

EFCA Position Paper on Regulation of the Engineering Consultancy Profession

Subject	Regulation of the engineering consultancy profession
Category	Internal market
Date issued	7 May 2003

Background

In order to facilitate the free movement of qualified people between the Member States, particularly in view of an enlarged European Union, the European Commission, specifically DG Internal Market, is preparing a new directive on the mutual recognition of professional qualifications.

Based on findings from a survey (2001/2002) among its membership, EFCA made a status on national regulations on requirements for qualification and license for practice). The results show that the regulation of the profession of consulting engineers differs considerably from country to country:

a) title of engineer

The *education/academic title 'engineer'* is legally protected in the majority of the European countries. Exceptions are noted for Denmark, France, Ireland, Sweden and U.K.

- The title 'Certified' (CZ) or 'Chartered' (IRE) engineer has legal protection in the Czech Republic and Ireland. The use of the titles 'Chartered Engineer', 'Incorporated Engineer' and 'Engineering Technician' is regulated in the U.K.
- The German, Italian, Spanish and Slovenian regulations make individual membership of the Chamber Ordine/Colegio mandatory.

b) title of consulting engineer

The *use of the title of 'consulting engineer'* is regulated in Austria (also 'Chartered Engineering Consultant' and 'Technische Büro and Ingenieurbüro' are regulated) and Germany.

- Luxemburg law regulates both the title and profession of 'consulting engineer' and requires compulsory membership of the Order of Architects and Engineers.
- The Bulgarian Association of Consulting Engineers and Architects (BACEA) is examining the matter and is in favour of a legal regulation of the respective competencies of architects and engineering consultants.

c) the engineering consultancy practice

The practice is regulated in a few countries only. The regulation mainly concerns mandatory individual membership of a public body/professional association (Austria, Czech Republic, Hungary, Italy, Luxembourg and Poland).

Spanish law defines the respective assignments of the architect and the engineer.

In general, regulation does not create any monopoly situation.

d) the exercise of the engineering consultancy practice as a liberal profession or as a corporate entity

The practice is exercised, either as a *liberal profession* or as a *corporate entity*.

- A considerable part of the engineering consultants practices a liberal profession in Austria, Germany (40%), Hungary (30 to 50%), Ireland, Italy (a vast majority but decreasing), Poland (30%) and Spain. The majority of 'liberal' practitioners in the U.K. are partnerships.
- The majority of engineering consultants in Bulgaria (95%), Belgium (95%), Czech Republic, Denmark (> 90%), Finland, Germany (60%), Netherlands (> 95%), Spain (70% -100%), Sweden (100%) are employed.
- France shows a mixture of single practitioners and a great number of consulting engineers employed in firms.
- All associations, but for Germany, report a trend towards (multi-disciplinary) engineering consultancy firms (the number of professionals working on a self-employed basis is decreasing).

EFCA's Interest

The lack of harmonisation in the legal protection and regulation of the title and profession of 'consulting engineer' in Europe is in some cases entailing problems for individuals and companies wishing to provide cross-border services (de facto barriers to the freedom to provide services).

EFCA's Position

In most European countries the engineering consultancy profession is not all that regulated. Only few countries show restrictive regulations. EFCA is not interfering in the regulation practices of the member countries, assuming that national regulations comply with European Directives and do not form restrictive barriers for the exercise of the profession in other EU Member States.

In the context of rapid technological developments and increasingly complex projects, firms (contrary to single practitioners) are more capable of ensuring capacity building, integration of complementary disciplines in one design team, and guarantee satisfactory consumer protection. Moreover, risks and liability are often too excessive and uninsurable for single professionals in the building and construction sector. In this respect, EFCA opposes any regulation, which could have a potentially negative impact on both inter-professional co-operation and the quality of services provided. EFCA believes that the client should have the possibility to make the choice of the service provider he deems best fit for the project (i.e. best qualified and knowledgeable).