

The regulation of architects in Belgium and the Netherlands: a comparative analysis

Citation for published version (APA):

Schoenmaekers, S. L. T. (2010). *The regulation of architects in Belgium and the Netherlands: a comparative analysis*. [Doctoral Thesis, Maastricht University]. Datawyse / Universitaire Pers Maastricht. <https://doi.org/10.26481/dis.20101014ss>

Document status and date:

Published: 01/01/2010

DOI:

[10.26481/dis.20101014ss](https://doi.org/10.26481/dis.20101014ss)

Document Version:

Publisher's PDF, also known as Version of record

Please check the document version of this publication:

- A submitted manuscript is the version of the article upon submission and before peer-review. There can be important differences between the submitted version and the official published version of record. People interested in the research are advised to contact the author for the final version of the publication, or visit the DOI to the publisher's website.
- The final author version and the galley proof are versions of the publication after peer review.
- The final published version features the final layout of the paper including the volume, issue and page numbers.

[Link to publication](#)

General rights

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal.

If the publication is distributed under the terms of Article 25fa of the Dutch Copyright Act, indicated by the "Taverne" license above, please follow below link for the End User Agreement:

www.umlib.nl/taverne-license

Take down policy

If you believe that this document breaches copyright please contact us at:

repository@maastrichtuniversity.nl

providing details and we will investigate your claim.

STELLINGEN

behorende bij het proefschrift van Sarah Schoenmaekers getiteld

The Regulation of Architects in Belgium and the Netherlands A Comparative Analysis

1. A monopoly does not necessarily bring about higher profits: even though architects hold a monopoly in Belgium, they generally earn less than their Dutch colleagues, who have no monopoly position in the market.
2. Even though entry regulation might be beneficial to ensuring quality, in the Netherlands quality is guaranteed by other *ex ante* tools which do not restrict competition, such as the Housing Act and the Building Decree.
3. Since combining the practice of architect and entrepreneur in one person is prohibited in Belgium, a company is prevented from offering a global services package, which results in higher negotiation and transaction costs.
4. *In solidum* convictions of architects and entrepreneurs should be abolished since these can have unfair consequences for the party that is addressed first by the claimant.
5. The intensity of the public regulation of professionals is not necessarily linked to the intensity of the liability rules to which they are subject.
6. With regard to the recognition of professional qualifications falling within the scope of the general system of Directive 2005/36/EC, Member States are advised, in the light of mutual trust, to apply Article 13 instead of relying primarily upon the possibility to impose compensation measures under Article 14.
7. In Belgium, school teachers can only get a permanent appointment (*vaste benoeming*) if they have worked 720 days within the same community of schools (*scholengemeenschap*). Since such communities are generally composed of schools located within the same region, this clearly hinders the free movement of school teachers within Belgium.
8. If damage can be adequately compensated *ex post* by means other than compulsory liability insurance, this option should be preferred.
9. The expression 'Hands build a house but hearts build a home' should be changed to 'Intelligence, creativity and handiness is needed for a house to be built. Lack of these qualities may often cause a home to be destroyed.'
10. When writing a PhD one better resembles an oil-lamp than a candle: even though candlelight is cosier, candles run out; oil-lamps can always be filled with new energy.