



European Committee  
of the Regions

Commission for  
Economic Policy

ECON

# How EU public procurement rules affect regions and cities



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QG-01-25-023-EN-N; ISBN: 978-92-895-3718-6; doi: 10.2863/0379789

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# List of Abbreviations

<b>AER</b>	Association of European Regions
<b>CCRE-CEMR</b>	Council of European Municipalities and Regions
<b>CoR</b>	European Committee of the Regions
<b>CPMR</b>	Conference of Peripheral Maritime Regions
<b>CRMA</b>	Critical Raw Materials Act
<b>DG GROW</b>	Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
<b>DG REFORM</b>	Directorate-General for Structural Reform Support
<b>DG REGIO</b>	Directorate-General for Regional and Urban Policy
<b>ECA</b>	European Court of Auditors
<b>EDIRPA</b>	European Defence Industry Reinforcement through common Procurement Act
<b>EESC</b>	European Economic and Social Committee
<b>EIB</b>	European Investment Bank
<b>EIPA</b>	European Institute of Public Administration
<b>ERDF</b>	European Regional Development Fund
<b>ESF+</b>	European Social Fund+
<b>ESPD</b>	European Single Procurement Document
<b>ETUC</b>	European Trade Union Confederation
<b>EU</b>	European Union
<b>IPi</b>	International Procurement Instrument
<b>IT</b>	Information Technology
<b>LRAs</b>	Local and Regional Authorities
<b>MEAT</b>	Most Economically Advantageous Tenders
<b>MS</b>	Member States
<b>NGOs</b>	Non-governmental Organizations
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>PPDs</b>	2014 Directives on Public Procurement
<b>SMEs</b>	Small and Medium Enterprises
<b>TED</b>	Tenders Electronic Daily

# Executive Summary

This study investigates the effects of EU public procurement rules on Local and Regional Authorities (LRAs). It assesses the legal and operational environment for LRAs, focusing on the challenges they face in implementing public procurement process. In light of the European Commission's plan to revise the 2014 Public Procurement Directives (PPDs), the study seeks to identify implementation gaps, systemic inefficiencies and areas where additional support mechanisms could enhance outcomes. The findings reveal that:

- The scope of EU public procurement rules extends beyond the PPDs and includes sector-specific (vertical) as well as horizontal regulations and directives that impose additional obligations. This has created a complex framework for LRAs to navigate, especially in certain sectors. While the PPDs lay down the scope, important principles, definitions, concepts, procedures and governance rules, key requirements such as qualitative criteria and strategic objectives often come from sectoral legislation. More than half the legislation analysed (25 out of 44 regulations and directives) affects several sectors horizontally, including cybersecurity and financial compliance, often through exclusion. On the other hand, vertical legislation mainly affects the Energy, Transport Equipment, Health, Construction, Sewage and Transport Service sectors, often through award and selection criteria and special rules (see Chapter 2).
- The EC's oversight of procurement implementation remains insufficient, allowing Member States (MSs) to introduce additional requirements that increase administrative burdens and costs for LRAs. Despite the common framework established by the PPDs, national variations and 'gold-plating' lead to inconsistencies and legal uncertainty. In some cases, these additional rules not only complicate implementation but also undermine the potential for simplification and innovation envisaged in the PPDs (see Section 3.1).
- LRAs often lack the administrative capacity to implement strategic procurement effectively. Their challenges are broadly horizontal or vertical. While vertical challenges relate to procurement phases such as needs assessment, tender design and contract management, horizontal challenges impact the whole procurement process. Addressing these is essential to improving procurement outcomes and empowering LRAs to contribute more meaningfully to EU strategic priorities. LRAs lack the capacity to implement more strategic and innovative procurement and have no real incentives to promote experimentation. On the contrary, LRAs often avoid

innovative procurement approaches due to fears of legal scrutiny and penalties, viewing strategic criteria as an additional administrative burden. This risk-averse culture discourages the use of advanced mechanisms such as pre-commercial procurement, dynamic purchasing, or competitive dialogue (see Section 3.1).

- Current e-procurement, EU and national systems including TED, remain fragmented, under-utilised and insufficiently standardised. TED data entry is often inconsistent or inaccurate, particularly for strategic procurement objectives such as green, social or innovation criteria. As a result, procurement data is often treated as a compliance formality rather than a policy intelligence asset. This limits the ability of EU institutions and LRAs to assess procurement performance, track progress towards strategic goals, identify market trends, or anticipate future needs. These limitations are particularly pronounced for tenders below thresholds, leading to contract execution data that is either unavailable or not machine-readable. Without improved data quality, structure and interoperability, procurement cannot fulfil its potential as a strategic governance tool (see Section 3.2).

In conclusion, modifying the PPDs to be more restrictive or more flexible will not necessarily resolve core public procurement difficulties for LRAs. As the analysis highlights, these challenges stem from multiple sources. First, public procurement is shaped not only by the PPDs, but also by sector-specific legislation that introduces further obligations and complexities. Second, many of the most pressing issues for LRAs concern broader administrative and structural conditions than PPDs provisions. Revising the PPDs alone is unlikely to generate significant improvements to fully address these systemic challenges. Although simplification could ease administrative burden and reduce legal risks for LRA contracting authorities, there is also a risk that simplification could undermine their capacity to enable community and territorial development, diminishing their contribution to delivering public value. As a result, the study's recommendations do not advocate for a radical overhaul of the procurement framework, but rather for gradual and targeted refinement, emphasising improved implementation and strategic alignment. The study proposes eight policy recommendations to guide the future of EU public procurement rules. These recommendations adopt a holistic approach covering three key dimensions:

- **Legal**, refining regulatory framework to improve clarity, coherence and alignment with strategic objectives;
- **Institutional**, enhancing governance structures, oversight and multi-level coordination;



- **Operational**, strengthening delivery tools, data systems and capacity-building mechanisms.

**Figure E.1 three dimensions for public procurement framework revision**



*Source: own elaboration*

In line with the study's main conclusion to prioritise improved implementation over radical legal reform, the policy recommendations are:

1. **Clarify key provisions in the PPDs:** Streamline and interpret critical legal concepts such as Most Economically Advantageous Tenders (MEAT), or subject matter to improve legal certainty and reduce divergent national transpositions that burden LRAs.
2. **Embed strategic objectives beyond procurement law:** Integrate green, social and innovation criteria into product standards, technical regulations and funding instruments to facilitate their use by contracting authorities.
3. **Align procurement with broader EU strategies:** Introduce incentive mechanisms such as enhanced co-financing through cohesion policy and the European Semester to promote strategic procurement, while ensuring coordination across governance levels.
4. **Tackle gold-plating through improved oversight:** Strengthen the EC's monitoring of national transpositions to prevent the addition of unnecessary regulatory burden hindering simplification and innovation.

5. **Systematically involve committed stakeholders:** Ensure that those with high stakes in procurement such as LRAs, SMEs and social economy organisations are included in all stages of reform, beyond formal consultations.
6. **Enhance procurement data infrastructure:** Develop a harmonised, interoperable EU data system that captures disaggregated, real-time procurement data (including from LRAs) to enable targeted policymaking and improve transparency.
7. **Pilot EU-level procurement sandboxes:** Create legally secure environments where LRAs can test innovative procurement practices under monitored, temporary derogations from standard rules.
8. **Strengthen multi-level capacity building:** Develop a coordinated EU strategy to professionalise public buyers, tailored to the diverse needs of LRAs, including modular training, helpdesks and aligned support tools.

# Introduction

This is the final report of the study *How EU public procurement rules affect regions and cities*. The study highlights relevant procurement rules for LRAs to provide the Commission with insights ahead of the proposed revision of the PPDs. It is also a support tool for the European Committee of the Regions (CoR) by providing an evidence base for its opinions, complementing a previous survey of Regional Hub's members and LRAs. The findings have been obtained through a combination of desk analysis, interviews and a foresight with key stakeholders who shared their expertise, as well as a survey of LRAs.

## I. Structure of the report

**Chapter 1** explains the relevance and impacts of EU procurement rules for LRAs.

**Chapter 2** assesses the most relevant procurement rules for LRAs.

**Chapter 3** outlines the difficulties and challenges for LRAs implementing EU procurement rules.

**Chapter 4** investigates possible scenarios for future public procurement rules.

**Chapter 5** offers insights into framing the evaluation and revision of EU public procurement rules.

**Chapter 6** provides conclusions and recommendations.

The report also includes annexes presenting specific analyses in full with additional details to support the findings and recommendations outlined in the main text:

**Annex 1** presents the results of the survey.

**Annex 2** lists the regulations and directives analysed in the study.

**Annex 3** lists the interviewees.

**Annex 4** assesses the implications of revising EU public procurement rules for different stakeholders, which is the basis for the analysis in Chapter 4.

**Annex 5** lists and describes the stakeholders considered in Section 5.2.



To ensure clarity and consistency the report applies the following definitions:

**PPDs:** Refers specifically to the three core directives adopted in 2014 Directive 2014/24/EU (public sector), 2014/25/EU (utilities), and 2014/23/EU (concessions).

**Sectoral legislation** refers to EU legal acts that influence public procurement but fall outside the scope of the core PPDs.

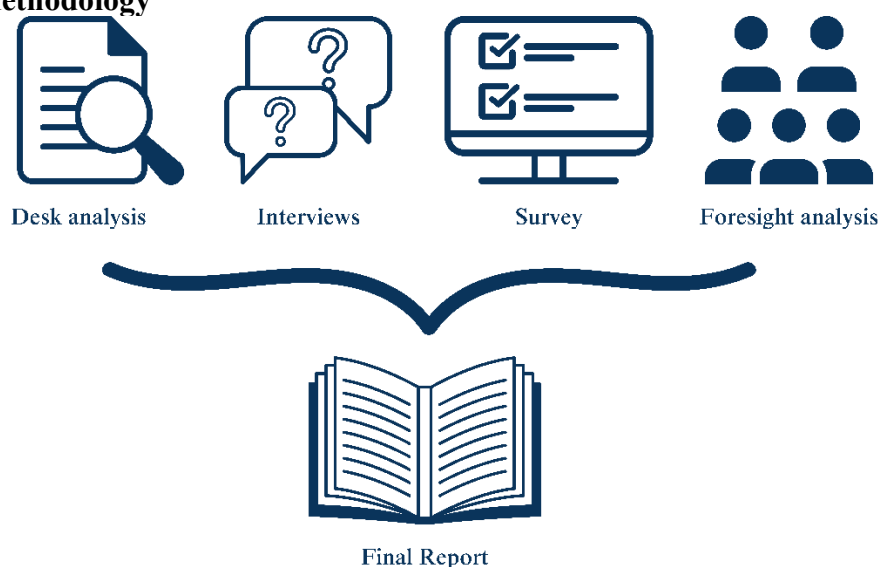
**EU Procurement Rules:** A broader term that encompasses not only the PPDs but also all other EU-level legal instruments, such as sectoral directives and regulations that have a direct or indirect impact on public procurement (e.g. energy, environment, transport, digital).

**EU Public Procurement Framework:** Refers to the wider ecosystem of procurement policy at EU level which includes legal rules (directives and regulations) as well as non-legislative tools and support mechanisms such as capacity-building initiatives, guidance documents, digital platforms (e.g. TED, eForms), monitoring systems and strategic integration via EU funding or governance instruments.

## II. Methodology

The study involved both desk and field analysis including interviews, a survey and foresight analysis. The analyses were carried out in parallel and integrating their findings has enhanced the objectivity and comprehensiveness of the study.

**Table 0.1 Methodology**



*Source: own elaboration*

The methodological tools employed in the study are designed to address specific research questions. To ensure triangulation, at least three tools have been used to address each question:

- **Desk analysis** collected information regarding all research questions providing a solid basis on which to structure further analysis. Desk analysis entailed mapping existing regulations and directives impacting public procurement (see Chapter 2) and relevant literature. This approach guided the use of other tools which validated the desk review findings and addressed gaps in the literature.
- **Interviews** validated the information and addressed nearly all research questions, gathering additional insights from institutions such as the European Court of Auditors (ECA) and European Economic and Social Committee representatives as well as LRA associations (Eurocities, CCRE-CEMR, Austrian Association of Cities and Towns - Österreichische Städtebund), SME stakeholders (e.g. SMEUnited), civil society organisations such as Transparency International, European Trade Union Confederation (ETUC) and academics. Interviews also fed into the foresight analysis.

- **A survey** validated the information while also engaging many LRAs. The survey targeted LRA bidding authorities listed on TED across the EU. The 62 responses, although statistically not representative of all EU LRAs, provide valuable quantitative insights and are a useful triangulation source alongside desk research and interviews. More specifically, 80% of the respondents are local authorities, while the remaining 20% are regional authorities. The sample includes respondents from 18 MSs<sup>1</sup>, with nearly 70% frequently involved in public procurement procedures (defined as more than 20 procedures per year). The total value of procurement contracts awarded varies significantly among respondents: 27% indicated contracts of between EUR 1 million and EUR 10 million, 25% between EUR 10 million and EUR 50 million and 35% over EUR 50 million. More details are in Annex 1.
- **The foresight analysis** brought together legal experts and academics to share their perspectives on the future of procurement and the potential role of the CoR in evaluating and revising EU public procurement rules.

The table below indicates how each tool addresses the research questions.

**Table 0.2 Research question coverage by each tool**

#	Question	Desk analysis	Interviews	Survey	Foresight
RQ1	What current public procurement rules are most relevant for LRAs?	x	x	x	
RQ2	How do they affect LRAs, and what is their role as contracting authorities?	x	x	x	
RQ3	How will this evolve in the future from the perspective of foresight?	x	x		x
RQ4	Where are LRAs most likely to encounter implementation difficulties?	x	x	x	
RQ5	Which are the most relevant and representative associations of LRAs to consult in matters of public procurement?	x	x	x	
RQ6	Which are the most relevant types of private stakeholders to involve in an evaluation of the local and regional implementation dimension of public procurement?	x	x	x	
RQ7	In which public procurement fields can the CoR best contribute to the evaluation and revision of the EU rules?	x	x		x

*Source: own elaboration*

<sup>1</sup> BE, BG, CZ, DE, DK, EE, EL, ES, FI, FR, IE, IT, HR NL, PL, PT, RO, SE,

### III. A brief overview of the PPDs

In 2014, three directives on public procurement entered into force:

- **Directive 2014/23/EU** of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts;
- **Directive 2014/24/EU** of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC;
- **Directive 2014/25/EU** of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC.

The objectives were manifold. First, the PPDs provided contracting authorities with **more flexibility**, such as:

- the possibility to reserve the award of certain service contracts to social enterprises for a limited time period;
- a simplified process to assess bidder credentials, allowing self-declarations with certificates and documents only required from winning bidders;
- the explicit recognition of poor performance in previous contracts as a criterion for exclusion;
- more flexibility to negotiate, including fewer restrictions on competitive dialogue.

Second, the PPDs placed a strong emphasis on **enhancing SME participation** in public procurement. LRAs were encouraged to divide contracts into smaller lots and implement turnover caps, facilitating SME participation.

Third, the PPDs encouraged **digitised procurement processes**. This included the establishment of an online platform, 'E-certis', to simplify cross-border participation for suppliers, alongside mandatory electronic procurement documentation and full electronic communication for public contracts (SWEEO, 2015).

In addition, the PPDs were conceived to simplify procurement procedures governed by the directives. However, broader EU public procurement rules

encompass not only the PPDs, but also a substantial body of sectoral legislation that impacts procurement activities. These are further outlined in Chapter 2.

European Union (EU) institutions have identified **several areas** to make public procurement more accessible and manageable for LRAs. The ECA Special Report 28/2023 on the impact of these reforms on public procurement in the EU highlights that despite the reforms, public procurement procedures remain complex and pose challenges for contracting authorities, including LRAs (European Court of Auditors, 2023). After the RegHub consultation in 2019, the CoR adopted an opinion (ECON-VI43), which examined the impact of the PPDs. This pointed out that two main objectives of the PPDs had not been achieved as cross-border procurement was still rare and the adaptation process had created significant burdens, such as the need for training and legal advice (European Committee of the Regions, 2020). The challenges related to administrative capacity in public procurement are also highlighted in the RegHub consultation and the Commission report. In addition, both sources point to legal uncertainties arising from the incorporation of innovative criteria such as the best price-quality ratio and strategic considerations in procurement processes (European Committee of the Regions, 2019a) (European Commission, 2021). These challenges are due to deviations from traditional procurement practices leading to complexity for contracting authorities, compounded by discrepancies between national and European legislation as well as over-regulation at national level which hinders implementation of the PPDs. Furthermore, variations in requirements for certificates and electronic signatures across different jurisdictions add to the complexity, making cross-border procurement more cumbersome. Together, these factors hinder the efficiency and effectiveness of public procurement within the EU (European Court of Auditors, 2023).



# 1 Why are EU procurement rules relevant for LRAs?

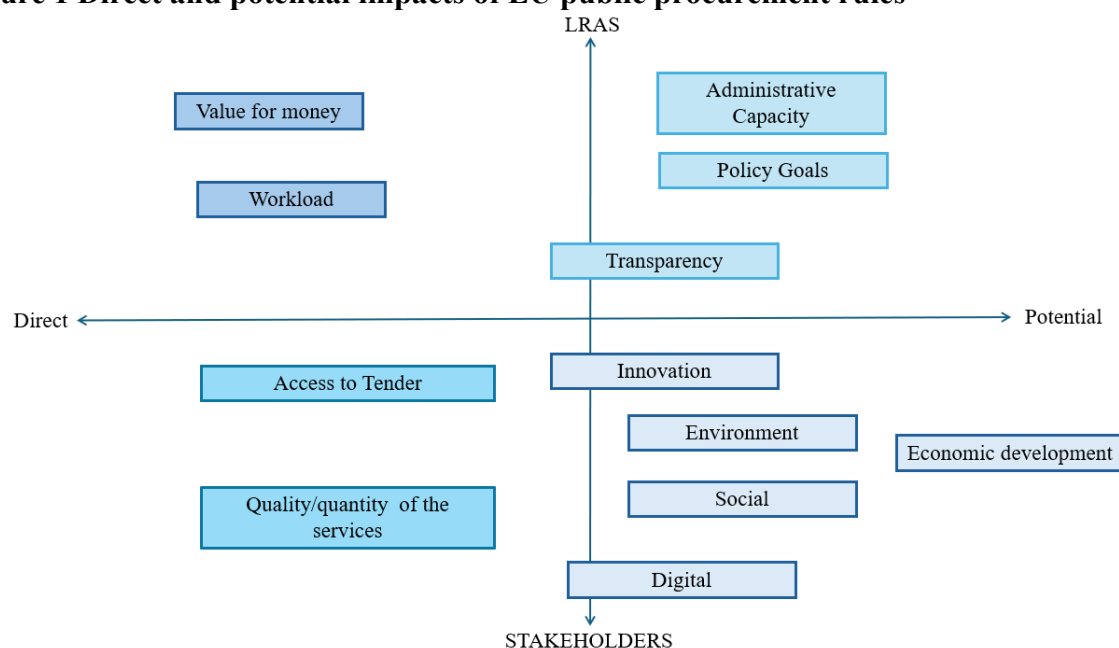
Public procurement accounts for around 13.6% of EU GDP and 29% of total government expenditure (OECD, 2020). **LRAs play a crucial role in public procurement.** OECD data suggests that LRAs are responsible for 45.2% of public procurement activities in the EU (OECD, 2024). Therefore, any effort to improve the effectiveness and efficiency of EU public procurement must consider the specific challenges and requirements for LRAs implementing such legislation.

EU public procurement rules generate direct and possibly significant potential effects:

- **Direct effects** include mandatory compliance requirements and procedural obligations.
- **Potential effects** include strategic opportunities for LRAs to achieve policy objectives beyond mere acquisition.

These direct and potential impacts influence the way **LRAs** and **their stakeholders** engage with public procurement. The figure below illustrates dimensions of these impacts for LRAs and their stakeholders.

**Figure 1 Direct and potential impacts of EU public procurement rules**



*Source: own elaboration*

***Direct effects of EU public procurement rules on LRAs and their stakeholders***

**Direct effects for LRAs** are the application of the value for money principle (i.e. best quality at the best price), administrative costs and workload:

- **Value for money** includes four key dimensions known as the 4Es: economy, efficiency, effectiveness and equity (Nemec P., Kubak M., 2024). The lowest price approach, while simple and focusing only on costs, overlooks qualitative factors beyond basic quality standards.
- **Administrative costs and workload** associated with complex public procurement procedures include specialised staff or external consultants resulting in significant cost increases, particularly for smaller LRAs with limited resources. In addition, the time-consuming, lengthy and complex nature of procurement processes, which often requires extensive documentation, compliance checks and supplier verification, can divert attention from other essential tasks (European Committee of the Regions, 2024).

As these key aspects present considerable challenges for LRAs, the PPDs included measures to:

- Ensure value for money in procured contracts<sup>2</sup>;
- Reduce administrative burden by simplifying procedures for smaller contracts<sup>3</sup>;
- Encourage the division of larger contracts into smaller lots<sup>4</sup>;
- Reinforce transparency requirements;
- Strengthen provisions on integrity to help prevent corruption and fraud<sup>5</sup>.

However, since the PPDs entered into force there has been a lack of awareness of competition as a fundamental prerequisite for value for money. Moreover, no significant simplification has taken place as administrative burdens are still

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<sup>2</sup> Articles 67 to 70, *Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC*.

<sup>3</sup> Article 4, *Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC*.

<sup>4</sup> Article 46, *Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC*.

<sup>5</sup> Article 18 and Section 2 (art. 48-55) of *Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC*.

perceived as high and procurement procedures take longer than before the PPDs (European Court of Auditors, 2023).

The procurement process also has a direct impact on **stakeholders**, particularly SMEs. High bidding costs, competition from larger firms as well as limited awareness and capacity to meet procurement requirements have a significant impact on local firm access to tenders. In addition, as public procurement policies aim to select the supplier best able to deliver quality goods, these can increase costs and complexity, particularly for smaller suppliers who may find it difficult to meet these requirements and manage large volumes. For these reasons, the PPDs look to reduce legal and administrative barriers to participation in tenders through provisions that allow for subdivision into lots<sup>6</sup>, while leaving public buyers entirely free to opt for purchases based on cost-effectiveness and quality-based criteria<sup>7</sup>. However, selection criteria are often difficult for SMEs to meet and dividing into lots does not simplify processes for LRAs, resulting in no visible increase in SME participation. This is partly due to the cost-effectiveness approach still being underused while higher standards have not been implemented. As a result, citizens may not benefit from higher quality public services or better long-term outcomes for all stakeholders (European Commission, 2017a).

### ***Potential effects of EU public procurement rules on LRAs and their stakeholders***

In addition to its direct impact on the market and LRAs as contracting authorities, public procurement can have a **broader potential effect** on LRAs, as well as local communities and territories under their jurisdiction. Indeed, public procurement can be used to purchase goods and services as well as a strategic tool to achieve broader objectives, benefiting both LRAs and private stakeholders.

LRAs can use award and selection criteria to pursue **social, environmental and innovation policy objectives**. Green and social procurement enables LRAs and stakeholders to reduce environmental impacts, promote social equity, include disadvantaged communities and individuals, as well as foster economic development. This can include providing opportunities for smaller businesses, or incorporating training requirements for workers in tenders. Bidders are then incentivised to integrate environmental and social practices into the products and services they offer (European Commission, 2017b). In addition, LRAs can drive innovation in their local and regional economies by adopting innovative or pre-

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<sup>6</sup> Article 46 of Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC.

<sup>7</sup> Article 67, Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC.

commercial procurement practices to stimulate research and development, encourage the deployment of cutting-edge solutions and support market entry for innovative companies. By leveraging their purchasing power, LRAs can stimulate demand for new technologies and services that address societal challenges, contributing to sustainable economic growth and improved public service delivery (OECD , 2017).

**Strategic procurement** can impact LRAs by strengthening programming and implementation activities including their institutional and administrative capacity. Beyond boosting efficiency and integrity, public procurement can also be a platform for testing and experimenting with new practices. This, in turn, strengthens the capacity of local administrations to support sustainable development in local economies (EIPA, 2023).

The PPDs offered opportunities to **improve administrative capacity** by reducing complexity, promoting expertise and streamlining operations<sup>8</sup>. They also provided a framework for integrating strategic objectives into the procurement process<sup>9</sup>, albeit on a non-mandatory basis. However, a persistent lack of administrative capacity continues to hinder competition and poses particular challenges for bidders with limited expertise. Namely, MS do not fully exploit the potential of strategic public procurement, as most procedures still use the lowest price as the sole award criterion. In eight MS the proportion of contracts awarded to the lowest bidder exceeds 80% (European Court of Auditors, 2023).

In conclusion, EU public procurement rules are fundamental to shape the operational landscape for LRAs and their stakeholders. While LRAs are key contracting authorities they can also leverage procurement as a strategic tool for growth. By effectively using public procurement, interweaving its potential and direct effects, LRAs can create an environment that contributes to long-term social well-being across the EU. However, while the EU framework with the PPDs aims for this outcome, many challenges remain and these are examined in greater detail in Chapter 3.

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<sup>8</sup> Art.4, art.33, art.59 of *Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC*.

<sup>9</sup> Art. 42, art. 43, art. 62, art.67, art.70 of *Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC*.

## 2 Which EU procurement rules are most relevant for LRAs?

This chapter provides a comprehensive overview of EU legislation affecting public procurement by LRAs, extending beyond the three PPDs adopted in 2014.

Sectoral legislation (i.e. EU legislation that influences public procurement but is not part of the PPDs) is central to the procurement process affecting tenders:

- Firstly, through **requirements for products or services**.
- Secondly, when they include **social, economic or environmental criteria that may be required as additional criteria** (e.g. award criteria). LRAs need to pay attention because these requirements should be linked to the subject matter<sup>10</sup> (see Section 3.2).

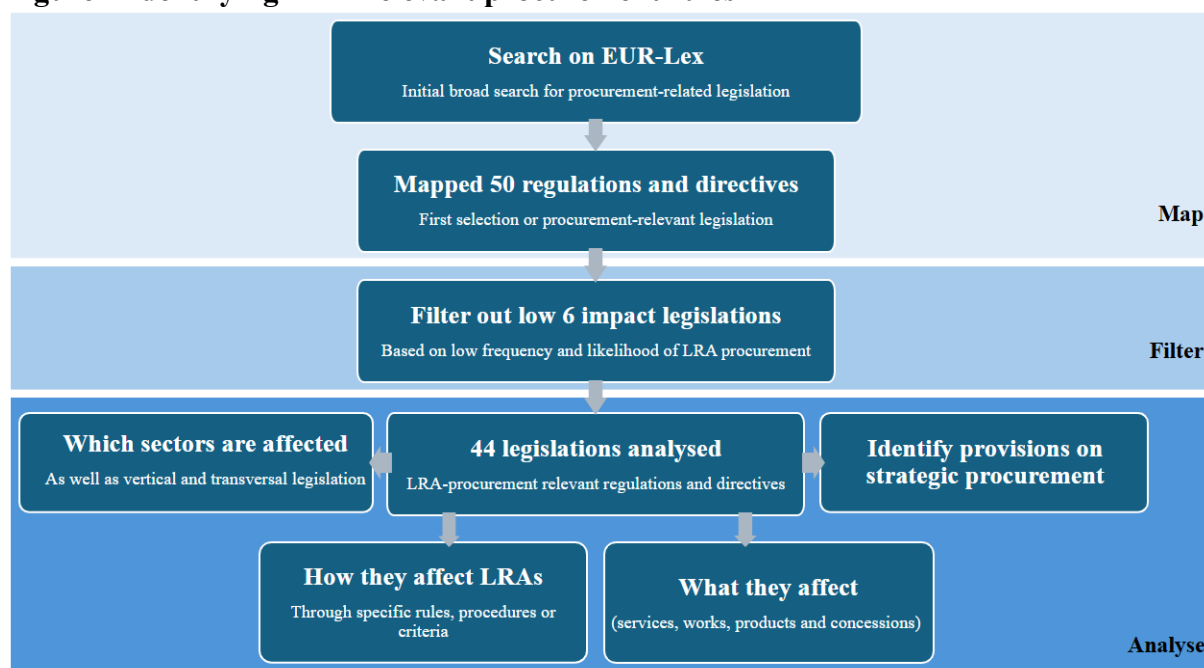
### *The analytical process*

The process to identify LRA-relevant procurement rules (see figure below) follows three steps.

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<sup>10</sup> The *subject matter* of a procurement contract is the core content of the contract, defined in functional or technical terms which must be clearly stated in the contract notice or tender documents. It sets the boundaries for what can be evaluated or awarded during the procurement process.

**Figure 2 Identifying LRA-relevant procurement rules**



*Source: own elaboration*

As a first step, the study **mapped directives and regulations** that directly or indirectly affect public procurement in MSs. The process started with a systematic search on EUR-Lex using keywords such as ‘public procurement’, ‘public contracts’ and ‘public purchasing’ to identify potentially relevant directives and regulations. These keywords were a proxy for relevance, enabling a first selection of legislative texts before conducting a more detailed qualitative assessment. As a result, 50 directives and regulations were identified as relevant to public procurement in general.

Once the initial mapping was completed, a structured **filtering process** (second step) determined the relevance of the 50 directives and regulations for LRAs. This was based on: i) the frequency an issue is relevant to LRA procurement and ii) the likelihood that the subject matter falls within the competence of LRAs. Legislation that was rarely of interest to LRA procurement or was primarily a national competence (e.g. defence-related) was classified as ‘low impact’ and excluded from further analysis. This approach served as a heuristic mechanism to systematically refine the selection and ensure the analysis focused on legislation tangibly impacting LRA procurement. As a result, 44 directives and regulations were identified. More details on this step are in the next section of this chapter and these two steps are described in Section 2.1.

The sectoral legislation was then **analysed in depth** (third step) using keyword research and textual analysis. First, each piece of legislation was categorised by sector. Then, aspects of the sectoral legislation affecting procurement were

examined, including special rules, award and selection criteria, grounds for exclusion, performance criteria and joint procurement. The analysis also looked at the types of procurement (services, works, products and concessions) most frequently affected by the legislation. Finally, it looked at strategic procurement (green, innovation, social). The final section of this chapter summarises the findings and draws conclusions on the density of rules per sector, triangulating elements from Section 2.2 on rules affecting LRA procurement with the analysis of TED notices and survey findings.

## 2.1 Identification of LRA-relevant EU procurement legislation per sector

As explained in the previous paragraph, 50 pieces of procurement-related legislation were mapped, and two categories of EU legislation were identified:

- **Low or no impact:** six pieces of legislation that fall outside the competence of LRAs or are rarely applicable.
- **With impact:** 44 pieces of legislation that directly fall within the competence of LRAs or are often relevant to procurement.

An example of **low impact legislation** is the instrument for the reinforcement of the European defence industry through common procurement (EDIRPA)<sup>11</sup>. Although aimed at national governments, the regulation may indirectly impact LRAs procuring defence-related infrastructure, security services, or dual-use<sup>12</sup> technology. EDIRPA introduces incentives for collective purchasing agreements, which could influence procurement at regional and local levels. However, as defence remains **almost exclusively a national competence**, the impact of EDIRPA on LRAs is limited. Any adaptation at local or regional level is primarily related to compliance with national strategies rather than direct procurement obligations. As a result, EDIRPA is classified as low impact for LRAs. A table showing the low impact legislation is provided below.

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<sup>11</sup> Regulation (EU) 2023/2418 of the European Parliament and of the Council of 18 October 2023.

<sup>12</sup> Goods, software and technology that can be used for both civilian and military applications.

**Table 2.1 Low Impact sectoral legislation**

Legislation with low or no impact on LRAs	
Legislation name	Reason for exclusion
Chips Act [Regulation]	Semiconductor industry support, with little or no impact on LRA procurement.
Ammunition Production (ASAP) [Regulation]	Defence procurement is at national level, not by LRAs.
EDIRPA (defence procurement) [Regulation]	
Anti-Coercion Instrument (ACI) [Regulation]	A trade policy tool, unrelated to procurement by LRAs.
Media Freedom Act [Regulation]	Focuses on media regulation and editorial independence, with little or no procurement impact.
Single European Sky [Regulation]	Aviation-related, affecting national air traffic authorities, not LRAs.

*Source: own elaboration*

While low impact legislation is excluded from further analysis, the **remaining 44 regulations and directives have been categorised by sectors** to which each piece of legislation is most closely linked. This enables a cross-analysis highlighting the density of legislation for each sector. Each row in the table below represents one legislative act, while the columns cover the analytical dimensions described in Sections 2.2, 2.3 and Annex 6. The table shows:

- *sector* (Construction, Energy, Transport Equipment, etc.);
- *nature of provisions* relevant to public procurement (award and selection criteria, exclusion grounds, special rules, performance clauses, joint procurement), analysed in Section 2.2;
- *strategic policy objectives* (green, social, innovation), analysed in Section 2.3;
- *types of procurement affected* (products, services, works or concessions), analysed in Annex 6.

**Table 2.2 Impactful sectoral legislation**

Legislation name ([D]=Directive, [R]=Regulation)	Sector	2.2 Relevance for PP -density (C=Criteria, R=Special rules, E=Exclusion ground, P=Performance, J=Joint procurement)	2.3 Strategic objectives	Annex 6 Type of procurement (P= Product, S= Service, W= Work C=Concessions)
Accessibility [D]	Horizontal	C	Social	P, S
Batteries [R]	Energy	C, P	Green, Social	P
Breach of EU Sanctions [D]	Horizontal	E	All	All
Clean Vehicles [D]	Transport Equipment	C	All	P, S
Construction Products (CPR) [R]	Construction	C, P	Green	P, S
Common Provisions [R]	Horizontal	R, P	All	P, S, W



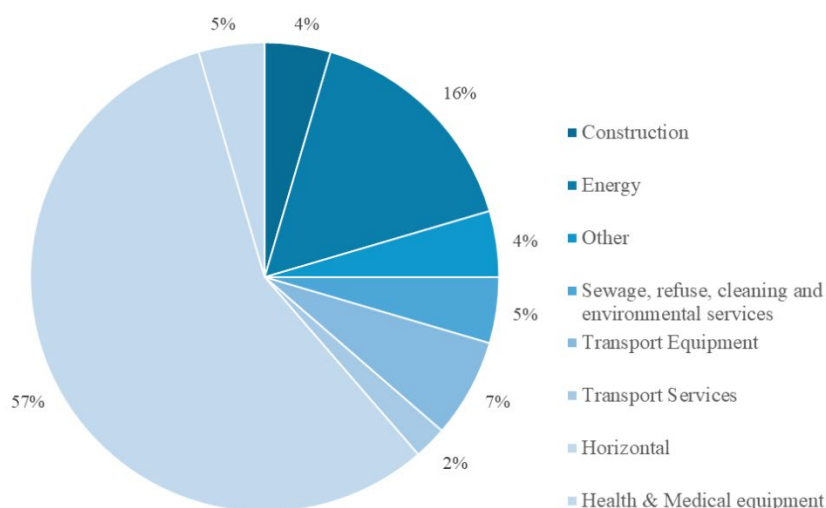
Critical Raw Materials Act (CRMA) [R]	Horizontal	C	All	P, W
Cross-border Threats to Health [R]	Health	C, R	Social	P, S
Cyber Resilience Act [R]	Other	R	Social	All
Deforestation Regulation [R]	Horizontal	E	Green	P
Due Diligence [D]	Horizontal	E, C, P	Social, Green	All
Ecodesign (ESPR) [R]	Horizontal	C	Green, Social	P, S, W
E-Invoicing [D]	Horizontal	R	All	All
Electricity Directive [D]	Energy	P	Green, Social	P, S
Electricity Market Design [R]	Energy	C	Social, Green	P, S, W
Employers of Illegally Staying Third-Country Nationals [D]	Horizontal	E	Social	All
Energy Efficiency Directive 2023 [D]	Energy	C, R	Green	All
Energy Efficiency Directive 2012 [D]	Energy	C, R	All	All
Energy Efficient Buildings [D]	Construction	R, C	Green	P, S
Energy from Renewable Sources [D]	Energy	C	Green, Innovation	P, S, W
Enforcement Regulation [R]	Horizontal	R	All	All
Equal Pay for Equal Work [D]	Horizontal	E, P	Social	All
European Electronic Communications Code [D]	Other	R, P	All	S, W
Fight Against Fraud [D]	Horizontal	E	All	All
Financial Regulation (recast) [R]	Horizontal	C, R, P, J	All	All
Foreign Subsidies Implementing Regulation [R]	Horizontal	R	All	All
Foreign Subsidies (FSR) [R]	Horizontal	R	All	All
Fraud and Counterfeiting of Non-Cash Means of Payment [D]	Horizontal	E	All	All
GDPR [R]	Horizontal	R	Social	All
Heavy Duty Vehicles [R]	Transport Equipment	C	Green	P, S
Internal Market Emergency and Resilience Act (IMERA) [R]	Horizontal	R, J	Social	P, S, W
International Procurement Instrument (IPI) [R]	Horizontal	R, E	All	P, S, W
Medical Countermeasures [R]	Health	J	Social	P
Minimum Wages [D]	Horizontal	E, P	Social	All
Money Laundering [D]	Horizontal	E	All	P, S, W
Net Zero Industry Act (NZIA) [R]	Energy	C, R	All	All
Passenger Transport Services by Rail and by Road [R]	Transport Services	R, J	Social	S, C, W
Sanctions Against Russia because of Ukraine [R]	Horizontal	E	All	All
Shipments of Waste [R]	Sewage, Refuse, Cleaning and Environmental Services	E	Green	All
Single Market Programme [R]	Horizontal	R, P	All	P, S, W

TEN-Tec [R]	Transport Equipment	R	All	W, C
Trafficking in Human Beings [D]	Horizontal	E	Social	P, S, W
Waste [D]	Sewage, Refuse, Cleaning and Environmental Services	C, P	Green	P, S, W
Women on Boards [D]	Horizontal	E, P	Social	All

*Source: own elaboration*

**For vertical legislation, a subset of sectors<sup>13</sup>** such as Construction, Energy, Health & Medical Equipment, Sewage, Refuse, Cleaning and Environmental Services, Transport Equipment, and Transport Services are affected by specific legislative acts. These categories tend to align with the sectors most frequently found in TED procurement data. Nonetheless, the majority of legislative acts are horizontal and potentially affect multiple sectors. The sectoral breakdown is illustrated in the following graph.

**Figure 3 Sectors of most relevant legislation to LRA procurement**



*Source: own elaboration*

**More than half the legislative acts are horizontal (25 out of 44)<sup>14</sup>.** The table below groups these horizontal acts into six areas of rules<sup>15</sup>:

<sup>13</sup> Categorising legislation by sector presented several challenges. Sector labels are based on the Common Procurement Vocabulary (CPV), the EU's classification system for public procurement standardising references used by contracting authorities and entities to describe procurement contracts. At its highest level, the CPV has 45 divisions. However, multiple economic sectors may be covered across more than one CPV division. To address this some categories were aggregated: "Health and social work services" and "Medical equipment, pharmaceuticals and personal care products" were combined under "Health & Medical Equipment", while "Public utilities" and "Petroleum products, fuel, electricity and other sources of energy" were grouped under "Energy".

<sup>14</sup> The entire list of acts can be found in Annex 2.

<sup>15</sup> Some are categorised under more than one area.

**Table 2.3 Areas of rules generated by horizontal legislation**

Area	Description of rules	Most relevant acts
<b>Governance / Compliance / Due diligence</b>	Rules enhancing transparency, accountability and the enforcement of EU obligations, often linked to risk management, compliance monitoring and data control.	Due Diligence Directive, Enforcement Regulation, GDPR, Common Provisions Regulation, Fight Against Fraud Directive, Money Laundering Directive, Financial Regulation, Breach of EU Sanctions Directive
<b>Social aspects</b>	Focus on equality, fair treatment, minimum standards for workers, inclusion, and anti-discrimination.	Minimum Wages Directive, Equal Pay for Equal Work Directive, Women on Boards Directive, Accessibility Directive, Employers of Illegally Staying TCNs Directive, Trafficking in Human Beings Directive
<b>Financial / Market control</b>	Instruments to safeguard fair competition, avoid distortion, and regulate funding and procurement conditions.	Financial Regulation, Foreign Subsidies Regulation, Foreign Subsidies Implementing Regulation, IPI Regulation, Single Market Programme Regulation, Common Provisions Regulation
<b>Security and anti-fraud</b>	Legal measures to prevent fraud, cybercrime, and criminal activities in the internal market or procurement systems.	Fight against Fraud Directive, Fraud and Counterfeiting Directive, Money Laundering Directive, Breach of EU Sanctions Directive, Sanctions against Russia Regulation
<b>Digital / Administrative simplification</b>	Measures aimed at digitalisation, simplification, and interoperability in public procurement systems.	E-Invoicing Directive, GDPR, Common Provisions Regulation, IMERA
<b>Environmental sustainability / Circular economy</b>	Measures supporting green transition, supply chain responsibility, and environmental due diligence.	Ecodesign Regulation, Deforestation Regulation, CRMA

*Source: own elaboration*

These acts introduce **governance, compliance and due diligence, followed by social standards** (e.g. equality, fair work), financial controls and, to a lesser extent, digital/administrative simplification and environmental requirements. While not sector-specific, these rules apply across multiple sectors and must be reflected in LRA procurement practices.

