



# Working as an architect in Switzerland

(Right of establishment, temporary provision of services and public procurement contracts)

## Explanations of the roles and powers of the various Swiss authorities in relation to foreign professional qualifications

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### 1. Introduction

Rules on the recognition of foreign professional qualifications in architecture vary according to where the architect comes from (EU/EFTA or third state), which canton he/she wishes to carry out the professional activity and the type of activity that he/she wishes to carry out (domiciliation in Switzerland, temporary provision of services, submission of a bid for a public procurement contract, etc.). This information sheet provides an overview of attestations that can be obtained from the different Swiss competent authorities as well as the criteria applied and how the procedure unfolds<sup>1</sup>.

### 2. How access to the profession is regulated in Switzerland

#### *a. Federal and cantonal authority to regulate access to the profession*

In Switzerland, there is no federal legislation regulating access to the architect profession. This means that each canton has the authority to establish criteria for access to the profession, or to simply leave the profession unregulated. In cantons where there is no legislation (i.e. profession is not regulated), access is possible without prior recognition of the foreign qualification. In cantons that have enacted legislation and require a qualification (i.e. profession is regulated), the recognition of foreign qualifications must take place before commencement of the activity in Switzerland.

In both cases (i.e. profession is regulated or profession is not regulated), architects that carry out activities in Switzerland must adhere to professional practices and rules in force in Switzerland as well as the building code, which contains rules recognised by the profession, specifically those drawn up by the Swiss Society of Engineers and Architects (SIA).

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<sup>1</sup> This factsheet does not consider access to the professions falling within the scope of the bilateral agreement between Switzerland and Italy concerning the professions of civil engineer and architect (SR 0.142.114.547).

*b. Cantons that regulate access to the profession*

Six cantons regulate access to the profession:

- In the cantons of **Geneva, Vaud, and Neuchatel**, an authorisation is required in order to work in this profession. Authorisation is granted on the basis of proof of specific professional qualifications. In these cantons, authorisation to work in this profession is set forth in spatial planning legislation. It is therefore required in order to sign building permit applications. If the architect does not intend to sign building permit applications, e.g. because he/she works as an employee of an architectural firm and the building plans are signed by the employer or by another architect holding such authorisation, therefore working in the profession is possible without the need for recognition (i.e. profession is not regulated).

Authorisation to work in this profession is required regardless of how the profession will be carried out, i.e. on a long-term basis (domiciliation in Switzerland) or on a more temporary basis (provision of services, limited to 90 days per calendar year within the framework of the Agreement of 21 June 1999 on the Free Movement of Persons).

- In the Canton of **Fribourg**, the situation is identical with the exception that if the architect provides services without becoming domiciled within the territory of the Canton of Fribourg, he/she must, of course, be qualified to work in this capacity and must obtain recognition of his/her qualification before starting to carry out this activity (i.e. the profession is regulated). However, no formal authorisation to carry out this profession will be issued to him/her. In such cases, when submitting a building permit application to the competent cantonal authority, the architect providing the services must show proof that his/her professional qualifications have been recognised.
- In the Canton of **Ticino**, the person must obtain authorisation from the Ordine Ingegneri e Architetti del Canton Ticino (OTIA) in order to work as an architect. This authorisation is also specifically requested both when applying for a building permit (Art. 4 of Building Code) and for the project study and execution phases for contracts subject to legislation on public procurement contracts (Art. 34 al. 1 let. d of RLCPubb/CIAP). It is therefore specifically required in order to sign building permit applications and to manage construction. This requirement applies both to architects domiciled in Switzerland and to architects who only provide services on a temporary basis. The authorisation to work as an architect is required regardless of whether as the architect is domiciled in Switzerland or will be working as a service provider.
- In the canton of **Lucerne**, architects must have the necessary training but there is no procedure for registration with a professional association or register, nor is there any requirement to obtain authorisation to work in this profession.

In the other cantons, the architectural profession is not regulated. This means that the foreign architect does not need to obtain recognition of his/her professional qualifications and may work directly on the basis of his/her foreign qualification.

