



EUROPEAN PARLIAMENT

2009 - 2014

Committee on the Internal Market and Consumer Protection

2011/2048(INI)

26.7.2011

AMENDMENTS

1 - 210

Draft report
Heide Rühle
(PE467.024v03-00)

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

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EN

United in diversity

EN

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Amendment 1
Heide Rühle

Motion for a resolution
Citation 1 a (new)

Motion for a resolution

Amendment

- having regard to the changes introduced by the Lisbon Treaty regarding public services, notably the Protocol 26 on services of general interest that calls for a high level of quality, safety, access and user rights and acknowledges explicitly the right to regional and local self-government,

Or. en

Amendment 2
Evelyne Gebhardt

Motion for a resolution
Citation 1 a (new)

Motion for a resolution

Amendment

- having regard to Article 3 of the Lisbon Treaty, which lays down that the aims of the European Union include social progress, combating social exclusion and discrimination, promoting social justice and protection, and equality between women and men,

Or. de

Amendment 3
Christel Schaldemose

Motion for a resolution
Citation 1 a (new)

Motion for a resolution

Amendment

**- having regard to the United Nations
Convention on the Rights of Persons with
Disabilities ratified by the EU on 23
December 2010,**

Or. en

Amendment 4
Bernadette Vergnaud

Motion for a resolution
Citation 1 a (new)

Motion for a resolution

Amendment

**- having regard to the WTO Agreement on
Government Procurement of 15 April
1994,**

Or. fr

Amendment 5
Christel Schaldemose

Motion for a resolution
Citation 1 b (new)

Motion for a resolution

Amendment

**- having regard to the Charter of
Fundamental Rights of the European
Union and especially at article 26
(integration of persons with disabilities),**

Or. en

Amendment 6

Jürgen Creutzmann, Jens Rohde, Cristian Silviu Buşoi

Motion for a resolution

Citation 6 a (new)

Motion for a resolution

Amendment

**- having regard to the Agreement on
Government Procurement (GPA),**

Or. en

Amendment 7

Bernadette Vergnaud

Motion for a resolution

Citation 6 a (new)

Motion for a resolution

Amendment

**- having regard to its resolution of 12 May
2011 on equal access to public sector
markets in the EU and in third countries,**

Or. fr

Amendment 8

Jens Rohde, Jürgen Creutzmann

Motion for a resolution

Citation 14 a (new)

Motion for a resolution

Amendment

**- having regard to the Council Decision
2010/48, on the Conclusion of the United
Nations Convention on the Rights of
Persons with Disabilities which entered
into force on 22nd January 2011, that
identifies public procurement directives as
community acts which refer to matters
governed by the Convention,**

Amendment 9
Heide Rühle

Motion for a resolution
Recital A

Motion for a resolution

A. whereas a properly functioning procurement market is of essential importance with a view to fostering the single market, stimulating competition and innovation, promoting a high level of environmental and climate protection and **social** inclusion, and achieving optimal value for citizens, businesses and taxpayers,

Amendment

A. whereas a properly functioning procurement market is of essential importance with a view to fostering the single market, stimulating competition and innovation, promoting a high level of environmental and climate protection **as well as quality of work, social cohesion** and inclusion, and achieving optimal value for citizens, businesses and taxpayers,

Amendment 10
Evelyne Gebhardt

Motion for a resolution
Recital A

Motion for a resolution

A. whereas a properly functioning procurement market is of essential importance with a view to fostering the single market, stimulating competition and innovation, promoting a high level of environmental and climate protection and social **inclusion**, and achieving optimal value for citizens, businesses and taxpayers,

Amendment

A. whereas a properly functioning procurement market is of essential importance with a view to fostering the single market, stimulating competition and innovation, promoting a high level of environmental and climate protection and social **rights of workers and taking account of their implications for the welfare state**, and achieving optimal value for citizens, **employees**, businesses and taxpayers,

Amendment 11
Christel Schaldemose

Motion for a resolution
Recital A

Motion for a resolution

A. whereas a properly functioning procurement market is of essential importance with a view to fostering the single market, stimulating competition and innovation, promoting a high level of environmental and climate protection and social inclusion, and achieving optimal value for citizens, businesses and taxpayers,

Amendment

A. whereas a properly functioning procurement market is of essential importance with a view to fostering the single market, stimulating competition and innovation, promoting a high level of environmental and climate protection and social inclusion, and achieving optimal value for citizens, businesses and taxpayers; ***social considerations can be combined with green considerations in an integrated approach to sustainability in public procurement,***

Or. en

Amendment 12
Malcolm Harbour

Motion for a resolution
Recital A

Motion for a resolution

A. whereas a properly functioning procurement market is of ***essential importance with a view to fostering the single market,*** stimulating competition and innovation, ***promoting a high level of*** environmental and ***climate protection and*** social ***inclusion, and*** achieving optimal value for citizens, businesses and taxpayers,

Amendment

A. whereas a properly functioning ***EU public*** procurement market is ***a key driver of growth and a cornerstone of the Single Market, is furthermore fundamental to*** stimulating competition and innovation, ***and to addressing fast emerging*** environmental and social ***public policy challenges, while*** achieving optimal value for citizens, businesses and taxpayers,

Or. en

Amendment 13
Heide Rühle

Motion for a resolution
Recital A a (new)

Motion for a resolution

Amendment

Aa. whereas European public procurement rules have contributed substantially to increase transparency and equal treatment, to fight against corruption and to professionalise the procurement process;

Or. en

Amendment 14
Evelyne Gebhardt

Motion for a resolution
Recital A a (new)

Motion for a resolution

Amendment

Aa. whereas a functioning internal market must go hand in hand with respect for workers' rights and whereas the public sector must help to attain the objectives of equality between women and men, and high-quality jobs with adequate pay and corresponding working conditions,

Or. de

Amendment 15
Marc Tarabella

Motion for a resolution
Recital A a (new)

Motion for a resolution

Amendment

Aa. whereas the procurement market can help achieve the EU 2020 objectives, particularly by promoting high quality jobs, salaries and working conditions, upgrading skills and developing research and innovation;

Or. fr

Amendment 16
Robert Rochefort

Motion for a resolution
Recital A a (new)

Motion for a resolution

Amendment

Aa. whereas the current economic climate makes it more important than ever to ensure optimal efficiency in public spending, whilst limiting costs borne by businesses as much as possible, and a better functioning procurement market would help achieve these two objectives;

Or. fr

Amendment 17
Heide Rühle

Motion for a resolution
Recital A b (new)

Motion for a resolution

Amendment

Ab. whereas public procurement directives have become too detailed and legalistic in their approach having so contributed to an increase of the external cost as well as a climate of mistrust between public procurers and private

suppliers and thus hindered the dialogue between procurers and the market;

Or. en

Amendment 18
Alejandro Cercas, Stephen Hughes

Motion for a resolution
Paragraph 1 a (new)

Motion for a resolution

Amendment

1a. 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. en

Amendment 19
Phil Prendergast

Motion for a resolution
Paragraph 1 a (new)

Motion for a resolution

Amendment

1a. Whereas the Treaty principles of non-discrimination, equal treatment, transparency, mutual recognition and proportionality also apply to tender procedures which fall below the de minimis thresholds for application of the Public Procurement Directives;

Amendment 20
Zigmantas Balčytis

Motion for a resolution
Paragraph 1 a (new)

Motion for a resolution

Amendment

1a. Notes that public procurement policy should in the first instance ensure the effective use of funds by the Member States, achieve optimum results in terms of public procurement through the application of clear, transparent and flexible procedures, and allow European businesses to compete on an equal footing throughout the European Union;

Or. lt

Amendment 21
Jutta Steinruck

Motion for a resolution
Paragraph 1 a (new)

Motion for a resolution

Amendment

1a. 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;

Amendment 22
Bernadette Vergnaud

Motion for a resolution
Paragraph 1 a (new)

Motion for a resolution

Amendment

1a. Considers that public procurement should be an instrument for promoting research, innovation and environmental policies, and for the creation of high-quality permanent jobs; considers in this respect that compliance with social standards, collective agreements and minimum wages at all stages in the performance of the contract, including the supply chain, should be a compulsory criterion in the award of public contracts;

Or. fr

Amendment 23
Bernadette Vergnaud

Motion for a resolution
Paragraph 1 b (new)

Motion for a resolution

Amendment

1b. considers that the European market cannot, on a unilateral basis, be open to third-country operators and calls for the Commission to consider the use of a tool to ensure reciprocity vis-à-vis States which do not provide equivalent access to European operators, including those that are signatories to the Agreement on Government Procurement (GPA); points out that the GPA provides for special and differentiated treatment for developing countries;

Amendment 24
Heide Rühle

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Points out that public procurement rules have become overly complex and too detailed, leading to costly and burdensome administrative procedures; recommends simplification as far as possible, with clarifications where necessary; points out that the increased use of information technology will also play a major role in reducing administration and costs, and that European initiatives on e-procurement should therefore be **aligned** with the reform of the procurement rules;

Amendment

2. Points out that public procurement rules have become overly complex and too detailed, leading to costly and burdensome administrative procedures; recommends simplification as far as possible, with clarifications where necessary; points out that the increased use of information technology will also play a major role in reducing administration and costs, and that European initiatives on e-procurement should therefore be **considered in conjunction** with the reform of the procurement rules;

Amendment 25
Rolandas Paksas

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Points out that public procurement rules have become overly complex and too detailed, leading to costly and burdensome administrative procedures; recommends simplification as far as possible, with clarifications where necessary; points out that the increased use of information technology will also play a major role in reducing administration and costs, and that European initiatives on e-procurement should therefore be aligned with the reform

Amendment

2. Points out that public procurement rules have become overly complex and too detailed, leading to costly and burdensome administrative procedures, **frequent cases of inadequate transposition of the rules into national legislation and the development of conditions that are conducive to unfair commercial practices; thus** recommends simplification as far as possible, with clarifications where necessary; points out that the increased use

of the procurement rules;

of information technology will also play a major role in reducing administration and costs, and that European initiatives on e-procurement should therefore be aligned with the reform of the procurement rules;

Or. It

Amendment 26

Anna Maria Corazza Bildt, Philippe Juvin

Motion for a resolution

Paragraph 2

Motion for a resolution

2. Points out that public procurement rules have become overly complex and too detailed, leading to costly and burdensome administrative procedures; recommends simplification as far as possible, with clarifications where necessary; points out that the increased use of information technology will also play a major role in reducing administration and costs, and that European initiatives on e-procurement should therefore be aligned with the reform of the procurement rules;

Amendment

2. Points out that public procurement rules have become overly complex and too detailed, leading to costly and burdensome administrative procedures; recommends simplification as far as possible, with clarifications where necessary; points out that the increased use of information technology will also play a major role in reducing administration and costs, and that European initiatives on e-procurement should therefore be aligned with the reform of the procurement rules; ***stresses, in this context, the need of developing a standardised system for e-signature;***

Or. en

Amendment 27

Juozas Imbrasas

Motion for a resolution

Paragraph 2

Motion for a resolution

2. Points out that public procurement rules have become overly complex and too detailed, leading to costly and burdensome

Amendment

2. Points out that public procurement rules have become overly complex and too detailed, leading to costly and burdensome

administrative procedures; recommends simplification as far as possible, with clarifications where necessary; points out that the increased use of information technology will also play a major role in reducing administration and costs, and that European initiatives on e-procurement should therefore be aligned with the reform of the procurement rules;

administrative procedures, *frequent cases of inadequate transposition of the rules into national legislation and the development of conditions that are conducive to unfair commercial practices*; *thus* recommends simplification as far as possible, with clarifications where necessary; points out that the increased use of information technology will also play a major role in reducing administration and costs, and that European initiatives on e-procurement should therefore be aligned with the reform of the procurement rules;

Or. It

Amendment 28
Andreas Schwab

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Points out that *public* procurement *rules have become overly complex and too detailed, leading to costly and burdensome administrative procedures*; *recommends simplification as far as possible, with clarifications where necessary*; points out that *the* increased use of information technology will also play a major role in reducing administration and costs, and *that* European initiatives on e-procurement should *therefore* be aligned with the reform of the procurement rules;

Amendment

2. Points out that *although the revision of the EU procurement directives in 2004 basically led to a useful further development of the Single Market for Public Procurement, some years after the transposition of Directives 2004/17 and 2004/18 into national law there is a need to assess as to whether optimizations and clarifications of the directives will be necessary with a view to overcome shortcomings that have turned out in practice*; points out that *an* increased use of information technology will also play a major role in reducing administration and costs, *whereby still existing obstacles to a sound use of electronic procedures, and especially the still existing lack of interoperability will have to be addressed*; European initiatives on e-procurement should be aligned with the reform of the procurement rules;