### Box 2.1 The view of stakeholders

**Transparency International** highlighted concerns about sector-specific rules and procurement at the regional level. They noted that while efficiency and economic growth remain central to the current regulatory framework, the **rules do not sufficiently embed transparency and good governance**. Sectors such as climate change and green infrastructure lack coherent policies and common rules to guide contracting authorities. In addition, **differences in e-procurement systems between MSs hinder a systematic understanding of procurement by sector**. Transparency International also pointed to the need for greater cooperation and common methodologies, especially for LRAs, to make contracts more transparent and allow for citizen and civil society oversight.

*Source: own elaboration based on interviews*

**Looking at vertical legislation, the analysis of sectoral legislation was complemented by a comparison with the TED database.** Analysing 521,569 tenders published between 2016 and 2023 reveals procurement trends.

**Energy appears to be the most regulated sector for LRA procurement** with:

- the Net Zero Industry Act<sup>16</sup>, which introduces qualification criteria and special rules on clean energy and sustainable infrastructure;
- the Directive on Energy from Renewable Sources, which establishes qualification criteria to promote renewable energy;
- the Electricity Market Design Regulation, which introduces qualification criteria to support EU climate neutrality by 2050;
- the Energy Efficiency Directive of 2023 and 2012 (repealing the 2012 directive from October 2025) which introduce qualification criteria and special rules to promote energy efficiency;
- and the Electricity Directive, which sets out performance criteria for the internal electricity market.

**There are very few tenders in this sector** (1,308, or 0.3% of all tenders on TED)<sup>17</sup>. This suggests that procurement in the sector is more centralised or subject to different mechanisms than other LRA-regulated sectors.

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<sup>16</sup> Regulation (EU) 2024/1735 of the European Parliament and of the Council of 13 June 2024 on establishing a framework of measures for strengthening Europe's net-zero technology manufacturing ecosystem and amending Regulation (EU) 2018/1724.

<sup>17</sup> The number was compared with "Public utilities" in TED, as no data on "Petroleum products, fuel, electricity and other sources of energy" were available.

**Transport Equipment is also frequently regulated for LRA procurement with:**

- the TEN-T Regulation<sup>18</sup>, setting special rules to promote the development of the Trans-European transport network;
- the Clean Vehicles Directive, with qualification criteria for low-emission road vehicles;
- the Heavy-Duty Vehicles Regulation, which also introduces qualification criteria on emission targets for heavy-duty vehicles.

Transport Equipment was also the 5<sup>th</sup> most represented sector on TED with 36,769 tenders (7%).

**Health Services & Medical Equipment<sup>19</sup> also has specific rules for LRA procurement with the:**

- Regulation on Medical Countermeasures, which introduces a unique type of joint procurement for crisis-relevant medical equipment;
- Regulation on Cross-border Threats to Health, which sets out qualification criteria and special rules for management and prevention measures to tackle serious cross-border health threats.

This sector was the 7<sup>th</sup> most represented with 20,957 tenders on TED (4%)<sup>20</sup>.

Similarly, **Construction** has specific rules for LRA procurement through the:

- Energy Efficient Buildings Directive, with special rules and qualification criteria on energy performance and lower greenhouse gas emissions for buildings;
- Construction Products Regulation, which sets out qualification and performance criteria for construction products.

The Economic and Social Committee (EESC) highlighted that sector-specific legislation in areas such as construction and environmental infrastructure

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<sup>18</sup> Regulation (EU) 2024/1679 of the European Parliament and of the Council of 13 June 2024 on Union guidelines for the development of the trans-European transport network, amending Regulations (EU) 2021/1153 and (EU) No 913/2010 and repealing Regulation (EU) No 1315/2013 (Text with European Economic Area relevance).

<sup>19</sup> Includes procurement of medical equipment, pharmaceuticals and personal care products.

<sup>20</sup> The number was compared with “Medical equipment, pharmaceuticals and personal care products” in TED, as no data on “Health and social work services” were available.

demands specialised expertise and poses additional challenges for both LRAs and suppliers. Construction had the most tenders with 84,528 (16.2%).

**Sewage Services** is also subject to specific rules for LRA procurement in the:

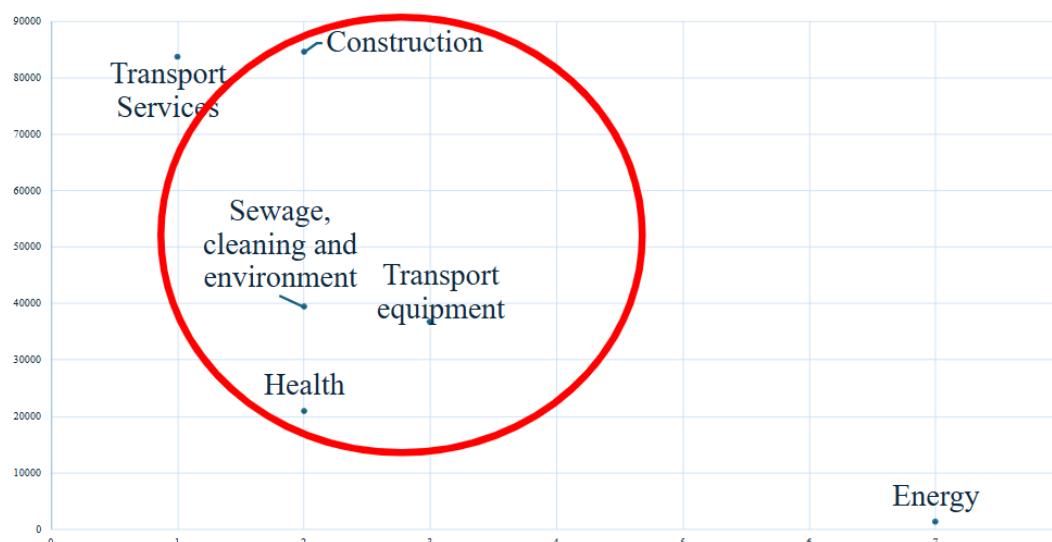
- Waste Directive, with qualification and performance criteria on waste management and the circular economy;
- Shipment of Waste Regulation, with grounds for exclusion as waste management has a negative impact on the environment and human health.

This sector was 4<sup>th</sup> with 39,411 tenders (7.6%).

**Transport Services have rules for LRA procurement** in the Regulation on Passenger transport services by rail and by road. Special rules (such as exclusive rights) and joint procurement procedures in the context of a regulation on public service contracts ensure fair competition and quality of service. Transport Services had the 2<sup>nd</sup> most tenders with 83,600 (16%).

The figure below shows the sectors in which vertical legislation and TED registers overlap the most. This gives an initial idea of the most important sectors for LRA procurement.

**Figure 4 Vertical legislation vs TED**



*Source: own elaboration*

The analysis confirms that **LRA procurement is shaped by a complex mix of horizontal and sector-specific legislation**. While a subset of legislation (six out of 50 acts) has low or no impact on LRA procurement, 44 acts include LRA-

relevant provisions across both horizontal and sectoral frameworks. Horizontal legislation accounts for more than half these acts with rules on governance, compliance, social standards and sustainability applicable across sectors. Conversely, vertical legislation, though more limited in number, is strongly aligned with the most active LRA procurement sectors on TED particularly Construction, Transport Services and Sewage Services. This suggests that legislative intervention is correlated with procurement intensity. However, the Energy sector is an outlier, with extensive regulation but very low LRA procurement activity. This is probably due to centralisation or alternative procurement mechanisms. The mapping also highlights the need for LRAs to monitor a wide array of acts, not only at sectoral level but also EU-wide initiatives that increasingly impact procurement.

The analysis that follows explores how the 44 acts influence procurement through types of rules, types of procurement and strategic policy objectives. This cross-analysis reveals differences between horizontal and sector-specific legislation, as well as between sectors themselves. The examples are intentionally varied to reflect the differing analytical depth and normative significance of the rules. Section 2.2 focuses on binding legal provisions (special rules, award and selection criteria, exclusion grounds, performance criteria, joint procurement) where clearer patterns and legislative trends could be identified across sectors. Here, two examples per category enable a robust comparative analysis. By contrast, Section 2.3 and Annex 6 examine strategic procurement and types of procurement affected respectively. These areas have fewer binding provisions and consistent patterns, justifying the use of a single example per category which ensures analytical proportionality and reflects the weight and clarity of the legal sources.

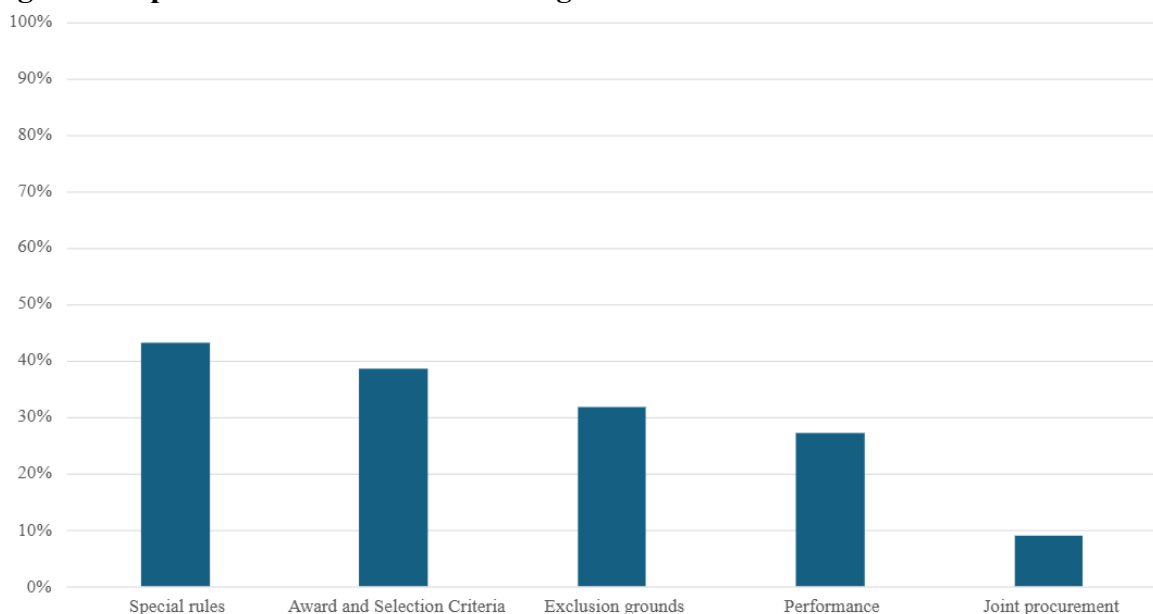
## 2.2 How sectoral legislation influences LRA procurement

Having identified the most relevant legislation for LRA procurement per sector, the study classified the **impact** on procurement from each piece of legislation. As seen in Table 2.2 Impactful sectoral legislation, impacts are categorised into:

- **Special rules** with specific procurement modalities or exceptions to standard rules. This includes special procedures, derogations from general thresholds, exclusive rights for certain entities, simplified or emergency procurement rules and sector-specific exemptions from the main directives.
- **Award and selection criteria** for assessing the suitability, experience, financial standing and technical capacity of tenderers. These include award, selection, evaluation or qualitative criteria, technical specifications and best value for money.

- **Exclusion grounds** to prevent the participation of unqualified, unreliable, or non-compliant bidders. These include bid restrictions, exceptions to eligibility requirements, blacklisting rules and non-compliance.
- **Performance criteria** governing the execution of a contract, with obligations the contractor must fulfil during implementation. These may include operational standards, quality benchmarks, delivery timelines, environmental or social compliance, reporting and monitoring.
- **Joint procurement** facilitating the collective purchase of goods, services, or works by two or more contracting authorities. This includes formal joint procurement procedures, framework agreements used collaboratively, inter-municipal cooperation and shared procurement schemes in times of crisis or to aggregate demand.

**Figure 5 Impact of Public Procurement legislation**



*Source: own elaboration*

As shown in the figure above, **special rules** are frequently introduced by the directives and regulations (19 out of 44 acts). These diverse rules are spread across sectors including Transport Services (one act), Construction, Health and Medical Equipment (one out of two acts), Energy (three out of seven acts), Transport Equipment (one out of three acts) and other sectors (two out of two acts). They are also common in horizontal legislation (10 out of 25 acts). For Transport Services, the Passenger Transport Services Regulation applies to public service contracts, ensuring fair competition and quality service provision. It introduces special awarding rules, for example by allowing direct awards under certain conditions for rail transport and subjects such as internal operators (Art. 5). It also



sets sector-specific maximum contract periods and introduces exceptions to the extension of contract periods (Art. 4). These special rules reflect the complexity and strategic importance of public transport services, which require greater flexibility than general procurement law allows.

An example of horizontal legislation is the IPI Regulation, which introduces special rules. It promotes reciprocity in access to public procurement between the EU and third countries, addressing discriminatory practices that limit EU operators' access abroad. It introduces special rules by allowing the Commission to impose IPI measures that restrict access for certain third-country bidders through score adjustments or exclusions (Art. 6.6). It also sets higher custom thresholds than general procurement directives (€15 million for works and €5 million for goods and services, Art. 6.4) and allows exemptions for small local authorities (Art. 7) and for cases involving overriding public interest (Art. 9). These special rules reflect the objective of protecting the EU's strategic procurement interests, beyond the principle of open competition.

**Award and selection criteria** are also frequently introduced by the legislation (17 out of 44 acts). They are found in Construction (two out of two acts), Energy (six out of seven acts), Transport Equipment (two out of three), Health and Medical Equipment (one out of two), Sewage, Refuse, Cleaning and Environmental Services (one out of two), while they are less common in horizontal legislation (five out of 25 acts). An example is the Construction Products Regulation (CPR), which directly affects LRAs. The CPR imposes obligations on manufacturers to declare the performance of products (Art. 4–6), which translate into procurement requirements. Selection criteria may include the obligation for bidders to provide a declaration of performance and proof of CE marking (Art. 8–9), as well as supporting documentation demonstrating traceability and technical compliance (Art. 11–14). In addition, award criteria may favour offers that exceed the minimum performance levels under the CPR, for example in energy efficiency or durability.

An example for Energy is the New Batteries Regulation, which directly affects LRAs procuring energy storage, transport and public services relying on battery technology. There are mandatory exceptions to sustainability criteria in Directive 2014/24/EU. The regulation requires that batteries meet strict environmental and carbon footprint requirements (Art. 7-8), with minimum recycled content obligations (Art. 8) and supply chain due diligence (Art. 47-53). Bidders must demonstrate compliance with Extended Producer Responsibility rules (Art. 57) to prove responsible disposal and recycling of batteries.

**Exclusion grounds** are also common in the directives and regulations (14 out of 44 acts). However, as reported in Section 3.2, exclusion ground is generally not

the most difficult rule for LRAs to implement. Exclusion grounds are almost exclusively in horizontal legislation (13 out of 14 acts), except for one act on Sewage, Refuse, Cleaning and Environmental Services (one out of two). Among the horizontal acts, the Money Laundering Directive is representative with its broad applicability across sectors. It prevents use of the Union's financial system for money laundering and terrorist financing. It requires LRAs to incorporate new financial compliance checks into their procurement processes. For example, the Money Laundering Directive provides that any entity convicted of money laundering or terrorist financing will be excluded from public contracts and procurement financed by public funds (Art. 62). A bidder who fails to disclose beneficial ownership or registers under an opaque corporate structure may be excluded from procurement to prevent financial crime (Art. 31) and bidders who fail to cooperate with financial intelligence units or national anti-money laundering authorities may be deemed unreliable and disqualified (Art 33).

Another example is the Shipment of Waste Regulation, the only vertical legislation analysed with clear exclusion grounds. This regulation establishes procedures and control regimes for shipments of waste. Article 63 provides a clear basis for exclusion from public procurement in cases of non-compliance with the provision of the regulation. MSs shall ‘at least be able to impose the following penalties in case of infringements of this Regulation, where relevant: [...] (b) revocation or time-limited suspension of the authorisation to carry out activities related to management and shipment of waste insofar as these activities fall under the scope of this Regulation; (c) time-limited exclusion from public procurement procedures.

**Performance criteria** were introduced in 12 acts. The criteria are evenly distributed across Construction and Sewage, Refuse, Cleaning and Environmental Services (one out of two acts), Energy (two out of seven), and other sectors (one out of two). They are also in horizontal legislation (seven out of 25 acts). The CPR is an example. Selection criteria may include CE marking and declarations of performance as previously indicated. The CPR can also inform performance criteria during implementation. In particular, Article 27 enables the Commission and standardisation bodies to define levels or classes of performance for essential characteristics such as fire resistance or thermal insulation, in harmonised standards.

An example of horizontal legislation is the Women on Boards Directive. This does not impose gender balance criteria in public procurement but introduces performance obligations that may affect LRAs as contracting authorities. LRAs can include gender balance as a performance condition<sup>21</sup> particularly in corporate

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<sup>21</sup> Gender balance could be also adopted as an award or eligibility criterion.

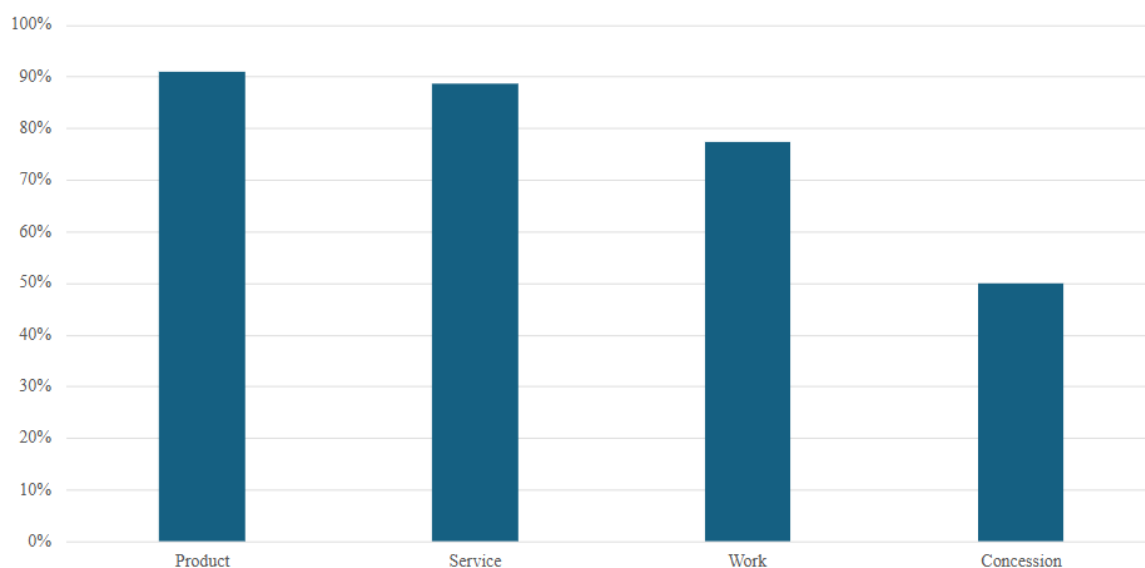
governance-sensitive sectors such as financial services, consulting and professional services. For example, the progress towards ensuring at least 40% of non-executive board positions or 33% of all board positions are held by women (Art. 5) and compliance with reporting requirements can be introduced as performance conditions (Art. 7).

**Joint procurement-related rules** are less frequent (four out of the 44 acts), with Transport Services (one act) and Health and Medical Equipment (one out of two acts). They are uncommon in horizontal legislation (two out of 25 acts). These rules are introduced in areas that require strong territorial cooperation. An example is the Medical Countermeasures Regulation. This introduces procedures to facilitate the timely procurement and acquisition of crisis-relevant medical countermeasures throughout the Union. It allows MSs to participate in joint procurement coordinated by the Commission for medical countermeasures such as vaccines, therapeutics and diagnostics. The Commission facilitates and manages joint procurement procedures, ensuring equal access and fair distribution of resources among participants. LRAs may be indirectly involved in joint procurement when national governments delegate responsibilities to sub-national entities (Art. 8).

An example of horizontal legislation is IMERA, which directly affects LRAs procuring crisis-relevant goods and services during internal market emergencies. IMERA allows for joint procurement between the Commission and one or more MSs, based on a joint procurement agreement that defines practical arrangements and award criteria (Art. 39). Participating LRAs may be bound by an exclusivity clause (Art. 41), which restricts parallel negotiations and requires coordination through the Commission. This enables contracting authorities to leverage collective purchasing power while ensuring procurement aligned with emergency responses.

Cross-analysis of the 44 acts also reviewed types of procurement affected by sectoral legislation. Most provisions impact product and service procurement, works and, to a lesser extent, concessions. This reflects the predominance of product and service procurement in public purchasing. It also shows that rules on works are relevant in key infrastructure-heavy sectors such as Energy (five out of seven acts), Construction, as well as Sewage, Refuse, Cleaning and Environmental Services (two out of two) and that rules on concessions are predominantly horizontal. Horizontal legislation tends to apply broadly across all procurement types, while vertical legislation shows more variation. The figure below summarises the distribution of procurement types across legislative acts. A more detailed breakdown, including examples of affected provisions, is in Annex 6.

**Figure 6 Procurement types**

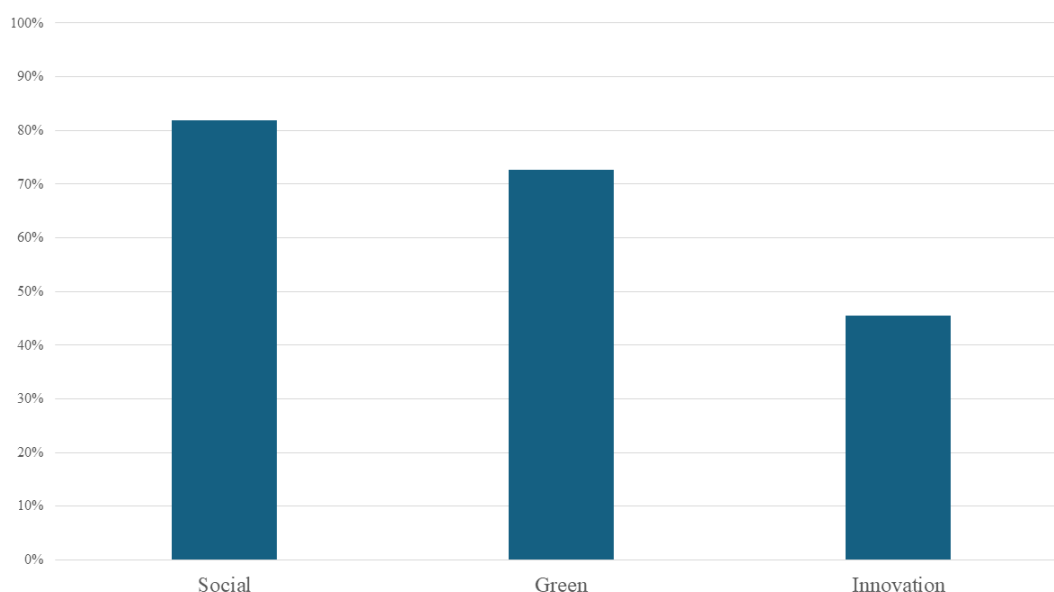


*Source: own elaboration*

## **2.3 Strategic policy dimensions (social, green and innovative procurement)**

This section examines legislation with provisions for strategic procurement, namely social, environmental and innovation-related criteria. The debate on more or less prescriptive future scenarios (see Section 4.1) reviews the possibility of making these non-mandatory provisions more stringent. However, institutions and stakeholders generally argue against it, highlighting problems even in the current non-mandatory framework. The ECA questioned - both in its first recommendation and in our interview - whether current policy priorities for strategic procurement are sufficiently defined and whether public procurement is always the most appropriate instrument to achieve them. The ECA suggested it might be more effective to embed requirements directly, for instance in product regulations so they apply to the whole market, not just the public sector. Public procurement was often seen as the preferred policy lever, mainly because public authorities have a greater responsibility than the private sector. However, clearer and more measurable objectives, including better monitoring tools, remain essential for procurement to support of strategic goals (European Court of Auditors, 2023).

**Figure 7 Strategic objectives**



*Source: own elaboration*

**Social procurement** was the most present (36 out of the 44 acts). It appears across most sectors analysed, including Health and Medical Equipment (two out of two acts), Transport Services (one out of one), Energy (five out of seven), Transport Equipment (one out of two), and other sectors (two out of two) and is especially common in horizontal legislation (24 out of 25 acts). An example from Health and Medical Equipment, where social criteria seem especially frequent, is the Regulation on Cross-border threats to health. This, together with Regulation (EU) 2022/2372<sup>22</sup>, was developed in the aftermath of the COVID-19 pandemic to strengthen the EU's capacity to prevent, prepare for and respond to cross-border health threats through measures, including joint procurement of medical countermeasures. LRAs need to be aware of this regulation to avoid conflict with the joint procurement procedure (Art. 12) when procuring medical countermeasures during health crises. LRAs also have an important role to play in contributing to the Union's prevention, preparedness and response plan, including by reporting on risk factors such as social determinants (Art. 5).

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<sup>22</sup> 2022/2372 on a framework of measures for ensuring the supply of crisis-relevant countermeasures in the event of a public health emergency at Union level.

### Box 2.2 The view of stakeholders

The European Trade Union Confederation (**ETUC**), representing workers across 42 countries and multiple sectors, highlighted several limitations in the current approach to social procurement. A major concern is the widespread use of lowest-price-only criteria, which often leads to downward pressure on wages and working conditions. According to ETUC, 55% of public contracts in Europe are still awarded based solely on price, with 12 MSs exceeding 80%.

Sectors such as Construction, Cleaning and seasonal work have high subcontracting rates and mobile labour, which can exacerbate social dumping and exploitative practices. The ETUC emphasises the importance of enabling public authorities to mandate collective agreements as a social safeguard. They suggest a simple yes/no criterion on whether bidders are covered by a collective agreement could greatly enhance social responsibility without overcomplicating tender procedures. The ETUC also argues that the current rules, especially Article 18 of the 2014/24/EU Directive, lack clarity and guidance on how social criteria should be applied. As a result, contracting authorities often fear legal challenges, contributing to the underuse of strategic social procurement.

*Source: own elaboration based on interviews*

**Green procurement** is frequently present in the legislation (32 out of the 44 acts). It appears across most sectors and clearly across sectors significantly affecting the environment such as Energy (seven out of seven acts) Transport Equipment (three out of three), Construction (two out of two), and Sewage, Refuse, Cleaning and Environmental Services (two out of two). However, it also appears in other sectors (one out of two) and is quite common in horizontal legislation (17 out of 25 acts). An example is the Heavy-Duty Vehicles Regulation. This sets CO<sub>2</sub> emission targets for heavy-duty vehicles with implications for LRA fleet procurement and public transport contracts. For example, Article 3e, ‘Ensuring sustainable and resilient urban bus supply chains through public procurement procedures’, requires best value for money and award criteria such as ‘environmental sustainability going beyond minimum requirements’, while Article 6b introduces an exemption for manufacturers producing a small number of heavy-duty vehicles.

**Innovation procurement** is less present than other strategic criteria (20 out of 44 acts). Sectors where innovation procurement is mentioned include Transport Equipment (two out of three acts), Energy (three out of seven) and other sectors (one out of two). For horizontal legislation it is 14 out of 24 acts. An example is the Critical Raw Materials Act. This looks to ensure a secure and sustainable supply of critical raw materials to the EU. These materials are crucial for industry and the development of modern and clean technologies. LRAs are often responsible for preparing plans including zoning, spatial and land use plans (Art.

13). The act introduces measures to incentivise technological progress and explicitly refers to innovation programmes in Article 26 on national measures for circularity.

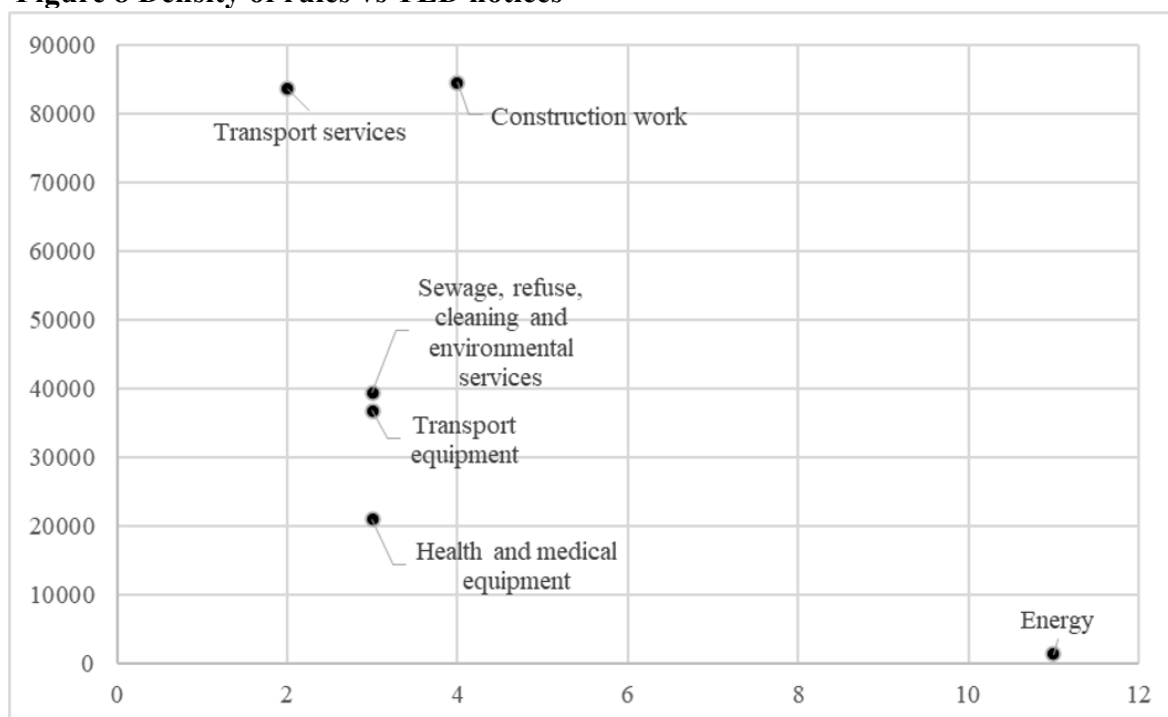
Despite the challenges, the legal framework for strategic objectives in LRA public procurement also creates opportunities. To explore these, the survey asked respondents to assess whether EU public procurement rules create opportunities to pursue green, social or innovation-related objectives. Respondents were most likely to report benefits in pursuing green objectives: 41% said the regulations provided several or many opportunities, though 31% said they provided few or none. Social objectives followed a similar pattern, with 35% reporting several or a lot of opportunities and 28% few or none. In contrast for innovation procurement, a majority (51%) said the rules offered no or few opportunities, with only 25% seeing several or many. While the current rules provide some scope for pursuing environmental and social objectives, more targeted support may be needed to unlock the potential of procurement as a driver of innovation.

## 2.4 Summary and cross-analysis of sectoral legislation

This section integrates findings from the above. The first layer of analysis focused on **frequency**, how often sectoral legislation interacts with procurement. Section 2.1 identified and mapped 44 EU directives and regulations relevant to LRAs. These were categorised as either horizontal (25 acts) or vertical (19). As discussed in Section 2.1, Construction, Energy, Health and Medical Equipment, Sewage, Refuse, Cleaning and Environmental Services, as well as Transport (Equipment and Services), could be linked to specific legislative acts. A second layer assessed **density**, the intensity and depth of influence that each piece of sectoral legislation exerts over key components of the procurement process. This includes special rules, additional awards and selection criteria or grounds for exclusion, performance criteria and joint procurement.

The scatter plot below integrates the concepts of frequency and density. The X-axis represents a composite score combining the number of legislative acts affecting each sector (frequency) with the type and breadth of their impact on procurement rules (density). The Y-axis displays the number of TED notices associated with each sector, as a proxy for procurement activity. This infographic helps identify sectors where legislative complexity and procurement volume intersect most, highlighting areas where LRAs may face the greatest regulatory and operational challenges.

**Figure 8 Density of rules vs TED notices**



*Source: own elaboration*

As seen, **Construction, Sewage, Refuse, Cleaning and Environmental Services, Transport Equipment and Health & Medical Equipment** have many rules and TED notices, suggesting more urgent attention. This however, should not exclude Energy which, despite very few tenders appears to be heavily regulated, nor Transport Services with fewer rules but many TED notices. The analysis did not consider the economic size of tenders, which may reveal other trends that counter this prioritisation, nor could it assess how burdensome each rule is. Other sectors with many tenders but little sectoral legislation include Architectural, Engineering and Inspection Services (third most significant sector with 12.4% of TED notices) and a potential overlap with construction rules, financial and insurance services (sixth most represented sector with 5.2% of notices), and business services such as legal, marketing, consultancy, recruitment, printing and security (eighth most represented sector with 3.2% of notices). These sectors may be affected by horizontal legislation.

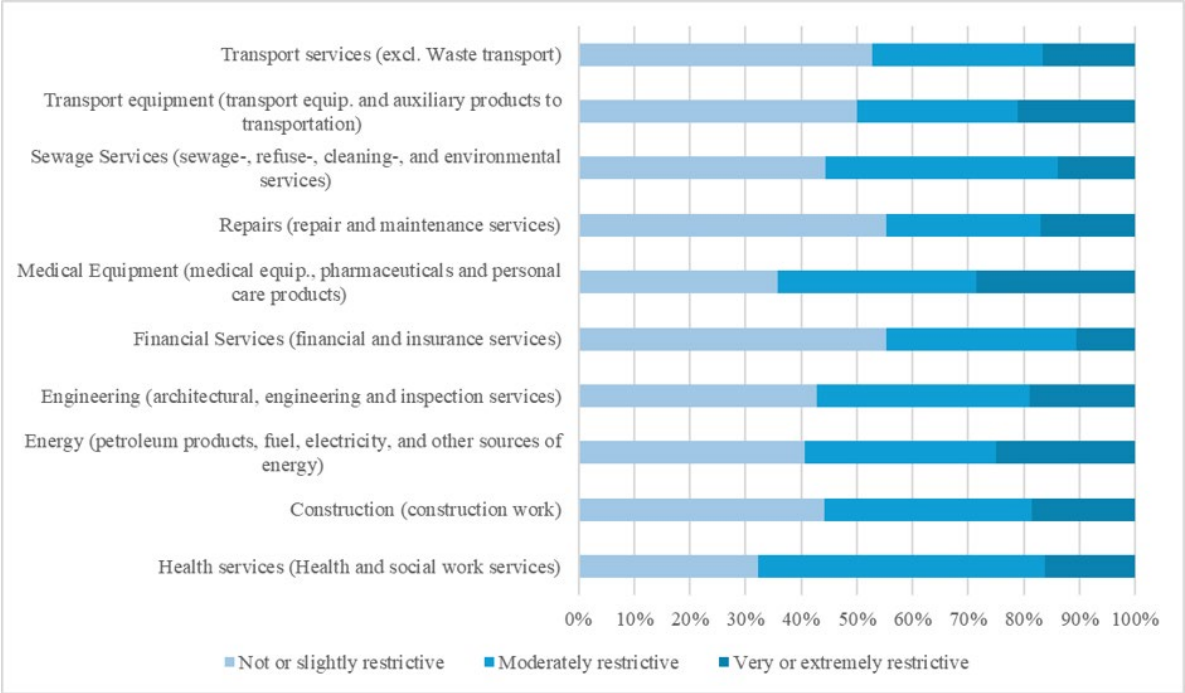
The survey conducted under this study helps draw conclusions from this analysis. When asked about specific implementation challenges, compliance with sector-specific legislation was considered frequently or very frequently challenging by 36% of respondents. Since 54% of respondents face frequent or very frequent challenges with the legal interpretation of acts, this indicates a challenging procurement framework. Sectors with rules that are particularly restrictive or difficult to manage<sup>23</sup> include Medical Equipment (29% of respondents rating it as very or extremely restrictive), Energy (25%), Transport Equipment (21%),

<sup>23</sup> "In which sectors do you find current procurement rules to be particularly restrictive or difficult to manage?"



Architectural, Engineering and Inspection Services (19%), Construction (19%), Health Services (16%) and Transport Services (17%). Financial Services, Repair and maintenance and Sewage Services were seen as less restrictive, with under 14% of respondents describing them as very or extremely restrictive. The graph below provides a visual representation of the sectors investigated through the survey.

**Table 2.4 In which sectors do you find current procurement rules to be particularly restrictive or difficult to manage?**



*Source: own elaboration*

These findings confirm the highly complex nature of the regulatory environment in which LRAs operate. Some sectors such as Construction, Medical Equipment and Transport Equipment are subject to many regulations, as reflected in the LRA perception of ‘restrictiveness’, as well as significant procurement activity. Others, such as Energy, have much more centralised procurement, as evidenced by few tenders but even more regulations, confirmed by a perception of high restrictiveness by LRAs. In addition, **horizontal legislation** affects many sectors, including those not specifically scrutinised in this study. This adds an extra layer of governance, compliance and due diligence rules as well as social standards, financial controls, environmental and digital requirements. These findings make streamlining these rules, as well as improving guidance and support, especially urgent. More details are in Section 6.2.

### Box 2.3 The view of stakeholders

**Eurocities** stated that while the PPDs remain central, cities face increasing difficulty when drafting tenders due to additional requirements scattered across various EU acts and especially environmental, energy labelling and sustainability rules. Without comprehensively mapping these rules, many cities struggle with delays and lack the capacity to manage complex, fragmented obligations.

*Source: own elaboration based on interviews*

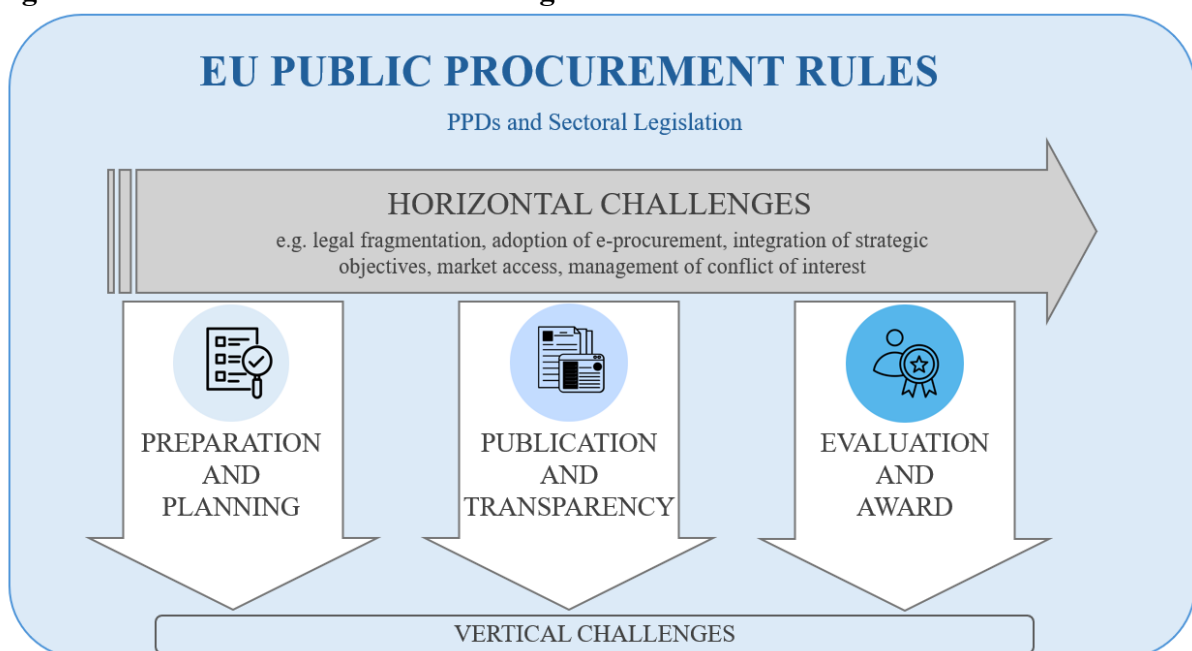
In parallel to the complexity described above, the analysis also revealed widespread though uneven **strategic criteria** in the legislation. As shown in Section 2.3, provisions relating to green, social and innovation objectives were found in most sectoral and horizontal acts. Social criteria are the most common and are almost omnipresent in horizontal acts (24 out of 25 acts) as well as in Health and Medical Equipment and Transport Services and are common in the Transport Equipment and Energy sectors. Environmental criteria are especially prominent in the Energy, Construction, Transport Equipment and Sewage, Refuse, Cleaning and Environmental Services sectors and are quite common in horizontal acts (17 out of 25). Innovation criteria are seen the least (14 out of 25) and mostly concentrated in horizontal acts, but also in the Transport Equipment and Energy sectors. Integrating strategic objectives exacerbates rule density. As discussed in Chapter 4, this should be carefully considered when reflecting on future developments around the non-binding nature of strategic criteria to avoid excessive burden for the most critical sectors identified in this research.

