



# **EU Public Procurement Policy New developments**

**Social Dialogue Committee meeting  
Contract Catering  
Brussels, 8 October 2010**





# Public Private Partnerships

- **Commission's Communication on Public Private Partnerships: "Mobilising private and public investment for recovery: developing PPP" (COM/2009/615 final) 19-11-2009**
- **Objective: to increase the funding available for PPs**
- **To extend PPPs from transport (80% of all PPs) to soft sectors including health, education and social sectors**





# Services Concessions

- Possible legislative initiative on services concessions
- The general EC Treaty principles (transparency, equal treatment) applying to services concessions need to be clearly spelled out
- Adequate advertising of the intention to award a services concession
- Rules for the selection of concessionaires
- Consultation on concessions





## EU Parliament's Intergroup on Public Services (February 2010)

- **The Intergroup wants to take full advantage of the Parliament's new legislative powers regarding public services and of Art. 14 of the Lisbon Treaty that covers Services of General Economic Interest.**
- **The Intergroup intends to promote new legislation protecting local authorities responsible for public services**





# Monti Report on the Internal Market (May 2010)

## Call for:

- **A review of public procurement policy**
- **Integration of horizontal policy objectives (social and environmental) into public procurement**
- **Clarification of « in-house » management and « public-public » cooperation**
- **Addressing the issue of services (social services) excluded from the full scope of application of the public procurement law**





## **Resolution of the EU Parliament (May 2010)**

- **Resolution on new developments in public procurement (2009/2175 INI)**
- **Calls for consistency and better coordination of legislation and soft laws**
- **Promotion of environmental and social aspects**
- **Considers that a legal act on services concessions is unnecessary**







## Barroso's speech on the State of the Union (September 2010)

- **Adoption of a “Single Market Act”**
- **Improvements to public procurement rules**
- **Revision of the 2005 package on Services of General Interest (quality framework for public and social services)**





## Adoption of the “Single Market Act” (October 2010)

- **Policy and legislative proposals (2012) to improve the procurement of works, products and services (including innovative and green)**
- **Initiative on services concessions (2011) to improve market access for EU undertakings and promote PPS**
- **White paper (2010) on modernisation of EU public procurement rules**
- **EU guidelines on joint procurement**







## Late Payments

- **Recast of Directive 2000/35/EC (COM (2009) 126 def. of 08-04-2009)**
- **Stricter payment deadlines on both public authorities and private enterprises**
- **The deadline should be 30 days (with possible extension to 60 days) and 60 days for public authorities in the health sector**
- **Interest rates could be double digit**

