



Round table:

« The Future of Suppliers Qualification in Europe? »

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OPQIBI
L'INGÉNIERIE QUALIFIÉE

Speakers

Pierre CHEMILLIER

Chairman, QUALIBAT, French professional organisation for construction qualification and certification

Gareth KINGS

Operations Director, Constructionline, English organisation for the pre qualification of suppliers in the construction industry

Dr Rüdiger KRATZENBERG

Director, Building and Construction Industry Department with the German Federal Ministry of Transport, Building and Urban Affairs

Isabelle RIMBERT

Manager, Services, Management and Consumer Affairs Department at AFNOR Normalisation, the French association for standardisation

Nathalie SAVEANT

Manager, Department for the Certification of Enterprise, Staff and Environment at COFRAC, the French accreditation committee

Jan VAN DER PUTTEN

Secretary General of EFCA, the European Federation of Engineering Consultancy Associations

Moderator:

Michel FAUDOU

Chairman of OPQIBI, French organisation for qualification of engineering suppliers



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Introduction

Michel FAUDOU
Chairman, OPQIBI

Good evening ladies and gentlemen.

Welcome to the Oceanographic Institute of Paris for this meeting on the future of suppliers qualification in Europe. I believe it is best to start by clarifying the term “qualification” and reminding ourselves of its literal meaning, since it will be used quite often this evening. The definition given in the Larousse French dictionary is: *“to attribute a quality or title to. To qualify is to satisfy a set of conditions in order to participate in a sporting event”*. I would add that “qualification” can therefore refer to the award of a certificate and that the event we are actually concerned with is access to public or private contracts. I was keen to provide you with this exact definition. From now on, when you hear me talking about qualification or you hear our English and German friends using the term pre qualification, you will know what we are referring to.

In France, the public invitation to tender process, which was introduced in 1949, involved the implementation of an suppliers qualification system within the construction industry. The purpose of this system was to help public contracting authorities select competent service providers that would be capable of completing the projects in question. At the initiative of various professional branches, the system was gradually extended to other economic sectors, to encompass all public and private procurement. In the field of engineering, in particular, it replaced the system whereby approvals were issued by public authorities.

Qualification is a voluntary procedure undertaken by enterprises seeking recognition of their competence and professionalism. The French system is managed by qualification bodies which are bound by protocol agreements with the government and whose operations were defined in December 2004 under the AFNOR NF X 50-091 standard. On the basis of this standard, each of these bodies can, from mid 2007, engage in an accreditation procedure managed by the French accreditation committee COFRAC. This procedure should, moreover, facilitate Europe wide recognition of suppliers qualification.

So what exactly is the current status of qualification within EU countries? The suppliers qualification system as it exists and applies to the supplier selection process in France does not really have a European equivalent. However, two recently implemented systems appear to come close, at least in terms of their objectives. In Great Britain, a pre qualification system was established in 1998 for suppliers (for example, engineering service providers and companies) operating in the construction industry at the initiative of the Department of Trade and Industry. In Germany, in June 2005, the Federal Ministry of Transport, Building and Planning introduced a pre qualification system, which is currently restricted to construction contractors but which will soon be extended to engineering companies. In the rest of the European Union, certain countries, such as Belgium, have established approval or recognition systems. Others rely on professional organisations, as in Italy and Spain. Yet other countries do not have systems in place at all.

The disparities between different national situations, combined with a certain kind of protectionism and the somewhat unique features of the French system means that certificates issued by French suppliers qualification bodies have almost no value outside France. Nevertheless, article 52 of the European directive on public contracts which appeared in March 2004, stipulates that member states can establish either official lists of approved economic operators or a system of certification by certain bodies.

How can we ensure that suppliers qualification is genuinely recognised at a European level so that it can occupy the place it deserves among existing confidence mechanisms? Is it necessary to develop a European standard based on the French NF X50-091 standard, despite the failure of CEN (European Committee for Standardisation) and CENELEC (European Committee for Electrotechnical Standardisation) in the 1990s? Should we alternatively revert to general or industry specific mutual recognition agreements between the systems in different countries? These are the issues that we wish to address at this evening's round table.

I will start proceedings by welcoming our speakers. Pierre Chemillier is Chairman of QUALIBAT. Gareth Kings comes from Great Britain and is representing Constructionline. Dr Rüdiger Kratzenberg represents the German Federal Ministry for Transport, Building and Urban Affairs. Isabelle Rimbert oversees the Services, Management and Consumer Affairs Department at AFNOR Normalisation. Nathalie Saveant manages the Department for the Certification of Enterprises, Staff and Environment at COFRAC. Lastly, Jan Van Der Putten is Secretary General of EFCA – the European Federation of Engineering Consultancy Associations.



