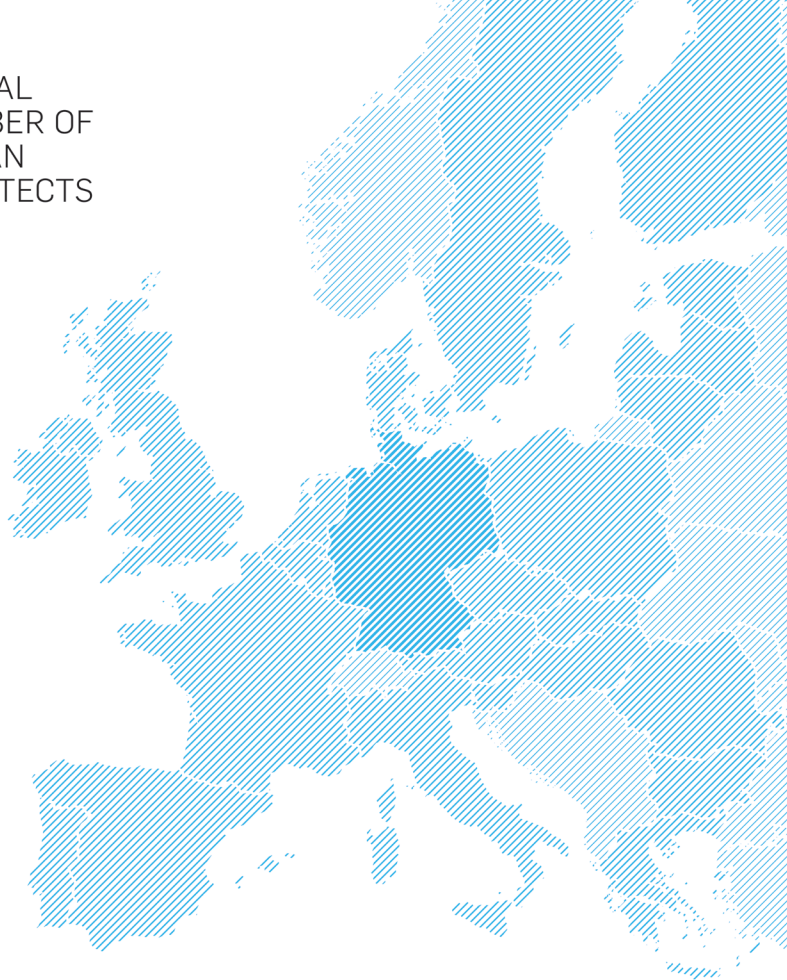




FEDERAL
CHAMBER OF
GERMAN
ARCHITECTS



EUROPEAN POLICY POSITIONS 2019 – 2024

EUROPEAN POLICY POSITIONS OF THE FEDERAL CHAMBER OF GERMAN ARCHITECTS 2019 – 2024

The Federal Chamber of German Architects (Bundesarchitektenkammer e.V. – BAK) is the umbrella organisation for the 16 Chambers of Architects of the German Federal States. The BAK represents the interests of more than 135,111 architects, landscape architects, interior architects and urban planners (as at 1 January 2019) in the political and public spheres at a national and international level.

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LET'S STRENGTHEN EUROPE TOGETHER!

Europe is facing major changes: migration, demography, climate change, the energy transition, digitalisation, technological progress and not least Brexit are major challenges for politicians and society as a whole. Individual Member States cannot resolve all these tasks by themselves. The European Union must be the driving force here and take on a leading role. Citizens, companies and service providers as well as architects expect it to continue to take action and implement good legislation.

The rich cultural heritage and the diversity of European cities and landscapes are of particular importance for EU citizens to identify with this Europe and for social cohesion. Therefore, we need to strengthen people's awareness of quality in planning and construction, in short: the building culture (Baukultur). The reissue of the "Leipzig Charter" during the German Presidency of the European Council in 2020 is intended to further consolidate the commitment to sustainable European cities and to a Europe of regional diversity. This commitment must be implemented in all relevant political fields. For an integrated approach to the built environment this means that the decisive requirements for quality in architecture and urban planning must be harmonised in legislation as well.

Architects, landscape architects and urban planners shape the built environment and hence impact the daily lives of people as well as influence the preservation and development of our cultural heritage. They bear responsibility for climate protection and resource-friendly construction, for urban environments and landscapes which promote social cohesion and sustainable urban development fit for the future. This special role of the professions related to planning for the common good must be given due consideration within the conditions of the Single Market. That is why representation of professional interests at EU level is crucial for the Chambers of Architects in Germany.