*c. Qualifications required*

Although each canton independently regulates the profession, they all require comparable professional qualifications, namely:

- A Bachelor's or Master's degree from a Swiss higher education institution (UAS, EPFL or USI);
- A listing in the Architects Registry A or B (Architect REG A or REG B).

It goes without saying that once a foreign qualification has been recognised, the qualification holder enjoys the same rights as holders of a Swiss qualification. The only exception is the right to use a legally protected qualification title.

### 3. Legal bases applying to the recognition of foreign qualifications

#### a. List of legal bases

Foreign architects may seek recognition of their professional qualifications when this right is granted under an international agreement or national legislation. Moreover, when a legal basis provides for the recognition of foreign qualifications, it establishes the conditions for this. These legal bases are as follows:

- Agreement du 21 June 1999 on the Free Movement of Persons (AFMP)<sup>2</sup>: this agreement allows citizens of EU/EFTA countries to seek recognition of their professional qualifications if they are fully qualified, in their country of origin, to work in this profession in question. If they are not fully qualified (e.g. because they did not pass a state examination prescribed by their national legislation or because they did not meet the conditions for mandatory registration with a national association of architects), then they may not invoke the AFMP to seek recognition of their professional qualifications.

The AFMP refers to its Annex III to Directive 2005/36/EC on the recognition of professional qualifications. For architects holding a qualification listed in Annex 5.7.1 or Annex VI of the Directive, this directive provides for automatic recognition (i.e. no need to examine the content of training). For architects who are fully qualified in their country of origin but whose qualification is not listed in either of these two annexes, recognition of the qualification will require comparison of training content and possible compensatory measures.

- Ordinance of 12 November 2014 to the Higher Education Act <sup>3</sup>: this ordinance provides for recognition of foreign qualifications that are comparable to a degree programme at a Swiss higher education institution. Recognition is only possible if the profession is regulated in Switzerland. This ordinance also applies to citizens of third states. It establishes various criteria, namely equivalence of durations, levels and content of training. Training must also include acquisition of practical competences.

If the conditions for recognition are met, this procedure leads to equivalence with a Bachelor's degree or a Master's degree in architecture.

When an architect does not meet the conditions of any legal basis, he/she is unable to obtain recognition of his/her qualifications in Switzerland. This would be the case, for instance, of architects that are not fully qualified to work in this profession in their country of origin (e.g. Italian architect who has not taken the national examination; a French architect holding a Master's degree without the HMONP post-qualification diploma, etc.).

Apart from this formal legal basis, Swiss institutions sometimes offer possibilities to foreign architects. Since these possibilities are not derived from laws in the strict sense, they are not listed here but are addressed later on in this document.

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<sup>2</sup> SR 0.142.112.681.

<sup>3</sup> HEdO, SR 414.201.

#### *b. Rules on recognition*

There are different typical cases:

- Architects that satisfy the conditions of Directive 2005/36/EC: architects that satisfy conditions for automatic recognition under this directive may contact SERI. They will receive a letter from SERI confirming that the qualification must be automatically recognised and that they must be automatically inscribed in the registers of cantons that regulate this activity (MPQ register in the Canton of Geneva, CAMAC in the Canton of Vaud, OTIA in the Canton of Ticino, etc.). This letter may also be presented when submitting bids for public procurement contracts. It is usually mailed out within 1-2 weeks if the application file is complete.
- Architects de EU/EFTA fully qualified in their country of origin, but whose qualification does not appear in Annex 5.7.1 or VI of Directive 2005/36/EC: in this case, the procedure involves comparing training content with that required for Swiss qualifications in the cantons that regulate the profession (art. 11-14 of Directive 2005/36/EC). If the qualification is not known, this comparison may take three or four months. The amount of time required for possible compensatory measures will increase this duration.
- Architects from third states who are fully qualified to work in this profession in their country of origin: In this case, the procedure is similar to the one described directly above. However, it may last a little longer. Moreover, possible compensatory measures may be less supple than those set forth in Directive 2005/36/EC. In particular, applicants are not generally allowed to choose between the various compensatory measures.

