

SPAIN

1. Country overview

In Spain, public procurement mirrors the de-centralised political system and is governed by a variety of institutions at national and regional level. While the legal system is applicable nation-wide, policy making and actual expenditure is largely carried out at sub-central level. The recently created Directorate General of Rationalisation and Procurement Centralisation (DGRCC) serves as central purchasing body and promotes efficiency in central government spending with the possibility for regions and municipalities to adhere to the system.

Spain's multi-level governance in procurement has implications on strategic public procurement, too. In fact, national/regional/local authorities have often developed their own approaches, particularly in the field of GPP and SRPP.

2. Legal framework of strategic public procurement

Three main laws form the public procurement legal framework in Spain: the Revised text of the Law on Public Sector Contracts (TRLCSP) approved by Royal Decree 3/2011 of 14 November¹, the Law on public procurement in the water, energy, transport and postal services sectors 31/2007 of 30 October, and the Law on Public Procurement in the defence and security sectors 24/2011 of 1 August. This national legislation is further developed at regional level through either regional implementation laws or implementation guidelines. Currently under revision in order to transpose the 2014 EU public procurement directives, this framework allows for the inclusion of environmental and social aspects as selection and award criteria as well as special performance conditions in contractual and tender documents².

In addition, the Royal Decree 163/2014 of 14 March regarding carbon footprint registration and carbon absorption provides that contracting authorities may take into account carbon footprint as part of GPP procurement²⁵.

With respect to PPI, the 2011 Law on Sustainable Economy provides the legal basis for pre-commercial procurement and contains targets on government expenditure on pre-commercial procurement (PCP)³ and the 2011 Law on Science, Technology and Innovation sets the framework of public procurement of innovation⁴. The Council of Ministers also approved on 8 July 2011 a Regulation on innovative public purchase together with the publication of a specific guidance to foster the uptake of PPI.

The inclusion of social considerations in tender processes is strongly stated in the public procurement legislation since 2007. The 2011 TRLCSP specifies that SRPP can be implemented through the evaluation and award criteria (Art. 150.1), conditions for contract execution (Art. 118), as well as through the preference for companies that employ people with disabilities or at risk of social exclusion, for non-profit or recognised fair trade organisation, and for social enterprises and employment centres⁹. Finally, the PPL Additional Disposition 4 stipulates that criteria relating to hiring people with disabilities, people at risk of social exclusion and non-profit organisation may be used as "tie-break" (*empate*) in case bids are rated as equivalent².

3. Policy framework for GPP, SRPP and PPI

Two main bodies are in charge of overall public procurement policy at national level, which are both within the Ministry of Finance and Public Administration. First, the

Directorate General for State Assets deals with procurement regulation and e-procurement; second, the Directorate General for Rationalisation and Centralisation of Procurement is responsible for harmonising and aggregating procurement by running the central purchasing body for state administration and other related activities.

The Ministry of Agriculture, Food and Environment is the leading institution for GPP policy at national level. In addition, regions (autonomous communities) and local entities have the competence to implement GPP in their respective jurisdictions⁵.

The responsible bodies for PPI are the Ministry of Science and Innovation (MICINN) and the National Centre for Research and Innovation (CDTI).

GPP. Spain introduced its Green Public Procurement Plan in 2008, which covers the state administration, public entities and social security managing bodies⁶. The plan foresees targets of uptake of GPP in a range from 25% to 100% depending on the type of products and services. The general objective of the Spanish GPP Plan is reaching the 50% GPP uptake target by 2010 set at EU level, while the specific objectives of the Plan relate to quantified targets for each GPP products developed at EU level. Also, the introduction of appropriate guidance is part of the specific objectives of the Plan. The main GPP measures foreseen consisted in: the update of the public procurement legislation with the inclusion of environmental aspects at several stages of tender processes; the organisation of training activities for contracting authorities; the set-up of a monitoring procedure of GPP; and the development of environmental clauses and guidelines.

The Table 1 below provides an overview of the product groups included in Spain's GPP Plan.

Table 1: GPP Product groups

GPP product groups
• Construction and maintenance
• Transport
• Energy
• Office Equipment
• Paper/publications
• Furniture
• Cleaning
• Events

Source: Green Public Procurement Plan⁶

The Spanish GPP Plan identifies various qualitative and quantitative targets for each of the product groups addressed, as summarised in Table 2 below.

Table 2: GPP Targets

GPP targets
<p>Construction and maintenance:</p> <ul style="list-style-type: none"> • Energy savings of 9% by 2010 and 20% by 2016, in accordance with the objectives of the Plan for Energy Efficiency in Buildings of the Central Government (PAEE – AGE)⁷. • Water saving 20% by 2010 • Ensuring overall environmental improvements of buildings in case of rehabilitation • Ensure environmental improvements in building maintenance
<p>Transport:</p> <ul style="list-style-type: none"> • Decreased air pollution generated by vehicles • By 2012, consumption of 38% biofuel of the total fuel consumed in the SME • Reduction of 20% of total consumption in fossil fuels in reference to the year 2006

