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BILL

121/000086 Bill on the Quality of Architecture.

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Full legislative competence to the Committee on Transport, Mobility and Urban Agenda.

This implies that it is not discussed in the Parliament.

BILL ON THE QUALITY OF ARCHITECTURE

Explanatory Memorandum

I

Society is facing major challenges that are reflected in the physical environment in which daily life takes place. An environment in which threats of all kinds have already been highlighted by numerous international agreements that seek a more sustainable development of our societies, from the triple social, economic and environmental objective. Good examples of these are the 2030 Agenda for Sustainable Development Goals, the 2015 Paris Agreement, the recent European Green Deal and the European Union-Architecture Work Plan for Culture 2019-2022. Underlying all of them is a call for urgent decisions to address such diverse but intertwined issues as technological advances and digitalisation, functional diversity, the ageing population, rapid changes in lifestyles, the threats of climate change, the variables associated with economic cycles, the loss of cultural diversity and, in short, certain patterns of behaviour that need a thorough overhaul.

In 2020, the unexpected COVID-19 pandemic brought new and urgent challenges. Its devastating effects, which are still being felt, have disrupted individual and collective projects and have added new problems that make it necessary to join forces to achieve responses not in the short or medium term, but in a broad and ambitious long-term horizon that is once again global. The spread of this virus showed, almost from the outset, that this was not just a health crisis. The pandemic and the associated periods of confinement have highlighted the importance of the physical environment around us for health, well-being and quality of life.

Committing to architectural quality, both in urban and rural environments, means recognising, first and foremost, the cultural dimension, as an intellectual, artistic and professional provision, of a discipline that has a cross-cutting impact on multiple aspects of sustainability. It also means recognising its economic value, not only for its contribution to employment and income generation, but also from the point of view of resilience and the circular economy. In this era, when society is calling for a new culture of austerity, circularity and solidarity, quality architecture can help to do more with less, especially when it comes to optimising natural resources and reducing energy expenditure. It should set the trend towards rehabilitation, regeneration and renovation, as opposed to the recent history of new construction, as called for by both the Land and Urban Rehabilitation Law of 30 October 2015 and the Spanish Urban Agenda approved on 22 February 2019. Its important role in environmental protection can also be claimed, to which it can contribute decisively by integrating building into the natural ecosystem of the environment in which it is located, creating buildings and transforming spaces that are in keeping with it and use fewer raw materials, reducing energy consumption and emissions of gases that are harmful to the environment, and minimising waste generation and maintenance costs. And finally, from a social point of view, there is no doubt about the role of architecture in offering solutions to the complex social fabric, making people's lives easier. All this in a context of incessant change in which new challenges emerge every day, such as those linked to mobility, demographic changes, functional diversity, the ageing of the population, the gender perspective and inequality. Thus, it is important to highlight the fundamental role that architecture can play in the reactivation of areas in demographic decline, improving the habitability of rural areas and boosting the socio-economic fabric of these environments, through the improvement of infrastructures and facilities.

The Law on the Quality of Architecture complements the state legal framework related to quality in building, formed by Law 38/1999 of 5 November 1999 on Building Regulations, with provisions that guarantee the quality of architecture, taking into account its cultural, economic, environmental and social dimensions.

II

Architecture is not only the physical expression that materialises the places where people live. It is also a cultural fact that reflects the circumstances of each society, addressing issues of identity and awareness of the values it represents, which have a direct impact on the individual and collective development of people.

The Davos Declaration, signed in 2018 by the European Ministers of Culture and to which the Government of Spain has adhered, is a manifestation of this. This declaration, which consolidates the concept of Baukultur, or building culture, recognises that cultural heritage is the manifestation of the cultural diversity inherited from previous generations, constituting a common source of memory that offers an emotional dimension, of rootedness and collective identity, and that has a direct impact on the development of people and their history. As it literally states "there can be no democratic, peaceful and sustainable development if culture is not at its heart, the way we use, maintain and protect our cultural heritage today will be crucial for the future development of a high quality built environment".

Architecture should therefore be considered an asset of public interest that requires recognition by the public authorities, who are required to promote its protection, development and dissemination, as well as to deploy exemplary public policies for the achievement of these objectives. This is also recognised, within the European Union, in Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications, which states that "architectural design, the quality of buildings, their harmonious incorporation into their surroundings, respect for natural and urban landscapes and for the public and private heritage are a matter of public interest".