### 3 What difficulties and challenges do LRAs encounter in implementing EU procurement rules?

Although the PPDs aimed at simplifying public procurement processes, their implementation remains complex for LRAs. Challenges stem from the application of EU public procurement rules and sectoral legislation including:

- **‘Horizontal’ challenges**, which relate to the entire procurement process, such as digitalisation and legal interpretation.
- **‘Vertical’ challenges**, which are linked to specific phases of the public procurement process.

Figure 9 Horizontal and vertical challenges



*Source: own elaboration*

#### 3.1 Horizontal challenges

Horizontal challenges do not pertain to a specific part of the public procurement process but generally affect all its phases. The study has identified several such challenges, including:

- legal fragmentation,

- adoption of e-procurement,
- integration of strategic objectives,
- market access in procurement processes,
- management of conflicts of interest.

### ***Legal fragmentation***

There is broad agreement in academic and specialised literature that legal fragmentation in public procurement stems from the overlap between national rules, EU directives and sector-specific legislation (see Chapter 2). This overlap often results in legal uncertainty, making implementation more complex for contracting authorities, particularly at local and regional levels. Indeed, 50% of survey respondents indicated that interpreting legal and regulatory acts is a frequent or very frequent challenge. The interaction between national and EU legislation often results in ‘gold-plating’.

#### **Box 3.1 The view of stakeholders**

As noted in an interview with **Eurocities** and the **Austrian Association of Cities and Towns**, rule fragmentation has a significant impact on tender preparation, leading to delays and capacity constraints. The interaction between national and European law is frequently problematic, with the transposition of EU public procurement rules into MS legal frameworks creating additional challenges for LRAs (gold-plating).

**SMEunited** explained that gold-plating has historical roots. Before adoption of the PPDs, each country applied its own procurement rules which, even after the transposition, remained embedded in national traditions and legislation.

*Source: own elaboration based on interviews*

The phenomenon of **gold-plating**, also mentioned in the interviews with LRAs and SME associations, is especially pronounced in MSs with an elaborate and over-regulated legislative approach (see Box 3.2). In addition, the literature review highlights that continuous amendments to national public procurement legislation hinder public authorities' ability to maintain consistent practices, as they create legal uncertainty. (European Committee of the Regions, 2019a). Beyond gold-plating, the complexity of national legal frameworks, as highlighted in the interview with the ECA, could also be attributed to delays in transposing the PPDs which triggered numerous infringement procedures. The possibility of legal disputes often fosters risk-averse behaviour, such as more costly or less efficient procurement procedures, or even forgoing outsourcing altogether.

### Box 3.2 A glance at national level public procurement

Portugal made a notable effort to harmonise procurement processes at national level for digitalisation and ICT. The Ministry of Telecommunications developed national-level guidance documents and mandatory templates, which are also available at regional level. As a result, municipal administrations can now access pre-established guidelines that ensure compliance with both EU and national legislation. Most importantly, these templates are uniform across the entire country to promote joint public procurement in the digital sector, enabling local authorities to work from a shared legal and administrative framework, facilitating cooperation and reducing legal uncertainty.

On the contrary in Italy, complex and redundant controls over public administration actions discourage LRAs from using strategic criteria as they may struggle to justify awards that do not prioritise the lowest price. A single procurement contract can be scrutinised by up to eight entities including judicial authorities, the financial police and other law enforcement agencies. Also, the overlap of regulatory sources, including EU, primary and secondary legislation (hard law), and guidelines (soft law) increases the likelihood of administrative errors, which could result in financial liability for public officials (Valenza, 2021).

*Source: own elaboration based on interviews*

Legal fragmentation is also intensified by numerous **sector-specific regulations and directives** which, although policy-driven, increase procedural complexity for LRAs. More than half the survey respondents identified compliance with sector-specific regulations as a challenge. These challenges often include a lack of clarity or guidance on how sectoral rules interact with the PPDs, as well as the difficulty of meeting performance criteria or technical specifications.

### Box 3.3 The view of stakeholders

**Eurocities** indicated that the most problematic areas are where regulations include environmental requirements, sustainability criteria, energy labelling and energy performance standards, as European legislation is particularly advanced in these areas.

An example cited by **CCRE-CEMR** is the NET Zero Industry Act<sup>24</sup>, which includes compulsory green criteria.

*Source: own elaboration based on interviews*

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<sup>24</sup> Regulation (EU) 2024/1735 of the European Parliament and of the Council of 13 June 2024 on establishing a framework of measures for strengthening Europe's net-zero technology manufacturing ecosystem and amending Regulation (EU) 2018/1724.

## *Adoption of e-procurement*

Challenges related to e-procurement include a lack of standard requirements and IT systems across MSs, as well as the lack of capacity not only in contracting authorities but also in bidders, notably:

- **Varying requirements for certificates and electronic signatures across borders, as well as a lack of compatible IT systems** (European Committee of the Regions, 2019a)
- **Risk of discrimination against micro-enterprises**, which may lack the expertise and resources to use these platforms effectively (European Committee of the Regions, 2019b).

### **Box 3.4 The view of stakeholders**

**SMEunited** underscored that digitalisation is now the norm in the private and public sectors. Digital platforms that distribute procurement information, share tender documents and facilitate bidding are now commonplace and should be fully embraced. However, while digital auctioning works well for standard products, it is not always suitable for more complex or non-standard procurement, so digital tools should be flexible.

**Transparency International** highlighted differences in e-procurement systems across MS which do not enable a clear vision of public spending across sectors.

The **Austrian Association of Cities and Towns** noted that some SMEs, particularly in the food and agricultural sectors, face barriers to participating in tenders as they lack a digital signature.

*Source: own elaboration based on interviews*

## *Integration of strategic objectives*

Most survey respondents mentioned challenges to integrating strategic orientation, particularly when balancing green, social and innovation criteria with efficiency and legal uncertainties.

- LRAs acknowledge the importance of incorporating **quality or strategic criteria** as competition parameters in tenders. However, this requires specific resources, expertise and commitment which are often unavailable. The 2019 Regional Hubs consultation sees strategic procurement as creating an administrative burden that outweighs the potential benefits (European Committee of the Regions, 2019a).

- LRAs often view any deviation from traditional procedures as increasing the risk of errors and exposing authorities to a **higher risk of legal action** (European Committee of the Regions, 2019a). As a result, LRAs tend to be cautious when awarding tenders and favour traditional, price-based awards over quality or strategic criteria. This is confirmed by the ECA Special Report 28/2023 which notes that lowest bid contracts continue to constitute most awards across all MSs. As pointed out by associations representing LRAs, contracting authorities are often very reluctant to include specific social or environmental criteria in their tendering procedures. This reluctance stems from concerns that such criteria could inadvertently lead to discrimination or distort fair competition.

### Box 3.5 The view of stakeholders

**Eurocities** confirmed that local authorities typically refrain from including such criteria unless they can be certain of the legal justification. Although European case law offers some guidance, its application remains ambiguous.

Similarly, the **ETUC** suggested that interpreting procurement rules which are often unclear mean that contracts based on the lowest price appear to be the simplest and most legally defensible approach. This objective and level playing field makes the decision difficult to contest. While this approach simplifies procurement, it ultimately drives down the quality of services and working conditions, favouring short-term cost reductions over long-term sustainability.

The **Austrian Association of Cities and Towns** highlighted that while the focus should remain on pursuing common goals, tailored solutions should be provided for each MS, suggesting that a one-size-fits-all approach with binding criteria would not be effective.

*Source: own elaboration based on interviews*

Strategic procurement is a controversial topic. While acknowledging the benefits of greener, more socially responsible and more innovative procurement, the ECA suggests the Commission first needs to establish political priorities. Once these are defined, it can be determined whether procurement is the appropriate tool to achieve them, and appropriate measures can be put in place. In some cases, it may be more effective to integrate these rules directly into product requirements, ensuring they apply across the entire market, not just the public sector, making it easier to reach these goals (see Section 6.2). Public procurement has often been seen as the solution, but the key is setting clear objectives. This is also confirmed by CCRE-CEMR in its position paper which emphasises that public procurement rules are not the most suitable tool to promote EU strategic goals, as the primary goal of public procurement should be the efficient and responsible use of public funds (CCRE-CEMR, 2025).



## *Market access in procurement processes*

Facilitating market access to procurement continues to be a critical concern as most survey respondents mentioned at least some challenges. Difficulties in ensuring access can be attributed to both the lack of market readiness and challenges LRAs face in correctly implementing the PPDs and sectoral legislation (i.e. applying the selection criteria, dividing into lots and selecting the correct procedure). These challenges are even more acute for cross-border procurement, where a lack of uniform labels and certifications as well as language barriers add to the complexity of procedures:

- **Lack of market readiness** was highlighted as a problem in the interviews with LRA associations. Tenders often attract no bidders or only a single supplier as few suppliers can meet the technical specifications, especially at local level. This highlights the challenges cities face in leveraging their purchasing power to support the local ecosystem. This is often impossible due to insufficient supplier capacity or competition in those market segments.

### **Box 3.6 The view of stakeholders**

**Eurocities** highlighted that few or no suppliers could meet technical specifications, especially at local level, which does not enable companies to participate.

*Source: own elaboration based on interviews*

SME associations pointed out that SMEs can face difficulties with tendering due to a lack of LRA expertise in **implementing the PPDs and sectoral legislation**. Such challenges arise from misaligned selection of criteria not focused on projects or services but rather on the characteristics of the companies themselves. Such criteria may be difficult for certain enterprises, in particular SMEs to meet and exclude them from tendering. There is a general perception among LRA and SME associations that some measures to increase participation in public procurement are already provided for in the PPDs. These include participating in consortia and subdividing contracts into lots, but these are not effectively implemented. More complex projects with many qualitative criteria can be a challenge for SMEs to meet individually. Allowing SMEs to form consortia or splitting contracts into lots could make the process more manageable for SMEs and encourage their participation. However, this is not always common practice among LRAs.



### Box 3.7 The view of stakeholders

**SMEunited** stated that allowing consortia would be helpful for SMEs, so they can meet all the criteria together rather than requiring each SME to meet each criterion.

The **Austrian Association of Cities and Towns** pointed out that splitting into lots would encourage SMEs to participate in public procurement.

*Source: own elaboration based on interviews*

- Another challenge to correctly interpreting EU public procurement rules is the **limited use of negotiated procedures**, which further hampers the flexibility of procurement procedures (see Section 3.2). In many cases, dialogue with bidders could lead to better outcomes. Stakeholders stress the need to simplify current rules and allow the general use of negotiated procedures with prior notification (CCRE-CEMR, 2025).
- In **cross-border procurement**, these challenges become more pronounced and additional obstacles may arise. For instance, differences in certification and technical specifications discourage companies from participating in tenders. The **lack of uniform labels** makes it difficult for contracting authorities to interpret and apply them (CCRE-CEMR, 2025). Moreover, an additional challenge mentioned in the interview with the ECA is the **language barrier**, with data showing that language differences can hinder the procurement process.

### Box 3.8 The view of stakeholders

**Transparency International** highlights that language challenges arise when tender documents are written in the local language, making it difficult for companies from abroad to participate.

*Source: own elaboration based on interviews*

## *Managing conflicts of interest*

LRAs face challenges in managing conflicts of interest, which may stem from the absence of clear rules to ensure compliance with key principles such as cost-effectiveness, expediency and, above all, transparency in public procurement. More than half the survey respondents expressed concerns regarding the management of conflicts of interest. This aligns with the literature review, which also highlights the persistence of such challenges across MSs. More specifically:

- Legal provisions are often worded too broadly or vaguely, leaving too much room for interpretation, especially when determining whether a conflict of

interest exists. This **lack of clarity** makes it harder for LRAs to detect and manage conflicts effectively.

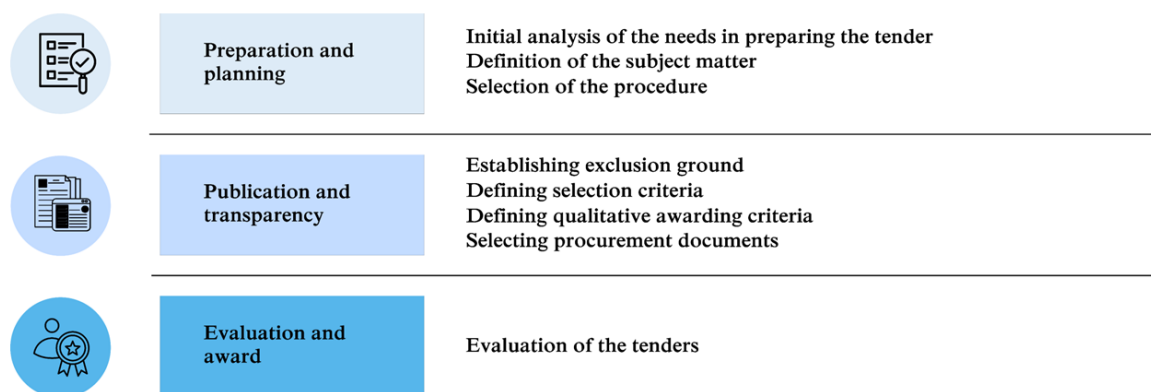
- Preventing, identifying and resolving conflicts of interest requires both **administrative resources and financial investment**. In low-value procurement, the cost of compliance can outweigh the risk, creating disproportionate burdens (Transparency International Austria, 2023).

Conflict of interest and transparency were also mentioned in the interview with the ECA, which stated that employees of companies or subcontractors involved in defining selection criteria or technical specifications should not be allowed to participate in the tender process.

## 3.2 Vertical challenges

Challenges have been identified **in different phases of the procurement process**, based on the *Public Procurement Guidance for Practitioners* (European Commission, 2018). Analysing each phase, the most challenging activities for LRAs are listed in the figure below.

**Figure 10 Public Procurement phases and activities**



*Source: own elaboration based on European Commission (2018), Public Procurement Guidance for Practitioners*

### ***Preparation and planning phase***

In the preparation and planning phase, the challenges are:

- initial analysis of the needs in preparing the tender (i.e. market analysis consultation),

- definition of the subject matter (i.e. complying with the proportionality clause),
- selection of the procedure (i.e. more flexible than the traditional open procedure).

Over half the survey respondents reported that **analysing initial needs in preparing the tender** is moderately difficult. Challenges particularly relate to market analysis. As interviews with stakeholders confirmed, a major difficulty for LRAs is carrying out proper **market research** before drafting the tender. If no or only one bid is received, the problem might lie in insufficient market research and stakeholder consultation before launching the tender. When few or no bids are received, it is often due to insufficient market research and limited stakeholder engagement. Poor research can result in specifications not aligned with market conditions. This can discourage participation, particularly from SMEs if requirements are too demanding or unrealistic.

#### Box 3.9 The view of stakeholders

**Transparency International** highlights that the lack of a unified EU supplier register limits LRA access to key data on companies operating in each sector across the EU. A comprehensive supplier register would provide information on companies, their operations, interactions with public officials and their compliance with environmental and sustainability requirements. This would improve transparency and support more effective EU procurement.

*Source: own elaboration based on interviews*

More than half the survey respondents perceive **defining the subject matter** as moderately difficult.

#### Box 3.10 The link to the subject matter in the PPDs

Linking procurement criteria and conditions to the subject matter of the contract is a recurring principle in Directive 2014/24/EU. This is articulated in several recitals of the Directive's preamble, as well as articles regulating award criteria, contract performance conditions and general principles.

- Article 18(1) (General Principles):  
*'Contracting authorities shall treat economic operators equally and without discrimination and shall act in a transparent and proportionate manner. The design of the procurement shall not be made with the intention of excluding it from the scope of this Directive or of artificially narrowing competition (...).'*
- Article 67(3) (Award Criteria):

*'Award criteria shall be considered to be linked to the subject-matter of the public contract where they relate to the works, supplies or services to be provided under that contract in any respect and at any stage of their life cycle'*

- Article 70 (Conditions for Performance of Contracts):  
*'Contracting authorities may lay down special conditions relating to the performance of a contract, provided that they are linked to the subject-matter of the contract within the meaning of Article 67(3) and indicated in the call for competition or in the procurement documents'*

*Source: Directive 2014/24/EU*

LRA associations highlighted the difficulty LRAs face in determining when certain **criteria** are directly relevant to the contract. Defining the subject matter and determining the relevance of criteria is often a challenge for LRAs and leads to disputes with suppliers, as disproportionate requirements limit SME access to procurement opportunities.

### **Box 3.11 The view of stakeholders**

**Eurocities** highlighted the difficulties LRAs face in identifying the criteria to apply, for fear that suppliers will challenge the requirement, arguing it is not relevant and they are being discriminated against.

Similarly, the **ETUC** stressed that the subject matter and the social clause of the current provisions lack clarity and practical guidance. While the clause requires an MS to take measures to ensure economic operators comply with the rules, it does not specify what these measures should be, leading to legal uncertainty.

**SMEunited** pointed out that the disproportionality of certain requirements hinders the participation of SMEs in tendering procedures, highlighting that SMEs are sometimes required to demonstrate a turnover four or five times the value of the contract. These stringent financial criteria can discourage SMEs as they may not be able to meet such high thresholds.

*Source: own elaboration based on interviews*

The last challenge during preparation and planning phase is the **selection of procedures**. While less than half the survey respondents face at least some difficulties, it emerged as a significant challenge during the interviews. LRA associations explained that applying different procedures is complex, as the rules are not always clear or easy to interpret. These difficulties mean many LRAs choose the traditional open procedure, which is more rigid, instead of opting for more flexible alternatives allowed under the legal framework.

## ***Publication and transparency phase***

The following challenges have been identified for this phase:

- establishing exclusion grounds,
- defining selection criteria (i.e. determining which selection criteria could be applied);
- defining qualitative awarding criteria (balancing strategic criteria with price-based awarding);
- selecting procurement documents (i.e. challenges related to EU thresholds and European Single Procurement Document (ESPD)).

**Establishing exclusion grounds** was considered not or only slightly difficult by more than half the survey respondents. The grounds for exclusion are not only regulated by sectoral legislation in sectors such as Sewage, Refuse, Cleaning and Environmental Services, where one out of two directives imposes additional requirements providing grounds for exclusion, but also by horizontal legislation affecting all areas of public procurement. An example is the Money Laundering Directive which provides that a tenderer who fails to disclose beneficial ownership or registers under an opaque corporate structure may be excluded from procurement to prevent financial crime (Art. 31). Also, tenderers who fail to cooperate with financial intelligence units or national anti-money laundering authorities may be considered unreliable and excluded (Art. 33)(See Section 2.2).

In contrast, **defining selection criteria** was perceived as challenging by half the survey respondents. This is largely due to the complexity of sector-specific regulations, which make it difficult for LRAs to identify the criteria to include in technical specifications. This applies in particular to environmental and sustainability requirements, energy labelling and energy performance standards, where LRAs need to consider seven pieces of legislation when implementing procurement processes. Among them, the new Batteries Regulation affects procurement for energy storage, transport and public services that rely on battery technologies by providing selection criteria that include the obligation for bidders to demonstrate compliance with extended producer responsibility rules (Art. 57) to prove responsible battery disposal and recycling (see Section 2.2). However, these criteria must be balanced with awarding criteria.

### Box 3.12 The view of stakeholders

**Eurocities** highlighted that complex regulatory frameworks create challenges for municipal authorities determining which criteria are relevant and appropriate when drafting a tender.

**SMEunited** emphasised that companies are sometimes excluded based on excessive technical requirements alone. While it is fair to exclude companies that fail to meet fundamental obligations such as paying the minimum wage or complying with health and safety regulations, additional conditions such as requiring companies to pay 20% above the minimum wage would be unfair and exclusionary.

The **ETUC** asserted that incorporating social criteria is imperative including the necessity for collective bargaining agreements to encompass workers. However, it is equally crucial to ensure these criteria do not lead to excessive documentation as this may discourage participation.

*Source: own elaboration based on interviews*

**Defining qualitative award criteria** is a challenge for more than half the survey respondents. This is not only due to the PPDs but also to sectoral legislation which provides additional criteria, in particular for Construction, Energy, Transport Equipment, Health and Medical Equipment, as well as Sewage, Refuse, Cleaning and Environmental Services (see Section 2.2). LRA associations mentioned that LRAs often struggle to incorporate strategic objectives in their procurement, especially when the legal and administrative context encourages a more cautious, risk-averse approach. LRAs often fear that such criteria could be challenged as discriminatory or insufficiently objective, leading to potential legal disputes or annulment of the procedure. Moreover, fragmented responsibilities within the public administration often exacerbates this problem. Procurement units, which typically ensure procedural compliance and budgetary efficiency, may prioritise cost and legal certainty. In contrast, end users of the procured goods or services, such as departments responsible for education, health, or environmental protection may have different priorities and seek outcomes that support broader policy objectives. The inclusion of additional criteria leads to higher costs, both for the product or service and administrative burden on LRAs, particularly for smaller entities that may not have the resources to adequately assess or understand these criteria. The main difficulty lies in balancing the lowest price with a more careful management of strategic criteria.

### Box 3.13 The view of stakeholders

The **CEMR** highlighted a common misconception regarding lowest price criterion in public procurement. In many countries, other criteria are considered earlier in the procurement process, rather than solely at the final award stage. If

all parties respect the other criteria, the price becomes the only remaining factor in the decision. To ensure effective local self-governance, LRAs must retain the flexibility to decide when and how to apply these criteria, either in the product or service definition or during procurement.

**SMEunited** underscored that procurers often award contracts to the lowest bidder out of fear of criticism. Choosing other criteria can lead to concerns about possible complaints, discouraging quality-based decisions. This reluctance to base decisions on quality reflects a wider political issue that many LRAs prefer to avoid.

The **ETUC** mentioned that price-only awards in public procurement processes raise concerns about the fundamental nature of competition. This often leads to competition based on labour costs rather than on quality, productivity or innovation increasing downward pressure on wages and working conditions.

*Source: own elaboration based on interviews*

More than half the survey respondents found **selecting procurement documents** at least somewhat difficult. According to LRA associations, challenges arise in the publication phase due to **low thresholds** and use of the **ESPD**<sup>25</sup>. Current thresholds require formal procedures even for relatively low-value contracts, making procurement unnecessarily complex. Existing thresholds are seen as disproportionate, particularly where they force local authorities to engage in formal procurement processes for relatively low value contracts, which often entail unnecessary administrative burden.

#### **Box 3.14 The view of stakeholders**

The **CEMR** pointed out that the current thresholds for public procurement are considered by many LRAs to be excessively low. This is because thresholds are based on monetary values that no longer reflect today's economic context, including recent inflation. As a result, an increasing number of public contracts exceed the thresholds, triggering application of stricter and more formal EU public procurement rules.

On the other hand, **Eurocities** mentioned the lack of information on public procurement below the EU thresholds. This lack of data makes it difficult to access information, creating transparency problems and limiting supplier participation.

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<sup>25</sup> The ESPD is a self-disclosure mechanism to simplify participation in public procurement across the EU. Before its adoption, economic operators had to provide supporting documents such as proof of tax compliance or confirmation of the absence of criminal convictions at the initial stage of the procedure. The ESPD simplifies this process by allowing companies to fulfil these obligations through a standardised self-declaration form. Only the successful bidder is then required to provide original documentation, reducing the administrative burden on both bidders and contracting authorities.



*Source: own elaboration based on interviews*

LRA associations mentioned that the **ESPD** as currently implemented is not relevant or useful in practice. Though designed to simplify procurement and help SMEs, the ESPD is often seen by LRAs as too complex and burdensome. In particular, the document is criticised for its excessive length and complicated structure, which are at odds with its intended purpose of reducing administrative burden. Transparency International confirms this view, noting that the ESPD's usefulness is limited by inconsistent implementation across MSs. Differences persist on key aspects, such as how often it must be updated and what information is required.

### ***Evaluation and award phase***

More than half the survey respondents indicated that the evaluation and award phase is difficult at least to some extent. In this phase, challenges arise from **insufficient oversight mechanisms** and **inefficient anti-fraud procedures**, leading to corruption and tampering in procurement procedures.

#### **Box 3.15 The view of stakeholders**

An issue highlighted by the **Austrian Association of Cities and Towns** is linked to **cartels**, where businesses may enter into collusive agreements to decide which will win each procurement procedure. Such arrangements often involve rotating winning bids among the participating companies, with the other cartel members deliberately submitting non-competitive or artificially high bids to ensure the designated company wins the contract. This undermines the integrity of the process, shifting the focus from ensuring the best value or quality for the public towards a predetermined outcome shaped by the businesses. Beyond the direct financial implications, this significantly undermines trust in public institutions. Suppliers who play fair may withdraw from tenders where collusion is suspected, reducing competition, leading to poorer outcomes for public administrations. At the same time, public perceptions of corruption or inefficiency in procurement can weaken democratic accountability and support for public initiatives. In Austria, this problem is particularly prevalent in the Construction sector, where cartels have long been a concern. To address this, a new procurement law was introduced to exclude companies involved in cartels<sup>26</sup>.

*Source: own elaboration based on interviews*

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<sup>26</sup> However, this approach proved counterproductive as it resulted in the exclusion of almost all companies, further complicating the procurement process for LRAs.



## 4 Future perspective of EU public procurement rules

This chapter presents scenarios for the future of public procurement, developed through the foresight exercise. Drawing on insights from interviews and the focus group with experts and triangulated with the desk analysis findings, two primary scenarios have been elaborated. The first is a more prescriptive scenario, in which EU rules become more pervasive and mandatory. The second is less restrictive, with a more flexible and voluntary approach to compliance. A third scenario envisions the introduction of strategic measures and coordination mechanisms outside the scope of the PPDs, with only minor changes to current EU public procurement rules.

- The **first section** presents the three scenarios, highlighting changes to be implemented in each procurement dimension.
- The **second section** compares the three scenarios to understand which is more likely to meet stakeholder interests.
- The **third section** draws conclusions on the scenario to be adopted.

### 4.1 Foresight scenarios for the future of EU public procurement rules

Based on the analysis of current legislation and its impact, interviews and the foresight exercise, this chapter explores three scenarios for EU public procurement rules:

- **More prescriptive**, where rules of the PPDs are sharper and stricter;
- **Less prescriptive**, where rules of the PPDs are more flexible;
- **Strategic Adaptation**, where the PPDs ‘core’ remains almost unchanged and strategic adjustments are made through implementation tools.

**The first two scenarios** are explored in the following sections. Each outlines a possible evolution of the scenario, detailing regulatory changes and procedural adjustments this would entail. The analysis then focuses on the potential impact of each change on key stakeholders including LRAs, SMEs and other general interest stakeholders (i.e. social and environmental stakeholders and trade unions).

The **impact on stakeholders** is assessed using a colour scale ranging from green (reduced risks and/or workload compared to the status quo), yellow (no significant change or a balance of positive and negative aspects) to red (increased risks and/or workload) (see Annex 4).

#### 4.1.1 More prescriptive scenario

In a more prescriptive scenario, the current EU public procurement rules would undergo a fundamental shift towards greater uniformity and rigidity. This would reduce divergent national interpretations and limit gold-plating. The PPDs could be replaced or supplemented by directly applicable regulation, eliminating divergent national transposition and streamlining procedures. Stricter and more detailed requirements would minimise the discretion of contracting authorities and reduce different interpretations at national or LRA level. Tighter rules would be accompanied by clearer and more prescriptive obligations on key aspects of procurement including:

- **Award criteria** significantly more prescriptive to align procurement practices with overarching EU strategic objectives such as the Green Deal, digital transformation and social inclusion. Under this scenario, Most Economically Advantageous Tenders (MEAT) based on value for money would become mandatory, replacing contracts based on the lowest price alone. Public purchasers would be required to include environmental and/or social criteria in all procurement procedures above certain thresholds, particularly in sectors with a high environmental or social impact such as Transport, Construction and food services. In addition, new rules would set minimum weightings for certain criteria such as requiring environmental performance to account for at least 30% of the total score in relevant sectors. In sensitive areas such as health, education and social services, price-only awards could be banned in favour of more qualitative assessments using MEAT. To further harmonise practices across the EU, standard award templates or scoring models could be introduced for specific procurement categories. If contracting authorities still opt for price-dominant criteria, they would be required to provide a formal justification, including an assessment of how this is consistent with strategic policy objectives.
- **Publication (i.e. timing, documentation, platforms)** with procurement notices following harmonised formats, submitted on EU-wide templates and respecting uniform deadlines on TED to ensure consistency and legal certainty. However, as highlighted in the foresight analysis, TED currently provides a skewed perspective, as it mostly covers above-threshold

procurement, with only a limited number below threshold voluntarily published by administrations.

- **Exclusion grounds**, a stricter framework with harmonised exclusion criteria including automatic bans for past misconduct would be applied uniformly in all MSs, limiting local discretion.
- **Transparency and integrity** with an EU-wide system requiring real-time publication of tenders, awards and performance indicators.
- **Thresholds** lowered and fixed uniformly across the EU, with fewer options for national derogations to ensure more procedures fall under full EU rules.
- **Reserved contracts for social enterprises**, with a fixed quota (e.g. 10%) of contracts reserved for social enterprises or sheltered workshops each year to promote inclusive procurement.
- **Environmental and/or social criteria** included in all above-threshold tenders regardless of sector, reinforcing the horizontal Green Deal and the Social Pillar objectives. Such mandatory criteria were also highlighted in the ETUC interview. This includes the need for a clearer framework to ensure these measures are integrated at all stages of the procurement process, including the requirement for collective agreements.
- **The link to the subject matter**, making the connection with additional legislation more explicit. Currently Directive 2014/24/EU contains in Annex X several social and environmental conventions linked to Article 18. In a more prescriptive scenario, social, economic and environmental legislation impacting the subject would be identified and included in an annex to the directive. This could clarify the link by listing sectoral legislation to be considered. This list would need to be constantly updated to include future legislation.
- **Pre-tendering assessment** requiring contracting authorities to carry out a formal needs analysis and market study before launching a procedure, with documentation subject to audit. As noted in the foresight analysis, LRAs often struggle with this stage as it is left to their discretion. Few authorities carry out market analysis or value assessments of the goods and services purchased, leading to inefficiencies and a lack of accurate cost assessments. Regulating this stage could improve procurement efficiency by ensuring better prepared procedures and more informed decisions.

- **Division into lots**, mandatory for all tenders without a detailed and published justification to promote SME participation in all MSs. As highlighted in both the foresight analysis and the interviews this would facilitate SME participation by breaking contracts into manageable parts and embed strategic objectives directly into procurement law, reinforcing the role of public procurement in supporting EU policy objectives.
- **Selection of procedures** (use of alternative procedures) as the use of open procedures would be restricted and public authorities are encouraged or even obliged to use negotiated procedures or innovation partnerships in complex or strategic sectors.

Beyond changes to the substance of specific rules, the more prescriptive scenario could also involve a shift in legislative form. Instead of maintaining the current directive-based approach which requires transposition into national law the PPDs could be replaced by a **regulation**, ensuring direct application across MS and reducing the risk of divergent interpretations or gold-plating at national level.

#### 4.1.2 Less prescriptive scenario

In a less prescriptive scenario, EU public procurement rules would evolve towards greater flexibility. The framework would rely on fundamental principles of public procurement such as transparency, equal treatment, non-discrimination and proportionality, while other rules would be more nuanced and grant greater discretion.

**Awarding criteria** and **exclusion grounds** could be determined through new procedures, without the need to comply with harmonised EU requirements.

Discretion would also extend to decisions regarding **reserved contracts for social enterprises**, **division of contracts into lots**, and the **inclusion of environmental and social criteria**, which would no longer be mandatory but left to the judgment of LRAs.

**Thresholds** would no longer automatically determine the **type of procedure** to follow and the obligation to **publish procurement notices** above specific thresholds in TED could be reconsidered or adjusted in light of the characteristics and objectives of the procurement.

The **link to the subject matter** would not be included in principles set out in Article 18 enabling LRAs to choose criteria even if they are not strictly relevant to the purpose of the contract.

This enhanced flexibility would enable better adaptation to local needs, streamline procurement processes and reduce administrative burdens.

#### 4.1.3 Strategic adaptation scenario

In this scenario, the PPDs undergo limited changes. While existing EU public procurement rules pose challenges for various stakeholders, the problem may not lie in the PPDs themselves but in their application. Many stakeholders argue that the PPDs are not inherently ineffective. Rather, the reasons they do not work as expected may be due to factors such as legal uncertainty in their application or additional complexity introduced by MS national frameworks. These can make the process more burdensome and unclear. To avoid such problems, some measures could be implemented alongside the current legal framework including:

- **Capacity building and guidance**, while already available in various forms, this scenario would require more robust and strategic investment in this area. An EU-level needs assessment would map existing resources and gaps in LRA procurement capabilities. The goal would be to develop a coordinated capacity-building strategy, aligned with the principle of subsidiarity where responsibilities are proportionally shared across governance levels. Support would be tailored to the specific challenges of different LRAs, ensuring national and regional actors coherently provide structured targeted assistance. This would enhance consistency and effectiveness in procurement implementation across the EU.
- **Stricter Commission supervision** to help ensure MSs comply with EU public procurement rules. Although such supervision is already in place, infringement decisions sometimes come too late to monitor compliance of national rules with the PPDs. For example, Bulgaria received a formal notice in February 2025 for non-compliance with national rules, namely the Bulgarian Electronic Government Act adopted in 2019, with Directive 2014/24/EU (European Commission, 2025). Constant monitoring would allow for prompt action and ensure that procurement practices are in line with the PPDs. This would help ensure MSs apply EU public procurement rules aligned with their original objectives and avoid unnecessary administrative burden that may discourage participation, in particular by SMEs and other actors with limited resources.
- **Mapping sectoral legislation**, as fragmented legislation adds complexity to procurement. A structured mapping of sectoral legislation would help identify which legal acts are applicable, clarify how procurement rules interact with other policy areas and support the practical and consistent integration of sectoral objectives such as sustainability, innovation and

social inclusion into procurement. This mapping would also help resolve persistent challenges of linking award criteria, technical specifications and contract performance clauses to the subject matter of the contract, as required under Directive 2014/24/EU. A clearer understanding of how sector-specific obligations may be lawfully incorporated into procurement documents would improve legal certainty and reduce the risk of disputes or procedural errors. A list of legislation relevant to specific areas of procurement could be developed and regularly updated, with practical examples of how to take this legislation into account included in guidance for public procurement practitioners. This list could indicate for each sector how legal obligations may be reflected in procurement practices while respecting the principle of subject matter linkage.

- **Promoting strategic procurement through incentives and the EU Semester.** While the PPDs encourage the use of qualitative award criteria, strategic orientation and innovative or green procurement, their application by contracting authorities is often limited. To bridge the gap between regulatory intent and actual practice, especially in a less prescriptive legislative environment, incentivising voluntary uptake becomes essential. Two complementary approaches can support this shift:
  - **Linking EU funding to strategic procurement practices.** One effective mechanism is to tie EU financial resources to the adoption of advanced procurement. For instance, projects that integrate green criteria, social value, or innovation-friendly procedures (such as competitive dialogue or innovation partnerships) because of a tender procedure could be eligible for higher EU co-financing rates under shared management. This would reward good practice and create a clear incentive for LRAs to align procurement decisions with EU policy priorities. Such incentives could be implemented through voluntary earmarking, where national programme authorities identify and earmark specific parts of their operational programmes or plans that apply strategic procurement criteria. This would encourage strategic approaches without imposing rigid requirements, while reinforcing long-term EU policy priorities.
  - **Strategic guidance through the European Semester.** Another complementary path is the use of parametric governance tools. These could leverage the European Semester to guide and encourage MSs to embed strategic procurement into national reform agendas. Through Country-Specific Recommendations, National Reform Programmes and regular monitoring, the

Commission could promote quality-based, socially responsible and innovation-oriented procurement practices as key enablers of sustainable growth, digital transition and social inclusion. This parametric approach would frame procurement reform not just as a compliance exercise but as a strategic tool for achieving broader economic and policy goals. It would also enable peer learning and benchmarking, encouraging voluntary convergence among MSs while respecting subsidiarity. This would require a more advanced EU-level tender monitoring system. Improved data is essential to track the use of strategic criteria in tenders, assess compliance and evaluate the effectiveness of incentives linked to EU funding.

## **4.2 Comparison of the scenarios impact on stakeholders**

The first two scenarios—more and less prescriptive—have been compared to assess which would better support the objectives of the revision. The analysis identifies potential increases or decreases in risks and workload for SMEs, general interest stakeholders and LRAs across specific dimensions of the procurement framework, depending on the changes implied by each scenario. To facilitate comparison, each aspect of the procurement process has been assigned a score: -1 for a reduction in risk and/or workload compared to the current framework (green cells); 0 for no significant change or a balance of positive and negative effects (yellow cells); and +1 denotes an increase in risk and/or workload (red cells) in the table below.

**Table 4.1 Impact on stakeholders**

Procurement Dimension	SMEs		General Interest stakeholders		LRAs		Total	
	More prescriptive	Less prescriptive	More prescriptive	Less prescriptive	More prescriptive	Less prescriptive	More Prescriptive	Less Prescriptive
Awarding criteria	0	1	-1	1	0	-1	-1	1
Publication/ Documentation	-1	1	0	1	1	-1	0	1
Exclusion grounds	0	1	0	1	1	-1	1	1
Transparency and Integrity	-1	0	-1	1	1	0	-1	1
Thresholds	0	1	0	1	0	-1	0	1
Reserved Contracts for Social Enterprises	1	0	-1	1	1	-1	1	0
Environmental and Social Criteria	1	1	-1	1	1	-1	1	1
Subject Matter	0	0	0	0	1	1	1	1
Pre-tendering assessment	0	0	0	0	1	0	1	0
Division into lots	-1	1	0	0	1	-1	0	0
Selection of procedures	0	1	0	0	0	-1	0	0
Total	-1	7	-4	7	8	-7		

**Source: own elaboration**



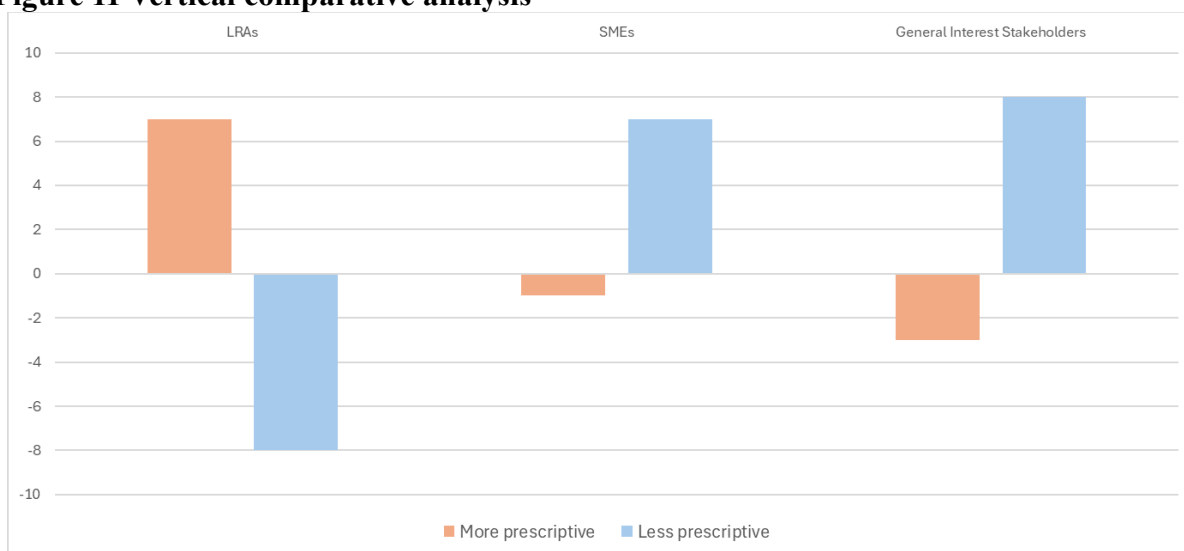
The following subsections explain the scores through two types of analysis:

- **Vertical:** which examines how each change under the two scenarios affects stakeholder/SME/LRA groups individually.
- **Horizontal:** which explores how each element of procurement could evolve under both scenarios, assessing whether stakeholders/SME/LRAs overall would benefit more from a more or less prescriptive approach.

#### 4.2.1 Impacts on stakeholders (vertical analysis)

The vertical analysis assesses the **overall impact on each stakeholder** group, LRAs, SMEs and general interest stakeholders by **aggregating the expected increases and decreases in workload and risk** across all procurement dimensions. This helps determine whether each group would prefer a more or less prescriptive regulatory framework and the reasons for their preferences. The chart below summarises this assessment. Negative values indicate a reduction in risk and workload, while positive values reflect an expected increase in both.

**Figure 11 Vertical comparative analysis**



*Source: own elaboration*

The chart shows that **LRAs** would benefit more from a **less prescriptive scenario**, as greater flexibility in procurement rules would reduce their administrative burden and allow them to tailor procurement to their local needs. In this scenario, LRAs can exercise greater discretion allowing them to streamline processes and reduce bureaucratic complexity.

