

Multilateral Agreement

on mutual recognition
of professional qualifications
of Public Appointed geometers

October 2004

Preamble

The basis of all commercial and financial activity is **confidence in the security of the legal system relating to land and property**. National constitutions protect ownership of land and property and subject commercial and financial activity to strict procedures of a formal nature. In central European countries, comprehensive and legally binding documentation relating to ownership of land and property is assured traditionally by the technical-legal system of “the land register - real estate cadaster”. The keeping of ownership and mortgage registers as well as real estate cadasters is a matter for the State. Codified procedures for registration and changes to entries therein must be compatible in all three areas in order to assure the necessary security. The presumed correctness of registers is reflected in the real estate cadaster in the presumption of correctness of the cadaster entries in terms of location of the property boundaries and the designation of properties. Furthermore, real estate cadasters contain much more information which is essential for the functioning of the State, for the commercial and scientific utilisation of the surface of the earth, for avoidance of hazards and for nature protection and for safety in planning and civil engineering.

As changes in the registries of State and commercial interests arise in terms of place and time in a random fashion by their very nature, central European States have made use of the instrument of delegation of State functions for the past three hundred years. Specially trained reliable persons such as notary-publics or publicly commissioned geometers have been selected for this function. The multiplicity of public and private laws and legal effects relating to land and property calls for impartiality, reliability and comprehensive technical and legal knowledge on the part of members of the profession.

Protection of ownership as a basis of an economy starts out very simply with confidence in the publicly commissioned geometer as an individual who, without regard to person, sets out the boundaries of the property and the rights accruing from the property and thus lays the foundation for the implementation of constitutional dictates for protection of ownership of land and property. The complexity of land rights in modern economies calls for thorough command of technical and legal knowledge relating to land and property on the part of the geometer commissioned with these duties in order to be able to carry out this function. In central Europe, public registers covering ownership are quite diverse. The complexity of regulations is increasing in modern economies because land as a resource is coming to play an ever more important role and is being circumscribed in diverse legal manners. The legal framework within which the commissioned geometer operates differs from one country to the next and continues to develop.

1. A profession for public functions

Geometers commissioned to perform public functions are known in a number of countries:

in	France	as	Géomètre-Expert,
in	Germany	as	Öffentlich bestellter Vermessungsingenieur,
in	Belgium	as	Géomètre-Expert / Landmeter- Expert,
in	Denmark	as	Praktiseerende Landinspektoerer,
in	Austria	as	Ingenieurkonsulent für Vermessungswesen,
in	Switzerland	as	patentierter Ingenieurgeometer,/ ingénieur géomètre breveté,
in	Luxembourg	as	Géomètre-Officiell.

With this delegation of functions, States pursue the aim of opening up public functions to competition and reducing costs as well as improving the effectiveness of public registers in the economy. In this context, the appointment of a highly qualified member of the liberal professions is an advantage for citizens in their function as consumers as they can select their service provider from the pool of competing, commissioned individuals all of whom are on an equal footing. It has been proven historically that the organizational form of the liberal professions, under State supervision in terms of personnel and specialist knowledge, or in self-administration in conjunction with efficiency-based competition is the form which discharges public functions for State and for commercial interests most efficiently in the long term. In the above-mentioned countries, there are roughly 4,500 offices with one or several members of the profession and about 2 to 70 staff, organized under the umbrella of GEOMETER EURO-PAS¹. Incidentally, the profession is about three hundred years old, originating on the European continent.

2. Professional rules govern public appointment

In the respective countries, the professions are based on legislation governing the particular profession **which regulates duties assumed, entry requirements to and ethics of the profession**. In addition, there are **procedural laws** which set out the professional scope of work. These relate to areas of real estate, planning and civil engineering. The core of the profession is to be found in being commissioned to perform surveying work in the respective property securing system. Moreover, the profession rests on the following pillars:

- cadastral survey and safeguarding property boundaries, privately commissioned
- documentation of property surveying (i.e. keeping registers, measures, computations and maps, publicly commissioned)
- national geodetic survey
- geomatics / geoinformation / topography / hydrography
- certification of facts relating to land and property
- work as technical expert reflecting the whole range of the professional formation
- application of laws relating to land and property
- real estate evaluation

These are public functions, referred to as “sovereign” in some countries; as a rule, a member of the profession is permitted to take on assignments in the context of private law, if such do not give rise to a conflict of interest with the legal independence of the said member. Commissioning a member of the profession to carry out public work (delegation) is by government bodies or professional boards. In France, Belgium and Luxembourg, the géomètre-

¹ GEOMETER EURO-PAS International umbrella association incorporated under Belgian law

expert is the link from the property tax cadastre to ownership. In the German Federal states, members of the profession also issue administrative acts in their own right, in Austria, they issue official documents, in Switzerland, they carry out surveying and administer the comprehensive official Swiss surveying activities. In all countries the consultation of the consumer concerning the limitations of the real estate property due to the legal contents and geometry of the boundaries is the first duty of the profession. In no country are the numbers of members of the profession restricted by Government or self-administration; on the contrary, once members of the profession have provided proof of the necessary qualification, they have a right to admission. In that way, newcomers can always enter the profession. In all signatory states, there is a general trend towards an increase in delegating State functions to commissioned free-lance geometers.

