



EUROPEAN CENTRAL BANK

EUROSYSTEM

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# **RULES FOR AN INTERNATIONAL URBAN PLANNING AND ARCHITECTURAL DESIGN COMPETITION FOR THE NEW ECB PREMISES IN FRANKFURT AM MAIN**

held by the

European Central Bank (ECB)

Urban Planning and Architectural Design Competition for the New ECB Premises

## **1. Introduction**

The European Central Bank (the "ECB") intends to construct new premises on the site of the former Market Hall in Frankfurt am Main (the "New ECB Premises Project"). Besides the purchase contract, an Urban Framework Agreement ("Agreement") was concluded with the City of Frankfurt in July 2001 defining some key features for the planning of the new premises. Pursuant to Section 2 of this Agreement, the ECB is obliged to organise an urban development/architectural design competition (the "Competition") in 2002. The objective of the Competition is to find the best design for the new premises.

The ECB has adopted the following Competition Rules that shall form the legal framework for the Competition.

## **2. Legal basis**

This Competition is governed by the present Competition Rules which applicants agree to abide by.

These Competition Rules are based upon the general principles of a fair and non-discriminatory competition, as laid down in Article 13 of the Council Directive 92/50/EEC of 18 June 1992, relating to the co-ordination of procedures for the award of public service contracts (OJ L 209 of 24 July 1992, p.1). The UNESCO Standard Regulations for international competitions in architecture and town planning, as well as standards common to all EU Member States, have served as secondary sources of law.

### **3. Type of competition**

**3.1** The Competition shall be organised as a restricted project competition in two phases with a pre-selection of qualified applicants and an optional revision phase.

**3.2** Upon a call for candidature to be published in the Official Journal of the European Communities, architects are invited to declare their interest in participating. The ECB will select 80 candidates, including 10 "not yet established" architects, to be admitted to the first phase of the competition. The selection will be based upon the criteria defined in Section 7.2 and 7.3 below.

**3.3** The 80 candidates admitted to the first phase will be invited to submit an initial outline design concept for the urban development of the site and for the architectural design of the ECB's new premises. A jury of internal and external experts (the "Jury") will select 12 candidates to be admitted for the second phase. The selection will be based on the criteria defined in Section 8.6 below.

**3.4** The 12 candidates admitted to the second phase will be invited to submit a more detailed design concept for the new ECB premises. The Jury will award prizes for the three best design concepts.

**3.5** The ECB shall select, among the prize-winning candidates, the architect to whom the contract for the planning of the new ECB premises will be awarded.

**3.6** The official language of the Competition shall be English.

### **4. Basic principles underlying the Competition**

The Competition shall be conducted in accordance with the following basic principles:

- Equal opportunities for all applicants;
- Assessment of the applications exclusively in accordance with clear, pre-defined and non-discriminatory selection criteria;
- Assessment of the submitted concepts in both phases by an independent jury;
- Anonymity in both phases.

### **5. Bodies and persons involved in the selection process**

#### **5.1 New ECB Premises Project Steering Committee and Project Office**

Tasks related to the performance of the Competition, which are not conferred upon the Jury or the Pre-Selection Committee, shall be carried out by the New ECB Premises Project Steering Committee and the Project Office, in accordance with, and within the limits of, their respective mandates as attached as Annex I and Annex II.

The pre-selection phase shall be conducted under the responsibility of the ECB Pre-Selection Committee. The Pre-Selection Committee shall be composed of the external architects members of the Jury (including the alternates) and the following ECB staff members:

- Thomas Rinderspacher (Head of Premises Division), Chairperson;
- Martin Hupka (Project Manager, Premises Division);
- Humphrey Rudgard (Office Services Division);
- Francis Gross (Head of Organisational Planning Division);
- Martin Benisch (Institutional Law Division).