Conversely in a **more prescriptive scenario**, LRAs would experience a significant increase in workload due to the need to comply with stricter and more standardised rules. This burden extends beyond the procurement process and

includes a demanding adjustment and transition period. LRAs would need to revise their internal procedures, implement new compliance measures and ensure staff are trained to meet the stricter regulatory requirements. For smaller or less experienced LRAs, this transition would be particularly challenging if they lack the technical expertise or resources to properly manage the increased complexity.

**SMEs** would benefit more from a **more prescriptive scenario** as stricter rules promote fairness, transparency and equal access to public contracts. Clear and standardised rules help create a level playing field and reduce the risk of large companies using discretionary decision-making to their advantage.

A **less prescriptive scenario** leads to greater administrative burden and market uncertainty for SMEs. The lack of clear guidelines and increased discretion for contracting authorities can lead to inconsistent procurement practices, making it harder for SMEs to compete on a level playing field. Without structured rules, SMEs may find it difficult to navigate complex procedures, interpret different criteria in different calls for tender and ensure compliance with diverse local regulations, reducing their chances of winning contracts.

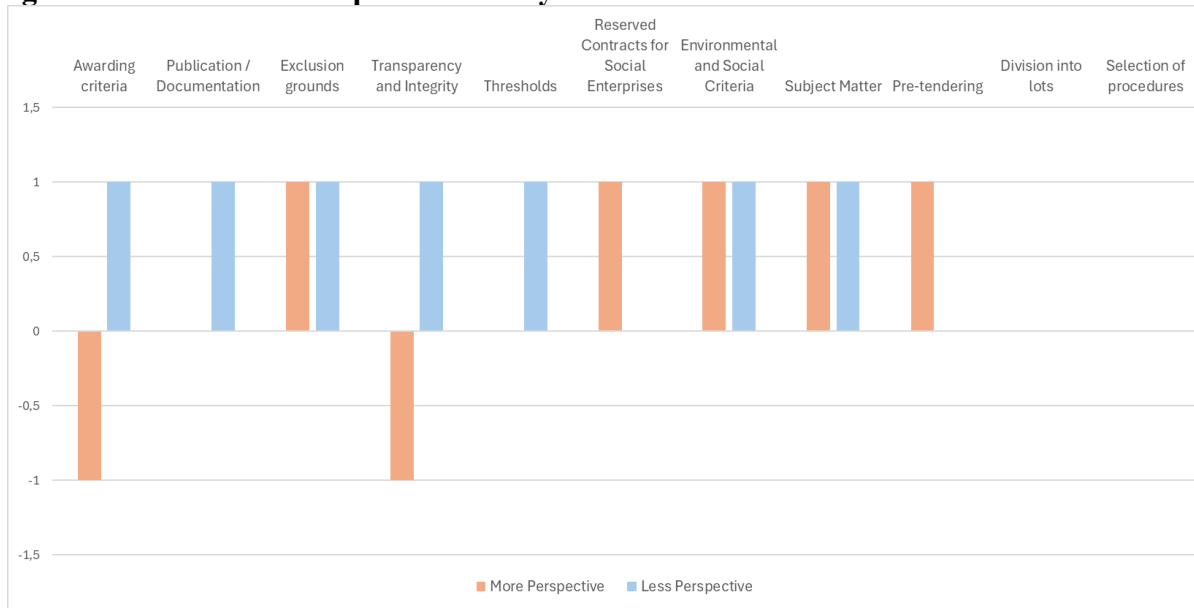
**General interest stakeholders** favour a **more prescriptive scenario** because it ensures the consistent application of social, environmental and ethical objectives. Clear and binding rules help to integrate these priorities into public procurement processes, making it easier to enforce sustainability commitments, labour protection and anti-corruption measures.

In a **less prescriptive scenario**, the lack of mandatory requirements increases the risk that these objectives will be overlooked or applied inconsistently in different procurement procedures. Without strong enforcement mechanisms, contracting authorities may de-prioritise environmental and social considerations in favour of cost or administrative convenience.

#### 4.2.2 Changes and their aggregate impact (horizontal analysis)

The horizontal analysis evaluates **the aggregate impact** on the three stakeholder groups **for each regulatory change**, whether more or less prescriptive. Unlike the vertical analysis which focuses on stakeholder-specific preferences this approach identifies the type of regulatory adjustment—more or less prescriptive—adds value across all three groups as summarised in the chart below.

**Figure 12 Horizontal Comparative Analysis**



*Source: own elaboration*

The comparative impact on various aspects of public procurement assesses the extent they increase or reduce risks and administrative workload for stakeholders. In the chart, negative values indicate a reduction in risk and workload and positive values an expected increase.

A **more prescriptive scenario** appears to reduce risks and administrative burden only for award criteria, transparency and integrity suggesting greater legal certainty for stakeholders, reducing ambiguity and compliance-related challenges. However, increased prescriptiveness also introduces additional complexity in most other areas, particularly for exclusion grounds, reserved contracts for social enterprises, environmental and social criteria as well as the pre-tendering phase with subject matter definition and division into lots.

Conversely, the **less prescriptive scenario** increases risks and administrative burden across most elements, especially publication/documentation, exclusion grounds, thresholds and the inclusion of environmental and social criteria. While a more flexible legal framework may, in theory, simplify procedures for LRAs (as discussed in the previous section), it may also lead to inconsistencies and fragmented practices. This could undermine legal certainty, fairness and coherence across procurement systems, posing challenges for SMEs and other stakeholders engaged in cross-border or multi-authority procurement.

### 4.3 Conclusions

The comparison between more and less prescriptive approaches to EU public procurement rules highlights that any significant revision of the existing PPDs and sectoral legislation would involve trade-offs for different stakeholder groups. It is also important to note that all regulatory changes entail transition costs for adaptation, capacity building and increased uncertainty during implementation. Neither scenario offers universal advantages with the benefits gained by some stakeholders often resulting in additional burdens for others. While a more prescriptive approach may enhance legal certainty and reduce ambiguity in certain areas, it also increases administrative and compliance demands. Conversely, a less prescriptive approach may simplify some elements, but could undermine consistency, transparency and integrity. Overall, the analysis demonstrates that both regulatory shifts, towards greater prescriptiveness or enhanced flexibility, carry risks and costs that must be carefully weighed.

As neither approach offers universally positive outcomes, the most prudent course of action may be **to make limited changes to current EU public procurement rules while enhancing their implementation through strategic support**. Such measures could help address the challenges faced by all stakeholder groups, while preserving legal certainty and ensuring that public procurement remains both efficient and aligned with EU strategic objectives. Rather than introducing disruptive regulatory changes, this approach would focus on incrementally strengthening application of the PPDs. A strategic adaptation scenario would also avoid interrupting the learning processes currently underway among LRAs and SMEs. It would prevent costs of adapting legal frameworks, updating ICT systems, or retraining administrative staff. It would also preserve continuity while enabling gradual improvement.

An example of a strategic adaptation scenario concerns subject matter, as neither a more prescriptive nor a less prescriptive scenario would benefit any of the stakeholders. Although a clearer and stricter definition of the concept would help LRAs and ensure that proportionality and non-discrimination principles guarantee fair and inclusive procurement practices, it could not anticipate future legislation. However, coordination with sectoral legislation may be necessary to mitigate the problem of subject matter.

A list of legislation that can be linked to the subject matter can be drawn up and constantly updated, or coordination mechanisms put in place. Another option would be to provide clearer examples in Commission guidelines to illustrate the concept and help LRAs understand any additional legislation they need to consider when implementing specific procurement procedures.

## 5 Insights on framing the evaluation and revision of EU public procurement rules

This chapter identifies the most relevant EU institutions, categories of public authorities and stakeholder groups to be considered when revising EU public procurement rules ('EU Actors'). This chapter entails:

- an analysis of stakeholders and institutions at EU level;
- recommendations on how they should be involved in the consultation process.

### 5.1 EU Actors analysis

An interest-power map at EU level considers:

- **'Interest'**: Direct stakes in procurement directly impacting their assets or routines.
- **'Power'**: Ability to influence public procurement regulations, policies, or implementation.

The analysis integrates different methodologies including a literature review, interviews and foresight exercises. The table below presents the Power/Interest intensity scale adopted for the analysis.

**Table 5.1 Power and interest intensity scale**

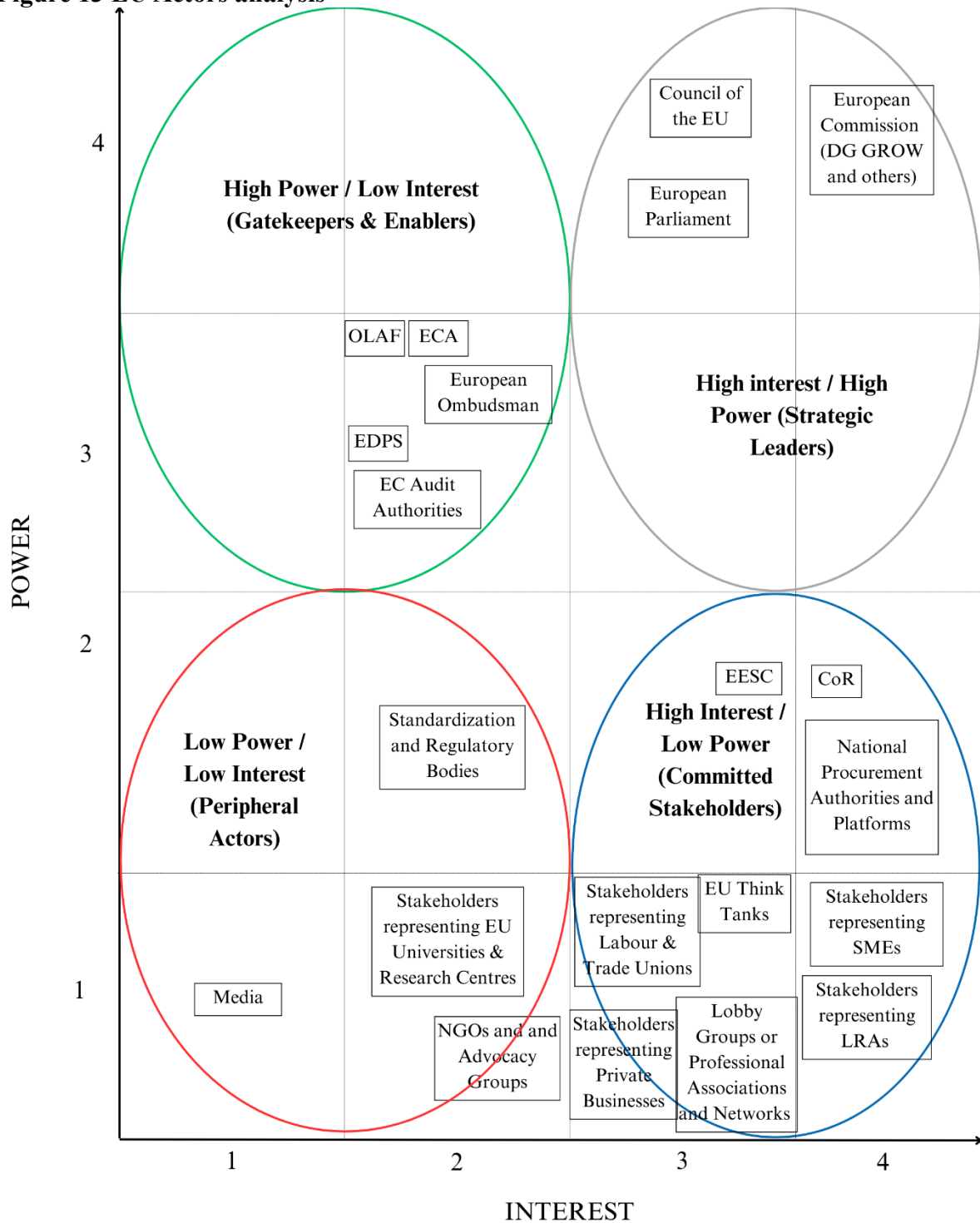
Score	Level of Power	Description
<b>Power Intensity</b>		
<b>4 - High</b>	<b>Rule-Maker</b>	<b>Creates or shapes the rules</b> (e.g., legislative or regulatory authority).
<b>3 - Moderate</b>	<b>Controller/Monitor</b>	<b>Evaluates or oversees</b> how rules are applied, but does not set or implement them directly.
<b>2 - Low</b>	<b>Implementer</b>	Responsible for <b>putting rules into practice</b> (e.g., managing procurement, applying policies).

<b>1 - Very Low</b>	<b>Impacted/Rule-Taker</b>	<b>Subject to the rules</b> , with <b>no influence</b> over their design or execution.
<b>Interest Intensity</b>		
<b>4 - High</b>	<b>Core Institutional Interest</b>	Public procurement is <b>central to the mission</b> and a core mandate of the EU Actor. There is high awareness and active engagement.
<b>3 - Moderate</b>	<b>Strategically Relevant</b>	The issue is <b>important</b> , though not mission critical. It fits within the strategic scope of the EU Actor.
<b>2 - Low</b>	<b>Peripherally Relevant</b>	The issue is <b>somewhat related</b> , but not currently prioritised. Engagement is limited.
<b>1 - Very Low</b>	<b>No Awareness or Interest</b>	The issue is <b>not recognised as relevant</b> to the EU Actor. No active involvement or awareness.

*Source: own elaboration*

The figure below offers insights into the engagement of various EU Actors based on their interest and influence in public procurement. It categorises actors into four groups of those with direct interest and high power, indirect interest and high power, direct interest and low power as well as indirect interest and low power.

**Figure 13 EU Actors analysis**



*Source: own elaboration*

For the four categories:

1. **EU Actors with direct interest and high power (Strategic Leaders)** include entities in charge of establishing procurement legislation at EU level and their involvement in any revision of the EU framework is pivotal. Their position near the top of the power scale indicates they can directly shape regulatory

outcomes, while their elevated interest reflects their active role as policymakers and or co-legislators.

## **2. EU Actors having High Interest / Low Power (committed stakeholders).**

These are directly affected by procurement policies and highly engaged but have limited formal influence. They are key partners for understanding real-world impacts:

- **Stakeholders representing LRAs (e.g., CEMR, Eurocities).** Strongly interested in having procurement rules tailored to local needs, especially strategic dimensions, but limited leverage in shaping legislation.
- **National Procurement Authorities and Platforms.** Essential to procurement implementation (e.g. publishing tenders, guiding users) but not to rule-making.
- **Stakeholders representing SMEs.** Highly impacted by procurement accessibility, transparency and procedural burden. Limited formal power but crucial for market diversity and competition.
- **Stakeholders representing Private Businesses.** Procurement is a vital market, but they are typically price-takers. Advocacy focuses on reducing entry barriers and promoting fair competition.
- **Stakeholders representing Labour & Trade Unions.** Promote social clauses, fair working conditions and ethical procurement. Strong in advocacy but structurally underpowered.
- **EU Think Tanks.** Interested in innovation, governance and sustainability through procurement. Can influence debates and provide knowledge but have no formal power.
- **Lobby Groups / Professional Associations (e.g., EPPN).** Aggregate sectoral needs and promote simplification or market access. Important informally but not part of the institutional core.

## **3. High Power / Low Interest (Gatekeepers & Enablers).** Hold power in procurement matters as they assure compliance, however this is not a core activity for them. Their involvement is essential for legal integrity, enforcement, or cross-policy links.

- **ECA.** Ensures legality and performance of EU spending, including procurement. Interested primarily in compliance and financial control.



- **OLAF, the European anti-fraud office.** Investigates fraud against the EU budget, corruption and serious misconduct within EU institutions.
  - **Commission Audit Authorities.** Oversee the use of EU funds and procurement at national level. Focused on audit not strategic procurement goals.
  - **European Ombudsman.** Can act on complaints regarding procurement transparency or fairness but engages reactively rather than proactively.
  - **EDPS (Data Protection Supervisor).** Intervenes when procurement involves personal data. Limited scope but essential when digital procurement intersects with privacy.
4. **Low Power / Low Interest (Peripheral Actors).** Marginal to procurement policymaking but may be relevant in specific thematic or sectoral contexts.
- **NGOs and Advocacy Groups.** Focus on ethics, transparency, or environmental/social dimensions. May push for procurement to align with broader values but have little formal leverage.
  - **Standardisation and Regulatory Bodies (e.g. business catalyst CENELEC, European Telecommunications Standards Institute).** Standards are sometimes referenced in tenders. Influence is technical and indirect.
  - **Stakeholders representing EU Universities & Research Centres.** Involved in innovation procurement or Horizon projects, but not active players in the policy sphere.

## 5.2 Insights for stakeholder consultation

The stakeholder analysis reveals a complex and multi-tiered landscape in which actors exert differing degrees of influence and interest in public procurement.

This section focuses on **high interest but low power** EU Actors in EU public procurement, **Committed stakeholders**. They are deeply engaged and directly impacted by procurement practices but typically lack formal influence in shaping EU legislation as opposed to:

- **Strategic leaders** (high interest / high power) who are directly involved in policymaking.

- **Gatekeepers and enablers** (high power / low interest) who can be engaged through targeted involvement in oversight and compliance.
- **Peripheral actors** (low power / low interest) who can be selectively consulted for thematic or contextual insights.

**Committed stakeholders** bring valuable insights into how procurement rules are implemented, interpreted and experienced at different levels (see Annex 5 for additional information). They are essential to understanding sector-specific challenges and unintended effects of EU public procurement rules, providing feedback on the relevance and administrative complexity of procurement procedures. They also identify opportunities to make procurement more accessible, strategic and effective. Although they are not part of the formal legislative process, these stakeholders can substantially influence the effectiveness, feasibility and impact of EU procurement rules. Their systematic involvement in consultation, foresight activities and evidence-gathering will ensure future reforms are grounded in real-world experience and responsive to diverse needs across Europe. In the table below, different channels of involvement are described for each category of committed stakeholders.

**Box 5.1 How to involve committed stakeholders**

Stakeholder Group	Main Interests	Ways to involve in the revision process
Stakeholders representing LRAs (e.g., CEMR, Eurocities)	Tailoring rules to local needs, strategic procurement	Via CoR opinions, targeted consultation, expert panels
National Procurement Authorities and Platforms	Implementing procurement, guidance	Expert groups (e.g., ACOPP), technical roundtables, peer learning
Stakeholders representing SMEs	Accessibility, transparency, and reducing procedural burden	SME Envoy Network, SME Test, public consultation
Stakeholders representing Private Businesses	Fair competition, market access, simplicity	Industry dialogue, sectoral associations, position papers
Stakeholders representing Labour & Trade Unions	Social clauses, ethical procurement, fair conditions	EESC opinions, thematic workshops, bilateral hearings
EU Think Tanks	Innovation, governance, sustainability in procurement	Commission studies, foresight panels, expert groups
Lobby Groups / Professional Associations (e.g., EPPN)	Simplification, sectoral interests, market access	Transparency Register, stakeholder forums, bilateral meetings

*Source: own elaboration*

The CoR can play a pivotal role as a facilitator and institutional bridge in the consultation process with committed stakeholders by:

- Channelling LRA perspectives through structured consultations using platforms such as RegHub and CoR consultation to gather territorial insights on procurement implementation.
- Hosting multi-level policy dialogues and workshops that bring together stakeholders such as SMEs, trade unions and professional associations with EU decision-makers.
- Providing institutional visibility to underrepresented voices by integrating stakeholder evidence into formal opinions, amplifying their impact in the legislative debate.
- Coordinating outreach with European networks (e.g. Eurocities, CEMR) to ensure broad participation and geographic diversity.
- Supporting capacity-building initiatives by promoting shared learning, publishing guidance based on stakeholder feedback and encouraging experimental initiatives such as procurement sandboxes.
- Monitoring the territorial impact of future legislative proposals by systematically reporting on local challenges, barriers and innovations in procurement practices.

## 6 Answers to research questions and policy recommendations

This chapter presents conclusions from the study. The first section offers a structured response to the research questions guiding the analysis. The second formulates policy recommendations based on the resultant insights.

### 6.1 Answers to research questions

This section presents answers for each of the seven study research questions

***RQ1: What current public procurement rules are most relevant for local and regional authorities?***

The most relevant procurement rules for LRAs include both the **PPDs and 44 sector-specific legislative acts** identified through the mapping exercise under this study. While the PPDs cover public procurement, utilities, and concessions, providing the overarching legal framework, sector-specific directives and regulations introduce rules that complement or create exceptions to this framework. These additional rules may apply either **horizontally** across sectors or **vertically**, targeting specific sectors.

**Horizontal** obligations most frequently introduce governance, compliance and due diligence, followed by social standards (e.g. equality, fair work), financial controls and, to a lesser extent, environmental and digital requirements. While not sector-specific, these rules apply across multiple sectors and must be reflected in LRA procurement practices.

The sectors most clearly affected by **vertical obligations** are Construction, Energy, Health and Medical Equipment, Sewage, Cleaning and Environmental Services, Transport Equipment and, to a lesser extent, Transport Services. These sectors are not only subject to dense regulatory activity but, with the exception of Energy – which is the most regulated sector – are frequently found in TED notices.

Analysis of the 44 sector-specific regulations and directives revealed common categories of rules.

- **Special rules** are spread across sectors as well as found in horizontal legislation including derogations from standard procedures, general thresholds and conditions particularly where market characteristics or strategic needs justify flexibility.

- **Award and selection criteria**, among the most stringent criteria and common across Energy, Construction and Transport Equipment sectors, but found less in horizontal acts and often introduce technical, financial, or qualitative conditions.
- **Exclusion grounds** are especially prevalent in horizontal acts and generally aim to ensure compliance with broader EU values (e.g. anti-money laundering, fair labour).
- **Performance criteria** affect contract execution and delivery standards and are less common but evenly distributed across sectors.
- **Joint procurement** is the least common and found more in areas requiring strong territorial cooperation, such as health or crisis response.

The analysis then examined sector-specific regulations and directives governing procurement categories. Most of them apply to LRA procurement of **products** and **services** as well as **works**. This illustrates the breadth of rules affecting LRA procurement. Concessions are less frequently addressed, partly due to their separate treatment under Directive 2014/23/EU. Specific regulations for energy and public transport introduce significant exceptions or obligations that LRAs must take into account when awarding concession contracts.

A significant number of sector-specific regulations contain provisions supporting **strategic procurement**, particularly in the **social and environmental fields** and, to a lesser extent, in the field of **innovation**. These rules are highly relevant to LRA mandates as they enable social responsibility and sustainability to be integrated into procurement. However, integration of such criteria remains uneven. Stakeholder interviews with Eurocities and the ETUC highlighted practical barriers such as legal uncertainty, limited market readiness and lack of internal capacity that often hinder full implementation.

### ***RQ2: How do they affect LRAs and what is their role as contracting authorities?***

LRAs are responsible for around half of all public procurement in the EU. As such they are significantly affected by procurement rules directly as contracting authorities and indirectly through strategic opportunities that public procurement offers for achieving broader policy objectives.

**Direct impacts** of procurement rules on LRAs include the value-for-money principle and the associated administrative burden. The focus should be on ensuring contracts offer value for money without neglecting qualitative

considerations. This relates to the complexity of procurement procedures which can divert resources and attention from other critical tasks. Complexity also affects other stakeholders in the procurement process, such as SMEs that may be discouraged from participating due to procedural burdens.

On the other hand, procurement legislation affects LRAs along with the communities and territories they serve more broadly and strategically. How contracting authorities apply public procurement can significantly influence the quality of life for citizens. In this regard, LRAs can leverage procurement to pursue broader policy objectives such as environmental sustainability, social inclusion and local development. Green and social procurement can reduce environmental impacts, promote social equity and support local economies.

Since procurement rules shape the operational framework for LRAs, effective implementation can promote long-term social and economic wellbeing across the EU.

### ***RQ3: How will this evolve in the future from the perspective of foresight?***

To assess the potential future of public procurement, three hypothetical scenarios have been developed, using the status quo as a baseline for comparison.

The first scenario envisages **more prescriptive** rules with detailed and binding provisions governing procurement. This approach would bring benefits along two dimensions. Award criteria and greater clarity would reduce the administrative burden on LRAs while increasing legal certainty and fairness for SMEs ensuring the interests of general stakeholders are taken into account. In addition, stronger rules would increase transparency and integrity throughout the system, benefitting all stakeholders. However, this could also increase complexity and administrative burden for SMEs and potentially fail to deliver tangible improvements.

The second scenario involves **less prescriptive** regulation. This would give LRAs greater flexibility and discretion in the design and implementation of procurement procedures. However, this could undermine the protection of wider stakeholder interests and weaken the conditions for fair and competitive access for SMEs.

The third and most favourable scenario is to **maintain the core of the existing legal framework while introducing strategic support measures**. These should enhance the capacity of LRAs to implement procurement procedures and the ability of SMEs to participate effectively. Capacity-building initiatives and practical guidance mapping sectoral legislation, parametric governance and increased monitoring by the Commission of national transposition and implementation of EU rules are likely to lead to more systemic and inclusive

improvements. Importantly, these measures would avoid the transitional costs associated with major regulatory change, while contributing to a more robust and effective procurement ecosystem for all stakeholders.

***RQ4: Where are local and regional authorities most likely to encounter implementation difficulties?***

LRAs typically face two types of challenges in public procurement: horizontal ones which cut across all stages of procurement and vertical challenges, which are specific to particular stages of the procurement cycle.

**Horizontal challenges** affect the entire procurement framework. These include legal fragmentation, adoption of e-procurement systems, integration of strategic policy objectives (such as environmental and social considerations), facilitation of market access in procurement processes and management of conflicts of interest.

**Vertical challenges** are more phase-specific and can be grouped around three stages of the procurement process. The preparation and planning phase is often affected by insufficient needs analysis, unclear definition of the subject matter and difficulties in selecting the most appropriate procurement procedure. During the publication and transparency phase LRAs may face obstacles in establishing exclusion grounds, defining selection and qualitative award criteria and ensuring proper selection of procurement documents. The evaluation and award phase poses further challenges, mainly related to the accurate and fair evaluation of bids.

***RQ5: Which are the most relevant and representative LRA associations to consult in matters of public procurement?***

At European level the most relevant and representative LRA associations are CCRE-CEMR, Eurocities, the Assembly of European Regions (AER), the Conference of Peripheral Maritime Regions (CPMR), and ICLEI – Local Governments for Sustainability.

**CCRE-CEMR** is a prominent umbrella organisation representing a wide range of LRAs across Europe. It plays a strategic role in public procurement by facilitating structured dialogue between LRAs and EU institutions, including the Commission, the European Parliament and the CoR. CCRE-CEMR actively gathers input from local experts to identify challenges, share best practices and develop common positions, ensuring LRA perspectives are systematically considered in the formulation and revision of procurement-related policies and legislation.

**Eurocities** brings together major European cities – typically those with more than 250,000 inhabitants or of particular national importance - from EU and non-EU countries (with 214 member cities in 34 countries). While public procurement is not treated as a separate issue, it cuts across different policy areas in particular within the broader framework of economic development. Through its working groups and thematic forums, Eurocities contributes to the exchange of practical experience and facilitates coordinated advocacy on procurement issues specific to large urban areas.

**AER** brings together regions from 30 countries in the EU and beyond, from Norway to Turkey and Georgia to Portugal. Covering 30 countries, AER has been the voice of regional authorities since 1985 and has played a key role in the recognition of regions as key players in the construction of Europe. AER is a driving force for policymaking close to citizens, for a sense of belonging to value-based democratic regional communities, cohesion among citizens and political actors in the wider Europe as well as social, economic and environmentally sustainable development.

**CPMR** is a network of over 150 regional authorities across 24 countries, representing approximately 200 million citizens in and beyond the European Union. Established in 1973, the CPMR seeks to ensure regional perspectives are reflected in EU policymaking, particularly in areas with a strong territorial dimension. Structured through various geographic commissions, the CPMR is a platform for policy reflection and a lobbying body. It advocates for balanced regional development and engages with thematic priorities such as cohesion, maritime and blue economy, transport, energy and climate action, migration, external relations and EU governance. The organisation formulates its policy positions based on contributions from its members, underpinning its advocacy with research, position papers and technical documentation. By leveraging its wide institutional network, the CPMR promotes the recognition of regional authorities as key contributors to European policy.

The **ICLEI – Local Governments for Sustainability** is a global network of local and regional authorities committed to sustainable development. Founded in 1990, ICLEI supports cities and regions addressing environmental, economic and social challenges through local action. Its European Secretariat, active since 1992, works with members across Europe, the Middle East and West Asia in cooperation with EU institutions and regional networks. ICLEI promotes collaboration, peer learning and knowledge exchange among its members to support the implementation of sustainability policies and projects. The network includes local governments and associations of various sizes, all contributing experience and expertise. By working together, members advance the local sustainability agenda and support innovation in policy and practice.



***RQ6: Which are the most relevant types of private stakeholders to involve in an evaluation of the local and regional implementation dimension of public procurement?***

The main categories of private stakeholders to be consulted include business associations, trade unions, environmental and social stakeholders, as well as anti-corruption and transparency organisations.

**Business associations** such as SMEunited, BusinessEurope, or Eurochambres are highly relevant given their direct exposure to procurement processes and their role in representing the challenges faced by smaller economic operators. While their influence on policymaking may be limited, their consultative role is essential to ensure accessibility and proportionality in procurement processes.

**Trade unions**, in particular the ETUC, bring critical insights on labour standards, especially subcontracting practices and fair working conditions. Their involvement supports the integration of social considerations and the promotion of decent work in procurement.

**Environmental and social stakeholder associations** such as the European Environmental Bureau, Climate Action Network Europe or the Fair Trade Advocacy Office are also important advocates for sustainability and social value criteria. Although they often lack the technical and financial resources of economic operators, their input is essential to aligning procurement practices with broader EU strategic goals, such as the Green Deal and the Social Economy Action Plan.

Finally, organisations such as **Transparency International** and **Open Contracting Partnership** bring valuable expertise on integrity, accountability and anti-corruption. Through tools such as Integrity Pacts, which are agreements between contracting authorities, bidders and civil society monitors, Transparency International aims to enhance transparency and prevent corruption throughout the procurement process. It also provides courses to enhance anti-corruption knowledge and skills.

***RQ7: In which public procurement fields can the CoR best contribute to the evaluation and revision of the EU rules?***

As the EU institution representing LRAs, the CoR can contribute to the evaluation and revision of EU public procurement rules in areas where implementation challenges are most pronounced particularly:

**Administrative simplification**, where the CoR can provide insights into the impact of procurement procedures on local administrations. It can highlight areas where EU rules may be overly complex or burdensome and advocate simplifications that reflect local administrative realities.

For the **interaction between horizontal and sectoral legislation**, the CoR can demonstrate how the interplay between the PPDs and sectoral legislation can increase legal uncertainty and administrative complexity. The CoR can also propose strategies for more effective coordination and clear rules across policy domains.

For **strategic procurement**, the CoR can highlight how EU procurement rules can hinder the integration of environmental, social and innovation objectives into local procurement strategies. The CoR can provide examples of legal uncertainties and recommend adjustments to ensure the regulatory framework better supports the role of procurement in promoting sustainable and inclusive territorial development.

For **cross-border and joint procurement**, the CoR can highlight practical and legal challenges faced by LRAs when engaging in cross-border or joint procurement, particularly in cross-border functional areas. The CoR can help to ensure that future reforms address obstacles such as diverging national procedures, language barriers and legal uncertainties that currently limit cooperation across jurisdictions.

Finally, the CoR can help bridge the gap between EU institutions and committed stakeholders. By leveraging its institutional mandate the CoR can channel the perspectives of LRAs through structured consultation and networks such as RegHub, while convening multi-level dialogue that brings together stakeholders including SMEs, trade unions and professional associations. Furthermore, the CoR can enhance the visibility of these actors by integrating their insights into its official opinions to ensure their concerns are reflected in EU policy discussions. In addition to supporting broad outreach through cooperation with territorial networks such as Eurocities and CEMR, the CoR can contribute to capacity-building efforts and promote innovative approaches such as procurement sandboxes. It can also strengthen the policy feedback loop by monitoring the territorial impact of procurement reforms and reporting practical challenges and opportunities arising at local level. In doing so, the CoR helps anchor EU procurement reform in real-world needs and implementation realities.

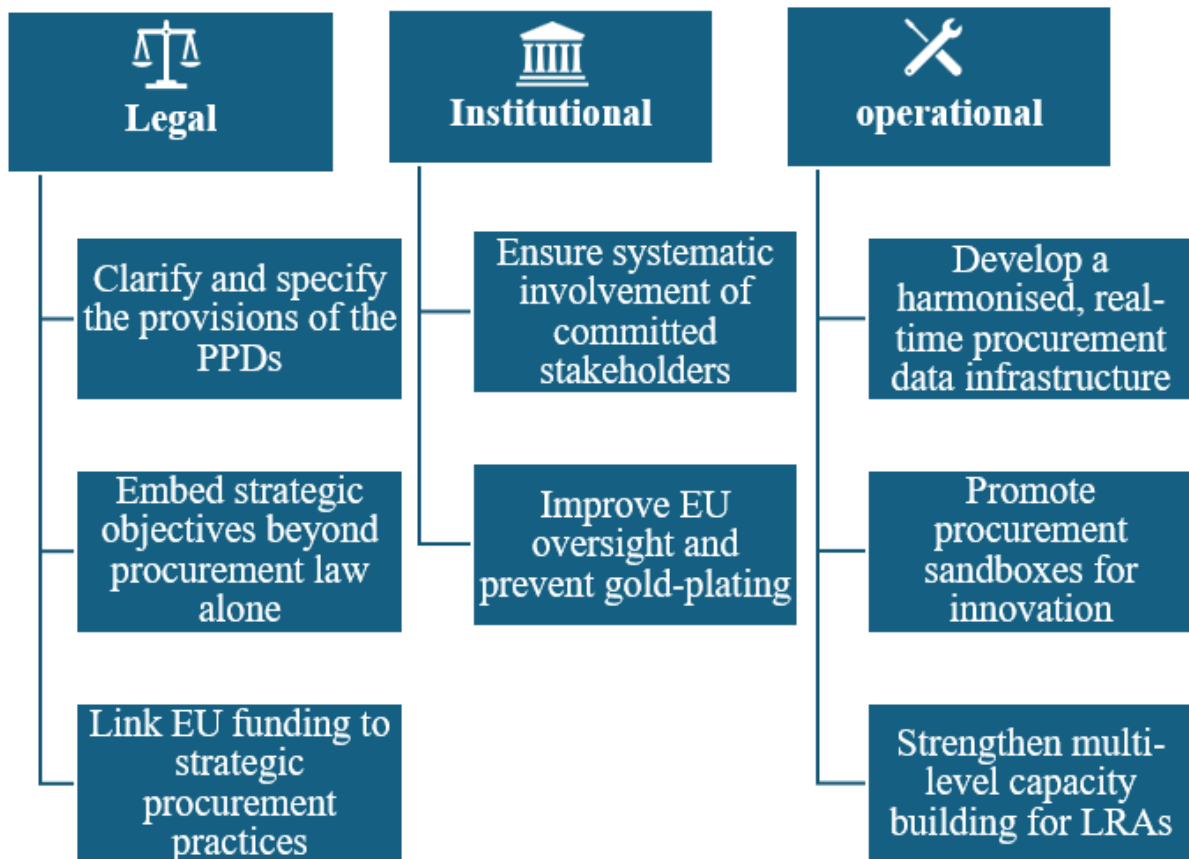
## 6.2 Policy recommendations

The key finding of the study is that modifying the PPDs in a more restrictive or more flexible way would not resolve the core difficulties associated with public

procurement. Therefore, the recommendations of this study are grounded in the principle of prioritising a gradual and targeted refinement of the existing framework and improved implementation rather than a radical overhaul. Before launching any major revision of EU public procurement rules, EU institutions should focus on addressing the practical challenges that hinder effective procurement namely capacity gaps, legal fragmentation and excessive administrative burden. These challenges often arise not from the PPDs themselves, but from how they are transposed and applied across MSs. In this context, the study puts forward policy recommendations to inform the revision of EU public procurement rules in a holistic and balanced way, addressing three distinct but interconnected dimensions:

- **Legal:** involving changes or adaptation to the regulatory framework and substantive rules;
- **Institutional:** focusing on the roles, coordination and interaction between the EU and national institutions;
- **Operational:** relating to tools, systems and mechanisms that support implementation and delivery on the ground.

**Figure 14 Policy dimensions**



*Source: own elaboration*



## Legal dimension

**1) Clarify and specify provisions of the PPDs:** the Commission should undertake a targeted revision of the PPDs to streamline the legal framework and enhance clarity, particularly for LRAs. While the current directives offer flexibility, they remain overly complex in practice and pose substantial interpretative challenges for contracting authorities (see Section 3.1). The revision should aim to strengthen legal certainty by clarifying key concepts such as the link to the subject matter and the conditions for applying the MEAT criteria. These concepts are currently subject to divergent interpretations, often resulting in diverse national transpositions that increase administrative burden and limit simplification. In parallel, the Commission should revise and update existing guidance such as the 2018 Public Procurement Guidance for Practitioners and the Practical Guide on Socially Responsible Procurement into a comprehensive, unified interpretative framework. This would be a reference for both MSs and contracting authorities, helping to harmonise practices and reduce legal uncertainty without requiring a full legislative overhaul.

**2) *Embed strategic objectives beyond procurement law.*** To avoid overburdening procurement procedures with complex and overlapping requirements, strategic objectives such as green, social and innovation goals should be embedded upstream rather than being imposed solely through procurement rules. This means that key policy objectives should be integrated into product standards, technical specifications and eligibility conditions defined in sectoral legislation or EU funding programmes (see Section 3.1). By embedding strategic goals at the source of regulation where market rules are shaped, public buyers can more easily apply those objectives without additional procedural complexity during tendering. This would:

- reduce fragmentation and regulatory overlap between procurement and sectoral legislation;
- enhance consistency in how strategic objectives are pursued across MSs;
- ensure that contracting authorities, particularly LRAs, are not forced to interpret or enforce policy goals alone or implement burdensome administrative procedures;
- enable better supplier preparedness as strategic expectations would be known and built into market offerings upstream.

**3) *Ensure coherent alignment between public procurement and broader strategic frameworks.*** The Commission rightly promotes public procurement as a strategic instrument to advance EU priorities such as climate neutrality, digital transition and social inclusion. However, achieving these goals requires a coordinated and integrated approach across governance levels, policy instruments and funding mechanisms. Procurement alone cannot be expected to bear the full weight of delivering on these strategic agendas (see Section 3.1). To this end, the Commission should adopt a structural approach that ensures systematic integration of strategic objectives (green, digital, social) not only within procurement rules, but also across other EU frameworks, particularly shared management policies and national implementation. Specifically:

- Strategic procurement by national or regional authorities using EU funds could be incentivised by increasing EU co-financing rates for operations that include robust green, social, or innovation criteria.
- The European Semester could incorporate a parametric governance mechanism, recognising and rewarding MSs that demonstrate strong uptake of strategic procurement approaches.

- To support this, the monitoring of procurement data (see Recommendation 8) must be strengthened to track implementation of strategic criteria across MSs and sectors.



## **Institutional dimension**

**4) *Involve committed stakeholders in all stages of reform.*** To ensure future revisions of EU public procurement rules are effective and implementable, it is essential to systematically involve non-institutional stakeholders throughout the reform process. These include actors such as CEMR, Eurocities, SME representatives, social economy organisations and national procurement authorities. These are all highly affected by procurement policy but do not participate in formal co-legislation. Stakeholder involvement should go beyond standard public consultations and include:

- Participation in expert groups and technical working groups convened by the Commission;
- Engagement in foresight exercises and scenario-based discussions, especially for long-term policy shifts;
- Inclusion in thematic dialogues and multi-level governance platforms, to ensure the perspectives of LRAs and market actors are fully understood;
- Collaboration with the CoR, which can act as a bridge to local and regional stakeholders, including via the RegHub network.

**5) *Address gold-plating in national transpositions through strengthened oversight.*** National transpositions of the PPDs often introduce additional obligations that go beyond EU legal requirements (see Section 3.1). These added layers of regulation frequently create legal uncertainty, discourage strategic procurement approaches and disproportionately increase the administrative burden on LRAs. To address this, the Commission should reinforce its oversight and monitoring mechanisms to identify and respond to excessive national requirements. This might include territorial feedback mechanisms such as CoR's RegHub to collect evidence of gold-plating and implementation bottlenecks.



## Operational dimension

**6) Develop a harmonised, real-time procurement data infrastructure.** The absence of comprehensive, disaggregated and comparable data, particularly at subnational level, is a major obstacle to policymaking, performance monitoring and transparency in public procurement (see Section 3.2). This gap has been highlighted by the ECA and is widely acknowledged in academic literature and recent evaluations. Although the Commission is investing in improving reporting systems such as TED, eForms and the emerging Public Procurement Data Space, these tools still lack territorial granularity and do not systematically capture data to enable differentiated analysis of LRAs. The Commission should therefore prioritise the development of a harmonised and interoperable EU-wide procurement data infrastructure including:

- Compatibility with national and local procurement systems;
- Real-time or near-real-time data integration;
- Capability to disaggregate data by region, sector, type of contracting authority, procedure and supplier characteristics (including SME status and cross-border activity);
- User-friendly access for policymakers and stakeholders to support transparency and accountability.