This law conceives architecture as a multidisciplinary activity, as the result of a collective and coordinated effort in which different professionals contribute their knowledge, respecting their respective attributions. In this sense, it should be noted that the law does not interfere in any way with the system of professional competences in building established by Law 38/1999, of 5 November.

III

This Law on the Quality of Architecture is a necessary legislative instrument to consolidate a new model of economic, energy and ecological transition that promotes greater social inclusion and cohesion. It is not in vain that it is included as reform 4 in the Recovery, Transformation and Resilience Plan approved by the Spanish Government to tackle the crisis caused by COVID-19, within the policy lever 1, entitled "Urban and rural agenda, fight against depopulation and development of agriculture", and specifically in component 2, which focuses on promoting actions for the rehabilitation and improvement of the building stock, both in urban and rural areas. It is, therefore, the strategic framework of the Spanish Urban Agenda, in perfect alignment with the 2030 Agenda and international Urban Agendas, which serves as a reference, with its triple demand for greater social, economic and environmental sustainability.

Likewise, and as part of the Recovery, Transformation and Resilience Plan, this law responds to the horizontal principles referred to in Article 5 of Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Mechanism. In particular, the present law and the actions foreseen therein, while not in themselves entailing concrete investments under the Plan, comply with the principle of "no significant harm" as well as with the requirements of the Council Implementing Decision on the approval of the evaluation of the Plan.

This law is part of the European legislative initiatives to promote energy efficiency, renewable energies and the fight against energy poverty, and will promote the application of the principle of "first, energy efficiency", in accordance with Commission Recommendation (EU) 2021/1749 of 28 September 2021.

It also aligns with European initiatives that seek to conserve Europe's cultural heritage, both in urban and rural areas, and shape its future, such as the EU's New Bauhaus, as well as with others that seek to promote transformative urban and rural policies such as the actions developed under the European Green Deal to achieve a transition to a clean and circular economy, reduce pollution and emissions and protect biodiversity, and the Wave of Renewal strategy: creating green buildings for the future, aimed at urban regeneration and regeneration.

The law aims to ensure that the rehabilitation of the public building stock, which is expected to increase over the coming years with specific investment, is guided by criteria of quality, comprehensiveness and prior planning. All of this with the necessary exemplary approach that should be exercised by the Public Administration, which should ensure the quality and training of the sector. The need to refurbish the public housing stock is already part of the National Integrated Energy and Climate Plan (PNIEC) and the Long-term Strategy for Energy Refurbishment in the Building Sector in Spain (ERESEE).

All these initiatives offer a unique opportunity to rethink, redesign and modernise buildings, adapting them to an increasingly green, digital and diverse society, and also to contribute to the economic recovery of the territory as a whole.

However, although the law is born to respond to an exceptional moment, it also does so with the purpose of establishing a global framework that is enduring over time, dynamic and capable of adapting to new challenges and objectives. In fact, among its objectives, it includes the elaboration of a National Architecture Strategy, as a governance tool to implement it. All of this in the context of the Spanish Urban Agenda, as mentioned above, being incorporated as one of its lines of action.

IV

This law is structured in two chapters, containing seven articles, a sole additional provision, two transitional provisions, a repealing provision and seven final provisions.

The first chapter includes articles 1 to 4, which are dedicated to determining the object, scope and aims of the law, the declaration of architecture as an asset of public interest and the principle of quality in architecture. This last precept has an inspirational character and mentions essential elements for a 21st century society, such as innovation, versatility and ease of adaptation to new uses and ways of living throughout the life cycle, harmony, protection of pre-existing values, optimal management of resources in the context of a circular economy, energy efficiency, promotion of renewable energies, environmental and landscape protection, universal accessibility and hygiene, health and comfort.

The second chapter identifies the specific measures for the public authorities to achieve the stated aims, highlighting, among those particularly required of the General State Administration, the national and international dissemination of architecture, support for Spanish companies and professionals, the establishment of incentives and prizes that recognise quality, the promotion of research and innovation and, of course, the protection of the values of the built heritage and the promotion of urban rehabilitation, regeneration and renovation under the principle of sustainable urban development.

