



PRESS RELEASE

New European Commission's "Buying Social" guide: a giant step for the EC, a small step for sustainable procurement

Brussels – 28 January 2011– The European Commission has launched today the long-awaited “*Buying social: a guide to take account of social considerations in public procurement*”. A network of trade unions, social and sustainable development organisations considers this guide fails to reflect the true potential of public procurement as an instrument in support of social and sustainable development objectives. Much more is needed if the EU and Member States are to live up to the EU Treaty commitments and international obligations in this field.

As a follow-up to the adoption of the Public Procurement Directives¹, the European Commission (EC) issued in 2004 a “buying green” guide, which allowed contracting authorities to choose between products on the basis of their environmental characteristics.

Whilst welcoming the fact that the EC has finally put forward at last its views on social considerations in public procurement, the “buying social” guide launched today puts forward a restrictive interpretation on what is allowed by the Directives. Public authorities are advised by the EC to treat most social considerations as “contract performance” issues, rather than use social considerations to distinguish between offers when deciding to whom to award a contract.

This is a missed opportunity to actively encourage authorities to introduce social considerations in public procurement in the context of a proactive approach to sustainable procurement. A comprehensive approach to promoting sustainability would treat the social, environmental and economic pillars of sustainable development in an integrated way.

In the meantime, the EC Directorate-General for Internal Market and Services has started a process of evaluation of the impact and effectiveness of the current EU procurement legislation and policy and a public consultation on the modernisation of EU public procurement policy². The signatory organisations submitted an initial contribution to the debate, available [here](#). This submission was shared with European Commission

¹ Directives 2004/17/EC and 2004/18/EC.

² Public consultation on the modernisation of public procurement rules of 27 January 2011 (http://ec.europa.eu/internal_market/publicprocurement/modernising_rules/consultations/index_en.htm)

President J.M. Barroso, Vice President Ashton and Commissioners Barnier, Andor, Potocnik, Reding, Piebalgs and De Gucht on 19 November 2010.

This initial input focuses on the glaring inconsistencies between Internal Market policies influencing public procurement and the social and sustainability policy EU objectives. It also emphasises that value for money/best value in public contracting does not mean lowest price. Wider social, ethical and environmental benefits must be given clear weight in the decision of awarding a tender.

The late launch of the “Buying Social” guide, while the public consultation on the revision of the EU Public Procurement legislation is already on-going, shows the low profile that the European Commission attaches to social considerations in public procurement.

We urge the European Commission to use the current evaluation and public consultation process to assess how these inconsistencies can be remedied and how public procurement legislation and policy will have to be amended to better reflect wider legislative, policy, EU Treaty objectives and International commitments in these areas.

The EU should develop targets and action plans to provide a framework for encouraging and measuring progress on ‘buying social’. The upcoming review of the procurement directives should address how the EU rules can better encourage authorities to introduce social considerations in public procurement in the context of a comprehensive approach towards sustainable procurement, treating the social, environmental and economic pillars of sustainable development in a balanced way.

We look forward to an ongoing dialogue on how to render EU public procurement policies a tool, rather than an obstacle, to the social and sustainability policy EU objectives.

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