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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Delegations will find attached document C(2017) 6654 final.

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Strasbourg, 3.10.2017  
C(2017) 6654 final

**COMMISSION RECOMMENDATION**

**of 3.10.2017**

**on the professionalisation of public procurement**

**Building an architecture for the professionalisation of public procurement**

(Text with EEA relevance)

{SWD(2017) 327 final}

# COMMISSION RECOMMENDATION

of 3.10.2017

## on the professionalisation of public procurement

### Building an architecture for the professionalisation of public procurement

(Text with EEA relevance)

#### 1. THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) **Public procurement is an instrument to achieve smart, sustainable and inclusive growth.** This instrument could have significant economic impact<sup>1</sup> in contributing to the Commission's agenda for growth, jobs and cross-border trade. Efficient, effective and competitive public procurement is both a touchstone for a well-functioning single market and a major channel for European investments.<sup>2</sup>
- (2) **The directives on public procurement adopted in 2014<sup>3</sup> provide a toolbox enabling Member States to make more efficient and strategic use of public procurement.** Public procurement is facing new challenges as it is increasingly expected to: demonstrate best value for public money in ever-constricting budgetary environments; use the opportunities of digitisation and evolving markets; make a strategic contribution to horizontal policy objectives and societal values such as innovation, social inclusion and economic and environmental sustainability; maximize accessibility and show accountability for minimising inefficiencies, waste, irregularities, fraud and corruption, as well as building responsible supply chains.
- (3) **The need to ensure the efficient application of public procurement rules at all levels is necessary to make the best out of this essential lever for**

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<sup>1</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: **Upgrading the Single Market: more opportunities for people and business** (COM/2015/550).

<sup>2</sup> Almost half of the cohesion funding is channelled through public procurement. During the period 2014-2020, the EU will invest EUR 325 billion — almost a third of the total EU budget — in Europe's regions through the **European Structural and Investment Funds**, which aim to promote economic growth, job creation, competitiveness and to reduce development disparities.

<sup>3</sup> 2014/24/EU (the 'Classical Directive'), 2014/23/EU (the 'Concessions Directive'), and 2014/25/EU (the 'Utilities Directive') of the European Parliament and of the Council, and in particular their Articles 83(4), 45(4) and 99(4) respectively.

**European investment**, as spelled out in the Investment Plan for Europe<sup>4</sup>, and to achieve a stronger single market called for in the 2017 State of the Union address of President Juncker. Efficiency is also among the areas of improvement in public procurement signalled through the European semester process.

- (4) **Therefore, the most efficient use of public funds needs to be ensured and public buyers need to be in a position to procure according to the highest standards of professionalism.** Enhancing and supporting professionalism among public procurement practitioners can help foster the impact of public procurement in the whole economy.<sup>5</sup>
- (5) **The objective of the professionalisation of public procurement is understood broadly** to reflect the overall improvement of the whole range of professional skills and competences, knowledge and experience of the people conducting or participating in tasks related to procurement.<sup>6</sup> It covers also the tools and support as well as the institutional policy architecture that are necessary to do the job effectively and deliver results.<sup>7</sup> Therefore, an effective professionalisation policy should be based on an overall strategic approach along three complementary objectives:

**I. Developing the appropriate policy architecture for professionalisation:** to have a real impact, any professionalisation policy should count on high level political support. This means defining a clear assignment of responsibilities and tasks to institutions at central policy level, supporting efforts at local, regional and sectoral levels, ensuring continuation across political cycles, using where appropriate, the institutional structures promoting specialisation, aggregation and sharing of knowledge.

**II. Human resources — improving training and career management of procurement practitioners:** public procurement practitioners, i.e. those involved in the procurement of goods, services and works, as well as auditors and officials responsible for the review of public procurement cases, must have the right qualifications, training, skills and experience needed for their level of responsibility. This means securing experienced, skilled and motivated staff, offering the necessary training and continuous professional development, as well as developing a career structure and incentives to make the public procurement function attractive and to motivate public officers to deliver on strategic outcomes.