This on-line facility could also support public buyers by providing a regularly updated list of legislation relevant to specific areas of procurement and as a practical guidance tool.

**7) Promote EU-level procurement sandboxes to enable structured experimentation for LRAs.** To support innovation in public procurement and help overcome existing legal and administrative constraints, the Commission should promote EU-level procurement sandboxes (see Section 6.1). These would be controlled, temporary, regulatory environments that enable LRAs to test novel procurement procedures under defined derogations from standard rules without the risk of immediate legal challenge or infringement. Procurement sandboxes would:

- Be time-bound experimental regimes with clearly defined legal and procedural safeguards;

- Allow LRAs to test approaches such as innovation partnerships, agile contracting, or cross-border collaborative procurement;
- Operate within a predefined legal scope, under a framework established by the Commission in coordination with MSs;
- Include formal approval processes, where LRAs submit structured proposals outlining the innovation, its legal uncertainties and anticipated benefits.

Participation in these sandboxes would be subject to:

- A legal framework specifying permissible deviations, reporting obligations and transparency safeguards;
- Selection criteria such as territorial diversity, replicability and relevance to EU policy goals (e.g. Green Deal, digital transformation, social inclusion);
- Ongoing monitoring by a dedicated EU observatory or support structure to collect data on results and enable policy learning.

The Commission's role would be central to designing the sandbox framework and legal boundaries, selecting and approving LRA-led pilot projects, aggregating and analysing evidence of legal feasibility, administrative efficiency and the strategic added value of innovative procedures.

**8) Strengthen multi-level capacity building for LRAs.** A consistent finding from the qualitative and quantitative evidence is the limited administrative capacity of many LRAs to conduct public procurement in an efficient, compliant and strategic manner (see Section 3.1). These capacity gaps are particularly acute in small municipalities and regions with limited access to legal, technical, or market expertise. Several EU initiatives already aim to professionalise public buyers, including the Commission's strategy *'Making Public Procurement Work in and for Europe'*. However, existing capacity-building efforts are often fragmented, under-resourced, or misaligned with local needs. Activities are implemented across different Commission services (e.g., DG GROW, DG REGIO, DG REFORM) resulting in duplication, limited coordination and inefficiencies spreading already scarce resources too thinly. To address this, the Commission should adopt a strategic, multi-level approach to capacity building based on subsidiarity and alignment with local realities including:



- Comprehensively mapping current EU- and nationally funded capacity-building actions to assess what works, what is missing and how existing resources could be better aligned;
- Defining clear roles across governance levels, specifying which training or advisory should be delivered at EU level (e.g. guidance, standards) and which at national or regional level (e.g. local training, helpdesks);
- Developing modular, multilingual training programmes tailored to different LRA profiles;
- Establishing helpdesks and advisory services in MSs, co-financed by EU funds;
- Stronger integration of procurement capacity building into broader administrative reform or cohesion policy instruments (e.g., via TSI, ERDF, or ESF+).

# Bibliography

## Communications

- European Commission, (2015). *EU Public Procurement reform: Less bureaucracy, higher efficiency. An overview of the new EU procurement and concession rules introduced on 18 April 2016.*
- European Commission, (2017a). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Making Public Procurement work in and for Europe.*
- European Commission, (2017b). *Strategic Public Procurement: Facilitating Green, Inclusive and Innovative Growth.*
- European Commission, (2025). *February infringements package: key decisions.*

## Opinions

- BusinessEurope, (2023). *Showcasing Single Market problems – under existing EU legislation: Unlocking the full potential of the European Public Procurement Market.*
- CCRE-CEMR, (2025). *Tailoring Public Procurement to local realities, priorities by Local and Regional Governments, CEMR position paper on the revision of Directive 2014/24/EU on Public Procurement.*
- European Committee of the Regions, (2016). *Obstacles to investments at local and regional level.*
- European Committee of the Regions, (2019b). *Assessing the implementation of the 2014 Directives on public procurement: challenges and opportunities at regional and local level.*
- European Committee of the Regions, (2024). *Local and Regional Authorities' Access to the EU Budget: Lessons to be drawn from the MFF 2021-2027.*
- FIEC, (2024). *Position Paper on the Current EU Public Procurement Framework.*

## Reports

- Anac, (2024). *A Vision for Public Procurement in the EU.*
- Congress of Local and Regional Authorities of the Council of Europe, (2018). *Making public procurement transparent at local and regional levels.*
- DigitalEurope, (2020). *Procurement for a Sustainable Future, DIGITALEUROPE recommendations on how Public Procurement can support the transition to a more sustainable Europe.*
- EIPA, (2023). *The Future of Public Procurement: The Impact of the ECA's special report 28/2023.*
- European Commission, (2017). *European Semester Thematic Factsheet: Public Procurement.*

- European Commission, (2018). *Public Procurement, Guidance for practitioners on the avoidance of the most common errors in projects funded by the European Structural and Investment Funds*.
- European Commission, (2019). *Seizing opportunities in the public procurement of tomorrow: Five years of modern and strategic public procurement 2014–2019*.
- European Commission, (2021). *Implementation and best practices of national procurement policies in the Internal Market*.
- European Committee of the Regions, (2017). *Results of the CoR's online consultation on: Funding, management and regulatory challenges to infrastructure investment of EU cities and regions*.
- European Committee of the Regions, (2019a). *Network of Regional Hubs for EU Policy Implementation Review, Implementation Report First Consultation, on Public Procurement*.
- European Committee of the Regions, (2020). *Implementation report on public procurement (2020/C 39/09)*.
- European Court of Auditors, (2023). *Special Report 28/2023: Public procurement in the EU, Less competition for contracts awarded for works, goods and services in the 10 years up to 2021*.
- OECD, (2017). *Public Procurement for Innovation: Good Practices and Strategies*. Paris: OECD Publishing.
- OECD, (2018). *SMEs in Public Procurement, practices and strategies for shared benefits*.
- OECD, (2020). *System Change in Slovenia, Making Public Procurement More Effective*.
- OECD, (2022). *Making the most of public investment to address regional inequalities, megatrends and future shocks*.
- OECD, (2024). *Subnational governments structure and finance*.
- Transparency International Austria. (2023). *Vergabewesen und öffentliche Beschaffung, Interessenkonflikte bei Vergabeverfahren erkennen und verhindern*.

## **Studies**

- European Commission, (2016). *Stock-taking of administrative capacity, systems and practices across the EU to ensure the compliance and quality of public procurement involving European Structural and Investment (ESI) Funds*.
- Nemec P., Kubak M., (2024). *Evaluating the value for money in procurement for EU funded projects\_the perspective of Slovak regional and local authorities*.
- Schoenmaekers, S., (2015). *The role of SMEs in promoting sustainable procurement*.
- SWECO, t33, (2015). *Transposition of the Public Procurement Directives and its effect on Local and Regional Authorities*.

t33, OIR,(2011). *Revision of EU procurement legislation: Matters of concern for Local and Regional Authorities and potential subsidiarity issues*, Committee of the Regions.

Valenza, A., (2021). *L'impatto dell'iper-vigilanza sull'amministrazione pubblica, in Legalità, Temi per un dibattito.*

# Annexes

The Annexes present the analyses in full with additional details to support the findings and recommendations outlined in the main text:

**Annex 1** presents the results of the survey.

**Annex 2** lists the Regulations and Directives analysed in the study.

**Annex 3** lists the interviewees.

**Annex 4** assesses the implications of revising EU public procurement rules for different stakeholders, which is the basis for the analysis in Chapter 4.

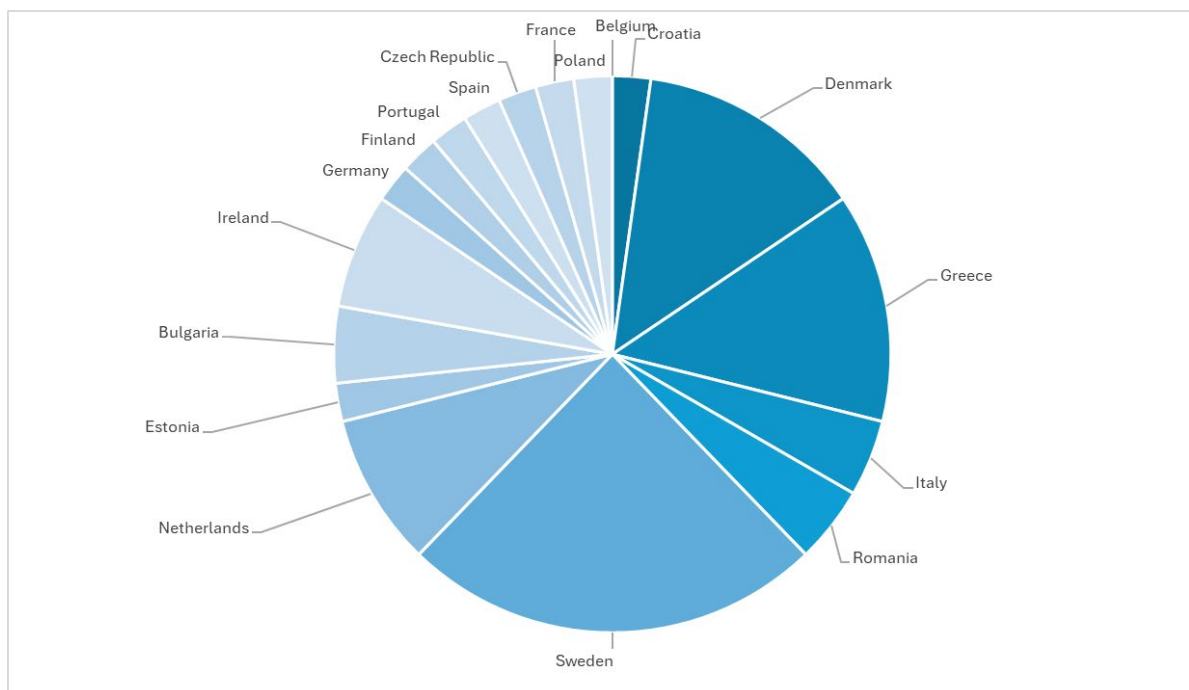
**Annex 5** lists and describes relevant stakeholders considered in Section 5.2.

## Annex 1

This annex provides the overview of the survey results.

### What country are you based in?

Row Labels	Local authority	Regional authority	Grand Total
Belgium	0,00%	1,79%	1,79%
Croatia	1,79%	0,00%	1,79%
Denmark	10,71%	0,00%	10,71%
Greece	10,71%	0,00%	10,71%
Italy	3,57%	3,57%	7,14%
Romania	3,57%	3,57%	7,14%
Sweden	19,64%	3,57%	23,21%
Netherlands	7,14%	1,79%	8,93%
Estonia	1,79%	0,00%	1,79%
Bulgaria	3,57%	0,00%	3,57%
Ireland	5,36%	0,00%	5,36%
Germany	1,79%	1,79%	3,57%
Finland	1,79%	0,00%	1,79%
Portugal	1,79%	0,00%	1,79%
Spain	1,79%	3,57%	5,36%
Czech Republic	1,79%	0,00%	1,79%
France	1,79%	0,00%	1,79%
Poland	1,79%	0,00%	1,79%
<b>Grand Total</b>	<b>80,36%</b>	<b>19,64%</b>	<b>100,00%</b>

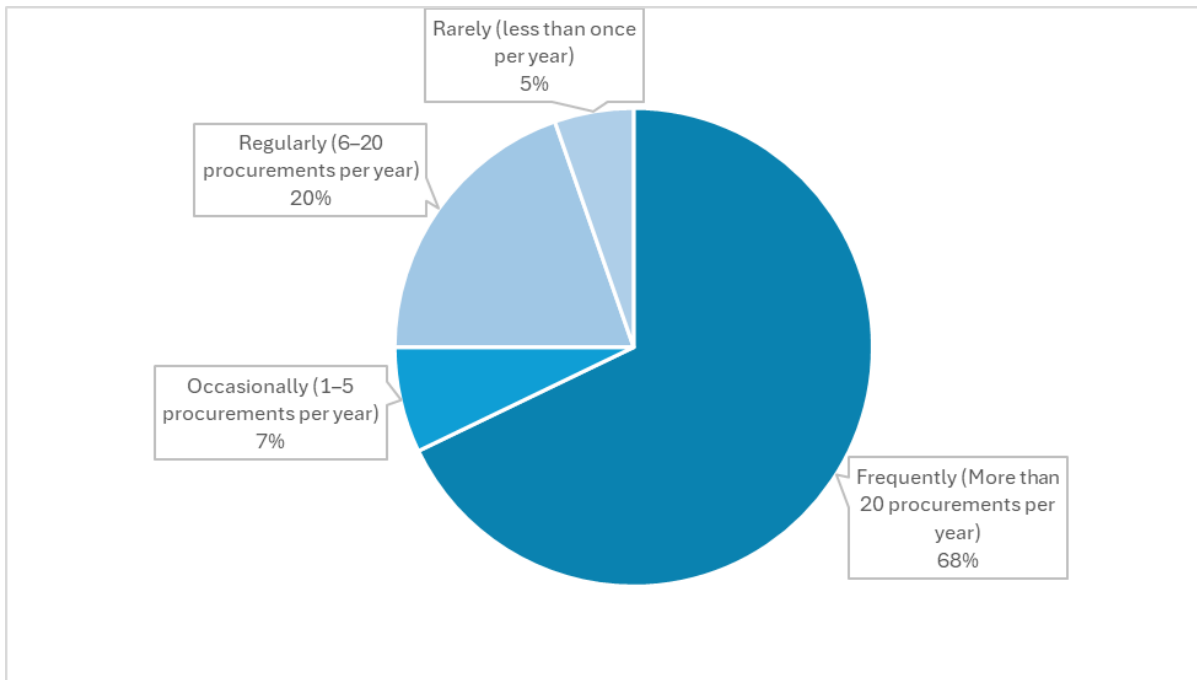


**Which phases of the procurement process are you mostly involved in?  
(Select one or more)**

Values	
Pre-Tender Phase	41
Tendering & Award	49
Count of Contract	22

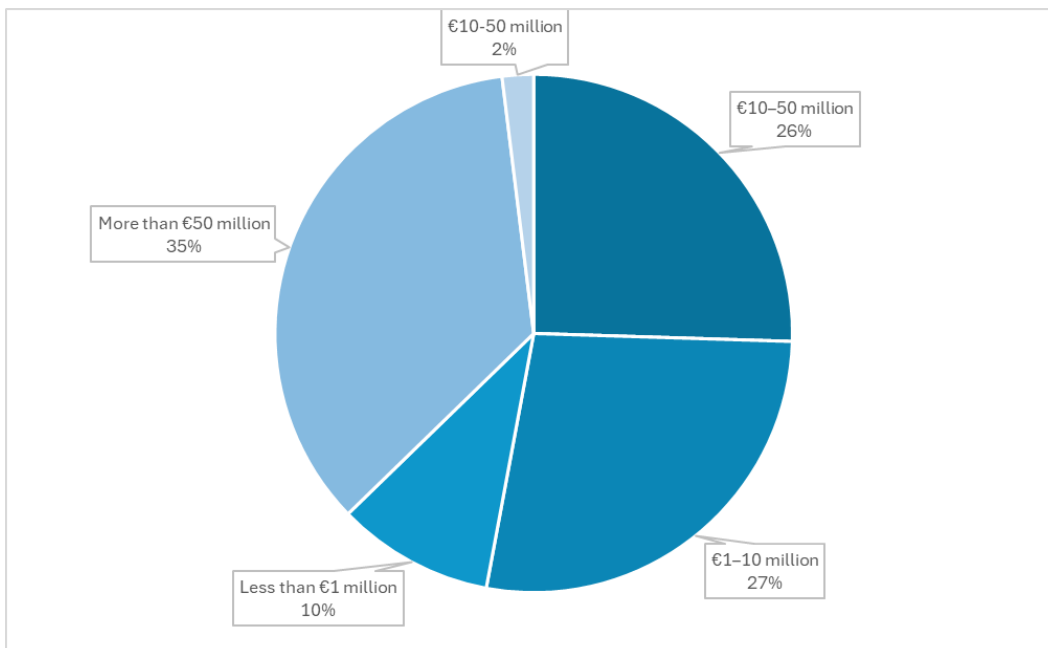
**How frequently does your authority engage in public procurement?**

Row Labels	Count of #
Frequently (More than	67,86%
Occasionally (1-5	7,14%
Regularly (6-20	19,64%
Rarely (less than once	5,36%
<b>Grand Total</b>	<b>100,00%</b>



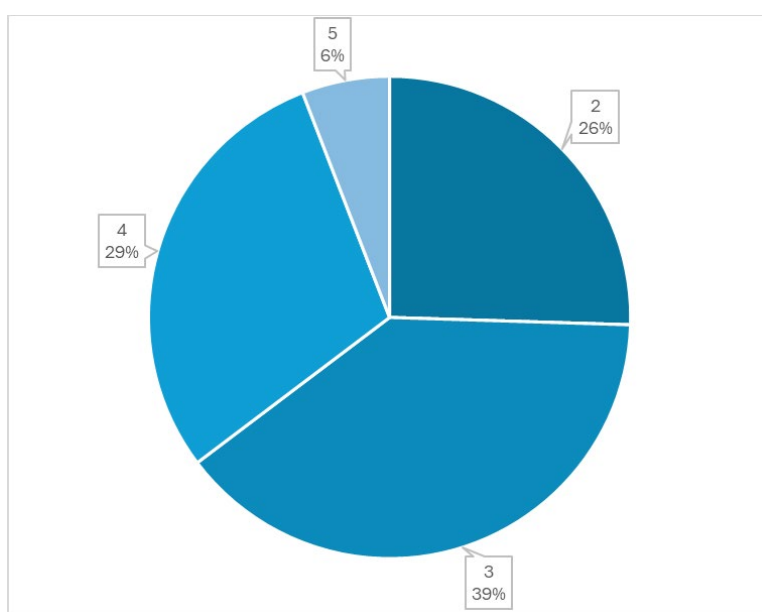
**What is the approximate total value of public procurement contracts awarded by your authority annually?**

Row Labels	Count of #
€10-50 million	25,49%
€1-10 million	27,45%
Less than €1 million	9,80%
More than €50 million	35,29%
€10-50 million	1,96%
<b>Grand Total</b>	<b>100,00%</b>



## How well do the current EU procurement rules meet your needs as a contracting authority?

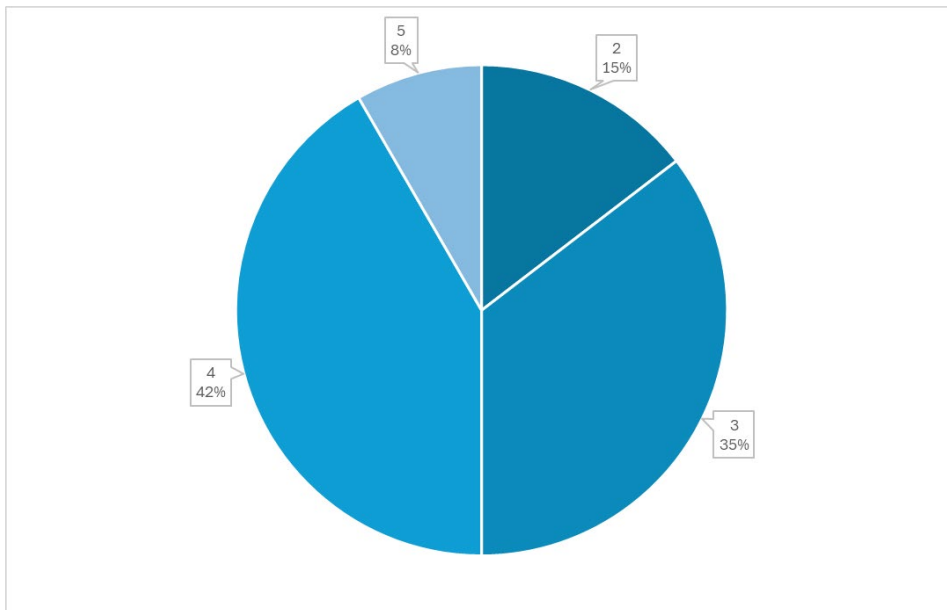
Row Labels	Count of #
2	25,49%
3	39,22%
4	29,41%
5	5,88%
<b>Grand Total</b>	<b>100,00%</b>



## How adequate is your supply?

Row Labels	Count of #
2	14,58%
3	35,42%
4	41,67%
5	8,33%
<b>Grand Total</b>	<b>100,00%</b>

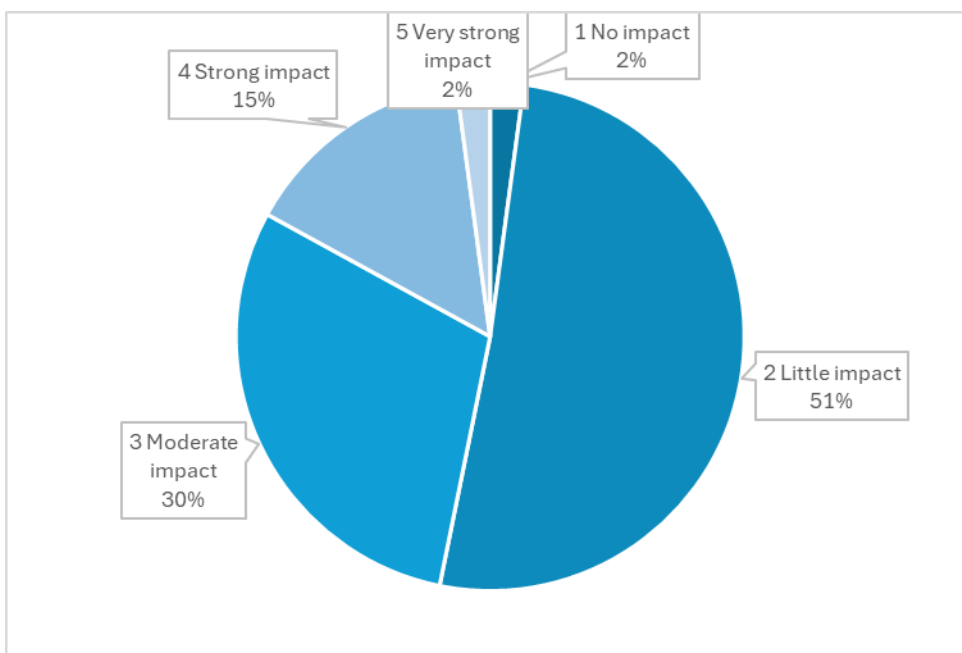




**Which type of EU rules affects public procurement more, aside from the specific procurement EU 2014/23, 24, 25 Directives?**

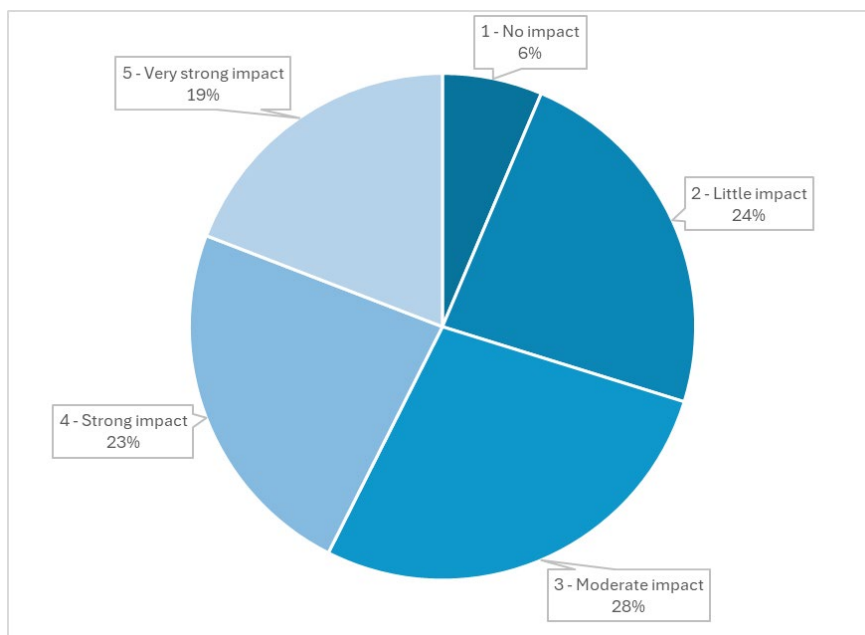
### **Social and Health Directives**

Row Labels	Count of #
1 - No impact	2,13%
2 - Little impact	51,06%
3 - Moderate impact	29,79%
4 - Strong impact	14,89%
5 - Very strong impact	2,13%
<b>Grand Total</b>	<b>100,00%</b>



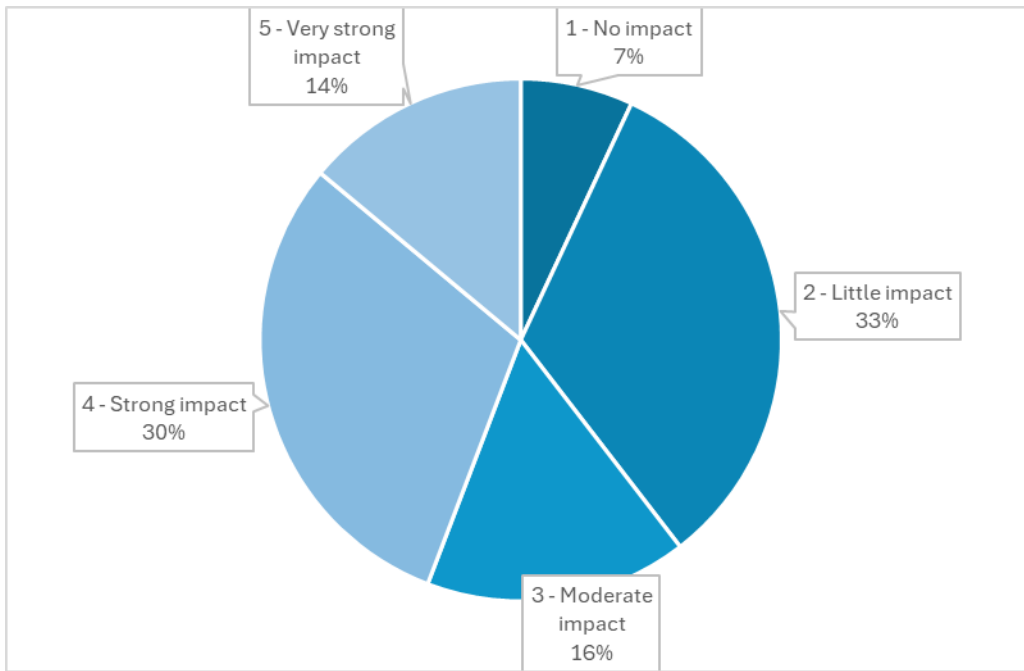
## Environmental Directives

Row Labels	Count of #
1 - No impact	6,38%
2 - Little impact	23,40%
3 - Moderate impact	27,66%
4 - Strong impact	23,40%
5 - Very strong impact	19,15%
<b>Grand Total</b>	<b>100,00%</b>



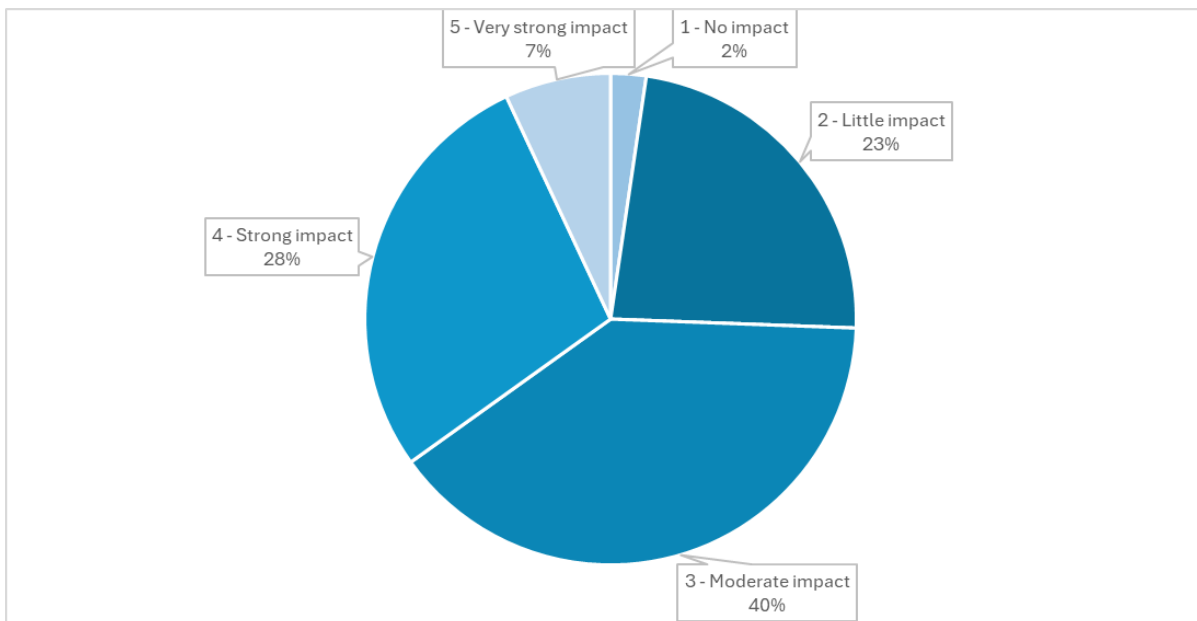
## Digital Directives

Row Labels	Count of #
1 - No impact	6,98%
2 - Little impact	32,56%
3 - Moderate impact	16,28%
4 - Strong impact	30,23%
5 - Very strong impact	13,95%
<b>Grand Total</b>	<b>100,00%</b>



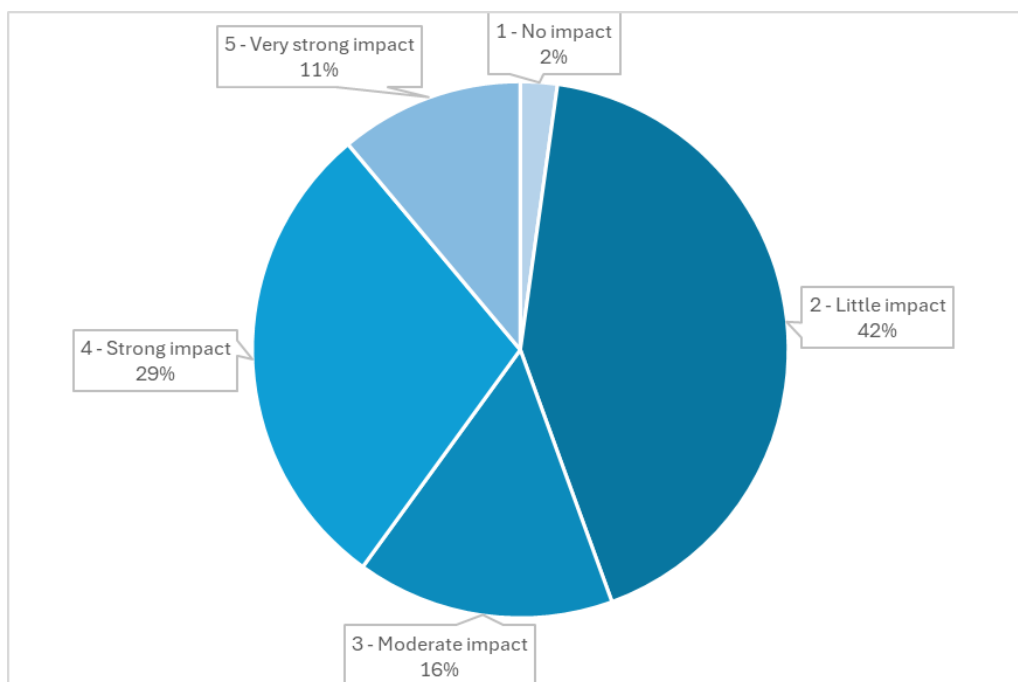
## Energy Directives

Row Labels	Count of #
1 - No impact	2,33%
2 - Little impact	23,26%
3 - Moderate impact	39,53%
4 - Strong impact	27,91%
5 - Very strong impact	6,98%
<b>Grand Total</b>	<b>100,00%</b>



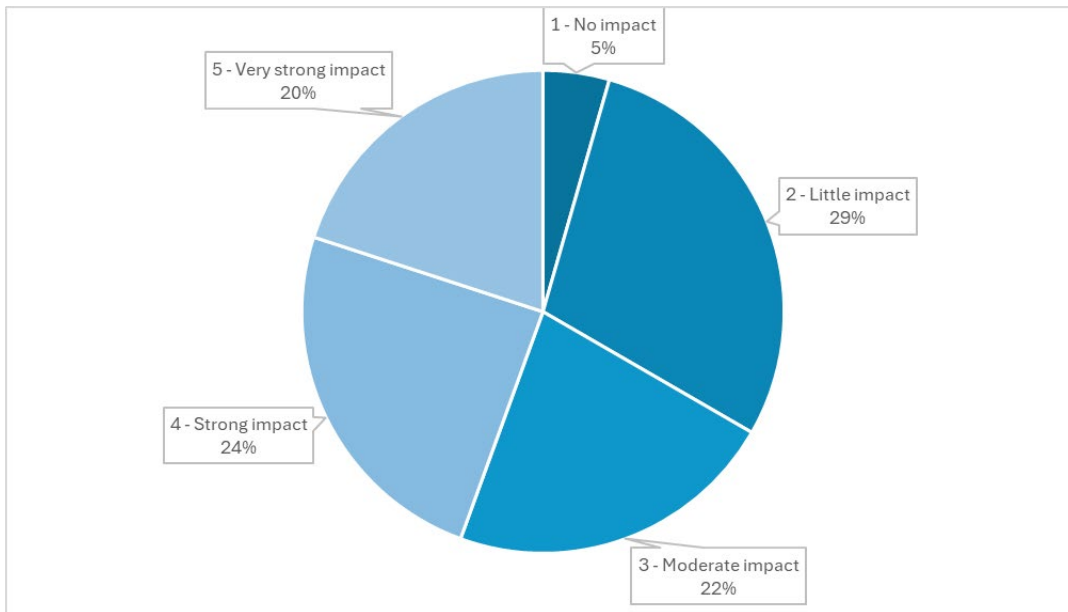
## Transport Directives

Row Labels	Count of #
1 - No impact	2,22%
2 - Little impact	42,22%
3 - Moderate impact	15,56%
4 - Strong impact	28,89%
5 - Very strong impact	11,11%
<b>Grand Total</b>	<b>100,00%</b>



## Construction Directives

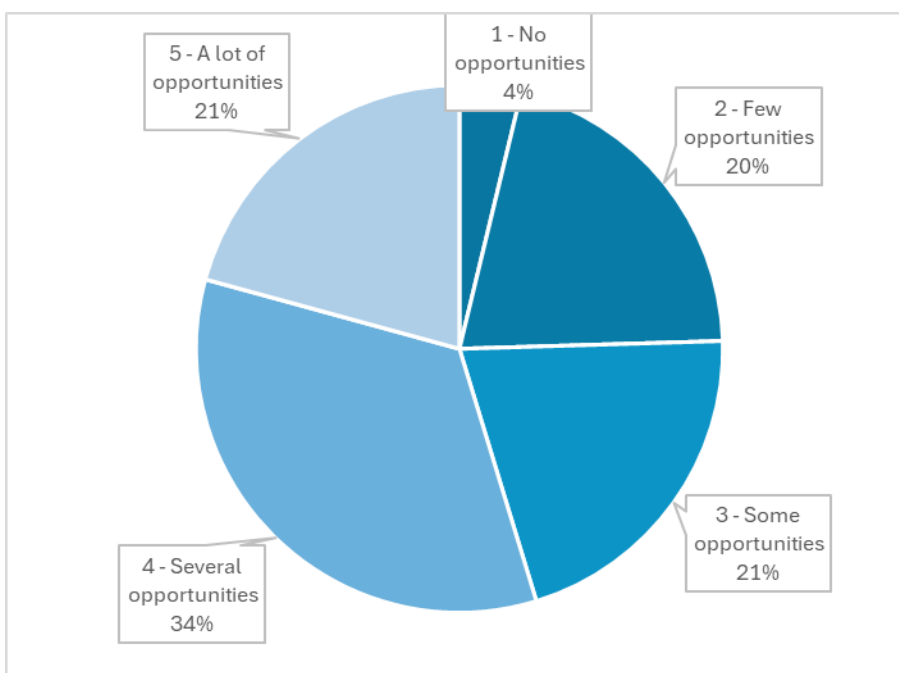
Row Labels	Count of #
1 - No impact	4,44%
2 - Little impact	28,89%
3 - Moderate impact	22,22%
4 - Strong impact	24,44%
5 - Very strong impact	20,00%
<b>Totale complessivo</b>	<b>100,00%</b>



**To what extent do EU public procurement rules create opportunities or advantages for your contracting authority in the following areas?**

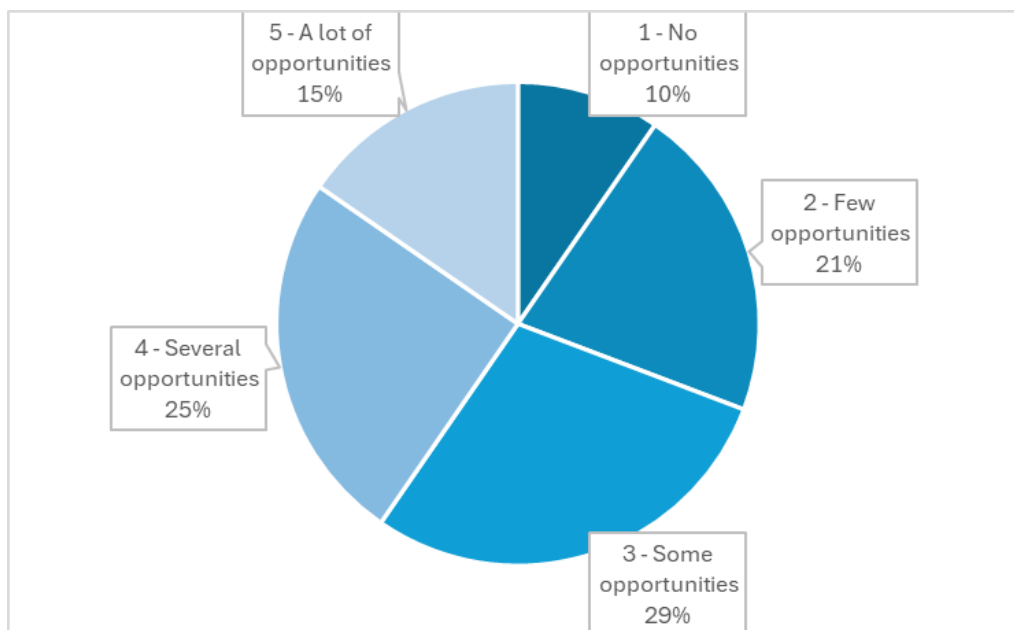
#### **Financial saving i.e. lowest price**

Row Labels	Count of #
1 - No opportunities	3,77%
2 - Few opportunities	20,75%
3 - Some opportunities	20,75%
4 - Several opportunities	33,96%
5 - A lot of opportunities	20,75%
<b>Grand Total</b>	<b>100,00%</b>



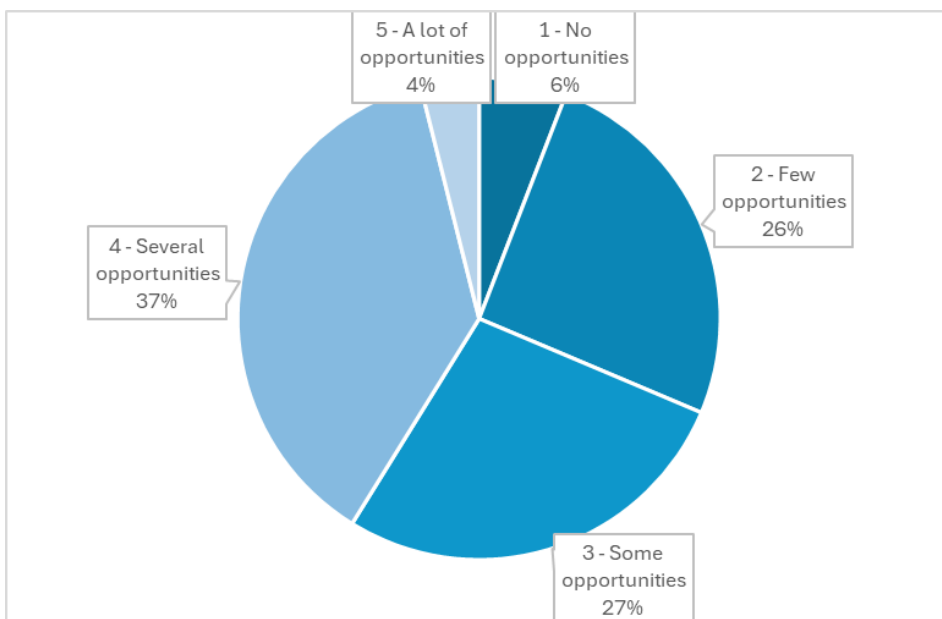
## Optimization of purchasing process

Row Labels	Count of #
1 - No opportunities	9,62%
2 - Few opportunities	21,15%
3 - Some opportunities	28,85%
4 - Several opportunities	25,00%
5 - A lot of opportunities	15,38%
<b>Grand Total</b>	<b>100,00%</b>



