

CONGRESS PAPER ON PUBLIC PROCUREMENT

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PART 1

Introduction

Public Procurement is defined as the acquisition by public bodies - by way of formal contract or not - of goods and services, works and supplies.

It ranges from the purchase of routine supplies to formal tendering for large infrastructural projects.

To date, EU legislation has focused almost exclusively on economic factors, emphasising the need for public authorities to opt for the lowest bid. These practices have proved harmful to workers, consumers and ultimately public budgets. Over time, public procurement has become synonymous with job losses, reduced working hours and excess flexibility.

The European Commission estimates that public procurement accounts for approximately 16% of GDP annually through contracts with third party suppliers. It regards public procurement as an important tool in strengthening the single market, supporting growth in employment and advancing the union's social policy objectives, though the promotion of 'socially responsible' public procurement.

Under the Single Market Act of 2011, the Commission adopted three proposals for Directives intended to comprehensively modernise legislation on public procurement.

This involved two existing Directives: the first on coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (2004/17/EC) and the second on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (2004/18/EC).

Directive 2014/23/EU on concession contracts does not directly replace any previous directive.

These came into force in April 2014 and member states were given two years to transpose them into national law.

This process had four key objectives, which were to be complementary:

- Simplify and relax rules and procedures.
- Promote SME participation in public contracts.
- Facilitate better use of public procurement through strategic use of public contracts.
- Improve governance.

The European Commission outlines the aim of the new directives:

“To provide a revised and modernised public procurement legislative framework, with a view to underpinning a balanced policy which fosters demand for environmentally sustainable, socially responsible and innovative goods, services and works. The revised directives should also result in simpler and more flexible procurement procedures for contracting authorities and provide easier access for companies, especially SME’s.”

In the UK, Public Contract Regulations (2015) relating to England, Wales and Northern Ireland have been in place since February 26, 2015. Procurement in Scotland is subject to separate provisions.

In the Republic of Ireland, the Office of Government Procurement (OGP) was formally launched in July 2013 and is responsible for the development of the State’s procurement policy. It is centrally involved in the development of the legal instruments that will be used to transpose the new EU public procurement directives and has spelt out that the changes agreed in the directives are intended to:

- Help streamline public procurement processes.
- Seek more simplified and flexible rules for the selection of economic operators to allow contracting authorities carry out procurement faster.
- Achieve better value for money outcomes for the taxpayer from public procurement.

- Facilitate greater SME participation in the public procurement market across Europe by improving access to public procurement opportunities.
- Reinforce adherence to obligations in the areas of environmental, social and labour law.

The OGP points to the importance of contracting authorities and tenderers not being *“unduly burdened by requirements that increase their administrative overhead/bureaucratic load.”*

It further adds:

“The approach, therefore, is to avoid going beyond the minimum requirements so as not to creating unnecessary legislative burdens on contracting authorities, thereby placing Irish economic operators at a competitive disadvantage.”

The OGP also indicates its intention to ‘copy out’ the Directives to the greatest extent possible and remain close to the provisions of the Directives in transposition. Previous EU Directives have been transposed into Irish law by way of Statutory Instruments under the European Communities Acts. It is likely that a similar approach may be adopted again.

This is a critical consideration as Statutory Instruments are not normally subject to the same level of scrutiny as a Bill laid before the Houses of the Oireachtas.

Key Changes

Policy choices available to Member States in transposing the Directives are detailed and complex. They include:

- Environmental, Social and Labour Law (Article 18.2).
- Group Participation of Economic Operators (Article 19.2).
- Electronic Communications and e-Procurement (Articles 22,36,90).
- Conflicts of Interests, (Article 24).

- Public Procurement Procedures, (Articles 26,32,28,48,).
- Central Purchasing Bodies (CPB's) (Article (37 (1))).
- SME Access and Division of Contract into Lots.
- Exclusions of Economic Operators from Public Procurement for Various Offences, Failures and Transgressions (Article 57(1)).
- Tender Assessment (Article 56(2)).
- Sub-Contracting (Article 71).
- Termination of Contracts (Article 73).
- Light Touch Regime (Articles 74 -7).

Mandatory Social Considerations

The ETUC was actively involved in the legislative process, pressing for a socially oriented revision. The revised directive(s) contain an obligation to respect the working conditions of the place of work, including collective agreements. Public authorities are now enabled to give meaningful weight to additional social considerations when assessing what should be the best offer. There are also some improvements to transparency provisions in subcontracting chains.