In this chapter, the Council on the Quality of Architecture is constituted which, together with the House of Architecture, seeks to guide the actions of the public authorities towards this necessary quality. Both institutions are heirs to previous projects with which the General State Administration has tried to articulate the improvement of quality in the sector and the communication of architecture to society.

The Council on the Quality of Architecture is the heir to the Council for Sustainability, Innovation and Quality in Building, created by Royal Decree 315/2006 of 17 March 2006, with the aim of drawing up proposals and making recommendations on policy strategies and relevant measures in the field of sustainability, innovation and quality in building. These objectives continue to be necessary and are assumed by the Council on the Quality of Architecture, whose main function is to serve as a platform for the exchange of knowledge and participation, as well as for consultation and advice on matters related to the contents of this law, creating a sort of *soft law* to help the Public Administrations and the sector in those issues that require clarification or interpretation.

In the field of architectural communication, the law proposes, through the House of Architecture, to promote this discipline as a tool for cultural diplomacy. The House of Architecture is the heir to an existing institution, the National Museum of Architecture and Urban Planning, created by Royal Decree 1636/2006 of 29 December.

The institution is conceived as a state-owned and managed museum that aims both to perform the functions of a museum adapted to the present day and to serve as a platform for exchange between institutions and associations linked to the dissemination of architecture and to establish mechanisms for collaboration with the educational sector and local authorities to improve knowledge of architectural heritage in the region in the society as a whole from an early age. In the field of heritage protection, the

House of Architecture intends to create a catalogue of architectural works of interest that will serve as a guide for the Public Administrations to draw up their own catalogues of protected buildings and, in coordination with the Council on the Quality of Architecture, will request ex officio the initiation of protection proceedings before the competent Public Administrations in relation to examples of architecture of recognised quality.

The sole additional provision foresees the elaboration of a National Architecture Strategy as a tool for governance and monitoring of the implementation of the objectives of the law.

The law has two transitional provisions. The first transitional provision regulates the application of the law's specific procurement requirements to cases initiated at the time of its entry into force. The second transitory provision establishes the validity of Royal Decree 315/2006, of 17 March, until the regulatory development of the Council on the Quality of Architecture is approved. It also establishes the validity of Royal Decree 1636/2006, of 29 December, until such time as the law for the creation of the House of Architecture is approved and it is effectively constituted.

The sole repealing provision repeals Royal Decree 315/2006, of 17 March, and Royal Decree 1636/2006, of 29 December.

The law has seven final provisions. The first final provision includes a series of amendments to Law 9/2017, of 8 November, on Public Sector Contracts, transposing into Spanish law the Directives of the European Parliament and of the Council 2014/23/EU and 2014/24/EU, of 26 February 2014, aimed at improving the quality of architecture promoted by the public sector. Administrations, as holders and managers of built heritage and responsible for the provision of basic services developed in public buildings and spaces, have unique responsibilities for the quality of the built environment and a special capacity for its preservation and improvement. These amendments seek to speed up the processing of certain complementary contracts, such as minor works management contracts, to facilitate the joint contracting of the drafting of the project and the works management as a measure to guarantee coordination and continuity between the drafting and execution phases, and to specify certain conditions whose existence may be taken into consideration by the contracting body for the purposes of estimating the special complexity of architectural, engineering and urban planning projects.

These measures are complemented by the role reserved for the Council on the Quality of Architecture, which will carry out, among other tasks, those aimed at facilitating the application of the tools provided for in the aforementioned Law 9/2017, of 8 November, to all Public Administrations in order to ensure that the works promoted by these administrations comply with the principle of quality set out in this law.

The second final provision articulates an instrument, through an amendment to Royal Decree-Law 36/2020, of 30 December, which approves urgent measures for the modernisation of the Public Administration and for the implementation of the Recovery, Transformation and Resilience Plan, to facilitate the execution of the funds when they are associated with public sector works. This provision creates a new, exceptional case in which the joint contracting of the drafting of the project and the execution of the work is allowed, in accordance with article 234.1 of Law 9/2017, of 8 November, provided that the contract is financed with funds from the Plan.

The third final provision sets out the powers under which the law is enacted.

The fourth final provision calls for the regulatory development of the Council on the Quality of Architecture, and the fifth final provision calls on the Government to present, within six months of the entry into force of this law, a draft law creating the House of Architecture as a public body.

