

BUILDING PROJECT: THE ALLOCATION OF COMPETENCES BETWEEN SURVEYORS AND ENGINEERS, NOTWITHSTANDING THE CLARITY OF THE APPLICABLE LEGAL PROVISIONS, REMAINS A SUBJECT OF ONGOING RELEVANCE

On 24 April 2025, the Regional Administrative Court (T.A.R.) of Campania, Salerno issued its judgment in case No. 3354. The Court upheld the settled case-law concerning the allocation of competences between surveyors and engineers in the preparation of a building project relating to the renovation of a reinforced concrete structure.

In the case at hand, the Court held that building works — namely, a renovation involving demolition and reconstruction (so-called “*demolition-reconstruction*”) and a volumetric extension pursuant to Article 5 of Regional Law No. 19/2009 — had been correctly carried out by drawing a clear distinction between architectural and structural design. Namely, the first was prepared by a surveyor, while the latter was executed under the responsibility of a qualified engineer, who signed all the technical documents related to the reinforced concrete structures.

The Court held that, pursuant to Article 16 of Royal Decree No. 274/1929, surveyors are entitled to draft and sign projects relating to minor civil constructions. Furthermore, Law No. 1086/1971 and Law No. 64/1974 confirm that both surveyors and building technicians may lawfully carry out and sign building projects, provided that such activities fall within the scope of their professional competences as defined by law.

The Regional Administrative Court further clarified that, under said applicable legislation, in the context of building interventions entailing the use of reinforced concrete structures — including minor civil constructions — the structural design and supervision of the project shall be carried out by engineers and architects. Otherwise, the architectural design and the supervision of works relating to the remaining parts of the project may lawfully be undertaken by surveyors, provided that the works concern minor residential buildings intended for civil use and do not result in a breach of the relevant legal provisions.

To sum up, a building permit authorising works involving reinforced concrete structures is to be considered lawful, on condition that its structural component has been entirely prepared and endorsed by a qualified engineer. This implies recognition of the legitimacy of the design activity of a building project among several professionals, as long as each of them operates within the limits of their expertise, as established under the applicable legislation.

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