Section One:

**Current practices
for the selection of suppliers
and qualification
of enterprises in Europe**

Overview of market access and engineering supplier selection practices in Europe

Jan Van Der Putten
Secretary General,
European Federation of Engineering
Consultancy Associations (EFCA)

Overview

My speech will touch on five core issues, including prior European initiatives, the legal background involved, the current state of play, harmonisation initiatives that have been undertaken to date and, finally, EFCA's views on the subject.

I. European Initiatives

1. *Technical Committee 330 (TC330)*

Over the years there have been numerous initiatives at European level. One obvious example is the initiative undertaken by European Committee for Standardization (CEN) in 1995 by establishing a technical committee for the construction enterprises. They worked hard over a seven year period and eventually concluded that it was essentially impossible to find common ground for the qualification of European enterprises and contractors. The European engineering sector took an interest in the activities of CEN at the time, because it felt that the conclusions which may have come out of TC330 could be copied into the services sector.

2. *The European Commission Database*

The European Commission maintained a database on consultants prior to the year 2000. It was only used for external EU funded contracts, and therefore did not apply to the internal market. However, after 2000, with increasing transparency in the call to tender process, the Commission decided to abolish the system and revert to a process of posting all calls to tender on their website.

3. *International Initiatives*

On the international scene, registration systems have always been voluntary, which means that they are market driven. If you are interested in tendering within a particular market, you might consider applying for entry into such a database. Data on Consultants (DACon), which the two largest international financial institutions – the World Bank and the Inter American Development Bank (IDB) – still use, is one such voluntary system.

II. Legal Background

There has been much debate surrounding the new public procurement directive. The real discussion started in 1998. One of the aspects that we considered in those days was certification. In Europe there were as many systems in place as countries involved, with none of countries willing to change their own system. Therefore, within the directive, it was decided not to impose a central registration system but to make provision for it. Therefore, accreditation and certification are referred to in two recitals and four articles in the directive, in particular article 52, which stipulates that member states may introduce official lists of approved economic operators or certification by accreditation bodies. If they are to install such a system, mutual recognition would apply as a principle.

III. The State of Play

As a European federation we are interested in how the market is organised in Europe, with our basic concern being increased market opportunities and increased mobility for engineering consultancies. We have conducted a number of surveys in this area. Out of the 21 countries that replied to one particular survey, nine required licensing of individual engineers through chambers of commerce or orders, etc. However, only five countries required companies to obtain accreditation. We also discovered that, in general, people consider accreditation systems to be costly, offering little added value compared to the investment in terms of time and money. In the UK, for example, companies spend an average of GBP 8,000 a year on accreditation systems, not including the time spent filling out forms, and, if I am well informed, there are currently five in place.

IV. Harmonisation initiatives

As a European federation, EFCA strives for the increased mobility of engineering firms across Europe with the aim of encouraging competition. EFCA currently bases its work on a study carried out by AFNOR on the possible options for European harmonisation. There are several options currently available. The first would be harmonisation of the naming conventions used in the various countries. Indeed, it is often the case that we find ourselves faced with a whole range of definitions for the same term or concept. This does not make things any easier for industry players, or for customers or insurers.

Another current European wide initiative is EngCard. EngCard was the direct result of a 2004 directive providing for mutual recognition of regulated professions across Europe. Of course, you all know that engineering is not a regulated profession. In the interests of compromise, the directive requires that industries should be able to undertake initiatives for the establishment of European platforms. It states that, if a platform is supported by 75% of EU member countries, it can automatically become a European standard. Discussions are well under way, especially considering that systems often vary within countries themselves. Indeed, there are distinctions between graduates of various colleges and institutions of higher education, technical engineers, civil engineers and so on. This complexity is no less marked at a European level, as the requirements for engineers differ from one country to another. In certain countries, requirements are fairly lenient, whereas in others they are particularly severe. EngCard could only be of interest to EFCA if it introduced an element of added value by enabling employers in one country to recognise the competency of engineers in another.

The final initiative I would like to mention is the services directive, which aims to increase mobility and competition across Europe. This directive has repercussions for our industry, particularly with regard to the insurability of our services in other EU countries.

V. EFCA's views on the subject

EFCA limits itself to promoting engineering companies. We consider it the task of other European federations to tackle issues relating to individual engineers. We have observed that no request has yet been made at a political level to establish a European qualification system or a central register. Member states are not so eager to abandon their national systems only to have them replaced with a foreign system or system inspired by a foreign regime. Most countries hide behind the subsidiarity principle. As a European federation, we are convinced that, if there is a Europe wide initiative, it should be carried forward by CEN. I believe that CEN is the only organisation that can manage this kind of Europe wide initiative in a satisfactory manner. In France, OPQIBI has proved a worthwhile initiative. It was established by the engineering industry itself. If other countries wish to implement a qualification system, EFCA recommends that they avoid an over bureaucratic regime.

