



FEDERATION NEWS

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CEN/TC 395 makes start with standard terminology

The European Committee for Standardisation/Technical Committee (CEN/TC) on engineering consultancy services established its scope and structure.

CEN/TC 395 will develop a reference terminology, i.e. a glossary of key words and standard terminology that will define the activities, taking place within each functional project stage for the European countries.

Such common definition of the content of services in each project stage will facilitate a common understanding of the responsibilities of consultants, contractors, insurers and contracting authorities in cross-border projects.

The 19 June 2009 kick-off meeting of CEN/TC 395 decided to create two working groups:

- 1° standardisation of terminology for engineering consultancy services for building, infrastructure and industrial units
- 2° standardisation of terminology for engineering consultancy services for industrial products.

Jean Félix was appointed Chair of CEN/TC 395 for a period of three years, Dik Spekkink (NL) as convenor of the first working group and David Bradley (UK) as convenor of the second working group.

The working groups will start their activities in October 2009.

National standards bodies should nominate up to three experts to sit on each working group.

A balanced delegation would represent all interests concerned: (industrial) clients, the engineering consultancy industry and actors in the construction chain.

EFCA calls on its national associations to mobilise representatives to participate in the CEN/TC 395 working groups to ensure that their outcomes will strongly reflect the engineering consultancies' views.

Full agenda for EFCA 2009 General Assembly meeting

President Panos Panagopoulos explained EFCA's mission and activities and the Committee chairs gave an insight into the key issues facing the European industry.

The president presented the activities under the six main targets of the 2008-2011 Forward Plan plus the two additional targets (response to the financial crisis and improvement of the efficiency of EFCA) added in during the first year.

The morning session also provided the opportunity to discuss and reflect on the European industry's position with respect to its regional and international representation.

The General Assembly elected Jean Félix (France) as Vice-President, Rasit Ünüvar (Turkey) as Treasurer, extended the tenure of Directors Mátyás Borostyánkői (Hungary) and Michael Whitwell (UK) and elected three new Directors, namely José Luis González Vallvé (Spain), Ulla Sassarsson (Denmark) and Raffaele Gorjux (Italy).



Jean Félix, chair of the European Public Market committee, highlighted two major samples of unique opportunities for the engineering sector:

- the set-up of CEN/TC 395 is the first recognition of the engineering consultancy as a separate economic sector and industry and entails the opportunity for a dialogue with all market players, and public and industrial clients;
- the impact of various European legislative initiatives on the engineering consultancy sector, such as the Services Directive.

Martin Güldner explained that the European External Aid committees' activities are related to the daily business practice. The committee has successfully established a constructive dialogue with the European institutions.

Recently it took the initiative to start a series of direct discussions with high-level AIDCO officials, who join the committee meetings for exchanges of information on changes in technical assistance policies and approaches and views.

In the absence of committee chair Kevin Corbett, Ulla Sassarsson reported on the 2008-2009 key activities in the area of liability and insurance. These included the update and sharing of best practice initiatives, guidance on joint and several liability, guidance on financial caps and limiting liabilities, a report on liability and insurance in Europe, a dialogue with European insurance representational bodies, comments on ongoing European Commission studies if and when appropriate and information to the firms.

Raffaele Gorjux reported on behalf of the chair Lena Wästfelt about the interesting assignment of the European Consulting Future Committee, namely the development of a blueprint of EFCA objectives for supporting firms in setting out business strategies into 2015.

In its 7 July 2009 meeting the committee will fine-tune its SWOT analysis and start the production of the report that aims at assisting the firms in preparing for, and dealing with, the key issues that impact their future.

Commissioners welcome EFCA members' 'useful and valuable feedback'

Both Commissioners Ferrero-Waldner (External Relations and European Neighbourhood Policy) and Michel (Development and Humanitarian Aid) thanked EFCA for its 'continuous support and interest in external aid projects'.

EFCA conveyed the industry's relevant insight as a way to improve EuropeAid (AIDCO) procedures in order to increase aid effectiveness at two high-profile events that it organised in October and November 2008, as well as in a recent meeting with key officials from AIDCO organised by EIC (European International Contractors) and talks between AIDCO and the EFCA European External Aid Committee. AIDCO is the European Commission Directorate-General that is responsible for implementing external aid programmes and projects across the world.

The recent *Voice of EFCA* describes the industry's recommendations for improvements to external aid contracting procedures, within the existing regulatory framework.

In a formal response by the Cabinet of Commissioner Ferrero-Waldner, the Commission gave a commitment to examine EFCA's proposals and to take them into consideration in the revisions of AIDCO procurement procedures.

Both president Panos Panagopoulos and European External Aid committee chair Martin Guldner welcomed this positive message as a step forward in the dialogue with AIDCO. '*EFCA will continue sharing experiences and views with the Commission management to ensure that procedures in the future reflect best industry practice*', they said.

EFCA pro-actively addresses generic issues related to the procurement of design services

The European Public Procurement committee is exploring innovative and flexible procurement procedures in view of future discussions with both policy makers and clients on the achievement of value for money.

The potential of the improvement of delivery methods for public projects is accentuated by both the need to emerge from the current crisis and the impacts of climate change.

Indeed, the European Commission acknowledged the need to accelerate project financing and delivery, and to make more use of flexibility.

