



Professional Mobility & Regulations

Notes of the meeting held on 20-21 May 2015 in Paris

Decisions & Actions

Final

Introduction

A horizontal coordination meeting was held in Paris on 20-21 May 2015 bringing together work group chairmen and other representatives from the following ACE work groups

- Professional Qualifications Directive (PQD), Professional Practice Experience (PPE) and Continuing Professional Development (CPD);
- Trade in Services (TinS);
- Regulatory Questions & Issues (RQI) – including Services in the Internal Market – SIM);
- Scope of Service (SoS) & Liability / Insurance

to focus on defining common ground relating to Professional Mobility & Regulations and number of recommendations for submission to the Executive Board for debate and decision.

The aim of the meeting was to evaluate a number of historical ACE positions, test their continued validity and establish whether there was any need for revision. Furthermore, new political positions established in support of the ACE Manifesto for the European Parliament elections were also evaluated with regard to their compatibility and potential demand for supplements.

For a variety of reasons, ACE currently finds it very difficult to establish political positions. The number of position papers produced by ACE is impressive – however, a significant number of these tackle internal ACE issues, frequently dealing with the differences rather than focusing on areas of common ground for architects all over Europe. This applies, for example, to the Sector Study, which identifies differences instead of commonalities. It also applies to the studies on Cost Information Systems and Scope of Service (mission).

To promote ACE and market the brand “Architect” in Europe, it might be more to the point to concentrate on the common grounds instead. If so, ACE’s position as a competent partner for political exchange and discussions with the other European stakeholders and institutions will be strengthened.

But this does not mean that ACE should advocate the lowest common denominator – rather, its positions should appear less “diverse” or “divergent”. This would certainly facilitate negotiations with third countries and the EU Commission, and should also promote an *Esprit de Corps* among professionals.

Objectives

What are our common grounds?

a) Does ACE stand for architects as predominantly liberal professionals, or is this aspect of no great importance? (references: multi-disciplinary practices, commercial architects);

b) Can we identify common ethical values? Is the ACE Deontological Code, adopted, after the publication of the SIM Directive still suitable?

c) What is the core Scope of Service (mission) of the profession in Europe that ACE may represent? (References: P. Ridgway's mission paper, Peer review cf. Art. 59 PQD)

d) Another common denominator is the fact that all over Europe the work of architects is regulated, albeit through various systems (ranging from Austria to Finland).

e) Professional practice requirements prior to market access (not registration!) are common all over Europe. How should this fact be illustrated?

Even where our commonalities seem weaker, we must realise that this applies likewise to our counterparts like USA or Canada:

f) The varying minimum duration of studies in European countries is somewhat relative when taking into account that in the USA, for example, a masters course in architecture is accessible for holders of a Bachelor degree in Arts – implying that the architectural studies last no more than the duration of a Masters' degree.

g) Whereas accreditation systems vary throughout Europe, the Notification System is common to all EU Member States. Consequently, we should reconsider our position accordingly.

h) Even if there are different fees or budgeting systems for architectural services in Europe, we should try to find a common description for them.

Our common grounds are much stronger than our differences.

Discussion and key recommendations

A. PROFESSIONAL QUALIFICATIONS, ALIGNING EU AND INTERNATIONAL STANDARDS

1. Professional Qualifications Directive

PQD Transposition Guide

M Hynds o' Flanagan reported that she had drafted a list of issues to be addressed (mostly by the MOs) including:

- Process and administrative co-operation;
- Recognition systems;
- Standards;
- Qualifications;
- Partial Access;
- CPD (under the remit of DG SANCO, not DG GROWTH) ¹

Given that Annex V of the PQD reflects the lowest common denominator, and national standards are invariably higher, it was agreed that

R-1	<p>PQD: ACE should not build its CPD policy on the minimum standards of the Commission, but on its own, higher standards.</p> <p>MHo'F agreed to adjust ACE Manifesto Policy Position no. 7 (arguing for "5+2") to mention the importance of alignment with international standards (cf. UNESCO-UIA Charter).</p>	MHo'F
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It was underlined that at the time of the next quinquennial review, the focus needed to be much more on the MOs (where there had been weaknesses at the time of the last review).

Modernisation Report

MHo'F reported that this looked at qualifications standards for recognition as an architect (with responses from 18 MS). In a second stage, she proposed to take data from the Transparency Review to ascertain which MS were at the minimum level, and which were not. Underlining the fact that some countries regulate in different ways (ex ante, ex post), W Haack stressed the importance of highlighting common ground.

