



Committee on the Environment, Public Health and Food Safety

2017/2278(INI)

20.3.2018

POSITION IN THE FORM OF AMENDMENTS

of the Committee on the Environment, Public Health and Food Safety

for the Committee on the Internal Market and Consumer Protection

on the public procurement strategy package
(2017/2278(INI))

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AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to take into account the following amendments:

Amendment 1

Draft report

Citation 9 a (new)

Draft motion for a resolution

Amendment

- *having regard to the voluntary instrument of Green Public Procurement (GPP),*

Amendment 2

Draft report

Recital B a (new)

Draft motion for a resolution

Amendment

Ba. whereas public procurement is a strategic tool used to achieve the EU's goals of green and socially inclusive growth;

Amendment 3

Draft report

Recital C a (new)

Draft motion for a resolution

Amendment

Ca. whereas, when it comes to the transposition of EU rules on public procurement and concessions, the full transposition and implementation of EU law is essential to make it easier and cheaper for small and medium-sized enterprises to bid for public contracts, in full respect of the EU's principles of transparency and competition;

Amendment 4

Draft report

Recital E

Draft motion for a resolution

E. whereas according to 2016 ***data, it appears that*** only four Member States ***rely*** on digital technologies for all major steps in public procurement;

Amendment

E. whereas according to ***the Commission communication from 2016***, only four Member States ***relied*** on digital technologies for all major steps in public procurement, ***such as e-notification, e-access to tender documents, e-submission, e-evaluation, e-award, e-ordering, e-invoicing and e-payment***;

Amendment 5
Draft report
Recital F

Draft motion for a resolution

F. whereas according to the European Semester thematic fact sheet on public procurement of November 2017, the number of tender procedures with only one bid increased from 14 % to 29 % for the period 2006–2016;

Amendment

F. whereas according to the European Semester thematic fact sheet on public procurement of November 2017, the number of tender procedures with only one bid increased from 14 % to 29 % for the period 2006–2016, ***and whereas, according to the Commission communication, ‘SMEs win only 45 % of the value of public contracts above EU thresholds, clearly below their weight in the economy’***;

Amendment 6
Draft report
Recital I a (new)

Draft motion for a resolution

Ia. whereas public procurement can provide an important demand-side stimulus to the uptake and production of low- and zero-emission vehicles and hence contribute to reducing overall transport emissions;

Amendment

Amendment 7
Draft report
Paragraph 1

Draft motion for a resolution

1. Welcomes, almost four years after the extensive revision of the Union public procurement legislative framework was concluded, the set of non-legislative measures proposed by the Commission and **hopes** that this will create impetus for better implementation;

Amendment 8
Draft report
Paragraph 2

Draft motion for a resolution

2. Is disappointed by the pace at which many Member States have transposed the 2014 directives in the area of public procurement, and by the many delays, and regrets the fact that the Commission had to initiate the infringement procedure for **a small number of** Member States;

Amendment 9
Draft report
Paragraph 2 a (new)

Draft motion for a resolution

Amendment

1. Welcomes, almost four years after the extensive revision of the Union public procurement legislative framework was concluded, the set of non-legislative measures proposed by the Commission and **expects** that this will create impetus for better implementation;

Amendment

2. Is disappointed by the pace at which many Member States have transposed the 2014 directives in the area of public procurement, and by the many delays, and regrets the fact that the Commission had to initiate the infringement procedure for **some** Member States **when it comes to enforcing the acquis on the single market, industry, entrepreneurship and SMEs, which are supposed to lead to a deeper and fairer internal market with a strengthened industrial base**;

Amendment

2a. Is concerned about the delays that have occurred in the transposition of the 2014 directives in some Member States, and calls on the Member States to avoid measures that increase the amount of bureaucracy in order to guarantee a fair single public procurement market;

Amendment 10
Draft report
Paragraph 7

Draft motion for a resolution

7. Points out that the current Union legislation, more than ever, allows for public procurement to be used as a strategic instrument to promote policy goals, and encourages the Member States to get the most that they can out of it;