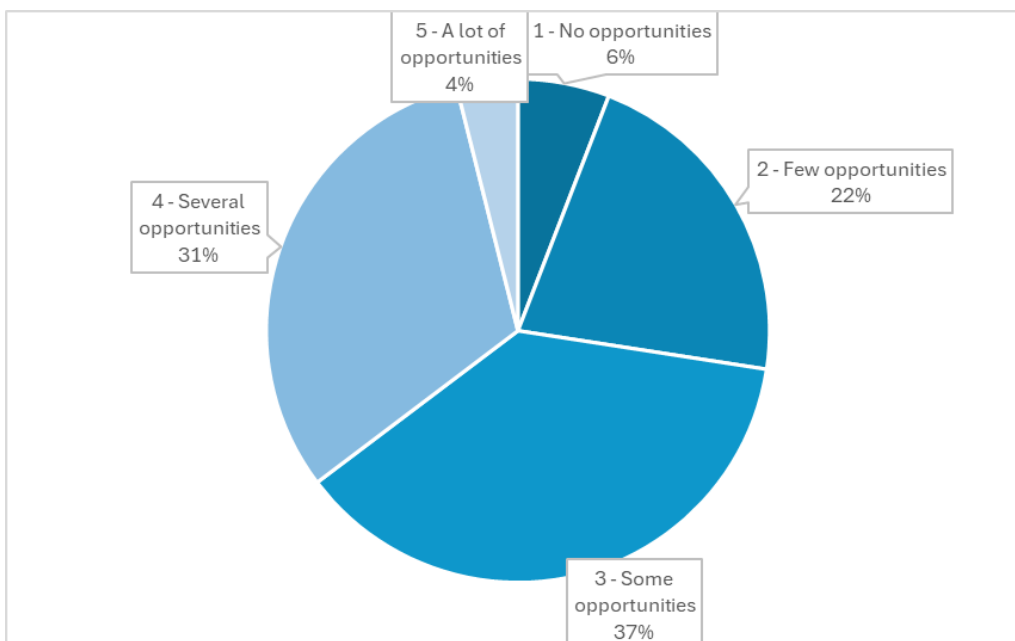
## Pursue of green strategic objectives in tenders

Row Labels	Count of #
1 - No opportunities	5,88%
2 - Few opportunities	21,57%
3 - Some opportunities	37,25%
4 - Several opportunities	31,37%
5 - A lot of opportunities	3,92%
<b>Grand Total</b>	<b>100,00%</b>



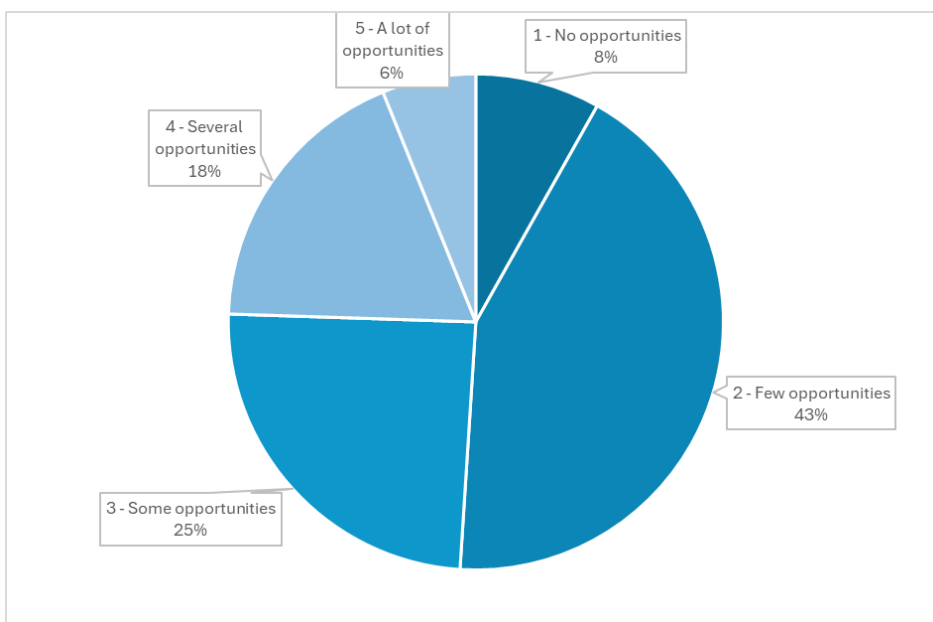
### Pursue of Social strategic objectives in tenders

Row Labels	Count of #
1 - No opportunities	5,88%
2 - Few opportunities	21,57%
3 - Some opportunities	37,25%
4 - Several opportunities	31,37%
5 - A lot of opportunities	3,92%
<b>Grand Total</b>	<b>100,00%</b>



### Pursue of Innovation strategic objectives in tenders

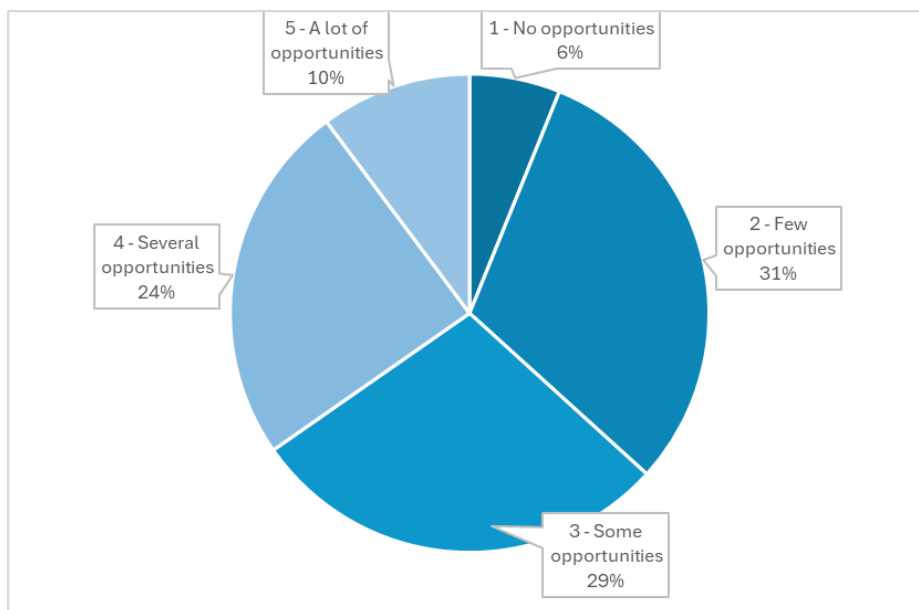
What type of authority do you work in? (Multiple Items)	
<b>Pursue of Innovation strategic objectives in tenders</b>	
Row Labels	Count of #
1 - No opportunities	8,16%
2 - Few opportunities	42,86%
3 - Some opportunities	24,49%
4 - Several opportunities	18,37%
5 - A lot of opportunities	6,12%
<b>Grand Total</b>	<b>100,00%</b>



## Increase market openness

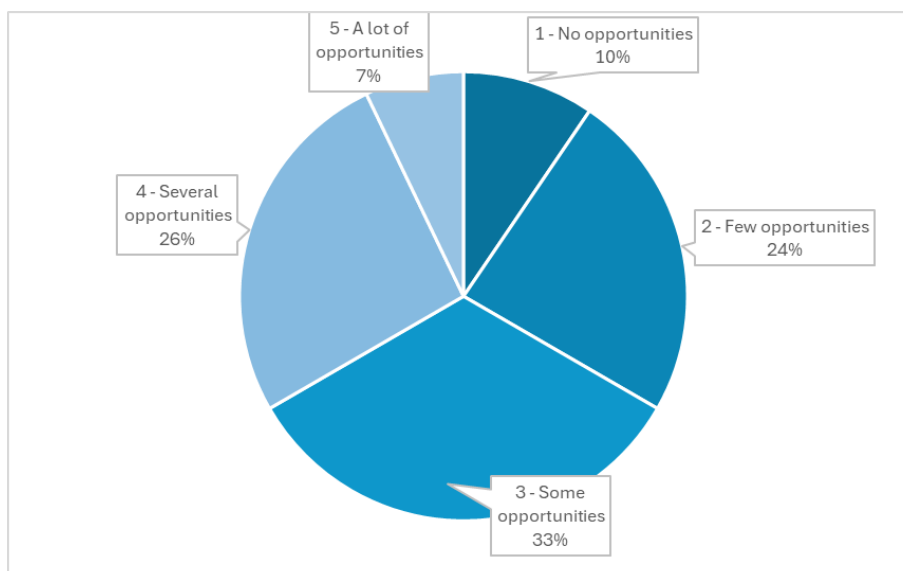
Row Labels	Count of #
1 - No opportunities	6,12%
2 - Few opportunities	30,61%
3 - Some opportunities	28,57%
4 - Several opportunities	24,49%
5 - A lot of opportunities	10,20%
<b>Grand Total</b>	<b>100,00%</b>





## Access of SMEs to procurement

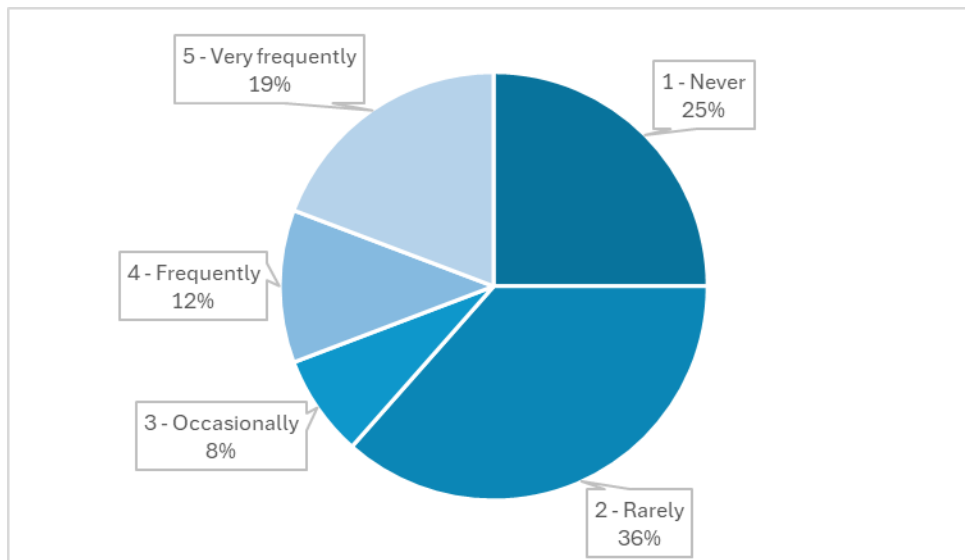
Row Labels	Count of #
1 - No opportunities	9,52%
2 - Few opportunities	23,81%
3 - Some opportunities	33,33%
4 - Several opportunities	26,19%
5 - A lot of opportunities	7,14%
<b>Grand Total</b>	<b>100,00%</b>



## What specific challenges do you most frequently face when implementing public procurement rules?

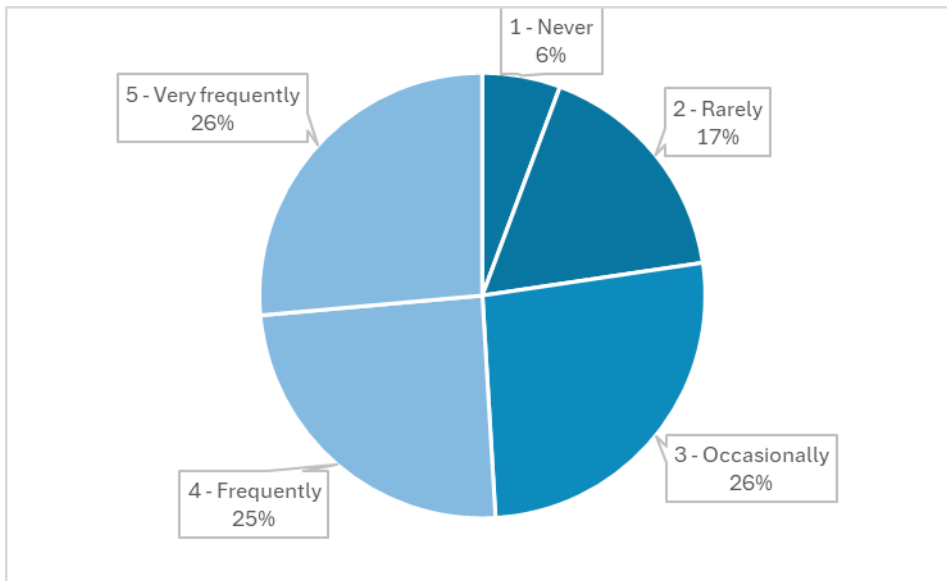
## Adoption of e-procurement

Row Labels	Count of #
1 - Never	25%
2 - Rarely	37%
3 - Occasionally	8%
4 - Frequently	12%
5 - Very frequently	19%
<b>Grand Total</b>	<b>100%</b>



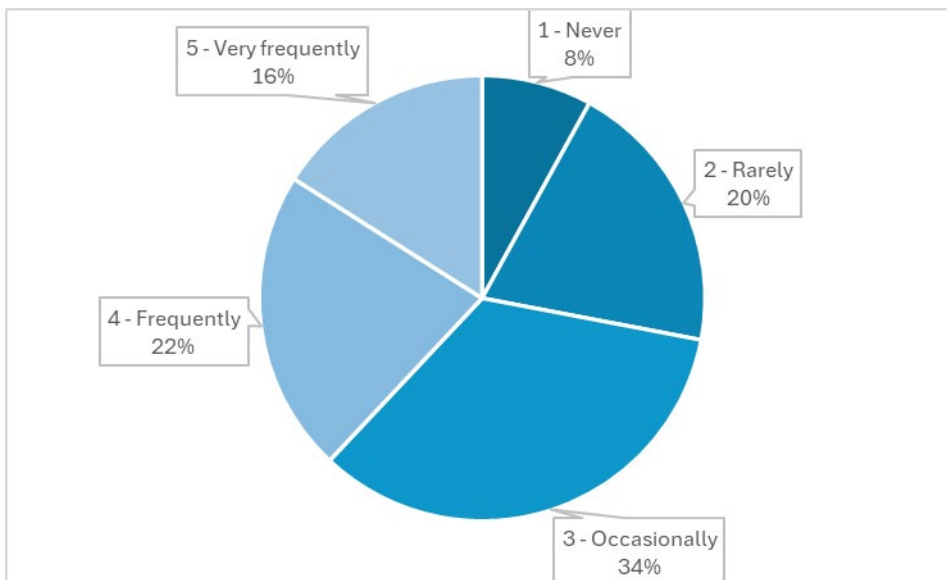
## Interpretation of legal and regulatory acts

Row Labels	Count of #
1 - Never	6%
2 - Rarely	17%
3 - Occasionally	26%
4 - Frequently	25%
5 - Very frequently	26%
<b>Grand Total</b>	<b>100%</b>



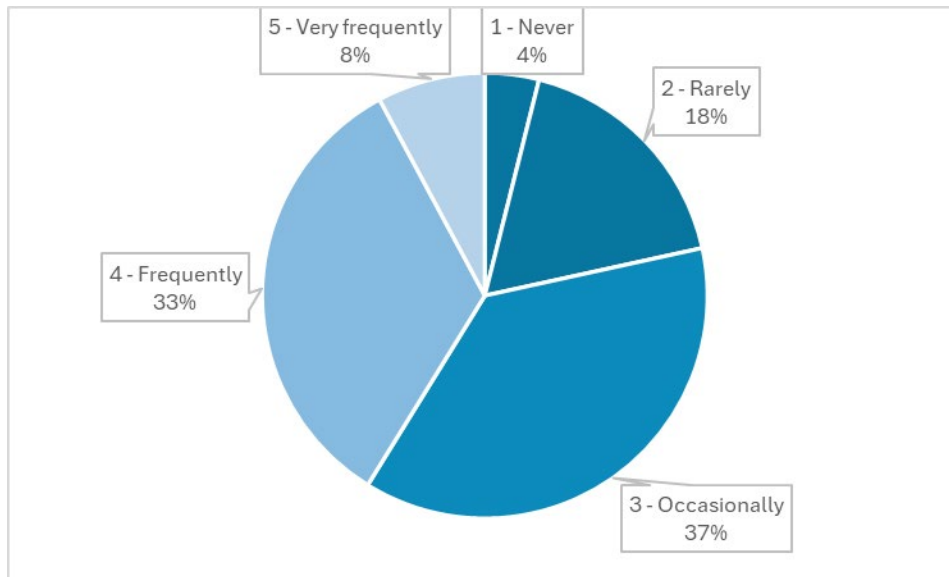
## Compliance of sector-specific legislation

Row Labels	Count of #
1 - Never	8%
2 - Rarely	20%
3 - Occasionally	34%
4 - Frequently	22%
5 - Very frequently	16%
<b>Grand Total</b>	<b>100%</b>



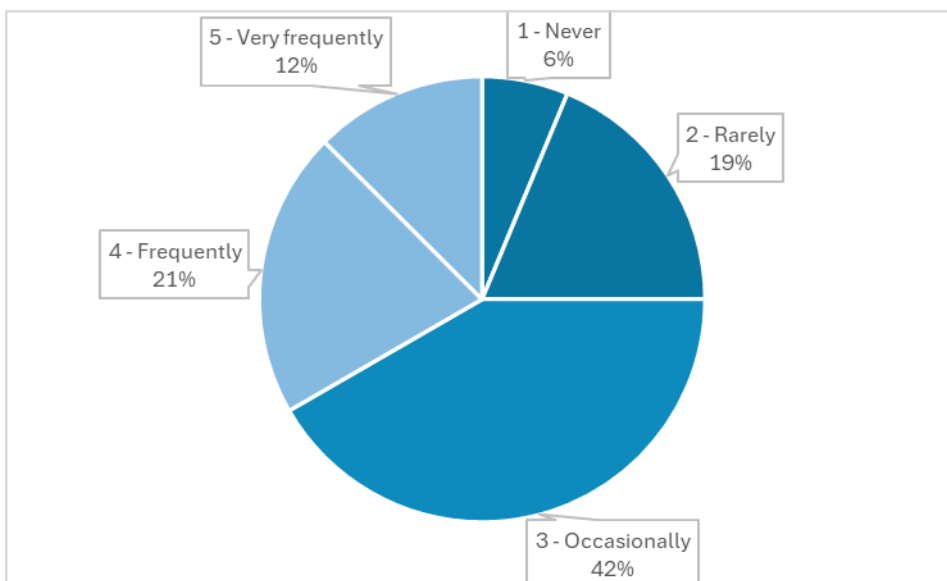
## Integrating strategic objectives

Row Labels	Count of #
1 - Never	4%
2 - Rarely	18%
3 - Occasionally	37%
4 - Frequently	33%
5 - Very frequently	8%
<b>Grand Total</b>	<b>100%</b>



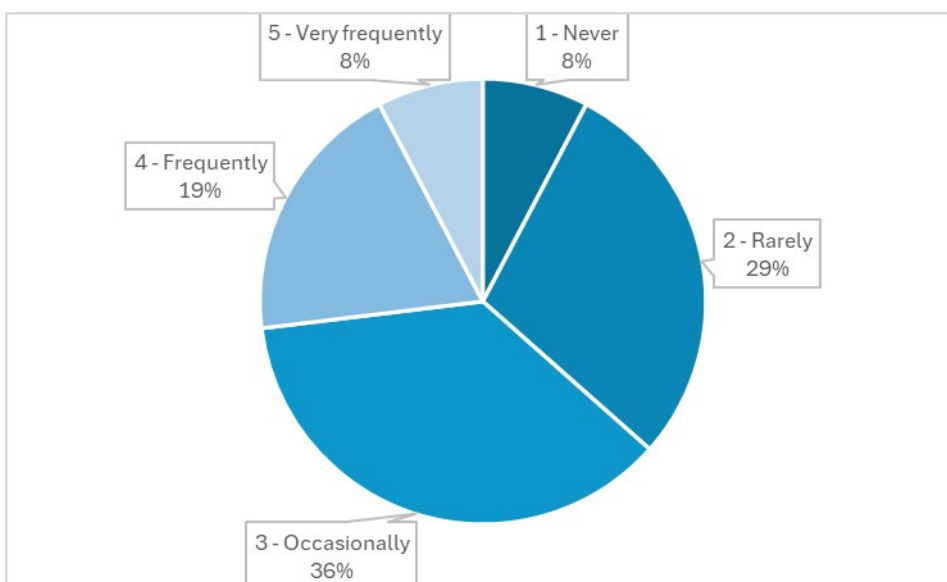
## Facilitating the SME access

Row Labels	Count of #
1 - Never	6%
2 - Rarely	19%
3 - Occasionally	42%
4 - Frequently	21%
5 - Very frequently	13%
<b>Grand Total</b>	<b>100%</b>



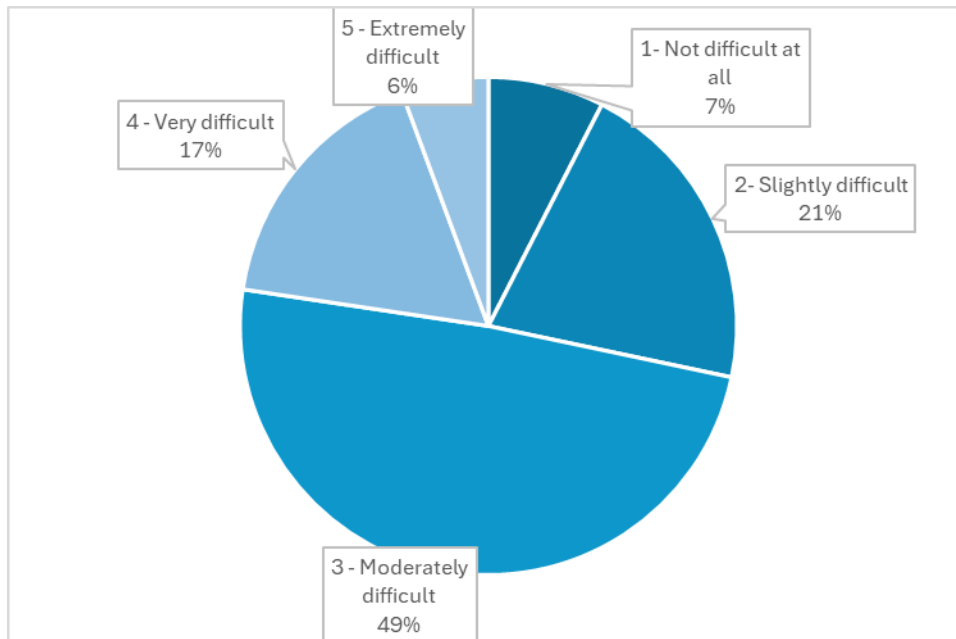
## Managing conflict of interest procedures

Row Labels	Count of #
1 - Never	8%
2 - Rarely	29%
3 - Occasionally	37%
4 - Frequently	19%
5 - Very frequently	8%
<b>Grand Total</b>	<b>100%</b>



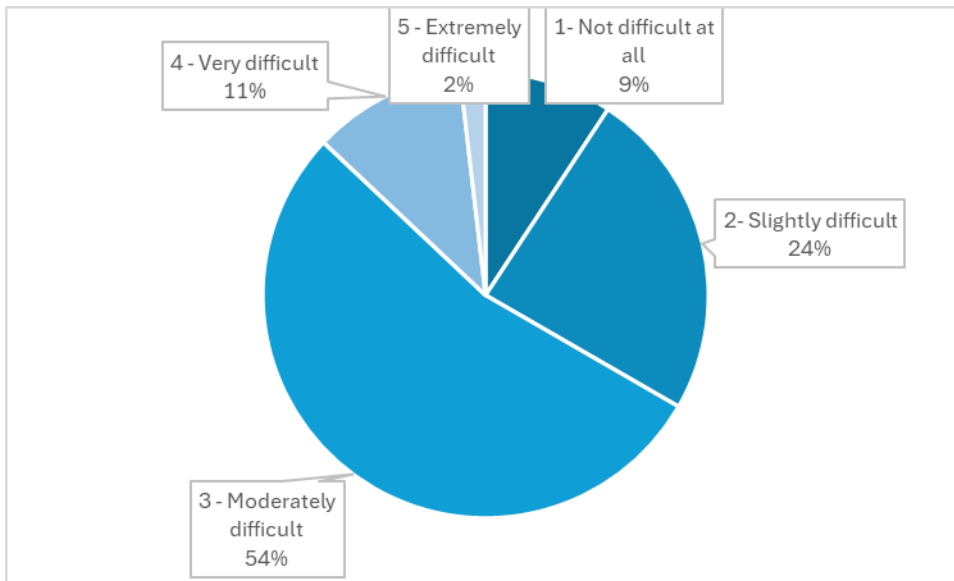
## Conducting initial analysis of the needs in preparing the tender

Row Labels	Count of #
1- Not difficult at all	8%
2- Slightly difficult	21%
3 - Moderately difficult	49%
4 - Very difficult	17%
5 - Extremely difficult	6%
<b>Grand Total</b>	<b>100%</b>



## Defining the subject matter in the tender specifications

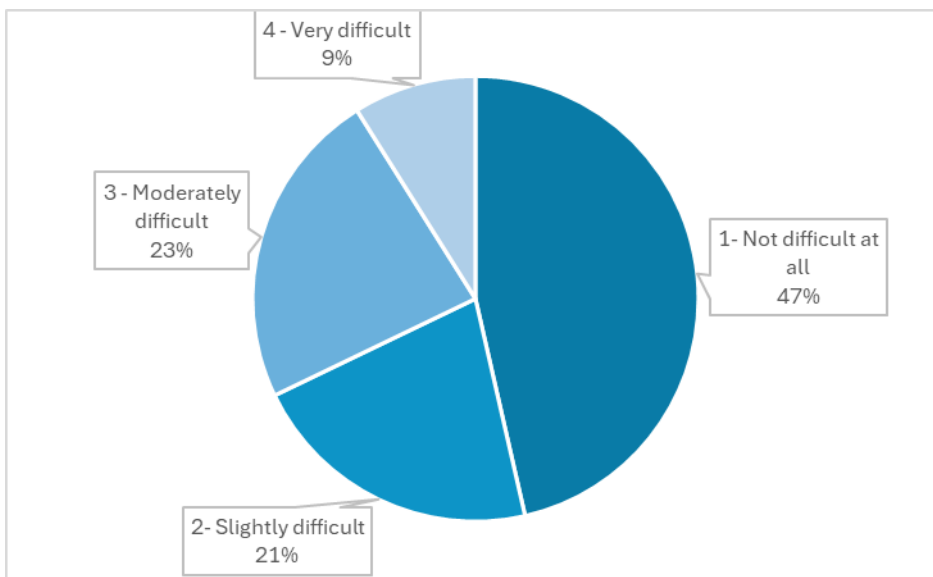
Row Labels	Count of #
1- Not difficult at all	9%
2- Slightly difficult	24%
3 - Moderately difficult	54%
4 - Very difficult	11%
5 - Extremely difficult	2%
<b>Grand Total</b>	<b>100%</b>



**What aspects of public procurement do you find most difficult to implement?**

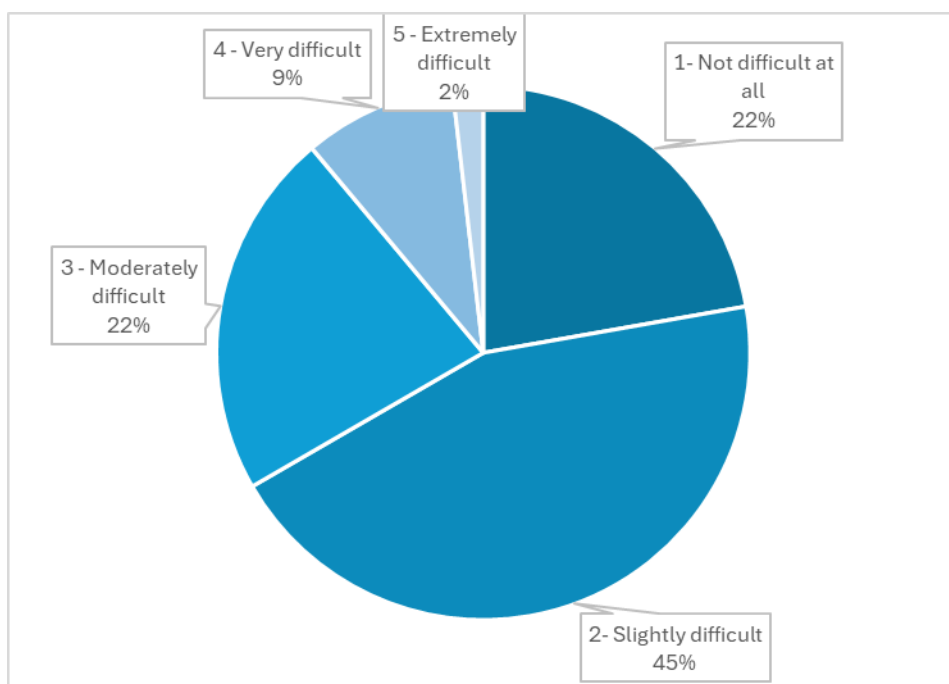
### Selecting the procedure

Row Labels	Selecting the procedure
1- Not difficult at all	46,4%
2- Slightly difficult	21,4%
3 - Moderately difficult	23,2%
4 - Very difficult	8,9%
<b>Grand Total</b>	<b>100,0%</b>



## Setting exclusion grounds

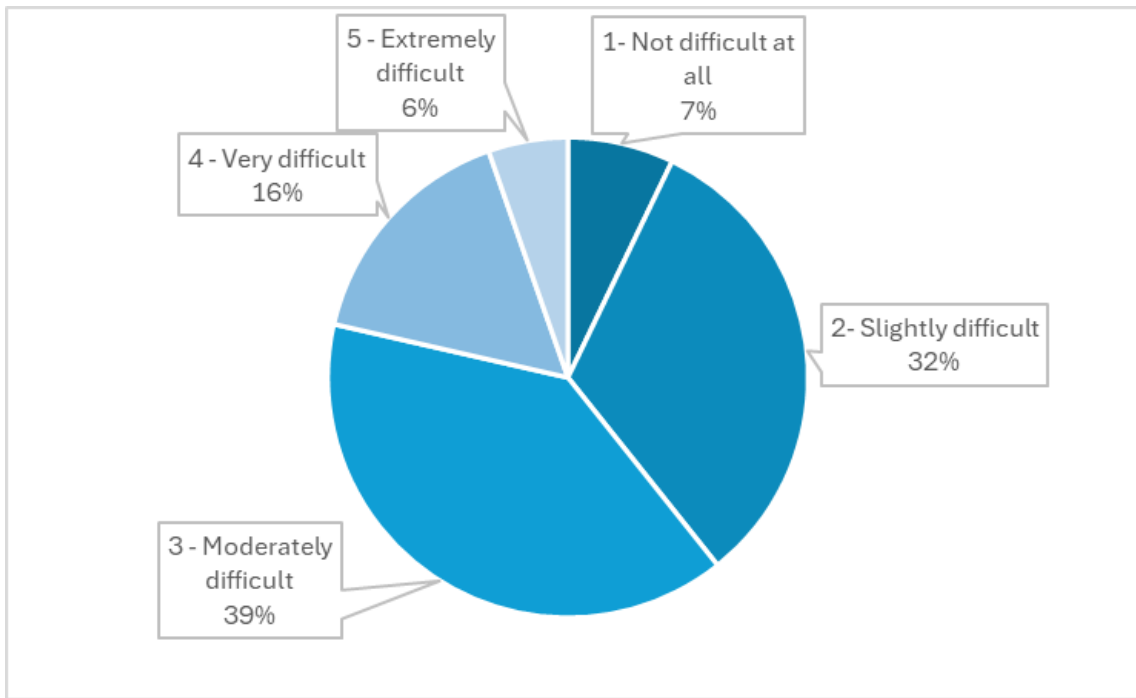
Row Labels	Setting exclusion grounds
1- Not difficult at all	22,2%
2- Slightly difficult	44,4%
3 - Moderately difficult	22,2%
4 - Very difficult	9,3%
5 - Extremely difficult	1,9%
<b>Grand Total</b>	<b>100,0%</b>



## Defining selection criteria

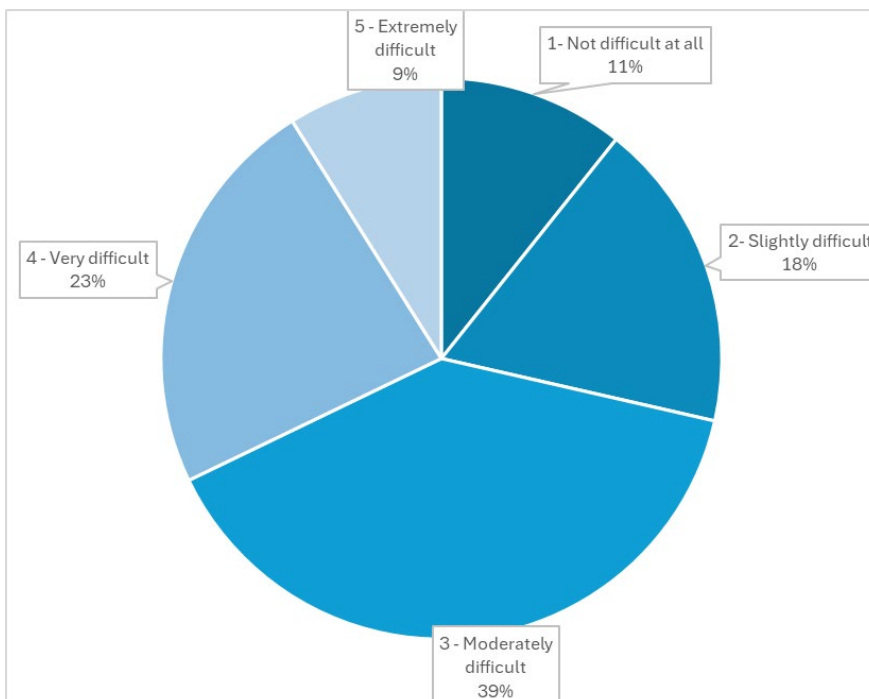
Row Labels	Defining selection criteria
1- Not difficult at all	7,1%
2- Slightly difficult	32,1%
3 - Moderately difficult	39,3%
4 - Very difficult	16,1%
5 - Extremely difficult	5,4%
<b>Grand Total</b>	<b>100,0%</b>





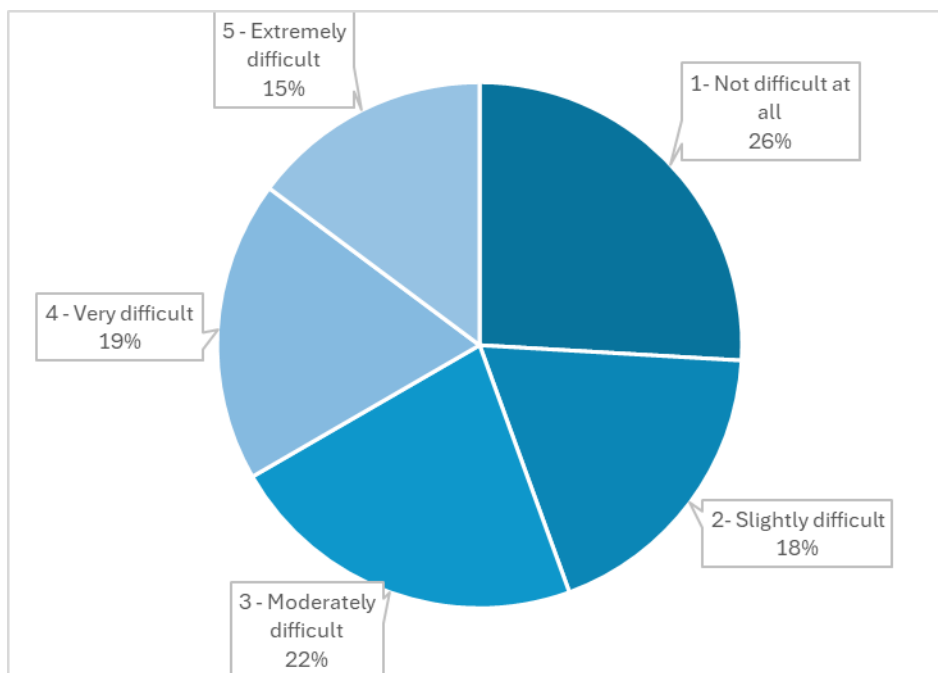
## Defining qualitative awarding criteria

Row Labels	Defining qualitative awar
1- Not difficult at all	10,7%
2- Slightly difficult	17,9%
3 - Moderately difficult	39,3%
4 - Very difficult	23,2%
5 - Extremely difficult	8,9%
<b>Grand Total</b>	<b>100,0%</b>



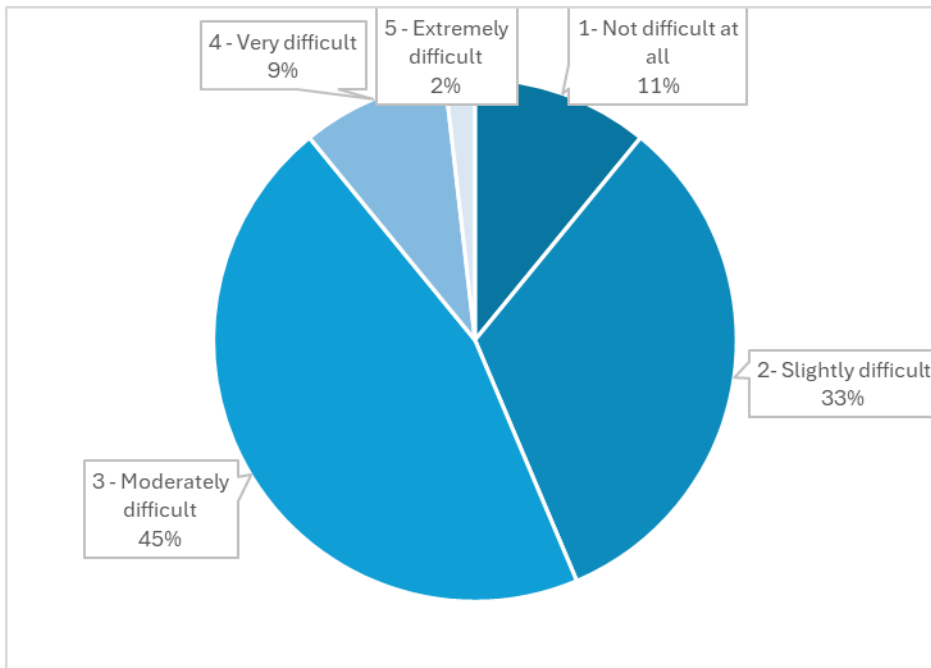
## Publishing

Row Labels	Publishing
1- Not difficult at all	25,9%
2- Slightly difficult	18,5%
3 - Moderately difficult	22,2%
4 - Very difficult	18,5%
5 - Extremely difficult	14,8%
<b>Grand Total</b>	<b>100,0%</b>



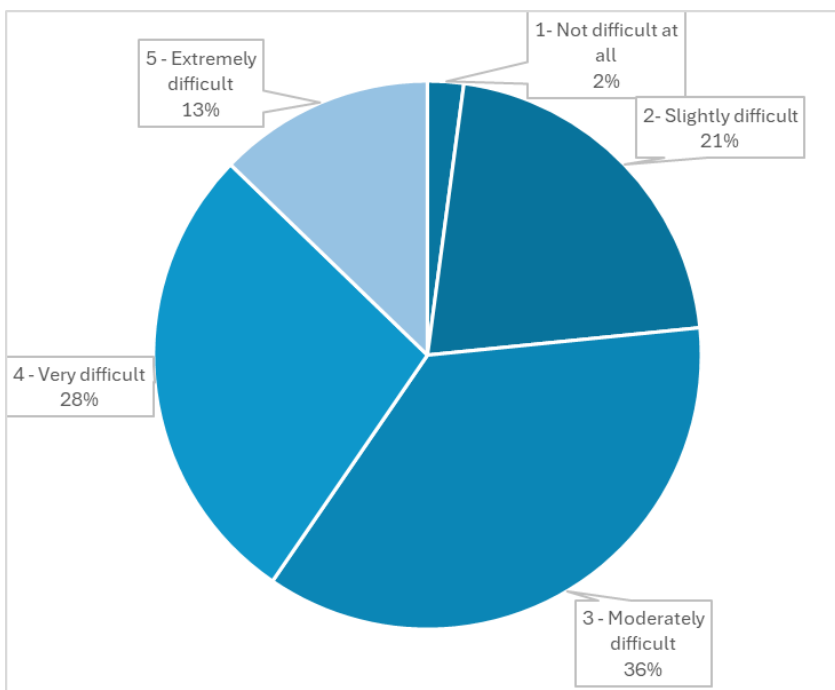
## Evaluating the tender proposals

Row Labels	Evaluating the tender pro
1- Not difficult at all	10,9%
2- Slightly difficult	32,7%
3 - Moderately difficult	45,5%
4 - Very difficult	9,1%
5 - Extremely difficult	1,8%
<b>Grand Total</b>	<b>100,0%</b>