The Articles below deal primarily with the social provisions:

Article 18 (2) of Directive **2014/24/EU** provides that:

*“Member States **shall** take appropriate measures to ensure that in the performance of public contracts economic operators comply with applicable obligations in the fields of environmental, social and labour law established by union law, national law, collective agreements or by international environmental, social and labour law provisions listed in Annex X.”*

This provision is binding in its scope.

Recital 37, which clarifies the scope of Act 18 (2) states that:

“It is of particular importance that Member States and contracting authorities take relevant measures to ensure compliance with obligations in the fields of environmental, social and labour law that apply at the place where the works are executed or the services provided and result from laws, regulations, decrees and decisions, at both national and union

level, as well as from collective agreements, provided that such rules, and their application, comply with union law.”

It will therefore be possible to include, in public contracts, clauses ensuring compliance with collective agreements.

Recital (39) states:

“Non-compliance with the relevant obligations could be considered to be grave misconduct on the part of the economic operator concerned, liable to exclusion of that economic operator from the procedure for the awarding of a public contract”.

However, the directive also provides that ‘contracting authorities **may decide not** to award a contract to the tenderer submitting the **most economically advantageous tender** (MEAT) where they have established that the tender does not comply with the applicable obligations referred to in Article 18 (2).

Award of Contracts Article (67)

Contracting authorities must base the award of public contracts on the most economically advantageous tender (MEAT), identified on the basis of the price or cost, using a cost-effectiveness approach - such as life-cycle costing - and may include the best price-quality ratio, which shall be assessed on the basis of criteria, including qualitative, environmental and/or social aspects, linked to the subject matter of the public contract in question.

For example, such criteria may comprise of: quality, accessibility and social, environmental and innovative characteristics; organisation, qualification and experience of staff, where the quality of staff can have a significant impact on the level of performance of the contract; after-sales service, technical assistance and delivery conditions.

Consequently, the ‘lowest cost’ concept has been preferred to the ‘lowest price’ concept in order to expand the options available to contracting authorities, by allowing them to base their decision on a more comprehensive assessment than simple price.

Exclusion Grounds

Article 57 (2) of the directive states that an economic operator shall be excluded from participation in a procurement procedure, where the contracting authority is aware that the operator is in breach of its obligations relating to the payment of taxes or social security contributions.

The article makes a distinction between compulsory exclusion for serious offences (terrorist financing, trafficking in human beings) and voluntary exclusions for offences presented as being less serious (cases of conflict of interest, infringement of social laws).

Abnormally Low Tenders: Article 69 (1)

Article 69 (1) stipulates that: “Contracting authorities shall require economic operators to explain the price or costs proposed in the tender, where tenders appear to be abnormally low in relation to the works, supplies or services.”

It allows for the exclusion of any tenderer who tries to win a public contract by exploiting ‘floor prices’.

The significant step forward here is the fact that the exclusion of abnormally low tenders may relate to compliance with the obligations laid down in Article 18 (2) on the fight against social and environmental dumping, or compliance with the obligations laid down in Article 71 (subcontracting).

The second subparagraph of **Article 69 (4)** obliges contracting authorities to reject a tender where they have established that the tender is abnormally low because it does not comply with obligations established by union legislation in the field of social and labour law or environmental law or by the international social and environmental law provisions listed in Annex X. Where contracting authorities consider that a tender is abnormally low, they must, however, request an explanation from the tenderer before rejecting the tender. The directive stipulates that these explanations may refer to compliance with provisions on the protection of employees and working conditions in force at the place where the service is to be provided. A tenderer must be excluded if, after such an investigation, the tender proves to be abnormally low due to the

tenderer's non-compliance with the rules in force on worker protection, non-payment of social security contributions or non-compliance with collective labour agreements. A tenderer must also be excluded for infringing environmental legislation.

Together with Article 18(2), Article 69 constitutes the other major step forward in the new directive. It will be compulsory to reject an abnormally low tender in cases where the contracting authority finds that the abnormally low price or costs are due to failures to comply with obligations arising from union law or national law compatible with union legislation in the field of social and labour law

Conditions for Performance on Contracts (Article 70)

The directive authorises contracting authorities to lay down special conditions relating to the performance of a contract, provided that they are linked to the subject matter of the contract and indicated in the procurement documents.

Article 70 stipulates: "Those conditions may include economic, innovation-related, environmental, social or employment-related considerations."