Amendment 11
Draft report
Paragraph 7 a (new)

Draft motion for a resolution

Amendment 12
Draft report
Paragraph 8

Draft motion for a resolution

8. Calls on the Member States to use public procurement strategically in order to promote a sustainable, circular and socially responsible economy, *as well as innovation*, SME growth and competition; underlines that this requires Member States to signal such policies at the highest level and support, to this end, procurers and practitioners in the public administration;

Amendment 13
Draft report

PE619.325v01-00

Amendment

7. Points out that the current Union legislation, more than ever, allows for public procurement to be used as a strategic instrument to promote policy goals, and encourages the Member States to get the most that they can out of it; ***recalls that at regional and local level as well, public procurement is an important tool to respond to regional and local strategies, which are environmentally and socially sustainable;***

Amendment

7a. Calls for the extensive use of innovative procurement to implement green and socially inclusive growth;

Amendment

8. Calls on the Member States to use public procurement strategically in order to promote ***an innovative***, sustainable, circular and socially responsible economy, ***which promotes*** SME growth and competition; underlines that this requires Member States to signal such policies at the highest level and support, to this end, procurers and practitioners in the public administration;

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Paragraph 10

Draft motion for a resolution

10. Welcomes the fact that many Member States have made provisions for accepting the most economically advantageous tender (MEAT) and encourages its systematic application;

Amendment

10. Welcomes the fact that many Member States have made provisions for accepting the most economically advantageous tender (MEAT) and encourages its systematic application; ***highlights the importance of green criteria in MEAT;***

Amendment 14

Draft report

Paragraph 11

Draft motion for a resolution

11. While acknowledging that in some cases the low price reflects innovative solutions and efficient management, is concerned about the excessive use of the lowest price as ***an*** award criterion in a number of Member States and therefore calls on the Commission and the Member States to analyse the reason behind this situation;

Amendment

11. While acknowledging that in some cases the low price reflects innovative solutions and efficient management, is concerned about the excessive use of the lowest price as ***the main*** award criterion ***without commensurate reflection of other criteria*** in a number of Member States and therefore calls on the Commission and the Member States to analyse the reason behind this situation;

Amendment 15

Draft report

Paragraph 12 a (new)

Draft motion for a resolution

Amendment

12a. Underlines that, when applying LCC, public purchasers should take into account the costs of resource use, maintenance and disposal, which are not reflected in the purchase price, especially as there is an enormous potential for savings over the life-cycle of a good, work or service by savings on the use of energy, water and fuel, on maintenance and replacement as well as on disposal costs,

among other things;

Amendment 16
Draft report
Paragraph 13

Draft motion for a resolution

13. *Notes* that innovative, socio-economic and environmental considerations are *legitimate* award criteria in public procurement, but that contracting authorities can also pursue green, innovative or social goals through well-thought-out specifications and by allowing variant offers;

Amendment

13. ***Highlights*** that innovative, socio-economic and environmental considerations are ***important*** award criteria in public procurement, but that contracting authorities can also pursue green, ***sustainable***, innovative or social goals through well-thought-out specifications and by allowing variant offers; ***recalls the possibility of using quality criteria as the award criteria, e.g. in promoting locally produced food;***

Amendment 17
Draft report
Paragraph 13 a (new)

Draft motion for a resolution

Amendment

13a. Underlines that public procurement policies have an important role in fostering the procurement of agricultural products and foodstuffs from local producers, and calls on the Commission to propose measures to support short food supply chains and to assess their impact on the rural economy;

Amendment 18
Draft report
Paragraph 13 a (new)

Draft motion for a resolution

Amendment

13a. Notes the importance of financing in green transport infrastructure projects, e.g. infrastructure for alternative fuels, and cross-border cooperation between Member States; stresses that the award

criteria for obtaining EU financing needs to include an obligation to demonstrate how the proposed project will contribute to achieving climate targets;

