Contribution ID: 5b7c497b-acd4-403b-be76-ef0fd2f0e8e0
Date: 16/01/2026 14:35:44

Public Procurement Directives - revision

Fields marked with * are mandatory.

Introduction

As announced in the Political Guidelines for the next European Commission 2024-2029[1] and the 2026 Commission Work Programme[2], the European Commission is preparing a **revision of the EU Public Procurement Directives**. The main objectives of the revision are to make public investment and spending more efficient, while continuing to prevent corruption, to design tools to strengthen economic security and sovereignty and to better align public procurement policy with EU strategic policy objectives.
In preparation of the revision and following the evaluation of the EU public procurement Directives[3], the Commission is launching this public consultation to gather views from all interested parties.

This public consultation is an opportunity for everyone to share their thoughts, experiences, and ideas on how to improve public procurement in the EU ahead of the planned revision. This will improve the evidence base underpinning the initiative and enable the Commission to take into consideration information and views of citizens and stakeholders.

The questionnaire is **divided into two parts**. The first part is short and requires no detailed knowledge of public procurement law and systems. The second part is more detailed and technical, requiring specialised knowledge. If you have the opportunity to answer the second part, please set aside some extra time to provide your input.

Please note that this consultation does not cover rules related to defence procurement or the EU Remedies Directive. These areas are outside the scope of this review. The public consultation runs in parallel to a call for evidence.

[1] European Commission, Political Guidelines for the Next European Commission 2024–2029, 2024.

[2] Secretariat-General, 2026 Commission Work Programme and Annexes, European Commission, 21 October 2025.

[3] European Commission, Commission Staff Working Document – Evaluation of Directive 2014/23/EU, 2014/24/EU and 2014/25/EU (SWD (2025) 332 final), 14 October 2025.

About you

* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- (•) English
- Estonian
- Finnish
- French
- German
- Greek
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* I am giving my contribution as

- Academic/research institution

- ○ Business association
- ○ Company/business
- ○ Consumer organisation
- ○ EU citizen
- ○ Environmental organisation
- ○ Non-EU citizen
- ◉ Non-governmental organisation (NGO)
- ○ Public authority
- ○ Trade union
- ○ Other

* First name

Mathieu

* Surname

Lambert

* Email (this won't be published)

mla@uvcw.be

* Organisation name

255 character(s) maximum

Union des Villes et Communes asbl

* Organisation size

- ○ Micro (1 to 9 employees)
- ○ Small (10 to 49 employees)
- ◉ Medium (50 to 249 employees)
- ○ Large (250 or more)

Transparency register number

Check if your organisation is on the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making.

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Please add your country of origin, or that of your organisation.

This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.

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- Ethiopia
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- Libya
- Liechtenstein
- Lithuania
- Luxembourg
- Macau
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
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- Mexico
- Micronesia
- Moldova
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- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands

- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar/Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Türkiye
- Turkmenistan

- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
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- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d’Ivoire
- Croatia
- Cuba
- Curaçao
- Cyprus
- Czechia
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- Denmark
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
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- Japan
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- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena Ascension and Tristan da Cunha
- Saint Kitts and Nevis
- Saint Lucia
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia
- Zimbabwe

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association, 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

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Overall objectives

The **evaluation of the 2014 public procurement directives** (SWD(2025)332) concluded that their intended objectives have only been partially met, and several problems remain: legal clarity and flexibility did not improve, new sector-specific rules added complexity to the legal framework, transparency levels increased but corruption risks and data gaps remain, competition levels can be further enhanced, direct cross-border participation remains limited, and environmental, social and innovation procurement uptake, while progressing, remains uneven. At the same time, new priorities such as economic security and strategic autonomy have emerged, accentuated by recent geopolitical developments.

Improving efficiency and transparency of the new rules

In view of the evaluation findings, please rank the importance of the proposed characteristics of the new public
procurement legal framework in a decreasing order, starting with the most important:

The forthcoming revision should...

Use drag&drop or the up/down buttons to change the order or accept the initial order.

