

The review of EU public procurement Directives

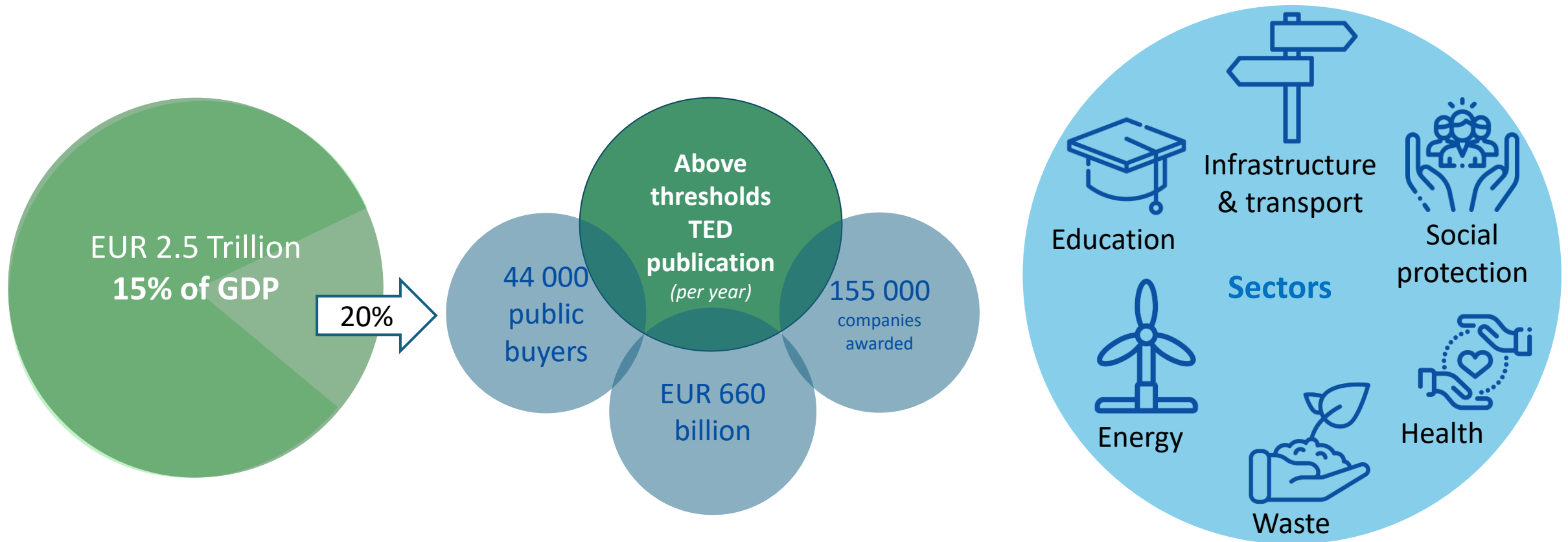
*ADACI International convention on Public Procurement
Rome, 7 November 2025*

Ivo Locatelli

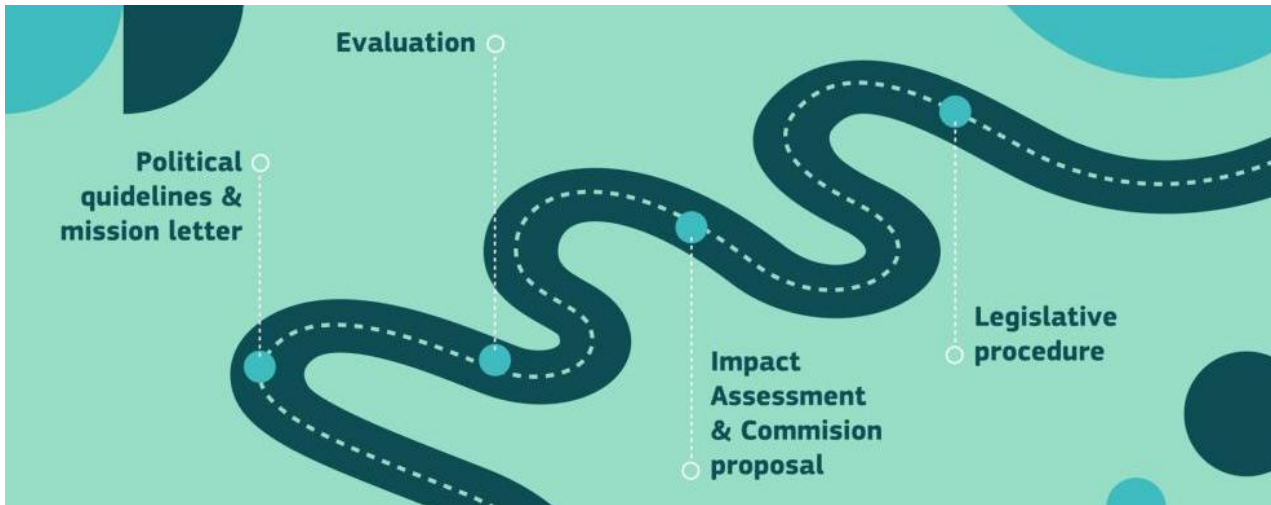
Former Senior Expert European Commission
Public Procurement Policy unit

