Public Procurement: transposition and implementation of the legislation in relation to the Lisbon Agenda

2006/2084(INI) - 20/06/2007 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drafted by Arlene **McCARTHY** (PSE, UK) on specific problems in the transposition and implementation of public procurement legislation and its relation to the Lisbon Agenda.

MEPs welcomed the recent modernisation and simplification of the EU public procurement rules, which had significantly boosted efficiency in EU public procurement processes. They felt, however, that Member States should make full use of the Commission's assistance in the transposition process, and that the Commission should be given the human resources to police late and incorrect transposition more effectively. Member States should actively exchange knowledge and best practice with each other on transposing public procurement legislation and improve cooperation with the Commission in this field.

Parliament stated that the inconsistent transposition of the optional elements of the public sector Directive could have an adverse effect on the internal market, and it called on the Commission to conduct a study to evaluate the impact of non-harmonised transposition of the optional elements of the public sector Directive on cross-border tendering in the EU.

It strongly believed that breaches of the rules could be reduced if Member States and the Commission introduced more collaborative practices. It also called for the introduction of national advisory agencies on public procurement to assist contracting authorities in the correct implementation of the public procurement rules, and to assist tenderers, in particular small and medium enterprises, in bidding for public contracts. Member States must focus on detecting and sanctioning illegal practices and ensuring that all relevant national court judgments and rulings of the European Court of Justice are respected.

Member States should also devote more capacity to raising the level of procurement professionalism and sharing best practice at the national level to ensure consistent and even application of the public procurement rules by all contracting authorities and in areas of the rules where there is less clarity, particularly procurements falling outside the full scope of the public procurement Directives. Systematic training of procurement professionals across the EU would enhance the transparency of national implementation measures and procedures in public procurement across the EU. A change is needed to move away from a budget-based approach to an outcome-focussed approach in public procurement, looking at whole project-cycle costs and requiring purchasing professionals to develop sound management and economic skills. Parliament encouraged the development of national procurement 'showcase conferences' displaying best-in-class public procurement projects and the development and coordination of the work of European networks for the exchange of best practice in public procurement.

In conclusion, the report recommended that the Commission propose an action plan to encourage Member States to fulfil their obligation to tackle persistent and emerging transposition and implementation problems in public procurement, focusing on illegal direct awards and late or incorrect transposition.