



EUROPEAN COMMISSION

Brussels, 21.3.2012
SWD(2012) 57 final

Annex - Part 1/11

COMMISSION STAFF WORKING DOCUMENT

IMPACT ASSESSMENT

Accompanying the document

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL**

**establishing rules on the access of third country goods and services to the European
Union's internal market in public procurement and procedures supporting negotiations
on access of European Union goods and services to the public procurement markets of
third countries**

Annex

DRIVERS

CONSEQUENCES

PROBLEMS

Significant dependency of key sectors of EU economy on PP, including "niche" industries

Increasing exposure of EU PP businesses to foreign competition within EU

In EU trading partners, strong national agendas to protect and promote domestic industry:
- small portion of non-EU PP markets is open through international commitments
- non-EU markets closed by domestic protectionist measures

Perception of openness of EU PP market – lack of incentives for trading partners to further negotiate:
- EU takes WIDE market access commitments
- Lack or non application of policies closing (partially) EU PP market
- Important contracts awarded in non-covered procurement

Absence of EU legislation or guidance on the access of 3rd countries to the EU PP market:
- MS are taking divergent rules to restrict the access to their PP market
- Contracting authorities are confused with EU commitments and risk committing errors

UNEVEN market access

EU firms do not enjoy as much market access as their foreign competitors

LACK OF LEVERAGE IN PP MARKET ACCESS NEGOTIATIONS

POTENTIAL INFRINGEMENT to common commercial policy

EU firms deprived of business abroad:
- Untapped exports,
- no economies of scale
- loss of leadership and level playing field

Protectionist measures can block any time access:

Artificial tech transfers reduce competitiveness and innovation

Negative impact on job creation (e.g. artificial relocation of jobs)

Barriers prevent SMEs internalisation

UNEVEN MARKET ACCESS & TRADE DISTORTIONS LIKELY TO CONTINUE & WORSEN

Breach of Treaty, inconsistency of trade policy and internal market

EU is not applying correctly its own int'l agreements – risk of panels