Context and process

Public procurement in the EU



On the process

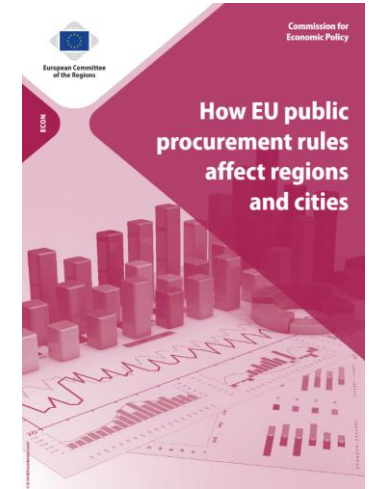


- **Call for Evidence** (949 contributions) and **open public consultation** (732 replies)
- **Targeted** consultations & **bilateral** meetings with stakeholders
- **Commission expert groups**
- **External studies**



2024/2103(INI)

Public procurement



Sources of input

Call for Evidence
(949 contributions) and
**open public
consultation** (732
replies)

Targeted consultations:
EU Social Dialogue; Common
Provisions Regulation partners; NGOs
and civil society on sustainability;
concessions, utilities and energy
stakeholders; SMEs; LRAs

**Bilateral
consultations:**
+100 stakeholders

Committee of the Regions

- **Opinion** in prep. (Q1 2026)
- **Study:** How EU public procurement rules affect regions and cities
- **Report** on the CoR consultation

Expert groups:

