

# Competitive Landscape of Parallel Framework Agreements

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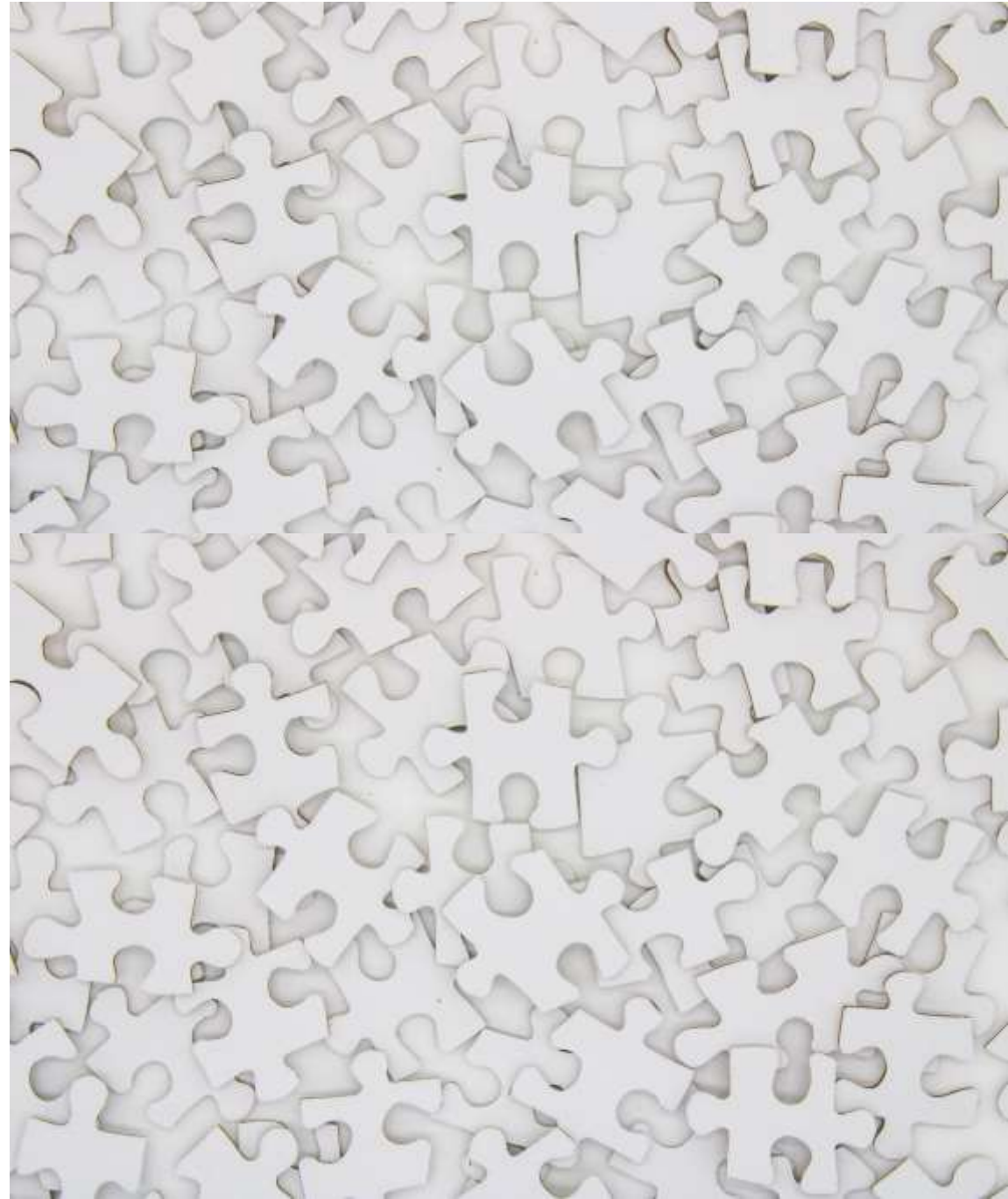
# Outline

1. What are parallel framework agreements?
2. Objective criteria
3. Competition perspective
4. Conclusions



# Parallel Framework Agreements

- the same/overlapping **scope**
- the same time
- the same market
- created by the same/different CAs
- do not have to be identical



<b>Parallel Framework Agreements</b>		
	<b>identical</b>	<b>partially overlapping</b>
<b>established by different contracting authorities</b>	<p><b>1st category:</b> different CAs operating in the same market create the same parallel framework agreements</p>	<p><b>2nd category:</b> different CAs operating in the same market create partially overlapping parallel framework agreements</p>
<b>established internally by one contracting authority</b>	<p><b>3rd category:</b> one CA creates internally identical parallel framework agreements</p>	<p><b>4th category:</b> one CA creates internally partially overlapping parallel framework agreements</p>

# Objective Criteria

- the choice among parallel agreements – full discretion;
- objective criteria set up in the procurement documents (?)
- when the criteria are objective?
- is it feasible?

**transparency v. flexibility**



# Competition Perspective

“framework agreements should not be used improperly or in such a way as to prevent, restrict or distort competition”

*Directive 2014/24/EU, Recital 62*

“the design of procurement shall not be made with the intention of excluding it from the scope of this Directive or artificially narrowing competition”

*Directive 2014/24/EU, Article 18.1*



# Competition Perspective – Benefits & Risks

- market entry barriers
- SMEs
- dominant position
- risk of collusion
- presence of objective rules on choice
- category of the parallel agreement involved
- market (scope and breadth of agreements)
- number of suppliers



## Conclusions

- parallel framework agreements have the potential to boost competition **if employed correctly**
- transparent rules on the choice among available agreements established in the procurement documents for framework agreements





**Thank you!**