The New ECB Premises Project Steering Committee shall appoint alternates for the ECB staff members from the respective business units if need be. The members of the Pre-Selection Committee are appointed in their personal capacity and not as representatives of their respective business units or any other organisation/association. They shall neither take nor seek instructions from any other person but make their decisions exclusively on the basis of the selection criteria laid down in Section 7.2 and 7.3.

### **5.3 Jury**

The evaluation of the design concepts submitted in the first and the second phase, including the selection of the prize winners, shall be conducted by the Jury.

#### **5.3.1** The Jury shall be composed of the persons listed below:

On behalf of the ECB and the national central banks:

- Lucas Papademos (Vice-President of the ECB), Chairperson;
- Liam Barron (Director General of the Central Bank of Ireland);
- Sirkka Hämäläinen (Member of the Executive Board of the ECB);
- Yves Mersch (Governor of the Banque centrale du Luxembourg);
- Hanspeter K. Scheller (Director General Administration of the ECB);
- Ernst Welteke (President of the Deutsche Bundesbank).

On behalf of the City of Frankfurt:

- Edwin Schwarz (City Councillor responsible for town planning).

External architects:

- Françoise Hélène Jourda (France), Vice-Chairperson;
- Oriol Bohigas (Spain);
- Kees Christiaanse (Netherlands);
- Massimiliano Fuksas (Italy);
- Michael Wilford (United Kingdom).

The Jury shall be chaired by the Vice-President of the ECB or, in his absence, by the Vice-Chairperson elected from among the external architects. The Chairperson shall be assisted by a Secretariat to be provided by the Project Office and the Consultant.

The Jury shall endeavour to adopt decisions by consensus. If a consensus can not be achieved, decisions shall be taken by majority vote. In case of a tie the Vice-President of the ECB shall have the casting vote.

**5.3.2** In addition to the above Jury members, the following persons have been appointed as alternates.

On behalf of the ECB and the national central banks:

- Hans Georg Fabritius (Member of the Executive Board of the Deutsche Bundesbank);
- Klaus Gressenbauer (Director Planning and Controlling of the ECB);
- Brian Halpin (Deputy Director General of the Central Bank of Ireland);
- Thomas Rinderspacher (Head of Premises Division of the ECB);
- Fernand Yasse (Head of Organisation and Risk Management at the Banque centrale du Luxembourg).

On behalf of the City of Frankfurt:

- Dirk Zimmermann (City of Frankfurt, Head of the town planning department).

As external architects:

- Craig Dykers (Norway);
- Martha Schwartz (USA).

The alternates shall attend all Jury meetings but without the right to vote. If a Jury member is not able to attend a Jury meeting or parts of it, the Chairperson shall determine the alternate that shall exercise his/her rights during his/her absence. If a Jury member is likely to be absent for more than one Jury meeting, the Chairperson may decide on his/her permanent replacement by one of the alternates.

**5.3.3** The members of the Jury, as well as the alternates, are appointed in their personal capacity and not as representatives of an organisation or body. They shall neither take nor seek instructions from any other person but make their decisions exclusively on the basis of the selection criteria laid down in Section 8.6 and 9.4.

**5.3.4** If deemed appropriate, the Chairman may invite other persons to attend the Jury meetings as observers, i.e. without the right to vote and to intervene in the deliberations of the Jury.

#### **5.4 Technical Consultancy**

The ECB will appoint a consultant providing support for the preparation and the execution of the Competition (the "Consultant"). The Consultant shall perform the following tasks:

- Support to the Project Office in the preparation of the Competition;
- Support to the Pre-Selection Committee in the evaluation of applications;
- Support to the Chairperson of the Jury and the Project Office with regard to the preparation of the Jury meetings;
- Support to the Jury in the selection of the candidates to be admitted to the second phase and in the selection of the prize winners;
- Support to the Project Office in the publication of the results and the organisation of a public exhibition;
- Support to the Project Office during the possible revision phase;
- Support to the decision-making bodies of the ECB in the selection of one or more candidates to whom the contract shall be awarded.

