



EFCA welcomes promise of improved public procurement notices	p1
EFCA raises concerns about potentially negative side effects of French bill	p2
Green technology leadership: the core to build a low-carbon technology	p2
FRI reports on Danish market trends and presents FRI agenda	p3
EFCA president addresses BACEA Conference	p4
Hotels in Brussels - EFCA corporate rates 2010	p4
EFCA agenda	p5

### ***EFCA welcomes promise of improved public procurement notices***

*The European Commission will help to ensure that the quality of summary English translations of invitations to tender in TED (Tenders Electronic Daily) is appropriate to potential tenderers.*

Individual contracting authorities must publish public tenders above specific contract values throughout the EU. These are published in the language of the awarding authority, with a summary in English.

The TED website is the single official source of public contracts in Europe.

The TED portal aims to ensure transparency of business opportunities and eventually at creating a free and competitive Europe-wide market. However, the English summary usually does not contain essential information such as the contracting authority, the project title, and scope, the project budget and required qualifications of consultants.



EFCA has written to the European Commission to call for an improved summary of the contract in English that will include the above information which is necessary for the potential candidates' assessment of interest in the project.

The European Commission undertook to draw the attention of the EU Publications Office, the service managing TED, to the need for stepping up efforts to ensure adequate English language versions of tender information.

## ***EFCA raises concerns about potentially negative side effects of French bill***

*Together with the French association CICF-SYNTEC, EFCA met with the European Commission to discuss proposed national legislation which could lead to a distortion of the market.*



In November 2009, the French Parliament debated a bill of law on the creation of the special company 'Société du Grand Paris' (SGP), an entity grouping the French railroad company SNCF, RATP (bus, metro, and tramway) and RFF (rail operator). The new company SGP would not be subject to competitive selection. It would also be given a monopoly for performing the management and operation in addition to studies and technical assistance.

As such development is contrary to the spirit of the EU public procurement legislation, EFCA requested a meeting with the European Commission.

Jean Félix (EFCA Vice-President), Christophe Merienne (Chair of Syntec-Ingénierie's legal committee) and Jan Van der Putten met with Bertrand Carsin, Director Public Procurement Policy (Internal Market Directorate General), Erik Nooteboom (Head of Unit), Christian Servenay (Deputy Head of Unit) and Abilio Tomás Pereira (Administrator).

EFCA questioned whether the bill of law would be in contravention of current European public procurement legislation.

The key issue is to understand whether the French authorities have the intention of closing down the market or if the initiative could be considered as a relationship between public entities in accordance with 'in-house' criteria.

The European Commission explained that it was too early to investigate the case since the French authorities had not yet formally agreed the final legislative text.

However, the Commission asked to develop some more arguments on possible competition distortion.

CICF-Syntec will do so after the French parliamentary debate and inform the European Commission accordingly through EFCA.

## ***Green technology leadership: the core to build a low-carbon economy***

*In line with the EU's ambitious carbon reduction ambitions, EFCA issued a series of press statements, calling upon decision-makers to use the industry's capabilities to implement Europe's climate change policies.*

In the run-up to the COP-15 conference in Copenhagen, EFCA President Panos Panagopoulos called on all his peers of the non-European associations to support the efforts of the conference, taking into account the ambitious EU climate-change policy.

At the same time, and with invaluable contribution of its Danish, Dutch and Swedish members, EFCA issued press statements to put pressure on decision-makers at national and regional level to speed up the implementation of measures in favour of low-carbon growth.

These statements touched on our industry's capacity and role in a rapid transition towards sustainability, ecological land and urban areas, efficient water supply options and halting the biodiversity loss.

They were intended for use by all national associations in their communications campaign.

In addition, and in the margin of the EFCA Board's meeting in Copenhagen, a journalist of the weekly magazine 'Ingeniøren' (The Engineer), a specialized media for the engineering industry, interviewed Panos Panagopoulos on EFCA's opinion on the EU emissions reduction targets, the major challenges for European engineering consultants, and European strategies in the current geopolitical context.

In the article, Panos Panagopoulos demands total openness in publicly funded projects.

Reducing carbon emissions in Europe by 80 percent in 2050 is such a massive task that we have to have full access to all knowledge, he argued. He referred to the US where publicly funded research is accessible.

There will still be a great incentive for private companies to take part in publicly funded projects, since the participating companies always will have a head start in expertise of the new solutions, argued Panos Panagopoulos.