Amendment 29
Malcolm Harbour

Motion for a resolution
Paragraph 2

Motion for a resolution

2. ***Points out*** that public procurement rules ***have become overly*** complex ***and too detailed***, leading to costly and burdensome administrative procedures; ***recommends*** simplification ***as far as possible, with*** clarifications where necessary; ***points out*** that the increased use of ***information technology will also*** play a major role in reducing administration and costs, and that European initiatives on e-procurement should ***therefore*** be aligned with the reform of the procurement rules;

Amendment

2. ***Underlines*** that public procurement rules ***are highly*** complex, leading to costly and burdensome administrative ***compliance*** procedures; ***Calls on the Commission to propose a significant simplification and consolidation of the rules, while adding further*** clarifications where necessary; ***stresses furthermore*** that the increased use of ***ICT must now*** play a major role in reducing administration and costs, and that ***the various*** European initiatives on e-procurement should ***accordingly*** be aligned with the reform of the procurement rules;

Amendment 30
Søren Bo Søndergaard

Motion for a resolution
Paragraph 2 – subparagraph 1 (new)

Motion for a resolution

Urges the Commission, furthermore, to revise the rules on compulsory public procurement, inter alia with a view to reviewing the minimum threshold at which public procurement must take place;

Amendment

Amendment 31
Bernadette Vergnaud

Motion for a resolution
Paragraph 2 a (new)

Motion for a resolution

Amendment

2a. Points out that eleven Member States have ratified the ILO's Convention C94 concerning labour clauses in public contracts and calls on the Commission to encourage all Member States to ratify this Convention in order to limit the undesirable effects of recent ECJ judgments in this field, and to include a reference to this convention in future legislation on public procurement;

Or. fr

Amendment 32
Jürgen Creutzmann, Jens Rohde, Cristian Silviu Buşoi

Motion for a resolution
Paragraph 3

Motion for a resolution

Amendment

3. Asks for clarification of the ***scope*** of the directives; recalls that the main purpose of public procurement is the purchase of goods, works and services by public authorities to accommodate the needs of their citizens; ***points out*** that ***there must be a direct benefit for the contracting authority in order for a procedure to qualify as public procurement;***

3. Asks for clarification ***and clear delineation*** of the ***scopes*** of the directives ***2004/17/EC and 2004/18/EC***; recalls that the main purpose of public procurement is the purchase of goods, works and services by public authorities to accommodate the needs of their citizens ***and*** that the ***main purpose of EU public procurement rules is to ensure equal treatment, non-discrimination, mutual recognition, proportionality and transparency by guaranteeing the opening-up of public procurement to competition;***

Or. en

Amendment 33
Christel Schaldemose

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Asks for clarification of the scope of the directives; recalls that the main purpose of public procurement is the purchase of goods, works and services by public authorities to accommodate the needs of their citizens; points out that there must be a direct benefit for the contracting authority in order for a procedure to qualify as public procurement;

Amendment

3. Asks for clarification of the scope of the directives; recalls that the main purpose of public procurement is the purchase of goods, works and services by public authorities to accommodate the needs of their citizens ***in general and in particular citizens with disabilities***; points out that there must be a direct benefit for the contracting authority in order for a procedure to qualify as public procurement;

Or. en

Amendment 34
Zigmantas Balčytis

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Asks for clarification of the scope of the directives; recalls that the main purpose of public procurement is the purchase of goods, works and services by public authorities to accommodate the needs of their citizens; points out that there must be a direct benefit for the contracting authority in order for a procedure to qualify as public procurement;

Amendment

3. Asks for clarification of the scope of the directives; recalls that the main purpose of public procurement is the purchase of goods, works and services by public authorities to accommodate the needs of their citizens ***and ensure effective use of public funds***; points out that there must be a direct benefit for the contracting authority in order for a procedure to qualify as public procurement;

Or. lt

Amendment 35

Jürgen Creutzmann, Jens Rohde, Cristian Silviu Buşoi

Motion for a resolution

Paragraph 4

Motion for a resolution

4. Calls for clarification of the definitions in the directives – for example the definition of a ‘body governed by public law’ – in line with the jurisprudence of the ECJ;

Amendment

4. Calls for clarification of the definitions in the directives – for example the definition of a ‘body governed by public law’ – in line with the jurisprudence of the ECJ ***and without reducing the scope of EU public procurement rules;***

Or. en

Amendment 36

Catherine Stihler

Motion for a resolution

Paragraph 4 a (new)

Motion for a resolution

Amendment

4a. Reconfirms the importance of Article 14 and the Protocol No 26 on Services of General Interest of the TFEU, which recognise the specific nature and importance of public services, and the need to ensure a high level of quality, safety, access and user rights. Furthermore, recognises the wide discretion of national, regional and local authorities to decide on how they are provided, commissioned and organised, including in-house and public-public co-operation, which are not subject to public procurement rules.

Or. en

Amendment 37

Alejandro Cercas, Stephen Hughes

Motion for a resolution
Paragraph 4 a (new)

Motion for a resolution

Amendment

4a. 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. en

Amendment 38
Alejandro Cercas, Stephen Hughes

Motion for a resolution
Paragraph 4 b (new)

Motion for a resolution

Amendment

4b. 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 39
Heide Rühle

Motion for a resolution
Paragraph 5

Motion for a resolution

Amendment

5. Recalls its resolution of May 2010 on

5. Recalls its resolution of May 2010 on

recent developments in public procurement, which took note of the ECJ case-law and took the view that public-public cooperation was not subject to public procurement rules as long as the following criteria were met: that the purpose of the partnership was the provision of a public-service task conferred on all the local authorities concerned and that the task was carried out solely by the public authorities concerned, i.e. without the involvement of private capital; underlines that those clarifications should be codified in the procurement directives;

recent developments in public procurement, which took note of the ECJ case-law and took the view that public-public cooperation was not subject to public procurement rules as long as the following criteria were met: that the purpose of the partnership was the provision of a public-service task conferred on all the local authorities concerned and that the task was carried out solely by the public authorities concerned, i.e. without the involvement of private capital, ***transfer of competences between public sector organizations is a matter of the internal administrative organization of the Member States and not subject to procurement***; underlines that those clarifications should be codified in the procurement directives;

Or. en

Amendment 40

Jürgen Creutzmann, Jens Rohde, Cristian Silviu Buşoi

Motion for a resolution Paragraph 5

Motion for a resolution

5. Recalls its resolution of May 2010 on recent developments in public procurement, which took note of the ECJ case-law and took the view that public-public cooperation was not subject to public procurement rules as long as the following criteria were met: that the purpose of the partnership was the provision of a public-service task conferred on all the local authorities concerned ***and*** that the task was carried out solely by the public authorities concerned, i.e. without the involvement of private ***capital***; ***underlines*** that ***those clarifications should be codified*** in the ***procurement directives***;

Amendment

5. Recalls its resolution of May 2010 on recent developments in public procurement, which took note of the ECJ case-law and took the view that public-public cooperation was not subject to public procurement rules as long as the following criteria were met: that the purpose of the partnership was the provision of a public-service task conferred on all the local authorities concerned, that the task was carried out solely by the public authorities concerned, i.e. without the involvement of private ***individuals or undertakings, and that the activity involved is essentially performed on behalf of the public authorities***

concerned; points out that furthermore, according to the ECJ, such cooperation must be governed solely by considerations and requirements relating to the pursuit of objectives in the public interest and respect the principle of equal treatment of the persons concerned, referred to in Directive 92/50, so that no private undertaking is placed in a position of advantage vis-à-vis competitors; calls on the Commission to produce comprehensive guidelines on the conditions for public-public cooperation, drawing on the conclusions of existing case law;

Or. en

Amendment 41
Róza Gräfin von Thun und Hohenstein

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Recalls its resolution of May 2010 on recent developments in public procurement, which took note of the ECJ case-law and took the view that public-public cooperation was not subject to public procurement rules as long as the following criteria were met: that the purpose of the partnership was the provision of a public-service task conferred on all the local authorities concerned and that the task was carried out solely by the public authorities concerned, i.e. without the involvement of private capital; underlines that those clarifications should be codified in the procurement directives,

Amendment

5. Recalls its resolution of May 2010 on recent developments in public procurement, which took note of the ECJ case-law and took the view that public-public cooperation was not subject to public procurement rules as long as, *inter alia*, the following criteria were met: that the purpose of the partnership was the provision of a public-service task conferred on all the local authorities concerned and that the task was carried out solely by the public authorities concerned, i.e. without the involvement of private capital; underlines that those clarifications should be codified in the procurement directives,

Or. en

Amendment 42
Wim van de Camp

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Recalls its resolution of May 2010 on recent developments in public procurement, which took note of the ECJ case-law and took the view that public-public cooperation was not subject to public procurement rules as long as the following criteria were met: that the purpose of the partnership was the provision of a public-service task conferred on all the local authorities concerned and that the task was carried out solely by the public authorities concerned, i.e. without the involvement of private capital; underlines that those clarifications should be codified in the procurement directives;

Amendment

5. Recalls its resolution of May 2010 on recent developments in public procurement, which took note of the ECJ case-law and took the view that public-public cooperation was not subject to public procurement rules as long as the following criteria were met: that the purpose of the partnership was the provision of a public-service task conferred on all the local authorities concerned and that the task was carried out solely by the public authorities concerned, i.e. without the involvement of private capital, ***and the activity involved was essentially performed on behalf of the public authorities concerned***; underlines that those clarifications should be codified in the procurement directives;

(The report lists individual criteria on which the Court of Justice has taken a position, but omits one of them. This amendment seeks to remedy this omission.)

Or. nl

Amendment 43
Eija-Riitta Korhola

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Recalls its resolution of May 2010 on recent developments in public procurement, which took note of the ECJ case-law and took the view that public-public cooperation was not subject to

Amendment

5. Recalls its resolution of May 2010 on recent developments in public procurement, which took note of the ECJ case-law and took the view that public-public cooperation was not subject to

public procurement rules as long as the following criteria were met: that the purpose of the partnership was the provision of a public-service task conferred on all the local authorities concerned and that the task was carried out solely by the public authorities concerned, i.e. without the involvement of private capital; underlines that those clarifications should be codified in the procurement directives;

public procurement rules as long as the following criteria were met: that the purpose of the partnership was the provision of a public-service task conferred on all the local authorities concerned and that the task was carried out solely by the public authorities concerned, i.e. without the involvement of private capital; underlines that those clarifications should be codified in the procurement directives ***securing that the clarifications will not hamper competition and the broader functioning of the public procurement market;***

Or. en

Amendment 44
Anja Weisgerber

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Recalls its resolution of May 2010 on recent developments in public procurement, which took note of the ECJ case-law ***and took the view that public-public cooperation was not subject to public procurement rules as long as the following criteria were met: that the purpose of the partnership was the provision of a public-service task conferred on all the local authorities concerned and that the task was carried out solely by the public authorities concerned, i.e. without the involvement of private capital; underlines that those clarifications should be codified in the procurement directives;***

Amendment

5. Recalls its resolution of May 2010 on recent developments in public procurement, which took note of the ECJ case-law; ***considers that the Court of Justice has established sufficient legal certainty by means of its case-law on public-public cooperation, so that public-public cooperation should not be affected by the modernisation of EU public procurement law and should not be codified in any other context either;***

Or. de

Amendment 45

Jürgen Creutzmann, Jens Rohde, Cristian Silviu Buşoi

Motion for a resolution

Paragraph 5 a (new)

Motion for a resolution

Amendment

5a. Underlines that there is a difference between "horizontal" public-public cooperation and the direct award of a contract to an "in-house" operator, for which different criteria apply according to ECJ case law; asks for the inclusion of a mandatory prior notification by procurement authorities in case of an envisaged public-public cooperation or "in-house" procurement to improve transparency;

Or. en

Amendment 46

Alejandro Cercas, Stephen Hughes

Motion for a resolution

Paragraph 5 a (new)

Motion for a resolution

Amendment

5a. 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 47
Alejandro Cercas, Stephen Hughes

Motion for a resolution
Paragraph 5 b (new)

Motion for a resolution

Amendment

5b. 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 48
Alejandro Cercas, Stephen Hughes

Motion for a resolution
Paragraph 5 c (new)

Motion for a resolution

Amendment

5c. 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 49
Frank Engel

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Underlines the exclusion of service concessions from the scope of European procurement rules; *notes the Commission's intention to propose separate legislation on* service concessions; takes the view that *this should be dealt with in the review of the directives only in order to avoid any further fragmentation of the legislation;*

