



UNION EUROPEENNE DES PROMOTEURS-CONSTRUCTEURS
EUROPEAN UNION OF DEVELOPERS AND HOUSE BUILDERS
EUROPÄISCHE UNION DER FREIEN WOHNUNGSUNTERNEHMEN

RESTORING THE PAST - BUILDING THE FUTURE

**BIENNIAL REPORT
2004-2005**

UEPC is a European trade association that was created in 1958. UEPC is the umbrella organisation for the various national federations of developers and house-builders. The association is recognized by the European authorities. UEPC does not simply respond to initiatives introduced by the European authorities, it is also a proactive organisation that tackles any problems it may identify. In addition, the national federations also call on UEPC's services and contacts to defend their interests vis-à-vis the European authorities.

Through its national members, UEPC represents more than 30,000 companies of developers and house-builders. Their activities affect more than 10% of gross national product and of total European employment. Together they annually build and develop around 1,000,000 new homes and several million m² of offices and shopping centres.

Board of Directors and General Assembly

The term of office of the former UEPC President, G. Pavan (Italy) expired in 2005 and Graham C. Pye from the United Kingdom was appointed UEPC President on 27 May 2005 in Dublin.

At the General Assembly of 12 November 2004 in Berlin, the Romanian Association PSC (Patronatul Societăților din Construcții) signed a membership contract with UEPC as from 1st January 2005.

The General Assembly mourned the death of Mr Yilmaz Gürer in July 2004. He was a former Secretary General of the Turkish Contractors Association and had been an exceptionally dynamic member of the UEPC Board of Directors since 1992. Members also regretted the sudden death of Mr Selçuk Polat in July 2005. He was a former Secretary General of the Turkish Contractors Association and had been a member of the UEPC Board of Directors since November 2004.

Members were informed about the termination of the Norwegian observership. Unfortunately, Mr. Gustav Saedberg announced in July 2005 that he had to resign for health reasons.

Members of the Board of Directors are nominated by UEPC Member Federations and officially appointed by the UEPC General Assembly.

In the period 2004-2005 the following newcomers joined the Board of Directors

May 2004 : Mike Freshney (UK) ; Jacek Bielecki (Po) ; Erdal Eren, Selçuk Polat and Erhan Boysanoglu (Tu); drs. Ing. Jan Fokkema and ir. P.S.M. Ruigrok (NI).

November 2004 : Walter Rasch (De); Giancarlo Goretti (It).

May 2005 : Dietmar Werner (NI) ; Jim Wood (Ie) ; Dr. G. Polizu , Mr R. Niculescu-Aron et Ms Dipl.Eng. A. Iftime (Ro).

November 2005 : Haluk BUYUKBAS and Bulent ATAMER (Tu).

Working Committees & Ad-hoc Subgroups

For the day-to-day follow-up of the various issues, the Board of Directors is assisted by a number of working committees and ad-hoc subgroups. The working committees are statutorily determined, the ad-hoc subgroups are created upon demand, depending on current issues and needs. They might prepare a position paper, respond to a consultation or examine the impact of one rather vast subject.

Member federations can freely delegate their experts to these working committees. Members of the working committees can, but do not necessarily have to, be Board members.

At present the following working committees/subgroups exist:

- The Design and Development Committee

- The Law and Environment Committee
 - The Environment Subgroup
 - The PPP Subgroup
 - The Social Housing Subgroup

- The Economic Committee
 - The VAT Subgroup

- The Communication Committee

1. The Design and Development Committee

The *Design and Development Committee* is chaired by Michael Freshney (United-Kingdom) who took over the chairmanship of this committee in May 2005 from Graham Pye, the new UEPC President. M. Freshney is assisted by two committee joint-secretaries, John Haynes and Chris Mills (both UK). On the appointment of M. Freshney as Chairman of the Design and Development Committee, it was decided that for future appointments, all UEPC member federations, regardless of their status, would be offered the opportunity to stand for such offices.

In the 2004-2005 period this Committee principally dealt with technical matters such as the conformity and sustainability of construction products and the benchmarking of construction costs. Moreover the committee was closely involved in Commission initiatives regarding flood risk management, noise policy, accessibility of the built environment, energy efficiency, etc.

