



ASSOCIAZIONE NAZIONALE URBANISTI PIANIFICATORI TERRITORIALI E AMBIENTALI

Membro effettivo del Consiglio Europeo degli Urbanisti
www.urbanisti.it

Con questo primo articolo si apre una finestra sulla attività svolta dall'associazione nazionale degli urbanisti. L'AssUrb nasce a metà anni 70 dopo la proclamazione dei primi laureati in Urbanistica del Corso di laurea fondato da Giovanni Astengo e da un gruppo di docenti dell'Istituto Universitario di Architettura di Venezia. Riunisce i laureati provenienti da queste scuole "specialistiche". Le finalità della Associazione, espresse nello Statuto, variano tra quelle di "promuovere la professione dell'urbanista", al suo "riconoscimento giuridico", "alla formazione e all'aggiornamento professionale" a "promuovere iniziative intese a sviluppare il dibattito sulle principali politiche comunitarie, nazionali, regionali e locali sui temi che riguardano l'urbanistica e la pianificazione territoriale e ambientale".

In questi trentanni ha svolto una attività importante per il riconoscimento legale e de facto del titolo di studio da una parte e per diffondere la cultura urbanistica dall'altra. L'inserimento del Pianificatore territoriale all'interno del rinnovato Ordine degli Architetti, con il DPR 328/01 rappresenta una delle ultime tappe del primo caso. La co-stesura assieme al Consiglio Europeo degli Urbanisti della Nuova Carta di Atene, nelle versioni del 1998 e del 2003, è uno dei prodotti del secondo caso. L'INU da diversi anni ci ha affiancato e sostenuto per cui devo ringraziare in modo particolare gli ultimi due presidenti, Stefano Stanghellini e Paolo Avarello, oltre ovviamente Federico Oliva e il direttore della rivista che ci ospita.

Il Presidente Daniele Rallo

La professione di pianificatore verso un riconoscimento europeo

Virna Bussadori*

Con la Direttiva 92/51/CEE relativa ad un secondo sistema generale di riconosci-

tata», si intende l'attività o l'insieme delle attività professionali regolamentate che costituiscono una data professione in uno Stato membro.

Per «attività professionale regolamentata», si intende un'attività professionale, per la quale l'accesso o l'esercizio o una delle modalità di esercizio in uno Stato membro siano subordinati, direttamente o indirettamente mediante disposizioni legislative, regolamentari o amministrative, al possesso di un titolo di formazione o attestato di competenza. In particolare, costituiscono modalità di esercizio di un'attività professionale regolamentata:

- l'esercizio di un'attività a titolo professionale qualora l'uso del titolo sia limitato a chi possieda un dato titolo di formazione o un attestato di competenza previsto da disposizioni legislative, regolamentari o amministrative;
- l'esercizio di un'attività professionale nel settore sanitario qualora la retribuzione e/o il relativo rimborso siano subordinati dal regime nazionale di sicurezza sociale al possesso di un titolo di formazione o di un attestato di competenza.

Quando non si applica il comma di cui sopra, è assimilata ad un'attività professionale regolamentata anche l'attività professionale esercitata dai membri di un'associazione od organizzazione che, oltre ad avere segnatamente lo scopo di promuovere e di mantenere un livello elevato nel settore professionale in questione, sia oggetto, per la realizzazione di tale obiettivo, di un riconoscimento specifico da parte di uno Stato membro e:

- rilasci ai suoi membri un titolo di formazione,

- esiga da parte loro il rispetto di regole di condotta professionale da essa prescritte e

- conferisca ai medesimi il diritto di un titolo professionale, di un'abbreviazione o di beneficiare di uno status corrispondente a tale titolo di formazione.

Con la direttiva relativa al riconoscimento delle qualifiche professionali approvata l'anno scorso, la Commissione Europea non ha solo inteso riordinare la materia assemblando ben 15 direttive settoriali relative a professioni regolamentate, ma ha anche inteso prevedere un meccanismo di compensazione per quelle professioni non già incluse nella stessa direttiva, ma "regolamentate" in base a quanto stabilito precedentemente. Questo meccanismo prevede la creazione di piattaforme comuni da parte di associazioni professionali europee. Per piattaforma comune s'intende l'insieme dei criteri delle qualifiche professionali che attestano un livello di competenza adeguato all'esercizio di una certa professione e in base ai quali tali associazioni accreditano le qualifiche acquisite negli Stati membri; questo per garantire la libera circolazione dei professionisti ed il loro accreditamento sulla base di criteri comuni. Il Consiglio Europeo degli Urbanisti (CEU/ECTP), di cui l'AssUrb e l'INU fanno parte, ha iniziato la procedura per la realizzazione di una piattaforma per l'accREDITAMENTO dei pianificatori in Europa. Qui di seguito la relazione presentata durante l'ultima Assemblea Generale del CEU/ECTP.