Amendment

6. Underlines the exclusion of service concessions from the scope of European procurement rules; *reiterates that due account must be taken of both the complexity of the procedures and the differences between the Member States in terms of legal culture and practice with regard to* service concessions; takes the view that *the process of defining the term 'service concession' and establishing the legal framework governing such concessions has evolved as a result of the 2004 public procurement directives and the CJEU's supplementary case-law; insists that any proposal for a legal act dealing with service concessions would be justified only with a view to remedying distortions in the functioning of the internal market; points out that such distortions have not hitherto been identified, and that a legal act on service concessions is therefore unnecessary as long as it is not geared to an identifiable improvement in the functioning of the internal market;*

Or. fr

Amendment 50
Anja Weisgerber

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Underlines the exclusion of service concessions from the scope of European

Amendment

6. Underlines the exclusion of service concessions from the scope of European

procurement rules; notes the Commission's intention to propose separate legislation on service concessions; takes the view that **this should** be dealt with in the review of the directives only in order to avoid any further fragmentation of the legislation;

procurement rules; notes the Commission's intention to propose separate legislation on service concessions; **recalls that, in its resolution of 18 May 2010¹ the European Parliament insisted that any proposal for a legal act dealing with service concessions would be justified only with a view to remedying distortions in the functioning of the internal market and observes that no such distortions have so far been identified**; takes the view **furthermore** that **separate legal provisions on service concessions would** be dealt with in the review of the directives only in order to avoid any further fragmentation of the legislation;

¹ **Resolution on new developments in public procurement, Texts adopted, P7_TA(2010)0173**

Or. de

Amendment 51
Hans-Peter Mayer, Andreas Schwab

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Underlines the exclusion of service concessions from the scope of European procurement rules; notes the Commission's intention to propose separate legislation on service concessions; takes the view that this should be dealt with in the review of **the directives** only in order to avoid any further fragmentation of the legislation;

Amendment

6. Underlines the exclusion of service concessions from the scope of European procurement rules; notes the Commission's intention to propose separate legislation on service concessions; takes the view that this should be dealt with in the review of **Directives 2004/17/EC and 2004/18/EC** only in order to avoid any further fragmentation of the legislation;

Or. de

Amendment 52

Róza Gräfin von Thun und Hohenstein

Motion for a resolution

Paragraph 6

Motion for a resolution

6. Underlines the exclusion of service concessions from the scope of European procurement rules; notes the Commission's intention to propose separate legislation on service concessions; takes the view that this should ***be dealt with in the review of the directives only in order to avoid*** any further fragmentation of the legislation;

Amendment

6. Underlines the exclusion of service concessions from the scope of European ***secondary*** procurement rules; notes the Commission's intention to propose separate legislation on service concessions; takes the view that this should ***not lead*** to any further fragmentation of the legislation;

Or. en

Amendment 53

Bernadette Vergnaud

Motion for a resolution

Paragraph 6

Motion for a resolution

6. Underlines the exclusion of service concessions from the scope of European procurement rules; notes the Commission's intention to propose separate legislation on service concessions; takes the view that this should be ***dealt with in the review of the directives only in order to avoid any further fragmentation of the legislation;***

Amendment

6. Underlines the exclusion of service concessions from the scope of European procurement rules; notes the Commission's intention to propose separate legislation on service concessions; takes the view that this ***proposal*** should ***basically be a proper clarification of the rules in this field which takes due account of ECJ case law;***

Or. fr

Amendment 54

Constance Le Grip

Motion for a resolution

Paragraph 6 a (new)

Motion for a resolution

Amendment

6a. Supports the separate initiative by the European Commission which seeks to establish an instrument that aims to ensure greater reciprocity and symmetry in the opening of our public procurement markets and those of third countries;

Or. fr

Amendment 55

Jürgen Creutzmann, Jens Rohde, Cristian Silviu Buşoi

Motion for a resolution

Paragraph 7

Motion for a resolution

7. Emphasises that the current classification of A and B service categories should be maintained in so far as ‘lighter’ provisions for B services have their justification in their characteristics as mainly locally or regionally provided services;

Amendment

7. Emphasises that the current classification of A and B service categories should be maintained in so far as ‘lighter’ provisions for B services have their justification in their characteristics as mainly locally or regionally provided services; ***however calls on the Commission to re-assess the classification of certain services which have increasingly developed a cross-border nature, e.g. energy and transport services; asks the Commission to clarify the criteria underlying the current selection of all B services and the scope of each category; asks to make the list in Annex II B of directive 2004/18/EC exhaustive by transferring the category "other services" to Annex II A;***

Or. en

Amendment 56

Ildikó Gáll-Pelcz

Motion for a resolution
Paragraph 7

Motion for a resolution

7. Emphasises that the current classification of A and B service categories should be maintained in so far as ‘lighter’ provisions for B services have their justification in their characteristics as mainly locally or regionally provided services;

Amendment

7. Emphasises that the current classification of A and B service categories should be maintained in so far as ‘lighter’ provisions for B services have their justification in their characteristics as mainly locally or regionally provided services; ***calls on the Commission to develop tools that make it easier for local and regional authorities to decide to which category specific contract tasks belong;***

Or. hu

Amendment 57
Malcolm Harbour

Motion for a resolution
Paragraph 7

Motion for a resolution

7. Emphasises that the current classification of A and B service categories should be maintained in so far as ‘lighter’ provisions for B services have their justification in their characteristics as mainly locally or regionally provided services;

Amendment

7. Emphasises that the current classification of A and B service categories should be maintained in so far as ‘lighter’ provisions for B services have their justification in their characteristics as mainly locally or regionally provided services; ***calls on the Commission, as an alternative, to investigate the merits of reclassifying all Part A services into the Part B category and removing the more stringent requirements for Part A services procurements altogether;***

Or. en

Amendment 58
Andreas Schwab, Hans-Peter Mayer

Motion for a resolution
Paragraph 7 a (new)

Motion for a resolution

Amendment

7a. Observes in this context 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 for recognition under European law of tried and tested Member State procedures based on the principle that all providers which are able to comply with the conditions previously laid down by law should be permitted to provide services, irrespective of their legal form, provided that account is taken of the general principles of equal treatment, transparency and non-discrimination;

Or. de

Amendment 59
Philippe Juvin

Motion for a resolution
Paragraph 7 a (new)

Motion for a resolution

Amendment

7a. Underlines that the introduction of new rules for public procurement markets below the EU thresholds should be avoided as it may jeopardize legal certainty established at national level;

Or. en

Amendment 60
Andreas Schwab, Hans-Peter Mayer

Motion for a resolution
Paragraph 8

Motion for a resolution

Amendment

8. Asks the Commission to review the Remedies Directive as soon as possible and to bring it into line with the revised Public Procurement Directives;

deleted

Or. de

**Amendment 61
Ildikó Gáll-Pelcz**

**Motion for a resolution
Paragraph 8**

Motion for a resolution

Amendment

8. Asks the Commission to review the Remedies Directive as soon as possible and to bring it into line with the revised Public Procurement Directives;

8. Asks the Commission to review the Remedies Directive as soon as possible and to bring it into line with the revised Public Procurement Directives; ***stresses that the directive does not replace the rules on fighting corruption or the competition rules, but that its strict procedural provisions afford additional protection;***

Or. hu

**Amendment 62
Malcolm Harbour**

**Motion for a resolution
Paragraph 8**

Motion for a resolution

Amendment

8. ***Asks*** the Commission to ***review*** the Remedies Directive ***as soon as possible and to bring it into line with the revised Public Procurement Directives;***

8. ***Calls on*** the Commission to ***align*** the Remedies Directive to the ***new*** Public Procurement ***Framework which will emerge following the current review, and to carry out this exercise in parallel to the main legislative proposal to ensure consistency;***

Or. en

Amendment 63
Barbara Weiler

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution

Amendment

8a. Stresses the Commission's responsibility for monitoring the correct transposition of European directives in the Member States;

Or. de

Amendment 64
Anna Hedh, Åsa Westlund

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution

Amendment

8a. Calls for an explicit statement in the directive that it does not prevent any country from complying with ILO Convention No 94, stresses that the effective functioning of public procurement requires clear and unambiguous EU rules precisely defining the framework of Member States' legislation and implementation, in particular in relation to international agreements that Member States have ratified;

Or. en

Amendment 65
Philippe Juvin, Constance Le Grip, Konstantinos Poupakis

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution

Amendment

8a. Underlines the need to ensure reciprocity and equal access to public procurement markets in the EU and in third countries in order to guarantee fair and effective competition;

Or. en

Amendment 66
Zigmantas Balčytis

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution

Amendment

8a. Notes that certain Member States already apply sufficiently efficient public procurement procedures that ensure greater transparency and the better use of taxpayers' money; asks the Commission to study Member States' best practices in this field and identify the most effective principles for public procurement in the EU;

Or. lt

Amendment 67
Anna Hedh, Åsa Westlund

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution

Amendment

8a. Calls on the Commission, on the basis of the contradictory legal practices in Member States, to clarify the possibility of

*imposing animal welfare requirements
applicable in the context of public
procurement;*

Or. sv

Amendment 68
Malcolm Harbour

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution

Amendment

8a. Considers that additional information relating to the interaction of the GPA and the EU procurement directives would be useful, but that this needs to be substantiated by sound economic evidence to justify the introduction of specific articles in the procurement directive, or separate legislation, to address reciprocity obligations;

Or. en

Amendment 69
Philippe Juvin, Constance Le Grip

Motion for a resolution
Paragraph 8 b (new)

Motion for a resolution

Amendment

8b. Warmly welcomes therefore the Commission's intention, as specified in the Communication on the Single Market Act of 13 April 2011, to propose an EU legal instrument defining the terms for access of third-countries' businesses to EU public procurement markets to create an actual level-playing field; calls on the Commission to submit a proposal by the end of 2011 at the latest; underlines that

this instrument should provide for appropriate solutions to the problems associated with extraordinary low bids, which distort procurement and penalise companies from EU Member States;

Or. en

Amendment 70
Frank Engel, Rafał Trzaskowski

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Takes the view that, in order to develop the full potential of public procurement, the criterion of the lowest price should ***be removed, and that in principle there should be only one option*** for the award of contracts: the most economically advantageous tender – including the entire life-cycle costs of the relevant goods, services or works – ***should be chosen***;

Amendment

9. Takes the view that, in order to develop the full potential of public procurement, the criterion of the lowest price should ***no longer be the determining factor*** for the award of contracts ***and that it should in general be replaced by that of*** the most economically advantageous tender, including the entire life-cycle costs of the relevant goods, services or works;

Or. fr

Amendment 71
Phil Prendergast

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Takes the view that, in order to develop the full potential of public procurement, the criterion of the lowest price should be removed, and that in principle there should be only one option for the award of contracts: the most economically advantageous tender – including the entire life-cycle costs of the relevant goods,

Amendment

9. Takes the view that, in order to develop the full potential of public procurement, the criterion of the lowest price should be removed, and that in principle there should be only one option for the award of contracts: the most economically advantageous tender – including the entire life-cycle costs of the relevant goods,

services or works – should be chosen;

services or works – should be chosen, ***with a maximum weight of 50 % for the criterion of price in contracts concerning the provision of Social Services of General Interest***;

Or. en

Amendment 72

Heide Rühle

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Takes the view that, in order to develop the full potential of public procurement, the ***criterion of the lowest price should be removed, and that in principle there should be only one option for the award of contracts: the most economically advantageous tender*** – including the entire life-cycle ***costs*** of the relevant goods, services or works – should be chosen;

Amendment

9. Takes the view that, in order to develop the full potential of public procurement, the most economically advantageous ***offer*** including the entire life-cycle ***cost*** of the relevant goods, services or works should be ***the principle, following the apply or explain principle which means either you follow this principle or you have to explain publicly why you have chosen another criteria; asks the Commission to develop a methodology for the calculation of life-cycle costs on a broad basis***;

Or. en

Amendment 73

Jürgen Creutzmann, Jens Rohde, Cristian Silviu Buşoi

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Takes the view that, in order to develop the full potential of public procurement, the criterion ***of the lowest price should be removed, and that in principle there should be only one option*** for the award of

Amendment

9. Takes the view that, in order to develop the full potential of public procurement, the ***standard*** criterion for the award of ***a contract should be the "most economically advantageous tender", subject to the apply***

contracts: the most economically advantageous tender – *including* the *entire life-cycle costs* of the *relevant* goods, *services* or *works* – should *be chosen*;

or explain principle; underlines that this would not exclude the lowest price as the decisive criterion in the case of standardised goods or services; where relevant and proportionate, the evaluation of the tenders should take into account the total life cycle costs; calls on the Commission to develop a common methodology and guidelines for this purpose;