#### **5.5 Experts**

The New ECB Premises Project Steering Committee shall appoint experts for specific topics such as functional, technical, energy and environmental aspects, urban planning, protection of monuments, structural engineering, questions related to building law and real estate management ("Experts"). The Experts shall be selected from among ECB staff members having expert knowledge of specific topics and also from external specialists. The task of the Experts shall consist of giving advice to the Consultant when checking compliance of the submitted design concepts with the requirements laid down in the competition brief, as well as advice to the Jury. Upon invitation by the Chairperson of the Jury, the Experts may attend the Jury meetings and participate in the deliberations without having the right to vote.

### **6. Participation in the Competition**

**6.1** The Competition shall be organised on a world-wide basis. No restrictions concerning the applicants' country of origin shall apply.

**6.2** All applicants must have the formal qualifications enabling them to take up activities in the field of architecture and to pursue them under the professional title of architect in their country of origin. The applicants shall provide proof of these qualifications, as specified in the competition notice and competition brief.

**6.3** Groups of architects, as well as legal persons created to provide architectural services, are allowed to participate. They shall appoint one individual person, having the required qualification, to be responsible for the application. The composition of the group shall not change in the course of the Competition. The members of the group or shareholders of the legal person must not submit separate applications.

**6.4** The following persons are excluded from participation in the Competition:

- 1) any ECB staff members and external consultants that are or have been involved in the detailed preparation and execution of the Competition;
- 2) members of the Jury and Experts to the Jury;
- 3) spouses, relatives and persons related by marriage, both up to the second degree of relationship, the permanent business partners and persons employed in the same company of the persons mentioned in points 1) and 2) above.

**6.5** Applicants whose main business purpose is the execution of building works, or applicants who are controlled by such building enterprises are excluded from participation, unless they declare the waiver of subsequent application for the building works involved in the project.

**6.6** Applicants shall attach to their application a declaration that they comply with the requirements laid down in Sections 6.2 to 6.4 and, if applicable, 6.5. If the non-compliance with any of these requirements is discovered subsequently, the ECB is entitled to exclude the concerned applicant from the Competition and to annul, if need be, the award of a prize or the contract.

**6.7** Before the decision of the Jury is published, any contact in respect of the competition between applicants and staff of the ECB, the Consultant, the members of the Jury or the Experts appointed by the ECB shall be prohibited, except in the following cases:

- 1) the contact provided for in the competition brief (e.g. requests, presentation meetings or site visits that might take place);
- 2) the contact initiated by the ECB, if it detects an error or omission or any other material inadequacy in the competition brief or in other documents distributed among the applicants. In such cases, the additional information will be given to all remaining participating applicants.

## 7. Pre-Selection phase

**7.1** Upon a Call for candidature to be published in the Official Journal of the European Communities, interested applicants shall submit their application, together with the requested documents, within the time limit set in the competition notice. Applications received after this deadline shall not be taken into consideration.

**7.2** The Pre-Selection Committee shall establish, with the help of the Consultant, a list of the applicants meeting the formal requirements laid down in Section 6.2 to 6.5. From the eligible applicants, the Pre-Selection Committee shall select 70 applicants to be admitted to the first phase. The selection shall be based upon the following criteria listed in decreasing order of importance:

### *1) Experience and expertise with comparable projects (in terms of size, quality and complexity)*

The comparability of the projects shall be measured in terms of size, quality and complexity of the projects. Applicants must furnish proof that they have been responsible during the past five years for the planning and implementation of at least one project meeting the following requirements:

- one high-quality building or complex of buildings of more than 50,000 m<sup>2</sup> total gross floor area; and
- implementation of the project in several planning phases.

Experience in projects that include one building under preservation order would be an asset.