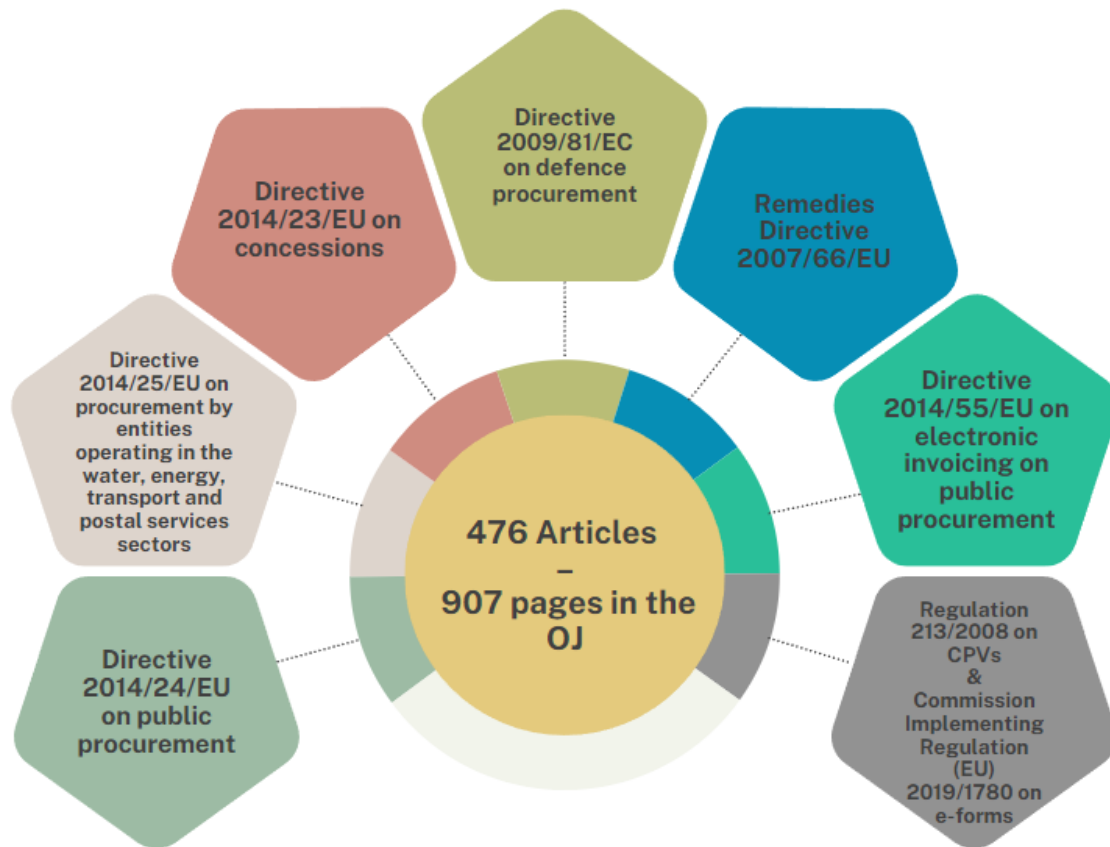
Government Experts (EXPP), Stakeholders Experts (SEGPP), Experts on e-procurement (EXEP), Network of First Instance Review Bodies on PP, Green PP Advisory Group, European Innovation Council Forum WP on Innovation Procurement, Experts on Social Economy and Social Enterprises, Central Purchasing Bodies Network.

The forthcoming public procurement reform

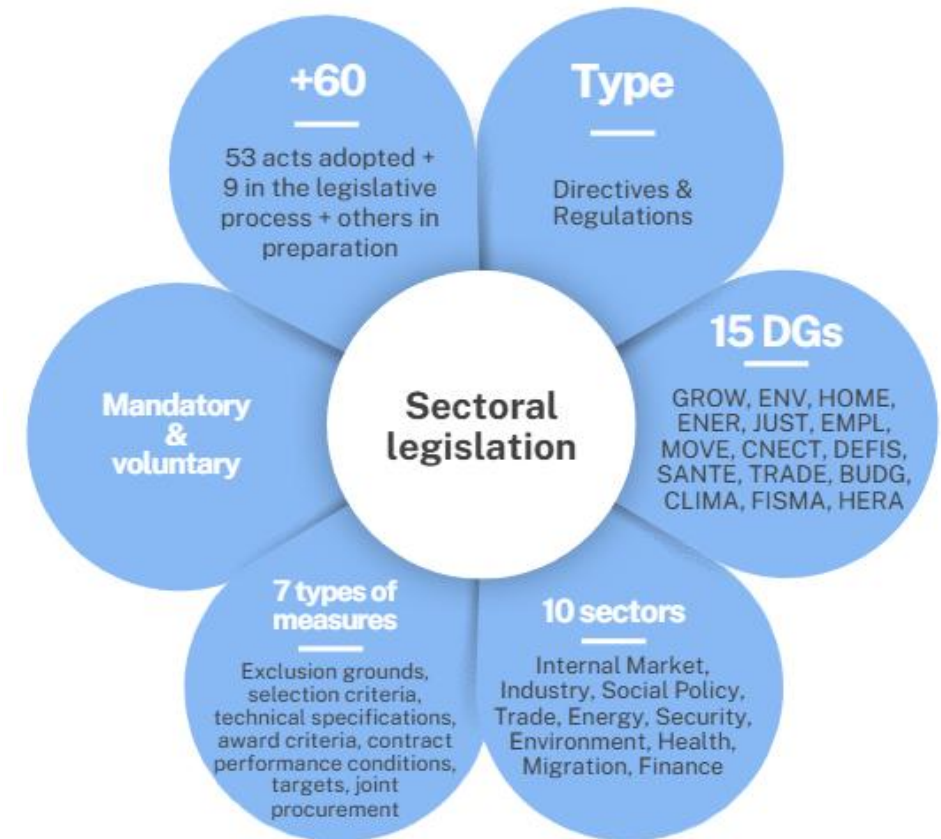


- **Efficient public investment:** there is a need for **consistency** of the legal framework, **simplification** of procedures and a “**digital by design**” system.
- “**Made in Europe**” **vision** to create **lead markets**, secure EU **economic capacity** in strategic sectors and strengthen our **competitiveness**.
- **Strategic role of public procurement:** public buyers should be better enabled to take into account **long-term economic benefits**, including **quality**, **innovation**, **resilience** and **environmental** and **social** considerations.

