Resolution on equal access to public sector markets in the EU and in third countries and on the revision of the legal framework of public procurement including concessions

2011/2590(RSP) - 12/05/2011 - Text adopted by Parliament, single reading

Following the debate which took place during the sitting of 6 April 2011, the European Parliament adopted a resolution on equal access to public sector markets in the EU and in third countries and on the revision of the legal framework of public procurement including concessions.

The resolution was tabled by the EPP, S&D, ALDE, ECR groups.

Parliament states that the specific issue of **safeguarding equal treatment and fair competition on public procurement markets in the EU and in third countries** urgently needs more political attention, especially with a view to current problems regarding access to public sector markets in third countries, slow progress in negotiations on the revision of the WTO Government Procurement Agreement (GPA) and the obvious reluctance of many third countries to join the GPA. It refers to its comments in its resolution of 18 May 2010, on new developments in public procurement. While arguing strongly against protectionist measures in the field of public procurement at global level, Parliament firmly believes in the principle of **reciprocity, mutual benefit and proportionality** in that area.

Accordingly, it calls on the Commission to conduct (i) a detailed analysis of the potential benefits and problems associated with imposing proportional, targeted restrictions on access to parts of the EU's procurement markets; (ii) an impact assessment analysing when it might be used and (iii) an assessment of the legal basis that such an instrument would take for those trading partners which benefit from the openness of the EU market, but have not shown any intention of opening up their own markets to EU companies. The Commission should encourage the EO partners to offer reciprocal and proportional market access arrangements for European companies before proposing any other new text in the area of public procurement.

Parliament asks the Commission, therefore, to **provide data regarding the level of openness of public procurement** and to ensure reciprocity with other industrialised countries and major emerging economies. It invites the Commission to look into new ways of improving access for European enterprises to public procurement markets outside the EU, in order to ensure a level playing-field for both European and foreign enterprises competing for the award of public contracts. Members propose, in more general terms, that **future trade agreements negotiated by the Union should incorporate a chapter on sustainable development**, drawing on the principles of corporate social responsibility as defined by the 2010 update of the OECD Guidelines for Multinational Enterprises.

In response to the question posed in the Green Paper asking for a **ranking of priorities** amongst the various issues raised, Parliament calls on the Commission to **first approach the issue of simplification of rules, achieving well-balanced access to public sector markets, improving SME access,** and to undertake the revision of public procurement and concessions as a second step, in order to allow for the necessary, sound involvement not only of the European Parliament and Member States, but also of citizens and businesses, with a view to achieving the necessary recognition for all of these important Single Market issues, which are highly relevant for the overall welfare of the EU.