



**ECCE**  
**PROFESSIONAL**  
**RECOGNITION**  
**RECOMMENDATION**

LJUBLJANA, 2009

## Index

- 1. Civil Engineering Today**
- 2. Civil Engineering Studies Today & Beyond**
- 3. Work in a Foreign Country**
- 4. The European Directive and the Common Platform**
- 5. Issues on Professional Recognition**
- 6. The ECCE Proposal**
- 7. ECCE Professional Recognition System**
- 8. Implementation**
- 9. Final Note**

**Annex I – The Civil Engineering Charter**

## 1. Civil Engineering Today

The civil engineering profession across Europe has undergone significant and rapid changes in the past decades that have increased the body of knowledge required of the profession to include new areas such as environment, sustainable management, health, safety, energy, planning, operation, etc.

These changes have created an environment in which professional civil engineers are required to possess greater breadth of understanding, together with increased specialized technical competence than that required of previous generations.

These changes have prompted debates about the adequacy of civil engineering study, and whether courses should be lengthened. Many countries have increased the period of academic study required of their professional civil engineers, as a consequence of the Lisbon Declaration and other initiatives around the world.

## 2. Civil Engineering Studies Today & Beyond

Invariably, different countries have adopted different approaches to determining the knowledge requirements for their civil engineers. As a consequence, academic degrees vary in content and duration from country to country.

Southern and Eastern European countries tend to favour a broad academic formation, with, consequently, greater than average duration of academic study. Whereas Central and Northern European countries have tended to adopt more specialized degrees as well as offering shorter duration diplomas. Several countries offer both broad content and specialized diplomas.

This variation in academic content has led to different national expectations of civil engineers operating across Europe. This variation can be shown when considering the different engineering acts within infrastructure planning, design, construction, operation, maintenance, and decommissioning/demolition practiced by civil engineers across Europe. This is illustrated in the **ECCE Civil Engineering Charter** (annex I).

## 3. Work in a Foreign Country

Civil engineering professionals are frequently assigned to international projects and can be expected to work abroad, wherever their expertise is needed. This is especially relevant for Europe, with its open borders policy encouraging free circulation of licensed civil engineering professionals.

Nowadays, civil engineering professionals working abroad must consider the following aspects of practicing their profession:

- a) **Language** – Civil engineering acts must be performed in the host's country language (unless otherwise agreed);
- b) **Codes and Ethics** – Civil engineering acts must be performed according to the host country's technical codes and codes/rules of ethics (unless otherwise stated);
- c) **Professional Recognition** – Professional civil engineers may require formal professional recognition in the host country in order to practice and/or perform certain civil engineering acts, according to each country's professional regulations. Rules for professional recognition were defined in the *European Directive 2005/36/EC*.

## 4. The European Directive and the Common Platform

The European Directive indicates that “*to promote the free movement of professionals, while ensuring an adequate level of qualification, professional associations should be able to propose Common Platforms at European level*”.

*“A Common Platform is a set of criteria which make it possible to compensate for the widest range of substantial differences which have been identified between training requirements in at least 2/3 of the Member States. These criteria could include additional training, an adaptation period under supervised practice, an aptitude test or prescribed minimum level of professional practice, or combination thereof.”*

Even without a Common Platform, where a civil engineer holds the required formal academic qualifications to practice the profession of civil engineer in a regulated country, the Directive requires that they must be permitted access to and pursuit of that profession in another Member State, under the same conditions as apply to its nationals.

Where a civil engineer has pursued the profession in an unregulated country, they must possess evidence that they hold the necessary formal qualifications and have practised the profession on a full time basis for at least two years during the previous ten years.

Article 11 of the Directive stipulates five different levels of formal qualification which must be recognized by the Host state. Formal qualifications are diplomas which certify successful completion of a post-secondary course at a university or establishment of higher education for a defined duration, as well as the professional training which may be required in addition to the post-secondary course. The most common duration of these are diplomas of at least 3 and not more than 4 years, and diplomas of at least 4 years.

## **5. Issues on Professional Recognition**

### **5.1 Regulated Countries**

The civil engineering profession (or some acts of civil engineering) is regulated in some European countries (typically the southern and eastern European countries) and not in others.