Public procurement legal framework: from **how** to buy to **what** to buy



+



Evaluation of the 2014 Public Procurement Directives

- Main Conclusions -

Legal scope

Objective: greater clarity and legal certainty

Not achieved

New concepts and the interaction between three instruments **created** new **challenges**

Concessions Directive improved **certainty**, but national differences remain. **Utilities** Directive **works** but opt-outs still need **clarification**

Proliferation of specific/sectoral laws introduced **incoherence, complexity** and **uncertainty**

Procedures

Objective: simpler, more flexible and faster procedures

Partially achieved

The **open procedure** was used in **82%** of cases : the introduction of multiple procedures in practice did **not** result in **flexibility**

Limited possibility to **adapt** to unforeseeable situations or **negotiate** best outcomes

No consistent **decrease** in length of procedures that continue to be perceived as **lengthy**. Increased **costs** of procedures

E-procurement helped, but some **tools** (notably the ESPD) **fell short** of intended impact

Competition

Objective: fair & open competition

Partially achieved

Bids per procedure **fell** from 5.4 to 3.4 but high-value contracts **continued to attract** strong competition (**9.2 bids**)

Number of procedures open to EU-wide competition **increased** by nearly **70%**

Procedures with single bids increased but direct awards **broadly unchanged**

SMEs were more successful, winning **71%** of contracts, in line with share in overall economy

Cross-border participation

Objective: facilitate cross-border bidding

Partially achieved

Less than 4% of contracts awarded to bidders in other states (large variation between MS)

Significant **indirect cross-border impact of 20%** reflecting complexity of value chains and corporate structures

Strong concerns with **non-EU participation**, especially in strategic sectors

Strategic

Objective: support broader policy goals (sustainability, innovation, social)

Partially achieved

Green uptake uneven: ~25% average number of contracts across 14 MS

Social criteria gaining traction but uptake difficult to evaluate

Innovation procurement remains very low

New sector specific provisions on procurement raise **policy consistency** concerns

Governance

Objective: Strengthen the governance framework

Partially achieved

Increased transparency: number of published procedures doubled but **continuous corruption risks** (estimated cost: €30bn)

