



# RIAS

**The Royal Incorporation of Architects in Scotland**

Aonachadh Rìoghail nan Ailtire ann an Alba

## **Briefing For the Constitution, Europe, External Affairs and Culture Committee**

### **Review of the EU-UK Trade and Co-operation Agreement**

**2 December 2024**

#### **Introduction**

This briefing collates experiences and views of RIAS members concerning implementation of the post Brexit UK Trade and Co-operation Agreement and its effects on architectural services.

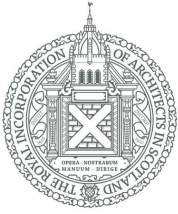
#### **Background**

From 1985 until January 2021, EU Directive EEC 85/384, also known as the European Architects Directive, regulated the legal position of Scottish architects working in the European Union. This provided mutual recognition of qualifications in architecture in EU Member States – although some variation did exist such as protected title only (basic UK approach) and fully protected function (Germany, Belgium, Luxembourg and Portugal). These regulations safeguard the freedom of movement of architects within the EU and guaranteed that architects from the different member states including the UK could work across national jurisdictions. For Scottish architects this freedom and recognition ended after Brexit.

Post Brexit, a Joint Recommendation for a mutual recognition agreement has been submitted by the Architects Registration Board (ARB) and the Architects Council of Europe and has been acknowledged within the formal governance structures of the EU-UK Trade and Cooperation Agreement. Retained EU recognition law has been revoked.

The ARB are now working to put new arrangements with the EU in place under the terms of the UK/EU Trade and Cooperation Agreement, but this is likely to take time. The ARB agreed, to maintain the existing 'interim' arrangements that have been in place since 1 January 2021 which unilaterally recognises the qualifications of EU architects for a further period. This is being kept under review, but it means there is no long-term certainty for Scottish architects and studios seeking EU work.

For most Scottish based architects, working in Europe is uncommon and based on specific niche design competencies and partnerships. It does not form a regular pipeline of work but does offer useful experience and learning. The additional time and cost investment post Brexit is an obvious deterrent in relation one off projects.



# RIAS

**The Royal Incorporation of Architects in Scotland**

Aonachadh Rìoghail nan Ailtire ann an Alba

## **Critical Issues for Scottish Architects**

### *Loss of status*

- Whilst it's possible to compete for work in the EU the loss of recognition under EU Directive EEC 85/384 necessitates working with a partner in a sub-contracting agreement.
- UK recognition of EU registered architects means countries like Denmark can promote their design sector here. Without reciprocal recognition it is very difficult for Scotland to break into EU markets.
- Scotland is also reliant on the ARB (and to a lesser extent the Royal Institute of British Architects) in managing international relations from London, handling negotiations with the Architects Council of Europe. RIAS is ineligible to sit at the top table as a national representative. Arrangements across the UK nations, post devolution remain informal and underdeveloped.

### *In summary*

Brexit offers the worst of all worlds for Scottish Architecture, at a time where the sector is reeling from austerity and constrained home markets.

## **Wider concerns, unknowns, and risks**

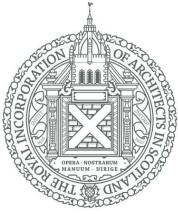
### *Finding partners and niche opportunities*

- Scottish Practices can win work in the EU through partnerships, (e.g., Moxon Architects bridge work) but this far from a common business model.
- The few Scottish based practices attempting to pursue work in the EU face uncertainties, risk and a lack of coordinated institutional support. For example, there is no specific sector programme from either Scottish Enterprise or Architecture and Design Scotland.

### *Wider Brexit symptoms and consequences*

There are significant impacts for Scottish Architectural practices winning and delivering work in the UK. These include:

- Costs and complexity in terms of residency, as they must apply to 'short stay' visas that only allow them to stay in EU countries for a maximum of 90 days. If they wish to stay longer, they will have to apply for the long-term visa.
- Recruiting and keeping talented students (part 2 qualified) architects from EU countries – who may not be able to stay / pursue a career in the UK as result of VISA rules. The UK government does not recognize architecture on its skills shortage list, but average salaries (outside of London) are well below skilled visa qualifying levels.