The conditions for performance of contracts relate to compliance with social clauses by third countries and with Annex X, which is compulsory for tenderers.

Subcontracting (Article 71)

The rules on subcontracting are a new provision. The text stipulates the following:

1. Observance of the obligations referred to in Article 18(2) by subcontractors is ensured through appropriate action by the competent national authorities acting within the scope of their responsibility and remit. This means that subcontractors in a contract for services, supplies or works, must respect the social, environmental and labour law dimensions.

2. In the procurement documents, the contracting authority may ask or may be required by a member state to ask the tenderer to indicate in its tender any share of the contract it may intend to subcontract to third parties and any proposed subcontractors. These requirements will apply to all subcontractors in the same way as to the main contractor. The provision on subcontracting also covers all types of contract – works, supplies and services – without the application of the legislation being restricted to the condition that the contracting authority may exercise control over the place of performance of the contract. Furthermore, member states may provide that, at the request of a subcontractor and where the nature of the contract so allows, the contracting authority transfers due payments directly to the subcontractor. Finally, the contracting authority shall require the main contractor to indicate to the contracting authority the name, contact details and legal representatives of its subcontractors.

Reserved Contracts for Sheltered Workshops or Disabled or Disadvantaged Workers

Article 20 of Directive 2014/24/EU allows member states to reserve the right to participate in public procurement procedures to sheltered workshops and economic operators whose main aim is the social and professional integration of disabled or disadvantaged persons, provided that at least 30% of the employees of those workshops, economic operators or programmes are disabled or disadvantaged workers. However, it is entirely possible for a member state to set a higher percentage of disabled or disadvantaged workers (50% for example).

Transatlantic Trade and Investment Partnership (TTIP)

In the General Agreement on Tariffs and Trade (GATT), concluded in 1947, public procurement was expressly excluded from mandatory national treatment. It was also excluded from the main commitments on market access set out in the General Agreement on Trade in Services (GATS). Over time, the members of the GATT, and its successor the WTO, have tried to include the issue of public procurement in the multilateral trade system. This has led to the development of the Agreement on Government Procurement. In the

absence of a definite text relating to TTIP it remains unclear what provisions will apply. However, it should be noted that Public Procurement provisions are included in CETA – the Comprehensive Economic & Trade Agreement between Canada and the European Union.

PART 2

The Current Situation Relating to Public Services Procurement

The European Directive currently in force (Directive 2004/18/EC) makes a distinction, as regards public services contracts, between 'A' services ('priority services' in the sense that they are considered to be a priority) and 'B' services (non-priority services).

Eleven types of services are concerned, including personnel placement and supply services; education and vocational education services; health and social services, etc.

These services are included in **Annexes II.A** and **II.B** of Directive 2004/18/EC (see attached Annex 2 for a list of 'A' and 'B' services).

'A' services must comply with all provisions of Directive 2004/18/EC (mandatory advertising, provisions on qualitative selection, provisions on technical specifications, awarding rules, etc.)

'B' services are subject to more flexible rules. They must comply only with the principles of the Treaty (non-discrimination, equal treatment, transparency, etc.); the provisions on technical specifications, in particular the ban on drawing up technical specifications which create obstacles to competition.

In its new proposal, the Commission abolishes the distinction between 'A' and 'B' services, except for the services mentioned above, which are included in a new annex – Annex XVI.

Effect of Changes in the new Directives for Public Procurement of Public Services

In the case of social and health services, the Commission has decided to keep a more flexible system, the justification for which is explained in **Recital 11** of the proposal: *“Other categories of services continue by their very nature to have a limited cross-border dimension, namely what are known as services to the person such as certain social, health and educational services. Those services are provided within a particular context that varies widely amongst member states, due to different cultural traditions. A specific regime should*

therefore be established for public contracts for these services, with a higher threshold of EUR 500,000 (Note: instead of the current EUR 200,000). Services to the person with values below this threshold will typically not be of interest to providers from other member states unless there are concrete indications to the contrary, such as union financing for trans-border projects. Contracts for services to the person above this threshold should be subject to union-wide transparency. Given the importance of the cultural context and the sensitivity of these services, member states should be given wide discretion to organise the choice of the service providers in the way they consider most appropriate. The rules of this directive take account of that imperative, imposing only observance of basic principles of transparency and equal treatment and making sure that contracting entities are able to apply specific quality criteria for the choice of service providers, such as the criteria set out in the voluntary European Quality Framework for Social Services of the European Union's Social Protection Committee".