3. Entry to the profession and its European dimensions

Regulations relating to entry to the profession vary from one country to another, however they are very similar and are in terms of their nature essentially of the same kind.

Demonstration of attainment of the necessary qualification involves, apart from an academic course of study for geometers² (Bac + 5U) the following general fields of study

- Administrative law,
- Land law,
- Building and planning law.

University education provides a widely available and comparatively equivalent, defined knowledge base. Thus, it has not been problematic to-date to perform straight-forward surveying techniques in a cross-border context (for a non-commissioned geometer or surveying technician). This happens very often.

The education set out below thus relates to practice and legal issues arising in the particular national legal system. There is, however, **no** possibility of exercising the public functions of a commissioned geometer on a cross-border basis. The regulatory situation on the one hand and the de facto impossibility of mastering two legal systems in sufficient professional depth have precluded this to-date, not to speak of other formal obstacles. Otherwise the right of public certification of facts is used in cross border service already now. On the other hand the certification of facts is already a subject of cross border service.

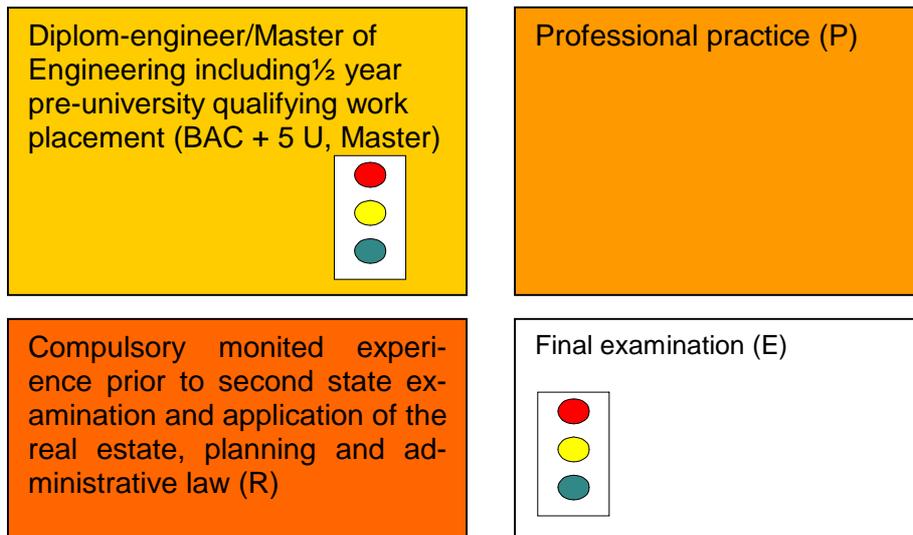
Nonetheless, the situation in the sector is in a constant state of flux, the legal systems are being investigated mutually and knowledge is disseminated transnationally over borders, not least by international associations such as GEOMETER EUROPAS. In addition, the EU is moving slowly in the direction of a harmonization of laws which also presupposes mutual understanding as a prerequisite.

As this is of major importance economically, this initiative of the signatory states also has the objective of making knowledge of practice of the profession more transparent in a legal and technical context and of drawing up common European positions in this sector. The larger this block of common European knowledge is, the sooner universities and training institutions can take account of it. This makes it easier for those entering the profession to avail of the possibility of working in the European country of choice, with all well-known associated economic advantages. This likewise serves to achieve a stepwise harmonization of systems and their use to the benefit of the European population.

² see also: Definition of geodetic surveyors in the professional profile of CLGE 1996

4. Illustration of the hitherto existing prerequisites for admission

Members of the profession have to fulfil four prerequisites



Differences between countries having publicly commissioned geometers are, when seen in isolation, multifold and, in addition, vary between French and German speaking areas but, in summary, they produce geometers who can function well within the respective legal system.

