



RehabGroup

Investing in People, Changing Perspectives

Rehab Group Submission to European Commission Public Consultation of EU Public Procurement Rules - Revision

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As one of the largest disability service providers and one of the largest non-governmental employers of people with disabilities in Ireland, Rehab welcomes the opportunity to contribute to the Commission's review of the Procurement Directive 2014/24/EU.

As in our submission to the 2025 consultation on this Directive, our focus is on the application of Article 20 which makes provision for Reserved Contracts for social enterprises employing people who are experiencing disadvantage or disability.

We reiterate our belief that this review should seek to strengthen Article 20 of Directive 2014/24/EU, ensure effective monitoring and reporting on its use and provide a framework to support National Procurement Offices in promoting its use.

€2.6 trillion is spent annually on Procurement by contracting authorities across the EU. Ireland spends over €23 billion per annum. Member States, as the largest purchasers of goods and services, should consider how social needs are also met by public spending. The Commission should provide support to National Procurement Offices to promote socially responsible procurement.

Application of Article 20 is uneven across Member States. Some Member States have quotas or mandatory reservations, while it is voluntary in most, such as Ireland. Without reliable monitoring and data, it is difficult to assess the extent to which it is implemented across the EU. Recent responses to Parliamentary Questions in Ireland revealed that just one Government Department has reserved contracts.

A key finding of the Commission's report 'Buying for Social Impact' found that despite being transposed into national law in Member States, Article 20 is underused in most countries. It recommended the establishment of legal frameworks coupled with initiatives to increase knowledge and build capacity amongst public authorities. A proactive approach to embedding the use of Article 20 into procurement processes could significantly increase the number of jobs that social enterprises across the EU such as Rehab Enterprises, could create and sustain for people with disabilities and those who are disadvantaged. The report also calls for a review of evaluation mechanisms suggesting that measurements should look at long-term outcomes and social impact.

In 2023 the Irish Government commissioned the OECD to report on the effectiveness of public procurement in Ireland, worth €22 billion per year. The report, Procurement for Better Value—A Case Study of Ireland, concluded that the Irish Government was not availing of instruments such as Article 20 to help increase the number of people with disabilities in employment, despite the fact that Ireland has the highest disability employment gap in the EU and the lowest number of people with disabilities in employment. It noted that 25% of disabled people in Ireland are at risk of poverty, higher than the OECD average. The OECD report specifically decried the lack of data on the number of people with disabilities employed through framework agreements

Without making Article 20 mandatory, better defined, and supported by guidance and monitoring, the Directive will continue to underperform.

We recommend

- Progressive mandatory quotas/targets on the use of reserved contracts ensuring that every public body would have at least one contract with a supported business.
- Training for National Procurement offices to develop initiatives to increase knowledge and build capacity amongst public authorities.
- Encourage the use of reserved contracts within companies by making it a criterion in the awarding of public contracts.
- National Procurement Offices to establish panels of supported businesses to facilitate the use of Article 20.
- Identify contract areas of operation that could be served by enterprises that employ large numbers of people with disabilities.
- Develop a mandatory monitoring framework to record, track & report on the use of reserved