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The Regulation of Architects in Belgium and the Netherlands

A Comparative Analysis

Ius Commune Europaeum

Sarah Schoenmaekers

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When I studied at the European Law School of Maastricht University I learnt to compare different national legal systems and to analyze them within a broader European context. I was determined to use this knowledge in practice and to become a fully fledged lawyer in my home state Belgium. Even though I was aware that I would have to take an aptitude test before I would be able to register, it was only by practising that I discovered that the exercise of the profession in both countries differed. I wondered whether this would also be the case for other professions which were not directly dependent upon the precise content of laws and regulations. I never imagined that a few years later I would have written a PhD comparing the regulation of architects in Belgium and the Netherlands.

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*When we mean to build,
We first survey the plot, then draw the model.
And when we see the figure of the house,
Then must we rate the cost of the erection,
Which if we find outweighs ability,
What do we then but draw anew the model
In fewer offices, or at least desist
To build at all?*

William Shakespeare,
King Henry the Fourth, Part II
(Lord Bardolph at I, iii)

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LIST OF ABBREVIATIONS

AA	Architects Act
ACE	Architects' Council of Europe
ACP	African, Caribbean and Pacific countries associated with the Community by the Lomé Convention
A.J.T.	Algemeen Juridisch Tijdschrift
Ann.dr.Lg.	Annales de droit de Liège
Ann.Parl.	Annales Parlementaires
A.P.M.	Administration publique (Mensuel): revue du droit public et des sciences administratives
Arr.Cass.	Arresten van het Hof van Cassatie
Arr. GwH	Arresten Grondwettelijk Hof
Arr.R.v.St.	Verzameling van arresten van de Raad van State
AO	Architects' Order Act
Arob	Administratieve rechtspraak overheidsbeslissingen
ATA	Architects' Title Act
AVA	Algemene voorwaarden voor aannemingen in het bouwbedrijf
Ba-Ma	Bachelor-Master
B.J.	La Belgique judiciaire: gazette des tribunaux belges et étrangers
BNA	Bond der Nederlandse Architecten
BR	Bouwrecht
B.R.H.	Belgische rechtspraak in handelszaken
BUA	Beroepsunie der Architecten
Bull.	Bulletin des arrêts de la Cour de Cassation
BVA	Bond van Vlaamse Architecten
Cah.dr.immo.	Cahiers de droit immobilier
CC	Civil Code
CEDIC	Comité Européen des Ingénieurs Conseils
CEPES	Centre européen pour l'enseignement supérieur
DCFR	Draft Common Frame of Reference
Doc.Parl.	Documents parlementaires
EAAE	European Association of Architectural Education
EC	European Community

List of Abbreviations

ECJ	Court of Justice of the European Union
ECR	European Court Reports
EEA	European Economic Area
EEC	European Economic Community
EFTA	European Free Trade Association
ECHR	European Court of Human Rights
ENHSA	European Network of Heads of School of Architecture
ENIC	European Network of Information Centres
EU	European Union
FQS	Flexible quality standard
FYROM	Former Yugoslavian Republic of Macedonia
GATS	General Agreement on Trade in Services
Gedr. St.	Gedrukt Stuk
GMA	General Measure of Administration
GURI	Gazzetta Ufficiale della Repubblica Italiana
HEI	Higher Education Institutions
IHS	Institut für Höhere Studien
JAR	Jurisprudentie Arbeidsrecht
Jb.Hand.Med.	Jaarboek handelspraktijken en mededinging
J.C.B.	Jurisprudence commerciale de Belgique
J.C.Fl.	Jurisprudence commerciale des Flandres
J.L.	Jurisprudence de Liège
J.L.M.B.	Revue de jurisprudence de Liège, Mons et Bruxelles
J.T.	Journal des Tribunaux
J.T.T.	Journal des tribunaux du travail
LA	Laruelle Act
Limb.Rechtsl.	Limburgs Rechtsleven
MDP	Multi-disciplinary partnerships
MQS	Minimum quality standard
NAFTA	North American Free Trade Agreement
NARIC	National Academic Recognition Information Centre
NAV	Nationale Architectenvereniging
NJ	Nederlandse jurisprudentie
N.J.W.	Nieuw Juridisch Weekblad
NR	Nieuwe Regeling 2005
OJ	Official Journal
ONRI	Organisatie van advies- en ingenieursbureaus
OTB	Onderzoeksinstituut technische bestuurskunde
Pas.	Pasicrisie belge
PEL SC	Principles of European Law on Service Contracts
PPP	Purchasing Power Parity
PSC	Points of Single Contact
R.A.B.G.	Rechtspraak Antwerpen Brussel Gent
R.A.C.E.	Receuil des arrêts du Conseil d'État
R.C.J.B.	Revue critique de jurisprudence belge

RDL	Royal Decree Laruelle
Rev.dr.Commun.	Revue de droit communal
Rev.not.b.	Revue du notariat belge
RGAR	Revue générale des assurances et des responsabilités
R.J.D.A.	Recueil de jurisprudence du droit administratif et du Conseil d'état
R.J.I.	Res et Jura Immobilia
R.R.D.	Revue régional de droit
Rvdw	Rechtspraak van de week
R.W.	Rechtskundig Weekblad
SAF	Sociétés des Architectes Francophones
SIA	State Insurance Act
SIM	Services in the Internal Market
SLIM	Simpler Legislation for the Internal Market
SR	Standaardvoorwaarden Rechtsverhouding Opdrachtgever-Architect
Stb.	Staatsblad
Stcrt	Staatscourant
T.Aann.	Tijdschrift voor aannemingsrecht
T.App.	Tijdschrift voor appartements- en immorecht
T.B.B.R.	Tijdschrift voor Belgisch burgerlijk recht
T.B.H.	Tijdschrift voor Belgisch handelsrecht
T.B.O.	Tijdschrift voor bouwrecht en onroerend goed
T.B.P.	Tijdschrift voor bestuurswetenschappen en publiekrecht
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
TOGOR	Tijdschrift voor onroerendgoedrecht
T.R.V.	Tijdschrift voor rechtspersoon en vennootschap
T.S.R.	Tijdschrift voor social recht
TU	Technical University
TvA	Tijdschrift voor arbitrage
UAV	Uniforme administratieve voorwaarden voor de uitvoering van werken
UAV-GC	Uniforme administratieve voorwaarden voor de uitvoering van werken – geïntegreerde contracten
UIA	Union Internationale des Architectes
UK	United Kingdom
UNESCO	United Nations Educational, Scientific and Cultural Organization
UPA	Union Royale Professionnelle des Architectes
VROM	Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer
W	Weekblad voor het recht