



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on the Internal Market and Consumer Protection*

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**2009/2175(INI)**

26.3.2010

# **AMENDMENTS**

## **1 - 130**

**Draft report**  
**Heide Rühle**  
(PE438.5113v01-00)

on new developments in public procurement  
(2009/2175(INI))

AM\_Com\_NonLegReport

**Amendment 1**  
**Róza Gräfin Von Thun Und Hohenstein**

**Motion for a resolution**  
**Citation 8 a (new)**

*Motion for a resolution*

*Amendment*

**- having regard to the Commission Communication on Public-Private Partnerships and Community Law on Public Procurement and Concessions (COM/2005/0569 final),**

Or. en

**Amendment 2**  
**Róza Gräfin Von Thun Und Hohenstein**

**Motion for a resolution**  
**Citation 8 b (new)**

*Motion for a resolution*

*Amendment*

**- having regard to the Report on the Public Consultation on the Green Paper on Public-Private Partnerships and Community Law on Public Contracts and Concessions - SEC(2205) 629,**

Or. en

**Amendment 3**  
**Róza Gräfin Von Thun Und Hohenstein**

**Motion for a resolution**  
**Citation 8 c (new)**

*Motion for a resolution*

*Amendment*

**- having regard to the Commission Green Paper on public-private partnerships and Community law on public contracts and**

*concessions (COM/2004/0327 final),*

Or. en

**Amendment 4**  
**Róza Gräfin Von Thun Und Hohenstein**

**Motion for a resolution**  
**Citation 8 d (new)**

*Motion for a resolution*

*Amendment*

*- having regard to the Commission interpretative communication on concessions under Community law (2000/C1212/02),*

Or. en

**Amendment 5**  
**Heide Rühle, Frank Engel, Bernadette Vergnaud, Jürgen Creutzmann, Malcolm Harbour, Kyriacos Triantaphyllides**

**Motion for a resolution**  
**Citation 10 a (new)**

*Motion for a resolution*

*Amendment*

*- having regard to the opinion of the Committee of the Regions of 10 February 2010 on ‘contributing to Sustainable Development: the role of Fair Trade and non-governmental trade-related sustainability assurance schemes’ (RELEX-IV-026),*

Or. en

**Amendment 6**  
**Heide Rühle, Frank Engel, Bernadette Vergnaud, Jürgen Creutzmann, Malcolm Harbour, Kyriacos Triantaphyllides**

**Motion for a resolution**  
**Citation 14 a (new)**

*Motion for a resolution*

*Amendment*

**- having regard to its resolution of 6 June 2006 on Fair Trade and Development (2005/2245 (INI)),**

Or. en

**Amendment 7  
Barbara Weiler**

**Motion for a resolution  
Recital A**

*Motion for a resolution*

*Amendment*

A. whereas the economic and financial market crisis has highlighted the vital economic importance of public procurement, and at the same time made it clear that the public authorities can perform their tasks properly in the public interest only if they can count on the requisite legal certainty in this area and if procurement procedures are not too complex,

A. whereas the economic and financial market crisis has highlighted the vital economic importance of public procurement, ***the effects of the crisis on local authorities are already clearly evident, and*** at the same time the public authorities can perform their tasks properly in the public interest only if they can count on the requisite legal certainty in this area and if procurement procedures are not too complex,

Or. de

**Amendment 8  
Karl-Heinz Florenz**

**Motion for a resolution  
Recital A a (new)**

*Motion for a resolution*

*Amendment*

***Aa. whereas public procurement law serves to ensure that public funds are managed soundly and to give interested undertakings the opportunity to be awarded contracts in the context of fairer competition,***

Or. de

**Amendment 9**  
**Jürgen Creutzmann**

**Motion for a resolution**  
**Recital B a (new)**

*Motion for a resolution*

*Amendment*

***Ba. whereas private undertakings must have the opportunity to win public contracts and there should be fair competition for public contracts,***

Or. de

**Amendment 10**  
**Jürgen Creutzmann**

**Motion for a resolution**  
**Recital B b (new)**

*Motion for a resolution*

*Amendment*

***Bb. whereas an important purpose of the public procurement rules is to ensure that the State spends public money as efficiently as possible,***

Or. de

**Amendment 11**  
**Jürgen Creutzmann**

**Motion for a resolution**  
**Recital C**

*Motion for a resolution*

*Amendment*

C. whereas the Lisbon Reform Treaty has for the first time incorporated into European Union primary law an acknowledgement of the right to regional and local self-government, consolidated the

*(Does not affect English version.)*

concept of subsidiarity and granted both the national parliaments and the Committee of the Regions the right to bring actions before the CJEU,

Or. de

**Amendment 12**  
**Cornelis De Jong**

**Motion for a resolution**  
**Recital C**

*Motion for a resolution*

***C. whereas the Lisbon Reform Treaty has for the first time incorporated into European Union primary law an acknowledgement of the right to regional and local self-government, consolidated the concept of subsidiarity and granted both the national parliaments and the Committee of the Regions the right to bring actions before the CJEU,***

*Amendment*

***C. whereas the Lisbon Reform Treaty incorporates the notion of a social market economy, and a social clause whereby the social issues (promotion of a high level of employment, adequate social protection, fight against social exclusion, etc.) must be taken into account when defining and implementing all policies,***

Or. en

**Amendment 13**  
**Malcolm Harbour**

**Motion for a resolution**  
**Recital C a (new)**

*Motion for a resolution*

***Ca. whereas there has been a disproportionate number of infringement cases at the European Court of Justice in this area, indicating that many Member States have struggled to comply with the Public Procurement Directives,***

*Amendment*

Or. en

**Amendment 14**  
**Cornelis De Jong**

**Motion for a resolution**  
**Recital C b (new)**

*Motion for a resolution*

*Amendment*

***Cb. whereas Protocol No 26 on Services of General Interest conveys a clear message by underlining amongst other things, the essential role and wide discretion of national, regional and local authorities in providing, commissioning and organising services of general economic interest as closely as possible to the need of the users,***

Or. en

**Amendment 15**  
**Catherine Stihler, Claude Moraes**

**Motion for a resolution**  
**Recital C c (new)**

*Motion for a resolution*

*Amendment*

***Cc. whereas the Treaty on the Functioning of the European Union incorporates the notion of a social market economy, a social clause, and a protocol on Services of General Interest defining the values that are shared in the EU, to ensure European policies develop in a way that meets the aspirations of Europe's citizens,***

Or. en

**Amendment 16**  
**Cornelis De Jong, Kyriacos Triantaphyllides**

**Motion for a resolution**  
**Recital C d (new)**

*Motion for a resolution*

*Amendment*

***Cd. whereas ILO Convention 94 stipulates that general public contracts shall contain clauses ensuring equitable remuneration, and labour conditions which are not less favourable than those agreed upon in inter alia collective agreements,***

Or. en

**Amendment 17  
Malcolm Harbour**

**Motion for a resolution  
Recital C e (new)**

*Motion for a resolution*

*Amendment*

***Ce. whereas a well functioning procurement market is essential for the Internal Market, to both encourage cross-border competition, stimulate innovation, promote the low carbon economy and achieve optimal value for public authorities,***

Or. en

**Amendment 18  
Heide Rühle, Frank Engel, Bernadette Vergnaud, Jürgen Creutzmann, Malcolm Harbour, Kyriacos Triantaphyllides**

**Motion for a resolution  
Paragraph 1 – title**

*Motion for a resolution*

*Amendment*

General remarks

General remarks *and recommendations*

Or. en

**Amendment 19  
Heide Rühle, Frank Engel, Bernadette Vergnaud, Jürgen Creutzmann, Malcolm**

**Harbour, Kyriacos Triantaphyllides**

**Motion for a resolution**

**Paragraph 1**

*Motion for a resolution*

1. Deplores the fact that the aims of the 2004 revision of the public procurement directives have not yet been achieved; expresses the hope, however, that the most recent judgments handed down by the CJEU will help to resolve the outstanding legal issues and that the number of appeal procedures will fall;

*Amendment*

1. Deplores the fact that the aims of the 2004 revision of the public procurement directives have not yet been achieved ***particularly with regard to the simplification of the procurement rules as well as the creation of more legal certainty***; expresses the hope, however, that the most recent judgments handed down by the CJEU will help to resolve the outstanding legal issues and that the number of appeal procedures will fall;

Or. en

**Amendment 20**

**Anja Weisgerber**

**Motion for a resolution**

**Paragraph 1**

*Motion for a resolution*

1. Deplores the fact that the aims of the 2004 revision of the public procurement directives have not yet been achieved; expresses the hope, however, that the most recent judgments handed down by the CJEU will help to resolve the outstanding legal issues and that the number of appeal procedures will fall;

*Amendment*

1. Deplores the fact that the aims of the 2004 revision of the public procurement directives have not yet been achieved; expresses the hope, however, that the most recent judgments handed down by the CJEU will help to resolve the outstanding legal issues and that the number of appeal procedures will fall; ***calls on the Commission to have regard to and actively to pursue the aims of simplifying and streamlining the public procurement procedure in any review of the European rules***;

Or. de

**Amendment 21**  
**Jürgen Creutzmann**

**Motion for a resolution**  
**Paragraph 2**

*Motion for a resolution*

2. Deplores, further, the fact that, in particular as a result of the plethora of soft law proposals put forward by the Commission and Commission departments and of the interpretation of the relevant legal provisions by European courts, the interaction between European, national and regional law has given rise to a complicated and confusing set of rules which is creating, *in particular for smaller local authorities and for small and medium-sized undertakings*, serious legal problems which they can no longer overcome without incurring substantial administrative costs or seeking external legal advice; urges the Commission to remedy this situation and, as part of the Better Lawmaking initiative, to examine the impact of soft law proposals and assess them in the light of the principles of subsidiarity and proportionality;

*Amendment*

2. Deplores, further, the fact that, in particular as a result of the plethora of soft law proposals put forward by the Commission and Commission departments and of the interpretation of the relevant legal provisions by European courts, the interaction between European, national and regional law has given rise to a complicated and confusing set of rules which is creating, *for small and medium-sized undertakings and for smaller local authorities*, serious legal problems which they can no longer overcome without incurring substantial administrative costs or seeking external legal advice; urges the Commission to remedy this situation and, as part of the Better Lawmaking initiative, to examine the impact of soft law proposals and assess them in the light of the principles of subsidiarity and proportionality;

Or. de

**Amendment 22**  
**Cornelis De Jong, Kyriacos Triantaphyllides**

**Motion for a resolution**  
**Paragraph 2**

*Motion for a resolution*

2. Deplores, further, the fact that, in *particular as a result of the plethora of soft law proposals put forward by the Commission and Commission departments and of the interpretation of the relevant legal provisions by European courts, the interaction between European,*

*Amendment*

2. Deplores, further, the fact that, *existing regulations in combination with implementation measures and* soft law, *have* given rise to a complicated and confusing set of rules which is creating, in particular for smaller local authorities and for small and medium-sized undertakings,

*national and regional law has* given rise to a complicated and confusing set of rules which is creating, in particular for smaller local authorities and for small and medium-sized undertakings, serious legal problems which they can no longer overcome without incurring substantial administrative costs or seeking external legal advice; urges the Commission to remedy this situation and, as part of the Better Lawmaking initiative, to examine the impact of soft law proposals and assess them in the light of the principles of subsidiarity and proportionality;

serious legal problems which they can no longer overcome without incurring substantial administrative costs or seeking external legal advice; urges the Commission to remedy this situation and, as part of the Better Lawmaking initiative, to examine the impact of soft law proposals and assess them in the light of the principles of subsidiarity and proportionality;

Or. en

**Amendment 23**  
**Heide Rühle**

**Motion for a resolution**  
**Paragraph 2**

*Motion for a resolution*

2. Deplores, further, the fact that, in particular as a result of the plethora of soft law proposals put forward by the Commission and Commission departments and of the interpretation of the relevant legal provisions by European courts, the interaction between European, national and regional law has given rise to a complicated and confusing set of rules which is creating, in particular for *smaller local authorities* and *for small and medium-sized undertakings*, serious legal problems which they can no longer overcome without incurring substantial administrative costs or seeking external legal advice; urges the Commission to remedy this situation and, as part of the Better Lawmaking initiative, to examine the impact of soft law proposals and assess them in the light of the principles of subsidiarity and proportionality;

*Amendment*

2. Deplores, further, the fact that, in particular as a result of the plethora of soft law proposals put forward by the Commission and Commission departments and of the interpretation of the relevant legal provisions by European courts, the interaction between European, national and regional law has given rise to a complicated and confusing set of rules which is creating in particular for *public bodies, private undertakings* and *providers of services of general interest* serious legal problems which they can no longer overcome without incurring substantial administrative costs or seeking external legal advice; urges the Commission to remedy this situation and, as part of the Better Lawmaking initiative, to examine the impact of soft law proposals and assess them in the light of the principles of subsidiarity and proportionality;

**Amendment 24**  
**Andreas Schwab**

**Motion for a resolution**  
**Paragraph 2**

*Motion for a resolution*

2. Deplores, further, the fact that, in particular as a result of the plethora of soft law proposals put forward by the Commission and Commission departments and of the interpretation of the relevant legal provisions by European courts, the interaction between European, national and regional law has given rise to a complicated and confusing set of rules which is creating, in particular for smaller local authorities and for small and medium-sized undertakings, serious legal problems which they can no longer overcome without incurring substantial administrative costs or seeking external legal advice; urges the Commission to remedy this situation and, as part of the Better Lawmaking initiative, to examine the impact of soft law proposals and assess them in the light of the principles of subsidiarity and proportionality;

