

## FEDERATION NEWS

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### **EFCA launches guidance on transposition of new public procurement Directive**

*At the EFCA seminar on the recast of the European public procurement Directives, expert speakers examined the challenges involved in the transposition of the European legislation, in particular in the sector of intellectual services.*

Provisions of Directive 2014/24/EU are consistent with the Europe 2020 strategy for smart, sustainable and inclusive growth. They may result in significant changes to the missions that will be assigned to engineering firms and their role in public procurement.



Claudio Romanini  
(DG Internal Market and Services, Unit C3)

Certain provisions of the Directive are left to the discretion of Member States.

At the time of transposition, it is important to ensure the equal implementation into national law, in respect of the letter and spirit of the Directive.

In this context, EFCA elaborated recommendations for national transposition that are aimed at encouraging innovative engineering procurement and high quality results.

<http://www.efca.be/Publications/ReportsPolicyPapers.aspx>

The 14 May 2014 EFCA seminar also triggered a lively debate on approaches to the assessment of the best price - quality ratio and the required professionalization of contracting authorities, which will prove a fundamental element in the practical implementation of the horizontal EU rules.

For the seminar presentations, see:  
<http://www.efca.be/MeetingsEvents/ArchiveDetail.aspx?detailid=12651>

## ***EFCA reports and guidance presented at Warsaw meetings***

*The annual EFCA meetings offer all industry representatives the opportunity to learn about a broad range of framework conditions, developments and policies that are of relevance to the European engineering consultancy businesses.*

This year's General Assembly Meeting was held in Warsaw to commemorate 100 years Polish engineering consultancy. SIDiR, Stowarzyszenie Inżynierów Doradców i Rzeczoznawców, hosted the successful event.



New EFCA President Flemming Bligaard Pedersen (Denmark) outlined his visions for the industry's future and the federation's organisation.

Directors Gaston Flesch (Luxembourg) and Paul Oortwijn (Netherlands) were elected Vice Presidents.

Maximilian Grauvogl (Germany) serves for a second term of three years as Director.

Newly elected Directors Kevin Rudden (Ireland), Maurizio Boi (Italy), Alain Bentéjac (France) and Liv Kari Hansteen (Norway) join the EFCA Board.

Jean Félix (France) was granted 'Special Advisor to the Board of Directors' status.

EFCA working groups presented a series of deliverables and tools that are valuable and useful to the firms and their national associations:

- Issues on implementation of the new Directive on public procurement: recommendations for national transposition that are aimed at

encouraging innovative engineering procurement and high quality results

- Comparative study about consulting engineers' liability and insurance requirements across Europe – 2014 update
- EFCA guidance 'Contracting in industrial sectors - Principles for general contract clauses'

The concise guidance is to serve as an educational tool. It points to the areas that are to be considered in order to create a win-win situation and sets out a series of principles.

<http://www.efca.be/Publications/ReportsPolicyPapers.aspx>

- EFCA Barometer Spring 2014: overview of the engineering consultancy sector in Europe, detailing developments over the past 6 months and the expected trends for the coming half year.  
(<http://www.efca.be/AboutEFCA/Whoarewe.aspx>)

### ***Lech Walesa: 'Engineers build the future, not politicians'***

*The inspiring statement of the world-renowned Nobel Peace Prize laureate and human rights activist impressed all 24 Young Professionals (YPs) from six countries amongst the Warsaw conference audience.*

The 2014 EFCA YP competition and the conference created the opportunity for European YPs to demonstrate the broad range of their professional qualities beyond their technical competence.

The YPs showed commitment to enhancing the value of their Europe-wide network and they enjoyed the challenges of participating in the virtual business game on risk taking and decision strategies.

The YP competition awards were presented to the winner, Stefan Schmidt (Denmark), and the two runners-up, Brian Lahiff

(Ireland) and Jesper Pedersen (Denmark) during the conference.

Certificates were presented to Thomas Barth (Norway), Søren Møller (Denmark), Cécile Clément (France), Ruud Raaijmakers (The Netherlands), Mateusz Hypki (Poland), Emrah Øztunc (Denmark) and Anna-Leena Raji (Finland).



Lech Walesa with Brian Lahiff, first runner up of the 2014 EFCA YP Competition, at the EFCA GAM & Conference in Warsaw, 23 May 2014

In their Warsaw sessions, the YPs presented their winning creative work to their peers. They showed how their talents for technology and innovative ideas provide real-world solutions to real-world problems and change the future for the better.