Recital 11 continues :*"Member states and/or public authorities remain free to provide these services themselves or to organise social services in a way that does not entail the conclusion of public contracts, for example through the mere financing of such services or by granting licences or authorisations to all economic operators meeting the conditions established beforehand by the contracting entity, without any limits or quotas, provided such a system ensures sufficient advertising and complies with the principles of transparency and non-discrimination."*

Personnel placement and supply services, legal services and rail transport services are moved into the category of priority 'A' services. Those services will therefore have to respect all the provisions of the directive.

Contracts of a value of less than EUR 500,000 will be assumed to have no cross-border impact and to be of no interest to economic operators and providers from other member states, with the result that the Directive will not apply to them.

However, for services whose value is more that EUR 500,000, contracting entities must make their intention to award a public contract known by

publishing a contract notice, which is not currently the case, by publishing the results of the procedure in a contract award notice (currently mandatory for EUR 200,000) and respecting the principles of transparency, equal treatment and non-discrimination (**Article 76**).

That will have an impact, especially for placement offices or offices placing jobseekers working 'in house' which might well be brought into competition.

Cooperation Between Public Authorities

Article 11 sets out one of the most important provisions and one on which there is a great deal of Court of Justice case law. It relates to the award of a contract by one contracting entity to another contracting entity, without respecting the rules on public procurement, in view of the close links between the two entities.

These contractual relations between a contracting entity and an entity which is both separate from but closely linked to it - such as an internal department of the contracting entity - are known as 'in house'.

This provision is in particular the basis for inter-municipal syndicates.

Recital 14 of the proposal, states that *"there is considerable legal uncertainty as to how far cooperation between public authorities should be covered by public procurement rules"* and that *"the relevant case-law of the Court of Justice of the European Union is interpreted divergently between Member States and even between contracting authorities."*

The Commission notes that *"the sole fact that both parties to an agreement are themselves contracting authorities does not as such rule out the application of procurement rules."*

However, the directive immediately goes on to say that *"the application of public procurement rules should not interfere with the freedom of public authorities to decide how to organise the way they carry out their public service tasks."*

In its proposal, the Commission therefore makes the award of a contract by a contracting entity to another legal person subject to three conditions:

- The contracting authority must exercise over the legal person concerned a control which is similar to that which its exercise over its own departments.
- At least 90% of the activities of that legal person must be carried out for the controlling contracting authority or for other legal persons controlled by that contracting authority.
- There must be no private participation in the controlled legal person.

Conclusion

The transposition of these three Directives provides us with a clear opportunity to shape public procurement policy into the future, to ensure it supports decent work and generates a more positive social impact.

Congress has already set out a comprehensive response to the OGP Consultation process (Copy attached Appendix 1).

Earlier this year, we launched a campaign to seek support for the Charter for Fair Conditions at Work. The aim is to build a national consensus about what constitutes fair conditions of employment.

The Charter sets out five key principles that, if implemented, would result in the establishment of decent, core conditions of employment.

The five principles are:

- The Living Wage.
- Fair Hours of Work.
- The Right to Representation & Collective Bargaining.
- The Right to Respect, Equality & Ethics in the Workplace.
- Fair Public Procurement.

Clearly, the transposition of these Directives presents an opportunity to further advance this campaign and embed fair working conditions into the very heart of our public procurement policy.

We already have seen good examples of the development of positive public procurement in Scotland, on foot of the Directives.

We understand that OGP has recently established an Inter-Departmental Working Group to explore the potential of social clauses in public procurement contracts, in this jurisdiction. This group includes representatives from, Local Government, DJEI, DSP, DES, Department of Transport, NDFA, Pobal, OPW and the Chief State's Solicitors Office.

However, it is clear from the policy statements issuing from OGP on this issue (see above) that there are likely to be significant differences in approach, particularly relating to optional clauses in the Directives.

A clear distinction must be drawn between the mandatory and optional provisions of the Directives.

We believe the articles outlined above are capable of being leveraged to promote fair wages and working conditions in the tendering process and to ensure that workers employed in contracting companies are not in receipt of less favourable terms and conditions, than those laid down in law and as generally apply in the sector e.g. in collective agreements.

In particular, we need to ensure that Article 18.2 and related articles as listed above, are given effect in Irish law. The new Statutory Instruments must expressly provide that public authorities are legally required to implement public contracts in accordance with these principles.

