



**EUROPEAN CONSTRUCTION  
INDUSTRY FEDERATION**



**2015**

# **ANNUAL REPORT**

Including reports of



## FIEC

Created in 1905

Legal personality under French law

**27 countries** (24 EU, Switzerland, Norway and Turkey)

**30 national member federations** representing firms:

- of all sizes (from one person SMEs through to the large firms)
- of all building and civil engineering specialities
- practising all kinds of working methods (whether operating as general contractors or as sub-contractors)

### Associate members:

BFW Bundesverband Freier Immobilien- und Wohnungsunternehmen e.V.

EFFC European Federation of Foundation Contractors

EQAR European Quality Association for Recycling e.V.

### Cooperation Agreement:

NFB National Federation of Builders (UK)

## PARTNERSHIP



Social Partner in the European Sectoral Social Dialogue of the Construction Industry together with EFBWW (European Federation of Building and Woodworkers)  
<http://ec.europa.eu/social/main.jsp?catId=480&langId=en&intPagId=23>



Cooperation with EIC (European International Contractors) for activities beyond Europe's borders  
<http://www.eic-federation.eu/>



The European founding member of CICA (Confederation of International Contractors' Associations)  
[www.cica.net](http://www.cica.net)



Participant in the ECF (European Construction Forum)  
[www.ecf.be](http://www.ecf.be)



Member of EHF (European Housing Forum)  
[www.europeanhousingforum.eu](http://www.europeanhousingforum.eu)



Partner Organisation of CEN (European Committee for Standardisation)  
[www.cen.eu](http://www.cen.eu)



Member of ECCREDI (European Council for Construction Research, Development and Innovation)  
[www.eccredi.org](http://www.eccredi.org)



Associate Member of the "Enterprise Europe Network" of the European Commission  
<http://een.ec.europa.eu/>



Member of WorldSkills Europe  
[www.euroskills.org](http://www.euroskills.org)

## CAMPAIGNS & PORTALS



Partner in the Renovate Europe Campaign  
[www.renovate-europe.eu](http://www.renovate-europe.eu)



Partner in the OSHA (European Agency for Health and Safety at Work) Campaign on "Healthy Workplaces"  
[www.healthy-workplaces.eu](http://www.healthy-workplaces.eu)



Partner of "BUILD UP" ("The European Portal for Energy Efficiency in Buildings")  
[www.buildup.eu](http://www.buildup.eu)

## PROJECTS



Partner in ChemXchange project – Creation of web-based database for SME users of chemicals in the construction sector  
[www.chemxchange.com](http://www.chemxchange.com)



FIEC-EFBWW website on "Posting of workers"  
[www.posting-workers.eu](http://www.posting-workers.eu)



FIEC-EFBWW website on "Construction for youth"  
[www.construction-for-youth.eu](http://www.construction-for-youth.eu)

# THE SECTOR

# 3

## MILLION ENTERPRISES

95% are SMEs with fewer than 20 and 93% with fewer than 10 operatives

# 14.1

## MILLION OPERATIVES

# 6.5%

OF EUROPE'S TOTAL EMPLOYMENT

# 28.7%

OF INDUSTRIAL EMPLOYMENT

# 42.3

## MILLION WORKERS

in the EU depend, directly or indirectly,  
on the construction sector\*

Multiplier effect:

1 person working in the construction industry

=

2 further persons working in other sector\*

\* source: Communication from the Commission "The Competitiveness of the Construction Industry", COM(97) 539 of 4/11/1997, chapter 2

# 45.1%

OF GROSS FIXED CAPITAL  
FORMATION

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3

# €1,211

BILLION

Total construction  
in 2014 (EU28)

# 8.8%

OF GDP IN 2014 (EU 28)

# PRESIDENT'S MESSAGE



It gives me great pleasure to present the latest edition of the FIEC Annual Report, the first of my 2-year term as FIEC President, at “half-time”. The report sets out FIEC’s activities from the General Assemblies Berlin 2014 to Brussels 2015. In accordance with a long-standing tradition, our colleagues from **European International Contractors (EIC)** and the **Confederation of International Contractors’ Associations (CICA)** also report on their activities.

## 80% of national regulations are based on EU law!

In times of crisis, criticism concerning “Europe” or “Brussels” tends to become increasingly visible and outspoken, sometimes even putting into question the entire EU project. As much as I could agree with some of the criticism, I wholeheartedly disagree with the general opposition to the EU project. The common aims of joining forces, listed in the EU Constitutional Treaty, among them peace, economic wealth, social well-being and sustainable development continue to be our only chance to ensure that the EU is able to defend its values and remain competitive at the global level.

## FIEC’s Comprehensive Representativeness

Without discrimination, FIEC represents the interests of construction enterprises of all sizes, i.e. craftsmen, SMEs and global players. This is the particular strength of FIEC which has been confirmed again, for the Social Dialogue in the Construction Industry, by the latest “representativeness study” done by Eurofound for the European Commission.

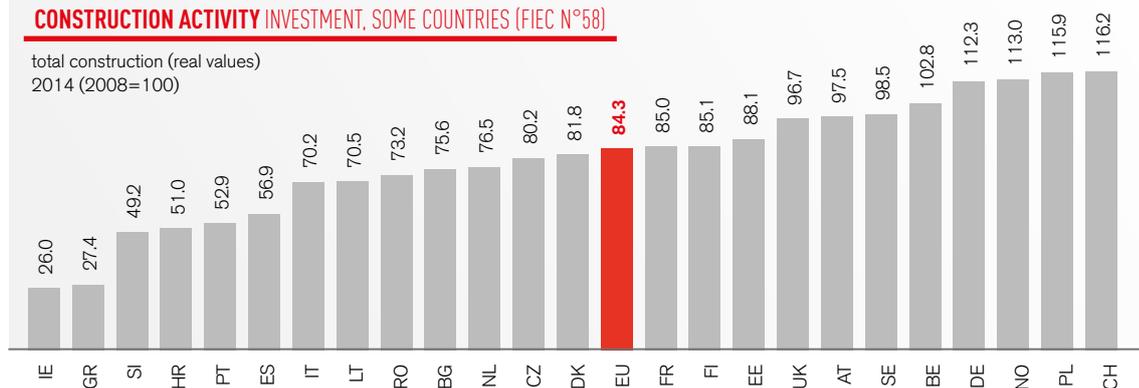
The participation of contractors and experts of the 30 member federations from 27 countries, as well as the specific role of our Vice-President “SME-Envoy”, ensure that each issue addressed by FIEC reflects the interests of enterprises of all sizes.

## New Commission Structures, New Working Methods

Every five years, when we have a new European Parliament and a new Commission, there are changes of people, of responsibilities, of working structures and of rules. The last round of renewal in 2014 came up with a totally new structure of the European Commission. In fact, Commission President Juncker had an innovative approach, introducing 6 Vice-Presidents, each coordinating a “cluster” of several Commissioners without being in charge of any particular Directorate General. This also required adapting the structure of Commission

**CONSTRUCTION ACTIVITY INVESTMENT, SOME COUNTRIES (FIEC N°58)**

total construction (real values)  
2014 (2008=100)



Directorates General to the reduced number of Commissioners. FIEC is optimistic that this structure will ultimately achieve the close coordination of the Commission's work on issues concerning the construction sector which the sector's stakeholders have been requesting for many years.

FIEC also looks forward to the practical implementation of the **"Juncker Plan"**<sup>1</sup> for investment, growth and jobs, as well as the new focus of "big on big things, small on small things".

Within this framework it is important that our industry speaks with one voice, through FIEC.

work: my Steering Committee colleagues, the Presidents and members of our commissions, sub-commissions and working groups, the contractors and staff of our member federations, as well as our team at the FIEC secretariat in Brussels.

At the same time, I would also like to thank all our interlocutors in the European institutions and federations with whom we have closely cooperated on numerous themes linked to construction. Special thanks go to our social partner EFBWW, with whom we have – again – successfully organised conferences and studies, as well as agreed on a number of important joint position papers.

## Construction is the solution industry!

In conclusion, I would like to reiterate our general key message:

Whether it is in preparing the ground for future growth through investing in infrastructure, dealing with the threat of climate change, fighting against illegal practices and in particular against social fraud, adapting buildings to make them more energy efficient or in planning cities to meet the changing needs of future generations, the construction sector is the fundamental partner to make a bright future a reality.

As we continue to try and learn the lessons of the financial crisis, trying to find a way to change from "blind austerity" to "smart austerity", let us use the talent, expertise and dedication of the men and women in the construction industry.

## My thanks

On this occasion, I would like to extend my thanks to everybody who, during the first year of my mandate, has participated actively in our

**“ We make the voice of contractors heard! Considering that the basis for most of the laws and rules which we have to respect in our companies and construction sites is being laid out in Brussels and Strasbourg every day, I cannot but applaud the combined efforts of our professional organisations at national and European level to provide expert input to all this legislative work in so many different areas. ”**

## Discuss with us!

We look forward to receiving your comments or questions on the issues addressed in the Annual Report 2015, so please do not hesitate to contact us. In addition, our website [www.fiec.eu](http://www.fiec.eu) provides a wealth of information and all our position papers.

**Johan Willemen**  
President of FIEC

1. Details in the ECO Chapter page 22

# FIEC STEERING COMMITTEE 2014–2016

**Johan Willemen, BE**  
President



**Jean-Louis Marchand, FR**  
Vice-President  
ECO  
(FR)



**Maxime Verhagen, NL**  
Vice-President  
SOC  
(BE-LU-NL)



**Kjetil Tonning, NO**  
Vice-President  
TEC  
(DK-EE-FI-LT-NO-SE)



**Alexander Pongratz, AT**  
Vice-President  
Treasurer  
(AT-CH-HR-HU-SI-SK)



**Paolo Astaldi, IT**  
Vice-President  
Competitiveness  
(IT)



**Michail Daktylidis, GR**  
Vice-President  
ECF  
(BG-CY-GR-RO)



**Guillermo Aparicio, ES**  
Vice-President  
MEDA  
(ES)



**Frank Dupré, DE**  
Vice-President  
SME  
(DE)



**Emre Aykar, TR**  
Vice-President  
CICA President  
(TR)



**Duccio Astaldi, IT**  
Vice-President  
EIC President



**Ricardo Gomes, PT**  
Vice-President  
Communication  
(PT-IE-MT)



# FIEC ORGANISATION CHART

## GENERAL ASSEMBLY

### Council

### Steering Committee

#### Economic and Legal Commission (ECO)

President:  
Jean-Louis Marchand, FR  
Rapporteur:  
Christine Le Forestier, FIEC

#### Working Group

**Infrastructure & Financing**  
Chairman: Jean François Ravix, FR

#### Temporary Working Groups

**International accounting rules**  
Chairman: N.N.

**EU Contract Law**  
Chairman: Wolfgang Bayer, DE

**Public Procurement**  
Chairman: Jan Wierenga, NL

#### Social Commission (SOC)

President:  
Maxime Verhagen, NL  
Rapporteur:  
Domenico Campogrande, FIEC

**SOC-1:  
Vocational Training**  
Chairman: Alfonso Perri, IT  
Executive Chairman: Jacques Lair, FR

**SOC-2:  
Health and Safety**  
Chairman:  
Cristina García Herguedas, ES

**SOC-3:  
Economic and Social  
Aspects of Employment**  
Chairman: Michel Gili, FR

#### Competitiveness

President: Paolo Astaldi, IT  
Rapporteur: Ulrich Paetzold, FIEC

#### WG Housing

Chairman : Martin Lemke, BFW

#### Technical Commission (TEC)

President:  
Kjetil Tønning, NO  
Rapporteur:  
Sue Arundale, FIEC

**TEC-1:  
Directives, Standards  
and Quality Assurance**  
Chairman: Jan Coumans, BE

**TEC-2:  
Research, Development  
and Innovation**  
Chairman: Bernard Raspaud, FR

**TEC-3:  
Environment**  
Chairman: Jan Wardenaar,  
NL (-12/2014)  
Lennart Henriz, SE (01/2015-)

#### Temporary Working Groups

**End of Waste Criteria**  
Chairman: Chris Harnan, EFFC  
**Energy Networks**  
Chairman: Daniel Boscarì

#### EIC – European International Contractors e.V.

President: Duccio Astaldi, IT  
Director: Frank Kehlenbach, EIC

#### CICA – Confederation of International Contractors' Associations

President: Manuel R. Vallarino, ROP (-12/2014)  
(01/2015-) Emre Aykar, TR  
Director General: Roger Fiszelson, CICA

# FIEC TEAM

**Ulrich Paetzold**  
Director General



**Christine Le Forestier**  
Director Economic & Legal Affairs (ECO)



**Domenico Campogrande**  
Director Social Affairs (SOC)



**Sue Arundale**  
Director Technical Affairs (TEC)



**Yasmina Koeune**  
Assistant



**Joëlle Caucheteur**  
Assistant



**Sylvie Masula**  
Assistant



**Muriel Lambelé**  
Accountant



**Marie-Cécile Bailly**  
Webmaster –  
Communication officer



**The Secretariat has a double responsibility:** internally towards its member federations, and externally towards the European Institutions and other organisations both at the European and world levels. With the objective of defending and promoting the interests of enterprises in the construction sector. **So far as this “internal” role is concerned,** in the first instance it ensures the coordination and the proper functioning of internal bodies of the federation (General Assembly, Council of Presidents, Steering Committee, Commissions, Sub-commissions and working groups etc.) and on the other, ensures communications with the member federations which includes consulting them on all actions undertaken towards the European Institutions, directly or indirectly of concern to the construction sector.

**As concerns its external role,** this involves on the one hand representing the sector in its debates with the European Institutions, from the first consultative phases, ensuring the follow-up and proposing initiatives, through to individual specific actions of the organisations such as seminars and conferences. At the same time, the Secretariat takes care of the coordination of contacts and other actions with other organisations such as EIC (European International Contractors) and CICA (Confederation of International Contractors Associations).

# FIEC CONGRESS 2014 - BERLIN



## Growth and jobs through investment in construction Conference 27/6/2014

At FIEC's annual conference in Berlin, the theme of which was growth and jobs, the industry appealed to EU and national decision makers to shift from "blind austerity" to "smart austerity".

In particular, this idea was highlighted in **President Schleicher's** concluding remarks, which focused on three key words: financing, investing and labour.

*"We need to get rid of blind austerity which destroys the real economy and our sector in particular, stressed Schleicher, "Against this backdrop, investing in construction, both in building and infrastructure, creates growth and jobs, with a multiplier effect, which means that one job in construction equals two jobs in other sectors."*

The construction sector believes that society's priorities today, include affordable housing, energy efficiency of buildings, public services facilities and infrastructure that connects our cities internally and to the rest of Europe. These priorities are also necessary for the EU's long-term sustainability and competitiveness.

For that purpose, both new construction and renovation and maintenance should benefit from appropriate investment. *"If we are not able to respond to these needs", warned Schleicher, "Europeans will see their living standards decrease and Europe's competitiveness will suffer in comparison to its global competitors."*

Investment requires financing however, and in a period where public money is a scarce commodity, every possible alternative or additional financing source should be taken into account and access to finance should be facilitated both for companies, in particular SMEs, and for private households.

*"In this context, the end justifies the means!"* stressed Schleicher.

Firstly, the sector should make the most of the leveraging role of EU funds, via the budget line of the Connecting Europe Facility which is available for infrastructure of transport, energy and telecommunications for the period 2014-2020; or via the structural funds, which have money available for energy efficiency in buildings.

Opening Ceremony,  
Berlin - Konzerthaus  
Thomas Schleicher,  
FIEC President





Opening Ceremony,  
Berlin - Konzerthaus  
Thomas Bauer,  
HDB President



Florian Pronold, Parliamentary  
State Secretary to the Federal  
Ministry for the Environment,  
Nature Conservation, Building  
and Nuclear Safety

Secondly, Member States who invest for growth and jobs should benefit from greater flexibility in the Growth and Stability Pact. The so-called “investment clause” introduced in 2013 has had extremely limited impact compared to the real needs.

Thirdly, private investors should be further attracted, not only via fiscal incentives or innovative financial instruments, but also through a credible pipeline of projects. Project promoters and decision makers should trust PPPs and use them when and where they can make the most of a project. Moreover, “user pays” schemes should be promoted to contribute to the maintenance of infrastructure.

These ideas were partially reflected by **Rainer Bomba**, State Secretary at the German Federal Ministry of Transport and Digital Infrastructure, who stressed in particular the challenges of climate change, maintenance of infrastructure networks and the urban environment.

Also, **Erich Gluch**, Senior Researcher at the ifo institute of Munich, presented the main trends of the sector for the next few years, while Thomas Huber, Director of the Zukunftsinstitut of Munich, presented broad forward-looking perspectives on our future living standards and the leading role that the construction industry can play.

## I. Round Table One “ Construction Markets / Investment & Financing”

In the round table dedicated to various national construction markets and their respective circumstances as regards investment, **Thomas Bauer**, HDB President, stressed the fact that unfair competition has a deterrent effect on the health of construction companies and on the whole market. This situation ends up in fruitless legal disputes. On the contrary, Bauer called for the creation of a new partnership system within the sector, for a more constructive approach, to the benefit of all players.

**Kari Sandberg**, EBA Director General, explained the Norwegian situation, the economy of which is mostly based on oil. Thanks to this, the Government is investing in infrastructure via multi-annual plans. However, this does not prevent Norway from facing a certain number of challenges: globalisation, climate change, lack of skilled labour, population growth and traffic safety, to name a few.

In his introductory statement, **Guillermo Aparicio Torres**, CNC Board Member, focused on the urgency of investing in the maintenance of our assets. He stressed that the cost of non-investment in buildings and infrastructure is higher than the cost of maintenance and upgrade. In this respect, he



Woodwind Quintet



Presidents of the Hosting Federations HDB & ZDB with FIEC President (from left to right) Thomas Bauer (HDB) - Thomas Schleicher - Hans-Hartwig Loewenstein (ZDB)

spoke in favour of the mandatory implementation of the “user pays” principle. Moreover, he stressed that Member States who undertake investment for growth should benefit from more flexibility in the rules of the Stability and Growth Pact.

The discussion confirmed that fair competition, construction and maintenance of strategic infrastructure and construction costs were key priorities for the sector. The panellists also called for greater flexibility of the Stability and Growth Pact rules when Member States invest in growth.

## II. Round Table Two “Youth Employment”

In a labour intensive industry like construction, the workforce constitutes one of the key elements of competitiveness. Demographic changes, with an increasingly ageing population, combined with the low attractiveness of our sector for young people explain why employment policies both at the EU and national level put a strong emphasis on “youth employment”.

The main challenges to be addressed, in most of the Member States, can be summarised as follows:

Young people face numerous problems on their way from education to work. In many countries, ineffective labour market regulation or poorly functioning institutions make it more difficult for young people to find a stable job.

Evidence shows that more favourable outcomes can be observed in those countries with well-established apprenticeship systems.