<p>Energy:</p> <ul style="list-style-type: none"> • 9% energy savings by 2010 and 20% by 2016 for central administration buildings, in accordance with the objectives of the Plan for Energy Efficiency in Buildings of the Central Government (PAEE – AGE)⁷
<p>Office Equipment</p> <ul style="list-style-type: none"> • Reduction of energy consumption and paper and use of recycled paper • Improved environmental quality of office equipment
<p>Paper/publications</p> <ul style="list-style-type: none"> • Achieving 50% recycled paper from the total consumption by 2010 and 90% by 2015 • Stabilisation of office paper consumption in 2006 in relation to the 2008-2010 period and reduction of 20% in total volume of consumption for period 2010-2015 • Achieving a 50% consumption of paper recycling publications and AGE its public bodies in relation to total by 2010 and 90% by 2015 • Reduction in paper publications of 40% over the year 2006 by 2015
<p>Furniture</p> <ul style="list-style-type: none"> • Purchase legal timber and from holdings managed sustainably, and absence of toxic substances in buying furniture, and for products with content exceeding 10% wood • 25% of office furniture and wood derivatives acquired warranty and availability of spare parts 5 years by 2010 and 50% by 2015
<p>Cleaning</p> <ul style="list-style-type: none"> • 100% paper products of recycled origin by 2010 • 100% home recycling of small containers by 2015
<p>Events</p> <ul style="list-style-type: none"> • Increased use of public transport for accessing venues • Minimisation and proper management of waste

Source: Green Public Procurement Plan⁶

In addition to the GPP Plan at national level, most of Spain's regions and some municipalities have developed their own GPP policy. For instance, the Basque Government in 2011 adopted the Green Public Procurement Programme for 2011-2014. The target for "greening" of contracts is 100% by 2014⁸.

SRPP. In Spain, SRPP is primarily implemented de-centrally with a number of regions and municipalities developing their own approaches, also in terms of legislation. In fact, autonomous regions and municipalities have often introduced provision for SRPP in their regional law. Some of the recent developments in SRPP at sub-central level introduced the following: the Law 7/2014 of 13 November on the Protection of the Rights of Persons with Disabilities in Castilla-La Mancha and the Law 10/2014 of December 3 on accessibility in Galicia.

In addition to being part of some legislation at sub-central level, SRPP is included in Action Plan of the Spanish Disability Strategy 2014-2020 and the Spanish Strategy 2014-2020 on Corporate Social Responsibility as well as the National Reform Programme 2014⁹.

Numerous initiatives have been introduced in the field of SRPP at regional and local level, for instance in the city of Barcelona¹⁰ where social enterprises are favoured for waste collection. In the city of Bilbao a series of social clauses aim at fostering employment of people that are affected by unemployment, ensuring compliance with labour laws, social security, health and safety at work, and ensure equality and non-discrimination in contract documentation¹¹. In Navarra, the regional public procurement law stipulates that 6% of the amount of awarded contracts needs to be earmarked for special employment centres, labour integration centres, and sheltered workshops¹².

PPI. Public procurement of innovation features prominently in the Spanish Innovation Strategy (e2i) for 2010-2015 as an instrument to foster growth in priority innovation markets¹³. With the introduction of the Law on Sustainable Economy in March 2011, the legal basis for pre-commercial procurement was defined.

In addition to e2i, in 2011 the Spanish government launched a series of measures to promote PPI, including setting a target of 3% of procurement expenditure dedicated to PPI for the State Administration by 2013¹⁴.

As part of these measures, government departments are requested to introduce a budget reserve for PPI and regularly report on their results in the field of PPI. Importantly, two funding instruments for PPI called INNODEMANDA and INNOCOMPRA were set up and are managed by the CDTI. INNODEMANDA consists in funding the cost of R&D of an economic operator, whereby the contracting authority and the supplier enter in an agreement about performance, deadline and other conditions¹⁵. In addition, INNOCOMPRA supports regional public bodies to generate PPI procedures.

An important element of the 2011 PPI measures was the introduction of a National Guide on PPI, which aims at supporting contracting authorities in carrying out PPI with practical advice such as clauses for innovation and information on different procedures to be used¹⁶.

Similarly to GPP and SRPP, autonomous regions and municipalities may develop their own approaches to innovation procurement. Spain also participates in many EU-funded projects dedicated to PPI and PCP. Some examples of these include P4ITS developing intelligent transport systems, INSPIRE on healthcare, and SPEA on sustainable buildings.

The Table 3 below indicates the PPI target set for 2013.

Table 3: PPI target

PPI target
<ul style="list-style-type: none"> • 3% of the procurement budget of the General State Administration dedicated to PPI by 2013

Source: Decision of the Council of Ministers, 8 July 2011

4. Practices of strategic public procurement

Even if the country was strongly impacted by the 2008 economic and financial crisis, the use of strategic criteria in public tenders is relatively widespread in Spain. In particular many autonomous communities and municipalities are including green and social criteria in their public purchase of works, supplies and services.

As strategic public procurement is conducted at several level of governance in Spain, support tools and activities for the promotion of this type of procurement are similarly developed at central and sub-central level.

The Ministry of Agriculture, Food and Environment organises awareness raising events and seminars for GPP and provides tools for supporting contracting authorities in GPP activities, such as "Codes for good environmental practices"¹⁷. Non-profit institutions such as Ecoinstitut provide training as part of GPP initiatives¹⁸. There are training initiatives at regional and local level, too. For example, the Basque environment agency Ihobe provides guidelines on GPP and has set up a hotline for questions. The training of trainers is also adopted to foster the uptake of GPP⁵.

In addition, the National Observatory of Public Procurement (ObCP) is a repository of useful information to public procurement practitioners, as its task consist in producing

research and analysis on public procurement as well as disseminating information. It has developed dedicated content and analysis on PPI¹⁹.

Furthermore, even if not used in a systematic way by the wide range of contracting authorities in Spain, the State e-procurement platform (*Plataforma de Contratación del Estado*) helps bidders identify which contracts are dedicated to procuring innovation²⁰.

Spain has introduced a number of initiatives in strategic public procurement that are presented in the box below.

