

Follow up to the European Parliament non-legislative resolution on Public procurement

- 1. Rapporteur:** Piotr MÜLLER (ECR / PL)
- 2. References:** 2024/2103(INI) / A10-0147/2025 / P10_TA(2025)0174
- 3. Date of adoption of the resolution:** 9 September 2025
- 4. Competent Parliamentary Committee:** Committee on the Internal Market and Consumer Protection (IMCO)
- 5. Brief analysis/ assessment of the resolution and requests made in it:**

The European Parliament recognises public procurement as a strategic lever for competitiveness, resilience and the quality of public services. It calls on the Commission to review the 2014 Directives in order to ensure legal certainty and competitiveness, while allowing for a broader use of qualitative, social and sustainability criteria.

The European Parliament emphasises technological neutrality, open and competitive markets, and long-term commercial viability as guiding principles for public investment decisions. The Parliament indicates great importance to quality rather than the lowest price, encouraging contracting authorities to rely more on the most economically advantageous tender (MEAT), with particular emphasis on non-price factors such as quality, regional impact and continuity of supply.

It calls for robust professionalisation: training, guidance and funding at EU level to help purchasers apply non-price criteria and life-cycle approaches with confidence. In order to improve integrity and trust, it recommends concrete anti-corruption measures with proportionate justifications for negotiated procedures without prior publication.

To address operational bottlenecks, Parliament advocates better alignment of public procurement rules for public enterprises with commercial practices to avoid cost inflation and delays in critical sectors such as energy and utilities. It calls for greater consistency between European rules. With regard to concessions, it calls for a reflection on whether contract duration adequately reflects investment needs after award and whether greater flexibility could unlock investment in infrastructure.

Parliament stresses the need to strengthen the EU's toolbox to ensure reciprocity and a level playing field in international public procurement,

noting the role of the International Instrument on Public Procurement and the Foreign Subsidies Regulation, as well as recent Court of Justice of the European Union (CJEU) case law clarifying the position of foreign bidders from non-signatory countries. It urges the Commission to provide clear rules for the treatment of non-European products and operators and to prevent divergent national practices. The Parliament stresses that any shift towards European preference in strategic sectors must be proportionate, transparent and fully compliant with WTO commitments and the EU's international obligations, avoiding fragmentation of the internal market and protectionism.

Parliament advocates the strategic use of public procurement to support resilience, EU industrial capacity and security of supply. It calls for the exploration of proportionate criteria relating to European content or resilience in sensitive areas and, for projects of strategic interest (e.g. critical infrastructure, cutting-edge technologies, critical raw materials), it proposes to allow requirements for industrial partnerships with EU-based entities, including clauses on the transfer of technology, know-how and skills, in accordance with European and international law.

With regard to sustainability and social standards, Parliament calls for the establishment of a practical, sector-specific toolbox comprising standard technical and award criteria, verification methods and contractual clauses, provided that it does not impose disproportionate costs, guarantees technological neutrality, preserves competition and reflects the diversity and availability of products and services. It endorses reliable EU-wide labels and certifications to implement sustainability and reaffirms, in line with CJEU case law, that contracting authorities may include requirements based on national labour law (e.g. collective agreements, equal pay) in tender documents. It also addresses the challenges of enforcing legislation in long subcontracting chains and calls for better tools to ensure accountability and compliance.

Finally, the European Parliaments links public procurement, territorial cohesion and food security, encouraging mechanisms that strengthen regional economic resilience and the quality of local jobs without unduly favouring certain regions or sectors. It calls for the evaluation of options such as minimum quotas for local products where appropriate and feasible, supports healthier and more sustainable food policies in public procurement, and encourages cooperation between public authorities by recommending a broader and clearer exemption for cooperation between contracting authorities in order to improve service delivery and reduce costs. Finally, it advocates the full digitisation of public procurement to reduce red tape, increase transparency and facilitate SME and cross-border participation, while maintaining high security standards.

6. Response to the requests and overview of the action taken, or intended to be taken, by the Commission:

The European Commission welcomes the European Parliament's own-initiative report on public procurement and appreciates the constructive engagement and valuable input provided by the Parliament. Public procurement represents approximately 15% of European GDP, with an estimated value of €2.565 trillion in 2023, and constitutes a powerful lever for achieving competitiveness and economic security. The Commission acknowledges the Parliament's comprehensive analysis and recognises the alignment between many of the Parliament's recommendations and the Commission's priorities as outlined in the Political Guidelines for 2025-2029.

With regard to the **call to streamline and clarify the focus of public procurement goals, including those for strategic procurement** (paragraph 1), the Commission will examine as part of its impact assessment policy options to achieve these objectives. Concerning the **evaluation and the call for a regulatory impact assessment** (paragraph 2), the Commission confirms that the evaluation of the current legal framework was published on the 14 October 2025¹ and is followed by a public consultation launched on 3 November in preparation of a comprehensive impact assessment that will be carried out ahead of the revision of the public procurement legislative framework, announced² for the second quarter of 2026.