There are significant skills mismatches on the labour market. Although low-skilled workers overall still face the highest risk of unemployment, even highly-skilled young people are now increasingly affected by long-term unemployment. These skills mismatches are a growing threat to European industry's competitiveness.

Despite the crisis, there are over two million unfilled vacancies in the EU. The reason for each unfilled vacancy is often that there are no workers with the required skills in the local job market. A lack of experience in working abroad, weak knowledge of foreign languages and problems with the recognition of qualifications are all factors hindering mobility.

The existing systems put in place in the various countries in order to address these challenges are closely linked to the structure of national training schemes and can therefore differ significantly. Despite these differences, the exchange of information and best practice can always add value. The discussions of the round table therefore aimed at highlighting the success and failures of some national initiatives.

**Jacques Lair**, from FFB, Co-Chairman of the SOC-1 sub-commission “Vocational training”, explained that in France the employers' organisations of the construction industry, FFB and FNTP, considered that

Conference - Berlin  
(Hotel Hilton)  
Rainer Bomba, State  
Secretary at the German  
Federal Ministry of Transport  
and Digital Infrastructure



Workshop 1 : Construction Market Europe  
- Need for Investment and Financing  
(from left to right) Ursula Weidenfeld,  
Conference moderator - Guillermo Aparicio  
Torres, CNC Board Member (ES) - Kari  
Sanberg, EBA Chief Executive Officer  
(NO) - Thomas Bauer HDB President (DE)

the centralised training scheme was not providing sufficiently satisfactory results, either quantitative or qualitative. They had therefore decided to undertake various initiatives (information campaigns for young people and for companies, site visits, etc.), including negotiations with the other social partners for addressing the issues of remuneration and working conditions. All these elements provided positive outcomes and the proportion of young people, less than 25 years old, in construction companies had reached more than 17%. Unfortunately the on-going crisis has had a negative impact on this figure during the last few years.

**Tarmo Pipatti**, RT Director General, presented a Finnish initiative which was jointly developed by the national social partners, with the aim of providing fixed-term employment for young people, with the support of public subsidies for both the company and the young worker. The initiative foresaw that at the end of the fixed term contract the company concerned would hire the young worker on the basis of a permanent employment contract. Unfortunately the restrictive legislative framework on public subsidies, both at the national and EU level, did not allow this initiative to be put in place.

Finally, **Hans-Hartwig Löwenstein**, ZDB President, presented the situation in Germany where the youth unemployment rate is only about 7%. This is mainly due to the German "dual system" in vocational training. The core of this system is that the apprenticeships takes place in vocational schools, as well as in companies and in construction industry training centres. It therefore allows young people to put into practice the knowledge they have acquired at school and can only exist if companies participate and offer apprenticeship places. Currently German companies invest about 600 Million Euro per year in the vocational training system.

The examples presented clearly indicated that policies targeting youth employment are necessary, in particular in the construction industry, but also that they need a clear legislative framework, adequate financing, and good collaboration between the social partners.

In times of high unemployment, in particular amongst young people, and in the context of demographic developments, leading to an ageing workforce, the priorities of the sector must focus on measures and policies aimed at ensuring that the construction industry effectively provides career prospects to both skilled and low skilled workers, with opportunities for lifelong learning, attractive working conditions and job satisfaction.

Workshop 2 : Youth Employment - Success and Failure of National Initiatives (from left to right) Ursula Weidenfeld, Conference moderator - Jacques Lair, FFB Co-Chairman SOC-1 Vocational Training (FR) - Tarmo Pipatti, Director General, RT (FI) - Hans-Hartwig Loewenstein , ZDB President (DE)



Erich Gluch, Senior Research ifo-Institute, Munich



Thomas Huber , Director Zukunftsinstitut - Munich

Gala evening - Orangerie at Charlottenburg Palace  
Outgoing and incoming FIEC Presidents  
Thomas Schleicher & Eliane Schleicher - Ann Smets & Johan Willemen



# COMPETITIVENESS

**Paolo Astaldi, IT**  
President

Ulrich Paetzold, FIEC  
Rapporteur



## **Construction 2020 “: another year of “Public Private Partnership”**

Following Commission Vice-President Tajani’s preview at the FIEC Congress 2012 in Istanbul, the High-Level Forum (HLF) and its Thematic Groups (TG) have been working on the five priority areas for another year, ultimately presenting progress and recommendations in the HLF meeting on 25/3/2015.

This chapter uses extracts of the report presented in this HLF meeting.

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### **A) Working Structure and Governance**

The overall governance structure developed by the Commission has remained unchanged:

- The High Level Tripartite Strategic Forum (HLF), monitoring the overall progress of the implementation of the Action Plan and its objectives, providing opinions and following up on the recommendations of the five thematic groups.
- The 5 Thematic Groups (TG), dealing with the 5 key strategic objectives
- The Secretariat, managed by the Commission's “construction unit” (DG GROW.G.1) with the help of the external consultant ECORYS (Contract award notice “2014/S 021-032063”)

Both FIEC and EIC participate actively in these TGs, FIEC in all 5 TGs and EIC in TG 5 “international competitiveness”. Both federations also provide input to the preparatory and follow-up work of the Secretariat and the external consultant (ECORYS).

### **B) General recommendations of TGs to HLF**

- A local approach to both policymaking and implementation in the construction sector is needed, with respect to differing situations and needs ...
- More Member State involvement needed ...
- Strong point: communicating good practice and raising awareness of initiatives across the EU ...
- More focus on the opportunities provided by research (funds, partnerships, etc.) in various fields ... might provide new sources of growth.
- Focus on discussions in small, ad-hoc expert groups on detailed topics
- Provide a more interactive meeting setting to form common views more effectively and efficiently.

## C) Key recommendations of TGs to HLF (extracts)

### I. TG 1: Stimulate investment

1. Follow up on the report <sup>1</sup> from the Energy Efficiency Financial Instruments Group (EEFIG) should address drivers ... , e.g. the need for a coherent regulatory framework for energy efficiency, standardisation and effective use of available means within the Structural Funds.
2. Property valuation should be supported by an evidence based data set to better capture the value of energy and environmental performance. TG1 members suggest to create ... a dedicated working group ... bring about actions focused on (a) strengthening the data basis on impact of sustainability on property values, (b) strengthening the evidence base for conclusions on this ... and (c) increase and improve the dialogue between the real estate sector, the valuation industry, the construction sector and financial institutions, in order to improve investor readiness and related risk management.
3. ... The focus is to be placed on how to: a) develop a set of cost classification criteria, ... ; b) explore involving LCC in ... public procurement, and c) develop a scenario to further implement LCC in private sector work processes.
4. In order to raise awareness about the potential offered by financial instruments, practical experience with public- private financial models should be spread.

### II. TG 2: Skills & Qualifications

1. Sustainable funding for long term training programmes is crucial ... Good practice and innovative methods at national/regional level ... to be identified and promoted.
2. Partnerships between academia/ the educational sector and the enterprises in the construction sector are vital for a tailor-made

1. <https://ec.europa.eu/energy/sites/ener/files/documents/Final%20Report%20EEFIG%20v%209.1%2024022015%20clean%20FI%20NAL%20sent.pdf>

“

*A unique opportunity for the construction sector: More than any other sector, the performance of the construction sector is not only one of the main drivers of the European real economy but it also has a tremendous impact on the quality of life of present and future generations, through the quality and availability of homes, business premises and infrastructure.* ”

(Daniel Calleja, Director General of DG GROW, opening the HLF meeting on 25/3/2015)

preparation of prospective employees, ... Such partnerships, activities and dedicated events should be promoted and followed up ...

3. Effective promotion of EU funding opportunities for training activities is recommended. ... promote the “Apprenticeship Pledge” <sup>2</sup> initiative among their affiliates.
4. Mobility is one of the key elements to address geographical imbalances of sector’s skills and to contribute to improving the human capital basis of the sector ... A greater role may be performed by sectorial and educational organisations in this regard, as well as by Public Employment Services ... and these activities could be better supported by EU financial instruments, specific initiatives and identified good practices to be promoted.

### III. TG 3: Sustainable use of natural resources

1. In order to increase the acceptance of the evaluation framework, the needs of the market from the demand perspective should be identified ... in the development of core indicators.

2. In the framework of a service contract, FIEC will provide DG GROW with support for a specific “construction pledges” action linked to DG EMPL’s “European Alliance for Apprenticeship” action.

High Level Forum meeting in Brussels (25/03/2015)  
 Mr Antti Peltomäki, Deputy Director-General DG for Internal Market, Industry, Entrepreneurship and SMEs (left)  
 Mr. Frank Kehlenbach, Director EIC-European International Contractors (right)



2. A technical and economic study should support the elaboration of specific tools and/or guidelines for the assessment of buildings prior to demolition and renovation. ... a standardized protocol for the management of C&D Waste recycling should increase the potential of recycled materials. This should be accompanied, where appropriate, by the definition of sound end-of-waste criteria.
3. Financial instruments should also engage the private sector to explore investment and financing opportunities in C&D Waste recycling facilities. Moreover, Green Public Procurement might facilitate the access to public markets and effective use of recycled materials.
4. Finally, local urban planning should consider setting of new C&D waste recycling plants when economically viable.

**IV. TG 4: Internal Market**

1. TG4 to provide/ support stakeholder interaction for the pilot 'Fitness check', to monitor progress and to assess outcomes.
2. Improve information provided by contact points (... in different languages), together with exploring good practices for effective communication ...
3. Assess in 2015 the results from the ELIOS project and the EC 2014 proposals

- under the Services Directive for improving cross-border insurance cover.
4. The implementation, simplification, evolution and promotion of Eurocodes need to be pursued.
5. Enhance market surveillance of construction products: a) improved information provision to raise public awareness (e.g. on legal obligations, contact information for market surveillance authorities and market surveillance actions and procedures); b) improve cooperation with concerned economic actors ...

**V. TG 5: International competitiveness**

1. Cooperation efforts should focus on the African, neighbouring countries and United States markets and address market access barriers ... , particularly those on Foreign Direct Investment (FDI) or establishing local offices... With regard to EU US Free Trade Agreement (TTIP), a specific follow-up is required for dredging and marine services in the US (Jones Act) ...
2. Moreover, the internationalisation of SMEs in the construction sector should be further supported by EU-wide export facilitation measures.
3. Further support should be given to the development of the proposal to involve Export Credit Agencies in EU Development Funds in order to increase the benefits of EU development funds for EU contractors,

for example by continued support to the EIC proposal for "ITF Africa 2.0"<sup>3</sup> and its inclusion in the EUBEC TG 6<sup>4</sup>.

4. The design and development of Design-Build-Operate rules in public procurement for developing countries should be based on appropriate consultation of the construction industry stakeholders.
5. Strict environmental and social (e.g. corporate social responsibility) criteria in international and development aid projects should ensure a level playing field between EU (or OECD) contractors and other competitors.
6. Best practice in achieving Mutual Recognition Agreements with priority countries should be developed and applied in ongoing negotiations. Other ways of ensuring recognition of professional qualifications should also be explored.
7. New avenues for international cooperation on standards should be explored with practitioners from the private sector ... and from the public sector.
8. The promotion of EUROCODES should be continued in neighbour countries, Middle East and the Gulf Cooperation Council.

## D) Recommendations for governance structure and monitoring (extracts)

The following recommendations are the result of a survey organised by the Commission among HLF/ TG stakeholders on the desired nature and focus of future activities under the "Construction 2020" initiative:

- More partnering with organisations to deliver stakeholder events on defined subjects ...;
- Dedicated workshop meetings on specialised topics, ... ;
- More group working and interactive exercises. ...;

- Involvement of Member States could be stepped up, ...;
- Give access to up-to-date statistics on labour market trends to ease decision-making (Thematic Group 2)
- A fixed meeting schedule is appreciated and date changes should be prevented;
- To ensure genuine co-operation in developing EU solutions and successful implementation of these, better financial support for travel expenses for experts travelling from Member States and Member States representatives should result in increased willingness to attend TG meetings.

## E) The Commission's vision for construction

Based on the results of "Construction 2020" to-date, Daniel Calleja, Director General of DG GROW, presented to the HLF the Commission's vision for future developments:

1. an attractive industry that offers talented, skilled young people rewarding careers;
2. an industry that deploys the latest product & process innovation and incorporates digital solutions - in both design and functionality;
3. a sustainable industry that delivers cost efficient low carbon solutions, based on integrated relationships in the supply chain;
4. an industry that delivers construction commodities with long life value for customers both in domestic markets and abroad;
5. a solution provider to climate, social and environmental challenges;
6. a solution provider for public authorities to improve housing affordability, availability and accessibility.

3. For more details please refer to the EIC chapter in this report (page 58, item V, VI)

4. EU Platform for Blending in External Cooperation, Technical Group 6 "Private Sector Finance"

# JOINT FIEC/EIC ACTIONS



## Joining expertise and forces

For some years, the importance of international issues also having a direct impact on the EU Internal Market has increased. Considering that the international interests of FIEC Member Federations and their contractor members are defended by FIEC's sister organisation "European International Contractors" (EIC), combining forces, expertise and efforts of both federations is the most efficient way forward. EIC's statutory international activities are outlined in the EIC chapter starting on page 56.

“

### Fair competition on open markets:

*In order to avoid any misunderstanding, FIEC and EIC would like to reiterate that they are firmly opposed to any form of protectionism and are in favour of fair competition on symmetrically open markets. Competition, provided it is fair and healthy, contributes to progress and innovation, whereas unfair and unhealthy competition, based on the lowest price only, endangers the EU economy and society. FIEC and EIC are in favour of genuinely reciprocal/ symmetric market access opportunities and corresponding incentive measures (i.e. trade defence instruments) at EU level, if international negotiations do not achieve tangible progress.*

”

## A) Third country state-owned enterprises on the EU Internal Market

The access of third country state owned enterprises to EU public procurement markets continues to be an on-going issue and it is essential not to lose interest in it, just because there have not been many new cases observed over the last 12 months. The economic crisis and the related budgetary problems of many Member States are likely to tempt contracting authorities to take combined financing and construction contracts offered by third country state-owned enterprises seriously into consideration.

## B) "Market Access" Regulation

Considering that the situation in the Council had not changed fundamentally and that, for the time being, a majority was opposed to this proposed Regulation (COM/2012/0124), the new Commission decided in December 2014: "Proposal to be amended in line with the priorities of the new Commission in order to simplify the procedures, shortening timelines of investigations and reducing the number of actors in implementation." <sup>1</sup>

So far, no amended proposal has been adopted by the European Commission.

<sup>1</sup> Commission Work Programme 2015 [COM(2014)210], Annex II, item 50



FIEC Steering Committee (CD 2012-2014 Members and new CD 2014 – 2016 Members) meeting EIC Board Members – Berlin (ZDB offices), 26/6/2014

From left to right

(back row in the stairs) Juha Kostianen (EIC-FIN), Guillermo Aparicio (FIEC-ES), George Demetriou (EIC-GR), Per Nielsen (EIC-SE) Frank Dupré (FIEC-DE), Wouter Remmelts (EIC-NL), Karl-Heinz Müller (EIC-DE)  
 (front row) Plácido Álvarez (EIC-ES), Michel Buro (FIEC-CH), Philippe Dessoy (EIC-BE), Alexander Pongratz (FIEC-AT), Kjetil Tønning (FIEC-NO), António Mota (EIC-PT), Jean-Louis Marchand (FIEC-FR), Maxime Verhagen (FIEC-NL), Emre Aykar (FIEC-TR), Duccio Astaldi (EIC President), Jacques Huillard (FIEC-FR), Johan Willemen (FIEC-BE), Thomas Schleicher (FIEC President), Michail Daktylidis (FIEC-GR), Néstor Turró (FIEC-ES), Jesper Arkil (EIC-DK)

## C) Fair contract conditions in case of EU financed projects

Whereas in the past the problem of unfair (FIDIC) contract conditions was mainly a concern for European international contractors working in overseas markets, the problems with modified FIDIC “Red Book” and “Yellow Book” contract conditions continued also within the European Union, mainly in the Central and Eastern European Countries, where they had been “imported” by international financing institutes during the pre-accession times.

### I. WG “Poland”

At the request of the Polish federations PZPB (contractors) and ZPBUI (consulting engineers), FIEC and EIC continued to join their forces and expertise also in the current reporting period.

In Warsaw on 5/12/2014, the Polish government finally organised the workshop announced in July 2013 in their response to the joint letters of six Member State ambassadors. Participants were the delegations of nine embassies also incorporating FIEC and EIC. The Polish government presented their views on progress achieved, procedures improved and legislation modernised. The embassies and construction industry presented their views on their experience and also suggested further improvement. The workshop indicated that the joint efforts of FIEC, EIC, Polish federations and Member State embassies had actually achieved some progress at the legislative level. There was general agreement to continue these efforts and the dialogue with the Polish government/ administration.

In 2015, it became known that a university study, commissioned by the Polish authorities, had been finalised and accepted. Its publication is expected in the near future. This study is said to raise a number of concerns in relation to the preparation

and management of projects which had also been raised by Polish contractors and engineers, as well as in FIEC/EIC papers. The Working Group will study this report in detail and decide how to follow-up.

The joint Working Group also intends to develop a "Charter of 21 Demands" with basic principles for sound, fair and efficient management of infrastructure projects, which would complement the work on procurement conditions. This Charter would be used for demonstrating generally accepted good business practice in contacts with the Polish authorities, the EU institutions and international financing institutes.

## II. Romania

Some years ago, Romania published modified rules based on various FIDIC standard forms of contract, without respecting the general balance of FIDIC conditions. FIEC and EIC, together with FIDIC/ ARIC (consulting engineers) and ARACO (contractors) have been fighting against this development and in favour of fair, balanced conditions. Recently, the Romanian government began a revision of these clauses. Following some changes of opinion and other drawbacks, this process has not yet resulted in the publication of new sets of Particular Conditions. Contractors and Consulting Engineers will continue their coordinated collaboration with the Romanian government, in order to contribute to fair and balanced contract conditions.

## D) "Ethics" (combating unethical behaviour in procurement)

This joint working group, chaired by Per Nielsen (EIC Treasurer, former FIEC Vice-President), has been revived, considering that the voice of contractors has to be more prominent in all these discussions, conferences and other actions, in which construction, rightly or wrongly, tends to be mentioned as one of the sectors high at risk.

## I. ISO 37001 anti-bribery management standard (PC<sup>2</sup>/278)

This initiative is based on the British standard BSI 10500 on anti-bribery management which itself was a response to the "UK Bribery Act 2010" (entered into force in July 2011), which in turn was the UK response to UNCAC, the "UN Convention Against Corruption" from 2003. It is worth mentioning that the BSI standard is also taken as the basic document for the ISO standard.

On 9/9/2014, FIEC was formally granted "liaison status" with ISO PC/278, so that the FIEC/EIC representative Per Nielsen was able to attend the meetings of 16-19/9/2014 (Miami) and 23-27/3/2015 (Paris).

