



Socially responsible public procurement in the EU

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EU rules

Directive
2014/24/EU
on PP replacing
Directive
2004/18/EC

Directive
2014/25/EU on
utilities replacing
Directive
2004/17/EC

New Directive
2014/23/EU on
concessions

Directives on defence procurement
and remedies still applicable and
unchanged

Transposition mostly accomplished

Goals of EU Public procurement

- *Guaranteeing and fostering healthy competition among operators without discrimination*
- *Enabling public buyers to make the most efficient use of public funds*
- *Enabling public buyers to support societal and policy goals through PP → Strategic procurement: green, social, innovation*

Socially responsible PP in the 2014 Directives

1. Compliance with applicable obligations
 2. Support use of socially sustainable criteria and quality
 3. Facilitating social inclusion
1. More flexible rules for certain services



1. Compliance with applicable obligations

National authorities must ensure compliance with **environmental social and labour law** under EU, national, international rules in the performance of the contract.



- *Contractors and subcontractors*
- *Optional exclusion ground for non-compliance*
- *Mandatory exclusion if offer abnormally low*



2. Supporting use of social and quality criteria

Throughout the procedure:

- Technical specifications
- Contract performance clauses
- Award criteria

- *Link to the subject-matter*
- *May include **factors related to the specific process of production/provision***
- ***Specific process for another stage of the life-cycle***
- ***Label requirements possible***
- ***Accessibility obligation in technical specifications***

2. Supporting use of social criteria: examples

Technical specifications:

- *Minimum built environment accessibility requirements in a construction contracts*

Award criteria:

- *Award points based on the number of disadvantaged people hired in the staff performing the contract.*
- *Award points based on the level of personalization of the service*

Contract performance conditions:

- *Require that the staff involved in a contract welfare services receives the necessary training to understand and address needs of recipients*

2. Facilitating social and professional inclusion

RESERVED CONTRACTS

sheltered workshops with 30% of staff composed by disabled or disadvantaged

Examples:

- *Contract for catering services reserved to social enterprise employing disabled people*
- *Contract for cleaning services reserved to undertaking employing long-term unemployed*



4. Flexibility for social services

"LIGHT REGIME"

Higher thresholds

EU obligations reduced to publication of notices at start and end of procedure

Each Member States free to establish procedures

Reserved contracts for certain contracts

Applies to: welfare services, services for disabled people, supply of nurses, medical personnel; education and training services, organization of cultural events.



Communication: Making public procurement work in and for Europe

- **PP is 14% GDP: a strategic area**
- **A partnership to improve the PP in practice**
- **The Commission is ready to play its part**

- **6 Priority areas :**
 1. Boost **strategic** procurement (green, social, innovative)
 2. **Professionalise** public buyers
 3. Increase **access** to procurement markets (SMEs, IPI)
 4. Improve **transparency**, integrity, data
 5. Boost the **digital** transformation of PP
 6. **Cooperate** to procure together

SRPP workshops in selected Member States (2019):

- one-day information & dissemination events: SE, DK, NL, EL, FR, DE, IT, PL, LV, SK, CZ, HU, RO, HR, IE
- Targeted mainly at Cas and social economy
- Development of material to be disseminated (e.g. on best practices)

Updated guidance on socially responsible PP (2019):

- Targeted consultation on scope and structure of guide Dec '17-March '18: over 180 contributions

Good practices and dissemination (2019):

- Collection of good practices in socially responsible PP
- Dissemination activities for EC tools on socially responsible PP



Thank you for your attention!

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