Flagship initiatives

IHOBE Public Society for Environmental Management (Basque Government)

IHOBE is a public body of the Basque Country, which aims at protecting the environment working with all levels of public authorities within the Basque Country region. Since 2005, it actively promotes GPP through the development of a specific strategy, criteria and conditions of execution, as well as support for contracting authorities and market analysis of the supply side. Nowadays, IHOBE still develops an important set of technical guidance, disseminates good practices and provides training and informative activities to support the uptake of GPP. It also acts as a hub of mutual learning and exchange of experience and develops monitoring and evaluation of strategic public procurement through the publication of tendency reports several times a year²¹.

Forum of Socially Responsible Procurement (CONR)

The Forum of Socially Responsible Procurement²² gathers public bodies, businesses and the third sector, in particular the ONCE Foundation that operate in favour of the disabled. It has the objective to promote employability of disabled people through public purchasing and gathers public buyers and businesses to develop knowledge and support guidance and tools to foster the uptake of SRPP.

The forum provides technical support to contracting authorities and bidders in the field of SRPP, ensures dissemination of good practices in both the public and private sector, organises awareness raising and training activities, and provides technical assistance to the State government for the definition of social clauses in national legislation.

BCN Open challenge (City of Barcelona)

The Barcelona City Council launched in 2014 an international call to businesses and entrepreneurs to propose their innovative solutions to six different challenges to transform public space and services in the city. The call stated the problems faced by the city in terms of public transport, pedestrian flows, roads maintenance, local retail and digitisation of museum and archives collection, asking for innovative proposals to tackle them. Apart from solving these issues, this initiative aimed at accelerating innovation and leveraging public spending more effectively to deliver better public services. Six contracts have been awarded so far and are currently being executed. In addition, the selected bidders benefit from a "business package for growth", which includes a free office in Barcelona, support with financial and human capital development or coordination with relevant local partners²³.

Most commonly used criteria

Strategic policy goals are usually reflected in tender documents using contract specifications, selection and award criteria or functional requirements. The analysis conducted on 2013 TED database in the framework of the current study consisted in identifying strategic public procurement procedures thanks to a key word search within the information provided in contract award notices and contract notices, in particular in the description of the award criteria. The present section aims at highlighting the most

common key terms found during this search as they might correspond to the most frequently used criteria or concepts of strategic public procurement in Spain.

The use of certifications is very common in Spain when it comes to implementation of GPP. Certifications allow for the application of objective and recognised standards at national and international level. Furthermore, they provide contracting authorities with a degree of legal certainty, which reduces fear of distorting competition. According to the analysis of 2013 TED data, the use of certifications in public tenders appears quite widespread in Spain particularly in terms of environment and energy management systems certified by ISO standards.

The common use of terms related to environment, green practices, and sustainable development does not allow for a precise analysis of criteria but demonstrates a high interest and awareness of such matters within public bodies. Not least, specific attention is paid to water treatment and CO2 emissions as well as the promotion of recycling, even though these practice are not yet implemented on a large-scale in Spain, as highlighted by the results.

Figure 1: Most common search terms for GPP

Search Term	No.	Share
certificaci	171	28%
ambiente	87	14%
verde_ecológic	77	13%
aguas residuales	64	11%
ISO 14001_ISO 50001	55	9%
sostenible_sostenibilidad_durabilidad_durable	54	9%
rendimiento	29	5%
CO2	14	2%
emisiones	9	1%
reciclabilidad_reciclable_reciclaje	8	1%

Source: Analysis of 2013 TED data.

In terms of SRPP, the 2013 TED data analysis reveals a clear focus on equal opportunity particularly between men and women. Indeed, gender equality has been high on the agenda in Spain for many years, primarily with the creation of the national Institute of Women and with the 2008 Law against gender violence²⁴. This still remains an important concern for all levels of government.

The results also point out a specific attention to the integration of disabled people and to accessibility issues. In particular, in the past years, Spanish municipalities have made strong efforts to reduce “architectural barriers” in public spaces and buildings to improve their accessibility to the disabled and the elderly.

Lastly, labour rights and decent working conditions are another focus area for contracting authorities. This can be linked to the fact that, since the 2008 economic and financial crisis, Spain has been facing a long period of employment uncertainty and had to go through several reforms of labour rights which might to a certain extent have undermined the working conditions in the country.

Figure 2: Most common search terms for SRPP

Search Term	No.	Share
igualdad de oportunidad_igualdad_igualdad de trato_equilibrio entre mujeres y hombres_paridad de	42	41%
accesibilidad	12	12%
salud laboral	8	8%
minusval_discapacita	7	7%
OHSAS 18001	7	7%
horas de trabajo	6	6%
talleres protegido_protegido	4	4%
laborales_derecho del trabajo	3	3%
salud en el trabajo_legislación sanitaria	3	3%
diversidad_políticas de diversidad	3	3%

Source: Analysis of 2013 TED data.

The most commonly used key terms for PPI do not provide precise insight on the most widely used criteria. This is partly linked to the fact that the support of innovation through public procurement is not easy to capture. Furthermore, it must be noted that PPI can also be implemented through need assessments and functional requirements, which may not be identified by the keywords search.