Between these two meetings, the FIEC/EIC WG "Ethics" developed a detailed position paper with suggested modifications of the draft "anticorruption management standard", many of which were accepted in the Paris meeting. The PC/278 secretariat will provide a revised draft in time for preparing proposed amendments for the last PC/278 meeting, foreseen for September/October 2015. The draft ISO standard will then be translated and a vote will take place. Considering that currently just three ISO countries are opposed to the idea of having an auditable ISO standard, it looks likely that the ISO 37001 will ultimately be published in summer 2016.

## II. European Economic and Social Committee, CCMI/ 132

Also the EESC is drafting an opinion on the issue of fighting corruption. The intention is to avoid a sectoral approach in the report and to concentrate on general, cross-sectoral issues. The Study Group in which FIEC DG Ulrich Paetzold participates will meet for the third and last time on 10/6/2015. The vote in the EESC Plenary is expected in September 2015.

<sup>2</sup> ISO definition of "PC": Project Committees are established when there is a need for an International Standard on a specific topic that does not fall into the scope of an existing Technical Committee (TC). Project Committees are disbanded once the standard has been published.



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### III. Construction Sector Transparency Initiative (CoST) <sup>3</sup>

“CoST is a country centred multi-stakeholder initiative designed to promote transparency and accountability in publicly financed construction”, initially focusing on international construction markets, in which Per Nielsen is the industry representative in the Board.

“At CoST’s core is the belief that the processes involved in the construction of public infrastructure must be made more transparent. The public must be armed with the information they need to hold decision makers to account and to ensure better value for money in the construction sector.

CoST is making this ideal a reality. It works with government agencies to gather, verify and disclose information into the public realm.

Creating a more transparent sector ultimately leads to better public infrastructure, offering potentially huge human benefits, for individuals and communities across the world. It also reduces waste in public budgets, enables fairer competition in the private sector and increased opportunities for investors.” <sup>4</sup>

In this framework, FIEC and EIC gave support to CoST in drawing the attention of the European Commission (DG DEVCO, DG REGIO) to this initiative and its potential benefits for construction work on international markets, but also on the Internal Market.

3. <http://www.constructiontransparency.org/home>

4. <http://www.constructiontransparency.org/the-initiative?forumboardid=1&forumtopicid=1>

# ECONOMIC AND LEGAL COMMISSION (ECO)

**Jean-Louis Marchand, FR**  
President

Christine Le Forestier, FIEC  
Rapporteur



## WORKING GROUP "INFRASTRUCTURE & FINANCING":



**Jean-François Ravix, FR**  
Chairman

Nicolas Gaubert, FR  
Rapporteur



**Vincent Piron, FR**  
Vice-Chairman



**Daniel Boscarì, FR**  
Vice-Chairman

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## TEMPORARY WORKING GROUPS:

### PUBLIC PROCUREMENT

**Jan Wierenga, NL**  
Chairman

Dick Van Werven, NL  
Rapporteur



### EU CONTRACT LAW

**Wolfgang Bayer, DE**  
Chairman

Christine Vöhringer-Gampper, DE  
Rapporteur



## A) Infrastructure & Financing

As the EU is emerging from the most severe financial crisis in its history, one of its main challenges now lies in the need to encourage investments to support competitiveness and job creation and to revive sustainable growth.

Besides necessary structural reforms, there are considerable unsatisfied needs as regards the financing of businesses, especially SMEs, infrastructure and the transition towards an energy and resource efficient, low carbon economy.

In order to move forward on the road to sustainable growth, Europe must embark upon a decisive programme to support private and public investment.

### I. The Juncker Investment Plan

Against this background, President Juncker announced an ambitious investment plan for EU growth and jobs.

Put together over the summer by the team of Commission Vice-President Jyrki Katainen and presented at the end of 2014, the plan is:

- to create a new European Fund for Strategic Investments (EFSI),
- to create an European Investment Advisory Hub (EIAH) for projects, as well as a pipeline of projects for better transparency towards potential private investors,
- to implement a more business-friendly environment for project promoters and private investors.

#### 1. Contribution to the preparatory work

Invited to Luxembourg by the EC / EIB / MS Task Force on 24/11/2014, FIEC had the opportunity to present its priorities for investment.

“

*FIEC welcomes the Commission's proposal to create the EFSI, as being a very good opportunity for EU and international private investors.* ”

This reflection had been prepared by the WG "Infrastructure & Financing", on the occasion of a meeting which took place on 14/11/2014.

In particular, FIEC put forward four eligibility criteria: the projects supported in the framework of the investment plan should respond to EU's general interest (i.e. the EU's economic, social and territorial cohesion), provide general efficiency and a good socio-economic return, be ready to start, and tackle environmental matters.

On the basis of these eligibility criteria, investment should be channelled towards infrastructure projects on one hand (i.e. transport, energy, waste, water, etc.); and towards projects in the built environment on the other hand (i.e. renovation and maintenance of buildings, both energy efficient and deep renovation, both for public and private buildings).

Also questioned by the Task Force about the main current barriers to investment and possible solutions, FIEC addressed four points: constrained public investment under the Stability and Growth Pact, a legal environment that deters long-term investors, difficult access to financing for projects and companies and loopholes in the preparation of the projects.

#### 2. Position on the European Fund for Strategic Investment (EFSI)

The EFSI will be built on €5 billion from the European Investment Bank and an EU guarantee of up to €16 billion. At first, only 50% of this guarantee will be activated (i.e. €8 billion).

This €8 billion guarantee will come from the Connecting Europe Facility (€3.3 billion), Europe's research programme Horizon 2020 (€2.7 billion) and unused funds, worth €2 billion.

The resulting EFSI fund totalling €21 billion is expected to trigger a total of €315 billion in loans over the period 2015-2017: €240 billion for long-term investment in infrastructure and €75 billion for SMEs.

The EFSI corresponds to the principle that public money should be used only where necessary, while private money should be mobilised as much as possible.

In a position paper dated 19/03/2015, FIEC welcomed the Commission's proposal to create the EFSI, as being a very good opportunity for EU and international private investors.

In particular, FIEC welcomed the fact that the EU guarantee will be mobilised in priority for those sectors pointed out by FIEC to the EC / EIB / MS Task Force, that is, transport and energy infrastructure, energy and resource efficiency, as well as education and training.

FIEC also welcomed the creation of a European Investment Advisory Hub within the EIB, as it is very important that all stakeholders involved benefit from better and coordinated support to undertake high quality feasibility studies, socio-economic and environmental assessments for the preparation of qualitative and attractive projects.

Finally, FIEC welcomed the creation of a European investment project pipeline, which will increase the transparency and attractiveness of infrastructure projects for private investors.

However, FIEC also expressed concerns as regards the significant cut imposed to the CEF budget. Considering that the logic between the CEF and the EFSI is completely different, this means that there will be less funding opportunities for infrastructure which requires public grants, to the benefit of projects which can be easily developed with financial instruments. Moreover, the money taken from the CEF is not earmarked for infrastructure projects under the EFSI, which



On 13<sup>th</sup> April 2015, FIEC met Commissioner for Transport Violeta Bulc (from left to right: Joze Renar - CCBMIS Director, Jean-Louis Marchand - FIEC Vice-President ECO, Violetta Bulc - Commissioner for Transport, Ulrich Paetzold - FIEC Director General)

Yvan Glavie, Brussels

could mean a pure loss of the CEF money in favour of completely different types of projects.

In addition, FIEC stressed that neither national public funds mobilised via the EFSI, nor national public co-funding invested via investment platforms or invested directly into projects identified in the framework of the plan, should be included in the calculation of public deficit.

In this context, it is crucial that state guarantees provided for EFSI financed projects are not considered as forbidden state aid, if they are more advantageous than under market conditions. Otherwise, the "Juncker Plan" and EFSI would not be able to give the intended boost to growth and jobs. To this end, FIEC considered that the Commission made a political step in the right direction. However, it should have been more ambitious to tackle the drop in investment resulting from the implementation of the Stability and Growth Pact.

In March, FIEC met several relevant actors in the Commission (DG MOVE, DG ENER and DG ECFIN) and in the Parliament (MEP Riquet) in order to point out these positive and negative aspects of the proposal.

With regard to the legislative procedure, it is expected to be closed by the summer, so that the plan can be implemented as soon as possible. The Council already adopted its general approach on 10/03/2015 and the European Parliament is expected to take a position in the course of April, so that an agreement can be found between the three EU institutions in trilogue by the end of June.

## II. The Connecting Europe Facility

At the end of 2013, the European institutions adopted the Regulation establishing the Connecting Europe Facility (CEF), that is, a new budgetary instrument for transport, energy and telecommunication infrastructure (Regulation (EU) n°1316/2013 dated 11/12/2013). In parallel, they also adopted revised Guidelines for the trans-European networks of transport, energy and telecommunication.

Overall, a total budget of €29.9 billion was dedicated to the CEF for the period 2014-2020:

- €23.1 billion (including €10 billion from the Cohesion Fund) for transport,
- €5.1 billion for energy
- only €1 billion for telecommunication.

These figures represent an important improvement when compared to the meagre €8 billion dedicated to transport infrastructure only during the multi-annual financing period 2006-2013.

Since then, a first series of calls for projects has been launched. Specifically, in September 2014, the European Commission (DG MOVE) launched a call for projects for co-financing transport projects. This call closed early March 2015. DG MOVE has received requests for financing for a total of €36 billion, while only €12 billion is being made available under the current call.

Moreover, as explained above, with a potential cut of €2.7 billion in its transport budget line, DG MOVE has very limited room for manoeuvre at present. Therefore, certain good projects which will not be able to qualify for the CEF might be redirected towards the EFSI.

Further calls will be organised in the fields of energy and telecommunication later on in 2015.

FIEC will keep following these developments along the current multi-annual financing period.

## III. The new European Parliament's intergroup on "Long-term investment and reindustrialisation"

Thanks to the joint efforts of a few MEPs, led by Dominique Riquet (ALDE-FR), national promotion banks (e.g. Caisse des Dépôts et Consignation) and stakeholders like FIEC, an intergroup dedicated to long-term investment has been created within the European Parliament for the mandate 2014-2019.

This is an important success as this intergroup will promote debate on long-term investment related issues with the prospect of future regulatory initiatives and future stimulus measures. It will facilitate exchange between the relevant European policy makers and stakeholders, and strengthen the dialogue between public and private long-term investors.

In this framework, Mr. Jean-Louis Marchand, ECO President, and Mr. Jean-François Ravix, Chair of the WG "Infrastructure & Financing", met MEP Riquet on 26/3/2015 in order to have a first exchange of views.

The first meeting of the intergroup will take place on 13/04/2015 and FIEC expressed its willingness to be directly involved in the organisation of a future event, dedicated to investment in transport infrastructure.





On 3<sup>rd</sup> February 2015, Christine Le Forestier, Director Economic & Legal Affairs, spoke about European infrastructure networks, in the context of the new European investment programmes: the Connecting Europe Facility and the Juncker Investment Plan.

Fédération Infra

#### IV. Forthcoming “road package”

Building on the need for increasing alternative financial resources and on the difficulties in implementing the “Eurovignette” Directive (2011/76/EU – in its 3<sup>rd</sup> revised version), Sim Kallas, former Commissioner for transport, announced in December 2012 that a legislative package on road tolls was soon to be adopted.

However, due to the tight political agenda before the European elections in May 2014 and the high political sensitivity of this dossier, the adoption of this package had been postponed, leaving the responsibility of presenting this initiative to the next College of Commissioners.

In the meantime, FIEC used all possible opportunities (e.g. contacts with DG MOVE and other institutional or private stakeholders) to stress the importance of this initiative at a time when public resources are scarce. FIEC advocated in favour of the “user pays” and “polluter pays” principles. The revenues generated should be earmarked for sustainable transport infrastructure.

Finally, Violeta Bulc, the new Commissioner for transport, announced that a “road package” should be presented in 2016. FIEC will carefully follow-up this sensitive issue.

## B) Public procurement

### I. Follow-up of the transposition

The past year has been mainly dedicated to work at national level for the implementation of the three new directives adopted in summer 2013 and published in the OJEU in March 2014:

- Directive 2014/24/EU on public procurement of works, supplies and services (“classical”),
- Directive 2014/25/EU on public procurement of water, energy, transport and postal services (“utilities”),
- Directive 2014/23/EU on the award of concession contracts.

Member States have until April 2016 to transpose these new rules into national law, except for e-procurement rules, whose transposition can be postponed until October 2018.

In this framework, FIEC concentrated on ensuring a follow-up of the implementation process. The meeting of the TWG “Public procurement”, which took place on 06/10/2014, as well as the plenary meetings of the ECO Commission, on 28/10/2014 and 25/03/2015, were good occasions for colleagues from the Member Federations to exchange information about the situation at their national level, as well as to raise specific problems they face.

In this respect, the issue of “in-house” and public-public cooperation, which FIEC fought against during the legislative procedure, appeared to represent a major concern for most Member Federations. Also, social considerations were referred to as being tricky to integrate. The new procedure of the innovation partnership was seen as a potential opportunity, but open questions remained about intellectual property rights. Finally, Member Federations indicated the need to address life-cycle costing, in order to reach a more harmonised approach within public procurement.

FIEC also assisted in forwarding specific problems and questions to the Commission (DG GROW) in order to obtain clearer interpretation of the text. Indeed, many articles remain open to interpretation and in many cases, the objective of simplification seems to be far away!

As the implementation process is progressing at reasonable pace in most Member States, FIEC will continue to ensure a fruitful exchange of information amongst Member Federations.

## II. Electronic procurement

### 1. ESPD

According to article 59 of Directive 2014/24/EU, *"At the time of submission of requests to participate or of tenders, contracting authorities shall accept the European Single Procurement Document (ESPD), consisting of an updated self-declaration as preliminary evidence in replacement of certificates issued by public authorities or third parties confirming that the relevant economic operator fulfils the [necessary] conditions"*.

For this purpose, an EU standard form needs to be established, by means of implementing acts. This work involves the Commission in its usual proposition role on one side, and Member States in a validation role on the other side.

Several rounds of consultation have already taken place, without obtaining a successful compromise. Member States accuse the Commission's proposal of being too complicated, to the extent that it would miss its objective of simplification. In particular, Member States that already have self-declaration systems do not want to change for another unknown system, which has not yet proven its efficiency.

Although this procedure is being organised behind closed doors, FIEC's contacts with the Commission, as well as Member Federations' contacts with their national administration allowed for an exchange of relevant information about the on-going work.

On this basis, FIEC and its Member Federations were able to provide comments about the draft versions of the ESPD. A criticism made by most Member Federations was that the draft ESPD was not simple and short enough for businesses.

The Commission hopes to close this procedure by the end of the year at the very latest, but at this stage, many practical and technical questions remain unanswered.

### 2. EXEP

Early in September 2014, the European Commission launched the creation of a "Multi-Stakeholders Expert Group on e-Procurement" (EXEP).

This group has been set up as a follow-up action of the 2013 Communication on "End-to-end eProcurement" and aims at assisting and advising the Member States and the Commission in implementing the provisions of the new public procurement Directives relating to electronic procurement.

Mrs. Sabine Ayraud (FR-FNTP) has been nominated as the FIEC representative in this expert group where most of the participants are national civil servants and only a few represent the private sector.

The first meetings of the expert group took place on 21/10/2014 and 2&3/03/2015. For more efficiency, the work has been subdivided into three subgroups:

- Regulatory aspects and interpretation of the Directives
- Governance and capacity building in the Member States
- IT aspects, solutions and interoperability

The FIEC representative is reporting on the work undertaken within EXEP, in particular the subgroup on governance, so that colleagues from the TWG "Public procurement" are informed and can contribute from one meeting to the other. This is a good opportunity for FIEC to make a concrete contribution to joint EU-national initiatives in this field and gain greater visibility.

### 3. E-invoicing

On 16/4/2014, the European Parliament and the Council reached agreement on the Directive on e-invoicing in public procurement. The Directive was published in the OJEU on 6/5/2014 (Directive 2014/55/EU).

This directive will provide for the development of a common interoperable standard on electronic invoicing by the European Standardisation Organisations (i.e. CEN, CENELEC and ETSI). The idea is to harmonise the existing divergent invoicing systems.

Following the publication of the new standard, contracting authorities will have to implement it. In particular, they will be obliged to accept electronic invoicing under the future new standard form. Businesses however will not be obliged to use electronic invoicing, although it is aimed at cutting their costs.

FIEC welcomed this new Directive which goes in the right direction without imposing too strict rules on companies, which are given more flexibility to adapt.

FIEC will follow-up the drawing up of the draft standard by the European Standardisation Organisations in order to make sure that it is practical for businesses.



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### III. “Trade secrets”

In November 2013, the European Commission adopted a new draft Directive on “the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure.”

Knowing that EU’s competitiveness is increasingly dependent on know-how and innovation, the goal of the Commission is to harmonise national laws in this area in order to provide a more secure environment for companies’ trade secrets.

In the absence of severe legal consequences following the breach of confidentiality rules, it often happens that confidential information of significant commercial value presented by contractors in the framework of public or private procurement is illegally used or disclosed by clients or competitors. Such unlawful practice causes considerable damage to contractors.

In a position paper dated 27/11/2014, FIEC advocated that contractors’ confidential information provided in the framework of public or private procurement should be covered by this directive, as a complementary protection for contractors.

Since then, FIEC’s position has been broadly promoted towards the European Commission (DG GROW) and the European Parliament (JURI, IMCO and ITRE Committees). It appears however that, except for a few, MEPs are quite difficult to mobilise on this subject. Many of them tend to focus on the freedom of information and the protection of civil servants.

Therefore, at this stage, the outcome of the legislative procedure is uncertain. The Council already adopted its “general approach” on this issue in May 2014, which remains close to the Commission’s initial proposal. A compromise with the Parliament might be achieved during the summer.

### C) “Responsible sourcing of minerals”

In March 2014, the European Commission presented a draft Regulation setting up a “Union system for supply chain due diligence self-certification of responsible importers of tin, tantalum and tungsten, their ores, and gold originating in conflict-affected and high-risk areas”. Basically, it aims at preventing companies from using raw materials the trade of which trade finances regional conflicts.

Although this proposal has no direct impact on construction companies, FIEC is concerned about some specific accompanying measures presented in a joint Communication. In particular:

- The European Commission proposes to integrate a performance clause in its own public procurement, so that tenderers responding to public procurement notices of the European Commission would bear the responsibility of proving that their products or services are free from any “conflict minerals”.
- The European Commission will encourage Member States to integrate such a performance clause in their government procurement and produce a specific guide for this purpose, so that tenderers would be impacted in the same way when participating in national government procurement.

FIEC considers that such a performance clause derogates from the spirit of the draft Regulation which aims at focusing on the upstream part of the supply chain only. The impact would be unfair for those companies – and in particular for SMEs – participating in public procurement and which would have to bear the burden of proof for responsible sourcing, especially knowing the difficulty, time and cost to get such information the whole length of supply chains.