- **make procurement rules more flexible** (e.g. more space for negotiations, more discretion given to public buyers)
- **make procurement rules less detailed** (e.g. focus on high-level concepts, less rules defining procedural steps)
- **facilitate the aggregation of demand** (e.g. joint procurement by several authorities, reinforcing the role of central purchasing bodies, framework agreements)
- **make procurement rules less prone to litigation** (e.g. more detailed procedural rules to avoid ambiguity)
- **facilitate SMEs participation** (e.g. division into lots, payment schemes including direct payments to subcontractors)
- **make procurement rules less prone to anti-competitive practices** (e.g. wider use of digital tools to facilitate transparency)
- **reduce administrative burden through full digitalisation** (e.g. digitalisation of the entire procurement process, single digital procurement entry point, data reuse)
- **prioritise broader policy goals by moving beyond the lowest-cost paradigm** (e.g. to include objectives like sustainability, innovation, social responsibility and *Made in Europe*)

Green, social and innovative public procurement

In view of the evaluation findings, please rank the importance of the proposed characteristics of the new public
procurement legal framework in a decreasing order, starting with the most important:

The forthcoming revision should...

Use drag&drop or the up/down buttons to change the order or accept the initial order.

- **avoid additional administrative burden** (e.g. limited rules on social and green conditionalities and associated administrative and evidence requirements for companies and public buyers)
- **prioritise competition and price savings** (e.g. by avoiding ambitious green and social requirements)

- **make procurement rules less detailed** (e.g. focus on high-level concepts, less rules defining procedural steps)
- **facilitate SME participation** (e.g. division into lots, payment schemes including direct payments to subcontractors)
- **facilitate purchases of innovative solutions** (e.g. simplifying innovation partnerships, easing access to public procurement for startups)
- **facilitate socially responsible purchases** (e.g. improved working conditions, social inclusion)
- **facilitate environmentally friendly purchases** (e.g. facilitated use of ecolabels and standards, set targets for green public procurement)
- **prioritise quality over price when seeking value for money** (e.g. wider use of the of best pricequality ratio to support strategic and sustainable procurement)

Economic security and strategic autonomy

In view of the evaluation findings, please rank the importance of the proposed characteristics of the new public
procurement legal framework in a decreasing order, starting with the most important:

The forthcoming revision should...

Use drag&drop or the up/down buttons to change the order or accept the initial order.

- **avoid additional administrative burden** (e.g. minimal rules on the extent to which *Made in Europe* requirements are met)
- **make procurement rules more flexible** (e.g. more discretion given to public buyers)
- **make procurement rules less detailed** (e.g. focus on high-level concepts rather than detailed requirements on what products, services and works public buyers can purchase)
- **make procurement rules less prone to litigation** (e.g. more detailed to avoid ambiguity in case of third countries access)
- give **preference to European industry**, products and services **in sectors that are critical to EU economic security or of strategic importance** to secure Europe's independence
- give **general preference to European industry, products and services** (*Made in Europe*) to support investment, growth and jobs in the EU
- **prioritise competition and price savings** (e.g. by allowing unrestrained access to European markets to firms from outside Europe)

Expert sections

* The **following sections** deal with **more complex and technical aspects** of public procurement. If you have specialised knowledge or experience with procurement rules and procedures, you may want to respond to these questions. You can also choose not to respond to these questions. In either case, you will be invited to share any general comments you may have on the forthcoming revision of the EU public procurement directives before submitting your response to this public consultation.

- (●) Yes, I want to proceed with responding to more complex and technical questions.
- ( ) No, I prefer to proceed without responding to more complex and technical questions.

Simplification

Despite attempts to **simplify procurement procedures** and make their use more flexible through the 2014 public procurement directives, the evaluation concluded that procedures are perceived as too complex and rigid for public buyers to achieve their public investment objectives effectively.