<http://ing.dk/artikel/105259-raadgivere-kraever-patent-regler-afskaffet-ved-eu-projekter>

Meanwhile, the EU started the evaluation of, and the preparation of follow-up policies and measures on the Copenhagen agreement. The objective of a 20% reduction is carved in stone in the energy-climate package. The Copenhagen Accord also includes recognition of the 2 degree Celsius objective and a substantial finance package of USD 30 billion for the coming three years and USD 100 billion by 2020. It also provides for a mechanism to accelerate technology cooperation.

EFCA will continue advocating our industry's essential and valuable role in the implementation of the EU vision and calling for an effective (regulatory) framework for our industry in order to make progress on the required radical changes.

## ***FRI reports on Danish market trends and presents FRI agenda***

*At a joint meeting in Copenhagen, the FRI (Foreningen af Rådgivende Ingeniører) Board and EFCA Board members discussed challenges that both the national association and European federation face to provide membership value.*

FRI informed the EFCA Board members about the broad range of its services to member firms.

The FRI professional liability insurance scheme is regarded as the most important benefit of membership. The Danish firms consider lobbying and the overall promotion of the industry also key roles for the national association.

FRI Director Henrik Garver presented 2009 - 2010 market, workload, sector and investment trends. The public sector, infrastructure, energy, environment and exports are forecast to be sectors of growth.

He drew the attention to the growth in firms' size, the extensive increase of revenue through subsidiaries abroad and the rising employment of other than engineering professionals.

The 2009-2010 FRI agenda is focussed on four themes:

- buildings (energy efficiency and sustainability),
- infrastructure (investments, skill shortage, procurement practices and contractual arrangements),
- contracts (standard forms, insurance, definition of scope of services) and
- energy, environment and climate (green growth strategies, planning, COP15).

In 2010, FRI will work on four strategic issues: economic recovery, resourcing, quality infrastructure and buildings (qualifications-based award), and climate change.

Making reference to expected shifts in the balance of world power and the economic globalisation, FRI President Søren Holm

Johansen called for bringing the European framework into a global perspective.

The Danish association appealed for business-focused EFCA actions on crucial issues such as transparency, level playing field for the firms and code of conduct. In these areas, the European federation should set out proposals for implementation measures in order for the industry to remain globally competitive.

### **EFCA president addresses BACEA Conference**

*The Bulgarian Association of engineering Consultancy Associations (BACEA) organised a gala dinner and press conference to celebrate its 10<sup>th</sup> anniversary.*

BACEA's President Marin Bakalov welcomed EFCA President Panos Panagopoulos and FIDIC Managing Director Enrico Vink in Sofia.

Speaking at the press conference, Deputy Minister of Regional Development and Public Works Georgi Pregiov congratulated BACEA on the progress in its supportive role to the competitiveness and sustainability of both the industry and the country's public infrastructure.



Panos Panagopoulos	Georgi Pregiov, Deputy Minister Regional Development and Public Works
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Panos Panagopoulos highlighted the need for efficient use of E.U. structural and cohesion funds with rational selection of projects, good preparation (design and permitting) and supervision of construction for delivery of the appropriate quality of construction within the agreed time and budget constraints.

He also urged the government to invest in project preparation in this period, so that construction can proceed after the crisis when more national funds can become available.

Finally, he called on the national consulting firms to develop their capabilities in cooperation with European firms and welcomed BACEA's initiative to register consulting firms in the context of ensuring quality of services.

### **Hotels in Brussels - EFCA corporate rates 2010**

*The EFCA Secretariat negotiated special 2010 corporate rates with two already known and well appreciated hotels and a new hotel, all located in three different areas of Brussels' city centre.*

The 2010 list of hotels as well as a map with their location is available on request, on the EFCA website

([http://www.efcanet.org/menuBoven/Events\\_\\$26\\$\\_Hotels/Brussels\\_Hotels.aspx](http://www.efcanet.org/menuBoven/Events_$26$_Hotels/Brussels_Hotels.aspx)) and on Extranet for the members (Useful Papers/Useful Documents).

Please do not hesitate to contact the EFCA secretariat (Virginie Dalle, [vdalle@efca.be](mailto:vdalle@efca.be)), should you need assistance or more information.

Your feedback on these hotels would be appreciated.

For information: some of the hotels do not always guarantee the special corporate prices during the so called 'blackout dates', e.g. the congress periods in Brussels: Intensive Care 08-12/03/2010, Seafood 26-29/04/2010, MoOD 13-16/09/2010.