“*‘In-house’ and public-public cooperation, which FIEC fought against during the legislative procedure, appeared to represent a major concern for most Member Federations.*”

Moreover, the initial legislative proposal might be reinforced by the European Parliament, as many MEPs call for a stricter and broader mechanism:

- Rather than voluntary, the scheme could be mandatory
- Rather than targeting only 4 minerals, the scheme could target all raw materials
- Rather than applying to a short list of EU importers, the scheme could be extended to the whole downstream chain, including final users like construction companies.

Hence, in the worst case scenario, construction companies would be obliged to apply due diligence measures (based on OECD guidance) to make sure that the raw materials they use are sourced, up to the upstream supply chain, in a responsible way and for which the revenue does not help to finance conflicts.

Through a series of contacts, FIEC alerted the European Commission (DG TRADE and DG GROW), as well as the European Parliament (INTA Committee), about this specific problem. FIEC also encouraged its Member Federations to raise this matter with their national authorities.

In this framework, FIEC has also received the support of BUSINESSEUROPE, the goal of which is to make sure that the initial scope of the proposal is safeguarded. In particular, FIEC believes that having a “white list” of EU importers of raw materials, as initially proposed by the Commission, should be to the benefit of contractors.

The legislative process is under way. While the final position of the European Parliament is quite uncertain, the Council should have a more reasonable position overall on this issue. A compromise between the two institutions might be achieved during the summer.

## D) EU contract law – withdrawal of the draft regulation for a Common European Sales Law (CESL)

In October 2011, the European Commission proposed a Regulation on a “Common European Sales Law”, aimed at creating an optional legal instrument, alternative to the national legislation of the parties to a contract (B2B or B2C). It focused on the cross-border sales of goods. The Commission expected that it would reduce transaction costs for both parties and boost cross-border activities.

Obviously, contractors would have been impacted by such an instrument, in the sense that more and more companies are buying construction products and materials via distance contracts. Also, a uniform set of rules could have been interesting for these distance-selling companies to develop their business all over the EU.

In February 2014, the European Parliament adopted a legislative resolution for a regulation on a Common European Sales Law, focusing on distance contracts, and in particular on-line contracts.

However, in the Council, Member States could not agree on this politically sensitive question of a second legislative regime directly applicable in parallel to their own national legal system.

As a consequence of the stalemate on this issue, the Commission finally decided to withdraw this legislative proposal. According to the Commission’s work programme 2015, a modified version is expected to be presented later on. This new version might focus on on-line contracts and digital content only.

## E) Construction activity

This issue is covered in depth in the FIEC Annual Statistical Report (R58, edition of June 2015).

For a short general overview, please refer to the FIEC “Key figures – activity 2014” (edition of June 2015).

## Here are just a few examples of what the Economic and Legal Commission has delivered over the past year:

- It reiterated in all relevant position papers and press releases throughout the year that growth and jobs cannot be achieved without investment in construction.
- In particular, it actively participated in the preparation of the Juncker Investment Plan.
- It served as a platform for exchanging information about construction activity and sectoral measures implemented in the various Member States.
- It provided support to Member Federations for the implementation of the new public procurement directives at national level.

### Position Papers

FIEC position paper on the Draft Regulation on the European Fund for Strategic Investment (EFSI) (19-03-2015)

FIEC position paper on the Draft Directive on "trade secrets" (27-11-2014)

Collective position paper supporting the creation of a Long-Term Investment Intergroup for the legislature 2014-2019 (17-11-2014)

### Press Releases

FIEC press release – FIEC welcomes the adoption of President Juncker's investment plan by the European Council! (19-12-2014)

FIEC press release – FIEC welcomes EP's positive decisions on the intergroups "SMEs", "URBAN" and "Long-term investment and reindustrialization"! (12-12-2014)

FIEC press release – FIEC welcomes President Juncker's investment plan for growth and jobs! Action should now materialize very quickly! (25-11-2014)

FIEC press release – Moving from "blind austerity" to "smart austerity": European contractors' appeal to the new EU institutions and decision makers (27-06-2014)

FIEC press release – Construction industry: light at the end of the tunnel? (16-06-2014)

### Answers to public consultations

FIEC contribution to the European Commission public consultation on the urban dimension of EU policies – key features of an EU urban agenda (26-09-2014) Intervention in public events

### Participation in public events

Participation of U. Paetzold, FIEC Director General, in Commission's conference on the Single Market – Presentation on the new EU public procurement directives (13-02-2015, Roma)

Presentation by C. Le Forestier, FIEC Director of Economic and Legal affairs – "Infrastructures européennes, vision européenne du réseau et investissements innovants" (03-02-2015, Journée INFRA, Lausanne)

Participation of J. Willemen, FIEC President, K. Tønning, FIEC Vice-President, and V. Piron, Vice-Chair of WG "Infrastructure & Financing", in Commission stakeholders' meeting on "An investment plan for Europe – input from the private sector" (13-01-2015, Brussels)

Participation of U. Paetzold, FIEC Director General, in EC / EIB / MS Task Force stakeholders' meeting – Presentation on the construction industry's contribution to developing an investment project pipeline in the EU (24-11-2014, Luxembourg)

FIEC is the European Construction Industry Federation, representing via its 33 National Member Federations in 29 countries (28 EU & EFTA and Turkey) construction enterprises of all sizes, i.e. small and medium-sized enterprises as well as "global players", carrying out all forms of building and civil engineering activities.



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## FIEC Press Release

25-11-2014

### FIEC welcomes President Juncker's investment plan for growth and jobs! Action should now materialise very quickly!

"We welcome very much the creation of a European Fund for Strategic Investments (EFSI) as announced by President Juncker this morning", says Johan Willemen, FIEC President, "Even if we could argue about the amount of EU budget and EIB money initially mobilised in this fund, this is not the point today. The creation of this leverage instrument is very good news and a very good signal for EU and international private investors!"

"Moreover, President Juncker is absolutely right to target long-term investment for key EU infrastructure projects on one hand, and financing for SMEs on the other," continues Willemen. "These two priorities are very high on FIEC's agenda, as we have stated in our Manifesto for action for the EU term 2017-2019!"

"In addition to these two priorities", recalls Willemen, "we should not forget projects in the field of energy efficiency, as they represent an essential link to EU energy and climate policy!"

"We also understand that any national contribution to the EFSI will not be counted in the calculation of public deficit, which is a very important incentive FIEC has always called for in order for the Member States to invest in European projects!", stresses Willemen.

"It is true that some aspects of the plan still need to be clarified after today's announcement", says Willemen, "namely regarding the exact list of projects identified". "However", Willemen concludes, "there is not a minute to lose now: actions should materialise as quickly as possible to ensure the credibility and success of this ambitious plan!"

**Background:** On Monday 24th November in Luxembourg, FIEC had the opportunity to present to the Task Force a few ideas for reflection on solutions to barriers to investment. Amongst others, FIEC mentioned that: neither public funds mobilised through President Juncker's investment plan, nor national co-funding for projects identified in this framework and supported by EU funds, should be included in the calculation of public deficit; the relevant policy and legal environment should be improved, simplified, and above all, stabilised; all reasonable alternatives to traditional bank lending should be considered (incl. "user pays" schemes); and companies should benefit from more support to undertake good feasibility studies, socio-economic and environmental assessments for better preparation of the projects.

FIEC - European Construction Industry Federation

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# SOCIAL COMMISSION (SOC)

**Maxime Verhagen, BE**  
President

Domenico Campogrande, FIEC  
Rapporteur



SUB-COMMISSION SOC-1

SUB-COMMISSION SOC-2

SUB-COMMISSION SOC-3

“VOCATIONAL TRAINING”

“HEALTH AND SAFETY”

“EMPLOYMENT”

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**Alfonso Perri, IT**  
Chairman

Rossella Martino, IT  
Co-Rapporteur



**Cristina García Herguedas, ES**  
Chairman

Ricardo Cortes, ES  
Rapporteur



**Michel Gili, FR**  
Chairman

Nathalie Couderette, FR  
Rapporteur



**Jacques Lair, FR**  
Executive Chairman

François Falise, FR  
Co-Rapporteur

## A) Training, skills and youth employment: the keywords for a long term sustainable development

The crisis which has hit the EU since 2008 has had and is still having a significant impact on the levels of unemployment of most of the Member States and is particularly affecting young people: according to Eurostat the youth unemployment rate stood at 21.2 % in January 2015, more than twice as the adult rate.

Despite what the EU and its member countries are doing, employment prospects for young people in the EU are bleak. One in five under 25 years old who is looking for work cannot find a job. 7.5 million young people between 15 and 24 are neither working, nor in education or training.

In addition, in most member States the construction industry is still suffering from a negative image which affects its attractiveness and which, to some extent, explains the difficulties in hiring and in keeping young people as well as skilled workers.

## I. Attracting and retaining young people in the construction industry: a key challenge for the future

It is for the above mentioned reasons, amongst others, that in the framework of their Social Dialogue FIEC and EFBWW decided to launch a new project, co-financed by the European Commission, aimed at presenting national best practice concerning tools/initiatives in favour of youth employment and for improving the working conditions of young people in the construction industry. The objective is to let this website become a platform for sharing useful input for the setting up and the development of targeted new initiatives. The exchange of best practices on initiatives for promoting youth employment and improving working conditions can provide an extremely useful input for the setting up and the development of targeted new initiatives, by showing how other stakeholders in other countries have addressed the same concerns.

The website ([www.construction-for-youth.eu](http://www.construction-for-youth.eu)) was launched in January 2015 and gathers 40 different initiatives from 13 different countries.

It is a starting point and it will be updated regularly with the input provided by our affiliates.

“  
Anticipation of skills needs is of significant importance both for the competitiveness of construction companies, as well as for employment in the sector.”

Slovakia © Halfpoint - fotolia.com



Also with the aim of promoting a positive image of the sector towards young people, FIEC decided some years ago to become an associate partner of "WorldSkills Europe" ([www.euroskills.org](http://www.euroskills.org)), a body which promotes excellence in the field of skills and competence development across the EU.

The activities of FIEC are also focussing on apprenticeships and work-based learning as means for facilitating the transition from education and training to work. One of the main reasons is that evidence suggests that countries with a strong vocational education and training (VET) and apprenticeship system have lower levels of youth unemployment than countries without such systems.

VET students and apprentices will be able to learn valuable workplace skills in a professional environment, ensuring a greater degree of future employability and companies that engage apprentices are likely to benefit from a net profit on their investment, either during the apprenticeship or soon after by employing a fully trained worker.

In the framework of an initiative financially supported by the European Commission (DG GROW) FIEC will therefore promote apprenticeship and obtain pledges from construction companies and relevant stakeholders.

Such pledges could be linked to : promoting, introducing and developing apprenticeship-type training in companies that have not previously used such schemes; transferring apprenticeship schemes which have proven their success in a country/region to another country/region where no such scheme is being used; reviewing existing apprenticeship models, both general schemes used in a country/ region and specific schemes used by individual companies, in order to explore how the appropriate capacities could be ensured and the quality, efficiency and visibility of such apprenticeship training models could be increased.

## II. EU Sector Skills Council: for better anticipation of skills needs

Sector skills councils are platforms at sector level where stakeholders seek to gain insight into the likely developments in employment and skills needs, through analysis of developments on the sectoral labour market, with the aim of assisting policy making within or for this sector. They are therefore intended to function as a platform in

which, in addition to the social partners, several other stakeholders are involved (governmental bodies, training-related bodies, universities and schools, etc.). They can provide significant and useful technical input, which can complement the more political role played by the social partners.

FIEC and EFBWW (the European Federation of Building and Wood Workers; our counterpart in the EU Sectoral Social Dialogue representing the workers), with the financial support of the European Commission (DG EMPL), undertook a feasibility study, finalised in 2013, aimed at assessing the added value and the possibility of setting up of such an EU sector skills council for the construction industry (ESSC).

The main objectives of this study were, on the one hand, to map the existing sectoral bodies at national level, as well as their quantitative and qualitative outcomes, and, on the other hand, to assess the willingness for and the feasibility of setting up such a body at EU level.

From this study it became clear that the existing sectoral councils/observatories have structures and areas of competences which differ significantly, but this is not seen as a major obstacle for a possible EU platform. Furthermore, the vast majority of the stakeholders consulted see a clear added value in creating some form of coordination at EU level, under the responsibility of the EU sectoral social partners, FIEC and the EFBWW.

It might prove difficult to consolidate the qualitative and quantitative outcomes of the existing councils/observatories at the EU level. However, exchanging best practice and sharing know-how is seen as an important added value by the concerned stakeholders.

FIEC considers that addressing the issue of anticipation of skills needs is of significant importance both for the competitiveness of construction companies, as well as for employment in the sector, and therefore new initiatives in this area will be undertaken in collaboration with the EFBWW.

Such an approach is in line with the recommendations of the High Level Strategic Forum (HLF) set up in the framework of the "Strategy for the sustainable competitiveness of the construction sector and its enterprises" [COM(2012)433] and of its accompanying Action Plan, commonly known as "Construction 2020", which aim at supporting the construction sector in its adaptation to key upcoming challenges and to promote the sustainable competitiveness of the sector.

## B) Improving Health & Safety (H&S): for the benefit of enterprises and their workers

Despite the overall reduction in the number of work related accidents and illnesses, improving health and safety in the workplace continues to be an important field of action for the construction sector and therefore one of FIEC's main priorities.

The improvement of health and safety can also be achieved through promoting the development of a real culture of health and safety within each company, with the involvement of all the concerned stakeholders.



## I. Cooperation between employers and workers for promoting a culture of health and safety (H&S)

In the framework of the Social Dialogue, and with the financial support of the European Commission, FIEC and EFBWW developed two instruments aimed at promoting a culture of health and safety within construction companies and amongst workers.

The first one is a European Guide for encouraging and helping companies to introduce and develop a H&S management system. Such a system, to be endorsed on a voluntary basis, would take into account the needs and capacities of SMEs and would be flexible enough so as to take into account measures already existing at national level.

A formal H&S management system is not a target in itself, but may be of great help to the company in preventing and solving the essential health and safety problems in a simpler and more systematic and practical way.

The size of the company should not be an obstacle for setting up such an H&S management policy. It is the duty and the responsibility of each company, independent of size, to care about the health and safety of its workers. Of course each approach should be developed according to the capacity of the company. The approach of a small family business will not be the same as that of a large international group.

The Guide does not intend to replace existing European and/or national legislation on H&S, which must in any case be respected, and it should therefore be considered as a complementary tool, which is consistent with the International Labour Organisation's ILO OSH 2001 guidelines, as well as with EU legislation on health and safety.

The second instrument consists of information modules for the safe removal of asbestos.

Asbestos, can still be found in different places such as public and private buildings.

The companies specialised in removing asbestos are covered by a very strict legislative framework, with stringent requirements in terms of training and qualifications needed, protective measures, process monitoring, etc.

But also those construction companies and workers who are faced with asbestos only occasionally

need to be provided with specific information and knowledge about asbestos containing materials, i.e. where and when they can be found, how to identify them, how to proceed with these materials, etc.

These easily understandable information modules therefore aim at helping the employers and workers to understand possible risk situations and to identify the most appropriate measures to be undertaken for safe working by means of a "traffic light" model, each of the three "traffic light" colours, green, orange and red, being associated with specific situations/materials and the respective appropriate measures to be undertaken.

A new project was launched at the beginning of 2014 with the aim of promoting and disseminating these two instruments by means of four regional workshops which took place in Bulgaria, Hungary, Slovenia and Turkey. National social partners, as well as representatives of public bodies, attended these workshops, which were a good opportunity also to exchange views on how to strengthen the added value that social dialogue can provide to companies and workers, both at the national and at the European level.

## II. Nano-materials in construction: new tools for risk assessment and risk management

A study jointly undertaken by FIEC and the EFBWW in 2009 showed that Manufactured Nanomaterials (MNMs) and nano-composites are present in many products currently used in the construction industry such as in cement or concrete products, coatings or insulation materials and to a lesser extent in road-pavement products or flame retardant materials. Despite the current relatively high costs, the use of nano-products in construction materials is likely to increase because of their highly valuable properties. Furthermore, their costs will decrease as MNMs will be produced in larger quantities.

The same study showed that a vast majority of workers and their employers in the construction industry are not aware that they may be working with nano-products or that the materials they use may contain nano-products. Detailed information about the product composition and their possible nano-specific health and safety issues is generally lacking and the information available for the raw material manufacturer is often lost while stepping down the user chain. As a consequence, it is



On 12<sup>th</sup> April 2015 FIEC was represented by Vincent Determeman at the OSHA Campaign Partner event, which was attended by the Commissioner for employment Marianne Thyssen

very difficult for average construction companies to adequately take into account this dimension when conducting a risk assessment and when organising a safe workplace for its workers.

Occupational exposure to MNMs may occur at different stages of the construction industry life cycle, accidentally or in normal operations and the current medical evidence does not give clear indications as regards possible health and safety risks to workers.

Consequently, there is a general uncertainty with respect to health and safety risks and how to properly manage them to protect workers and be in compliance with occupational Health & Safety legislation.

For these reasons FIEC took part in the SCAFFOLD research project ([www.scaffold.eu-vri.eu](http://www.scaffold.eu-vri.eu)), which ended in April 2015, aiming at providing practical, robust, easy-to-use and cost effective solutions for the European construction industry, regarding the prevention of occupational exposure to MNMs. This was done by integrating a set of innovative strategies, methods and tools developed within the project into consistent state-of-the-art safety management systems (OHSAS 18001, ISO31000), building up an integrated Risk Management Model (RMM) and advanced software tools.



On 17<sup>th</sup> April 2015 a FIEC-EFBWW delegation represented by Maxime Verghagen (left) and Pierre Cuppens (right) met the commissioner for Employment Marianne Thyssen

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### III. Management of psycho-social risks at the workplace: improving quality and productivity at work

Concerns about psychological hazards at work and their associated risks on occupational health and safety have gained the attention of policymakers and other H&S stakeholders in Europe over recent decades and are therefore the main topic of the 2014-2015 campaign of the European Agency for Health and Safety at Work (OSHA).

Psycho-social hazards and their associated risks are a complex phenomenon, which are influenced by personal and a multitude of other factors. A better overall understanding is therefore necessary to understand how to assess and reduce them effectively, as tackling stress at work can lead to greater efficiency and improved occupational health and safety, with consequent economic and social benefits for employers, workers and society as a whole.

FIEC therefore decided to become an official partner of the OSHA campaign.

The issue is also included in the work programme of the sectoral social dialogue, in order to be addressed in a constructive manner between employers and workers representatives, with the aim of achieving a better understanding of the phenomenon in our sector through the exchange of information and best practices as a first necessary step.