Figure 3: Most common search terms for PPI

Search Term	No.	Share
prototipo_piloto	16	53%
innovación_innovador_solución innovadora	13	43%
agenda digital_digitalización	1	3%

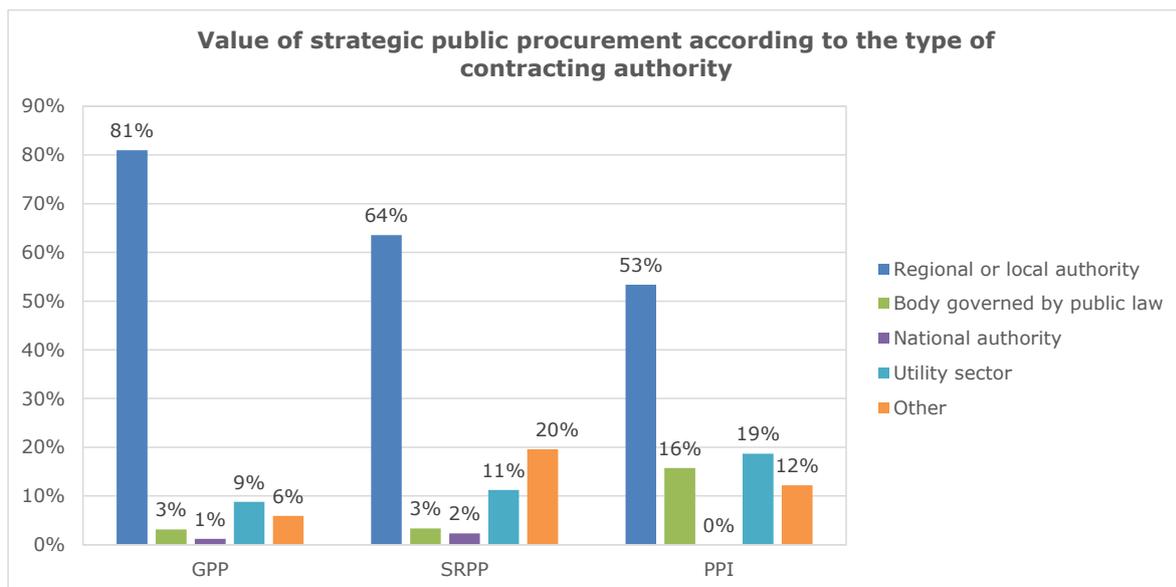
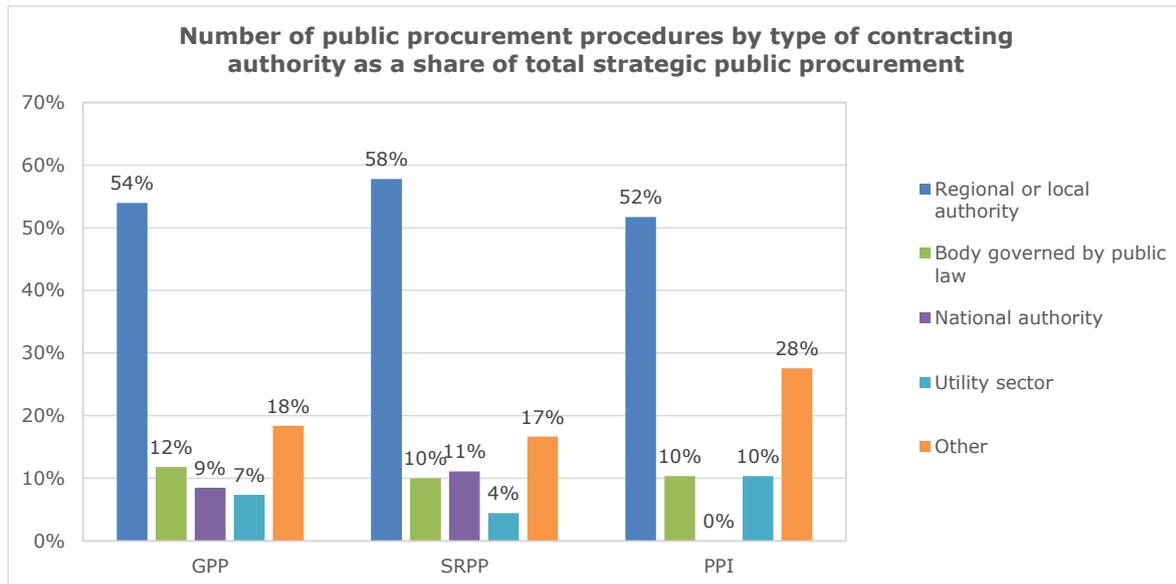
Source: Analysis of 2013 TED data.

Type of contracting authorities

According to the 2013 TED analysis, regional and local authorities are strong leaders in strategic public procurement because they carried out 54% of procedures for GPP, 58% for SRPP and 52% for PPI. This reflects well the number of regional and local initiatives carried out mainly by autonomous communities and municipalities.

In terms of monetary value, regional and local authorities are also clearly dominating all three areas of strategic public procurement as they cover a large majority of strategic procurement expenditure in the country.