We are considering several measures to simplify public procurement procedures. Please assess the potential of each measure to simplify the process:

More **flexible** procedures:

	High simplification potential	Some simplification potential	No or negligible impact	Additional complication potential	High complication potential
Allow negotiations throughout the procurement procedure	◉	○	○	○	○
Allow corrections of procurement documents throughout the procedure	◉	○	○	○	○
Facilitate dialogue with the market	◉	○	○	○	○
Increase flexibility in contract modifications (e.g. revising the duration, price changes)	◉	○	○	○	○
Simplify procedures for off-the shelf purchases (i.e. compliance only with basic principles, such as non-discrimination, transparency, and procedural fairness)	◉	○	○	○	○

Facilitate **joint procurement:**

	High simplification potential	Some simplification potential	No or negligible impact	Additional complication potential	High complication potential
Facilitate networking among buyers (e.g., forming buyer groups or communities of practice)	◉	○	○	○	○
Enhance the role of Central Purchasing Bodies	○	◉	○	○	○
Increase flexibility in setting the duration of framework agreements	◉	○	○	○	○
Simplify rules for setting up joint procurements, especially across borders	◉	○	○	○	○

Improve **information exchange** and **procedural time-limits**:

	High simplification potential	Some simplification potential	No or negligible impact	Additional complication potential	High complication potential
Increase time limits for submission	○	○	○	◉	○
Allow re-use of documentation submitted by bidders (once-only principle)	◉	○	○	○	○
Establish a central EU procurement platform and enhance digitisation	○	○	◉	○	○
Provide model contract templates and technical specifications templates for public buyers	○	◉	○	○	○
Set time limits for evaluating bids	○	○	○	○	◉

Support **small and medium-sized enterprises** (SMEs):

	High simplification potential	Some simplification potential	No or negligible impact	Additional complication potential	High complication potential
EU-level targets for SMEs participation in public procurement	○	○	◉	○	○
Encourage dividing contracts into smaller lots	○	◉	○	○	○
Simplify rules for forming consortia, especially for SMEs	○	○	◉	○	○

Improve **implementation** and contract management:

	High simplification potential	Some simplification potential	No or negligible impact	Additional complication potential	High complication potential
Speed up payments to contractors, especially SMEs	○	○	○	○	◉
Establish rules for direct payments to subcontractors, especially SMEs	○	○	○	○	◉
Increase use of pre-financing, especially for SMEs	○	○	○	○	◉
Establish rules for the post-award phase, including contract implementation	○	○	○	○	◉

If you wish, you may provide more information on ways to simplify procurement procedures:

Text of 5 to 1000 characters will be accepted

Text of 5 to 300 characters will be accepted

Simplification - impacts

How likely do you believe the following outcomes would occur if the **proposed simplification measures** were implemented?

	Very likely	Somewhat likely	No impact	Somewhat unlikely	Very unlikely
Increased SME participation	◉	○	○	○	○
Increased bidding by EU-based firms	○	◉	○	○	○
Reduced cost for public buyers to conduct public procurement	◉	○	○	○	○
Less corruption	○	○	◉	○	○
Increased cross-border bidding within the EU	○	◉	○	○	○
Reduced litigation	○	◉	○	○	○
Increased number of bidders	○	◉	○	○	○
Faster procurement processes	○	◉	○	○	○
Reduced cost for bidders to participate in public procurement	◉	○	○	○	○
Increased legal certainty	○	◉	○	○	○
More competition	◉	○	○	○	○
Increased buying power of public buyers	○	○	◉	○	○

Reduced price of goods /services/works	○	○	◉	○	○

If you wish, you may indicate any other likely impacts below:

Text of 5 to 1000 characters will be accepted

Text of 5 to 300 characters will be accepted

Coherence between general rules applicable to all sectors and sectoral rules

The current legislative framework define general rules regulating the procedures of public procurement. They include horizontal general rules on “how to buy”, which are applicable to all buyers and sectors. The evaluation showed that the introduction of public procurement provisions in other sectoral legal acts on both “how to buy” and “what to buy” led to a fragmentation of the regulatory framework causing concerns over legal coherence and applicability.

Should existing **sectoral rules (*)** be integrated with the new legislative framework?

*Examples of sector-specific EU legislation relating to public procurement the Net-Zero Industry Act or Clean Vehicles Directive

A) **EXISTING** SECTORAL LEGISLATION

- ○ Existing **“how and what to buy”** legal provisions in sectoral acts **should be integrated** in the general legislative framework and be removed from sectoral acts.
- ◉ Only existing **"how to buy"** legal provisions in sectoral acts **should be integrated** in the general legislative framework and be removed from sectoral acts. Existing **"what to buy"** legal provisions **should NOT be integrated** in the general legislative framework, they would remain in various sectoral acts and be amended therein to ensure coherence where required.

