

EU FRAMEWORKS UNVEILED: A COMPREHENSIVE ANALYSIS OF THEIR IMPACT ON SOCIAL ECONOMY AND PUBLIC PROCUREMENT IN GREECE

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Abstract

This study explores the impact of European Union (EU) initiatives on the Social Economy and Public Procurement in Greece, providing a comprehensive analysis of the legal and policy frameworks in place. The EU's Action Plan for the Social Economy serves as a central focus, emphasizing the pivotal role of Public Procurement in efficiently and sustainably allocating public funds, particularly in times of budgetary constraints. With an annual expenditure of €2 trillion on public procurement within the EU, this study underscores the potential for substantial resource savings in public budgets while aligning with social and environmental objectives.

A critical aspect of the research is the transformation of public procurement from a mere administrative process into a strategic tool that serves broader societal goals while adhering to EU regulations. By examining the EU's Socially Responsible Public Procurement (SRPP) approach, this study highlights the significance of including social aspects in procurement processes, such as employment opportunities, social inclusion, and sustainability criteria.

The study delves into Greece's Public Procurement Strategy, focusing on its alignment with socially responsible public procurement practices and its implications for supporting Social Economy Entities. It identifies challenges in Greece's public procurement strategy concerning SRPP and its correlation with the EU's Social Economy Action Plan.

This research contributes to informing stakeholders in Greece about the implementation of the EU's Social Economy Action Plan and its interconnectedness with socially responsible public procurement. The study's findings not only offer insights into supporting the development of Social Economy Organizations in Greece but also contribute to the sustainable economic growth of both Greece and the broader European context.

Keywords: Public Procurement, Socially Responsible Public Procurement (SRPP), Social Economy, Legal Framework, EU Initiatives

INTRODUCTION

Public Procurement is a powerful tool for public authorities to spend public money in an efficient, sustainable and strategic way, especially in times of budget constraints (EU Commission, 2017). Annual spending on Public Procurement in the EU amounts to EUR 2 trillion, so its efficient management can save significant resources for government budgets and investments. In other words, European Citizens can continue to enjoy public services, even in times of austerity, to the extent that public spending is well managed (EU Commission, 2017). For example, a reduction in spending due to rational use by

Public Authorities results in savings in the order of €200 million that could be allocated to the provision of services to citizens.

A key to achieving the above is the development and implementation of the Public Procurement Strategy as an economic policy tool. A Public Procurement Strategy requires a change of attitude from Public Authorities, so that Public Procurement is no longer seen as a simple administrative process, but as a tool to serve broader objectives and needs, with respect to the rules governing the EU (EU Commission, 2017). The EU Directives on Public Procurement provide Member States with the flexibility and framework to pursue strategic objectives. However, Member States, according to the EU Commission Communication, do not appear to make full use of the possibilities offered by the Directives. Greece could not be an exception in relation to the pursuit of strategic objectives through Public Procurement, especially in the field of Socially Responsible Public Procurement.

Social Economy actors in Greece are sceptical about the prospects for further development through their ability to participate in the Public Procurement Market (Lamprinidis, 2022). This was the reason for conducting research on the link between the Social Economy Action Plan and the Socially Responsible Public Procurement Strategy in Greece and the potential problems that may exist.

In other words, the subject of this paper is the Action Plan for the Social Economy in the EU (2021) in the light of Socially Responsible Public Procurement in relation to Greece. This paper consists of five parts. The first part concerns the introduction. The second part is a brief historical review of the policies that have been developed in the European Union in order to support the development of Social Economy. In the third part we will briefly refer to the Action Plan for the Social Economy through the lens of the Socially Responsible Public Procurement. In the fourth part we will refer to the strategy for public procurement in Greece from the perspective of socially responsible public procurement. Finally, in the fifth part, the conclusions regarding Socially Responsible Public Procurement in Greece will be presented in relation to the Action Plan for the development of the Social Economy in the European Union.

