



The ÖbVI in Germany and European aspects.

To introduce myself:

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2 years State's Survey Department / Landesvermessungsamt

Since 1972 Publicly Licensed Surveyor / Öffentl. best. Vermessungsingenieur, running a private survey company

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The German Situation – general remark

Highly qualified survey profession with special license for cadastral surveys and property related transactions, sealing and authentication competence, see in this connection the CLGE/GE

“Market Report”

No license afforded for ‚technical surveys‘, open market for European citizens.



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Legal framework

Constitution Art. 14 defines a public property guarantee:

Land registration, property definition, the German Grundbuch = Land Title Register, mapping, boundary surveys are guaranteed by the Constitution / the State, or: the State has taken the responsibility for property guarantee and a functioning system.

Guarantee does not mean that the State is forced to do all things himself. The key is **delegation** to a semi-private sector by ‚Licensing‘ or ‚Public Appointment‘.

The ÖbVI acts with the same ‚public power‘ as the State.



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How to become an ÖbVI/‘Publicly Appointed Surveyor’?

Education / Qualification /Practical training
see in this context GE's ‘Accord Multilatéral’.

Professional rights – by law: All property related surveys, subdivisions, land consolidation, land valuation, planning competences, authentication of property, mortgaging documents and planning facts, official seal, giving juridical persistence, expert at the court.

He is intermediate between the State's monopolies/registers and the market, pushed by his liberated energy, driven by professional competence, independency and responsibility.





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The qualified engineer - a 'Liberal Professional'

Definition shall be inserted in the EU-Directive on Mutual Recognition of Professions (former: on Diplomas); see again the 'Accord Multilatéral'.

Special attributes:

- professional competence, in general a university degree
- self-employment, self-responsibility, business-independency
- subject to professional directives, law-given regulations
- personal confidence between contractor and professional
- discretion, professional ethics
- competition by quality, mostly fixed prices, no tender



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The liberal professional 'produces' by means of intelligence, he is a 'knowledge worker'.

Conflict: The ÖbVI is a liberal professional and a **State's official!**

In general the liberal professional acts under European law with European Basic Rights: e. g. Freedom of Movement for workers (Art. 39), ... to provide Services (Art. 49), Right of Establishment (Art. 43).

Exception: Art. 45: The provisions of this chapter (establishment) shall not apply ... to services, which in that State are connected, even occasionally, with the exercise of official authority.

The European Commission starts an 'infringement process' on the compatibility of the ÖbVI's professional right with the EU.



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'Infringement process' – see BDVI-FORUM

Experience from this discussion: Europe's perception of a profession is not complete/comprehensive but selective. Separate questions, e.g. compatibility with 'open market' and competitive positions, restrictions in the freedom of services, 'Greenbook' on Services, establishment or nationality are investigated separately without a complex vision for the profession!

Incalculable decisions possible; see also Directives on Services, Mutual Recognition of Professions; infringement processes, Bologna Declaration, Bachelor Master



Conclusion

From our German point of view the profession of the ÖbVI could be an export article because of its positive functions in the society, property, land management and mortgaging.

The European discussion must be watched and accompanied carefully; otherwise one day we will not further recognise our profession.

We must define our view of the future profession and work intensively with a joint effort.





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Thank you for listening!

