



EN 15733 - June 2009

**Services of real estate agents -
Requirements for the provision
of services of real estate agents**

Conference 26th November 2009, Brussels



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This European Standard was approved by CEN on 20 May 2009.

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The standard EN 15733 has been prepared by Technical Committee CEN/TC BTTF 180 “Services of Real Estate agents”, the secretariat of which is held by ON.

The Standard shall be given the status of a national standard, either by publication of an identical text or by endorsement, at the latest by December 2009, and conflicting national standards shall be withdrawn

at the latest by December 2009.■



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- Status:**
- 1 Standard approved**
 - 2 Standard to be published between December 2009 and February 2010**
 - 3 National Standards to be published afterwards**
 - 4 After publication all national standards to be withdrawn**
 - 5 Standard is a voluntary norm, no real estate agent can be forced to work under the standard**
 - 6 No regulations about commission fees in the standard**
 - 7 No regulations about sole instruction or real estate agent acting as an intermediate in the standard**
 - 8 The standard does not introduce a new real estate agents “law” in Europe**
 - 9 All national specifics can be put under the roof of the standard and have not to be changed**



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“1 Scope

This European Standard specifies requirements for the services of real estate agents.

This European Standard applies to business-to-business and business-to-consumer services. It is to be noted however that legal provisions for real estate agents exist in many countries and they are to be taken into consideration. The real estate agents need to comply with all applicable relevant European and national legislation. European and national legislations supersede this European Standard in case of conflicting requirements”



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2 Terms and definitions

2.1 real estate agent

entity (professional individual, partnership or company) that is acting as an agent in real estate transactions and real property assets on behalf of a client or as an intermediary

NOTE This may include the following activities for instance:

- a) **consulting** (e.g. information to clients on market values of properties),
- b) **marketing and advertising** of properties,
- c) **services** concerning **purchase and sale**,
- d) **services** concerning **rental, letting, leasing**,
- e) **establishment, acquisition and registration of rights in real estate**,
- f) **surveying** for housing and other type of buildings and land,
- g) **drawing up contracts**,
- h) **arranging inspections and viewings of properties**,
- i) **establishing contacts** and enabling communication between the seller and the buyer.



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3 Client relationship management

3.1 Information to be provided

3.1.1 General

Information in clear and unambiguous wording

The real estate agent shall endeavour to keep the parties informed of the progress of the transaction. Any requests for information shall be dealt with expeditiously.



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3.1.2 Information to the buyer as client

The real estate agent shall ... endeavour to provide the buyer ... with relevant information which may influence any decision concerning the transaction, e.g.:

- a) **advice about market prices** for the type of property sought,
- b) **description of the property** (e.g. type of property, (...) location (...))
- c) **details of likely expenses** such as prices, taxes, fees,
- d) information (e.g. certificate of registration of title) indicating the **seller's right of ownership** (...) and any title limitations on its use,
- e) **cadastre** or certified title map,
- f) structural characteristics and description of the **utilities**,
- g) a document showing that the **real estate agent** is entitled **to receive payments** in respect of the transaction on behalf of the party entitled to it,
- h) planning and development **zone status**,
- i) **defects** disclosed to or known by the real estate agent

similar: **3.1.3 Information to the seller as client and 4 information to the buyer**



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3.2 Client-agent agreement

The real estate agent and the client **shall sign a written agreement** regarding the services for which the real estate agent is engaged.

The agreement shall contain at least the following information:

- a) name and address of the **parties** to the agreement, b) **registration number** of the real estate agent, c) **nature of the assignment** to be completed, d) **fees and expenses** payable, e) business **terms** including the terms of the payment,
- f) whether the agreement is an **exclusive** agreement or not and the terms and conditions of such an exclusive agreement, g) whether **subcontracting** is permitted or not, h) **date** of signing of the agreement, its period of validity and terms and condition of termination, i) description of the **property**, j) **limitations** to service, k) to specify whether the real estate agent acts **solely** for the client or as an **intermediary**, l) a reference to **applicable law**, m) a statement on the competent jurisdiction, n) information about **insurances** as required in this standard, o) any **deviation** from this European Standard.

NOTE In order to minimise disputes real estate agents are recommended to enter into exclusive agency agreements.