The Social Economy and Policies in Support of IT by the European Union

The importance of non-profit organisations for development in Europe was recognised very early on in the European Union (EU), which is why a symposium was organised by the General Secretariat of the Economic and Social Committee (ESC) in 1978 (Klimi-Kaminari & Papageorgiou, 2010). The European Parliament in 1983, after two years of deliberations, adopted a resolution recognizing the achievements of the cooperative movement in Europe and called on the Commission to take the necessary steps to encourage the European Community to support cooperatives. In 1986, following a survey on cooperatives, mutuals and non-profit organisations and their support by European Community policy, a volume was published by the EU Economic and Social Committee entitled '*The Co-operative, Mutual and Non-profit Sector and its Organisations in the European Community*'. France, has been one of the EU Member States that contributed significantly to the emergence and development of the Social Economy both at the national and European level (Geormas, 2013). Delors, President of the European Commission, had used the term Third Sector in his writings, according to which, this term originated in France (Delors, 2004). The significant difference between the concepts of Social Economy and Third Sector, according to the French politician, is that the basic principle of the former is solidarity, while the latter is autonomy and independence (Geormas, 2013). The interest in the Social Economy further increased for the European Union when it was linked to addressing the problem of unemployment (Klimi-Kaminari & Papageorgiou, 2010). In 1998, in Vienna, the capital of Austria, the European

Council endorsed the elevation of the issue of employment to a matter of immediate priority. Subsequently, in 1999, the European Commission identified the guidelines for addressing this problem. The Council Resolution recognises the important contribution of the Social Economy to employment and indicates to Member States to promote measures to fully exploit the potential for creating local employment opportunities in the Social Economy, in environmental technology and in new activities linked to needs not covered by the market. The importance the European Union attaches to the Social Economy is also reflected in the Guidelines of the 2001 Council Decision on Employment. This Decision invites Member States to encourage local and regional authorities to develop strategies that exploit the potential for creating employment opportunities at local level, alongside the development of partnerships with all stakeholders, including civil society. Member States are invited to promote measures that will contribute to expanding competitive growth and the potential for creating employment opportunities through the Social Economy (Klimi-Kaminari & Papageorgiou, 2010).

At the same time, in order to address the problems of social exclusion and poverty, the debate on active inclusion started in the early 2000s with the initiative of the European Commission. The latter in 2006, recognising the need for mutually reinforcing employment and social protection policies, launched a public consultation on the need for "*action at EU level to promote the active inclusion of people excluded from the labour market*" (Amitsis, 2014). Upon completion of the consultation and according to the results obtained, the European Commission elaborated a set of policy recommendations and its Communication in 2007 highlighted the need to promote an integrated intervention for

- Income support, with the aim of ensuring a decent standard of living
- Linking to the labour market, using active employment measures
- Improving access to services to enable the provision of counselling, health care, childcare, psychological and social rehabilitation for people who need such services but do not have the means or knowledge to benefit from them

The principles of the active inclusion strategy are the following (Amitsis, 2014):

- "Supporting respect for fundamental rights
- Promoting gender equality and equal opportunities
- Personalising the needs of vulnerable groups
- Combating regional/spatial disparities
- Intergenerational solidarity"

Based on the above and independently of the European Commission's approaches to active inclusion, under the conditions of globalisation, the Traditional Social State, of the intense redistributive interventions of the period 1970-1990, gives its place, albeit gradually, to the Active Social State, as synergies between the state, the market and civil society are now necessary in order to ensure economic growth alongside social cohesion (Amitsis, 2014). In the Active Social State, which is the natural evolution of the Traditional State, the subjects of its interventions are now any individual who meets the conditions for inclusion in the regulatory framework of social protection and not only those who belong to the category of the active population (employed and unemployed) (Amitsis, 2014). In light of the above developments, the Social Economy has an important role to play in addressing the mentioned challenges.

The global financial crisis of 2008 that started in the US had a significant impact on Europe, which in turn experienced a prolonged economic and monetary crisis with huge consequences for public and private sector enterprises (Apostolopoulos et al, 2020). The consequence of the above was the increase

in poverty, unemployment and exclusion of large social groups of the European population . However, from the very first year of the economic and monetary crisis, the Social Economy Institutions of the EU Member States have shown great resilience and flexibility in dealing with the crisis . Under these circumstances, both in the EU and in the Member States, the conditions for active support of Social Entrepreneurship had matured, and the university community contributed to this direction, which in turn exerted pressure to accelerate the pace of support for the Social Economy.

