

Approved unanimously by the Assembly of the Architects Council of Europe 16th November 2001, amended by the Comité Mexicano Para La Practica Internacional De La Arquitectura 5th March 2002, and as amended by ASINEA 12th March 2002.

Letter of Intent

Committee for the Analysis of Architectural Professional Practice in the Republic of Mexico and the Architects Council of Europe representing Architects within the Member States of the European Union.


Representatives of the architectural profession in the Republic of Mexico and in the European Union, set forth this letter of intent, in order to establish the mechanisms that will allow the barrier-free provision of architectural services between the signatories. For such purpose, it is necessary to reach a joint understanding of the characteristics, including knowledge, skills, abilities, attitude and values required for the international practice of the architect both in the Republic of Mexico and in the Member States of the European Union. These characteristics are universal in their breadth and their application, as they go beyond formal education and regulation of the Architect's profession, evaluation processes and their application, as well as principles of practice and other institutionalised administrative structures of both the Republic of Mexico and of the Member States of the European Union. The search for common ground in the practice of architecture among the architects of these two political and economic entities will be framed within their respective socio-cultural, economic, professional and political environments.

Likewise, this letter of intent recognises that architecture is a rigorous act of creativity, research and a knowledge encouraged by diversity and the challenge of regulations while protecting cultural drifts, urban scale, built heritage and their respective environments. This commitment implies, therefore, complete respect towards the local culture and traditions, as well as towards the systems of education, evaluation, regulation of Architects and the professional practice of architecture applicable in each of the participating political and economic entities.

Hence, within their unique circumstances and conditions, the Architects of the European Union and of the Republic of Mexico seek to fulfil the challenge and commitment of international architectural mutual relationships responsive and sensitive to differing perspectives, with the mutual recognition of credentials and full unambiguous market access as the goal, in an environment of respect and fruitful international practice between the parties.

Architects of the Republic of Mexico and of the European Union believe that our contributions to society are similar. We are united in a common spirit irrespective of geographic context or specific regulatory differences.


We accept the responsibility to support the developing process towards the rapid achievement of these objectives amplified in the appended accord.



FEDERACION DE
COLEGIOS DE ARQUITECTOS
DE LA REPUBLICA MEXICANA



ARCHITECTS
COUNCIL OF
EUROPE



ASOCIACION DE
INSTITUCIONES DE
LA ENSEÑANZA DE LA
ARQUITECTURA

**Mutual Recognition Agreement for architects within both
the Republic of Mexico and the European Union**

1 Background

The Republic of Mexico and the European Union have decided to develop an Agreement containing criteria, procedures and measures for mutual recognition of diplomas and certificates, that will result in the enrichment of the architectural profession internationally through full and unambiguous market access to both political and economic entities

Once agreement has been reached at the level of the architectural profession, it will be passed on to the trade representatives of the EU Member States and the trade directorate (D-G MARKT) of the European Commission as well as to the Government Trade Representatives in the Republic of Mexico. This Agreement will only become binding once agreement has been reached at political level for this Agreement to be included in a Services annex to the EU-Mexico Free Trade Agreement

Mutual Recognition means that a Mexican architect with a professional diploma and 'cédula' shall be recognised as an Architect in any EU Member State, and an architect in any Member State of the European Union, under the terms of EU Directive EEC 85/384, shall be accepted as an architect throughout the Republic of Mexico.

Provisions under this Agreement will only be applied exclusively to nationals of the Republic of Mexico and of the European Union qualified to practice architecture in their own countries.

2 Representatives

The authorised and recognised entities representing the professionals of architecture in each of the countries are the following:

Mexico: COMPIA, Comité Mexicano para la Práctica Internacional de la Arquitectura, integrated by members of the Federación de Arquitectos de la República Mexicana, FCARM, and of the ASINEA, Asociación de Instituciones de Enseñanza de la Arquitectura.

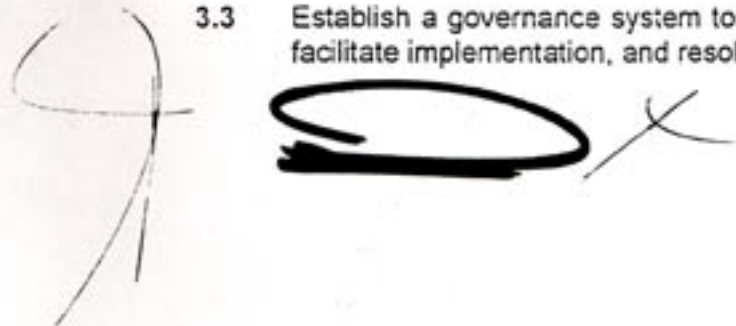
Architects Council of Europe: comprising the following member countries: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom.

3 Goal Statement:

The goal of the proposed Agreement is the inter-recognition of architects credentials in Mexico and the European Union to facilitate a reciprocal free trade agreement in architects' services within the context of the EU-Mexico Free Trade agreement.

