



FEDERATION NEWS

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Prague conference highlights industry's skills in the take-up of services innovations

The European engineering consultancy industry will demonstrate its innovative assets in organisational arrangements and competitive markets in Prague on 30 May 2008.

Conference speakers will showcase a broad array of areas of innovative performances of the European engineering consultancy industry, be it internally (knowledge management processes and managerial practices) or in creating value for clients.

Moreover, the conference will look at innovation from the demand perspective, i.e. demanding and novelty seeking customers who are willing and able to pay for upgraded, improved or novel services.



The conference will provide both a challenge and opportunity for promoting the innovative potential of the European engineering consultancy industry.

It will also help the federations' stakeholders to raise public clients' and customers' awareness of our industry's high economic and societal value.

Activities of EFCA committees make a difference in EFCA's representational work

The annual activity reports from EFCA committees and working parties demonstrate that these bodies decidedly represent the federation's pillars.

The committees and working parties are essential in the organisational set-up of the European engineering consultancy federation to give voice to the European industry.



Progress in, as well as results of, their representational work will be reported to the federation's stakeholders at the 29 May 2008 general assembly meeting.

On that occasion, the committee chairs will call on the federation's stakeholders to express views on how to develop the work further to the benefit of the European industry.

Meanwhile, all committee members' commitment and expert input to the federation are recognised as the materials of EFCA's further successes.

The annual reports on the committees and working parties are available at:

<http://www.efcanet.org/menuOnder/Committees.aspx>

EFCA calls for appropriate application of Directive 92/57 in practice

EFCA issued its position on the interpretation of EC directive 92/57 (health & safety on construction sites) in respect of its implications for the engineering consultancy industry.

Directive 92/57/EEC on health & safety on construction sites aims at placing legal responsibilities on clients and designers for the safety of building workers.

However, due to lack of clarity and ambiguities, the Directive is divergently interpreted and applied in national legislation.

In addition, various member associations reported that firms are faced with excessive responsibilities.

Already in 2004, both EFCA and ACE (Architects' Council of Europe) called on the European Commission to review the Directive. Whilst the European legislator opted for 'streamlining' EU law through the development of guidance to the member states, the European designers' community issued the EFCA-ACE guidance 'Designing for Safety in Construction' (available at:

[http://www.efcanet.org/menuBoven/Publications/Reports_\\$26\\$_Policy_Papers.aspx](http://www.efcanet.org/menuBoven/Publications/Reports_26_Policy_Papers.aspx)).

EFCA continued advocating its viewpoints, and has now provided guidance and recommendations on the national implementation of the Directive to its national associations.

The EFCA policy paper looks at the EU legal background (definitions and responsibilities), presents the situation in practice, defines the European industry's concerns and provides straightforward recommendations.

EFCA, together with five other European professional federations among which the architects, is also sitting on the EC advisory experts committee to ensure that the designer community's concerns are appropriately addressed in the EC guidance to the member states.

EFCA promotes development of European-wide business tools for successful cross-border projects

At the 22 April 2008 seminar in Brussels, CEN (European Committee for Standardisation) - AFNOR (French Standards Institution) presented the outcome of the study into the feasibility and opportunity for standardisation concerning engineering consultancy services in Europe'.

CEN and AFNOR explained the main purpose of the study, i.e. the examination of conditions of success for European standards, which would help to create the internal market for engineering consultancy services.

EFCA, together with SYNTEC-Ingénierie, actively supported the CEN-AFNOR project.

The EFCA Standardisation working party contributed to the stocktaking process of the current nationally fragmented engineering consultancy markets, caused by diverging legislation, regulations and business practices.

EFCA, in cooperation with AFNOR, also organised two workshops on 'Functional stages of projects' and 'Identification of new and emerging project management services'.

EFCA in particular looked at low market transparency that hampers tradability of services.

A prominent feature of current cross-border challenges in the internal market relates to a common understanding of functional terms, such as the scope of services, covered by the concepts 'feasibility study', 'conceptual design', 'detailed design', 'supervision', etc., and the related allocation of work, liabilities and insurance cover between project parties.

The April 2008 seminar debate focussed on the necessity to have a broad consultation with all stakeholders, the scope of the standardisation of engineering consultancy services, whether to opt for a European standard (EN) or a CEN Workshop Agreement (CWA) and the possibility that a European standard would eventually become mandatory. However, European standards for services are always voluntary in their use.

CEN-AFNOR will submit its final report to the European Commission (DG Enterprise) by the end of June 2008. It includes the recommendation to follow up the European standardisation process for engineering consultancy services.

