

MICHEL BARNIER

Membre de la Commission européenne

Brussels,

15. 02. 2012

GR/aa – Ares (20112) 13359

Dear Mr. Schenk,

Thank you for your letter dated 5 December 2011 on the modernisation of the EU public procurement Directives, which raised the particular issue of the three-year reference period for producing evidence of technical abilities for services provided by architects and engineers (Article 48 (2) point ii of Directive 2004/18/EC).

I take note of the position expressed in your letter which represents the views of several architects and engineers associations. I understand your concern that this limited three-year reference period might hinder the factual competition in design services for architects and engineers and exclude them from the market.

I am therefore pleased to inform you that the requirement of the three-year reference period has been relaxed in the proposal adopted by the Commission on 20 December 2011. Part I "Technical ability" of Annex XIV "Means of proof of selection criteria" of the proposal now provides that, where necessary in order to ensure an adequate level of competition, contracting authorities may indicate that evidence of relevant supplies or services delivered or performed more than three years before will be taken into account.

Hoping that the proposed measures meet your concerns.

Yours sincerely, *M. Barnier*



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