*Amendment*

2. Deplores, further, the fact that, in particular as a result of the ***incomplete transposition of EU public procurement Directives in national law, and the*** plethora of soft law proposals put forward by the Commission and Commission departments and of the interpretation of the relevant legal provisions by European courts, the interaction between European, national and regional law has given rise to a complicated and confusing set of rules which is creating, in particular for smaller local authorities and for small and medium-sized undertakings, serious legal problems which they can no longer overcome without incurring substantial administrative costs or seeking external legal advice; urges the Commission to remedy this situation and, as part of the Better Lawmaking initiative, to examine the impact of soft law proposals and assess them in the light of the principles of subsidiarity and proportionality;

**Amendment 25**  
**Heide Rühle, Frank Engel, Bernadette Vergnaud, Jürgen Creutzmann, Malcolm Harbour, Kyriacos Triantaphyllides**

**Motion for a resolution**  
**Paragraph 2**

*Motion for a resolution*

2. Deplores, further, the fact that, in

*Amendment*

2. Deplores, further, the fact that, in

particular as a result of the plethora of soft law proposals put forward by the Commission and Commission departments and *of* the interpretation of the relevant legal provisions by European courts, ***the interaction between European, national and regional law*** has given rise to a complicated and confusing set of rules which is creating, in particular for smaller local authorities and for small and medium-sized undertakings, serious legal problems which they can no longer overcome without incurring substantial administrative costs or seeking external legal advice; urges the Commission to remedy this situation and, as part of the Better Lawmaking initiative, to examine the impact of soft law proposals and assess them in the light of the principles of subsidiarity and proportionality;

particular as a result of the ***interaction between European, national and regional law, as well as the*** plethora of soft law proposals put forward by the Commission and Commission departments and the interpretation of the relevant legal provisions by European ***and National*** courts, has given rise to a complicated and confusing set of rules which is creating, in particular for smaller local authorities and for small and medium-sized undertakings, serious legal problems which they can no longer overcome without incurring substantial administrative costs or seeking external legal advice; urges the Commission to remedy this situation and, as part of the Better Lawmaking initiative, to examine the impact of soft law proposals, ***to restrict them to the essential*** and assess them in the light of the principles of subsidiarity and proportionality;

Or. en

## **Amendment 26**

**Kyriacos Triantaphyllides, Cornelis De Jong**

### **Motion for a resolution**

#### **Paragraph 2**

##### *Motion for a resolution*

2. Deplores, further, the fact that, in particular as a result of the plethora of soft law proposals put forward by the Commission and Commission departments and of the interpretation of the relevant legal provisions by European courts, the interaction between European, national and regional law has given rise to a complicated and confusing set of rules which is creating, in particular for smaller local authorities and for small and medium-sized undertakings, serious legal problems which they can no longer overcome without incurring substantial

##### *Amendment*

2. Deplores, further, the fact that, in particular as a result of the plethora of soft law proposals put forward by the Commission and Commission departments and of the interpretation of the relevant legal provisions by European courts, the interaction between European, national and regional law has given rise to a complicated and confusing set of rules which is creating, in particular for smaller local authorities and for small and medium-sized undertakings, serious legal problems which they can no longer overcome without incurring substantial

administrative costs or seeking external legal advice; urges the Commission to remedy this situation and, as part of the Better Lawmaking initiative, to examine the impact of soft law proposals and assess them in the light of the principles of subsidiarity and proportionality;

administrative costs or seeking external legal advice; urges the Commission to remedy this situation and, as part of the Better Lawmaking initiative, to examine the impact of soft law proposals and assess them in the light of the principles of subsidiarity and proportionality ***and taking into account the five principles set out in the 2001 White Paper on European Governance (openness, participation, accountability, effectiveness and coherence)***;

Or. en

## **Amendment 27**

**Catherine Stihler, Claude Moraes**

### **Motion for a resolution**

#### **Paragraph 2**

##### *Motion for a resolution*

2. Deplores, further, the fact that, in particular as a result of the plethora of soft law proposals put forward by the Commission and Commission departments and of the interpretation of the relevant legal provisions by European courts, the interaction between European, national and regional law has given rise to a complicated and confusing set of rules which is creating, in particular for smaller local authorities and for small and medium-sized undertakings, serious legal problems which they can no longer overcome without incurring substantial administrative costs or seeking external legal advice; urges the Commission to remedy this situation and, as part of the Better Lawmaking initiative, to examine the impact of soft law proposals and assess them in the light of the principles of subsidiarity and proportionality;

##### *Amendment*

2. Deplores, further, the fact that, in particular as a result of the plethora of soft law proposals put forward by the Commission and Commission departments and of the interpretation of the relevant legal provisions by European courts, the interaction between European, national and regional law has given rise to a complicated and confusing set of rules which is creating, in particular for smaller local authorities and for small and medium-sized undertakings, serious legal problems which they can no longer overcome without incurring substantial administrative costs or seeking external legal advice; urges the Commission to remedy this situation and, as part of the Better Lawmaking initiative, to examine the impact of soft law proposals and assess them in the light of the principles of subsidiarity and proportionality ***and taking into account the five principles set out in the 2001 White Paper on European Governance (openness, participation,***

*accountability, effectiveness and coherence);*

Or. en

**Amendment 28**

**Heide Rühle, Frank Engel, Bernadette Vergnaud, Jürgen Creutzmann, Malcolm Harbour, Kyriacos Triantaphyllides**

**Motion for a resolution**

**Paragraph 2 a (new)**

*Motion for a resolution*

*Amendment*

*2a. Points out that as a result of this development, the public procurer often has to prioritize legal certainty above policy needs, and given the pressure on public budgets, frequently has to award the contract or service to the cheapest offer, rather than to the most economically advantageous tender. Is afraid that this will weaken the EU's innovative base and global competitiveness; Urges the Commission to remedy this situation and to develop strategic measures to encourage, empowering public procurers to give contracts to the most economical and best quality offers;*

Or. en

**Amendment 29**

**Heide Rühle**

**Motion for a resolution**

**Paragraph 3**

*Motion for a resolution*

*Amendment*

3. Emphasises that European initiatives in the area of public procurement must be coordinated more effectively in order not to jeopardise consistency with the public procurement directives and create legal

3. Emphasises that European initiatives in the area of public procurement must be coordinated more effectively in order not to jeopardise consistency with the public procurement directives and create legal

problems for those applying the rules; calls, therefore, for compulsory coordination measures within the Commission, **including** a uniform Internet presence, with a view to making the relevant legal provisions more transparent and more user friendly;

problems for those applying the rules; calls, therefore, for compulsory coordination measures within the Commission, ***under the lead of the Directorate-General Internal Market and Services which is in charge of public procurement, and under participation of the further relevant Directorates-Generals; asks for*** a uniform Internet presence, with a view to making the relevant legal provisions more transparent and more user friendly;

Or. en

**Amendment 30**  
**Rareş-Lucian Niculescu**

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

3. Emphasises that European initiatives in the area of public procurement must be coordinated more effectively in order not to jeopardise consistency with the public procurement directives and create legal problems for those applying the rules; calls, therefore, for compulsory coordination measures within the Commission, including a uniform Internet presence, with a view to making the relevant legal provisions more transparent and more user friendly;

*Amendment*

3. Emphasises that European initiatives in the area of public procurement must be coordinated more effectively in order not to jeopardise consistency with the public procurement directives and create legal problems for those applying the rules; calls, therefore, for compulsory coordination measures within the Commission, including a uniform Internet presence ***and regular information for the contracting authorities***, with a view to making the relevant legal provisions more transparent and more user friendly;

Or. ro

**Amendment 31**  
**Bernadette Vergnaud**

**Motion for a resolution**  
**Paragraph 3 a (new)**

*Motion for a resolution*

*Amendment*

***3a. Urges the Commission to remedy this situation and to develop strategic measures to encourage and empower contracting authorities to give preference to the economically and qualitatively most advantageous offer, thereby contributing to the Union's policy objectives, in particular the objectives of innovative and socially and environmentally responsible growth which lie at the heart of the Europe 2020 strategy;***

Or. fr

**Amendment 32**

**Catherine Stihler, Claude Moraes**

**Motion for a resolution**

**Paragraph 4**

*Motion for a resolution*

4. Criticises the lack of transparency regarding the composition and results of the work of the internal Commission advisory committee on public procurement and calls on the Commission to take steps to ensure that both this committee and the planned new committee on public-private partnerships have a balanced composition and work in a transparent manner;

*Amendment*

4. Criticises the lack of transparency regarding the composition and results of the work of the internal Commission advisory committee on public procurement and calls on the Commission to take steps to ensure that both this committee and the planned new committee on public-private partnerships have a balanced composition ***including the social partners*** and work in a transparent manner;

Or. en

**Amendment 33**

**Heide Rühle, Frank Engel, Bernadette Vergnaud, Jürgen Creutzmann, Malcolm Harbour, Kyriacos Triantaphyllides**

**Motion for a resolution**

**Paragraph 4**

*Motion for a resolution*

4. Criticises the lack of transparency regarding the composition and results of the work of the internal Commission advisory committee on public procurement and calls on the Commission to take steps to ensure that both this committee and the planned new committee on public-private partnerships have a balanced composition and work in a transparent manner;

*Amendment*

4. Criticises the lack of transparency regarding the composition and results of the work of the internal Commission advisory committee on public procurement ***(ACPP) or the role and competencies of the advisory Committee on the Opening up of Public Procurement (CCO) and*** calls on the Commission to take steps to ensure that both this committee and the planned new ***advisory*** committee on public-private partnerships have a balanced composition and work in a transparent manner; ***demands that the European Parliament is properly informed and is provided with all the information available;***

Or. en

**Amendment 34**  
**Cornelis De Jong**

**Motion for a resolution**  
**Paragraph 4**

*Motion for a resolution*

4. Criticises the lack of transparency regarding the composition and results of the work of the internal Commission advisory committee on public procurement and calls on the Commission to take steps to ensure that both this committee and the planned new committee on public-private partnerships have a balanced composition and work in a transparent manner;

*Amendment*

4. Criticises the lack of transparency regarding the composition and results of the work of the internal Commission advisory committee on public procurement and calls on the Commission to take steps to ensure that both this committee and the planned new committee on public-private partnerships have a balanced composition, ***including trade unions and representatives of the business community, in particular of SMEs, and*** work in a transparent manner;

Or. en

**Amendment 35**  
**Rareş-Lucian Niculescu**

**Motion for a resolution**  
**Paragraph 4**

*Motion for a resolution*

4. Criticises the lack of transparency regarding the composition and results of the work of the internal Commission advisory committee on public procurement and calls on the Commission to take steps to ensure that both this committee and the planned new committee on public-private partnerships have a balanced composition and work in a transparent manner;

*Amendment*

4. Criticises the lack of transparency regarding the composition, ***activities*** and results of the work of the internal Commission advisory committee on public procurement and calls on the Commission to take steps to ensure that both this committee and the planned new committee on public-private partnerships have a balanced composition and work in a transparent manner, ***providing clear indicators of the results at each stage and at the end of the process;***

Or. ro

**Amendment 36**  
**Cornelis De Jong, Kyriacos Triantaphyllides**

**Motion for a resolution**  
**Paragraph 4 a (new)**

*Motion for a resolution*

***4a. Calls upon the Commission to examine the implications of Protocol 26 on the existing guidelines, in particular taking into account that article 2 of Protocol 26 stipulates that 'the provisions of the Treaties do not affect in any way the competence of Member States to provide, commission and organise non-economic services of general interest';***

*Amendment*

Or. en

**Amendment 37**

**Heide Rühle, Frank Engel, Bernadette Vergnaud, Jürgen Creutzmann, Malcolm Harbour, Kyriacos Triantaphyllides**

**Motion for a resolution**

**Paragraph 4 b (new)**

*Motion for a resolution*

*Amendment*

***4b. Takes the view that as public contracts concern public funds, they should be transparent and open for public scrutiny; asks the Commission for clarification to ensure that local and other public authorities have legal certainty and can inform their citizens of their contractual obligations;***

Or. en

**Amendment 38**

**Heide Rühle, Frank Engel, Bernadette Vergnaud, Jürgen Creutzmann, Malcolm Harbour, Kyriacos Triantaphyllides**

**Motion for a resolution**

**Paragraph 5**

*Motion for a resolution*

*Amendment*

5. Calls on the Commission, when reviewing the public procurement directives, to take account of the opinions expressed in this report; expects that review to be carried out with the full involvement of all stakeholders, ***but warns that it regards a revision of the directives at this juncture as premature; when such a revision is carried out at a later date, however, advocates that it*** should also encompass the directive on review procedures concerning public contracts, in order to prevent any further fragmentation of public procurement law; takes the view that the practical impact of that directive cannot yet be assessed, as it has not been transposed in all the Member States;

5. Calls on the Commission, when reviewing the public procurement directives, to take account of the opinions expressed in this report; expects that review to be carried out with the full involvement of all stakeholders ***and in close cooperation with the European Parliament; advocates that*** a revision should ***take into account the whole framework and*** also encompass the directive on review procedures concerning public contracts, in order to prevent any further fragmentation of public procurement law; takes the view that the practical impact of that directive cannot yet be assessed, as it has not been transposed in all the Member States;

**Amendment 39**  
**Malcolm Harbour**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

5. Calls on the Commission, *when reviewing* the public procurement directives, *to take* account of the opinions expressed in this report; expects that review to be carried out with the full involvement of all stakeholders, but warns that it regards a revision of the directives at this juncture as premature; when such a revision is carried out at a later date, however, advocates that it should also encompass the directive on review procedures concerning public contracts, in order to prevent any further fragmentation of public procurement law; takes the view that the practical impact of that directive cannot yet be assessed, as it has not been transposed in all the Member States;

