

Press release

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Contractors worried about public procurement practice in Poland

"We have never ever heard such outspoken criticism about procurement practice and contracting authorities in a single country by so many contractors from so many different enterprises and countries" says Ulrich Paetzold, Director General of FIEC, the European Construction Industry Federation coming out of a meeting organized in Brussels on 21/11/2012. "And all of these companies have decades of worldwide experience with public procurement and FIDIC standard forms of contract," adds Frank Kehlenbach, Director of EIC, the European International Contractors, on the same occasion, "but this experience does not help them in Poland, given the reluctance of public clients to perform their part of the job."

Contractors active in public works contracts in Poland are profoundly worried about the severe deterioration of public procurement rules and practice over the last years. In fact, for some time already, various changes of both the Public Procurement Law and the internationally recognised FIDIC contract conditions have led to a situation which is being considered as grossly unfair, counter-productive and unacceptable by the contractors.

The combination of poorly prepared tenders, a generally unfair attitude towards contractors and the non-respect of contractual obligations by public clients not only raises the question of professionalism on the demand side but also leads to a number of concerns regarding Internal Market issues, such as lack of transparency and proportionality, as well as discrimination and freedom to provide services. If this development cannot be stopped and reversed, then there is real danger that this inefficiency in spending European funds, will lead the EU to reviewing its funding and lending policies which have provided Poland with almost 68 billion € in the current period and which are in legislative procedures at this very moment.

FIEC and EIC, with its partners in Poland, would like to contribute constructively to avoiding a further deterioration of the situation which would have dramatic consequences not only for Polish contractors, but also for Poland as such, a country whose achievements in the European Union so far have to be applauded.

It is also interesting to note that currently at least 2 billion € are "blocked" by litigation in front of Polish courts and that this amount is rapidly increasing.

FIEC – the European Construction Industry Federation – represents via its 33 national Member Federations in 29 countries the European interests of construction enterprises of all sizes, i.e. craftsmen, SMEs and "global players", performing all kinds of building and civil engineering activities

EIC – associated with FIEC – represents the international interests of contractors' associations from Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Italy, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Turkey and United Kingdom

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