


MINISTÈRE DE L'ÉCONOMIE,
DES FINANCES
ET DE LA SOUVERAINETÉ
INDUSTRIELLE ET NUMÉRIQUE
*Liberté
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French Presidency of the Council of the European Union - Public Procurement Related Objectives and Results

Agenda

- 1. Council Conclusions on the Development of Sustainable Public Procurement**
- 2. Regulation on Foreign Subsidies Distorting the Internal Market**
- 3. Works on bottlenecks**
- 4. Other topics**

1. Council Conclusions on the development of sustainable public procurement

Why have conclusions on sustainable procurement?

- **Public procurement as a lever for sustainable procurement**
- **Convergence at EU level and necessity**

Upstream work

- **Building an interdepartmental task force**
- **Consulting the Member States**
- **Discussing with the Commission**

From
May
2021
to
December
2021

1. Council Conclusions on the development of sustainable public procurement

Issues and schedule

- **Choosing a sectoral approach**

Choosing what was more suitable according to the Member States

To each sector its sustainable consideration

- **Identifying the priority sectors**

The notion of maturity

Previous work and coordination

- **Using the 2030 and 2050 deadlines**

Serenely and profitably carrying out the work leading to identifying the priority sectors

Creating tools and methods

1. Council Conclusions on the development of sustainable public procurement

How the draft Conclusions evolved during the French Presidency

- Including the respect of human rights
- Clarifying how future amendments may impact public buyers
- Emphasising the role of the Council
- Providing safeguards related to an hypothetical horizontal approach
- Stressing the importance of not imposing an excessive administrative burden on public buyers

1. Council Conclusions on the development of sustainable public procurement

Work ahead

- **Defining a methodology: the SPPG**

- **The role of sectoral experts**

2. Regulation on foreign subsidies distorting the internal market

Context

- **White paper on foreign subsidies**
- **Public consultation**
- **Proposal for a Regulation on foreign subsidies distorting the internal market, 3 tools :**

A notification-based tool to investigate concentrations involving a financial contribution by a non-EU government

A notification-based tool to investigate bids in public procurements involving a financial contribution by a non-EU government

A general tool to investigate all other market situations, and smaller concentrations and public procurement procedures: Commission acting ex-officio or through ad-hoc notifications.

2. Regulation on foreign subsidies distorting the internal market

Objectives for the Regulation

- **An efficient Chapter 4 on public procurement procedures**
- **Improve drafting, in particular to ensure its effectiveness**
- **Various other improvements to the text (application to lots, framework agreements, multi-stage procedures and taking into account the urgent nature of procurement procedures)**

2. Regulation on foreign subsidies distorting the internal market

May 20

- Working groups, discussion, negotiation
- Approval by the Permanent Representative Committee - Mandate for negotiation with the European Parliament

What is still being fine-tuned:

- Clarification of the procedures applicable to the various existing procedures in public procurement
- How the Commission may issue appropriate guidance
- Appropriate deadlines for investigations and the period during which the Commission can retrospectively investigate subsidies granted before the regulation enters into force which create distortions on the internal market after it has entered into force
- Appropriate notification thresholds
- Fixing the Commission's scope to change the procedural thresholds and deadlines

2. Regulation on foreign subsidies distorting the internal market

Results

- **Council compromise text on the proposed Regulation**
- **Negotiating mandate with the European Parliament**
- **Clarifications on scope and procedures making the provisions on public procurement more effective and more transparent**
- **Increased legal certainty for economic operators and purchasers**

3. Works on bottlenecks

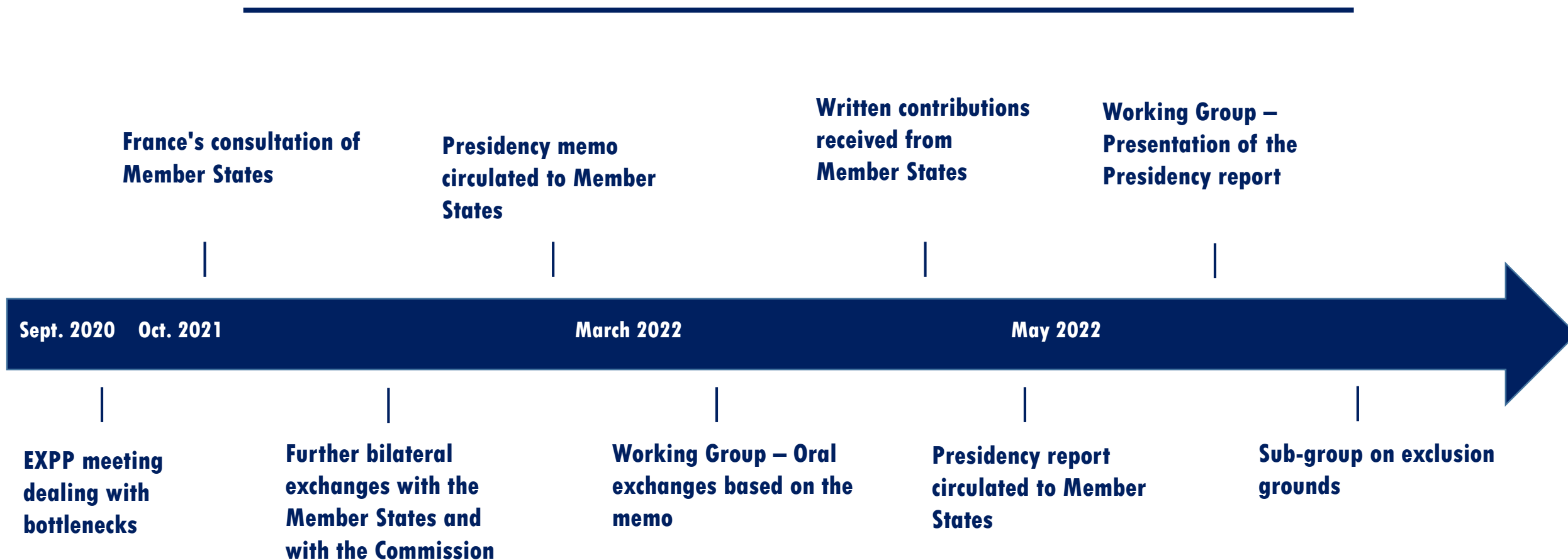
Objectives

- **To deepen exchange on bottlenecks**
- **To initiate a discussion on the need to clarify the European legal framework in public procurement**
- **In this regard, to produce a synthetic report**

Context

- **Reliance on EXPP's works**
- **Focus on 8 bottlenecks identified by the Commission and raised by at least 5 Member States**

3. Works on bottlenecks



3. Works on bottlenecks

Results

- **Presidency report**
- **The need for clarification (amendment of the directives?)**
- **Next Presidency's intention to follow up on this work**
 - **Sub-groups on exclusion grounds**

4. Other topics

IPI

- **Context and objectives**
- **Coordination at the national level**
- **Results**

War in Ukraine

- **Change of plans**
- **Exchange with the Commissions, Regulation, Q&A**

Energy Efficiency Directive

Innovation procurement

Thank you for your attention!



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