- ○ Existing “**how and what to buy**” legal provisions in sectoral acts **should NOT be integrated** in the general legislative framework. Any conflicting or incoherent provisions in sectoral acts would be removed.
- ○ Other:

B) **FUTURE** SECTORAL LEGISLATION

- ○ Future **“how and what to buy**” requirements **should be integrated** in the general legislative framework.
- ◉ Only future **“how to buy”** requirements **should be integrated** in the general legislative framework. Future **"what to buy"** requirements **should NOT be integrated** in the general legislative framework – they should continue to be included separately in sector-specific legislation.
- ○ Future **“how and what to buy”** legal provisions in sectoral acts **should NOT be integrated** in the general legislative framework.
- ○ Other:

Future **"what to buy"** requirements should be subject to a common rules defined in the general legislative framework to avoid conflicts or incoherencies (e.g. the new general legislative framework should foresee mechanisms and templates for harmonised legislation ensuring coherence of “what to buy” requirements contained in sector-specific rules with the general legislative framework).

- ○ Yes
- ◉ No

Concessions

The evaluation concluded that, although the EU Concessions Directive helped to harmonise procurement laws across Member States, significant inconsistencies remain. Different legal concepts are still interpreted differently across countries and sectors leading to fragmented legal frameworks. This often results in misunderstandings about applicable rules and definitions, affecting both public buyers and bidders.

Which of the following concepts require modification?

Select all that apply:

- [x] Definition of “concessions” and “operating risk” for a more consistent application of the general legislative framework and interpretation of financial, operational, regulatory, and market risks in a concession contract (Article 5)
- [ ] Rules on duration (e.g. include considerations of other elements such as technical, environmental, innovation, social, labour, etc.) (Article 18)
- [ ] Publication and transparency requirements (e.g. public buyers to publish the intent to award a concession at least one year in advance, with exceptions for emergencies, to give more time to the bidders) (Articles 30-37)
- [ ] Additional rules on the execution of the contracts (e.g. monitoring of the contract, verification of compliance with objectives, possibility of adapting to unforeseen needs through modifications of contracts, termination, etc.)
- [ ] Other:

Concessions - impacts

How likely do you believe the following outcomes would occur if the proposed concepts and rules on concessions were modified?

	Very likely	Somewhat likely	No impact	Somwhat unlikely	Very unlikely
More competition	○	○	○	○	○
Reduced price of goods /services/works	○	○	◉	○	○
Increased SME participation	○	○	◉	○	○
Increased bidding by EU-based firms	○	○	◉	○	○
Less corruption	○	○	◉	○	○
Faster procurement processes	○	○	◉	○	○
Reduced litigation	○	○	◉	○	○
Increased cross-border bidding within the EU	○	○	◉	○	○
Reduced cost for bidders to participate in public procurement	○	○	◉	○	○

Increased buying power of public buyers	○	○	◉	○	○
Increased number of bidders	○	○	◉	○	○
Reduced cost for public buyers to conduct public procurement	○	○	◉	○	○
Increased legal certainty	○	◉	○	○	○

If you wish, you may indicate any other likely impacts below:

Text of 5 to 1000 characters will be accepted

Text of 5 to 300 characters will be accepted

Digitalisation and transparency

The evaluation revealed that, while transparency has improved, persistent data gaps and quality issues, both at the EU and national levels, continue to undermine effective governance, strategic decision-making, and anti-corruption efforts. Additionally, the fragmentation of eProcurement services across the EU creates a burden on bidders and hinders cross border procurement.

Would you support the creation of a digital public procurement marketplace with a single-entry point for economic operators to public procurement procedures?

- ○ No, the current environment of eProcurement services is appropriate.
- ◉ Yes, by interconnecting all existing Member States' eProcurement services. Economic operators could use any compatible service as a single point of entry to participate in public procurement procedures across the EU.
- ○ Yes, by interconnecting all existing Member States' eProcurement services, and providing a central eProcurement service. Economic operators could use the central eProcurement service or any Member State compatible service as a single point of entry to participate in public procurement procedures across the EU.