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3.3 Transaction related information

The real estate agent shall inform in writing the seller and buyer in case he has a client-agent agreement with **both parties** and it appears that they both will be parties to the same transaction.

The real estate agent who acts as the agent of the buyer shall inform the seller or the seller's agent of this fact, **on their first contact.**

3.4 Conflict of interest

The real estate agent shall avoid conflicts of interest and disclose in writing without an undue delay any personal interest.

In particular, the real estate agent shall make clear when the proposed buyer/seller is either the agent himself or a person or legal entity with which he has an economic interest or personal relationship.



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5 Service delivery

5.1 Transactions

The real estate agent shall request the seller to provide evidence of legitimate ownership (...), (...) all properties offered on the market shall be viewed on site (...) shall encourage (...) inspection of the property (...) prior to the transaction. (...) forward to the seller relevant information known to the real estate agent about the financial ability of the buyer (...) (...) enable the buyer and seller to reach agreement (...) The real estate agent shall assist in preparing the documents (...)

5.2 Duties as keyholder

(...) shall exercise due care concerning the security of a property (...)

5.3 Money held by the real estate agent in respect to the transaction

Money (...) shall be kept separately from the agents own assets. (...) be able to account (...) all monies (...) holding on behalf of a client.

(...) not hold any money (...) unless it is covered by a financial guarantee (...)

(...) deposit monies received (...) applied in strict conformity with the transaction (...)

If a deposit(...) written receipt must be given.

5.4 Use of "for sale" boards

(...) "For sale/For rent" sign or board with the client's express prior authorisation.



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6 Qualifications and competencies of real estate agents

6.1 General

Persons (...) shall have the professional competences specified in 6.2.
educational achievement (...) equivalent to a minimum of 120 ECTS

A period of relevant professional experience of at least 12 months (...) is recommended before the real estate agent independently takes on responsibilities (...)

It is recognised that other methods of assessing competencies may be applied.
It is also recognised that, for certain areas of professional practice, a higher standard of relevant education may be required.

The real estate agent shall have a procedure in place for selecting and managing people with the requisite skills and qualifications to conduct all services provided in the context of real estate agents business.



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6.2 Professional competencies of real estate agents

6.2.1 Core competencies

The real estate agent shall have a substantial knowledge of the subjects listed below.

6.2.1.1 The real estate market he/she is working in (including cross-border transactions).

6.2.1.2 Real estate marketing.

6.2.1.3 Costs of the use of a property.

6.2.1.4 The principles and the process of financing a property transaction.

6.2.1.5 Estimating the market value of properties.

6.2.1.6 Inspection and measurement of areas.

6.2.1.7 National and European law, legislation, regulations and standards related to the sector the agent operates in.

6.2.1.8 Real estate transactions.



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6.2.2 Other competencies

The real estate agent shall have an understanding of the subjects listed below.

6.2.2.1 Construction and maintenance related to the sector the agent operates in.

6.2.2.2 Environmental and energy related aspects of properties.

6.2.2.3 The interpretation of (architectural) drawings and understanding of the building specification.

6.2.2.4 Cadastral and ordnance survey maps (...)

6.2.2.5 Town and rural planning codes.

6.2.2.6 Business administration.

6.2.3 Communication and sales skills

6.3 Continuing professional development

The real estate agent shall ensure that the professional competences required by 6.2 are maintained and updated.

This shall include at least the following:

- a) keep regularly abreast of essential legislation, information and developments likely to have an influence on the interests entrusted to him,
- b) attend, and have his employees attend, continuing, specific training courses that enables them to adapt to developments of the relevant legislation and professional practice.



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7 Insurance

Real estate agents shall ensure that their activities are covered by professional indemnity insurance based on the type and value of the agent's transactions.

8 Complaints handling

Real estate agents shall have a written complaints procedure which shall ensure that all complaints are dealt with without undue delay. Such a procedure shall make reference to any independent complaints procedures available to the parties, as well as any alternative dispute resolution mechanisms that exist.

9 Code of ethics

Real estate agents shall ensure that they and all members of their staff be informed and subscribe to the following code of ethics and comply with relevant regulations and standards of professional good practice.

