



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Employment and Social Affairs

2011/2048(INI)

24.6.2011

AMENDMENTS

1 - 91

Draft opinion
Julie Girling
(PE466.962v01-00)

Modernisation of public procurement
(2011/2048(INI))

AM\871310EN.doc

PE467.257v01-00

AM_Com_NonLegOpinion

Amendment 1
Mara Bizzotto

Draft opinion
Paragraph 1

Draft opinion

1. Notes that public procurement is a key market based instrument which plays a role in fostering *sustainable* employment and working conditions;

Amendment

1. Notes that public procurement *accounts for 17% of the EU's GDP and is therefore, in this time of crisis,* a key market based instrument *for economic recovery* which plays a role in fostering *and creating* sustainable employment and working conditions *and promoting innovation*;

Or. it

Amendment 2
Jürgen Creutzmann

Draft opinion
Paragraph 1

Draft opinion

1. Notes that public procurement is a key market based instrument which *plays* a role in fostering sustainable employment and working conditions;

Amendment

1. Notes that public procurement is a key market based instrument which, *in addition to meeting other objectives, can play* a role in *protecting and* fostering sustainable employment and working conditions;

Or. de

Amendment 3
Thomas Händel

Draft opinion
Paragraph 1

Draft opinion

1. Notes that public procurement is a key

Amendment

1. Notes that public procurement is a key

market based instrument which plays a role in fostering sustainable employment and working conditions;

market based instrument ***geared to the needs of society*** which plays a role in fostering sustainable employment and working conditions;

Or. de

Amendment 4
Martin Kastler

Draft opinion
Paragraph 1

Draft opinion

1. Notes that public procurement is a key market based instrument which plays a role in fostering sustainable employment and working conditions;

Amendment

1. Notes that public procurement is a key market based instrument which plays a role in fostering sustainable employment and working conditions; ***emphasises, at the same time, that the application of procurement law to the provision of personal social services is often not the best way of ensuring optimum results for the users of the services in question; calls, therefore, for the recognition under EU law of proven Member State practices which offer an alternative to the application of procurement law, provided that they are based on the principle that all tenderers, irrespective of their legal form, who meet the pre-set statutory conditions are admitted to the tendering procedure and that in that procedure due account is taken of the principles of equal treatment, non-discrimination and transparency laid down in primary EU law;***

Or. de

Amendment 5
Jutta Steinruck

Draft opinion
Paragraph 1

Draft opinion

1. Notes that public procurement is a key market based instrument which plays a role in fostering sustainable employment and working conditions;

Amendment

1. Notes that public procurement is a key market based instrument which plays a role in fostering sustainable employment and working conditions; ***calls for compliance with social standards and collective agreements and payment of statutory minimum wages and fees during performance of the contract and in the input and supply chain to be made a binding criterion for the award of contracts, with a view to enforcing the principle of equal pay for equal work performed in the same place;***

Or. de

Amendment 6
Raffaele Baldassarre

Draft opinion
Paragraph 1

Draft opinion

1. Notes that public procurement is a key market based instrument which plays a role in fostering sustainable employment and working conditions;

Amendment

1. Notes that public procurement is a key market based instrument which plays a role in fostering sustainable employment and working conditions ***and can make an important contribution towards meeting the Europe 2020 targets; stresses, furthermore, the important role that public procurement can play in promoting a European social model based on quality jobs, equal opportunities, non-discrimination and social inclusion;***

Or. it

Amendment 7
Emilie Turunen

Draft opinion
Paragraph 1

Draft opinion

1. Notes that public procurement is a key market based instrument which plays a role in fostering sustainable employment and working conditions;

Amendment

1. Notes that public procurement is a key market based instrument which plays a role in fostering sustainable employment and working conditions; ***underlines in this context that public authorities should, as a general rule, include among the selection criteria clauses asking for the respect of wages and working conditions as set out by law or collective agreements;***

Or. en

Amendment 8
Zigmantas Balčytis

Draft opinion
Paragraph 1

Draft opinion

1. Notes that public procurement is a key market based instrument which plays a role in fostering sustainable employment and working conditions;

Amendment

1. Notes that public procurement is a key market based instrument which plays a role in fostering sustainable employment and working conditions, ***in creating an environment more conducive to innovation for companies, in encouraging green public procurement and improving conditions for businesses, above all SMEs;***

Or. lt

Amendment 9
Kinga Göncz

Draft opinion
Paragraph 1

Draft opinion

1. Notes that public procurement is a key market based instrument which plays a role in fostering sustainable employment and working conditions;

Amendment

1. Notes that public procurement is a key market based instrument which plays a role in fostering sustainable employment and working conditions; ***calls for the special employment needs of vulnerable and disadvantaged social groups to be addressed in the framework of public procurement;***

Or. en

Amendment 10
Evelyn Regner

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Points out that the EU is responsible for establishing a clear and administratively straightforward legal framework for awarding authorities, whilst the arrangements for the provision of public services are a matter for local and regional authorities, so that national, regional and local authorities must be granted sufficient flexibility and leeway to enable them to stimulate job creation at local, regional and national level;