EFCA Voice delivers message on EU public procurement law

The April 2008 issue of The Voice of EFCA focuses on 'Best value for public money'.

In the lead story of the latest Voice of EFCA, incoming EFCA President Panos Panagopoulos highlights the industry's major concerns about the EU legal public procurement framework.



He explains the impact of this EU law on the business and the industry's experiences of working in the public procurement markets.

The article also points to the need for 'intelligent customers', who are willing to emphasise the whole-life costs of their purchases rather than the lowest price, and the need to balance the interests of the client and the provider of value-creating and innovative ideas.

In conclusion, EFCA's current action on public procurement will be continued to ensure a positive operating environment for the European engineering consultancy industry and to respond to the citizen's expectations of a high standard of public service.

http://www.efcanet.org/menuBoven/Publications/EFCA_Publications/Latest_EFCA_Publications.aspx

30 October 2008 seminar 'Financial management of EU external contracts'

At the initiative of EFCA, EFCA and FEACO will, on 30 October 2008, jointly organise a seminar on 'financial management of EU external assistance projects', focusing on particular operational issues, alternative approaches and the industry's practical recommendations for improvement.

In the period 1998-2002, EFCA and FEACO (management consultants) organised a series of practical one-day seminars on external EU-funded aid contracts for both EC officials and the industry, which proved relevant and successful.

To continue the dialogue with AIDCO (European Aid Cooperation Office), both federations will now arrange another platform for offering comments on a series of key issues facing the industry.



The 30 October 2008 seminar programme focuses on topical business issues affecting the industry:

- *Service contract management:* unnecessary long and excessive contract guarantee coverage and consequently, the strain on the firms' financial capacity;
- *Service contract management under 'Direct Labour Operation' and programme estimates:* excessive guarantee coverage, administrative burden without payment and additional financial risks;
- *Conditions for grant schemes management:* financial and technical risk management aspects;
- *Taxation and VAT in recipient countries:* increasing administrative burden and lack of transparency (variety of tax systems), uncertainty and risks (unclear structure of tax systems), and distortion of the level playing field (because non double taxation agreements vary among EC countries).

No simple and single basis rule is currently stipulated. Moreover, the recipient countries interpret the contractual arrangements concerned erratically.

At the seminar, the consultancy industry will also expound its position on, and conditions for the use of 'global pricing'.

Participants will comprise AIDCO officials, officials from DG Budget, Permanent Representations, MEPs (Budgetary Control Committee), representatives of bilateral / International Financing Institutions (IFIs), commercial banks and consultants.

The seminar will provide a forum to discuss business issues with the industry's clients and will offer the opportunity to exchange views on appropriate solutions and recommendations.

Further details of the seminar will be announced shortly.

E F C A A G E N D A

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|--|-----------|--------------------------|
| Public Procurement Committee | Prague | 28.05.2008 [14:30-18:00] |
| Partnership for Development Committee | Prague | 28.05.2008 [16:00-18:00] |
| Board of Directors | Prague | 29.05.2008 [09:00-13:00] |
| EFCA GAM | Prague | 29.05.2008 [14:30-19:00] |
| EFCA Conference 2008 | | 30.05.2008 [10:00-18:00] |
| www.efcaconference2008.cz | | |
| Working Party on Directive 92/57 (H&S) | Brussels | 4 or 16.09.2008 (tbc) |
| Board of Directors | Stockholm | 18-19.09.2008 |
| D&S meeting | Brussels | 07.11.2008 |



EUROPEAN BRIEFING

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INTERNAL MARKET

SOLVIT: first-class help for business

The SOLVIT network helps citizens and businesses to solve practical problems, caused by incorrect application of EU rules by public authorities in the Single Market. However, figures indicate that its availability needs further active promotion towards business.

The 2007 SOLVIT report shows that businesses submitted only 18% of SOLVIT cases. Their main problem areas are taxation (30%), market access for products (20%) and the provision of services and establishment (20%).

The number of complaints submitted by citizens doubled in 2007 while complaints submitted by businesses remained at the same level as in 2006.

SOLVIT is an on-line problem solving network in which EU member states work

together to solve conflicts without legal proceedings.

There is a SOLVIT centre in every EU member state (as well as in Norway, Iceland and Liechtenstein).

SOLVIT Centres are part of the national administration and are committed to providing real solutions to problems within ten weeks.

Using SOLVIT is free of charge.

<http://ec.europa.eu/solvit>

Infringement proceeding against Italy for failure to respect public procurement Directive

The European Commission sent a reasoned opinion to Italy regarding the direct award of waste management and pharmacies management services to Azienda Servizi Pubblici S.p.A., of which the town of Rocca Priora owns 0.038% of the capital.