2. The Law and Environment Committee

The *Law and Environment Committee* is chaired by Jean-René Maillard (France) who has chaired this committee since 1992 and who was re-elected for another 3-year term in November 2004. Mr Brice Golfier (France) acts as secretary for this Committee.

In the 2004-2005 period this Committee was mainly involved in activities linked to environment policy (in a broad sense) and linked to the internal market, services, contract law, Public Private Partnerships and the draft for an EU Housing Charter. The committee also

closely monitors any new developments in policies related to European spatial development policies, land use and town planning.

3. The Economic Committee

The *Economic Committee* appointed a new chairman in November 2004 in Berlin, when Dr. Hans-Paul Ottmann took over from Dr. Günter Haber who had chaired the Committee since 1991. The German federation BFW provides secretarial support for this Committee. In November 2005 the Committee was temporarily chaired by Mr. Klaus Wolfinger (Austria) who replaced Dr. Hans-Paul Ottmann. Ralf Krabbes, the new Chief Executive of the German federation, took on the role of secretary.

In the 2004-2005 period, this Committee dealt mainly with VAT matters and the impact of the Basel II agreement and its European counterpart, the Directive on regulatory capital. Moreover the committee monitored developments in the International Accounting Standards, mortgage credit and Real Estate Investment Trusts.

4. The Communication Committee

The *Communication Committee* is chaired by the serving UEPC President and therefore Graham Pye replaced Dott. G. Pavan in May 2005. The UEPC office is responsible for secretarial support for this committee.

In 2004-2005 the committee discussed the organisation of the meetings hosted in turn by the French, German, Irish and Dutch member federations. In Bordeaux in June 2004, UEPC actively participated in the national congress of the FNPC (since then, the acronym has changed to FPC - *Fédérations des Promoteurs-Constructeurs*) with G. Pavan, UEPC President, André Sougné (Belgium) UEPC Vice-President for European Affairs and Terry Roydon (U.K.), UEPC Honorary President.

Moreover the Committee discussed the publication and dissemination of position papers, the participation of UEPC in major property events and the revamp of the UEPC website.

Meetings 2004-2005

In 2004-2005, UEPC members met in:

Bordeaux (France) – 24/26 June 2004

FNPC Congress, UEPC Board of Directors, General Assembly and Committee meetings

The Hague (The Netherlands) – 16 July 2004

UEPC Subgroup on PPP

Berlin (Germany) – 11/13 November 2004

UEPC Board of Directors, General Assembly and Committee meetings

With a presentation by Prof Vogtmann, President of the “Bundesamt für Naturschutz – Ecological House-Building”

With a presentation by M. Florian Preißler, Senior Manager Corporate Real Estate – Price-waterhouseCoopers/Berlin on “Basel II - impact on the property and property development sector”

London (UK) – 7 February 2005

UEPC Subgroup on VAT

Brussels (Belgium) – 4 March 2005

UEPC Subgroup on Social Housing

Dublin (Ireland) – 26/27 May 2005

UEPC Board of Directors, General Assembly and Committee meetings

Amsterdam(The Netherlands) – 10/12 November 2005

UEPC Board of Directors, General Assembly and Committee meetings

With a Presentation by Mr De Nijs- Brownfield Manager Flemish Region on Brownfield sites and by Mr Pirlet – CEN on “Standardisation: A tool to solve complex challenges”

Paris (France) – 9 December 2005

UEPC Subgroup on Environment

European Matters monitored by UEPC

The future of reduced VAT rates in the housing sector.

Directive 1999/85/EC granted Member States the authority to apply a reduced VAT rate to certain labour-intensive services, such as the renovation of private dwellings, for a trial period running from 1 January 2000 to 31 December 2002. It was extended a first time till 31 December 2003 and a second time till 31 December 2005.

A study published on behalf of the French organisation CAPEB revealed that about 70,000 jobs would be lost if the reduced rates currently applied were removed.

Nevertheless, a further extension of this directive must be agreed by the European Union Finance ministers unanimously. With the enlargement this seemed even more difficult than ever. At the end of 2005 the decision had not yet been made and the issue was deferred to a Council meeting in February 2006. Member states, currently authorized to apply reduced rates (including in the housing sector), would be allowed to continue this and the Commission promised not to proceed unless the final decision was taken.