### C) Improving the functioning of the labour market in the EU construction sector

#### I. Joint proposals of the EU sectoral social partners presented and discussed with Commissioner Thyssen

The construction industry has been significantly hit by the crisis, which is still affecting many Member States: approximately 2.4 million jobs have been lost between 2008 and 2013 and construction companies are facing a sharp increase in competition.

Situations of unfair competition occur and this is due, amongst others, to a legislative framework which is sometimes unclear, to difficulties in enforcing it or to difficulties in undertaking adequate controls, in particular in cross-border operations.

The "Enforcement" Directive (2014/67/EU), adopted in May 2014, is currently being implemented at the national level and provides some answers and some new instruments to address these concerns, but at this stage it is too early to say anything about their impact on the field.

Such Directive will allow to make some steps forward in the right direction, but it will certainly not solve all the problems and therefore, in order to ensure a level playing field, there are other complementary initiatives that can be taken as national control measures, which may be efficient to combat cases of abuses and fraud in a national context, often appear to be insufficient in cross-border situations. Furthermore, there are still persistent difficulties in trying to put in place an effective system of exchange of information and cooperation between public authorities of different Member States.

For these reasons FIEC and the EFBWW elaborated joint proposals, which they presented and discussed with Commissioner Thyssen, responsible amongst others for Employment, Social Affairs and Mobility, on 17<sup>th</sup> April.

Such proposals and requests focus on practical measures such as, for example:

- Ensuring a correct implementation and application of the “Enforcement” Directive (2014/67/EC), with the direct involvement of the national social partners
- Improving the reliability of the A1 forms
- Improving the collection of social security contributions in case of temporary cross-border provision of services
- Providing legal clarity as regards the position of temporary agency workers in the framework of “Posting”.
- Encouraging reinforced bilateral or multilateral cooperation in this area between public administrations.

FIEC and EFBWW stated their willingness to collaborate with the European Commission for the implementation of these requests and proposals, in order to ensure a long term sustainable development of growth and employment in the construction industry.

## II. EU Platform against undeclared work

In 2014 the European Commission proposed to set up a European Platform against undeclared work - a complex phenomenon that causes serious damage to working conditions, fair competition and public budgets and the features of this proposal are fully in line with the requests put forward by FIEC during the initial consultation phase.

This new Platform would bring together national enforcement bodies involved in tackling undeclared work, such as labour and social security inspectorates and tax and migration authorities, as well as other stakeholders, such as EU-level representatives of employers and employees. In the proposal of the Commission all Member States should be members of the Platform, as undeclared work affects all of them, and the joint participation of all EU countries is crucial to address cross-border situations.

The Platform would become a forum where stakeholders could share information and best practice, explore national and EU tools to face shared problems, such as the phenomenon of “bogus self-employment” for example, explore ways to improve data exchange between national administrations and strengthen cooperation.

At the moment of finishing this report the proposal for establishing such a European Platform is being discussed by the European Parliament and could be operational in the autumn.



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### III. Social Dialogue project: “Towards a European Social Identity Card (SIC) in the construction industry?”

Finally FIEC and the EFBWW concluded at the beginning of 2015 a joint project, co-financed by the European Commission (DG EMPL), on a possible EU Social Identity Card (SIC) in the construction industry.

Social ID card schemes aim to create more transparency as to compliance with targeted social requirements and are aimed to improve the functioning of the labour market. The cards could also serve additional purposes : depending on the scope, the schemes could also be used to store data such as the actual working time, as an electronic key to access external databases regarding social security, as a tool to document the employment periods of highly mobile workers for the purposes of pension schemes etc.

In a first step the study maps and assesses the existing systems of SICs in Europe, as well as their pros and cons for employers and employees, as a possible instrument for facilitating the controls on the worksites, ensuring proper qualification, fiscal compliance, fighting against undeclared labour or other forms of circumvention of the existing legislation.

In a second step, the study addresses the existing EU legal framework and in particular on whether a European scheme would be comply with the Treaty on the Functioning of the EU.

The study covers 11 countries and shows that the existing cards have very different objectives, structures and scopes : for example in Spain the “Tarjeta Profesional de la Construcción” focuses on training in occupational risk prevention, whilst the Swedish “ID06” card aims at combating illegal labour and economic crime.

The existing social ID card schemes have been set up directly by the national social partners or indirectly with a strong involvement from their part and are tailor made in order to adequately take into account the features and needs of each national labour market. The strong involvement of the sectoral social partners is one of the determining elements for success.

On these basis it seems unrealistic to envisage a single EU social identity card, which would cover all the various features of the existing national cards. However, despite the differences it has to be noted that some cross-border cooperations between the different national schemes have been put in place. A notable example exists within the Nordic countries between Sweden and Finland and a political intention of the BeNeLux countries.

In the coming months FIEC and the EFBWW will jointly examine whether some possible targeted complementary initiatives could be envisaged at the EU level.

“*The strong involvement of the sectoral social partners in the existing social ID card schemes is one of the determining elements for success.*”

## Here are just a few examples of what the SOC Commission has delivered over the past year, on its own or jointly with the EFBWW (European Federation of Building and Wood Workers) within the sectoral European social dialogue:

- FIEC-EFBWW website on "Initiatives for youth employment in the construction industry" ([www.construction-for-youth.eu](http://www.construction-for-youth.eu))
- Joint FIEC-EFBWW proposals against social fraud presented to Commissioner Thyssen
- Partner in the project "Red flags - Posting of workers: strengthening administrative cooperation and access to information" coordinated by the University of Ghent (BE)
- Partner in the project "Acting on Worker Posting Situations: Learning by Doing" coordinated by INTEFP and ASTREES (FR)
- Participation in the SCAFFOLD project, coordinated by Tecnalia (ES), on risk-assessment of Manufactured Nanomaterials (MNMs) and nano-composites in construction

## Position Papers

FIEC proposed amendments on the proposal for a decision on establishing a European Platform to enhance cooperation in the prevention and deterrence of undeclared work [COM(2014)0221] (12-12-2014)

FIEC-EFBWW Joint Position Paper - Proposal for a Directive on single-member private limited liability companies [COM (2014) 212 final] (27-02-2015)

FIEC-EFBWW Joint Position Paper - Towards a level playing field in the European construction sector Joint proposals of the EU sectoral social partners [27-02-2015]

## Press Releases

Joint EFBWW-FIEC Press Release – Launching of the website on "Initiatives for youth employment" (12-01-2015)

Joint EFBWW-FIEC Press Release – Towards a level playing field in the construction industry (joint proposals against social fraud presented to Commissioner Thyssen on 17-04-2015)

## Participation in public events

Final seminar – FIEC / EFBWW project  
Brussels (25-11-2014)

"Initiatives for youth employment in the construction industry"  
Presentation by Domenico Campogrande,  
Director Social Affairs

Workshops – FIEC / EFBWW project

- Riga (Latvia) (10-10-2014)
- Prague (Czech Republic) (4/11/2014)
- Ljubljana (Slovenia) (4/12/2014)

"Update and promotion of the Posting website"  
Presentation by Domenico Campogrande,  
Director Social Affairs

Seminars EFBWW / FIEC

- Ljubljana (Slovenia) (14-15-04-2014)
- Budapest (Hungary) (14-15-05-2014)
- Istanbul (Turkey) (29-30-09-2014)
- Sofia (Bulgaria) (20-21-10-2014)
- Brussels (14-11-2014)

"Guide for developing a H&S management system" and  
"Information modules for safer handling of asbestos"  
Presentation by Domenico Campogrande,  
Director Social Affairs

Social-FIEC-FETBB – Final seminar "Social ID card" – FIEC / EFBWW project  
Brussels (17/18-11-2014)  
Presentation by Domenico Campogrande,  
Director Social Affairs

Final conference – Enfooster project (Posting)  
Brussels (16-1-2015)  
Presentation by Domenico Campogrande,  
Director Social Affairs

OSHA Campaign Partner event with Commissioner Thyssen  
Brussels (5-3-2015)  
Vincent Detemmerman (BE-CC)

**EFBWW** (European Federation of Building and Woodworkers) is the European Industry Federation for the construction industry, the building materials industry, the wood and furniture industry and the forestry industry. The EFBWW has 76 affiliated unions in 34 countries and represents a total of 2,000,000 members.



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**FIEC** is the European Construction Industry Federation, representing via its 33 National Member Federations in 29 countries (28 EU & EFTA and Turkey) construction enterprises of all sizes, i.e. small and medium-sized enterprises as well as "global players", carrying out all forms of building and civil engineering activities.



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## FIEC/EFBWW Press Release

17.04.2015

### The social partners of the construction industry, EFBWW and FIEC, present their views against social fraud to Commissioner Thyssen

■ **The European sectoral Social Partners of the construction industry met today Commissioner Marianne Thyssen, responsible for Employment, Social Affairs, Skills and Labour Mobility, in order to present some joint proposals against social fraud, in particular in the cross-border provision of services.**

« *The financial and economic crisis significantly increased the competitive pressure on companies and thereby focussing the competition on the « lowest price » rather than on innovation, expertise and quality criteria. This situation, combined with imperfections and uncertainties in the legal framework has led to an increase in unfair forms of competition and social fraud, to the detriment of workers and companies in our sector* » declared Maxime Verhagen, Vice-President of FIEC.

« *In the long term, this is a lose-lose model : companies are no longer able to compete with each other on equal terms, workers' rights are trampled, consumers get lower quality works and governments lose billions of euro annually in revenue, amongst others through un-paid social security contributions and taxation* » added Pierre Cuppens, vice-Chair of the EFBBW Building Committee.

FIEC and EFBWW presented to Commissioner Thyssen some practical proposals and requests such as, for example:

- Ensuring a correct implementation and application of the « Enforcement » Directive (2014/67/EC), with the direct involvement of the national social partners
- Improving the reliability of the A1 forms
- Improving the collection of social security contributions in case of temporary cross-border provision of services
- Creating a single European business register number.
- Providing legal clarity as regards the position of temporary agency workers in the framework of « posting ».

« *We urgently need to achieve a level playing field in our sector and we wanted to avoid political statements and to put on the table some pragmatic proposals* » said Maxime Verhagen.

« *We are aware that some of these proposals are controversial and politically sensitive but we have to put an end to social fraud, abuses and destruction of jobs* » added Pierre Cuppens.

FIEC and EFBWW stated their willingness to collaborate with the European Commission for the implementation of these requests and proposals, in order to ensure a long term sustainable development of growth and employment in the construction industry.

All these documents are available  
on the FIEC website [www.fiec.eu](http://www.fiec.eu)

# TECHNICAL COMMISSION (TEC)

**Kjetil Tønning, NO**  
President

Sue Arundale, FIEC  
Rapporteur



SUB-COMMISSION TEC-1

SUB-COMMISSION TEC-2

SUB-COMMISSION TEC-3

“DIRECTIVES, STANDARDS AND  
QUALITY ASSURANCE”

“RESEARCH, DEVELOPMENT AND  
INNOVATION”

“ENVIRONMENT”

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**Jan Coumans, BE**  
Chairman

Eric Winnepenninckx, BE  
Rapporteur



**Bernard Raspaud, FR**  
Chairman

Pascal Lemoine, FR  
Rapporteur



**Lennart Henriz, SE**  
Chairman

Marianne Hedberg, SE  
Rapporteur

## A year for the environment

2014 was characterised by many EU initiatives in favour of the environment. It was also an important year for climate and energy policies and these gave some indication as to how the EU will approach the United Nations Climate Change Conference (COP 21) <sup>1</sup>

## A) Regulatory Matters

### I. Construction Products Regulation

The European Commission took the first steps towards the report on the implementation of the Construction Products Regulation (CPR), which is provided for in the regulation itself. Although the report is not due to be submitted to the European Parliament and the Council until 25 April 2016, a consultation was launched in November 2014. FIEC took part and encouraged its members to complete the on-line survey for associations. FIEC concluded that the implementation of the CPR to date has been highly unsatisfactory. Specifically:

- CE marking would benefit from further clarification
- Contractors are very often unaware of the meaning of CE marking

- There is a serious issue of formal non-compliance of economic operators with the CPR
- Market surveillance activities carried out by the national authorities are generally poor
- CPR has not enhanced the free movement of construction products within the EU and barriers exist, such as the requirement in some Member States for national marks
- Contractors still rely on national marks and have confidence in them
- The impact of the requirements for a Declaration of Performance (DoP) have been largely negative
- The objective of the CPR to ensure mandatory CE marking of products is no longer relevant.

#### 1. Construction Site Visit for European Commission Officials

Following a request from DG Enterprise and Industry (now DG GROW) to visit a construction site in order to see how the CPR is being implemented by the industry, FIEC arranged a visit to Antwerp to see the Campus Noord of the Artesis Plantijn Hogeschool, which is being built by Willemen Enterprises. The visit was hosted by the FIEC President's company and the delegation from the Commission included five officials from the Unit responsible for Sustainable Industrial Policy and Construction.

<sup>1</sup> Conference of the Parties – 21<sup>st</sup> annual session



29<sup>th</sup> September 2014: site visit to the Antwerp Campus Noord of the Artesis Plantijn Hogeschool. From left to right: Georgios Katsarakis (DG ENTR), Tapani Mikkeli (DG ENTR), Vincent Detemmerman (Confédération Construction), Lutz Koeppen (DG ENTR), Ulrich Paetzold (FIEC Director General), Frans Janssens (Willemen Groep), Geert Deleebeeck (Willemen Groep), Jan Coumans (Chairman TEC-1), Antonio Paparella (DG ENTR), Maria-Aranzazu (DG ENTR), Bram Willemen (Willemen Groep)

## 2. Standing Committee on Construction

FIEC participated in meetings of the Standing Committee on Construction (SCC) and its Preparatory Group (now known as the Advisory Group). The Standing Committee on Construction is provided for in the CPR and is made up of delegations from the Member States, the European Committee on Standardisation (CEN) and other experts, from construction related associations. Its purpose is to assist the Commission with issues related to the Construction Products Regulation, including the preparation of Delegated Acts.

## B) Standardisation Matters

### I. CEN Technical Committees

In 2014, FIEC applied for liaison status on a number of CEN Technical Committees (TCs), as part of its agreement with CEN as a Partner Organisation. These TCs included:

- CEN/TC 89 Thermal performance of buildings and building components
- CEN/TC 104 Concrete and related products
- CEN/TC 135 Execution of steel structures and aluminium structures
- CEN/TC 250 Structural Eurocodes
- CEN/TC 292 Characterisation of waste
- CEN/TC 350 Sustainability of construction works

All applications were approved apart from the one for CEN/TC 89, which has not yet been processed by the Technical Committee.

As well as the above TCs, FIEC participated as a liaison status organisation, in the CEN Working Group on BIM (CEN/BT/WG 215). This group was set up to create a business plan for a CEN Technical Committee on BIM, which has now been approved. This Technical Committee (CEN/TC 442) will create a European harmonised standard on BIM.

## II. EN 1090-1

In February 2014, FIEC published a position on the above standard, the full title of which is EN 1090-1: 2009 + A1: 2011 'Execution of steel structures and aluminium structures Part 1: Requirements for conformity assessment of structural components'. Many construction industry associations as well as the relevant authorities in the Member States believe that the scope of this standard is unclear and is creating confusion in the market. Although CE marking is clearly an obligation for manufacturers and this is not disputed by FIEC, many companies offering production/assembly and installation in works as part of a contract, are under the impression that they are also obliged to CE mark. As well as raising the matter with the Standing Committee on Construction, FIEC wrote to CEN/TC 135 (which is responsible for the standard) and requested not only a revision of the scope, but eventually a full revision of the standard. The matter is not yet resolved and FIEC wrote a second letter to CEN/TC 135 in March 2015. FIEC's view is shared by some Member States and other industry associations and it has informal support from some of these. The European Commission also acted on the basis of FIEC's request, although it should be noted that the Commission cannot force CEN/TC 135 to revise either the scope of the standard or the entire standard.

### 1. In situ concrete road barriers

Related to the above standard, a very specific case received a lot of attention from the Standing Committee on Construction in 2014. It concerned in situ concrete road barriers, which the Commission concluded should be CE marked in certain cases, namely those in which they are deemed to be construction products:

“ *In situ concrete road barriers based on a proprietary design which are commercialised as products to be installed on the road are construction products under the CPR and covered by EN 1317-5:2007+A2:2012.* ”

Letter from Daniel Calleja to European Union Road Federation 1 December 2014.



Estonia © Syda productions - fotolia.com

This conclusion attempted to clarify a position previously published by the Commission, but FIEC believed that it inadvertently created more confusion. Furthermore, FIEC's argument is based on the fact that the case cited by the Commission and quoted above is the exception rather than the rule, most road barriers being constructed on site, to a one-off specification as part of a construction works contract delivered by a contractor. FIEC is not saying that the Commission is incorrect, but rather that its explanation is incomplete, in that it does not acknowledge that most in situ concrete barriers do not fall into a category requiring CE marking.

In 2014, the discussions tended to focus on definitions and arguments about these definitions e.g. "proprietary design", "placed on the market" "series production" etc. FIEC was disappointed that this complicated the issue and in the end, there was neither agreement following the discussions in the SCC nor clarity for the contractors. As far as TEC-1 is concerned, this matter remains open.

## C) Promoting Innovation and Research

### I. ECCREDI

FIEC continued to work with the European Council for Construction Research, Development and Innovation (ECCREDI) and shared a number of documents – including TEC positions – with the members of this research community. In November, FIEC accepted the nomination for Vice President, a role that will be undertaken by the Director for Technical and Environmental Affairs.

## II. Horizon 2020

2014 was the first year of implementation of the Horizon 2020 programme and TEC-2 followed the various calls for proposals, forwarding them to the Member Federations when appropriate. In November, FIEC drew attention to the possibility that some projects would not receive their payments on time and in a position paper, urged the Commission to ensure that internal problems associated with the programme do not hit those that are working hard to design and deliver good projects. FIEC was also concerned about the low success rate of applications and it would be helpful if the Commission could provide adequate feedback to ensure that this problem is rectified.

## III. Innovation Forum

Following the first meeting of the Innovation Forum in 2013, TEC-2 revised the Terms of Reference for this group and involved this Forum in relevant consultations and also the position that was published in November on "research and innovation as renewed sources of growth". In this paper, FIEC reminded the EU institutions and the research community that construction is not an industry that relies only on traditional methods, but an industry that is innovating incrementally every day. There is still a lot to do to change attitudes towards contractors and TEC-2 and the Innovation Forum are enthusiastic for this challenge.