Professions related to planning represent a significant economic factor. Their characteristics include quality orientation in an overall balanced system, where self-governance and rules of professional conduct are key. In view of the major importance to the economy of the planning and construction sectors and the great challenges, architects in all specialisations (building construction, interior architecture, landscape architecture, urban planning) are making their contribution to the current debate about the future of the EU. At this point, we need the support of the European institutions so that we can tackle these challenges together.



Prof. Ralf Niebergall, Vice President of the Federal Chamber of German Architects for European and International Affairs

A. SINGLE MARKET

1. PROTECTING THE LIBERAL PROFESSIONS IN THE SINGLE MARKET, PROMOTING QUALITY AND CONSUMER PROTECTION

Architects bear a heavy social responsibility. The profession of architect is protected by law in Germany. Only those who are registered with the Chamber of Architects in a Federal State may call themselves an architect, landscape architect, interior architect or urban planner. As members of liberal professions offering credence goods, architects are committed to the public interest in a special way since they carry out important tasks under public law. The definition of their tasks is wider in Germany than in almost all other European countries: from preliminary design through to approval planning and execution planning, they are normally also involved in tendering procedures and in the award of public contracts as well as bearing primary responsibility for construction site management. State supervision of planning and construction has largely been transferred to planners, normally architects. Since their services require a high level of quality and support consumer protection, they are not merely subject to rules when practising their profession, but it must be ensured that services are only provided by people who can prove they have the necessary professional qualifications and are subject to a professional

code of practice or that of a professional chamber (see CJEU, Judgment of 4 July 2019, Commission/Germany, C-377/17, ECLI:EU:C:2019:562).

The regulatory system in Germany is oriented to qualitative competition. The tried and tested system of professional chambers ensures that all licensed architects have a high level of training and qualifications in terms of building safety and consumer protection. Professional supervision and the mandatory system of advanced training ensure the quality of planning services. At the same time, self-governance by the profession relieves the burden on the State. These regulations, as well as regulations on equity participation and voting in architectural firms, ensure the client receives an independent service based on the principles of the liberal professions. The assumption of the European Commission that this is an obstacle to competition is incorrect. In fact, it takes due consideration of the call by the CJEU for a coherent system to ensure quality in the interest of the public. This also includes a European system of fees to ensure quality, which is oriented to comparable principles.

We are committed to the Single Market and strive to maintain professional self-governance in liberal professions as well proven regulations on access to the profession. We soundly reject deregulation of the profession of architect dictated by a one-sided, purely economic viewpoint. The methods to measure regulation, such as indicators, must be transparent and appropriate. We are in favour of promoting comparability and transparency while maintaining diversity among Member States.

The tried and tested system of professional chambers ensures that all licensed architects have a high level of training and qualifications in terms of building safety and consumer protection.



In 2018,

11.3%

of architecture students from Europe
chose Germany as their place of study.

13.6%

of European architects worked in Germany.

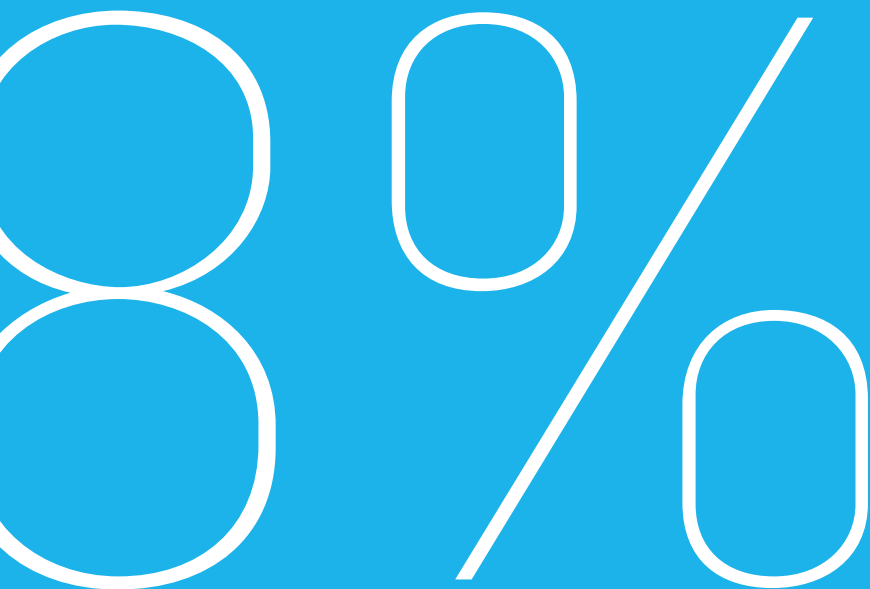
2. ENSURE TRAINING AT A HIGH LEVEL IN ALL DISCIPLINES OF ARCHITECTURE AND PLANNING