#### **4. Legal bases applying to public procurement contracts**

Switzerland signed two main agreements in reference to public procurement contracts:

- Agreement of 15 April 1994 on Government Procurement (AGP)<sup>4</sup>: signed within the framework of the World Trade Organization, this agreement is intended to establish “an effective multilateral framework of rights and obligations with respect to laws, regulations, procedures and practices regarding government procurement with a view to achieving greater liberalization and expansion of world trade” (Recitals). In Switzerland, this agreement applies to acquisitions made by the Confederation and the cantons when the total value of a given contract reaches an established threshold.
- Agreement of 21 June 1999 between the Swiss Confederation and the European Community on Certain Aspects Concerning Government Procurement<sup>5</sup>: part of the first batch of bilateral agreements reached by Switzerland and the EU, this agreement concerns bilateral extension of the scope of the AFMP to include public authorities and bodies at the level of Swiss districts and communes. Moreover, acquisitions made by companies active in railway and telecommunications as well as natural gas and water utilities as well as acquisitions by private companies active in the provision of water, electricity and transport must be liberalised. The stated objective, set forth in Art. 3, ch. 1 of this bilateral agreement, is to ensure transparency and the absence of any form of discrimination, mutual access to markets in railway, telecommunications and the supply of energy, markets that were not included in the original AFMP.

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<sup>4</sup> SR 0.632.231.422.

<sup>5</sup> SR 0.172.052.68.

In particular, Article VIII of the AFMP stipulates that the conditions for participation in tendering procedures shall be limited to the strict minimum needed to ensure that a company is able to carry out the contract in question. Conditions for participation imposed on suppliers, including verification of qualifications, must be the same for all suppliers, regardless of whether they are based in Switzerland or outside the country. Likewise, there must not be any discrimination against suppliers on the same basis.

These agreements do not have the effect of abolishing national or cantonal regulations concerning the practice of the architectural profession. Moreover, they do not include any mechanism to ensure recognition of foreign professional qualifications. Any body organising a call for tenders may require professional qualifications as long as such requirements are in line with the above-mentioned agreements, and in particular are non-discriminatory. This rule applies regardless of the canton for which the contract is awarded. Consequently, it is up to each bidder to take all of the steps needed to obtain recognition of professional qualifications.

## 5. Who to contact specifically?

The tables below provide a non-exhaustive overview of the various possibilities. They are intended as suggestions and in no way should be construed as binding in nature. Moreover, they do not substitute legislation nor the rules explained above.

### a. In the case of **domiciliation** in Switzerland

Situation	Authority likely to provide the most efficient level of assistance	Aim <sup>6</sup>	Duration
Architect from EU/EFTA whose qualification appears in Annex 5.7.1 or VI of Directive 2005/36/EC	SERI <a href="http://www.sbf.admin.ch/diploma">www.sbf.admin.ch/diploma</a>  Online portal <a href="http://www.sbf.admin.ch/becc">www.sbf.admin.ch/becc</a>	Letter enabling automatic listing in the registers of the cantons that regulate the activity.  This document may also be produced for public procurement contracts.	1-2 weeks on average.
Architect from EU who is fully qualified in his/her country of origin but whose qualification does not appear in the aforementioned annexes  Architect from a third state who is fully qualified to work in this profession in his/her country of origin	SERI <a href="http://www.sbf.admin.ch/diploma">www.sbf.admin.ch/diploma</a>  Online portal <a href="http://www.sbf.admin.ch/becc">www.sbf.admin.ch/becc</a>	Recognition procedure with comparison to training programmes	3-4 months, excluding possible compensatory measures
Architect (from any country) in a canton that does not regulate the profession	swissuniversities <a href="http://www.swissuniversities.ch">www.swissuniversities.ch</a> > Services > Recognition / Swiss ENIC	swissuniversities issues labour market recommendations mainly for the purpose of facilitating contacts with employers ( <b>only for cantons that do not regulate the activity</b> )	2-3 weeks

<sup>6</sup> The information provided in this column is indicative and not binding on the authorities mentioned.

