

Italy (ratification: 1952)

The Committee takes due note of the detailed information provided by the Government in its report, in particular the adoption of Legislative Decree No. 163 of 12 April 2006 concerning the Code on Public Contracts for Works, Services and Supplies. The new text consolidates all provisions on public contracts in a single body of law adapting it to the requirements of the latest European Union directives 2004/17/EC and 2004/18/EC on the coordination of procurement procedures.

While noting the Government's reference to section 118(6) of the Code which provides that contractors must fully comply with the financial and regulatory treatment established in national and local collective agreements applicable to the sector and the area in which the services are performed and also that contractors are jointly responsible for compliance with the aforesaid legislation by subcontractors in relation to their employees for services performed in connection with the subcontract, the Committee observes that the Code does not reproduce or otherwise refer to the specific legal provisions implementing the requirements of the Convention, for instance section 36 of the Workers' Charter, or sections 7 and 13 of the Ministerial Decree No. 145 of 2000. *Bearing in mind that according to the Government's report, the aim of the Code is to incorporate all the relevant legislation currently in force and also to coordinate an area of law that until now had been highly fragmented, the Committee requests the Government to clarify how it is ensured under the terms of the new Code on public contracts that the persons tendering for contracts and the workers concerned are informed of their respective rights and obligations set out in Articles 2 to 5 of the Convention.*

Part V of the report form. The Committee notes that the Government has not supplied in recent years any information of a practical nature concerning the application of the Convention. *It would therefore be grateful if the Government would collect and transmit together with its next report up to date information on the average number of public contracts granted annually and the approximate number of workers engaged in their execution; extracts from inspection reports showing cases where payments have been retained, contracts have been cancelled or contractors have been excluded from public tendering for breach of the so-called "social clause"; sample copies of the social clause, general conditions and the certificate on social security compliance (DURC) currently in use; copies of official publications or studies of public institutions, such as the supervisory authority for contracts for works, services and supplies or the Public Contracts Observatory, addressing the social aspects of public procurement, as well as any other particulars which would enable the Committee to have a clear understanding of the manner in which the Convention is applied in practice.*

Finally, the Committee seizes this opportunity to refer to this year's General Survey which contains an overview of public procurement practices and

Labour Clauses (Public Contracts) Convention, 1949 (No. 94)

Direct request 2007/78

procedures in so far as labour conditions are concerned and makes a global assessment of the impact and present-day relevance of Convention No. 94.