Or. de

Amendment 11
Stephen Hughes, Sergio Gaetano Cofferati, Proinsias De Rossa

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Emphasises that public procurement rules need to be simplified and made more flexible so that public service obligations can be fulfilled; insists that the amendment of procurement rules must remain neutral as regards private versus public ownership in accordance with Article 345 of the TFEU;

Or. en

**Amendment 12
Jürgen Creutzmann**

**Draft opinion
Paragraph 1 a (new)**

Draft opinion

Amendment

1a. Points out that current EU procurement law already allows for social aspects to be taken into account when public contracts are awarded; notes, however, that the practical application of the provisions in question needs to be clarified;

Or. de

**Amendment 13
Emilie Turunen**

**Draft opinion
Paragraph 1 a (new)**

Draft opinion

Amendment

1a. Supports maintaining the current classification of A- and B-service categories, the latter for subject matters with no cross-border competition or with

a nature that makes EU public procurement inappropriate, for example health care and social services;

Or. en

Amendment 14
Julie Girling

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Recognises that public authorities spend over 16% of Europe's GDP and therefore must be encouraged to provide a stronger commitment in driving solutions for social innovation and employment market opportunities with this spend, in particular by delivering more efficient public services;

Or. en

Amendment 15
Emilie Turunen

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1b. Supports the encouragement of social procurement within the field of goods, e.g. by using fair trade criteria;

Or. en

Amendment 16
Emilie Turunen

Draft opinion
Paragraph 2

Draft opinion

2. Recognises the significance of the GPA, which **may** limit the scope of any legislative adjustments at EU level as a number of procedural requirements originate directly from GPA; calls on the Commission to seek more flexibility in the rules so as to ensure that social procurement is allowable;

Amendment

2. Recognises the significance of the GPA, which **might** limit the scope of any legislative adjustments at EU level as a number of procedural requirements originate directly from GPA **but stresses that public procurement rules are, in certain areas, even more restrictive than under GPA**; calls on the Commission to seek more flexibility in the rules so as to ensure that social procurement is allowable;

Or. en

Amendment 17
Jürgen Creutzmann

Draft opinion
Paragraph 2

Draft opinion

2. Recognises the significance of the GPA, which may limit the scope of any legislative adjustments at EU level as a number of procedural requirements originate directly from GPA; calls on the Commission to seek more flexibility in the rules so as to **ensure that** social procurement **is allowable**;

Amendment

2. Recognises the significance of the GPA, which may limit the scope of any legislative adjustments at EU level as a number of procedural requirements originate directly from GPA; calls on the Commission, **whilst observing the relevant principles in force (competition, transparency, non-discrimination, efficiency)**, to seek more **simplicity** and flexibility in the rules so as to **facilitate** social procurement;

Or. de

Amendment 18
Evelyn Regner

Draft opinion
Paragraph 2

Draft opinion

2. Recognises the significance of the GPA, which may limit the scope of any legislative adjustments at EU level as a number of procedural requirements originate directly from GPA; calls on the Commission to seek more flexibility in the rules so as to ***ensure that*** social procurement ***is allowable***;

Amendment

2. Recognises the significance of the GPA, which may limit the scope of any legislative adjustments at EU level as a number of procedural requirements originate directly from GPA; calls on the Commission to seek more flexibility in the rules so as to ***foster*** social procurement;

Or. de

Amendment 19
Stephen Hughes, Proinsias De Rossa, Sergio Gaetano Cofferati

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Recognises the importance of decent work principles being respected in public procurement within the EU and calls on the EU Commission to include reference to a wide range of ILO Labour Standards to be included in the Articles in any revision of the procurement Directives;

Or. en

Amendment 20
Philippe Boulland

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Stresses that advances in EU public procurement legislation could help better

define certain basic concepts and notions so as to provide the awarding authorities, companies and, therefore, workers with greater legal certainty;

Or. fr

Amendment 21
Stephen Hughes, Sergio Gaetano Cofferati, Proinsias De Rossa

Draft opinion
Paragraph 2 b (new)

Draft opinion

Amendment

2b. Notes that 11 EU Member States have ratified ILO C94 on labour clauses in public contracts and calls on the Commission to encourage ratification of this Convention by all EU Member States to mitigate the unwelcome effects of recent ECJ court cases in this respect;

Or. en

Amendment 22
Stephen Hughes, Sergio Gaetano Cofferati, Proinsias De Rossa

Draft opinion
Paragraph 2 c (new)

Draft opinion

Amendment

2c. Calls on the Commission formally to recognise other modalities for the selection of providers, such as ‘in-house’ and ‘service concession’ methods, and explicitly to accord equal value to all options for the contracting and financing of SSGI; calls for the expansion of the ‘in-house’ method to include service providers who meet specific general interest criteria;

Amendment 23

Stephen Hughes, Linda McAvan, Sergio Gaetano Cofferati, Proinsias De Rossa

Draft opinion

Paragraph 2 d (new)

Draft opinion

Amendment

2d. Insists that the directive should encourage and explicitly allow contracting authorities to refer to horizontal policy objectives, such as sustainable development criteria in the subject-matters of tenders;