Figure 4: Type of Contracting Authority



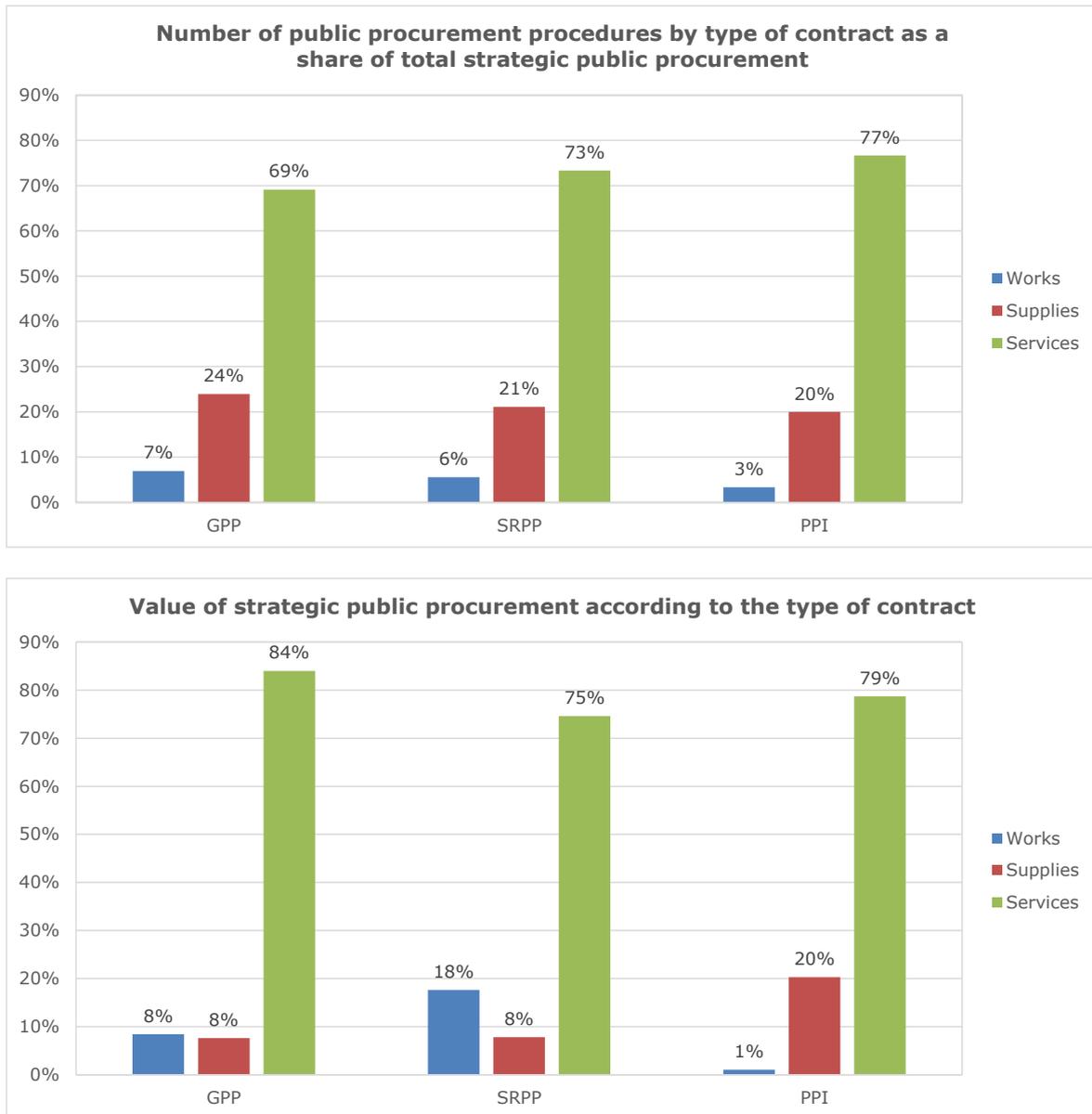
Source: Analysis of 2013 TED data.

Type of contract

According to the 2013 TED data analysis, the type of contract most affected by strategic public procurement in Spain relates clearly to services. As per the tendency at EU level, services contracts account for the plurality of contracts in all three categories of strategic public procurement, and works play the smallest role.

Contrary to other MS where works contracts come second in terms of value, no major differences appear when it comes to analyse the value of strategic public procurement procedures by type of contract.

Figure 5: Type of contract

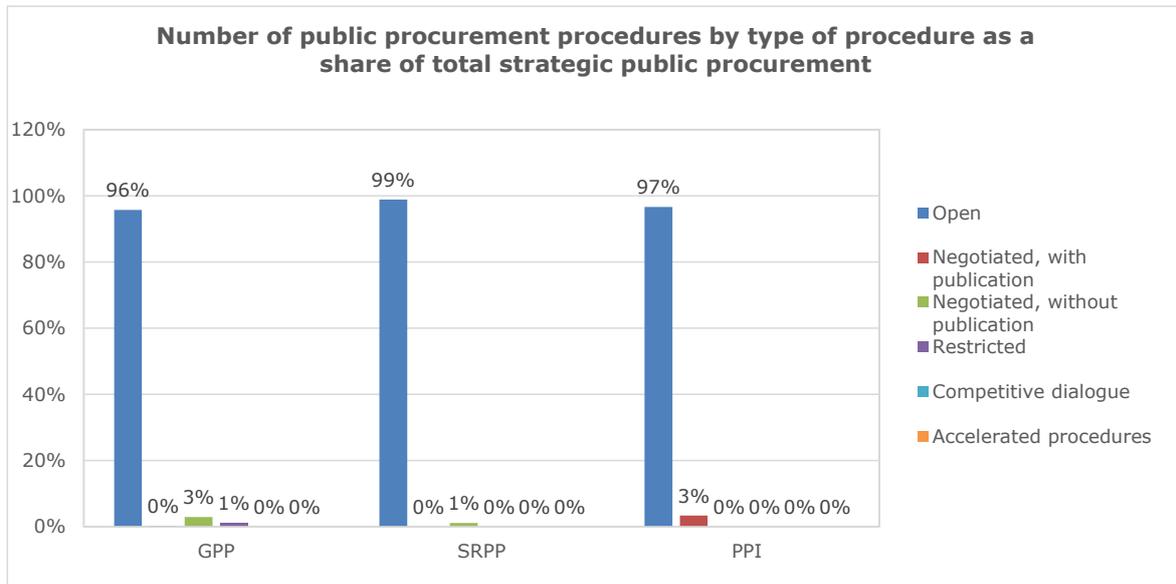


Source: Analysis of 2013 TED data.