Increasing complexity and increasingly stringent planning requirements call for comprehensive qualifications. That is why we support a high level of training for architects of all specialisations.

a European regulation on the disciplines of landscape and interior architecture as well as urban planning in order to promote these disciplines and their mobility in the Single Market through their mutual recognition.

The EU Directive on the Recognition of Professional Qualifications (2013/55/EU) is currently lagging behind international standards. When it is reviewed, it should be harmonised with the UNESCO-UIA (International Union of Architects) Charter for Architectural Education. Regarding the qualification of architects of all disciplines (building construction, urban planning, interior architecture and landscape architecture), our aim for the future is a 5-year academic course followed by a mandatory 2 years of professional practice. When creating a European Higher Education Area, the primary consideration must be to ensure high quality education for all disciplines. To date the qualification levels set out in the EU Directive, which offer a significantly standardised legislative basis for this profession, which is not harmonised internationally, at least Europe-wide, apply only to architects for building construction. For this reason, we are aiming for

Regarding Brexit, we advocate maintaining the mutual recognition of European degrees in accordance with the provisions of the Directive on the Recognition of Professional Qualifications vis-à-vis the United Kingdom.



of architectural firms work abroad,
6 % in Europe, 2 % outside Europe.

3. PROMOTING MARKET ACCESS FOR SMALL AND MEDIUM SIZED PLANNING OFFICES

Over 80 per cent of architectural firms in Germany and the other EU Member States have one to four members of staff and hence are classified by the European Commission as microenterprises. They make up the core of the planning market in Germany and are representative of its diversity. We call on the EU to campaign more for the recognition and protection of efficient European economic structures, such as those of German and European architectural and planning offices, since they enjoy a good reputation globally and are well equipped to deal with competition. We welcome the targeted promotion of small and medium sized enterprises (SMEs) in order to facilitate market access. We advocate simplification of the procedures to apply for grants and the provision of special lines of funding for microenterprises, such as planning offices. Furthermore, we are campaigning for SMEs' access to public procurement tenders.

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4. ORIENT THE AWARDING OF PUBLIC CONTRACTS TO QUALITY – SUPPORT ARCHITECTURAL DESIGN COMPETITIONS

We welcome the fact that the European Commission is taking more action to ensure quality, access for SMEs and design competitions with its public procurement package of October 2017 and its Guidance on innovation procurement of May 2018. The European Parliament, too, supports this in its report on the public procurement strategy package of June 2018. In our opinion, these aims must be developed further and firmed up in this legislative period.

Architects advocate competition on merits. When awarding contracts for planning services, quality, and not price, must be the decisive factor. Saving on planning can result in higher costs during construction and in operation. Award criteria should therefore be based on an integrated cost-benefit analysis.

Regarding international tenders, we advocate raising the current threshold values and dividing contracts into lots and, in particular, separating planning from execution. Opening up a market for construction tenders should only be allowed if the current high health, safety, environmental and consumer protection standards are maintained. With respect to awarding planning contracts in the public sector, we are in favour of requiring the awarding authority to

give smaller firms and young professionals the chance of winning a contract for appropriate assignments. The suitability criteria for SMEs to participate in public tender procedures must be designed so that the awarding authority can utilise the potential available in the best possible way, while not overburdening the administrative aspect. Company-based criteria, such as turnover, should be used less as a prerequisite to participate; instead, quality-related criteria appropriate to the brief and the construction project should be prioritised.

Holding regular architectural design competitions is the best procedure to ensure quality when awarding public sector planning contracts because it gives the awarding authority the opportunity to compare the best solutions, also with regard to the costs of construction and later operation for each individual construction project, accompanied by professional advice.