Amendment 24

Stephen Hughes, Sergio Gaetano Cofferati, Proinsias De Rossa, Linda McAvan

Draft opinion

Paragraph 2 e (new)

Draft opinion

Amendment

2e. Considers that it should be explicitly stated in the revised Directive that “invisible” characteristics are also production characteristics and may be referred to in the technical specifications of tenders; emphasizes that whether a product or service is sustainably produced should be appropriately considered as a characteristic of the product or service being contracted, rather than an aspect of the contract performance;

Amendment 25

Raffaele Baldassarre

Draft opinion
Paragraph 3

Draft opinion

3. Recognises that contracting authorities have an important role in using their purchasing power to procure goods and services with higher ‘societal’ value;

Amendment

3. Recognises that contracting authorities have an important role in using their purchasing power to procure goods and services with higher ‘societal’ value; ***calls, accordingly, on contracting authorities to assess the social risks and the impact of their own activities and of the supply chain; calls on the Commission to foster the development of contact points for environmentally responsible public procurement within the individual Member States, with a view to developing socially responsible procurement practices and providing stakeholders with specialised legal advice;***

Or. it

Amendment 26
Emilie Turunen

Draft opinion
Paragraph 3

Draft opinion

3. Recognises that contracting authorities have an important role in using their purchasing power to procure goods and services with higher ‘societal’ value;

Amendment

3. Recognises that contracting authorities have an important role in using their purchasing power to procure goods and services with higher ‘societal’ value; ***recognises also that public authorities can make an important contribution to the achievement of the EU2020 targets by fostering innovation, creating jobs, promote social inclusion, fighting climate change and including young people in education and training within the context of public procurement;***

Or. en

Amendment 27
Jürgen Creutzmann, Vincenzo Iovine

Draft opinion
Paragraph 3

Draft opinion

3. Recognises that contracting authorities have an important role in using their purchasing power to procure goods and services with higher ‘societal’ value;

Amendment

3. Recognises that contracting authorities have an important role in using their purchasing power to procure goods and services with higher ‘societal’ value;
underlines that social procurement should be promoted in accordance with the principles of competition, transparency, non-discrimination and cost-effectiveness and respecting the needs of SME;

Or. en

Amendment 28
Stephen Hughes, Sergio Gaetano Cofferati, Proinsias De Rossa

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Underlines that any revision of the Directives must reflect the provisions of the Lisbon Treaty, in terms of commitments to full employment, a social market economy, and the responsibilities relating to quality public services and the freedom of public authorities and Member States to decide on the financing, organisation and delivery of public services; this includes respect for the choice of public authorities to provide these services “in-house”, or through inter-municipal (public-public) co-operation, which should also be outside of the Public Procurement Directives;

Amendment 29
Raffaele Baldassarre

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Calls on the Commission to encourage contracting authorities and relevant agencies at national level to involve socio-economic and voluntary organisations more closely in the initial design of procurement procedures, with a view to ensuring that greater account is taken of societal issues during the process of drawing up tender documents;

Or. it

Amendment 30
Stephen Hughes, Sergio Gaetano Cofferati, Proinsias De Rossa

Draft opinion
Paragraph 3 b (new)

Draft opinion

Amendment

3b. Supports the normative anchoring of a practical ‘in-house’ tendering option for SSGI, based on the model of the revised Regulation 1370/2007 on public passenger transport services by rail and road, which would provide that any competent local authority may decide to provide services itself or to award public service contracts to a legally distinct entity over which the competent local authority exercises control similar to that exercised over its own department;

Or. en

Amendment 31
Raffaele Baldassarre

Draft opinion
Paragraph 3 b (new)

Draft opinion

Amendment

3b. Stresses the importance of closer cooperation and better communication between all stakeholders, with a view to promoting responsible and socially sustainable cooperation between purchasers and suppliers; calls on the Commission to step up information and communication campaigns on the benefits afforded by socially responsible procurement through the dissemination of good practice across the Member States;

Or. it

Amendment 32
Stephen Hughes, Sergio Gaetano Cofferati, Proinsias De Rossa, Linda McAvan

Draft opinion
Paragraph 3 c (new)

Draft opinion

Amendment

3c. Considers that the existing Most Economically Advantageous Tender (MEAT) award criteria should be replaced by the Sustainably Most Advantageous Rated Tender (SMART) as a way to drive markets to supply more socially, economically, and environmentally sustainable products and services;

Or. en

Amendment 33
Stephen Hughes, Sergio Gaetano Cofferati

Draft opinion
Paragraph 3 d (new)

Draft opinion

Amendment

3d. Considers that a maximum weighting should be set for the price criterion where public contracts are awarded on the basis of the economically most advantageous tender;

Or. it

Amendment 34
Stephen Hughes, Sergio Gaetano Cofferati

Draft opinion
Paragraph 4

Draft opinion

Amendment

4. Underlines the importance of including skills and training requirements in contract specifications as a long term strategy; stresses ***however***, that these actions must ***be relevant to the subject matter of the contract, be proportionate, economically advantageous and*** take into account the total life cost;