Or. en

Amendment 74
Ildikó Gáll-Pelcz

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Takes the view that, in order to develop the full potential of public procurement, the criterion of the lowest price should be removed, and that in principle there should be only one option for the award of contracts: the most economically advantageous tender – including the entire life-cycle costs of the relevant goods, services or works – should be chosen;

Amendment

9. Takes the view that, in order to develop the full potential of public procurement, the criterion of the lowest price should be removed, and that in principle there should be only one option for the award of contracts: the most economically advantageous tender – including the entire life-cycle costs of the relevant goods, services or works – should be chosen; *stresses that antipathy to the criterion of ‘maximum economic benefit’ hampers innovation and efforts to achieve the best quality and value, or in other words to comply with the requirements of the Europe 2020 Strategy;*

Or. hu

Amendment 75
Anna Maria Corazza Bildt

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Takes the view that, in order to develop the full potential of public procurement, the criterion of the lowest price should be removed, **and** that in principle **there should be only one** option for the award of contracts: the most economically advantageous tender – including the **entire life-cycle costs** of the relevant goods, services **or works** – **should be chosen**;

Amendment

9. Takes the view that, in order to develop the full potential of public procurement, the criterion of the lowest price should be removed; **suggests** that in principle **the main** option for the award of contracts **should be** the **criteria of the** most economically advantageous tender **providing for cost-effective and value-for-money procurement**, including the **environmental impact and energy efficiency** of the relevant goods **and** services;

Or. en

Amendment 76

Wim van de Camp

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Takes the view that, in order to develop the full potential of public procurement, the criterion of the **lowest price should be removed, and that in principle there should be only one option for the award of contracts: the** most economically advantageous tender – including the entire life-cycle **costs** of the relevant goods, services or works – should be **chosen**;

Amendment

9. Takes the view that, in order to develop the full potential of public procurement, the criterion of the most economically advantageous tender - including the entire life-cycle of the relevant goods, services or works - should be **the most applied criterion and that the reason for application of the criterion of the lowest price should be explained in concrete cases**;

Or. en

Amendment 77

Christel Schaldemose

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Takes the view that, in order to develop the full potential of public procurement, the criterion of the lowest price should be removed, and that in principle there should be only one option for the award of contracts: the ***most economically advantageous*** tender – ***including*** the entire life-cycle costs of the relevant goods, services or works – should be chosen;

Amendment

9. Takes the view that, in order to develop the full potential of public procurement, the criterion of the lowest price should be removed, and that in principle there should be only one option for the award of contracts: the ***best value*** tender ***in terms of economic, social and environmental benefits – taking into account*** the entire life-cycle costs of the relevant goods, services or works – should be chosen;

Or. en

Amendment 78
Catherine Stihler

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Takes the view that, in order to develop the full potential of public procurement, the criterion of the lowest price should be removed, and that ***in principle there should be only one option for the award of contracts: the most economically advantageous tender*** – including the entire life-cycle costs ***of the relevant goods, services or works – should be chosen;***

Amendment

9. Takes the view that, in order to develop the full potential of public procurement, the criterion of the lowest price should be removed, and 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 goods, services or works including the entire life-cycle costs thereof;***

Or. en

Amendment 79
Alejandro Cercas, Stephen Hughes

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Takes the view that, in order to develop the full potential of public procurement, the criterion of the lowest price should be removed, and that *in principle there should be only one option for the award of contracts: the most economically advantageous tender – including the entire life-cycle costs of the relevant goods, services or works – should be chosen*;

Amendment

9. Takes the view that, in order to develop the full potential of public procurement, the criterion of the lowest price should be removed, and 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 80
Philippe Juvin, Konstantinos Poupakis

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Takes the view that, in order to develop the full potential of public procurement, the criterion of the *lowest price should be removed, and that in principle there should be only one option for the award of contracts: the most economically advantageous tender – including the entire life-cycle costs of the relevant goods, services or works – should be chosen*;

Amendment

9. Takes the view that, in order to develop the full potential of public procurement, the criterion of the most economically advantageous tender – including the entire life-cycle costs of the relevant goods, services or works – should be *taken into account along with the criterion of the lowest price, and choice should be left to public authorities to decide which criterion should apply eventually*;

Or. en

Amendment 81
Marc Tarabella

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Takes the view that, in order to develop the full potential of public procurement, the criterion of the lowest price should be removed, and ***that in principle there should be only one option for the award of contracts: the most economically advantageous tender – including the entire life-cycle costs of the relevant goods, services or works – should be chosen;***

Amendment

9. Takes the view that, in order to develop the full potential of public procurement, the criterion of the lowest price should be removed and ***replaced by an award criterion based on the most sustainably advantageous tender (SMART) in order to encourage markets to provide more economically, socially and environmentally sustainable goods, services or works covering the entire life cycle;***

Or. fr

Amendment 82
Zigmantas Balčytis

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Takes the view that, in order to develop the full potential of public procurement, the criterion of the lowest price should be removed, and that in principle there should be only one option for the award of contracts: the most economically advantageous tender – including the entire life-cycle costs of the relevant goods, services or works – should be chosen;

Amendment

9. Takes the view that, in order to develop the full potential of public procurement, the criterion of the lowest price should be removed, and that in principle there should be only one option for the award of contracts: the most economically advantageous tender – including the entire life-cycle costs of the relevant goods, services or works – should be chosen, ***as this would have a positive impact on innovation because economic operators would have an incentive to create sustainable products;***

Or. lt

Amendment 83
Malcolm Harbour

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Takes the view that, in order to develop the full potential of public procurement, the ***criterion*** of the lowest price should be ***removed, and that in principle there should be only one option for the award of contracts:*** the most economically advantageous tender – ***including the entire*** life-cycle costs of the relevant goods, services or works – ***should be chosen;***

Amendment

9. Takes the view that, in order to develop the full potential of public procurement, ***automatic award on the basis*** of the lowest price should ***not*** be the ***default rule, with award on the basis*** of the most economically advantageous tender ***(MEAT) taking into account the whole*** life-cycle costs of the relevant goods, services or works ***being equally acceptable;***

Or. en

Amendment 84
Anna Maria Corazza Bildt

Motion for a resolution
Paragraph 9 – subparagraph 1 (new)

Motion for a resolution

stresses that this is particularly relevant for public procurement for goods that have an impact on consumers' health, where quality and production methods play an important role, such as the food sector; underlines that public procurement rules should be flexible enough to ensure that passive consumers for instance in hospitals, elders' care, schools and kindergartens can have equal access to healthy and value-for-money food, and not only the cheapest option available;

Amendment

Or. en

Amendment 85
Heide Rühle

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution

Amendment

9a. Takes the view that public procurement should contribute to achieving quality jobs with good wages and working conditions, equality and high levels of skills and workers participation;

Or. en

Amendment 86
Jürgen Creutzmann, Jens Rohde, Cristian Silviu Buşoi

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution

Amendment

9a. Points out that within the current legal framework, public procurers can already apply additional award criteria in support of the EU2020 objectives, provided that such criteria are linked to the subject-matter of the contract, do not confer an unrestricted freedom of choice on the contracting authority, are expressly mentioned and comply with the fundamental principles of equal treatment, the non-discrimination, mutual recognition, proportionality and transparency; asks the Commission to give procurement bodies further guidance to make better use of these possibilities;

Or. en

Amendment 87
Cornelis de Jong

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution

Amendment

9a. Takes the view that public authorities should be allowed to take into account relevant “a priori” (at the time of the selection phase) information on bidders, including bidders’ prior track record or demonstrated commitment to sustainable development objectives, e.g. relating to respect for collective agreements, and decent employment conditions;

Or. en

Amendment 88
Catherine Stihler

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution

Amendment

9a. 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 89
Bernadette Vergnaud

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution

Amendment

9a. Calls on the Commission to consider

the possibility of developing the criterion of the most economically advantageous tender in such a way as to promote the aspect of social, economic and environmental sustainability for products and services;

Or. fr

Amendment 90
Louis Grech

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution

Amendment

9a. Is convinced that sustainable public procurement, oriented towards economic, social and environmental standards, energy savings and innovation is one of the key elements to achieve a highly competitive social market economy in Europe, in line with the objectives of the 2020 strategy; calls on the Commission to encourage governments and contracting authorities to increase the use of sustainable public procurement supporting and promoting good quality employment, and providing quality services and goods in Europe; invites the Commission to scrutinise, by means of a detailed impact assessment, how public procurement has contributed to achieving the wider goals of the EU and to outline what should be done to improve these objectives in the future;

Or. en

Amendment 91
Malcolm Harbour

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution

Amendment

9a. Calls for the Commission and Member States to actively encourage culture change towards innovation in Public Procurement and move away from a risk averse approach; calls on contracting authorities to act as "intelligent customers"; stresses that there is a need for further best practice sharing and benchmarking of R&D procurement services across Member States;

Or. en

Amendment 92
Bernadette Vergnaud

Motion for a resolution
Paragraph 9 b (new)

Motion for a resolution

Amendment

9b. Calls for work by the Commission to have the Agreement on Governmental Procurement recognise criteria other than the price criterion, in order to enable the creation of high-quality jobs, promote sustainable development and support European industrial policy;

Or. fr

Amendment 93
Malcolm Harbour

Motion for a resolution
Paragraph 9 b (new)

Motion for a resolution

Amendment

9b. Calls in particular on Member States to follow the European Commission's lead in rolling out a €15 Million call for proposals to drive the public procurement of innovative solutions through establishing trans-national networks to offset additional risks and costs, to cooperate on reaching critical mass and to test the feasibility and implementation modalities of a future EU support scheme, with the underlying objective of developing innovative ways of responding to new policy challenges while stimulating growth, EU competitiveness, and job creation;

Or. en

**Amendment 94
Bernadette Vergnaud**

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

Motion for a resolution

Amendment

9c. Stresses the importance of supporting innovation in public procurement, for example by developing pre-commercial procurement and by ensuring that contracting authorities respect the confidentiality of innovative solutions – especially in terms of know-how – presented by tendering companies; therefore calls for a proactive policy for support and training and for legal certainty for public authorities looking to choose innovative solutions;

Or. fr

Amendment 95
Malcolm Harbour

Motion for a resolution
Paragraph 9 c (new)

Motion for a resolution

Amendment

9c. Recalls that pre-commercial procurement is an underused tool which can drive innovation in public procurement and make a significant contribution to identifying and establishing lead markets and improving SME access to public procurement; Considers furthermore that the proposed model of risk and benefit (IPR) sharing in pre-commercial procurement requires both legal clarification and simplification in order to enable the regular and effective use of this tool by procurement practitioners; accordingly calls on the Commission to propose an adaptation of the relevant procurement or state aid rules as part of the overall revision exercise, in order to boost the take up of pre-commercial procurement;

Or. en

Amendment 96
Catherine Stihler

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

Amendment

10a. Maintains that the new Public Procurement Directive should allow the quality of the supplier to be taken into account at the selection stage of tenders.

