



**CONSEIL DE
L'UNION EUROPÉENNE**

**Bruxelles, le 31 mars 2009 (01.04)
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8166/09

FIN 106

NOTE DE TRANSMISSION

Origine: Madame Dalia GRYBAUSKAITE, membre de la Commission européenne
Date de réception: 31 mars 2009
Destinataire: Monsieur Miroslav KALOUSEK, Président du Conseil de l'Union européenne
Objet: Proposition de virement de crédits n° DEC 5/2009 - Section III - Commission -
du budget général pour l'exercice 2009 (DNO)

Les délégations trouveront ci-joint le document de la Commission - DEC5/2009.

p.j. : DEC5/2009



COMMISSION DES COMMUNAUTÉS EUROPÉENNES

BUDG/A7/2009/D/1615

BRUXELLES, LE 27/03/2009

BUDGET GÉNÉRAL - EXERCICE 2009
SECTION III - COMMISSION TITRE 26

VIREMENT DE CRÉDITS N° **DEC 05/2009**

DÉPENSES NON OBLIGATOIRES

EN EUROS

ORIGINE DES CRÉDITS

DU CHAPITRE - 40 01 RÉSERVES POUR LES DÉPENSES ADMINISTRATIVES

POSTE 40 01 40 - 26 01 22 02 Acquisition et location d'immeubles à Bruxelles

CND - 10 256 400

DESTINATION DES CRÉDITS

AU CHAPITRE - 2601 Dépenses administratives du domaine politique «Administration de la Commission»

POSTE - 26 01 22 02 Acquisition et location d'immeubles à Bruxelles

CND 10 256 400

INTRODUCTION

Des crédits d'un montant de 10 256 400 EUR relevant de la ligne 26 01 22 02 (Acquisition et location d'immeubles à Bruxelles) sont inscrits à l'article 40 01 40 (Réserve administrative) à la suite de l'amendement 0436 (BUDG/9761) voté par le Parlement européen.

Pour obtenir le déblocage de cette réserve, la Commission doit remplir certaines conditions en présentant:

- les résultats du concours d'architecture relatif au quartier européen, ainsi que ses implications administratives et financières pour la politique immobilière de la Commission, avec un calendrier détaillé et un tableau financier;
- les résultats de l'avis d'information (cf. JO 2008/S 151 -202862), ainsi que ses implications administratives et financières pour la politique immobilière de la Commission, avec un calendrier détaillé et un tableau financier;
- une analyse détaillée et à jour de la situation actuelle pour ce qui est des besoins d'espaces à usage de bureaux et des besoins à moyen terme prévus en fonction de l'évolution des ressources humaines;
- un rapport détaillé sur le suivi de la communication COM(2007) 501 et des projets immobiliers en cours de la Commission (rénovation, occupation des nouveaux bâtiments, durée des contrats de location), avec un calendrier détaillé pour chaque projet et les implications financières pour la politique immobilière.

Le document ci-joint présente les informations sur le concours d'architecture relatif au quartier européen, l'appel d'informations sur les sites de développement, les besoins actuels et à moyen terme en espaces de bureaux, le suivi de la communication COM(2007) 501 sur la politique immobilière et un aperçu des projets de construction en cours.

Considérant que les conditions ont été remplies, la Commission demande à l'autorité budgétaire de lever la réserve et d'approuver le présent virement. Les crédits sont nécessaires pour couvrir des obligations découlant de contrats existants.

I. RENFORCEMENT

a) Intitulé de la ligne

26 01 22 02 - Acquisition et location d'immeubles à Bruxelles

b) Données chiffrées à la date du 12/02/2009

	CND
1A. Crédits de l'exercice (budget initial + BR)	194 871 600
1B. Crédits de l'exercice (AELE)	0
2. Virements	0
<hr/>	
3. Crédits définitifs de l'exercice (1A+1B+2)	194 871 600
4. Exécution des crédits définitifs de l'exercice	194 071 600
<hr/>	
5. Crédits inutilisés/disponibles (3-4)	800 000
6. Besoins jusqu'à la fin de l'exercice	11 056 400
7. Renforcement proposé	10 256 400
8. Pourcentage du renforcement par rapport aux crédits de l'exercice (7/1A)	5,26%
9. Pourcentage des renforcements cumulés en application de l'article 23 §1 b et c du RF, calculé selon l'article 17bis des modalités d'exécution par rapport aux crédits définitifs de l'exercice	n/a

c) Recettes provenant de recouvrement reportées (C5)

	CND
1. Crédits disponibles en début d'année	6 726 577
2. Crédits disponibles à la date du 12/02/2009	0
3. Taux d'exécution [(1-2)/1]	100,00%

d) Justification détaillée du renforcement

Voir introduction.