- ○ Yes, by replacing all existing Member States' eProcurement services with one central EU eProcurement service.
- ○ No opinion.

What functionalities should the eProcurement services include?

Select all that apply:

- ☑ Access to procurement procedures **above EU thresholds** together with related procurement documents.
- ☐ Access to procurement procedures **below EU thresholds** together with related procurement documents.
- ☑ Submission of offers from economic operators.
- ☑ Access for public buyers to authentic, up-to-date information about participating economic operators on exclusion grounds (e.g., criminal convictions, bankruptcy, professional misconduct) and selection criteria (e.g. financial capacity, technical ability).
- ☐ Publication of complaints and review decisions.
- ☐ Publication of information about the completion of contracts.
- ☐ Declaration of inclusion of green, social, innovation, or *Made in Europe* aspects.
- ☑ Free access to a library of standardised procurement documents, such as technical specifications or contract templates at least to public authorities.
- ☑ Helpdesk, trainings and capacity building for SMEs.
- ☐ Other:

Digitalisation and transparency - impacts

How likely do you believe the following outcomes would occur if such a digital public procurement marketplace is set up?

	Very likely	Somewhat likely	No impact	Somwhat unlikely	Very unlikely
In case of one central eProcurement system: higher risk of cyber-attacks/security breaches	◉	○	○	○	○

Faster exchange of documents and information (including company evidence)	○	◉	○	○	○
Wider range of procurement procedures available to economic operators (especially for SMEs)	○	◉	○	○	○
Reduced cost for economic operators to participate in procurement procedures	○	◉	○	○	○
More harmonisation of tender requirements across Member States and emergence of best practices	○	◉	○	○	○
In case of one central eProcurement system: higher risks of stopping all public procurement procedures in the EU if the system fails (IT failure)	◉	○	○	○	○
Increased transparency to prevent irregular practices	○	◉	○	○	○
In case of one central eProcurement system: higher risk of cyber-attacks/security breaches	◉	○	○	○	○
Reduced cost for public buyers to conduct procurement procedures	○	◉	○	○	○
Wider access to cross-border procurement procedures in the single market (especially for SMEs)	○	◉	○	○	○
Reduced litigation	○	○	◉	○	○
Higher number of offers received	○	◉	○	○	○

If you wish, you may indicate any other likely impacts below:

Text of 5 to 1000 characters will be accepted

Text of 5 to 300 characters will be accepted

Made in Europe

Since the adoption of the 2014 public procurement directives, new priorities such as **economic security** and **strategic autonomy** have emerged. Imbalances in international market access persist and are accentuated by recent geopolitical developments.

Should European goods and services be prioritised in the procurement process?

- (●) Yes
- ( ) No

To what extent do you agree with the following statements?

European goods and services should be prioritised in procurement process...

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
1. By giving greater role / prominence / points to non-price criteria in assessment of bids (such as social, green, resilience, innovation, security, *Made in Europe*, etc.).	( )	( )	( )	(●)	( )
2. By excluding bidders from countries that are not signatories to the European Economic Area (EEA) / Government Procurement Agreement (GPA) / Free Trade Agreement (FTA) containing procurement provisions/other international agreements covering public procurement or offering goods or services originating from those countries.	( )	( )	( )	(●)	( )
3. By defining Made in Europe criteria for selection of bidders (e.g. criteria placed on business such as European location, and/or conditions placed on product or service, such as share of value added).	( )	(●)	( )	( )	( )

You "agree" or "strongly agree" with point 3 above. Should the use of such "Made in Europe" criteria be mandatory or voluntary for public buyers?

- ○ Mandatory
- ◉ Voluntary

You "agree" or "strongly agree" with point 3 above. Should such criteria be applied to:

- ◉ All sectors
- ○ Certain sectors only

If you wish, you may provide any additional information on what *Made in Europe* criteria should be included in EU legislation:

Text of 5 to 1000 characters will be accepted

The burden of proof should not fall on contracting authorities.
If it is voluntary, all sectors should be subject to such provisions ; but if it is mandatory, only certain sectors, namely IT/AI, Defense, sensitive sectors.

