Public procurement in the European Union: exploring the way forward. Green paper

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The green paper initiative is all the more laudable because it enables an overall and long-term assessment to be made of what should be the true objectives of a European public procurement policy.. The Committee stresses that, as regards incorporating the directives on public procurement into national law, two factors play an important role: (i) the general conditions surrounding market access, with the survival of many obstacles and barriers, and (ii) the difficulties of gaining access to information, where small and medium-sized firms in particular are at a disadvantage. The Committee calls upon the contracting authorities to take more account of the quality of the bids submitted to them in terms of economic advantages, of which price may only be one factor among others. Other factors may be involved: quality, respect for deadlines, environmental protection, workability, safety, in short the overall cost of operations in the long term. A European policy on public works contracts should consolidate this concept of the "best bidder" by laying down concrete rules to be included by contracting authorities in their tender specifications, so as to encourage them to give precedence to the formula of "the most economically advantageous bid", as opposed to the cheapest bid. The Committee suggests that work be started on simplifying and clarifying the present texts at both Community and national level and that particular consideration be given to the eventual drafting of a single legal framework, which could best be achieved through a regulation. The ESC submits the idea of an approximation of laws and exchange of best practices in the field of legal appeals procedures, within the framework of the Third Pillar of the European Union. The ESC recognizes the importance of opening up public procurement on an international scale under the World Trade Organization. The Committee recommends that the European Union concern itself as a priority with the conditions for access by EU firms to public procurement contracts in non-EU countries.