II. PRÉLÈVEMENT

a) Intitulé de la ligne

40 01 - RÉSERVES POUR LES DÉPENSES ADMINISTRATIVES - Poste 26 01 22 02 - Acquisition et location d'immeubles à Bruxelles

b) Données chiffrées à la date du 12/02/2009

	CND
1A. Crédits de l'exercice (budget initial + BR)	10 256 400
1B. Crédits de l'exercice (AELE)	0
2. Virements	0
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3. Crédits définitifs de l'exercice (1A+1B+2)	10 256 400
4. Exécution des crédits définitifs de l'exercice	0
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5. Crédits inutilisés/disponibles (3-4)	10 256 400
6. Besoins jusqu'à la fin de l'exercice (*)	0
7. Prélèvement proposé	10 256 400
8. Pourcentage du prélèvement par rapport aux crédits de l'exercice (7/1A)	100,00%
9. Pourcentage des prélèvements cumulés en application de l'article 23 § 1 b et c du RF, calculé selon l'article 17 bis des modalités d'exécution par rapport aux crédits définitifs de l'exercice	n/a
(*) Sans objet pour une ligne de crédits provisionnels ou de réserve	

c) Recettes provenant de recouvrement reportées (C5)

	CND
1. Crédits disponibles en début d'année	6 726 577
2. Crédits disponibles à la date du 12/02/2009	0
3. Taux d'exécution [(1-2)/1]	100,00%

d) Justification détaillée du prélèvement

Voir introduction.

Transfer of appropriations DEC 5/2009
Acquisition and renting of buildings in Brussels
Conditions for the release of the reserve (amendment 0436 (BUDG 9761))

The Commission should present to Parliament:

- *the results of the architectural competition for the European Quarter, as well as its administrative and financial implications for the buildings policy of the Commission, with a detailed timetable and financial overview,*
- *the results of the notice of information (cf. OJ 2008/S 151 -202862), as well as its administrative and financial implications for the buildings policy of the Commission, with a detailed timetable and financial overview,*
- *a detailed and updated analysis on the current situation concerning the needs for office space and the mid-term needs projected in connection with changes in staff number,*
- *a detailed report on the follow-up to communication COM(2007)501 and current Commission building projects (renovation, occupation of new buildings, duration of rental contracts), including a detailed timetable for each project and the financial consequences of buildings policy.*

The requests concern:

- the architectural competition for the European Quarter;
- the notice for information on the development sites;
- the current and mid-term needs for office space;
- the follow-up to the communication COM(2007)501 on building policy;
- an overview of the current building projects.

This information is given in:

- section 1 as regards the architectural competition for the European Quarter;
- section 2, action 13 as regards the call for information on the development sites;
- section 3 as regards the current and mid-term needs for office space;
- section 2 as regards the follow-up to the communication COM(2007)501 on building policy;
- section 4 as regards the overview of the current building projects.

1. The architectural competition for the European Quarter

An architectural competition will be prepared in the course of 2009. It will be based on the results of the town planning competition (PUL-Projet Urbain Loi) organised by the Brussels Region; it concerns a limited area around the rue de la Loi (including the latter). This town planning competition is on-going and the results are expected in the first half of 2009.

The town planning competition as such involves no budgetary commitment by the Commission, except for the seven international experts participating in the evaluation committee, who were selected, invited and paid by the Commission, on the basis of the existing relevant procedures.

When preparing the architectural competition, the Commission will perform a financial analysis, based on the impact of the new land use plans (PPAS - Plan Particulier d'Affectation du Sol) of Brussels, as soon as they are available, before end 2011. A call for tenders is being launched to find an architect and/or engineers to guide the Commission through the architectural competition process.

The Commission's estimated budget for the architectural competition amounts to 700.000 € (0.5 M€ awards + 0,2 €M for the architect and/or engineers assistance).

