

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

Brüksel, 27 Haziran 2012  
Ref: 164/12/SH

Sayın Cumhurbaşkanı,

Türk Mimarlarının ve meslek Odaları yoluyla örgütlenmiş diğer serbest mesleklerin mesleki örgütlenmelerini etkileyen ve dikkatime sunulan son yasal gelişmelerle ilgili olarak (KHK No. 644), Avrupa'nın 33 ülkesinden 44 meslek örgütü ve düzenleyici kuruluştan oluşan ve yaklaşık 526.000 mimarı temsil eden Avrupa Mimarlar Konseyi (ACE) Başkanı olarak görüşlerimi bildirmeme izin verin.

ACE'nin çalışmalarını sürdürdüğü 20 yıl boyunca, Avrupa'da mimarlık mesleğinin konumuna ve özellikle de kamu yaşamı ve yararında kabul görmüş rolüne ilişkin net bir bakış ve yaklaşım geliştirmiş bulunuyoruz.

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. Avrupa Birliği Üye Devletleri'nin yalnızca biri dışında tümünde Odalar veya Oda benzeri örgütlenmelerin kamu yararına Mimarlık mesleğini düzenlediği açıkça bilinmektedir. Bu kapsamda, Türk hükümetinin Odaların esas işlevlerini zayıflatarak bu işlevleri "Mesleki Hizmetler Genel Müdürlüğü" ve "Teknik Danışmanlık Kuruluşları"na devretmesi yaklaşımını öğrenmek bizi şaşırtmıştır.

Oda sisteminin, AB Üye Ülkeleri'nin büyük bir çoğunluğunda kabul görmesinin temel nedenlerini aşağıda sıralamama lütfen izin verin:

- **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 ve Odalar tarafından sağlanan saygıya değer uzmanlık** - Mimarlık konularında kapsamlı bilgi ve yetkinliğe sahip olmaları nedeniyle mimarlık hizmetlerinde yüksek mesleki standartlar getirerek, yapılı çevrede yüksek kalite sağlarlar. Örneğin Odaların 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 yapar** – Böylece bir ülkede kayıt olarak

bir başka ülkeye giden mimarların hizmet vermesi ve denetlenmelerini de sağlamaktadır.

- **Odalar ve Birlikler, mimarların görev ve sorumluluklarını sürekli olarak etik kurallar kapsamında denetler** - Böylece yapı sektöründe etkin tüketici koruması sağlar. Bu nedenle, mesleği uygulayan tüm meslek mensuplarının zorunlu olarak üyeliği şarttır.
- **Birlikler ve Odaları tüketicilerin ve işverenlerin şikayetlerini iletebilecekleri bir merci durumundadır** – Bu örgütlenmeler, mimarların çalışmalarından tatmin olmayan taraflar için tarafsız tavsiye, arabuluculuk ve uzlaştırma sağlamaktadır. Böylece genellikle uzun mahkeme süreçlerine gerek kalmamaktadır. 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.

Sayın Cumhurbaşkanı, uzun yıllara dayanan deneyimimize dayanarak, hem genel kamu yararının hem de tüketici yararının yeterli eğitim ve staj, mesleki deneyim, sürekli mesleki gelişim, hakemlik ve uzlaşmazlıkların çözülmesi ve etik kurallar yoluyla iyi bir şekilde korunabildiği konusunda sizi temin etmek isterim. Tüm bunlar, ACE tarafından da büyük saygı duyulan Türkiye Mimarlar Odası gibi Meslek Odaları tarafından sağlanmakta ve etkin bir şekilde denetlenmektedir. ACE’de bizler, Mimar Birlikleri ve Odalarının yüksek meslek standartlarına en iyi şekilde uyulmasını sağlayarak yapılı çevrede kaliteyi garanti altına alan ve aynı zamanda az maliyetli ve az bürokrasiye sahip en iyi örgütlenmeler olduğuna inanmaktayız.

Türkiye Mimarlar Odası’nın işlevleri ve çalışmalarının konusu olan kamu yararı, yapılı çevrenin kalitesi ve yüksek mesleki standartların korunmasıyla ilgili önemli ve uzun vadeli kararları alırken yukarıdaki noktaları dikkate alacağınıza inanıyorum.

