

ARCHITECTS' REGISTRATION IN EUROPE: List of Documents collated by the Architects' Alliance of Ireland, Feb 2013 rev. 4

	FILE NAME	Pub. Date	DOCUMENT TITLE & NOTES	
1	85-384-EC.pdf	1985/Jun	EEC: the "Architects' Directive 85/384/EEC" Art. 11.h: - <i>a certificate issued by the competent authorities only to persons who have reached the age of 40 years before the date of entry into force of this Directive, certifying that, over a period of at least five years immediately prior to that date, the person concerned had pursued architectural activities the nature and importance of which, in accordance with Netherlands requirements, guarantee that he is competent to pursue those activities (architect)</i> = <b>Dutch Grandfather Clause</b>	
2	Wettekst [oorspronkelijke] original Dutch Act.pdf	1987/Jul	Full text in Dutch of Law as first passed: Staatsblad 1987 347: "Wet van 7 juli 1987....(Wet op de architectentitel)" Art. 27.b.3.c: <i>This means that if each of us with at least 2 years of experience had migrated to the Netherlands in 2007, we would have been automatically registered without any exam.</i>	
3	Dutch Act original text -Google Translation.rtf	1987/Jul	Unsatisfactory translation of Staatsblad 1987 347	
4	FTC.pdf	1990/Mar	Fair Trade Commission: "Architects, Surveyors and Valuers"	
5	Dutch Registration 1993 - RIAI doc.pdf	1993	RIAI Ltd: "The Dutch Registration System" incs. outlines of <b>5+10 Year GF Clauses</b>	
6	French Registration of Architects Law.pdf	1997/Jan	Full text in French: "Loi n° 77-2 du 3 janvier 1977 sur l'architecture"	
7	Switzerland 2000.pdf	2000	COAC: "Switzerland .. Admittance to the Profession" - <i>The legislation vary among the 26 Swiss cantons. In some of these the profession is regulated by the local laws, in others not. Actually, 9 of 26 cantons dispose of a professional register compulsory for the profession.</i>	
8	indecon_report_section_7_architects.pdf	2003/Mar	Indecon: "Competition and the Architects' Profession in Ireland" – Section 7	
9	APAW 2005.pdf	2005	COAC: "Architectural Practice Around the World"	

	FILE NAME	Pub. Date	DOCUMENT TITLE & NOTES	
10	<b>PQD.pdf</b>	2005/Sep	OJEU: "Directive 2005/36/EC on the Recognition of Professional Qualifications" – the Professional Qualifications Directive (PQD) See Preamble clause 28 – <i>the concept of 'architect'</i> See Art.3.1.b ' <i>professional qualifications</i> ' See <b>Derogations/exemptions</b> concerning architects, e.g. Preamble clause 14; Art.12 para. 2; Art.13.2/3; Art.23.3/4/5; Art.47; Art.49; Art.61; Table VI	
11	Table 571 Ire sep2005.pdf	2005/Sep	PQD: Annex V. Table 5.7.1 "Evidence of formal qualifications of architects recognised pursuant to Article 46" – extract Ireland	
12	Table 6 Ire Sep2005.pdf	2005/Sep	PQD: Annex VI Table 6 "Evidence of formal qualifications of architects benefiting from <b>acquired rights</b> pursuant to Article 49(1)" – extract Ireland	
13	architects_report - CA March 2006.pdf	2006/Mar	Competition Authority: "Competition in Professional Services – Architects"	
14	WONDERLAND-1-grau.pdf	2006	Wonderland – Platform for Architecture: "Getting Started"	
15	<b>Services Directive.pdf</b>	2006/Dec	OJEU: "Directive 2006/123/EC on Services in the Internal Market"	
16	<b>The Act.pdf</b>	2007/Apr	Ireland: The Building Control Act 2007: SI 21/2007 – Regulation of the profession of architect introduced under Part 3 of the Act through Statutory protection of the 'title' whilst avoiding protection of the 'function'.	
17	Europe Day extract.pdf	2007/Jul	Joint Committee on European Affairs: "List of Questions .. and Answers"	
18	Architects Liability in European States.pdf	2008	Stephanie van Gulijk: "Architects' Duties and Liability in (5) European States" – [also see "European Architect Law: Towards a New Design" ?]	
19	UK Architects (Registration) Acts.pdf	2009/Feb	WIKI: "Architects (Registration) Acts, 1931 to 1938"	
20	EU Policy Hierarchy.pdf	2009/Dec	Roberta Panizza: "Sources and Scope of European Law"	
21	LSG 10 Year Rule 2010.pdf	2010/Jan	Law Society Gazette: "Who Should Certify Compliance in 2010?"	
22	AG1_10_6_2_4_RQI_Paper.pdf	2010/Mar	ACE: "Working Paper on Regulatory and Quality Issues"	