With regard to the call to **fully align the public procurement reform with strategic objectives aimed at reducing bureaucracy and regulatory burdens, simplification, maintaining high standards, and boosting competitiveness** (paragraph 3), the evaluation has confirmed the need for simplification within the current framework, finding that 54.1% of respondents to the open public consultation stated that the Directives had not lead to simpler rules. In light of this, the Commission will examine how the reform can address these multiple objectives in a coherent manner and how procedures can be made simpler and more flexible.

Concerning the **call to assess the most appropriate legal instrument for the forthcoming reform** (paragraph 4), the Commission will take this into consideration as part of its impact assessment process, examining different legal options in light of the need for legal certainty, coherence with existing

¹ Commission staff working document evaluation of Directive 2014/23/EU on Concessions, Directive 2014/24/EU on Public Procurement and Directive 2014/25/EU on Utilities

² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Commission work programme 2026 Europe's Independence Moment

frameworks, and the objectives of simplification and modernisation. With regard to the call to **carefully assess any legal changes that could further constrain the purchasing power of contracting authorities and limit available vendors** (paragraph 12), the Commission will examine in the impact assessment the potential effects of different policy options on contracting authorities and on economic operators.

Concerning the call to **make use of advanced digital tools and platforms to increase transparency and accountability and deter corruption practices** (paragraph 18), the evaluation found that the 2014 Directives effectively increased the transparency of procurement procedures by almost doubling the number of tenders published on Tenders Electronic Daily (TED). However, the evaluation also identified persistent data gaps and concerns over data quality, finding that despite regulatory efforts, the lack of publication of key information has increased in many Member States. The Commission will therefore examine how digital tools can be better leveraged to enhance transparency and accountability in public procurement processes, not least to avoid irregular practices and corruption.

With regard to the call to assess the **possibilities for advocating an increase in thresholds at international level and to introduce a mechanism taking into consideration inflation rates** (paragraph 22), the Commission recalls that the thresholds of the 2014 Directives are determined by the WTO Government Procurement Agreement (GPA), to which the EU is a party. Any increase in thresholds would therefore require negotiations at the international level with and agreed by all GPA parties.

Concerning the call to **systematically analyse procurement data to identify and address underlying causes of declining competition and inefficiencies** (paragraph 23), the Commission recalls the work carried out within the framework of the evaluation of the 2014 Directives and will examine how procurement data can be better collected. With regard to the call to **analyse how procurement rules for public undertakings should be better aligned with commercial practices** (paragraph 25), the Commission has made a comparison analysis between the efficiency of public and private procurement as part of its evaluation³ and shows a gradually growing recognition of the cost and time-effectiveness of public procurement compared with the private market.

On the call to **rethink how future procurement legislation should safely facilitate and secure digitalisation, to adopt a digital-first approach in the revision and request to explore options for introducing a public procurement digital passport** (paragraph 28, 29 and 30), the Commission

³ Commission staff working document evaluation of Directives 2014

will examine how the legislative framework can support digitalisation and the interoperability of certain processes. With regard to the call to **streamline and clarify standard procurement documentation, including the European single procurement document (ESPD)** (paragraph 31), the Commission will examine how procurement documentation can be simplified and clarified and concerning the call to **ensure enforcement of uniform cybersecurity standards** (paragraph 32), the Commission will examine how to improve resilience in public procurement.

The European Parliament calls on the Commission to **propose harmonisation where it can deliver the greatest added value** (paragraph 36). The evaluation's findings on regulatory incoherences and the interaction between public procurement provisions in sectoral legislation and the 2014 Directives will inform this assessment. The Commission will assess which areas would most benefit from harmonisation.

Concerning the call to **strengthen the professionalisation and training of procurement officials** (paragraph 37), the Commission recalls that while the Directives do not include legal measures affecting the professionalisation of contracting authorities, the Commission and Member States have taken numerous measures to this effect. The evaluation concluded that the increasing complexity of procurement, has reinforced the need for a highly skilled procurement workforce and administrative capacity.

With regard to the call to put **forward concrete actions to combat corruption and increase transparency in the use of negotiated procedures without prior publication** (paragraph 39), the evaluation found that the total cost of corruption risk in public procurement in the EU-27 between 2016 and 2021 across all sectors has been estimated at EUR 29.6 billion. The use of negotiated procedures without publication decreased from 7% (2006-2010) to around 5% (2017-2024). In light of the Parliament's call and also these findings, the Commission will analyse which tools are most appropriate for combating corruption and increasing transparency in public procurement.

