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**PRESS RELEASE**

3208th Council meeting

**Competitiveness (Internal Market, Industry, Research and Space)**

Brussels, 10-11 December 2012

President            **Mr Neoklis SYLIKIOTIS**  
Cyprus Minister for Commerce, Industry and Tourism  
**Mrs Eleni MAVROU**  
Cyprus Minister for the Interior (responsible for the Research  
portfolio)

**P R E S S**

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– *Reform of public procurement policy*

The Council held a public debate on the modernisation of the public procurement policy and reached an agreement on a general approach on the three proposals of the package.

The three proposals for modernising public procurement are:

- a draft directive on public procurement (replacing directive 2004/18/EC) (18966/11);
- a draft directive on procurement by entities operating in the utilities sectors: water, energy, transport and postal services (replacing directive 2004/17/EC) (18964/11); and
- a proposal for a directive on the award of concession contracts (18960/11).

The agreements are based on the compromise texts put forward by the Presidency for every piece of the above-mentioned legislation, which are contained in documents 16725/1/12, 16729/12 and 16731/12.

The Commission presented the package on 20 December 2011. It is a major overhaul of public procurement rules across the EU. Based on the text of the draft directive on public procurement, the Council has provided guidance on four important issues at its meetings on 20 February and 30 May 2012: the degree of flexibility that should apply in the use of competitive procedures with negotiation, the application of a lighter regime for certain categories of services (social, cultural, health, etc.), the wide use of e-procurement and the governance and monitoring of the procurement procedures.

The revision of the public procurement policy will affect a wide range of areas applying to the procurement of goods, works and services, including:

### *1) Simplification and flexibilisation of procurement procedures*

The package provides for a simplification and flexibilisation of the procedural regime set by the current rules, which date back to 2004. To this end, it contains measures to make procurement easier and administratively less burdensome and to create flexibility for public authorities enabling better procurement outcomes. Promotion of electronic procurement as a more user-friendly feature of procurement procedures is throughout the package a cornerstone of the simplification process.

### *2) Strategic use of public procurement in response to new challenges*

Better opportunities for procurers to pursue common societal goals such as environmental protection, social responsibility, innovation, combatting of climate change, employment, public health and other social and environmental considerations.

### *3) Better access to the market for SMEs*

The package provides for concrete measures to remove barriers for market access by SMEs, such as simplification of documentation obligations in procurement procedures, the creation of a standardised document for selection purposes, an incitation for contracting authorities to consider the division of contracts into smaller lots that are more accessible for SMEs, and a reduction on requirements for participation.

### *4) Sound procedures*

The new regime seeks from member states to ensure that contracting authorities take appropriate measures to prevent, identify and remedy conflicts of interests arising in the conduct of procurement procedures so as to avoid any distortion of competition and ensure equal treatment of all economic operators.

### *5) Governance*

The proposal contains obligations to member states for monitoring and reporting on the activity on public procurement in order to improve the efficacy and uniform application of EU law in this field.