Or. en

Amendment 97
Heide Rühle

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Underlines the fact that whether or not a product or service has been sustainably produced is rightly considered to be a characteristic of the product which can be used as a criterion for comparison with products or services that have not been sustainably 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; points to the Wienstrom case, which has become the classic example of how and why production characteristics can be categorised as technical specifications;

Amendment

10. Underlines the fact that whether or not a product or service has been sustainably produced is rightly considered to be a characteristic of the product which can be used as a criterion for comparison with products or services that have not been sustainably produced ***as to enable contracting authorities to control the environmental and social impact of contracts awarded by them in an transparent way but on the same time not to weaken the necessary link to the subject matter of the contract***; points out that the scope for including requirements regarding the production process in the technical specifications for all types of contracts should be clarified; points to the Wienstrom case, which has become the classic example of how and why production characteristics can be categorised as technical specifications;

Or. en

Amendment 98
Wim van de Camp

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Underlines the fact that whether or not a product or service has been sustainably produced is rightly considered to be a characteristic of the product which can be used as a criterion for comparison with products or services that have not been

Amendment

10. Underlines the fact that whether or not a product or service has been sustainably produced is rightly considered to be a characteristic of the product which can be used as a criterion for comparison with products or services that have not been

sustainably 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; points to the Wienstrom case, which has become the classic example of how and why production characteristics can be categorised as technical specifications;

sustainably produced; points out that the scope for including requirements regarding the production process in the technical specifications for types of contracts, **when relevant and proportionate**, should be clarified; points to the Wienstrom case, which has become the classic example of how and why production characteristics can be categorised as technical specifications;

Or. en

Amendment 99
Wim van de Camp

Motion for a resolution
Paragraph 10 – indent 1 (new)

Motion for a resolution

Amendment

- points out that taking the longer-term life cycle cost of a product into account leads to cost savings and gives economic operators more scope to come up with innovative solutions; calls for the development of standard models for calculating life cycle costs to be made available to contracting authorities and economic operators,

Or. nl

Amendment 100
Catherine Stihler

Motion for a resolution
Paragraph 10 – point a (new)

Motion for a resolution

Amendment

(a) Takes the view that, in any future revision of the directives, the EU Commission should include reference to

ILO Convention C94 on Labour Clauses in public contracts, in the interests of quality public service delivery. This is already legally binding in 11 EU Member States, and other Member States should be encouraged to adopt the Convention. Decent employment conditions in public contracting are vital to ensure quality. Social dumping in employment standards and conditions not only impacts negatively on workers, and people relying on these services, products or works, but also discriminates against good companies who know the value of treating workers with respect;

Or. en

Amendment 101
Heide Rühle

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

Amendment

10a. Underlines the need to strengthen the sustainability dimension of public procurement by allowing this to be integrated at each stage of the procurement process (i.e. ability test, technical specifications, contract performance clauses);

Or. en

Amendment 102
Cornelis de Jong

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

Amendment

10a. Takes the view that, in any future revision of the directives, the EU Commission should include reference to ILO Convention C94 on Labour Clauses in public contracts, in the interests of quality public service delivery; stresses that decent employment conditions in public contracting are vital to ensure quality; furthermore stresses that social dumping in employment standards and conditions not only impacts negatively on workers, and people relying on these services, products or works, but also discriminates against good companies who know the value of treating workers with respect;

Or. en

Amendment 103
Alejandro Cercas, Stephen Hughes

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

Amendment

10a. 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. en

Amendment 104
Marc Tarabella

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

Amendment

10a. Considers that the Commission should include references to the ILO's C94 Convention concerning labour clauses in the upcoming reviews of Directives 2004/17/EC and 2004/18/EC;

Or. fr

Amendment 105
Heide Rühle

Motion for a resolution
Paragraph 10 b (new)

Motion for a resolution

Amendment

10b. Notes the importance of standards for public procurement in that they can help public procurers to meet their policy objectives in an effective and transparent way, calls in that respect for the development of a frequently updated database of standards, especially those relating to environmental and social criteria, to be made available to public authorities, in order to ensure that procurers have access to appropriate guidance and a clear set of rules when drawing up tenders, so that they can easily verify their compliance with the relevant standard;

Or. en

Amendment 106

Jürgen Creutzmann, Jens Rohde, Cristian Silviu Buşoi

Motion for a resolution

Paragraph 11

Motion for a resolution

11. Points out that increased awareness of the environmental and climate impact of products and activities means that ***the possibility for public authorities to favour local suppliers should be considered, and the extent to which internal market rules allow this examined;***

Amendment

11. Points out that increased awareness of the environmental and climate impact of products and activities means that ***procurement*** authorities should ***include environmental costs in their assessment of the "most economically advantageous offer" and their calculation of life-cycle costs;***

Or. en

Amendment 107

Heide Rühle

Motion for a resolution

Paragraph 11

Motion for a resolution

11. Points out that increased awareness of the environmental and climate impact of ***products and activities*** means that the possibility for public authorities to favour local suppliers should be considered, and the extent to which internal market rules allow this examined;

Amendment

11. Points out that increased awareness of the environmental and climate impact of ***goods, works and services*** means that the possibility for public authorities to favour local suppliers should be considered, and the extent to which internal market rules allow this examined;

Or. en

Amendment 108

Anna Maria Corazza Bildt

Motion for a resolution

Paragraph 11

Motion for a resolution

11. Points out that increased awareness of the environmental and climate impact of products and activities **means** that **the possibility** for **public authorities to favour** local suppliers **should be considered**, and the **extent to which** internal market rules **allow this** examined;

Amendment

11. Points out that increased **public** awareness of the environmental and climate impact of products and activities **is key; underlines** that **there must be an equal level playing field and fair competition** for local suppliers, **including cross-borders; suggests that ways of ensuring broader access to the market, in full respect of** internal market rules, **should be examined by Member States**;

Or. en

Amendment 109

Wim van de Camp

Motion for a resolution

Paragraph 11

Motion for a resolution

11. Points out that increased awareness of the environmental and climate impact of products and activities means that the possibility for public authorities to **favour local suppliers** should be considered, and the extent to which internal market rules allow this examined;

Amendment

11. Points out that increased awareness of the environmental and climate impact of products and activities means that the possibility for public authorities to **take into account, the travelling distance of the supplier** should be considered, **when relevant and proportionate, and** the extent to which internal market rules allow this examined;

Or. en

Amendment 110

Christel Schaldemose

Motion for a resolution

Paragraph 11

Motion for a resolution

11. Points out that increased awareness of the environmental and **climate** impact of products and activities means that the possibility for public authorities to favour local suppliers should be considered, and the extent to which internal market rules allow this examined;

Amendment

11. Points out that increased awareness of the environmental and **social** impact of products and activities means that the possibility for public authorities to favour local suppliers should be considered, and the extent to which internal market rules allow this examined;

Or. en

Amendment 111
Philippe Juvin

Motion for a resolution
Paragraph 11

Motion for a resolution

11. ***Points out that increased awareness of the environmental and climate impact of products and activities means that the possibility for public authorities to favour local suppliers should be considered, and the extent to which internal market rules allow this examined;***

Amendment

11. ***Considers that enabling public authorities to favour local suppliers to take into account environmental concerns is not necessarily fair, and that including the entire life-cycle costs of the relevant goods, services or works should be privileged;***

Or. en

Amendment 112
Robert Rochefort

Motion for a resolution
Paragraph 11

Motion for a resolution

11. Points out that increased awareness of the environmental and climate impact of products and activities means that the possibility for public authorities to favour local suppliers should be considered, and

Amendment

11. Points out that increased awareness of the environmental and climate impact of products and activities means that the possibility for public authorities to favour local suppliers ***in certain cases*** should be

the extent to which internal market rules allow this examined;

considered, and the extent to which internal market rules allow this examined;

Or. fr

Amendment 113
Anja Weisgerber

Motion for a resolution
Paragraph 11

Motion for a resolution

11. Points out that increased awareness of the environmental and climate impact of products and activities means that the possibility for public authorities to favour local suppliers should be considered, and the extent to which internal market rules allow this examined;

Amendment

11. Points out that increased awareness of the environmental and climate impact of products and activities means that the possibility for public authorities to favour local suppliers should be considered, and the extent to which internal market rules allow this examined; ***stresses in this connection that, if criteria which are not procurement-related are taken into account, this should be done on a voluntary basis and the decision to employ them must be reserved for the public authorities or the decision-making bodies behind them which possess direct democratic legitimacy following an individual policy-making procedure on the spot;***

Or. de

Amendment 114
Anna Maria Corazza Bildt

Motion for a resolution
Paragraph 11 – subparagraph 1 (new)

Motion for a resolution

urges the Commission to clarify and define the concepts of "local supplier" and "locally produced";

Amendment

Or. en

Amendment 115
Heide Rühle

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution

Amendment

11a. Asks for a proper examination of the significant thresholds as well as the advantages and disadvantages of an aggregation of demand – especially in the view of giving SMEs' ready access to public procurement;

Or. en

Amendment 116
Evelyne Gebhardt

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution

Amendment

11a. Stresses that, in view of the aims of the European Union laid down in Article 3 of the Lisbon Treaty, the public authorities should have the power to give preference to providers who provide documentation to show that they respect social rights and fair-trade principles and/or have a quality label to this effect;

Or. de

Amendment 117
Catherine Stihler

Motion for a resolution
Paragraph 11 a (new)

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Motion for a resolution

Amendment

11a. Underlines that Public Private Partnerships is not a best practice contracting model and the EU Commission does not have a role in promoting this form of contracting. There is wide evidence that PPP's too often fail to deliver value for money to the taxpayer;

Or. en

Amendment 118
Åsa Westlund, Anna Hedh

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution

Amendment

11a. Stresses that the Public Procurement Directive should make it clear that it is both desirable and possible for public operators to impose conditions and take account of both environmental and social criteria when awarding contracts;

Or. sv

Amendment 119
Heide Rühle

Motion for a resolution
Paragraph 11 b (new)

Motion for a resolution

Amendment

11b. Asks for more space for negotiation and communication combined with measures to assure transparency and to prevent abuse and discrimination. Market consultation should be explicitly allowed as a possible first step;

Amendment 120
Evelyne Gebhardt

Motion for a resolution
Paragraph 11 b (new)

Motion for a resolution

Amendment

11b. Advocates that not only contracting authorities but also their subcontractors should respect the rights of workers, ensure fair working conditions, safeguard agreements concerning terms of employment, promote equality between women and men, support fair trade and exclude child labour;

Or. de

Amendment 121
Catherine Stihler

Motion for a resolution
Paragraph 11 b (new)

Motion for a resolution

Amendment

11b. Believes that the current provisions in terms of subcontracting need strengthening. Multiple layers of subcontracting are commonplace, and create difficulties in enforcing collective agreements, working conditions and health and safety procedures. Public authorities should be given more scope to control the contract to meet quality, social and environmental objectives. Where subcontractors are used, all details relating to their use should be declared before the contract is awarded, and the public authority should specify the responsibilities and liabilities to enable effective monitoring and control of the

contract. There should be mechanisms in place for public authorities to vet and reject subcontractors where they have concerns;

Or. en

Amendment 122
Phil Prendergast

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution

Amendment

11a. Calls for a reassessment and gradual increase of the de minimis thresholds so as to facilitate access to public procurement by not-for-profit and social economy operators as well as SMEs;

Or. en

Amendment 123
Phil Prendergast

Motion for a resolution
Paragraph 11 b (new)

Motion for a resolution

Amendment

11b. Stresses the value of taking social objectives into account in the selection criteria and in technical specifications, especially as far as inclusion and protection of human health and workers are concerned; emphasises the importance of enabling Member States to extend the scope of reserved contracts to not-for-profit operators;

Or. en

Amendment 124
Wim van de Camp

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Emphasises that any extension of the EU procurement rules into the ‘what to buy’ area would represent a significant change to the current regime which should be carefully assessed; doubts that this would contribute to simplifying and streamlining, but fears rather that it would lead to more complicated rules with many exemptions which would be difficult to administer in practice;

Amendment

12. Emphasises that any extension of the EU procurement rules into the ‘what to buy’ area would represent a significant change to the current regime which should be carefully assessed; doubts that this would contribute to simplifying and streamlining, but fears rather that it would lead to more complicated rules with many exemptions which would be difficult to administer in practice; ***procurement directives are procedural guidelines*** (‘how’ to buy) ***that should not be supplemented with provisions on ‘what’ to buy;***

Or. nl

Amendment 125
Philippe Juvin

Motion for a resolution
Paragraph 12

Motion for a resolution

12. ***Emphasises*** that any extension of the EU procurement rules into the ‘what to buy’ ***area*** would represent a significant change to the current regime which should be carefully assessed; ***doubts that this would contribute to simplifying and streamlining, but fears rather that it would lead to more complicated rules with many exemptions which would be difficult to administer in practice;***

Amendment

12. ***Supports the development of the 'how to buy' and 'what to buy' areas in the field of EU public procurement in order to integrate the objectives of the EU 2020 Strategy especially in the social, environmental and innovation fields to further promote and support EU competitiveness; emphasises however*** that any extension of the EU procurement rules into the ***'how to buy' and ‘what to buy’ areas*** would represent a significant change to the current regime which should be carefully assessed; ***underlines therefore***

that *instruments allowing for flexibility and capacity to adapt to specific cases should be privileged*;

Or. en

Amendment 126
Christel Schaldemose

Motion for a resolution
Paragraph 12 – introductory part

Motion for a resolution

12. Emphasises that any extension of the EU procurement rules into the ‘what to buy’ area would represent a significant change to the current regime which should be carefully assessed; doubts that this would contribute to simplifying and streamlining, but fears rather that it would lead to more complicated rules with many exemptions which would be difficult to administer in practice;

Amendment

12. Emphasises that any extension of the EU procurement rules into the ‘what to buy’ area would represent a significant change to the current regime which should be carefully assessed; doubts that this would contribute to simplifying and streamlining, but fears rather that it would lead to more complicated rules with many exemptions which would be difficult to administer in practice; *with the exception of the field of the use of public procurement to foster the accessibility of goods and services for consumers of all ages and abilities (the US experience shows that the mandatory use of section 508 has proven very effective at driven the procurement of accessible ITC equipment and developing the market)*;

Or. en

Amendment 127
Christel Schaldemose

Motion for a resolution
Paragraph 12 – point a (new)