In “*regulated*” countries, a professional civil engineer must be recognized and registered with a *Competent Authority* (association or ministry) to practice or undertake some designated acts. In non-regulated countries, any person may practice as a civil engineer.

To complicate matters further, some “*un-regulated*” countries have protected titles for their professional engineers (or for some engineering acts), and these are treated, for the purposes of the application of the European Directive, as regulated, becoming the country as “*partial-regulated*”.

Difficulties about recognition typically arise with the migration of professional civil engineers from non-regulated to regulated countries.

### **5.2 Professional Recognition through Academic Recognition**

Considering only the academic diploma, any civil engineering professional can always ask the recognition (equivalence) of his academic diploma by a university of a regulated country. If approved, this will lead to a situation where he can be, then recognized by the *Competent Authority* of that country as a national civil engineering professional.

This procedure's greatest drawback is that differences between the candidates' home and host country diplomas (duration, disciplines studied) make unachievable a direct recognition, obliging the candidate to complete several other disciplines to get the hosts' country diploma.

It must be noted that even with Bologna schema this academic equivalence problem is not solved because, besides the number of years, which are becoming similar, the recognition of academic degrees is only obtained through academic contents similarity and not just through sheer diploma naming coincidence.

### **5.3 Professional Recognition and the European Directive**

According to the European Directive, a civil engineer who is professionally qualified to work in one Member State (either by being registered in a regulated country or by having been permitted to pursue the profession for at least 2 years in an unregulated country) must apply for recognition of their professional qualification to the competent authority if they wish to work in a regulated country.

The competent authority must assess the equivalence of the engineer's formal qualifications and professional experience against their requirements for registration, and may invite the applicant to provide information concerning his training to the extent necessary in order to determine the existence of potential substantial differences with the required national training (Annex VII of the Directive). Where any substantial differences are identified, the competent authority must offer the applicant the choice of completing either an adaptation period or an aptitude test.

The adaptation period is a period up to 3 years of supervised practice in the host country and must have a final assessment. The aptitude test shall cover a list of subjects not covered by the candidate qualifications and necessary in the host country.

Situations with differences between the candidates' specialized home country diploma (knowledge of some civil engineering acts) and host country's wide scope diplomas (duration, disciplines studied) make usually very difficult to the candidate through an adaptation period or aptitude test to achieve a total professional recognition as that recognition would entitle him to perform acts for which he has not been prepared for. These great qualification differences among European Civil Engineers in Europe is the main reason why a Common Platform is not feasible.

One possible further qualifier of this, which has been applied through Spain's legal system after consulting the European Tribunal, and becoming a Case Law, is to caveat the ability of the professional civil engineer to practice based upon the assessment of the individual's ability to satisfy the requirements of the host country, and to permit partial professional recognition (only some acts of civil engineering) (see below). Provided that the civil engineer is advised of the deficiency in knowledge, and given the opportunity to address this shortfall, then this would appear to be a logical and equitable solution.

#### **Transcription from the Journal of European Union C 60/3 (11/3/2006)**

In Case C-330/03: Reference for a preliminary ruling under Article 234 EC from the Tribunal Supremo (Spain), made by decision of 21 July 2003, received at the Court on 29 July 2003, in the proceedings **Colegio de Ingenieros de Caminos, Canales y Puertos v Administración del Estado**, concerning **Giuliano Mauro Imo**, the Court (First Chamber), composed of P. Jann, President of the Chamber, K. Schiemann, N. Colneric, E. Juhász and E. Levits (Rapporteur), Judges; P. Léger, Advocate General; R. Grass, Registrar, gave a judgment on 19 January 2006, in which it ruled as follows:

1. *When the holder of a diploma awarded in one Member State applies for permission to take up a regulated profession in another Member State, the competent authorities of that Member State are not precluded by Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration from partly allowing that application, if the holder of the diploma so requests, by limiting the scope of the permission to those activities which that diploma allows to be taken up in the Member State in which it was obtained.*

