

COUNCIL OF THE EUROPEAN UNION

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COVER NOTE

from:	Secretary-General of the European Commission,
	signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	26 March 2012
to:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
No Cion doc.:	SWD(2012) 57 final - Annex - Part 1/11
Subject:	Commission staff working document
	Impact assessment
	Accompanying 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
	Annex

Delegations will find attached Commission document SWD(2012) 57 final - Annex - Part 1/11.

Encl.: SWD(2012) 57 final - Annex - Part 1/11

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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

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DISTORSIONS LIKELY TO CONTINUE UNEVEN MARKET ACCESS & TRADE EU is not applying correctly its own - loss of leadership and level playing Protectionist measures can block Breach of Treaty, inconsistency of trade policy and internal market int'l agreements - risk of panels competitiveness and innovation (e.g. artificial relocation of jobs) Negative impact on job creation Artificial tech transfers reduce EU firms deprived of business & WORSEN Barriers prevent SMEs - no economies of scale PROBLEMS Untapped exports, any time access: internalisation abroad: EU firms do not enjoy as much market LACK OF LEVERAGE IN PP MARKET access as their foreign competitors POTENTIAL INFRINGEMENT to **UNEVEN** market access ACCESS NEGOTIATIONS common commercial policy CONSEQUENCES Increasing exposure of EU PP businesses to In EU trading partners, strong national agendas non-EU markets closed by domestic protectionist Perception of openness of EU PP market - lack economy on PP, including "niche" industries Absence of EU legislation or guidance on the of incentives for trading partners to further access of 3rd countries to the EU PP market: Significant dependency of key sectors of EU Important contracts awarded in non-covered Contracting authorities are confused with EU to protect and promote domestic industry: - small portion of non-EU PP markets is open EU takes WIDE market access commitments - MS are taking divergent rules to restrict the - Lack or non application of policies closing commitments and risk committing errors through international commitments foreign competition within EU DRIVERS access to their PP market (partially) EU PP market procurement

measures