*Amendment*

5. Calls on the Commission *carry out an ex-post assessment of* the public procurement directives, *taking* account of the opinions expressed in this report; expects that review to be carried out with the full involvement of all stakeholders, but warns that it regards a revision of the directives at this juncture as premature; when such a revision is carried out at a later date, however, advocates that it should also encompass *an analysis of the national laws transposing the* directive on review procedures concerning public contracts, in order to prevent any further fragmentation of public procurement law; takes the view that the practical impact of that directive cannot yet be assessed, as it has not been transposed in all the Member States;

**Amendment 40**  
**Catherine Stihler, Claude Moraes**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

5. Calls on the Commission, when reviewing the public procurement directives, to take account of the opinions expressed in this report; expects that review to be carried out with the full involvement of all stakeholders, but warns

*Amendment*

5. Calls on the Commission, when reviewing the public procurement directives, to take account of the opinions expressed in this report; expects that review to be carried out with the full involvement of all stakeholders, but warns

that it regards a revision of the directives at this juncture as premature; when such a revision is carried out at a later date, however, advocates that it should also encompass the directive on review procedures concerning public contracts, in order to prevent any further fragmentation of public procurement law; takes the view that the practical impact of that directive cannot yet be assessed, as it has not been transposed in all the Member States;

that it regards a revision of the directives at this juncture as premature; when such a revision is carried out at a later date, however, advocates that it should also encompass the directive on review procedures concerning public contracts, in order to prevent any further fragmentation of public procurement law; takes the view that the practical impact of that directive cannot yet be assessed, as it has not been transposed in all the Member States, ***calls on the Commission to apply the relevant Treaty provisions to public procurement;***

Or. en

**Amendment 41**  
**Andreas Schwab**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

5. Calls on the Commission, when ***reviewing*** the public procurement directives, to take account of the opinions expressed in this report; expects that ***review*** to be carried out with the full involvement of all stakeholders, ***but warns that it regards a revision of the directives at this juncture as premature; when such a revision is carried out at a later date, however, advocates that it should also encompass the directive on review procedures concerning public contracts, in order to prevent any further fragmentation of public procurement law; takes the view that the practical impact of that directive cannot yet be assessed, as it has not been transposed in all the Member States;***

*Amendment*

5. Calls on the Commission, when ***evaluating*** the public procurement directives, to take account of the opinions expressed in this report; expects that ***any debate on the conclusions from evaluation*** to be carried out with the full involvement of all stakeholders;

Or. en

**Amendment 42**  
**Bernadette Vergnaud**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

5. Calls on the Commission, when reviewing the public procurement directives, to take account of the opinions expressed in this report; expects that review to be carried out with the full involvement of all stakeholders, **but warns that it regards a revision of the directives at this juncture as premature**; when such a revision is carried out at a later date, **however**, advocates that it should also encompass the directive on review procedures concerning public contracts, in order to prevent any further fragmentation of public procurement law; takes the view that the practical impact of that directive cannot yet be assessed, as it has not been transposed in all the Member States;

*Amendment*

5. Calls on the Commission, when reviewing the public procurement directives, to take account of the opinions expressed in this report; expects that review to be carried out with the full involvement of all stakeholders, **and in close collaboration with the European Parliament**, when such a revision is carried out at a later date, advocates that it should also encompass the directive on review procedures concerning public contracts, **and a specific legislative framework for service concessions**, in order to prevent any further fragmentation of public procurement law; **takes the view that a coherent legal framework for public contracts requires a framework directive on services of general economic interest**; takes the view that the practical impact of that directive cannot yet be assessed, as it has not been transposed in all the Member States;

Or. fr

**Amendment 43**  
**Konstantinos Poupakis**

**Motion for a resolution**  
**Paragraph 5 a (new)**

*Motion for a resolution*

**5a. Emphasises the need to encourage SMEs (Small and Medium-sized Enterprises) to take part in public contracts for third country procurements and calls on the Commission to take effective measures that will ensure that**

*Amendment*

*enterprises in the Union enjoy genuine access to third country procurements;*

Or. el

**Amendment 44**  
**Malcolm Harbour**

**Motion for a resolution**  
**Paragraph 5 b (new)**

*Motion for a resolution*

*Amendment*

*5b. Notes of the importance of standards for public procurement in that they can help public procurers meet their targets, allowing them to use tried and tested processes to procure products and services, delivering a more cost-effective tender procedure and ensuring procurement meets other policy objectives, such as sustainability or buying from small businesses;*

Or. en

**Amendment 45**  
**Konstantinos Poupakis**

**Motion for a resolution**  
**Paragraph 5 c (new)**

*Motion for a resolution*

*Amendment*

*5c. calls on the Commission to explore the possibility of using green public contracts as a tool to promote sustainable development;*

Or. el

## Amendment 46

Heide Rühle, Frank Engel, Bernadette Vergnaud, Jürgen Creutzmann, Malcolm Harbour, Kyriacos Triantaphyllides

### Motion for a resolution

#### Paragraph 6 – title

*Motion for a resolution*

*Amendment*

#### *Specific remarks*

#### *Public-public Cooperation*

Or. en

## Amendment 47

Karl-Heinz Florenz

### Motion for a resolution

#### Paragraph 6

*Motion for a resolution*

*Amendment*

6. Points out that the Lisbon Reform Treaty, which came into force on 1 December 2009, incorporates for the first time into European Union primary law an acknowledgement of the right to regional and local self-government (Article 4(2) of the Treaty on European Union); emphasises that *in several judgments* the CJEU has *invoked the right to local self-government and* made it clear that the ‘possibility for public authorities to use their own resources to perform the public-interest tasks conferred on them may be exercised in cooperation with other public authorities’ (judgment in Case C-324/07); draws attention, further, to the judgment of the Grand Chamber of the CJEU of 9 June 2009 in Case C-480/06, which found, further, that Community law does not require public authorities to use any particular legal form in order to carry out jointly their public service tasks; accordingly, regards public-public partnerships, such as cooperation agreements between local authorities and national cooperation, as falling outside the

6. Points out that the Lisbon Reform Treaty, which came into force on 1 December 2009, incorporates for the first time into European Union primary law an acknowledgement of the right to regional and local self-government (Article 4(2) of the Treaty on European Union); emphasises that the CJEU has made it clear that the ‘possibility for public authorities to use their own resources to perform the public-interest tasks conferred on them may be exercised in cooperation with other public authorities’ (judgment in Case C-324/07); draws attention, further, to the judgment of the Grand Chamber of the CJEU of 9 June 2009 in Case C-480/06, which found, further, that Community law does not require public authorities to use any particular legal form in order to carry out jointly their public service tasks; *stresses that the CJEU regards cooperation between public bodies as falling outside the scope of the public procurement directives only under certain conditions, which were fulfilled in each of the situations underlying its judgments;*

scope of the public procurement directives, provided that the following criteria are all met:

accordingly, regards public-public partnerships, such as cooperation agreements between local authorities and national cooperation, as falling outside the scope of the public procurement directives, provided that the following criteria are all met:

Or. de

#### **Amendment 48**

**Heide Rühle, Frank Engel, Bernadette Vergnaud, Jürgen Creutzmann, Malcolm Harbour, Kyriacos Triantaphyllides**

#### **Motion for a resolution Paragraph 6 – indent 1**

##### *Motion for a resolution*

- the purpose of the partnership is the **joint** provision of a public-service task conferred on all local authorities,

##### *Amendment*

- the purpose of the partnership is the provision of a public-service task conferred on all local authorities,

Or. en

#### **Amendment 49**

**Jürgen Creutzmann**

#### **Motion for a resolution Paragraph 6 – indent 1**

##### *Motion for a resolution*

- the purpose of the partnership is the joint provision of a public-service task conferred on all local authorities,

##### *Amendment*

- the purpose of the partnership is the joint provision of a public-service task conferred on all local authorities, **where public-interest objectives are thereby achieved and the performance of the task is actually made possible or significantly improved through the cooperation,**

Or. de

**Amendment 50**  
**Karl-Heinz Florenz**

**Motion for a resolution**  
**Paragraph 6 – indent 1 a (new)**

*Motion for a resolution*

*Amendment*

*– the joint provision of a public-service task conferred on all the relevant parties involves actual cooperation in the sense of an exchange of goods and services,*

Or. de

**Amendment 51**  
**Karl-Heinz Florenz**

**Motion for a resolution**  
**Paragraph 6 – indent 1 b (new)**

*Motion for a resolution*

*Amendment*

*– the exchange of goods and services is made without remuneration,*

Or. de

**Amendment 52**  
**Karl-Heinz Florenz**

**Motion for a resolution**  
**Paragraph 6 – indent 1 c (new)**

*Motion for a resolution*

*Amendment*

*– the cooperation may only pursue objectives in the public interest and the performance of the task by the relevant parties must be actually made possible or significantly improved through the cooperation,*

Or. de

**Amendment 53**  
**Peter Simon**

**Motion for a resolution**  
**Paragraph 6 – indent 3**

*Motion for a resolution*

*Amendment*

***- and the activity involved is essentially performed on behalf of the public authorities concerned;***

***deleted***

Or. en

**Amendment 54**  
**Peter Simon**

**Motion for a resolution**  
**Paragraph 6 – indent 3**

*Motion for a resolution*

*Amendment*

***- and the activity involved is essentially performed on behalf of the public authorities concerned;***

***deleted***

Or. de

**Amendment 55**  
**Jürgen Creutzmann**

**Motion for a resolution**  
**Paragraph 6 – indent 3 a (new)**

*Motion for a resolution*

*Amendment*

***– the services covered by the cooperation are not remunerated; no financial transfers may take place between the public partners and, in particular, no profits may be generated from the cooperation;***

Or. de

**Amendment 56**  
**Zuzana Roithová**

**Motion for a resolution**  
**Paragraph 6 a (new)**

*Motion for a resolution*

*Amendment*

***6a. Calls on the Commission, in the light of the need to increase the efficiency of public procurement and to reinforce public control thereof, and of the objective of effectively combating protectionism and corruption, to carry out (and to make public on a single Internet portal) comparative analyses of the outcomes of public procurement which receives EU financial assistance, focussing in particular on the following indicators:***

***1. publication of the price differences between the price resulting from the competitive tendering procedure and the final price when the work is handed over (provided that the difference is greater than 5% of the winning price), including publication of the highest and lowest prices offered in that competitive tendering procedure,***

***2. publication of comparable work in other Member States (e.g. the cost of building 1 km of motorway in various Member States),***

***3. publication of complete information on the owners of the companies which have been awarded public contracts, and in the case of holding companies such publication also relates to information on the owners of the parent and subsidiary companies,***

***4. publication of information on repeat winners of competitive tendering procedures and the proprietors of those companies;***

Or. cs

**Amendment 57**  
**Heide Rühle**

**Motion for a resolution**  
**Paragraph 6 b (new)**

*Motion for a resolution*

*Amendment*

***6b. Points out that the Commission has clarified that not every action taken by public authorities is subject to procurement law. As long as European law provisions do not require the creation of market in a certain area, it remains up to the Member States to decide whether and to what extent they want to perform public functions themselves;***

Or. en

**Amendment 58**  
**Heide Rühle**

**Motion for a resolution**  
**Paragraph 6 c (new)**

*Motion for a resolution*

*Amendment*

***6c. Points out that the conclusions of the CJEU in that judgment not only apply directly to cooperation between local authorities but are generally valid, with the result that they can be applied to cooperation between other public contracting authorities;***

Or. en

**Amendment 59**  
**Jürgen Creutzmann**

**Motion for a resolution**  
**Paragraph 6 d (new)**

*Motion for a resolution*

*Amendment*

**6d. Points out that the possibility of cooperation between public bodies is limited both geographically and as regards the number of budgets affected by the cooperation;**

Or. de

**Amendment 60  
Karl-Heinz Florenz**

**Motion for a resolution  
Paragraph 6 e (new)**

*Motion for a resolution*

*Amendment*

**6e. Reaffirms that the non-remuneration of the exchange of goods and services is to be interpreted strictly, so that absolutely no financial transfers may take place between the relevant parties; in particular, neither may compensatory payments be made nor may profits be generated; states that cooperation between local authorities falling outside the scope of the public procurement directives must remain limited geographically to neighbouring public bodies and authorities and functionally to the performance of the joint task;**

Or. de

**Amendment 61  
Bernadette Vergnaud**

**Motion for a resolution  
Paragraph 7**

*Motion for a resolution*

*Amendment*

7. Points out that in its judgment of 10 September 2009 in Case C-573/07 the

7. Points out that in its judgment of 10 September 2009 in Case C-573/07 the

CJEU found that the mere possibility of the opening-up of the capital of a previously publicly-owned company to private investors may not be taken into consideration as a factor making competitive tendering a requirement unless there exists, at the time the contract is awarded, a real prospect in the short term of such an opening-up; **notes that the law in this area is now sufficiently clear**; calls on the Commission and the Member States to **provide** information about the legal implications of these judgments and expects that in future no further appeal procedures will be brought in these areas;

CJEU found that the mere possibility of the opening-up of the capital of a previously publicly-owned company to private investors may not be taken into consideration as a factor making competitive tendering a requirement unless there exists, at the time the contract is awarded, a real prospect in the short term of such an opening-up; **welcomes the recent judgments handed down by the Court** in this area; **therefore** calls on the Commission and the Member States to **make widely available** information about the legal implications of these judgments and expects that in future no further appeal procedures will be brought in these areas;