# RIAS

**The Royal Incorporation of Architects in Scotland**

Aonachadh Rìoghail nan Ailtire ann an Alba

- Practices and staff face expensive and uncertain processes around sponsorship, which can allow talented designers to be retained post study. This affects EU graduates from Scottish Architecture schools.

## *European experience and connections*

- The barriers to recruiting and retaining EU nationals with native language ability and cultural and local knowledge act as further barrier to accessing new markets.
- Nor can Scottish native graduates easily pursue experience in continental Europe either in terms of work or study.
- The long-term prospects for Scottish Architecture schools are also threatened by the uncertainties around post study employment – given this forms part of gaining a qualification and route to chartered status.
- The Scottish Government has frozen funding for profile-raising exercises such as a Scottish presence at the Venice Biennale. This has further reduced Scottish abilities to gain profile and network with contemporaries.

## *Knock on impacts on the construction trade Brexit impacts*

- Architects specify elements of buildings but are reliant on specific systems and components which may only be available from certain EU suppliers. These supply chains have become less dependable, and prone to delays with longer overall lead in times.
- The overall lack of construction skills, previously secured from Europe, makes projects slower to get on site, delays reach stage boundaries and creates cashflow issues. This depresses the market for architectural services and results in downward pressure on fees.

## **Supporting the Scottish Architecture sector**

### *Unfavorable home market and procurement rules*

- In Scotland, an inflexible interpretation and application of former EU procurement rules stifles the architecture sector and aligned to austerity is driving fees down to unsustainable levels. Many practices do not have the cash flow or surpluses to pursue risk based foreign ventures.
- Most Scottish architects believe the architecture sector is better recognized and supported by EU states such as Denmark or Sweden. Procurement is more proportionate, and outcome focused, than Scotland's process driven approach. Meanwhile municipal design competitions offer another point of access for smaller and younger practices.
- Without reform at home and a vibrant home market the prospect of more Scottish architecture practice trading abroad is very limited. Addressing these challenges are within the power of the Scottish Government to address.



# RIAS

**The Royal Incorporation of Architects in Scotland**

Aonachadh Rìoghail nan Ailtire ann an Alba

## **Scottish Architecture and Europe: The Way Forward**

Scottish architecture is still economically significant, and a viable global brand based on Edinburgh and Glasgow's architecture heritage, world-renowned structures, and luminaries such as Charles Rennie Mackintosh. Securing work abroad develops skills, drives innovation, and diversifies income received by studios. Successfully completing new buildings and structures at home and abroad is a significant advertisement for Scottish design talent and technical skills. These opportunities can only be pursued by the sector if:

1. The Scottish Government signals its commitment to Scottish architecture and creates a sustainable home market via a reformed procurement environment, that values design and designers.
2. Scotland has a greater voice in the mutual recognition agreements being led by the ARB and RIBA through negotiations with the Council of European Architects. The Scottish Government needs to work with the Scotland Office and UK departments to help RIAS in a more coordinated four nations approach.
3. The Scottish Government actively plans for the architectural workforce, including the fair treatment of EU nationals qualifying through Scottish Architecture Schools. It should be easier to keep the best talent today via reformed visa rules. However, longer-term a skills plan is needed that overcomes the reliance on foreign students to subsidize Scottish architectural education provision.
4. Enhanced partnerships with EU practices are developed. More support is needed from Government to develop these connections and develop the visibility of Scottish Practices abroad. Modest levels of seed corn support are needed from Government such as travel costs to conferences and trade events.
5. Stronger relationships are forged with the Royal Society of Ulster Architects (RSUA) and Royal Institute of Architects Ireland (RIAI) – given their enhanced access to EU markets. Other windows to explore include alliances with prominent regions in Europe who have sub-national architectural associations.