

Sectoral Social Dialogue  
Private Security Services

Brussels, 21<sup>st</sup> August 2014

***Joint statement by the European social partners of the Private Security Industry regarding the DIRECTIVE 2014/24/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on public procurement***

The Confederation of European Security Services (CoESS) and UNI Europa welcome the formal adoption of the revised EU directive on public procurement by the European Parliament in January 2014. The social partners were active throughout the legislative process and indeed in 2012, sent a joint social partner position to the EU institutions expressing their views on four areas of legislation; “contract award criteria”, “abnormally low tenders”, “governance”, and “electronic auctions”.

An increasing number of private security services are being provided to public authorities and in many cases, these awarding authorities still award these contracts solely on the basis of price. Social partners are aware of the budgetary constraints public authorities are faced with. However, they believe that the routine policy of awarding contracts to companies that put in the lowest bid has a harmful and detrimental impact on the various industries and workers concerned.

Given the size of the public authority contract sector, this tendency not only undermines all efforts that are invested in improving the quality of services provided, it also contributes to a negative public image, to poor professional standards and/or a failure to recognise rising standards, to employees' dissatisfaction with working conditions and to concerns in attracting new employees.

Considering the above, the social partners are happy to note the positive improvements in the new directive. Compliance with environmental, social and labour obligations, including collective agreements, is now enshrined in the principles of the Directive. CoESS and UNI Europa therefore urge their respective member organisations to closely follow the transposition of the recently agreed texts and call particular attention to the following:

**Full application of the Directive to the private security sector:**

Despite the fact that the Directive establishes a special regime for private security services, both parties make a call for the full application of the Directive provisions to our sector. It is essential that the exclusion criteria, the awarding criteria (excluding price only considerations) and those provisions related to the execution of the contract are fully applicable to private security services.



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### Article 18.2. Appropriate measures

We make a call to the Member States to duly apply the necessary appropriate measures in accordance with the national legal system in order to ensure the respect of collective agreements. In particular, we consider that:

- the tender should consider the labour costs derived from the application of national collective agreements
- national law must clearly establish that contracting authorities shall reject the tender, where they have established that the tender is abnormally low because it does not comply with applicable obligations referred to in Article 18(2).
- Those contracts where collective agreements provisions are not respected should be immediately cancelled

### Exclusion criteria:

Member States should make use of the possibilities introduced by Article 57 in order to:

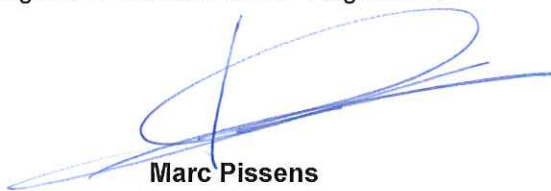
- exclude from participation in a procurement procedure an economic operator where the contracting authority can demonstrate by any appropriate means that the economic operator is in breach of its obligations relating to the payment of taxes or social security contributions.
- exclude from participation in a procurement procedure any economic operator where the contracting authority can demonstrate by any appropriate means a violation of applicable obligations referred to in Article 18(2) and where the economic operator has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity or a prior concession contract which led to early termination of that prior contract, damages or other comparable sanctions;

### Awarding criteria:

In order to ensure that the criteria of most economically advantageous tender (MEAT) is effectively applied:

- Quality should be explicitly mentioned as the main criteria for awarding private security contracts.
- Member States should provide that contracting authorities may not use price only or cost only as the sole award criterion at least for private security contracts.

Signed in Brussels on 21<sup>st</sup> August 2014

A blue ink signature of Marc Pissens, consisting of a large, stylized 'M' and 'P'.

**Marc Pissens**  
CoESS President

A blue ink signature of Anna Harvey, consisting of a stylized 'A' and 'H'.

**Anna Harvey**  
Policy Officer UNI Europa Property Services