Architect (from any country) regardless of the canton where the profession will be pursued.	REG  <a href="http://www.reg.ch">www.reg.ch</a> > Registers > Registration	Depending on the specific situation of the applicant, REG offers procedures involving an examination procedure <sup>7</sup> .  This procedure is possible regardless of whether the canton concerned regulates the profession.	Several months depending on the file.
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*b. In the case of **temporary provision of services** by architects from EU/EFTA member states*

When architect wishes to provide services in a canton that regulates the activity, he/she **must always** submit a declaration to SERI ([www.sbf.admin.ch/edeclaration](http://www.sbf.admin.ch/edeclaration)). This declaration procedure entails creation of an online form that must be filled out and sent to SERI by post. Once the complete declaration has been received, SERI will automatically forward it to the competent cantonal authority.

This fast-track procedure is provided for under Title II of Directive 2005/36/EC and by relevant federal legislation.<sup>8</sup> It is only open to individuals who are entitled to invoke this directive.

Architects from third states who wish to provide services must refer to the table provided in letter a., which deals with the recognition of professional qualifications.

*c. In the case of **public procurement contracts***

When an architect is asked to prove his/her professional qualifications, two of the most pragmatic solutions include the following:

Situation	Autorité susceptible d'apporter l'aide la plus efficace	Aim <sup>9</sup>	Duration
Architect from EU/EFTA whose qualification appears in Annex 5.7.1 or VI of Directive 2005/36/EC	SERI <a href="http://www.sbf.admin.ch/diploma">www.sbf.admin.ch/diploma</a>  Online portal <a href="http://www.sbf.admin.ch/becc">www.sbf.admin.ch/becc</a>	Letter enabling automatic listing in the registers of the <b>cantons that regulate the activity</b> .	1-2 weeks on average.
Architect (other cases)	REG  <a href="http://reg.ch/de/attestation-2/">http://reg.ch/de/attestation-2/</a>	Attestation to take part in SIA call for tenders	About 2 weeks.

<sup>7</sup> The REG decides whether to grant or deny requests on the basis of its own internal rules.

<sup>8</sup> Federal Act of 14 December 2012 on the Declaration Requirement and the Verification of Service Provider Qualifications in Regulated Professions (DRPA, SR 935.01) and the Ordinance of 26 June 2013 on the Declaration Requirement and the Verification of Service Provider Qualifications in Regulated Professions (DRPO, SR 935.011).

<sup>9</sup> The information provided in this column is indicative and not binding on the authorities mentioned.

## 6. Role of the various authorities

### a. *SERI*

The State Secretariat for Education, Research and Innovation (SERI) is the authority responsible for recognition of the following foreign qualifications: upper-secondary level vocational qualifications, tertiary-level professional qualifications and qualifications awarded by higher education institutions. In application of Directive 2005/36/EC and HEdO (SR 414.201), SERI issues equivalence certificates for Bachelor's and Master's degrees in architecture.

### b. *swissuniversities*

Swiss ENIC issues recognition recommendations for Swiss employers. These recommendations allow one to determine the level of the foreign qualification when a comparable study programme exists at a Swiss higher education institution.

These recommendations are intended for the labour market and normally cannot be used as the basis for carrying out a regulated profession. For this reason, the Swiss ENIC does not issue any recommendations when it appears that the architect is active in a canton that regulates the architectural profession.

For the Canton of Ticino, the OTIA does not accept recommendations made by *swissuniversities*.

### c. *REG*

The REG exists for the purpose of maintaining a list of professionals in the fields of engineering, architecture and the environment. It therefore regularly updates a table containing the names of individuals who work in one of these recognised professions, in keeping with REG requirements; this table is accessible to the public.

The REG is recognised by the Confederation as an institution that encourages upper-secondary level vocational education and training (VET) and tertiary-level professional education. It does not recognise foreign qualifications as such but provides the public with examination procedures enabling one to be listed in one of three registers: Register A (Master's degree level), Register B (Bachelor's degree relating to a given profession) and Register C<sup>10</sup> (qualification awarded by a tertiary-level college of higher education). Listing requires at least three years of work experience in the given profession. Being listed is widely accepted throughout Switzerland as proof of professional qualifications.

