



## Better Regulation, Procurement and Social Partner Observatory: Good Practice from Spain

**Better Regulation:** Spanish sectoral legislation has been regularly updated to reflect realities in the private security services. It clearly defines the different tasks and missions of security companies and officers, outlines criteria for the licensing of companies and security officers, sets out principles for public-private partnerships, and includes provisions on the training, updating and specialisation of private security staff. Similarly to the Portuguese legislation, it differentiates between Security Guards, Security Chiefs and Security Directors.

**Public Procurement:** the Sectoral Social Partners have successfully reflected the EU Public Procurement Directives in the sectoral regulation in Spain. The provisions are based on the principles of compliance with Sectoral Collective Agreements, fighting unfair competition, and guaranteeing that the quality of services prevails over price in procurement practices. Article 145.4 of the Spanish Act therefore states that quality criteria must prevail over costs in public procurement tenders for security services by at least 51%.

**The Social Partner Observatory:** Sectoral Social Partners in Spain have established a Social Partner Observatory ([Observatorio Sectorial de la Seguridad Privada](#)), which aims to continuously work towards a favourable legal framework and to promote quality in services. As part of its activities, the Observatory is screening public contracts for compliance with sectoral law, including procurement provisions, and also follows up on the compliance of contractors with these provisions. The Observatory checks more than 1000 tenders per year. Since around 20% do not strictly comply with the legal provisions, the Observatory get back to the respective authorities, in accordance to the Joint Commitment referred in Article 11 of the Collective Agreement. Roughly 75% of these tenders are then revised after considering the information provided by the Social Partners.

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