

(English version)

**Question for written answer E-000274/25
to the Commission
Jorge Martín Frías (Pfe)
(22 January 2025)**

Subject: Competence to issue building assessment reports in the EU

The Spanish Supreme Court recently established that only architects are authorised to issue building assessment reports, with engineers, who previously were also allowed to do so without restriction, now being excluded from this role.

In the majority of EU countries, engineers are authorised to assess buildings' state of conservation and energy efficiency, which means that this judgment obstructs the free movement of professionals in the EU.

This could mean that Spain is infringing EU law on freedom to provide services as job profiles are unjustifiably being restricted to the benefit of architects.

This exclusive right enjoyed by architects is not laid down in any Spanish legislation and CNMC ⁽¹⁾ reports conclude that it is anti-competitive, unjustified and in violation of EU law. This practice could be at odds with Directive 2006/123/EC ⁽²⁾, Directive 2005/36 ⁽³⁾ and Directive 2018/958 ⁽⁴⁾.

In light of the above:

1. What measures is the Commission considering to ensure that European engineers can enjoy their right to freedom to provide services in other Member States?
2. Will the Commission consider asking the Spanish Government to remove these barriers faced by European engineers when practising their profession?

Submitted: 22.1.2025

**Answer given by Executive Vice-President Séjourné on behalf of the European Commission
(22 April 2025)**

The Commission is aware of the rulings issued by the Spanish Supreme Court in 2021 and 2022. The Court sovereignly interpreted a pre-existing legal reserve in the Spanish law giving the architects and technical architects the exclusive right to issue the building assessment reports.

The main public interest reasons used by way of explanation by the Spanish Court were related to public safety, environmental protection and building preservation.

EU Member States have the possibility to reserve certain activities to specific professions, provided that those reservations comply with the EU legislation.

Following a complaint, the Commission carried out an assessment of the situation described in that complaint. That assessment did not permit to identify a violation of EU rules.

The Commission is continuously monitoring the compliance of the Member States' legislation with EU law using different tools. The reform recommendations for regulation in professional services published by the Commission in 2017 ⁽¹⁾ and 2021 ⁽²⁾ covered the reserved activities of architects and engineers in Spain.

More recently, in the context of the EU semester 2023 spring package, the benefit of reducing barriers for civil engineers was stressed in the Country report ⁽³⁾.

¹ National Commission for Markets and Competition in Spain

² on services in the internal market

³ on the recognition of professional qualifications

⁴ on a proportionality test before adoption of new regulation of professions

⁽¹⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016DC0820>

⁽²⁾ SWD(2021) 185 — Staff Working Document accompanying the communication on taking stock of and updating the reform recommendations for regulation in professional services of 2017.

⁽³⁾ https://economy-finance.ec.europa.eu/document/download/c2a417af-a656-4526-bec1-74977469dcad_en?filename=SWD_2023_609_1_EN_autre_document_travail_service_part1_v4.pdf