

Sustainable and Socially Responsible Public Procurement in Europe

Joint Eurodiaconia-SSE Seminar

8 November 2023, 10:00-12:00

Meeting Venue: Bd Charlemagne 28, 1000 Bruxelles

The seminar, as part of the Eurodiaconia Social Policy Days, will be held **in-person**, but you will also be able to **join the seminar online**. Please **register for it [here](#)**, via the Eurodiaconia webpage.

Concept Note and DRAFT Agenda (31 October 2023)

Introduction

Socially responsible public procurement (SRPP) has emerged as a crucial tool for fostering inclusive and sustainable development in Europe¹. It allows public buyers to strategically deliver positive social outcomes such as promoting employment opportunities, decent work, social inclusion, accessibility, users' rights and their empowerment (e.g., by means of co-production), gender equality and compliance with social rights in the EU while delivering high-quality social services and facilitating social economy organisations and social business access to public tenders.

In many European nations, public procurement accounts for a significant portion of GDP (on average in the EU for about 14% in recent years), making it a potent instrument for promoting positive social and environmental change.

This concept note proposes a round table on sustainable and socially responsible public procurement in the field of social services in Europe. This will bring together social service providers, public buyers, researchers, policymakers, and other stakeholders to share their perspectives on the use of reserved contracts under the EU directive on public procurement as well as on other tools to achieve SRPP (such as award criteria, contract performance clauses, horizontal social clause or "light regime" for social services) and also to exchange on what recent ECJ rulings and an EFTA Court Advisory Opinion² could imply for not-for-profit providers of social services/organisations of the social economy.

The event is "framed" by documents issued by Eurodiaconia, Social Services Europe (SSE) and EASPD in recent years to showcase experiences with the use of public procurement in social services, to promote SRPP and to make the case for a full recognition of alternative models to public procurement³.

¹ The EC has set up a webpage on SRPP. In 2021 it issued the 2nd edition of its [Guide "Buying Social - a guide to taking account of social considerations in public procurement"](#). It had commissioned a [study with 71 good practice cases to make SRPP work](#), published in 2020.

² ECJ Ruling in Case [C-598/19 CONACEE](#) (6 October 2021); ECJ Ruling in Case [C-436/20 ASADE](#) (14 July 2022); EFTA Court Advisory Opinion in [Case E4-22 "Stendi-Norlandia Care vs. Oslo Municipality"](#) (28 March 2023)

³ Eurodiaconia Position Paper ["Reserved contracts in public procurement – A tool for social integration"](#) (November 2023); Eurodiaconia Report ["Alternative Models of Financing Social Services"](#) (January 2023); EASPD Discussion Note ["Developing Alternatives to Public Procurement in Social Services: what legal options exist?"](#) (December 2022); EASPD Report ["Socially Responsible Public Procurement \(SRPP\) for the Employment of Persons with Disabilities"](#); SSE [Statement on the EC proposal for a Council Recommendation on developing social economy framework conditions](#) (6 July 2023); SSE [Proposals for the Implementation of the Social Economy Action Plan](#) (28 April 2022); SSE [Submission to EFTA Court on Case "Stendi-Norlandia Care vs. Oslo Municipality"](#) (28 June 2022); SSE [Statement on the EC Guide "Buying Social"](#) (6 December 2021)

And by the recently published study commissioned by the European Parliament's Employment Committee "[The social impact of public procurement: can the EU do more?](#)".

Objectives

The following are the primary objectives of the event:

- a) Raise awareness among stakeholders regarding the significance of SRPP and its capacity to generate positive social impact also in the social services sector.
- b) Knowledge sharing: Facilitate the exchange of best practices, successes, and challenges related to SRPP among practitioners, policymakers, and experts.
- c) Policy dialogue: Facilitate a policy dialogue between relevant stakeholders, such as social service providers, public buyers, and local authorities, to debate the best use of reserved contracts and of other tools contained in the EU directive on public procurement to promote SRPP in the field of social services where national legislation foresees the use of public procurement.

Principal Topics and Sessions

- a) Welcome and Introduction, including on the objectives of the seminar: **Kewan Mildred, Policy and Membership Development Officer, Eurodiaconia**
- b) EU Directive on Public Procurement: Comprehending the directive's provisions concerning socially responsible public procurement (SRPP), in particular reserved contracts for social services. **Valentina Caimi, Scientific coordinator and main author of the [Study "The social impact of public procurement: Can the EU do more?"](#)⁴, Fondazione Giacomo Brodolini & LinkinEurope**
- c) Reserved Contracts in Practice: Showcasing case studies and initiatives where reserved contracts have been effectively implemented in social services: *Norway*: **Ingunn Moser, CEO, Diakonihjemmet Stiftelse, Norway**; *Germany*: **Friederike Mussnug, Deputy Head of Unit, Zentrum Recht und Wirtschaft (Centre Law and Economy), Diakonie Deutschland, Germany**; *Spain*: *ECJ Court Ruling [Case C-598/19 CONACEE](#)*: **Mathias Maucher, Policy and Project Coordinator, Social Services Europe**
- d) Benefits and challenges of the partnership model between local authorities and not-for-profit/social economy organisations based on the Third Sector Legislation – **Luigi Martignetti, Secretary General, REVES**
- e) Recommendations from Eurodiaconia and Social Services Europe: **Kewan Mildred, Policy and Membership Development Officer, Eurodiaconia; Mathias Maucher, Policy and Project Coordinator, Social Services Europe**

Following the event, we will officially launch Eurodiaconia's report on reserved contracts. The report will be distributed to relevant stakeholders: policymakers, public buyers, and social service providers.

⁴ The EP EMPL Committee on 25 October organised a [hearing](#) to present and discuss the study. All presentations used by the speakers and the webstream of the event can be accessed [here](#).