The Commission also recognised that the exceptional nature of the current economic situation can justify the use of the accelerated procedure and took measures to enhance budget execution and decisions that aimed at giving Member States more flexibility in their use of the structural funds. In parallel, initiatives were taken to stimulate the use of green public procurement and a study was undertaken on the use of 'voluntary collaborative arrangements' in construction (i.e. project partnering, strategic partnering, alliances, framework arrangements and construction consortia).

EFCA is committed to proactively developing proposals for the evolution of the current European legislative public procurement framework.

EFCA 2009 conference looks at two horizontal challenges

Under the theme 'The need to adapt to the limitations of our world: challenges and opportunities' Rudi Thomaes (Belgian Employers Federation) and Professor Narasimhan (University of California, Berkeley) accentuated two issues: skills need for a sustainable European development and the promotion of a vision of progress that integrates respect of

principles, which safeguard the earth's capacity to support life.

Rudi Thomaes gave a thought-provoking presentation on bringing Europe successfully out of the crisis, drawing on the results of an INSEAD survey and recommendations to the European Skills Pact.



At a time when demand is decreasing, and unemployment rising, the immediate priority is to prevent a talent drain from Europe. Now is also the time to think ahead and prepare the skills that the market will be requiring post-crisis. Europe has skills shortages in maths, science, engineering and IT. Young people should be encouraged to take an interest in these subjects, and the excess labour force needs to be retrained, and this skilled workforce should be more mobile within Europe.

Innovative approaches to education, such as e-learning, are also required, as well as business-university partnerships that work together on generating the skills for our knowledge economy.

But education alone is not enough: theoretical skills have to be transformed into innovative performance. Therefore, we should focus on the new market

opportunities, such as clean technologies, where Europe is demonstrating world-leading potential.

Professor Narasimhan took participants on an enlightening journey through Europe's social and industrial development. Corporate and civil society are witnessing the results of progress on our environment, and a social conscience is spreading that a delicate balance is required between the use of the Earth's resources to serve our clients and fuel our needs, against the limitations of these finite resources and our collective social responsibilities.

This concept is not new. It is in fact embedded in Europe's culture and history. Roman law already distinguished between civil law and *jus gentium* (the law of all nations), by which natural elements (rivers, sea, air) had to be respected and could not be individually owned.

This philosophy has endured to the present day, and is seen for instance in the preamble to the EU Water Framework Directive, which states that water is a common heritage. Professor Narasimhan challenged the consulting community to innovate and develop expertise in areas that are beneficial to society.



Liability and Insurance Committee	London	11.09.2009
European Consulting Future Committee	Stockholm	28.09.2009
European Public Market Committee	Brussels	08.10.2009
Board of Directors meeting	Brussels	09.10.2009 (11:00-16:00)
European External Aid Committee	Brussels	21.10.2009
D&S meeting	Seville (tbc)	06.11.2009
Board of Directors meeting	Copenhagen	26-27.11.2009
Liability and Insurance Committee	Brussels	10.12.2009 (tbc)

EFCA calls for European Young Professionals to meet with international peers in London

EFCA provides a subsidy of 300 euro to assist Young Professionals (YP) from outside Britain to attend the 2009 FIDIC London Conference.

FIDIC started its YP programme at the Paris 2003 FIDIC conference

In 2007 and 2008, European YPs met in Brussels to further build up their professional contacts and to connect better at both national and European level. In addition to these latter events, separate YP meetings have been held at the EFCA Conferences in Budapest and Prague.

The offer is limited. Please note that the early bird registration rate for YPs has been extended to 31 July, and that YPs are also eligible for a 33% discount on the normal conference rate of £1,000 (approximately 1,160 euro). For further information see www.fidic2009.org.

YPs may address their request for a subsidy, including confirmation of their conference registration and full contact details, to Virginie Dalle at the EFCA secretariat: vdalle@efca.be



Christophe Lesniak (European Commission, DG Research – Industrial Technologies) made a presentation on **Construction Research activities in the Recovery Plan** at the 5 June 2009 EFCA meeting.



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GLOBAL CRISIS

EUROPE'S RESPONSE

European Energy Programme for Recovery

After months of debate, notably between member states over their 'own' projects, the European energy programme for recovery (EERP) was finally agreed between the European Parliament and the Council in early May.

The EERP covers energy infrastructure projects with the 3.98 billion euro in EU funding being available for implementation in 2009 and 2010.

The funding is allocated with gas and electricity infrastructure projects receiving 2.365 billion euro, offshore wind energy projects 565 million euro as well as carbon capture and storage projects 1.050 billion euro.

A further 1.02 billion euro will go for rural internet and rural development.



The Commission launched its call for proposals on 18 May 2009.

Project promoters are to submit proposals by 15 July 2009.

http://ec.europa.eu/energy/grants/2009_07_15_en.htm

Easier and faster access to grants co-financed by Structural Funds

The agreed Cohesion Policy package includes a battery of measures, ranging from a massive cash injection in the form of additional advance payments from the Structural Funds to fast-track procedures to accelerate project implementation and the

possibility for the EU to co-finance energy-efficiency improvements in housing.

The aim of the 6.25 billion euro cash injection in the 27 Member States is to stimulate project implementation and help protect and create new jobs. The additional advances bring the total of pre-payments to nearly 30 billion euro since 2007, which represents almost 9% of the total 347 billion euro Cohesion Policy budget for 2007-2013.