The sixth final provision authorises the Government to implement the law and the seventh final provision regulates its entry into force.

The law complies with the principles of necessity, effectiveness, proportionality, legal certainty, transparency and efficiency established in article 129 of Law 39/2015, of 1 October, on the Common Administrative Procedure of Public Administrations.

With respect to the principles of necessity and effectiveness, the law complements the existing legal framework by incorporating a cultural, economic, environmental and social perspective. The draft legislation is in line with objectives of public interest such as the protection of the environment and historical heritage, the promotion of culture and the improvement of the quality of life of citizens.

It is consistent with the principle of proportionality, since the adoption of the rank of law is justified by its material content, insofar as the rule contains some precepts that constitute basic rules. The law is the necessary and sufficient means to develop these precepts and does not entail any restriction on the

citizens' rights. From a formal point of view, its legal status is justified by the fact that the regulation amends two regulations of the same rank, specifically Law 9/2017, of 8 November, and Royal Decree- Law 36/2020, of 30 December.

The law complies with the principle of legal certainty, as it was drafted in accordance with the procedures laid down in Law 50/1997 of 27 November 1997 on the Government. The law is coherent with the rest of the legal system and favours certainty and clarity.

In relation to the principle of transparency, the law clearly defines its objectives, reflected in its explanatory part, in Article 2 and in the report that accompanies its processing, which is accessible to the public and offers a full explanation of its content.

Finally, it is also in line with the principle of efficiency, as it does not impose administrative burdens.

V

This law is enacted under the powers attributed to the State by Article 149.1. 13, 23, 25 and 28 of the Spanish Constitution on the bases and coordination of the general planning of economic activity, the basic legislation on environmental protection, without prejudice to the Autonomous Communities to establish additional rules of protection, the bases of the mining and energy regime and the exclusive competence for the defence of Spanish cultural, artistic and monumental heritage against export and spoliation.

Exceptions to the above are the first and second final provisions, which are issued under Article 149.1.18 of the Spanish Constitution, which assigns basic legislation on administrative contracts and concessions to the State.

They are not of a basic nature and, therefore, only Articles 6 and 7 and the fourth and fifth final provisions will be applicable to the General State Administration and the State institutional public sector.

CHAPTER I

General provisions

Article 1. Purpose and scope.

1. This law aims to protect, promote and disseminate the quality of architecture as an asset of public interest.

2. For the purposes of the provisions of this law, architecture is understood to be the art and technique of conceiving, designing, planning, constructing, rehabilitating, transforming and conserving buildings and public spaces for the development of human activities, together with the management and execution of the corresponding works. All this in harmonious balance with their functionality and utility, in accordance with cultural, social and environmental values and with the participation and collaboration of the professional disciplines necessary to achieve their full complexity and throughout their life cycle.

Article 2. Aims of the law.

The purposes of this Act are as follows:

- a) Promote the protection of architectural heritage, both historical and contemporary, which is of special interest for its cultural, social and environmental values.
- b) Encourage the conservation of architectural elements and ensembles that have received national or international recognition for their exceptional values.
- c) Promoting research, innovation, digitalisation, industrialisation and creativity, as well as fostering knowledge of traditional and local techniques.
- d) Encourage the participation and collaboration of different professional disciplines in order to generate synergies, respecting the attributions recognised in their specific legislation.
- e) Promote the application of the principle of quality in public procurement, using the Council on the Quality of Architecture set out in Article 6 of this law as a fundamental pedagogical tool.

- f) To vindicate Spanish architecture, recognising its contribution to the consolidation of cultural, social and environmental values, as well as to competitiveness and sustainability.
- g) To promote the knowledge and dissemination of Spanish architecture, both inside and outside Spain.
- h) Promote education and training in the field of architecture, with special attention to primary and secondary education.
- i) Contribute to the achievement of national and international targets on decarbonisation, climate neutrality, circular economy, energy efficiency, use of renewable energy and the fight against energy poverty, as well as the reduction of other negative environmental impacts.
- j) Increase the number of nearly zero-energy buildings, not only in new construction, but also through comprehensive approaches to retrofitting the existing building stock.
- k) Promote sustainability and life cycle analysis in architecture.
- l) Promoting universal accessibility.
- m) Promoting gender mainstreaming in architecture.

Article 3. Declaration of asset of public interest.

