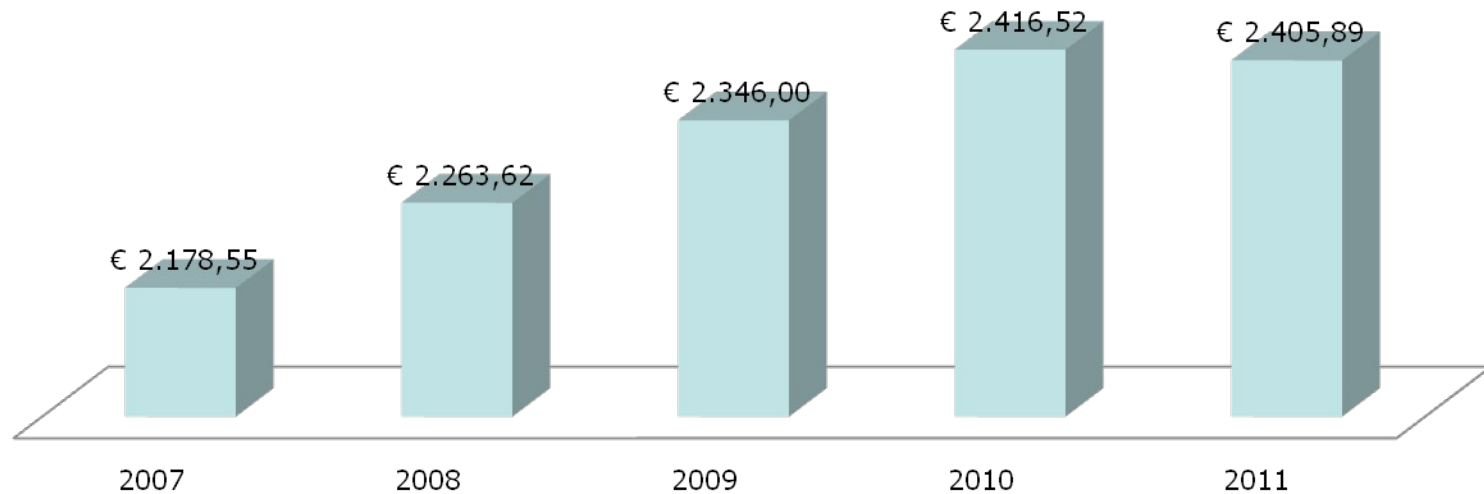# E-procurement in the new Public Procurement Directives

MePAIE 2014 – V edizione

Cremona, 27 February 2014

Tudor-Trestieni Ion
e-procurement and economic analysis of procurement markets

Public procurement is about 20% of EU's GDP

Total expenditure by general government and utilities on works, goods and services, in Billion €

Year	Value
2007	€ 2.178,55
2008	€ 2.263,62
2009	€ 2.346,00
2010	€ 2.416,52
2011	€ 2.405,89

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Public procurement Directives cover about 20% of total procurement

- About **425 billion euros** covered by the Directives (above certain thresholds)

- 4 Public Procurement Directives:

    - Directive replacing 2004/18/EC (Public sector)

    - Directive replacing 2004/17/EC (Utilities)

    - Directive 2009/81/EC (Defence and Security)

