**Compliance to TFEU Fundamental Principles**

The TFEU fundamental principles apply to all procurement activity of cross-border interest and regardless of value. This includes the principles of transparency, equal treatment and non-discrimination, proportionality and mutual recognition which should be adopted by an organisation when running a competition. This also includes contracts below the EU-regulated procurement thresholds and including contracts which are otherwise exempt from application of the Regulations).

It is the responsibility of an individual public body to decide whether, and at what level, advertising is required taking account of the procurement rules.

An organisation is largely free to decide to use the procurement procedures, tools and techniques of its own choosing where procuring a health or social care services contract. That said, as a matter of best practice, it is likely it will want to follow a procurement procedure that is proportionate to the value of the contract and to take account of some fundamental considerations (for example fair work matters and other matters described in more detail in the [statutory guidance](http://www.gov.scot/Topics/Government/Procurement/policy/ProcurementReform/ProcReformAct/statutoryguidance) which support the Act).