Or. fr

**Amendment 62**  
**Jürgen Creutzmann**

**Motion for a resolution**  
**Paragraph 7**

*Motion for a resolution*

7. Points out that in its judgment of 10 September 2009 in Case C-573/07 the CJEU found that the mere possibility of the opening-up of the capital of a previously publicly-owned company to private investors may not be taken into consideration as a factor making competitive tendering a requirement unless there exists, at the time the contract is awarded, a real prospect in the short term of such an opening-up; **notes that the law in this area is now sufficiently clear**; calls on the Commission and the Member States to provide information about the legal implications of these judgments **and expects that in future no further appeal procedures will be brought in these areas**;

*Amendment*

7. Points out that in its judgment of 10 September 2009 in Case C-573/07 the CJEU found that the mere possibility of the opening-up of the capital of a previously publicly-owned company to private investors may not be taken into consideration as a factor making competitive tendering a requirement unless there exists, at the time the contract is awarded, a real prospect in the short term of such an opening-up; calls on the Commission and the Member States to provide information about the legal implications of these judgments; **further calls on the Commission, in cooperation with the European Parliament and the Member States, to define clear and generally binding criteria governing cooperation between local authorities and in-house operations on the basis of the**

*case-law of the CJEU and to provide information on them in a communication;*

Or. de

**Amendment 63**  
**Karl-Heinz Florenz**

**Motion for a resolution**  
**Paragraph 7**

*Motion for a resolution*

7. Points out that in its judgment of 10 September 2009 in Case C-573/07 the CJEU found that the mere possibility of the opening-up of the capital of a previously publicly-owned company to private investors may not be taken into consideration as a factor making competitive tendering a requirement unless there exists, at the time the contract is awarded, a real prospect in the short term of such an opening-up; notes that the law in this area is now sufficiently clear; calls on the Commission and the Member States to provide information about the legal implications of these judgments and expects that in future no further appeal procedures will be brought in these areas;

*Amendment*

7. Points out that in its judgment of 10 September 2009 in Case C-573/07 the CJEU found that the mere possibility of the opening-up of the capital of a previously publicly-owned company to private investors may not be taken into consideration as a factor making competitive tendering a requirement unless there exists, at the time the contract is awarded, a real prospect in the short term of such an opening-up; notes that the law in this area is now sufficiently clear; calls on the Commission and the Member States to provide information about the legal implications of these judgments and expects that in future no further appeal procedures will be brought in these areas; ***further points out that in its judgment the CJEU also found that the admission of a capital contribution during the term of a contract awarded without a formal procurement procedure would constitute an alteration of the fundamental conditions of the contract and would require the contract to be put out for competitive tender; states that the case-law in this area now provides sufficient indications for binding criteria governing cooperation between local authorities falling outside the scope of the public procurement directives and in-house operations; calls on the Commission, in cooperation with the Member States and the European Parliament, to define clear***

*and generally binding criteria governing cooperation between local authorities falling outside the scope of the public procurement directives and in-house operations on the basis of the case-law of the CJEU and to provide information on them in a communication;*

Or. de

**Amendment 64**

**Róza Gräfin Von Thun Und Hohenstein, Andreas Schwab**

**Motion for a resolution**

**Paragraph 7**

*Motion for a resolution*

7. Points out that in its judgment of 10 September 2009 in Case C-573/07 the CJEU found that the mere possibility of the opening-up of the capital of a previously publicly-owned company to private investors may not be taken into consideration as a factor making competitive tendering a requirement unless there exists, at the time the contract is awarded, a real prospect in the short term of such an opening-up; notes that the *law* in *this* area *is now sufficiently clear*; calls on the Commission and the Member States to provide information about the legal implications of these judgments *and expects that in future no further appeal procedures will be brought in these areas*;

*Amendment*

7. Points out that in its judgment of 10 September 2009 in Case C-573/07 the CJEU found that the mere possibility of the opening-up of the capital of a previously publicly-owned company to private investors may not be taken into consideration as a factor making competitive tendering a requirement unless there exists, at the time the contract is awarded, a real prospect in the short term of such an opening-up; notes that the *rules* in *the area of public-public co-operation have been subject to important developments due to the jurisprudence of the CJEU*; *and therefore* calls on the Commission and the Member States to provide information about the legal implications of these judgments;

Or. en

**Amendment 65**

**Malcolm Harbour**

**Motion for a resolution**

**Paragraph 7**

*Motion for a resolution*

7. Points out that in its judgment of 10 September 2009 in Case C-573/07 the CJEU found that the mere possibility of the opening-up of the capital of a previously publicly-owned company to private investors may not be taken into consideration as a factor making competitive tendering a requirement unless ***there exists, at the time the contract is awarded, a real prospect in the short term of such an opening-up***; notes that the ***law in this area is now sufficiently clear***; calls on the Commission and the Member States to provide information about the legal implications of these judgments ***and expects that in future no further appeal procedures will be brought in these areas***;

*Amendment*

7. Points out that in its judgment of 10 September 2009 in Case C-573/07 the CJEU found that the mere possibility of the opening-up of the capital of a previously publicly-owned company to private investors may not be taken into consideration as a factor making competitive tendering a requirement unless the ***character of the public capital company changes during the period for which the contract was valid, thereby altering the fundamental condition of the contract and requiring a new competitive tender***; notes that the ***rules in the area of public-public cooperation have been subject to important developments due to the jurisprudence of the CJEU***; and ***therefore*** calls on the Commission and the Member States to provide information about the legal implications of these judgments;

Or. en

**Amendment 66**

**Heide Rühle, Frank Engel, Bernadette Vergnaud, Jürgen Creutzmann, Malcolm Harbour, Kyriacos Triantaphyllides**

**Motion for a resolution**

**Paragraph 8 – title (new)**

*Motion for a resolution*

*Amendment*

***Service Concessions***

Or. en

**Amendment 67**

**Frank Engel**

**Motion for a resolution**

**Paragraph 9**

*Motion for a resolution*

9. Notes the Commission Communication of 19 November 2009 on the development of public-private partnerships and awaits the relevant impact assessment with great interest; emphasises that due account must be taken of both the complexity of the procedures and the differences in legal culture and practice between the Member States with regard to *service concessions, and doubts, therefore, whether a proposal for a legal act dealing with service concessions would have any added value*; takes the view that with the 2004 public procurement directives and the supplementary case-law of the CJEU the process of defining the term ‘service concession’ and establishing the legal framework governing such concessions has been completed;

*Amendment*

9. Notes the Commission Communication of 19 November 2009 on the development of public-private partnerships and awaits the relevant impact assessment with great interest; emphasises that due account must be taken of both the complexity of the procedures and the differences in legal culture and practice between the Member States with regard to service concessions; takes the view that with the 2004 public procurement directives and the supplementary case-law of the CJEU the process of defining the term ‘service concession’ and establishing the legal framework governing such concessions has been completed;

Or. en

**Amendment 68**

**Róza Gräfin Von Thun Und Hohenstein, Andreas Schwab**

**Motion for a resolution**

**Paragraph 9**

*Motion for a resolution*

9. Notes the Commission Communication of 19 November 2009 on the development of public-private partnerships and awaits the relevant impact assessment with great interest; emphasises that due account must be taken of both the complexity of the procedures and the differences in legal culture and practice between the Member States with regard to service concessions, and *doubts, therefore, whether a proposal for a legal act dealing with service concessions would have any added value*; takes the view that with the 2004 public procurement directives and the

*Amendment*

9. Notes the Commission Communication of 19 November 2009 on the development of public-private partnerships and awaits the relevant impact assessment with great interest; emphasises that due account must be taken of both the complexity of the procedures and the differences in legal culture and practice between the Member States with regard to service concessions, and *calls on the Commission to duly take them into account only if the evaluation process proves that a legal definition is needed*; takes the view that with the 2004 public procurement directives and the

supplementary case-law of the CJEU the process of defining the term ‘service concession’ *and establishing the legal framework governing such concessions has been completed;*

supplementary case-law of the CJEU the process of defining the term ‘service concession’ *evolved, however further clarification would be helpful;*

Or. en

**Amendment 69**  
**Anja Weisgerber**

**Motion for a resolution**  
**Paragraph 9**

*Motion for a resolution*

9. Notes the Commission Communication of 19 November 2009 on the development of public-private partnerships and awaits the relevant impact assessment with great interest; emphasises that due account must be taken of both the complexity of the procedures and the differences in legal culture and practice between the Member States with regard to service concessions, and doubts, therefore, whether a proposal for a legal act dealing with service concessions would have any added value; takes the view that with the 2004 public procurement directives and the supplementary case-law of the CJEU the process of defining the term ‘service concession’ and establishing the legal framework governing such concessions has been completed;

*Amendment*

9. Notes the Commission Communication of 19 November 2009 on the development of public-private partnerships and awaits the relevant impact assessment with great interest; emphasises that due account must be taken of both the complexity of the procedures and the differences in legal culture and practice between the Member States with regard to service concessions, and doubts, therefore, *very strongly* whether a proposal for a legal act dealing with service concessions would have any added value; takes the view that with the 2004 public procurement directives and the supplementary case-law of the CJEU the process of defining the term ‘service concession’ and establishing the legal framework governing such concessions has been completed *and there is no legislative need for a European directive on service concessions;*

Or. de

**Amendment 70**  
**Malcolm Harbour**

**Motion for a resolution**  
**Paragraph 9**

*Motion for a resolution*

9. Notes the Commission Communication of 19 November 2009 on the development of public-private partnerships and awaits the relevant impact assessment with great interest; emphasises that due account must be taken of both the complexity of the procedures and the differences in legal culture and practice between the Member States with regard to service concessions, and doubts, therefore, whether a proposal for a legal act dealing with service concessions would have any added value; ***takes the view that with the 2004 public procurement directives and the supplementary case-law of the CJEU the process of defining the term ‘service concession’ and establishing the legal framework governing such concessions has been completed;***

*Amendment*

9. Notes the Commission Communication of 19 November 2009 on the development of public-private partnerships and awaits the relevant impact assessment with great interest; emphasises that due account must be taken of both the complexity of the procedures and the differences in legal culture and practice between the Member States with regard to service concessions, and doubts, therefore, whether a proposal for a legal act dealing with service concessions would have any added value;

Or. en

**Amendment 71**

**Kyriacos Triantaphyllides, Cornelis De Jong**

**Motion for a resolution**

**Paragraph 9**

*Motion for a resolution*

9. Notes the Commission Communication of 19 November 2009 on the development of public-private partnerships and awaits the relevant impact assessment with great interest; emphasises that due account must be taken of both the complexity of the procedures and the differences in legal culture and practice between the Member States with regard to service concessions, and doubts, therefore, whether a proposal for a legal act dealing with service concessions would have any added value; takes the view that with the 2004 public procurement directives and the

*Amendment*

9. Notes the Commission Communication of 19 November 2009 on the development of public-private partnerships and awaits the relevant impact assessment with great interest; ***expects the Commission to draw lessons from the failing PPPs;*** emphasises that due account must be taken of both the complexity of the procedures and the differences in legal culture and practice between the Member States with regard to service concessions, and doubts, therefore, whether a proposal for a legal act dealing with service concessions would have any added value; takes the view that with the

supplementary case-law of the CJEU the process of defining the term ‘service concession’ and establishing the legal framework governing such concessions has been completed;

2004 public procurement directives and the supplementary case-law of the CJEU the process of defining the term ‘service concession’ and establishing the legal framework governing such concessions has been completed;

Or. en

**Amendment 72**  
**Jürgen Creutzmann**

**Motion for a resolution**  
**Paragraph 9**

*Motion for a resolution*

9. Notes the Commission Communication of 19 November 2009 on the development of public-private partnerships and awaits the relevant impact assessment with great interest; emphasises that due account must be taken of both the complexity of the procedures and the differences in legal culture and practice between the Member States with regard to service concessions, and doubts, therefore, whether a proposal for a legal act dealing with service concessions would have any added value; takes the view that with the 2004 public procurement directives and the supplementary case-law of the CJEU the process of defining the term ‘service concession’ and establishing the legal framework governing such concessions has been completed;

*Amendment*

9. Notes the Commission Communication of 19 November 2009 on the development of public-private partnerships and awaits the relevant impact assessment with great interest; emphasises that due account must be taken of both the complexity of the procedures and the differences in legal culture and practice between the Member States with regard to service concessions, and doubts, therefore, whether a proposal for a legal act dealing with service concessions would have any added value; takes the view that with the 2004 public procurement directives and the supplementary case-law of the CJEU the process of defining the term ‘service concession’ and establishing the legal framework governing such concessions has been completed; ***it would be desirable, however, to develop rules on the publication of invitations to tender for service concessions;***

Or. de

**Amendment 73**  
**Bernadette Vergnaud**

**Motion for a resolution**  
**Paragraph 9**

*Motion for a resolution*

Notes the Commission Communication of 19 November 2009 on the development of public-private partnerships and awaits the relevant impact assessment with great interest; emphasises that due account must be taken of both the complexity of the procedures and the differences in legal culture and practice between the Member States with regard to service concessions, and ***doubts, therefore, whether a proposal for a legal act dealing with service concessions would have any added value; takes the view that with the 2004 public procurement directives and the supplementary case-law of the CJEU the process of defining the term ‘service concession’ and establishing the legal framework governing such concessions has been completed;***

*Amendment*

9. Notes the Commission Communication of 19 November 2009 on the development of public-private partnerships and awaits the relevant impact assessment with great interest; emphasises that due account must be taken of both the complexity of the procedures and the differences in legal culture and practice between the Member States with regard to service concessions, and ***takes the view that, when the public procurement directives are revised in future, service concessions should be the subject of specific legislation based on their definition and their status as laid down in the 2004 public procurement directives and supplemented by the case-law of the CJEU;***