Amendment 19
Draft report
Paragraph 13 a (new)

Draft motion for a resolution

Amendment

13a. *Welcomes the Commission's proposal for revision of the Clean Vehicles Directive (amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles) and the inclusion of binding procurement targets for 2025 and 2030, which will increase the market uptake of low- and zero-emission vehicles and contribute to the Union's drive towards low-emission mobility;*

Amendment 20
Draft report
Paragraph 16

Draft motion for a resolution

Amendment

16. Calls for more Member States to use the advantages of central purchasing and aggregation of public purchasing, and notes that Central Purchasing Bodies **can** speed up dissemination of expertise, of best practices and of innovation;

16. Calls for more Member States to use the advantages of central purchasing and aggregation of public purchasing, and notes that Central Purchasing Bodies **could and should** speed up dissemination of expertise, of best practices and of innovation;

Amendment 21
Draft report
Paragraph 19 a (new)

Draft motion for a resolution

Amendment

19a. *Expresses concern over unfair competition within public procurement*

procedures as a result of state interference with third country competitors, in particular, but not limited to the market for electric vehicles and batteries; considers that a linkage between trade defence instruments and public procurement practices is necessary;

Amendment 22
Draft report
Paragraph 25

Draft motion for a resolution

25. Notes with regret a decrease in the intensity of competition in public procurement in the Union in recent years, and urges *the* Member States *recording* a high percentage of notices with only one bidder to address the problem;

Amendment

25. Notes with regret a decrease in the intensity of competition in public procurement in the Union in recent years, and urges *particularly those* Member States *with* a high percentage of notices with only one bidder to address the problem *by improving access to public procurement tenders*;

Amendment 23
Draft report
Paragraph 26

Draft motion for a resolution

26. Urges the Member States to increase joint procurement procedures, including cross-border, as facilitated by the revised EU rules, and *asks* the Commission to provide *technical* support in this field;

Amendment

26. Urges the Member States to increase joint procurement procedures, including cross-border, as facilitated by the revised EU rules, and *calls on* the Commission to provide *in-depth* support in this field;

Amendment 24
Draft report
Paragraph 27

Draft motion for a resolution

27. Regrets that SMEs are still facing difficulties in accessing public procurement, and calls on the Commission

Amendment

27. Regrets that SMEs are still facing difficulties in accessing public procurement, and calls on the Commission

to assess the effectiveness of the measures provided by the 2014 directives and to come forward with new solutions *if necessary*;

to assess the effectiveness, *efficiency and quality* of the measures provided by the 2014 directives and to come forward with new solutions *as soon as review procedures reveal the necessity of doing so*;

Amendment 25

Draft report

Paragraph 28

Draft motion for a resolution

28. Calls on the Member States to support SMEs' participation in *tenders*, for example by mandatory division into lots;

Amendment

28. Calls on the Member States to support SMEs' participation in *procurement markets, also beyond their national frontiers*, for example by mandatory division into lots, *placing a limit on the turnover required to participate in a tender procedure, a reduction in documentation requirements or the involvement of SMEs in prior market consultations*; *calls on the Commission and the Member States to develop advisory services and training for SMEs to ensure their better participation in tendering processes*;

Amendment 26

Draft report

Paragraph 29

Draft motion for a resolution

29. Calls on the Commission to analyse in particular the impediments to cross-border public procurement resulting from language barriers, and to propose solutions;

Amendment

29. Calls on the Commission to analyse in particular the impediments to cross-border public procurement resulting from language, *legal or any other* barriers, and to propose solutions *or intervene in order to guarantee functional cross-border procurement*;

Amendment 27

Draft report

Paragraph 37 a (new)

37a. Highlights the importance of transparency and the non-discriminatory nature of public procurement procedures; recalls the importance of having proper appeal procedures in place and the importance of having access to guidance on how to launch an appeal;

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	20.3.2018
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