

Topic title: Public procurement

Brief description and main aims:

The current legislative framework setting the rules for public procurement are the 3 directives adopted in 2014 (2014/23/EU on concessions, 2014/24/EU on “classical” procurement and 2014/25/EU on “utilities” procurement). These rules aim at ensuring that public procurement procedures are transparent and fair.

As the 2014 directives include provisions on the development of electronic procurement, the European Commission has set up an Experts group on Electronic Procurement (EXEP), in order to help the implementation of these rules at national level.

In October 2017, the European Commission also published a package of mostly soft law measures aimed at helping with the implementation of the directives. It namely promoted the “strategic use” of public procurement, as well as the professionalisation of public procurers.

Why FIEC is dealing with this issue/topic and their objective(s):

Historically, FIEC has always been very much mobilised on this issue which is crucial for construction companies in terms of business opportunities.

Since its creation, FIEC actively participates in the EXEP. As regards to the 2017 package, FIEC broadly welcomed these measures, especially the professionalisation of public buyers, but was more sceptical about the strong promotion of “strategic procurement” (i.e including innovative, green and social/societal criteria). These latter criterias are not clearly defined and sometimes diverge significantly from the traditional principle of purchasing for the best value for money.

Actions and key dates :

- 2014** – Adoption of the public procurement Directives
- 2014** – Setup of the European Commission Experts group on Electronic Procurement (EXEP)
- October 2017** – European Commission’s package on public procurement
- 04/05/2018** – **FIEC position paper on the 2017 package**
- October 2018** – EXEP meeting, Lisboa
- 03/10/2019** – European Parliament resolution on 2017 package (Plenary)

FIEC is the European Construction Industry Federation, representing via its 29 National Member Federations in 26 countries (23 EU & EFTA and Turkey) construction enterprises of all sizes, i.e. small and medium-sized enterprises as well as “global players”, carrying out all forms of building and civil engineering activities.
Recognised “Sectoral Social Partner” (employers)

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EUROPEAN CONSTRUCTION
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FIEC position paper

04.05.2018

FIEC welcomes the 2017 public procurement package but recalls some problems and good practices