**While FIEC accepts that not all progress in the construction industry represents revolution, we strongly recommend a clear change in attitude towards the industry, which often suffers from an undeserved reputation within national governments and the EU institutions, which are respectively both significant buyers and users of buildings and infrastructure.**

**Contractors are not from a "low-productivity, low-technology..., underperforming" industry. On the contrary, they – along with the other industry players – are key to achieving the ambitious policies and targets that have been set for new buildings, infrastructure, the renovation of the existing building stock and the maintenance of existing infrastructure. They are a key contributor to renewed growth in the EU.**

## D) Sustainable Competitiveness

### I. Construction 2020

TEC participated in Thematic Groups 1 and 3 (Stimulating Investment and Sustainable Use of Resources). In particular, TEC worked closely with the Economic and Legal Commission (ECO) to provide feedback on several drafts of the report written by the Energy Efficiency Financial Institutions Group (EEFIG), eventually published in February 2015. The report "Energy Efficiency – the first fuel for the EU Economy: How to drive new finance for energy efficiency investments" covers buildings, industry and SMEs. FIEC contributed actively during several meetings of the EEFIG. The concerns raised by TEC were as follows:

- "Off the shelf" renovation packages do not always provide the best solution. Each deep renovation project should be thoroughly assessed, to ensure the maximum impact, according to the specific conditions and location of the building
- Contractors should not be included in the list of industries considered to be energy intensive. Although certain sub-sectors in construction are indeed energy intensive – for example manufacturers of certain construction materials – the different players in the sector should be treated separately and not merely branded together as energy intensive.

## E) Resource Efficiency and Circular Economy

### I. Communication on Resource Efficiency Opportunities in the Building Sector

#### 1. FIEC Position

FIEC published its reaction to the Communication on Resource Efficiency Opportunities in the Building Sector, COM (2014) 445 in September 2014. Broadly speaking, the Communication was welcomed but FIEC highlighted some of the practical issues for contractors, such as how to deal with construction and demolition waste. Taking a pragmatic view, sustainable buildings provide an opportunity for the construction industry, but the Commission should not develop an onerous – and worse – potentially meaningless building assessment framework. Furthermore, it should take account of existing certification schemes and labels and incorporate the best of what has already been developed. The eventual framework which is not expected to be ready before 2017, should be simple and easy to implement – and above all, comprehensible to those that own and live in the buildings that might be subject to assessment.

FIEC believes that the proposed indicators are pertinent, albeit perhaps difficult to achieve in reality. However, indicators for buildings are inevitably dependent on relevant data for construction products. As relevant data is already collected (see above) we urge the Commission to integrate what already exists into any new framework for building assessment.



## II. Circular Economy Package

### 1. FIEC Position

Following the publication of the Circular Economy Package in July 2014, FIEC published its position in September 2014, which supports the re-use and recycling of construction materials, where this is feasible, cost-effective and acceptable to the client. However, the re-use of materials and use of recycled materials are not necessarily straightforward processes. Furthermore, there needs to be a market for "fit for purpose" re-used materials on the one hand and a business case for contractors on the other. FIEC is doubtful that either has materialised yet. In addition, although the industry is ready to do its bit, excessive measures should be avoided, especially if these end up solving one problem but creating another. Looking ahead, the circular economy package should stay in the European Commission's Work Programme and FIEC hopes that its withdrawal, announced towards the end of 2014 is only temporary. The Commission's case for withdrawing the package was not really convincing and FIEC is pleased that it is under pressure to bring it back as soon as possible. Nevertheless, when it does come back, the industry should be vigilant and follow carefully the development of any specific measures, in particular anything that results in regulation.

### 2. End of Waste Criteria

The lack of end of waste criteria at EU level continues to hamper efforts to effectively process construction and demolition waste. Nevertheless, in spite of the lack of progress in the development of the long-awaited EU end of waste criteria, there are examples of good practice in several Member States. For the foreseeable future, FIEC will continue to call on DG Environment to act on this issue, even though the signs of anything happening soon are not very positive.

### 3. Revision of Waste Directives

Along with the Circular Economy Package, the proposal to revise the waste directives was also withdrawn from the Commission's Work Package for 2015. Having spent some considerable time developing a position within TEC-3, which was approved by the FIEC members, it was surprising that this proposal was targeted, as part of the Commission's effort to focus only on the "big problems" in 2015. Indeed, waste remains one of the European Union's big problems and the original proposal was welcomed by FIEC. With this in mind, the issue will remain in TEC-3's Work Programme for 2015. In any case, as with the Circular Economy Package, FIEC expects the proposal to be improved by the Commission and re-presented later in 2015.

## F) Energy and Climate Change

### I. Climate and Energy Package 2030

The Climate and Energy package took most of 2014 to progress through the policy making process. TEC-3 chose not to comment on the proposed targets. However, a FIEC position was published on the Energy Efficiency Strategy COM(2014) 520 final. This is addressed in more detail in the next section.

### II. Energy Efficiency

#### 1. Energy Efficiency Communication COM(2014) 520

FIEC published its position on the Energy Efficiency Communication in November 2014. The position highlighted the lack of progress in the Member States in transposing both the Energy Efficiency Directive and the Energy Performance in Buildings Directive. FIEC believes that until the above directives have been addressed, there is no point in introducing totally new policy measures at EU level to foster energy efficiency in buildings. The position also emphasised that there is no "one size fits all" solution when it comes to energy efficiency measures. Moreover, caution was urged in terms of the level of ambition, in particular with regards to the potential impact on consumers.

Given that there are likely to be substantial energy system costs and that these rise considerably from the costs predicted for an energy savings target of 25% to those predicted for a target of 40%, we would urge caution over the level of ambition, on the basis that such costs should not hurt consumers too much. Although FIEC supports energy efficiency per se and recognises that the long term benefits will eventually compensate for the costs, nevertheless, we doubt that EU citizens are ready yet to accept the “ no pain, no gain ” argument, which appears to be put forward in the Communication.

Finally, although FIEC agreed that there are potentially significant savings in buildings, the challenge of achieving energy savings should not be placed disproportionately on the construction industry. Other industries – especially energy-intensive industries – must be targeted too.

## 2. Energy Efficiency in Buildings

Already partly covered in the previous section, FIEC expressed concern about the lack of progress in Member States, in particular with regard to the renovation of the existing building stock. FIEC believes this is an urgent priority for the European Union as a whole and will continue to support the Renovate Europe campaign to promote the renovation of the EU building stock as the most effective way of reaching the EU energy efficiency target.

Here are just a few examples of what the Technical Commission has delivered over the past year:

### Position Papers

FIEC Position Paper – Resource efficiency in the building sector (01-09-2014)

FIEC Position Paper – Contractors support circular economy but do not believe that the business case is clear (01-09-2014)

FIEC Position Paper – FIEC reaction to energy efficiency communication COM (2014) 520 (12-11-2014)

FIEC Position Paper – Contractors are pioneers and key contributors to growth (14-11-2014)

FIEC Position Paper – Yes to further waste reduction but no to more red tape (18-11-2014)

All these documents are available on the FIEC website [www.fiec.eu](http://www.fiec.eu)

## Answers to public consultations

FIEC answer to Independent Review of the European Standardisation System (24-12-2014)

FIEC answer to Construction Products Regulation Analytical Study (05-01-2015)

## Participation in public events

Speech by Jan Coumans, TEC-1 Chairman, in Construction Sector Network Conference (18-06-2014, Brussels, BE)

Speech by Sue Arundale, Director, Technical and Environmental Affairs, in Joint Conference European Economic and Social Committee (EESCO), MACIF and Notre Europe on "A participatory model for energy efficiency in the building sector" (29-09-2014, Paris, FR)

Speech by Johan Willemen, FIEC President, in Critical Infrastructure Protection and Resilience Europe Conference on Smart Construction – systems, modelling, intelligent design and specialised materials for more secure CNI (04-03-2015, The Hague, NL)

# SMALL AND MEDIUM-SIZED ENTERPRISES (SME'S)

**Frank Dupré, DE**  
The SME-Envoy

Ulrich Paetzold, FIEC  
Rapporteur



## A) Micro, small, medium-sized and large enterprises: A full representativeness

The European construction industry is, overwhelmingly made up of craftsmen, SMEs and family-owned businesses. This reality is also reflected in the membership of FIEC's member federations. This broad membership base ensures FIEC's comprehensive representativeness within the European construction industry, i.e. enterprises executing all kind of building and civil engineering specialities, whether operating as general contractors or as sub-contractors.

Without any discrimination, FIEC represents the interests of construction enterprises of all sizes:

- craftsmen, builders and micro enterprises
- small and medium-sized enterprises
- larger and very large companies

These enterprises may be family owned or capital stock companies, they may be family run or managed externally, but they are all construction firms and, as such, they have much more in common than they have conflicting interests.

The unmatched strength of FIEC's initiatives and positions are rooted in the fact that they are based on the views and experience of such a wide variety of enterprises from so many countries.

In addition to this permanent general consideration given to the interests of SMEs in each individual issue addressed by FIEC commissions, sub-commissions and working groups, FIEC created, in 2002, a specific Vice-Presidency for SME issues under the title of "SME Envoy".

The FIEC SME Envoy double-checks - in each and every case - that FIEC position papers and initiatives adequately take into account the interests of SMEs and family owned businesses.

## B) Full involvement of SME organisations in the sectoral social dialogue

The FIEC/ EFBWW construction social dialogue committee is generally recognized as one of only a few sectoral social dialogue committees, in which SMEs are not practically excluded.

In fact, FIEC's comprehensive representativeness ensures the full respect of SME interests in the work of the sectoral social dialogue committee and its specialised working groups. FIEC and its Social Partner EFBWW, are very committed to this fully representative, strong, successful and autonomous Sectoral Social Dialogue which they commenced many years prior to it becoming institutionalised by the European Commission.

## C) Enterprise Europe Network (EEN)

The EU Commission, DG ENTR, set up this network on the basis of previous experience with the two networks, Euro Info-Centre (EIC) und Innovation Relay Centre (IRC). According to their website, "helping small companies make the most of the business opportunities in the European Union is the Enterprise Europe Network's mission". EEN is composed of close to 600 member organisations offering a broad range of free

services, for example in the areas of helping to find international business partners, source new technologies, receive EU funding or finance and advice on issues so diverse as intellectual property, going international, or EU law and standards.

As with the Euro-Info-Centre network, FIEC has been accepted by the European Commission as an "Associate Member" of EEN. This means that FIEC does not provide any of the EEN's services directly to those seeking advice, but provides the EEN's full members with sectoral advice/ information and cooperate in joint events, training sessions or projects.

For more information, please go to the specific website <http://een.ec.europa.eu/>

“

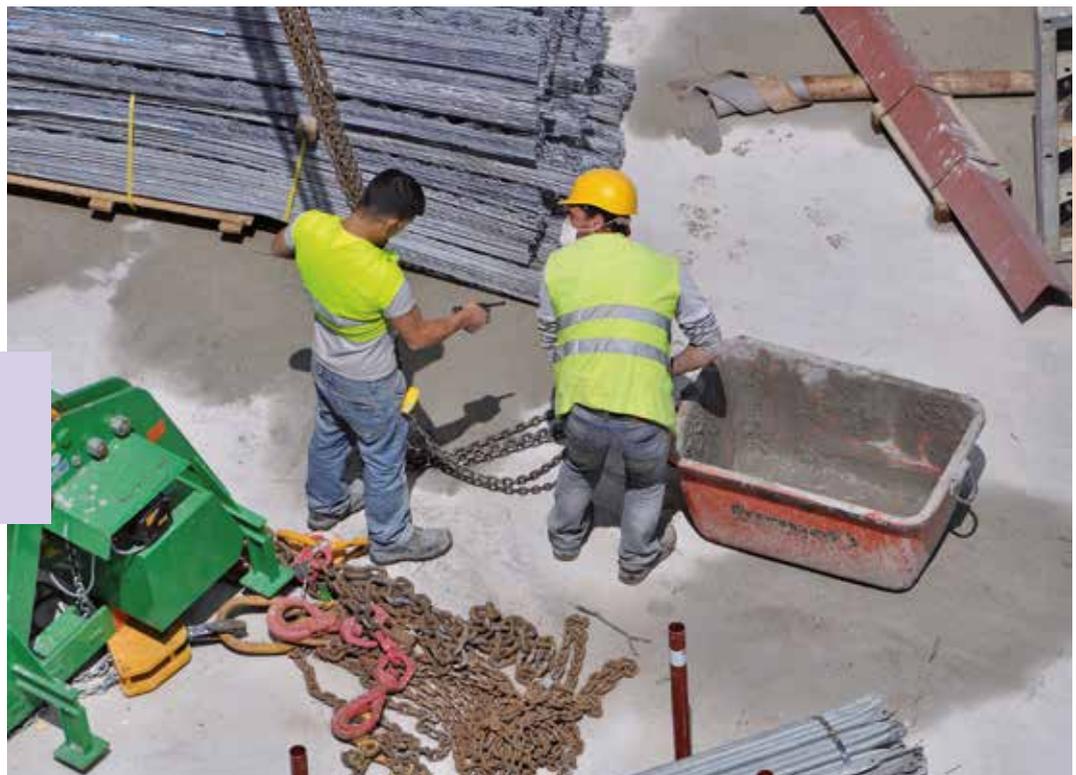
*The category of micro, small and medium-sized enterprises (SMEs) is made up of enterprises which employ fewer than 250 persons and which have an annual turnover not exceeding 50 million euro, and/ or an annual balance sheet total not exceeding 43 million euro.*”

Extract of Article 2 of the Annex of Recommendation 2003/361/EC

**Commission Communication - Model declaration on the information relating to the qualification of an enterprise (SME, OJEC, C118, p. 5 -15, of 20/5/2003)**

	micro	small	medium	large
<b>workers/ employees</b> (incl. owner/ manager, excl. apprentices) and ...	1-9	10-49	50-249	(250 +)
(either) annual <b>turnover</b> up to x million €	2	10	50	(50+)
(or) annual <b>balance sheet</b> up to x million €	2	10	43	(43+)

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# THE EURO-MEDITERRANEAN PARTNERSHIP (MEDA)

**Guillermo Apparicio, ES**  
President

Maria Angeles Asenjo, ES  
Rapporteur



FIEC continues to pay special attention to the EU institutions' activity in relation to the Euro-Mediterranean Partnership which was mainly developed in the framework of the European Neighbourhood Policy (ENP). The objective of this FIEC mission is essentially to inform member federations about initiatives, programmes and financial support from the EU institutions dedicated to fostering or developing civil engineering and building projects in the Southern Mediterranean neighbouring countries

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It is worth noting that in the new European Commission, this policy is tackled by the Directorate General Neighbourhood and Enlargement Negotiations (DG NEAR), under the political authority of Commissioner Johannes Hahn, working closely with the European External Action Service headed by the High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini.

At present, the ENP is being reviewed taking into account the current circumstances in the neighbouring regions. The ENP was designed in 2003 and it has evolved over recent years; it was already reviewed in 2011 in order to respond, in its Southern component, to the events of the Arab Spring. The area faces instability, political, security and humanitarian problems; today's neighbourhood is less stable than it was ten years ago.

In this context, on 4 March 2015 the European Commission and the High Representative launched a public consultation to start discussing an in-depth examination of the EU approach to its neighbours: the assumptions on which the ENP is based, its scope and its instruments. The consultation will be open until 30 June 2015. The European Commission intends to publish a Communication in autumn 2015 setting out concrete proposals for the future orientation of this policy.

It is also worth mentioning that on 25 March 2015 the European Commission and the High Representative presented a series of annual reports, which assessed the implementation of the ENP last year with the partner countries and pointed out our recommendations for the year ahead. Among these documents, there is a Joint Communication entitled "Implementation of the European Neighbourhood Policy in 2014", a regional report entitled "Implementation of the European Neighbourhood Policy Partnership for Democracy and Shared Prosperity with the Southern Mediterranean Partners", statistical data showing the progress to date and specific information by country.

In order to inform FIEC members throughout the year, the bulletin **MEDA newsletter** has been regularly published, containing relevant and updated information mainly from the **European Commission, the Council of the European Union, the European Investment Bank** -in particular the Facility for Euro-Mediterranean Investment and Partnership (FEMIP)-, the **Union for the Mediterranean** and the **Western Mediterranean Forum** (5+5 Dialogue). These bulletins are available on FIEC website for member federations.

# WORKING GROUP “HOUSING”

**Martin Lemke, BFW**  
Chairman

Andreas Beulich, BFW  
Rapporteur



The Working Group “Housing” deals with the topic of financing of energy efficiency in buildings, as well as issues related to the housing market in general.

## I. Energy efficiency

Over the last year, the Working Group “Housing” dealt primarily with the topic of financing of energy efficiency in buildings and the general increasing importance of energy efficiency in the housing sector.

The requirements for energy efficiency by the deadline of 2030, especially in standardisation and the access to finance for energy efficiency in existing buildings, especially in the residential sector, will become increasingly important in the European housing markets. A stable, affordable housing market is vital for the economy. One of the key success factors for energy efficiency in buildings is affordability and how to finance the required investment, to increase the rate of energy efficiency in the housing stock. The European Commission has generally held the view that a minimum of public money should be mobilised to attract the maximum private investment and that housing providers should play a further role in triggering energy efficiency investments. The increasing number of standards over the recent years related to environment and resource efficiency pose the same kind of question as the increased requirement for energy efficiency in buildings: how to find the right balance between ambitious single norms and large scale impact of a policy, when these are sometimes contradictory. The content and the impact of future regulation, especially in the field of energy efficiency, will be of major interest for the Working Group “Housing” in the next years.

## II. The housing market

Besides the topic of energy efficiency in the building stock the Working group Housing also dealt with the structural and economic framework conditions for new building in the member countries, including taxes, rent control systems, allocation of land and building permits.

The topics addressed in this framework include:

### 1. Future developments in housing:

- Future challenges for housing companies, allocation of land for the housing sector, tacit construction permits in the member states
- Demographic change and the impact on residential housing (e.g. for elderly people)
- Rent control in the member states
- Tax systems in the member states
- Analysis of the building stock in the member states

“ FIEC became co-chair of the EHF, together with UIPI and UEPC, in early July 2014. This combination of complementary experience and know-how ensures the efficient continuation of the European Housing Forum work. ”



Germany © Tyler Olson - fotolia.com

## 2. EU-Policy

- European funding opportunities for housing (energy efficiency in the housing sector)
- Observation and representation of political events / decisions

## 3. Legal and Tax framework

- Revision of the EPBD Energy Performance of Buildings Directive in 2016
- Regulation of the banking sector and corporate finance
- Property Investments abroad

## III. FIEC in the European Housing Forum

To expand the network of the FIEC Working Group "Housing" and represent FIEC's interests in the property sector more intensively, FIEC is working very closely with the "European Housing Forum", a discussion platform on European policy topics influencing the housing market. FIEC has been a member of the European Housing Forum for the past few years. It became co-chair of the EHF, together with UIPI and UEPC, in early July 2014. This is a very good opportunity for FIEC to become more active in housing issues and to let the WG "Housing" benefit from this commitment, as well as becoming more visible with regard to these issues within the EU institutions. The Working Group "Housing" plays an active part in the forum. Members include, amongst others, representative associations of tenants, social housing, developers, real estate professions, etc.

The EHF meets every two or three months and deals with issues like access to and costs of housing, energy efficiency, urban planning, etc.

