

Gender-responsive Public Procurement

Reserved contracts

‘Reserving’ a contract means that only businesses that meet the relevant conditions can bid for that particular contract. This does not mean that public authorities can favour these businesses generally or restrict the tender to only one operator.

Under EU procurement law, reservations in public procurement do not explicitly relate to women-owned or women-managed businesses. Directive 2014/24/EU allows for only two types of reservations.

- 1 It is possible to restrict competition to economic operators whose mission is the social and professional integration of **disadvantaged workers** and workers with disabilities (Article 20), provided that at least 30 % of the employees are disabled or disadvantaged. The term **‘disadvantaged worker’** is not defined in the directive, but guidance from the European Commission suggests that this may include the under-represented sex in a sector with a high gender imbalance or a single adult living with one or more dependants. With this type of reservation, it would also be possible to promote the social and professional integration of women who suffer from multiple discrimination (e.g. women with disabilities, migrant women and long-term unemployed women).
- 2 It is possible to restrict competition to organisations that have a public service mission and meet certain governance requirements, only in relation to social, health and education services (Article 77). Organisations covered by this reservation may include social economy enterprises, employee-led mutual organisations and charities.

Note, the **financial regulation** does not include the possibility of reserving contracts for sheltered workshops, employment programmes or social enterprises.

Examples of reserved contracts relevant for GRPP

Fictitious example. A contract could be reserved for competition by social enterprises employing, for example, women who have survived domestic violence or face the threat of gender-based violence.

Fictitious example. It would also be possible to reserve a contract for performance by employment programmes responsible for integrating women ex-offenders into the workforce.

Tools 7 and 8 can also be applied in the context of reservations for the award of social, health and education services, set out in Article 77 of Directive 2014/24/EU.

Footnotes

[1] See EIGE, 2019c.