4. Underlines the importance of including skills and training requirements in contract specifications as a long term strategy; stresses that these actions must take into account the total life cost; ***calls on the Commission to put forward a proposal for a European corporate social responsibility certification system and takes the view that, once such a system has been introduced, it should be possible for contracting authorities to include among the selection criteria for public procurement procedures the requirement that companies must have such certification or other forms of EU quality or environmental certification (or certification from other countries recognised as equivalent by the EU);***

Or. it

Amendment 35
Raffaele Baldassarre

Draft opinion
Paragraph 4

Draft opinion

4. Underlines the importance of ***including*** skills and training requirements ***in contract specifications as a long term strategy***; stresses however, that these actions must be relevant to the subject matter of the contract, be proportionate, economically advantageous and take into account the total life cost;

Amendment

4. Underlines the importance of ***establishing demanding*** skills and training requirements ***for both contracting authorities and individual operators, with a view to ensuring the optimum operation and harmonious development of the internal market in procurement***; stresses however, that these actions must be relevant to the subject matter of the contract, be proportionate, economically advantageous and take into account the total life cost;

Or. it

Amendment 36
Emilie Turunen

Draft opinion
Paragraph 4

Draft opinion

4. Underlines the importance of including skills and training requirements in contract specifications as a long term strategy; stresses however, that these actions must be relevant to the subject matter of the contract, be proportionate, ***economically advantageous and take into account the total life cost***;

Amendment

4. Underlines the importance of including skills and training requirements, ***e.g. apprenticeship and traineeships schemes or adult learning schemes***, in contract specifications as a long term strategy; stresses however, that these actions must be relevant to the subject matter of the contract ***and*** be proportionate;

Or. en

Amendment 37
Jürgen Creutzmann

Draft opinion
Paragraph 4

Draft opinion

4. Underlines the importance of including skills and training requirements in contract specifications as a long term strategy; stresses however, that these actions must be ***relevant*** to the subject matter of the contract, be proportionate, economically advantageous ***and take into account the total life cost***;

Amendment

4. Underlines the importance of including skills and training requirements in contract specifications as a long term strategy; stresses however, that these actions must be ***directly linked*** to the subject matter of the contract ***and*** be proportionate ***and*** economically advantageous;

Or. de

Amendment 38
Thomas Händel

Draft opinion
Paragraph 4

Draft opinion

4. Underlines the importance of including skills and training requirements in contract specifications as a long term strategy; stresses however, that these actions must be relevant to the subject matter of the contract, ***be proportionate***, economically advantageous and take into account the total life cost;

Amendment

4. Underlines the importance of including skills and training requirements in contract specifications as a long term strategy; stresses however, that these actions must be relevant to the subject matter of the contract ***and not*** economically ***disadvantageous*** and take into account the total life cost;

Or. de

Amendment 39
Stephen Hughes, Sergio Gaetano Cofferati

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Takes the view that all public

procurement procedures should take account of life costs and that the Commission should lay down a method for determining those costs; considers that, following this, binding EU-wide standards establishing maximum life costs for the various types of public contract should be introduced;

Or. it

Amendment 40
Ildikó Gáll-Pelcz, Ádám Kósa

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Notes that the text of the directives needs to be more specific in terms of improving access for persons with disabilities; the directives should require contracting authorities to apply environmental and/or social and fair trade aspects in their procurement procedures;

Or. hu

Amendment 41
Mara Bizzotto

Draft opinion
Paragraph 5

Draft opinion

Amendment

5. Notes that SMEs are the backbone of the EU economy and have a huge potential for job creation, growth and innovation *and* that greater access to procurement *markets* can assist SMEs in unlocking this potential;

5. Notes that SMEs, *which, according to estimates, are awarded between 31% and 38% of all public contracts in terms of value*, are the backbone of the EU economy and have a huge potential for job creation, growth and innovation; *stresses*

that greater access to ***a transparent and lean European*** procurement ***market*** can assist SMEs in unlocking this potential;

Or. it

Amendment 42
Jürgen Creutzmann

Draft opinion
Paragraph 5

Draft opinion

5. Notes that SMEs are the backbone of the EU economy and have a huge potential for job creation, growth and innovation and that greater access to procurement markets can assist SMEs in unlocking this potential;

Amendment

5. Notes that SMEs are the backbone of the EU economy and have a huge potential for job creation, growth and innovation and that greater access to procurement markets can assist SMEs in unlocking this potential ***through, for example, les stringent requirements relating to evidence and guarantees and improved-procurement procedures; urges the Member States, therefore, to take more action to encourage compliance with the European Code of Best Practices to facilitate SME access to public procurement;***'

Or. de

Amendment 43
Licia Ronzulli

Draft opinion
Paragraph 5

Draft opinion

5. Notes that SMEs are the backbone of the EU economy and have a huge potential for job creation, growth and innovation and that greater access to procurement markets can assist SMEs in unlocking this potential;

