

A COMPARISON OF PROFESSIONAL LIABILITY OF ARCHITECTS IN POLAND AND SWEDEN

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ABSTRACT

In Poland, the title of architect is a regulated profession, and many parameters must be met in order to obtain a construction license in the architectural specialty. On the other side of the Baltic Sea, in Sweden, where being an architect is also a regulated profession, the responsibility of this profession presents itself differently. The comparison of Poland and Sweden in terms of architectural professional liability aims to analyse how the architectural design process can influence the quality of architecture and the relationship between the architect and investor. By analysing these relations, one can observe the tendencies in architectural styles and the cost of building. The comparison of these two countries is based on the analysis of granting the architectural title and the required education. Another important factor in the comparison is the matter of liability. In Poland, an architect has civil responsibility, while in Sweden, an architect does not. The fact that the same architect works throughout all phases of the project in Poland allows for better implementation of the designer's assumptions. In contrast, in Sweden, where phases of the project circulate between different architects, the creator of the concept has limited control over the end result. These differences have a big impact on the quality of architecture in general.

Keywords: architecture, Poland, professional liability, regulated profession, Sweden

INTRODUCTION

The professional responsibility of an architect carries with it many responsibilities and privileges. In his doctoral dissertation, Michał Leszczyński writes: “An integral part of thinking about the architectural profession is to cover not only the broad, but also the deep optics of its impact. Design is linked to a long-term perspective” (Leszczyński, 2021, p. 5).

In Poland, the title of architect is a regulated profession, and many parameters must be met in order to obtain a construction license in the architectural specialty. On the other side of the Baltic Sea, in Sweden, where being an architect is also a regulated profession, the responsibility of this profession presents itself differently. The comparison of Poland and Sweden in terms of architectural professional liability is to analyse how the architectural design process can influence the quality of architecture and the relationship between the architect and investor. By analysing those relations, one can observe the tendencies in architectural styles and the cost of building.

Tobias Olsson, Director of the Swedish Association of Architects, says: “If anyone starts calling themselves an architect, it marginalises the competence that architects have” (Westrin, 2023). This shows the importance of analysing the role of an architect in a project and their professional liability to maintain the highest possible quality of architecture.

In his work, Tomasz Taczewski, President of the National Council of the Chamber of Architects, points to the difference between Poland and Sweden in terms of architectural profession: “The practice of the architectural profession in a united Europe, prior to its expansion to include new countries, was founded on self-governing architectural organisations [own translation]” (Taczewski, 2020). Tomasz Taczewski mentions self-governing organisations that influence access to the profession in Austria, Belgium, France, Germany, Greece, Italy, the Netherlands, Ireland, Luxembourg, Portugal, Spain, the United Kingdom and Poland. He notices that they function in Austria, Belgium, France, Germany, Greece, Italy, the Netherlands, Ireland, Luxembourg, Portugal, Spain and the United Kingdom. Similarly, in Poland, these organisations can influence access to the profession. However, he mentions a different situation in Denmark, Finland and Sweden. “The dissimilarity of the solutions adopted in Scandinavian countries should be attributed to the fact that they are relatively small countries with a high architectural culture based on good manners [own translation]” (Taczewski, 2020).

MATERIAL AND METHODS

The methods applied are:

1. A description of the process of granting an architect’s title and professional liability in Sweden, based on required education and obtaining a professional title.
2. A description of the process of granting an architect’s title and professional liability in Poland, based on required education and obtaining a professional title.
3. A SWOT analysis showing tendencies in architectural styles and cost of building, based on two approaches to professional liability in Poland and Sweden, based on the authors’ professional experiences in those two countries (in architectural offices, working for an investor and constructor).

A SWOT analysis started to germinate in the early 1950s, “an era known as *the war on bigness* between the US Government and large corporations” (Puyt, Lie & Wilderom, 2023, p. 3).

The main purpose of this method is “to push the known strengths, reduce weaknesses, exploiting the opportunities and having contingency plans to minimise threats. There unit of measure several edges and edges of victimisation SWOT Analysis for private development. It’s smart for your success and betterment” (Singh & Sayeed, 2021, p. 19).

The purpose of the SWOT division is to help categorise tendencies by showing which ones contribute to strengths, such as the quality of architecture, and which ones may pose future risks to that quality. It can also indicate which areas require a more careful examination and analysis due to different threats and potential issues.