Or. fr

**Amendment 74**  
**Catherine Stihler, Claude Moraes**

**Motion for a resolution**  
**Paragraph 9**

*Motion for a resolution*

9. Notes the Commission Communication of 19 November 2009 on the development of public-private partnerships and awaits the relevant impact assessment with great interest; emphasises that due account must be taken of both the complexity of the procedures and the differences in legal culture and practice between the Member States with regard to service concessions,

*Amendment*

9. Notes the Commission Communication of 19 November 2009 on the development of public-private partnerships and awaits the relevant impact assessment with great interest; ***expects the Commission to draw lessons from failing PPPs;*** emphasises that due account must be taken of both the complexity of the procedures and the differences in legal culture and practice

and doubts, therefore, whether a proposal for a legal act dealing with service concessions would have any added value; takes the view that with the 2004 public procurement directives and the supplementary case-law of the CJEU the process of defining the term ‘service concession’ and establishing the legal framework governing such concessions has been completed;

between the Member States with regard to service concessions, and doubts, therefore, whether a proposal for a legal act dealing with service concessions would have any added value; takes the view that with the 2004 public procurement directives and the supplementary case-law of the CJEU the process of defining the term ‘service concession’ and establishing the legal framework governing such concessions has been completed;

Or. en

**Amendment 75**  
**Catherine Stihler, Claude Moraes**

**Motion for a resolution**  
**Paragraph 9 a (new)**

*Motion for a resolution*

*Amendment*

***9a. Is of the view that public contracts concern public funds and that therefore public contracts should be transparent and open for public scrutiny; asks the Commission to clarify this so local and other public authorities have certainty that they can inform their citizens of the contractual obligations entered into;***

Or. en

**Amendment 76**  
**Konstantinos Poupakis**

**Motion for a resolution**  
**Paragraph 9 b (new)**

*Motion for a resolution*

*Amendment*

***9b. Stresses that the award of public contracts must be done under conditions of transparency and equal treatment of all interested parties with the relationship of price to performance of the project as the***

*ultimate criterion, so as to take into account the best tender and not solely and exclusively the lowest financial tender;*

Or. el

**Amendment 77**

**Heide Rühle, Frank Engel, Bernadette Vergnaud, Jürgen Creutzmann, Malcolm Harbour, Kyriacos Triantaphyllides**

**Motion for a resolution**

**Paragraph 10 – title (new)**

*Motion for a resolution*

*Amendment*

***Public-Private Partnership***

Or. en

**Amendment 78**

**Heide Rühle, Frank Engel, Bernadette Vergnaud, Malcolm Harbour, Jürgen Creutzmann, Kyriacos Triantaphyllides**

**Motion for a resolution**

**Paragraph 10 – indent 1**

*Motion for a resolution*

*Amendment*

- the private participant must be selected by means of a **public** procedure, following a review of the financial, technical, operational and administrative requirements and the characteristics of the tender in the light of the particular service to be provided;

- the private participant must be selected by means of a **transparent** procedure, **with publication in advance of the contract** following a review of the financial, technical, operational and administrative requirements and the characteristics of the tender in the light of the particular service to be provided;

Or. en

**Amendment 79**

**Frank Engel**

**Motion for a resolution**

**Paragraph 10 a (new)**

*Motion for a resolution*

*Amendment*

***10a. Insists that any proposal for a legal act dealing with service concessions would only be justified with a view to remedying distortions in the functioning of the internal market; that such distortions have not been identified hitherto, and that therefore, a legal act on service concessions is unnecessary as long as it is not geared at an identifiable improvement in the functioning of the internal market;***

Or. en

**Amendment 80  
Bernadette Vergnaud**

**Motion for a resolution  
Paragraph 10 b (new)**

*Motion for a resolution*

*Amendment*

***10b. Invites the Commission, having regard to its communication of 19 November 2009, to advocate a more nuanced approach to the use of public-private partnerships, also taking into account the difficulties sometimes encountered; takes the view, however, that public-private partnerships can provide a solution in particular in the case of major infrastructure works, provided the balance is respected between cost and the quality of the service provided for users, on the one hand, and annuity profits awarded to undertakings, on the other; invites the Community to conduct a study of the real long-term economic benefit to public authorities and States of such partnerships in the different relevant sectors;***

Or. fr

**Amendment 81**  
**Heide Rühle**

**Motion for a resolution**  
**Paragraph 10 c (new)**

*Motion for a resolution*

*Amendment*

***10c. Emphasizes however that the recent financial crises has shed new light on the ways public-private partnerships are often financed and the financial risks are shared; asks the Commission to properly evaluate the financial risks involved with the creation of PPPs;***

Or. en

**Amendment 82**  
**Heide Rühle, Frank Engel, Bernadette Vergnaud, Jürgen Creutzmann, Malcolm Harbour, Kyriacos Triantaphyllides**

**Motion for a resolution**  
**Paragraph 11 – title (new)**

*Motion for a resolution*

*Amendment*

***Town Planning/Urban Development***

Or. en

**Amendment 83**  
**Heide Rühle, Frank Engel, Bernadette Vergnaud, Jürgen Creutzmann, Malcolm Harbour, Kyriacos Triantaphyllides**

**Motion for a resolution**  
**Paragraph 11**

*Motion for a resolution*

*Amendment*

11. Looks forward with great interest to the CJEU judgment in Case C-451/08 and hopes that it will clarify the issues still under dispute in the area of town planning; ***endorses the opinion delivered by the Advocate-General of the CJEU in this***

11. Looks forward with great interest to the CJEU judgment in Case C-451/08 and hopes that it will clarify the issues still under dispute in the area of town planning; ***takes the view*** that the broad and ambitious aims of the directive must be borne in mind

*case on 17 November 2009 to the effect* that ‘the broad and ambitious aims of the directive must be borne in mind when interpreting the Directive but it should not be assumed that, by appealing to the purpose of the measure, its scope can be extended indefinitely’ (*point 35*); otherwise there would be a danger that ‘all town planning activities would be subject to the Directive since, by definition, provisions on the possible execution of building works substantially alter the value of the land in question’ (*point 36*);

when interpreting the Directive but it should not be assumed that, by appealing to the purpose of the measure, its scope can be extended indefinitely; otherwise there would be a danger that all town planning activities would be subject to the Directive since, by definition, provisions on the possible execution of building works substantially alter the value of the land in question;

Or. en

**Amendment 84**  
**Anja Weisgerber**

**Motion for a resolution**  
**Paragraph 11**

*Motion for a resolution*

11. Looks forward with great interest to the CJEU judgment in Case C-451/08 and hopes that it will clarify the issues still under dispute in the area of town planning; endorses the opinion delivered by the Advocate-General of the CJEU in this case on 17 November 2009 to the effect that ‘the broad and ambitious aims of the directive must be borne in mind when interpreting the Directive but it should not be assumed that, by appealing to the purpose of the measure, its scope can be extended indefinitely’ (point 35); otherwise there would be a danger that ‘all town planning activities would be subject to the Directive since, by definition, provisions on the possible execution of building works substantially alter the value of the land in question’ (point 36)

*Amendment*

11. Looks forward with great interest to the CJEU judgment in Case C-451/08 and hopes that it will clarify the issues still under dispute in the area of town planning; ***takes the view that in the last few years procurement law has permeated areas which are not inherently to be classified under public purchasing and therefore suggests that the criterion of purchasing is emphasised more strongly again in the application of the rules of procurement law***; endorses the opinion delivered by the Advocate-General of the CJEU in this case on 17 November 2009 to the effect that ‘the broad and ambitious aims of the directive must be borne in mind when interpreting the Directive but it should not be assumed that, by appealing to the purpose of the measure, its scope can be extended indefinitely’ (point 35); otherwise there would be a danger that ‘all town planning activities would be subject to the Directive since, by definition, provisions on the possible execution of building

works substantially alter the value of the land in question' (point 36)

Or. de

**Amendment 85**

**Heide Rühle, Frank Engel, Bernadette Vergnaud, Jürgen Creutzmann, Malcolm Harbour, Kyriacos Triantaphyllides**

**Motion for a resolution**

**Paragraph 12 – title (new)**

*Motion for a resolution*

*Amendment*

***Procurement below the threshold***

Or. en

**Amendment 86**

**Heide Rühle, Frank Engel, Bernadette Vergnaud, Jürgen Creutzmann, Malcolm Harbour, Kyriacos Triantaphyllides**

**Motion for a resolution**

**Paragraph 12**

*Motion for a resolution*

*Amendment*

12. Points out that it is a party to the action brought before the CJEU against the Commission interpretative communication of 1 August 2006 on the Community law applicable to contract awards not or not fully subject to the provisions of the Public Procurement Directives and expects a prompt ruling;

12. Points out that ***the European Parliament*** it is a party to the action ***Germany v Commission*** brought before the CJEU against the Commission interpretative communication of 1 August 2006 on the Community law applicable to contract awards not or not fully subject to the provisions of the Public Procurement Directives and expects a prompt ruling;

Or. en

**Amendment 87**

**Heide Rühle, Frank Engel, Bernadette Vergnaud, Jürgen Creutzmann, Malcolm Harbour, Kyriacos Triantaphyllides**

**Motion for a resolution**

**Paragraph 12 a (new)**

*Motion for a resolution*

*Amendment*

***Micro, small and medium-sized enterprises***

***12a. Asks the Commission to evaluate the impact of the public procurement directives on micro, small and medium-sized enterprises especially in their role as sub-contractor and to assess for a future review of the directives if we need further rules for the award of sub-contracts to avoid specifically that SMEs as subcontractors get worse conditions than the main contractor of the public contract;***

Or. en

**Amendment 88**  
**Cornelis De Jong, Kyriacos Triantaphyllides**

**Motion for a resolution**  
**Paragraph 12 b (new)**

*Motion for a resolution*

*Amendment*

***12b. Calls upon the Commission to be more flexible when dealing with the requirement laid down in Directive 2004/18/EC, Art. 9 Section 3, which states that "no works project or proposed purchase of a certain quantity of supplies and / or services may be subdivided to prevent its coming within the scope of the Directive", in order to make it possible for SMEs to participate in all public procurement;***

Or. en

**Amendment 89**  
**Cornelis De Jong, Kyriacos Triantaphyllides**

**Motion for a resolution**  
**Paragraph 12 c (new)**

*Motion for a resolution*

*Amendment*

***12c. Calls upon the Commission to simplify the procedures for public procurement in order to relieve both local governments as well as companies, from spending a large amount of time and money only on bureaucratic matters. Emphasises that by making the procedures easier, SMEs will have better access and will be able to participate in a more equal and fair way;***

Or. en

**Amendment 90**

**Kyriacos Triantaphyllides, Cornelis De Jong**

**Motion for a resolution**

**Paragraph 12 d (new)**

*Motion for a resolution*

*Amendment*

***12d. Considers that sub-contracting is a form of organization of labour suited to the specialized aspects of the execution of works; emphasises that sub-contracting contracts must respect all the obligations imposed on the main contractors, especially as regards labour law and safety. With this end in view it would be advisable to establish a linked responsibility between contractor and sub-contractor;***

Or. en

**Amendment 91**

**Andreas Schwab**

**Motion for a resolution**

**Paragraph 12 e (new)**

*Motion for a resolution*

*Amendment*

***12e. Supports the systematic admission of alternative bids (or variants); points out that tender conditions, in particular the admission of alternative bids, are crucial for promoting and disseminating innovative solutions; stresses that specifications referring to performance and functional requirements and the express admission of variants give tenderers the opportunity to propose innovative solutions;***

Or. en

**Amendment 92  
Robert Rochefort**

**Motion for a resolution  
Paragraph 12 f (new)**

*Motion for a resolution*

*Amendment*

***12f. Encourages the Member States to create a single Web access portal for all information relating to public contracts, as an upstream network for all calls for tenders; the aim will be to provide training and information, to direct undertakings towards contracts and to explain the applicable legislation, in particular for SMEs (which do not generally have a great deal of human and administrative resources with expertise in procurement-related terminology and procedures); specialist helpdesks could also assist them in evaluating whether they genuinely fulfil the conditions of the tender, and if so to complete their dossiers in response;***

Or. fr

**Amendment 93**

**Heide Rühle, Frank Engel, Bernadette Vergnaud, Jürgen Creutzmann, Malcolm Harbour, Kyriacos Triantaphyllides**

**Motion for a resolution**

**Paragraph 13 – title (new)**

*Motion for a resolution*

*Amendment*

***Green Procurement***

Or. en

**Amendment 94**

**Heide Rühle, Frank Engel, Bernadette Vergnaud, Jürgen Creutzmann, Malcolm Harbour, Kyriacos Triantaphyllides**

**Motion for a resolution**

**Paragraph 13**

*Motion for a resolution*

*Amendment*

13. Draws attention to the great importance of public procurement for climate protection, energy efficiency, *the environment* and innovation and reiterates that public authorities should be encouraged and put in a position to base public procurement on ecological, social and other criteria; welcomes the practical assistance given to public authorities and other public bodies in connection with sustainable procurement *and urges the Commission and the Member States to organise training courses and campaigns to raise awareness of this issue; supports the idea of a transparent process, involving the Member States, to develop the relevant criteria further; points out that in the area of social criteria in particular such a process offers good prospects for improvements;*

13. Draws attention to the great importance of public procurement for climate *and environmental* protection, energy efficiency and innovation and reiterates that public authorities should be encouraged and put in a position to base public procurement on ecological, social and other criteria; welcomes the practical assistance given to public authorities and other public bodies in connection with sustainable procurement;

