To:

Ministers in charge of public procurement
Commissioner Barnier, Commissioner for internal market and services
Commissioner Andor, Commissioner for employment, social affairs and inclusion
Vice-President Tajani, Commissioner for industry and entrepreneurship
Marc Tarabella MEP, rapporteur on public procurement
Françoise Castex MEP, Chair of the EP Public Services Intergroup
Members of the EP IMCO Committee
Members of the EP Public Services Intergroup
Members of the EP Social Economy Intergroup

Brussels, March 19, 2013

Re: Open letter to the Council, the European Parliament and the European Commission on the negotiations on reserved contracts in public procurement

Dear Madam, Dear Sir,

In December 2011 the Commission published a proposal for a directive on public procurement which includes a revision of the provision on reserved contracts (art. 17). Giving public authorities the possibility to restrict tendering procedures to enterprises that pursue the aim of the social and professional integration of persons with disabilities and disadvantaged persons is a very good example of how public procurement can be used to achieve social policy goals.

We welcome the Commission's proposal on this article. At the same time we are extremely concerned about the proposal from the Council to enlarge the scope of the Commission's text. We call for the deletion of the second paragraph suggested by the Council, as we deplore the introduction of "reserved contracts" for organisations whose main aim is the integration of former employees of public authorities into the private sector.

Why?

- The proposal from the Council, following the UK government's demand, does not pursue the original aim of reserved contracts, which is the social and professional integration of persons with disabilities and disadvantaged persons and may even create obstacles to the maintenance and development of the social enterprises that help the most excluded and marginalized persons.

- Extending the use of reserved contracts to enterprises whose aim is the integration of former employees of public authorities can only happen when public entities are privatized. Therefore, this new paragraph suggested by the Council implicitly encourages the privatization of public services and public entities, which is in contradiction with recital (3a) adopted by the Council and recital (3b) adopted by the IMCO Committee: the public procurement directive does not deal with liberalization of services of general economic interest and with privatization of public entities providing services.

Therefore we strongly encourage you to consider our concerns during negotiations and to delete the second paragraph introduced by the Council.

Yours sincerely,

Conny Reuter, President, Social Platform

Alain Coheur, President, Social Economy Europe

Charlotte Gruber, President, ENSIE asbl (European Network of Social Integration Enterprises)

Julien Fortin, President, RREUSE

Luigi Martignetti, Secretary General, REVES (Réseau Européen des Villes & Regions de l'Economie Sociale)

Petru Vasile Gafiuc, Secretary General, Social Firms Europe CEFEC

Maria Priscila Soares, Vice-president, P'actes Européens

Heather Roy, Secretary General, Eurodiaconia

Carlotta Besozzi, Director, European Disability Forum

Bruno Roelants, Secretary General, CECOP

Cristina Martins, President, IFSW European Region [International Federation of Social Workers – Europe e.V.]

Franz Wolfmayr, President, European Association of Service Providers for persons with disabilities