So you can see that there are very few European wide initiatives or even none at all. EFCA is very pleased with the work of OPQIBI, which is a private sector initiative that has been shown to work well.

Michel Faudou

Thank you very much for your speech. If I understand correctly, the task is difficult, although not insurmountable. Now, we will move onto our presentations of the British and German systems.

Constructionline : the UK's Pre qualification System for suppliers in the construction industry

Gareth KINGS
Operations Director,
Constructionline

I. Overview

I would like to thank Mr Faudou for inviting me to present the UK's construction pre qualification system, Constructionline. I will cover five areas, including an overview of the role and work of Constructionline, its objectives, how buyers and suppliers use Constructionline, who those buyers and suppliers are, and future developments for the service.

II. What is Constructionline?

1. Key Facts

Constructionline is the UK government's register of construction and construction related suppliers. We do not simply cover the traditional building trades but also cover associated trades, such as site security and window cleaning. There are approximately 1,000 work categories. Constructionline is owned by the UK government's Department of Trade and Industry (DTI), but it is managed by a company called Capita for whom I work. Capita runs many services within the UK on behalf of central and local government.

2. History and Development

Constructionline's origins go back to the 1920s. It was an internal government initiative within the Property Service Agency department. It was designed so that the government could monitor the suppliers they were using for their own purposes. Over the years, it developed into different brands but remained within central government. In 1994, Sir Michael Latham, a well known figure in the UK construction industry, produced a report on the future of construction, one of the recommendations of which was for the UK to establish a pre qualification register for the construction industry. Constructionline was launched in 1998 as a public private partnership by the Department of the Environment Transport and Regions. A number of companies applied to run the services, and Capita was subsequently selected.

3. Reasons for Establishment

Capita and Constructionline have one principle aim: to reduce paperwork for construction firms at the pre-qualification stage. A secondary aim is to reduce the number of lists of construction suppliers that are maintained by organisations such as local and central government. This helps to reduce the amount of paperwork in the industry as a whole.

4. The Role of DTI and Capita

DTI owns the intellectual property rights for the Constructionline service. Capita is responsible for marketing, liaising, attending industry events, and running day to day operations, which includes gathering information from suppliers and maintaining the IT infrastructure and website. DTI and Capita jointly consider policy decisions. There is a mechanism in place to ensure we work closely with the DTI to shape the service going forward.

III. Using Constructionline

1. Key Facts

Constructionline consists of a website and a database. A new web based system was launched this time last year to replace the old system. Our buyers have access to the database, which they can use to look for contractors and consultants to match their particular criteria.

Suppliers submit a standard pre qualification questionnaire. The information is updated throughout the year, in particular, with regard to accounts and insurance. On the anniversary of their registration, we carry out a complete review of their record.

Constructionline is paid for by a small registration fee from suppliers. That ranges from GBP 70 for the smallest companies with a turnover of less than GBP 250,000. Even the largest firms, with a turnover of GBP 50 million plus, are charged only GBP 1,275. That registers the firms for a whole year and provides them with access to the whole range of services. We have a small number of EU suppliers wishing to work within the UK who are already registered on the system.

2. Standard Information Collected

The information collected is divided broadly into three areas. We collect company and financial information, including audited accounts, bank references and insurance details. Secondly, we collect policy information, with regard to firms' policies in the areas of health and safety and equal opportunities. We scan this information into our system, so that our clients can call up the relevant policy from the database for review. Finally, we collect technical information such as technical references for suppliers' registered categories and data about their areas of operation.

3. Registration Criteria

Some of the data we assess, and if the firm does not pass our assessment criteria, they are not added to the Constructionline register. We collect other data purely for information purposes, and do not carry out an assessment on it.

The information we collect is broadly divided into compulsory and non compulsory. Failure to provide compulsory information at any point will result in suspension and eventually removal from the database. We go through a comprehensive process to ensure that firms keep their information up to date, using both email and letters. We regularly remove companies from the register for not supplying information, as well as buyers who do not abide by the rules in terms of not asking for information that we have already collected.

If a company cannot provide suitable references for a particular work category, we will keep the company on the register but will remove it from the category in question.

4. Features of the System

The system has a comprehensive search mechanism. Buyers can search for particular suppliers e.g. by name or they can produce a long list of firms that meet their criteria, and subsequently go back into the system and refine the search.

We have a feedback facility whereby a buyer can leave feedback on the system about how a firm has performed. We have kept this simple using a one to 10 marking scale. That has proved beneficial for both buyers and suppliers. It encourages suppliers to improve their performance in areas where they are underperforming.

We encourage buyers to download the information we provide into their e-procurement systems. This cuts down on duplication. Our suppliers, can go into their record and see which buyers have looked at it and when. This enables them to monitor how well they are doing. We send out reminders to suppliers when their information is due to go out of date. We also send out more general information, e.g. updates on recent changes in UK tax legislation.