### *2) Architectural quality of reference projects*

Applicants shall submit at least two reference projects, comparable not necessarily with regard to the size of project but with regard to the complexity and the quality of the task, and they shall describe their respective role in these projects. The successful (prize winning) participation in comparable architectural design competitions would be an asset.

### *3) Human and technical resources to execute a project of such size*

Applicants shall provide information on the qualifications of the team members who would be involved in the execution of the project, on the organisational structure of and the division of tasks within the proposed team, as well as the available infrastructure for a project of such size.

#### *4) Financial soundness*

Applicants must furnish proof that they have fulfilled their obligations regarding the payment of social security contributions, VAT and other taxes, in accordance with the legal provisions of their country of origin. They shall provide a sworn declaration that they are not bankrupt. A minimum accumulated turnover of EUR 3 million (fees for architectural services) during the past three years is required.

In order to prove that they meet the aforementioned criteria, the applicants shall provide the documents listed in the competition notice.

If more than 70 applicants meet the aforementioned criteria, and if the ranking of the applicants cannot be determined, the Pre-Selection Committee may draw lots. If the applicants can be ranked partially, the drawing of lots might be limited to the remaining positions.

**7.3** In addition to the 70 applicants, the Pre-Selection Committee shall select 10 not yet established architects that meet the formal requirements laid down in Section 6.2 to 6.5, but not the criteria laid down in Section 7.2. The selection shall be based upon the following criteria:

##### *1) Age*

The applicant and all members of his team having the required qualification as architect shall not be older than 45 years

##### *2) Architectural quality of reference projects*

Applicants shall submit at least one reference project involving complex and high quality buildings of similar use and describe their respective role in these projects. The successful (prize winning) participation in an architectural design competition would be an asset.

##### *3) Human and technical resources*

Applicants shall provide information on the qualifications of the team members who would be involved in the execution of the project, on the organisational structure of and the division of tasks within the proposed team and the available infrastructure.

##### *4) Financial soundness*

Applicants must furnish proof that they have fulfilled their obligations regarding the payment of social security contributions, VAT and other taxes in accordance with the legal provisions of their country of origin. They shall provide a sworn declaration that they are not bankrupt.



If more than 10 applicants meet the aforementioned criteria, and if the ranking of the applicants cannot be determined, the Pre-Selection Committee may draw lots. If the applicants can partially be ranked the drawing of lots might be limited to the remaining positions.

**7.4** In addition to the 80 applicants admitted to the first phase, the Pre-Selection Committee shall establish a reserve list of 10 applicants meeting the criteria laid down in Section 7.2 and a reserve list of 5 applicants meeting the criteria laid down in Section 7.3. Both reserve lists shall be established in ranked order. The selection and the ranking shall be based upon the selection criteria laid down in Section 7.2 and Section 7.3 respectively. If the number of qualified applicants exceeds the number of available positions on these reserve lists and if the ranking of the applicants cannot be determined, the Pre-Selection Committee may draw lots. If the applicants can partially be ranked the drawing of lots might be limited to the remaining positions. Each applicant admitted to the first phase, who does not accept the invitation to submit a design concept, shall be replaced by the best ranked applicant from the respective reserve list.

**7.5** The members of the Pre-Selection Committee shall try to decide unanimously on the selection of applicants. If unanimity cannot be reached, decisions shall be taken by majority vote. Any decision related to the selection of applicants requires the participation of at least 2 external architects members of the Jury. The meetings of the Pre-Selection Committee, in particular the decisions taken and the reasons therefore, shall be minuted. In order to preserve secrecy on the applicants' business activities and results the minutes shall not refer to their names but only to numbers given to them by the Pre-Selection Committee. The list of the selected applicants, as well as the minutes with names concealed, shall be accessible to all applicants upon completion of the pre-selection phase. They shall be provided to applicants upon written request or may be made available on an Internet platform accessible by password.

