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EUROPEAN FEDERATION OF FOUNDATION CONTRACTORS

Minutes of a meeting of the EFFC Contracts WG held on Thursday 7th February 2019 from 13.00-17.00 in “Blauer Saal” (Blue Room), Head Office of Bayerischer Bauindustrieverband, Oberanger 32, 80331 Munich, Germany

In attendance: Fredrik Asklund Sweden
Peter Ausslechner Austria
Wim Claesen Belgium
Jaap Éstie Netherlands
Frank Haehnig Germany
Chris Harnan UK
Par Land Sweden
Dejan Lukic Switzerland
Federico Trevisani Italy
Peter Vroom Netherlands

Present: Aimee McDermott EFFC Secretariat

Minutes		
1.	Apologies for Absence Jindrich Ricica (Czech Republic), Stig Weiss (Denmark), and Thomas Schroeder (Germany)	
2.	Minutes of the Meeting held on 5th October 2018 (Brussels, Belgium) The minutes of the meeting held on October 5 th 2018 were approved.	
3.	Concrete Task Group Nothing to report	
4.	Support Fluids Task Group Chris Harnan reported on the progress of the Support Fluids Task Group. He advised that edition 1 will hopefully be published in early March. He noted that this edition will be more a statement of fact so only one month will be given for comments. Chris explained that sponsorship of €200,000 is the aim for Edition 2 of the guide. This will hopefully be published in 2020. He noted that the aim is to find the best results for support fluids. Chris also advised that the Task Group are looking for volunteers to offer sites which can be tested for the R&D stage of the process. It was asked that the appendices, FRS and PPT are circulated to the Contracts WG.	
Issues for Discussion		
5.	Round Table discussion a) How do we see the way forward for the Contract WG meeting: i. Which topics are of interest? ii. Do we want to change to organization of the meetings (Frequency, topics etc.)? b) National contractual/commercial issues Federico Trevisani opened discussion on any further topics that the working group could focus on.	

Peter Vroom asked if there were any topics occurring within the National Federations own Contract WGs that could perhaps be discussed and help the EFFC learn more about the issues within each country. There was some discussion about how the Contracts WG could communicate with the National Federations in order for them to be informed about each other's work. The EFFC interacting with the whole of Europe was a concern. Federico noted that there is a need to understand how EFFC guidance is made visible to members of National Federation and to then get feedback on this. There was agreement that the information discussed in the Contracts WG needs to be collated and presented to National Federations after each meeting. The presentation will include an overview of the topics under discussion in the Contracts WG and of the objectives and activities of the Contracts WG. Dejan Lukic and Wim Claesen agreed to create a first draft of the general presentation of the Contracts WG ahead of the next meeting to then be distributed to National Federations.

D Lukic/ W Claesen

Fredrik Asklund advised that he represents the Swedish Federation and that they have agreed terms and conditions between parties leading to very few contractual issues. He noted that it would be interesting to hear the basic conditions of each country. Frederik added that he has a presentation he would like to share with the group about contractors, designers and the challenges faced, and requested some time at the next meeting to talk about this.

Par Land added that in Sweden the national federation members do not seem very interested in the EFFC. He noted that there was some interest in the working platform certificate and the rig operator license as there are a lot of overseas workers in Sweden, however apart from that the interest is low.

Federico Trevisani agreed that understanding the general conditions in each country would be helpful to see the different ways that topics are dealt with. Jaap Estiè added that this will be a good way to assess the common ground. Fredrik Asklund advised he had bought an English version of the Swedish terms and conditions. It was requested he send an electronic copy to the secretariat for distribution. There was some discussion on the national federations and their general conditions.

F Asklund

Fredrik suggested that the EFFC could have a shortlist of all members and their country's general conditions. This could then be used by contractors entering the country to ensure they understand the local conditions and are given a fair base of the terms. It was noted that this could be useful, however made clear that federations could not be legal advisors for those entering their market. There was some discussion about the benefits and drawbacks of this idea. Some felt it is important to have transparency in Europe and felt that everyone having a basic understanding of each country's conditions would better the industry in several ways, including through improved health and safety. Some wanted it made clear that it is the company's responsibility to understand the regulations of the country and that the national federations should not be expected to bridge this. There was a general agreement that protectionism does not work and that sharing information can be of great benefit. It was decided that members will get the opportunity to present on their country's general conditions at the next few meetings.