Under these developments, the European Commission is taking initiatives to support the Social Economy through two initiatives, on the one hand by developing a comprehensive short-term plan for both the Social Economy and its stakeholders and on the other hand by starting a dialogue with the social partners (and other stakeholders) in order to develop a long-term plan for Social Enterprises (Apostolopoulos et al, 2020). In the same document, there was a specific reference to the Social Economy, through the Communication the Commission set the objective, by the end of 2011, to adopt an initiative "[...] on social enterprise focusing on enterprises with a social purpose". A few months later, on 25 October 2011, the European Commission took a further step in supporting Social Entrepreneurship by requesting an Opinion on its Communication on "*Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Social Business Initiative - Creating a favourable climate for social enterprises, key stakeholders in the social economy and innovation*"¹⁴ .

The European Commission, with the Single Market Act II introduced in October 2012, included among its axes and priorities the strengthening of Social Entrepreneurship, cohesion and consumer loyalty (Apostolopoulos et al, 2020). The Commission recognized the contribution of the Social Economy to social, environmental and ethical development and among the twelve (12) actions it proposed was support for the Social Economy with the aim of "*encouraging enterprises that choose, beyond the legitimate pursuit of economic benefit, to pursue objectives of general interest, social, ethical or environmental development*"¹⁵ .

On 16 and 17 January 2014, the largest conference on the Social Economy took place in Strasbourg, with the participation of high-level EU officials and Prime Ministers of the Member States. The interest in the Social Economy resulted in the participation of more than 2000 thousand delegates (Apostolopoulos et al, 2020). In this environment, the European Commission at the start of the 2014-2020 programme recommended that Member States focus their attention on supporting the Social Economy¹⁶ . Exchanges of best practices between Member States, policy awareness events, creation of support structures for Social Enterprises and financial instruments to support Social Economy actors etc. started to be systematically exploited¹⁷ .

Finally, the European Commission actively supports the further development of the Social Economy, recognizing the contribution of its actors during the recent Covid-19 pandemic. Through the use of *Socially Responsible Public Procurement (SRPP)* and the *Action Plan for the Social Economy*¹⁸ , we seek to further support Social Economy Actors while supporting broader policies that in turn contribute to the implementation of the 2020 Strategy for a smart and sustainably developed and inclusive Europe.

Socially Responsible Public Procurement in the EU and the Action Plan for the Social Economy

Socially Responsible Public Procurement is Public Procurement that takes into account one or more of the following social aspects : employment opportunities, decent work, compliance with social and labour rights, social inclusion (including people with disabilities), equal opportunities, designing

accessibility for all, taking into account sustainability criteria, including ethical trade issues and wider voluntary compliance with corporate social responsibility (CSR), while respecting

In other words, through Socially Responsible Public Procurement and the purchasing power of the Public Sector, companies can be given real incentives to develop socially responsible action, as by integrating social aspects into Public Procurement it is possible to achieve positive social outcomes (Amitsis, 2022). Thus, PPPs can be a powerful tool to promote both sustainable development and the achievement of the European Union's social objectives.

The European Commission (2021) with its *Action Plan for the Social Economy*, recognises that the provision of goods and services to both public authorities and conventional enterprises, as well as cooperation with them, is crucial for the development of the Social Economy, as it generates income for Social Economy Organisations, enabling them to become financially selfsufficient. Given that public procurement accounts for 14 % of European GDP, it is largely recognised as a key policy tool to support the development of the Social Economy and Social Enterprises (Varga, 2021). The revision of the EU procurement rules in 2014 created many opportunities for public authorities at all levels to use public procurement to achieve various policy objectives, including promoting environmental protection and pursuing social objectives. For example, through the 'most economically advantageous tender' award criterion, contracting authorities are given the possibility to include social aspects in public procurement. Since then, the Commission has taken various initiatives to raise awareness among stakeholders of the added value of green and socially responsible public procurement, to provide guidance and to disseminate good practice. For example, the Commission has recently published a revised guide on social purchasing with practical advice and examples.

In recent years, some local and regional authorities and cities have realised the power of strategic public procurement to address social challenges, meet needs and promote systemic change. However, most public tenders are still awarded on the basis of price alone and socially responsible procurement is still much less well known and developed compared to green procurement. The Commission, in its *Action Plan for the Social Economy*, states that it will step up its efforts to highlight the concrete benefits and ways of using public procurement and concession procedures to achieve labour and social policy objectives, improve working conditions and provide high quality social services. At the same time, the Commission refers to the importance of strengthening the capacity of social economy actors to bid for public contracts and of facilitating access to private contracts for social economy actors. The European Commission recognises the importance of interactions between conventional enterprises and social economy actors through partnerships in order for the latter to develop and grow. The same document stresses that there is scope for a more systematic integration of social enterprises both in the value chains of conventional enterprises and in the cooperation between them for joint tendering for public contracts.