Granting an architectural title in Sweden

The title *architect* is not one that is protected in Sweden. This means that anyone can call themselves an architect. However, employers who hire an architect expect them to have at least a bachelor’s degree, with first- and second-level studies lasting five years.

The term *bachelor’s degree* has not been used incorrectly here because, unlike in Poland, graduation from a technical college in Sweden (e.g., Chalmers Tekniska Högskola in Gothenburg or KTH – Kunliga Tekniska Högskola in Stockholm) with a specialisation in architecture does not result in an engineering degree.

In order to obtain an engineering degree (Master of Engineering or Bachelor of Engineering) one must complete a special, separate technical programme offered by the chosen Technical University (KTH Royal Institute of Technology [KTH], 2023).

Once an architect has completed university studies, a person can obtain the title of SAR (Swedish: *Sveriges Arkitekter*) after working for a period of 24 months in an architectural office as an architect in Sweden or a country in the European Union. The SAR title is conferred by Sveriges Arkitekter (The Swedish Association of Architects – SAR), “a professional union and interest organisation that promotes the common cause of Swedish architects”. (Sveriges Arkitekter [n.d. a]).

Table 1. Titles granted by Sveriges Arkitekter

| Original title | Practical translation in English |
|----------------------------|----------------------------------|
| arkitekt SAR/MSA | architect |
| landskapsarkitekt LAR/MSA | landscape architect |
| arkitekt SIR/MSA | architect (engineer) |
| planeringsarkitekt FPR/MSA | urban planner |

Source: Sveriges Arkitekter [n.d. b].

These titles are protected professional and membership titles that indicate that an architect has architectural training and is a member of the Swedish Association of Architects: SAR stands for The Swedish Association of Architects; LAR for The Swedish Association of Landscape Architects; SIR for The Swedish Association of Sweden’s Engineers; FPR for The Swedish Association of Physical Planners.

Architects’ professional liability in Sweden

What is an architect’s profession like, in practice, in Sweden? Does the architect take any responsibility for the project? What happens in case of a mistake? An architect in Sweden typically handles various stages of urban planning, conceptual design, obtaining building permits and overseeing the construction project. Once the construction project is handed over to the investor, the investor and contractor continue to develop the project with a more detailed design and execution, without the architect’s direct involvement. The construction project, which includes descriptions of materials and detail drawings, can be changed as long as the change does not significantly affect the building permit. This means that the architect most often does not decide on the details, materials or quality of finish, does not classify changes in the project as significant or non-significant and does not make changes to the project during implementation. Most often, at the very end, they perform an as-built design confirming the existing state of the newly built building.

In Sweden, architectural offices have copyrights, but often allow the possibility for the investor to continue with a different office during the upcoming phase of the drawing process. This is why it is a very common practice in Sweden for someone else to draw the concept, another person to draw the construction project and yet another person to draw the as-built project. An employed architect usually assigns the economic copyright to his or her employer through their employment contract. Of course, there are situations where one architect or architectural office designs all stages. The factors that make this possible are usually:

- recognition and reputation of the architect;
- a good relationship between the architect and the contracting authority;
- price;
- securing with an appropriate contract/order.

Otherwise, the project circulates between offices, and an office with lesser recognition or conflicts with the investor is less likely to carry out the entire design process. The architectural office, regardless of participation in the further design project, can publish the project to build a resume and must always name all the authors. If an architect makes a design error, as defined in the Swedish Construction Law (Boverkets byggregler, 2011; Boverket, 2023), such as failing to assign a class to a fire door or failing to provide necessary rules to accommodate the needs of disabled individuals, the investor can claim compensation from the office employing the architect. The investor will then be paid compensation that is equal to the costs incurred by the client as a result of the architect's error.

Granting an architectural title in Poland

In Poland, similar to Sweden, being an architect is not a protected title. This means that anyone can refer to themselves as an architect. However, just like in Sweden, the title is regulated. To be granted the title of Master of Engineering in Architecture, a person must complete a 5–6 year architectural programme that adheres to ministerial standards.

Once an architectural student has completed university, the person can start working to obtain the title granted by the Izba Architektów Rzeczypospolitej Polskiej (Chamber of Architects of the Republic of Poland – IARP). The IARP is a professional self-government of architects, which consists of 17 organisational units that are a part of the Krajowa Izba Architektów (National Chamber of Architects).

