



EUROPEAN PARLIAMENT

2009 - 2014

Committee on International Trade

2009/2175(INI)

2.3.2010

OPINION

of the Committee on International Trade

for the Committee on the Internal Market and Consumer Protection

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

Rapporteur: Małgorzata Handzlik

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SUGGESTIONS

The Committee on International Trade calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Points out that the Internal Market and international markets are increasingly interlinked; considers, in this context, that the EU Internal Market legislators and the EU negotiators in the field of international trade should be mindful of the possible mutual consequences when conducting their activities and that they should adopt a coherent policy that should always be oriented at the promotion of EU values in procurement policies, such as transparency, a principled stance against corruption and the advancement of social and human rights; in order to foster synergies invites the Committee on the Internal Market and Consumer Protection, the Committee on International Trade to hold joint briefing sessions;
2. Stresses that a sound government procurement framework is a precondition for a fair and free competition-oriented market and helps to fight corruption;
3. Believes that a plurilateral agreement such as the Government Procurement Agreement (GPA) is the best tool to ensure a level playing field for European enterprises in regarding market access to public procurement at international level; therefore urges the Commission to conclude the negotiations on the provisional text that was agreed upon in 2006 as a revised version of the GPA that entered into force in 1996 and urges the Commission to continue its efforts to conclude the ambitious GPA; points out that in its preamble and in its Article V the GPA recognises Special and Differential Treatment for Developing Countries;
4. Urges the 22 observer states on the GPA committee to speed up the process of acceding to the GPA;
5. Takes the view that the EU public procurement market remains the most open public procurement market at global level;
6. Regrets that our international partners have not yet opened up their internal public procurement markets to EU companies in the same way that the EU internal market is open to third-country enterprises; deeply deplores the fact that our major trading partners employ public procurement practices which discriminate against EU suppliers tendering for public contracts in third countries; deplores the fact that some key trading partners (including GPA members) take protectionist measures in the area of public procurement;
7. Urges the Commission to do more to secure a greater role for European SMEs in international public procurement and to intensify efforts to prevent discrimination against European SMEs by matching the specific provisions that some GPA members (such as Canada and the US) have; notes that measures to improve both transparency and access to national procurement markets would help SMEs to access such markets;
8. While arguing strongly against protectionist measures in the field of public procurement

at global level, firmly believes in the principle of reciprocity and proportionality in that field; calls on the Commission to consider imposing proportional targeted restrictions on access to parts of the EU's procurement markets for those trading partners which benefit from the openness of the EU market, but have not shown the intention of opening up their own markets to EU companies, in order to encourage our partners to offer reciprocal and proportional market access arrangements for European companies;

9. Draws attention to the provisions of Articles 58 and 59 of Directive 2004/17/EC; calls on the Member States to make full use of the possibility of informing the Commission of problems concerning access by their undertakings to third country markets and calls on the Commission to take effective measures to ensure that Union undertakings enjoy genuine access to third country markets;
10. Calls on the Commission to secure the inclusion, in the renegotiated WTO Government Procurement Agreement (GPA), of a clause enabling the European Union to give preference to SMEs when awarding public contracts, along the lines of those already applied by other States parties to this agreement;
11. In the context of the European Union's commitments in the field of international public procurement, points out, further, the importance of strengthening anti-corruption mechanisms in the field of public procurement and draws attention to the need to focus efforts on ensuring transparency and fairness in the use of public funds;
12. Calls on the Commission to evaluate the possibility of using green public procurement as an instrument for promoting sustainable development;
13. Calls on the Commission to evaluate the possibility of incorporating into public procurement agreements with international partners provisions requiring compliance with the fundamental human rights obligations laid down in conventions and international agreements.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	23.2.2010
Result of final vote	+: 16 -: 5 0: 5
Members present for the final vote	William (The Earl of) Dartmouth, Daniel Caspary, Christofer Fjellner, Joe Higgins, Yannick Jadot, David Martin, Emilio Menéndez del Valle, Vital Moreira, Cristiana Muscardini, Godelieve Quisthoudt-Rowohl, Niccolò Rinaldi, Helmut Scholz, Iuliu Winkler, Jan Zahradil, Paweł Zalewski
Substitute(s) present for the final vote	Catherine Bearder, José Bové, George Sabin Cutaş, Mário David, Salvatore Iacolino, Syed Kamall, Elisabeth Köstinger, Jörg Leichtfried, Matteo Salvini, Michael Theurer, Jarosław Leszek Wałęsa
Substitute(s) under Rule 187(2) present for the final vote	Patrice Tirolien