

Public procurement

2011/0438(COD) - 10/12/2012

The Council reached an **agreement on a general approach** on the three proposals in the package aiming to modernise public procurement policy.

The agreements are based on the compromise texts put forward by the Presidency for each part of the legislative acts (see [2011/0439\(COD\)](#) and [2011/0437\(COD\)](#)).

The Council provided guidance on **four important issues** at its meetings on 20 February and 30 May 2012: the degree of flexibility that should apply in the use of competitive procedures with negotiation, the application of a lighter regime for certain categories of services (social, cultural, health, etc.), the wide use of e-procurement and the supervision and monitoring of procurement procedures.

The revision of public procurement policy will affect a wide range of areas applying to the procurement of goods, works and services, including:

- **Making procurement procedures simpler and more flexible:** measures aim to make procurement easier and less burdensome administratively, and to create flexibility for public authorities making it possible to achieve better procurement outcomes. Promotion of electronic procurement as a more user-friendly feature of procurement procedures is a cornerstone of the simplification process throughout the package.
- **Strategic use of public procurement in response to new challenges and common societal goals** such as environmental protection, social responsibility, innovation, combating climate change, employment, public health and other social and environmental considerations.
- **Better access to the market for SMEs:** (i) simplification of documentation requirements in procurement procedures; (ii) the creation of a standardised document for selection purposes; (iii) an incentive for contracting authorities to consider dividing contracts into smaller lots that are more accessible for SMEs; (iv) a reduction in the number of requirements for participation.
- **Sound procedures:** contracting authorities should take appropriate measures to prevent, identify and remedy conflicts of interest arising in the conduct of procurement procedures.
- **Governance:** Member States should monitor and report on public procurement activities in order to improve the effectiveness and uniform application of EU law in this field.