    - new Directive on concessions

- Main focus of presentation: Directive replacing 2004/18/EC

Objectives of the Reform

1. Simpler / more flexible procedures

2. Strategic use

3. Better access (SMEs, cross-border trade)

4. Sound procedures
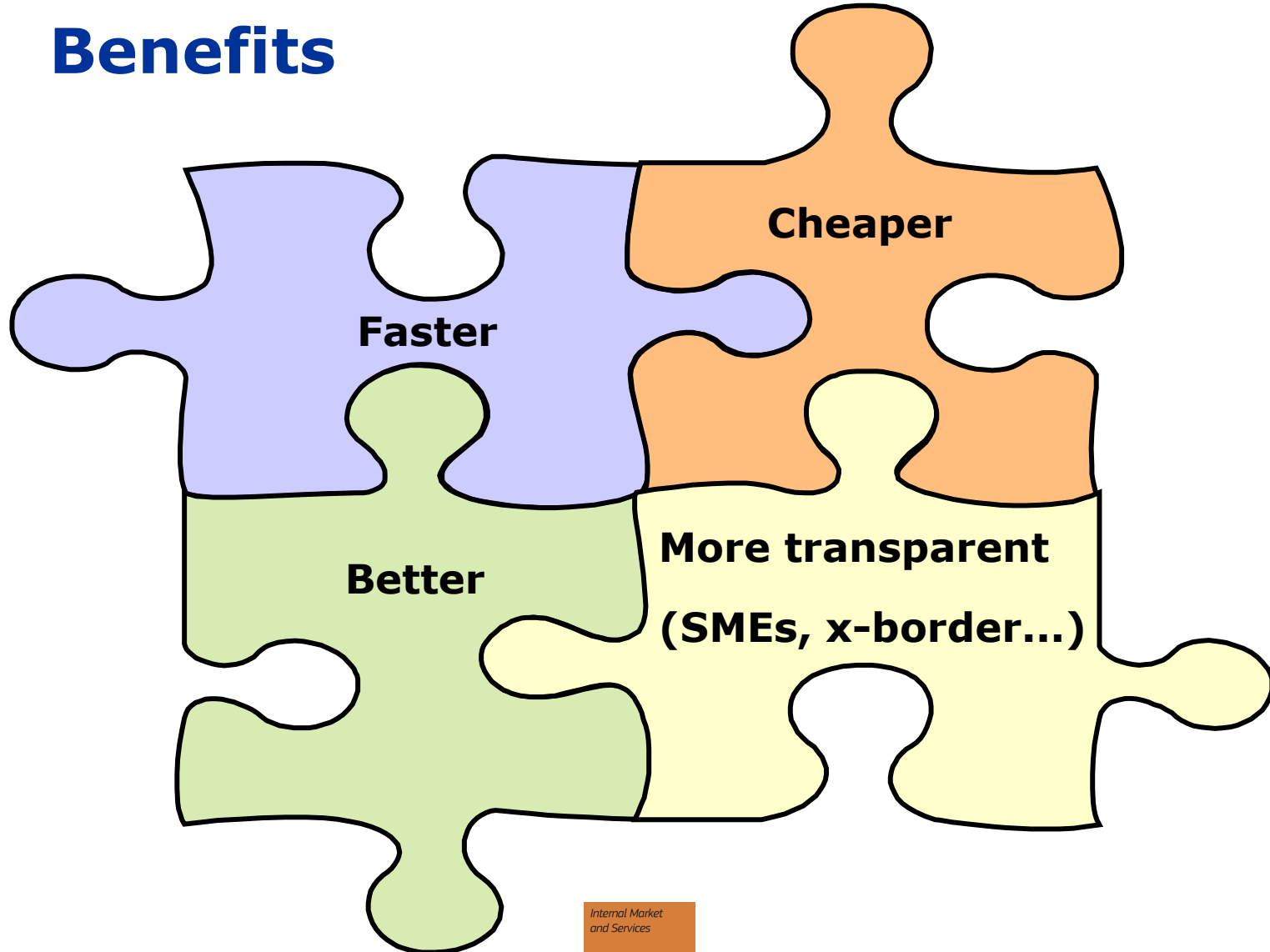
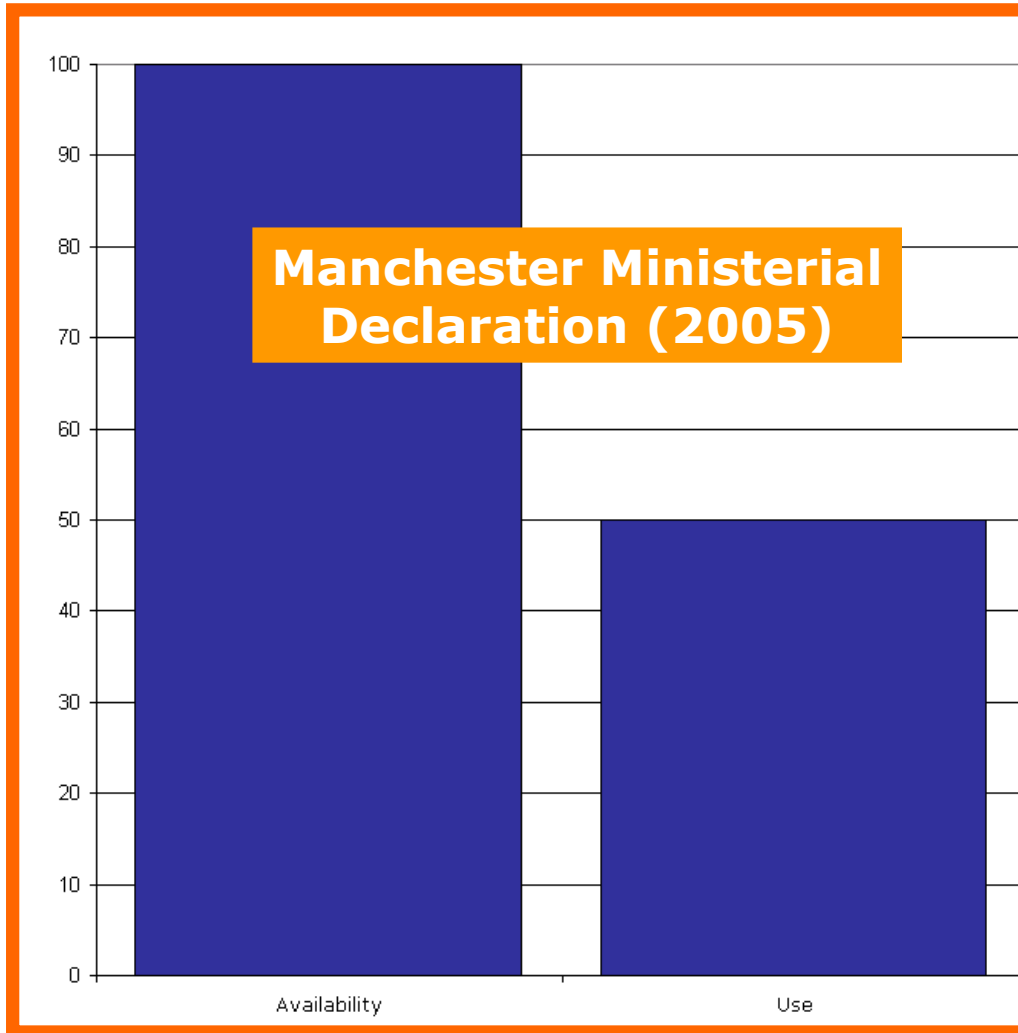5. Governance / Professionalisation of procurement

