

Targeted consultation
Stakeholder Expert Group on Public Procurement – Summary
30 November 2020

The participants in the Stakeholder Expert Group on Public Procurement expressed differing views concerning the necessity of a legal instrument addressing the distortive effects of foreign subsidies in public procurement.

Some supported the idea in relation to major projects and to specific sectors. Others pointed to high compliance costs and favoured a combination of light regulatory measures and guidance.

One of the main concerns amongst members was the increased administrative burden and the added layer of complexity that may cause delays in procedures, especially if such cases may be limited.

Participants expressed also concerns that contracting authorities may lack the necessary expertise and capacity to assess the relevant information. In addition, problems in the cooperation (as proposed in the White Paper) between the contracting authorities and the supervisory authority may occur.

Concerning the potential compliance costs in relation to notification obligations and the follow-up to an investigation process, members were invited to provide written replies. The feedback received shows the difficulty to provide such estimates since such procedures are not currently used and the estimates provided vary.

For the notification obligations, an additional full time equivalent (FTE) depends on the required procedural steps. Some respondents declared that an increase of FTE might not be required where the only thing to do is to pass on information. However, others estimate that this might take an average of four or more FTE, in particular if additional tasks have to be accomplished.

For the investigation and assessment process, the respondents agreed that this would require professionally trained experts, extending the administrative burden from one to four FTE, depending on the complexity and number of tenders.

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