For the attention of COCIR National Trade Associations and Company Members -
COCIR recommendations for Do’s and Don’ts on public procurement

COCIR amended Code of Conduct including Q&As, Do’s and Don’ts and Guidelines
governing COCIR meetings and teleconferences is effective since 1 January 2019. COCIR is
the sole European Trade Association in the industry whose Code contains guidance on
public procurement. Its aim is to encourage true and open competition in tendering,
equitable and fair distribution of information. This is why COCIR would like to disseminate
further summarized COCIR guidance on public procurement through these Do’s and
Don’ts.

DO’S:
- DO contact contracting authorities only as permitted in the procedure through
  official and transparent ways
- DO allow contracting authorities to formulate open and objective technical
  specifications without interference
- DO recognize that contracting authorities have only limited possibilities to exempt
  themselves from public tendering procedures
- DO respect the principle of equal treatment of bidders when acting as
  independent consultant for a contracting authority
- DO recognize that during or after the tendering procedure, contracting authorities
  have limited possibilities to make changes to tender documents or scope of
  supply
- DO comply with applicable laws, COCIR Code of Conduct and your company code
  of conduct, if any
- DO pass on the responsibility to comply with applicable laws and the COCIR
  principles to your distributors who may participate in public tenders

DON'TS:
- DO NOT directly or indirectly offer gifts or other benefits to contracting authorities
  to improperly influence the tendering process
- DO NOT provide technical and product information to contracting authorities that
  aim at unjustifiably excluding competitors from the tendering procedure or that
  aim at unduly favouring one supplier
- DO NOT assist contracting authorities to illegally bias technical specifications
- DO NOT provide award/weighting criteria to contracting authorities, unless
  explicitly requested to do so and in compliance with applicable laws
- DO NOT encourage contracting authorities to unduly seek exemptions from public
  tendering procedures
- DO NOT discuss market partitioning such as the allocation of customer groups,
  types of products or territories with competitors or discuss any arrangement to
  avoid direct competition or joint action to exclude competitors or new entrants to
  the market and/or to COCIR

1 See Section 9 of COCIR Code of Conduct and guidelines governing COCIR meetings and
teleconferences