The package comprises the following other changes:

- Possibility for immediate funding for 'major projects' (those where total cost per project exceeds 50 million euro, or 25 million euro in the case of environment projects) without the need for prior approval by the European Commission. Around 900 major projects should be implemented between 2007 and 2013 throughout Europe, representing a total investment of 120 billion euro (from the ERDF and the Cohesion Fund).
- Simplification of the system for advances paid to beneficiaries under State-aid schemes. In practice, this means that State-aid advances paid to beneficiaries may now reach 100% of the amount considered.
- Simplification of the reimbursement system to reduce the administrative burden on beneficiaries and to speed-up payments. The Commission will now be able to reimburse basic overhead costs on a flat-rate basis or make lump-sum payments for small projects, for example supporting vulnerable groups.
- Facilitate management of financial engineering schemes (ERDF/ESF) combining grants and loans. JEREMIE (Joint European Resources for Micro to Medium Enterprises) enables small and medium enterprises (SMEs), badly hit by the economic downturn, to access finance more easily. The European Investment Bank and the European Bank for Reconstruction and Development can help in the preparation of major projects through JASPERS (Joint Assistance in

Supporting Projects in European Regions). Specific support will also be given to non-bank micro-credit providers, through the JASMINE initiative (Joint Action to support microfinance institutions in Europe).

- Possibility offered to all Member States to use ERDF funds (up to 4% of their allocation) for energy-efficiency improvements and renewable energy measures in housing. This means the EU can co-finance national or regional schemes to promote the installation of double glazing, wall insulation or solar panels. Previous legislation gave only new Member States limited possibilities to use support from the ERDF for housing.

http://ec.europa.eu/regional_policy/funds/recovery/

European Investment Bank (EIB) steps up its anti-crisis measures

The EIB will increase its total lending in the European Union and Pre-Accession countries to as much as 70 billion euro in 2009.

Lending for SMEs amounted to 4.4 billion euro to end-May 2009 – more than half the full-year target of 8 billion euro, while loans for energy and mitigation of climate change reached 3.9 billion euro against a full-year target of 9 billion euro.

The EIB made a 67 billion euro capital increase, bringing its subscribed capital to 232.4 billion euro, to enable the Bank to expand its lending volume. The member states demonstrated their support for the EIB's increased lending role during the financial crisis by unanimously approving the increase.

<http://www.eib.org/>

Commission strategy to tackle the social impacts of the crisis

The EU will make available 19 billion euro of planned European Social Fund (ESF) expenditure to support people hit by the economic crisis. It will also frontload funds, and co-financing by Member States will not be necessary for 2009-2010.

The Commission proposes a series of actions, including:

- Accelerating 19 billion euro of planned funding to help people to stay in work or move towards new jobs, through upgrading skills, encouraging entrepreneurship and improving public employment services under the European Social Fund. For the period 2009-2010, the Commission can reimburse Member States' declared expenditure at a rate of 100%. That means there is no need for national co-funding so that projects that help people can be put in place more quickly.
- Reallocate 100 million euro from the existing EU budget which - when combined with funding from international financial institutions, particularly the European Investment Bank Group - will provide more than 500 million euro for the creation of a new EU microcredit facility. These micro-credits will support those at risk of not obtaining funds to set up a business, such as the recently unemployed, and reinforce employment in micro businesses facing the credit crunch.
- A commitment to provide at least 5 million apprenticeships across the EU for young people facing unemployment; and the setting of targets to provide young unemployed with early opportunities for training or work.
- Support for schemes – including through the ESF - to maintain viable employment through short-time work and training.
- Immediate help for the unemployed to avoid the risk of long-term unemployment and the loss of relevant skills, including proposals that an early opportunity for training or work should be provided to

each unemployed person: within 1 month for young people under 20 years old, within 2 months for those under 25 years old, and within 3 months for over 25 year olds. The ESF should support the achievement of these 'new start' targets.

- Help to get the most disadvantaged back into jobs, for example, through lower non-wage labour costs, recruitment incentives and the promotion of low-skilled job opportunities in household and care services.
- New online 'match and map' service to help jobseekers match their skills with job vacancies throughout Europe via the existing European jobs portal EURES and a commitment that unemployed people looking for a job in another Member State should be eligible to receive, for at least 6 months, the unemployment benefits they were entitled to in their country of residence.
- A focus on skills upgrading and a better match with labour market needs, with a Commission sector-by-sector analysis of EU labour market needs today and for the future, including green skills.
- A practical toolkit to help companies, workers and their representatives better manage and anticipate business restructuring.
- A guide for training in small businesses to help SMEs maintain and obtain the skills they need.

<http://ec.europa.eu/social/main.jsp?langId=en&atId=89&newsId=514&furtherNews=yes>

Economic recovery at the heart of preliminary draft 2010 EU budget

Expenditure in projects intended to save and create jobs, help companies and restore competitiveness will be the EU's top priority (total of 62 billion euro).

The Commission adopted a 139 billion euro preliminary draft budget for 2010.