Amendment

5. Notes that SMEs are the backbone of the EU economy and have a huge potential for job creation, growth and innovation and that greater access to procurement markets can assist SMEs in unlocking this potential; ***takes the view that simplifying***

access for SMEs to public contract award procedures by reducing information requirements and offering technical and legal advice during the drafting of tenders is of crucial importance to safeguarding jobs;

Or. it

Amendment 44
Rolandas Paksas

Draft opinion
Paragraph 5

Draft opinion

5. Notes that SMEs are the backbone of the EU economy and have a huge potential for job creation, growth and innovation and that greater access to procurement markets can assist SMEs in unlocking this potential;

Amendment

5. Notes that SMEs are the backbone of the EU economy and have a huge potential for job creation, growth and innovation and that greater access to procurement markets can assist SMEs in unlocking this potential; ***calls on the Commission, in the review of public procurement rules, to provide for further instruments to encourage the involvement of SMEs in public procurement and to reduce the administrative burden on them, particularly at the selection stage;***

Or. It

Amendment 45
Juozas Imbrasas

Draft opinion
Paragraph 5

Draft opinion

5. Notes that SMEs are the backbone of the EU economy and have a huge potential for job creation, growth and innovation and that greater access to procurement markets

Amendment

5. Notes that SMEs are the backbone of the EU economy and have a huge potential for job creation, growth and innovation and that greater access to procurement markets

can assist SMEs in unlocking this potential;

can assist SMEs in unlocking this potential; ***calls on the Commission, in the review of public procurement rules, to provide for further instruments to encourage the involvement of SMEs in public procurement and to reduce the administrative burden on them, particularly at the selection stage;***

Or. It

Amendment 46
Ildikó Gáll-Pelcz

Draft opinion
Paragraph 5

Draft opinion

5. Notes that SMEs are the backbone of the EU economy and have a huge potential for job creation, growth and innovation and that greater access to procurement markets can assist SMEs in unlocking this potential;

Amendment

5. Notes that SMEs are the backbone of the EU economy and have a huge potential for job creation, growth and innovation and that greater access to procurement markets can assist SMEs in unlocking this potential; ***the EU 2020 must therefore find a balance between objectivity and non-discrimination, endeavouring to ensure fair competition and proper accessibility for SMEs;***

Or. hu

Amendment 47
Zigmantas Balčytis

Draft opinion
Paragraph 5

Draft opinion

5. Notes that SMEs are the backbone of the EU economy and have a huge potential for job creation, growth and innovation and that greater access to procurement markets

Amendment

5. Notes that SMEs are the backbone of the EU economy and have a huge potential for job creation, growth and innovation and that greater access to procurement markets

can assist SMEs in unlocking this potential;

can assist SMEs in unlocking this potential; *urges the Commission to assess the need, as a matter of urgency, for legislative measures at European level to ensure that contracting authorities make the most of the economic and innovative potential of SMEs;*

Or. It

Amendment 48
Zigmantas Balčytis

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. Stresses that the European public procurement market is more open than the markets of the EU's international partners and that, as a result, European companies cannot compete with third-country companies on a level playing field and continue to have difficulties in gaining access to third-country markets; calls on the Commission to ensure reciprocity in the opening of markets and access to public procurement contracts, both in Europe and elsewhere, in accordance with agreements between the EU and third countries;

Or. It

Amendment 49
Julie Girling

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. Recognises the valuable role of e-

procurement in reducing administrative burdens such as transaction costs particularly for SMEs; stresses, in this context, that the use of e-procurement should be further stimulated and that entrepreneurs and employees receive the relevant training;

Or. en

Amendment 50

Stephen Hughes, Sergio Gaetano Cofferati, Proinsias De Rossa

Draft opinion

Paragraph 5 b (new)

Draft opinion

Amendment

5b. Calls for redefinition of the concept of ‘most economically advantageous offer’ so as to make national and local social and quality criteria for the delivery of SSGI an obligatory requirement in procurement contracts, including subcontracts;

Or. en

Amendment 51

Jürgen Creutzmann

Draft opinion

Paragraph 6

Draft opinion

Amendment

6. Underlines that a change in procurement practices should seek to simplify procurement rules and thus facilitate socially innovative public procurement;

6. Underlines, *in particular*, that a change in procurement practices should seek to simplify procurement rules and *make them more flexible, and* thus facilitate socially innovative public procurement; *stresses that, under existing EU procurement legislation, suitable instruments for that purpose are already available (such as*

performance requirements, the principle of the most economically advantageous offer and total life-cycle cost appraisal); calls on the Commission to keep up the pressure for instruments of this kind to be used and to look into additional possible means of promoting social innovation such as, for example, general acceptance of the admissibility of variants;

Or. de

Amendment 52
Licia Ronzulli

Draft opinion
Paragraph 6

Draft opinion

6. Underlines *that a change in* procurement practices *should seek to simplify procurement rules and thus facilitate* socially *innovative* public procurement;

Amendment

6. Underlines *the importance of simplifying* procurement practices *and minimising the requirements companies must meet in order to take part in a public procurement procedure; stresses, furthermore, the need to* facilitate socially *responsible* public procurement *with a view to promoting new job opportunities and decent jobs and fostering social inclusion;*