In order to become a member and gain a professionally protected title, one must: “obtain a construction license within the architectural specialty without limitations, which entitles one to the title of architect of the IARP, one must complete a first- or second-cycle (or single-degree) course of study with a major in architecture and obtain a master's degree in architecture. You must also complete an apprenticeship, the duration of which, in the case of construction authorisations in architectural specialty without limitations, is: one year in drafting projects and one year on-site. The prerequisite for the completion of the apprenticeship is work involving direct participation in designing or performing a technical function on a construction site under the direction of a person with the appropriate construction authorisation or, in the case of an apprenticeship abroad, a person with the appropriate authorisation in the country. It is necessary to take the examination for the construction license in architectural specialty organised by the Qualification Commission of the Chamber of Architects of the Republic of Poland. Depending on your education and the scope of your professional practice, the exam is conducted for construction rights to: designing in a given specialty; directing construction works in a given specialty; designing and directing construction works in a given specialty. The types and forms of construction authorisations in the architectural specialty that can be obtained are listed in Article 14 of the Polish Construction Law” (Izba Architektów Rzeczypospolitej Polskiej [IARP], 2024).

As we can see, the design process and liability in Sweden present themselves quite differently from Poland.

Architects' professional liability in Poland

Unlike in Sweden, the architect assumes civil responsibility for the project for which they are responsible with their architectural license. In the event that the safety of the future user of his completed project is compromised, they may even be held liable for the error before the Krajowy Sąd Dyscyplinarny (National Disciplinary Court) and convicted by sentence.

The responsibility is related to the higher control of the entire design process throughout all phases. Architects designing in Poland have the right to authorship supervision. Author's supervision is a term taken from both the Construction Law (consolidated text Dz.U. 2024 poz. 725, 834) and the Copyright Law (consolidated text Dz.U. 2022 poz. 2509), so its explanation should be based on both legal acts.

The author's supervision of a project is an inalienable right vested in the author, as one of the elements of the catalogue of the author's moral rights, protecting the author's intellectual relationship with the work they have developed. As such, it consists of the ability to control the use and exploitation of one's own work by others.

The two main roles of the architect during the construction process is to:

- ascertain, in the course of construction works, the compliance of the execution with the design;
- agree on the possibility of introducing solutions that are substitutable for those provided in the design, reported by the construction manager or the investor’s supervision inspector.

The scope of work performed by the designer at the construction site depends on individual arrangements and also results from the provisions of the applicable law. This results in the fact that other architects cannot work on the project during any of its phases without a granted permission from the architect who is the author of the design.

RESULTS AND DISCUSSION

What are the strengths, weaknesses, opportunities and threats when an architect in Sweden most often ends one’s design on a construction project, while an architect in Poland can go through the executive project? Table 2 presents an analysis based on the authors’ many years of professional experience in the Polish and Swedish markets.

Table 2. SWOT analysis

| S strengths | W weaknesses | O opportunities | T threats |
|--|---|---|--|
| Sweden: Lower construction cost, changes are made faster on-site. | Sweden: Risk of inferior architecture in the form of detail, material quality. | Sweden: Opportunity for faster development of advanced mass production technologies needed in the event of an emergency, higher construction needs. | Sweden: Much more frequent emergence of repetitive, homogeneous architecture that does not relate to the context of the place. Poland: Possible higher construction cost, changes need architect’s categorisation and approval. |
| Poland: The same architect throughout all phases of the project allows a better implementation of the designer’s assumptions. | – | Poland: The architecture does not aim mainly towards the development of advanced mass production technologies, architects can participate stronger in architectural development. | Poland: Possible higher construction cost, changes need architect’s categorisation and approval. |
| Sweden: The construction process goes faster without the necessary architect’s professional opinion on the changes. | Sweden: The practical functional aspect and the fulfilment of the rules prescribed by the building law is the only determinant of the quality of the designed architecture. | Sweden: Greater use of typical solutions in the construction process leads to a smoother construction process, fewer errors and cost savings. | Sweden: Unification of the appearance of cities, streets, buildings, parks. Loss of authorial characteristics. |
| Poland: Architect’s opinion on the changes and making them relevant allows architecture to present higher standards. | – | Poland: The profession of architect is more socially appreciated. | – |
| – | Sweden: The architect’s opinion on the changes and making them relevant does not affect the purely practical functional aspect and the fulfilment of the principles enshrined in the construction law. | – | Sweden: Downgrading the architect’s skills. |

Source: own work.