**E F C A A G E N D A**

European Consulting Future Committee	Brussels	20.01.2010
European Public Market Committee	Brussels	28.01.2010
Board of Directors meeting	Brussels	29.01.2010
Liability & Insurance Committee	Brussels	23.02.2010
European Consulting Future Committee	Amsterdam	11.03.2010
D&S meeting	Amsterdam	12.03.2010
Board of Directors meeting	Berlin (tbc)	12-13.04.2010 (tbc)
European Public Market Committee	Vienna	15.04.2010
European External Aid Committee	Brussels	28.04.2010
<b>EFCA GAM &amp; Conference</b>	Rome	27-29.05.2010
European External Aid Committee	Brussels	08.09.2010

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## EUROPEAN BRIEFING

<b>ENERGY</b>	<b>p6</b>
Nearly zero energy buildings standards	
1 billion euro to six Carbon Capture and Storage projects and 565 million euro to nine offshore wind energy projects	
Eastern Europe Energy Efficiency and Environment Partnership	
European Local Energy Assistance (ELENA) facility	
EU funds to improve energy access in ACP states	
<b>INTERNAL MARKET</b>	<b>p8</b>
Public-private partnerships: leverage for investments and public services	
Public procurement thresholds changed	
<b>EU FUNDS &amp; PROGRAMMES</b>	<b>p9</b>
Marguerite: the 2020 European Fund for Energy, Climate Change and Infrastructure	
Western Balkans Investment Framework	
Europe releases 677 million euro for Nigeria	
<b>MISCELLANEOUS</b>	<b>p10</b>
New EMAS regulation	

## ENERGY

### **Nearly zero energy buildings standards**

*Building codes of the member states will require all new buildings to have near-zero energy consumption as from 2021.*

Energy performance of buildings is key to achieving the EU climate & energy objectives for 2020.

Representatives of the Council and the European Parliament finalised a political agreement on a revised Energy Performance of Buildings Directive (EPBD). Essentially, buildings built from 2021 will have to comply with very high energy

performance standards and generate, to a large extent, energy from renewables. Public authorities will have to comply with these standards by the end of 2018. The deal also sets out partial EU funding for the changes.

As for existing buildings, member states will draw up national plans to increase the number of nearly zero energy buildings.

Once adopted by the European Parliament and published in the EU Official Journal, Member States will have two years to implement the new energy saving standards for buildings.

<http://www.buildup.eu/home>

### **1 billion euro to six Carbon Capture and Storage projects and 565 million euro to nine offshore wind energy projects**

*The 15 energy projects will significantly contribute to the economic recovery of the EU, while increasing our security of energy supply and substantially reducing CO2 emissions.*

By promoting the technology of Carbon Capture and Storage (CCS) the Commission recognises the continued importance of fossil fuelled power and the need to adapt to a low carbon energy system.

The offshore wind energy projects enhance the development and consolidation of a competitive offshore wind industry in Europe and create numerous green jobs.

The decision on these 15 projects is the first step towards the good use of almost 4 billion euro set aside by the EU in May 2009 for energy projects to support economic recovery.

The European Energy Programme for Recovery of May 2009 provides for EU financial assistance to energy projects in the fields of CCS, offshore wind energy and gas and electricity infrastructure.

The procedures for the infrastructure projects are still ongoing. The decision is expected to be taken in February 2010.

[http://ec.europa.eu/energy/grants/2009\\_07\\_15\\_en.htm](http://ec.europa.eu/energy/grants/2009_07_15_en.htm)

[http://ec.europa.eu/energy/grants/docs/eepr/eepr\\_info\\_day\\_presentation\\_general.pdf](http://ec.europa.eu/energy/grants/docs/eepr/eepr_info_day_presentation_general.pdf)

### ***Eastern Europe Energy Efficiency and Environment Partnership***

*A specific financial mechanism is set up to promote key investments in energy efficiency in the Eastern Partnership region, starting in Ukraine. The mechanism will build on the positive experience gained under the Northern Dimension Environmental Partnership (NDEP).*

As the EU's vital gas transit partner - responsible for some 20% of all EU gas imports - Ukraine has been chosen as the country to kick off the energy efficiency aid programme for the Eastern Partnership region.

The European Commission will support the initiative by contributing 10 million euro per year over a four year period to complement Ukraine's own contribution to the Fund.

The Commission will finance projects under the initiative from the Neighbourhood Investment Facility, help mobilise actions under the initiative through the Covenant of Mayors and contribute to creating the conditions for investment by assisting the necessary legislative and policy reforms under the INOGATE energy programme.

