

## **CPD in the German State of Hessen**

1. The Directive 2005/36/EC defines in Recital no. 43: "... liberal professions, which are, according to this directive, those practised on the basis of relevant professional qualifications and in a personal, responsible and professionally independent capacity by those providing intellectual and conceptual services in the interest of the client and public". As a rule, the pursuer of a liberal profession needs a high-level qualification which furthermore must be maintained through lifelong learning, i.e. continuing professional education (CPD).
2. All statutes and codes of conduct of architects' professional organisations confirm this principle of continuing professional education by obligating their members to participate in advanced professional training courses. In support of this principle ACE has developed a charter on CPD. "It is a recommendation ... that each of the signatories to this charter will introduce obligatory minimum requirements for CPD ..." (Citation no. 4, November 2001)
3. The obligation to continuing professional training counterbalances the advantages of carrying a legally protected professional title and the authorization to provide certain professional services exclusively. Wherever the liberal professions claim special rights, they must accept special obligations as well.
4. Of late, a number of countries have installed an obligation to provide proof of this continuing education. This obligation to provide proof of the continuing professional education to the professional chamber originated to some extent from the necessity to promote the image and acceptance of the profession in society. On one hand, this obligation serves to encourage members to continuously strive for the best professional standards, on the other it improves their standing in society in general and in contact with the individual clients.
5. The Continuing Professional Education Regulations enclosed stipulate a minimum professional education period of 2 days per year, proof of which has to be provided. However, 2 days can only be regarded as a minor part of the abstract obligation to CPD. This does not exempt architects from the necessity to continue their professional training permanently by reading technical magazines, by attendance at expert trade shows and the like. Due to the fact that attendance at some types of professional training is difficult to prove, the German State of Hessen has restricted the obligation to prove to have undergone advanced professional education to the said period of 2 days per year (meaning that a full day of training equals 8 training credit points). In Hessen, the accounting period for these training credit points is 3 years, meaning that 48 training credit points must be obtained within this period.
6. If a member fails to provide proof of sufficient attendance at CPD courses due to reasons he or she cannot be held responsible for (i. e. illness), this failure will not be regarded as an offence against the professional code of conduct. Otherwise, if a member deliberately fails to provide proof of sufficient attendance at CPD courses, according to the statutes proceedings on the grounds of offence against the professional code of conduct will be started.
7. Special branches of the professions like registered experts are subject to stricter demands with regard to CPD.

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Wiesbaden, 15 March 2007

The delegates' meeting of the Hessen Chamber of Architects and Urban Planners has, pursuant to § 13 Section 2 No. 6 i. V. together with § 17 Section 3 of the Hessen Architects and Urban Planners Act (known by the German acronym HASG) of 23. 5. 2002 (GVBl. I 2002, S. 182 ff.), amended by the Act of 2.3.2005 (GVBl. I 2005, S. 137 ff.), at their session of 17.12.2002 decided on the following continuing education and training regulations as Appendix 1 to the Articles of Association (published in the Hessen Official Gazette – StAnz – 2003, pp. 378 ff.), amended by decision of the delegates' meeting of 13.06.2005 (published in StAnz. 2005, p. 3255) and decision of the delegates' meeting of 21.06.2006 (published in StAnz. 2006, S. 2427):

## **Continuing Education and Training Regulations (Appendix 1 to the Articles of Association)**

### **§ 1 Persons required to undergo continuing education and training**

- (1) Pursuant to §17 Section 3 of the Hessen Architects and Urban Planners (Act) all members of the Hessen Chamber of Architects and Urban Planners are required to undergo vocational continuing education and training.
- (2) The scope, nature and method of the continuing education and training shall depend on the individual needs of each member.  
Nevertheless, members must undergo and be able to provide proof that they have undergone part of their continuing education and training according to the provisions below.  
The proof of fulfilment of the continuing education and training requirement need not be produced by
  - a) members who are entered in a classification of occupation as members no longer active, for the period in which they are entered as no longer active;
  - b) members who have completed their 65<sup>th</sup> year of age, for the period as of the beginning of their 65<sup>th</sup> year;
  - c) members pursuant to §§ 6, 8 Section 1 S. 3 HASG.