E-Procurement

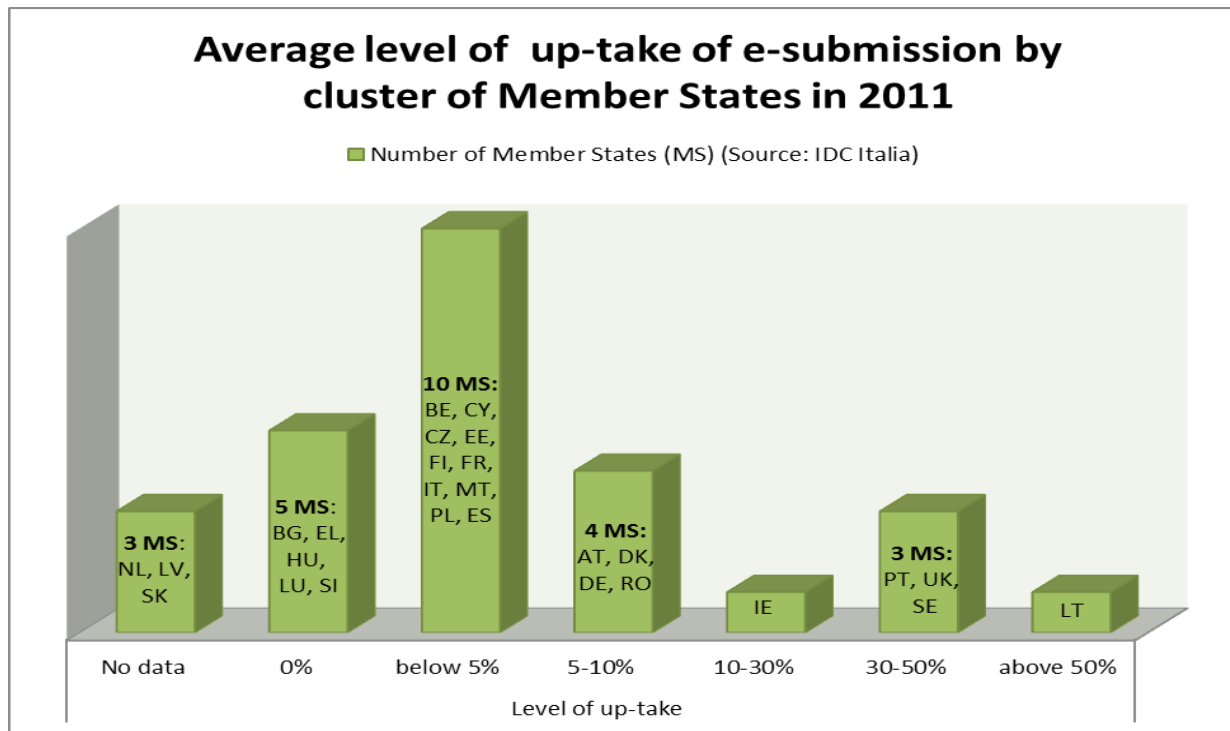# Challenges… Some.

