Public procurement: simplification of the regulatory framework, follow-up of the green paper COM(1996)0583

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The European Parliament approved the resolution by Michael Tappin (PSE,UK) on the communication from the Commission on public procurement in the European Union. Mr. Tappin's report welcomes the communication but reminds the Commission that procurement legislation must be simple, adaptable, enforceable and effective. It asks the Commission to draw up a documentary interpretation of how public procurement relates to the new article in the Treaty on promoting public services and social and territorial cohesion in the EU. The Parliament looks to the Commission to take initiatives to ensure that citizens and local communities have influence over private operators of public services, especially those operating on a transnational level. It also expects the Commission to remain open to the ideas and opinions of users and maintain full transparency and consultation in its ongoing clarification, interpretation and amendment of public procurement legislation. The Parliament wishes to see users protected from penalties arising solely from Commission changes in interpretation of legislation and stresses that good procurement should facilitate and not impede best practice or choice. It calls on the Commission to ensure genuine integration between the EU's tendering rules and Community environment policy and would like to see international environmental standards applied in connection with procurement as well as binding legislation to ensure compliance with social legislation and certain ILO conventions. The report also singles out certain new measures to combat corruption and deal with complaints and non-compliance with procurement legislation. It also expresses the Parliament's desire to see continued efforts to promote electronic procurement and new measures to facilitate procurement for SMEs. The Parliament stresses that external negotiations for the opening up of foreign markets to reciprocal agreements should be based upon the principles of reciprocity, fairness and transparency and is anxious that the applicant countries should be fully prepared for enlargement in terms of compliance with procurement legislation. It calls on the Commission to make the necessary legislative changes to exempt sectors or subsectors from the amended Directive 93/38/EEC as soon as Community legislation establishing a competitive environment for those sectors has entered into force. The report stresses the importance, especially for the protection of consumers, of respecting the principles of fair competition and warns that the extension of the right to concessions must not be allowed to undermine best value through real competition. It calls for a clarification of the parameters for the viability of associated subjects in order to avoid constraining the market. The Parliament supports the extension of the competitive dialogue procedure to the three traditional directives and urges consideration of the need to accomodate ethical, transparent post-tendering negotiation and longer-term contracts without precluding full competition. As regards defence procurement, it considers it vital that, without prejudicing fair competition, necessary confidentiality be maintained and recommends on-going discussion among the Member States, within the context of the common foreign and security policy, on cooperation in public arms procurement. When negotiating international agreements, the Parliament urges the Commission to promote the raising of threshold values as follows: - from EUR 200,000 to EUR 500,000 for public service contracts under Directive 92/50/EEC; - from EUR 130,000 to EUR 250,000 for public supply contracts under Directive 93/60/EEC; - from EUR 5m to EUR 10m for public works contracts under Directive 93/37/EEC; - from EUR 5m to EUR 10m for works contracts and from EUR 600,000 or EUR 400,000 to EUR 1m for supply and service contracts under sectoral Directive 93/38/EEC. The report calls for the liberalised telecommunications field to be completely removed from sectoral Directive 93/38/EEC as of 01/01/99 and finally calls on the Commission to secure support for the higher threshold values in international treaties in future negotiations in the context of reviewing the WTO code on government procurement.