2. *Articles 39 EC and 43 EC do not preclude a Member State from not allowing partial taking-up of a profession, where shortcomings in the education or training of the party concerned in relation to that required in the host Member State may be effectively made up for through the application of the compensatory measures provided for in Article 4(1) of Directive 89/48. However, Articles 39 EC and 43 EC do preclude a Member State from not allowing that partial taking-up when the party concerned so requests and the differences between the fields of activity are so great that in reality a full programme of education and training is required, unless the refusal for that partial taking-up is justified by overriding reasons based on the general interest, suitable for securing the attainment of the objective which they pursue and not going beyond what is necessary in order to attain that objective.*

**Transcription from the Journal of European Union C 226/12 (20/9/2003)**

**Reference for a preliminary ruling by the Tribunal Supremo, Sala de lo Contencioso-Administrativo, division: three by order of that Court of 21 July 2003 in the case of Colegio de Ingenieros de Caminos, Canales y Puertos against Administración del Estado, other Party: G.M. Imo**

**(Case C-330/03)**

**(2003/C 226/20)**

Reference has been made to the Court of Justice of the European Communities by order of the Tribunal Supremo, Sala de lo Contencioso-Administrativo, division: three (Supreme Court, Chamber for Contentious-Administrative Proceedings) of 21 July 2003, received at the Court Registry on 29 July 2003, for a preliminary ruling in the case of Colegio de Ingenieros de Caminos, Canales y Puertos against Administración del Estado, other Party: G. M. Imo on the following questions:

- A. Can Article 3(a), in conjunction with Article 4(1), of Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration <sup>(1)</sup> be construed in such a way as to permit restricted recognition by a host Member State of the professional qualifications of an applicant who possesses the diploma of *Ingegnere civile idraulico* [civil engineer specialising in hydraulics] (awarded in Italy) and who wishes to pursue that profession in another Member State whose legislation regulates the profession of *Ingeniero de Caminos, Canales y Puertos* [civil engineer]? The question is based on the assumption that the latter profession comprises, in the host Member State, activities which do not correspond in all cases to those covered by the applicant's diploma and that the evidence of education and training adduced by the applicant does not cover certain of the core matters which are generally required for the award of the qualification of *Ingeniero de Caminos, Canales y Puertos* (civil engineer) in the host Member State.
- B. Should the reply to the first question be in the affirmative, is it compatible with Articles 39 and 43 EC to restrict the right of applicants who seek to pursue their professions, in a self-employed or employed capacity, in a Member State other than the one in which they were awarded their professional qualification, in such a way that the host Member State is entitled to exclude, under its national legislation, restricted recognition of professional qualifications where such a decision, which in principle implements Article 4 (1)(b) of Directive 89/48/EEC, entails the imposition of certain additional, disproportionate requirements as regards pursuit of the profession?

For these purposes, 'restricted recognition' is understood to mean that which authorises an applicant to work as an engineer only in the equivalent sector (hydraulics) of the more general profession of *Ingeniero de Caminos, Canales y Puertos* (civil engineer) regulated in the host Member State, without requiring him to fulfil the additional requirements laid down in Article 4 (1)(b) of Directive 89/48/EEC.

## 6. The ECCE Proposal

To assist professional bodies and regulatory authorities in the assessment of the suitability of professional civil engineers from other European countries to work in the host country, in accordance with the Directive, ECCE considers very important the exchange of information relating to the formation of professional civil engineers amongst its member countries. This would facilitate the host country in making this assessment, recognizing, of course, that each individual should be assessed individually, and that they might possess demonstrable knowledge and competence in other areas.

Without a Common Platform, ECCE proposes that, besides the European Directive recognition procedures (through adaptation period or aptitude test), regulated countries through their competent authority, would also have the possibility to perform the professional recognition of a foreign

candidate, in that country, performed in an individual assessment basis, as a **Civil Engineering Professional, entitled to perform only some acts (Partial Recognition)**.

## 7. ECCE Professional Recognition System

### 7.1 Preliminary

In furtherance of this, competent authorities in regulated countries could adapt their procedures to have the option to recognize “**Civil Engineers who may practice specified acts**”.

### 7.2 The Candidate

A candidate to professional recognition can be any civil engineer that is recognized as such, in his own ECCE country.