IV. Buyers and Suppliers

1. Registered Organisations

We currently have 8,000 buyers representing 1,000 public and private sector organisations ranging from central government to local authorities, housing associations, universities and schools. There are a relatively small number of private sector organisations, but this is growing all the time. Since we have our origins in local government, the majority of our clients do come from the public sector.

We currently have almost 14,000 suppliers. These range from small one man contractors to multinational companies. Over 25% of the suppliers registered have a turnover of less than GBP 250,000 a year.

2. Benefits to Suppliers

Constructionline offers suppliers a reduction in administration, which is particularly important for the smaller suppliers. We believe that we have the potential to save even small suppliers many hundreds of pounds in administration costs a year. It is a cost effective way for firms to market their organisation to procurers. We do much to assist small and medium sized suppliers through the registration process. We have a supplier helpline, and our application forms have gone through what we call the Plain English Campaign to make them as user friendly as possible.

We have a special set of criteria for start up companies, which cannot always provide us with the information we require. As the company evolves, we begin to collect more of the required information from them.

3. Benefits to Buyers

We help buyers to save time and money during the procurement process. The Local Government Task Force, which represents local government, found in a survey three years ago that Constructionline could potentially save many hundred of millions of pounds in procurement if adopted across the sector. Constructionline holds over 95% of pre qualification information required by the public sector. We have carried out a number of surveys examining the relevance of information that we hold. There is no charge for buyers on Constuctionline, and they have the benefit of free access to the 13,000 pre qualified suppliers.

V. Future Developments

There is a push in the UK for e procurement systems. When we built our new system, we could have built an end to end e procurement system, from the tendering process right through to ongoing management of the contract. DTI and Capita decided that the new system should focus solely on the narrow band of pre qualification so as not to add to duplication. However, we already have a number of agreements in place with e suppliers to provide pre-qualified content.

We would like to maximise the use of the system across the private and public sectors. We are looking to incorporate new legislation into Constructionline, especially with regard to health and safety and environmental issues.

I hope you found this brief overview of Constructionline useful. Our website www.constructionline.co.uk contains further information on our work, our standards and our clients.

The German pre-qualification system for contractors in the construction industry

Rüdiger KRATZENBERG
**Federal Ministry of Transport Building
and Urban Affairs, Germany**

I. Pre qualification in Germany

1. Defining Pre qualification

I would like to thank you for presenting me with the opportunity to speak on the subject of a new system in Germany for the pre qualification of construction enterprises, introduced in January 2006.

I would like to begin with a definition of how we understand pre qualification in Germany. It is a brought forward suitability test of the company and works type criteria pursuant to German and European public procurement law and, in particular, article 52 of the public procurement directive. I should also mention that, in individual cases, a test of the contract related suitability criteria will usually remain when dealing with the construction industry.

2. Pre qualification of Construction Contractors

The text from our German procurement law states that, as evidence of suitability – expertise, financial standing and a good reputation – entry onto the public list of the Association for the Pre qualification of Construction Contractors, which is directly accessible to the client via Internet, is also admissible.

3. Aims of the Pre Qualification Scheme in Germany

Pre qualification offers cost savings to firms currently amounting to between EUR 150 and EUR 250 for individual specifications, according to a 2005 study. In Germany, there are approximately 1.2 million public works contracts in construction each year. Pre qualification means that each of these takes less time to be carried out, with reduced procurement times and less paperwork involved.

The systems also allows for more efficient combating of illegal practices in the construction industry, by creating greater visibility. Market opportunities for German construction contractors are improved by means of a kind of hallmark of quality.

II. Association for the Pre qualification of Construction Contractors

1. Background

In 2004, we embarked upon discussions of whether to establish an official government system based on a legal requirement, as is the case in Belgium. We decided against such a system and opted instead for a voluntary system which would be maintained by private institutions. The most important institution under this scheme is the Association for the Pre qualification of Construction Contractors, which consists of organisations participating in public procurement of construction works.

The institutions therefore consist of ministries for public procurement, lenders, and associations of cities and communities on the client side. On the contractor side, we have federal associations of the construction industry, trade associations and the relevant union for construction workers. The incorporation meeting took place on 20 June 2005, and the pre qualification scheme started on 23 January 2006.

2. Purpose

The purposes of the association include maintaining a uniform, standardised list of pre qualified companies, making it available on the Internet for all those participating, commissioning selected pre qualification bodies, and monitoring the operation of these bodies in order to ensure their compliance with nationally standardised procedures. It is worth mentioning that this is based on the draft of CEN TC330 work and, in particular, the requirements of the qualification document prEN 13833.

3. Companies Commissioned by the Association

Six companies were commissioned by the association following a public competition in 2005. These companies are responsible for carrying out qualification. There is one qualification body from Austria – VMC Vergabe Management Consulting – which was commissioned in this process.

