Public procurement: services, supply and public work contracts (amend. Directives 92/50/EEC, 93/36/EEC, 93/37/EEC)

1995/0079(COD) - 24/01/1996

The committee adopted the report by Mr Werner LANGEN (PPE, D) on the Commission's proposal concerning the coordination of procedures for the award of public service contracts, public supply contracts and public works contracts. Three significant amendments were adopted in relation to the Commission's proposal: a) Since the Commission's proposal greatly limited technical dialogue, the committee proposed that contracting authorities should be permitted to seek or accept advice in order to establish the specifications relating to a specific market. However, this advice should in now way preclude competition nor come from a person with a commercial interest in the market; b) As a general principle, the Commission stipulated that the contracting authority was required to inform any eliminated candidate of the characteristics and relative advantages of the tender selected unless the release of such information prejudiced, for example, the commercial interests of undertakings. The committee did not retain this general principle and proposed, firstly, that Community undertakings and those from third countries should receive equal treatment, and secondly, that the information on the tender selected should only be made available if this were not contrary to the public interest or did not prejudice commercial interests, competition, and so on. c) The committee felt that it was not appropriate to go beyond the terms of the GATT agreement and that the Commission should not be given "carte blanche" to make subsequent amendments to the requirements for the provision of statistics.