The biggest share of anticipated expenditures (45%) will be channelled into growth and employment measures. Increased funding compared with 2009 will be provided in particular for trans-European transport and energy networks (+12.7%, totalling 1.08 billion euro), the competitiveness and innovation programme (+3.3%, totalling 0.5 billion euro), combating poverty and social exclusion (nearly 20 million euro) and the satellite navigation project Galileo (+8%, totalling 0.9 billion euro). Of the 62 billion euro set for jobs and competitiveness, 49 billion euro will go towards cohesion in the EU.

A first injection of 2.6 billion euro was already allocated in 2009 for the European economic recovery plan, for which 5 billion euro from the EU budget was anticipated during its adoption, at the end of 2008, for energy, broadband infrastructures and rural areas. A further 2.4 billion euro will be added to the 2010 budget, the source of the funds being decided later on in the 2010 budget procedure.

The EU's aid to developing countries, channelled through the Development Cooperation Instrument will increase by 1.7%, reaching 2.4 billion euro. Pre-accession assistance (IPA) will increase by nearly 5%, to 1.6 billion euro.

Budget negotiations will begin in July and end in November 2009. Current deputies are therefore preparing the work in order to hand over responsibility to the newly elected MEPs.

http://ec.europa.eu/budget/documents/2010_en.htm?go=t1_0#table-1_0
<http://eur-lex.europa.eu/budget/www/index-en.htm>

80 flagship projects for Baltic Sea Region identified

The cornerstones of the proposed strategy are to make the Baltic Sea region environmentally sustainable, prosperous, accessible and attractive, and safe and secure.

Five years on from enlargement, the region is facing pressing challenges including the deteriorating state of the Baltic Sea, poor transport links, barriers to trade and energy supply concerns. These problems have been exacerbated by a lack of effective coordination.



The Baltic Sea is surrounded by eight EU Member States and Russia. Many reports and action plans have been produced in the past, but with limited effect. There is a strong need for better coordination of the numerous bodies involved.

EU Structural Funds programmes in the region provide a basis to strengthen cooperation. The Commission addresses its proposals to the Member States involved and recognises that many of the challenges can only be met by good cooperation with Russia. The Commission therefore recommends boosting this cooperation through existing initiatives, notably the 'Northern Dimension', the common policy of the EU, Norway, Iceland and Russia.

Between 2007 and 2013, the Baltic Sea Region will benefit from more than 50 billion euro of investment support under the Cohesion Policy and other EU funding, including 27 billion euro for improved accessibility, nearly 10 billion euro for the environment, 6.7 billion euro for competitiveness and 697 million euro for security and risk prevention.

This is the EU's first-ever comprehensive, multi-sector strategy for a macro-region, an approach that sparks considerable interest by other regions, such as the Mediterranean and the Danube Basin. It also constitutes a first step towards regional application of the Union's Integrated Maritime Policy.

The Commission hopes to see the strategy adopted in Council in October 2009.

http://ec.europa.eu/regional_policy/cooperation/baltic/

http://ec.europa.eu/external_relations/north_dim/index_en.htm

Implementation of Baltic Energy Market Interconnection Plan launched

Eight Baltic Sea Member States signed a Memorandum of Understanding on the Baltic Energy Market Interconnection Plan (BEMIP), aimed at improving market integration as a response to the area's energy isolation.

The BEMIP will improve energy connections with the rest of Europe for Lithuania, Latvia and Estonia. It is also identified as a flagship project in the broader context of the proposed Baltic Sea Region strategy.

The BEMIP action plan essentially covers three main areas:

- an electricity market integration, based on the Nordic market model, will be laid out with a road map detailing practical steps to reach the new market model and remove existing barriers for a regional electricity market;

- infrastructure projects allowing the integration of the Baltic Sea region electricity markets. There are three sets of projects:

The Nordic Master Plan, covering the projects between the Nordic countries such as Fenno - Skan II linking Finland and Sweden, Great Belt in Denmark, Nea - Järpströmmen between Sweden and Norway, South Link in Sweden and Skagerrak IV between Denmark and Norway and others.

The projects linking the Baltic area with the Nordic countries, as well as Poland: NordBalt or the previously called SwedLit linking Sweden to Lithuania, Estlink between Estonia and Finland and LitPol between Poland and Lithuania. Strengthening the electricity grid between the three Baltic States belongs to this set of projects.

The interconnections between Poland and Germany form the third set of projects. The main driver behind these – as opposed to market integration which is the case for the previous ones - is the loop flows caused by wind generation in the North.

- A third element in the BEMIP is greater integration of the region into the wider EU's internal gas market and infrastructure. This would enhance security of supply with a diversification of routes and sources.

<http://register.consilium.europa.eu/pdf/en/09/st10/st10703.en09.pdf>

10 million euro aid package for Belarus

The 2009 Action programme under the European Neighbourhood and Partnership Instrument (ENPI) concentrates on food safety and quality.

As a consequence of the Chernobyl nuclear accident, due to which some 23% of the national territory remains contaminated to this day, food safety is a highly sensitive topic.

The programme aims to bring about a gradual alignment of the country's Quality Infrastructure System with the relevant EU and international regulatory and administrative practices.

Of the 10 million euro, 8.5 million euro is reserved for the quality infrastructure / food safety support, and 1.5 million euro more generally to enhance the capacity of Belarusian institutions to implement the ENPI Annual Action Programmes.

http://ec.europa.eu/europeaid/documents/aap/2009/ec_aap-2009_by_en.pdf

EU launches partnership with its eastern neighbours

The Eastern Partnership between the EU and six neighbouring countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine) aims to promote stability in the region, ensure Europe's energy supplies and stimulate democratic reform in these six countries.