In May 2005 UEPC drafted a new position paper that was forwarded to the member federations for the benefit of their national actions and to the competent EU authorities. In July 2005 UEPC drafted a motion for an EP resolution which, through the channel of FOCOPE, was endorsed by MEPs Den Dover and Kathy Sinnott as a written declaration. Unfortunately in all only 103 MEPs signed it and the declaration lapsed.

The draft directive on Services in the Internal Market and services of general interest and general economic interest

A year after the European Commission adopted the proposed Directive on services

in the Internal Market (COM(2004)2 final), the debate developed and became considerably more politicized. During October 2005, the European Parliament had to vote, in a first reading, on the draft Directive on services in the Internal Market. The MEPs of the Committee on Internal market and Consumer Protection proposed more than a thousand amendments to this report, as did the other Committees (Committee on Environment, Public Health and Food Safety, Committee on Industry, Research and Energy, etc).

The Directive aims to remove the obstacles to the free movement of services between Member States. Hence, the Directive provides a legal framework that simplifies both the establishment of service providers in Member States and the free movement of services between Member States.

Debate is focused on the free movement of services – and has led to a division between the supporters of the full application of the country of origin principle and its opponents. Its supporters consider that service providers, who provide their services in another Member State from the one in which they are established, should not have obligations imposed on them in addition to those they have to fulfil in their country of origin. On the other hand, opponents consider that such a principle will lead to the disappearance, or lowering, of social, environmental and consumer protection regulations existing in certain Member States.

UEPC kept a watchful eye on this dossier and linked this issue to **Services of general economic interest**: Since the definition of these services, which are exempt from the Bolkestein directive's scope, has been contested between member states and political groups, a compromise amendment grants member states the right "to define, in conformity with Community law, what they consider to be services of General Economic Interest, how those services should be organised and financed and

what specific obligations they should be subject to". In this field UEPC was particularly opposed to the distortion in competition between private developers building social housing as part of a larger estate project and social housing undertakings enjoying state aid (without prior notification) to build the social housing. UEPC's legal advisers prepared several letters to the EU authorities and in particular to Mr Philip Lowe, Director-General of DG Competition. The issue will continue to be monitored in 2006 and UEPC will ensure that the European authorities abolish these competitive distortions between private and public undertakings responsible for house building.

Public Private Partnerships

In November 2005 the European Commission published a Communication with new policy options on Public-Private Partnerships (PPPs). Public-private partnerships (PPPs) are forms of cooperation between public authorities and businesses, which aim to carry out infrastructure projects or provide services for the public.

The Communication follows a major public consultation which was launched by the PPP Green Paper in April 2004. UEPC responded to that consultation emphasising that the Commission should clarify the principles of transparency, equality of treatment, proportionality and mutual recognition related to the awarding of arrangements of all kind of PPP projects, whether institutional or purely contractual. A clarification of these principles should itself respect the principles of non-discrimination and equal treatment, meaning that a different approach is only accepted if there are enough objective reasons for separate treatment and in respect of the principle of proportionality.

According to UEPC, PPP projects can only be successful if the partners can negotiate in a sufficiently flexible manner, regardless of the (final) formal juridical structure of these projects.

The Commission will now clarify how EU rules should apply to the choice of private partners in "institutionalised PPPs", which are public-service undertakings held jointly by both a public and a private partner.

This should, above all, clarify the application of public procurement rules:

- to the establishment of mixed capital entities the objective of which is to perform services of general (economic) interest and
- to the participation of private firms in existing public companies which perform such tasks.

Again this issue is tied up with the White Paper on Services of general interest and the Proposal for a Services Directive.

European Contract Law

In 2003 the European Commission published a communication entitled *A more coherent European Contract Law*.

The action intends:

- to increase the quality and coherence of the EC acquis in the area of contract law;
- to promote the elaboration of EU-wide general contract terms;
- to examine further the appropriateness of non-sector-specific solutions such as an optional instrument in the area of European contract law.

In July 2004 UEPC replied to the call for expressions of interest in this regard, launched by DG Consumers. In December 2004 UEPC attended the first Conference of the network of Stakeholder Experts on European Contract Law.

UEPC had indicated points of interest to developers and house builders and applied to participate in various ad hoc workshops.

