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K A M R A T A L - P E R I T I

To support members of the profession in achieving excellence in their practice of architecture and engineering in the interest of the community

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THE SERVICES DIRECTIVE - The Implications on the Architectural Profession -

At the end of December 2006, the Services in the Internal Market (SIM) Directive came into effect. EU member states have three years to implement the regulations. The EU Services Directive must be incorporated into national law by the end of December 2009.

In view of this, the Kamra tal-Periti has invited Evelyne Gebhardt, MdEP, who is the rapporteur of the European Parliament for this directive, and Mr. Adrian Joyce, Senior Advisor of the Architects' Council of Europe (ACE) who have written a position paper in this regard, as keynote speakers during an event which is to take place at the end of the month.

The stated objective of the EU Commission's proposal for a SIM Directive is to "...provide a legal framework that will eliminate the obstacles to the freedom of establishment for service providers and the free movement of services between the Member States, giving both the providers and recipients of services the legal certainty they need in order to exercise these two fundamental freedoms enshrined in the Treaty."

The justification for proposing the introduction of the SIM Directive is that services account for the greatest part of the GDP of the EU and it is the sector that provides the most employment. Indeed, architectural services form an essential part of the professional services required by the construction sector in Europe in the conception and realisation of projects that lead to the creation of the built environment. It is in this environment that the citizens of Europe work, rest and play.

EU legislative developments, in particular the SIM Directive, will have a considerable impact on the architectural profession and the construction industry. The directive emphasises the importance of ensuring the delivery of **high quality services**. Maintaining consumer confidence through the provision of quality services is central to the success of any architectural practice and in the interest of society at large. Although not specifically mentioned, the SIM Directive encourages recognition of **professional qualifications** according to the principle of the target country rather than the country of origin.

Another important element in this directive is the provision of adequate **cost information systems**. In the provision of architectural services, there is a significant asymmetry in the information held by the provider and the recipient. There is, therefore a need to ensure that adequate pricing systems are in place, empowering the provider to deliver the required services and to enable the recipient to make an informed choice of which provider to use. This will add to the ongoing debate of the current tariffs for services provided by Periti. Consumers are not likely to have confidence to use services unless they are assured that, in the event of adverse consequences, they will be entitled to redress. SIM recommends the holding by service providers of **professional indemnity cover**. The architectural profession provides a service that has a significant impact on several aspects of the building process and it is therefore important that that adequate cover is provided by the full range of participants in the construction industry. The provision of services requires the establishment of values and principles which are to be applied to codes of standards and professional conduct for individual professions. Moreover, service providers should support freedom of profession-related advertising in content, instruments and all types of media, while protecting clients and professional interest by general laws and professional **codes of conduct**, avoiding dishonest, misleading, disloyal or unfair use of advertising. This could eventually lead to a dramatic change to the current situation where Periti are not allowed any form of advertising.

These are but a few of the implications of the SIM directive on the Architectural Profession. The Kamra tal-Periti recognises that it is high time that Periti are made aware of the changes that will take place. To this effect, a Business Breakfast will be held on the 29th May, at Palazzo Capua. For more information please email the Kamra tal-Periti on communications@ktpmalta.com.