Architects: recognition of qualifications, review of Directive 85/384/EEC

1997/2164(COS) - 08/07/1997 - Non-legislative basic document

OBJECTIVE: to report on the application of Directive 85/384/EEC on the free movement of architects in the 15 Member States and present proposals with a view to its possible adaptation. CONTENT: in its communication, the Commission analyzes, article by article, the application of Directive 85/384/EEC in the Community. Noting the main principles of the directive, especially with regard to the recognition of architectural diplomas, the right of establishment and freedom to provide services and "established rights" (mutual recognition via certain qualifications which may not fulfil the minimum requirements of the directive), the Commission considers that, overall, the directive has had a positive impact on the profession as a whole. The report notes that there has been limited movement of architects from one country to another within the Union. Between 1987 and 1995, only 1,500 architects benefitted from the directive granting them the right of establishment and recognition of their qualifications in another Member State. Although the directive has not had a revolutionary effect in terms of mobility, the Commission points out that the directive has, nonetheless, been of greater benefit to the profession than directives 89/48/EEC and 92/51/EEC establishing a general system for the recognition of diplomas without making provision for automatic recognition by the other Member States, with the host Member State still able to impose compensatory measures on the migrant where there is a substantial difference in the content or length of training. This does not apply in directive 85/384/EEC which, in addition to recognition of the diploma, makes provision for a specific system for the simple provision of services. The Commission therefore concludes that the directive offers architects more extensive rights than directive 89 /48/EEC. The Commission also lists certain problems which arose during the transposition of the directive in the Member States. The most significant case was Italy, where sluggish, unwieldy procedures had seriously delayed transposition (1995 instead of 1987). Various procedures had also been instituted for Belgium and Greece. With regard to the adaptation of the directive, the Commission proposes a limited number of technical changes to the directive: - a reminder that the Commission is required to review this directive on the basis of experience; - clarification of the procedure provided for in article 8, stipulating the deadline by which the Commission must consult the Advisory Committee; - deletion of article 15, which no longer applies; - rewording of article 24 in order to make a clear distinction between establishment and provision of services (a number of formalities with regard to financial standing are too obstructive for service providers and may duplicate other provisions of the directive); - setting 31 December 1999 as the deadline for transposition. The Commission concludes by stating that this directive could eventually be integrated in the general system for the recognition of diplomas, although it is still too early to envisage such a move.