Or. it

Amendment 53
Evelyn Regner

Draft opinion
Paragraph 6

Draft opinion

6. Underlines that a change in procurement practices should seek to simplify procurement rules *and thus* facilitate

Amendment

6. Underlines that a change in procurement practices should seek to simplify procurement rules *so as to* facilitate

socially *innovative* public procurement;

economically and socially beneficial public procurement, *particularly by employing more women, workers undergoing training, workers with disabilities and older workers;*

Or. de

Amendment 54
Mara Bizzotto

Draft opinion
Paragraph 6

Draft opinion

6. Underlines that a change in procurement practices should seek to simplify procurement rules and *thus facilitate* socially innovative *public* procurement;

Amendment

6. Underlines that a change in procurement practices should seek to simplify procurement rules *for the benefit of both the authorities and companies, with a view to facilitating access and ensuring the spread of* socially innovative procurement;

Or. it

Amendment 55
Raffaele Baldassarre

Draft opinion
Paragraph 6

Draft opinion

6. Underlines that a change in procurement practices should seek to simplify procurement rules and thus facilitate socially *innovative* public procurement;

Amendment

6. Underlines that a change in procurement practices should seek to simplify procurement rules and thus facilitate socially *sustainable* public procurement, *with a view to promoting innovation, environment friendliness, action to combat climate change, lower energy consumption and better job opportunities;*

Or. it

Amendment 56
Thomas Händel

Draft opinion
Paragraph 6

Draft opinion

6. Underlines that a change in procurement practices should seek to simplify procurement rules and thus facilitate socially innovative public procurement;

Amendment

6. Underlines that a change in procurement practices should seek to simplify procurement rules and thus facilitate socially ***oriented and*** innovative public procurement;

Or. de

Amendment 57
Olle Ludvigsson, Åsa Westlund

Draft opinion
Paragraph 6

Draft opinion

6. Underlines that a change in procurement practices should seek to simplify procurement rules and thus facilitate socially innovative public procurement;

Amendment

6. Underlines that a change in procurement practices should seek to simplify procurement rules and thus facilitate socially innovative public procurement; ***stresses that the Public Procurement Directive should be amended to make it clearer that it is both desirable and possible for public operators to impose conditions and take account both of social criteria and of good quality employment when awarding contracts;***

Or. sv

Amendment 58
Emilie Turunen

Draft opinion
Paragraph 6

Draft opinion

6. Underlines that a change in procurement practices should seek to simplify procurement rules and thus facilitate socially innovative public procurement;

Amendment

6. Underlines that a change in procurement practices should seek to simplify procurement rules and thus facilitate socially innovative public procurement; ***points to the need for legal certainty to encourage innovative and social procurement solutions and remove the fear of negative legal consequences; underlines, in this context, that public authorities must be allowed to apply higher criteria than EU minimum rules;***

Or. en

Amendment 59
Jutta Steinruck

Draft opinion
Paragraph 6

Draft opinion

6. Underlines that a change in procurement practices should seek to simplify procurement rules and thus facilitate socially innovative public procurement;

Amendment

6. Underlines that a change in procurement practices should seek to simplify procurement rules and thus facilitate socially innovative public procurement; ***stresses that the importance of social and ecological criteria in the procurement process must be considerably enhanced and the 'lowest price' criterion must play a subordinate role in the contract award procedure;***

Or. de

Amendment 60
Ildikó Gáll-Pelcz

Draft opinion
Paragraph 6

Draft opinion

6. Underlines that a change in procurement practices should seek to simplify procurement rules and thus facilitate socially innovative public procurement;

Amendment

6. Underlines that a change in procurement practices should seek to simplify procurement rules and thus facilitate socially innovative public procurement; ***in any reform of the rules on procurement, there must be an increase in the role of public authorities in promoting innovation;***

Or. hu

Amendment 61

Stephen Hughes, Sergio Gaetano Cofferati, Proinsias De Rossa

Draft opinion

Paragraph 6 a (new)

Draft opinion

Amendment

6a. Underlines the importance of ensuring high quality social services and goods when public money is spent and recognizing that contracting on the basis of lowest price will not achieve this; calls on the Commission to remove lowest price as an award criterion;

Or. en

Amendment 62

Licia Ronzulli

Draft opinion

Paragraph 6 a (new)

Draft opinion

Amendment

6a. Stresses that socially responsible public procurement helps to improve compliance with community values and meet community requirements because it

*takes account of the needs of all users,
including those with disabilities and those
with a different ethnic background;*

Or. it

Amendment 63
Emilie Turunen

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

*6a. Underlines the great social and
environmental potential in abandoning
the simplistic “lowest price” paradigm
and shift to a more clever life-cycle cost
approach with the term “most
economically advantageous”;*

Or. en

Amendment 64
Philippe Boulland

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

*6a. Advocates amending the current legal
framework for public procurement to
reflect the particular nature of social
services;*

Or. fr

Amendment 65
Julie Girling

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6a. Stresses the importance of ensuring that greater flexibility does not result in less accountability of both contracting authorities and tenderers with negative effects for employment opportunities;

