Public procurement strategy package

2017/2278(INI) - 04/10/2018 - Text adopted by Parliament, single reading

The European Parliament adopted by 534 votes to 54, with 15 abstentions, a resolution 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 expressed concern 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.

Parliament called on the Commission to better and more clearly organise the guides and other tools developed to help Member States with the implementation of the public procurement framework. It 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.

Strategic and coordinated procurement: Parliament encouraged Member States to use public procurement **strategically** in order to promote smart, sustainable and inclusive growth, including for SMEs and social enterprises. It pointed out the importance of tendering conditions which are not overly burdensome, so that access to public contracts remains possible for all companies, including SMEs.

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.

Parliament also 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.

Digitalisation: stressing the important benefits of electronic procurement, Members 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: Parliament noted with regret a **decrease in the intensity** of competition in public procurement in the Union in recent years. It urged the Member States recording a high percentage of notices with only one bidder to address the problem. It also urged Member States to make greater use of **joint procurement procedures**, including cross-border procedures, as facilitated by the revised EU rules, and invited 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.

Members also called on Member States to propose solutions to ensure efficient cross-border public procurement and to **strengthen SME 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 procurement market is currently closed to free international competition owing to protectionist measures, which are on the rise globally, while approximately EUR 352 billion in value of EU public procurement is open to bidders from member countries of the WTO Agreement on Government Procurement. Members stressed the need for the EU to address this imbalance without resorting to protectionist measures and to intervene in order to **improve the access of EU suppliers to third countries' public procurement markets**.

In particular, the Commission shall: (i) ensure that European companies enjoy market access similar to that enjoyed by foreign competitors in the EU market; (ii) encourage and promote third countries in their effort to join the GPA, as multilateral or plurilateral agreements are the best way to create a level playing field in the long term; (iii) promote the development of global and convergent standards for transparent public procurement.

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