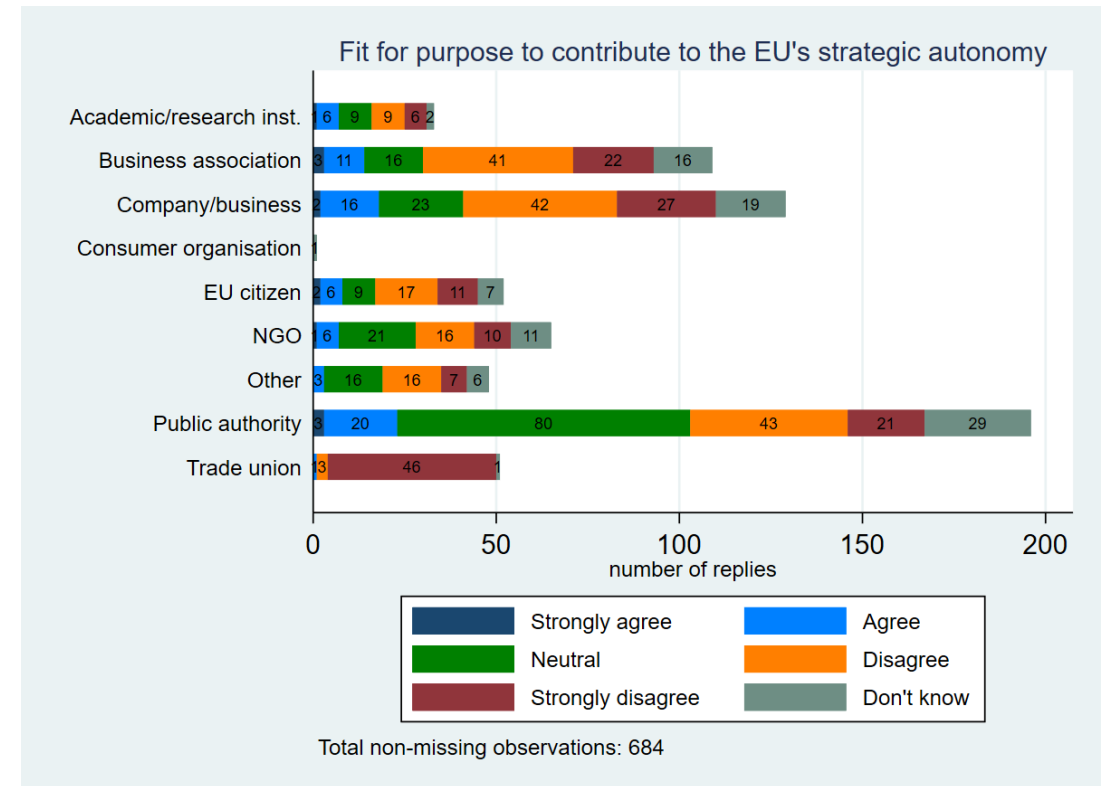
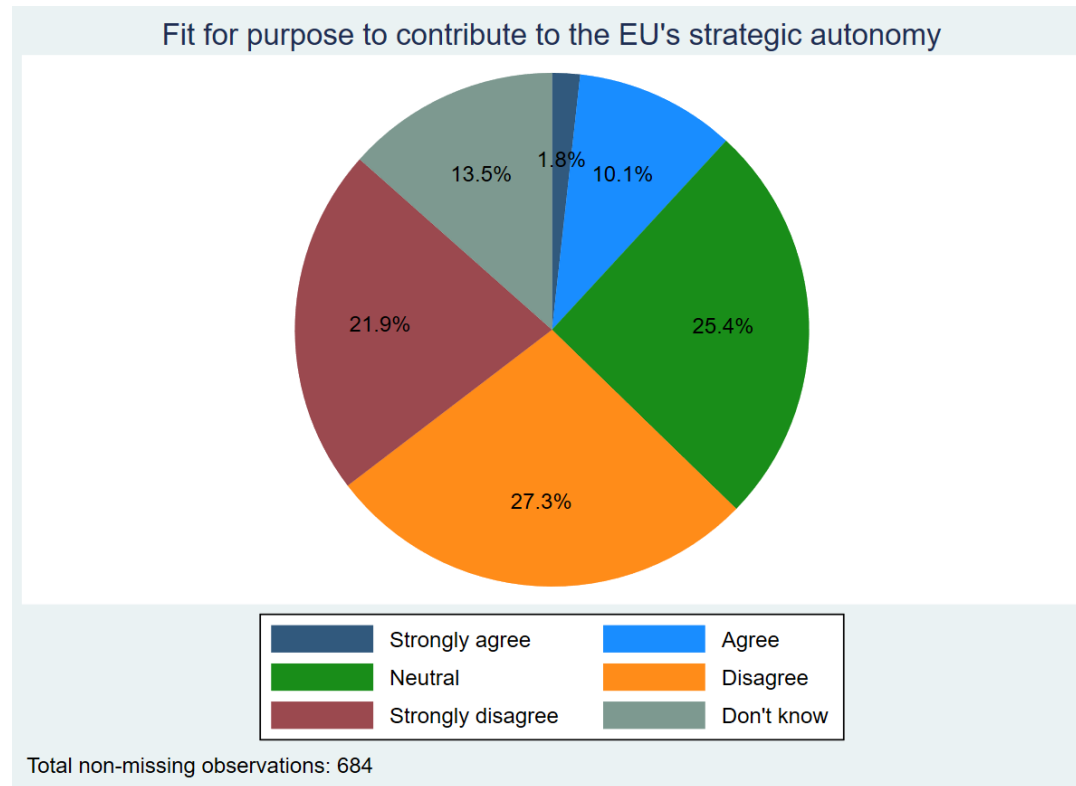
Persistent **data gaps** and **quality issues** at EU and MS levels undermine transparency, monitoring and compliance assessment