Concerning the **call to assess the possibility of allowing small contracting authorities to use simplified procedures** (paragraph 42 - first instance), the evaluation confirmed that procedures are perceived as too complex and rigid. Simplification will be central to the impact assessment.

With regard to the call to **review and assess sector-specific procurement rules and streamline them** (paragraph 42 - second instance), the evaluation concludes that the interaction between public procurement provisions in sectoral legislation and the 2014 Directives has created regulatory incoherences that further complicate public procurement. The impact

assessment will assess how greater coherence could be achieved in the upcoming legal framework.

Concerning the call to **clarify concepts to incentivise the use of criteria other than price only** (paragraph 45), the Commission will assess what clarifications would enable and incentivise contracting authorities to more confidently consider long-term economic benefits throughout the life cycle. On the need to **streamline administrative processes, refine selection criteria and issue standardised criteria in the form of non-binding Commission guidelines** (paragraph 48), the Commission will examine how administrative processes can be simplified and how selection criteria can be made more effective. On the call to **support the development of a data-driven risk analytics platform** (paragraph 49) and the **call to study the feasibility of an EU-wide register of declarations of interest** (paragraph 51), the Commission will analyse their potential and whether to take them into account in the impact assessment.

Concerning the call to **make full use of available tools such as the EU's trade defence toolbox to prevent unfair competition from non-EU countries** (paragraph 54), the Commission recalls that as part of the International Procurement Instrument⁴ (IPI) the Commission analyses substantiated complaints concerning alleged measures or practices restricting access for European companies, goods or services to procurement markets in third countries, including China. After a preliminary assessment, the Commission may open an investigation that may lead to restrict the access of economic operators, goods and services of the third country concerned to EU procurement markets, if that third country does not remove its barriers.

With regard to the call to **allow procedures enabling a quicker reaction** (paragraph 55), the evaluation indeed found that stakeholders often highlight that the system still does not allow the possibility to adapt to unforeseeable situations. The Commission will examine what procedural adjustments could enable responses to changing circumstances.

Concerning the call to **take decisive action against non-EU entities that exploit subsidies to undercut prices or dominate tenders** (paragraph 56), the Commission indicated that under the preliminary review process, it

⁴ Regulation (EU) 2022/1031 of the European Parliament and of the Council of 23 June 2022 on the access of third-country economic operators, goods and services to the Union's public procurement and concession markets and procedures supporting negotiations on access of Union economic operators, goods and services to the public procurement and concession markets of third countries (International Procurement Instrument - IPI) (Text with EEA relevance), *OJ L 173, 30.6.2022, pp. 1-16*

examines all submissions received under the Foreign Subsidies Regulation⁵. After the preliminary review, the Commission opens an in-depth investigation if there are sufficient indications that a bidder received foreign subsidies likely to distort the internal market.

On the European Parliament call **to set out clearly that bidders from non-EU countries are not eligible to participate in EU public procurement procedures if their country of origin does not give reciprocal market access** (paragraph 58), the Commission reminds that in the judgments of the cases Kolin⁶ and Qingdao⁷, the Court of Justice of the European Union established that it is already today up to the individual public buyer in the Member State to decide on participation of bidders from countries for which concerned contract is not covered by the Government Procurement Agreement or free trade agreements and, if yes, on what conditions. In light of these rulings, the Commission will also examine options for strengthening European preference provisions as part of its impact assessment.

With regard to the call to consider **exempting public-public cooperation from the scope of the procurement directives without further restrictive conditions** (paragraph 62), the evaluation revealed that contracting authorities and stakeholders reported difficulties in interpreting the provisions on contracts between public sector entities. The Commission will examine the appropriate framework for cooperation between public authorities.

Concerning the **call to develop guidance and a legal framework that empowers contracting authorities to apply social criteria based on national labour law** and with regard to **the call to assess the inclusion of social criteria in procurement procedures and provide a clear legal and policy framework and practical guidance** (paragraph 65 and 66), the evaluation indicated that the adoption of socially responsible public procurement is gaining ground but is difficult to evaluate from available evidence. With regard to the call to examine **how sustainability-related aspects can be better integrated when applying the principle of the most economically advantageous tender** (paragraph 67 - first instance), the evaluation found that the voluntary nature of the green public procurement provisions in the Directives, coupled with the absence of any definition of green public procurement provisions, has led to regulatory differences between Member States and an unequal implementation of green public procurement provisions across the EU. Finally, on the call to **develop**

⁵ Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 on foreign subsidies distorting the internal market

⁶ C-652/22 Judgment - 22/10/2024 - Kolin İnşaat Turizm Sanayi ve Ticaret

⁷ C-266/22 Judgment - 13/03/2025 - CRRC Qingdao Sifang and Others

a set of criteria with the aim of fostering innovation in sustainable technologies (paragraph 67 – second instance), the evaluation shows that despite many initiatives, the uptake of public procurement of innovation remains very low across Member States. The Commission will examine socially responsible public procurement, green public procurement provisions, and innovative public procurement as part of its impact assessment.