Motion for a resolution

Amendment

(a) Believes that it is necessary to

investigate the possibility of increasing the thresholds, so the threshold values reach a level that makes cross-border competition economically attractive to suppliers, and justifies the time and resources that public authorities spend on procurement;

Or. en

Amendment 128
Barbara Weiler

Motion for a resolution
Paragraph 12 a (new)

Motion for a resolution

Amendment

12a. Stresses the strategic value of public procurement, including with regard to social criteria; calls on the Commission to consider relaxing the principle of ‘linkage with the subject of the contract’; draws attention to the enormous potential of public procurement to contribute towards the attainment of the EU 2020 objectives; cites as examples, in this connection, the advancement of women and support for fair trade;

Or. de

Amendment 129
Jens Rohde, Jürgen Creutzmann

Motion for a resolution
Paragraph 12 a (new)

Motion for a resolution

Amendment

12a. Points out that in order to ensure that public procurement contributes to ensuring further accessibility for persons with disabilities and reducing

fragmentation of the internal market, accessibility criteria for persons with disabilities should be part of selection and execution criteria of the public procurement processes. This should apply for goods, services and public works purchased by governments and public utilities. This should apply as well to services delivered through the use of information and communication technologies and particularly when the procurement processes refer to the use of European funds such as Structural Funds and research funds;

Or. en

Amendment 130
Barbara Weiler

Motion for a resolution
Paragraph 12 a (new)

Motion for a resolution

Amendment

12a. Takes the view 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. en

Amendment 131
Bernadette Vergnaud

Motion for a resolution
Paragraph 12 a (new)

Motion for a resolution

Amendment

12a. Considers that the current provisions on subcontracting should be

strengthened, as the use of several levels of subcontracting can cause problems in terms of compliance with collective agreements, working conditions and health and safety standards; suggests therefore that the public authorities be informed of all details relating to the use of subcontractors before a contract is concluded, and a chain of responsibility be established which makes contractors liable for any shortcomings by subcontractors in complying with regulations and social, environmental and quality objectives;

Or. fr

Amendment 132
Sabine Verheyen

Motion for a resolution
Paragraph 12 a (new)

Motion for a resolution

Amendment

12a. Calls on the Commission to reassess the appropriate level of thresholds for supply and services contracts and if necessary raise them; proposes that the Commission simultaneously investigate whether a system can be introduced to take account of Member States' GDP in calculating thresholds, so that a specific threshold can be calculated for each Member State and in this way distortions of competition due to the existence of a uniform threshold for the whole EU can be prevented;

Or. de

Amendment 133
Bernadette Vergnaud

Motion for a resolution
Paragraph 12 b (new)

Motion for a resolution

Amendment

12b. Urges the Commission to exercise caution in promoting public-private partnerships and to look carefully at the many bad examples that have been observed; calls for the development of a European framework for PPPs that provides effective protection for public authorities and ensures the fair distribution of costs, risks and benefits;

Or. fr

Amendment 134
Bernadette Vergnaud

Motion for a resolution
Paragraph 12 c (new)

Motion for a resolution

Amendment

12c. Urges the Commission to clarify the rules concerning the posting of workers in the context of public procurement that should apply equally to contractors and subcontractors, in accordance with the principle of equal pay for equal work performed in the same place;

Or. fr

Amendment 135
Jürgen Creutzmann, Jens Rohde, Cristian Silviu Buşoi

Motion for a resolution
Paragraph 13

Motion for a resolution

Amendment

13. Points out that the directives are too

13. Points out that the directives are ***often***

detailed and *have become* increasingly technical and complex, at the same time the legal risk of non-compliance with these rules has increased considerably for contracting authorities and suppliers alike; notes that the fear of challenge leads to a risk-averse approach, which stifles innovation and sustainable development, resulting far too often in the cheapest price being opted for instead of the best value;

perceived as too detailed and increasingly technical and complex, at the same time the legal risk of non-compliance with these rules has increased considerably for contracting authorities and suppliers alike; notes that the fear of challenge leads to a risk-averse approach, which stifles innovation and sustainable development, resulting far too often in the cheapest price being opted for instead of the best value;

Or. en

Amendment 136
Catherine Stihler

Motion for a resolution
Paragraph 13 a (new)

Motion for a resolution

Amendment

13a. Calls on the EU 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 137
Alejandro Cercas, Stephen Hughes

Motion for a resolution
Paragraph 13 a (new)

Motion for a resolution

Amendment

13a. 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 138
Malcolm Harbour

Motion for a resolution
Paragraph 13 a (new)

Motion for a resolution

Amendment

13a. Calls on the Commission to reduce complexity by shortening the mandatory time for advertising e-procurements by 5 to 10 days, considers that this would not have any adverse effect on competition;

Or. en

Amendment 139
Alejandro Cercas, Stephen Hughes

Motion for a resolution
Paragraph 13 b (new)

Motion for a resolution

Amendment

13b. 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 subcontractors, in particular in connection with working conditions, on the basis of a principle of joint and several liability between contractors and subcontractors;

Amendment 140

Jürgen Creutzmann, Jens Rohde, Cristian Silviu Buşoi

Motion for a resolution

Paragraph 14

Motion for a resolution

14. Advocates clear and simple rules with a reduction in the level of detail **and greater reliance upon** the general principles of transparency, equal treatment and non-discrimination;

Amendment

14. Advocates clear and simple rules with a reduction in the level of detail **where this is possible without undermining** the general principles of transparency, equal treatment and non-discrimination **or the EU's obligations under the plurilateral Agreement on Government Procurement (GPA)**;

Amendment 141

Rolandas Paksas

Motion for a resolution

Paragraph 14

Motion for a resolution

14. Advocates clear and simple rules with a reduction in the level of detail and greater reliance upon the general principles of transparency, equal treatment and non-discrimination;

Amendment

14. Advocates clear and simple rules with a reduction in the level of detail and greater reliance upon the general principles of transparency, equal treatment and non-discrimination; **considers that simplification of the rules on public procurement would make it possible to reduce the risk of error and pay greater heed to the needs of small contracting authorities**;

Amendment 142
Juozas Imbrasas

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Advocates clear and simple rules with a reduction in the level of detail and greater reliance upon the general principles of transparency, equal treatment and non-discrimination;

Amendment

14. Advocates clear and simple rules with a reduction in the level of detail and greater reliance upon the general principles of transparency, equal treatment and non-discrimination; ***considers that simplification of the rules on public procurement would make it possible to reduce the risk of error and pay greater heed to the needs of small contracting authorities;***

Or. It

Amendment 143
Zigmantas Balčytis

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Advocates clear ***and*** simple rules with a reduction in the level of detail and greater reliance upon the general principles of transparency, equal treatment and non-discrimination;

Amendment

14. Advocates clear, simple ***and flexible*** rules with a reduction in the level of detail and greater reliance upon the general principles of transparency, equal treatment and non-discrimination;

Or. It

Amendment 144
Anja Weisgerber

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Advocates clear and simple rules with a reduction in the level of detail and greater reliance upon the general principles of transparency, equal treatment and non-discrimination;

Amendment

14. Advocates clear and simple rules with a reduction in the level of detail and greater reliance upon the general principles of transparency, equal treatment and non-discrimination; ***in view of the small number of foreign operators who are interested in local projects and the number of contracts of local extent actually awarded in Europe as a whole, considers that a significant raising of the thresholds would bring about substantial administrative simplification;***

Or. de

Amendment 145
Sabine Verheyen

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Advocates clear and simple rules with a reduction in the level of detail and greater reliance upon the general principles of transparency, equal treatment and non-discrimination;

Amendment

14. Advocates, ***when European public procurement law is revised***, clear and simple rules with a reduction in the level of detail and ***at the same time making procurement procedures simpler, less cumbersome, cheaper, more open to SMEs and more conducive to investment, and considers there to be a need, therefore, for*** greater reliance upon the general principles of transparency, equal treatment and non-discrimination;

Or. de

Amendment 146
Barbara Weiler

Motion for a resolution
Paragraph 14 a (new)

Motion for a resolution

Amendment

14a. Calls on the Commission to examine what impact a rise in the thresholds would have against the background of the Government Procurement Agreement (GPA);

Or. de

Amendment 147
Tiziano Motti, Matteo Salvini

Motion for a resolution
Paragraph 14 a (new)

Motion for a resolution

Amendment

14a. Points out that the constraints imposed on contracting entities are no longer justified in sectors where there are no more special or exclusive rights, which are fully open to competition and to which access is no longer restricted; urges the Commission to review the scope of the Utilities Directive and adapt it to the changing patterns of regulation and competition in the relevant markets;

Or. en

Amendment 148
Evelyne Gebhardt

Motion for a resolution
Paragraph 14 a (new)

Motion for a resolution

Amendment

14a. Advocates that public authorities and groups of interested parties should be

involved in the process of developing clearer and simpler regulations in order to avoid any possible discrepancies in the implementation of the regulations;

Or. de

Amendment 149
Cornelis de Jong

Motion for a resolution
Paragraph 14 a (new)

Motion for a resolution

Amendment

14a. Notes that the evaluation of the public procurement directives which was executed by DG Internal Market shows that only 1.5 percent of the tenders get awarded to companies operating out of another Member State; concludes that there is a lack of interest, for various reasons, amongst European companies to participate in cross-border tenders, whereas, at the same time a European public procurement procedure takes a lot of time for public authorities; asks the Commission in this regard to consider to increase the threshold for European public procurement;

Or. en

Amendment 150
Malcolm Harbour

Motion for a resolution
Paragraph 14 a (new)

Motion for a resolution

Amendment

14a. Calls on the Commission to consider a substantial rise in the monetary thresholds of the main Public Sector

*Procurement Directive (2004/18/EC)
above which the full requirements apply;
considers that aligning these thresholds to
the already harmonised thresholds of the
Utilities Contracts (2004/17/EC) and the
Defence Procurement (2009/81/EC)
Directives, would deliver the highest level
of simplification and clarity for both
contracting authorities and suppliers
alike;*

Or. en

**Amendment 151
Malcolm Harbour**

**Motion for a resolution
Paragraph 14 b (new)**

Motion for a resolution

Amendment

*14b. Calls for the increased reliance on
non-discriminatory and open standards in
public procurement in support of
simplification and innovation objectives,
particularly in the areas of accessibility,
ICT, and the environment, and calls
therefore for an extension of
standardisation to services delivered to the
public sector;*

Or. en

**Amendment 152
Malcolm Harbour**

**Motion for a resolution
Paragraph 14 c (new)**

Motion for a resolution

Amendment

*14c. Stresses that the standards referred to
in the technical specifications of public
procurements must be developed*

independently, internationally recognised, non-proprietary, and based on objective evaluation criteria;

Or. en

Amendment 153

Jürgen Creutzmann, Jens Rohde

Motion for a resolution

Paragraph 15

Motion for a resolution

15. *Advocates that negotiated procedures with prior announcement be allowed as a standard procedure; takes the view that further safeguards against abuse should be introduced in the form of requirements for written documentation; urges the Commission to include more flexible provisions for framework agreements in the directives;*

Amendment

15. *Takes the view that further safeguards against abuse should be introduced in the negotiated procedure in the form of requirements for prior announcement and written documentation;*

Or. en

Amendment 154

Andreas Schwab, Frank Engel

Motion for a resolution

Paragraph 15

Motion for a resolution

15. Advocates *that* negotiated *procedures* with prior *announcement* be allowed *as a standard* procedure; takes the view that further safeguards against abuse should be introduced *in the form* of requirements for written documentation; *urges the Commission to include more flexible provisions for framework agreements in the directives;*

Amendment

15. Advocates *assessing whether the* negotiated *procedure* with prior *EU wide publication might* be allowed *beyond what current directives foresee; underlines that the negotiated procedure in its current form is the least transparent of all procurement procedures; accordingly* takes the view that *if any extension of the scope of the negotiated procedure should be envisaged* further safeguards against

abuse should be introduced, *e. g. an obligation of a contracting authority to establish at least some minimum conditions regarding the performance of the procedure to any bidder at the outset, as is the case also in sound private procurement, and to set up* requirements for written documentation;

Or. en

Amendment 155
Wim van de Camp

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Advocates that negotiated procedures with prior announcement be *allowed as a standard procedure*; takes the view that further safeguards against abuse should be introduced in the form of requirements for written documentation; urges the Commission to include more flexible provisions for framework agreements in the directives;

Amendment

15. Advocates that negotiated procedures with prior announcement be *used more widely, so that contracting authorities and economic operators can communicate better and supply and demand can be coordinated effectively*; takes the view that *the legislation should contain sufficient guarantees to ensure equal treatment for tenderers*; takes the view that further safeguards against abuse should be introduced in the form of requirements for written documentation; urges the Commission to include more flexible provisions for framework agreements in the directives;

