



**THE SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC
8TH TERM**

703rd

RESOLUTION OF THE SENATE

Delivered on the 24th session held on 19th July 2012

on the Proposal for a Regulation of the European Parliament and of the Council on the access of third-country goods and services to the Union's internal market in public procurement and procedures supporting negotiations on access of Union goods and services to the public procurement markets of third countries /Senate Press no. N 159/08/

The Senate

I.

1. Supports

the European Commission's effort to make foreign public procurement contracts accessible to European businesses and to overturn the current disproportion between the openness of the markets of the EU on one hand and the inaccessibility of the markets of its most important business partners on the other hand;

2. Doubts however

that the proposed solution will lead to the expected results, in particular due to the past statements by the EU's trading partners, who so far refuse any possible concessions;

II.

1. Is of the opinion

that too frequent exclusion of candidates from third countries from awarding of public procurement contracts can result in reciprocal actions of trade partners;

2. Adopts

a reserved attitude towards the increase of competences of the European Commission in relation to decisions on exclusion of tenderers, because the proposed review procedure according to the Council Regulation (ES) No 3286/94 (Regulation on business barriers) does not guarantee sufficient control by the Member States, on whom such a decision may have a significant impact;

3. States

that a key criterion for the assessment of the rightfulness of exclusion of a tenderer from public procurement award process will be the identification of the origin of goods or services offered by the tenderer;

4. **Points**

to the fact that the identification of the country of origin of goods and services is very difficult at the current state of geographic allocation of production and may cause increased costs for the procurer of public contracts;

5. **Therefore calls upon the European Commission**

to present a transparent and easily applicable method to identify the origin of goods and services, which shall be compatible with EU commitments in the field of international trade, especially with the treaty system of the World Trade Organization, and which shall also avoid potential legal disputes between procurers and tenderers;

III.

1. **Requests**

the Government to inform the Senate about the way this position was taken into account, and about further development of negotiations;

2. **Authorises**

the President of the Senate to forward this Resolution to the European Commission.

Milan Štěch
sign manual
President of the Senate

Soňa Paukrtová
sign manual
Senate Verifier