En derin saygılarımla,

Selma Harrington  
ACE Başkanı



ARCHITECTS' COUNCIL OF EUROPE  
CONSEIL DES ARCHITECTES D'EUROPE

Turkish President Abdullah Gül  
Turkish Presidency Secretariat General  
06689 Çankaya  
Ankara  
TURKEY  
T: +90 312 470 12 00  
F: + 90 312 470 13 02

Brussels, 27 June 2012  
Ref : 164/12/SH

Your Excellency,

My attention has been drawn to the latest legislative developments (Decree N°644) affecting the professional organisation of Turkish Architects and other liberal professions organised in professional Chambers, and allow me to give my comments on it in my capacity as President of the Architects Council of Europe which represents 44 professional organizations and regulatory bodies from 33 countries in Europe, representing some 526 000 architects.

In over 20 years of ACE's existence we have developed good overview and understanding of the position of architectural profession in Europe in particular in regard to its recognized role in public life and interest. We strongly support and regard self-regulation through professional Orders or Chambers of architects as being a highly appropriate and cost effective function in service of mandated public administration committed to the fundamental principle of Subsidiarity. It is well known fact that in all but one Member States of the European union, the Chambers of chamber-like organisations are regulating the Architects' profession in the interest of public.

It therefore comes as a surprise to learn that the Turkish Government wishes to remove the current tasks from the Chambers and transfer the same functions to the "General Directorate of Professional Services" and the "Technical Consultancy Institutions".

Please allow me to put forward to you the key points based on which the Chamber system is acclaimed by a vast majority of Member States in the European Union:

- **Cost effectiveness, less regulation and thus low bureaucracy** – By mandating chambers with public functions, the state keeps administrative costs and structures at low level.
- **Two-way benefit:** while keeping costs for public administration low through Chamber self-regulation, the state maintains legal supervision by a competent ministry in charge.
- Expertise delivered by honourable work in orders and chambers - granting high professional standards in architectural services through vast knowledge and competence in architectural matters, assuring a high quality of the built environment. For Example: the Expertise of the Orders or Chambers is highlighted in the European legislation under the Professional Qualifications Directive 2005/36/EC, where Chambers are being nominated as Competent Authorities for the Architects' profession.

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#### SECRETARIAT GENERAL

Conseil des architectes d'Europe AISBL  
Rue Paul Emile Janson, 29 B-1050 Bruxelles  
Tel. : +32 (0) 2 543 11 40 Fax : +32 (0) 2 543 11 41  
E-mail : [info@ace-cae.eu](mailto:info@ace-cae.eu) Website : [www.ace-cae.eu](http://www.ace-cae.eu)

- **Architects Orders are operating under 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.
- **Orders and Chambers continuously supervise and implement duties and responsibilities of architects under the code of conduct**- thus ensuring effective consumer protection in the construction sector. For this reason, a compulsory membership for all practising members of the profession is essential.
- **Accessability of Orders and Chambers for Consumers' and clients' complaints** - These organizations provide neutral advice, arbitrage and reconciliation to parties who are not satisfied with the work of architects. So often lengthy court procedures are avoided. Member States of the European Union are fostering self-regulation of the Architects profession through Chambers and Orders. Member States like Portugal and Ireland are well aware of this effective and cost efficient way of regulation, having established Architects' Order in 1998 and in 2007 respectively.

Your Excellency, may I assure you that our long term experience shows that the general Public Interest as well as Consumers' interests are well guarded by an adequate education and training, professional experience, continuing professional development, arbitration and dispute resolution and code of professional conduct. All these elements are provided and effectively supervised by professional orders like the Turkish Chamber of Architects, who is also a well- respected member of my organization the ACE. We in ACE are convinced that the Architects' Orders and Chambers are best placed to ensure adherence to Best practice professional standards, which are at the same time cost-effective and less bureaucratic, safe-guarding at the same time high professional standard and the quality of built environment.

I trust that you will take the above points into consideration while making the important and long-reaching decisions concerning the public interest, the quality of built environment and maintaining of the high professional standards and standing represented through the function and work of the Chamber of Architects in Turkey.

With deep respect and regards,



Selma Harrington  
ACE President



ARCHITECTS' COUNCIL OF EUROPE  
CONSEIL DES ARCHITECTES D'EUROPE

Turkish Minister of Environment and Urbanization  
Erdoğan Bayraktar  
Vekaletler Cad. No:1 Bakanlıklar Ankara  
TURKEY  
T: +90 312 419 61 64-67  
F: +90 312 418 04 06

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CONSEIL DES ARCHITECTES D'EUROPE

Turkish Minister of Culture and Tourism Ertuğrul  
Günay  
Atatürk Bulvarı No: 29 06050 Opera  
Ankara  
TURKEY  
T: +90 312 4311 19-32 – 309 47 79 – 310 92 84  
F: +90 312 311 14 31

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