Made in Europe - impacts

How likely do you believe the following outcomes would occur if **any type of prioritisation of European products and services** was to be implemented?

	Very likely	Somewhat likely	No impact	Somewhat unlikely	Very unlikely
Increase in administrative cost (verification if conditions are met)	◉	○	○	○	○
Meeting environmental goals (e.g. shortening supply chains, carbon footprint)	○	◉	○	○	○
Lower number of bids received	○	◉	○	○	○
Boost investments levels in the EU (e.g. reindustrialisation, reshoring, more FDI)	○	◉	○	○	○
Easier access to procurement for EU SMEs	○	◉	○	○	○

Increase in price of goods and services purchased	◉	○	○	○	○
Boost EU innovation	○	◉	○	○	○
Retaliation by 3rd countries (exclusion of EU companies from their procurement)	◉	○	○	○	○
EU economic operators could have to adjust their supply chains to be able to bid	◉	○	○	○	○
Increase security of supply	◉	○	○	○	○
Boost EU employment	○	◉	○	○	○
Increased chance of winning for EU bidders	◉	○	○	○	○
Reduced litigation	○	○	○	◉	○
Better quality of products /services/works	○	○	◉	○	○
Increased administrative cost for EU biddders due to additional documents or evidence	○	◉	○	○	○

If you wish, you may indicate any other likely impacts below:

Text of 5 to 1000 characters will be accepted

Text of 5 to 300 characters will be accepted

Green, social and public procurement of innovation - BPQR

The 2014 public procurement reform sought to encourage the uptake of green, social and innovation aspects in public procurement, supporting broader EU policy goals. Public buyers can decide to introduce such quality considerations (green, social, innovation) at different stages

of the procurement process and through different means (e.g. via award criteria, or technical specifications). However, the evaluation concluded that public buyers do not systematically make use of these possibilities.

Best price-quality ratio

The “most economically advantageous tender” (MEAT) can be identified on the basis of price or cost effectiveness only, or can include quality considerations by using the best price-quality ratio (BPQR).

Should EU law require public buyers to include minimum quality requirements in **technical specifications,** subject to a comply-or-explain mechanism?

- (●) Yes
- ( ) No

Should any change be made to the current contract **award criteria** practice based on the “most economically advantageous tender” (MEAT)?

- ( ) Yes
- (●) No

How likely do you believe the following outcomes would occur if the future general legislative framework incentivised BPQR?

	Very likely	Somewhat likely	No impact	Somwhat unlikely	Very unlikely
Better quality of products /services/works	( )	( )	( )	(●)	( )
More reshoring, reindustrialisation of the EU, more FDI in the EU	( )	( )	( )	(●)	( )
Reduced number of bids received	( )	(●)	( )	( )	( )
Reduced litigation	( )	( )	( )	(●)	( )
Increased security of supply	( )	( )	( )	(●)	( )
Higher costs for EU bidders (additional environmental /social elements)	( )	(●)	( )	( )	( )
Higher price of goods/services /works purchased	(●)	( )	( )	( )	( )

Boost to EU innovation	○	○	◉	○	○
Wider access to cross border procurement (especially for SMEs)	○	○	○	◉	○
Improved working conditions	○	○	◉	○	○
Increased administrative cost for public buyers (verification if conditions are met)	◉	○	○	○	○
Achievement of strategic policy goals (e.g. environmental, social, innovation)	○	○	◉	○	○
Increased efforts for bidders to adjust their supply chains to be able to bid	○	◉	○	○	○
Higher chances of winning for EU firms	○	◉	○	○	○

Green public procurement

Regarding green public procurement, the evaluation concluded that environmental aspects are incorporated into approximately 25% of contracts across the EU. However, the level of adoption differs significantly among Member States.