For the individual countries, the following regulations apply:

Country	Master	Professional practice (after BAC+5)	Exam	Other	Right to being admitted
France:	BAC ³ + 5U ⁴	2 P	Appraisal of work certificates: D.P.L.G. (in case of basic education at a State school)		yes
Germany:	BAC + 5U	2 R	State examination	1 P after State examination	yes
Belgium:	BAC+5U)	0 P (2P)	Jury Central ou des communautés (en cas d'application de la législation de 1936)		No ⁵
Denmark:	BAC + 5U	3 P	Selection based on work certificates		yes
Austria:	BAC + 5U	3 P	External examination		yes
Switzerland:	BAC + 5U	min. 18 months	External examination		yes
Luxembourg:	BAC + 5U	2 P (min 6 months in cadaster administration)	Examination		

³ BAC = condition for the admission to the university (baccalaureat)

⁴ U = university

⁵ At present a service regulation is proposed to alleviate the cooperation between private licensed surveyors and the federal cadastral service in the ministry of finance.

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Legend:

BAC + 5U: Baccalaureat + 5-year study at a university / technical university

P: On-the-job training in law and work practice in the respective country after university study

R: compulsory monitored experience prior to the Great state examination (two years)

In various countries, legal professional regulations also allow holders of a degree from a technical university to enter, if they can provide evidence of relevant technical and legal knowledge (and a longer practical training). This is regulated by national law.

5. Current admission and examination institutions

The current examination and admission institutions are state institutions or legally established boards

Country	Examination authority	Admission authority
France:	Ministry of Education (for DPLG)	Ordre des Géomètres Experts
Germany:	principally the Oberprüfungsamt (Higher Examination Office) Frankfurt	Ministries of the Federal Laender
Belgium:	Communautés (VL+ W) Assermenté Tribunal de 1 ^{ere} Instance	Conseils Federaux des Geometres-Expert
Denmark:	Supreme Land Surveying Authority	Supreme Land Surveying Authority
Austria:	Federal Ministry of Economics and Labour	Federal Ministry of Economics and Labour
Switzerland:	Swiss examination commission EPIG	Executive Federal Council ⁶
Luxembourg:	Examination commission appointed by the Minister	Ministry of Finance

6. Mutual recognition of qualifications for admission to the profession

The signatory states mutually recognize the qualifications for admission to the profession of a European Geometer and agree on a procedural modus for ensuring unimpeded migration of members of the profession – irrespective of the directive 89/48 - on the following basis:

Training as a graduate engineer (Bac + 5) in surveying or Master (if compatible) is recognized automatically as an educational foundation. In additional, each candidate must acquire necessary country-specific extra qualifications in the area of

- administrative law
- land law
- building and planning law.

Qualifications for admission to the profession shall then be based on a common, general level.

Diploma-engineer / European Master (BAC + 5U) + 2R/P + E

⁶ Federal Department of Defense, civil protection and sports

7. Treatment of migrants after obtaining qualification in a signatory state

The signatory associations support such migrants to provide them with the opportunity of evidencing the required knowledge in

- administrative law,
- land law
- building and planning law

of the respective country and of fulfilling the European level requirements in terms of legal admission regulations. The admitting member states might value the elements of the formation and experience of the migrant and give him the choice between training seminar and an examination to prove his acceptability.

8. Establishment of a central organizing body / co-ordination body

Jointly with the European GEOMETER EUROPAS umbrella organization, the signatory associations establish a central organizing body / co-ordination body which has the task of

- assisting European citizens wanting to migrate
- working towards transparency in national regulations governing the exercise of the profession
- making recommendations with the objective of encouraging confidence in land register and real estate cadastre to advance economic and financial activities based on land and property
- promoting cross-border economic and financial activities in the sense of a strengthening of the economy
- working towards harmonizing the regulations for entry to and exercise of the profession in the signatory associations in the context of a coalescing European economy.

In a first step, the GEOMETER EUROPAS umbrella will thus act as coordination body.

Multilaterale Übereinkunft	Multilateral Agreement	Accord Multilatéral
zur gegenseitigen Anerkennung der Berufsvoraussetzungen der mit staatlichen Aufgaben belehnenen Vermessungsingenieure	on mutual recognition of professional qualifications of Public Appointed geometers	Pour la reconnaissance mutuelle des conditions d'exercice de la profession du géomètre expert (ayant reçu une mission de service public)
Referenztext: deutsche Version	Reference: German Version	Référence: Texte allemand
Signed at the 23. Nov. 2004 by the following associations:		

Ordre des Géomètres Experts (OGE)

Bund der Öffentlich bestellten Vermessungsingenieure (BDVI)

Ingenieurgeometer Schweiz (IGS)

Praktiserende Landinspotoerers Forening

Bundeskammer der Architekten und Ingenieurkonsulenten, Bundesfachgruppe Vermessungswesen

für die Belgischen Verbände
Union Belge des Géomètres Experts

Ordre Luxembourgeois des Géomètres du Grand Duché