

Public procurement, challenges and opportunities in Interreg

Interreg Knowledge Fair session report | March 2024

Overview

The main objective of the session was to discuss the current legal framework in procurement and explore practices to make the public procurement system more functional and greener. We have identified barriers, challenges, and lessons learned, focusing on creating a more functional public procurement system. We answered what should be kept and what should be improved or changed to simplify the procurement process and reduce bureaucracy and administrative burden.

Methodology

The session started with presenting the tools and guidelines for public procurement at the EU and Interact levels. After that, there was a detailed discussion on streamlining the procurement process, reducing bureaucracy, improving efficiency, and incorporating green, innovative, and social criteria. Examples from the programmes regarding the HIT package, with the checklist dedicated to public procurement, barriers, difficulties, or unclear interpretations of the legal framework of public procurement, possible instruments for cross-border procurements, and green public procurement in Interreg were presented.

Key discussion points

1. Legal framework and dedicated tools for public procurement:
 - Harmonised Implementation Tools and the control package for public procurement.
 - Public procurement roadmap, a step-by-step guide for procurement in Interreg.
 - Interact events in 2023 and upcoming ones in 2024, and alignment with green public procurement initiatives in Interreg projects.
2. Active engagement of participants with Sli.do:
 - Questions on applicable procurement rules, harmonisation, and usage of HIT templates.
 - What procurement rules are applicable to your programme body?
 - National legislation: 88%
 - PRAG: 0%
 - Other programme-specific rules: 31%

- Are procurement rules harmonized for all countries partnering in your programme?
 - Yes, completely: 7%
 - Yes, partially: 7%
 - No: 86%

- Do you use HIT templates for public procurement?
 - Yes: 7%
 - Yes, but modified: 21%
 - No: 71%

- 3. Current Legal Framework:
 - EU and national legislation, and program-specific rules, have challenges, including unclear interpretations and inflexible regulations.

- 4. Reflection on the past period and current period:
 - Requirements, challenges, lessons learned, improvements, and simplification efforts and identified opportunities for enhancement.

- 5. Group discussions:
 - Group dialogue on what works well and areas needing improvement.
 - Insight into the current public procurement framework, which aims to enhance effectiveness, efficiency, and alignment with broader goals such as sustainability and innovation.
 - Key points for discussion include minimum thresholds, HIT templates, cross-border procurement instruments, and green public procurement initiatives.

Conclusions, plans for followed up

Based on the discussions, a significant concern highlighted was the potential disruption caused by staff changes within procurement departments, which often employ personnel with less experience in public procurement and management of public contracts. Concerning procurement in a cross-border context, it was concluded that joint public procurement emerges as the optimal approach for cross-border procurements, provided that the process is managed by a centralized organization, a Central Procurement Body with the necessary expertise and stable financial and human resources. Another proposal suggested is establishing an association of project partners responsible for managing the entire acquisition process. However, legal problems occur post-acquisition when outcomes are transferred to project partners. Thus, a couple of cases were discussed in particular projects that were found with suspicion of irregularities and potential corrective measures.

Session leader: Florin Neculcea

Delivery team: Florin Neculcea, Stoyan Kanatov, Jasmina Lukic

Report drafted by: Florin Neculcea