



A Meeting of the EFFC Contracts WG held on Wednesday 30th March 2022 from 10:00-12:00 (GMT) via Teams.

In attendance:

Peter Ausserlechner	Austria
Peter Vroom	Netherlands
Federico Trevisani (Chair)	Italy
Thomas Schroeder	Germany
Jaap Estie	Netherlands

Present:

Kathryn de Rochefort	FPS Secretariat
Ciaran Jennings	FPS Secretary

Owner	Action	Deadline
C Jennings	To make final amendments to the CR document, share with the CWG and present at the next Executive Meeting Hungary, Budapest for approval.	8th April
C Jennings	Present the General Contract Conditions at the next Executive Meeting for approval.	8th April
C Jennings	To finalise the Calamity Checklist and circulate to the group.	30th April
C Jennings	To finalise the Public Health Emergency document and circulate to the group.	Next Meeting
F Trevisani	To share EU-BIM handbook with the group.	Next Meeting
C Jennings	To share the CSRD, the emissions trading scheme and CBAM documents with the group.	Next Meeting
T Schroeder	To ask if anyone from Zueblin would like to join the Digitalisation workshop.	13th May
P Ausserlechner	To ask if anyone from Bauer would like to join the Digitalisation workshop.	13th May
F Trevisani	Research digitalisation and bring notes the next meeting.	Next Meeting
K de Rochefort	To send out a Doodle Poll for the next meeting.	ASAP

	Topic	
1.	Apologies Marc Lacazedieu (France), Andy West (UK), Dirk Siewert (Germany), Thomas Pirkner (Austria) and Dejan Lukic (Switzerland)	
2.	Approval of the Minutes from the meeting held on Monday 15th November 2021 Federico highlights that there has been an overall lack of participation in the CWG and the task groups which needs to be addressed.	

	The minutes from the previous meeting were approved.	
3.	<p>Matters Arising</p> <ul style="list-style-type: none"> <p>Cash Retention (CR) Statement Update</p> <p>Ciaran presented the position to the group and highlighted that Andy West add several comments which he has reviewed and suggested running through changes with the group. Ciaran continued to outline that the first paragraph covers sums up the effects of COVID-19 on the industry and why it is important that we do not have cash retention. Andy suggested that we offer a parent company guarantee as an alternative to retention, Ciaran suggested that this may favour larger companies which means smaller contractors would not be able to compete. Thomas agreed with Ciaran and highlighted that clients may not be willing to accept a company guarantee. Thomas added that we can have it in the document but felt it would offer limited negotiations. Peter A echoed the same concerns as some clients are not willing to accept a guarantee from an insurance company and will insist on having a well know local bank. Federico suggested that we should, in that case, look at insurance bonds. Ciaran listed off the suggested alternatives; Insurance Bonds, Bank Guarantee, Parent Company Guarantee and Project Bank Account. The group agreed all suggested alternatives. Ciaran will make the amendments, circulate to the CWG and present to the executive for final approval. Ciaran suggested that once the document has been approved by the executive it can be taken to FIEC to get their thoughts. Federico raised that we still need to revise the General Contract Conditions, Ciaran stated that the document has been approved by the CWG but will need to be shared with the executive.</p> <p>Update on Calamity Checklist</p> <p>Ciaran presented the Calamity Checklist to the group and stated that he had checked the English and found no errors. Ciaran question what Jaap meant under ‘External Communications’, 2.1 ‘explanation accidents with reporting obligation’. Jaap explained that it means after an accident you must create a formal report, Ciaran amended the point to say ‘notify the national regulator for incidents.’ Ciaran questioned under later actions, 2.5 ‘VCA Certified companies: report to certifying authority.’ Japp clarified that if you have a serious incident you need to report to the certifying authority. Ciaran added to the end of the sentence, for clarity, ‘if required in your country’.</p> <p>Ciaran also queried point 3.4 stating ‘accident report complete: check RIE-PVA/TRA/FUNCIE RIE/WI and company regulations/LMRA.’ Jaap explained that these are all different risk assessments which need to be completed after an accident report</p> 	<p>C Jennings</p> <p>C Jennings</p>