Federico advised that another topic for discussion that he found issues with was variation instructions. He noted that he never usually comes across any kind of standard to avoid this practice and that it is something the group could discuss. Frederik Asklund added that this is often an issue as clients do not understand the nature of piling works and the consequences of making late changes to a design.

There was some discussion about the organisation of the meetings and whether they should be linked to the EFFC Executive meetings. It was noted that this was originally the case as to improve attendance, however it was agreed the real value is finding topics of interest to be discussed. Some felt that the reason attendance has dropped is due to the lack of interest in the topics on the agenda. It was noted if members do not see a benefit of attending then they will not make the effort to travel. Chris Harnan noted that FIEC may be able to help with the topics issue. There was also some discussion about representatives who attend the meetings. Chris Harnan noted that the UK need to clarify what is happening with their representative.

The group further discussed the format of the meetings. It was decided that during the next meetings there would be, on a rotational basis (no more than 2),

	<p>presentations on each country's terms and conditions and that the format would remain the same for now. Dejan Lukic showed the group a working document he had created for the Health and Safety WG that mapped the progress of topics discussed. He noted he is happy to fill in a similar one for the Contracts WG when he works with Wim on the presentation of the groups discussion.</p>	
6.	<p>FIEC Participation</p> <p>There was some discussion about the FIEC groups. Federico Trevisani advised that the most important groups for the Contracts WG to attend would be Contract Law, Public Procurement and Construction 4.0. There was a request for volunteers for each group. Wim Claesen volunteered to attend Construction 4.0. Federico volunteered to attend Contract Law and Public Procurement. It was requested that information on these groups is sent to Federico and Wim.</p> <p>Chris Harnan advised that it would be useful to get feedback from the Plenary meetings as these discuss all issues within the SOC, ECO and TEC committees.</p>	W Claesen/ F Trevisani
7.	<p>Fair Payment/ Early Payment schemes & retention</p> <p>It was noted that there are six outstanding retention surveys. An action was made to collate all surveys which will then be discussed at the next meeting.</p> <p>Federico Trevisani advised that a document from European Parliament dated January 2017-2019 had been shared with him by Chris and Wim and that he will share this with the rest of the group. He noted that it examines the late payment directive and defines a system of transparency of payments. He also noted that small and medium companies are still affected despite this law.</p>	EFFC Secretariat F Trevisani
8.	<p>Back to Back Contracts</p> <p>Federico Trevisani advised that some documents had been circulated on this and that members should think about where they want to go with this topic in time for the next meeting.</p>	
9.	<p>Early Contractor Involvement</p> <p>Nothing to report.</p>	
10.	<p>Sustainability</p> <p>Chris Harnan reported that the Sustainability WG had had one meeting in Paris but had not been able to define aims at this point. He noted that defining sustainability was a difficult task. He advised that the next meeting will be taking place on Monday 25th February and that Marine Lasne would be attending to present and give advice on sustainability efforts.</p> <p>Chris emphasised the need for a commitment from the EFFC that sustainability is something they want to work on and that as a federation there is a need to guide the working group in the right direction.</p> <p>Dejan Lukic explained that Switzerland have two different standards on sustainability- one for building and one for infrastructure. He advised that the government and the industry have come together to work on this and that there are a number of questions which equate to points to note how sustainable a project is. Chris asked if Dejan could attend the next sustainability meeting. Dejan advised he would check the date.</p> <p>Jaap Estié advised that he had attended the previous meeting and that it is better to be prepared for sustainability by looking at alternative construction etc. as this will eventually become common-place within the market. Chris advised that a company called Keltbray have begun to use a low-carbon cement called Cemfree which contains zero concrete and can reduce the carbon footprint of a pile by up to 80%. Chris noted that one problem in construction is that 95% of the carbon footprint comes from carbon and steel so any changes made within offices is unlikely to have a huge impact.</p> <p>There was some discussion about how sustainability needs to be driven with a top-down approach. It was also noted that education, digitalisation and changes in</p>	

	machinery will have an impact on the success of sustainability approaches.	
11.	Site Investigation Item to be discussed at the next meeting.	
	Documents for discussion/approval	
12.	EFFC Risk Assessment and Risk Register This item is to be discussed at the next meeting.	
13.	Uncapped liabilities on projects a) EFFC position paper including soil risk statement This was discussed under item 5.	
14.	Any other business Nothing to report	
15.	Date of next meeting - Thursday 13 th June 2019- Prague, Czech Republic	