Type of procedure

In terms of the type of procedure used, strategic public procurement procedures published in TED in 2013 match the overall tendency in European public procurement, in that a strong majority is being conducted through open procedures. Indeed, they represent the vast majority of procedures used, respectively 96% for GPP, 99% for SRPP, and 97% for PPI.

Figure 6: Type of procedure

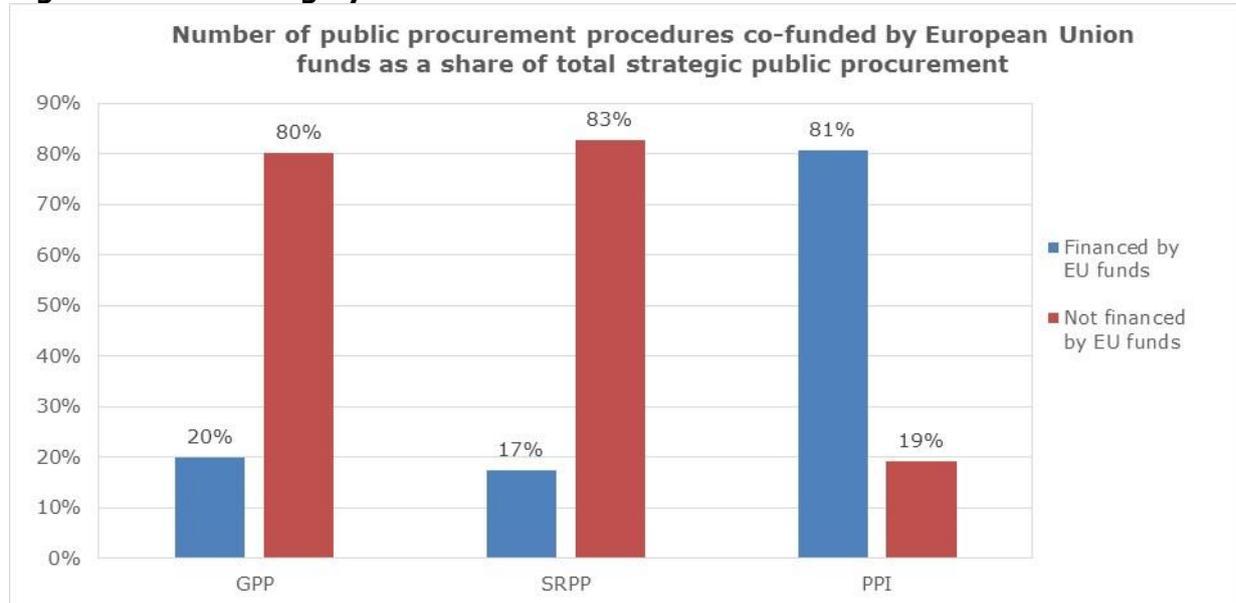


Source: Analysis of 2013 TED data.

Incidence of EU co-funding

According to the TED data analysis, Spain presents a comparatively high share of procurement procedures that are related to EU co-funding. This is particularly the case for PPI, where 81% of procedures were carried out through EU related programmes in 2013. Indeed, the main PPI initiatives described previously are co-funded by the European Regional Development Fund (2007-2013 Technological Fund operational programme, 2014-2020 Smart Growth operational programme), the Seventh Framework Programme for Research and Technological Development (7FP) and more recently by the Horizon 2020 programme demonstrating the crucial role of these programmes in strengthening the Spanish innovation system. In addition, Spanish regional and local authorities participate to numerous European projects for exchange and mutual learning on PPI.

The incidence of EU co-funding and GPP/SRPP is much lower compared to PPI (20% and 17% respectively) but is relatively strong compared to EU peers.