### Position Paper

- EHF letter promoting the URBAN intergroup (19-09-2014)



**JOINT PRESS RELEASE – 30/06/2014**

FIEC, UEPC and UIPI elected new co-chairs of the European Housing Forum

**Today, the European Housing Forum has elected its new co-chairs. The European Construction Industry Federation (FIEC), the European Union of Developers and House Builders (UEPC) and the International Union of Property Owners (UIPI) will take the lead for one year renewable.**

The European Housing Forum is an informal platform gathering representative organisations of the entire housing sector – consumers, providers and professionals – with the aim of sharing their expertise and raising the issues that this sector faces towards the EU institutions.

Emmanuelle Causse, Head of Public Affairs of UIPI, Christine Le Forestier, Director of Economic and Legal Affairs of FIEC and Filiep Loosveldt, Managing Director of UEPC, who took over the challenge, stated:

“Our role as co-chairs will be to continue the work of the EHF in favour of affordable and decent housing in Europe. The role of the Forum is not only to promote the exchange of information among the housing stakeholders, but also to increase understanding and raise awareness at EU level of the housing dimension of relevant EU issues. The housing sector is a significant sector at all levels of policy-making. The European Housing Forum is looking forward to further work in close cooperation with the EU institutions, notably with the European Parliament’s URBAN intergroup, as soon as its renewal is being confirmed.”

ENDS

**Note to editors:**

*EHF – the European Housing Forum was created in 1997, following the adoption of a resolution on the social aspect of housing by the European Parliament. The European Housing Forum currently has 15 members, all of which are major international or European organisations working in the area of housing.*

*FIEC – the European Construction Industry Federation, representing via its 33 national Member Federations in 29 countries (28 EU & EFTA and Turkey) construction enterprises of all sizes, i.e. small and medium-sized enterprises as well as “global players”, carrying out all forms of building and civil engineering activities. Within FIEC, a specific transversal working group addresses all housing-related issues.*

*UEPC – the European Union of Developers and House Builders has been created in 1958 already and is the umbrella organisation for national federations of Developers and House Builders. UEPC is a European association representing more than 30,000 developers and house builders affiliated to the federations of different Member States and Norway. The credo of UEPC is “restoring the past, building the future”...*

*UIPI – the International Union of Property Owners is a pan-European association comprising 30 organisations from 28 countries. Jointly, they represent more than five million property owners and some 20 million dwellings. Founded in 1923, its member organisations share the common goal of promoting the rights and interests of private property.*

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# EUROPEAN INTERNATIONAL CONTRACTORS (EIC)



**Duccio Astaldi, IT**  
President



**Frank Kehlenbach, EIC**  
Director

European International Contractors (EIC) represents the international interests of the European construction industry vis-à-vis European policy makers and international financial institutions. Its full members are construction federations from 15 European countries which are directly or indirectly affiliated to FIEC and have internationally active member firms.

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## A) Organisation

EIC was founded in 1970 and has been registered since 1984 as a legally independent business association under German law in Berlin. Its mandate is to promote the interests of the European construction industry in relation to its international business activities. To this end, the federation maintains close relations with all European, international and other important organisations with policies relevant for the international construction business, including the European Commission (EC), the European Investment Bank (EIB), the European Bank for Reconstruction and Development (EBRD), the OECD, the World Bank as well as other relevant non-governmental organisations, such as FIDIC or CoST.

According to the latest EIC International Contracts Statistics for the year 2013, the total volume of international turnover carried out by EIC member companies amounted to €163 billion. This good result was confirmed by the latest survey "Top 250 International Contractors" published by the magazine Engineering News-Record showing that the market share of European contractors on the global construction market amounts to more than 50%.

At the end of 2014, the composition of the EIC Board was the following:

President Duccio Astaldi (Condotte d'Acqua, Italy)  
Vice-President George Demetriou (J&P Avax, Greece)  
Treasurer Per Nielsen (NCC, Sweden)

Plácido Álvarez Holgado (FCC, Spain)  
Jesper Arkil (Arkil Holding, Denmark)  
Philippe Dessoy (BESIX, Belgium)  
Juha Kostianen (YIT, Finland)  
António Mota (Mota-Engil, Portugal)  
Karl-Heinz Müller (Strabag International, Germany)  
Wouter Remmelts (BAM International, Netherlands)  
Frédéric Roussel (Colas, France)  
Emin Sazak (Yüksel Insaat, Turkey)  
Karl-Heinz Strauss (PORR, Austria)

President Duccio Astaldi also represents EIC as Vice-President on the FIEC Steering Committee.

## B) Objectives & Priorities

EIC has the task of achieving the following three main objectives:

- EIC aims to **create new business opportunities** by advocating a closer collaboration between development and commercial finance and by promoting the PPP concept on the global level.
- EIC advocates **better market conditions** by improving the political and legal framework conditions for the international business activities of its member companies.
- EIC provides a **unique forum for networking** and the exchange of the latest international experience.

Within the broad range of operating conditions influencing the work of European international contractors, the following topics had the highest priority for EIC in 2014:

### I. FIDIC Standard Forms of Contract

For more than 40 years, EIC's Working Group Contract Conditions has been reviewing and commenting on the FIDIC standard forms of contract. The work of the group has been condensed into several high-quality publications known as the EIC Contractor's Guides, which not only provide its membership with a quick overview on the potential risks and pitfalls of the FIDIC forms but also influence the debate on fair and balanced contract conditions in general.

The group's current focus is on the envisaged updates of the FIDIC 1999 suite of contracts, expected to be published in 2016. At the FIDIC Annual Conference 2014, EIC stated that the latest FIDIC edition contains a rather demanding risk profile for contractors when compared with earlier forms of the last century, but – except for the “Silver Book” – still provides a fair balance of risks and responsibilities between the parties.

At the above occasion, EIC expressed its concern about the negative effects connected with the uninhibited misuse of FIDIC forms by many clients around the globe and suggested a rigid FIDIC policy to prevent such unwelcome practices.

FIDIC is currently considering the introduction of “Golden Clauses” in FIDIC General Conditions in order to thwart the over-tweaking of FIDIC based contracts, where the intention of the forms is lost.

### II. Abnormally Low Tenders

The Working Group “Contract Conditions” also scrutinises the Procurement Policy and Standard Bidding Documents of the Multilateral Development Banks. The European Bank for Reconstruction and Development (EBRD) approached EIC in 2014 for comments on an intended MDB policy revision concerning Abnormally Low Tenders (ALT). Currently, none of the MDB's procurement rules contain any references to ALT and the MDB Harmonised Standard Tender Document for Works contains no provisions that would permit the rejection of a tender purely on the basis of a low price.

EIC voiced its general support for a policy that would assume the submission of an ALT if the lowest tender price transpires to be substantially, say more than 15%, below the second lowest price offered and/or in excess of 25% below the average prices offered in the tenders. However, certain reservations, qualifications or adaptations should be made for complex or innovative works, e.g. Design-Build. With reference to the UNCITRAL Model Procurement Law, EIC recommends a mandatory requirement for an ALT to be investigated and rejected if proven to be an ALT. By contrast, EIC generally advises against a higher level of Performance Security because the negative consequences of such a “remedy”, including the potential misuse by clients, would by far outweigh the positive aspects.

### III. World Bank Procurement Framework

The EIC Working Group “World Bank Procurement” continued to scrutinise and comment on the policy papers and working documents published by the World Bank with respect to the review of its operational procurement policy and procedures. The second stage of the review was launched in November 2013 and a “New Proposed Procurement Framework - Phase II” was presented to World Bank Executive Directors in July 2014. In autumn 2014, the World Bank conducted multi-stakeholder consultations in 37 countries with more than 1,500 participants representing government, the private sector, academia, and civil society.

The group drafted a position paper that responded to several complex issues, such as Value-for-Money decision-making, alternative procurement arrangements, international competitive bidding, prior review thresholds, complaint mechanisms, etc., where stakeholders had very different ideas on the best approach to take. The position paper was endorsed by CICA and sent to the Bank's management and to the European Directors at the World Bank. More generally, EIC criticised the fact that the new policy outline could lead to a high level of uncertainty for both Bank staff and Contracting Authorities due to its general vagueness and ambiguity. The position paper was submitted together with a FIDIC position thus presenting a unified position of the global construction and consulting engineering industry composed of two complementary documents. The feedback received from stakeholders will be incorporated into the final policy, which is expected to be presented to the Board of Executive Directors for their approval in summer 2015.

#### IV. Design Build and Operate Schemes

The main focus of EIC's Working Group "Africa" was on reviewing a study commissioned by the European Commission's Directorate-General for International Cooperation and Development (DG DEVCO) concerning the application of Design-Build and Operate (DBO) methods to EC-financed infrastructure projects in developing countries. The respective study found some significant advantages of Design-Build and DBO contracts, when compared to the conventional design-bid-build approach, for instance the delivery of more efficient and sustainable long-term assets, the enhancement of quality and efficiency of end-user services, technology transfer to the developing country, better risk control and best value for money procurement.

Whilst the group agreed with many of the findings in the study, it called upon DG DEVCO to ensure a fair contractual risk allocation. Concerning the responsibility for complementary studies, particularly on geo-technical information, the group stressed that, as a general principle of fairness, the client must always be responsible for the information provided, as contractors rely on such information for the purpose of defining their bids and for the execution of the works.

The European Commission has agreed with most of EIC's comments and has announced that it will seek EIC's further expertise and advice on the drafting of its new Design-Build standard form of contract.

#### V. "Blending 2.0" proposal

The group also followed-up on its proposal for a revised blending instrument that advocates the blending of EU grants and European soft loans for so-called "non-commercially viable" public sector infrastructure projects in Africa ("Blending 1.0") with commercial bank financing covered by European export credit insurance capacity ("Blending 2.0").

On the request of EIC, the European Commission hosted in July 2014 a Roundtable with European Development Finance Institutions and European Export Credit Agencies (ECA) to discuss EIC's proposal for closer cooperation between these institutions in order to enhance the blending agenda of the European Commission. The ECAs that were present also expressed their interest in backing Developmental Financial Institutions (DFI) in project financing as this allows them to get involved in higher risk projects, although in countries with a high level of sovereign debt, such as in Sub-Saharan Africa, concessional requirements may oblige them to work with non-sovereign / private partners. The Commission has committed itself to pick up the main aspects of the Roundtable with EIC in the context of the Technical Group 6 of the EU Platform for Blending in External Cooperation (EUBEC). In this group, DFIs and the Commission are working together to identify concrete options that address how EU blending can further catalyse private financing.

#### VI. International Competitiveness

EIC took a leading role in the activities of the Thematic Group on "International Competitiveness" coordinated by the European Commission and took part as rapporteur in the 3<sup>rd</sup> Meeting of the High-Level Tripartite Strategic Forum concerning the EU Communication on the European Commission's "Construction 2020" Action Plan in March 2015. The purpose of the event was to take stock, together with officials and experts from Member States, stakeholders and Commission services, of the actual implementation of this sectorial initiative within the policy framework for industrial policy. The Director-General of DG Enterprise and Industry, Daniel Calleja Crespo, emphasised that one of the Commission's priorities was to ensure enhanced market access for European companies to construction markets in third countries.

In this context, EIC's proposal for "Blending 2.0" has been adopted as a key recommendation. Other important conclusions were the need to maximise the benefits from current Free Trade Negotiations, for instance by addressing the protectionist U.S. regulation in the dredging sector in the context of TTIP, to promote the Eurocodes in third countries and to apply best practice in achieving Mutual Recognition Agreements concerning professional qualifications.

## VII. Development Agenda

The UN is currently determining its future development framework as the target year of the Millennium Development Goals has been reached in 2015. The Post 2015 development Agenda is expected to be adopted at a Special Summit in New York in September 2015. In preparation, EIC voiced the respective views of the European construction industry through the Business and Industry Advisory Committee (BIAC) to the OECD.

The input of EIC and other industry federations led to an agreement within the OECD Development Assistance Committee (DAC) in December 2014 that moves towards a broader definition of aid flows. This new definition, provisionally called "Total Official Support for Sustainable Development" (TOSD) could complement Official Development Aid (ODA) measures, covering "the totality of resource flows extended to developing countries and multilateral institutions in support of sustainable development and originating from official sources and interventions, regardless of the types of instruments used and associated terms". In practice, this would mean that non-concessional loans and export credit finance and insurance would be counted under the new paradigm. This new mechanism will in turn create incentives for more proactive efforts to deploy official development finance in ways that will leverage additional private finance for development, also in the infrastructure sector.

These changes are to be confirmed at the UN Summit on Development Financing in Addis Ababa in July 2015, before finally being adopted as part of the Post-2015 Development Agenda in September 2015.

## C) EIC Conferences

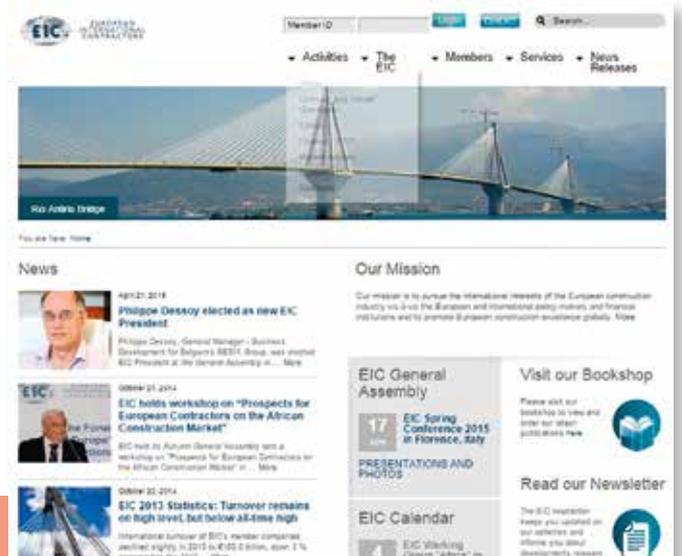
Twice a year, in spring and autumn, representatives of all member federations are invited to gather for the EIC General Assemblies which are followed by a Workshop. These Workshops are either topic-related and highlight particular framework conditions important for all European international contractors, such as export credit insurance, guarantees or the influence of IT on construction, or they examine the present situation in the construction market of a specific region. At these occasions, expertise is brought into the discussion from outside the industry by engaging high-level speakers from various institutions to contribute to the discussion. The conferences are traditionally attended by senior international managers from leading European contractors as well as related industries.

On 11 April 2014, UK member firm Lagan construction hosted the EIC conference in Belfast, Northern Ireland with a workshop on The Impact of Innovative Contract Models on the Planning and Execution of Large and Complex Projects.

The autumn conference on 17 October 2014 was hosted by the Portuguese member federation FEPICOP in Porto with a workshop on Prospects for European Contractors in the African Construction Market.

For joint FIEC/EIC activities please refer to page 18.

To sign up for the monthly EIC Newsletter as well as more information on EIC activities, conferences and members, please go to the EIC website [www.eic-federation.eu](http://www.eic-federation.eu).



## EIC publications



EIC Turnkey Contract, 1994



EIC Contractor's Guide to the FIDIC Conditions of Contract for Construction, 2002



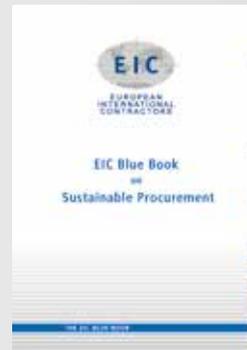
EIC White Book on BOT/PPP, 2003



EIC Contractor's Guide to the FIDIC Conditions of Contract for Plant and Design-Build, 2003



EIC Contractor's Guide to the FIDIC Conditions of Contract for EPC Turnkey Projects, 2003



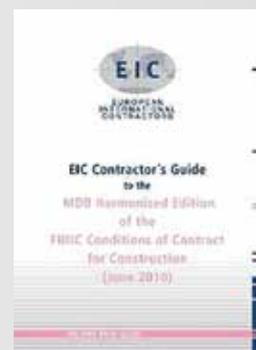
EIC Blue Book on Sustainable Procurement, 2004



Contractor's Guide to the FIDIC Conditions of Contract for Design, Build and Operate Projects, 2009



EIC/FIEC Memorandum on Frequently Asked Questions on Public-Private Partnerships (PPP), 2006



EIC Contractor's Guide to the MDB Harmonised Edition of the FIDIC Conditions of Contract for Construction (June 2010), "The Pink Book Guide", 2011

For FIEC publications, please refer to p. 69

# CONFEDERATION OF INTERNATIONAL CONTRACTORS' ASSOCIATIONS (CICA)

**Manuel R. Vallarino**  
President  
(FIIC, Panama)  
(-12/2014)



**Emre Aykar**  
CICA President  
(01/2015-)

CICA Senior Vice-President  
(FIEC, Turkey)  
(-12/2014)

**Roger Fiszelson**  
Director General



## A) CICA Events

### I. Meetings with the African Development Bank (AfDB)

CICA has regular contacts with representatives of the African Development Bank. CICA is planning a mission at the AfDB's headquarters in Abidjan in September 2015.

CICA and AfDB plan to discuss the following common points of interest:

- Reform of the Bank's Procurement Policy;
- Development of infrastructure in Africa, including topics such as professional training and co-financing with Multilateral Development Banks and Development Finance Institutions;
- Public-Private Partnerships;
- Performance-based road maintenance contracts and their possible use for the development and training of the local industry.

### II. United Nations Commission on International Trade Law (UNCITRAL)

CICA contributes to a UNCITRAL Legislative Guide, specifically to the chapter on Project Risk and Government support.

CICA also liaises with the UNCITRAL Secretariat and participates in the UNCITRAL Working Group on the revision of the PPP Model Law. The revision of the UNCITRAL PPP Model Law was rejected in the agenda of the official works of the commission in July 2014. However it will be evoked again and the aim is to pursue the works for its inclusion in the commission official agenda 2015.

### III. International Chamber of Commerce (ICC)

CICA participates regularly in the activities of the French Committee of ICC and in the Paris meetings of some ICC international commissions:

- Commercial law and practice;
- Corporate responsibility and anti-corruption;
- Intellectual property;
- Commission on Environment and Energy:  
In 2015 CICA will contribute to the ICC Business climate code of conduct.

#### IV. OECD-Investment Security in the Mediterranean (ISMED)

CICA contributes to the work done by the working group on fostering infrastructure investment in the Middle East & North Africa (MENA) region". The working group is addressing the issue of how to facilitate the decision-making process of the private sector in view of investing in infrastructure projects in the MENA region, including those done by PPP. Discussions focus in particular on ways to expand the use of existing guarantees and risk sharing mechanisms.

Four Task Forces deal with the following topics:

- I. Risk mitigation instruments;
- II. Developing arbitration in the Mediterranean;
- III. Risk mitigation in PPP;
- IV. Islamic finance.

CICA is the team leader of the Task Force III.

CICA contributes to a simplified vade mecum on the conception, realisation, exploitation and maintenance for PPPs.