As part of the partnership the EU has released a total of 600 million euro over four years to enable in-depth economic integration of these eastern countries in the common market.



The Eastern Partnership brings countries in Eastern Europe and South Caucasus, EU Member States and institutions together to promote security, stability and prosperity.

It provides additional support for reforms and modernization efforts in partner countries, bringing them closer to EU principles and practices. This initiative builds on the EU's European Neighbourhood Policy by developing its specific Eastern dimension.

The partnership establishes four platforms of cooperation: democracy, good governance and stability; economic integration and convergence with EU sectoral policies; energy security; and contacts between people.

The aim of the platforms is to support the eastern partners' efforts to approximate to EU standards, to foster exchanges of experience and best practice and to strengthen contacts between them.

http://ec.europa.eu/external_relations/eastern/index_en.htm

European Commission unfroze 115 million euro under the ISPA Programme for Bulgaria

The funds are going to be used mainly for the construction of 'Lyulin Highway' and technical assistance for construction of road projects significant on European level.

These funds only represent a part of the total that the Commission decided to freeze, in July 2008.

About 370 million euro in aid allocated in the pre-accession framework programmes (250 million euro under the PHARE programme for technical assistance and 121 million euro under the SAPARD programme for agriculture and sustainable development) is still frozen.

These sanctions were taken as a result of Bulgaria's inability to counter corruption and organised crime and properly manage EU aid, as highlighted in several reports drawn up for the cooperation and verification mechanism put in place during the country's accession to the EU.

<http://eufunds.bg/index.php?cat=410>

LIFE+ 2009 call for proposals

The third LIFE+ call for proposals was published on 15 May 2009.

250 million euro are available for co-financing of projects under three headings: nature and biodiversity; environment policy and governance; and information and communication.

Project proposals should be sent to the relevant national authority no later than 15 September 2009.

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

INTERNAL MARKET

Public procurement infringement proceedings against three member states

The Commission will refer **Ireland** to the Court of Justice over the award procedure for a public supply contract for animal identification tags, launched by the Department of Agriculture and Food.

The EU executive maintains that the procedure does not respect the obligations of Directive 2004/18/EC on the principles of equal treatment and transparency because the contracting authority applied criteria relating to tenderers' ability to perform the contract in question as award criteria instead of selection criteria, and also changed the weighting of the award criteria in the evaluation phase.

A reasoned opinion (second stage of infringement proceedings) is being sent to **Lithuania** over the award of a public works contract by Lithuania Railways (Lietuvos gelezinkeliai) for the modernisation of its railway radio communication system through the introduction of GSM-R.

The Commission considers that the use of the negotiated procedure without a prior call for competition was contrary to EU public procurement rules. The contract was awarded for a total price of €59,578,199.96

and the project linked to it has been selected for co-funding by the EU Cohesion Fund.

A letter of formal notice will be sent to **Slovakia** concerning the award of the electronic toll collection service by the national motorway company (Národná diaľnicná spoločnosť, a.s.).

The Slovak contracting authority excluded three tenderers from the procedure. Based on the information available to the Commission, the Slovak authorities may have violated the principles of equal treatment and non-discrimination laid down in Directive 2004/18/EC on public procurement and in the EC Treaty.

http://ec.europa.eu/community_law/infringement/s/infringements_decisions_en.htm

European Court of Justice judgment on 'in-house' and 'inter-municipal cooperative'

The judgment by the European Court of Justice (ECJ) ruled that delivering public services through inter-communal cooperation does not require a call for tender if there is no private partner involved.

The case (C 480/06) relates to a contract awarded in December 1995 by four German local district authorities (Landkreise) near Hamburg. The waste disposal contract was given directly to the city of Hamburg's cleaning department (Stadtreinigung Hamburg).

The Commission had argued that 'Landkreise' must be considered as contracting authorities under the public procurement directive (92/50/EC). As the contract was for profit, it also required a public tendering procedure, according to the Commission.

The ECJ's ruling on 9 June 2009 decided against the Commission and in favour of the Federal Republic of Germany.

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&alljur=alljur&jurcdj=jurcdj&jurtpi=jurtpi&jurtfp=jurtfp&numaff=c-480/06&nomusuel=&docnodecision=docnodecision&allcommjo=allcommjo&affint=affint&affclose=affclose&alldocrec=alldocrec&docor=docor&docav=docav&docsom=docsom&docinf=docinf&alldocnorec=alldocnorec&docnoor=docnoor&radtypeord=on&newform=newform&docj=docj&docop=docop&docnoj=docnoj&typeord=ALL&domaine=&mots=&resmax=100&Submit=Rechercher>

MISCELLANEOUS

Ombudsman criticises unilateral and unfair decision of Evaluation Committee

'A fair treatment of applicants for EU projects is key to ensuring that EU tenders are conducted according to the highest standards', comments the European Ombudsman.

The company led a consortium that submitted a technically compliant tender for an EU project concerning the harmonisation of energy policies between the EU and Russia. The firm considered the rejection of its tender on the grounds that it exceeded the maximum budget was unfounded.