CONCLUSIONS

In both countries, the scope of work performed by the designer at the construction site depends on individual arrangements and also results from the provisions of the applicable law. The copyright states that a different architect cannot work on the project during any of its phases without the granted permission of the architect who is the author of the design. In Sweden, architects will most likely grant that possibility to a different architect upon the investor's request. An architect has a greater chance of continuing that design through all phases based on parameters such as recognition and reputation of the architect, a good relationship between the architect and the contracting authority, a lower price and securing with an appropriate contract/order.

This leads to the following conclusions:

1. Professional responsibility of the architect and the author's supervision that goes with it in Poland not only gives the architect personal responsibility but also allows them to maintain the quality and standards that guide their professional work. This enables the creation of architecture to be an interplay between “*firmitas* (construction system), *utilitas* (utility) and *venustas* (aesthetics)” (Cernaro, Fiandaca, Lione & Minutoli, 2023).
2. The lack of the architect's supervision in the execution of projects in Sweden can result in the creation of typical and homogeneous architecture, often resulting in inferior quality materials and details used.
3. The professional responsibility of the architect and the regulated author's supervision in Poland could cause an unjustified cost increase as one of the factors. This can occur when an architect primarily focuses on the vision without considering the consequences for functionality and maintenance.
4. The lack of the architect's supervision in the executive project in Sweden often results in lower construction costs due to shorter building duration, but it may also lead to the use of lower quality materials and less-than-ideal detailing solutions.
5. Investors in Sweden have the power to decide how many architects will work on different phases of a project and have the opportunity to provide input on the details. This power has been granted to the investor based on economic parameters, market conditions and acceptance of architects. In Poland, however, investors have a much lower level of influence over architects due to legal regulations.

Authors' contributions

Conceptualisation: D.W., K.W. and M.P.; methodology: K.W.; validation: D.W. and K.W.; formal analysis: K.W.; investigation: K.W.; resources: K.W.; data curation: K.W.; writing – original draft preparation: K.W.; writing: D.W. and K.W.; visualisation: K.W.; supervision: D.W., K.W. and M.P.; project administration: K.W.; funding acquisition: D.W. and K.W.

All authors have read and agreed to the published version of the manuscript.

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PORÓWNANIE ODPOWIEDZIALNOŚCI ZAWODOWEJ ARCHITEKTA W POLSCE I SZWECJI

STRESZCZENIE

W Polsce tytuł architekta jest zawodem regulowanym i aby uzyskać uprawnienia budowlane w specjalności architektonicznej, należy spełnić wiele wymagań. Po drugiej stronie Bałtyku, w Szwecji, gdzie zawód architekta jest również zawodem regulowanym, odpowiedzialność zawodowa przedstawia się inaczej. Porównanie Polski i Szwecji pod kątem odpowiedzialności zawodowej architekta ma na celu analizę, w jaki sposób proces projektowania architektonicznego może wpływać na jakość architektury oraz relację architekta z inwestorem. Analizując te zależności, można zaobserwować tendencje w stylach architektonicznych i kosztach budowy. Porównanie tych dwóch krajów w temacie odpowiedzialności zawodowej polega na analizie trybu nadania tytułu architektonicznego i otrzymania wymaganego wykształcenia. Kolejnym elementem w porównaniu jest kwestia odpowiedzialności. W Polsce architekt ma odpowiedzialność cywilną, podczas gdy w Szwecji przeciwnie. Fakt, że na wszystkich etapach projektu w Polsce pracuje ten sam architekt, pozwala na lepszą realizację założeń projektantów – w przeciwieństwie do Szwecji, gdzie fazy projektu krążą między różnymi architektami, a twórca koncepcji ma ograniczoną kontrolę nad wynikiem końcowym, jeśli chodzi o rozwiązania, detale i materiały. Różnice te wpływają zatem na jakość architektury.

Słowa kluczowe: architektura, Polska, odpowiedzialność zawodowa, zawód regulowany, Szwecja