Italy maintains that the award of these services contracts is excluded from the application of EU public procurement rules since Azienda Servizi Pubblici S.p.A. is an 'in-house' structure of the awarding entity as set out in the case-law of the European Court of Justice (ECJ).

The Commission considers that the first condition required by the ECJ case-law for the application of the 'in-house' exception is not met in this case.

First of all, the 0.038% holding in the share capital of Azienda Servizi Pubblici S.p.A. is not large enough to enable the municipality of Rocca Priora to exercise a control which is similar to the one exercised over its own departments.

Secondly, Azienda Servizi Pubblici S.p.A. is a company which is open, at least in part, to private capital, which precludes it from being regarded as a structure for the "in-house" management of public services on behalf of the municipalities which form part of it.

If there is no satisfactory reply within two months, the Commission may refer the matter to the European Court of Justice.

EU FUNDS & PROGRAMMES

28 million euro for 2008 eco-innovation call

Within the framework of the Competitiveness and Innovation Programme, Eco-innovation supports the first application and further market uptake of some of the best eco-innovative products and services in Europe, and helps overcome those critical barriers that still hamper their commercial success.

Priority areas are materials recycling, sustainable buildings, food & drink industrial processes, green business & smart purchasing.

The European Commission's Executive Agency for Competitiveness and Innovation (EACI) manages the Eco-Innovation Programme in close cooperation with DG Environment.

http://ec.europa.eu/environment/etap/ecoinnovation/index_en.htm

FP7 Information Day for Energy

The 2008 Call for Proposals for Energy (FP7-ENERGY-2008-TREN-1) under the Seventh Framework Programme for Research and Technological Development (FP7) was published on 29 April 2008.

In order to support the preparation of proposals, the Directorate General for Energy and Transport (DG TREN) of the European Commission is holding an Information Day in Brussels on 20 June 2008.

http://ec.europa.eu/dgs/energy_transport/rtd/fp7/infoday_en.htm

Wider ownership of Cohesion policy to support implementation of projects

The EU is investing a total of 347.4 billion euro through the Cohesion Policy for 2007-2013.

Member states have now defined clear targets:

- *Research and innovation* are major priorities. Over 86 billion euro, or 25% of cohesion policy resources, is available to move closer to the Lisbon target of increasing R&D expenditure to 3% of GDP.
- *Information and communication technologies (ICT)* are recognised as important drivers to boost regional development. Cohesion Policy investment in ICT services and infrastructure will reach 15.3 billion euro.
- *Support for business*, particularly small and medium enterprises, accounts for some 27 billion euro (8% of cohesion policy resources).
- Nearly 26 billion euro will be invested in improving the quality and availability of *education and training*. There will be further support for projects to facilitate lifelong learning, to remove barriers to employment, and to improve public administration and services.
- To improve the quality of the *environment*, there will be investment worth 105 billion euro. The need to mitigate the impact of climate change (48 billion euro investment) has become central to the European policy agenda.

These are the commitments member states and regions have made. They now will move on to selecting the projects on the ground.

http://ec.europa.eu/regional_policy/atlas2007/fiche_index_en.htm

MISCELLANEOUS

Commission cuts administrative burdens

The Commission approved proposals for four measures that will make life easier for small and medium enterprises (SMEs).

The proposals aim to abolish obligations in EU company law:

- companies will no longer need to publish business data in the national gazettes;
- they can (re-)use translations certified in one member state when opening branches in other member states;
- parent companies with no material subsidiaries no longer need to prepare consolidated accounts;
- medium-sized companies can be exempted from providing detailed data in the annual accounts.

The proposed measures are part of the second package of fast track actions and form part of the overall programme to reduce the administrative burdens for enterprises by 25 percent in 2012.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0194:FIN:EN:PDF>

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0195:FIN:EN:PDF>

More funds for investment in EU's neighbour countries

The EU's Neighbourhood Investment Facility (NIF) will promote the construction of transport and energy infrastructure interconnections between the EU and its neighbours and support investments in the environmental sector.

Geographically NIF operations will focus on countries with jointly adopted ENP Action Plans, namely Armenia, Azerbaijan, Egypt, Georgia, Jordan, Lebanon, Moldova, Morocco, the occupied Palestinian territory, Tunisia and Ukraine.

On a case by case basis, the other Neighbourhood countries may also profit from NIF grant support for projects of cross border or regional nature to which the EU and its neighbouring partners attach particular interest.

