



Plenary sitting

B8-1293/2015

25.11.2015

MOTION FOR A RESOLUTION

pursuant to Rule 133 of the Rules of Procedure

on local preference in the awarding of public contracts

Sophie Montel, Florian Philippot, Dominique Bilde

Motion for a European Parliament resolution on local preference in the awarding of public contracts

The European Parliament,

- having regard to Rule 133 of its Rules of Procedure,
- A. whereas, prior to the implementation of European Union legislation on public contracts, only 2 % of such contracts were awarded to non-national businesses,
- B. whereas, pursuant to established case-law of the Court of Justice of the European Union (judgment of 27/10/2005, *Commission v Spain*, Case C-158/03), it is not possible to award public contracts on the basis of local or national preference without disregarding the principle of equal treatment of candidates,
- C. whereas, in this connection, the selection criteria relating to the place of business are considered to be discriminatory and therefore contrary to EU law on the awarding of public contracts,
- D. whereas derogations are only possible in specific cases, necessitated by the actual purpose of the contract or by a time constraint, provided that any candidate committing to establish a local place of business shall benefit from the same candidacy conditions as a candidate with a local place of business already established,
- E. whereas the need to safeguard local jobs is not an admissible criterion, since it is considered not to be connected with the regulations on public contracts,
- 1. Calls on the Commission to allow contracting authorities to take account of local preference in their award criteria.