**7.6** The Pre-Selection Committee shall inform the applicants admitted to the first phase of the Competition, as well as the 15 applicants on the reserve list, and shall invite them to declare their intention to participate in the Competition within the set deadline. In the event that one of the selected applicants does not apply within the set deadline, or declines/withdraws his/her participation, the Pre-Selection Committee shall invite the best ranked applicant on the reserve list, provided that there is still sufficient time before the date for submission of design concepts. The ECB may inform the general public of the names of the applicants who will participate in the first phase of the Competition.

**7.7** The ECB shall not reimburse any expenses whatsoever incurred by the applicants for the purpose of their applications.

## **8. Procedure for the first phase**

**8.1** The applicants admitted to the first phase, and having declared their intention to participate (the "candidates"), shall obtain the competition brief. They shall be invited to submit within the indicated time limit an initial outline design concept for the new ECB premises, including the documents and plans requested in the competition brief (the "outline concept"). Annotations on plans and all other written documents must be in English. Each candidate may submit one outline concept only. Items not requested shall be excluded from the selection process.

**8.2** The time limit set in the competition brief refers to the date by which the candidates have to send their outline concepts to the Consultant. Candidates must prove by written notice of receipt ("avis de reception") that they have handed over their outline concept in good time to an appropriate transport company. Any outline concept that has not been handed over in time, or that arrives at the Consultant two weeks after the date set in the competition brief, shall be excluded from the Competition regardless of the reason for the delay.

**8.3** Any requests for additional information may be addressed in writing (post, fax, e-mail or internet platform) to the address foreseen in the competition brief within the time limit set in the competition brief. The Project Office shall decide whether and to what extent additional information shall be given. The information given in reply shall be provided to all candidates. The New ECB Premises Project Steering Committee may invite candidates to a presentation meeting and/or a site visit. The meeting/visit shall be minuted. Candidates who are not able to attend this presentation meeting and/or the site visit for whatever reason shall be provided upon request with a copy of these minutes; no additional briefing will be provided.

**8.4** The outline concept has to be submitted to the Consultant in an anonymous format. All documents shall therefore be marked as described in the competition brief with a distinctive code number consisting of six digits to be chosen by the Candidate. The documents to be submitted must not bear the name, logo, signature of the candidate or any other sign revealing his/her identity. The outline concept shall be accompanied by the Author's Declaration in a white opaque envelope sealed with tape bearing only the same distinctive code number in the top right hand corner. The Author's Declaration, a template of which will be attached to the competition brief, shall indicate the name(s) and contact details of the candidate, the name and address of the intellectual author(s) if not identical with the candidate as well as the names of employees and external professionals who were involved in the preparation of the outline concept. Furthermore, it shall contain the signature of the intellectual author of the outline concept confirming that the concept is based upon his/her ideas. Any outline concept that does not meet the aforementioned formal requirements shall be excluded from the Competition.

**8.5** The Consultant shall register the incoming outline concepts (delivery date; date of receipt; contents of the application) and hide the respective code number by sticking a new cover number on it.

The Author's Declarations shall be set aside and stored separately at a safe place. Any document/plan that has not been requested shall be separated from the outline concept.

The Consultant shall check, with the help of the experts, the compliance of the submitted outline concepts with the requirements laid down in the competition brief and any other documentation sent to the Candidates. It shall therefore establish an evaluation report on each outline concept, indicating at least the following points:

- short description of the outline concept summarising its key features;
- compliance with the formal requirements;
- compliance with the mandatory substantial requirements set by the ECB, in particular the spatial and functional requirements and town planning requirements;
- preliminary assessment in accordance with the selection criteria laid down in the competition brief.

The Consultant shall submit the outline concepts and the evaluation reports to the Jury.

**8.6** After examination of each outline concept the Jury shall select 12 candidates to be admitted to the second phase. The selection shall be based upon the following criteria:

- 1) overall town-planning, architecture and landscape;
- 2) compliance with the main features of the functional and spatial programme, including modularity;
- 3) feasible approach to an energy/environmental concept and compliance with the main features of the ECB's technical requirements;
- 4) compliance with the relevant rules, in particular in the field of building law and environmental law.