1. Architecture is an asset of public interest because of its contribution to the creation of cultural identity, quality of life, well-being, social cohesion and inclusion, health, its link to the protection of the safety and health of workers, consumers and users, its relevance for mitigating the effects of climate change and adapting to it, as well as its economic importance.
2. As an asset of public interest, architecture will be the object of protection, promotion and dissemination by all public authorities, each within the scope of their respective competences and always in accordance with the values concurring in it.

Article 4. Principle of quality in architecture.

1. The policies developed by public authorities in relation to the design, planning, projection, project management, project execution management, construction, rehabilitation, transformation and conservation of architecture shall be inspired by the principle of quality. Without prejudice to the safeguarding of the intrinsic values of existing architecture, the basic requirements that ensure the quality of buildings in accordance with building planning legislation and respect for the principle of sustainable development established by state land legislation in relation to the urban environment, the principle of quality in architecture specifically calls for respect for the following criteria:
 - a) Suitability for use, as well as flexibility, versatility and ease of adaptation to new uses, needs and ways of living throughout its life cycle.
 - b) Harmonious integration into the urban fabric and the landscape.
 - c) Beauty and contribution to the creation and maintenance of an environment with cultural values recognisable to the target society, where design decisions are based on the conditions of the site.
 - d) Contribution to economic, environmental and social sustainability.
 - e) The optimal management of resources, including the use of secondary raw materials, as well as the precise application of materials and construction solutions under the principle of circular economy, planning throughout the entire life cycle of the building, from the design phase to demolition, the reuse and recycling of the materials used.
 - f) Energy efficiency, carbon footprint reduction, environmental protection and climate resilience.
 - g) Contributing to the inclusion of all people, inspired by the principle of universal accessibility and encouraging the widest possible participation.
 - h) The safety and limitation of risks arising from the use of the asset in accordance with the type of asset and its characteristics, for all persons.
 - i) Hygiene, health and comfort.
 - j) Contribution to economic and social value creation and innovation.

2. In accordance with the aims pursued by this law, this principle makes it necessary to take into account values such as transversality and integration of sectoral policies, strategic planning and transparency, competitiveness and social cohesion and inclusion, and territorial balance.

CHAPTER II

Protection, promotion, dissemination and governance

Article 5. Measures for public authorities to preserve, promote and disseminate the quality of architecture .

1. Public authorities shall promote the necessary conditions for the purposes set out in the previous articles to become effective, ensuring in particular the establishment of the necessary and effective regulatory framework to favour them and effective control of their fulfilment.

They will also play an exemplary role through their real estate assets, promoting the principle of quality in architecture. In the exercise of this function, the rehabilitation of the public building stock will be encouraged and planned, in accordance with an integrated rehabilitation approach.

2. Public authorities will above all strive for excellence and sustainability in the works in which they act as promoters, in a way that sets an example for other sectors of society. They will promote research, development and innovation (R&D&I) in their projects and works and will encourage digitalisation and the use of technologically innovative tools aimed at making the construction process more efficient, competitive, safe and of high quality. These tools will facilitate the drafting of projects, project management and management of the execution of the work, the use and maintenance of the architecture. Among other measures, the use of specific electronic tools, such as digital building information modelling (BIM) or similar methodologies and the incorporation of innovative techniques will be encouraged in public sector projects.

3. Public authorities will pursue the professionalisation of the different multidisciplinary actors involved in the field of architecture by reinforcing training at all educational levels with special attention to the different trades involved in the execution of architecture and by promoting continuous training and the transfer of knowledge. To this end, the training and technical and humanistic knowledge of the different professionals involved in the control of construction processes will be promoted from the administrative sphere.

4. Public authorities shall foster knowledge of architecture in order to promote a critical and demanding stance in society with regard to its quality. In particular, they shall encourage the recognition, by means of badges, plaques or any other means, of works of quality, in order to improve citizens' knowledge and appreciation of them, as well as the appreciation of their immediate surroundings.

5. In particular, the General State Administration is responsible for promoting, through its own policies, the following actions:

a) Protection of built heritage values and the promotion of urban rehabilitation, regeneration and renewal under the principle of sustainable urban development throughout the territory.

b) Promotion of reflection, research and innovation.

c) Support for Spanish companies and professionals working in the field of architecture abroad.

d) National and international dissemination and collaboration with institutions and associations related to the dissemination of architecture, in order to create synergies that favour its knowledge, the economic development of the sector and the participation of citizens.

e) Incentives and awards aimed at recognising quality as defined in Article 4.