[http://ec.europa.eu/external\\_relations/eastern/index\\_en.htm](http://ec.europa.eu/external_relations/eastern/index_en.htm)

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

<http://www.enpi-info.eu/indexeast.php>

### ***European Local Energy Assistance (ELENA) facility***

*The European Commission and the European Investment Bank (EIB) launched a grant aid initiative to help local and regional authorities make investments in energy efficiency and renewable energy.*

The European Local Energy Assistance (ELENA) facility is designed to help cities and regions through the provision of technical assistance, structure and implement projects in the most efficient way so they can attract outside finance.

Technical assistance, supported by the ELENA facility, can be provided to a local or regional authority or another public body or a grouping of such bodies coming from the countries participating in the IEE (Intelligent Energy Europe) programme.

The investment programmes supported by the facility shall contribute to achieving the EU's 20-20-20 climate-change objectives.

[www.eib.org/elena](http://www.eib.org/elena)

[http://ec.europa.eu/energy/intelligent/index\\_en.html](http://ec.europa.eu/energy/intelligent/index_en.html)

### ***EU funds to improve energy access in ACP states***

*The European Commission announced funds of 200 million euro in a second phase of the ACP (African, Caribbean and Pacific) - EU Energy Facility for the period 2009-2013.*

The second Energy Facility (EFII) has been established under the 10<sup>th</sup> European Development Fund (EDF) for the period 2009-2013.

EFII co-finances projects aimed at improving access to sustainable and modern energy services.

The Energy Facility prioritises projects for renewables (including solar, wind, hydro and biomass energy as well as geothermal

systems). Also favoured are projects promoting energy efficiency in public and private buildings, including replacement of energy-consuming light bulbs with more efficient ones.

Other eligible projects include supporting governance and capacity building in the energy sector at local, national and regional level.

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

## INTERNAL MARKET

### ***Public-private partnerships: leverage for investments and public services***

*In line with the European Economic Recovery Plan, the Commission wants to give a fresh push to PPPs to encourage a more frequent and better use of public private partnerships (PPPs) at a time when innovative public financing solutions are needed to manage the challenges of tight national budgets.*

Worldwide, only 4% of infrastructure projects are covered by PPPs. Of the EU member states, the UK signs the most public-private contracts – 58% of the total number – while Spain, France, Germany, Italy and Portugal account for 30%.

The framework, set out in the new Communication, involves the following

- increased funding for PPPs through working with the EIB (European Investment Bank), by re-focusing existing Community instruments and by developing guarantee instruments for PPP financing;
- in cases involving EU funding, better rules and procedures in order to ensure a level playing field between wholly publicly managed projects and those managed under PPPs;
- a more effective framework for innovation, including the possibility for the EU to

participate in private law bodies and directly invest in specific projects;

- considering an EU legislative instrument on concessions;
- improved information dissemination and exchange of best practice; including the creation of a new PPP group in which relevant stakeholders can share their concerns and further ideas with regard to PPPs.

The decision on whether or not to use PPPs will remain entirely with national authorities.

[http://ec.europa.eu/growthandjobs/pdf/european-economic-recovery-plan/ppp\\_en.pdf](http://ec.europa.eu/growthandjobs/pdf/european-economic-recovery-plan/ppp_en.pdf)

### ***Public procurement thresholds changed***

*New thresholds will apply for public procurement as from 1 January 2010.*

The values of these new thresholds were set by the European Commission's Regulation 1177/2009.

This Regulation amends Directives 2004/17/EC, 2004/18/EC and 2009/81/EC on public procurement with respect to the thresholds when awarding public contracts.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:314:0064:0065:EN:PDF>

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:292:0001:0003:EN:PDF>

### ***Everything you need to know about the recognition of professional qualifications***

*The European Commission published a scoreboard offering an overview of where member states stand in implementing the Professional Qualifications Directive into national law, as well as a user's guide.*

The Professional Qualifications Directive covers more than 800 professions which member states regulate and which can be pursued in a member state only if certain

professional qualifications have been acquired.

A number of professionals in the health sector and architects enjoy automatic recognition of their qualifications acquired in the country of origin because the conditions for such qualifications are harmonised at European level.

For the remaining professions, the Directive foresees a system of mutual recognition of qualifications on a case by case basis in order to allow qualified citizens to have their qualifications recognised in the host member state where they wish to be active.