#### V. Dispute Resolution Board Foundation (DRBF)

CICA liaises with the Dispute Resolution Board Foundation to organise events on Dispute Avoidance and Alternative Dispute Resolution – Techniques in International Construction and Infrastructure Projects.

#### VI. FIDIC

FIDIC asked for CICA and EIC to review and comment on the draft of the revised FIDIC White Book. CICA and EIC are reviewing the revised FIDIC White Book draft that should be adapted to the relationship between Engineers and Contractors.

#### VII. World Bank – International Advisory Group for Procurement (IAGP)

Cairo, 17<sup>th</sup> and 18<sup>th</sup> February, 2015

CICA with the EIC participated in the IAGP Council in Cairo on the 17<sup>th</sup> and 18<sup>th</sup> of February, 2015. The world of construction (FIDIC EIC CICA) is not satisfied with the project of reform as presented by the OPCS. Many texts are judged fuzzy or ambiguous, notably with regard to the following points:

- Capacity building
- Institutional strengthening
- Value for Money decision making
- Sustainable Procurement
- International Competitive Bidding
- Alternative Procurement Arrangements
- Integrity
- Bank supervision

Observations and disagreements were expressed via a joint letter from FIDIC, EIC, CICA and during the meeting in Cairo. A letter with our concerns was also addressed to the Executive Directors.

## VIII. Board - Council Meeting in Brazil

### Brasilia, 27<sup>th</sup> and 28<sup>th</sup> April, 2015

CICA Board – the Council meeting takes place in Brasilia on the 27<sup>th</sup> and 28<sup>th</sup> of April 2015.

In addition to CICA matters several roundtables will be organised:

- Presentation of Centre of Excellence's UNECE International Centre of Excellence on Public Private Partnership (PPP).
- Dispute Prevention and Resolution in PPP contracts
- Overview of PPP in Brazil and in the World
- Long-term financing market and its sources
- Guarantees - operational means to provide remedies for the present situation as well as a workshop on "Opportunities in PPP Presentation of Brazilian projects in early stage".

Brazil's Planning Minister, Nelson Barbosa, will be present to open the event. Representatives of Brazilian administration will also participate in this event.

## IX. CHINCA 6<sup>th</sup> III&CF

### Macao, 4<sup>th</sup> and 5<sup>th</sup> May, 2015

Following a request from CHINCA, CICA will participate in the 6<sup>th</sup> International Infrastructure Investment and Construction Forum in Macao in June, 2015. The theme that will be presented by CICA is currently being discussed with CHINCA.

## B) CICA Working Groups

### I. PPP Working Group

This is managed by Vincent Piron, who is the former Concessions' Head of Development at Vinci.

CICA is participating in the creation, under the aegis of United Nations Economic Commission for Europe (UNECE), of a PPP centre dedicated

to best practices, institutions and laws.

The Centre of Excellence will have a dual function: collection, analysis and proposals of texts and best practice within the framework of the Knowledge Centre, on the one hand, capacity building actions of the civil servants of emerging and developing countries through a Training Centre, on the other hand. An association of independent and multidisciplinary experts, ETIC-PPP, was created to gather the various skills required, allowing comprehensive coverage of the various disciplines (legal, economic, financial and technical) contributing to the successful completion of resilient PPP projects.

CICA will organise an event in Paris to launch this international Centre of Excellence which is being created in France under the auspices of UNECE. This process is only part of the project of creating regional hubs on PPPs taking into account the legal and cultural conditions in the various geographical zones. The aim is to attract long term financial investment (insurance, private equity, private pension funds etc.) for infrastructure.

### II. Well Prepared Project (WPP) Working Group

This is managed by Michel Demarre, Director General SEFI, Vice-president Europe and International Commission of FNTF and EIC Past President. The preliminary work will continue with the Permanent International Association of Road Congresses (PIARC) and FIDIC.

### III. Sustainable Business Working Group

This Sustainable Business working group is being revived. A new manager for this working group should be selected at the next CICA Board-Council Meeting in Brasilia in April 2015.

The CICA Working Group on Sustainable Business represents a forum for representatives from the construction industry to discuss issues related to Climate Change, Environment and Sustainable Construction in order to share information, promote green business, develop their knowledge of best practice from around the world and contribute to setting up the new regulations which will be issued by the international institutions. Therefore, the work performed by this Working Group will

lead to CICA position papers and proposals. CICA Regional Federations are designating experts to participate in the work of the CICA Sustainable Business Working Group.

#### IV. Creation of a new working group on Infrastructure Long Term Finance

On the occasion of the CICA Board-Council Meeting in Paris on 17-18 November 2014, it was decided to create a new Working Group focusing on Infrastructure Long Term Financing.

Its aim is to take into consideration the increasing recognition of the contribution of infrastructure to development, economic growth and employment.

This main goals of this CICA working group will be:

- To identify precisely the conditions required to trigger long term financing;
- To spread the solutions and the proposals of the construction industry;
- Lobbying actions, at the national and regional level, undertaken by CICA and other professional organisations at the world level, to assure the promotion of their analysis and proposals.

#### What's new on [www.cica.net](http://www.cica.net)?

For the attention of Members and Friends, CICA regularly puts studies and articles on the international activity of construction companies on-line. The site is currently under revision and should be improved to make it nicer, more readable and more accessible. The areas of free access to the website will be increased, in order to give better visibility to CICA.

#### V. CICA approved the membership of a new Friend:

Orascom Construction (OC) is a leading global engineering and construction contractor primarily focused on infrastructure, industrial and high-end commercial projects in the Middle East, North Africa, the United States, and the Pacific Rim for public and private clients. Orascom Construction employs approximately 53,000 people in over 20 countries.

More information available at: <http://www.orascom.com>

See the list of all the Friends of CICA at: [www.cica.net](http://www.cica.net)



“ It was decided to create a new Working Group focusing on Infrastructure Long Term Financing [...] to take into consideration the increasing recognition of the contribution of infrastructure to development, economic growth and employment. ”

# EUROPEAN CONSTRUCTION FORUM (ECF)

**Michail Daktylidis, GR**  
Vice-President in charge of  
ECF matters

Ulrich Paetzold, FIEC  
Rapporteur



## A) What is the European Construction Forum (ECF)?

The ECF is a platform for cooperation on issues of common interest between independent organisations representing key players in the construction sector and participating on a voluntary basis.

## C) The New European Commission

Having asked for a “Construction Commissioner”, ECF now expects the new structure with Vice-Presidents and Commissioners to achieve the coordination of EC actions concerning the construction sector.

## B) What are the aims of ECF?

The principal aim of the ECF is the establishment and recognition of a single comprehensive policy approach for the European construction sector through raising the awareness of decision makers at European level of the specific issues affecting the sector as a whole. To this end, the participating organisations strive to arrive at consensual views on issues of common interest.

This should lead over time to:

- greater involvement of the construction sector in the preparation of all EU legislative acts, programmes and actions that have a bearing on the sector.
- a more coherent and coordinated approach by the European institutions towards the sector. ECF will develop specific actions on the basis of this Manifesto and the EU agenda.

## Building Prosperity for the Future of Europe – A Manifesto for Action from the European Construction Forum (revised version 28/1/2013)

This Manifesto was presented to the EU High Level Forum “Competitiveness Communication” on 29/1/2013 on behalf of the ECF participants by FIEC Vice-President Paolo Astaldi and has not lost its importance for the on-going work, now called “construction 2020” (see page 14)

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What the construction sector can offer	Decisions EU policymakers should take
<p><b>Economic growth and jobs creation</b></p> <ul style="list-style-type: none"> <li>▶ Benefits to the economy as a whole through the multiplier effect thanks to the sector’s large share of EU GDP</li> <li>▶ Well designed, sustainable buildings and infrastructure essential for Europe’s future growth</li> <li>▶ Green jobs based on a comprehensive understanding of techniques and materials fully embracing a culture of health and safety</li> <li>▶ Identification and anticipation of the skills needs of workers in order to guide policy</li> </ul>	<p><b>Integrated policy framework</b></p> <ul style="list-style-type: none"> <li>▶ Provide a long-term, coordinated, and stable regulatory framework to ensure competitive sustainable growth</li> <li>▶ Implement policies based on impact assessments that put the three pillars of sustainability at the same level</li> <li>▶ Support renovation and new innovative, efficient solutions in buildings and infrastructure, leading to cost-effective nearly-zero energy new and existing buildings</li> <li>▶ Prioritise upgrading of infrastructure, including smart grids for energy distribution and sustainable transport networks</li> <li>▶ Adopt a whole life-cycle assessment approach to buildings</li> <li>▶ Invest in training, education and skills for workers, going beyond information and best practice exchange</li> </ul>
<p><b>Commitment to innovation</b></p> <ul style="list-style-type: none"> <li>▶ Strong commitment to innovation in daily business practice</li> <li>▶ Support for increased R &amp; D through pro-active participation in EU research programmes and industry platforms</li> <li>▶ Identification of technological gaps along the construction value chain in response to the Commission’s drive for innovation</li> </ul>	<p><b>Boost investment in research and innovation</b></p> <ul style="list-style-type: none"> <li>▶ Take full account of the strategic role of the construction sector in the proposed Horizon 2020 budget</li> <li>▶ Endorse the use of Structural and Cohesion Funds to leverage investments in efficient buildings and infrastructure</li> <li>▶ Support effective technology transfer</li> </ul>
<p><b>Care for the environment</b></p> <ul style="list-style-type: none"> <li>▪ Improvements in resource use and energy efficiency</li> <li>▪ Contribution to energy and transport infrastructure</li> </ul>	<p><b>Drive coherent environmental policy</b></p> <ul style="list-style-type: none"> <li>▶ Ensure coherence and integration between environmental policy and industrial growth policies</li> <li>▶ Strong focus on upgrading buildings’ energy and environmental performance</li> <li>▶ Set appropriate frameworks for recycling and waste-management</li> </ul>

What the construction sector can offer	Decisions EU policymakers should take
<p><b>Responding to social needs</b></p> <ul style="list-style-type: none"> <li>▶ Engagement towards a quality and safe built environment, adapted to demographic and social challenges</li> <li>▶ Solutions for affordable housing</li> <li>▶ Resilient construction for adaptation to climate change.</li> </ul>	<p><b>Develop a sustainable housing policy</b></p> <ul style="list-style-type: none"> <li>▶ Design planning and permit systems that facilitate new development (EU should benchmark different regional planning systems)</li> <li>▶ Facilitate access to credit for investment in affordable housing</li> <li>▶ Allow for measured and proportionate fiscal incentives for construction and renovation of dwellings.</li> </ul>

The construction sector calls upon the European Commission, European Parliament and the Member States to coordinate efforts at all levels of government in order to implement coherent and balanced policies and legislation based on a level playing field between public and private actors as well as between the EU and third countries.

More specifically, European and national policy makers should ensure coherence between their policy decisions and consequent investment decisions, even if this requires punctual exemptions from stability pact principles.



ECF will develop specific actions on the basis of this Manifesto and the EU agenda.

website: [www.ecf.be](http://www.ecf.be)



# COMMUNICATION

**Ricardo Gomes, PT**  
Vice-president in charge of  
Communication

Marie-Cécile Bailly, FIEC  
Communication Officer



## www.fiec.eu

- The public website presents FIEC activities and the concerns of the European construction industry. It is aimed at an external audience and contains thematic issues, news and positions papers
- The “members only” part has protected access and contains the communication tool connecting FIEC and its Member Federations.

## FIEC Periodical Publications

- **Construction Activity in Europe** (1/year)  
FIEC publishes a document giving information about construction activity in Europe. Each country is analysed individually and Europe as a whole under the following headings:
  - general economic overview (general economic situation, general economic policy, government policies in relation to the construction industry)
  - overall construction activity (including employment)
  - new housebuilding
  - rehabilitation and maintenance of residential buildings
  - non-residential building
  - civil engineering and construction abroad.

The data are given over a period of 5 to 10 years. Forecasts are made for up to one year.



## FIEC Periodical Publications

- **FIEC manifesto for action - EU term 2014-2019**

Ahead of the EP elections and the nomination of a new Commission FIEC has launched its "Manifesto for action" for the next EU term 2014-2019. The FIEC Manifesto defines 10 areas for action, which play a key role in establishing an adequate framework for ensuring that the construction sector can actually be the efficient lever for growth and jobs in all parts of the EU industry, in a sustainable and future-oriented way.



- **Article in Construction Europe (10/year)**

For many years FIEC has worked together with the magazine "Construction Europe", publishing a monthly article on EU current affairs.



- **Construction in Europe – Key Figures (1/year)**

This publication, in practical pocket format, provides the reader with a brief survey of the essential key figures of construction activity in Europe and in the world as well as a brief presentation of FIEC and the sector.



- **Annual Report (1/year)**

This document constitutes a complete survey of the FIEC issues and positions between two General Assemblies.



Construction in Europe: 100 years of FIEC (2005)



The FIEC Principles for Sustainability (2005)



FIEC/EIC Statement on Corruption Prevention in the Construction Industry (2009)

All these publications and further information can be obtained from the FIEC office in Brussels. For EIC publications, please refer to p. 60

## FIEC representatives in conferences and debates (selection)

### Economic and Legal items

#### Meeting at the Belgian Member Federation Confédération Construction

Brussels, BE (21/8/2014)  
"Latest up-date on Public Procurement rules", presentation (FR) by Christine Le Forestier, Director Economic and Legal Affairs

#### EC-EIB-MS Special Task Force "Developing Investment project pipeline in the EU"

EIB Luxembourg, LU (24/11/2014)  
"Manufacturing, Services, Social Partnership – The Construction Industry's Contribution", presentation (EN) by Ulrich Paetzold, FIEC Director General

#### Meeting with EU DG ECFIN and Private Stakeholders

Brussels, BE (13/1/2015)  
"An Investment Plan for Europe - Input from Private Sector", Participation of Johan Willemen, FIEC President - Kjetil Tønning, FIEC Vice-President TEC and Vincent Piron (Vice-Chair WG "Infrastructure & Financing")

#### Conference of the Swiss Federation INFRA

Lausanne, CH (3/2/2105)  
"European Infrastructure – European vision of the network and innovative investment", presentation (FR) by Christine Le Forestier, Director Economic and Legal Affairs

#### EU Conference "Single Market Forum 2014 – Towards a Strategic Implementation of the New EU Public Procurement Directives"

Rome, IT (13/2/2015)  
presentation (EN) by Ulrich Paetzold, FIEC Director General

#### Meeting with EU DG ECFIN and Private Stakeholders

Brussels, BE (28/4/2015)  
"An Investment Plan for Europe",

Intervention (EN) by Guillermo Aparicio, FIEC Vice-President MEDA and Duccio Astaldi, FIEC Vice-President EIC, both also EIC Board Members

#### EFBWW European Seminar - Implementation and Application of the European Public Procurement Directive

Frankfurt, DE (28/5/2105)  
"Social elements in Public Procurement. A political choice, a necessity or simply a waste of money", Intervention (EN) by Christine Le Forestier, Director Economic and Legal Affairs

### Social items

#### Workshops – FIEC / EFBWW project "Update and promotion of the Posting website"

- Riga (Latvia) (10/10/2014)
- Prague (Czech Republic) (4/11/2014)
- Ljubljana (Slovenia) (4/12/2014)
- Presentation by Domenico Campogrande, Director Social Affairs

#### Seminars EFBWW / FIEC "Guide for developing a H&S management system"

and "Information modules for safer handling of asbestos"

- Ljubljana (Slovenia) (14-15/04/2014)
- Budapest (Hungary) (14-15/05/2014)
- Istanbul (Turkey) (29-30/09/2014)
- Sofia (Bulgaria) (20-21/10/2014)
- Brussels (14/11/2014)
- Presentation by Domenico Campogrande, Director Social Affairs

#### FIEC-EFBWW European Seminar "Towards Social ID cards in the Construction Industry"

Thon Hotel City Center, Brussels, BE (17-18/11/2014)  
Intervention (EN) by Johan

Willemen, FIEC President  
Participation in Panel discussion of Rossella Martino (IT-ANCE), Chair of SOC-Enrique Corral (ES-CNC), Soren Langen Nielsen (DK), Gabriel Delporte (BE-Confederation Construction)  
Moderator: Domenico Campogrande, Director Social Affairs

#### Final seminar FIEC-EFBWW Project "Initiatives for youth employment in the construction industry"

Brussels (25/11/2014)  
Presentation by Domenico Campogrande, Director Social Affairs

#### Final Conference - Project "ENFOSTER – ENFORCement Stakeholders coopERation"

EESC, Brussels, BE (16/1/2015)  
"Posting of Workers in the EU: enforcement challenges, practices and cooperation among social partners and control authorities"  
Intervention (EN) by Domenico Campogrande, Director Social Affairs

#### OSHA Campaign Partner event with Commissioner Thyssen

Brussels (5/3/2015)  
Participation of Vincent Detemmerman, Director European & International Affairs (BE-Confédération Construction)

### Technical and Environmental items

#### CEN/CPE Annual Construction Network Conference

Brussels (18/6/2014)  
Intervention (EN) by Jan Coumans, Chairman TEC-1

#### Conference – MACIF-EESC-Institut Jacques Delors

Paris, FR (29/9/2014)  
"A Participatory Model for Energy Efficiency in the Building Sector", Intervention (EN) by Sue

Arundale, Director Technical and Environmental Affairs

#### CIPRE Conference on Critical Infrastructure Protection and Resilience Europe

The Hague, NL (4/3/2015)  
"Smart Construction – systems, modelling, intelligent design and specialised materials for more secure CNI", Presentation (EN) by Johan Willemen, FIEC President

### European and FIEC items

#### HDB German Member Federation, BFA meeting (Special Foundation Works)

HDB offices, Berlin, DE (23/9/2014)  
Defending Interests of the Construction Industry at European Level  
Presentation (DE) by Ulrich Paetzold, FIEC Director General

#### EFFC Annual General Meeting

Pullman Hotel, Bucharest, RO (10/10/2014)  
Defending Interests of the Construction Industry at European Level  
Presentation (DE) by Ulrich Paetzold, FIEC Director General

#### EESC Hearing "Fighting corruption in the EU: meeting business and civil society concerns"

EESC, Brussels, BE (26/3/2015)  
Concerns and expectations – What should be the next steps in EU: concrete proposals  
Presentation (EN) by Ulrich Paetzold, FIEC Director General

#### ELA Conference (European Lift Association)

Paris, FR (28/4/2015)  
The European Energy and Construction Scene  
Presentation (EN) by Vincent Detemmerman, Director European & International Affairs (BE-Confédération Construction)

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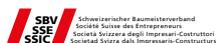
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(-12-2014)

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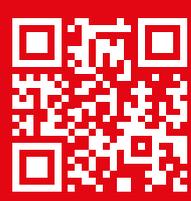
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EUROPEAN CONSTRUCTION  
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"Registered Association" according  
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