



EUROPEAN COMMISSION

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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**