NIF will provide grant support for lending operations of public European financial institutions. The European Commission has already made available 100 million euro out of the 700 million euro it intends to allocate to the NIF for the period 2007-2013.

http://ec.europa.eu/world/enp/welcome_en.htm



DOCUMENTS & WEB SITES OF INTEREST

EU LEGISLATIVE INITIATIVES

Proposals & Regulation

Improving knowledge transfer between research institutions and industry across Europe

The Recommendation is addressed to all member states to help them develop or adapt policies or guidelines on the management of intellectual property (IP) and knowledge transfer activities, and intends to promote the exploitation of publicly-funded research results.

Relying on common principles across Europe will help address the existing discrepancies between national knowledge transfer systems (regulations, practices, etc.).

http://ec.europa.eu/invest-in-research/pdf/download_en/knowledge_transfe_07.pdf

http://ec.europa.eu/invest-in-research/pdf/ip_recommendation_en.pdf

Directive on certain aspects of mediation in civil and commercial matters.

The Directive is facilitating access to cross-border dispute resolution and promotes the amicable settlement of disputes by encouraging the use of mediation and by ensuring a sound relationship between mediation and judicial proceedings.

<http://register.consilium.europa.eu/pdf/en/08/st08/st08694.en08.pdf>

Working with the Commission / General terms and conditions for low-value contracts

(Version of 18 June 2004 - Updated December 2007)

http://ec.europa.eu/budget/library/other_main/working_commission/condit_gen_en.pdf

The EU - a global partner for development: Speeding up progress towards the Millennium Development Goals

Following the release of the OECD development aid figures, the Commission proposes a number of actions to encourage member states to increase the volume and the effectiveness of aid as well as areas where EU policies could be better coordinated.

http://www.oecd.org/document/8/0,3343,en_2649_34447_40381960_1_1_1_1,00.html

http://ec.europa.eu/development/icenter/repository/COMM_PDF_COM_2008_0177_F_EN_ACTE.pdf

Addressing the challenge of energy efficiency through ICT

The EC is promoting the use of ICT (Information and Communications Technologies) to improve energy efficiency throughout the economy, starting with buildings, lighting and the power grid.

http://ec.europa.eu/information_society/activities/sustainable_growth/docs/com_2008_241_1_en.pdf

Commission Recommendation on external quality assurance for statutory auditors and audit firms auditing public interest entities

The Recommendation provides guidance to member states for establishing an independent and effective system of inspections on the basis of the Directive on Statutory Audit. In essence, this Recommendation gives more responsibilities to the public overseeing bodies, strengthens the independence of inspection teams and enhances transparency on the results of inspections of individual audit firms.

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

REPORTS

The European Ombudsman – Annual Report 2007

In 2007, the Ombudsman received 3,211 complaints from EU citizens, companies, NGOs and associations. In almost 70% of cases, the Ombudsman was able to help the complainant by opening an inquiry into the case, transferring it to a competent body, or giving advice on where to turn.

The Ombudsman closed a record number of inquiries in 2007 (348 inquiries), representing a 40% increase compared to 2006 (250 closed inquiries). After his intervention, the EU administration settled bills, paid interest, released documents, remedied injustices and put an end to discrimination.

http://www.ombudsman.europa.eu/report07/pdf/en/rap07_en.pdf

Report from the Commission to the European Parliament, the Council and the European Court of Auditors - Annual Report on the financial management of the 7th-9th **European Development Funds** (EDFs) in 2007

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0224:FIN:EN:PDF>

U.S. Barriers to Trade and Investment Report for 2007

The European Commission report focuses on some trade barriers and measures that prevent EU exporters from effectively drawing upon the full potential of EU-U.S. trade relations. It also describes the difficulties in accessing the public procurement market in the US due to complex restrictions.

http://trade.ec.europa.eu/doclib/docs/2008/april/tradoc_138559.pdf.pdf

Horizon 2020 - Elaboration of a Mediterranean Hot Spot Investment Programme

Study on potential investments addressing pollution hotspots in Southern and Eastern Mediterranean countries. The study, undertaken as part of the Commission's Horizon 2020 Initiative, designed to tackle the major sources of Mediterranean pollution by the year 2020, recognises the need for a programme to help the countries of the southern and eastern Mediterranean reduce the pollution they release into the sea.

http://ec.europa.eu/environment/enlarg/med/pdf/mehsip_report.pdf

CONSULTATIONS

Recasting of the 2002 Energy Performance of Buildings Directive

A proposal for the recasting of the Energy Performance of Buildings Directive should be put forth by the end of 2008. The views expressed by stakeholders in the public consultation will help clarify how the EU may best contribute to improving the energy performance of buildings.

