

Public procurement - Integrity and accountability -
Requirements and guidance

EESTI STANDARDI EESSÕNA

NATIONAL FOREWORD

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English Version

Public procurement - Integrity and accountability - Requirements and guidance

Achats publics - Intégrité et responsabilité - Exigences
et recommandations

Öffentliche Beschaffung - Integrität und
Verantwortlichkeit - Anforderungen und Leitfaden

This European Standard was approved by CEN on 17 July 2022.

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European foreword

This document (EN 17687:2022) has been prepared by Technical Committee CEN/TC 461 “Public procurement”, the secretariat of which is held by SIS.

This European Standard shall be given the status of a national standard, either by publication of an identical text or by endorsement, at the latest by February 2023, and conflicting national standards shall be withdrawn at the latest by February 2023.

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Introduction

0.1 Background

This document has been developed following the acceptance by CEN to deliver the European Commission's Pilot Project on Increased use of standards in Public Procurement - Output 3 (Integrity and Accountability Standard). The main objective with Output 3 is to deliver a European Standard focusing on integrity and accountability in public procurement.

The United Nations, together with international organizations such as the OECD, the European Union, International Financing Institutions and NGOs such as Transparency International, have played leading roles in recognizing the importance of good governance and developing technical guidance to enhance integrity in public procurement.

Failure to commit to the fundamental principles of integrity, accountability and transparency in public procurement can create room for corruption, undermine the effectiveness of public services and have a negative impact on the cost-efficiency of public spending. As an indirect result, such deficiencies can harm the public interest, undermine public trust and have a negative impact on citizens. Risks relating to corruption and fraud are important aspects of public procurement globally. The EU regulatory framework on public procurement and applicable national legislation provide a strong preventative mechanism against the occurrence of potential irregularities. The EU legal system is based on the fundamental principles of equal treatment, non-discrimination, mutual recognition, proportionality and transparency, with clear rules on how to conduct public procurement processes to comply with these principles.

A new generation of EU directives was adopted in 2014 that further underline the need for increased integrity and the inclusion of specific rules for situations of conflicts of interest and more stringent requirements on the exclusion of suppliers. However, the main challenges are normally not weak or absent regulatory or institutional frameworks at the member state level, but rather the implementation and practice at the level of contracting authorities and entities.

Integrity refers to the consistent alignment of, and adherence to, agreed ethical values, principles and norms. In other terms, it is not just about being true to oneself but also about being accountable to key stakeholders and operating in a transparent manner, such as how the procurement function is organized and managed to secure internationally recognized frameworks for integrity and accountability. Integrity and accountability are two components of good public governance, including sound financial management, and are closely linked to each other.

This document aims to provide a sound framework for generally accepted principles of integrity and accountability in public procurement.

Information marked as "NOTE" is for guidance in clarifying the associated requirement. "Notes to entry" used in Clause 3 provide additional information that supplements the terminological data and can contain provisions relating to the use of a term.

0.2 Structure of this document

Striving for integrity and accountability, which are objectives for any buyer organization, involves managing various constraints in different proportions. In this document, this is reflected in the balance between requirements and guidance.

In order to enable the buyer organization to address integrity and accountability in its public procurement processes, this document is structured in the following way:

- Clause 1 to 3: the scope, normative references, which there are none, and terms and definitions which apply to this document;
- Clause 4: the fundamental principles underlying this document: integrity, accountability and transparency;
- Clause 5: governance within the buyer organization, including policies, behaviour and leadership;
- Clause 6: the public procurement process and the risks involved;
- Clause 7: stakeholder management, particularly in relation to market engagement, supply chain and end-user levels;
- Clause 8: consideration of the human factors within the buyer organization, particularly the skills and development of its workers, but also the mechanisms and measures taken by the buyer organization to apply this document;
- Clause 9: evaluation of the performance of the public procurement process;
- Clause 10: continuous improvement of the public procurement process;
- Annex A: guidance for the interpretation of the requirements;
- Annex B: guidance on common risks in the public procurement process.

To simplify referencing in this document, every requirement and recommendation in Clauses 4 to 10 has been placed in a numbered subclause.

The following verbal forms are used in this document:

- a) “shall” indicates a requirement;
- b) “should” indicates a recommendation;
- c) “may” indicates a permission;
- d) “can” indicates a possibility or capability.

1 Scope

This document specifies requirements and guidance for buyer organizations, with regards to integrity and accountability in public procurement processes from the identification of needs throughout the delivering of goods, services or work contracts.

This document is applicable to use by:

- a) buyer organizations;
- b) contributors;
- c) decision makers and their staff.

This document can have an impact on:

- individuals;
- suppliers and individuals acting in support of or on behalf of suppliers, including subcontractors; the official bodies of the member states and of the European organizations which intervene, directly or indirectly, in the public procurement process;
- organizations representing suppliers at the member state or European levels.

NOTE Further guidance for the interpretation and application of the scope and requirements of this document is provided in Annex A.

2 Normative references

There are no normative references in this document.

3 Terms and definitions

For the purposes of this document, the following terms and definitions apply.

ISO and IEC maintain terminological databases for use in standardization at the following addresses:

- ISO Online browsing platform: available at <https://www.iso.org/obp>
- IEC Electropedia: available at <https://www.electropedia.org/>

3.1 Terms related to concepts

3.1.1

accountability

state of being answerable for decisions and activities to the buyer organization's governing bodies, legal authorities and, more broadly, its stakeholders

[SOURCE: EN ISO 26000:2020, 2.1, modified — The word “organization” has been replaced with “buyer organization”.]

3.1.2

integrity

consistent alignment of, and adherence to, agreed ethical values, principles and norms

[SOURCE: OECD Recommendation on Public Integrity, 2017.]