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<sup>4</sup> 2014; Communication from the Commission to the European Parliament, the Council, the European Central Bank, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank: An investment plan for Europe (COM/2014/0903).

<sup>5</sup> The Staff Working Document (SWD/2015/202) accompanying the single market strategy estimated the **potential economic gains from solving problems due to professionalisation to more than EUR 80 billion.**

<sup>6</sup> This covers the full scope of the work of procurement officers who are involved in any stage of the procurement process from the identification of needs through to contract management — be they in the central or decentralised administrations or institutions, in roles specifically defined as procurement related or merely responsible for certain tasks related to procurement.

<sup>7</sup> The need to develop a procurement workforce with the capacity to continually deliver value for money is also stressed in the **2015 OECD Recommendation on Public Procurement.** <http://www.oecd.org/gov/ethics/OECD-Recommendation-on-Public-Procurement.pdf>

**III. Systems — providing tools and methodologies to support professional procurement practice:** public procurement practitioners must be equipped with the right tools and support to act efficiently and get best value for money for each purchase. This means ensuring the availability of tools and processes to deliver smart procurement, such as: e-Procurement tools, guidelines, manuals, templates and cooperation tools, with corresponding training, support and expertise, aggregation of knowledge and exchange of good practice.

- (6) **This Recommendation<sup>8</sup> encourages the development and implementation of professionalisation policies in the Member States**, by offering a reference framework for consideration.<sup>9</sup> The desired outcome of this initiative is to help Member States to build the policy for professionalisation to increase the profile, influence, impact and reputation of procurement in delivering public objectives.
- (7) **This Recommendation is addressed to Member States** and to their public administration primarily at national level. However, under their centralised or decentralised procurement system, Member States should further **encourage and support contracting authorities/entities** in rolling out professionalisation initiatives. Therefore, Member States should draw this Recommendation to the attention of bodies responsible for public procurement at all levels as well as of the bodies in charge of training the auditors and officials responsible for the review of public procurement cases.

HAS ADOPTED THIS RECOMMENDATION:

### **I. Defining the policy for the professionalisation of public procurement**

1. Member States should develop and implement **long term professionalisation strategies for public procurement**, tailored to their needs, resources and administrative structure, standalone or as part of wider professionalisation policies of public administration. The aim is to attract, develop and retain skills, focus on performance and strategic outcomes and make the most out of the available tools and techniques. These strategies should:
  - (a) address all the relevant participants in the procurement process and be developed through an inclusive process at national, regional and local level;
  - (b) be applied in coordination with other policies across the whole public sector; and
  - (c) take stock of developments in other Member States and at international level.
2. Member States should also **encourage and support contracting authorities/entities** in implementing the national professionalisation strategies, developing

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<sup>8</sup> The Commission does not intend to prescribe a specific model, but to invite Member States and relevant administrations to address relevant issues. There is a clear recognition that everyone is at different stages of their journey. Nonetheless, the new directives require Member States to ensure that (a) information and guidance on the interpretation and application of EU public procurement law is available free of charge to assist contracting authorities and economic operators, in particular SMEs; and (b) support is available to contracting authorities in planning and carrying out procurement procedures.

<sup>9</sup> The Recommendation will be accompanied by a collection of good practices from Member States.

professionalisation initiatives as well as appropriate institutional architecture and cooperation for a more coordinated, efficient and strategic procurement based on, among other things:

- (a) increased cooperation between relevant services and between contracting authorities/entities; and
- (b) the expertise and support of training institutions, central purchasing bodies and of procurement-oriented professional organisations.