Closing date: 20.06.2008

http://ec.europa.eu/energy/demand/consultations/buildings_dir_en.htm

Business survey on EU-US trade and investment barriers

The business survey is part of the comprehensive Study on Non-tariff Barriers to EU-US Trade and Investment, which is being undertaken by the EU Commission. This study will estimate the economic benefits of removing the barriers to EU-US trade and investment so as to assist policy makers in monitoring progress and for future decisions on facilitation of transatlantic trade and investment. The results of the study will be available by the end of 2008.

http://ec.europa.eu/trade/issues/bilateral/countries/usa/pr150508_en.htm

Marco Polo II programme

Marco Polo is the European Union's funding programme for projects which shift freight transport from the road to sea, rail and inland waterways. The Marco Polo II programme has a budget of €400 million for 2007-2013

Closing date: 30.05.2008

<http://ec.europa.eu/transport/marcopolo/ipm/consultation.htm>

EU Action to promote Offshore Wind Energy

The Commission is preparing an Action Plan on offshore and coastal water wind energy. The Commission is inviting views on what are the *most important barriers* related to the future development of offshore energy in Europe, and *actions that might be taken* to address these barriers, *especially at EU level*

Closing date: 20 June 2008

http://ec.europa.eu/energy/res/consultation/offshore_wind_energy_en.htm

EU Strategy for Disaster Risk Reduction in Developing Countries

Closing date: 16.06.2008

<http://ec.europa.eu/development/how/consultation/index.cfm?action=viewcons&id=3382>

MISCELLANEOUS

Transport Research Knowledge Centre (TRKC)

TRKC collects, structures and analyses transport research results from across the European Research Area. The database provides information on over 250 European, national and international transport research programmes and on almost 6000 research projects.

<http://www.transport-research.info/web/index.cfm>

Nearly one third of Europe's tunnels unsafe

Results of the 2008EuroTAP (European Tunnel Assessment Programme) Tunnel Test. The most frequent problems concern emergency exits (in 48% of the tunnels tested) and means of communication (in 45% of tunnels), which are both particularly important in case of an accident. But nearly one quarter of Europe's tunnels also have ventilation problems and close to one third present fire protection problems.

www.eurotap.eu

Construction output up by 1.2% in the euro area

In the construction sector, seasonally adjusted production grew by 1.2% in the euro area (EA15) and by 2.2% in the EU27 in February 2008, compared with the previous month.

http://epp.eurostat.ec.europa.eu/pls/portal/docs/PAGE/PGP_PRD_CAT_PREREL/PGE_CAT_PREREL_YEAR_2008/PGE_CAT_PREREL_YEAR_2008_MONTH_04/4-17042008-EN-BP.PDF

Enterprise and Industry online magazine

New on-line magazine of the EC's Enterprise and Industry Directorate General, covering issues related to SMEs, innovation, entrepreneurship, the single market for goods, competitiveness and environmental protection, better regulation, industrial policies across a wide range of sectors, etc.

http://ec.europa.eu/enterprise/e_i/index_en.htm

Key Figures on European Business

This publication of the Statistical Office of the European Communities, summarises the main features of European business: size, structure of sectors, importance of foreign-controlled enterprises, etc. This edition includes a special feature section on the factors of business success, which presents an analysis of the characteristics of successful entrepreneurs in 15 member states.

http://epp.eurostat.ec.europa.eu/portal/page?_pageid=2293,59872848,2293_68195678&_dad=portal&_schema=PORTAL

European energy and transport – Trends to 2030 - Update 2007

The report provides an update of the "Trends to 2030" published in 2003 (and updated in 2005). It takes into account the high energy import price environment prevailing in recent years, steady economic growth and energy / environment policies and measures implemented in the member states up to the end of 2006.

The projections to 2030 encompass energy demand, transformation, imports and production by fuel and sector. The report also gives, in the annex, a breakdown of the main energy and transport variables as well as energy related CO2 emissions for all 27 member states.

http://ec.europa.eu/dgs/energy_transport/figures/trends_2030_update_2007/energy_transport_trends_2030_update_2007_en.pdf

European Patent Forum and Inventor of the Year 2008

Conference on IP protection and climate change. Other ideas discussed included alternative systems that can bypass traditional intellectual property protection, such as the Green Intellectual Property Project, which diverts a part of patent-generated finances into a trust fund that subsidises the development of clean technologies, and the Eco-Patent Commons Scheme, which collects and makes freely available the patents on environment-protecting technology.

<http://www.epo.org/about-us/events/epf2008.html>

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