**8.7** Minutes of the Jury meetings, documenting in particular any decision taken and the main reasons thereof, shall be drawn up. They shall be signed by the Chairperson and the Secretary after approval of its content by all Jury members. The minutes shall be accessible to all candidates upon completion of the second phase (award of prizes) and shall be provided to them upon written request or put on an Internet platform accessible by password.

**8.8** The Consultant shall forward the code numbers of the outline concepts selected for the second phase and all Author's Declarations to the notary appointed by the ECB for this purpose. The latter shall open the Author's Declarations and send the names of the candidates admitted to the second phase to the Consultant without disclosing which code number refers to which candidate. The Consultant shall inform all candidates whether they are admitted to the second phase. The individual evaluation report may be attached to this notification. The Consultant shall not disclose the names of the remaining candidates to the ECB or the Jury members.

**8.9** The ECB shall not reimburse any expenses whatsoever incurred by the candidates for the purposes of the first phase.

## **9. Procedure for the second phase**

**9.1** The candidates admitted to the second phase are invited to submit within the set time limit a detailed design concept for the new ECB premises as described in the competition brief and attach the requested documents, plans and models (the "design concept"). All documents marked with the same distinctive numbers shall be sent to the Consultant. The rules laid down in Section 8.2 to 8.4 shall apply accordingly.

**9.2** The ECB reserves the right to introduce new functional, technical or economic requirements for the second phase or to more precisely define the requirements laid down in the competition brief. These new requirements/more detailed information shall be communicated to the candidates exclusively via the Consultant, or put on the Internet platform accessible by password. The ECB may also allow candidates not to base their design concept on their outline concept but to come up with a completely new concept.

**9.3** The Consultant shall register and assess the incoming design concepts following the same procedure as laid down in Clause 8.5 and shall submit the design concepts and the evaluation reports to the Jury.

**9.4** After having examined the submitted design concepts and discussed the corresponding reports the Jury shall award three prizes as listed below. It shall evaluate the design concepts in accordance with the following criteria:

*1) Overall town-planning, architecture and landscape, i.e.*

- Architectural design and impact of spatial ensemble
- Integration into urban and landscape context
- Integration of protected monuments and buildings
- Function and quality of landscape design
- Originality, inspiration and innovation of the concept

*2) Compliance with the main features of the functional and spatial programme, i.e.*

- Fulfilment of spatial programme
- Functional organisation
- Spatial and design qualities
- Security zoning
- Internal circulation
- External access

3) *Feasible approach to an energy/environmental concept and compliance with the main features of the ECB's technical requirements, i.e*

- Life cycle costs (investment costs and operating costs)
- Energy and technical concept
- Economic feasibility

4) *Compliance with the relevant rules, in particular in the field of building law and environmental law*

**9.5** Minutes of the Jury meetings, documenting in particular any decision taken and the main reasons therefore, shall be drawn up. They shall be signed by the Chairperson and the Secretary after approval of their content by all Jury members. The minutes shall be accessible to all candidates upon completion of the second phase (award of prizes), and provided to them upon written request or put on an Internet platform accessible by password.

In addition to the evaluation report, the Jury shall, if need be, adopt recommendations addressed to the prize winning candidates on how their respective design concepts could be improved with regard to the selection criteria.

**9.6** Each candidate, having submitted a detailed design concept conforming to the requirements laid down in the competition brief, shall receive a lump sum of EUR 40,000 in respect of expenses incurred. No remuneration shall be paid to candidates whose design concept has been excluded from the competition for failing to comply with the conditions of the competition's rules, programme or other documents, or for manifest plagiarism or where work is deemed inadequately prepared.