It is proposed that this goal can be achieved through fulfilment of the following objectives:

- 3.1 Establish mutually acceptable standards for practice and professionalism, including expertise, autonomy, commitment, and accountability
- 3.2 Develop an agreement that can serve as a model for future international agreements governing barrier free trade in architect's services.
- 3.3 Establish a governance system to serve the Agreement that will monitor performance, facilitate implementation, and resolve controversies.



4 The Profession of Architecture:

4.1 Principles of Professionalism:

Members of the architectural profession are dedicated to standards of professionalism, integrity and competence, and thereby bring to society unique skills and aptitudes essential to the sustainable development of the built environment and the welfare of their societies and cultures. Principles of professionalism are established in legislation, as well as in codes of ethics and regulations defining professional conduct.

.1 Expertise:

Architects possess a systematic body of knowledge, skills and theory developed through education, graduate and post-graduate training, and experience. The process of architectural education, training and examination is structured to assure the public that, when an architect is engaged to perform professional services, that architect has met acceptable standards enabling competent performance of those services. Furthermore, members of most professional societies of architects are charged to maintain and advance their knowledge of the art and science of architecture, to respect the body of architectural accomplishment, and to contribute to its growth.

.2 Autonomy

Architects provide objective expert advice to the client and/or users. Architects are charged to uphold the ideal that learned and uncompromised professional judgement should take precedence over any other motive in the pursuit of the art and science of architecture. Architects are also charged to embrace the spirit and letter of the laws governing their professional affairs and to consider thoughtfully the social, urban and environmental impact of their professional activities.

.3 Commitment:

Architects bring a high level of selfless dedication to the work done on behalf of their clients and society. Members of the profession are charged to serve their clients and the public in a competent and professional manner and to exercise unprejudiced and unbiased judgement on their behalf.

.4 Accountability:

Architects are aware of their responsibility for the independent and, if necessary, critical advice provided to their clients and for the effects of their work on society and the environment. Architects undertake to perform professional services only when they, together with those whom they may engage as consultants, are qualified by education, training, and/or experience in the specific technical areas involved.

Through the Free Trade Agreement, architects of the Republic of Mexico and of the European Union seek to establish principles of professionalism and professional standards in the interest of society, architecture, the environment, culture and public health, safety, welfare, and following the legislation in each of the countries where the architect's service is carried out. The Agreement supports the position that inter-recognition of standards of professionalism and competence is in the greater public interest as well as in the interest of maintaining the credibility of the profession.



This free trade Agreement is aimed at acknowledging the thorough education and practical training of architects within both the Republic of Mexico and the Member States of the European Union so that they are able to fulfil their fundamental professional requirements. These standards recognise different national educational traditions and, therefore, allow for factors of equivalency.

5 Scope of Professional Practice

5.1 Practice of Architecture

The practice of architecture may consist of the provision of professional services in connection with town planning and the design, construction, enlargement, conservation, restoration or alteration of a building or group of buildings. These professional services may include, but are not limited to, planning and land-use planning, programming, provision of preliminary studies, designs, models, drawings, specifications and technical documentation, co-ordination of technical documentation prepared by others as appropriate and without limitation, administration of the construction, licenses and permits, monitoring of construction, known in the Republic of Mexico as 'supervision', and project management.

The scope and regulation of architecture in each jurisdiction involved shall be mentioned.

- The practice of architecture is regulated by the laws in force in each jurisdiction. Architects who are holders of a 'cédula' or are registered (or equivalent where there is no registration authority) in a state or a country, will be compelled to follow the laws and a codes in force in each jurisdiction where they have been authorised to practice.
- Architects practising outside their own country under this agreement should be limited to providing those services that local architects are permitted to provide and will only be allowed to provide those services they customarily provide in their own country if less than those services permitted in the host country.

6 Education

Architectural education should ensure that all graduates have knowledge and ability in architectural design, including construction technology and the mechanisms of integrated supply-chain management, as well as considerations of health, safety and sustainability; that they understand the cultural, intellectual, historical, social, economic, legal and environmental context for architecture; and that they comprehend thoroughly the architects' roles and responsibilities in society, which depend on a cultivated, analytical and creative mind.

Current standards to obtain the academic grade of architect in the participating jurisdictions shall be listed.

7 Diploma, Register Certificate and Professional 'CÉDULA'

Registration (or equivalent where there is no registration authority), the granting of the diploma or certificate, as the case may be, are the official legal recognition of an individual's qualification to use the title architect and to offer architectural services to the public.

Current standards for the granting of diplomas or certificates in each of the jurisdictions involved shall be listed.