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23	LSG apr010 page15.pdf	2010/Apr	Law Society Gazette: "Protecting the 'Royals' has a Price?"	
24	MRIAI (IRL).pdf	2010/Nov	RIAI Ltd: "An alternative architect membership affix MRIAI(IRL) is open to you...."	
25	1079.pdf	2010/Dec	ACE: "The Architectural Profession in Europe 2010"	
26	379.pdf	2011/Apr	ACE: "How to Qualify as an Architect in the EU"	
27	Green Paper 22jun011.pdf	2011/Jun	European Commission: "Modernising the Professional Qualifications Directive"	
28	Evaluation of PQD 05jul011.pdf	2011/Jul	European Commission: "Evaluation of the Professional Qualifications Directive"	
29	Additional Information 01sep011.pdf	2011/Sep	AAol: Detail lobbying paper (draft)	
30	<b>Petition #0266_2011.pdf</b>	2011/Sep	EP: "The Directive does not prohibit Member States from providing means of access to the profession of architect (or ....) which are not in line with Article 46.	
31	Texas Board.pdf	2012/Feb	Texas Board of Architectural Examiners: #G - "the grandfathering rule"	
32	UIA Enquiry 30apr012.pdf	2012/Apr	AAol: Request to UIA for info. on European legislation – <i>there was no answer</i>	
33	<b>Architects Grand-father clauses.pdf</b>	2012/Jun	CK: Architects' "Grandfather Clauses in 5 European States"	
34	AAol Projects - Edition 1a.pdf	2012/Jun	AAol: "The Alliance Directory" - Sample Projects from 29 Alliance Members	
35	EC Q3+A P Prendergast 22aug012.pdf	2012/Aug	EC: The EC "has already undertaken <b>a detailed investigation</b> which is ongoing"	
36	The Grandfather Clause 28oct012 rev2.pdf	2012/Oct	AAol: "The Grandfather Clause"	
37	WG report 25oct2012.pdf	2013/Jan	AAol: Comments on RIAI follow-up paper (WG visit 25 <sup>th</sup> Oct 2012) – items 1 & 2	
38	WG report 25oct2012 - History rev2.pdf	2013/Jan	AAol: Comments on the RIAI 'History of Registration and Technical Assessment'	
39	Solutions #2.pdf	2013/Jan	AAol: "Demonstrating Competency for Registration as an Architect"	

### **'Grandfather' Provisions/Legislation**

A 'Grandfather Clause' is self-extinguishing. It applies to a pre-defined body of professionals, lawfully active in the profession prior to the introduction of regulations to protect, in this case, the 'title' of architect. It is for those who have documentary evidence of prior-establishment. There is also usually a cut-off date for applications made under a 'Grandfather' or 'Acquired Rights' process (see Texas Board.pdf).

Consequently, legislative records may make no mention of those processes. Where they were documented, they can later disappear. For example the EC has flagged that the FRG derogation in Art.47.1 may be omitted in the next PQD because it has served its purpose and is now redundant. Sometimes references can be found - for example in the Architects' Directive:- Art.11 (h) the Netherlands; (i) United Kingdom. Also, the French Loi 77-2 is explicit and it includes a Transition Period. Earlier Italian law gave recognition to its Grandfather architects. This is a standard procedure for many professions.

