



The European Parliament calls again on the European Commission to encourage Fair Trade Public Procurement

18 May 2010 (Brussels) - The European Parliament issues a clear call to action in today's report "New developments in public procurement" as it renews pressure on the European Commission to support Fair Trade Public Procurement. The Fair Trade movement applauds the Parliament's adoption and waits for results from the Commission.

The European Parliament (EP) "*Calls on the Commission to encourage public authorities to use Fair Trade criteria in their public tenders and purchasing policies on the basis of the Fair Trade definition as recognized by the European Parliament resolution on Fair Trade and Development of 6 June 2006 and the recent European Commission Communication of 5 May 2009; reiterates its earlier call to the Commission to promote this by, e.g., producing constructive guidelines for Fair Trade procurement; welcomes the unanimous adoption of the opinion of the Committee of the Regions on 11 February 2010 calling for a common European Fair Trade strategy for local and regional authorities*".¹

This call must be interpreted in the context of the current work of the European Commission (EC) on a draft guide "Buying social: a guide to taking account of social considerations in public procurement", expected by June 2010, which is supposed to give guidance on how to include social considerations in public procurement [see editors note a].

"We welcome the European Parliament's renewed support to Fair Trade Public Procurement. When giving practical guidance to contracting authorities, the Fair Trade movement calls on the European Commission not to turn a deaf ear to the loud and clear message from the European Parliament, Committee of the Regions and court rulings, which unanimously confirm the possibility to tender for Fair Trade products" states Sergi Corbalán, on behalf of the World Fair Trade Organization (WFTO), Fairtrade Labelling Organizations International (FLO) and the European Fair Trade Association (EFTA).²

The EP is not the only EU Institution to have recently publicly stated its support to Fair Trade [see editors note b]. The Fair Trade movement is also encouraged by the repeated public statements in support of Fair Trade made by Mr Michel Barnier, Commissioner for Internal Market and Services, responsible for EU public procurement legislation [see editors note c].

Fair Trade Public Procurement has also received strong political support. In addition to today's report, the 2006 European Parliament Resolution on Fair Trade and development³ and the 2010 Committee of the Regions opinion on Fair Trade⁴ called on public authorities in Europe to integrate

¹ European Parliament Report on "New developments in public procurement" (2009/ 2175(INI)), 18 May 2010

² World Fair Trade Organization (WFTO): www.wfto.com, Fairtrade Labelling Organizations International (FLO): www.fairtrade.net and the European Fair Trade Association (EFTA): <http://www.european-fair-trade-association.org/efta/>

³ European Parliament Resolution on "Fair Trade and development" (2005/2245(INI)), 6 July 2006

⁴ Committee of the Regions Opinion "Contributing to sustainable development: The role of Fair Trade and non- governmental

Fair Trade criteria into their public tenders and purchasing policies and asked the Commission to promote this by, e.g., producing guidelines for Fair Trade procurement.

The possibility for contracting authorities to tender for Fair Trade products has also been confirmed by the “Groningen” of 23 November 2007⁵ and also by the recent ruling “Den Helder / Alkmaar” court ruling of 18 March 2010, which states “*the principle of equal treatment of tenderers does not prohibit applying criteria that strongly restrict the circle of eligible parties. Such criteria must be objectively justified and therefore may not be intended to tailor to a certain tenderer (...) To procure on the basis of fair trade standards is acceptable*”.⁶

Against this background, the Fair Trade movement calls on the European Commission to reflect its own commitment and the overall political support to Fair Trade Public Procurement into a practical constructive can-do guidance on how to support Fair Trade Public Procurement.

The Fair Trade movement looks forward to continuing cooperation with EU Institutions, EU Member States and local and regional authorities, with the goal of improving the livelihoods of marginalised producers and workers in the South through procurement policies.

The Fair Trade Advocacy Office speaks out for Fair Trade and trade justice with the aim to improve trading conditions for the benefit of small and marginalised producers and poor workers in developing countries. Based in Brussels, the office coordinates the advocacy activities of the main Fair Trade Networks: Fairtrade Labelling Organizations International FLO, World Fair Trade Organization WFTO, and European Fair Trade Association EFTA. These three networks bring together over 2 million Fair Trade producers from more than 60 countries, 20 labelling initiatives, hundreds of specialized Fair Trade importers, 3000 worldshops and more than 100,000 volunteers.

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Notes to the editor:

a) In its Communication 5 May 2009⁷ the European Commission gave guidance on how to introduce Fair Trade criteria into public procurement. It has never challenged the possibility to include Fair Trade criteria to public procurement, which the European Commission supports. The EC is now expected to issue a guide “Buying Social: a guide to taking account of social considerations in public procurement” by June 2010, giving more detailed advice on how to introduce Fair Trade criteria in tenders when covered by EU public procurement legislation. For more information on Fair Trade Public Procurement see the Fair Trade Advocacy [website](#) or visit the European Observatory on Fair Trade Public Procurement website <http://www.european-fair-trade-association.org/observatory/index.php/about-public-affairs>

b) Most notably in the EP Opinion on Fair Trade 2006⁸ and the Council of the European Union Conclusions on Policy Coherence for Development 2009,⁹ wherein Fair Trade is recognised as a tool that works towards the very goals of the European development agenda, sustainable development and poverty eradication. For further EU documents supporting Fair Trade, see the Fair Trade Advocacy [website](#).

c) Firstly, Commissioner Barnier made a public pledge to support Fair Trade on the run-up to the European Parliament elections of 2009 and has given public support to Fair Trade in his electoral campaign 2009 (see video under www.maxhavelaarfrance.org/European-Parliament-candidates?var_recherche=Barnier). Secondly, in his book „*Qui va nourir le monde*“ (2008 Acropole), Commissioner Barnier stated that Fair Trade contributes

trade- related sustainability schemes” (RELEX-IV-026), February 2010

⁵ Ruling of 23 November 2007, District Court of Groningen, the Netherlands, Civil- Law section case/cause-list number: 97093 / KG ZA 07-320 date 23 November 2007.

⁶ Ruling of 18 March 2010. District Court of Alkmaar, the Netherlands. Civil-law section NB/HE.KG number 117231 / KG ZA 10-44 date 18 March 2010. Judgment available in English from the Fair Trade Advocacy Office.

⁷ European Commission Communication on “Contributing to Sustainable Development: The role of Fair Trade and nongovernmental trade-related sustainability assurance schemes” (COM (2009) 215 final), 5 May 2009

⁸ European Parliament Resolution on “Fair Trade and development” (2005/2245(INI)), 6 July 2006

⁹ Council Conclusions on Policy Coherence for Development, 17 November 2009

notably to the enhancement of the living standard of small producers in the South. Last but not least, Commissioner Barnier also explicitly mentioned the need to support Fair Trade (in cooperation with other Commissioners) in its hearing as Commissioner designate on 13 January 2010 before the European Parliament. See his speech under http://ec.europa.eu/commission_2010-2014/barnier/docs/speeches/20100113/imco_fr.pdf.