Or. en

Amendment 66
Julie Girling

Draft opinion
Paragraph 6 b (new)

Draft opinion

Amendment

6b. Stresses that the promotion of some priorities in the area of social and employment policies by means of public procurement can increase the risk of subjective decision making and can make such decisions difficult to reverse;

Or. en

Amendment 67
Stephen Hughes, Sergio Gaetano Cofferati, Proinsias De Rossa, Linda McAvan

Draft opinion
Paragraph 6 b (new)

Draft opinion

Amendment

6b. Considers that contracting authorities should be able to impose penalties for failing to deliver on sustainable development objectives in accordance with the criteria indicated in the tender, including in the case of sub-contracting;

Amendment 68
Stephen Hughes, Sergio Gaetano Cofferati

Draft opinion
Paragraph 6 c (new)

Draft opinion

Amendment

6c. Takes the view, furthermore, that in connection with SSGIs it should be possible for contracting authorities to reserve specific contracts for non-profit organisations which specialise in providing social services;

Or. it

Amendment 69
Mara Bizzotto

Draft opinion
Paragraph 7

Draft opinion

Amendment

7. Recognises the role the EU can play in facilitating the development of successful Public Private Partnerships;

deleted

Or. it

Amendment 70
Thomas Händel

Draft opinion
Paragraph 7

Draft opinion

Amendment

7. Recognises the role the EU can play in facilitating the development of successful

deleted

Amendment 71

Stephen Hughes, Sergio Gaetano Cofferati, Proinsias De Rossa

Draft opinion

Paragraph 7

Draft opinion

7. Recognises the role the EU can play in facilitating the development of successful Public Private Partnerships;

Amendment

7. Takes the view that Public Private Partnerships do not represent a good contracting model; such partnerships have often ended disastrously to the massive cost of the taxpayer;

Amendment 72

Raffaele Baldassarre

Draft opinion

Paragraph 7

Draft opinion

7. Recognises the role the EU can play in facilitating the development of successful Public Private Partnerships;

Amendment

7. Recognises the role the EU can play in facilitating the development of successful Public Private Partnerships; *points, nonetheless, to the major disparities between Member States in terms of the legal and procedural requirements applying in this area; calls, accordingly, on the Commission to clarify the concept of public-private partnerships, in particular as regards how the parties will bear shared risks and meet their financial obligations;*

Amendment 73
Julie Girling

Draft opinion
Paragraph 7

Draft opinion

7. Recognises the role the EU can play in facilitating the development of successful Public Private Partnerships;

Amendment

7. Recognises the role the EU can play in facilitating the development of successful Public Private Partnerships ***by promoting fair competition and sharing of best practice across Member States in relation to social and employment policies;***

Or. en

Amendment 74
Evelyn Regner

Draft opinion
Paragraph 7

Draft opinion

7. Recognises the role the EU can play in facilitating the development of successful Public Private Partnerships;

Amendment

7. Recognises the role the EU can play in facilitating the development of successful Public Private Partnerships; ***at the same time, welcomes the exemption of public-public cooperation, which does not fall within the scope of the procurement directive;***

Or. de

Amendment 75
Evelyn Regner

Draft opinion
Paragraph 7 a (new)

Draft opinion

Amendment

7a. Points out that the social services form an integral part of the European social

model and that non-profit organisations promote social cohesion and play an important social policy role; welcomes, therefore, the preferential treatment of non-profit organisations in relation to contracts for social services;

Or. de

Amendment 76

Stephen Hughes, Sergio Gaetano Cofferati, Proinsias De Rossa

Draft opinion

Paragraph 7 a (new)

Draft opinion

Amendment

7a. Recognises that public procurement, if used effectively, could be a real driver to promoting quality jobs, wages and conditions, equality, developing skills, training, promoting environmental policies, and providing incentives for research and innovation;

Or. en

Amendment 77

Emilie Turunen

Draft opinion

Paragraph 8

Draft opinion

Amendment

8. Regrets that the Green Paper does not use the opportunity to clarify the divergent views on public procurement in relation to the posting of workers¹ ;

deleted

¹. *Judgment of the Court of Justice of 3 April 2008 in Case C-346/06 [2008] ECR I-01989 (Dirk Rüffert v Land*

Niedersachsen).

