



ARCHITECTS' COUNCIL OF EUROPE
CONSEIL DES ARCHITECTES D'EUROPE

EFCA – ACE Position Paper

The construction industry is currently undergoing a major transformation and digitalization is increasing all around us. Although this evolution has a positive effects on many aspects of our society, there are also risks and concerns regarding the handling of these data. Also anticompetitive practices of software companies are noticed.

EFCA and ACE, representing respectively European Engineering Consultancies and Architects, would like to emphasize concerns regarding certain aspects of this evolution of the software landscape in relation to the users. These concerns are shared by the whole construction industry. In February 2020, the European Construction Industry Federation (FIEC) issued a paper that summarizes and describes accurately these concerns and proposes solutions.

Both ACE and EFCA **fully endorse** the “FIEC position paper on the relationship between users and software companies/editors/service providers” and we strongly call for action in order to mitigate these concerns.

EFCA and ACE, representing the design community, would highlight the following additional issues:

1. Securing intellectual property: Data Owners must be protected against the misuse of their data, know-how and intellectual property by software providers for other purposes than intended by the use of that software.
2. Access to and control over the data, tools and data processes: Accessibility and ownership of data, tools and data processes by the user must be guaranteed by the software company during the period of the license agreement. When license agreements end, data ownership by the user must remain guaranteed and open standards are a necessity to allow for accessibility.

The current EU legal framework is deemed complex. EFCA and ACE would propose a clarification of the current EU legislation regarding the design community’s concerns about ownership of data, portability and interoperability of software services, control over the data and unfavourable license agreements that can induce significant financial and functional implications or even accessibility issues. We also believe that similar actions like the Digital Markets Act could help in this matter.



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*The **European Federation of Engineering Consultancy Associations (EFCA)** has member associations in 29 countries, and is the sole European Federation representing the engineering consultancy industry. EFCA is representing over 10,000 companies and more than one million staff in engineering and related services. EFCA also represents FIDIC (The International Federation of Consulting Engineers) in Europe.*

*The **Architects' Council of Europe (ACE)** is the representative organisation for the architectural profession at European level. Its membership consists of 43 Member Organisations, which are the regulatory and professional representative bodies in EU Member States, UK, Switzerland and Norway. Through them, the ACE represents the interests of 562.000 architects from 30 countries in Europe.*