## Monitoring contract execution and performance

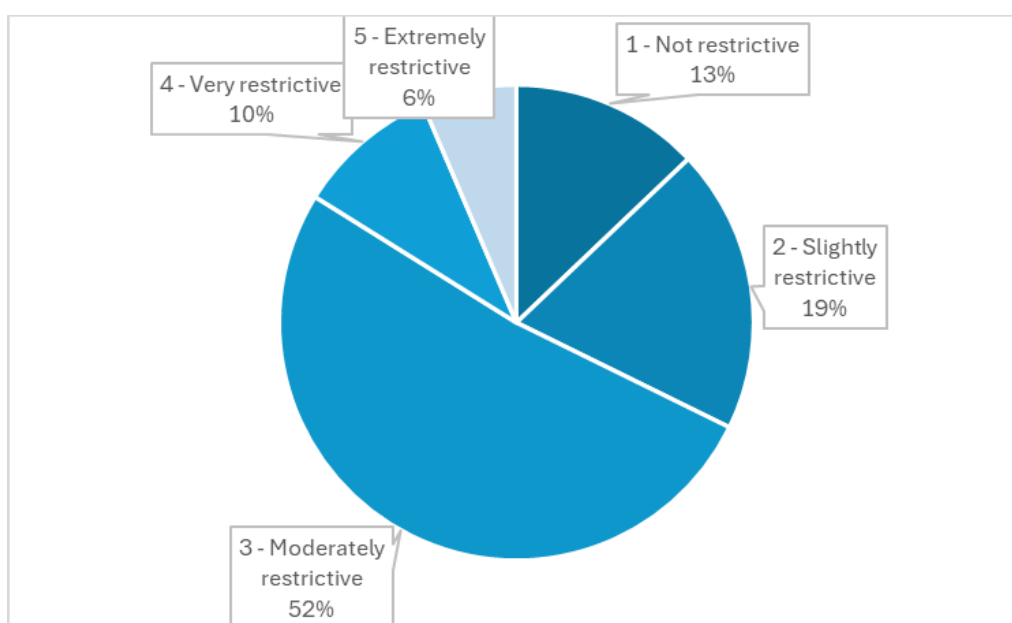
Row Labels	Monitoring contract exec
1- Not difficult at all	2,1%
2- Slightly difficult	21,3%
3 - Moderately difficult	36,2%
4 - Very difficult	27,7%
5 - Extremely difficult	12,8%
<b>Grand Total</b>	<b>100,0%</b>



**In which sectors do you find current procurement rules to be particularly restrictive or difficult to manage?**

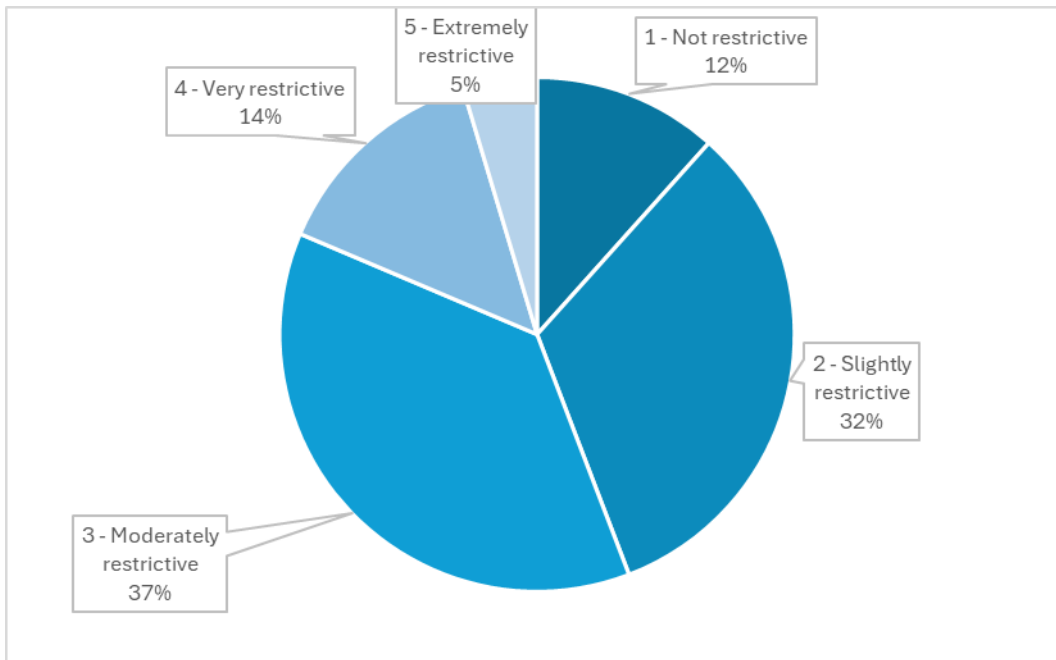
### **Health services (Health and social work services)**

Row Labels	Count of #
1 - Not restrictive	12,90%
2 - Slightly restrictive	19,35%
3 - Moderately restrictive	51,61%
4 - Very restrictive	9,68%
5 - Extremely restrictive	6,45%
<b>Grand Total</b>	<b>100,00%</b>



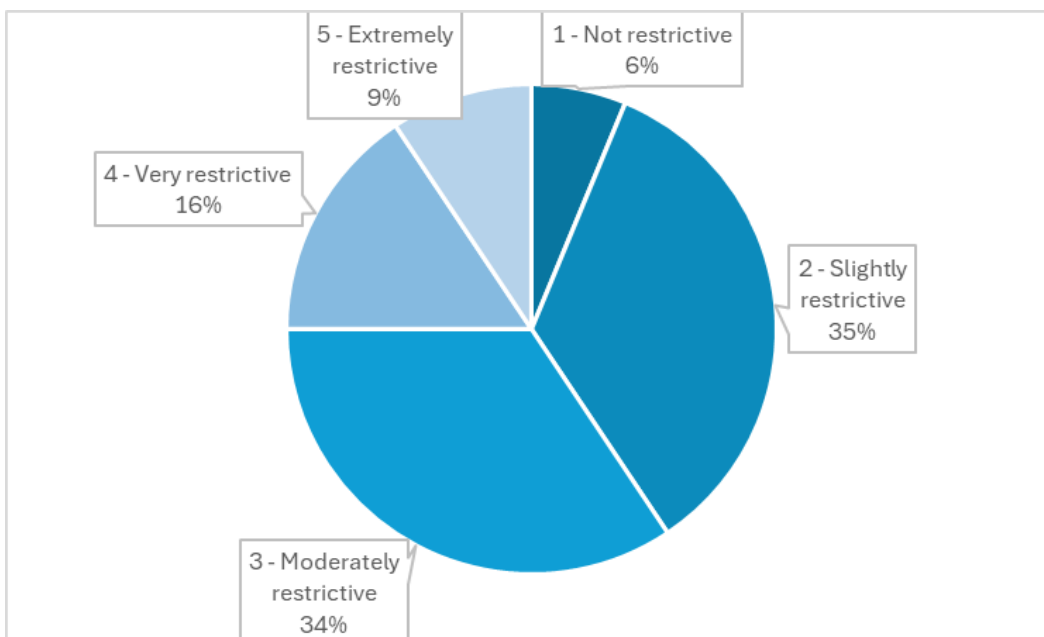
### **Construction (construction work)**

Row Labels	Count of #
1 - Not restrictive	11,63%
2 - Slightly restrictive	32,56%
3 - Moderately restrictive	37,21%
4 - Very restrictive	13,95%
5 - Extremely restrictive	4,65%
<b>Grand Total</b>	<b>100,00%</b>



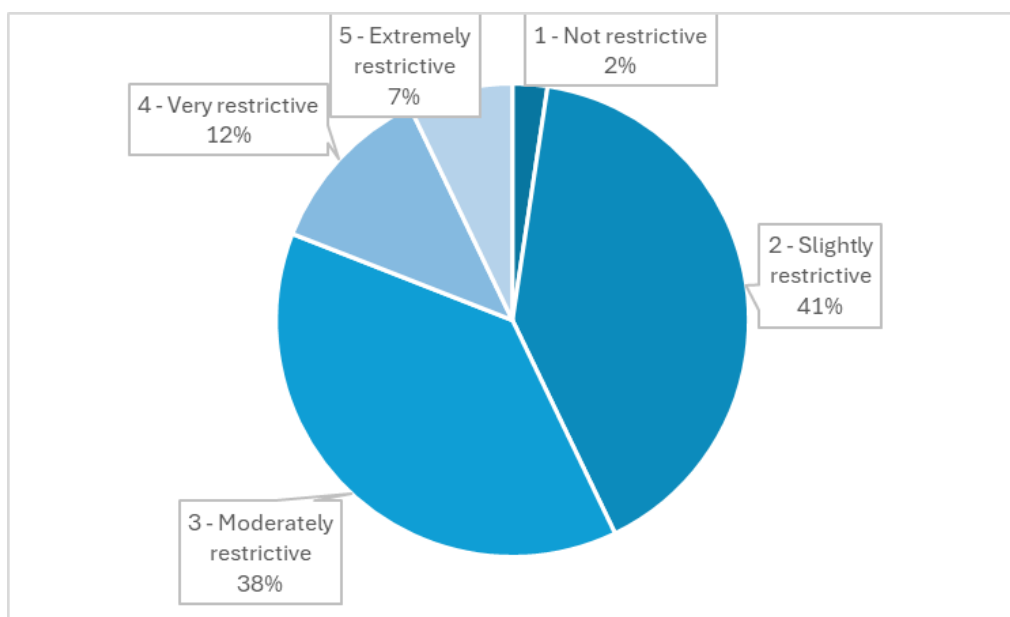
### Energy (petroleum products, fuel, electricity, and other sources of energy)

Row Labels	Count of #
1 - Not restrictive	6,25%
2 - Slightly restrictive	34,38%
3 - Moderately restrictive	34,38%
4 - Very restrictive	15,63%
5 - Extremely restrictive	9,38%
<b>Grand Total</b>	<b>100,00%</b>



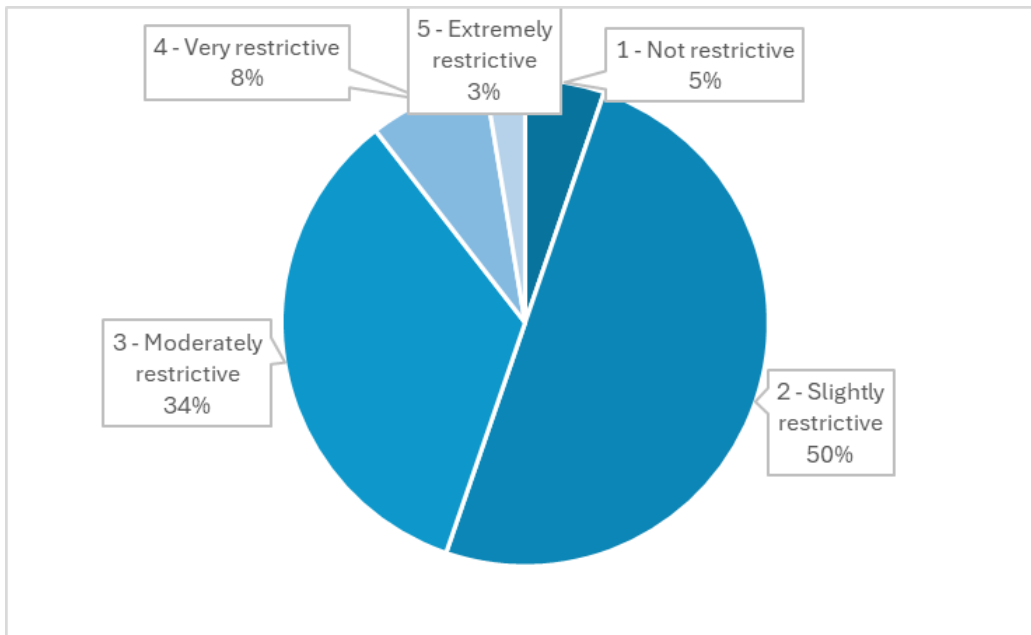
## Engineering (architectural, engineering and inspection services)

Row Labels	Count of #
1 - Not restrictive	2,38%
2 - Slightly restrictive	40,48%
3 - Moderately restrictive	38,10%
4 - Very restrictive	11,90%
5 - Extremely restrictive	7,14%
<b>Grand Total</b>	<b>100,00%</b>



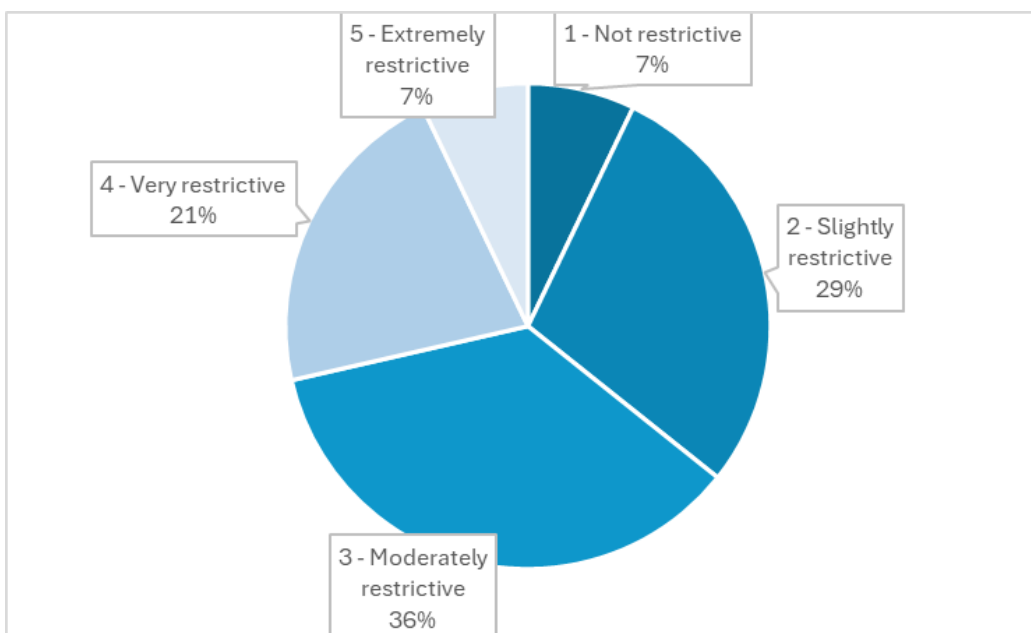
## Financial Services (financial and insurance services)

Row Labels	Count of #
1 - Not restrictive	5,26%
2 - Slightly restrictive	50,00%
3 - Moderately restrictive	34,21%
4 - Very restrictive	7,89%
5 - Extremely restrictive	2,63%
<b>Grand Total</b>	<b>100,00%</b>



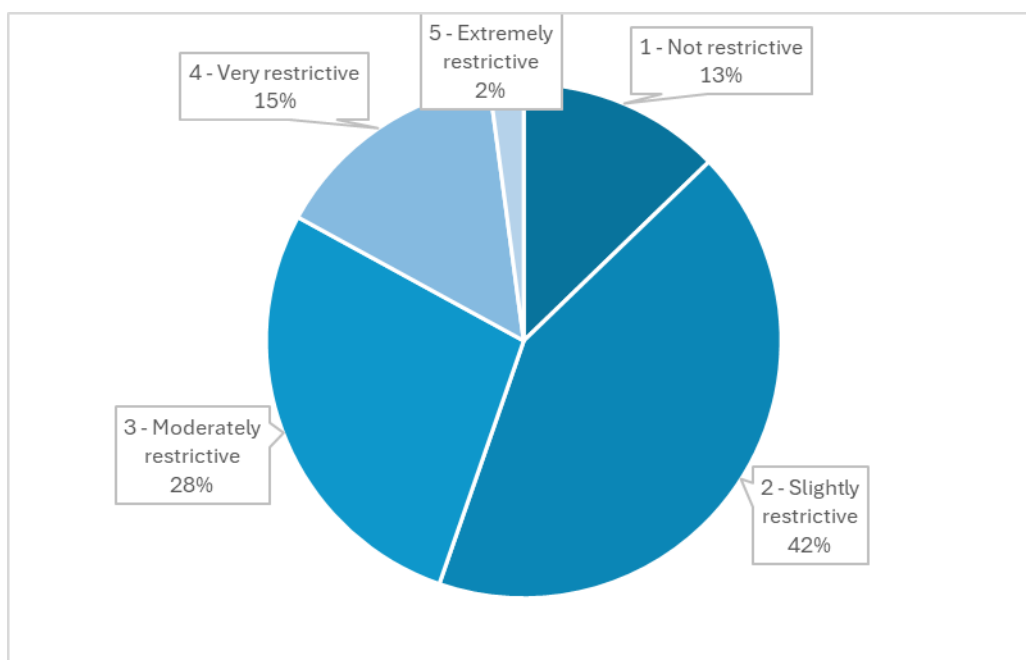
### Medical Equipment (medical equip., pharmaceuticals and personal care products)

Row Labels	Count of #
1 - Not restrictive	7,14%
2 - Slightly restrictive	28,57%
3 - Moderately restrictive	35,71%
4 - Very restrictive	21,43%
5 - Extremely restrictive	7,14%
<b>Grand Total</b>	<b>100,00%</b>



## Repairs (repair and maintenance services)

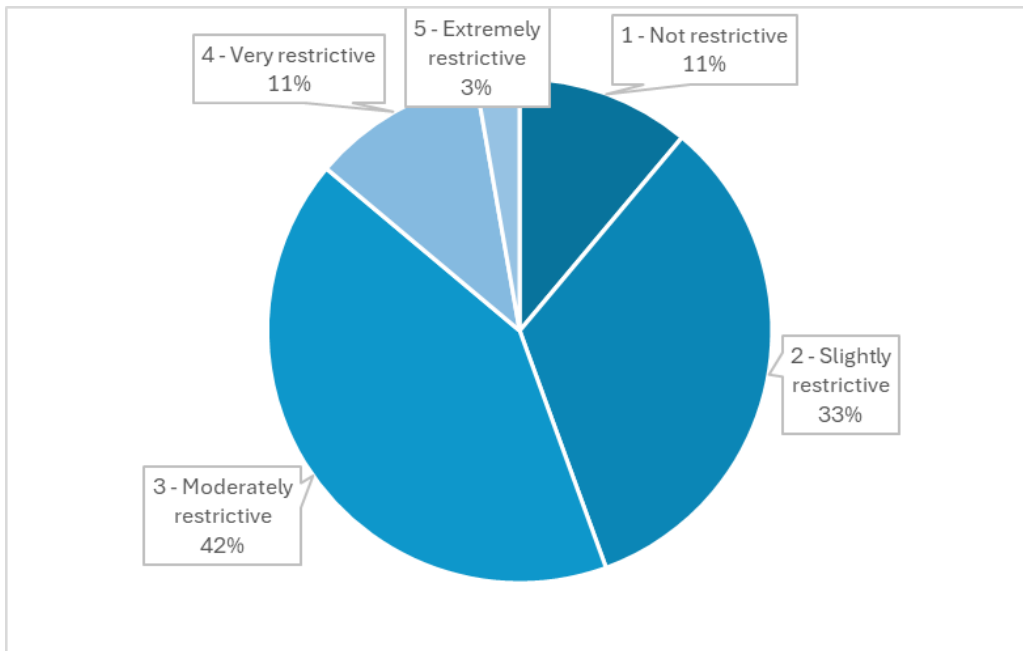
Row Labels	Count of #
1 - Not restrictive	12,77%
2 - Slightly restrictive	42,55%
3 - Moderately restrictive	27,66%
4 - Very restrictive	14,89%
5 - Extremely restrictive	2,13%
<b>Grand Total</b>	<b>100,00%</b>



## Sewage Services (sewage-, refuse-, cleaning-, and environmental services)

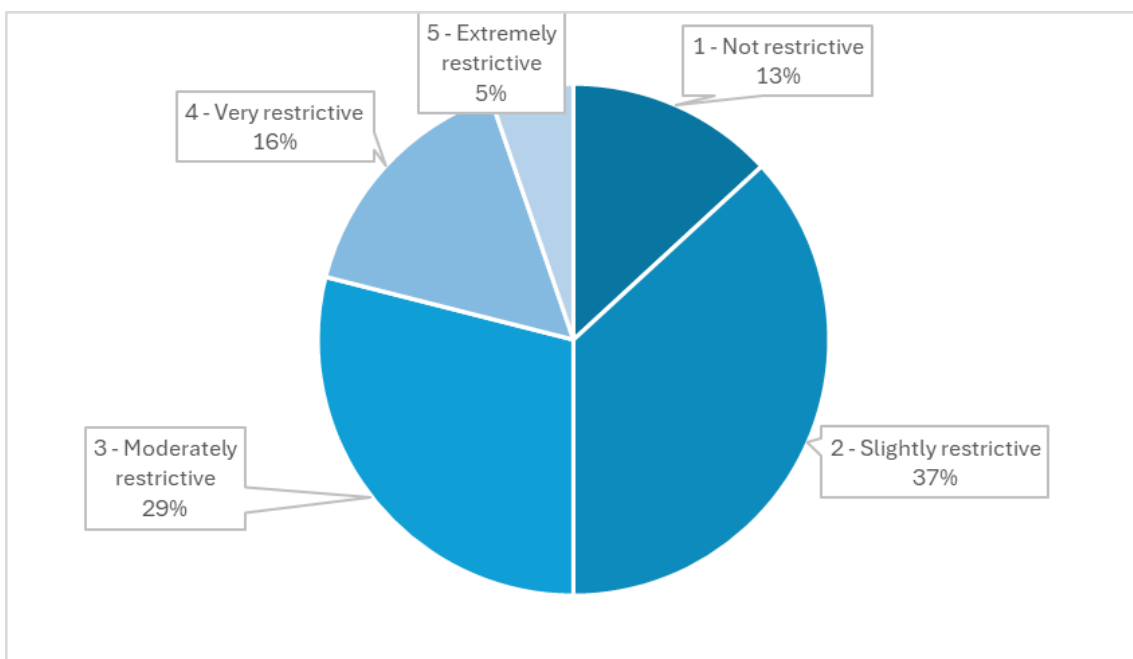
Row Labels	Count of #
1 - Not restrictive	11,11%
2 - Slightly restrictive	33,33%
3 - Moderately restrictive	41,67%
4 - Very restrictive	11,11%
5 - Extremely restrictive	2,78%
<b>Grand Total</b>	<b>100,00%</b>





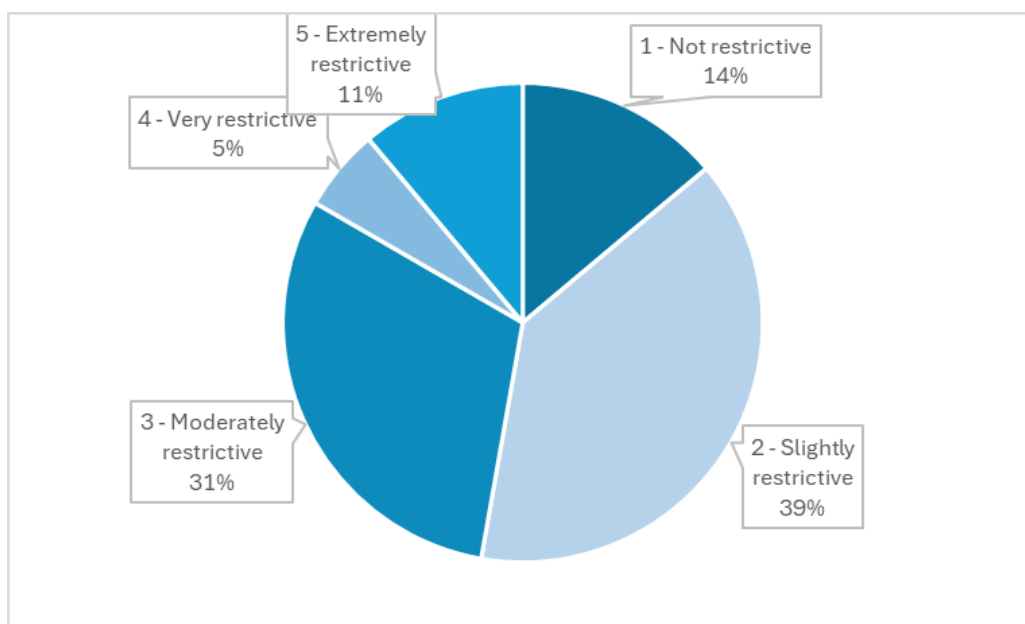
### Transport equipment (transport equip. and auxiliary products to transportation)

Row Labels	Count of #
1 - Not restrictive	13,16%
2 - Slightly restrictive	36,84%
3 - Moderately restrictive	28,95%
4 - Very restrictive	15,79%
5 - Extremely restrictive	5,26%
<b>Grand Total</b>	<b>100,00%</b>



## Transport services (excl. Waste transport)

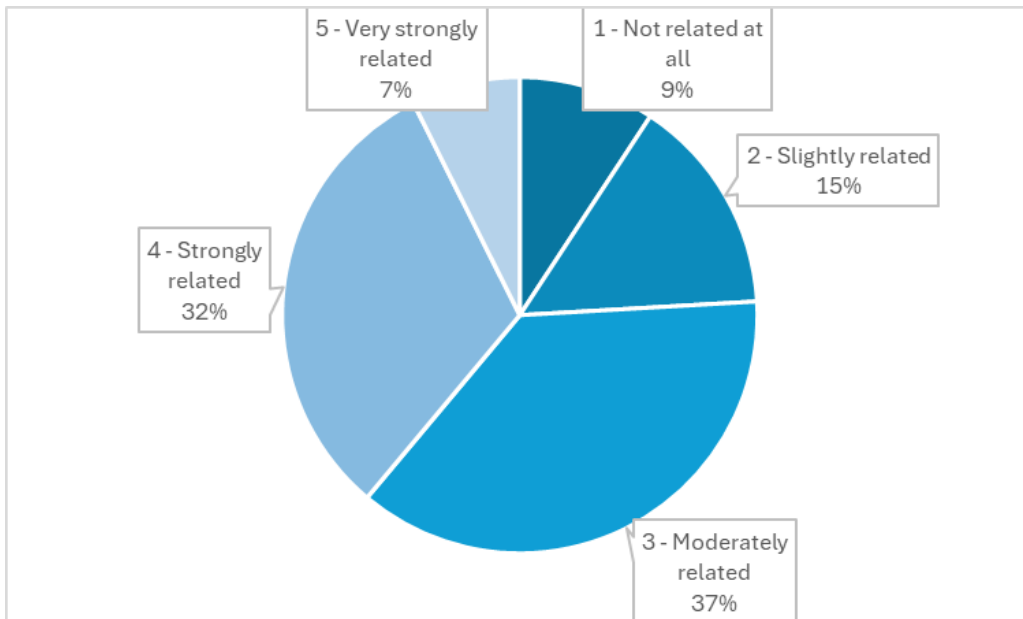
Row Labels	Count of #
1 - Not restrictive	13,89%
2 - Slightly restrictive	38,89%
3 - Moderately restrictive	30,56%
4 - Very restrictive	5,56%
5 - Extremely restrictive	11,11%
<b>Grand Total</b>	<b>100,00%</b>



**To what extent are the above-mentioned difficulties related with the following administrative capacity issues?**

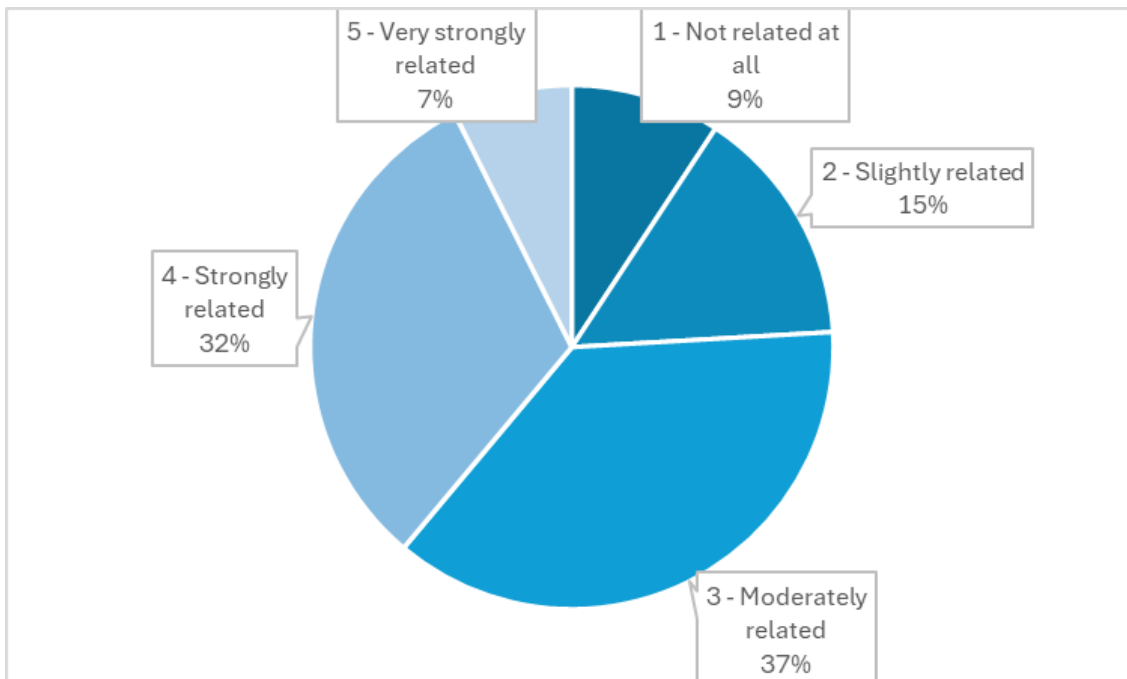
### Insufficient internal skill and competencies

Row Labels	Count of #
1 - Not related at all	9,3%
2 - Slightly related	14,8%
3 - Moderately related	37,0%
4 - Strongly related	31,5%
5 - Very strongly related	7,4%
<b>Grand Total</b>	<b>100,0%</b>



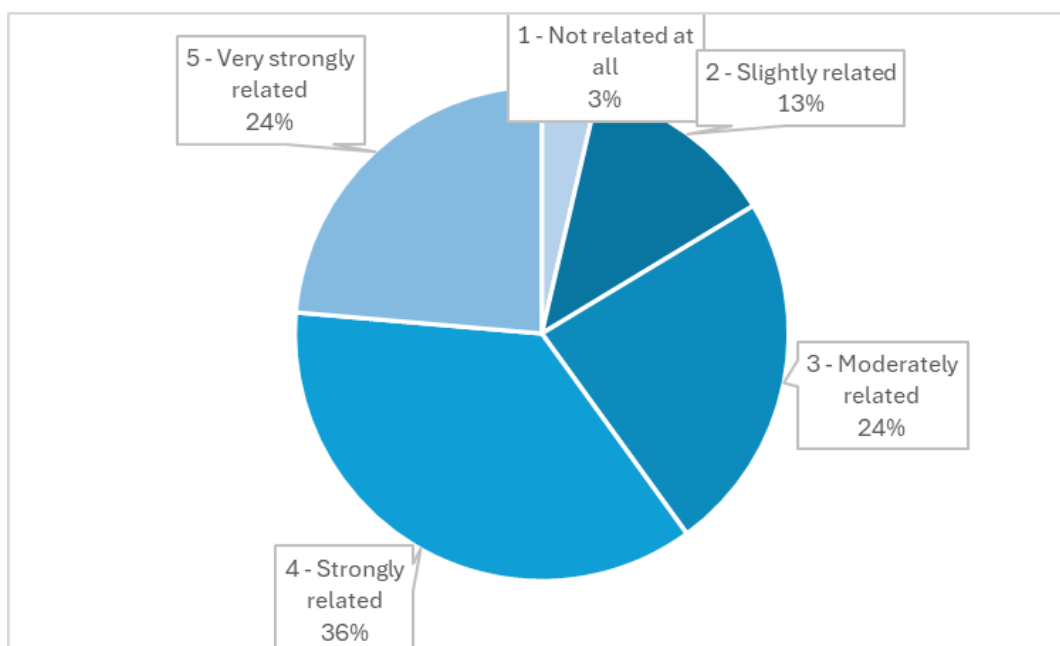
## Lack of internal coordination

Row Labels	Count of #
1 - Not related at all	16,7%
2 - Slightly related	25,9%
3 - Moderately related	18,5%
4 - Strongly related	27,8%
5 - Very strongly related	11,1%
<b>Grand Total</b>	<b>100,0%</b>



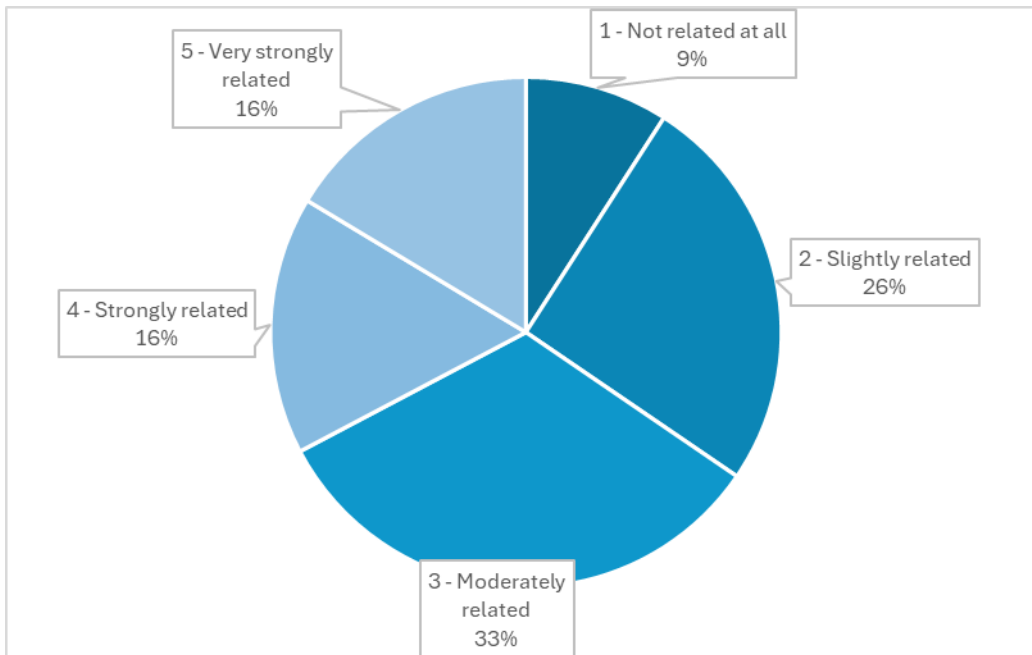
## Insufficient internal human resources (quantity of personnel)

Row Labels	Count of #
1 - Not related at all	3,6%
2 - Slightly related	12,7%
3 - Moderately related	23,6%
4 - Strongly related	36,4%
5 - Very strongly related	23,6%
<b>Grand Total</b>	<b>100,0%</b>



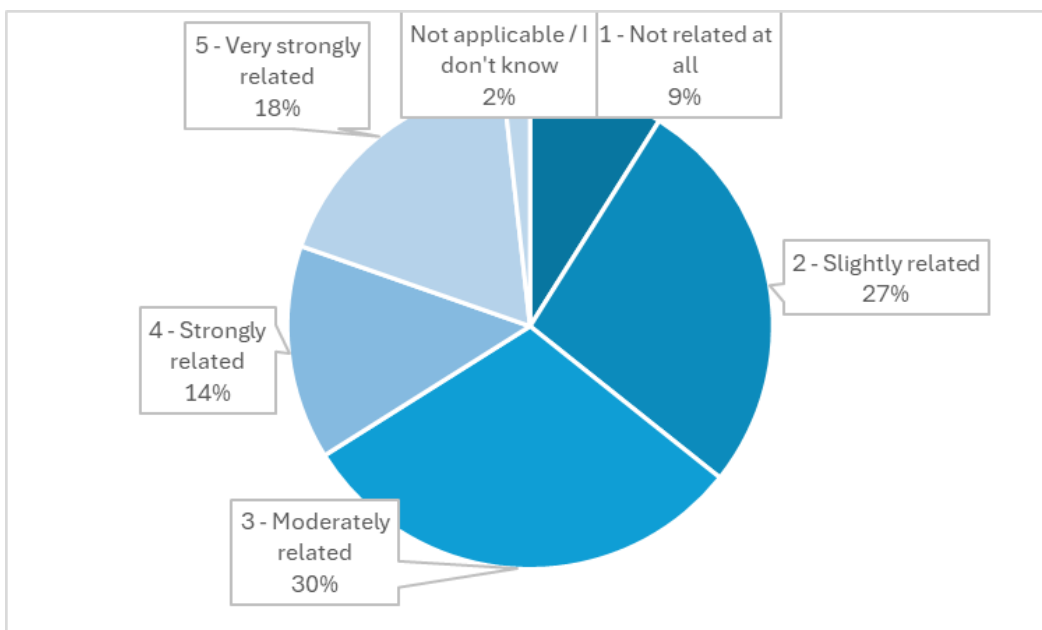
## Unavailability of specialised external advisory services

Row Labels	Count of #
1 - Not related at all	9,1%
2 - Slightly related	25,5%
3 - Moderately related	32,7%
4 - Strongly related	16,4%
5 - Very strongly related	16,4%
<b>Grand Total</b>	<b>100,0%</b>



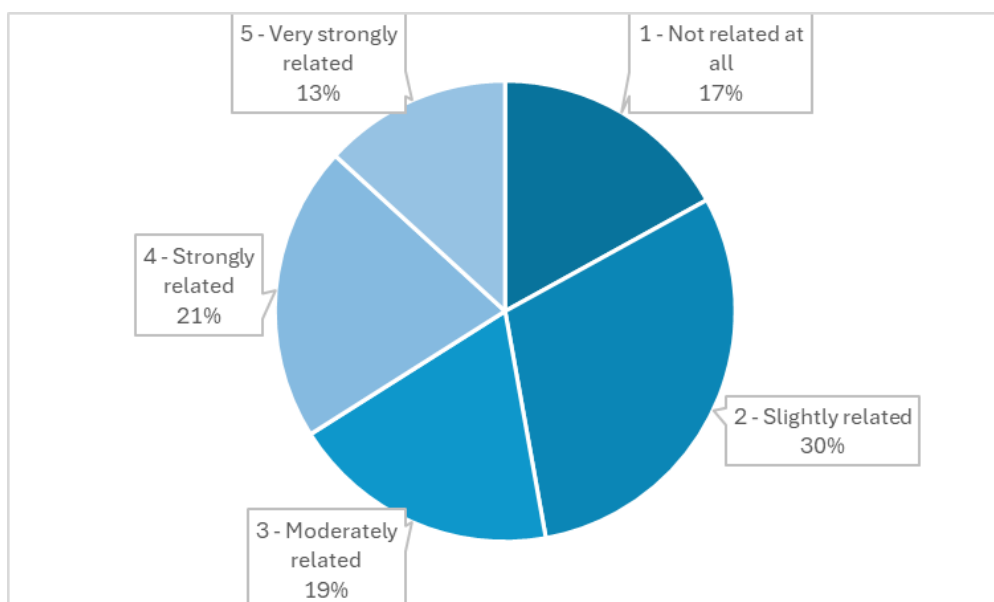
## Strict budget

Row Labels	Count of #
1 - Not related at all	8,93%
2 - Slightly related	26,79%
3 - Moderately related	30,36%
4 - Strongly related	14,29%
5 - Very strongly related	17,86%
Not applicable / I don't know	1,79%
<b>Grand Total</b>	<b>100,00%</b>



## Inadequate national guidance

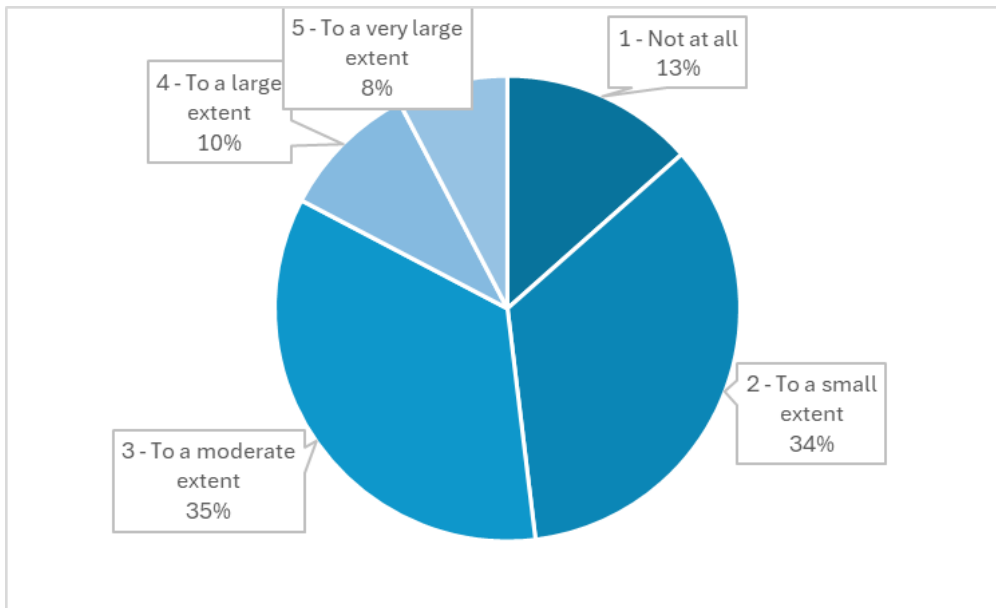
Row Labels	Count of #
1 - Not related at all	17,0%
2 - Slightly related	30,2%
3 - Moderately related	18,9%
4 - Strongly related	20,8%
5 - Very strongly related	13,2%
<b>Grand Total</b>	<b>100,0%</b>