Or. en

**Amendment 95**  
**Jürgen Creutzmann**

**Motion for a resolution**  
**Paragraph 13**

*Motion for a resolution*

13. Draws attention to the great importance of public procurement for climate protection, energy efficiency, the environment and innovation and reiterates that public authorities should be encouraged and put in a position to base public procurement on ecological, **social** and other criteria; welcomes the practical assistance given to public authorities and other public bodies in connection with sustainable procurement **and urges the Commission and the Member States to organise training courses and campaigns to raise awareness of this issue; supports the idea of a transparent process, involving the Member States, to develop the relevant criteria further; points out that in the area of social criteria in particular such a process offers good prospects for improvements;**

*Amendment*

13. Draws attention to the great importance of public procurement for climate protection, energy efficiency, the environment and innovation and reiterates that public authorities should be encouraged and put in a position to base public procurement on ecological and other criteria; welcomes the practical assistance given to public authorities and other public bodies in connection with sustainable procurement;

Or. de

**Amendment 96**  
**Anja Weisgerber**

**Motion for a resolution**  
**Paragraph 13**

*Motion for a resolution*

13. Draws attention to the great importance of public procurement for climate protection, energy efficiency, the environment and innovation and **reiterates** that public authorities **should be encouraged and put in a position to** base public procurement on ecological, social and other criteria; **welcomes the** practical

*Amendment*

13. Draws attention to the great importance of public procurement for climate protection, energy efficiency, the environment and innovation and **calls on the Commission to make clear** that public authorities **may** base public procurement on ecological **criteria such as sustainable management**, social **criteria such as the**

assistance given to public authorities and other public bodies in connection with sustainable procurement and urges the Commission and the Member States to organise training courses and campaigns to raise awareness of this issue; supports the idea of a transparent process, involving the Member States, to develop the relevant criteria further; points out that in the area of social criteria in particular such a process offers good prospects for improvements;

*payment of relevant standard wages* and other criteria; *calls on the Commission to devise guidelines or other* practical assistance given to public authorities and other public bodies in connection with sustainable procurement and urges the Commission and the Member States to organise training courses and campaigns to raise awareness of this issue; supports the idea of a transparent process, involving the Member States, to develop the relevant criteria further; points out that in the area of social criteria in particular such a process offers good prospects for improvements;

Or. de

**Amendment 97**  
**Catherine Stihler, Claude Moraes**

**Motion for a resolution**  
**Paragraph 13**

*Motion for a resolution*

13. Draws attention to the great importance of public procurement for climate protection, energy efficiency, the environment and innovation and reiterates that public authorities should be encouraged and put in a position to base public procurement on ecological, social and other criteria; welcomes the practical assistance given to public authorities and other public bodies in connection with sustainable procurement and urges the Commission and the Member States to **organise** training courses and campaigns to raise awareness of this issue; supports the idea of a transparent process, involving the Member States, to develop the relevant criteria further; points out that in the area of social criteria in particular such a process offers good prospects for improvements;

*Amendment*

13. Draws attention to the great importance of public procurement for climate protection, energy efficiency, the environment and innovation and reiterates that public authorities should be encouraged and put in a position to base public procurement on ecological, social and other criteria; **regrets that the Commission has still not published a Guide on Socially Responsible Public Procurement**; welcomes the practical assistance given to public authorities and other public bodies in connection with sustainable procurement and urges the Commission and the Member States to **develop objectives and targets for the integration of social criteria in public contracts, reinforced by** training courses and campaigns to raise awareness of this issue; supports the idea of a transparent process, involving the Member States, to

develop the relevant criteria further; points out that in the area of social criteria in particular such a process offers good prospects for improvements;

Or. en

**Amendment 98**  
**Karl-Heinz Florenz**

**Motion for a resolution**  
**Paragraph 13**

*Motion for a resolution*

13. Draws attention to the great importance of public procurement for climate protection, energy efficiency, the environment and innovation and reiterates that public authorities should be encouraged and put in a position to base public procurement on ecological, social and other criteria; welcomes the practical assistance given to public authorities and other public bodies in connection with sustainable procurement and urges the Commission and the Member States to organise training courses and campaigns to raise awareness of this issue; supports the idea of a transparent process, involving the Member States, to develop the relevant criteria further; points out that in the area of social criteria in particular *such a process offers good prospects for improvements*;

*Amendment*

13. Draws attention to the great importance of public procurement for climate protection, energy efficiency, the environment and innovation and reiterates that public authorities should be encouraged and put in a position to base public procurement on ecological, social and other criteria; welcomes the practical assistance given to public authorities and other public bodies in connection with sustainable procurement and urges the Commission and the Member States to organise training courses and campaigns to raise awareness of this issue; supports the idea of a transparent process, involving the Member States *and stakeholders*, to develop the relevant criteria further; points out that in the area of social criteria in particular *it is necessary to involve stakeholders and above all the relevant economic sectors, in order to ensure that the solution is practicable*;

Or. de

**Amendment 99**  
**Evelyne Gebhardt**

**Motion for a resolution**  
**Paragraph 13**

*Motion for a resolution*

13. Draws attention to the great importance of public procurement for climate protection, energy efficiency, the environment and innovation and reiterates that public authorities should be encouraged and put in a position to base public procurement on ecological, social and other criteria; welcomes the practical assistance given to public authorities and other public bodies in connection with sustainable procurement and urges the Commission and the Member States to organise training courses and campaigns to raise awareness of this issue; supports the idea of a transparent process, involving the Member States, to develop the relevant criteria further; points out that in the area of social criteria in particular such a process offers good prospects for improvements;

*Amendment*

13. Draws attention to the great importance of public procurement for climate protection, energy efficiency, the environment and innovation and reiterates that public authorities should be encouraged and put in a position to base public procurement on ecological, social and other criteria; ***regrets that the Commission has still not published a guide on a socially responsible and environmentally-oriented application of public procurement***; welcomes the practical assistance given to public authorities and other public bodies in connection with sustainable procurement and urges the Commission and the Member States ***to develop objectives and strategies for the introduction of social criteria in public procurement and, to that end***, to organise training courses and campaigns to raise awareness of this issue; supports the idea of a transparent process, involving the Member States, to develop the relevant criteria further; points out that in the area of social criteria in particular such a process offers good prospects for improvements;

Or. de

**Amendment 100**

**Kyriacos Triantaphyllides, Cornelis De Jong**

**Motion for a resolution**

**Paragraph 13**

*Motion for a resolution*

13. Draws attention to the great importance of public procurement for climate protection, energy efficiency, the environment and innovation and reiterates that public authorities should be encouraged and put in a position to base

*Amendment*

13. Draws attention to the great importance of public procurement for climate protection, energy efficiency, the environment and innovation and reiterates that public authorities should be encouraged and put in a position to base

public procurement on ecological, social and other criteria; welcomes the practical assistance given to public authorities and other public bodies in connection with sustainable procurement and urges the Commission and the Member States to organise training courses and campaigns to raise awareness of this issue; supports the idea of a transparent process, involving the Member States, to develop the relevant criteria further; points out that in the area of social criteria in particular such a process offers good prospects for improvements;

public procurement on ecological, social and other criteria; **regrets that the Commission has still not published a Guide on Social Responsible Public Procurement**; welcomes the practical assistance given to public authorities and other public bodies in connection with sustainable procurement and urges the Commission and the Member States to organise training courses and campaigns to raise awareness of this issue; supports the idea of a transparent process, involving the Member States, to develop the relevant criteria further; points out that in the area of social criteria in particular such a process offers good prospects for improvements;

Or. en

**Amendment 101**  
**Rareş-Lucian Niculescu**

**Motion for a resolution**  
**Paragraph 13**

*Motion for a resolution*

13. Draws attention to the great importance of public procurement for climate protection, energy efficiency, the environment and innovation and reiterates that public authorities should be encouraged and put in a position to base public procurement on ecological, social and other criteria; welcomes the practical assistance given to public authorities and other public bodies in connection with sustainable procurement and urges the Commission and the Member States to organise training courses and campaigns to raise awareness of this issue; supports the idea of a transparent process, involving the Member States, to develop the relevant criteria further; points out that in the area of social criteria in particular such a process offers good prospects for

*Amendment*

13. Draws attention to the great importance of public procurement for climate protection, energy efficiency, the environment and innovation, **and stimulating competition**, and reiterates that public authorities should be encouraged and put in a position to base public procurement on ecological, social and other criteria; welcomes the practical assistance given to public authorities and other public bodies in connection with sustainable procurement and urges the Commission and the Member States to organise **frequent** training courses and campaigns to raise awareness of this issue; supports the idea of a transparent process, involving the Member States **and local authorities**, to develop the relevant criteria further; points out that in the area of social

improvements;

criteria in particular such a process offers good prospects for improvements;

Or. ro

**Amendment 102**  
**Konstantinos Poupakis**

**Motion for a resolution**  
**Paragraph 13**

*Motion for a resolution*

13. Draws attention to the great importance of public procurement for climate protection, energy efficiency, the environment and innovation and reiterates that public authorities should *be encouraged and put in a position* to base public procurement *on ecological, social and other criteria*; welcomes the practical assistance given to public authorities and other public bodies in connection with sustainable procurement and urges the Commission and the Member States to organise training courses and campaigns to raise awareness of this issue; supports the idea of a transparent process, involving the Member States, to develop the relevant criteria further; points out that in the area of social criteria in particular such a process offers good prospects for improvements;

*Amendment*

13. draws attention to the great importance of public procurement for climate protection, energy efficiency, the environment and innovation and reiterates that public authorities *should place special emphasis on taking into account environmental and social criteria* during the award of public contracts; welcomes the practical assistance given to public authorities and other public bodies in connection with sustainable procurement and urges the Commission and the Member States to organise training courses and campaigns to raise awareness of this issue; supports the idea of a transparent process, involving the Member States, to develop the relevant criteria further; points out that in the area of social criteria in particular such a process offers good prospects for improvements;

Or. el

**Amendment 103**  
**Kyriacos Triantaphyllides**

**Motion for a resolution**  
**Paragraph 13 a (new)**

*Motion for a resolution*

*Amendment*

*13a. Emphasises that the Commission should actively support Member States to*

*integrate social criteria into public procurement, taking as a starting point the ILO Convention criteria, particularly Conventions 87 and 98 on the right to join trade unions and the right to conclude collective agreements, 29 and 105 for condemning the forced labour, 100 and 111 on equal pay for equal work and condemnation of discrimination, 138 on child labour and 94 on social criteria in procurement;*

Or. en

**Amendment 104**  
**Cornelis De Jong, Kyriacos Triantaphyllides**

**Motion for a resolution**  
**Paragraph 13 b (new)**

*Motion for a resolution*

*Amendment*

***13b. Emphasises that the Commission should actively support Member States to integrate social criteria into public procurement, and that key social considerations for public procurement include:***

- Gender equality, as called for in Communication from the Commission (COM (2007) 424) on tackling the pay gap between men and women,***
- Social cohesion, in particular the integration of respect for fundamental rights as recognised in the core ILO conventions,***
- Equitable wages, in accordance with the Commission's Opinion on equitable wages (COM (93) 388) and ILO's decent work agenda,***
- Respect for collective agreements, as stated in ILO Convention 94, article 2, section 1(a);***

Or. en

**Amendment 105**  
**Cornelis De Jong, Kyriacos Triantaphyllides**

**Motion for a resolution**  
**Paragraph 14**

*Motion for a resolution*

14. ***Calls** for the development of a database so that **the** criteria on which the various labels are based can be used for public **procurement** purposes; **calls on** the **Commission to put forward initiatives at European and international level with a view to the gradual harmonisation of labels and the criteria on which they are based; expects** the Member States to **be fully involved in this process; draws attention, at the same time, to the negative impact which a market fragmented by the existence of so many regional, national, European and international labels has on innovation and research;***

*Amendment*

14. ***Emphasises that it would greatly facilitate the transparency of public procurement procedures if governments used the same sustainable criteria as are used for various labels; and therefore calls for** the development of a database so that criteria on which the various **sustainability assurance schemes or** labels are based can be used for public **procurement** purposes **and so that public authorities can verify the compliance** with the criteria **demande**d. **Urges** the **Commission and the Member States to organise training courses and awareness raising campaigns for local authorities and political decision-makers and to include other stakeholders, particular social NGOs providing social services;***

Or. en

**Amendment 106**  
**Heide Rühle**

**Motion for a resolution**  
**Paragraph 14**

*Motion for a resolution*

14. Calls for the development of a database so that the criteria on which the various labels are based can be used for public procurement purposes; calls on the Commission to put forward initiatives at European and international level with a view to the gradual harmonisation of labels and the criteria on which they are based;

*Amendment*

14. Calls for the development of a database so that the criteria on which the various labels are based can be used for public procurement purposes; calls on the Commission to put forward initiatives at European and international level with a view to the gradual harmonisation of labels and the criteria on which they are based **to**

expects the Member States to be fully involved in this process; draws attention, at the same time, to the negative impact which a market fragmented by the existence of so many regional, national, European and international labels has on innovation and research;

*facilitate their use in public procurement*; expects the Member States to be fully involved in this process; ***This bottom-up process should take into account the valuable experience and knowledge that often exists at local, regional and national level***; draws attention, at the same time, to the negative impact which a market fragmented by the existence of so many regional, national, European and international labels has on innovation and research;

Or. en

**Amendment 107**  
**Malcolm Harbour**

**Motion for a resolution**  
**Paragraph 14**

*Motion for a resolution*

14. Calls for the development of a database ***so that the criteria on which the various labels are based can be used for public procurement purposes; calls on the Commission to put forward initiatives at European and international level with a view to the gradual harmonisation of labels and the criteria on which they are based; expects the Member States to be fully involved in this process; draws attention, at the same time, to the negative impact which a market fragmented by the existence of so many regional, national, European and international labels has on innovation and research;***