In addition to this remuneration, the following prizes shall be awarded to the best three candidates:

1<sup>st</sup> prize of EUR 100,000

2<sup>nd</sup> prize of EUR 70,000

3<sup>rd</sup> prize of EUR 50,000

If this allocation of the prizes is not justified by the quality of the design concepts, the Jury may agree unanimously on a different allocation provided that the total amount of prize money remains unchanged and not more than three prizes are awarded.

The prizes and remuneration shall be paid to the candidates within one month following the announcement of results.

The remuneration and the prize paid out to the candidate, who is then selected by the ECB to execute

the candidate.

**9.7** As soon as the minutes summarising the Jury deliberations and its recommendations are signed, the Jury shall open the Author's Declarations and identify the prize winners. The opening ceremony shall be summarised in separate minutes.

## **10. Publication of the outcome of the Competition**

**10.1** The Chairperson of the Jury shall inform all candidates of the outcome of the competition without undue delay, attaching the minutes of the opening ceremony. The ECB shall inform the general public via appropriate media.

**10.2** All concepts submitted in the first and second phases shall be exhibited for at least two weeks, together with a copy of the minutes summarising the Jury's deliberations and conclusion. The ECB shall inform all candidates and the general public in good time of the date and the location of the public exhibition.

**10.3** Design concepts submitted in the second phase shall become the property of the ECB. The ECB may buy further concepts at a price to be negotiated with the respective candidate. All concepts that have not become the property of the ECB shall be returned to the candidates after the closure of the public exhibition at the expense of the ECB. In any case, the authors of the concepts shall retain intellectual title to them and the right to use. If the ECB intends to implement parts of the concepts that have become its property it shall pay additional fair and adequate compensation to the owner of the intellectual property rights; any prize and/or remuneration already paid to this candidate shall be taken into account. In this case, candidates are obliged to permit deviations from their concept in the implementation phase.

**10.4** In addition to the public exhibition, the ECB shall be entitled to publish the concepts or parts of them on at most three occasions without additional compensation, provided that the name of the respective author is indicated.

## **11. Award of the contract**

**11.1** Upon receipt of the Jury decision, the ECB may invite the prize winners to revise, if considered necessary, their design concepts in line with the recommendations issued by the Jury and/or additional requirements set by the ECB. The invitation may be addressed to all prize winners simultaneously, or in decreasing order starting with the winner of the first prize. Adaptation and optimisation of the design concepts shall be carried out in close co-operation with the ECB, the Consultant and the external experts appointed for this purpose. The prize winners asked to revise their design concepts shall receive a fair remuneration to be agreed as reimbursement for their expenses.

**11.2** After having examined and evaluated the design concepts including any requested revisions the ECB shall award the contract for the planning of the new ECB premises to the prize winner(s) best meeting, in the opinion of the ECB, the criteria mentioned in Clause 9.4. The ECB reserves its right not to execute the whole project or parts of it.

**11.3** The ECB may subject the award of the contract to the condition that the candidate executes the project in close co-operation with a third contractor to be determined, or at least to be approved by the ECB if

- the successful candidate is not familiar with the applicable building law and local customs; or if
- the successful candidate has been admitted to the competition in accordance with Section 7.3.

**11.4** The successful candidate shall retain the intellectual property rights on his/her design concept, but shall grant the ECB the right to use the submitted design concept for the realisation of the project described in the competition brief, and the right to demand modifications to the concept if necessary.

**11.5** The contract for architectural services shall be subject to German law; its terms and conditions shall be based upon a standard contract to be provided by the ECB. The scope of services shall comprise at least the detailed planning of the design for the new ECB premises.

## **12. Jurisdiction**

Any dispute in relation to this Competition shall be referred to the exclusive jurisdiction of the European Court of Justice in Luxembourg.

Done at Frankfurt am Main on 12 November 2002

on behalf of the Executive Board of the ECB

The President

Willem F. Duisenberg