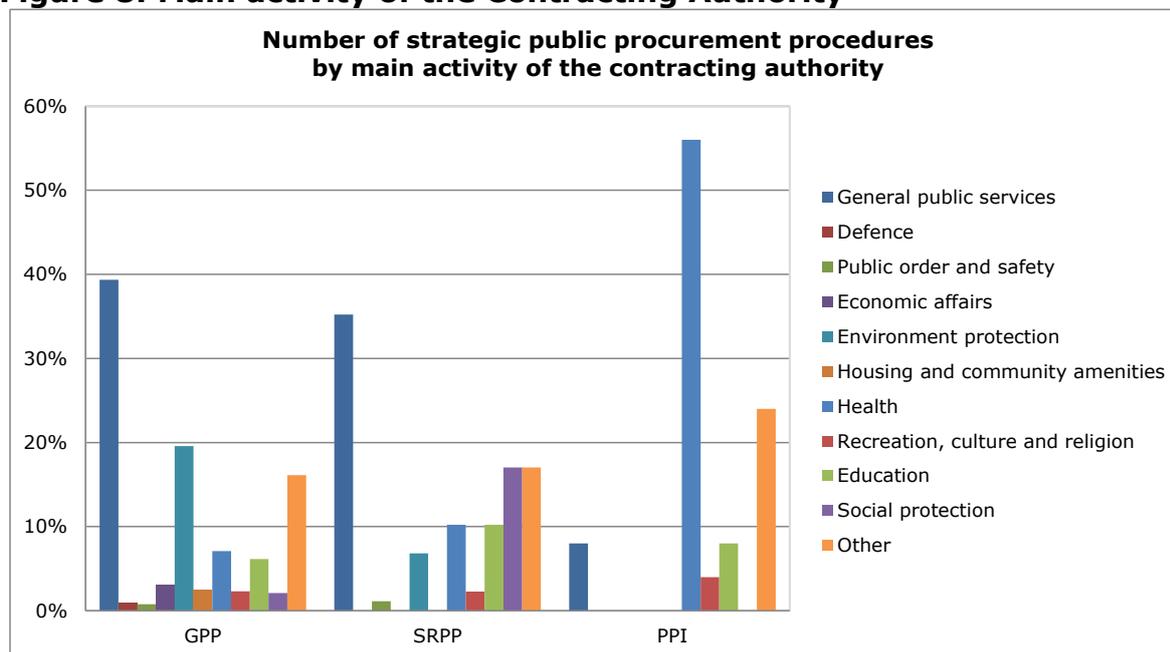
Figure 7: Co-funding by EU funds

Source: Analysis of 2013 TED data.

Main sectors of strategic public procurement

To identify the sectors most affected by strategic public procurement for the purpose of the present study, the TED data has been analysed through two specific fields: the main activity of the contracting authorities and the main business sectors (CPV divisions). However, the detailed analysis of CPV divisions at national level is not presented here due to the lack of country-specific tendencies compared to the trends presented in the core report of the study.

The cross-analysis of GPP and SRPP procurement procedures with the main activity of the contracting authorities reveals that the leading activity is the one that applies to the vast majority of public bodies, namely "general services". If we do not consider the "other" category, which does not allow for a particular analysis, the contracting authorities that mostly use strategic public procurement deal with environmental protection for GPP and education for SRPP. For PPI on the other hand, the health sector plays a predominant role underscoring the importance of innovation in the health domain.

Figure 8: Main activity of the Contracting Authority

Source: Analysis of 2013 TED data.

5. Monitoring and evaluation of strategic public procurement

As part of GPP policy, monitoring is carried out at regular intervals. In 2011, a first comprehensive monitoring was performed on behalf of the former Ministry of the Environment and Rural and Marine Affairs covering the period 2008 to 2011. In terms of methodology, the 2011 monitoring was based on a questionnaire to government departments on the status of GPP during the time period 2008-2011²⁵.

The 2015 monitoring was launched by the inter-ministerial committee on GPP in 2014. Similarly to the 2011 monitoring, departments and agencies and other entities were requested to report on their green purchases via a questionnaire. Eight product groups were covered by the monitoring: construction and maintenance, transport, office equipment, paper and publications, cleaning products and services, furniture, events, other actions, e.g. energy. In total, the monitoring covered 120 documents²⁵.

With respect to PPI monitoring, the Spanish Observatory for R&D (ICONO) also tracks data on public expenditure for R&D including public procurement procedures.

In addition to monitoring carried out at national level, initiatives for monitoring are taken at regional and municipal level, too.

Monitoring results

In 2011, the GPP monitoring report concluded that most entities had implemented GPP measures, notably in fields such as energy-efficiency for IT equipment or separate waste collection as well as green cleaning services. Thus, an initial step towards greater awareness to GPP and a change in attitudes was reported.

Overall the 2015 monitoring results²⁵, suggest that there is a relative good level of uptake for all product groups, except for furniture, where the GPP implementation is classified as moderate to low. In addition, the construction and maintenance activities show high levels of adoptions for implementation of separate systems for the collection of waste and water saving systems, while rehabilitation projects and use of recycled materials as well as preventive maintenance present lower levels of uptake. High levels

of implementation are registered also for office equipment. A full summary of the monitoring results is presented in Table 4 below.

Table 4 : Monitoring results

Summary of monitoring results for 2011-2014
<p>Construction and maintenance:</p> <ul style="list-style-type: none"> • Very high to complete implementation of separate collection systems for waste • Very high to complete implementation of water saving systems in buildings, or implementation of plans for such systems • Moderate implementation of provisions for use of recycled materials and collection of waste in technical specifications for building interventions • Moderate implementation of preventive maintenance of facilities in contracts for building maintenance
<p>Transport:</p> <ul style="list-style-type: none"> • Moderate implementation of the inclusion of a hybrid, electric or biofuel vehicle in the fleet of the organisation • High implementation of the installation of particulate filters in diesel vehicles of the organisation • Moderate implementation of vehicles with energy classification A or B according to the catalogue of vehicles IDAE. • Moderate implementation of the incorporation of energy efficiency criteria in the contract for courier or parcel of the organisation • High to complete implementation of the installation of particulate filters on diesel vehicles where technically feasible
<p>Office equipment:</p> <ul style="list-style-type: none"> • High to complete implementation of application of energy star label for computer equipment acquired in 2014 • High to complete implementation of purchase of printing equipment since in 2014 or earlier with recycled paper and two-sided printing option
<p>Paper and publications:</p> <ul style="list-style-type: none"> • Moderate implementation of provisions for replacing publications in paper for electronic publications • Moderate implementation of introduction of sustainability criteria in contracts for design and/or printing of publications
<p>Cleaning products and services:</p> <ul style="list-style-type: none"> • High to complete implementation of contract performance conditions related to biodegradability and absence of toxic substances • Moderate implementation of use of recycled toilet paper • Moderate implementation of use bins, containers, garbage bags and other containers made of recycled materials
<p>Furniture:</p> <ul style="list-style-type: none"> • High implementation of provisions on the use of virgin wood from sustainably managed farms • Moderate to low implementation of the EU Ecolabel award criteria • Moderate to low implementation of the award criteria regarding the guarantee of availability of spare parts for five years
<p>Events:</p> <ul style="list-style-type: none"> • High implementation of the inclusion of information on public transport to access the event site • Moderate implementation of separate waste collection
<p>Energy:</p> <ul style="list-style-type: none"> • High implementation of energy savings • Moderate implementation of voluntary systems for integrated environmental commitments

Source: Ministry of Agriculture and Environment, II General Report on green procurement in the General State Administration and social security and managing bodies²⁵

The estimation of the magnitude of strategic public procurement based on 2013 TED data shows that there are moderate levels of GPP uptake in Spain. This estimate appears to be consistent with the results of the national monitoring presented above, however, a detailed comparison is not feasible as national monitoring analyses GPP per product group and not as a share of total procurement.