During his investigation, the Ombudsman took the view that the misunderstanding of the evaluation committee could have been avoided if it had sought clarifications from the complainant. No such clarifications were sought, however. This failure led to the unfair exclusion of the bid.

The Ombudsman recommended that the Commission compensate the complainant for the loss of opportunity it had suffered. The Commission rejected the friendly solution proposal.

According to the Ombudsman, the failure to seek clarifications from the complainant constituted an instance of maladministration. He closed the case with a critical remark and added that 'the net effect of the Commission's behaviour is to leave the

complainant with no other option but to take the matter to court.'

<http://www.ombudsman.europa.eu/cases/decision.faces/en/4050/html.bookmark>

BUILD UP: tool for sharing information on reducing energy use of buildings

BUILD UP will help building professionals, local authorities and building occupants with practical information, and also update the market on the legislative framework.

BUILD UP will promote the exchange of best practices, tools and technologies available across Europe for an effective implementation of energy-saving measures in buildings.

The EU adopted in 2002 the Energy Performance of Buildings Directive (EPBD), which provided the Member States with an integrated approach towards efficient energy use in the buildings sector.

The Commission recognised that there is still a considerable potential for cost-efficient energy savings that is not being exploited. Consequently, in November 2008, it proposed a recast of the EPBD. Based on these proposals, the European Parliament adopted in April 2009 a legislative resolution calling for even more ambitious and demanding legislation, i.e. urging member states to fix minimum percentages of buildings that should be zero energy by 2015 and by 2020, respectively. The position of the Council of the European Union is now awaited.

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

Common map of European and African transport infrastructures on drawing board

A Commission Communication sets out the starting point of a strategic EU-Africa dialogue in order to identify concrete measures to strengthen Euro-African cooperation in the transport sector.

Persistent weaknesses in the transport system do not only affect the economy of African countries but also represents a barrier to their development, as regards health, education and employment.

With approximately 4.5 billion euro coming from the 10th European Development Fund for the period 2007-2013, the European Commission is currently one of the largest donors in the areas of infrastructure and transport in Africa.

The October 2009 ministerial conference on Trans-European Transport networks, open to Mediterranean and African partners, will present an occasion to widen the discussion beyond the institutional actors already represented in the partnership, to include transport operators and associations as well as international financial institutions.

http://ec.europa.eu/development/icenter/repository/COMM_PDF_COM_2009_0301_F_EN_TRANSPORT.pdf

Long-term work on common frame of reference for European contract law

Businesses and individuals alike are obliged to sign contracts in their day-to-day existence and this act increasingly takes place at European level.

The EU is exploring options for the creation of a common frame of reference for European contract law.

The aim is to agree at least on certain definitions, fundamental principles, such as contractual freedom, and the development of 'model rules'.

To minimise differences between contract law from one member state to the next, the Council mentions the 'fundamental principles' that should appear in a common European frame of reference, e.g. the principles of freedom of contract (autonomy of the parties), legal certainty, binding force of the contract and fair dealing, which includes the concepts of good faith and reasonable behaviour. However, the Council's experts are still hesitant on the definitions of key concepts of contract law to feature in the European framework.

<http://register.consilium.europa.eu/pdf/en/09/st09/st09741.en09.pdf>



DOCUMENTS & WEB SITES OF INTEREST

EU LEGISLATIVE INITIATIVES

EU Blue Card

The Council adopted a directive aimed at facilitating conditions of entry and residence in the EU of third-country citizens for the purpose of highly qualified employment. The directive establishes more attractive conditions for third-country workers to take up highly qualified employment in the member states of the Union, by creating a fast-track procedure for issuing a special residence and work permit called the "EU Blue Card".

The 'EU Blue Card' will be valid for a maximum period of four years.

Following its publication in the Official Journal of the EU, the member states will have two years to incorporate the new provisions into their legislation.

<http://register.consilium.europa.eu/pdf/en/08/st17/st17426.en08.pdf>

DIRECTIVE 2009/38/EC on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees

Revised directive on European works councils (EWCs). The EWCs will be strengthened to better inform and consult workers during restructuring. Under the new directive, transnational information and consultation rights of workers should be effective to improve legal certainty, for example during mergers and takeovers. These works councils should also clarify the link between the different levels of labour representation.

The directive covers all companies with at least 1,000 employees within the European Economic Area (EEA) and at least 150 employees in each of at least two member states. Member states have two years to implement the new rules at national level.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:122:0028:0044:EN:PDF>

Proposal for a Directive laying down the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other transport modes: Council progress report

The report shows the member states' questions on the Community's competence, their doubts on the necessity to establish a comprehensive Community legal framework for ITS applications and their concerns about impact of the proposal on existing ITS.