Article 6. Council on the Quality of Architecture.

1. The Council on the Quality of Architecture is constituted as a collegiate body, with an advisory and consultative character of the General State Administration, which aims to serve as a platform for the exchange of knowledge and participation, as well as for consultation and advice on matters related to the

object of this law, without the reports drawn up in the exercise of their functions being binding.

It shall be attached to the Ministry responsible for architecture and shall be chaired by the person in charge of the management centre to which these competences are specifically attributed.

2. The Council shall meet on a permanent basis and through periodic meetings and shall act in Plenary, Section and Reports. Its composition and legal regime shall be established by regulation, ensuring in all cases that its composition has a multidisciplinary nature, adequate technical and legal capacity for the exercise of its functions, as well as the independence of its members with respect to the matters under analysis. Its composition shall ensure the representation of the local, regional and state administrations and shall be open to professionals from the private sector, the field of higher education and research, who shall in all cases be experts in the subject matter.

3. The Council's functions aimed at protecting, promoting and disseminating the quality of architecture and improving governance include:

a) Promote society's awareness of the values of architecture, with special attention to contemporary architecture, encouraging its protection and conservation by the competent Public Administrations through its inclusion in catalogues that identify the assets, record their uniqueness, architectural qualities, national and international recognition, and any other data of historical and cultural interest.

b) Promote the drafting or revision of existing legislation on the subject.

c) Promote statistical and data collection work that will provide a better understanding of the situation and facilitate, where appropriate, criteria for the adoption of more effective, efficient and assessable public policies, whether regulatory or not.

d) Encourage research and innovation in the works promoted by public administrations through formulas for collaboration with industry and research bodies, as well as the incorporation of new techniques and materials under development and the establishment of performance evaluation systems.

e) Facilitate, in coordination with the Interministerial BIM Commission, the digitalisation of the construction process, as well as the progressive incorporation of integrated information models in the public heritage in order to facilitate, optimise and make its exploitation and maintenance more sustainable.

f) Promote innovative pilot projects on a real scale, which encourage the practical application of R&D&I initiatives.

g) Promote, in collaboration with the House of Architecture, the dissemination and exchange of knowledge and good practices on a national and international scale, especially those which, due to their integrated and integrating nature, may be transferable examples to other environments or administrations.

h) Receive information and demands from public administrations, professional councils and associations, citizens and the private sector in order to modulate public policies towards higher quality.

i) Report or issue recommendations on matters submitted for its consideration.

4. In matters of procurement, the functions of this Council shall be the following:

a) Promote the adoption of general standards or measures to improve the quality of architecture, or the modification of existing ones.

b) Providing advice to contracting bodies that request it on the estimation of fees for the determination of the basic tender budgets for administrative service contracts for the drafting of architectural projects and service contracts complementary to works contracts promoted by the Public Administrations.

c) Draw up indicative rates for the payment, if applicable, to the members of the jury regulated by Article 187 of Law 9/2017, of 8 November.

d) Design, in collaboration with the National Institute of Public Administration, as well as with other specialised training centres of the General State Administration or private institutions, training and guidance courses aimed at personnel responsible for preparing specifications and supervising the execution of contracts, so that those involved in the various phases of the contracting process can be trained

in the different stages of the contracting process have the theoretical and practical knowledge necessary for the successful implementation of quality promotion measures related to public procurement.

The training activities described above shall be carried out in coordination with the State Public Procurement Advisory Board.

e) Draw up and disseminate model specifications and other documents for guidance, in strict compliance with the provisions of article 122.7 of Law 9/2017, of 8 November, which facilitate contracting and innovative public procurement on the matters covered by this law.

f) Advise contracting bodies that request it, in relation to the object of this law, on evaluation criteria related to quality and, in particular, those that depend on value judgements, as well as on specific solvency criteria, not necessarily dependent on the specific use of the constructions or buildings.

g) Establish criteria for guidance on the deadlines applicable to contracting and which have an impact on the final quality of the actions.

h) Promote the quality principle set out in this law in public sector procurement by educating on the possibilities of public procurement legislation.