Or. nl

Amendment 156
Malcolm Harbour

Motion for a resolution
Paragraph 15 a (new)

Motion for a resolution

Amendment

15a. Calls on the Commission to review the current approaches to the qualification of suppliers (particularly framework agreements, dynamic purchasing systems and the use of qualification systems by Utilities procurers), so that any new approaches to qualification reduce costs and timescales, are attractive for both contracting authorities and economic operators and lead to the best possible outcomes;

Or. en

Amendment 157
Frank Engel, Andreas Schwab

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Reiterates its insistence on the systematic admission of alternative bids (or variants), as they are crucial to 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;

Amendment

16. Reiterates its insistence on the systematic admission of alternative bids (or variants), as they are crucial to 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, ***particularly in highly innovative sectors such as ICT;***

Or. fr

Amendment 158
Robert Rochefort

Motion for a resolution
Paragraph 16 a (new)

Motion for a resolution

Amendment

16a. Asks also that all avenues – both legislative and non-legislative – be explored to ensure that public procurement is more engaged in promoting innovation in Europe, for example by introducing a new procurement procedure that makes it possible to guarantee innovative businesses a better return on their investment;

Or. fr

Amendment 159

Heide Rühle

Motion for a resolution

Paragraph 17

Motion for a resolution

Amendment

17. Regrets that tenderers have only limited opportunities to rectify omissions in their bids; asks the Commission, therefore, to elaborate on what omissions may be rectified by bidders and what additional adjustments are allowed and on how to guarantee transparency and equal treatment;

17. Does not affect the English version.

Or. de

Amendment 160

Jürgen Creutzmann, Jens Rohde, Cristian Silviu Buşoi

Motion for a resolution

Paragraph 18

Motion for a resolution

Amendment

18. Points out that the contracting

deleted

authorities should have the possibility to benefit from previous experience with a tenderer on the basis of an official evaluation report; recommends setting a time limit for exclusions, which should guarantee transparency and objectivity;

Or. en

Amendment 161
Wim van de Camp

Motion for a resolution
Paragraph 18

Motion for a resolution

Amendment

18. Points out that the contracting authorities should have the possibility to benefit from previous experience with a tenderer on the basis of an official evaluation report; recommends setting a time limit for exclusions, which should guarantee transparency and objectivity;

deleted

Or. en

Amendment 162
Heide Rühle

Motion for a resolution
Paragraph 18

Motion for a resolution

Amendment

18. Points out that the contracting authorities should have the possibility to benefit from previous experience with a tenderer *on the basis of* an official evaluation report; *recommends setting* a time limit for exclusions, *which* should guarantee transparency and objectivity;

18. Points out that the contracting authorities should have the possibility to benefit from previous experience with a tenderer, *with* an official evaluation report *and* a time limit for exclusions; *this* should guarantee transparency and objectivity;

Or. en

Amendment 163
Andreas Schwab

Motion for a resolution
Paragraph 18

Motion for a resolution

18. Points out that the contracting authorities should have the possibility to benefit from previous experience with a tenderer on the basis of an official evaluation report; recommends setting a time limit for exclusions, which should guarantee transparency and objectivity;

Amendment

18. Points out that the contracting authorities should have the possibility to benefit from previous experience with a tenderer on the basis of an official evaluation report; recommends setting a time limit for exclusions, which should guarantee transparency and objectivity; ***points out the necessity to insert a legislative clarification in directives 2004/17/EC and 2004/18/EC stating that a bidder who was found guilty of a misconduct in a previous procurement procedure can regain reliability after having substantially proven that he has undergone an effective self-cleaning procedure; such a clarification would foster anti-corruption mechanisms by underpinning incentives to speed up the overcoming of corruptive practices and would eliminate serious legal uncertainties;***

Or. en

Amendment 164
Ildikó Gáll-Pelcz

Motion for a resolution
Paragraph 19

Motion for a resolution

19. Criticises the Green Paper's failure to mention the shortcomings, the lack of expertise and knowledge about procurement; stresses the importance of

Amendment

19. Criticises the Green Paper's failure to mention the shortcomings, the lack of expertise and knowledge about procurement; stresses the importance of

promoting professionalism on the part of both contracting authorities and market operators; recommends setting up a network of centres of excellence within the existing national frameworks;

promoting professionalism *and guaranteeing objectivity* on the part of both contracting authorities and market operators; recommends setting up a network of centres of excellence within the existing national frameworks;

Or. hu

Amendment 165

Anna Maria Corazza Bildt, Andreas Schwab, Philippe Juvin

Motion for a resolution

Paragraph 19

Motion for a resolution

19. ***Criticises*** the Green Paper's failure to mention the shortcomings, the lack of expertise and knowledge about procurement; stresses the importance of promoting professionalism on the part of both contracting authorities and market operators; recommends setting up a network of centres of excellence within the existing national frameworks;

Amendment

19. ***Regrets*** the Green Paper's failure to mention the shortcomings, the lack of expertise and knowledge about procurement; stresses the importance of promoting professionalism on the part of both contracting authorities and market operators; recommends setting up a network of centres of excellence within the existing national frameworks ***to promote exchange of information and good practices between Member States; encourages also umbrella organisations, both at national and EU-level, to take shared responsibility in making relevant information available and to facilitate exchange of information between their members throughout Europe;***

Or. en

Amendment 166

Robert Rochefort

Motion for a resolution

Paragraph 19

Motion for a resolution

19. Criticises the Green Paper's failure to mention the shortcomings, the lack of expertise and knowledge about procurement; stresses the importance of promoting professionalism on the part of both contracting authorities and market operators; recommends setting up a network of centres of excellence within the existing national frameworks;

Amendment

19. Criticises the Green Paper's failure to mention the shortcomings, the lack of expertise and knowledge about procurement; stresses the importance of promoting professionalism on the part of both contracting authorities and market operators, ***particularly by supporting the development of targeted training programmes***; recommends setting up a network of centres of excellence within the existing national frameworks;

Or. fr

Amendment 167
Anneli Jäätteenmäki

Motion for a resolution
Paragraph 19

Motion for a resolution

19. Criticises the Green Paper's failure to mention the shortcomings, the lack of expertise and knowledge about procurement; stresses the importance of promoting professionalism on the part of both contracting authorities and market operators; recommends setting up a network of centres of excellence within the existing national frameworks;

Amendment

19. Criticises the Green Paper's failure to mention the shortcomings, the lack of expertise and knowledge about procurement ***and the inadequacy of public procurement strategies***; stresses the importance of promoting professionalism on the part of both contracting authorities and market operators; recommends setting up a network of centres of excellence within the existing national frameworks;

Or. fi

Amendment 168
Wim van de Camp

Motion for a resolution
Paragraph 19 – indent 1 (new)

Motion for a resolution

Amendment

- Asks for increasing the threshold value for services and supplies;

Or. en

Amendment 169
Wim van de Camp

Motion for a resolution
Paragraph 19 – indent 2 (new)

Motion for a resolution

Amendment

- Asks for extension of the possibilities for contracting departments to examine the market in great depth in the pre-tender phase;

Or. en

Amendment 170
Barbara Weiler

Motion for a resolution
Paragraph 19 a (new)

Motion for a resolution

Amendment

19a. Stresses the importance of clear and readily comprehensible manuals both for contracting authorities and for tenderers; is critical of the fact that the documents ‘Buying green! A handbook on environmental public procurement’ and ‘Buying Social: A Guide to Taking Account of Social Considerations in Public Procurement’, published in 2005 and 2010 respectively, are not sufficiently practicable in this respect;

Or. de

Amendment 171
Cornelis de Jong

Motion for a resolution
Paragraph 19 a (new)

Motion for a resolution

Amendment

19a. Asks the Commission to set up an easy accessible internet website, which contains an up to date overview of all European public procurement tenders available, and which gives a short description of each tender in easy to understand language; recommends that this website should offer an alerting service to subscribers, once a new tender in a chosen field of interest has been published;

Or. en

Amendment 172
Bernadette Vergnaud

Motion for a resolution
Paragraph 19 a (new)

Motion for a resolution

Amendment

19a. Asks the Commission to rewrite the conditions concerning reserved contracts defined in Article 19 of Directive 2004/18/EC, in view of the difficulties involved in interpreting the notion of ‘sheltered workshops’ and the 50% threshold for disabled workers, drawing where appropriate on best practice in some Member States, such as the Italian type B social cooperatives;

Or. fr

Amendment 173
Barbara Weiler

Motion for a resolution
Paragraph 19 b (new)

Motion for a resolution

Amendment

19b. Observes that only 1.4% of contracts are awarded to undertakings from another Member State; stresses that a professionalisation and better training of those who award contracts and tenderers would help to bolster EU-wide competition and exploit more fully the advantages of an internal market for public contracts;

Or. de

Amendment 174
Rolandas Paksas

Motion for a resolution
Paragraph 20

Motion for a resolution

Amendment

20. Emphasises that ready access to public procurement for SMEs is crucial in order to maintain employment and sustainable development; stresses that simplifying the procedures will facilitate SMEs' access and enable them to participate on a more equal and fairer footing;

20. Emphasises that ready access to public procurement for SMEs is crucial in order to maintain employment and sustainable development; stresses that simplifying the procedures ***and organising awareness-raising campaigns and consultation exercises*** will facilitate SMEs' access and enable them to participate on a more equal and fairer footing;

Or. It

Amendment 175
Juozas Imbrasas

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Emphasises that ready access to public procurement for SMEs is crucial in order to maintain employment and sustainable development; stresses that simplifying the procedures will facilitate SMEs' access and enable them to participate on a more equal and fairer footing;

Amendment

20. Emphasises that ready access to public procurement for SMEs is crucial in order to maintain employment and sustainable development; stresses that simplifying the procedures ***and organising awareness-raising campaigns and consultation exercises*** will facilitate SMEs' access and enable them to participate on a more equal and fairer footing;

Or. lt

Amendment 176
Toine Manders

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Emphasises that ready access to public procurement ***for SMEs is crucial*** in order to maintain employment and ***sustainable development***; stresses that simplifying the procedures will facilitate SMEs' access and enable them to participate on a more equal and fairer footing;

Amendment

20. Emphasises that ***SMEs, which are the driving force of the European economy must, like other economic undertakings, have*** ready access to public procurement in order to maintain employment, ***innovation and growth***; stresses that simplifying the procedures ***and administrative formalities*** will facilitate SMEs' access and enable them to participate on a more equal and fairer footing;

Or. nl

Amendment 177
Eija-Riitta Korhola

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Emphasises that ready access to public procurement for SMEs is crucial in order to maintain employment and sustainable development; stresses that simplifying the procedures will facilitate SMEs' access and enable them to participate on a more equal and fairer footing;

Amendment

20. Emphasises that ready access to public procurement for SMEs is crucial in order to maintain employment and sustainable development; stresses that simplifying the procedures, ***creating SME-friendly strategies, and implementing the code of good practices facilitating access by SMEs to public contracts*** will facilitate SMEs' access and enable them to participate on a more equal and fairer footing;

Or. en

Amendment 178

Anneli Jäätteenmäki

Motion for a resolution

Paragraph 20

Motion for a resolution

20. Emphasises that ready access to public procurement for SMEs is crucial in order to maintain employment and sustainable development; stresses that simplifying the procedures will facilitate SMEs' access and enable them to participate on a more equal and fairer footing;

Amendment

20. Emphasises that ready access to public procurement for SMEs is crucial in order to maintain employment and sustainable development; stresses that simplifying the procedures ***and applying the European Code of Best Practice facilitating access by SMEs to Public Procurement Contracts*** will facilitate SMEs' access and enable them to participate on a more equal and fairer footing;

Or. fi

Amendment 179

Frank Engel, Andreas Schwab

Motion for a resolution

Paragraph 20 a (new)

Motion for a resolution

Amendment

20a. Asks that very careful consideration be given to the legally binding requirements of the WTO Agreement on Government Procurement, should the issue of thresholds crop up when the directives are reviewed; emphasises that given the difficulties that already exist in negotiations on the issue of access to public procurement, it should also be borne in mind that raising thresholds in Europe could quite easily lead to further complications for EU trade policy;

Or. de

**Amendment 180
Ildikó Gáll-Pelcz**

**Motion for a resolution
Paragraph 20 a (new)**

Motion for a resolution

Amendment

20a. Deplores the fact that contracting authorities require disproportionate financial guarantees, security and performance bonds, which create additional obstacles to SMEs; calls on the Commission to examine what differentiated approach could be applied in order to improve participation by SMEs in public procurement procedures;