<http://register.consilium.europa.eu/pdf/en/09/st10/st10012.en09.pdf>

http://ec.europa.eu/transport/its/road/action_plan_en.htm

Progress reports on implementation of the European Neighbourhood Policy

Assessment of the implementation of the European Neighbourhood Policy (ENP) with the 12 participating countries (Armenia, Azerbaijan, Egypt, Georgia, Israel, Jordan, Lebanon, Morocco, Moldova, the occupied Palestinian territory, Tunisia and Ukraine) in 2008.

http://ec.europa.eu/world/enp/documents_en.htm#3

The Recommendation on 'Measures to improve the functioning of the Single Market' (the 'Partnerships Recommendation')

The Recommendation encourages Member States to assume a more pro-active role in managing the Single Market and to take ownership of a set of practical measures designed to

improve the functioning of the Single Market at national, regional and local levels. These measures include for instance, making practical information on opportunities in other EU countries easily available; improving cooperation between national authorities; and strengthening the transposition, application and enforcement of Single Market rules on the ground.

http://ec.europa.eu/internal_market/strategy/docs/recommendation/recommendation_measures_en.pdf

CONSULTATIONS

Evaluation and Revision of the Action Plan for Energy Efficiency

The Commission has been criticised for not making energy efficiency targets binding as are targets for the share of renewables, alternative fuels in transport and reductions in CO₂ emissions. EU officials see «strong» indications that with ongoing actions the EU will not be able to reach its saving objective for 2020. The Commission also sees greater diversity as to energy efficiency in the 27 member states than on other energy policy issues. This raises the question, notes the Commission's paper, as to whether a more systematic and harmonised approach should be considered.

The Commission should, later in 2009 or in 2010, propose a revision of the October 2006 action plan that outlined legislation, policies and other measures aimed at saving 20% of EU annual primary energy consumption by 2020.

Deadline: 3 August 2009

http://ec.europa.eu/energy/efficiency/consultations/2009_08_03_eep_en.htm

Shaping transport policy for the future

The EC Communication 'A sustainable future for transport: Towards an integrated, technology-led and user-friendly system' is the first step towards publication of a white paper, in 2010. It also launches the debate on the main thrust of this policy for the coming decade.

Deadline: 30 September 2009

http://ec.europa.eu/transport/strategies/2009_future_of_transport_en.htm

Adoption of International Standards on Auditing (ISAs) in the EU

Investors rely on external statutory auditors to assess whether the financial statements of entities in which they have invested give a true and fair view. The quality of an audit depends, to a large extent, on the professional standards that are applied by the auditor. For instance, auditing standards will guide the auditor on how to identify and address transactions with parties related to management or fraud risks in companies.

The International Auditing and Assurance Standards Board (IAASB), a board of the International Federation of Accountants, has recently completed a major revision of ISAs. The Commission considers this to be an appropriate time, as invited by Article 26 of Directive 2006/43/EC on statutory audits, to examine whether an adoption of the ISAs at EU level would be beneficial to the EU. These standards would apply to the audits of all limited companies in the EU.

Deadline: 1 September 2009

http://ec.europa.eu/internal_market/auditing/isa/index_en.htm

REPORTS

Progress report on the 7th Research and Development Framework Programme (FP7)

The progress report covers the first two years of the 7th EU framework programme for R&D (FP7), which will last until 2013. The biggest EU R&D funding programme ever, with a 54 billion

euro budget over 7 years, proves to be well suited to answer the EU's economic and societal needs.

Priority areas such as environment, energy or nanotechnologies contribute to building a sustainable, low carbon economy, with industry-led technology platforms helping to define topics which meet industry's long term needs; the European Research Council supports our best researchers to globally compete on scientific excellence. Joint Technology Initiatives embody new public-private ventures on an unprecedented technological and financial scale. FP7 is a strong asset in the EU's fight against the current crisis with its budget growing every year by 13% until 2013. The report underlines remaining challenges for the FP7 such as the mobilisation of new Member States, the participation of SMEs and administrative simplification.

<http://ec.europa.eu/research/index.cfm?pg=reports>

6th Progress Report on Economic and Social Cohesion- Creative and innovative regions

This report analyses how creativity and innovation boost regional development. The more developed EU regions tend to score well on most creativity and innovation indicators, such as core creative class, R&D and human capital intensity. The less developed regions, however, outperform the rest of the EU on a few indicators, in particular on productivity growth, which is the main driver of the continuing regional convergence. The report marks one of the building blocks in the wider debate on the future Cohesion Policy.

http://ec.europa.eu/regional_policy/sources/docoffic/official/reports/interim6_en.htm

The Renewable Energy Progress Report

The Commission admits that the EU is unlikely to reach indicative targets set for 2010 by Directive 2001/77/EC on the promotion of electricity produced from renewable energy and Directive 2003/30/EC on the promotion of the use of biofuels and other renewable fuels for transport purposes. In 2010, the percentage of renewables in total electricity could reach 19% rather than 21%. Renewable fuels in transport should reach 4% instead of 5.75%.

In its report, the Commission points the finger clearly at the current legal framework. The barriers listed include slow and cumbersome administrative procedures, grid access, as well as lack of adequate support and measures from member states. The answers, according to the Commission, are contained in the new 2008 directive that enters into force in May. It sets binding targets for the share of renewable energy for individual member states.

http://ec.europa.eu/energy/renewables/background_documents_en.htm

The impact of renewable energy policy on economic growth and employment in the European Union

The study, conducted on behalf of the European Commission, concludes that a gross total of around 2.8 million jobs could be created in the renewable energy sector if the EU managed to meet its renewable energy targets for 2020.