Mr André Sougné (Belgium) was accepted as UEPC's formal representative and he has since attended these meetings. He gives feedback to the members of the UEPC Law and Environment Committee and collects their views to draw up an overall UEPC position to be presented in the working groups

Progress in this matter is made available in regular Commission reports. A first report was published on 25/09/2005 *Progress Report on European Contract Law and the Acquis Review*.

Strategy for soil protection

Since 2003 UEPC has participated in the Advisory Forum to the Thematic Strategy for Soil Protection.

In this context the Commission services announced in July 2005 that they were finalising a proposal for this Thematic Strategy on Soil Protection, building on the results of previous discussions with stakeholders. The Commission was seeking to elicit relevant opinions from stakeholders on specific measures being considered for inclusion in the Thematic Strategy. UEPC responded to that online Internet consultation and is now waiting for the final text of the strategy which is due to be adopted in spring 2006.

Draft European Housing Charter

In March 2005 UEPC joined the Urban Housing Intergroup (an EP Intergroup with MEPs, professional organisations, politicians etc.). The Intergroup is first of all intended to be a place of information gathering and diffusion on urban and housing policy.

In September 2005 Mr Jean-Marie Beaupuy (MEP for France and Chair of the Intergroup) published a working document in preparation for a European Housing Charter. UEPC examined the draft text and sent its comments to Mr Beaupuy and the members of the Urban Housing Intergroup.

EC Consultation on the Green Paper on Energy Efficiency

At the time, UEPC voiced its opinion on the Directive on the energy performance of buildings, a directive to be implemented in all EU Member States' national legislation on 04/01/2006.

Hence members decided to examine the Green Paper on energy efficiency and to respond to those questions affecting the sector of house builders and developers (deadline 31/03/2006).

Directive on Environmental Liability

UEPC has followed this issue since the very beginning and voiced its opinion on several occasions, starting in 2000 until the adoption of the directive in April 2004.

UEPC will now monitor how the directive is implemented by the Member States which should implement it in 2007 at the latest.

Consumer Credit Directive (Revision) Green Paper on Mortgage Credit - Consultation

On 19 July 2005 the European Commission published its Green Paper on Mortgage Credit in the EU. The Green Paper examines the case for Commission action in the EU mortgage credit market. Can Commission action make these markets more efficient and competitive, leading to more choice and better value for EU consumers?

The Commission also came up with a new consumer credit plan (10/10/05). UEPC will examine how this affects consumers, the clients of its members, developers and house builders, and will prepare an answer to the Green Paper. On 7 December UEPC was represented at the public hearing on Mortgage Credit where it was announced that a White Paper would be issued in 2006, setting out the way forward.

IAS (International Accounting Standards) and IFRS

In December 2004 the EU Commission published the adopted IFRS (International Financial Reporting Standards). The European Union Accounting Regulation requires that European companies listed on a European securities market must use IFRSs to prepare their consolidated financial statements starting in 2005.

By publication in the Official Journal of the European Union on 24 November 2005, a Regulation formally adopts the latest revisions to the following International Financial Reporting Standards: IFRSs 1 and 6; IASs 1, 16, 19, 24, 38, and 39; and IFRIC Interpretations 4 and 5.

UEPC informs its members, forwards them the links to the official publication and the Economic Committee monitors how this might have a direct impact of the activity of property developers and house builders.

REITs

This new own-initiative topic was launched at the meeting in November 2005 by the German federation. At that time in various European states progress was noted regarding the introduction of real estate investment trusts (REITs). Property investment trusts with tax benefits were already permitted in the Netherlands, Luxembourg and France while a decision was awaited on their introduction in Germany and the United Kingdom.

The German federation was sure that there was a need for coordination beyond the national level with regard to double taxation agreements.

UEPC would look again at the question of REITs at its next meeting in 2006.

Flooding

In July 2004 UEPC examined the EU Commission Communication on flood risk management and applied to participate in the preparatory work for a draft directive. UEPC was accepted and attended various meetings in 2004 and 2005.

In September 2005 UEPC also responded to the online consultation preceding the draft directive text which is scheduled for January 2006.

UEPC will continue its involvement in this matter.

Retirement Housing

This new issue was taken up in 2005 at the initiative of a German member of the UEPC Design and Development Committee who is particularly active in building housing designed for the needs of elderly people. Various members agreed that this was a new niche in the property market and listened carefully to the presentation made by Mr Heiming (Member of the German federation BFW) at the meetings in Amsterdam.