Or. en

Amendment 78
Raffaele Baldassarre

Draft opinion
Paragraph 8

Draft opinion

8. Regrets that the Green Paper does not use the opportunity to *clarify the divergent views on public procurement in relation to the posting of workers¹*;

Amendment

8. Regrets that the Green Paper does not use the opportunity to *assess actual implementation of Article 1(4) of Directive 96/71/EC concerning the posting of workers and its impact on access to the EU procurement market by companies from non-EU countries*;

Or. it

Amendment 79
Thomas Händel

Draft opinion
Paragraph 8

Draft opinion

8. Regrets that the Green Paper does not use the opportunity to clarify the divergent views on public procurement in relation to the posting of workers;

Amendment

8. Regrets that the Green Paper does not use the opportunity to clarify the divergent views on public procurement in relation to the posting of workers *and make it clear that posted workers are covered by the wage agreements agreed with the trade unions recognised for collective bargaining purposes, and the corresponding minimum working conditions, in force in their host company or host administrative area*;

Or. de

Amendment 80
Stephen Hughes, Sergio Gaetano Cofferati

Draft opinion
Paragraph 8

Draft opinion

8. Regrets that the Green Paper does not use the opportunity to clarify the divergent views on public procurement in relation to the posting of workers¹ ;

Amendment

8. Regrets that the Green Paper does not use the opportunity to clarify the divergent views on public procurement in relation to the posting of workers¹; ***takes the view, in this connection, that the EU should lay down general legal provisions governing working conditions during the performance of contracts which apply to both contractors and sub-contractors;***

Or. it

Amendment 81
Olle Ludvigsson, Åsa Westlund

Draft opinion
Paragraph 8

Draft opinion

8. Regrets that the Green Paper does not use the opportunity to clarify the divergent views on public procurement in relation to the posting of workers;

Amendment

8. Regrets that the Green Paper does not use the opportunity to clarify the divergent views on public procurement in relation to the posting of workers ***and calls on the Commission to amend the Directive so that it specifically does not prevent any country from meeting the demands of ILO Convention 94;***

Or. sv

Amendment 82
Emilie Turunen

Draft opinion
Paragraph 8 a (new)

Draft opinion

Amendment

8a. Underlines that whether or not a product or service has been sustainable produced is rightly considered as a characteristic of the product which can be compared and contrasted with products or services that have not been sustainable produced; points out that the scope for including requirements regarding the production process in the technical specifications for all types of contracts should be clarified to enable contracting authorities to control the environmental and social impact of contracts awarded by them; stresses that, especially regarding social and health services but also working conditions, the production process is an important element when it comes to assessing the product;

Or. en

Amendment 83
Stephen Hughes, Sergio Gaetano Cofferati, Proinsias De Rossa

Draft opinion
Paragraph 8 a (new)

Draft opinion

Amendment

8a. Calls on the Commission to make sustainable procurement a core focus of public procurement rules by introducing a new SMART (Sustainably most advantageously rated tender) award criterion to replace most economically advantageous tender to reflect the importance of taking social and environmental considerations into account in public contracting;

Or. en

Amendment 84

Stephen Hughes, Sergio Gaetano Cofferati, Proinsias De Rossa

Draft opinion

Paragraph 8 b (new)

Draft opinion

Amendment

8b. Calls on the Commission to remove, or make considerably more flexible, the link to the subject matter of the contract to allow more effective social and environmental procurement choices, which will make public contracting more transparent;

Or. en

Amendment 85

Stephen Hughes, Sergio Gaetano Cofferati

Draft opinion

Paragraph 8 c (new)

Draft opinion

Amendment

8c. Stresses that it is essential to ensure that all the terms – in particular those covering working conditions and environmental and quality requirements – that contractors must meet are also met by sub-contractors; considers, furthermore, that a chain of liability should be established, under which contractors are held liable for any breaches by sub-contractors, in particular in connection with working conditions, on the basis of a principle of joint and several liability between contractors and subcontractors;

Or. it

Amendment 86
Thomas Händel

Draft opinion
Paragraph 9 a (new)

Draft opinion

Amendment

9a. Calls on the Commission to make it clear that, as a fundamental principle and in all cases, additional obligations relating to the social, environmental and/or innovative aspects of the execution of the contract should be imposed on contractors provided such requirements are materially connected to the object of the contract and arise from the tender specifications;

Or. de

Amendment 87
Philippe Boulland

Draft opinion
Paragraph 9 a (new)

Draft opinion

Amendment

9a. Stresses that SMEs can be regarded as the lifeblood of the European economy and believes that easy access for SMEs to public procurement procedures is crucial for preserving jobs;

Or. fr

Amendment 88
Thomas Händel

Draft opinion
Paragraph 9 b (new)

Draft opinion

Amendment

9b. Calls on the Commission to ensure that public contracts are only awarded to undertakings that undertake in writing, when submitting their tender, to ensure that any temporary workers within the meaning of the Temporary Agency Work Directive employed in connection with the performance of the contract are paid the same as their regular staff members for doing the same work;

Or. de

Amendment 89
Philippe Boulland

Draft opinion
Paragraph 9 b (new)

Draft opinion

Amendment

9b. Calls for the costs that companies incur in tendering for a public procurement contract to be minimised, with a view to making companies more competitive and boosting employment;

Or. fr

Amendment 90
Philippe Boulland

Draft opinion
Paragraph 9 c (new)

Draft opinion

Amendment

9c. Advocates greater flexibility and rapidity in public procurement procedures in order to enable companies to be more competitive and thus create more jobs;

Or. fr

Amendment 91
Philippe Boulland

Draft opinion
Paragraph 9 d (new)

Draft opinion

Amendment

***9d. Calls for the concept of ‘cross-border’
to be defined so that a suitable legal
framework for posted workers can be
established;***

Or. fr