28. The Netherlands

28.1. SMEs in the national economy

SMEs comprised 99.8% of Dutch enterprises and employed 65.2% of the labour force in 2015.

Table 28.1. Distribution of firms in the Netherlands, 2015
(By firm size, percentage of all firms)

<table>
<thead>
<tr>
<th>Firm size (full time employees)</th>
<th>Number</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>All firms</td>
<td>1,054,958</td>
<td>100</td>
</tr>
<tr>
<td>SMEs (0-250)</td>
<td>1,053,299</td>
<td>99.8</td>
</tr>
<tr>
<td>Micro (0-9)</td>
<td>1,001,720</td>
<td>95</td>
</tr>
<tr>
<td>Small (10-49)</td>
<td>42,755</td>
<td>4.1</td>
</tr>
<tr>
<td>Medium (50-250)</td>
<td>8,824</td>
<td>0.8</td>
</tr>
<tr>
<td>Large (250+)</td>
<td>16,824</td>
<td>0.2</td>
</tr>
</tbody>
</table>

Note: Number of employees refers to full-time employees. All industries are included, as are non-employer enterprises.

Source: (OECD, 2017[@23]).

28.2. National policy framework to support SMEs in public procurement

Facilitating SME access to the public procurement market is part of the Dutch Government’s purchasing strategy. An important measure to that end is the provision in the Dutch Public Procurement Act that prohibits contracting authorities from unnecessarily clustering contracts (article 1.5). Because of this provision, contracting authorities must consider the structure of the relevant market and the influence of clustering on SME access. If a contracting authority decides to cluster contracts, it must state the reason for this clustering. Besides this, the mandatory Proportionality Guide (Gids Proportionaliteit in Dutch) requires that contracting authorities strengthen the position of SMEs by allowing the contracting authorities to only impose requirements that are proportionate to the object and scope of the public contract. These measures have slightly improved SME participation in public contracts.

In the Netherlands, contracting authorities at local or regional level function independently from the central government and therefore may have their own strategies in place to support SMEs. This is of course constrained by legislation guaranteeing non-discrimination in tender procedures.

28.3. Implementation mechanisms

During the process of implementing the European directives (2014/14/EU) by amending the Dutch Public Procurement Act (Aanbestedingswet 2012) in 2016, there was
consultation with the branch organisation of SMEs (MKB Nederland). Furthermore, all SMEs had the opportunity to comment on the Act through Internet consultation. SMEs were also involved during evaluation of the Dutch Public Procurement Act in 2015: they were asked about their experiences with the Act. As a result of this evaluation it was concluded that the problems were mainly due to the practical application of the Act, and not the act itself. To overcome these practical problems, the project Better Public Procurement (Beter Aanbesteden) was launched in 2016 by the Dutch Government. In this project, SMEs work together with contracting authorities across different regions to identify constraints and develop concrete actions to improve the practice of public procurement. The constraints and actions are also discussed at a national level, and different branch organisations of SMEs are also consulted in these discussions.

Moreover, PIANOo, the Dutch Public Procurement Expertise Centre, encourages contracting authorities to take measures to improve the participation of SMEs in the tender procedure. Examples of these measures are, among others:

- organising local meetings with representatives of SMEs on a regular basis
- providing SMEs with detailed information about the procurement process
- discussing the criteria of the tender before the procurement process
- making SMEs aware of the possibility of creating a combination or consortium in tenders
- considering direct payment to subcontractors.

28.4. Monitoring performance

Two years after its entry into force, the Dutch Public Procurement Act of 2012 was evaluated by the Dutch Government. The goal of the evaluation was to examine the effects of the law in relation to the ambitions in the Act’s drafting:

- enhancing access for companies – especially SMEs – to government contracts
- standardising the procurement practice
- creating room for innovation and sustainability
- decreasing administrative burdens
- increasing compliance with the procurement rules.

For more information on the methodology and the results of the evaluation, please see Box 5.2.

Reference

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