UEPC will evaluate whether this issue deserves an in-depth examination of the impact of European regulations in this field.

Benchmarking Construction Costs

In April 2004 the European Commission's DG Enterprise launched a new Pilot study, "Benchmarking of construction costs in the Member States".

UEPC attended the various meetings and was able to voice its comments to the study that had been granted to the consultants Bernard Williams Associates in London. They contacted UEPC member federations in various member states and answers would be examined in January 2006.

A draft report was scheduled for spring 2006.

UEPC will monitor the outcome.

National matters

UEPC Member Federations regularly request support for defending their interests at EU Community level or at national level:

Poland wanted to know more about **state aid systems for house building**. UEPC launched a questionnaire to inform them.

In November 2004 the **Portuguese** federation informed members that their government had promulgated a law obliging them to provide a very detailed '**technical description**' of a housing unit sold, to be attached to the conveyance deed. The French federation, which was very interested in this issue, helped the Portuguese one to solve this problem.

In 2005 **Turkey** wanted to question members on the existence in Europe of a

building control system which is in force in Turkey.

In November 2005 the **Spanish** federation launched a questionnaire on **electrical installations in new property development projects** in order to prepare their national action towards their government.

The '**MOP**' (**public and private project management**) law in **France** was brought to a successful conclusion thanks to UEPC actions on this issue.

UEPC lodged an appeal for the **Belgian** federation against the Commission regulation on state aid creating competitive distortions in the area of **state aid granted to social housing organisations**.

UEPC and the European authorities

The European Commission

In 2004-2005, UEPC had several meetings with various EU Commission DGs.

In addition UEPC is a member of the Monitoring and Steering Group in the European Commission Framework Study on the **Competitiveness of the Construction Sector**.

Moreover UEPC plays an active role in the working group on **Better lawmaking through the Common Frame of Reference** (Contract Law).

UEPC is one of the stakeholders in the meetings on the **EU Flood Management Programme** and UEPC was closely involved in the work of the **Group of Experts on Accessibility of the Built Environment**.

UEPC attended a workshop on **Mortgage Credit** and it voiced its opinion at a hearing on Mortgage Credit in the European Parliament

The European Parliament

When appropriate UEPC attended hearings in the European Parliament.

UEPC has been a member of **FOCOPE**, the Construction Forum at the European Parliament, since it was set up.

FOCOPE's aim is to offer a forum for debate and the exchange of news and views. FOCOPE's objective is to demonstrate the important role of the construction industry in the economic and social prosperity of Member States, as well as to promote partnerships with countries that are not members of the EU and to develop a dialogue between the industry and the European institutions. A number of European parliamentarians attended the meetings.

In 2004-2005 the Forum had 4 regular meetings focussed on specific topics (such as VAT, energy efficiency, accession countries, services) that were attended by some MEPs. On top of that there were two other events: a reception in November 2004 and a briefing on VAT in June 2005.

Since 2005 UEPC has also joined the **Urban Housing Intergroup**, a new initiative launched by MEPs Beaupuy and Hutchinson to defend housing interests.

The Intergroup usually meets three times a year. In 2005 UEPC attended two meetings, one in Strasbourg in September and one in Brussels in November, on the Proposal for a European Housing Charter.

CEN (European Standardisation Committee)

In March 2004 UEPC participated in the CEN Environmental Seminar on Construction.

On 12 November 2005, Mr André Pirlet from CEN made a lively presentation for UEPC members in Amsterdam on Standardisation: *a tool to solve complex challenges*.

John Haynes, secretary of UEPC's Design and Development Committee, represented UEPC at all the meetings of the '**Masonry**' **Technical Committee**, CEN TC 125 in 2004-2005. Mr Haynes has chaired this Committee since 2002.

Moreover UEPC is a corresponding member of the CEN TC 325 on **Crime prevention – Urban planning and building design**

Since November 2005 UEPC has confirmed its commitment to The Advisory Group of European User and Client organisations in the **European Construction Technology Platform (ECTP)**. This organisation represents the stakeholders of the built environment.