For all of the professional fields covered by the REG, there are examination procedures based on the REG's own internal rules. Such procedures enable individuals who do not have an REG-compliant qualification to nevertheless have their names included in the REG after several years of proven work experience. This is an interesting alternative if there are no other recognition procedures.

The REG certifies that at the time of listing, the applicant has provided proof that he/she is indeed a holder of the asserted qualification.

Rigorous legal requirements exist in most countries. Authorisation to work in these professions is subject to the person having obtained a corresponding qualification and/or authorisation to work in this capacity. In EU member states, there are directives on the mutual recognition of qualifications within the space of the European Community. Qualifications awarded by Swiss universities are also recognised on this basis. The same holds true of a listing in the REG A for architects. In the future, it is hoped that the REG will help to position Swiss architects and engineers at the international level, by obtaining recognition that a listing in the REG is equivalent to authorisation to work in the profession.

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<sup>10</sup> For the Canton of Ticino, a REG C listing is not enough to obtain authorisation to work as an architect.

The REG has signed a contract with the Confederation, represented by SERI. This contract covers the following:

- Recognising and promoting qualification procedures aimed at certifying the professional development of workers in the fields of engineering, architecture and the environment as well as helping to fill labour force shortages;
- Establishing conditions for cooperation to ensure the free movement of professionals in Switzerland and in third states;
- Systematically exchanging information and ideas in the fields concerned so as to ensure coordination and mutual access to useful data.

The REG also acts as an expert body for SERI when foreign qualifications need to be compared with UAS Bachelor's and Master's degrees for recognition purposes. Cooperation between these two entities is guided by the following principles:

- SERI is the competent authority for the recognition of foreign professional qualifications. It bases itself on Annex III of the Agreement on the Free Movement of Persons (AFMP – Directive 2005/36/EC), on HEdO (SR 414.201) and on VPETO (SR 412.101)
- In most cases, recognition of foreign professional qualifications inherently implies a comparison of training content as a criterion for equivalence.
- The REG's involvement in the recognition of foreign professional qualifications takes place under the terms of a SERI mandate. The REG compares training programmes, calling on professors to work as subject matter experts. It then drafts a summary report that SERI can then refer to in its decisions and may propose compensatory measures that are compatible with applicable legislation.



## **Annex: Competent cantonal authorities**

### **Vaud:**

Centrale des autorisations de construire CAMAC  
Place de la Riponne 10  
1014 Lausanne  
Tel. 021 316 70 21  
Fax 021 316 71 59  
E-Mail: [info.camac@vd.ch](mailto:info.camac@vd.ch)  
Web: [www.vd.ch/camac](http://www.vd.ch/camac)

### **Geneva:**

Chambre des architectes et des ingénieurs  
p.a. DALE - Secrétariat général  
rue de l'Hôtel-de-Ville 14  
Case postale 3880  
1211 Genève 3  
Tel. 022 327 94 14  
Fax 022 327 94 09  
Web: <http://www.ge.ch/mpq>

### **Neuchâtel:**

Service des bâtiments  
Rue de Tivoli 5  
2003 Neuchâtel  
Tel. 032 889 64 80  
Fax 032 889 60 87  
E-Mail: [service.batiments@ne.ch](mailto:service.batiments@ne.ch)  
Web: <http://www.ne.ch/autorites/DFS/SBAT>

### **Fribourg:**

Service des constructions et de l'aménagement  
Rue des Chanoines 17  
Case postale  
1701 Fribourg  
Tel. 026 305 36 13  
Fax 026 305 36 16  
Web: <http://admin.fr.ch/seca/fr/pub>

### **Ticino:**

OTIA  
Via Lugano 23  
6500 Bellinzona  
Tel. 091 825 55 56  
Fax 091 825 55 58  
E-Mail: [autorizzazioni@otia.ch](mailto:autorizzazioni@otia.ch)  
Web: [www.otia.ch/albo/richiesta\\_autorizzazione.cfm](http://www.otia.ch/albo/richiesta_autorizzazione.cfm)