### **The PQD**

Preamble (28) *National regulations in the field of architecture and on access to and the pursuit of the **professional activities of an architect vary widely in scope.***

*In most Member States, activities in the field of architecture are pursued, de jure or de facto, by persons bearing the title of architect alone or accompanied by another title, without those persons having a monopoly on the pursuit of such activities, unless there are legislative provisions to the contrary.*

*These activities, or some of them, may also be pursued by other professionals, in particular by engineers who have undergone special training in the field of construction or the art of building. With a view to simplifying this Directive, reference should be made to the concept of 'architect' in order to delimit the scope of the provisions relating to the automatic recognition of the qualifications in the field of architecture, without prejudice to the special features of the national regulations governing those activities.*

Article 3 Definitions 1. *For the purposes of this Directive, the following definitions apply:*

(a) **'regulated profession'**: *a professional activity or group of professional activities, access to which, the pursuit of which, or one of the modes of pursuit of which is subject, directly or indirectly, by virtue of legislative, regulatory or administrative provisions to the possession of specific professional qualifications; in particular, the use of a professional title limited by legislative, regulatory or administrative provisions to holders of a given professional qualification shall constitute a mode of pursuit.*

*Where the first sentence of this definition does not apply, a profession referred to in paragraph 2 shall be treated as a regulated profession;*

(b) **'professional qualifications'**: *qualifications attested by evidence of formal qualifications, an attestation of competence referred to in Article 11, point (a) (i) and/or **professional experience***

### Ireland: The Building Control Act 2007: SI 21/2007

Regulation of the profession of architect was introduced under Part 3 of the Act, which provides for the Statutory protection of the 'title' of architect whilst avoiding protection of the 'function' (see State and EU Competition laws). This is achieved through a newly devised registration system.

- Every Directive-compliant **Irish** architect is denied automatic registration in Ireland except for **MRIAI**. They are the full members of one private association. The RIAI is a limited company, Reg. No. 3498. (Compare PQD Tables 571 Ire & 6 Ire with S.14.2.a.I/II & S.14.2.b of the Act)
- Every Directive-compliant **non-Irish** architect, without exception, is offered automatic registration in Ireland - this being a requirement of EU law
- No Transition Period was included in the Act
- No Architects' Grandfather Clause was included in the Act – instead there is a 'Technical Assessment' by RIAI architects.
- No Independent Registration Body was created – contrary to specific recommendations made in every official report/study of the profession.
- No distinction is made between the Statutory Registration Body and the appointed, private company: S.13.1 *The Royal Institute of Architects of Ireland (sic) shall be the registration body for the purposes of this Part*. Consequently all registrants are encumbered by the association's self-made membership regime. Through the Act, registrants are offered the option of joining the association (S.14.4). But are still charged and treated as members regardless of exercising their Constitutional right not to join any association. Unlike in other States, initial and annual registration fees are exploitative. = **Closed Shop**
- No provision whatsoever is made for an alternative organisation to become the Registration Body should the favoured association have to be removed.
- Penalties are extraordinary (S.18)
- No independent oversight is provided of the Registration Body's Statutory rule-making for the profession
- No deadline is set for publication of the registration body's annual report (S.73) and still no sign after year three.
- Technical Assessment of 'Grandfathers' has utterly failed. Three years of operation has yielded 8 registered architects from just 15 candidates.

### OTHER INFORMATION SOURCES

<a href="http://architectsalliance.ie/Data.html">http://architectsalliance.ie/Data.html</a> <a href="http://architectsalliance.ie/Links.html">http://architectsalliance.ie/Links.html</a> <a href="http://architectsalliance.ie/Self-Taught%20Architects.html">http://architectsalliance.ie/Self-Taught%20Architects.html</a> <a href="http://www.aaruk.info/">http://www.aaruk.info/</a> <a href="http://www.archsoc.com/">http://www.archsoc.com/</a> <a href="http://www.uia-architectes.org/">http://www.uia-architectes.org/</a> <a href="http://www.architectes.org/">http://www.architectes.org/</a> <a href="http://www.ace-cae.eu/">http://www.ace-cae.eu/</a>	Department of the Environment, Community & Local Government Department of Education & Skills; Department of Foreign Affairs Ruairí Quinn, TD, MRIAI; Senator Terry Leyden, MRIAI  <b>MISC:</b> <ul style="list-style-type: none"> <li>• Frank McDonald: "The Destruction of Dublin" Gill &amp; Macmillan 1985:- ESB p.22; Hawkins House p.41; BIM HQ p.183/4; Merrion House p.190.</li> <li>• The Priory Hall debacle (current) vv the benefits of registration</li> </ul>
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