

DG Employment, Social Affairs and Equal Opportunities
Mr. Robert Strauss
Head of Unit
Employment Strategy, CSR and Local Development

Amsterdam, December 22, 2008

Dear Mr. Strauss,

We are writing to make a contribution to the guide you are currently developing on socially-responsible public procurement. In this letter, we will highlight the points that are most important for the organisations that participate in the ProcureITfair campaign. ProcureITfair (www.procureitfair.org) is a coalition of civil society organisations from various European countries that want to raise awareness on the working conditions and environmental pollution in the production of computers. We ask politicians and public purchasers to use their (buying) power to demand compliance with international labour rights and ecological standards in the global supply chain of computers.

We think it is of paramount importance to include the following concerns and issues in the guide on socially-responsible public procurement:

1. Decent working conditions in the whole supply chain of supplies, services and works should be included as a requirement in all public purchasing procedures

Public authorities can contribute significantly to improving working conditions in the production chain of supplies, services and works. The guide should recommend that public buyers demand that working conditions in the supply chains of tendering companies are in compliance with the following ILO principles and conventions:

- The right to organise and collective bargaining (ILO conventions 87, 98, expanded by 135);
- Ban on forced labour (ILO conventions 29 and 105);
- Ban on child labour (ILO conventions 138 and 182);
- Ban on discrimination (ILO conventions 100 and 111);
- Security of employment (ILO Tripartite Declaration, art. 24-28);
- The right to occupational health and safety (ILO convention 155);
- Observance of the maximum number of working hours (ILO convention 1);
- The right to a living wage (ILO Tripartite Declaration, art. 34).

2. Tendering companies should provide full transparency regarding the companies in their supply chain

The guide should recommend that public authorities ask tendering companies to provide all available information about their suppliers and their suppliers' suppliers. If a tendering company does not have this information, it should prove that it is doing its utmost to make these links more transparent.

3. Public authorities should avoid purchasing supplies, services and works from companies that violate human rights

The guide should recommend that public buyers should do everything they can to ensure that the products and services they purchase have not been produced by companies complicit in the violation of human rights. If there is information available that clearly demonstrates that the offered product or service has been or will be produced with human rights violations, this should be sufficient to exclude a company from a procurement procedure.

4. Sustainable recycling of products after end of use needs to be ensured

Many used products, such as computers and mobile phones, end up as waste that is exported to developing countries. The working conditions in the dismantling of these products are often harsh and unhealthy. Sustainable recycling implies that waste is not exported to countries where adequate health and safety measure cannot be guaranteed. The guide should recommend that public buyers demand a take-back system for the products they purchase.

5. Public purchasing should not lead to unreasonable pressure on wages, working days and lead times in supply chains

One of the factors that contribute to the harsh working conditions in many sectors in developing countries is the pressure exerted by brand-name companies, retailers and purchasers on lead times and prices. This means that suppliers need to speed up production outputs, cut down on labour costs and demand longer working days. The guide should recommend that public authorities not include unreasonable demands with regard to lead times and low costs in procurement procedures. These demands can have an adverse effect on working conditions in developing countries.

Apart from providing you with these recommendations, we would like to ask you for a chance to comment on the draft version of the guide, before its completion in 2009. As we understand it, the current consultation process does not allow for input on the draft of the guide. Like many other stakeholders, we only have had access to the annexes of the study on the social considerations in public procurement.

Yours sincerely,

Bart Slob and Tim Steinweg
On behalf of the ProcureITfair Coalition