

Brussels, 25 February 2013

Dear President,

Re: breakthrough in making EU public procurement rules better work for our business

As you are aware, a major focal point in EFCA's 2011-2014 Forward Plan to improve the European industry's business conditions is the revision of the EU public procurement directive.

I have pleasure in reporting to you that thanks to EFCA, we are a big step closer to a European procurement approach that allows for an appropriate tendering procedure, with more emphasis on quality, sustainability and innovation.

Indeed, the rules that were adopted late December 2012 by the responsible European Parliamentary Committee

- provide for the use the *competitive procedure with negotiation* as the only possible procedure that is appropriate for knowledge-based services because their result cannot be anticipated;
- remove the lowest cost as award criterion for the "most economically advantageous tender" (MEAT) criterion, which may include economic, environmental and social sustainability, and can be determined by using a life-cycle costing approach;
- introduce a definition of *intellectual or knowledge-based services*, and
- exclude contracts '*such as the design of works*' from the use of electronic auctions.

The European Parliament will adopt its position in plenary in September 2013 and the Council needs to approve the text.

On behalf of the Board of Directors and the Internal Market Committee, I assure you that EFCA will remain committed to having the improvements above and other positive proposals endorsed by the European Parliament, and eventually incorporated in the new EU Directive.

As a final note, I would suggest you to contact the Secretariat should you require additional information or clarification.

With regards,



Jan Bosschem
President, EFCA