Among other things, the Commission states that: It will intensify its efforts to raise awareness of Socially Responsible Public Procurement among stakeholders

- It will encourage the exchange of good practice between EU Member States and take the necessary steps to train both public procurement officials and social economy actors on how to use public procurement and concession procedures to achieve social policy objectives. To this end, workshops will be organised in the Member States;

- It will launch a new initiative under the Single Market Programme in 2022 to support the creation of local and regional partnerships between social economy actors and conventional businesses to enable a business-to-business "social marketplace";
- It will reinforce the use of social clauses in the Commission's own tendering procedures, where possible. The Commission will also issue a report on strengthening the use of socially responsible public procurement in EU Member States. The Commission invites both Member States and other relevant public authorities to promote and monitor the use of socially responsible public procurement in their territory in cooperation with social economy stakeholders.

Socially Responsible Public Procurement and the Challenges of the Action Plan for the Social Economy in Greece

In this section we will refer to the Public Procurement Strategy in Greece that was developed in the periods 2016-2020 and 2021-2025. **Public Procurement Strategy 2016-2020**

In subsection C entitled "Inclusive ***economic growth - Social inclusion and social reference contracts***", which is part of Section C entitled "***Supporting Europe 2020 Policies - Strengthening competition and economic convergence***", one of the three priorities that is central to the Europe 2020 Strategy, and which shapes the image of the social market economy for Europe in the 21st century, is inclusive growth. This growth means empowering citizens through:

- High employment levels
- Investment in skills
- Poverty reduction
- Modernising the labour market
- Training social protection systems to help citizens cope with changes in their lives

However, the economic and financial crisis of previous years made it difficult to achieve these objectives. Due to the social and economic problems that have arisen, vulnerable groups of the population face problems of integration into their social and working life. Under these circumstances, the Social Economy and the institutions that have proved to be more resilient to economic turbulence are called upon to play an important role in addressing the above problems and achieving the Europe 2020 objectives. The National Strategy recognises Social Innovation and Social Entrepreneurship as important factors for the development of the Social Economy. As a consequence, actions to support them will be undertaken. Actions in areas such as:

Education and training

- Improving funding
- The exchange of best practices at European and national level
- Promoting the development of the Social Economy
- The improvement of the Institutional Framework

Based on what was mentioned above and which relates to the National Strategy's philosophy on the necessity of the Social Economy to support vulnerable social groups and the broader objectives of Strategy 2020, the Strategy adopted the following actions related to the Social Economy and SSEs for the period 2016-2020 :

Support for the Conclusion of Contracts Awarded Exclusively to Sheltered Production Workshops/Social Cooperatives with Limited Responsibility/Social Cooperative Enterprises for Integration, etc:

This action concerns the actions to be taken to enhance the access of the above mentioned Social Economy Organisations (SSEs) to the public procurement market. It is also mentioned that issues related to the minimum percentage of Public Contracts that the contracting authorities will be obliged to award to these Entities, the types and categories of Contracts, the specific terms of award and other details should be regulated in the context of further specification.

Monitoring compliance with Social and Labour Law Obligations in Public Contracts through Inspection / Audit Programmes by the Labour Inspectorate (SEPE):

SEPE is called upon to play an important role in ensuring compliance with social and labour law obligations by the Contractors of Public Procurement, through relevant inspections / audits. In other words, SEPE is called upon to contribute to the observance of the principles of equality, transparency and proper implementation of Public Contracts, by ensuring the priority inclusion in its inspection programme of enterprises that are Public Contractors.

Integrated Plan for the Integration of Social Reference Public Contracts Policies:

The preparation of an *Integrated Operational Plan for Public Procurement Policies*, which will take into account the following areas of intervention and objectives, is of key importance:

- Promoting Employment Opportunities
- Promoting Decent Work
- Promoting Compliance with Social and Labour Rights
- Supporting Social Inclusion
- Promotion of Social Economy Organisations
- Promoting Accessibility and Design for All
- Supporting Ethical Trade
- Pursuing the achievement of a Broader Voluntary Commitment to Corporate Social Responsibility

Supporting SMEs, to the extent that they can be linked to the Social Aspects of Public Procurement

The aim²⁸ of this plan for the integration of Socially Responsible Public Procurement policies is to promote and implement the relevant Public Procurement, through the following actions:

- Submission of proposals for products, services and projects to which Socially Responsible Public Procurement criteria will be applied
- Modification of the existing institutional framework and corresponding proposals for necessary legislative reforms
- Recommendation on the application of a social performance clause in public procurement

Support Mechanism for Social Reference Public Procurement (SRPP) / Creation of a Social Cooperative Enterprise Advisory Structure (KOINSEP):

Of particular importance is the creation of a Support *Mechanism (SRPP)* through an advisory structure of Social Cooperative Enterprises, which concerns their participation in the SRPP market. The work of the structure to be established will be, indicatively:

- Developing the capacity of KOINSEP executives through e.g. appropriate training programs in order to participate in the SRPP market with claims
- The advisory guidance to the KOINSEPs for their participation in public procurement markets
- Collection, study and dissemination of international best practices in the use of SRPP
- The training of the staff of the contracting authorities both in the procedures for the planning, award and execution of public contracts relating to SRPPs and in the conduct of preliminary

consultations with Social Economy Entities - before the start of an award procedure - in order to define their needs precisely, determine the technical specifications and formulate the terms and conditions for the award and execution of the contract, as well as the predetermination of the social criteria.

- The monitoring of the utilization of SRPP by Social Economy Organizations in Greece and its updating. E.A.A.DH.SY (Hellenic Single Public Procurement Authority) etc.

Guidance and Information

In order to facilitate contracting authorities in the use of Public Procurement as a tool to support vulnerable social groups and the development of the Social Economy, it is proposed to create a Manual of Guidelines for SRPPs, along with the undertaking of relevant information and awareness-raising actions for their promotion.

Public Procurement Strategy 2021-2025

The new National Strategy for Public Procurement for the period 2021-2025 refers to the report on the implementation of actions related to the Strategy of the previous period. In particular, it is stated that while the Public Procurement Strategy for the period 2016-2020 had a five-year horizon, the net implementation time was limited to three years, taking into account that this Strategy was adopted by the Government in 2017 and the difficulties arising from the Covid-19 pandemic throughout the year 2020.

The consequence of the above was the implementation of half the number of actions foreseen in the previous Strategy. In particular, 49 of the 98 actions were implemented. The actions that were not implemented include all those related to the SRPP for the strengthening of the Social Economy. With the new Strategy, the implementation of the foreseen actions concerning the development of the Social Economy through the SRPP is re-set.

Based on what has been exposed, a significant period of 5 years has remained unused in relation to the support and development of SRPP, as it has been shown by the review of the relevant actions, no action has been taken in relation to SRPP and support to the Social Economy. These outstanding issues are expected to be addressed in the New Strategy. However, so far as this study is being carried out (28th February 2023), no relevant action has been taken and there are several reservations regarding the implementation of these actions by the New Strategy (Marini, 2022), with all that this implies for the support of vulnerable social groups and the development of Third Sector in Greece. The absence of a Support Mechanism for KOINSEP could be partially addressed through the Social and Solidarity Economy Support Centres. However, this institution is still being developed and according to the Social and Solidarity Economy "KALO" Report of the Ministry of Labour and Social Affairs for the years 2019 - 2020, these centres show limited capacities as far as their knowledge of SRPP is concerned. The remaining unimplemented actions certainly create problems in the use of Public Procurement as a tool for the development of the Social Economy, as several problems related to the caution of the Executives of the Contracting Authorities as well as the capacity of the KOINSEPs to access the Public Procurement market would have been adequately addressed.

CONCLUSION

Since 2017, the European Commission has expressed concerns about the limited use of the possibilities offered by the Public Procurement Directives by Member States, while referring to the importance of treating public procurement as a tool for pursuing strategic objectives and not just a bureaucratic procedural tool. In the case of Greece, the non-implementation of actions related to the development of SRPPs from the Public Procurement Strategy for the period 2016-2020, represents a significant loss

of the opportunity to strengthen and develop the institutional framework related to SRPP. A loss with a serious negative impact on the development of Social Economy Entities, while there is a risk of devaluing their use by both contracting authorities and Third Sector Entities. The New Public Procurement Strategy for the period 2021-2025 is expected to address the above pending issues, provided that the envisaged relevant actions are implemented and this opportunity to support Social Economy Entities through SRPP is not lost. The implementation of this Strategy is directly related to the implementation of the Action Plan for the Social Economy in the European Union.

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