

## Yann JEGU

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**De:** OAI  
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**À:** viviane.reding@ec.europa.eu  
**Cc:** Pierre HURT; Yann JEGU  
**Objet:** Révision de la directive européenne sur les marchés publics

**Importance:** Haute

Madame la Commissaire,

Nous nous permettons de vous transmettre ci-après la position du Comité des Architectes d'Europe (CAE), soutenue par l'OAI, concernant la révision de la directive européenne sur les marchés publics.

*One serious problem still needs to be solved:*

*In Article 56 (Selection Criteria), the European Commission has proposed that contracting authorities may require, in particular, that economic operators have a certain minimum turnover (Art.56, para.3). The minimum turnover that economic operators are required to have shall not exceed at the most three times the estimated contract value. The Council up to now agrees to this provision. The European Parliament proposes to reduce the maximum turnover to a value of two times the estimated contract value. This means as concerns contracts for architects' services:*

	<b>Contract value</b>	<b>Max. Yearly Turnover</b>
<b>Council</b>	200.000	600.000
<b>EP</b>	200.000	400.000

*The figures show that for contracts falling in the scope of the directive most architects will have no access to public contracts because of the average size of architectural offices (see ACE Sector Study: Over 90% of the practices have 1-5 staff) resulting in a yearly turnover <400.000 euro. This means even the smallest contracts under the Directive (the current threshold is 200.000 euros) would not be accessible for most of the architectural practices in the EU, competition would thus be reduced to less than 10% of the economic operators. Even if the limit is a maximum limit, experience has proved that in most cases such maximum limits are being used as standard limits.*

**Proposal:**

*The reason for this new provision is- following the explanations given by the European Commission- a misuse of the turnover requirements in the works sector. Because of its detrimental effects in the services sector- especially services provided by architects and engineers- it is proposed to clarify that concerning knowledge based/ intellectual services turnover requirements must be substantially lower.*

**Outre le montant du contrat, il faudrait également tenir compte de la durée estimée de ce contrat avant de le comparer au chiffre d'affaires annuel des bureaux. En effet, les prestations dans le cadre de contrats dépassant le seuil européen actuel de 200 000 € sont en général réalisées sur plusieurs années.**

Nous restons à votre disposition pour toute information complémentaire.

Vous remerciant à l'avance de l'intérêt que vous porterez à nos préoccupations en la matière, nous vous prions de croire, Madame la Commissaire, à l'assurance de notre très haute considération.

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