensure that those who provide architectural services have acquired the necessary skills and experience commensurate with a task that has a profound effect on society and, at the same time, guarantees a high level of quality of the service and of protection of the end-user. Deriving from there the Professional Qualifications Directive must be revised as soon as possible to change the required minimum duration of studies for architects from four to five years (or the equivalent on a part-time basis) supplemented by a period of two years qualifying professional practice experience.
- The topic is also relevant in relation to the globalisation of trade, in particular at a time when there is an acceleration of the process for the negotiations of mutual recognition of architectural qualifications and, beyond, of architectural service agreements, in the context of existing and ongoing trade negotiations between the EU and third countries or regions so as to open up, in a truly reciprocal and equivalent manner, new markets for the architects of Europe and the world, now and for future generations.

#### **Review Institutional Structures at all Levels to Deliver More Efficiency**

- Ensure that the structures of the European Commission, the European parliament and other relevant bodies are able to respond to the challenges presented by the objective of achieving true sustainable development by streamlining the manner in which the built environment and all related issues are managed and coordinated within the services of the Commission so that a more integrated and holistic approach can be applied in policy and legislative developments in this field. In particular the ACE calls for the continued existence of the parliamentary Intergrup Urban.Logement.

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<sup>i</sup> The ACE is the representative body of the architectural profession at European level, representing, through it Member Organisations, about 480,000 architects in 33 Countries that include all EU-27 States, most Candidate Countries, Norway and Switzerland.