4. Activities of the Federal Ministry

The first thing that the ministry did in 2005 was to prepare guidelines for the execution of the qualification procedure. Following this, the ministry worked on contracts with the six qualification bodies. It published an introductory decree for federal contract awarding bodies for the structural engineering, road construction and hydraulic engineering sectors. 16 federal states have also provided their contract awarding services with identical decrees.

The process is still in the initial stages in Germany, and our action plan is to disseminate information throughout the sector, especially with regard to cities and communities, which account for almost two thirds of construction contracts awarded in Germany.

5. Online Resources

We have an online list of pre qualified construction companies. It lists pre qualified companies by name and with regard to the categories of work that the firm is qualified in. Our homepage can be accessed at the following address: www.pq-verein.de. There is also a password protected area for public clients. Contract awarding bodies are provided with a password by the association upon request. This area provides a more detailed view of the list, where the relevant body can check the proof of suitability of a firm and access the relevant documentation. The body is provided with information on the criteria for pre qualification for each firm, including figures for the number of employees in a company, and, in particular, technical staff and related information. There is also financial information and documents available, especially with regard to the payment of taxes. Clients also have access to references, and each firm must display at least three references for works completed in line with requirements during the five preceding years.



Section Two:

**Possible options for achieving
recognition of suppliers qualification
at a European level**

Is a European standard for the qualification of suppliers a conceivable possibility?

Isabelle RIMBERT
Manager, Services, Management
and Consumer Affairs Department,
AFNOR Normalisation

Good evening. I would like to thank Chairman Faudou for inviting me to share a few thoughts on the use of standardisation in promoting and enhancing suppliers qualification. I am in charge of the Services, Management and Consumer Affairs Department in AFNOR Normalisation. This department manages, in particular, standardisation work relating to quality management, as well as all aspects of recognition tools, which include qualification, certification and accreditation. This department also covers a number of cross cutting themes such as competency.

The AFNOR group employs 900 individuals across four activities. Standardisation is our primary activity. 80% of standardisation work is carried out at European and international levels. Therefore, our work consists in encouraging cooperation between different professional communities, and helping them to codify good practices for increased competitiveness and performance. Our second activity involves publishing informational products relating to standardisation. Finally, we implement training and advice programmes and are involved in the certification of systems and of products and services.

I. Suppliers qualification and standardisation

Three years ago, we developed a French standard (NF X50 091) which defines the operational requirements for qualification bodies, regardless of the industry they operate in. We have also drawn up a list of preferred qualification practices. We completed this work in association with professional qualification bodies, customer representatives and public authorities. So what is the current outlook? Is a European or international standard for suppliers qualification a conceivable possibility? Can the French standard act as a basis for work that may be carried out in this field? What are the factors necessary to the success of such a project?

II. The advantages of standardisation at European and international levels

Standardisation is managed at three levels: at national level, European level and international level. Within Europe, the European Committee for Standardisation (CEN) has 28 national members. It adopts European standardisation documents by qualified majority. However, not all countries have an equal say in decisions. When a European standardisation document is adopted, national systems are obliged to incorporate it. At international level, the International Organization for Standardization (ISO) has a membership of almost 150 countries. Each country has a vote and can choose whether or not to apply international standardisation documents at a national level. There are, therefore, significant differences between CEN and ISO standards, which means that it is, of course, necessary to choose between the two.

What advantages would there be for suppliers qualification bodies if they were able to cooperate at European and international levels?

The first type of advantage is linked to competitiveness. When a French company lays down requirement levels for itself that are not recognised by the market at a European or international level, it runs the risk of losing competitiveness. On the other hand, incorporating its view of performance into a European or international standard means that the requirement level it adopts can easily be shared and recognised. The second type of advantage is being able to contribute to technical guidance in a way that

benefits your company. There too, a French company, which specialises in technical solutions and in the supply of innovative services, can stay ahead of the pack when this technical guidance eventually becomes a European or international standard. The company can thus make better use of its own practical knowledge and experience. The third type of advantage is helping to influence new international rules. If we limit ourselves to promoting a French model, we risk not being able to stand up to the increasing influence of emerging models. Being able to refer to European or international standards as well as being able to take part in influencing the direction of those standards will enable French businesses to invest more easily in European and international markets or at least to compete on equal terms. The choice of European or international standardisation is, above all, a strategic choice and a question of positioning. Depending on the industry involved, you may be for or against standardisation, you may initiate and take part in standardisation work or you may even opt to spearhead the development of standardisation documents. The greatest danger lies in remaining unaware of ongoing developments and submitting to industry rules drafted by others. Standardisation is therefore a strategic tool.

