

PRESS RELEASE

Brussels, 21 February 2018

European Commission advocates use of quality criteria in public procurement

In a letter to the European Association of Service providers for Persons with Disabilities ([EASPD](#)), the European Commission has clarified how the European Union (EU) Public Procurement Directive is applicable to the procurement of social services. EASPD has long called for the inclusion of quality criteria into all tendering of social services as a crucial element for the implementation of the UN Convention on the Rights of Persons with Disabilities.

In many EU Member States, public authorities contract out social services they cannot or do not wish to provide **themselves**. Such practices are governed at EU level through the Public Procurement directive 2014. It has since been transposed into national law in most if not all EU Member States. The highly technical nature of this European legislation has led to many misunderstandings at local, regional and national level, with stories of representatives from contracting authorities blaming the European legislation for the lack of flexibility being very prevalent.

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This has been particularly apparent in Finland with EASPD supporting a petition led by KVPS to the European Parliament on the (mis)use of the EU Public Procurement Directive for the funding of social services in Finland. Ms Kirsi Konola, Vice President of EASPD and Director for Development at [KVPS](#), believes that *“the Finnish government has been blaming the EU for forcing them to use procurement processes. We fully welcome the European Commission’s clarification that Member States are not obliged to use procurement processes and that this is a political choice made at national level.”*

EASPD contacted the European Commission for further clarification of the EU Public Procurement law and its meaning for the funding of social services. In their in-depth response, the European Commission highlighted three main issues:

- Firstly, that public authorities can **choose how to organise** their social services. The use of public procurement is **not compulsory**, but rather just **one option among several**;
- Secondly, that the EU Public Procurement 2014 Directive calls for “*increased flexibility and expanded possibilities to take into account social considerations in public tenders*”;
- Thirdly, that the European Commission will continue to “*advocate for increased and effective use of quality criteria*” in public procurement.”

The letter provides a very clear overview of the implications of the EU legislation on the procurement of services. It indicates and examines in detail the options available for contracting authorities to include quality criteria. It also lists as options the use of reserved contracts, the 'light touch' regime for social services and the possibility to make a choice based on the best price-quality ratio.

Luk Zelderloo, EASPD Secretary General, welcomes the response as “*a clear message to social service providers that EU rules allow contracting authorities to focus a lot more on quality, rather than cost alone. The local difficulties faced by our members strengthen our argument for quality criteria in social services to be compulsory, rather than optional. In the long-run, this will have to be tackled through new and stronger legislation. In the short term though, it is great to see the European Commission responding to these difficulties and developing a guide to help contracting authorities include such quality criteria. Quality public procurement is the future!*”

The European Commission has an ongoing [public consultation](#) on the scope and structure of a guide on socially responsible public procurement (Deadline: 1st March 2018). EASPD is currently developing its response. We encourage all stakeholders to also provide their feedback.

Related documents

- European Commission Reply to EASPD Letter requesting clarification on implications of EU Public Procurement Law on funding of social services.
- [Policy paper on new public procurement directive \(November 2013\)](#)

Note to editors

The European Association of Service providers for Persons with Disabilities is a non-profit European umbrella organization, established in 1996, and currently representing over 15,000 social and health services for persons with disabilities. EASPD advocates for effective and high-quality disability-related services in the field of education, employment and individualised support, in line with the UN CRPD principles, which could bring benefits not only to persons with disabilities, but to society as a whole.

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