The YPs discussed risk taking from various perspectives, and the workshops were dedicated to branding, social media and networking.

Finally, they are looking to welcome new members to their Steering Committee. Interested candidates are showing up! More information will follow in the EFCA YP News.

### ***EFCA consulted on EC study on the applicability of DB and DBO methods for EC financed infrastructure projects in developing countries***

*The European Commission (EC) wishes to enhance implementation efficiency, quality and value for money for large infrastructure project financing by using innovative procurement methods.*

The Terms of Reference of the EC study provide for a regular liaison with both EIC (European International Contractors) and EFCA, and a feasibility assessment of the application of FIDIC conditions.

In the context of the EU-Africa Business Forum, EFCA representatives participated in the workshop on the interim report of the consultant.

European Commission officials, the construction industry and the consultancy industry set forth their views.

The latter stakeholder underlined its important role in the project preparation phase.

EFCA stated that design should be given a high weight in the tender evaluation and the work in the proposal stage should be remunerated.

Finally, it was pointed out that DB/DBO methods are not necessarily less costly for the client. If used in inappropriate cases, it could end up being more costly and taking longer than traditional methods.

### ***EFCA Barometer to be more collaborative project***

*The Chair of the task group, Anya De Bie, calls on all European colleagues to share knowledge and to present coherent information on changes that happen in the market and business.*

The EFCA Barometer report provides information to firms on national and European market developments. In order to show general trends over a certain period, the national associations are

called upon to provide adequate and representative data for their country regularly.

The report is based on the responses to a multilingual on-line survey and the data that associations collect from their firms.

The spring 2014 Barometer report, as well as other relevant sectorial reports, is available at:

<http://www.efca.be/AboutEFCA/Whoarewe.aspx>

### **Fact-finding report on liability and insurance regimes**

*The report gives a structured overview of the variation in liability regimes and insurance systems between European countries.*



The 2014 update looks at 15 European countries: Austria, Belgium, Denmark, England, Finland, France, Germany, Hungary, Ireland, Italy, the Netherlands, Norway, Spain, Sweden and Turkey.

The report is based on the input of the member associations, and will provide useful and concise information for the associations and the firms.

As laws and practices evolve, the report is designed as a dynamic document and is subject to updates.

<http://www.efca.be/Publications/ReportsPolicyPapers.aspx>

### **2014 FIDIC MDB Conference 'Harmonising International Procurement'**

*With the support of EFCA, the world federation of contractors (CICA) and Building and Woodworkers International, FIDIC organised its 2014 Multilateral Development Bank Conference in Brussels on 2 and 3 June 2014.*

The conference attracted speakers from a breadth of disciplines and institutions, including the European Commission, who all outlined key features in the procurement process.

Day one was mainly dedicated to developing a procurement strategy and sharing experience with harmonised and other forms of FIDIC contracts. Day two dwelled on borrower/client issues, funding issues and contract specific issues.




The event was very successful from the organisers' view point, and FIDIC had a good meeting with the MDBs. It was felt that the conference was positive for FIDIC's relationship with the Banks on behalf of the industry.

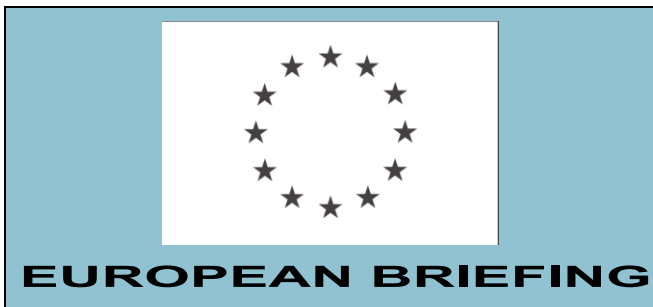


World Bank  
Head of Procurement  
Chris Browne

FIDIC President  
Pablo Bueno

# E F C A A G E N D A

European External Aid Committee	Brussels	24.06.2014
FIDIC Business Day Forms of Contracts for the Renewable Energy Industry <a href="http://fidic.org/events/fidic-business-day-forms-contracts-renewable-energy-industry">http://fidic.org/events/fidic-business-day-forms-contracts-renewable-energy-industry</a>	Copenhagen	27.06.2014
		