III. Is European or international standardisation conceivable with regard to suppliers qualification?

My response would be “yes”, subject to certain conditions. Indeed, to envisage European or international standardisation with regard to suppliers qualification, it is necessary to have a combination of certain key success factors, as summarised below:

We, in France, must have the motivation to get involved along with at least five other countries. We must accept the investments associated with this type of project, in terms of:

- human resources (the services of experts)
- financial resources (time, travel, translations and afnor services, etc.)

I am a member of a CEN working group on the qualification of personnel and professions, and I have remarked that the term “qualification” does not have a commonly accepted meaning. My colleagues within this group are essentially representatives of standardisation bodies and often make reference to the certification of competencies. I have also observed some confusion between the reference document and the means of recognition.

As a result, in the light of exchanges and discussions that are currently taking place at the level of the CEN reflection group and considering, furthermore, past experience relating to the qualification of construction companies, I would be inclined to recommend a feasibility study prior to launching any project designed to assess the success factors for achieving consensus. This study should stress the following points:

- the position of various industry players and possible obstacles (who acts as a brake; who is indifferent; who is a driving force; and in each case, why?);
- the conditions laid down by various categories of industry players in order for them to give their support or withdraw any possible objections;
- the contributory potential of each;
- the balance of power between the various players;
- possible alliance strategies.

Consideration should be given to these issues prior to technical work on the subject, so as to establish a consensus. In fact, for a standard to genuinely become THE standard of reference, it must be both useful and frequently used. Thank you.

Michel Faudou

Your presentation proved extremely reassuring. It makes me want to ask Pierre Chemillier why nothing previously came of all this.

European standardisation and mutual recognition agreements: QUALIBAT's past experiences

Pierre CHEMILLIER
Chairman, QUALIBAT

First of all, thank you for having invited me to speak at this meeting. I will try to provide a satisfactory answer to the question I have just been asked, will provide you with an overview of Qualibat's past experience of qualification at a European level and, finally, will outline some perspectives. The subject of our meeting this evening is not new. I would point out that, in March 1991, Qualibat organised a European symposium on the theme of "Qualification and access to the construction market". This symposium, the title of which was quite clear on the link between qualification and access to the market, was attended by French trade representatives, representatives of institutions or bodies conducting forms of qualification in several European countries, representatives of the French government responsible for the regulation of the qualification sector, and representatives of the European Commission. The symposium revealed that there was huge disparity between the different methods employed.

I. CEN's experience and lessons learnt

The link between qualification and access to the market was reaffirmed in 1993 by Directive 93/37/EC relating to the coordination of procedures for the award of public works, supply and service contracts. This directive prescribed general principles for the selection of applications from companies wishing to be considered for public procurements. However, it did not enter into details, leaving each member state to decide how the directive should be applied in their own country. This meant that there were obstacles to companies' unbridled access to public procurement contracts. The existence of obstacles, at a time when the predominant mood was to step up the creation of a single market, forced the European Commission to launch a feasibility study to establish whether these obstacles could be diminished or eliminated by establishing European standards. These European standards would need to address criteria for the selection of enterprises and the operating methods of qualification bodies. The study undoubtedly returned some positive conclusions, as the European Commission instructed CEN and CENELEC to work on the development of standards establishing criteria for suppliers qualification.

From 1995, CEN and CENELEC undertook extremely comprehensive work, involving numerous experts and government representatives. Work on this project lasted until 2002. In 1998, the European Commission urged CEN and CENELEC to work more closely together in the production of a joint text on a joint standard. However, they experienced marked differences in opinion with regard to financial and technical matters. In 1999, the two groups therefore decided to continue on separately with their work.

It proved difficult, within CEN, to reach agreement on the issues. I will provide some examples, as they are quite edifying. The members, in particular, ran into stumbling blocks on the following points:

- inability to agree on a collective definition of the concept of enterprise;
- accurately defining activities;
- outlining the mission of the enterprise;
- outlining the technical competency of the enterprise;
- determining technical capacity;
- criteria for the solvency of enterprises.

In September 2002, faced with these difficulties and others besides, the CEN technical committee acknowledged that it would not be possible to achieve consensus. It therefore limited itself to the production of a technical report of limited scope. In any case, if CEN had succeeded in developing a standard, its application would not have been mandatory.

II. QUALIBAT's past efforts to establish mutual recognition agreements with certain EU countries on their supplier selection systems

While CEN was engaged in this project, Qualibat was attempting to establish bilateral mutual recognition agreements, quite apart from the existence of a standard. However, we did not succeed in coming to an agreement with the opposite parties because of issues similar to those I have just mentioned.

III. QUALIBAT's view on recognising qualification systems at European level

Staying on the subject of the link between qualification and access to the market, we might enquire whether the new directive 2004/18/EC of 31 March 2004 presents us with more satisfactory options than were previously available. Remember that this directive relates to the harmonisation of procedures for the award of public works, supply and service contracts. The answer to this question is not in the least bit straightforward. The terms of the 2004 directive are as general as those of the 1993 directive. However, the new directive introduces the concept of certification by public or private bodies, which is new and, in fact, refers to the organisations we represent.

