



IZBA ARCHITEKTÓW
RZECZYPOSPOLITEJ POLSKIEJ

KRAJOWA RADA IZBY ARCHITEKTÓW RP

Warsaw, 21 December 2015

L.dz. 677/KRIA/2015

**NATIONAL COUNCIL
OF THE CHAMBER OF POLISH ARCHITECTS**
00-193 Warszawa, ul. Stawki 2A

General Secretariat of the European Parliament

Plateau du Kirchberg
2929 Luxembourg
Luxembourg

Acting on behalf of the Chamber of Polish Architects, the National Council of the Chamber of Polish Architects - performing the tasks entrusted to the professional self-government of architects, particularly under Art 8, clause 11 of the Act of 15 December 2000 on professional self-governments of architects and building engineers (Journal of Laws of 2013, item 932, as amended) - makes a request for correction of a mistake in the Polish translation of Directive 2014/24/EU of the European Parliament and Council on public procurement, which mistake results in defective legal solutions in the on-going work on the implementation of the provisions of the Directive into the Polish legal system in the scope of the Act on public procurement.

The National Council of the Chamber of Polish Architects draws attention to the **mistranslation** of the said Directive into Polish. It has to be noted that the approved provisions of Annex XII, Part II, (a)(ii) provide in all European languages that for an adequate level of competition to be ensured, contracting authorities may take into consideration the professional experience of the Contractor of over 3 years. It is only in the Polish translation of Directive 2014/24/EU of the European Parliament and Council on public procurement that such a possibility has been excluded, which in consequence allows for an incorrect interpretation of the provisions of the Directive and an confusing argumentation in this respect employed in the work on the bill on public procurement.

According to the Chamber of Polish Architects, the original provision, which reads as follows:

Where necessary in order to ensure an adequate level of competition, contracting authorities may indicate that evidence of relevant supplies or services delivered or performed more than three years before will be taken into account;

- should be translated in the following manner:

W razie potrzeby, w celu zapewnienia odpowiedniego poziomu konkurencji, instytucje zamawiające mogą zaznaczyć, iż dowody dotyczące odpowiednich dostaw lub usług zrealizowanych bądź wykonanych ponad trzy lata wcześniej będą brane pod uwagę.

However, the Polish translation of the Directive differs from the original and distorts its meaning:

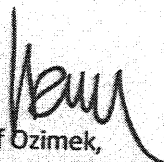
W razie potrzeby, w celu zapewnienia odpowiedniego poziomu konkurencji, instytucje zamawiające mogą zaznaczyć, iż dowody dotyczące odpowiednich dostaw lub usług zrealizowanych bądź wykonanych ponad trzy lata wcześniej nie zostaną uwzględnione;

Due to the on-going work on the Act on public procurement, where the National Council of the Chamber of Polish Architects participates in the area of public consultation, we count on the immediate removal of the incorrect translation, which would in turn allow for the legislative process to be based on the provisions introduced via Directive 2014/24/EU of the European Parliament and Council on public procurement.

Yours faithfully,



Ryszard Gruda,
architect in the Chamber of Polish Architects
President of the National Chamber



Krzysztof Ozimek,
architect in the Chamber of Polish Architects
Secretary of the National Chamber

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CC:

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