Or. hu

**Amendment 181
Anna Maria Corazza Bildt, Andreas Schwab, Philippe Juvin**

**Motion for a resolution
Paragraph 20 a (new)**

Motion for a resolution

Amendment

20a. Encourages SMEs to make use of joint procurement and pooling of contracts, in respect of competition rules, which would allow them to make economies of scale in areas such as logistics and transport; encourages public authorities to be flexible when considering these modern and voluntary forms of arrangements;

Or. en

**Amendment 182
Toine Manders**

**Motion for a resolution
Paragraph 20 a (new)**

Motion for a resolution

Amendment

20a. Believes that providing simplified, equal and fair access to public procurement for all economic operators would result in a better use of taxpayers' money;

Or. nl

**Amendment 183
Zigmantas Balčytis**

**Motion for a resolution
Paragraph 20 a (new)**

Motion for a resolution

Amendment

20a. Stresses that the European public procurement market is more open than the markets in the EU's international partners, which is why EU undertakings are not able to compete on an equal

footing with foreign undertakings and have difficulty accessing third-country markets; calls on the Commission to examine public procurement policy towards third countries with a view to ensuring more balanced and mutual access to EU and foreign public procurement contracts;

Or. lt

Amendment 184
Louis Grech

Motion for a resolution
Paragraph 20 a (new)

Motion for a resolution

Amendment

20a. Endorses the fact that greater flexibility, legal security and development of technologies in public procurement rules should open new horizons and facilitate access of SMEs and especially micro businesses to new public procurement markets; alerts the Commission and Member States when adopting flexible and user-friendly instruments not to create any new barriers for SMEs and primarily to take into account their interests;

Or. en

Amendment 185
Malcolm Harbour

Motion for a resolution
Paragraph 20 a (new)

Motion for a resolution

Amendment

20a. Calls on the Commission to set up a dedicated web portal for the voluntary

advertising of below threshold procurements as a distinct part of the Commission's "Tenders Electronic Daily" (TED) on-line facility; Stresses that the Commission should take steps to improve overall awareness of TED, presentation, contract search criteria and appeal, in particular to encourage take up of the proposed new dedicated below threshold facility by the smaller contracting authorities and tenderers;

Or. en

Amendment 186
Ildikó Gáll-Pelcz

Motion for a resolution
Paragraph 21 a (new)

Motion for a resolution

Amendment

21a. Calls on the Commission, with the aim of improving access to public procurement procedures and improving their transparency, to create a public portal to help SMEs, providing a wide range of information on public contracts, from the invitation-to-tender stage to their award, also indicating the value of the contracts;

Or. hu

Amendment 187
Bernadette Vergnaud

Motion for a resolution
Paragraph 21 a (new)

Motion for a resolution

Amendment

21a. Calls on the Commission to investigate all the possibilities for

encouraging the temporary or permanent grouping of SMEs and small businesses in order to enable them to take part in invitations to tender that are not split into lots without having to operate as subcontractors; takes the view, in particular, that information campaigns and legal and technical training should be organised, where appropriate with national or regional small business and SME organisations;

Or. fr

Amendment 188
Zigmantas Balčytis

Motion for a resolution
Paragraph 21 a (new)

Motion for a resolution

Amendment

21a. Points out that SMEs do not generally have significant and specialised administrative capacity and that it is thus essential to minimise the administrative burden imposed on them;

Or. lt

Amendment 189
Cornelis de Jong

Motion for a resolution
Paragraph 21 a (new)

Motion for a resolution

Amendment

21a. Asks the Commission to examine in this regard in particular the current practice of sub-contracting to SMEs, often on lesser conditions than those awarded to the main contractor, of part of the contracts that have not been split into

lots and are too big for SMEs to participate in the procurement procedure;

Or. en

Amendment 190
Frank Engel, Andreas Schwab

Motion for a resolution
Paragraph 22

Motion for a resolution

22. Proposes that self-declarations be allowed where feasible, and that original documents be requested only from the shortlisted candidates or the successful tenderer; asks the Commission to promote the option of a 'procurement passport', preferably in the form of a standardised electronic registration system at national level, since a passport of this kind would demonstrate that an operator has the declarations and documentation that are requested; believes that this would save considerable time and costs;

Amendment

22. Proposes that self-declarations be allowed where feasible, and that original documents be requested only from the shortlisted candidates or the successful tenderer, ***whilst avoiding any delays or market distortions caused by incorrect declarations***; asks the Commission to promote the option of a 'procurement passport', preferably in the form of a standardised electronic registration system at national level, since a passport of this kind would demonstrate that an operator has the declarations and documentation that are requested; believes that this would save considerable time and costs;

Or. fr

Amendment 191
Heide Rühle

Motion for a resolution
Paragraph 22

Motion for a resolution

22. Proposes that self-declarations be allowed where feasible, and that original documents be requested only from the shortlisted candidates or the successful tenderer; asks the Commission to promote

Amendment

22. Proposes that self-declarations be allowed where feasible, and that original documents be requested only from the shortlisted candidates or the successful tenderer; asks the Commission to promote

the option of a ‘procurement passport’, preferably in the form of a standardised electronic registration system at national level, since a passport of this kind would demonstrate that an operator has the declarations and documentation that are requested; believes that this would save considerable time and costs;

the option of a ‘procurement passport’, preferably in the form of a standardised electronic registration system at national level, since a passport of this kind would demonstrate that an operator has the declarations and documentation that are requested; believes that this would save considerable time and costs; ***underlines that a European pre-qualification system could be a helpful instrument if it is kept simple, cheap and easily accessible for SMEs;***

Or. en

Amendment 192
Catherine Stihler

Motion for a resolution
Paragraph 22 – subparagraph 1 (new)

Motion for a resolution

Amendment

The external dimension of EU public procurement cannot ignore the EU’s obligations to promoting decent work, equality, respect for fundamental rights, freedoms and labour standards and environmental protection and energy efficiency in third countries. These are not principles we leave behind when we move outside our borders. Any revision of public procurement rules must reinforce these principles externally as well as internally. More has to be done at EU level to improve social and environmental standards in supply chains, and needs to be addressed simultaneously in trade policy. The EU Commission has to seriously engage with the key actors involved such as trade unions and NGOs to developing workable strategies and structures;

Or. en

Amendment 193
Catherine Stihler

Motion for a resolution
Paragraph 22 – subparagraph 2 (new)

Motion for a resolution

Amendment

The procedures for penalising and excluding bidders under the abnormally low tender article should be less complex, particularly in relation to ensuring compliance with employment protection and working conditions in force. Requirements should be established for bidders to provide information to the contracting authority rather than the authority having to seek this information;

Or. en

Amendment 194
Rafał Trzaskowski

Motion for a resolution
Paragraph 22 a (new)

Motion for a resolution

Amendment

22a. Points out that selection criteria on financial standing such as company's turnover requirements should be proportional to the character of a given contract;

Or. en

Amendment 195
Sabine Verheyen

Motion for a resolution
Paragraph 22 a (new)

Motion for a resolution

Amendment

22a. Notes that electronic award of contracts, in particular, opens up new avenues for modernising administration in the field of public contracts and leads to greater transparency, reduces costs and saves time for tenderers and awarding authorities;

Or. de

Amendment 196

Louis Grech

Motion for a resolution

Paragraph 22 a (new)

Motion for a resolution

Amendment

22a. Reiterates the fact that e-procurement should be less costly, more expedient and more transparent than conventional public procurement procedures; however, believes that there is still room for improvement and more should be done vis-à-vis the access to reliable, comparable and objective information and statistical data; Calls on the Commission and Member States to provide the necessary training to all users of e-procurement, especially SMEs in order to better understand and use the mechanics of the system;

Or. en

Amendment 197

Alejandro Cercas, Stephen Hughes

Motion for a resolution

Paragraph 22 a (new)

Motion for a resolution

Amendment

22a. Considers that relevant 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;

Or. en

Amendment 198
Zigmantas Balčytis

Motion for a resolution
Paragraph 22 a (new)

Motion for a resolution

Amendment

22a. Points out that contracting authorities should take greater advantage of the possibilities of dividing public contracts into lots, which would give SMEs a better chance of participating in public procurement in qualitative and quantitative terms and would improve the level of competition;

Or. lt

Amendment 199
Heide Rühle

Motion for a resolution
Title after paragraph 22 (new)

Motion for a resolution

Amendment

Fifth Task: ensuring sound procedures and avoiding unfair advantages;

Or. en

Amendment 200
Heide Rühle

Motion for a resolution
Paragraph 22 a (new)

Motion for a resolution

Amendment

22a. Points out that combating corruption and favouritism is one objective of the directives; underlines that Member States face different challenges in this area and a more elaborate European approach bears the risk to undermine the efforts to streamline and simplify the rules but create new bureaucracy; points out that the principles of transparency and competition are key in combating corruption; asks for a common approach on self-cleaning measures to avoid market distortion and ensure legal certainty for economic operators and contracting authorities alike;

Or. en

Amendment 201
Heide Rühle

Motion for a resolution
Paragraph 22 b (new)

Motion for a resolution

Amendment

22b. Takes the view that, since public contracts concern public funds, they should be transparent and open to public scrutiny; asks the Commission for clarification with a view to ensuring legal certainty for local and other public authorities and enabling them to inform citizens of their contractual obligations;

Or. en

Amendment 202
Heide Rühle

Motion for a resolution
Paragraph 22 c (new)

Motion for a resolution

Amendment

22c. Calls on the Commission to assess the problems associated with extraordinary low bids and to propose appropriate solutions; recommends contracting authorities to provide for early and sufficient information to other bidders in cases of abnormally low bids in order to allow them to assess if there is ground for initiating a review procedure; asks for a better coherence between the common external trade policy of the EU and practices in Member States accepting exceptionally low bids.

Or. en

Amendment 203
Heide Rühle

Motion for a resolution
Title after paragraph 22 (new)

Motion for a resolution

Amendment

Sixth Task: Expanding the use of e-Procurement

Or. en

Amendment 204
Heide Rühle

Motion for a resolution
Paragraph 22 d (new)

Motion for a resolution

Amendment

22d. Welcomes the Commission Green Paper on expanding the use of e-Procurement; points out that the e-Procurement action plan has failed to achieve its goal and that more political leadership at all levels of government – including EU – is needed to maintain and accelerate the transition to e-Procurement;

Or. en

**Amendment 205
Heide Rühle**

**Motion for a resolution
Paragraph 22 e (new)**

Motion for a resolution

Amendment

22e. Underlines that the Commission has a unique role to play in promoting standardisation and infrastructure issues, e-Signatures and time-stamps for example need a commonly agreed format for security purposes; asks the Commission to develop the common standards in question; emphasises that onerous technical requirements for bidder authentication can act as barriers to operators;

Or. en

**Amendment 206
Heide Rühle**

**Motion for a resolution
Paragraph 22 f (new)**

Motion for a resolution

Amendment

22f. Underlines that to ensure interoperability of different systems and avoid vendor lock-in, open standards and technology neutrality must be observed; asks the Commission to assure real interoperability between the different platforms for e-Procurement which already exist in Member States;

Or. en

**Amendment 207
Heide Rühle**

**Motion for a resolution
Paragraph 22 g (new)**

Motion for a resolution

Amendment

22g. Points out that any legislative proposals to expand and simplify the use of e-Procurement should be integrated into the review of the main Public Procurement Directives and be in line with the scope and the general public procurement rules such as obligations linked to thresholds;

Or. en

**Amendment 208
Heide Rühle**

**Motion for a resolution
Paragraph 22 h (new)**

Motion for a resolution

Amendment

22h. Underlines that E-Procurement can drive the simplification of the whole procurement process and introduce

efficiencies which lead to significant cost and time savings for both businesses and public administrations and increases transparency and accessibility;

Or. en

Amendment 209
Heide Rühle

Motion for a resolution
Paragraph 22 i (new)

Motion for a resolution

Amendment

22i. Points out that the legislation is not the only key to promote changes; asks therefore the Commission to explore new ways to exchange experiences, share best practices and transfer knowledge across borders among local and regional actors; highlights that there is a strong need to further build the capacity and understanding of staff dealing with e-Procurement as well as to assist SMEs in knowledge and capacity building via national and/or EU incentives to secure a "level playing field" between SMEs and large enterprises;

Or. en

Amendment 210
Heide Rühle

Motion for a resolution
Paragraph 22 j (new)

Motion for a resolution

Amendment

22j. Welcomes the announcement in the European Commission's eGovernment Action Plan 2011-2015 to develop the epractice.eu platform into an effective tool

for the exchange of experience and information for Member States and eGovernment practitioners and strongly advocates for extending the scope to local and regional practitioners; welcomes EU initiatives such as PEPPOL and e-CERTIS;

Or. en