

---

## **“Making public procurement transparent at local and regional levels” Congress of Local and Regional Authorities of the Council of Europe Recommendation 405 (2017)**

(Reply adopted by the Committee of Ministers on 7 March 2018  
at the 1309<sup>th</sup> meeting of the Ministers' Deputies)

---

1. The Committee of Ministers has carefully examined Recommendation 405 (2017) of the Congress of Local and Regional Authorities on “Making public procurement transparent at local and regional levels” and transmitted it to the Group of States against Corruption (GRECO) and the European Committee on Democracy and Governance (CDDG).
2. It shares the view of the Congress that public procurement, lying at the heart of public service provision for local and regional government and involving the transfer of public funds to the private and non-profit sectors, is especially exposed to corruption.
3. The Committee points out that, even if the theme of public procurement has not yet, *per se*, been subject to monitoring by GRECO, its consecutive evaluation rounds have contributed in some way to promoting corruption-free public procurement policies and practices. The first round assessed anti-corruption strategies and areas most prone to corruption. Some GRECO members received a recommendation to thoroughly review their public procurement laws so as to better align them with European standards. The second round examined corruption in public administration and, notably, access to information, codes of conduct, protection of whistle-blowers and “revolving doors”. The third round focused on criminalisation, including trading in influence, whereas the fourth round identified gaps in regulation and enforcement regarding conflicts of interest and asset disclosure. Although recommendations issued by GRECO have mostly targeted the national level, they are relevant to all levels, including local and regional, and have helped reinforce the parameters shaping public procurement policies.
4. The Committee also points out the existence of a number of legal instruments devised by the Council of Europe itself and intended to reduce the risk of corruption in public procurement and to create an environment conducive to transparency. These include: the Twelve Principles of Good Governance; the Code of Conduct for Public Officials; the Public ethics benchmarking toolkit; the Local finance benchmarking toolkit; and the Twenty Guiding Principles for the Fight against Corruption. Finally, it recalls the obligations of the States under the Civil Law Convention on corruption and the United Nations Convention against corruption and draws the attention of the Congress to the plurilateral agreement of the World Trade Organisation – the Agreement on Government Procurement (GPA).
5. The Committee of Ministers backs the measures envisaged by the Congress in Recommendation 405 (2017) and encourages the national and regional governments and parliaments of the member States to draw, particularly, on those mentioned in sub-paragraphs a), b), c), d) and e) of paragraph 10.<sup>1</sup>

---

<sup>1</sup> (a) establish national standards regarding public procurement, in order to make the process more transparent and easier to understand;

(b) introduce e-procurement systems to minimise the amount of human discretion in the process, using standardised norms and procedures for communication and online tools;

(c) ensure maximum transparency at all stages of the procurement cycle by publishing comprehensive and machine-readable data from the beginning of the procurement process;

(d) ensure a common level of training and/or professional qualification for staff responsible for procurement processes;

(e) establish a common set of indicators at national level to facilitate analysis of the risk of favouritism in procurement processes.

6. Concerning e-procurement and the new technologies, the Committee of Ministers recalls *inter alia* its reply to Recommendation 398 (2017) of the Congress on “Open data for better public services”, in which it emphasised “the importance for all information and open data and public sector information to be presented in clear and easily understandable language and in an accessible, both “machine readable” and “human readable” format and that this is accessible to all”.

7. The Committee thanks the Congress for its commitment to good local and regional governance and encourages it to continue working for the prevention of corruption and the promotion of public ethics at local and regional level.