Barometer Task Group	Stockholm	21.08.2014
Internal Market Committee	Brussels	04.09.2014
Board of Directors meeting	Rome	11-12.09.2014
FIDIC 2014 Conference <a href="http://fidic.org/node/970">http://fidic.org/node/970</a>	Rio de Janeiro	28.09-01.10.2014
		
D&S meeting	Malaga	07.11.2014
<b>EBRD - EFCA SEMINAR</b>	Brussels	13.11.2014
		
Board of Directors meeting	Madrid	27-28.11.2014
Internal Market Committee	Brussels	11.12.2014
Board of Directors meeting	tbd	20.02.2015
Board of Directors meeting	tbd	24.04.2015
Board of Directors meeting	Oslo	28.05.2015
EFCA GAM & Conference	Oslo	29.05.2015



**INTERNAL MARKET**

***Directive to remove existing obstacles to the free movement of workers***

*New rules aim to bridge the gap between rights and reality and will make it easier for people working or looking for a job in another country to exercise their rights in practice.*

Currently 3.3% of the EU labour force, or 8 million people, live and work in another member state. An additional 1.2 million people live in one EU country but work in another.

<http://ec.europa.eu/social/main.jsp?catId=457&angId=en>

***New rules to stop abuse and better protect the rights of posted workers***

*The new Posting of Workers Enforcement Directive will safeguard respect for posted workers' rights in practice and strengthen the legal framework for service providers.*

The text clarifies the rules in order to distinguish genuine posting from attempts to circumvent the law. It also will give EU member states some flexibility to carry out checks.

Building industry contractors and subcontractors would be jointly and severally liable for abuses of labour law.

<http://ec.europa.eu/social/main.jsp?catId=471&angId=en>

***New rules on public procurement and concession contracts published***

*The new legislation entered into force on 17 April 2014. Member states will then have 24 months to implement the provisions into national law.*

The Directives modernise the existing tools and instruments by making them simpler, more flexible and easier for companies,

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particularly SMEs, to bid for public procurement.

The rules on concessions establish a clear legal framework to give public authorities the necessary legal certainty performing their duties.

They also aim to guarantee effective access to the concessions market for all European businesses.

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2014:094:TOC>

### **European standard for e-invoicing**

*The Directive on electronic invoicing in public procurement will help improve the functioning of the internal market by solving the problem of the compatibility of different e-invoicing systems in various member states.*

The Directive provides for the development of a common interoperable standard on electronic invoicing by the European standardisation organisations, which will have to be adopted within 36 months after entry into force of the directive.

Following the publication of the new standard, central contracting authorities will have a maximum of 18 months to implement it.

Local and regional contracting authorities will have the possibility to derogate from this deadline for up to 30 months after the publication of the standard.

<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1402556577284&uri=CELEX:32014L0055>

### **Facilitating cross-border debt recovery**

*New EU rules will make it easier for companies to recover millions of cross-border debt.*

The new European Account Preservation Order will allow creditors to preserve funds in bank accounts under the same conditions

in all Member States of the EU (except the UK and Denmark where the new EU rules will not apply).

The European Account Preservation Order will be available to the creditor as an alternative to procedures existing under national law. It will be of a protective nature, meaning it will only block the debtor's account but not allow money to be paid out to the creditor. The procedure will only apply to cross-border cases.

The regulation will enter into force on the twentieth day following that of its publication in the Official Journal of the EU.

## **EU FUNDS & PROGRAMMES**

### **PRAG 2014 and annexes published**

*The 2014 PRAG incorporates only changes stemming from new legislation and concrete items where the additional added value of the modification was clearly identified.*

The Practical Guide explains the contracting procedures applying to all EU external actions financed from the EU general budget (the EU budget) and the European Development Fund (EDF).

It provides users with the comprehensive information necessary to undertake procurement or grant procedures from the very first steps to the award, signature and implementation of contracts.

The annexes cover both the award phase and the execution of contracts.