The TED data analysis does not reflect implementation of SRPP and PPI, potentially because most of the initiatives are conducted at regional and local level for contracts below EU thresholds. The information related to these procedures is therefore not published in the TED database and not captured by the TED data analysis.

According to 2013 TED results (see Table 5 below), GPP represented 8% of procurement procedures published in TED in 2013, SRPP 1% and PPI only 0.5%. In terms of monetary value, the share of strategic public procurement in total procurement published in TED is even higher: 18% for GPP. The share of procurement procedures in value remain very low for SRPP and PPI with 1% and 0.1% respectively.

Table 5: Estimated magnitude of strategic public procurement based on TED database

	GPP	SRPP	PPI
Share of procurement procedures in number	8%	1%	0.5%
Share of procurement procedures in value	18%	1%	0.1%

Source: Analysis of 2013 TED data.

Key findings of policy evaluations

The 2015 Report on GPP makes a series of recommendation based on the monitoring and analysis that was carried out. The report finds that there will be a need for updating the GPP criteria for construction and maintenance, in particular considering the work of the European Commission related to the Circular Economy and the Energy and Climate Package. Similar adaptations may apply to the transport and energy sectors, to the extent they will be affected by new EU regulations.

It is concluded that the regular analysis of the GPP criteria and recommendations that the Commission is updating are valuable exercises, particularly in order to facilitate the uptake of GPP. Furthermore, regular exchanges among GPP experts as well as guidelines for GPP criteria would be beneficial²⁵.

6. Analysis

Strengths and best practices

In Spain, multiple initiatives have been developed either at central level or by individual regional and local authorities in the field of strategic public procurement. This shows a growing interest from public authorities in the subject even in times of economic crisis and high financial constraints. Interesting initiatives are carried out by some front-runners governments at regional and local level.

Weaknesses and barriers

However, this high diversity of initiatives and frameworks also means that the gaps in terms of experience and practices are relatively elevated between public bodies and in particular between territories.

Even if tools and technical guidance are available to support the uptake of strategic public procurement by contracting authorities, the lack of clear strategic vision and common targets at national level may undermine a wider development of these practices, especially within smaller-scale procurers.

Similarly, an aggregated monitoring of strategic public procurement at regional or national level would be helpful in building a common picture of these practices and defining targeted measures to further develop them.

¹ State Official Gazette (2011), *Real Decreto Legislativo 3/2011, de 14 de noviembre, por el que se aprueba el texto refundido de la Ley de Contratos del Sector Público* (Law on Public Sector Contracts), available at: <http://www.boe.es/buscar/act.php?id=BOE-A-2011-17887>

² Law Business Research Ltd (2014), *The Government Procurement Review*, Second Edition.

³ State Official Gazette (2011), *Ley 2/2011, de 4 de marzo, de Economía Sostenible* (Law 2/2011 of 4 March, on Sustainable Economy), available at: http://www.boe.es/diario_boe/txt.php?id=BOE-A-2011-4117

⁴ State Official Gazette (2011), *Ley 14/2011, de 1 de junio, de la Ciencia, la Tecnología y la Innovación* (Law 2/2011 of 1st June, of Science, Technology and Innovation), available at: http://www.boe.es/diario_boe/txt.php?id=BOE-A-2011-9617

⁵ DG ENV (2014), *National GPP Action Plans (policies and guidelines)*, available at: http://ec.europa.eu/environment/gpp/pdf/national_gpp_strategies_en.pdf

⁶ State Official Gazette (2008), Order PRE/116/2008 of 21 January, by the Agreement of Council of Ministers on the Green Public Procurement Plan of the General State Administration and its public agencies and the Social Security Management Entities, available at: http://www.boe.es/diario_boe/txt.php?id=BOE-A-2008-1631

⁷ Institute for energy diversification and savings (2009), *Plan for Energy Efficiency in Buildings of the Central Government (PAEE – AGE)*, available at: https://www.boe.es/diario_boe/txt.php?id=BOE-A-2010-1235

⁸ Irekia website, available at: <http://www.irekia.euskadi.eus/es/news/8593-aprobado-programa-para-incorporar-criterios-ambientales-compra-contratacion-publica-verde-acuerdo-del-consejo-gobierno-del-2011?track=1>

⁹ Public Procurement Observatory (2014), *Advancing socially responsible procurement: the recommendation to the obligation*, available at:

<http://www.obcp.es/index.php/mod.opinion/mem.detalle/id.199/relcategoria.208/relmenu.3/chk.c5bde66cf07d647d9f2f3a90febac2d2>

¹⁰ Rreuse (2015), *Social clauses: Why so important and how to implement them*, available at:

<http://www.rreuse.org/wp-content/uploads/Social-clauses-in-PP-FINAL.pdf>

¹¹ Portal de Economía Solidaria website, available at:

http://economiasolidaria.org/ayuntamiento_bilbao_aprueba_clausulas_sociales

¹² Ley Foral 6/2006, de 9 de junio, de contratos públicos, available at :

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