[The Federal Chamber of German Architects advocates competition on merits based on qualitative criteria.](#)

5. ACHIEVE PRACTICAL STANDARDS

Technical rules and standards have a considerable impact on the quality of all planning and on the execution of buildings and infrastructure installations. European standards regulate construction products in particular, but to an increasing extent also planning criteria, verification procedures, and execution. They apply to the work of architects in their core function, not only in the form of technical requirements for construction, but also increasingly in how a service or work is provided, for example through schemes to standardise services. The number of new standards has more than doubled in the last decade. There are a total of almost 4,000 standards relating to the construction industry. Around 90 per cent of standardisations which have a major impact on the construction industry are European or international standards projects. The high level of specialisation of standards results in ever more complex regulations tailored to specialised knowledge. Laws and regulations regularly refer to standards as “state of the art” or “generally recognised codes of practice”. However, the gap between standards and generally recognised codes of practice is increasing.

The European Commission is making increasing use of standardisation to implement political objectives. However, standardisation should be based primarily on technical standardisation and limited to what is absolutely necessary. It is of particular importance that generally accepted codes of practice are given due consideration and no additional bureaucratic obstacles are created. Direct standardisation mandates should only be awarded to European standardisation institutes if a uniform technical implementation of European legislation is necessary. On no account should it replace careful legislation and democratic participation. The current principle of the voluntary application of standards should be maintained and strengthened at the EU level absolutely. We call for transparent public procedures and greater parliamentary participation when granting mandates for European standards.

In order to ensure safety and quality in the planning and execution of construction projects in Germany, standards projects in the construction industry must be examined from the outset for their relevance to the market and their cost-benefit ratio. A review of the EU Construction Products Regulation must take national safety requirements for buildings into consideration.

6. PROMOTE DIGITALISATION OF THE PLANNING AND CONSTRUCTION INDUSTRY

The world is experiencing a new industrial revolution based on digitalisation and automation. This is bringing about a change in business models, added value chains, as well as production and consumption patterns. Digitalisation of the construction industry is a sector which plays a particularly important economic role within the European Union. It is progressing and is currently at a challenging stage.

We welcome the initiative to create a Digital Single Market. Systematic processes and sequences in the planning and construction industry are changing with digitalisation. For example, systematic quality assurance is being pursued with the principle “First finish planning digitally, then build physically”. Digitalisation trends are also impacting architects’ field of activity. Construction projects are being planned and executed using increasingly complex digital working methods. Digitalisation plays an important role in the efforts to create a sustainable and energy-efficient built environment. This also applies to sustainable urban development. The use of smart technologies, i.e. information and communication technology, is helping to adapt building supply systems to the needs of the user as well as collect and evaluate data. Electronic monitoring is an opportunity to systematically expand the collection of information on building characteristics, energy consumption/needs, and the financial implications of redevelopment

measures. The application of digital instruments can provide more precise life cycle feedback and hence make more sustainable planning approaches possible.

However, it is essential that industrial property rights are adapted in the future to new trends and the complexity of the results of digital work processes. In order to protect jointly created content and data, legal provisions must be formulated which prohibit the misuse of intellectual property and corporate knowhow by other parties involved in the project, or by third parties.

Digital skills are needed so that everyone can participate in the advancing digitalisation of working and daily life. Obstacles can be removed through common understanding. At present, these skills are unevenly distributed and already reflect social inequalities. All educational institutions should develop strategies for digital inclusion in order to promote digital participation.

The digital transformation process must be safeguarded through political and legal means in order to ensure planning reliability for all those involved in construction and hence specifically for architects.

B. SUSTAINABLE BUILDING IN ENERGY AND CLIMATE POLICY

7. PROMOTE CLIMATE PROTECTION, ENERGY OBJECTIVES AND ADAPTATION TO CLIMATE CHANGE AS A TASK FOR THE WHOLE OF SOCIETY

Society as a whole and in all areas must contribute to the energy transition, although energy efficiency should not be the only leading aim: particular focus should be laid on climate protection. Renovation of existing buildings is a core process in climate protection. Intelligent, innovative building and renovation concepts are a basic prerequisite for a sustainable environment. This is also one of the main focal points of the amended Energy Performance of Buildings Directive (EPBD). We call for construction materials used for renovation projects and new buildings in particular to be central with regard to grey energy throughout their whole life cycle.

In the efforts to achieve global energy efficiency and sustainability, buildings should not be viewed in isolation but within the context of urban planning, mobility, social and demographic change and technological development, combined with the use of renewable energy sources. Integrated concepts must be developed for the components architecture, districts, urban planning, urban parks, and power generation.

A second core process is adaptation of the urban built environment to climate change. Measures to adapt to climate change are moving centre stage in urban and regional planning around the globe. We advocate that measures for adaptation to climate change, and in particular the essential green infrastructures, should become key components of the EU Urban Agenda and EU funding policies.