	<p>has been issued. Ciaran amended the point to say ‘accident report complete: check risk assessment and method statements are addressed.’</p> <p>Ciaran will finalise the list and will circulate to the CWG.</p> <ul style="list-style-type: none"> <p>Public Health Emergency Document Review</p> <p>Ciaran reported that although the document has not been circulated, he has assembled the bullet points that he and Federico previously discussed for the Public Health Emergency Document (PHED). Ciaran shared the document with the group and outlined that the document covers lessons learnt from the pandemic in terms of the practical and contractual implications.</p> <p>Jaap questioned whether this document would still be relevant, Ciaran stated that now we have experienced a pandemic it will be helpful to have a document that captures what we need to do and offers insurance for the future should we face another public health emergency.</p> <p>Ciaran ran through the document with the group. Thomas raised concerns that the Public Health Authority changing rules around social distancing etc is not a feasible situation. It has severely affected jobsites, if you have one worker that is sick the whole team has to go home to isolate, and the number of available skilled workers is very low. The group debated whether this was a foreseeable situation in future or not that could be covered by contractual terms, Ciaran added a point to the document stating, ‘Quarantine of site teams may impact the delivery schedule and productivity on a project and this needs to be considered in the contract.’</p> <p>Ciaran asked the group if they felt anything further need to be added to the document, the group approved the draft. Ciaran will finalise the document and circulate to the group for comment.</p> <p>FIEC Update</p> <p>Federico reported FIEC gave a presentation on digitalisation and collaboration between several groups and referred to the EU BIM task group who have created a handbook. Federico will share the handbook with the group. Federico also stated it is very generic and could be a good source to use for basic guidelines in the future.</p> 	<p>C Jennings</p> <p>C Jennings</p> <p>F Trevisani</p>
<p>4.</p>	<p>SWG Update</p> <p>Ciaran reported that he and Alexander Rostert have assembled a document about CSRD, Ciaran will circulate to the group. It will become a legislative require to report on S1, S2 and possible S3 emissions, if the company has more than 250 employees. We may wish to actively participate in the FIEC groups to understand and influence the requirements as this will have contractual implications.</p> <p>Jaap suggested that it would be worth a member of the SWG coming to the executive meeting to present on work that they are doing but also suggested that it should be Luke Deamer rather than Chris Harnan.</p>	<p>C Jennings</p>

	<p>There are also document that accompany this one that are around the emissions trading scheme and the CBAM regulations. Ciaran will circulate these documents to the group.</p> <p>Ciaran added that the EFFC has started a carbon reporting initiative that is aimed to help companies report on there S1, S2 and if possible S3 as it will be a legislative requirement as well as creating a benchmark to measure progress in reducing the amount of carbon we use as an industry.</p>	<p>C Jennings</p>
<p>5.</p>	<p>Round Table Discussion</p> <p>a) EFFC 5-year Strategy Document</p> <p>Ciaran shared the 5-year strategy document with the group and highlighted that there is a view to have it approved at the AGM in October.</p> <p>The context for this strategy is covered by three main drivers: COVID recovery, digitalisation, and decarbonisation.</p> <p>What has been specifically state for the CWG is providing position papers on key topics, identifying common standards and strategic collaborations with regards to digitalisation and BIM and promoting collaborative models of contracting. The group agreed that they were happy to peruse these areas over the next 5-years.</p> <p>b) EFFC/DFI Berlin Conference Update</p> <p>a. Digital Workshop</p> <p>Ciaran reported that on the preconference day the DFI have asked us to jointly run a digital workshop. The workshop will be facilitated by Jason Body from Arup, who is a DFI member.</p> <p>Ciaran presented the Speaker Invitation Letter that outlined how the workshop will run. We have invited speakers from around Europe to give an update on where their country is with regards to digitisation and BIM, we have one form the UK, the Netherlands and Sweden speaking.</p> <p>Ciaran asked the group if they would be able to join the workshop, Federico stated that he will be able to feed in some information for the workshop but he will be unable to attend.</p> <p>Thomas offered to ask around Zueblin and Peter A offered to ask if any if they are interested from Bauer.</p> <p>Ciaran stated that every country is at very different points with digitalisation but one the main concerns that has come from the Officer’s Meetings is around how we share data and how we protect our data.</p> <p>Jaap suggested that we could have legal or contractual stipulations whereby a contractor may be obligated to share data otherwise it will lose the contract.</p> <p>Federico added that this will be a topic that the CWG should be addressing, and we may produce some kind of position paper.</p> <p>Ciaran suggested that we can see what comes of the workshop and we can use what is discussed to help information any future work.</p> <p>Federico agreed and stated that he will research the topic and put together some bullet points for the next meeting.</p>	<p>T Schroeder P Ausserlechner</p> <p>F Trevisani</p>

6.	<p>Collaborative Working and Digitalisation This point was covered under point 5b.</p>	
7.	<p>AOB No other business.</p>	
8.	<p>Date of Next Meeting Federico asked the group what they would like to do with regards attendance and the next meetings, whether we should be having more meetings or focusing on the TG. It was noted that this meeting was poorly attended, and the group needs to have more interacts with federations to encourage more active involvement. Kathryn will send a doodle poll to the group to find a mutually convenient date. TBC</p>	<p>K de Rochefort</p>