The Commission will inform the budgetary authorities as soon as global financial implications and their details are known.

This element of the building policy aims at projects that will be operational by around 2014, according to the long term planning put forward by the Commission in its building policy.

The aim of this policy is a rationalisation of Commission buildings. Incidentally, the Commission used a hypothesis of zero growth for the projection of the office space required.

Tentative calendar with regard to the architectural competition and its follow-up

Phases	Timing	Responsibility
Town planning competition by Brussels Region	2008 – 2009	Brussels Region
Architectural competition by the Commission	2009 - 2010	Commission
Detail project (plans / budget / planning)	2010 - 2011	Commission
Adoption of new PPAS	2011	Brussels City
Obtain permits	2011 - 2012	Commission
Call for tenders	2012 - 2013	Commission
Start of the works phase I	2014	Commission

2. Report on the follow-up of Communication COM(2007)501 (situation at January 2009)

The Commission Communication on the policy for the accommodation of its services in Brussels and Luxembourg, adopted on the 5th of September 2007¹ implies specific actions to be undertaken as of 2008 - 2009.

The relevant services of the Commission, in particular the Offices OIB and OIL and DG Admin, must undertake 25 different actions.

Herewith is the description and the current situation of each of these actions, with the same numbering scheme used for the Communication.

2.1.3. The existing situation: general evolution

Action 1: definition of a long-term planning

Recurrent action; the draft Multi Annual Programme Frameworks (MAPF) for Brussels and Luxembourg 2009-2018 were presented to the Management Committees of OIB and OIL in November 2008 and were subsequently finalised.

OIL's MAPF was adopted by written procedure in February 2009; OIB's MAPF is expected to be adopted in March 2009.

Action 2: life-cycle cost of future buildings

In June 2008 OIB contracted a leading property transactions advisor to develop a life -cycle cost methodology which could be used when evaluating candidate buildings for occupation (including through usufruct contracts (see action 10)) by the Commission. The contractor put forward a first draft in December 2008 which is currently under analysis by the Commission.

Action 3: study on large future renovation costs

This study to quantify costs and to provide long -term planning for the necessary large -scale renovation works to be carried out in Commission buildings was launched at the end of 2008 and is expected to be finalized in May 2009. It will update and complement an earlier study (carried out in 2007).

The main renovation issues have been subdivided in the following categories : (i) works necessary to achieve compliance with forthcoming legal constraints (e.g. R22 gas); (ii) works necessary to protect the value of the Commission's assets (e.g. new covering); and (iii) works necessary to reduce energy consumption and CO₂ emissions.

These works have been scheduled from 2009 onwards, starting with the technical studies, based on the study of 2007 with a budget of 220.000 € for 2009, and the preparation of procurement procedures.

Action 4: reinforcement of partnerships with the Belgian authorities

This is an on-going action. The Task Force Belgium EU, specifically set up to facilitate dialogue between the Institutions and the host country authorities meets regularly (18 meetings have taken place since it was set up in September 2005) to discuss a wide range of issues including tax policy, the European schools, the transport and mobility, etc.

2.2. Future space requirements in Brussels and Luxembourg

Action 5: study about the localisation of IT rooms in Luxembourg and Brussels and evaluating the cost/efficiency of this approach

The study was not undertaken so far. In the meantime, the relevant services are finalizing a proposal with a view to renting limited additional space in Luxembourg to cope with the current request for hosting of IT system.

¹ COM(2007)501

4.1. Increased competition on the marketplace: a revised methodology for the purchase and rental of buildings

Action 6: definition of a methodology for buying and renting buildings

A new methodology was adopted by the Commission on the 3rd of June 2008 (COM(2008)229) and transmitted to all Institutions.

Action 7: annual publication of an estimate of the needs for the current year and the following four years and publication of specific needs for any new real estate project

The Real Estate Committee in Brussels during its first meeting on the 9th of July 2008 adopted two opinions and two calls for proposals (17.800 m² to cover short-term needs and 70.000 m² for 2013) that were published in the OJEU on the 6th of August 2008.

The Committee subsequently adopted four opinions by written procedure and held its second meeting on the 6th of February 2009.

The Luxembourg Real Estate Committee met for the first time on the 15th of December 2008 during which it adopted two opinions and agreed on the publication of estimated needs for the period 2009 -2013.