EOTA (European Organisation for Technical Approvals)

UEPC has the status of observer with **EOTA (European Organisation for Technical Approvals)**. EOTA is made up of technical approval federations in 17 European countries. Here, John Haynes plays a very active role in representing the UEPC.

UEPC and its partners

UEPC is directly involved in the work of the "**European Construction Forum**", ECF is a platform for cooperation on issues of common interest between independent organisations representing key players in the construction sector and participating on a voluntary basis:

- ACE (Architects' Council of Europe)
- CEMBUREAU (European Cement Association)
- CEPMC (Council of European Producers of Materials for Construction)
- EAPA (European Asphalt Pavement Association)
- ECCE (European Council of Civil Engineers)
- EFCA (European Federation of Engineering Consultancy Associations)
- FETBB (Fédération Européenne des Travailleurs du Bâtiment et du Bois)
- FIEC (Fédération de l'Industrie Européenne de la Construction)
- UEPC (Union Européenne des Promoteurs-Constructeurs)

ECF is not an umbrella organisation and does not represent the participating organisations.

The principal aim of ECF is the establishment and recognition of a single comprehensive policy approach for the European construction sector through raising the awareness of decision makers at European level to the specific issues affecting the sector as a whole. To this end, the participating organisations strive to arrive at consensual views on issues of common interest.

This should lead over time to:

- an increase of the construction sector's direct involvement in the preparation of all EU legislation, programmes and actions that have a bearing on the sector.
- a more coherent and coordinated approach by the European institutions towards the sector.

In 2004 and 2005 the ECF Directors met 5 times a year in order to discuss issues of common interest and to prepare joint actions such as the lobbying action with regard to reduced VAT rates.

UEPC is one of the founding members of the "**European Housing Forum**".

The European Housing Forum is a grouping of organisations with specific interests in the field of housing, which meet periodically to discuss matters of mutual concern.

Members are:

- FEANTSA (the European federation of national organisations working with the homeless)
- EUROCITIES (Network of major European Cities)
- COFACE (Committee of Family organisations in the EU)
- ENHR (European Network of Housing Research)
- European Observatory for Social Housing,
- RICS Europe (European Society of Chartered Surveyors)
- IUT (International Union of Tenants) and Habitat et Francophonie.
- UEPC (European Union of Developers and House Builders)

The Forum's principal objectives are:

- the exchange of information between its members;
- the identification of topics for discussion;
- joint initiatives towards European institutions on specific issues agreed upon unanimously;
- the demonstration of the significance of the housing sector at all levels.

The Forum met 5 times in 2004 and 4 times in 2005.

On 10 May 2004 UEPC participated in an all-day event held in Brussels on access to housing indicators and on 16 February 2005 UEPC attended the Seminar on Housing organised in the EP in Brussels. Moreover in October 2005 the EHF organised together with the EP the EU Social Housing Week with several roundtables and seminars.

UEPC PUBLICATIONS

Position Papers

In 2004-2005 UEPC published the following position papers:

- UEPC comments on the **Green Paper on Public Private Partnerships** (July 2004)
- On two occasions UEPC voiced its comments on the **European Commission proposals for services of general economic interest** (October 2004 – April 2005)
- In 2005 UEPC sent in its comments in favour of **a reduced VAT rate for all housing** three times (May 2005; July 2005 and November 2005)
- Revised UEPC position paper on **flooding and development** (August 2005)
- UEPC Opinion on the EU Commission **Green Paper on Mortgage credit in the EU** (November 2005)

Flashes

In 2004 UEPC posted 24 flashes by e-mail. These flashes inform members about any new issues or developments in a current affair important to them.

In addition these flashes allow members to access the newest relevant publications in the Official Journal on the Internet (they contain the appropriate Internet links).

In 2005 UEPC dispatched 19 flashes.

All flashes are translated in the three UEPC working languages and made available on the UEPC website subsequently.

Press releases

On important occasions UEPC issues press releases for the benefit of the European press and the national press.

In 2004-2005 these occasions included the affiliation of the Romanian federation, the appointment of the new UEPC President and the UEPC action on VAT.

Presentation brochure

UEPC regularly updates its general information brochure which is made available to the wider public at major property events such as (MIPIM or Expo Real).

UEPC website

In parallel with the presentation brochure UEPC regularly updates its website with the latest documents, flashes, position papers, events etc.



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