

The new Public Procurement Directive: Member States are free to organise social services in the way they consider more appropriate

The hearing

A first assessment of new Public Procurement Directive's impact on social services took place yesterday at the European Parliament. This was done during an event co-hosted by MEP Pietikäinen and MEP Torvalds and organised by EASPD. The hearing gathered relevant stakeholders including representatives of the European civil society, public authorities at national and EU level, service providers and service users.

The new Directive

The new Directive, which will be published in December, was presented by Ms Zanetti and Ms Cultrera, from the European Commission. They made clear that the specificity of social services was recognised and for this reason Member States will have a great discretion in their organisation and financing. They will be free to provide social services themselves or to organise them in a way that does not involve public procurement. Also, a very high threshold is set: for contracts under 750.000€ the directive does not apply. Concerning quality, reference is made to the European Voluntary Quality Framework of the Social Protection Committee that was elaborated in close cooperation with the EU civil society. Also, the cost criterion is replaced by the best quality-price ratio and users' involvement is part of the quality-ratio canon.

A great achievement for the EU civil society

This result is very much in line with the concerns expressed during the last years by organisations such as EASPD, Social Services Europe and the Social Platform of European NGOs. *'The implementation of the past directive had negative consequences for services, due to the importance given to cost over quality and to the lack of continuity in funding, which undermined the sustainability of services and the quality of employment in the sector.'* Stressed Franz Wolfmayr, EASPD President, *'For this reason the recognition of the specificities of social services and the wider autonomy granted to Member States is a great achievement for our sector'*.

Pending issues

There are some shades, however, in this picture. Article 76, setting principles of awarding contracts, doesn't compel Member States to taking into account quality and sustainability criteria. This implicitly leaves open the possibility for public authorities to award social services only on a cost-basis. Also, Article 76a, about reserved contracts for not-profit organisations, gives a very vague definition of these organisations and sets 3 years as the maximum duration for contracts, going against the principle of continuity of social services. The Commission committed to publish soon some updated guidelines for implementation that would help Member States to clarify some of these ambiguities.

As concluded by Luk Zelderloo, EASPD Secretary General, *'important steps forward were made: it is clarified the authorities can decide not to procure social services and quality prevails over cost. Nevertheless, there is still need for commitment to guide member states towards a correct implementation of the directive.'*

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[Here](#) you can find the EASPD Position on the New Directive

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