Action 8: publication of an information guide on real estate procedures

This document (which is available on-line since December 2008¹) explains in layman's terms the Commission's revised methodology for the purchase and rental of buildings and the related internal procedures. It will be completed by a section covering leasing and purchasing buildings in May 2009.

4.2. Examining scope for better financing options and mechanisms

Action 9: study to examine financing options and mechanisms for real estate developments

A joint OIL/OIB working group, lead by OIL, has been set up and will meet with DG ECFIN and the Legal Service in February 2009. A final document is foreseen for the end of 2009.

Action 10: study to evaluate the correct balance between acquisition and rental or usufruct

A study has been launched by OIB and OIL and will be composed of two parts. The first part will address policy aspects (DG ADMIN), the principles of which will be drafted during the second quarter of 2009. The second part which will address economic aspects (OIB/OIL) is linked to the "life cycle cost study" (action 2); the study on large future renovation costs (action 3) will be drafted in parallel. Contacts are ongoing between OIL and OIB who will meet during the first quarter 2009.

Action 11: definition of the mechanisms to cope to the need to empty buildings that needs to be renovated

Analysis and studies will be undertaken based on a reviewed real estate planning further to the results of the town planning competition and the individuation on new possible site(s).

5.1. The Commission in Brussels

Action 12: definition of the project for the redevelopment of rue de la Loi

In April 2008 the Brussels Region launched an international town-planning competition (PUL-Projet Urbain Loi) to redefine the areas on both sides of the rue de la Loi. The Commission collaborated with Brussels Region on the definition of the terms of the competition and on the composition of the jury.

The definitive choice and announcement (expected in March 2009) of the winner is the responsibility of the Brussels Region as "authorising officer" of this project.

After selecting the winning project for this town planning initiative, a *new land use plan* (Plan Particulier d'Affectation du Sol: PPAS) will be drafted by the Brussels Commune and should be adopted by 2011.

¹ http://ec.europa.eu/civil_service/audience/real_estate/index_en.htm

The PUL project is expected to allow the Commission to increase its office space in a specific area of this part of the city.

Once the winning project has been announced the Commission will:

- start preparing for an architectural competition for a new building to replace the obsolete buildings in the PUL area
- calculate the budgetary impact of the whole PUL -project based on concrete plans;
- refine and adapt the current milestone plan which foresees the first new buildings being available by 2017;

The project would aim at a rationalisation of the scattered EC real estate portfolio without foreseeing an increase of the Commission's total available office space.

Action 13: reflection on additional poles

A request for information on possible new poles was published in the OJ on the 12th of June 2008 (OJEU S/113). Nine proposals were received by the closing date of the 15th of September. An Assessment Committee was appointed to analyse all replies and draft a report on its findings.

The analysis (including on-site visits) has been completed and the report is currently being drafted. The final decision that aims at defining possible sites for further development and not to enter into financial or legal commitments with developers will be taken at the College level once all relevant information is available.

5.2. The Commission in Luxembourg

Action 14: preparatory study relating to the location and to the definition of the needs for social infrastructure in Luxembourg

Based on the very weak development of the recorded needs in October 2008, this study was postponed to the 1st half of 2009 to allow for the refinement of future estimates. The current infrastructure meet existing needs.

5.3. Agencies

Action 15: definition of the respective roles of OIB/OIL with regard to support to Executive Agencies

A discussion on the respective roles is ongoing. The general orientation is that the Offices should assist Executive Agencies within the realms of their capacity and under Service Level Agreements.

This is in line with the Communication "Guidelines for the establishment and operation of executive agencies financed by the general budget of the European Communities"¹ where is specified that "The horizontal departments and infrastructures are provided by ... the Commission offices (PMO, OIB/OIL) ... usually for a fee". The practical methods of these assistances will be defined hereinafter.

6.1.3. Comfort of the working environment

Action 16: definition of new methods of space allocation and furnishing

After visiting several buildings in July 2008 where a new working environment is in place with representatives of the Local Staff Committee, the next step is the setting up of a Working Group in March 2009 to develop the key principles and criteria to apply in the future in the Commission's buildings with regard to space allocation and furnishing.

¹ {SEC(2006)663} {SEC(2006)664} of 31st of May 2006.

