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Apostolic Letter in the form of a “Motu Proprio” of the Supreme Pontiff Francis on transparency, control and competition in the procedures for awarding public contracts of the Holy See and Vatican City State

APOSTOLIC LETTER IN THE FORM OF A “MOTU PROPRIO”

of the Supreme Pontiff

FRANCIS

On transparency, control and competition

in the procedures for awarding public contracts

of the Holy See and Vatican City State

The diligence of a good family father is the general principal and of the utmost respect, on the basis of which all administrators are required to perform their functions. This is required explicitly by canon law in relation to ecclesiastical assets (canon 1284 § 1 CIC), but applies in general to any other administrator.

The global economy and increased interdependence have brought to the fore the possibility of achieving significant cost savings through the work of multiple suppliers of goods and services. These possibilities must be used above all in the management of public goods, where the need for a faithful and honest administration is even more keenly felt and urgent, given that in this area the administrator is called upon to take responsibility for the interests of a community, which go well beyond those of individuals or particular interests.

This requirement has also fostered specific and consistent regulation within the international community, which now has principles and rules that inspire conduct and show the experience of the various States. It is useful to

refer to this normative patrimony, with its related “good practices”, while keeping in mind the fundamental principles and aims of the canonical order and the peculiarity of that of Vatican City State.

For the purposes of enabling a more effective management of resources, I have therefore decided to approve a set of rules aimed at fostering transparency, control and competition in the procedures for the awarding of public contracts stipulated on behalf of the Holy See and Vatican City State. With these I intend to establish the general principles and outline a single procedure on the matter, through a body of regulations valid for the various bodies of the Roman Curia, for the Institutions administratively linked to the Holy See, for the Governorate of the State, and for the other canonical public juridical persons specifically identified.

At the same time, despite its unity and homogeneity, this discipline contemplates the necessary differences between the Holy See and Vatican City State, which are well known to law and universally considered in legal practice, including international practice, as well as the specific aims of each Entity which, by reason of its unique ecclesial service, is called upon to apply them. The promotion of a competitive and loyal contribution of economic operators, combined with transparency and control of procedures for the awarding of contracts, will enable a better management of the resources that the Holy See administers to achieve the purposes proper to the Church (see can. 1254 CIC), guaranteeing to the same operators equal treatment and the possibility of participation through a special Register of economic operators and specific procedures.

Furthermore, the operativity of the entire system will constitute an obstacle to restrictive agreements and will make it possible to reduce considerably the danger of corruption of those called upon to govern and manage the bodies of the Holy See and the Vatican City State.

This legislation, of a substantive nature, is accompanied by procedural regulations aimed at guaranteeing recourse to judicial protection in the event of disputes concerning the procedures for the awarding of public contracts or in relation to measures for registration or cancellation from the Register of economic operators.

The specific nature of the matter and the technical nature of the substantive regulations justify the extension of the jurisdiction of the judicial bodies of the Vatican City State, to which jurisdiction is attributed to deal with any disputes even in relation to entities of the Roman Curia, without prejudice to the jurisdiction of the Supreme Court of the Apostolic Signatura in the event of a conflict of attribution.

Now, therefore, that the final drafts of the aforesaid regulations have been prepared, and after due consultation and a considered evaluation of them as a whole, I resolve “Motu Proprio”, by certain science and sovereign authority, to approve the regulations referred to in the texts annexed to this Act, to be considered integral parts thereof, which must be observed in all their parts, notwithstanding anything to the contrary, even if worthy of special mention.

I propose that the original of this Motu Proprio be promulgated by publication on the website of L’Osservatore Romano, coming into force thirty days later, and then published in the *Acta Apostolicae Sedis*.

Given in Rome, at Saint Peter’s, on 19 May 2020, the eighth of my Pontificate.

FRANCIS

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To consult the Norms on transparency, control and competition in the procedures for awarding public contracts of the Holy See and Vatican City State, in Italian, see:
http://press.vatican.va/content/salastampa/it/bollettino/pubblico/2020/06/01/0315/00705.html

To consult the Norms on jurisdictional protection in matters of transparency, control and competition in the procedures for awarding public contracts of the Holy See and Vatican City State, in Italian, see:

http://press.vatican.va/content/salastampa/it/bollettino/pubblico/2020/06/01/0315/00704.html