### **§ 2 Continuing education and training credits**

- (1) To fulfil their continuing education and training obligations, members required to undergo such training pursuant to § 1 Section 2 must provide proof, that they have undergone such training by attending continuing further education and training courses. Continuing education and training credits can be earned for accredited continuing and further training courses pursuant to § 5 Section 1 and 2 by persons attending both as trainers and trainees.
- (2) A “continuing education and training account” shall be kept for each member. This account contains data on the number of continuing education and training credits earned, together with the dates, duration and subjects of the courses attended and the number of continuing education and training credits for the respective course.
- (3) Members must earn and provide proof of a total of 32 continuing education and training credits during the period from 1.7.2003 to 30.6.2005, and thereafter of 48 such credits each time during 3-year intervals. A continuing education and training credit generally corresponds to a 45-minute continuing education and training session in seminars, workshops, etc., as well as two continuing education and

training sessions of 45 minutes each in excursions, etc... Members must themselves make sure that courses offered by the Hessen Chamber of Architects and Urban Planners which they attended are recognised as “suitable for earning continuing education and training credits.”

- (4) Continuing education and training credits earned at a continuing education and training course given at the Academy of the Hessen Chamber of Architects and Urban Planners are entered in the respective members continuing education and training directly by the Academy. Proof for such credits earned from other courses must be provided, if they are still necessary to fulfil the two- or three-year period requirement of a member pursuant to Section 3, paragraph 1 (32 or 48 continuing education and training credits). For the period from 1.7.2003 to 30.6.2005, and for the subsequent three-year periods (as of 1.7.2005), such proof must be provided, unsolicited, by the member himself by 30.6 of each such three-year period (i.e. 30.6.2008, 30.6.2011, etc.) by submitting the corresponding certificates of attendance or comparable documents.
- (5) Continuing education and training credits shall be valid essentially for the period in which they were earned.

If a member has provided proof of more credits than those required pursuant to Section 3 in a period as of 1.7.2005, a maximum of 8 such credits may be transferred to the following three-year period.

- (6) For the two-year period from 1.7.2003 to 30.6.2005, newly entered members shall, pursuant to § 1 Section 2 be required, to fulfil the two-year requirement proportionally, depending on the year that they joined. The same shall apply for members who joined for the three-year period after 30.6.2005. The credits shall thereby be entered until the end of the two or three year period, including for the semester in which the member joined. Eight such credits shall each time be allotted to a semester. The set date shall each time be the entry until 30.6. and 31.12..
- (7) To fulfil the continuing education and training obligation pursuant to the Hessen Chamber of Architects and Urban Planners’ Code of Expert Witnesses and the Certificate Entitlement Act (known by the German initials NBVO), continuing education and training credits earned can count provided that the courses meet the conditions set in § 5 Section 1 and 2.

### § 3 Subjects of continuing education and training courses

- (1) Continuing education and training credits can be earned by attending continuing education and training courses on:
- I. **Planning, design, and form** (e.g. design and form courses as well as the history of building construction and extension in open space and landscape planning, as well as in local, Urban and regional planning).
  - II. **Construction planning, technique, and execution** (AVA, coordination, supervision, budgeting, construction/building damages, energy conservation).
  - III. **Law** relative to the occupational tasks referred to in § 2 HASG (e.g. public or private planning laws and building regulations, HOAI, UVP)
  - IV. **Office management** (e.g. quality management, project management, corporate planning, controlling, acquisition and marketing).
  - V. **Other specialised subjects** (e.g. moderation, mediation, rhetoric, project development, facility management, project management, construction coordination, assessment, expertise, natural and environmental aspects, new disciplines and excursions).