### 7.3 ECCE Card (optional)

ECCE member countries may choose, to facilitate the recognition, the possibility of issuing a certificate to professional civil engineers (ECCE Card).

This document must be released by the ECCE member of the country in which the candidates' degree was obtained, certifying that the candidate:

- a) has a diploma from a recognized civil engineering professional course in that country;
- b) according to the national law he is a **civil engineering professional, entitled to perform the following acts ...** in that ECCE member's country. Acts indicated will be no less than those defined in the candidates' application.
- c) Is associated or registered in ECCE's member country organization.

This document aims to provide easier recognition procedures by the host country of the entitlement of the candidates' capacity to perform civil engineering acts.

### 7.4 Application to Recognition

The process of professional recognition of a civil engineering professional in a regulated or non-regulated host country, would begin by submitting his application to the competent authority of the host country with the following documents:

- a) Application form (prepared by host country), indicating the civil engineering acts for which he wants to be entitled to perform;
- b) ECCE Card (optional).
- c) Civil Engineering Academic Diploma with course duration and academic list of disciplines;
- d) Curriculum Vitae (including any additional studies);
- e) Personal Declaration indicating that he understands that civil engineering acts performed in the host country will be performed in respect of its technical codes and ethics and in the host's country language (unless otherwise stated);

## 7.5 Recognition

Based on the candidates' application documents, the competent authority, if does not accept him as Civil Engineer, should offer the following options to the candidate:

- a) Accepted as Civil Engineering Professional entitled to perform the following acts ...(partial recognition);
- b) Definition of an adaptation period up to 3 years of supervised work, including a final assessment, to achieve a total recognition as civil engineer;
- c) Definition of subjects to perform an aptitude test to achieve a total recognition as civil engineer.

The acceptance criteria b) and c) must be based on the qualifications existing for national civil engineer candidates (European Directive).

## 8. Implementation

This ECCE professional recognition system is recommended to be adopted by the Competent Authorities of the ECCE countries.

This recommendation will not interfere with any bilateral recognition agreements between ECCE member countries now in use, though they should be adapted to this framework in the future.

The scope of the recommendation is to facilitate the recognition of a professional civil engineer to practise but not to imply automatic and caveated recognition.

## 9. Final Note

In 4/3/09, the Portuguese Govern published the Law 9/2009, which is the transcription to Portugal of the European Directive 2005/36/CE. In this law, and following the ideas of the ECCE, besides the recognition procedures presented in the Directive, appears the possibility of a "Partial Recognition" when the candidate has qualifications that cover only part of those required by the profession in the host country. This is the implementation in the law of the case laws referred in 5.3, solving the main problem of professional recognition as ECCE proposes.

*Ljubljana, 2009*

*Fernando Branco*



**ANNEX I**

**THE CIVIL ENGINEERING  
CHARTER**

## **CIVIL ENGINEERING CHARTER**

**1. A civil engineer is a professional, academically educated and practice-oriented who uses his scientific, technical and other pertinent knowledge to perform, with ethics, civil engineering acts, aiming to contribute to a sustainable world, with a better quality of life.**

**2. Examples of civil engineer acts are:**

**At planning/design phase:**

- **Structural design;**
- **Building and other structures planning/design;**
- **Tunnelling and ground solutions design;**
- **Roads and other communication infrastructures planning/design;**
- **Water and sanitary infrastructures planning/design;**
- **River, coastal and offshore infrastructures planning/design;**
- **Urban and environment planning/design;**
- **Safety planning.**

**During construction of buildings and infrastructures:**

- **Technical supervision;**
- **Construction and demolition management and supervision;**
- **Materials production;**
- **Safety, health and environment management.**

**During operation and maintenance of buildings and infrastructures:**

- **Building investments management;**
- **Inspection, maintenance and repair;**
- **Operation and decommissioning management.**

**In general:**

- **Research and teaching civil engineering;**
- **Project and design management.**

**3. The civil engineer's knowledge is obtained from academic studies, professional experience and continuous professional development.**

**4. Based on the civil engineer's knowledge, the acts that each civil engineer should perform may be defined in each country by a national institution, where appropriate.**

*Approved at the 47<sup>th</sup> ECCE Meeting, Riga, 24 May 2008*