*Amendment*

14. Calls for the development of a database for ***standards, including those relating to environmental and social criteria, to be made available for public authorities, to ensure that procurers have appropriate guidance and a clear set of rules when drawing up tenders to easily verify their compliance with the relevant standard;***

Or. en

**Amendment 108**  
**Jürgen Creutzmann**

**Motion for a resolution**  
**Paragraph 14**

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*Motion for a resolution*

14. Calls for the development of a database so that the criteria on which the various labels are based can be used for public procurement purposes; calls on the Commission to put forward initiatives at European and international level with a view to the gradual harmonisation of labels and the criteria on which they are based; expects the Member States to be fully involved in this process; draws attention, at the same time, to the negative impact which a market fragmented by the existence of so many regional, national, European and international labels has on innovation and research;

*Amendment*

14. Calls for the development of a database so that the criteria on which the various labels are based can be used for public procurement purposes; calls on the Commission to put forward initiatives at European and international level with a view to the gradual harmonisation of labels and the criteria on which they are based; expects the Member States **and stakeholders** to be fully involved in this process; draws attention, at the same time, to the negative impact which a market fragmented by the existence of so many regional, national, European and international labels has on innovation and research;

Or. de

**Amendment 109**

**Heide Rühle, Frank Engel, Bernadette Vergnaud, Malcolm Harbour, Jürgen Creutzmann, Kyriacos Triantaphyllides**

**Motion for a resolution  
Paragraph 14**

*Motion for a resolution*

14. Calls **for the development of a database so that the criteria on which the various labels are based can be used for public procurement purposes; calls on the** Commission to put forward initiatives at European and international level with a view to the gradual harmonisation of labels and the criteria on which they are based; expects the Member States to be fully involved in this process; draws attention, **at the same time**, to the negative impact which a market fragmented by the existence of **so many** regional, national, European and international labels has on innovation and research;

*Amendment*

14. Calls on the Commission to put forward initiatives at European and international level with a view to the gradual harmonisation of labels and the criteria on which they are based; expects the Member States **and all stakeholders** to be fully involved in this process; **furthermore** draws attention to the negative impact which a market fragmented by the existence of **numerous varying** regional, national, European and international labels has on innovation and research;

**Amendment 110**  
**Anja Weisgerber**

**Motion for a resolution**  
**Paragraph 14**

*Motion for a resolution*

14. Calls for the development of a database so that the criteria on which the various labels are based can be used for public procurement purposes; calls on the Commission to put forward initiatives at European and international level with a view to the gradual harmonisation of labels and the criteria on which they are based; expects the Member States to be fully involved in this process; draws attention, at the same time, to the negative impact which a market fragmented by the existence of so many regional, national, European and international labels has on innovation and research;

*Amendment*

14. Calls for the development of a database so that the criteria on which the various labels are based can be used for public procurement purposes; calls on the Commission to put forward initiatives at European and international level with a view to the gradual harmonisation of labels and the criteria on which they are based; expects the Member States **and stakeholders** to be fully involved in this process; draws attention, at the same time, to the negative impact which a market fragmented by the existence of so many regional, national, European and international labels has on innovation and research;

**Amendment 111**  
**Heide Rühle**

**Motion for a resolution**  
**Paragraph 15 - title (new)**

*Motion for a resolution*

*Amendment*

***Social responsible Procurement***

**Amendment 112**  
**Heide Rühle**

**Motion for a resolution**  
**Paragraph 15**

*Motion for a resolution*

15. Emphasises the lack of clarity in the area of socially responsible public procurement and calls on the Commission to provide assistance in the form of manuals; in that connection, draws attention to the changes in the legal framework brought about by the Lisbon Reform Treaty and the Charter of Fundamental Rights and looks to the Commission to implement the relevant provisions in an appropriate manner; emphasises the underlying problem that social criteria relate to the manufacturing process, **so that** their impact is generally indiscernible in the final product, and that globalised production systems and complex supply chains make compliance with the criteria difficult to monitor; expects, therefore, precise, verifiable criteria and a database containing product-specific criteria to be developed for the area of socially responsible public procurement as well; draws attention to the problems contracting authorities have, and the costs they incur, in verifying compliance with criteria and calls on the Commission to offer suitable assistance and to **promote** instruments which can be used to certify the reliability of supply chains;

*Amendment*

15. **Draws attention to the great importance of public procurement for the achievement of EU social objectives and the advancement of sustainable development;** Emphasises the lack of clarity in the area of socially responsible public procurement and calls on the Commission to provide **constructive** assistance in the form of manuals; in that connection, draws attention to the changes in the legal framework brought about by the Lisbon Reform Treaty and the Charter of Fundamental Rights and looks to the Commission to implement the relevant provisions in an appropriate manner; emphasises the underlying problem that **when** social criteria relate to the manufacturing process, their impact is generally indiscernible in the final product, and that globalised production systems and complex supply chains make compliance with the criteria difficult to monitor; expects, therefore, precise, verifiable criteria and a database containing product-specific criteria to be developed for the area of socially responsible public procurement as well; draws attention to the problems contracting authorities have, and the costs they incur, in verifying compliance with criteria **demanding** and calls on the Commission to offer suitable assistance **to sustainability assurance schemes** and to **support** instruments which can be used to certify the reliability of supply chains;

Or. en

**Amendment 113**  
**Bernadette Vergnaud**

**Motion for a resolution**  
**Paragraph 15**

*Motion for a resolution*

15. Emphasises the lack of clarity in the area of socially responsible public procurement and calls on the Commission to provide assistance in the form of manuals; in that connection, draws attention to the changes in the legal framework brought about by the Lisbon Reform Treaty and the Charter of Fundamental Rights and looks to the Commission to implement the relevant provisions in an appropriate manner; emphasises the underlying problem that social criteria relate to the manufacturing process, so that their impact is generally indiscernible in the final product, and that globalised production systems and complex supply chains make compliance with the criteria difficult to monitor; expects, therefore, precise, verifiable criteria and a database containing product-specific criteria to be developed for the area of socially responsible public procurement as well; draws attention to the problems contracting authorities have, and the costs they incur, in verifying compliance with criteria and calls on the Commission to offer suitable assistance and to promote instruments which can be used to certify the reliability of supply chains;

*Amendment*

15. ***Draws attention to the great importance of public procurement for the achievement of EU social objectives and the advancement of sustainable development;*** emphasises the lack of clarity in the area of socially responsible public procurement and calls on the Commission to provide assistance in the form of manuals ***and to publish without delay a guide on the integration of social considerations in procurement;*** in that connection, draws attention to the changes in the legal framework brought about by the Lisbon Reform Treaty and the Charter of Fundamental Rights and looks to the Commission to implement the relevant provisions in an appropriate manner; ***considers that the new EU legal framework strengthens the legitimacy of ILO Convention 94 on labour clauses in public contracts and that Member States who have not yet ratified the Convention should be encouraged to do so;*** emphasises the underlying problem that social criteria relate to the manufacturing process, so that their impact is generally indiscernible in the final product, and that globalised production systems and complex supply chains make compliance with the criteria difficult to monitor; expects, therefore, precise, verifiable criteria and a database containing product-specific criteria to be developed for the area of socially responsible public procurement as well; draws attention to the problems contracting authorities have, and the costs they incur, in verifying compliance with criteria and calls on the Commission to offer suitable assistance and to promote instruments which can be

used to certify the reliability of supply chains;

Or. fr

**Amendment 114**  
**Catherine Stihler, Claude Moraes**

**Motion for a resolution**  
**Paragraph 15**

*Motion for a resolution*

15. Emphasises the lack of clarity in the area of socially responsible public procurement and calls on the Commission to provide assistance in the form of manuals; in that connection, draws attention to the changes in the legal framework brought about by the Lisbon Reform Treaty and the Charter of Fundamental Rights and looks to the Commission to implement the relevant provisions in an appropriate manner; emphasises the underlying problem that social criteria relate to the manufacturing process, so that their impact is generally indiscernible in the final product, and that globalised production systems and complex supply chains make compliance with the criteria difficult to monitor; expects, therefore, precise, verifiable criteria and a database containing product-specific criteria to be developed for the area of socially responsible public procurement as well; draws attention to the problems contracting authorities have, and the costs they incur, in verifying compliance with criteria and calls on the Commission to offer suitable assistance and to promote instruments which can be used to certify the reliability of supply chains;

*Amendment*

15. Emphasises the lack of clarity in the area of socially responsible public procurement and calls on the Commission to provide assistance in the form of manuals **and ‘quality of work’ criteria to support public authorities in integrating employment-related social considerations in public procurement**; in that connection, draws attention to the changes in the legal framework brought about by the Lisbon Reform Treaty and the Charter of Fundamental Rights and looks to the Commission to implement the relevant provisions in an appropriate manner; **considers that the new EU legal framework strengthens the legitimacy of ILO Convention 94 on labour clauses in public contracts and that Member States who have not yet ratified the Convention should be encouraged to do so**; emphasises the underlying problem that social criteria relate to the manufacturing process, so that their impact is generally indiscernible in the final product, and that globalised production systems and complex supply chains make compliance with the criteria difficult to monitor; expects, therefore, precise, verifiable criteria and a database containing product-specific criteria to be developed for the area of socially responsible public procurement as well; draws attention to the problems contracting authorities have, and the costs they incur, in verifying

compliance with criteria and calls on the Commission to offer suitable assistance and to promote instruments which can be used to certify the reliability of supply chains; ***calls on the Commission to assist Member States monitor and evaluate the impact of public procurement processes on the quality of goods and services and employment;***

Or. en

**Amendment 115**  
**Evelyne Gebhardt**

**Motion for a resolution**  
**Paragraph 15**

*Motion for a resolution*

15. Emphasises the lack of clarity in the area of socially responsible public procurement and calls on the Commission to provide assistance in the form of manuals; in that connection, draws attention to the changes in the legal framework brought about by the Lisbon Reform Treaty and the Charter of Fundamental Rights and looks to the Commission to implement the relevant provisions in an appropriate manner; emphasises the underlying problem that social criteria relate to the manufacturing process, so that their impact is generally indiscernible in the final product, and that globalised production systems and complex supply chains make compliance with the criteria difficult to monitor; expects, therefore, precise, verifiable criteria and a database containing product-specific criteria to be developed for the area of socially responsible public procurement as well; draws attention to the problems contracting authorities have, and the costs they incur, in verifying compliance with criteria and calls on the Commission to offer suitable assistance

*Amendment*

15. Emphasises the lack of clarity in the area of socially responsible public procurement and calls on the Commission to provide assistance in the form of manuals ***and ‘quality of work’ criteria to support public authorities in integrating employment-related social considerations in public procurement;*** in that connection, draws attention to the changes in the legal framework brought about by the Lisbon Reform Treaty and the Charter of Fundamental Rights and looks to the Commission to implement the relevant provisions in an appropriate manner; ***considers that the new EU legal framework strengthens the legitimacy of ILO Convention 94 on labour clauses in public contracts;*** emphasises the underlying problem that social criteria relate to the manufacturing process, so that their impact is generally indiscernible in the final product, and that globalised production systems and complex supply chains make compliance with the criteria difficult to monitor; expects, therefore, precise, verifiable criteria and a database containing product-specific criteria to be

and to promote instruments which can be used to certify the reliability of supply chains;

developed for the area of socially responsible public procurement as well; draws attention to the problems contracting authorities have, and the costs they incur, in verifying compliance with criteria and calls on the Commission to offer suitable assistance and to promote instruments which can be used to certify the reliability of supply chains; ***calls on the Commission to assist Member States in monitoring and evaluating the impact of public procurement processes on the quality of goods and services;***

Or. de

**Amendment 116**  
**Kyriacos Triantaphyllides, Cornelis De Jong**

**Motion for a resolution**  
**Paragraph 15**

*Motion for a resolution*

15. Emphasises the lack of clarity in the area of socially responsible public procurement and calls on the Commission to provide assistance in the form of manuals; ***in that connection, draws attention to the changes in the legal framework brought about by the Lisbon Reform Treaty and the Charter of Fundamental Rights and looks to the Commission to implement the relevant provisions in an appropriate manner;*** emphasises the underlying problem that social criteria relate to the manufacturing process, so that their impact is generally indiscernible in the final product, and that globalised production systems and complex supply chains make compliance with the criteria difficult to monitor; expects, therefore, precise, verifiable criteria and a database containing product-specific criteria to be developed for the area of socially responsible public procurement as well; draws attention to the

*Amendment*

15. Emphasises the lack of clarity in the area of socially responsible public procurement and calls on the Commission to provide assistance in the form of manuals ***and ‘quality of work’ criteria to support public authorities in integrating employment-related social considerations in public procurement;*** ***considers that the new EU legal framework strengthens the legitimacy of ILO Convention 94 on labour clauses in public contracts and that Member States who have not yet ratified the Convention should be encouraged to do so;*** ***calls on the Commission to assist Member States monitor and evaluate the impact of public procurement processes on the quality of goods and services and employment;*** emphasises the underlying problem that social criteria relate to the manufacturing process, so that their impact is generally indiscernible in the final product, and that globalised production systems and complex supply chains make

problems contracting authorities have, and the costs they incur, in verifying compliance with criteria and calls on the Commission to offer suitable assistance and to promote instruments which can be used to certify the reliability of supply chains;

compliance with the criteria difficult to monitor; expects, therefore, precise, verifiable criteria and a database containing product-specific criteria to be developed for the area of socially responsible public procurement as well; draws attention to the problems contracting authorities have, and the costs they incur, in verifying compliance with criteria and calls on the Commission to offer suitable assistance and to promote instruments which can be used to certify the reliability of supply chains;