[http://ec.europa.eu/europeaid/work/procedures/implementation/index\\_en.htm](http://ec.europa.eu/europeaid/work/procedures/implementation/index_en.htm)

### **More transparency in development aid**

*The tool, EU Aid Explorer, covers the activities of different fund donors and provides details on the amount of aid granted or the sectors where member states intervened in a given year.*

<https://euaidexplorer.jrc.ec.europa.eu/>

### ***EU steps up efforts in tackling energy poverty***

*The EU aims to allocate more than € 3 billion worth of grants in the 2014-2020 period to support sustainable energy projects in about 30 countries.*

16 energy projects will receive € 95 million funding under the new EU rural electrification programme. Through co-financing support by applicants, these € 95 million-worth actions will be translated into projects costing more than € 155 million. The projects include hydro, wind, solar and biomass projects across nine African countries.

The programme is part of the global Sustainable Energy for All (SE4ALL) initiative.

[https://webgate.ec.europa.eu/multisite/devco/energy-funding\\_en](https://webgate.ec.europa.eu/multisite/devco/energy-funding_en)

### ***EU and UNEP together against climate change in Latin America***

*The EC and the United Nations Environment Programme (UNEP) add a new contribution of almost € 1 million to the EUROCLIMA programme.*

The EUROCLIMA programme seeks to work with 18 Latin American countries on joint climate change solutions for the region, in order to reduce vulnerability and increase resilience.

<http://www.euroclima.org/en/>

### ***New funding programme for climate action projects***

*The LIFE Climate Action sub-programme will provide €44.26 million in 2014 to develop and implement innovative ways to respond to the climate change challenge across Europe.*

The deadline for applications under the first call for proposals is 16 October 2014.

<http://ec.europa.eu/environment/life/funding/life.htm>

### ***Commission releases € 750 million for trans-European energy infrastructure projects***

*The first call for proposals under the Connecting Europe Facility (CEF) to help finance key trans-European energy infrastructure projects is open.*

In order to apply for a grant, a project has to be included in the list of 'projects of common interest'. The first list, adopted in October 2013, consists of some 250 key energy infrastructure projects.

The application deadline for proposals is 19 August 2014.

[http://inea.ec.europa.eu/en/cef/cef\\_energy/apply\\_for\\_funding/cef\\_energy\\_call\\_for\\_proposals\\_2014.htm](http://inea.ec.europa.eu/en/cef/cef_energy/apply_for_funding/cef_energy_call_for_proposals_2014.htm)

[http://ec.europa.eu/energy/infrastructure/pci/doc/2013\\_pci\\_projects\\_country.pdf](http://ec.europa.eu/energy/infrastructure/pci/doc/2013_pci_projects_country.pdf)

### ***Transport network: release of first € 12 million tranche***

*The budget will finance key projects of the nine core network corridors.*

The 'Connecting Europe Facility' (CEF) governs EU funding for infrastructure projects in the fields of transport, telecommunication and energy during the period 2014 – 2020.

CEF foresees an allocation of € 26 billion for transport infrastructure, out of which € 11.3 billion are earmarked for projects in member states which are eligible for funding from the Cohesion Fund.

The Commission adopted the first work programmes: a Multi-Annual Work Programme covering projects of larger size and longer duration comprising a total budget of € 11 billion and an Annual Work Programme for 2014, addressing projects of



smaller size and complexity with a budget of € 1 billion.

On the basis of these work programmes, calls for project proposals will be published by 1 September 2014.

[http://ec.europa.eu/transport/themes/infrastructure/ten-t-guidelines/index\\_en.htm](http://ec.europa.eu/transport/themes/infrastructure/ten-t-guidelines/index_en.htm)

### **Blue Economy Innovation**

*An information platform on maritime research in the European Union will help use ocean resources sustainably and drive growth and jobs in Europe.*

Blue growth is a 'focus area' in the new Horizon 2020 programme, with a specific € 145 million budget for 2014-2015.

[http://ec.europa.eu/maritimeaffairs/policy/marine\\_knowledge\\_2020/index\\_en.htm](http://ec.europa.eu/maritimeaffairs/policy/marine_knowledge_2020/index_en.htm)

[http://ec.europa.eu/maritimeaffairs/policy/blue\\_growth/index\\_en.htm](http://ec.europa.eu/maritimeaffairs/policy/blue_growth/index_en.htm)

<http://ec.europa.eu/programmes/horizon2020/>

### **€ 60 million support package for Georgia and the Republic of Moldova**

*Funding for the package is granted through the 'more for more' mechanism of the new European Neighbourhood Instrument: the multi-country umbrella programme.*

Multi-country umbrella programmes facilitate the implementation of the incentive-based approach by allocating supplementary funding to selected neighbours, in line with their progress in building deep and sustainable democracy ('more for more').

