ROUTE D3

ADMISSION TO THE RIAI REGISTER FOR ARCHITECTS / TO RIAI MEMBERSHIP (MRIAI (IRL)) FOR THE PURPOSE OF PROVIDING ARCHITECTURAL SERVICES ON A TEMPORARY AND OCCASIONAL BASIS

1. Guidance for Applicants

1.1 The Criteria

Under the terms of Directive 2005/36/EC a person who is legally established as an architect in another EU/EEA Member State can avail of temporary registration in the Irish State for the purpose of providing architectural services on a temporary and occasional basis.

It is a criminal offence under the Building Control Act 2007 for a person who is not included in the Register for Architects to use the title 'Architect' in Ireland. Therefore, even those who are established in other Member States must be included in the Irish register if they to provide services under the title 'Architect' in Ireland. Membership of the RIAI is voluntary.

Legal establishment requires the pursuit of the profession of architect on a permanent basis in compliance with the rules and regulations of the EU/EEA Member State of establishment.

The 'temporary and occasional' nature of the provision of services will be assessed by the Admissions Board on a case by case basis with reference to duration, frequency, regularity and continuity.

1.2 Submission Requirements

In accordance with Article 7 of Directive 2005/36/EC and Section 60 of the Building Control Act 2007

All applicants must submit:

1. Declaration of intention to provide services under the title 'Architect' in the State
2. Evidence of Identity and of EU/EEA Nationality (Copy of Passport/National ID)
3. Attestation confirming legal establishment provided by the Competent Authority in the Member State of establishment
4. Evidence of relevant professional qualifications (e.g. copy of degree/diploma in architecture)

Applicants who have moved from the Member State of establishment must submit

5. Evidence of having pursued the profession of architect in the Member State of establishment for two of the previous ten years (see 2.3 below)

2. Explanatory Notes

2.1 Admission for the provision of services on a temporary and occasional basis

Admission for the purpose of providing architectural services on a temporary or occasional basis can only apply where "the service provider moves to the territory of the host Member State [Ireland] to pursue [the profession of architect] on a temporary and occasional basis" (Article 5(2) Directive 2005/36/EC). That is, to avail of this type of registration you must already be legally established in another Member State and moving into the Irish State to provide services on a temporary and occasional basis.

These provisions are in accordance with Section 60 of the Building Control Act 2007 and Title II of Directive 2005/36/EC. In accordance with Article 5(2) of the Directive the "temporary and occasional nature of the provision of services shall be assessed case by case, in particular in relation to its duration, its frequency, its regularity and its continuity".

Specific information must be provided when first applying for registration on this basis. This is done using the Declaration listed as item 1 of the submission requirements. Renewal or reinstatement of registration on this basis is possible through the use of a notification of intention to continue which takes the form of Section 6 of the Declaration. However, if more than 12 months has elapsed since the previous registration or if there has been 'a material change in the situation substantiated by the documentation' provided at the time of the first or most recent application, then fresh documentation must be submitted.

2.2 Member State of Legal Establishment

To avail of this route you must already be established in another Member State (see Article 5(1)(a) of Directive 2005/36/EC). Establishment in a Member State requires pursuit of the profession in that State. The Member State of establishment is, generally, the State in which you have been recognised and are providing architectural services on a permanent basis. For this reason evidence of a permanent business address in the Member State of establishment is required. If professional activities are carried out from a residential address this will suffice in place of a business address.

Recognition by, or registration with, a competent authority or professional body in another Member State does not constitute 'establishment' in and of itself. If you are not already established in another Member State you cannot benefit from registration on a temporary or occasional basis and must instead seek establishment in Ireland.

2.3 If you have moved away from the Member State of Legal Establishment

The requirement only applies if you have moved from the member state of establishment <u>and</u> if the profession of architect is not regulated in that State. This condition does not apply when either the profession or the education and training leading to the profession is regulated in that Member State. If you have moved away from the Member State of establishment and the profession or the education and training leading to the profession of architect is not regulated in the State, then you must provide evidence of having pursued the profession of architect in that State for two of the previous ten years.

2.4 Declaration of intention to provide services under the title 'architect' in the State (item 1 submission list)
The Declaration includes information regarding the applicant, the applicant's establishment in another Member State and the nature of the services to be provided in the Irish State. The Declaration also includes the relevant declarations and undertakings required for registration/RIAI membership.

It is a criminal offence to make, or cause to be made, a false declaration for the purpose of obtaining registration under the Building Control Act 2007.

2.5 Proof of Identity and of Nationality (item 2 submission list)
Please enclose a copy of your Passport or National Identity Card. Temporary Registration (for the provision of services on a temporary and occasional basis, based on already being established in another Member State) is a provision of Directive 2005/36/EC, Article 2 of which provides for the extension of these provisions to nationals of EU Member States. The provisions of Equal Treatment, set out in Section 15 (7) of the Act, can apply in this instance i.e. with regard to the family members of nationals of Member States or a person who is a beneficiary of refugee or subsidiary protection status.