6.1.4. Access for the disabled

Action 17: adaptation of existing buildings for access for the disabled

The infrastructure works to adapt the entrance of CCAB building for disabled access are completed and operational.

The Beaulieu building works are scheduled to be carried out in two phases. The first phase consists of infrastructures works outside the building for which a contract with an external firm has already been signed. Work can only start however after delivery by the local authorities of the necessary the building permit which has been requested. The second phase consists in the fitting out works inside the building and the lift installation outside the building. All the works to adapt the Beaulieu building are expected to be completed before end 2009.

A framework contract to adapt all Commission buildings for disabled access is expected to be signed in the first half of 2009 along with a further contract for the necessary technical assistance. Once these contracts are in place, work will start promptly on a building by building basis.

6.1.5. Social amenities

Action 18: document defining the situation on the future nursery projects in Brussels

Cornet-Leman

The project consists of two phases. The first phase – removal of asbestos and demolition – started in November 2008 and will be finished in March 2009. The second phase of renovation works (for which the contract was signed in December 2008 and the building permit has been obtained) should start in April 2009 and are scheduled to be finished during the second half of 2010.

Wagon-Lits :

The letter of intention to buy the Wagon-Lit building adjacent to the Clovis nursery for an amount of 5.850.000 € and the related budgetary commitments were signed at the end of 2008. In this letter ¹ it is specified that the risks related to soil pollution and asbestos fall under the Commission's responsibility. The authentic deed is scheduled to be signed by 31st March 2009. However, this deadline is very much dependent on the on going procedure in relation to the soil testing.

A call for tenders for the renovation works is expected to be published towards the end of 2009 or at the beginning of 2010. The cost of the renovations works which have been fixed at 8.550.0000 € are scheduled to be carried out in the period 2010/2011 (4.450.000 € in 2010 and 4.100.000 € in 2011) so that the new nursery can be opened towards the end of 2011 - beginning of 2012.

Action 19: inter-institutional centre in Overijse

A renovation of the inter-institutional centre in Overijse is planned.

However, a recent modification of the town planning rules by the Flemish Region risks however blocking this project. The Commission is currently examining the situation and will decide about the future of the Centre once it avails of all relevant information

6.2.1. Emissions reduction

Action 20: implementation of the Eco-Management Audit System (EMAS)

There are currently 15 EMAS registered buildings accounting for around 30% of the floor space occupied in Brussels.

By the end 2009, a further 8 buildings are expected to be added increasing the surface by another 15%. The Commission's aim is to extend this project gradually so that all buildings are EMAS registered by 2014.

¹ Requested by the owner instead of a usual Pre -contract (Compromis de vente) for timing reasons

OIL is currently examining how EMAS can be applied to buildings in Luxembourg.

6.2.2. Mobility

Action 21: implementation of the Transport Mobility Action Plan

A survey to verify the results of the Commission's Mobility Plan 2006 -9 was launched in July 2008 which formed the basis for the Mid-Term review which was adopted in December 2008.

The Commission, in close collaboration with the Council and the Parliament, has re-launched the reflection for a contribution of 50% towards the costs of public transport season tickets (2010 budget).

7.2. Revision of building standards and housing conditions

Action 22: document on "Architectural policy"

The architectural policy document was approved by written procedure by the Management Committees of OIB and OIL in January 2009 and will enter Inter-Services Consultation during February 2009. Its adoption is scheduled for April 2009.

Action 23: revision of Building Standards Manual (MIT – Manuel Immeuble Type)

All legal references in the document have been updated; the layout is being simplified before Inter-Service consultation. A new version of the MIT should be available before the end of 2009.

In Luxembourg discussions are ongoing at inter-institutional level for a revision of the relevant legal aspects. The principle and the method of revision for Luxembourg will be proposed at next GICIL meeting planned by the end of February 2009.

Action 24: adoption of a Housing Conditions Manual (HCM) to harmonise the rules and technical criteria for the allocation of space

The first part of the Housing Conditions Manual was approved by OIB's Management Committee by written procedure on the 30th October 2008 and subsequently presented to OIB's Management Committee on 10/11/2009 and to OIL's Management Committee on 12/11/2009.

The second part of the Manual, dealing with technical issues, will now be started.

