Public procurement strategy package

2017/2278(INI) - 27/06/2018 - Committee report tabled for plenary, single reading

The Committee on the Internal Market and Consumer Protection adopted an own-initiative report by Carlos COELHO (EPP, PT) on the public procurement strategy package.

Almost four years after the adoption of the 2014 public procurement directives, Members welcomed the non-legislative measures proposed by the Commission that should encourage better implementation. However, they are concerned about the pace at which Member States are modernising their public procurement framework, in particular as regards the deadlines for electronic procurement and Member States' switch to full e-procurement, including e-invoicing.

Members welcomed the new **public procurement guidance** for practitioners of February 2018, designed to help national, regional and local public officials ensure efficient and transparent public procurement procedures for EU-funded projects.

They urged the Commission:

- to finalise swiftly the Guidance on Public Procurement of Innovation and the Guide on socially responsible public procurement;
- to simplify the guides and other tools developed to help Member States with the implementation of the public procurement framework.

Strategic and coordinated procurement: Members called for widespread use of innovative public procurement to achieve smart, green and inclusive growth and strengthen the circular economy, ensuring that all companies, including SMEs, have access to public procurement.

The report asked the Commission and the Member States to analyse the reasons why the **lowest price is too often the primary award criterion** in a number of Member States with disregard for quality, sustainability and social inclusion, and to propose appropriate solutions if necessary.

Members advocated the adoption of a European code of ethics for the various actors involved in procurement process. They called for public procurement practices to respect the Convention on the Rights of **Persons with Disabilities** and stressed the importance for contracting authorities to consider the full life-cycle of products, including their environmental impact and in their purchasing decisions.

The Commission is invited to ensure that the obligation to ensure that contractors and subcontractors fully comply with the **environmental, social and labour law provisions** which apply at the place where the works are executed, services are provided or goods are produced or supplied is fulfilled by the Member States in the transposition and application of the 2014 Directives.

Digitalisation: the report called on Member States to strive for a rapid digital transformation of the procedures and for the introduction of e-processes for all major stages, namely from notification, access to tenders and submission to evaluation, contract award, ordering, invoicing and payment. The Commission and the Member States are invited to put in place the **eForms** by the end of 2018 at the latest.

Single market and improved access to public procurement: recalling that competitive bidding is vital in public procurement, Members urged Member States to make greater use of joint procurement procedures, including cross-border procedures, as facilitated by the revised EU rules, and invite the Commission to provide in-depth support in this area. They called on Member States to **support SMEs'**

participation in tenders, for example by mandatory division into lots when possible or by placing a limit on the turnover required to participate in a tender procedure.

International public procurement: more than half of the global public procurement markets are currently closed to free international competition. Members called on the EU to take action to **improve access for EU suppliers to third country public procurement markets**, given that the EU's public procurement markets are among the most open in the world. They called on the Commission to ensure that European companies get similar market access to that enjoyed by our foreign competitors in the EU market.

The report stressed that economic operators in third countries must comply with the EU's social and environmental criteria set out in the 2014 directives in order to qualify for public procurement contracts. To this end, it recommended that these contracts be awarded according to the criteria of the **most economically advantageous tender**.

Lastly, Members asked the Commission to propose the means for financial support from Union funds to support relevant actions on professionalisation in the Member States.