The UK argued for flexibility regarding duration of study (in the light of student debt in that country). MHo'F observed that the option of looking at ECTS might offer an alternative (to counting number of years) – though others felt that the UK was an exception, underlining that education was still free in most countries.

2. CPD

WH felt that CPD was a weak point in ACE and recommended the development of a stronger external policy, though F Listeri highlighted the difficulty of achieving this when

¹ Author's note: it would appear that the DG SANCO review only covers the Health professions.

CPD is not even mandatory in many countries. It was suggested that the ACE Code of Conduct be checked to see whether it contains a requirement to maintain skills.

The SG suggested that consideration be given to how to deal with new requirements (e.g. BIM or the acquisition of skills in entrepreneurship) – if the curriculum is full and CPD is about maintaining existing skills, then perhaps additional knowledge had to be enquired through PPE, though obtaining work experience was a problem in some countries (e.g. Spain).

R.2	CPD: following the merger of the PQD-PPE-CPD work groups, MHo’F asked for more members to help develop CPD policy. ²	Sec.
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RP suggested that as the PQD is about market access, it would be useful to harmonise (as much as possible) what is required at various levels in Europe (e.g. what architects can sign for). MHo’F agreed it ought to be possible to create a map of common ground to include

- Education (number of years and content)
- Traineeship (how long, how recorded, how evaluated)
- CPD
- Building Control requirements (permits)
- insurance

3. Common Ground

R.3	Common ground: ACE should develop an approach that balances the commercial and professional interests of architects, highlighting common ground (instead of exposing differences - “we are different” is not a policy). It was agreed to re-issue the statement ACE produced the day before the Peer Review meeting in Brussels (29.09.14), highlighting common areas of concern, to avoid exposing differences.	WH MHo’F SG
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4. Accreditation

WH noted that the European Accreditation Association is weak and the Notification Process had become a kind of substitute. COM had asked ENACA to help develop new standards of notification. He felt that there was an opportunity to deal with this subject more pro-actively – which might allow ACE to show negotiating partners that there is a reliable system in the EU.

R.4	Accreditation: E Matthews agreed to review and refresh earlier work done by Sarah Lupton on Accreditation & Validation [expanded to notification].	EM
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² NB. Manifesto policy position no. 4 on Life-long Learning was not discussed – we need comments on Michel Procès’ draft which seems incomplete. Deadline: w/c 8 June for EB meeting on 18/6.

5. Standards

R.5	Standards: are becoming more important and should be addressed, especially as MS/MOs continue to try to resist downward, de-regulatory pressures.	
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To conclude, MHo’F agreed to develop a schedule of work with priorities, within the next two weeks, for submission to the Executive Board. She felt that this could be delivered by having three meetings a year of the PQD-PPE-CPD work group (one of which should be in Dublin).

6. Trade in Services

R.6	Trade in Services: it was proposed that issues relating to professional recognition, in the context of the CETA and TTIP also be reported to the PQD-PPE-CPD work group. MHo’F thought it would be interesting to do some research on requirements for qualifications – not only in CAN / USA but possibly in Australia and certain Asian countries too.	
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B. REGULATORY ISSUES

7. Peer Review (article 59 Transparency process)

R.7	<p>Peer Review: the SG was asked to try to collect National Action Plans from the MOs. Consideration would also be given to holding a meeting (in the margins of the September General Coordination meeting) to compare and contrast these, and extract consistent messages.³</p> <p>The ACE conclusions (drafted at the time of the Peer Review in September 2014) would be re-issued confirming that although EU MS have different regulatory models, all kinds of regulation achieve their purpose – in one way or another – i.e. the highest levels of quality in architecture.</p>	<p>SG</p> <p>JG</p> <p>SG</p>
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8. Reserved functions

R.8	The RQI group was asked to re-visit the policy on Reserved Functions , in the light of the policy being developed by the European Commission on reserved functions for Liberal Professions.	JG
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³ GCM is on the afternoon of 24/9 and the morning of 25/9, so a review of NAPS could take place on the afternoon of 25/9 if desired. Author’s note: at the time of writing (12.10.15) this proposal had not been pursued and it is now too late to collect materials in time for such a meeting.

WH recalled that earlier RQI policy positions had already dealt with a range of other issues including Code of Conduct, group practice, cost information systems. He recommended that these policies be reviewed to see if they are still fit for purpose, and up-dated, if necessary.