Growing policy demands and external pressures are increasing the **need for qualified staff** and administrative capacity

OPC – Resilience

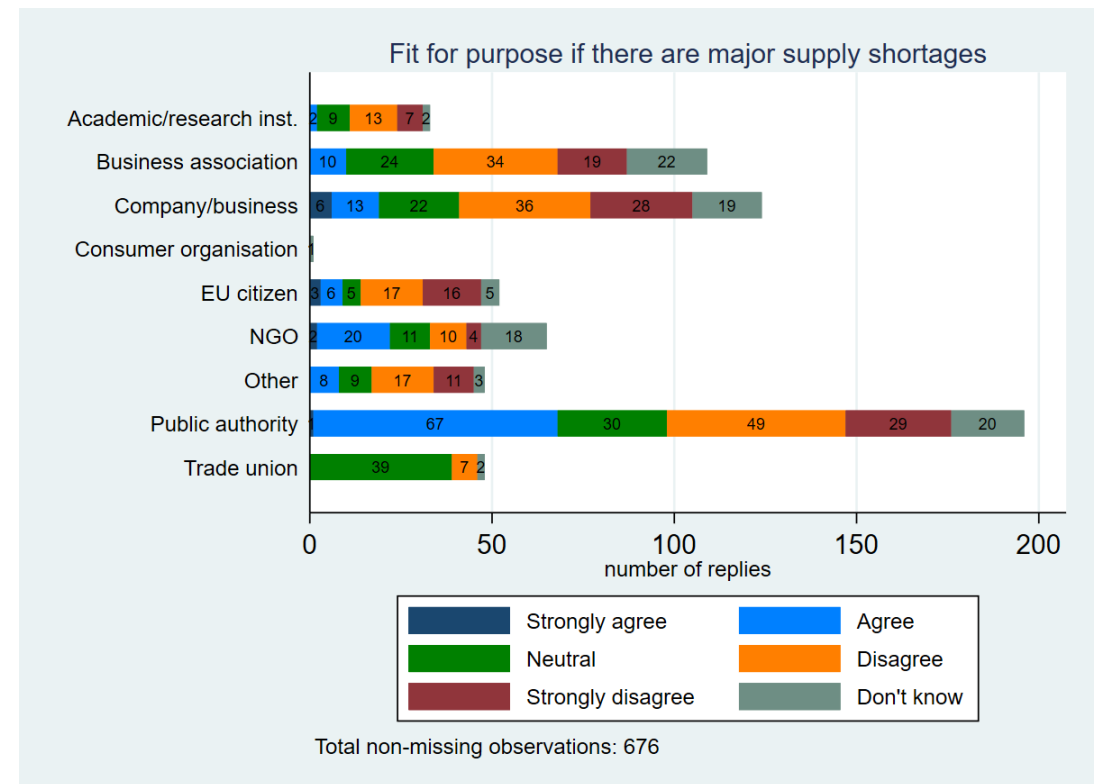
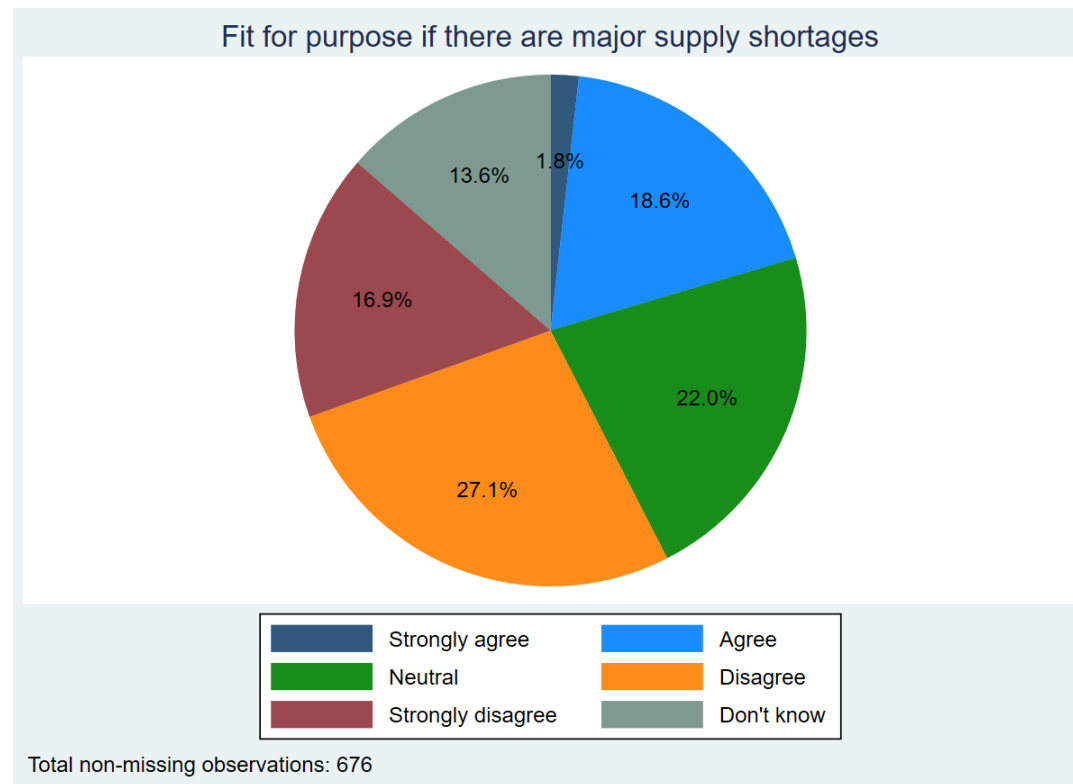
OPC - Resilience