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8 Professional Services

Professional practice referred to in this document is any group of services that need a professional 'cédula' or registration (or equivalent where there is no registration authority) in each jurisdiction. These services may include one or more of the following:

- A Advise regarding professional services of architecture
- B Analysis of the architectonic requirements
- C Development of architectural designs and projects from the preliminary schemes and studies along with the corresponding sketches, through the proposal on specifications and other planning tools whenever required by the authorities or by the characteristics of the project.
- D Co-ordination, management and integration of the supply chain, and review processes of compliance of governmental dispositions.
- E Contractual administration, which includes the review of the progress of the supply chain, formulation of specifications and reports, as well as work related to architectonic direction and "supervision" or monitoring of the construction.

9. Local knowledge

Architects carrying out trade in architectural services in the host jurisdiction shall be responsible for obtaining local knowledge of that jurisdiction

10 Conduct and Ethics

Architects practising in the host jurisdiction shall observe and follow the Guidelines for the UIA Accord Policy on Conduct and Ethics which forms part of the UIA Accord on Recommended International Standards of Professionalism in Architectural Practice, in addition to fulfilling the professional codes and legislation in force in the host jurisdiction .

11 Mutual Recognition Procedure

11.1 Requirements for a Mexican architect who wishes to provide services within any Member State of the European Union:

- .1 Have a professional degree and architect's 'cédula'
- .2 Have at least five years, post registration professional practice experience validated by the relevant Authority of the jurisdiction (Colegio) and certified by the Federación de Colegios de Arquitectos de México, FCARM.
- .3 Be granted by the FCARM a document certifying that the architect has a professional diploma and 'cédula' which enables him to practice as an architect, in addition to having at least five years of post registration certified practice experience.
- .4 Submit the aforementioned certifying document to the relevant authority of the host EU Member State in which the Mexican architect wishes to practice, so that this Authority may issue a recognition document acknowledging him as an architect, and which shall be accepted in the entirety of the EU Member State where it has been issued.

- .5 Be granted, by the relevant authority that issues the authorisation to practice in that host jurisdiction, registration to practice as an architect (or equivalent where there is no registration authority).
- 11.2 Requirements for an architect from any Member State of the European Union to provide services within the Republic of Mexico:**
- .1 Have a professional degree of architect granted by an accredited educational institution (as listed in EU Directive 85/384)
- .2 Have a professional registration (or equivalent where there is no registration authority) in force in his jurisdiction.
- .3 Have post registration professional practice experience (or equivalent where there is no registration authority) of at least five years, certified by the national relevant authority of the EU Member State, according to national laws, except where a mandatory monitored period of either one or three years professional practice experience is required by a jurisdiction after a five or six year full time university qualification in architecture in accordance with EU Directive EEC 85/384 and prior to passing an examination for the purposes of registration, (e.g Ireland, UK and Austria), where such experience shall be deducted from the five year requirement..
- .4 Be holder of a document where the national professional organisation of the EU Member State , certifies that this registration (or equivalent where there is no registration) is in force and that the architect of the EU Member State has at least five years of post registration professional practice experience, except where a mandatory monitored period of either one or three years professional practice experience is required by a jurisdiction after a five or six year full time university qualification in architecture in accordance with EU Directive EEC 85/384 and prior to passing an examination for the purposes of registration, (e.g Ireland, UK and Austria), where such experience shall be deducted from the five year requirement.
- .5 Submit the aforementioned certifying document to FCARM so that they can issue a recognition document which acknowledges the architect from the EU Member State as an architect, and which shall be accepted in all States of the Republic of Mexico without any barrier whatsoever.
- .6 Be granted by the Dirección General de Profesiones, DGP, a professional 'cédula' that will enable the EU architect to practice as an architect in the Republic of Mexico and which shall be accepted in all federal entities of the Republic of Mexico. Architects from a EU Member State practising in the Republic of Mexico shall follow the current legislation of that jurisdiction in which they have been authorised to practice.

12 Implementation plan

The application of the provisions under this document, makes it necessary to establish mechanisms and procedures which will include, among others:

- A The necessary rules and procedures for the application and control of the provisions in this Agreement.
- B An information source in each country so architects know about opportunities, registration requirements and even the sanctions that might be applied according to this document.

- C Communication mechanisms so architects within the participating jurisdictions will understand the rights and obligations they will have when they are granted a 'cédula' or registration (or equivalent where there is no registration authority) to practice their profession internationally.
- 12.1 The professional bodies that have contributed to its formulation commit themselves to submit this document to the corresponding national relevant professional organisations and government trade representatives in order to be able to put this Agreement into practice at the political level.
- 12.2 The professional bodies of the participating jurisdictions will keep in constant communication and will, as well, hold meetings at least every two years to review and bring up to date, assisted by guests they consider the most appropriate, the implementation situation and the effectiveness of this Agreement.
- 12.3 These bodies will be able to determine any modification or addition to this document, as long as these are decided and approved in accordance with the juridical procedures of each body, and will be part of this document.
- 12.4 If either the Republic of Mexico or the European Union would wish to withdraw from this agreement, it will let the other signatory know of this decision.
- 12.5 This Agreement will only come into force once it has been approved through the established political processes of both the European Union, and the Republic of Mexico.

END

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