All member states should have implemented the Directive by 20 October 2007. More than two years later, five member states – Austria, Belgium, France, Greece and Luxembourg – have not done so.

To enable citizens to make better use of the Directive, the Commission also published a 'user's guide'.

[http://ec.europa.eu/internal\\_market/qualification/docs/scoreboard\\_en.pdf](http://ec.europa.eu/internal_market/qualification/docs/scoreboard_en.pdf)

[http://ec.europa.eu/internal\\_market/qualification/docs/guide/users\\_guide\\_en.pdf](http://ec.europa.eu/internal_market/qualification/docs/guide/users_guide_en.pdf)

## EU FUNDS & PROGRAMMES

### ***'Marguerite', the 2020 European Fund for Energy, Climate Change and Infrastructure***

*Six European leading public financial institutions have launched a pan-European infrastructure fund with an initial capital of 600 million euro.*

The Marguerite Fund is a pan-European equity fund which aims to act as a catalyst for infrastructure investments implementing key EU policies in the areas of climate change, energy security, and trans-European networks.

It has received the active support of the European Commission since it was initiated last year, under the aegis of the European

Council, as part of the European Economic Recovery Plan.

The Fund should serve as a model for the establishment of other similar funds in the EU, wishing to combine a market-based principle of return to investors with the pursuit of public policy objectives.

### ***Western Balkans Investment Framework***

*Four lending institutions launched the Western Balkans Investment Framework (WBIF), which aims to provide funding for priority projects in the region.*

The WBIF consists of a joint grant facility and a joint lending facility to finance priority projects in the Western Balkans.

The joint grant facility will contribute to financing the preparation and implementation of priority projects in Albania, Bosnia Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Kosovo (under UNSCR 1244), Montenegro and Serbia.

The WBIF creates a single entry point for project submission by beneficiary countries and screening by contributors and financiers.

The project selection will ensure consistency with the countries' needs and will support EU accession priorities.

Good preparation and a strong implementation framework are essential for projects to receive loan financing and to successfully contribute to economic growth in the Western Balkans in the context of the accession process.

The European Commission has so far allocated some 110 million euro to support the financing of municipal infrastructure projects and technical assistance projects in the region.

The EIB (European Investment Bank), EBRD (European Bank for Reconstruction and Development) and CEB (Council of Europe Development Bank) have each pledged 10 million euro for technical

assistance or other grant support, in accordance with their respective internal procedures.

An initial focus on infrastructure sectors, including social infrastructure, will be expanded to include support to small and medium-sized enterprises (SMEs), energy efficiency and other investment sectors.

### **Europe releases 677 million euro for Nigeria**

*A total of 677 million euro will be provided for the period 2009-2013, financed under the 10th European Development Fund, Europe's financial cooperation instrument with the ACP (African, Caribbean and Pacific) states and overseas countries and territories (OCTs).*

Under the agreement, concluded in the form of a country strategy paper and national indicative programme (CSP/NIP), peace and security, governance and human rights will account for 69% of the total support. Another 105 million euro will support trade, regional integration, improved competitiveness in the private sector and energy.

Environment, health and other sectors will receive 99 million euro of support.

[http://ec.europa.eu/development/geographical/methodologies/strategydocuments10\\_en.cfm](http://ec.europa.eu/development/geographical/methodologies/strategydocuments10_en.cfm)

## **MISCELLANEOUS**

### **New EMAS regulation**

*The revised regulation establishing a European Eco-Management and Audit*

*Scheme (EMAS) was published on 22 December 2009.*

The EU Eco-Management and Audit Scheme (EMAS) is a management tool for companies and other organisations to evaluate, report and improve their environmental performance.

The new regulation facilitates access to the EMAS system and makes certain implementing arrangements more flexible. Fees will also be lower and reporting requirements are reduced for small and medium-sized enterprises.

EMAS requirements will gradually be brought in line with ISO international standards, and sectoral reference documents will be drawn up to encourage companies to sign up to the European scheme.

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

### **Consultation on Commission's late payment problems**

*The European Ombudsman, P. Nikiforos Diamandouros, invites feedback from concerned parties about what the Commission can and should, in their view, do further to reduce payment delays.*

The aim of the public consultation is not to solve individual late payment cases. Such cases can, as always, be submitted to the Ombudsman as individual complaints, using the on-line form available on the Ombudsman's website.

<http://www.ombudsman.europa.eu/cases/correspondence.faces/en/4500/html.bookmark>

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