To what extent do you agree with the following statements on green/environmentally friendly public procurement?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
1. No amendments are required to the existing legal framework regarding environmental provisions, including both the general legislative framework and public procurement provisions in sectoral legislation.	○	◉	○	○	○
2. The general legislative framework should further incentivise the use of green public procurement.	○	○	◉	○	○
3. EU public procurement law should mandate further green public procurement obligations.	○	○	○	○	◉

Green public procurement - impacts

How likely do you believe the following outcomes would occur as a result of further **incentivising** the use of green public procurement?

	Very likely	Somewhat likely	No impact	Somwhat unlikely	Very unlikely
Easier access to cross border procurement within the EU	○	○	◉	○	○
Better quality of products / services / works	○	○	◉	○	○
Increased prices of products / services / works	◉	○	○	○	○
Increased administrative burden for public buyers	◉	○	○	○	○
Higher SME participation	○	○	◉	○	○
Achievement of environmental policy goals	○	○	◉	○	○
Increased chance of winning calls for tender by EU bidders	○	○	◉	○	○
Reduced litigation	○	○	○	◉	○
Higher administrative burden for EU bidders	◉	○	○	○	○
Boost EU innovation	○	○	◉	○	○
Reduced competition	○	○	◉	○	○
Boost EU employment	○	○	◉	○	○
Increased costs for EU bidders	○	◉	○	○	○

If you wish, you may indicate any other likely impacts below:

Text of 5 to 1000 characters will be accepted

Text of 5 to 300 characters will be accepted

How likely do you believe the following outcomes would occur as a result of **mandating** further green public procurement obligations?

	Very likely	Somewhat likely	No impact	Somwhat unlikely	Very unlikely
Boost EU innovation	○	○	◉	○	○
Reduced competition	○	◉	○	○	○
Increased costs for EU bidders	◉	○	○	○	○
Higher administrative burden for EU bidders	◉	○	○	○	○
Increased chance of winning calls for tender by EU bidders	○	○	◉	○	○
Reduced litigation	○	○	○	◉	○
Boost EU employment	○	○	◉	○	○
Higher SME participation	○	○	○	◉	○
Increased administrative burden for public buyers	◉	○	○	○	○
Increased prices of products / services / works	◉	○	○	○	○
Easier access to cross border procurement within the EU	○	○	○	◉	○
Achievement of environmental policy goals	○	○	◉	○	○
Better quality of products / services / works	○	○	○	◉	○

If you wish, you may indicate any other likely impacts below:

Text of 5 to 1000 characters will be accepted

Text of 5 to 300 characters will be accepted

Social considerations in public procurement

The evaluation concluded that, although it is difficult to estimate the uptake of socially responsible public procurement practices, this has been gaining traction in recent years even if adoption among Member States remains uneven.

To what extent do you agree with the following statements concerning socially responsible public procurement?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
1. No amendments are required to the existing legal framework regarding social provisions.	○	◉	○	○	○
2. EU public procurement law should further incentivise the use of socially responsible public procurement.	○	○	○	◉	○
3. The general legislative framework should mandate further socially responsible public procurement obligations.	○	○	○	○	◉

Social considerations in public procurement - impacts

How likely do you believe the following outcomes would occur as a result of further **incentivising** the use of socially responsible public procurement?

	Very likely	Somewhat likely	No impact	Somewhat unlikely	Very unlikely
Reduced competition	○	○	◉	○	○
Increased prices of products / services / works	◉	○	○	○	○
Poverty reduction and increased social inclusion	○	○	◉	○	○
Improved working conditions	○	○	◉	○	○
Boost EU industry	○	○	◉	○	○
Reduced litigation	○	○	○	◉	○
Increased costs for EU bidders	◉	○	○	○	○

Make cross-border participation more difficult	○	○	◉	○	○
Higher administrative burden for EU bidders	◉	○	○	○	○
Reduced risk of labour and social law breaches	○	○	◉	○	○
Increased chance of winning calls for tender by EU bidders	○	○	◉	○	○
Boost EU employment	○	○	◉	○	○
Better quality of products / services / works	○	○	○	◉	○
Increased administrative burden for public buyers	◉	○	○	○	○
Higher SME participation	○	○	○	◉	○

If you wish, you may indicate any other likely impacts below:

Text of 5 to 1000 characters will be accepted

Text of 5 to 300 characters will be accepted

How likely do you believe the following outcomes would occur as a result of **mandating** further socially responsible public procurement obligations?