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Recognition of the profession of planner and professional qualification by the European Union

To organise and facilitate free circulation of professionals in the Europe, the European Union has worked to identify the nature of the professions, their levels of education and training and the skills and skills and competences required to practice in all Member States.

I Professional recognition since 1989

Recognition first by the European Community and then by the European Union of the variety of professions practised in the Member States has gone through several phases.

The General System:

Two directives instituted the principles of the general system of professional recognition:

Directive 89/48/EEC, on recognition of higher education diplomas concerning education and professional training lasting at least 3 years,

Directive 92/51/EEC, completing the first and introducing the concept of the regulated profession.

Annexes C & D of the second directive primarily listed by country the education and training by various diploma-giving and/or regulatory bodies. One is forced to acknowledge that these lists are very incomplete and most Member States did not even bother to respond.

The two fundamental directives 89/48/EEC and 92/51/EEC were followed by:

- 5 directives modifying Annexes C and/or D (Directive 95/43/EC; D.97/38/EC ; D.2000/05/EC; D.2001/19/EC; D.2004/108/EC) amending, adding or removing entries from the list of regulated professions
- one completing Directive relating to people in some craft, industry and commercial activities to enable them work without getting the relevant national qualification for that trade or craft in the host Member State, to avoid discrimination in the delivery of services (D.99/42/EC).

In applying these various directives, each Member State must provide the Commission with a list of education and training requirements of the professions which they would like to be recognised as specific professions. For each profession, the Member States must give the Commission the documents setting out the requirements in national legislation.

So by successive complementary listings of education and training, an inventory of the professions has been established, which is inevitably incomplete, mainly because it seems (unfortunately) that few of the Member States took the information request seriously. It is worth noting that at no point in this process was the profession of planner mentioned by any Member, except for one reference to R.T.P.I. in an annex to Directive 89/48/EEC.

In addition, the first Articles of Directives 89/48/EEC and

92/51/EEC set out the meaning of terms used in the specific vocabulary of professional recognition. These terms are covered: (a) diploma, (b) certificate, (c) proof of competence, (d) Host member state, (e) regulated profession, (f) regulated professional activity, (g) regulated education and training, (h) professional experience, (i) adaptation period, (j) aptitude test etc. Among these definitions, *regulated professional activity* should be of particular interest to ECTP. This is the definition from the official document:

- "*regulated professional activity: a professional activity, in so far as the taking up or pursuit of such activity or one of its modes of pursuit in a Member State is subject, directly or indirectly by virtue of laws, regulations or administrative provisions, to the possession of a diploma. The following in particular shall constitute a mode of pursuit of a regulated professional activity:*

- *pursuit of an activity under a professional title, in so far as the use of such a title is reserved to the holders of a diploma governed by laws, regulations or administrative provisions*"...

Where the first subparagraph does not apply, a professional activity shall be deemed to be a regulated professional activity if it is pursued by the members of an association or organization the purpose of which is, in particular, to promote and maintain a high standard in the professional field concerned and which, to achieve that purpose, is recognized in a special form by a Member State and:

- *awards a diploma to its members, ensures that its members respect the rules of professional conduct which it prescribes, and confers on them the right to use a title or designatory letters, or to benefit from a status corresponding to that diploma.*

Note that between the first and the second directive, the word diploma was replaced by "evidence of education and training". The definition of *regulated professional activity* had clearly moved on by the time Directive 2001/19/EC was drafted. In fact under Section 1, Article 1 of this Directive, the definition of regulated profession incorporates an obligation to take into consideration experience acquired after obtaining a diploma when scrutinising a request for recognition, and admits the possibility of regulated education and training. Such education and training must be specific to the practice of a particular profession, must consist of post-secondary education study lasting at least three years. That same Directive introduces the notion of professions for which diplomas may benefit from automatic recognition. These professions are regulated by Sectoral Directives e.g. the one for Architects. Before Directive 2001/19/EC two intermediate Directives helped to avoid certain problems of recognition. Directive 1999/42/EC of 7 June 1999 brought in a mechanism for recognition of diplomas for professional activities covered in liberalisation directives and it was envisaged that there would be a regular report on implementation. Then on 14 May 2001, Directive 2001/19/EC brought in the notion of "Sectoral Directives", with transitional measures for certain health professionals and architects.

We can see at this stage of the process that only the profes-

sions with a sectoral directive were clearly defined and the framework for their operation fully organised. For the other professions, notably planners, the “General system of recognition of diplomas” could not be seen as a system of automatic recognition of qualifications, especially since the definition of “town planner” had no official visibility.

