



New EU Directive: towards a more socially responsible public procurement

Yesterday (15 January), the European Parliament adopted a new directive on public procurement. SOLIDAR welcomes the updated legislative framework which simplifies the rules for the provision of social, health and other services provided directly to the person in Europe and provides more legal clarity on the application of the rules.

SOLIDAR welcomes the fact that this framework puts a focus on qualitative aspects such as social, innovative and environmental considerations, including accessibility, qualification of the staff, production process or delivery conditions and will allow public authorities to give preference to bidders that offer better working conditions to their workers, favour the integration of disadvantaged workers, and offer sustainably produced goods.

The new provisions establish that public authorities have to evaluate tenders using the most economically advantageous tender (MEAT) criterion, which is determined on the basis of the price or cost but may also include the best price-quality ratio using qualitative, environmental and social criteria. We welcome the shift towards qualitative criteria which could ensure a bigger leeway for public authorities to organise public procurement in a sustainable manner with a focus on quality services instead of the cheapest offer. However, regrettably, the way in which MEAT is defined within the new directive will in fact allow contracting authorities to purchase on the basis of the cheapest option only. Thus, we call on Member States to make the consideration of qualitative and social aspects compulsory when implementing the new provisions.

Regarding the procurement of services in the social and healthcare sector, SOLIDAR welcomes the recognition of the specific characteristics of social, health and other services provided directly to the person and the application of a lighter regime to the regular procurement procedures for these services. Providers of social, health and other services provided directly to the person play an important role in the delivery of qualitative, inclusive and affordable services while contributing to social inclusion and cohesion.

In the new directives, Member States may reserve certain procurement contracts to social economy operators which at first sight is a very positive development. SOLIDAR regrets nevertheless that such reserved contracts may not be awarded twice in a row to the same social economy actor which might pose obstacles to the continuity of service provision.

Member States now have two years to implement the new provisions and show their commitment to make strategic use of public procurement for social and environmental policy goals as well to make tangible steps towards the promotion of a stronger social Europe improving access to and quality employment in the healthcare and social sector.

SOLIDAR is a European network of 60 NGOs working to advance social justice in Europe and worldwide. SOLIDAR voices the concerns of its member organisations to the EU and international institutions across the policy sectors social affairs, international cooperation and lifelong learning. For more info www.solidar.org