



Präsident

BUNDESARCHITEKTENKAMMER

Bundesarchitektenkammer e.V. • Askanischer Platz 4 • 10963 Berlin

Turkish President Abdullah Gül  
Turkish Presidency Secretariat General  
06689 Çankaya Ankara  
TURKEY

Askanischer Platz 4  
10963 Berlin

Postfach 610328  
10925 Berlin

Fon 030. 26 39 44-0  
Fax 030. 26 39 44-90

E-Mail [info@bak.de](mailto:info@bak.de)  
Internet [www.bak.de](http://www.bak.de)

14 June 2012

Your Excellency,

Concerning the latest legislative developments (Decree No. 644) affecting the professional organisation of Turkish Architects and other liberal professions organised in professional Chambers, please let me give you my position as President and on behalf of the Federal Chamber of German Architects (BAK), which represents 121.000 German architects.

We strongly support and regard self-regulation through Orders or Chambers as being a highly up-to-date and cost effective concept of mandated public administration committed to the fundamental principle of Subsidiarity. Evidence shows that this is not a genuine German position, but that all Member States of the European Union – except Sweden – have installed Chambers or chamber-like organisations regulating the Architects' profession, the latest example being Ireland in just 2007.

Thus, I cannot agree with the approach of the Turkish Government aiming to deprive the Chambers of their essential tasks by transferring these functions to the "General Directorate of Professional Services" and the "Technical Consultancy Institutions".

Please let me underline that in the European Union the Chamber system is acclaimed by a vast majority of European Member States for the following reasons:

- Cost effectiveness, less regulation and thus low bureaucracy – by mandating chambers with public functions, the state keeps bureaucracy costs and structures in public administration low.
- Double-win effect: while keeping costs for public administration low through chamber self-regulation, the state maintains legal supervision by a competent ministry.

- Orders are already established and operational for the profession, granting high professional standards in architectural services through vast knowledge and competence in architectural matters, assuring a high quality of the built environment.
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- Expertise of the Orders is underlined by the European Legislator under the Professional Qualifications Directive 2005/36/EC, chambers being nominated Competent Authorities for the Architects' profession.
- Architects Orders are granting the scope of the mentioned Directive as well as the Services Directive 2006/123/EC, providing efficient support for migrant architects and ensuring access and supervision of incoming architects registered in other countries.
- Member States of the European Union are fostering self-regulation of the Architects profession through Orders. States like Portugal and Ireland are well aware of this effective and cost efficient way of regulation, having established Architects' Orders in 1998 and in 2007 respectively.

Our long term experience shows that general as well as consumers' interest are well protected by an adequate education and training, professional experience, continuing professional development, arbitration and dispute resolution and codes of professional conduct. All these elements are provided and effectively supervised by Professional Orders like the Turkish Chamber of Architects. We are convinced that this is undeniable evidence for Architects' Orders and Chambers being a truly Best Practice example for low cost and low bureaucracy administration, granting at the same time a high professional standard and securing the quality of the build environment.

Yours Sincerely



Sigurd Trommer  
President  
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Turkish Prime Minister Recep Tayyip Erdoğan  
Vekaletler Cad. Başbakanlık Merkez Bina  
06573 Kızılay Ankara  
TURKEY

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10963 Berlin

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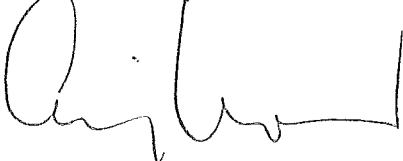
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Turkish Minister of Environment and Urbanization  
Mr. Erdoğan Bayraktar  
Vekaletler Cad. No:1 Bakanlıklar Ankara  
TURKEY

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Mr. Ertuğrul Günay  
Atatürk Bulvarı No: 29  
06050 Opera Ankara  
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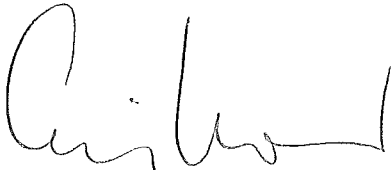
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10925 Berlin

TC Cumhurbaşkanı Abdullah Gül  
TC Başbakanı Recep Tayyip Erdoğan  
TC Çevre ve Şehircilik Bakanı Erdoğan Bayraktar  
TC Kültür ve Turizm Bakanı Ertuğrul Günay

Tel.: +49(30) 2 63 94 4-0  
Fax: +49(30) 2 63 94 4-13

E-Mail: info@bak.de  
Internet: www.bak.de

14 Haziran 2012

Sayın Cumhurbaşkanı/Başbakan/Bakan,

Türk Mimarlarının ve meslek Odaları yoluyla örgütlenmiş diğer serbest mesleklerin mesleki örgütlenmelerini etkileyen son yasal gelişmelerle ilgili olarak (KHK No. 644), Alman Federal Mimarlar Odası (BAK) Başkanı sıfatıyla, 121.000 Alman mimarı temsil eden Odamız adına görüşlerimi bildirmeme izin verin.