With regard to the **call to conduct an in-depth impact assessment on possible ways and implications of prioritising the 'European preference' principle in procurement related to strategic industries** (paragraph 69) and to **assess the recommendation in the Draghi report regarding minimum quotas for locally produced goods** (paragraph 60), European Commission President von der Leyen, when announcing a revision of the EU public procurement rules, emphasised the strategic importance of public procurement and announced the introduction of 'Made in Europe' criteria for certain strategic sectors⁸. Executive Vice-President Séjourné additionally underlined the enormous potential of public procurement as part of the European investment strategy to boost EU competitiveness, resilience and economic security⁹. The introduction of 'Made in Europe' criteria aims to create lead markets and promote the economic capacity of the EU, as well as to use the integrated single market for public procurement as an instrument to promote European purchases. As part of its impact assessment, the Commission will assess policy options for the implementation of 'Made in Europe' criteria in public procurement.

With regard to the call to examine **whether the current framework for the duration of concession contracts adequately reflects post-award investments** (paragraph 72), the Commission recalls that the evaluation has highlighted that concession contracts differ from standard public contracts because they are usually high-value, complex, and involve the transfer of an operating risk. These fundamental characteristics directly influence how the duration of such contracts is regulated. The Commission will consider the specificities that arise in the post-award phase during the concession implementation into consideration as part of its review and will analyse whether any changes need to be made as part of the impact assessment.

With regard to the **call to explore whether the creation of an EU-level digital database of prequalified SMEs could help streamline procedures** (paragraph 78) and **concerning the call to consider mainstreaming the division of contracts into smaller lots** (paragraph

⁸ *Europe's choice - Political Guidelines for the next European Commission 2024-2029*

⁹ Confirmation hearing of Stéphane Séjourné Executive Vice-President-Designate of the European Commission, 12.11.2024

79), the evaluation shows that the 2014 Directives and supportive measures (e.g. guidance, helpdesks) effectively improved access of SMEs to procurement markets, with SMEs winning 71% of contracts published in TED in 2017-2024 compared to 64% prior to the 2014 reform. In line with this, the issue of SME access to public procurement contracts will be part of the impact assessment.

With regard to the **call to ensure that public procurement processes are made more accessible and transparent by providing easily understandable summary tables or overviews** (paragraph 81), and to **ensure the 'once only' principle is applied consistently at all levels of administration** (paragraph 84), the evaluation highlights that majority of respondents to the open public consultation survey do not believe that the Directives have established simpler rules for EU public procurement and 69% of local and regional authorities report increased complexity arising from gold-plating, i.e. the addition of regulatory requirements by Member States when transposing the EU Directives. As pointed out above, the Commission will place the issue of simplification at the heart of its impact assessment.

On the call to **examine the permissibility of alternative proposals** (paragraph 83), to **consider introducing a regime for joint and several liability** (paragraph 88) and on the call to **strengthen the existing possibility for Member States and contracting authorities to reserve participation in public procurement procedures specifically to actors operating on a non-profit basis** (paragraph 90), the Commission will analyse whether it is relevant to take them into account in the impact assessment.

Concerning the call to **develop and promote programmes at EU level with a focus on making better use of non-price criteria by establishing 'ready-to-use' environmental and social criteria** (paragraph 89), the Commission recalls that it has launched various initiatives aimed at promoting socially responsible public procurement. These efforts included the provision of training sessions for public procurement officers in all 27 Member States¹⁰, the publication of guidance documents¹¹ or the compilation of good socially responsible public procurement examples¹². On environmental criteria, the European Commission subsequently developed numerous activities and tools, such as the Green Public Procurement Helpdesk¹³, voluntary Green Public Procurement Criteria and EU Ecolabel

¹⁰ “Buying for Social Impact” 2018 and “We Buy Social” 2022 projects

¹¹ “Buying Social Guide” 2021, “How to apply SRPP” 2025

¹² “71 Good Practice Cases” 2020

¹³ European Commission - Green Public Procurement. Procuring goods, services and works with a reduced environmental impact throughout their life cycle

Manuals¹⁴, the Urban Agenda for the EU Public Procurement¹⁵. Efforts towards this direction will be continued.

Concerning the call to **update tools for monitoring competition in public procurement** (paragraph 92), the evaluation's findings that data gaps and quality issues at both EU and national level hamper effective governance and strategic decision-making highlight the importance of improved monitoring tools.

¹⁴ European Commission - Green Public Procurement Criteria and Requirements (https://green-forum.ec.europa.eu/green-business/green-public-procurement/gpp-criteria-and-requirements_en)

¹⁵ Urban Agenda for the EU Public Procurement - Working together for better cities (<https://uapublicprocurement.eu>)