For all of these reasons it is therefore essential that negotiations relating to the transposition of these Directives are inclusive of the trade union viewpoint.

While the OGP Working Group is not committed to a particular timeframe, we expect that it will inform future government policy on the matter.

This presents us with a major opportunity to address some of the critical issues relating to the terms and conditions of some of the most vulnerable workers in this jurisdiction. We now have the capacity to use our influence for their benefit and it is absolutely essential that we do so.

Appendix 1



Irish Congress Trade Unions

Response to the Public Consultation on Public Procurement

December 2014

Introduction

The Irish Congress of Trade Unions is the national representative body for workers and their unions on the island of Ireland. There are 47 unions affiliated to Congress representing over 800,000 working people in all sectors of the economy – public and private.

The ICTU welcomes the opportunity to contribute to the public consultation on the three new procurement Directives¹ (Public Procurement, Utilities and Concessions) into national law by 17 April 2016.

1. **Public Procurement:** Directive 2014/24/EU on public procurement, which repeals Directive 2004/18/EC
2. **Utilities:** Directive 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sectors, which repeals Directive 2004/17/EC ; and
3. **Concessions:** Directive 2014/23/EU on the award of Concession Contracts, which does not directly replace any previous Directive.

The new public procurement Directives introduce a number of positive developments from the workers perspective. The Directives significantly changing the rules on public procurement to require public authorities to use their market power as a contracting entity to promote social and labour standards in order to promote fair competition and avoid downward pressure on wages and working conditions in the tendering process and to ensure that workers hired in contracting companies do not receive less favorable conditions than those laid down in law and as generally apply in the sector e.g in collective agreements.

Congress wishes to underscore a number of key points that are relevant to the questions posed under the public consultation on the transposition of the Public Procurement Directives.

- 1) **A distinction must be drawn between the mandatory labour rights (social) clause laid down in Art 18.2 and the social considerations in articles 42, 43,67 70 and Recital 92.**
- 2) **The mandatory labour rights (social) clause applies throughout the public procurement stages. This will require the Regulations establish a clear set of relevant obligations including as a minimum:**
 - a. **compliance with health and safety, equality and employment law;**
 - b. **respect for the industrial relations machinery of the State;**
 - c. **the practice of collective bargaining in the company;**
 - d. **the extent to which the pay, terms and conditions provided are in line with collective agreements in the relevant sector;**
 - e. **prompt payment of awards (made to employees) where there have been minor infringements of employment rights.**

¹ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.094.01.0065.01.ENG
http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.094.01.0243.01.ENG
http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.094.01.0001.01.ENG .

Companies must be required to demonstrate their track record and monitored for continued compliance. Compliance with the relevant obligations above must be mirrored as a condition of the contract. Enforcement mechanisms must be included.

- 3) Congress is calling for mandatory application of Best Price-Quality Ratio (ex MEAT) and for the Regulations to explicitly ban the use of price-only and cost-only assessment, or at the very least restrict it to specific cases such as highly standardised products which do not leave room for quality assessment;
- 4) Congress is calling for public authorities to be required to have regard for, and give appropriate weighting to, the following non exhaustive list of social criteria when establishing the best price quality ratio:
 - payment of the 'living wage',
 - the impact on local employment,
 - promotion of equality of women and men at work,
 - increased participation of women in the labour market,
 - reconciliation of work and private life,
 - recruitment of disadvantaged persons,
 - employment of long-term job-seekers,
 - implementation of apprenticeships and training measures for unemployed or young persons,
 - accessibility for disabled persons.
 - the quality of staff, including their organisation, qualification and experience, where the quality of staff can have a significant impact on the level of performance of the contract (Art 67.2(b) and Rec 94);

In addition the social criteria agreed as part of the contract must be included as a specific term(s) and the contract must include an agreed method to monitor and conform with the social criteria;

- 5) Congress strongly argues for the Regulations to provide for a system of joint and several liability throughout the subcontracting chain as the only effective way to ensure compliance;
- 6) Congress is seeking the exclusion of abnormally low tenders and this must include tenders based on 'inability to pay' orders made under National Minimum Wage or Employment Regulation Orders or Registered Employment Regulation Orders. Companies should not be able to tender on this as it creates a basis of unfair competition when the tender is based on an 'inability to pay' order, this is in line with Article 58;
- 7) Congress is also seeking the exclusion of companies that consistently breach legal obligations including employment rights obligations from tendering for public procurement contracts, in that regard provision for data sharing between those responsible for public procurement contracts and Revenue, Social Protection, the Health and Safety Authority and the Labour Inspectorate (NERA) should be included as part of the transposition process;