## II. Human resources — improving training and career management

3. Member States should **identify and define the baseline of skills and competences any public procurement practitioner should be trained in and possess**, taking into account the multidisciplinary nature of procurement projects, both for dedicated procurement officials and for related functions as well as for judges and auditors, such as:
  - (a) frameworks for skills and competences to support recruitment and career management processes and in designing training curricula; and
  - (b) a common competence framework for public procurement at European level.
4. Member States should **develop appropriate training programmes — initial and lifelong** — based on data and needs assessment, as well as on competence frameworks where available, such as:
  - (a) developing and/or supporting the development of the initial training offer, at graduate and post-graduate level and other entry-level career training;
  - (b) providing and/or supporting a comprehensive, targeted and accessible offer of lifelong training and learning;
  - (c) multiplying the training offer via innovative, interactive solutions or eLearning tools, as well as replication schemes; and
  - (d) drawing benefits from academic cooperation and research to develop a sound theoretical backing for procurement solutions.
5. Member States should also develop and support the uptake by contracting authorities/entities of **sound human resources management, career planning and motivational schemes specific to the procurement functions** aiming to attract and retain qualified staff to procurement and encouraging practitioners to deliver better quality and a more strategic approach in public procurement, such as:
  - (a) recognition and/or certification schemes which properly identify and reward procurement functions;
  - (b) career structures, institutional incentives and political support to deliver strategic outcomes; and

- (c) excellence awards to promote good practice in areas such as innovation, green and socially responsible public procurement or anti-corruption.

### III. Systems — providing tools and methodologies

6. Member States should **encourage and support the development and uptake of accessible IT tools** which can simplify and improve the functioning of procurement systems, such as:
  - (a) enabling access to information by creating single online portals;
  - (b) developing IT tools with corresponding training, (e.g. for economies of scale, energy efficiency or team working), or supporting corresponding market driven solutions; and
  - (c) promoting a strategic approach to digitalisation through standardisation, sharing, reuse and interoperability of products and services particularly through using existing IT solutions available at EU level<sup>10</sup>, as well as contributing to developing instruments such as an online catalogue of ICT standards for procurement<sup>11</sup>.
7. Member States should **support and promote integrity, at individual and institutional level, as an intrinsic part of professional conduct**, by providing tools to ensure compliance and transparency and guidance on prevention of irregularities, such as:
  - (a) establishing codes of ethics as well as charters for integrity;
  - (b) using data on irregularities<sup>12</sup> as feedback to develop corresponding trainings and guidance as well as to promote self-cleaning; and
  - (c) developing specific guidance to prevent and detect fraud and corruption, including through whistleblowing channels.
8. Member States should provide guidance aiming, on the one hand, to give **legal certainty** on EU and national law or requirements stemming from the EU's international obligations and, on the other hand, to **facilitate and promote strategic thinking**, commercial judgment and intelligent/informed decision making, such as :
  - (a) targeted guidance materials, methodological handbooks and repositories of good practices and most common errors, that are up-to-date, user-friendly, easily accessible and grounded in the experience of practitioners; and
  - (b) standardised templates and tools for various procedures such as green public procurement criteria.

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<sup>10</sup> Among others: the Single Digital Gateway and Connecting Europe Digital Service Infrastructure Building Blocks (eIdentity, eSignature, eDelivery, eInvoicing).

<sup>11</sup> [https://joinup.ec.europa.eu/community/european\\_catalogue/](https://joinup.ec.europa.eu/community/european_catalogue/)

<sup>12</sup> While respecting the data protection legislation and the fundamental right to protection of personal data.

9. Member States should promote **the exchange of good practice and provide support for practitioners** to ensure professional procurement procedures, cooperative work and transmission of expertise such as:
- (a) providing technical assistance by means of reactive helpdesks, hotlines and/or email services;
  - (b) organising seminars and workshops to share new legal developments, policy priorities and good practice; and
  - (c) encouraging communities of practitioners through online fora and professional social networks.

**FOLLOW-UP TO THIS RECOMMENDATION — REPORTING AND MONITORING**

10. It is recommended that Members States should inform the Commission of action taken in response to this Recommendation when reporting under Article 83 of Directive 2014/24/EU, Article 45 of Directive 2014/23/EU and Article 99 of Directive 2014/25/EU.

Done at Strasbourg, 3.10.2017

*For the Commission*

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*Member of the Commission*