R.9	Other RQI policy positions: the RQI group was asked to review earlier policy positions, for example on Code of Conduct, group practice and cost information systems , to check that they are still fit for purpose, and up-date them if necessary.	JG
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Finally, WH underlined that ACE is still missing economic data (cf. proposal at item 14 below).

9. European Semester

It was noted that recommendations and even infringement proceedings had been addressed to a number of MS in relation to various elements of article 15 of the SIM Directives (“requirements to be evaluated”) – principally relating to legal form (of companies), shareholding, multi-disciplinary structures – but also tariffs.

R.10	European Semester: the SG was asked to request feedback from MOs on national Recommendations contained in the European Semester.	SG
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10. Manifesto Policy Position no. 5 (Law on Architecture): I

It was suggested that it might be more realistic to aim for an up-dating of the 2001 Council Resolution on Architecture.

R.11	R Pellicer was asked to complete this policy position by 8 June, in time for the Executive Board meeting on 18/6.	RP
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11. Manifesto Policy Position no. 8 (“use positive elements of European Directives to facilitate cross-border service and establishment, but resist undue deregulatory tendencies that blur professional boundaries”: i.e. “the bottom-line regulatory position ACE can defend).

R.12	J Graby was asked to complete this policy position by 8 June, in time for circulation with documents for the Executive Board meeting on 18/6.	JG
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12. Insurance:

R Shrimplin presented a draft paper which was constructed around three areas

- time-limits for liability (which are different everywhere)
- joint & several liability (in solidum)
- apportionment of liabilities.

R.13	R Shrimplin agreed to incorporate comments made at the meeting on the draft policy position on insurance (including those contained in the tabled GEEAC paper).	RoSh
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	The need to make a connection with the Staff Working Document of March 2013 was noted (cf. note tabled by P Ridgway).	RoSh
	Group members agreed to submit any further comments within two weeks. Meanwhile, R Schagemann indicated that she would accept Jurgen Tiedje's invitation to meet over the next couple of weeks.	RuSc

13. Building Permits:

It was noted that the proposed meeting with Jurgen Tiedje was also likely to touch on the COM's initiative to undertake an enquiry into building permits (conducted by ECORYS).

R.14	It was agreed that ACE should <ul style="list-style-type: none"> - send the ECORYS Building Permits questionnaire to MOs; - establish a view on the questions, if possible; - elicit feedback form anyone interviewed (e.g. P Ridgway); - encourage the COM to make a clear distinction between planning permission and building regulations; - underline the importance of having expert professionals involved in making judgements regarding the building process. 	Sec PhR RuSc/ PhR
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14. Fees

R Schagemann introduced the draft policy paper, explaining key arguments, background research and principles (proportionality; non-discrimination; public interest).

R.15	The draft policy position on Fees was agreed for transmission to the EB.	SG
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Economic Study

WH underlined the need for economic data to back our arguments. RP felt that ideally such data would support generic arguments that are relevant to all professions (cf. study by the "Unión Profesional" in Spain). It was agreed that it would be necessary to commission an economist to produce an independent study, using the language of competition theory. To facilitate the selection, a brief would have to be developed.

In particular, it would be important to dispel the myth that there is no relationship between quality and cost.

R Shrimplin underlined that it is permissible to publish independently produced fee surveys based on historical information, even though there is a tendency for clients to use these as a starting point from which to negotiate downwards.

R.16	It was agreed to recommend that the EB commission a Study to illustrate the economic value of the profession and professional regulation.	
	O Mihalikova and P Martinek made themselves available to develop an outline brief (scoping analysis) (with support from P Ridgway) which could be used as a basis on which to invited research institutions to submit bids.	

15. General Conclusions

1. To create **thematic “bundles”** seems to be the only appropriate pathway for the ACE to tackle the multitude of issues coming from the EU COM and to react in an efficient way. That means that coordination meetings of the workgroups should take place on a more regular basis. Otherwise there will be only isolated and non-consistent output with the ACE timetable.
2. An **accessible register** (archive) of all important ACE positions should be created. The documents filed there are the basis of the on-going work of the work groups and are also at the disposition for decisions of the board.
3. **Checking** how the workgroups are progressing towards their targets should be an item on the agenda of each Executive Board meeting. Coordinators and/or the President should send urgent reminders to the appropriate chairs. Timetables of work group tasks should be issued by the Executive Board at least twice a year.
4. A strategy or a **plan** (living document) on how to use our output vis-à-vis our interlocuteurs should be drafted (deadlines, addressees, communication routines etc.).
5. Political priorities should be clearly linked to the respective cost items of the budget.

Ends