

Corruption and PPPs – a changing environment

***Judge Marc Steiner,
Swiss Federal Administrative Court****

****The speaker expresses his personal opinion as a member of the
Advisory Board of Transparency International (Swiss Chapter)***

Key messages

- The mission of Transparency International
- Transparency International (Swiss Chapter) focuses on corruption in public procurement (PPPs are very close)
- Revised WTO Government Procurement Agreement 2012 addresses corruption in public procurement
- The new EU Public Procurement Directives address corruption and governance issues in public procurement
- The new EU Directive on Concessions is very relevant for PPPs

Revised GPA 2012

Conclusion:

As every WTO tool in the 90ties, the GPA 1994 focused only on market access and liberalisation of trade. The revised GPA 2012 is based on the recognition, that there is an interplay between market access and the fight against corruption / governance standards. One is not possible without the other. A paradigm change!

Directive on the Award of Concession Contracts 2014/23/EU

- EU Commission: “The impact assessment has shown that the absence or inadequacy of national rules for awarding concessions undermines the functioning of the Single Market with regard to concessions, increases the risks of national favoritism, **fraud and corruption** and is also at the source of violations of the principles of the Treaty on the Functioning of the EU.”