The directive states that *"The certificate issued by a certification body constitutes, for the purposes of the contracting authorities of other member states, a presumption of suitability according to certain criteria, in particular, financial and economic standing, and technical and professional knowledge and ability"*. This closely resembles the definition of qualification. However, the directive also states that *"certification bodies are bodies which comply with European certification standards"*. As we know, there is no European certification standard. This ambiguity will have to be cleared up or we will have severe difficulties applying the directive. There is, consequently, a persistent need for a European qualification standard.

Michel Faudou

Thank you. Now I will hand over to Nathalie SAVEANT.

Can the accreditation of French qualification bodies help towards Europe wide recognition of suppliers qualification?

Nathalie Saveant
Manager, Department for the Certification
of Enterprise, Staff and Environment,
COFRAC

Good evening and thank you for a warm welcome. In my presentation, I will try to answer the following question: can the accreditation of French qualification bodies on the basis of standard NF X50 091 help towards Europe wide recognition of suppliers qualification, and if so, how?

I. Accreditation at the European level

Accreditation involves formal recognition of the competence and impartiality of bodies attesting conformity. There are three main types of organisation, including laboratories, inspection bodies and certification bodies. In my view, there is no doubt that suppliers qualification bodies belong in the category of organisations attesting conformity.

How is a certification body accredited? First of all, the suppliers qualification body undergoes an on the spot assessment, the purpose of which is to assess the organisation and its activities; it is carried out by experts. A report is drawn up, following which a decision is taken by collegial bodies with representatives from each of the parties affected by the accreditation. If the decision is favourable, the suppliers qualification body enters a cycle of ongoing accreditation checks.

The European Commission is in the process of drawing up a European regulation on accreditation. This document aims to define in exact terms, the status of accreditation and how it is used in the application of European directives. It describes accreditation as a public service, which has implications for accreditation bodies with regard to how they operate and may prove significant in their possible recognition by member state governments.

The European Cooperation for Accreditation (EA) manages a multilateral recognition agreement between various accreditation bodies. The bodies must take part in a mutual assessment process in order to be eligible to sign the agreement. This is the starting point for European recognition, which allows a certificate issued in one European country by an accreditation body who has signed the EA agreement to be recognised as the equivalent of a certificate issued in another country according to the same procedure by another accreditation body who has also signed the EA agreement.

II. COFRAC

The French accreditation committee (COFRAC) is a non profit organisation under the French law of 1 July 1901. You do not have to be a member to be accredited. The members of COFRAC are divided into the following four categories:

- accredited entities;
- trade associations representing professionals that may need to use accredited services;
- end users, consumer groups and public purchasers;
- governments and public authorities.

COFRAC was established in 1994, following the recommendations of a European document, which was also used as a basis for the upcoming European regulation.

III. The NF X 50-091 standard

Following the introduction of the NF X 50-091 standard, the accreditation regime for suppliers qualification bodies was established. We have selected and subsequently trained assessors so that the system can start operating as of 6 July 2007. I have no doubt that this national accreditation process will get off to a reasonable start. However, can the French system help us move towards a European accreditation system? Personally, I believe that it will serve as a good example. The foundation has been laid. Now, what we need to do is establish a European standard for accreditation and attempt to reinforce the similarities between the qualification procedures used in the various European countries.

General Discussion

Michel FAUDOU

The following questions are from the audience: what sort of staff do you have in the English and German organisations? How many different registration categories are there in the English and German systems? Can you provide a brief overview of these categories?

Gareth KINGS

Constructionline employs approximately 50 people based in two teams. We have an office in London and another in Edinburgh. The two teams are concerned with the registration of companies and the administration of our buyers. We also have a team of salespeople who visit prospective clients to try to sell the idea of Constructionline. Another team manages existing clients.

Dr. Rüdiger KRATZENBERG

It is necessary to distinguish between two levels in our system. The first level is the association, which is responsible for maintaining the Internet database and employs three people based in Bonn. The second level consists of six pre qualification bodies, each of which consists of a single officer in charge, who must be an expert in civil engineering, and a team of five to 10 people. In total, there are approximately 50 people within the system.

Michel FAUDOU

In France, we are in favour of a European standard. What is your position on this issue?

Gareth KINGS

I believe that the situation in the UK is changing and that there may be increasing interest in the possibility of a European standard. I think we would be quite amenable to it. Besides, a member of Constructionline was involved in the work of CEN and CENELEC committees. There are some European companies that are already registered with Constructionline. Similarly, there are some UK companies that are registered in France and elsewhere in Europe.

