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**SOCIAL CONSIDERATIONS AND PUBLIC PROCUREMENT**

**SECTION 4.4 OF THE COMMISSION COMMUNICATION  
"PUBLIC PROCUREMENT IN THE EUROPEAN UNION"**

*[COM (98) 143]*

**UNICE POSITION PAPER**

UNICE believes that all companies, including suppliers to the public sector, must comply with the legislation applicable to them, including social legislation. The rule in the public procurement directives allowing exclusion of candidates who breach legislation (Art. 29 of Council Directive 92/50/EC, Art. 20 of Council Directive 93/36/EC, Art. 24 of Council Directive 93/37/EC and Art. 31 of Council Directive 93/38/EC) is in conformity with this principle.

However, UNICE is opposed to trying to achieve social policy goals by including social criteria in public procurement tenders. Social policy aims at ensuring social cohesion through the promotion of a high level of employment and adequate social protection. EU public procurement rules aim at ensuring that public purchasing is being conducted in a way which will allow purchasers to obtain the best value for money and ensure fair competition between all suppliers in the Internal Market. Combining the pursuit of the equally legitimate goals of these two different policy areas would jeopardise both goals.

UNICE therefore strongly rejects the inclusion of social criteria in procurement tenders. This does not mean that the social consideration should not be pursued at all, but that public procurement should not be used as a tool in this respect.

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