Opportunities…Huge!

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Benefits

Faster

Cheaper

Better

More transparent

(SMEs, x-border...)

Where are we today?

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Manchester Ministerial Declaration (2005)

E-procurement up-take per country

Average level of up-take of e-submission by cluster of Member States in 2011

Number of Member States (MS) (Source: IDC Italia)

3 MS: NL, LV, SK — No data
5 MS: BG, EL, HU, LU, SI — 0%
10 MS: BE, CY, CZ, EE, FI, FR, IT, MT, PL, ES — below 5%
4 MS: AT, DK, DE, RO — 5-10%
IE — 10-30%
3 MS: PT, UK, SE — 30-50%
LT — above 50%

Level of up-take

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Gradual transition to mandatory eProcurement

e-notification → e-access → e-submission → e-evaluation → e-award
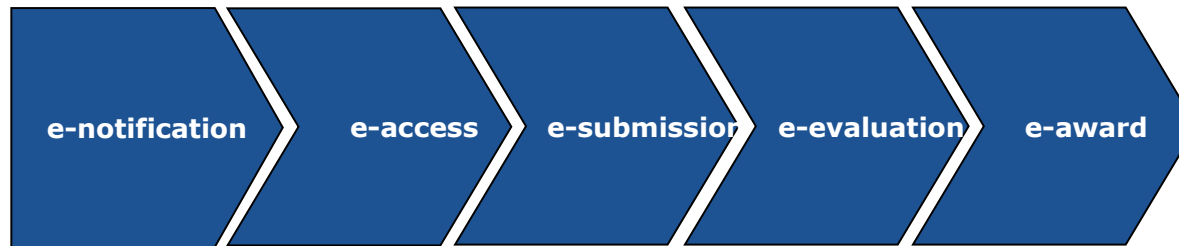
Transposition (March 2016)

CPBs (March 2017)

All public buyers (September 2018)

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E-signature

❑MS and CA to carry out a risk assessment
  ○ High level not necessary for access to tender documents, notification, etc

❑Mutual recognition of e-signatures on the Trusted Lists

❑Other formats: document carrier include link with validation possibilities (CA to validate online, free of charge)

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Tools/devices, delegated acts

❑Public works: MS may require the use of specific tools (building information modelling tools) but CA to offer alternative means of access until become generally available

❑CAs to offer alternative means of access: keep the tool open!
   ○ If not, provisional tokens
   ○ Alternative channels for the electronic submission of tenders.

❑COM empowered to adopt delegated acts to address interoperability across the EU (technical formats/messaging):

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e-Certis

❑ Updating and verification compulsory:

⇒ **MS to constantly keep up-to-date eCertis – Art. 57b(1)**

❑ CAs to require *primarily* types of certificates covered by e-Certis

❑ Data extention:
  ○ Language versions of European Single Procurement Document - Art. 57b(3)
  ○ Official declarations at Art. 57a(2)
  ○ List of databases: Article 57(4)

❑ Time line: **updating: entry into force**
  ○ Certificates covered by e-Certis: 4.5 ys after

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Techniques for electronic procurement
(Art. 32-34)

❑Dynamic Purchaising System (DPS): existing procedure streamlined
- restricted procedure
- no indicative tenders, no simplified notices, no max. duration
- evaluation: 10 working days

❑Electronic auction: essentially unchanged

❑E-catalogue: standardised presentation of tenders, specific for a given procedure

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Other Directives

❑Concessions Directive: "light regime"
- ○ No mandatory use of e-submission… but
- ○ E-notification mandatory
- ○ E-Access still applies (with some restrictions)
- ○ General principles (generally available, non-discriminatory, not restricting access to the procedure)

❑Utilities Directive: same as for classical Directive (except for e-Certis)

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Directive on e-invoicing in public procurement

Key elements:

- Scope: PP invoices only

- Directive mandates standardisation bodies to draw up a new European e-invoicing standard + short list of syntaxes + syntaxe bindings

- Buyers obliged to accept electronic invoices compliant with the new standard

- The new standard will:
  - build on existing specifications developed by CEN and UN/CEFACT
  - not replace existing e-invoicing standards – national systems can continue to be used

- Transposition: 1,5 years after standard (possibility to postpone for regional+ local for extra 1 year). Standard to be ready in 3 years.

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Questions?

http://ec.europa.eu/internal_market/publicprocurement/index_en.htm

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