

Resolution of the General Assembly of the Climate Alliance on Environmentally sound and fair public procurement

Adopted of the General Assembly of the Climate Alliance on 17th June 2003 in Berlin



CLIMATE ALLIANCE
KLIMA-BÜNDNIS
ALIANZA DEL CLIMA e.V.

Text of the Resolution

The General Assembly of the Climate Alliance calls the Members of the European Parliament to amend the Draft Directive so that public procurement legislation **clearly** allows public authorities to take social, environmental and fair trade criteria into consideration when awarding public procurement contracts.

We ask you to **delete the words: "for the contracting authorities", in Article 53(1)¹**, so that public authorities can integrate public concerns into their decision when selecting a tender on the basis of "the most advantageous offer" and that the economic benefit has not to be for the contracting authority alone.

The Climate Alliance's General Assembly of 17th June 2003 in Berlin recommends the members to contact the representatives of their area in the European Parliament in this respect.

Arguments

The European Parliament is currently discussing a proposal for a revision of the current legislation governing the purchase of supplies, works and services by public entities across the European Union.

This proposal will impact on a market amounting to over 15% of the EU GDP with important consequences on the way in which local authorities will be called to manage public spending and on the economic and social development of our territories and regions.

At present, the integration of environmental and social concerns in the award phase of the public procurement procedures can be considered as an infringement of the internal market rules by the European Commission. Local and regional authorities, who wish to consider aspects such as reduction of environmental impacts, job creation and integration of discriminated and excluded groups in the labour market, support to Fair Trade products, fair wages or respect of core labour standards as additional criteria in the **final choice** of public contracts, may face legal pursuits.

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¹ Article 53 – Contract award criteria: "1(a) when award is made to the tender most economically advantageous **for the contracting authorities**, various criteria justified by the subject of the public contract in question: for example, quality, price, technical merit, aesthetic and functional characteristics, environmental characteristics, running costs, cost-effectiveness, after-sales service and technical assistance, delivery date and delivery period or period of completion..."

In the past, the European Court of Justice has filled in the gap present in the current legislation with a number of progressive interpretative judgements (such as the 'Helsinki Bus Case' and the 'Region Nord-Pas de Calais' Case), which created a solid track record of possibility of including social and environmental criteria in the award of public contracts. A growing number of public authorities have subscribed to Ecological procurement and Fair Trade purchasing initiatives all over Europe, giving a clear sign to the European Commission for future developments of procurement legislation. Regrettably, the Commission's proposals for revised public procurement directives fail to take this into account, in an attempt to restrict the ability of public authorities to include social and environmental concerns in their purchasing policies.

We, as local authorities, are accountable to our communities for taxpayers' money. We have a great responsibility and duty to be setting an example of best practice in social, employment, anti-discrimination, environmental and ethical policies to public and private undertakings in our regions. Public procurement is a powerful way to promote this. Therefore, we must be legally able to integrate social, environmental and ethical aspects in the final choice of the tenderer, and to take into account the overall interest of our communities. This proposal is supported by NGOs, networks and trade unions. In the case of this amendment, economic viability would include along with business management criteria also broader economic aspects.



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