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ADVANCED EDUCATION AND TRAINING IS KEY IN PROMOTING WORLD CLASS PROCUREMENT IN EUROPE

The transposition of the 2004 *Public Procurement Legislative Package* into national law will accomplish one of the most ambitious revisions of internal market law in recent times. With an annual budget of €1,600 billion or 16% of EU's annual GDP, public procurement plays a key role for the well-functioning of the internal market.

From the beginning, UNICE has actively endorsed the Commission in its ambitious efforts to modernize the framework for public procurement in order to allow European players to conduct public procurement on a world class level.

There is no doubt that the revision has led to considerable reform of procurement rules. On the other hand, under the modernised rules numerous questions such as how to properly conduct procurement procedure remain. This is especially true when considering the new procedures such as the competitive dialogue, framework agreements and several types of new electronic procurement. It is also true when one considers the numerous decisions of the European Court of Justice which have shown both how important it is to conduct procurement procedure according to EU procurement law, above and below the thresholds.

THE NEED FOR TRAINING

Apart from these legal issues, civil servants in charge of public procurement in our view will need highly developed skills to enable them to choose the most economically appropriate procedures and to optimise their project planning. In parallel suppliers also need advanced knowledge and training on how to participate successfully in modern procurement procedures.

Given this we believe that it will be essential to introduce advanced education and training in public procurement, both for civil servants of contracting authorities as well as for suppliers.

Looking at this realistically, training by means of case-by-case conferences or seminars will not in our view be enough. Advanced education and training in our mind, can be provided by post graduate education which could have official recognition in the form of, for example, an awarded diploma. Such training programmes should be open to public procurement practitioners or other candidates with a prior qualification in law, economics or in the technical field – both from the side of public purchasers and suppliers.

WHAT TRAINING SHOULD FOCUS ON

The advanced training and education on public procurement should focus on:

- ☐ Basic principles/ethics of public procurement;
- ☐ Legal aspects;
 - Procurement phase;
 - EU Law on public procurement;
 - Basic understanding of EU law and its relation to national law;
 - EU law on public procurement;
 - Procurement directives;
 - Remedies directives;
 - Rules and principles of the EC- Treaty governing the award of contracts below thresholds;
 - Electronic procurement;
 - Basic knowledge of international public procurement (GPA, procurement of international organisations, etc);
 - National law on public procurement;
 - Specific courses/practical training on the different procurement procedures;
 - Contract phase;
- ☐ Economic aspects;
 - strategic planning;
 - project management;
 - cost management (both for contracting authorities and suppliers).

While a lot of conferences on different items of public procurement are offered, to date only a few standing courses or advanced seminars for public procurement exist in Europe.

UNICE is convinced that advanced training as outlined in this comment can significantly contribute to a better understanding of and the development of world class procurement in Europe.

LIST OF TRAINING/SEMINAR FACILITIES ON PUBLIC PROCUREMENT IN EUROPE

- ☐ **Austria**
 - **Wirtschaftsförderungsinstitut der Wirtschaftskammer Österreich, WIFI, Wien** (Institute for further education of the Austrian Federal Economic Chamber): two postgraduate “Master Courses” for public procurement:
 - *Master of Business Administration (MBA) – Procurement Manager and*
 - *Master of Laws LL.M – Procurement Law* (duration: three to four semesters)

- **Wirtschaftsuniversität Wien**

(Vienna University of Economics and Business Administration):

Standing course for public procurement (“Vergaberechtlicher Lehrgang”) with nine training units as advanced, continuing education for people employed with strong interests in public procurement

□ **Germany**

- **forum vergabe** (leading non profit association for public procurement in Germany, created as an initiative of BDI together with other further German umbrella federations in conjunction with the Federal Ministry of Economics, representatives of public purchasers, suppliers, science and jurisdiction) *organises monthly one and two day seminars/conferences* in public procurement on an advanced level, but not as standing training courses.

□ **Italy**

- **Politecnico di Milano:**

Master of public procurement and public contracts

(provides students with knowledge and skills needed to face all management issues in public procurement and public contracts area; to achieve this goal, the master supplies a complete description of public procurement and public contracts disciplinary area).

- **Università degli Studi di Trento:**

Master of Management of public procurement in national and EU civil jurisdiction

(aims at providing students with the skills and knowledge assets that public procurement management requires; following subjects: purchases management, eProcurement, contractor selection and contract stipulation, contractor and public administration safeguard during contract execution, drawing up of an application)

- **Roma Università LUMSA:**

Master of law and technical skills in public procurement

(provides a complete description of EU and national legislation in public procurement and international contracts praxis to assure theoretical knowledge and technical operative skills.)

- **Napoli consorzio connectrends:**

Master of public procurement

(provides a detailed description of administrative matters linked to public contracts; focus on following issues: national and EU legislation, drawing up of an application in accordance with procedure laid down by the law, evaluation criteria, contractor selection, project financing and e-procurement)

- **Roma IPSOA:**

Master of public contracts

(helps individuals to achieve substantial competence in the management of public procurement, assuring a complete knowledge of national and EU legislation)

- **Verso l'Europa**

(non-profit organisation for public procurement created on initiative of the Ministry of public works, the Umbria Region, Confindustria, with support of the Commission - DG Markt -): supplies assistance on public procurements to enterprises and public administration through advising, training and documentation and also by offering seminars on specific issues on public procurement.

□ **Norway**

- **The University of Bergen**

Faculty of Law - International Erasmus course on EU and EEA Public and Utilities`contract law

□ **Sweden**

- **University of Stockholm:**

5 or 10 week courses in public procurement

- **University of Uppsala:**

20 week course; it is envisaged to offer a 20 week extension.

(The courses of the Universities of Stockholm and Uppsala are aimed at people intending to work in the Swedish public procurement environment. The directives form the basis, but since these have been transformed into national law, this and the subsequent Swedish court practice will receive most of the attention.)

- **University of Linköping** and

- **University College of Dalarna:**

shorter courses related to public procurement.

□ **Further activities in Europe:**

The following associations offer conferences and seminars on public procurement:

- Vlaamse Vereniging voor Aanbestedingsrecht in Belgium
- Forum for Public procurement (FPP) in Ireland
- Vereniging voor Aanbestedingsrecht in the Netherlands
- Schweizerische Vereinigung für öffentliches Beschaffungswesen (SVöB)
- Asociacion Espanola de Contratacion Publica y Regulada (AECOPYR) in Spain.