

[Committee I on the Budget and General and Institutional Affairs of the Legislative Assembly of the Emilia-Romagna Region]

Takes note of the proposals under consideration and makes the following observations:

- The Committee welcomes the broad thrust of the draft directives that aim to modify the legislative framework for public procurement by introducing measures to make public spending more effective, efficient and transparent while also facilitating market access for small and medium-sized enterprises (SMEs), for instance by dividing public contracts into lots and allowing for subcontractors to be paid directly by contracting authorities, also using public contracts to support the pursuit of shared social objectives such as environmental protection, energy efficiency, the fight against climate change, and the promotion of innovation and social inclusion.
- While it is aware that the draft directives' primary goal is the creation of a competitive, transparent, fair and SME-friendly public procurement market and that achievement of this goal could bring benefits not least in terms of upholding legal principles, the Committee draws attention to the increasingly apparent spread of illicit activities and the infiltration of criminal organisations in public and private contract award procedures and the need to address this issue within a broader context, not just at local and national level, but also at European level, starting by defining procedural rules on the granting and performance of contracts.
- In this respect, the Committee welcomes the inclusion in the draft directives of a series of provisions such as Article 55 of the draft directive on public procurement, which includes among the grounds for exclusion from participation in a public contract conviction for participation in a criminal organisation, corruption, fraud, terrorist offences or money laundering, the aim being to combat illicit activities in public contract award procedures. It would, however, point out the importance during the negotiations and procedures leading to the definitive approval of the proposals (the upstream phase) of assessing the appropriateness of the measures already in place and the possible need to introduce other more incisive provisions that are more tailored to this specific issue.
- Lastly, the Committee stresses that during the transposition and implementation phase that follows the definitive approval of the draft directives, the State and the Regions will have to give consideration to the possible consequences of adopting the various provisions on the subject of upholding legal principles.