- (2) The number of continuing education and training credits that can be earned per course are given in the appendix.
- (3) Members must provide proof, for the two-year period (1.7.2003 to 30.6.2005) of at least 16 credits, and for the subsequent three-year periods, pursuant to § 2 Section 3 paragraph 1, of at least 24 credits earned from attending courses in fields II-IV.

#### **§ 4 Types of courses**

Suitable continuing education and training courses:

- Seminars
- Courses
- Workshops
- E-learning seminars
- Congresses
- Conferences
- Excursions / visits to construction sites (i.e. programmes offered by the organisers or expert third parties mentioned in § 5 Section 1).

#### **§ 5 Quality assurance**

- (1) The suitability and quality of continuing education and training course offerings by:
  - Universities
  - (other) chambers
  - trade associations
  - departments (internal)
  - organisers, in particular, industrial, whose main aim is to offer continuing education and training and whose courses are given in a product-neutral manner,are assumed.
- (2) The suitability and quality of continuing education and training offers or parts thereof by organisers, who are not primarily active in continuing education and training (e.g. courses offered by manufacturers of building materials or tools for architects and Urban planners, which are also used for advertising) or courses, which are not intended primarily for continuing education and training, must first be accredited by the Hessen Chamber of Architects and Urban Planners after relevant application has been filed by the organiser.
- (3) Organisers must pay a fee for said accreditation. The amount of the fee depends on the volume of work.
- (4) All organisers are required to keep an attendance list for their respective course.

**§ 6 Continuing education and training omissions**

- (1) If a member required to undergo continuing education and training pursuant to § 1 Section 2 has not earned or cannot provide proof of the required number of credits at the end of the two- or three-year period, this omission can be made up by attending suitable continuing education and training courses and providing proof of such attendance within a period of 12 months from the time in which proof of fulfilment of the requirement had to be provided at the latest. The continuing education and training requirement and the period for the provision of proof of fulfilment of said obligation for the following three-year period shall remain unaffected thereby.
- (2) If said period has expired to no avail, the procedure to be followed is that set out in the HASG for the failure to fulfil regulatory occupational obligations (§ 18 HASG).

**§ 7 Entry into force**

The continuing education and training regulation shall enter into force together with the articles of association on 1.2.2003. Amendments thereto shall enter into force on the 1<sup>st</sup> day of the month following the publication in the Hessen Official Gazette.

### Appendix to the continuing education and training regulations

1. Attendance of seminars, courses, workshops, e-learning seminars, congresses and symposia, etc., shall entitle the participants to credits as indicated in the table below:

<b>Course duration:</b>	<b>Number of credits earned:</b>
2 hours	2
half a day	4
1 day	8
for every subsequent day	8

Nevertheless, no more than 32 continuing education and training credits in all may be earned for the period from 1.7.2003 to 30.6.2005, nor more than 56 in all for the subsequent three-year periods, by attending courses lasting several days.

Participation in excursions and visits to construction sites shall entitle those taking part to credits as indicated in the table below:

<b>Course duration:</b>	<b>Number of credits earned:</b>
2 hours	1
1 day	4
for every subsequent day	4

Nevertheless, no more than 16 continuing education and training credits in all may be earned for the period from 1.7.2003 to 30.6.2005, nor more than 24 in all for the subsequent three-year periods, by taking part in excursions lasting several days.

**Drawn up on 13.06.2005**

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**The required approval of the continuing education and training regulations as appendix 1 of the articles of association was granted by the Hessen Ministry of Economic Affairs, Transport and Land Development on 21.07.2005.**

**The required approval of the amendment of the continuing education and training regulations as appendix 1 of the articles of association pursuant to the decision of the delegates' meeting of 21.06.2006, was granted by the Hessen Ministry of Economic Affairs, Transport and Land Development on 25.09.2006.**