

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 procurement¹. 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