



British Institute of International and Comparative Law
The Reform of EU Directives on Public Procurement:
Towards more flexibility

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Aggregated purchasing: the future challenge

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WHY?

HIGH PP MARKET FRAGMENTATION

*(in EU 250.000 contracting authorities- 80% of PP outside the scope of Dir.
1,6% of cross border procurement)*

LIMITS IN PURCHASING POWER

Limits “intelligent” customers and demand-side policy
and the driving of the EU market
towards primary and secondary GOALS

...COLLABORATIVE PROCUREMENT becomes
STRATEGIC

- Increase of professional skills

-Reduction of transaction costs

-“Innovative” and “social” best value for money



Aggregated purchasing changes the perspective

- different skills
- wider market analysis
- wider procurement strategy
- IT innovative solutions

CHALLENGES

- More transparency in the award procedure and execution
- IT solution in the award procedure (FA, DPS, e-auction)
- Overcome cross border barriers
- Overcome legal barriers
- Overcome linguistic barrier
- Favor for innovative SMEs
- Driving choices toward innovation and sustainability

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Title II-Chapter II: Techniques and instruments for e- and aggregated procurement (art.31-38) wh.20...

Aggregated purchasing: how? Public-Public co-operation

Individual contracting authority

vs.

- high transaction costs
- not adequate professionalism
- inefficiency

- voluntary cooperation
- contractual model of cooperation (*alliances*)
- *consortia* model
- corporate model
- Central Purchasing Body
wholesaler - intermediary
- Cross-border??*

Collusion risk?

Public –private??

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Collaborative Procurement to INNOVATE the Public Procurement procedure

National networks

National CPBs Regional CPBs Local CPB Local Hubs Groups of Public admin

The most appropriate level (local, regional, national) of aggregation depends on:


- Nature of goods, works, services
- Characteristics of the supply market

FUTURE CHALLENGE for INNOVATION

**EU networks btw CPBs
.... Lots...strategy...**

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Cross-border NETWORK among Collaborative procurement org. of different Member States.....can mean....



- defining common contractual documents (Peppol?)
- coordinate award procedures;
- contractual arrangements to encourage innovation
- common award-execution rules
- provision of the possibility to adhere to framework agreements of different Member States
- creation of a transborder body
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Thank you!