Or. en

**Amendment 117**  
**Wim Van De Camp**

**Motion for a resolution**  
**Paragraph 15**

*Motion for a resolution*

15. Emphasises the lack of clarity in the area of socially responsible public procurement and calls on the Commission to provide assistance in the form of manuals; in that connection, draws attention to the changes in the legal framework brought about by the Lisbon Reform Treaty and the Charter of Fundamental Rights and looks to the Commission to implement the relevant provisions in an appropriate manner; emphasises the underlying problem that social criteria relate to the manufacturing process, so that their impact is generally indiscernible in the final product, and that globalised production systems and complex supply chains make compliance with the criteria difficult to monitor; expects, therefore, precise, verifiable criteria and a database containing product-specific criteria to be developed for the area of socially responsible public procurement as well; *draws attention to*

*Amendment*

15. Emphasises the lack of clarity in the area of socially responsible public procurement and calls on the Commission to provide assistance in the form of manuals; in that connection, draws attention to the changes in the legal framework brought about by the Lisbon Reform Treaty and the Charter of Fundamental Rights and looks to the Commission to implement the relevant provisions in an appropriate manner; emphasises the underlying problem that social criteria relate to the manufacturing process, so that their impact is generally indiscernible in the final product, and that globalised production systems and complex supply chains make compliance with the criteria difficult to monitor; expects, therefore, precise, verifiable criteria and a database containing product-specific criteria to be developed for the area of socially responsible public

*the problems contracting authorities have, and the costs they incur, in verifying compliance with criteria and calls on the Commission to offer suitable assistance and to promote instruments which can be used to certify the reliability of supply chains;*

procurement as well;

Or. en

**Amendment 118**  
**Anna Hedh**

**Motion for a resolution**  
**Paragraph 15**

*Motion for a resolution*

15. Emphasises the lack of clarity in the area of socially responsible public procurement and calls on the Commission to provide assistance in the form of manuals; in that connection, draws attention to the changes in the legal framework brought about by the Lisbon Reform Treaty and the Charter of Fundamental Rights and looks to the Commission to implement the relevant provisions in an appropriate manner; emphasises the underlying problem that social criteria relate to the manufacturing process, so that their impact is generally indiscernible in the final product, and that globalised production systems and complex supply chains make compliance with the criteria difficult to monitor; expects, therefore, precise, verifiable criteria and a database containing product-specific criteria to be developed for the area of socially responsible public procurement as well; draws attention to the problems contracting authorities have, and the costs they incur, in verifying compliance with criteria and calls on the Commission to offer suitable assistance and to promote instruments which can be used to *certify the reliability of supply chains*;

*Amendment*

15. Emphasises the lack of clarity in the area of socially responsible public procurement and calls on the Commission to provide assistance in the form of manuals; in that connection, draws attention to the changes in the legal framework brought about by the Lisbon Reform Treaty and the Charter of Fundamental Rights and looks to the Commission to implement the relevant provisions in an appropriate manner; emphasises the underlying problem that social criteria relate to the manufacturing process, so that their impact is generally indiscernible in the final product, and that globalised production systems and complex supply chains make compliance with the criteria difficult to monitor; expects, therefore, precise, verifiable criteria and a database containing product-specific criteria to be developed for the area of socially responsible public procurement as well; draws attention to the problems contracting authorities have, and the costs they incur, in verifying compliance with criteria and calls on the Commission to offer suitable assistance and to promote instruments which can be used to *ensure that the procuring authority takes responsibility for not only its contracted suppliers but also subcontractors/sub-suppliers engaged at multiple levels*;

Or. sv

**Amendment 119**  
**Rareş-Lucian Niculescu**

**Motion for a resolution**  
**Paragraph 15**

*Motion for a resolution*

15. Emphasises the lack of clarity in the

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*Amendment*

15. Emphasises the lack of clarity in the

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area of socially responsible public procurement and calls on the Commission to provide assistance in the form of manuals; in that connection, draws attention to the changes in the legal framework brought about by the Lisbon Reform Treaty and the Charter of Fundamental Rights and looks to the Commission to implement the relevant provisions in an appropriate manner; emphasises the underlying problem that social criteria relate to the manufacturing process, so that their impact is generally indiscernible in the final product, and that globalised production systems and complex supply chains make compliance with the criteria difficult to monitor; expects, therefore, precise, verifiable criteria and a database containing product-specific criteria to be developed for the area of socially responsible public procurement as well; draws attention to the problems contracting authorities have, and the costs they incur, in verifying compliance with criteria and calls on the Commission to offer suitable assistance and to promote instruments which can be used to certify the reliability of supply chains;

area of socially responsible public procurement and calls on the Commission to provide assistance in the form of manuals; in that connection, draws attention to the changes in the legal framework brought about by the Lisbon Reform Treaty and the Charter of Fundamental Rights and looks to the Commission to implement the relevant provisions in an appropriate manner; emphasises the underlying problem that social criteria relate to the manufacturing process, so that their impact is generally indiscernible in the final product, and that globalised production systems and complex supply chains make compliance with the criteria difficult to monitor; expects, therefore, precise, verifiable criteria and a *harmonised* database containing product-specific criteria to be developed for the area of socially responsible public procurement as well; draws attention to the problems contracting authorities have, and the costs they incur, in verifying compliance with criteria and calls on the Commission to offer suitable assistance and to promote instruments which can be used to certify the reliability of supply chains;

Or. ro

**Amendment 120**  
**Jürgen Creutzmann**

**Motion for a resolution**  
**Paragraph 15**

*Motion for a resolution*

15. Emphasises the lack of clarity in the area of socially responsible public procurement and calls on the Commission to provide assistance in the form of manuals; in that connection, draws attention to the changes in the legal framework brought about by the Lisbon

*Amendment*

15. Emphasises the lack of clarity in the area of socially responsible public procurement and calls on the Commission to provide assistance in the form of *legally non-binding* manuals; in that connection, draws attention to the changes in the legal framework brought about by the Lisbon

Reform Treaty and the Charter of Fundamental Rights and looks to the Commission to implement the relevant provisions in an appropriate manner; emphasises the underlying problem that social criteria relate to the manufacturing process, so that their impact is generally indiscernible in the final product, and that globalised production systems and complex supply chains make compliance with the criteria difficult to monitor; expects, therefore, precise, verifiable criteria and a database containing product-specific criteria to be developed for the area of socially responsible public procurement as well; draws attention to the problems contracting authorities have, and the costs they incur, in verifying compliance with criteria and calls on the Commission to offer suitable assistance and to promote instruments which can be used to certify the reliability of supply chains;

Reform Treaty and the Charter of Fundamental Rights and looks to the Commission to implement the relevant provisions in an appropriate manner; emphasises the underlying problem that social criteria relate to the manufacturing process, so that their impact is generally indiscernible in the final product, and that globalised production systems and complex supply chains make compliance with the criteria difficult to monitor; expects, therefore, precise, verifiable criteria and a database containing product-specific criteria to be developed for the area of socially responsible public procurement as well; draws attention to the problems contracting authorities have, and the costs they incur, in verifying compliance with criteria and calls on the Commission to offer suitable assistance and to promote instruments which can be used to certify the reliability of supply chains;

Or. de

#### **Amendment 121**

**Heide Rühle, Frank Engel, Bernadette Vergnaud, Jürgen Creutzmann, Malcolm Harbour, Kyriacos Triantaphyllides**

#### **Motion for a resolution Paragraph 15 b (new)**

*Motion for a resolution*

*Amendment*

#### ***15b. Practical Help: Database and training courses***

***Calls for the development of a frequently updated database so that the criteria on which the various labels or sustainability assurance schemes are based can be used for public procurement purposes and so that public authorities can verify the compliance with the criteria demanded;***

***Urges the Commission and the Member States to organise training courses and***

*campaigns to raise awareness for local authorities and political decision-maker and to include other stakeholders, in particularly providers of social services;*

Or. en

**Amendment 122**  
**Cornelis De Jong**

**Motion for a resolution**  
**Paragraph 15 a (new)**

*Motion for a resolution*

*Amendment*

*15a. Emphasises that the Protocol of Services of General Interest attached to the Treaty on the Functioning of the European Union calls for a high level of quality, safety and affordability, equal treatment and the promotion of universal access and of user rights in these services; emphasises that services of a general economic interest (SGEI) are an EU legal category that provides an exception to the competition rules for the proportionate pursuit of legitimate public interest goals by private undertakings; recognises that it is for the public authorities of the Member States involved to decide whether they provide these services directly through their own administration or whether they entrust the service to a third party (private or public entity). Where a third party is selected the public procurement rules will generally apply; emphasises that the Commission should actively support Member States to integrate the shared values of the Union in respect of services of general economic interest into its public procurement regulation;*

Or. en

**Amendment 123**  
**Malcolm Harbour**

**Motion for a resolution**  
**Paragraph 15 c (new)**

*Motion for a resolution*

*Amendment*

***15c. Reiterates its previous call, in its report of February 2009, on the Commission to provide a handbook on pre-commercial procurement, which should illustrate practical examples of risk benefit sharing according to market conditions; considers, in addition, that intellectual property rights must be vested in the companies participating in pre-commercial procurement, which would foster understanding amongst public authorities and encourage suppliers to become involved in pre-commercial procurement procedures;***

Or. en

**Amendment 124**  
**Malcolm Harbour**

**Motion for a resolution**  
**Paragraph 15 d (new)**

*Motion for a resolution*

*Amendment*

***15d. Welcomes the European Commission's EMAS helpdesk which provides practical information and support for companies and other organisations to evaluate, report and improve their environmental performance in public procurement; calls on the Commission to consider developing of a more generic online portal which could offer practical advice and support for those using the public procurement process, particularly the actors involved in complex and collaborative procurement procedures;***

**Amendment 125**  
**Malcolm Harbour**

**Motion for a resolution**  
**Paragraph 15 e (new)**

*Motion for a resolution*

*Amendment*

***15e. Notes that SMEs have struggled to access public procurement markets and that more should be done to develop an "SME strategy"; therefore, as part of this strategy, calls on the Member States to work with contracting authorities to encourage subcontracting possibilities where appropriate, develop and disseminate best practise techniques, avoid overly prescriptive pre-qualifying processes, use standards in tender documents to ensure that suppliers don't have to start from scratch and to establish a centralised advertising portal for contracts; also calls on the Commission to take stock of Member States initiatives in this area and encourage wider dissemination of the Small Business Act's European Code of Best Practises;***

Or. en

**Amendment 126**  
**Heide Rühle**

**Motion for a resolution**  
**Paragraph 15 f (new)**

*Motion for a resolution*

*Amendment*

***15f. Calls on the Commission to encourage public authorities to use Fair Trade criteria in their public tenders and purchasing policies on the basis of the Fair Trade definition as recognized by the European Parliament resolution on Fair***

*Trade and Development of 6 June 2006 and the recent European Commission communication of 5 May 2009; reiterates its earlier call to the Commission to promote this by, e.g., producing constructive guidelines for Fair Trade procurement; welcomes the unanimous adoption of the opinion of the Committee of the Regions on 11 February 2010 calling for a common European Fair Trade strategy for local and regional authorities;*

Or. en

**Amendment 127**  
**Malcolm Harbour**

**Motion for a resolution**  
**Paragraph 15 g (new)**

*Motion for a resolution*

*Amendment*

*15g. Encourages Member States to promote a "Supplier Development Programme" as already developed in some countries; notes that such a tool can be used to encourage dialogue between suppliers and procurers, enabling actors to meet at an early stage of a purchasing process; stresses that such a mechanism is essential for stimulating innovation and improving SME access to procurement markets;*

Or. en

**Amendment 128**  
**Bernadette Vergnaud**

**Motion for a resolution**  
**Paragraph 15 h (new)**

*Motion for a resolution*

*Amendment*

*15h. Social services of general interest*

*Draws attention to the difficulties in transposing the Services Directive of 12 December 2006 in many Member States, in particular as regards the specific nature of social services of general interest; emphasises that the way in which procurement operates in the field of social services through calls for tenders has a detrimental effect on quality and therefore on the service provided to users, because quality criteria are too often neglected; takes the view that the public procurement directives do not provide an appropriate framework for contracts connected with social services of general interest; therefore calls on the Commission to put forward, as soon as possible, specific legislation to provide a framework for social services of general interest;*

Or. fr

**Amendment 129**

**Philippe Juvin, Constance Le Grip, Jean-Marie Cavada**

**Motion for a resolution**

**Paragraph 15 i (new)**

*Motion for a resolution*

*Amendment*

*15i. Calls on the Commission to step up its efforts to prevent the discrimination suffered by European SMEs under discriminatory measures imposed by certain parties to the WTO Agreement on Government Procurement (GPA), such as Canada and the United States;*

*in particular, calls on the Commission, in the renegotiation of the GPA, to secure from the States in question an extension of their offer to cover public contracts subject to the agreement in proportion to the value of the contracts which they reserve for their SMEs or, in the alternative, to obtain the insertion of a*

*clause permitting the European Union to give preferential treatment to European SMEs in the award of public contracts, following the model of the measures already applied by the States in question;*

Or. fr

**Amendment 130**  
**Malcolm Harbour**

**Motion for a resolution**  
**Paragraph 15 j (new)**

*Motion for a resolution*

*Amendment*

*15j. Recognises that training and exchanging experiences between public authorities and the European Commission is essential in overcoming some of the complexities in the public procurement market; however, is concerned that as public budgets tighten, such initiatives could be undermined; therefore calls on Member States and the European Commission to use existing resources and mechanisms at their disposal, such as peer reviews, envisaged in the Services Directive, to encourage small teams of procurement experts from one region to review the activities of another EU region, which could help establish confidence and best practises across different Member States;*

Or. en