	Very likely	Somewhat likely	No impact	Somewhat unlikely	Very unlikely
Increased prices of products / services / works	◉	○	○	○	○
Boost EU industry	○	○	◉	○	○
Improved working conditions	○	○	◉	○	○
Reduced competition	○	◉	○	○	○
Reduced litigation	○	○	○	◉	○
Make cross-border participation more difficult	○	○	◉	○	○

Increased costs for EU bidders	◉	○	○	○	○
Increased administrative burden for public buyers	◉	○	○	○	○
Poverty reduction and increased social inclusion	○	○	◉	○	○
Better quality of products / services / works	○	○	◉	○	○
Higher administrative burden for EU bidders	◉	○	○	○	○
Boost EU employment	○	○	◉	○	○
Increased chance of winning calls for tender by EU bidders	○	○	○	◉	○
Higher SME participation	○	○	○	◉	○
Reduced risk of labour and social law breaches	○	○	◉	○	○

If you wish, you may indicate any other likely impacts below:

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Text of 5 to 300 characters will be accepted

Public procurement of innovation

Regarding public procurement of innovation, the evaluation concluded that its uptake remains very low across Member States, representing a marginal share of the total public procurement value and volume, despite its potential to stimulate innovation.

To what extent do you agree with the following statements concerning public procurement of innovation?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree

1. No amendments are required to the existing legal framework regarding the public procurement of innovation.	○	◉	○	○	○
2. EU public procurement law should further **incentivise** the public procurement of innovation.	○	○	○	◉	○
3. EU public procurement law should **mandate** the public procurement of innovation requirements.	○	○	○	○	◉

Public procurement of innovation - impacts

How likely do you believe the following outcomes would occur as a result of **incentivising** public procurement of innovation?

	Very likely	Somewhat likely	No impact	Somewhat unlikely	Very unlikely
Reduced competition	○	◉	○	○	○
Higher administrative burden for EU bidders	◉	○	○	○	○
Increased administrative burden for public buyers	◉	○	○	○	○
Increased chance of winning calls for tender by EU bidders	○	○	○	◉	○
Easier access to cross border procurement within the EU	○	○	○	○	◉
Increased costs for EU bidders	◉	○	○	○	○
Increased prices of products / services / works	◉	○	○	○	○
Higher SME participation	○	○	○	◉	○
Boost EU employment	○	○	◉	○	○
Reduced litigation	○	○	○	○	◉
Boost EU industry	○	◉	○	○	○
Boost EU innovation	○	◉	○	○	○
Better quality of products / services / works	○	○	◉	○	○

If you wish, you may indicate any other likely impacts below:

Text of 5 to 1000 characters will be accepted

Text of 5 to 300 characters will be accepted

How likely do you believe the following outcomes would occur as a result of **mandating** public procurement of innovation?

	Very likely	Somewhat likely	No impact	Somewhat unlikely	Very unlikely
Boost EU industry	○	◉	○	○	○
Boost EU innovation	○	◉	○	○	○
Increased prices of products / services / works	◉	○	○	○	○
Better quality of products / services / works	○	○	◉	○	○
Increased chance of winning calls for tender by EU bidders	○	○	○	◉	○
Boost EU employment	○	○	◉	○	○
Easier access to cross border procurement within the EU	○	○	○	○	◉
Increased administrative burden for public buyers	◉	○	○	○	○
Increased costs for EU bidders	◉	○	○	○	○
Higher administrative burden for EU bidders	◉	○	○	○	○
Reduced competition	◉	○	○	○	○
Reduced litigation	○	○	○	○	◉
Higher SME participation	○	○	○	○	◉

If you wish, you may indicate any other likely impacts below:

Text of 5 to 1000 characters will be accepted

Text of 5 to 300 characters will be accepted

Final comments

Would you like to make any additional comments or provide further information relevant for the revision of the EU public procurement legal framework, including on the impacts of policy choices (e.g. quantify impact in terms of costs and benefits)?

Text of 5 to 3000 characters will be accepted

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GROW-D2@ec.europa.eu