- 8) Congress has significant concerns about the proposal to will allow companies to avoid their employment rights obligations, for example to pay the worker their outstanding national minimum wage entitlement or other employment related awards and instead allow companies to simply “enter into a binding arrangement with a view to paying the taxes or social security contributions due”. This is unacceptable and contrary to the mandatory nature of Article 18.2.
- 9) The transposition of the Directives must not be used a vehicle to privatise public services. The Directives do not oblige Member States to contract out or externalise services that they wish to provide themselves. It is only when an actual decision is made by the public authority to privatise that the EU public procurement rules apply;
- 10) Where ‘social and other specific services’ are concerned, Article 1.4 expressly states that a number of key principles are not affected by the public procurement Directive. In particular, Member States should organise and finance services of general economic interest (‘SGEIs’) as they see fit. Recital 7 reinforces the freedom of national, regional and local authorities to define the characteristics of the SGEI to be provided, including conditions regarding its quality. Such services are subject to publication requirements and some awarding principles, but are exempted from the rest of the Directive. Article 77 also offers the possibility to reserve certain services to selected organisations;
- 11) Protecting Community and Voluntary Services : Congress is urging that robust criteria be applied to ensure that ‘Reserved Contracts for Certain Services’ does not create a situation whereby contracts are awarded to inappropriate – effectively for-profit organisations (article 76).
- 12) Ratify ILO Convention 94 on Labour Clauses in Public Contracts. Congress urges the Department to use the opportunity created by the transposition of these Directives to ratify ILO Convention No 94 on Labour Clauses in Public Contracts.

Congress may have further comments on this subject, as our analysis of the measures necessary to transpose the directives develops. We look forward to further consultants with the department on the transposition.

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**Irish Congress of Trade Unions
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Appendix 2

Annexe 2 – List of ‘A’ and ‘B’ Services

A service (Annex II. A of Directive 2004/18/EC)

1. Maintenance and repair services
2. Land transport services
3. Air transport services (of passengers and freight)
4. Transport of mail (by land and by air)
5. Telecommunications services
6. Financial services (insurance services, banking and investment services)
7. Computer and related services (ICT)
8. Research and development services
9. Accounting, auditing and bookkeeping services
10. Market research and public opinion polling services
11. Management consulting services and related services (consultancy)
12. Architectural and related services
13. Advertising services
14. Building cleaning services and property management services
15. Publishing and printing services
16. Sewage and refuse disposal services; sanitation and similar services

B services (Annex II.B of Directive 2004/18/EC)

17. Hotel and restaurant services
18. Rail transport services
19. Water transport services
20. Supporting and auxiliary transport services
21. Legal services
22. Personnel placement and supply services
23. Investigation and security services
24. Education and vocational education services
25. Health and social services
26. Recreational, cultural and sporting services
27. Other services (services to draw up address lists and despatch services, photographic services, debt collection services, translation services, services to maintain parks, gardens and plantations, dry cleaning services, decorating services, etc.

Appendix 3

Annex X

List of International Social and Environmental Conventions Referred to in Article 18 (2)

- ILO Convention 87 on Freedom of Association and the Protection of the Right to Organise;
- ILO Convention 98 on the Right to Organise and Collective Bargaining;
- ILO Convention 29 on Forced Labour;
- ILO Convention 105 on the Abolition of Forced Labour;
- ILO Convention 138 on Minimum Age;
- ILO Convention 111 on Discrimination (Employment and Occupation);
- ILO Convention 100 on Equal Remuneration;
- ILO Convention 182 on Worst Forms of Child Labour;
- Vienna Convention for the protection of the Ozone Layer and its Montreal Protocol on substances that deplete the Ozone Layer;
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention);
- Stockholm Convention on Persistent Organic Pollutants (Stockholm POPs Convention);
- Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (UNEP/FAO) (The PIC Convention) Rotterdam, 10 September 1998, and its 3 regional Protocols. EN 28.3.2014 Official Journal of the European Union L 94/223

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and [The reform of the EU's public procurement directives: a missed opportunity?](#)

ETUC: Bernadette Ségol, former General Secretary, 'Public Procurement Paper'

OGP: Notification of Consultation 2014

EU COMMISSION: EU Directives