Dr. Rüdiger KRATZENBERG

You have asked a crucial question. Jan Van Der Putten, in his presentation, stressed that there was no burning political desire to establish a European standard. On the other hand, Isabelle Rimbart seemed to suggest that there may be cause for optimism. I believe that we should assess the available opportunities for establishing a European standard within the construction industry. We are very interested in the prospect. However, everything depends on the motivation of the stakeholders involved.

In the last two years, I have worked with CEN and CENELEC, and I am not convinced that the regulations they are proposing are best fitted to the task. The position of my government would be to make use of base regulation coming out of the European Commission. It would involve a sort of amendment to the directive, since it does not deal with the technical issues in detail. This will enable us to avoid the pitfalls that led to CEN's failure. However, we remain open to the possibility of CEN type regulation.

Michel FAUDOU

How many different registration categories are there in the English and German systems? Before providing your answer, I would like to point out that both building contractors and engineering companies are eligible to register in the English system, whereas the German register is limited to works contractors.

Gareth KINGS

In total, Constructionline has approximately 1,000 work categories, ranging from demolition to more specialised work. Some users believe that we have too many, while others believe we do not have

enough. It is the biggest source of debate among our users. When a new firm registers, we generally try to assign it to an existing specialism. We work with trade associations to devise these categories to ensure that they are relevant to the industry.

Dr. Rüdiger KRATZENBERG

We have approximately 120 different work categories. We generally try not to become too specialised in our categories. In Germany, the most important thing is for firms to provide references.

Jacques LAIR (Fédération Française du Bâtiment)

Mrs Rimbert, I was concerned by one aspect of your presentation. I belong to FFB, the French Building Federation and am involved in work with the ISO. Within this context, I have observed that most technical committees consist solely of standardisation professionals. I am expecting the worst of the project you are working on, if indeed it is subject to the same pitfalls. I would consequently urge you to work with contracting authorities, contractors, architects and companies. If not, I fear you will replicate CEN's failure.

Isabelle RIMBERT

There is no need for you to be concerned. First of all, it is not a CEN reflection group. The aim is not to draft a standardisation document. Its task is to consider how individual or organisational skills development tools work in each of the EU member countries. We are also studying the recognition tools available on the market and are looking into clarifying the terminology used. We hope to establish a set of shared terms and concepts. Our group has only just been formed, and we welcome contributions from organisations such as FFB.

From the floor

Are the French, English and German systems open to foreign companies?

Michel FAUDOU

I will respond on behalf of OPQIBI. If an enterprise meets our qualification criteria, it is eligible for qualification. The only requirement is for it to submit its file and supporting documents (translated) in French.

Pierre CHEMILLIER

The French standard provides for the qualification of foreign entities. Qualibat previously only qualified enterprises that had effective representation in France. In applying the standard, we will, from now on, qualify any entity as long as it complies with the established criteria.

Gareth KINGS

There are European enterprises, which are currently registered with Constructionline. All they have to do is provide us with the information we require. We do not have a large number of these companies registered with us, but there are nevertheless a few.

Dr. Rüdiger KRATZENBERG

Our scheme is only starting out, but European companies are eligible to register. We restricted the number of criteria that we currently use, and, in theory, it is easier for a foreign based company to register in our system than, for example, in the Qualibat system.

From the floor

I would just mention that the FNTP, the French national federation for public works, has a professional identification system which is open to all foreign based enterprises that comply with the same rules as French enterprises.

Conclusion

Michel FAUDOU
Chairman, OPQIBI

It would be presumptuous on my part to claim that I can provide you with a summary of today's discussions, since they were so comprehensive; we have, furthermore, gone well beyond our allotted time.

From my point of view, the salient concept from today's discussions is that of "exemplary value". I hope that this meeting and our achievements in qualification, standardisation and accreditation will, indeed, have exemplary value.

We saw from Mr Van Der Putten's presentation at the beginning of the meeting that there may be a number of disadvantages to a Europe wide suppliers qualification initiative. However, on hearing the speeches of our English and German friends, it seemed that, although a Europe wide suppliers qualification can have certain disadvantages, there are also undeniable advantages. In particular, such an initiative would provide cost savings and reduce "red tape". It also seems promising from the point of view of competitiveness and the validation of innovation. We should therefore attempt to influence international rules as much as possible.

I will conclude with a witty observation of the type that our English friends will not be unfamiliar with. If we wish to achieve Europe wide recognition of suppliers qualification, we should first agree on the purpose, the goals, the definition, the terminology and the costs; we should also have a clear desire to be involved. I quite honestly believe that we are dealing with an extremely simple matter: after all, it can be no more complicated than building a European union. ■





73/77, rue de Sèvres - 92514 Boulogne-Billancourt Cedex
Tél. : 01.46.99.14.50 - Fax : 01.46.99.14.51 - E-mail : opqibi@wanadoo.fr
Site Internet : www.opqibi.com