3. Numerical data for the current and mid-term (period 2009-2012)

The tables below show the estimated populations and surface needs for the period 2009 -2012 . In line with the Commission's commitment, *ceteris paribus*, not to ask for additional resources over the remainder of the financing period 2007-2013.

Real estate programming (m ²)	2009	2010	2011	2012
Brussels				
Total needs	849.000	849.000	849.000	849.000
Total availability before changes	825 794	850 000	850 000	850 000
Changes in available before transfers or negotiations (taken – abandoned)	+ 9 054	- 14 500		- 17 722
Transfers to agencies	- 7 386			
Projects being negotiated	4 738			
Projects to be negotiated	17 800	14 500		17 722
Total availability after changes	850 000	850 000	850 000	850 000
Luxembourg				
Total needs	131 000	131 000	131 000	131 000
Total availability before changes	125 738	125 738	131 238	131 238
Changes in available m ² before transfers or negotiations (in – out)				
Transfers to agencies				
Projects being negotiated	5 500			
Projects to be negotiated				
Total availability after changes	131 238	131 238	131 238	131 238

4. Current building projects

Ilôt Spa / Joseph II / Etterbeek / Loi

Within the framework of the objectives of the Communication COM(2007)501 it is planned to rationalise the property portfolio of the Commission in the European District by concentrating office surface in a project on the area delineated by rue de Spa, rue de la Loi, rue Joseph II and the chaussée d'Etterbeek.

With the exceptions of the L-78, L-82 and L102 buildings, the Commission has the land control of this area. This construction project, related to the results of the town planning Competition "Projet Urbain Loi", and whose realisation should occur under the responsibility of the Commission, will obviously be the subject of a preliminary consultation of the budgetary Authority as soon as the budgetary implications are assessed more precisely.

L-78, L-82 et L102

The acquisition of these three buildings will make it possible to complete the land property of the area of Spa/Joseph II/Etterbeek/Loi; the importance of which is explained under the previous point. The negotiations for the three projects are currently ongoing and once all the elements are known, the Commission will inform the budgetary Authority.

J-59

This project was the subject of information to the budgetary Authority in September 2008. Subsequently, the usufruct contract for this building adjacent to the SPA2 was signed on 23 October 2008. The duration of the contract is 15 years as of the provisional approval date, currently estimated as the 30 April 2009. The basic annual fee is approximately 1,964,000 € (205 €/m² when entirely finished) knowing that free periods were negotiated (6 months for the first year, 2 months for the following three years).

Call for proposals to cover office needs for 2008/2009 (17 800 m²)

The Commission published a call for proposals of buildings (OJEU 2008/S 15 1-202864) in summer 2008 in order to identify buildings to meet its office space requirements for 2008 and 2009. The deadline to submit proposals was 30 September 2008. The evaluation committee has finished the assessments of the proposals received and is currently drafting the final report to be submitted by the authorizing officer to the Real Estate Committee. In compliance with the new methodology set up, this report will propose a ranking of the proposals in order to start negotiations with the three of the best 3 of them.

It is expected to finalize the procedure before end 2009. On a full year basis, the financial implication of acquiring 17.800 m² is estimated at 4.094.000 €. This operation is scheduled in the real estate planning and does not involve additional costs.

Appel à propositions d'immeubles pour 2013 (70 000 m²)

The Commission has published a call for proposals of buildings (OJEU 2008/S 151 -202863) in order to identify buildings to meet its office space requirements for 2013. The deadline to submit proposals was set to 30 September 2008. The evaluation committee is currently analyzing the proposals. A pre-selection of projects will be proposed in the second quarter of 2009 and a final selection should be made before end 2009. This operation is scheduled in the real estate planning and does not involve additional costs.

Luxembourg Jean Monnet

Un accord est en cours de finalisation entre les autorités luxembourgeoises et la Commission pour la construction du bâtiment Jean Monnet 2, en remplacement du Jean Monnet actuel, pour la fin de l'année 2014.

La localisation du bâtiment sur le plateau du Kirchberg a été retenue dans la communication COM(2007)501 (voir sa section 5.2).

An agreement is being finalised between the Luxembourg authorities and the Commission for the construction of the building Jean Monnet 2, to replace the current Jean Monnet, by the end of 2014. The location of the building on the Plateau du Kirchberg was retained in the communication COM (2007)501 (see section 5.2)