It says that a total value-added of around 1.1% of gross domestic product (GDP) could be reached if the EU's renewable energy targets were achieved. The member states that joined the EU in 2004 and 2007 could expect to see a 'significant' increase in the number of jobs in the renewable energy sector (RES).

http://ec.europa.eu/energy/renewables/studies/doc/renewables/2009_employ_res_report.pdf

EIB annual report – 2008

In the face of rising demand for funding during the economic and financial crisis, the EIB intends to increase the total volume of its loans in the EU and in the so-called pre-accession countries, to bring the sum to 70 billion euro in 2009. Between October 2008 and the end of May 2009 loans signatures in the EU rose to 46.9 billion euro i.e. a rise of 63% in comparison with the same period a year ago. At the same time payments increased by 37% year on year to reach 35.8 billion euro.

<http://www.eib.org/about/publications/annual-report-2008.htm?lang=-en>

Future cohesion policy: Barca report

Independent report, containing an assessment of the effectiveness of cohesion policy to date as well as a series of proposals how to reform cohesion policy for the period post 2013.

The report discusses the economic rationale and motivation of an EU place based development policy and provides an assessment of EU cohesion policy. In addition it identifies a limited number of core priorities on which to focus cohesion policy. Finally, it presents recommendations on key pillars of cohesion policy governance pinpointed for reform.

http://ec.europa.eu/regional_policy/policy/future/barca_en.htm

Annual European Community greenhouse gas inventory 1990–2007 and inventory report 2009

Annual submission of the greenhouse gas inventory of the European Community to the United Nations Framework Convention on Climate Change and the Kyoto Protocol. It presents greenhouse gas emissions between 1990 and 2006 for EU-27, EU-15, individual member states and economic sectors.

<http://www.eea.europa.eu/publications/european-community-greenhouse-gas-inventory-2009>

Special Report No 3/2009 on the effectiveness of Structural Measures spending on waste water treatment for the 1994-1999 and 2000-2006 programme periods

The Court of Auditors report focused on 73 treatment plants financed by the two funds during the 1994-1999 and 2000-2006 programme periods in four countries: Spain, Portugal, Greece and Ireland. It was concerned with an evaluation of these stations' performance compared with the requirements of EU directives – the Framework Directive on Water, the Directive on Wastewater Treatment and the Sewage Sludge Directive – and on the Commission's role with regard to assessing, managing and following up on projects that it is financing. According to the report, wastewater treatment infrastructure co-financed by the EU has brought about a considerable improvement in the coverage rate of the urban population served by a wastewater treatment system. The Court's only real criticism against the Commission was what it called a lack of consistency and stringency in assessing projects, not following closely enough their implementation and a need to check the information and final reports better before paying the remainder of the aid.

<http://eca.europa.eu/portal/pls/portal/docs/1/2588293.PDF>

MISCELLANEOUS

Construction output up by 0.6% in the euro area (April 2009 compared with March 2009)

In the construction sector, seasonally adjusted production increased by 0.6% in the eurozone and by 0.7% in the EU in April 2009, compared with the previous month. In March, production rose by 0.6% and by 0.1%, respectively. In terms of monthly comparisons, however, the change is negative: compared with April 2008, output in April 2009 dropped by 4.7% in the eurozone and by 5.1% in the EU, according to estimates published by Eurostat, on 17 June.

http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/4-17062009-BP/EN/4-17062009-BP-EN.PDF

Taxation trends in the European Union - 2009 edition

This report contains a detailed statistical and economic analysis of the tax systems of the Member States of the European Union and Norway. The data are presented within a unified statistical framework (the ESA95 harmonised system of national and regional accounts), which

makes it possible to assess the heterogeneous national tax systems on a fully comparable basis.

http://ec.europa.eu/taxation_customs/taxation/gen_info/economic_analysis/tax_structures/index_en.htm

European Parliament resolution on an urban mobility action plan

As required by the principle of subsidiarity, the action plan does not suggest anything that is binding for the local authorities. The role of the Commission is a motivational one: the Parliament recommends the adoption of a transport plan in agglomerations of more than 100,000 inhabitants and proposes that all Community financing in terms of urban transport should depend on the existence of such plans. It also calls on the Commission to publish a compendium of applicable regulatory provisions, proposes immediately launching a programme to improve statistics and databases on urban mobility, opening an internet portal in order to facilitate the exchange of experiences and the distribution of information, and considering setting up a European observatory for urban mobility. It proposes installing a new generation of the CIVITAS programme, which helps cities to promote sustainable urban transport.

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+IM-PRESS+20090422IPR54181+0+DOC+XML+V0//EN&language=EN>

The hunt is on for Europe's best inventors

The public proposal phase for the 2010 Award is now open, and it closes on 12 September 2009.

<http://www.epo.org/topics/innovation-and-economy/european-inventor/participating.html>

Labour mobility within the EU in the context of enlargement and the functioning of the transitional arrangements

The results of a new study confirm the positive effects of the transfer of labour towards the EU from Member States in Central and Eastern Europe, notably with regard to economic growth in the EU as a whole. The study looks into the volume and structure of labour mobility east-west, both on a national and regional level, after the enlargements in 2004 and 2007 together with the impact this has had on employment markets, macro-economic data and public finance. It also looks into human capital related issues such as the brain-drain and the decline in competence of mobile workers.

http://doku.iab.de/grauepap/2009/LM_finalreport.pdf

Communication concerning the negotiations on a Protocol to the United Nations Framework Convention on Climate Change and an amendment to the Kyoto Protocol

EU positions in the form of amendments to the current protocol The objective is to keep all options open at the Copenhagen United Nations Climate Change Conference.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0249:FIN:EN:PDF>

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