



Mr. Andrzej Adamczyk

MINISTER OF INFRASTRUCTURE

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Brussels, 5th November 2018

Dear Minister,

On Friday 26th October in Warsaw, there was a meeting of our joint FIEC-EIC working group. You may remember this group from your own experience some years ago when your personal involvement contributed to significant improvement of infrastructure project implementation practices. At our meeting last week, we heard that our joint letter of 31st August 2018, addressed to Commissioners Bulc, Bie kowska and Cre u on the issue of price indexation/ adaptation in public works contracts in Poland (enclosed for ease of reference) was the subject of a press article published on the website FORSAL.PL on 22nd October 2018¹.

We sincerely regret that our initiative seems to have created some misunderstandings which we would like to clarify immediately.

First of all, this letter was written by two associations representing the collective interests of construction companies and not by "construction giants".

FIEC and EIC did not "complain", but informed the Commissioners of certain developments and their potential negative consequences if the necessary measures were not taken. The only aim of both our letter and our approach on this issue in general is to contribute constructively to the solution of a complex and multi-faceted problem, in the interest of all parties concerned, including the clients.

We showed that it would be possible to get out of the current *impasse* without breaching EU law, contrary to some assumptions made in discussions in Poland.

It is generally recognised that despite all expertise of all parties involved, certain developments cannot be anticipated over a longer period of time, e.g. between 2015 and today. Therefore, a delicate situation like the current one requires open dialogue and cooperation between the contractors and the public investors, in order to find a fair solution acceptable to everybody concerned.

¹ <https://forsal.pl/gospodarka/aktualnosci/artykuly/1313308,nierentowne-kontrakty-i-obojetnosc-rzadu-giganci-budowlani-skarza-sie-w-brukseli-na-polske.html>

In line with this approach, we would like to inform you that our Polish colleagues from PZPB, other than preparing specific proposals, will also shortly produce a scientific fact-finding study on the actual price developments of a selected number of construction products and services. There is general agreement in our Working Group that such a study should be carried out, if possible, in cooperation with the Polish government, in particular your Ministry.

In this context, we would be very pleased to meet, at your earliest convenience, maybe on the occasion of our next working group venue in December, to better clarify our initiative, provide more details on it and get the involvement of your experts in finding the solutions needed.

With this in mind, please do not to hesitate to contact us or PZPB for any further information you would like to receive.

We would like to thank you in advance for your patience and attention and remain

Yours faithfully



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FIEC Vice-President



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EIC President



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