- The directives are fit for purpose to contribute to the EU's strategic autonomy* (including the security of EU supply chains).



OPC - Resilience

- The directives are fit for purpose if there are major supply shortages (e.g. supply-chain disruptions during a health, energy or security crisis).



Impact Assessment – OPC

- Public consultation ongoing (deadline: end January 2026)
- “Have your say” portal
- Some questions on the possible impact are explicit about supply chains
 - outcomes occurring if **any type of prioritisation of European products and services** is implemented (options: adjustment to supply chains, reshoring/ re-industrialisation, shortening of supply chains)
 - outcome of increased use of BPQR (options: increase effort for operators to adjust their supply chain)
- Some indirect
 - Section on security and strategic autonomy
 - outcomes occurring as a result of **mandating** further socially responsible public procurement obligations

Sectoral legislation and supply chain



Critical Medicine Act

- Proposal of 2024
- Article 18 covers resilience in PP procedures
- Resilience of supply requirements
- Eg stockholding obligations, diversified suppliers, monitoring of supply chains, transparency, timely delivery

Deforestation Regulation

- Aim to avoid products coming from supply chains associated with deforestation and forest degradation being placed on their marketsArticle 18 covers resilience in PP procedures
- Transparency and accountability of operators on supply chain
- Penalties for infringement of this regulation contemplate the temporary exclusion from PP procedures

Policy Initiatives

PP and supply chain

- Training course for CPBs ([PPE + 2024 - 2028](#))
- 5th edition ongoing (Vienna)
- Target : staff working for CPBs / regulatory – policy bodies in EU +
- Specific module on PP and supply chain
- Additional challenges of PP

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Communities of practice



124 members

Procurement of AI

Support public buyers in procuring AI-enabled solutions that are trustworthy, fair and secure.



69 members

BIM and Public Procurement

BIM is a valuable tool and collaboration method in the design, construction, maintenance and management of built assets.

CPB network (46)

Procurement of AI
(147)

Network of
Competence
centres (12)

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Procure
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PPE+ 2024-2028
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Innovation
Procurement
Hubs

Public
Procurement
Network

CO2 Performance
Ladder Europe

How to join



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[Agents of Innovation Procurement](#)



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NEWSLETTER



SCAN ME

The Public Procurement Gazette

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Newsletter No.6 | November 2023



Thank you

OPC - Resilience

- The directives are fit for purpose in urgent situations, allowing contracting authorities to procure works, goods and services in a timely manner and even make purchases more quickly when necessary.