Yerindenlik temel ilkesi esasına dayalı olarak kamu yönetiminin yetkilerini paylaşması kapsamında güncel ve maliyetler açısından etkin bir yöntem olan, Birlikler veya Odalar yoluyla kendi kendini düzenleme yaklaşımını güçlü bir şekilde destekliyoruz ve saygı duyuyoruz. Bunun yalnızca Alman mimarların görüşü olmadığı konusunda kanıtlar bulunmaktadır: İsveç dışında tüm Avrupa Birliği ülkelerinde Mimarlık mesleğini düzenleyen Odalar veya oda benzeri örgütlenmeler kurulmuştur. Bunun en son örneği 2007 yılında İrlanda'da kurulan örgütlenmedir.

Bu kapsamda, Türk hükümetinin Odaların esas işlevlerini zayıflatarak bu işlevleri "Mesleki Hizmetler Genel Müdürlüğü" ve "Teknik Danışmanlık Kuruluşları"na devretmesi yaklaşımına katılamamaktayım.

Oda sisteminin, aşağıdaki nedenlerden dolayı, AB Üye Ülkeleri'nin büyük bir çoğunluğunda kabul gördüğünün altını çizmek isterim:

- Maliyetler açısından etkinlik, daha az düzenleme ve bu nedenle daha az bürokrasi – devlet, kamusal işlevler konusunda odaları yetkilendirerek kamu yönetimindeki bürokrasi giderlerini ve yapıyı azaltmaktadır.
- Çift taraflı kazanım: odaların kendi kendini düzenlemesi ilkesi kapsamında kamu yönetiminin maliyetleri düşük tutulurken, devlet yetkili bakanlık eliyle yasal denetimi sağlamaktadır.

- Birlikler, mesleki konular için hali hazırda yerleşik ve çalışır durumdadır; mimarlık konularında kapsamlı bilgi ve yetkinliğe sahip olmaları nedeniyle mimarlık hizmetlerinde yüksek mesleki standartlar getirerek, yapı çevre yüksek kalite sağlarlar.
- Odalar ve Birlikler, mimarların görev ve sorumluluklarını sürekli olarak etik kurallar kapsamında denetler ve böylece yapı sektöründe etkin tüketici koruması sağlar. Bu nedenle, mesleği uygulayan tüm meslek mensuplarının zorunlu olarak üyeliği şarttır.
- Birliklerin uzmanlığı Avrupa Kanun Koyucuları tarafından 2005/36/EC sayılı Mesleki Yeterlilikler Direktifi'nde de vurgulanmıştır. Bu direktifte odalar Mimarlık mesleği için Yetkili Kurumlar olarak tanımlanmıştır.
- Mimarlık Birlikleri bu belirtilen direktifin yanı sıra 2006/123/EC nolu İç Pazarda Hizmetler Direktifi kapsamında da görev yaparak, bir ülkede kayıt olarak bir başka ülkeye giden mimarların hizmet vermesi ve denetlenmelerini de sağlamaktadır.
- AB Üye Ülkeleri Mimarlık mesleğinin Birlikler yoluyla kendi kendini düzenlemesini desteklemektedir. Portekiz ve İrlanda bu etkin ve maliyetler açısından tasarruflu düzenleme yönteminin farkına varmış ve sırasıyla 1998 ve 2007 yıllarında Mimar Odalarını kurmuşlardır.

Uzun yıllara dayanan deneyimimiz tüketici yararının yeterli eğitim ve staj, mesleki deneyim, sürekli mesleki gelişim, hakemlik ve uzlaşmazlıkların çözülmesi ve etik kurallar yoluyla iyi bir şekilde korunabildiğini göstermiştir. Tüm bunlar, Türkiye Mimarlar Odası gibi Meslek Birlikleri tarafından sağlanmakta ve etkin bir şekilde denetlenmektedir. Bunun, Mimar Birlikleri ve Odalarının az maliyetli ve az bürokrasiye sahip, aynı zamanda yüksek meslek standartları sağlayarak yapı çevre kaliteyi garanti altına alan bir yönetim için en iyi örnek olduklarını gösteren açık göstergeler olduğunu düşünüyoruz.

Saygılarımla,

Sigurd Trommer  
Başkan  
Alman Federal Mimarlar Odası