The energy evaluation of buildings must include a life cycle assessment and the energy and ecological footprint of construction products and technical installations with a view to a sustainable utilisation of resources.

A large, white, stylized graphic of the number '46%' is centered on the left page. The '4' is formed by two intersecting lines, the '6' is a single continuous loop, and the '%' symbol is also formed by intersecting lines. The graphic is set against a solid blue background.

of the construction contracts
are new buildings,
54 % renovation/refurbishment.

8. MAKE SENSIBLE USE OF INTELLIGENT TECHNOLOGIES IN BUILDINGS

The utilisation of intelligent technologies and electronic systems should adapt operation and supply lines of a building to the needs of the user, improve energy efficiency and the overall performance of the building, and facilitate the integration of renewable energy systems.

Electronic monitoring is an opportunity to systematically expand the collection of information on building characteristics, energy consumption/needs, and the financial implications of redevelopment measures.

However, in the interest of sustainability, architectural solutions for building performance must be prioritised over technical solutions. Recourse can be had here to the many years of experience of architects and engineers, which is not the case for short-lived, fast and costly technical trends.

The application of highly automated systems can result in a large gap between expected and actual energy savings; the

result is that the optimum environmental quality of buildings is not achieved. We need to take a look at buildings in their entirety with regard to energy efficiency so that we can achieve an effect that is as comprehensive and resource-friendly as possible. Sustainability in the life cycle of a building and the wellbeing of residents and users must be prime considerations.

Architects create a sustainable, energy-efficient built environment. Solutions for climate protection should not lie primarily in building service installations.

C. "BAUKULTUR" AND URBAN AND REGIONAL DEVELOPMENT

9. STRENGTHEN OUR AWARENESS OF THE BUILT ENVIRONMENT AND INCLUDE THE PRINCIPLES OF INTEGRATED AND SUSTAINABLE URBAN DEVELOPMENT

Europe needs strong, liveable cities and regions. They can only fulfil their function as a medium for social change and economic growth if we succeed in promoting affordable, high quality residential construction with mixed use in order to maintain the social balance within and between cities, make possible cultural diversity, and ensure high quality of design and construction as well as high environmental quality.

The message from the Davos Declaration of January 2018 for a high-quality built environment and attractive cities in the sense of an integrated approach to heritage, existing buildings and new buildings is to be welcomed and must be specified further. Architects, landscape architects, interior architects and urban planners bear a special responsibility here vis-à-vis society. An awareness of quality in planning and construction, i.e. the Baukultur in its most comprehensive sense, must be promoted. Cities and landscapes must be developed sustainably to ensure a high quality of life for people. Digitalisation should be made use of with the development of new mobility concepts being key.

The reissue of the "Leipzig Charter" during the German Presidency of the European Council in 2020 is intended to consolidate again the commitment to sustainable European cities. This commitment must be implemented in all relevant fields of EU policy. For an integrated approach to the built environment, this means that the decisive requirements for quality in architecture and urban planning must be harmonised in legislation as well.

The culture of the built environment, Baukultur, can be developed further if it is understood as a benefit to invest in alternative construction materials and processes and to initiate research and pilot projects which take the necessary steps using culturally compatible methods to reduce the emissions of existing buildings.

D. BETTER REGULATION AT EU LEVEL/ CREATING A LEVEL PLAYING FIELD

10. ENSURE BETTER REGULATION THROUGH GREATER TRANSPARENCY, CLARITY AND PARTICIPATION

According to the principle of subsidiarity, laws should only be enacted if their purpose cannot be achieved satisfactorily at a national level or if they can be better implemented through the Union due to their scope or impact. There should be no intervention in planning responsibilities at the regional, local and municipal level and hence in their responsibility for spatial planning.

Furthermore, laws must be of practical application. Additional bureaucracy at all levels must be avoided. In addition, they must give due consideration to the special character of the creative work carried out by architects of all disciplines, insofar as they apply to these professions. Professional chambers and associations should be included at an early stage so that they can provide direct feedback on the practicality and applicability of proposed legislation. Preceding consultations must be designed to be transparent, user-friendly, and free from any bias.

The Federal Chamber of German Architects champions greater equality of opportunities for women and men and supports the corre-

sponding EU initiatives on gender equality, such as a work-life balance and increasing the number of women at managerial level.

The European added value of proposed legislation and the early participation of stakeholders should be ensured. Furthermore, laws must be of practical application.

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