In exercising the functions set out in letters f) and g) of this section, the Council shall take into account the criteria of the State Public Procurement Advisory Board. To this end, the Council's approval of the measures resulting from the exercise of these functions shall require the prior favourable report of the State Public Procurement Advisory Board.

Article 7. The House of Architecture.

1. The House of Architecture is conceived as a state-owned and managed museum, attached to the Ministry responsible for architecture, whose vocation is to become a national and international reference point for the dissemination of architecture.

Its functions are as follows:

a) The promotion and improvement of knowledge and appreciation of architecture as an integral part of a society's set of values.

b) The dissemination of the Spanish architectural legacy and its contemporary representations.

c) The positioning of the excellence of Spanish architecture on the national and international scene.

d) The promotion of citizen participation, both from the sector directly linked to architecture and from society as a whole, turning the House into a forum for debate on the role of architecture.

e) Collaboration with the education sector, local authorities, associations and institutions in the sector to improve knowledge of architecture from an early age.

f) Collaboration and building synergies with institutions linked to research, dissemination and promotion of quality architecture.

g) In coordination with the Ministry responsible for culture, the inventory, documentation, safeguarding, conservation, enhancement and communication to society of the representative material testimonies of architectural culture in Spain, including those which, although they have disappeared, constitute significant examples of our past.

h) The ex officio application for the initiation of protection proceedings before the competent public authorities for examples of recognised architecture in coordination with the Council for Architectural Quality.

i) The permanent and orderly exhibition of the material testimonies that make up its collection.

j) The creation of a line of publications for the dissemination of the different facets and expressions of architecture in both physical and virtual formats.

k) Sponsorship and support for young professionals and the promotion of research and innovation.

l) Support for the organisation and dissemination of prizes that represent a prestigious recognition in the field of architecture, as well as those that promote the improvement of its quality and encourage creativity and innovation.

m) The identification of contemporary practices that incorporate new concerns in the reflection of the discipline as a response to changes in society.

n) The creation of a catalogue of architectural works of interest to serve as a guide for other Public Administrations when establishing their own catalogues, always in coordination with the Ministry responsible for culture.

ñ) The promotion of gender mainstreaming in architecture.

Sole additional provision. National Architecture Strategy.

The Ministry of Transport, Mobility and Urban Agenda shall draw up, within 12 months of the entry into force of this law, a National Architecture Strategy, a governance tool that will serve for the implementation and monitoring of the objectives pursued by this law. The National Architecture Strategy shall be framed within the Spanish Urban Agenda, being incorporated as one of its lines of action, and shall take into account the provisions of the National Public Procurement Strategy referred to in article 334 of Law 9/2017 of 8 November.

First transitional provision. Contracting files to which the provisions of this law shall not apply.

The specificities regarding public procurement established by this law shall not apply to procurement files that have been initiated prior to the date of its entry into force. For these purposes, the provisions of the first transitory provision of Law 9/2017 of 8 November shall apply to determine whether a procurement file has been initiated.

Second transitional provision. Validity of the Council for the Sustainability, Innovation and Quality of Building and the National Museum of Architecture and Urban Planning.

Until the regulatory development of the Council on the Quality of Architecture regulated in article 6 is approved, the Council for the Sustainability, Innovation and Quality of Building shall continue to perform the functions attributed by Royal Decree 315/2006, of 17 March, which shall remain in force until that time.

Until such time as the law of creation is passed or the effective constitution of the House of Architecture referred to in the fifth final provision has taken place, the National Museum of Architecture and Urban Planning shall continue to perform the functions attributed to it by Royal Decree 1636/2006, of 29 December, which shall remain in force until that time.

Sole repealing provision. Repeal of rules.

All provisions of equal or lower rank that oppose the present law are hereby repealed, in particular Royal Decree 315/2006, of 17 March, creating the Council for the Sustainability, Innovation and Quality of Building, and Royal Decree 1636/2006, of 29 December, creating the National Museum of Architecture and Urban Planning.

First final provision. Amendment of Law 9/2017, of 8 November, on Public Sector Contracts, transposing into Spanish law the Directives of the European Parliament and of the Council 2014/23/EU and 2014/24/EU, of 26 February 2014.