The system of “sectoral directives”

Twelve sectoral directives have been adopted. They cover in particular certain health professions, veterinary surgeons, pharmacists and architects. Since the profession of planner does not have this status, we will not pursue this notion here.

That said, it might be worth knowing why the profession of architect was covered by this system, particularly since one of the main arguments invoked to justify the need for a specific directive was that: *“architecture, the quality of buildings, the way they blend in with their surroundings, respect for the natural and urban environment and the collective and individual cultural heritage are matters of public concern”*.

It continues that architect are able to *“understand and give practical expression to the needs of individuals, social groups and communities as regards spatial planning, the design, organization and construction of buildings, the conservation and enhancement of the architectural heritage and preservation of the natural balance”*

That definition leads to two reflections:

- whether the profession of planner is a matter of public concern,
- whether architects can exercise the prerogatives of planners.

Planners are conspicuous by their absence: they are not mentioned in any of the directives adopted so far, with the exception of the reference to Royal Town Planners Institute. We should be glad that in the course of defending their own interests they ensured that our profession was mentioned at least once. It is regrettable that simple recognition of public interest demonstrated by the practice of the planning profession and its specific character were not put forward as convincing arguments for a sectoral directive for planners.

II Reports on the application of the general system of recognition of diplomas in higher education

Two reports have been published by the European Commission aimed at a phased evaluation of the application of the Directives mentioned above and the General System of recognition of the professions.

23 July 1996, Report COM (1996) 46 under Article 13 of Directive 89/48/EEC.

3 February 2000, Report COM (2000) 178, under Article 18 of Directive 92/51/EEC.

These reports allows us to assess the situation so far, to draw conclusions as to any modifications to the present system which might be necessary, and perhaps to submit proposals intended to improve the existing regulations to facilitate free movement of professionals in the EU and uphold the right of establishment and the freedom to offer services as envisaged

by the Directives. The main conclusion of these reports was that the present arrangements are complex and difficult to administer. So it was agreed (in mid-2001) to embark on a wide consultation of Member States with a view to simplifying the regulations and defining the future European system of recognition of professional qualifications.

III The future system of recognition of professional qualifications

On 2 July 2001, DG Internal Market of the Commission started an open consultation on the future European system of recognition.

On 7 March 2002, the Commission proposed to the Council and the European Parliament:

- consolidation measures applying to the existing directives regarding recognition of professional qualifications,
- simplification of the existing regulations, management of the system of recognition,
- subsidiary application of a general approach to some remaining situations not covered by the “General System” of recognition or the rules on automatic recognition under the “Sectoral” directives.

The draft introduced the notion of “common platforms” managed by the professions and intended to make it easier for there to be more automatic recognition of professional qualifications within the framework of the general arrangement.

On 12 February 2004, the European Parliament approved the draft directive, indicating acceptance of simpler approach.

On 20 April 2004, the proposal was modified by European Parliament and the Council.

On 11 May 2005, the Directive was passed by European Parliament with some amendments to the Common Position of the Council.

On 6 June 2005, the Council adopted the Directive and opened the consultation for constituting the Common Platforms, along with the requirement on Member States to integrate the arrangements into the relevant national legislation.

The planning profession must now seize the chance to obtain (as a minimum) recognition of the distinctiveness of the profession. ECTP must be at the forefront here, taking on the task of constituting and administering the common platform for planners. It is not beyond the bounds of possibility that ECTP could set itself the ambitious task of using the Platform to demonstrate that all-important “evidence of public concern” of the profession of planner at the same time as its distinctive characteristics: two necessary and sufficient criteria for the creation of a Sectoral directive.

From the text of the Directives we can take among other things these basic elements which would be useful for our reflections on the profession of planner:

- Article 11: this article sets out 5 levels of qualification which could be envisaged. Level 5 corresponds to a diploma demon-

strating successful completion of a course of post-secondary education of more than four years. It is the highest level envisaged. We must obtain Level 5 for planners.

- Article 15: this allows for common platforms for all Member States. Such a platform must “facilitate the mutual recognition of professional qualifications. European professional associations ... which represent a profession, can communicate to the Commission the common platforms which they establish at European level. “Common platform” is understood to be a set of criteria for professional qualifications which attest to a sufficient adequate level of competence for the pursuit of a given profession and on the basis of which those associations accredit the qualifications obtained in Member States.”

In this context ECTP must put forward its own platform, which will be rigorous and taken all the more seriously because it arises out of wide and indisputable representation of the profession in every Member State.

ECTP must whole-heartedly adopt its chosen role of representing the profession at European level and promoting and raising the profile of the profession.

Bisogna tagliare qualcosa x far rientrare questo testo!