2.6 Attestation from the Competent Authority in the Member State of establishment (item 3 submission list)
Each Member State has a Competent Authority appointed by that State to deal with architects. If you cannot find out who the Competent Authority is for your State please contact the RIAI Admissions section directly and we will help as best we can. To avail of registration on a temporary and occasional basis you must submit an original attestation, which is not more than three months old, from the Competent Authority for architects in your Member State of establishment to the effect that you:

a) Are legally established in that State as an architect, and
b) Are not, at the time of issue of the, prohibited, on a permanent or temporary basis, from practicing architecture or using the title architect, or its equivalent, in that State.

2.7 Evidence of relevant professional qualifications (item 4 submission list)
You are asked to provide information regarding your architectural qualifications. Photocopies or scanned copies will suffice. "Evidence of formal qualifications" is defined in Article 3 of Directive 2005/36/EC as follows:

> "diplomas, certificates and other evidence issued by an authority in a Member State designated pursuant to legislative, regulatory or administrative provisions of that Member State and certifying successful completion of professional training obtained mainly in the Community".

or in the case of qualifications acquired outside the EU:

> "Evidence of formal qualifications issued by a third country shall be regarded as evidence of formal qualifications if the holder has three years' professional experience in the profession concerned on the territory of the Member State which recognised that evidence of formal qualifications in accordance with Article 2(2), certified by that Member State."

Please contact the RIAI Admissions section directly if you need assistance in clarifying how these regulations might apply to you.

2.8 Document Requirements

Any document in a language other than English should be accompanied by a certified translation. If the name on any documents you are attaching differs from the name you now use you should provide relevant deed poll or marriage certificates.

3. Procedures

3.1 Submissions

Declarations and associated documentation should be addressed to:

ADMISSIONS
RIAI
8 MERRION SQUARE
DUBLIN 2

Documentation must be complete at the time of submission. On receipt declarations will be checked to establish that documentation under each heading has been supplied and is presented in the correct format. Declarations which meet the requirements will be acknowledged. Applicants will be notified if a submission is incomplete or does not meet declaration format requirements and have 6 months to complete their application before it becomes inactive.

Applicants are advised to make and retain for themselves a copy of their declaration. Copies submitted to the RIAI will not generally be returned.

3.2 Evaluation

Processing of applications is carried out by the RIAI staff who carry out any necessary enquiries as to the information submitted. Documentation is checked and verified for compliance with Admission criteria. Applications which have been checked and are complete will be forwarded to the Admissions Board for consideration at its next meeting.

3.3 Registration and the Admissions Board

Decisions regarding eligibility for registration are made by the Admissions Board. Section 13 (4) of the Building Control Act sets out the composition of the Admissions Board as follows:

• 3 architects nominated by the registration body
• 4 non-architects nominated by the Minister for the Environment Heritage and Local Government
and
• a Chairperson, being a solicitor, a barrister or former judge of the Circuit, High or Supreme Court, appointed by the Minister

3.4 Application for Membership of the RIAI

The Building Control Act 2007, in Section 14(4), grants eligibility for RIAI membership to those who have been admitted to the Register. There are two affixes for architect members of the RIAI; MRIAI and MRIAI(IRL). Both indicate that the holder has been considered eligible to practice as an architect in Ireland. Applicants for RIAI membership on the basis of registration on a 'temporary and occasional' basis shall be eligible for MRIAI(IRL).

MRIAI is a qualification listed in Annex 5.7 of the Professional Qualifications Directive (2005/36/EC). That is, it is a qualification with which applicants meeting all other necessary criteria may seek automatic recognition in other EU Member States.

MRIAI(IRL) is not listed in the Directive and is designed to show that you meet the requirements for registration in this State as set out in the Building Control Act 2007, but it does not confer any rights with regard to automatic recognition under the terms of Directive 2005/36/EC.

3.5 Membership Evaluation Process
Membership applications are submitted to the Board of Architectural Education's Admissions Committee which decides on eligibility for all grades of RIAI membership.

3.6 Confidentiality
Information contained in applications, and any information relating to the Applicants or the detail of their performance in the process, will be treated as confidential. However, the RIAI reserves the right under Article 50 of Directive 2005/36/EC to contact the Competent Authority in your home State to address any justified doubts arising from your application.

3.7 Applicants with Disabilities
As part of the application process applicants are invited to indicate, in a covering letter, if they are affected by a disability requiring special supports which the RIAI can reasonably provide during the process. Procedures for handling this information are determined by the Data Protection Acts 1988 and 2003.

3.8 Eligible Applicants
Eligible applicants will be admitted to the Register and/or RIAI Membership following completion of the Registration and/or Membership procedures (for this route, this involves the completion of the necessary forms and undertakings).

3.9 Ineligible Applicants
Where the Admission Board decides that an application for registration on the basis of the temporary and occasional provision of services (Section 60 of the Building Control Act 2007) does not comply with the requirements set out, the Board the applicant will be notified as soon as possible. Consideration for RIAI membership only takes place in the event of a positive decision by the Admissions Board.

3.10 Appeals
An Applicant who wishes to appeal a decision must do so within 3 months of the date of the decision.

An appeal relating to registration must be in writing and lodged with the Appeals Board. The appeal, which may be based on either procedural or substantive grounds, shall specify the decision to which it relates and the grounds on which the appeal rests. Appeals relating to registration will be conducted in accordance with the terms of Section 25 of the Building Control Act 2007. Appeal procedures can be found on the RIAI website.

An applicant wishing to appeal a decision relating to RIAI Membership should, in the first instance, contact the Admissions Director.