With effect from the entry into force of this law and indefinitely in force, Law 9/2017, of 8 November, is amended as follows:

One. Article 29.7 is reworded as follows:

"Notwithstanding the above, service contracts which are complementary to other works or supply contracts may have a term longer than that referred to in paragraph 4, which shall in no case exceed the term of the main contract, except in the case of contracts involving work related to the liquidation of the main contract, the final term of which shall exceed the term of the main contract by the time required to perform it.

Ancillary contracts are to be understood as those that have a relationship of dependence with respect to another, the main contract, and whose object is considered necessary for the proper performance of the service or services to which the main contract refers.

Service contracts complementary to a minor works contract may also be processed as minor contracts, even if their duration exceeds the year provided for in the following section of this article, provided that they meet the requirements set out in article 118 of this law, that their duration does not exceed 30 months and that the excess over the year's duration is justified exclusively by the duration of the guarantee period established in the main works contract and the work related to the liquidation of said main contract".

Two. Article 183.3 is reworded as follows:

"Where the subject of the service contract to be awarded concerns the drafting of architectural, engineering and town planning projects of particular complexity and, where they are contracted in conjunction with the drafting of the above projects, additional work and site supervision, the contracting authorities shall apply the rules of this section.

For the purpose of assessing the special complexity of a project, the contracting authority may take into consideration the existence of technical, environmental, landscape, functional, urban planning or other constraints that require a special response, innovation or originality in order to obtain high quality services. "

Three. Article 187.2 is reworded as follows:

"The jury shall be composed of natural persons independent of the participants in the design contest and its selection shall respect the principles of professionalism, specialisation in relation to the subject of the contract, impartiality, absence of incompatibility and independence. "

Four. A new paragraph 4 is inserted in Article 308, with the following wording:

"The drafting of projects and works management may be contracted jointly when separate contracting would lead to a reduction in the quality of the services covered by the contract, making coordination and continuity between the drafting phase of the project and its execution on site difficult. The contracting authority shall duly justify in the dossier that these circumstances exist".

Second final provision. Modification of Royal Decree-law 36/2020, of 30 December, approving urgent measures for the modernisation of the Public Administration and for the implementation of the Recovery, Transformation and Resilience Plan.

A new Article 52bis is inserted in Royal Decree-Law 36/2020 of 30 December, which is worded as follows:

"Article 52bis. Joint contracting of the preparation of the project and the execution of the works.

In addition to the cases provided for in article 234.1 of Law 9/2017, of 8 November, exceptionally, the joint contracting of the project development and the execution of the works will be allowed when the contract is to be financed with funds from the Recovery, Transformation and Resilience Plan, except in the case of works whose proper execution requires compliance with solvency or, where appropriate, classification requirements that cannot be determined before obtaining the corresponding project.

In any case, the contracting body must indicate in the dossier the reasons that, regardless of the form of financing of the action, justify carrying out a joint procurement. In all cases, it must be ensured that the actions comply with the horizontal principles and control mechanisms of the Plan".

Third final provision. Titles of competence.

The present law is enacted under the powers attributed to the State by Article 149.1. 13, 23, 25 and 28 of the Spanish Constitution on the bases and coordination of the general planning of economic activity, basic legislation on environmental protection, without prejudice to the Autonomous Communities to establish additional rules of protection, the bases of the mining and energy regime and the exclusive competence for the defence of Spanish cultural, artistic and monumental heritage against export and spoliation, respectively.

Exceptions to the above are the first and second final provisions, which are issued under Article 149.1.18 of the Spanish Constitution, which assigns basic legislation on administrative contracts and concessions to the State.

They are not of a basic nature and, therefore, only Articles 6 and 7 and the fourth and fifth final provisions will be applicable to the General State Administration and the State institutional public sector.

Fourth final provision. Council on the Quality of Architecture.

The Government is authorised so that, by means of a royal decree and within six months of the entry into force of this law, it may develop the creation, composition and operating regime of the Council on the Quality of Architecture.

Fifth final provision. Constitution of the House of Architecture.

Within six months of the approval of this law, the Government shall submit a draft law establishing the House of Architecture as a public body, in accordance with the provisions of Article 91 of Law 40/2015 of 1 October on the Legal Regime of the Public Sector.

Sixth final provision. Development.

The Government is hereby authorised to proceed, within the framework of its powers, with the implementation of this law.

Seventh final provision. Entry into force.

This law shall enter into force on the day following its publication in the "Official State Gazette".