[http://ec.europa.eu/europeaid/where/neighbourhood/regional-cooperation/enpi-east/index\\_en.htm](http://ec.europa.eu/europeaid/where/neighbourhood/regional-cooperation/enpi-east/index_en.htm)

### **Structural Funds: four strategic plans with investment priorities adopted**

*Partnership agreements between the Commission and individual EU countries set*

*out the national authorities' plans on how to use funding from the European Structural and Investment Funds between 2014 and 2020.*

The agreements with Denmark, Greece, Germany and Poland that outline national strategic goals and investment priorities and link them to the overall aims of the Europe 2020 strategy for smart, sustainable and inclusive growth, were approved.

[http://ec.europa.eu/contracts\\_grants/funds\\_en.htm](http://ec.europa.eu/contracts_grants/funds_en.htm)

### **First transport project and greenfield PPP in Europe to benefit from the EC-EIB Project Bond Initiative**

*The A11 motorway scheme the new 12km long A11 motorway link between Brugge and Westkapelle (Belgium) will be financed under the Project Bond Initiative, jointly developed by the European Commission (EC) and European Investment Bank (EIB).*

€ 578 million of project bonds were issued for the A11, and the EIB is also providing a subordinated credit facility of € 115 million. In addition, the EIB has acted as an anchor investor for € 145 million of the bond issue.

<http://www.eib.org/products/project-bonds/index.htm>

## **MISCELLANEOUS**

### **Updated environmental impact assessment Directive covers climate change, biodiversity and risks prevention**

*The new rules adapt the current directive to the policy, legal and technical contexts, which have evolved considerably.*

The directive entered into force on 15 May 2014. The member states have three years to incorporate it into national legislation.

<http://ec.europa.eu/environment/eia/home.htm>

## ***Intra-corporate transfers facilitated***

*The Directive on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer enables the transfer of qualified third-country workers within multinationals to branches or subsidiaries based in the EU.*

The new rules complete three existing directives on this subject: the blue card directive on conditions of entry for highly-qualified workers (May 2009), the single permit directive on workers from third countries legally residing in an EU member state (December 2011), and the directive on seasonal workers (February 2014).

[http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1402580344578&uri=OJ:JOL\\_2014\\_157\\_R\\_0001](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1402580344578&uri=OJ:JOL_2014_157_R_0001)

## ***Private sector essential in developing countries***

*A communication outlines a new strategic framework to ensure that private sector operations in developing countries have a positive impact on society.*

It proposes concrete actions to improve the business regulatory environment, support business development and increase access to finance with a focus on micro, small and medium-sized businesses, which play a fundamental role in job creation.

[http://ec.europa.eu/europeaid/what/economic-support/private-sector/documents/psd-communication-2014\\_en.pdf](http://ec.europa.eu/europeaid/what/economic-support/private-sector/documents/psd-communication-2014_en.pdf)

## ***Communication on sustainable development goals***

*The Sustainable Development Goals (SDGs) will contribute to a new international*

*framework to succeed the Millennium Development Goals.*

The Communication 'A Decent Life for All: from Vision to collective Action' describes key principles and proposes priority areas and potential targets for the years following 2015, as a contribution towards establishing a limited number of Sustainable Development Goals.

[http://ec.europa.eu/environment/international\\_issues/index\\_en.htm](http://ec.europa.eu/environment/international_issues/index_en.htm)

## ***EU countries to ensure suitable infrastructure for alternative fuels***

*Under a new Directive, member states will have to draw up plans including targets for the number of recharging and refuelling stations provided so that electric cars and cars using compressed natural gas (CNG) can circulate freely within EU cities.*

The definitive adoption of the directive is expected around September-October 2014.

<http://ec.europa.eu/transport/themes/urban/cpt/>

## ***e-desk for feedback on late payments***

*The Commission launched the Late Payment e-DESK (ENTR-LATE-PAY-E-DESK@ec.europa.eu).*

The Late Payment Directive was to be incorporated into national law of the member states by 16 March 2013.

The information submitted to the e-DESK will be used to assess the application of the Directive in the EU countries.

[http://ec.europa.eu/enterprise/policies/single-market-goods/fighting-late-payments/index\\_en.htm](http://ec.europa.eu/enterprise/policies/single-market-goods/fighting-late-payments/index_en.htm)

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