## How do contract above threshold make your procedures more complex?

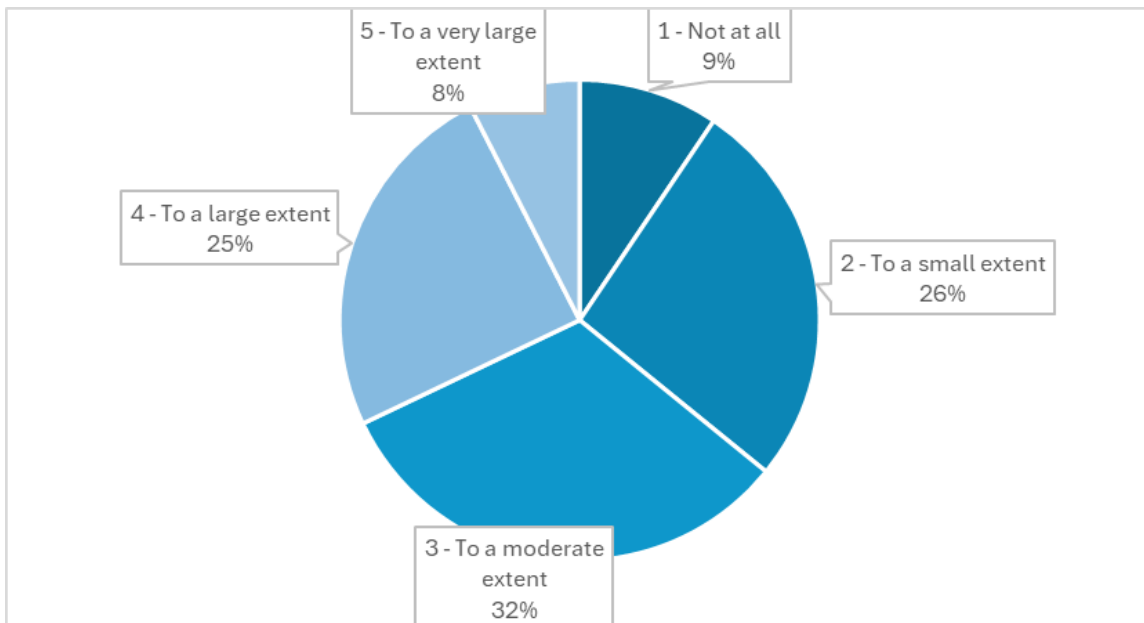
### Publication timing

Row Labels	Count of #
1 - Not at all	13,5%
2 - To a small extent	34,6%
3 - To a moderate extent	34,6%
4 - To a large extent	9,6%
5 - To a very large extent	7,7%
<b>Grand Total</b>	<b>100,0%</b>



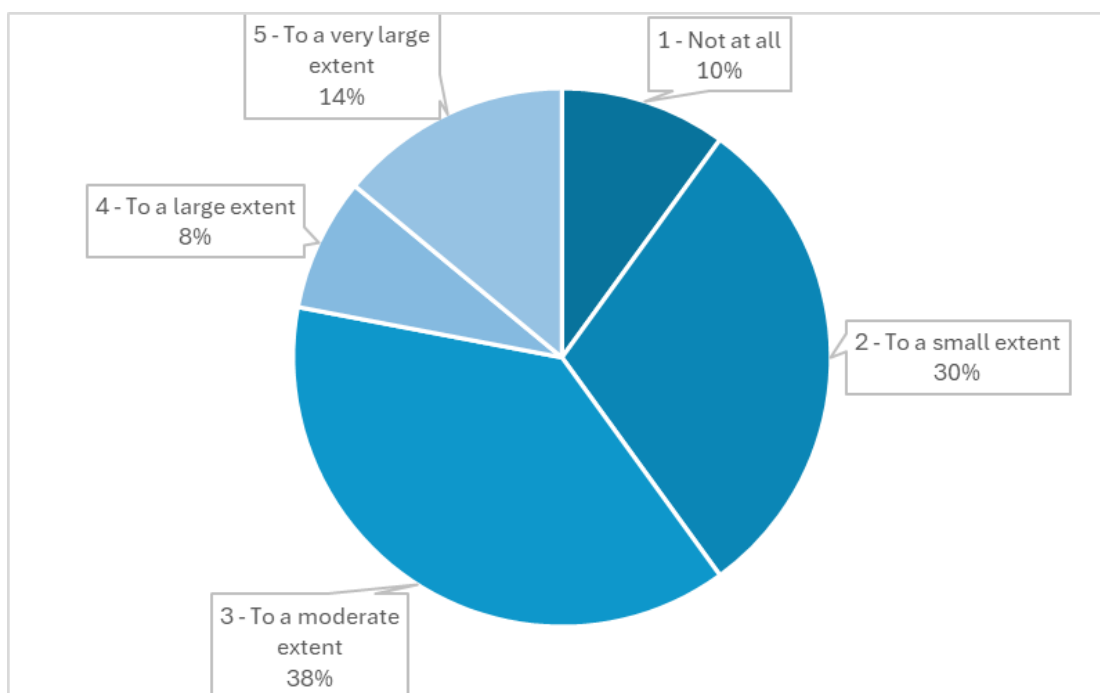
## Selection criteria

Row Labels	Count of #
1 - Not at all	9,43%
2 - To a small extent	26,42%
3 - To a moderate extent	32,08%
4 - To a large extent	24,53%
5 - To a very large extent	7,55%
<b>Grand Total</b>	<b>100,00%</b>



## Too low threshold levels

Row Labels	Count of #
1 - Not at all	10,00%
2 - To a small extent	30,00%
3 - To a moderate extent	38,00%
4 - To a large extent	8,00%
5 - To a very large extent	14,00%
<b>Grand Total</b>	<b>100,00%</b>

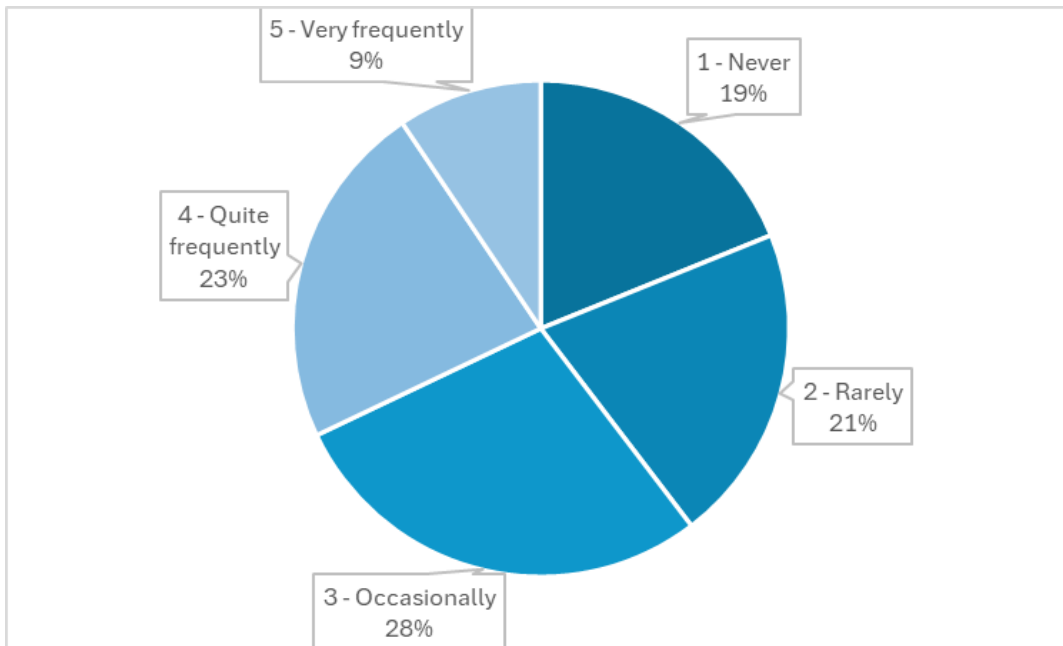


**Which associations or networks do you consult for support with public procurement?**

## National associations of LRAs

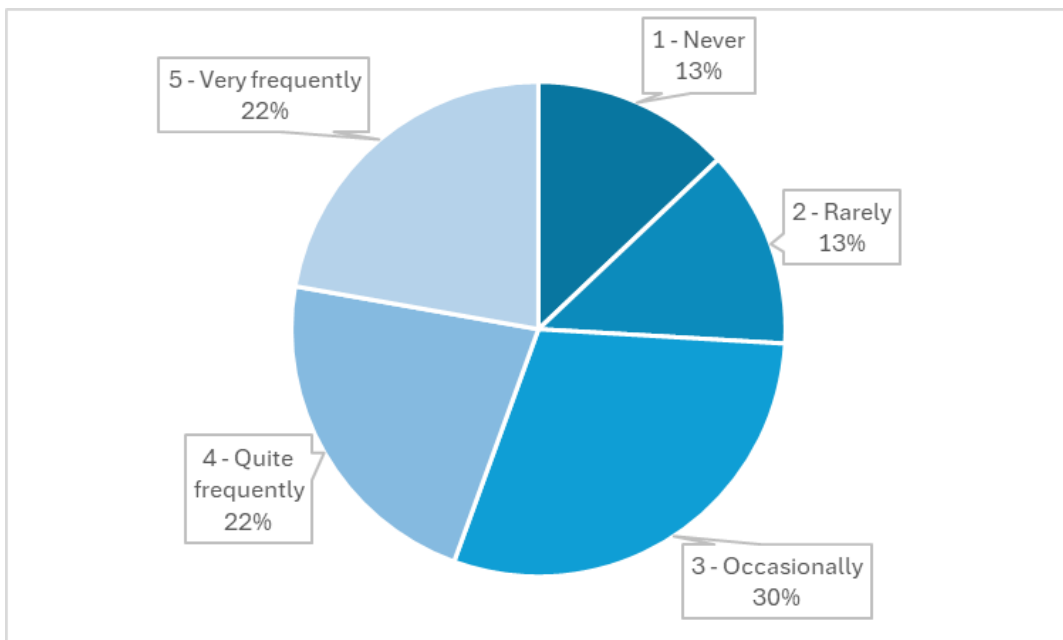
Row Labels	Count of #
1 - Never	18,87%
2 - Rarely	20,75%
3 - Occasionally	28,30%
4 - Quite frequently	22,64%
5 - Very frequently	9,43%
<b>Grand Total</b>	<b>100,00%</b>





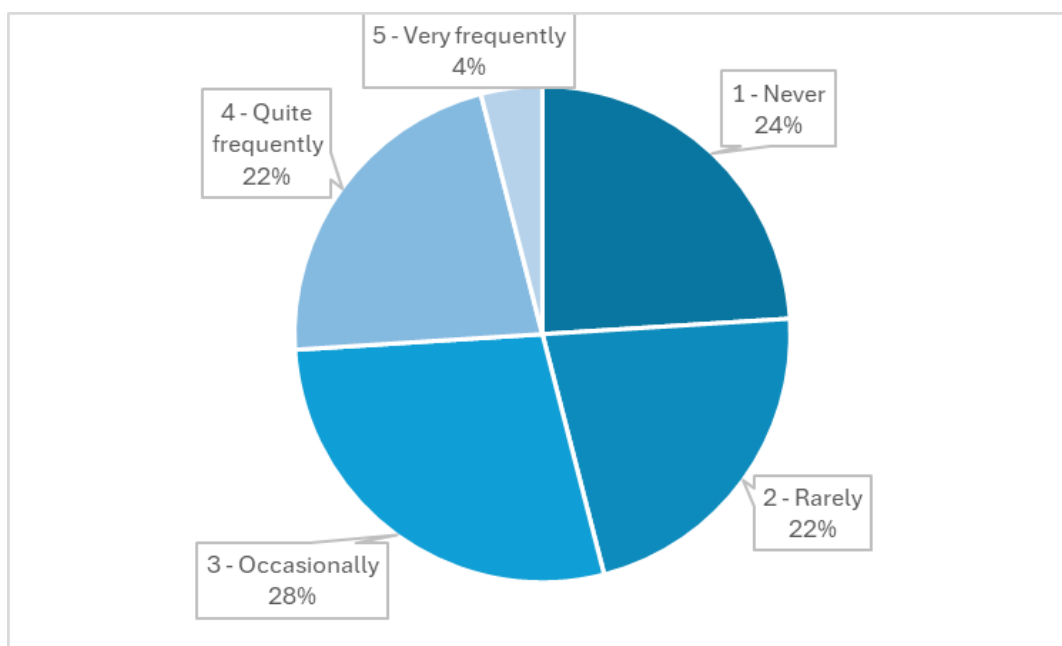
### National public procurement bodies / platforms

Row Labels	Count of #
1 - Never	12,96%
2 - Rarely	12,96%
3 - Occasionally	29,63%
4 - Quite frequently	22,22%
5 - Very frequently	22,22%
<b>Grand Total</b>	<b>100,00%</b>



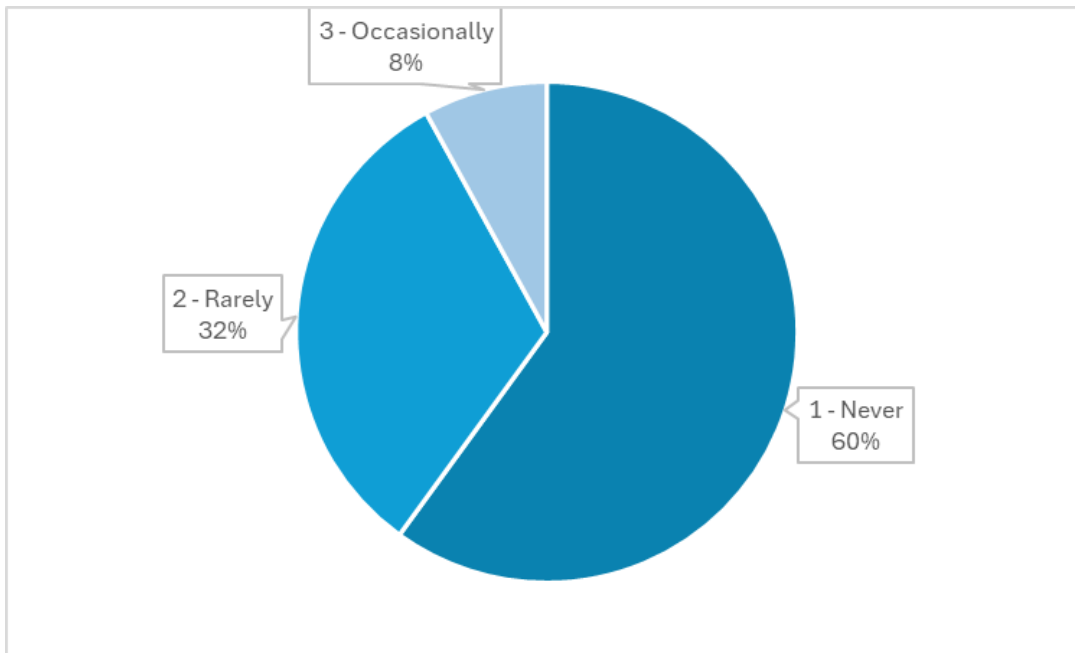
## Sector specific networks

Row Labels	Count of #
1 - Never	24,00%
2 - Rarely	22,00%
3 - Occasionally	28,00%
4 - Quite frequently	22,00%
5 - Very frequently	4,00%
<b>Grand Total</b>	<b>100,00%</b>



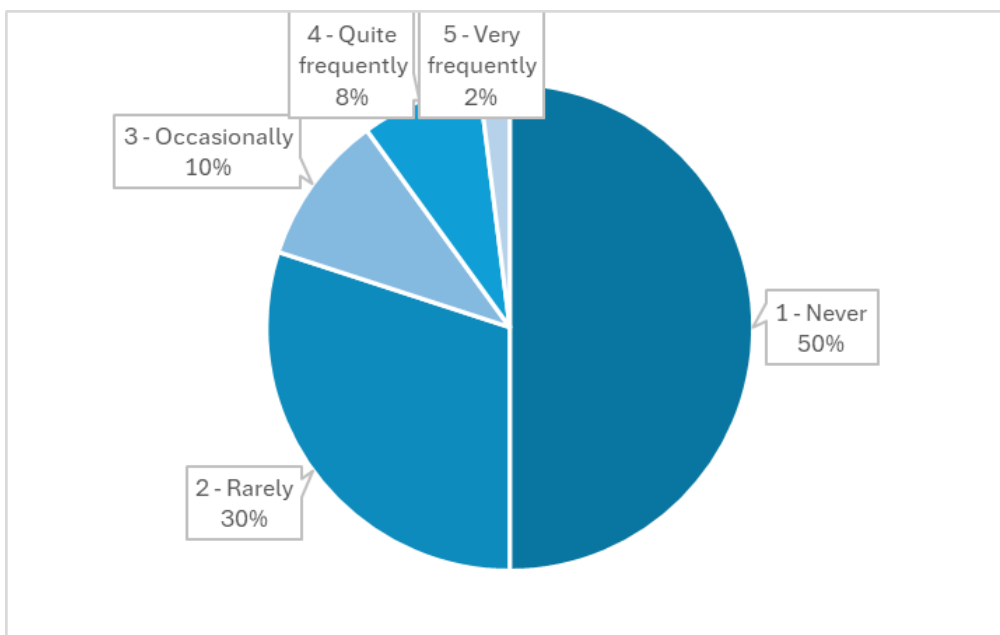
## Local Chambers of Commerce

Row Labels	Count of #
1 - Never	60,00%
2 - Rarely	32,00%
3 - Occasionally	8,00%
<b>Grand Total</b>	<b>100,00%</b>



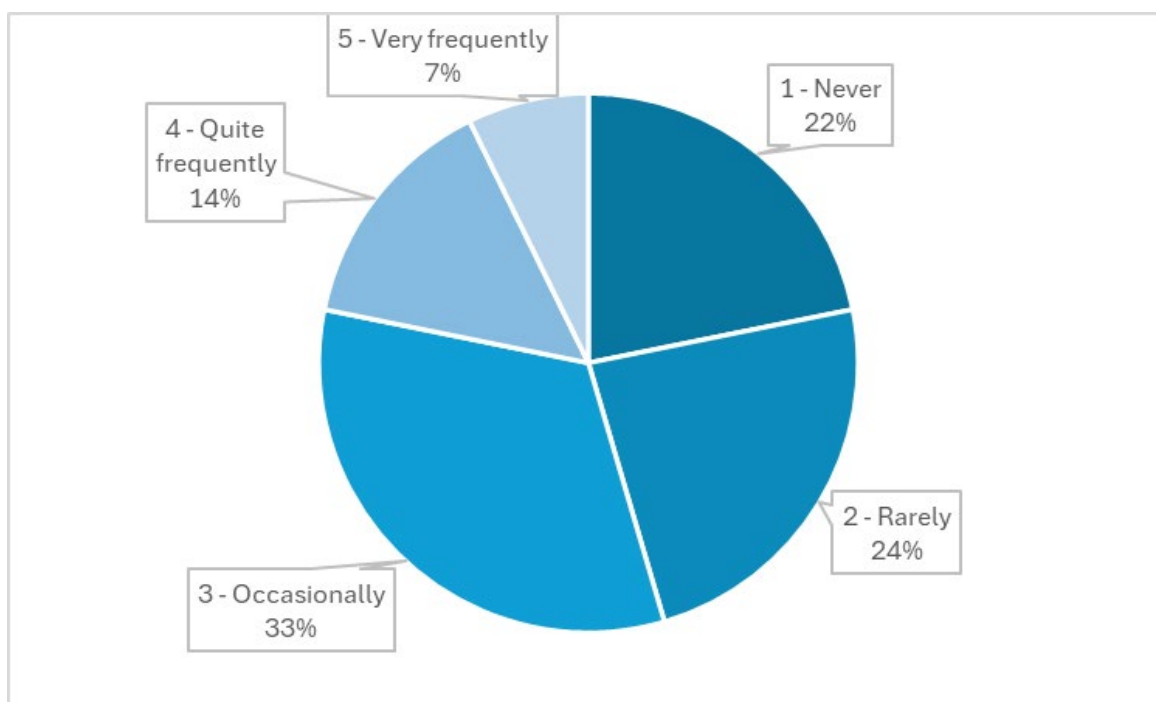
### SMEs / stakeholders associations

Row Labels	Count of #
1 - Never	50,00%
2 - Rarely	30,00%
3 - Occasionally	10,00%
4 - Quite frequently	8,00%
5 - Very frequently	2,00%
<b>Grand Total</b>	<b>100,00%</b>



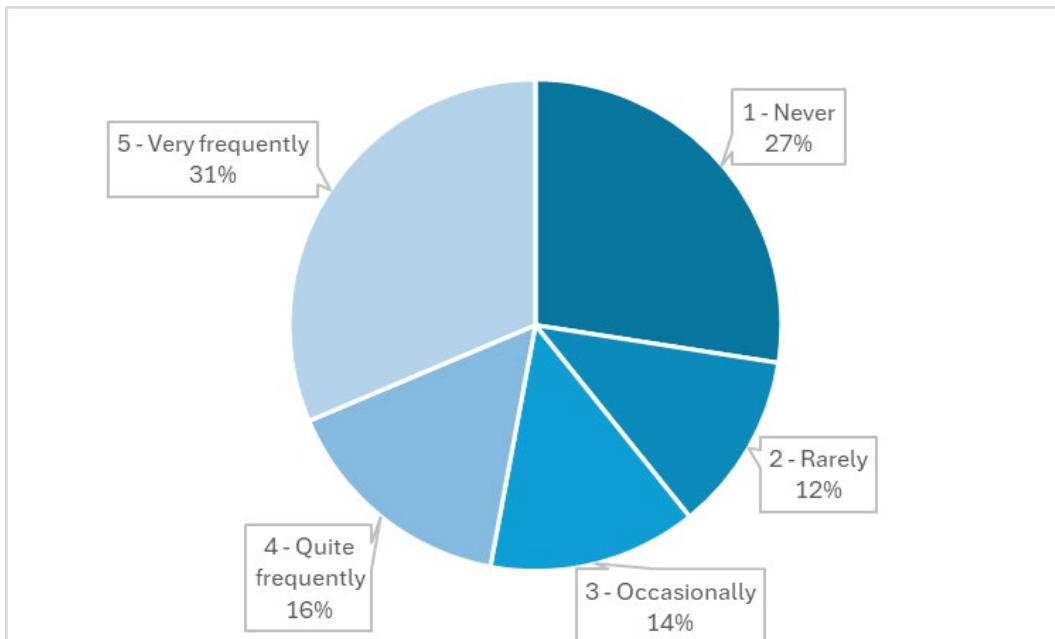
## Private consultants

Row Labels	Count of #
1 - Never	21,82%
2 - Rarely	23,64%
3 - Occasionally	32,73%
4 - Quite frequently	14,55%
5 - Very frequently	7,27%
<b>Grand Total</b>	<b>100,00%</b>



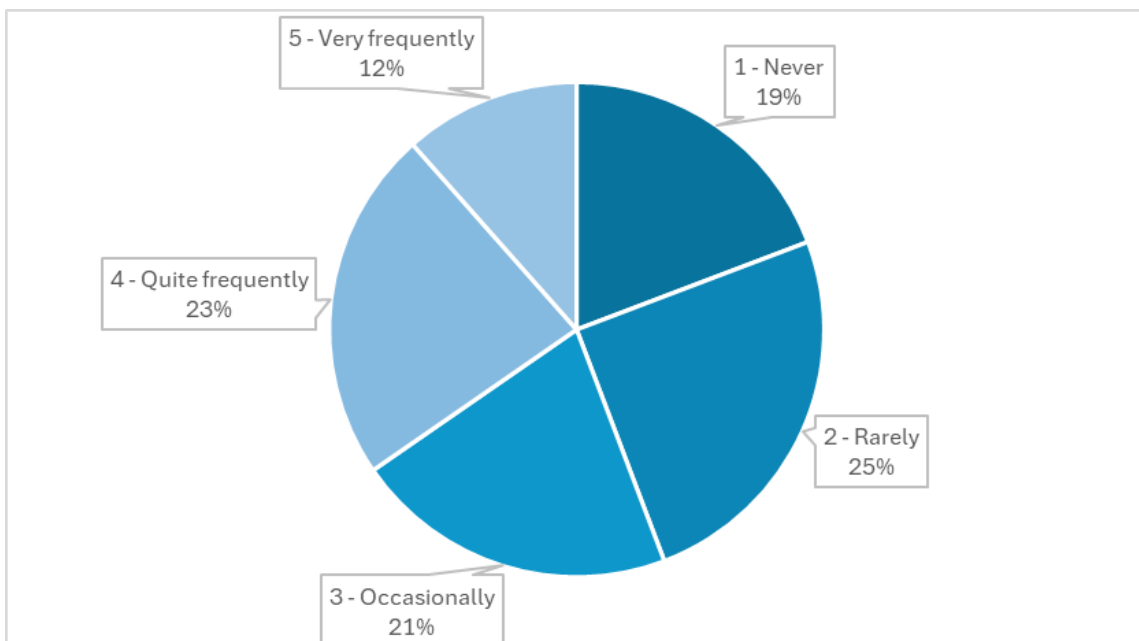
## Specialised unit in your organisation

Row Labels	Count of #
1 - Never	27,45%
2 - Rarely	11,76%
3 - Occasionally	13,73%
4 - Quite frequently	15,69%
5 - Very frequently	31,37%
<b>Grand Total</b>	<b>100,00%</b>



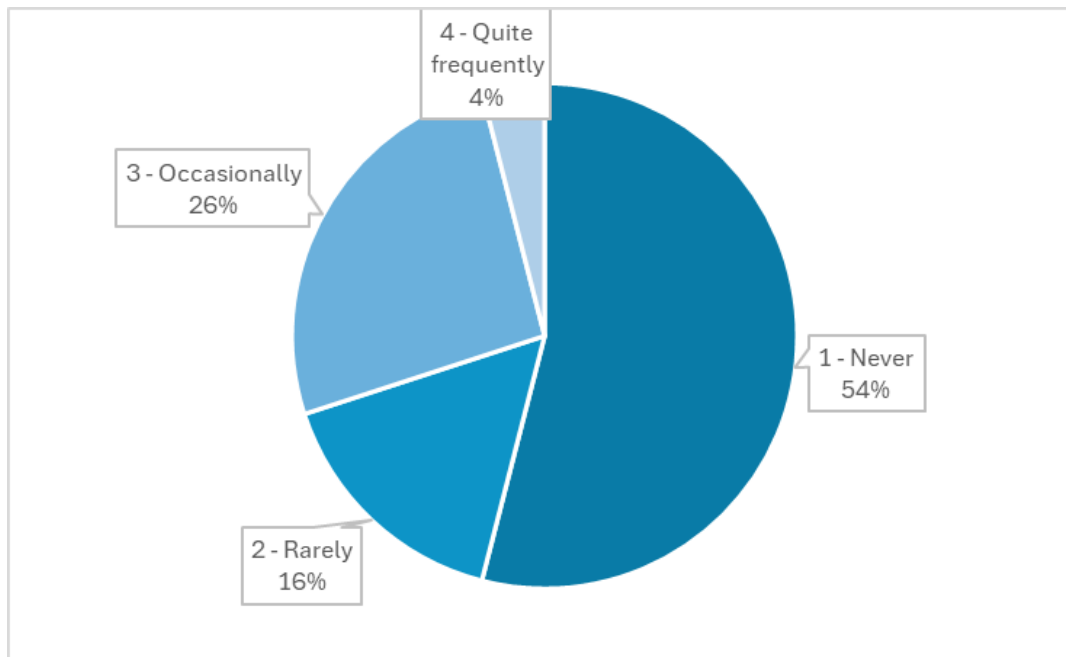
## Legal office in your organisation

Row Labels	Count of #
1 - Never	19,23%
2 - Rarely	25,00%
3 - Occasionally	21,15%
4 - Quite frequently	23,08%
5 - Very frequently	11,54%
<b>Grand Total</b>	<b>100,00%</b>



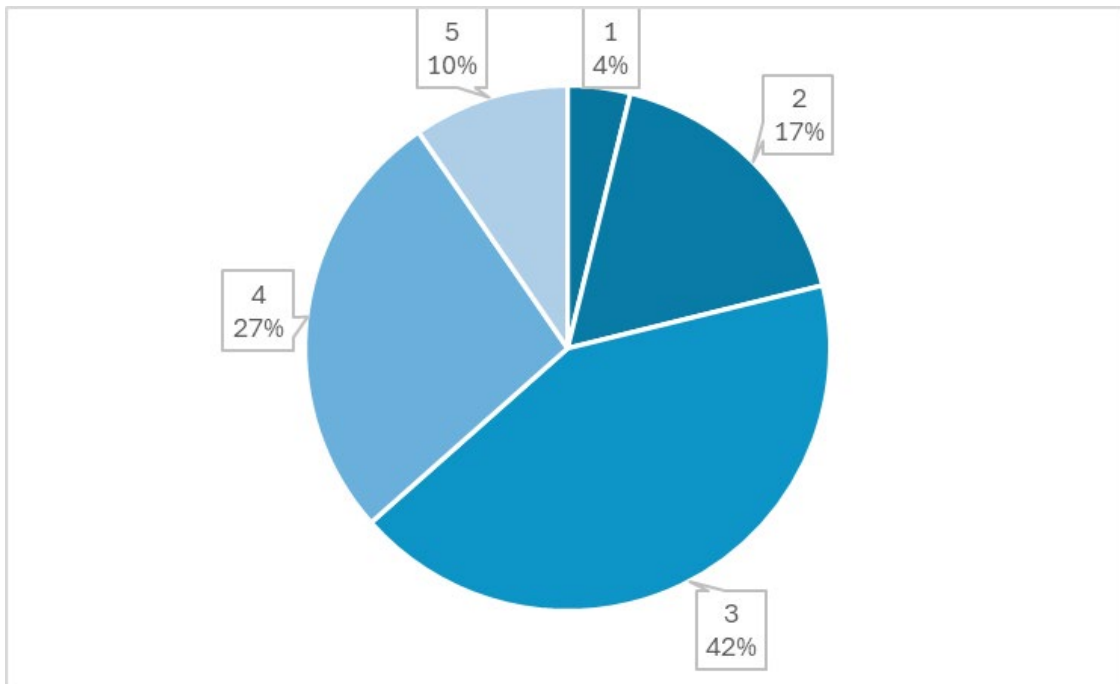
## Environmental and Social Stakeholders

Row Labels	Count of #
1 - Never	54,00%
2 - Rarely	16,00%
3 - Occasionally	26,00%
4 - Quite frequently	4,00%
<b>Grand Total</b>	<b>100,00%</b>



**How effective are these associations in addressing your procurement-related challenges?**

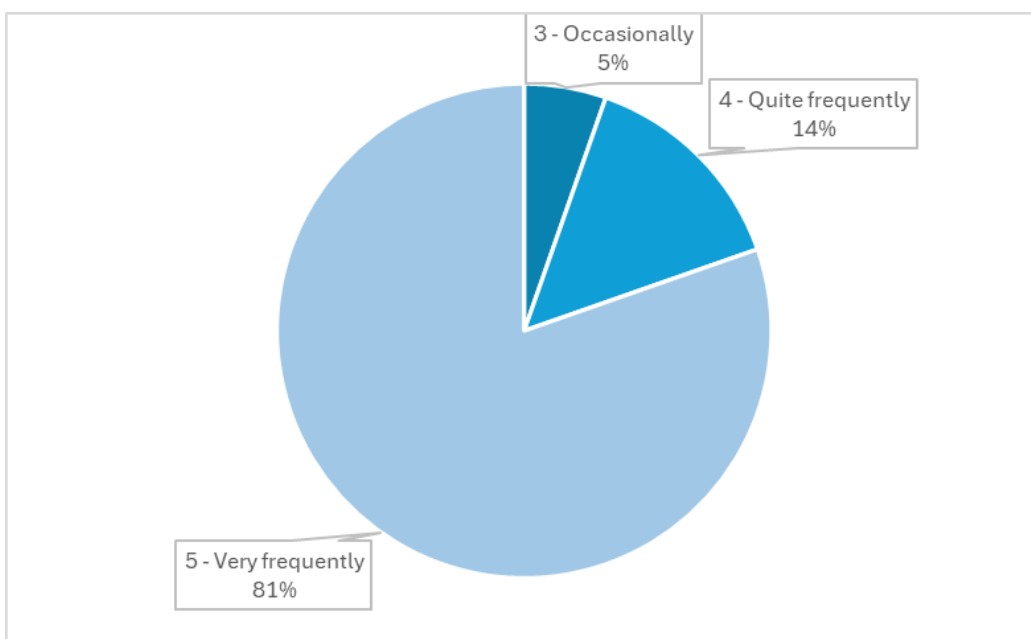
Row Labels	Count of #
1	3,85%
2	17,31%
3	42,31%
4	26,92%
5	9,62%
<b>Grand Total</b>	<b>100,00%</b>



**What types of bidders most frequently participate in your procurement processes?**

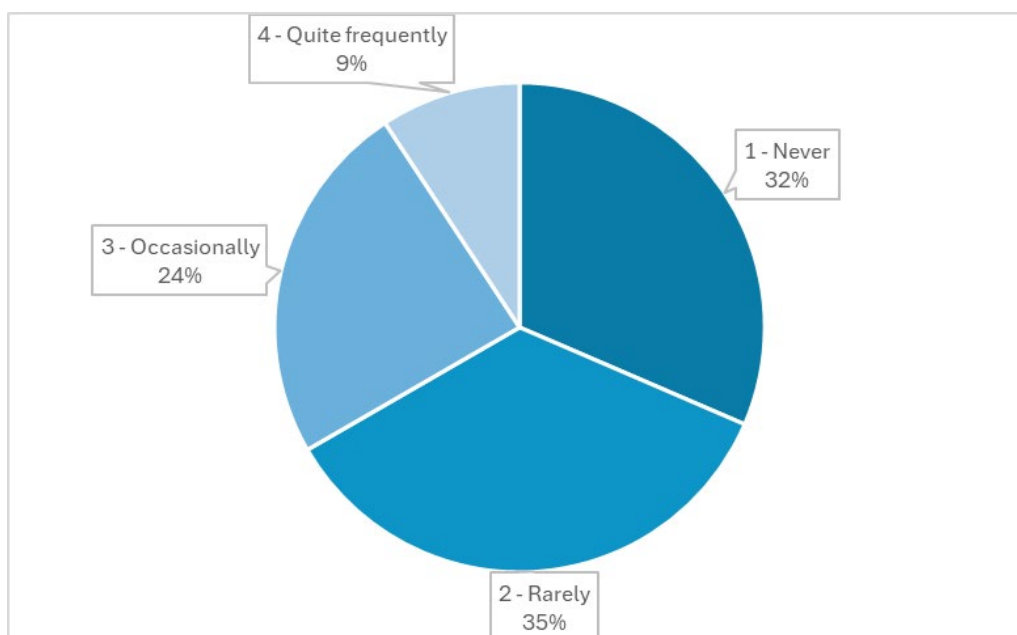
**Private companies**

Row Labels	Count of #
3 - Occasionally	5,36%
4 - Quite frequently	14,29%
5 - Very frequently	80,36%
<b>Grand Total</b>	<b>100,00%</b>



## Publicly owned companies

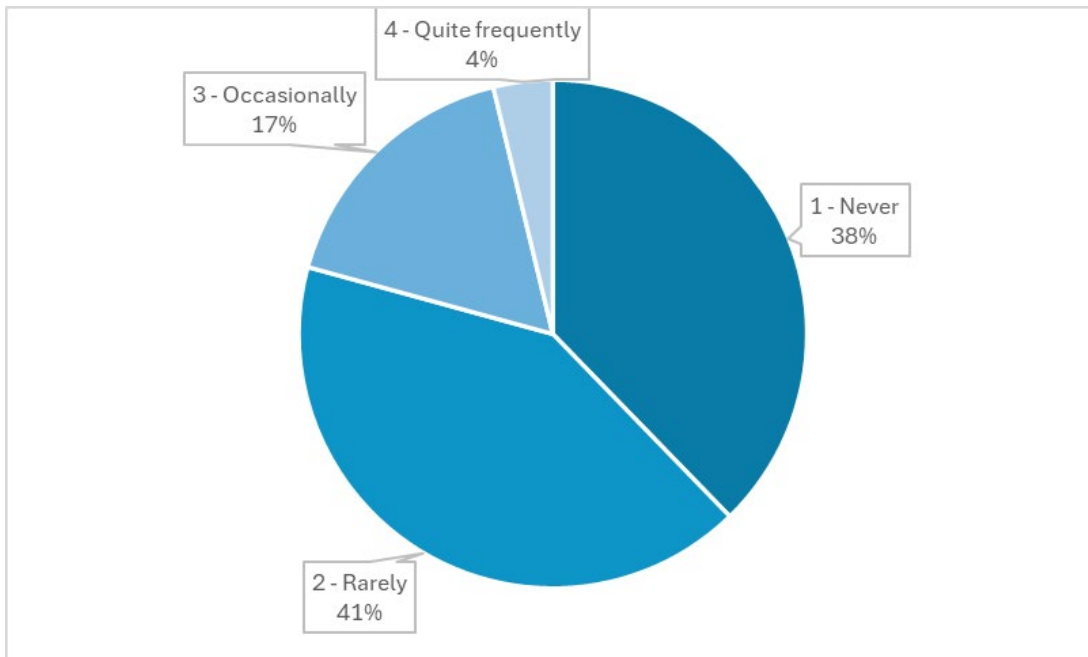
Row Labels	Count of #
1 - Never	31,48%
2 - Rarely	35,19%
3 - Occasionally	24,07%
4 - Quite frequently	9,26%
<b>Grand Total</b>	<b>100,00%</b>



## Non-profit organisations and NGOs

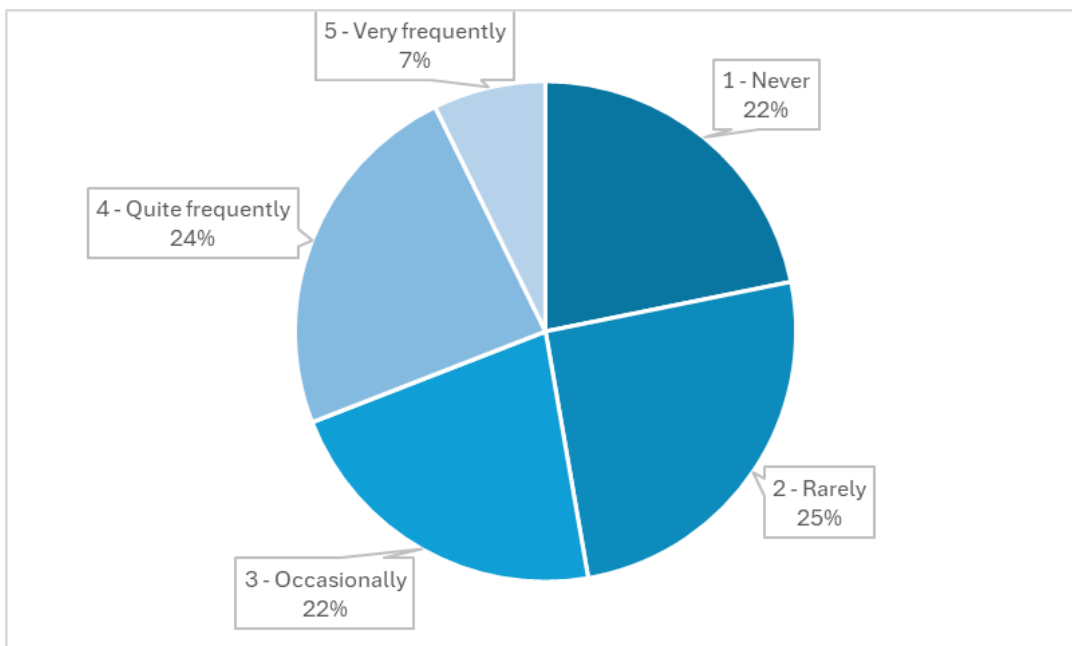
Row Labels	Count of #
1 - Never	37,74%
2 - Rarely	41,51%
3 - Occasionally	16,98%
4 - Quite frequently	3,77%
<b>Grand Total</b>	<b>100,00%</b>





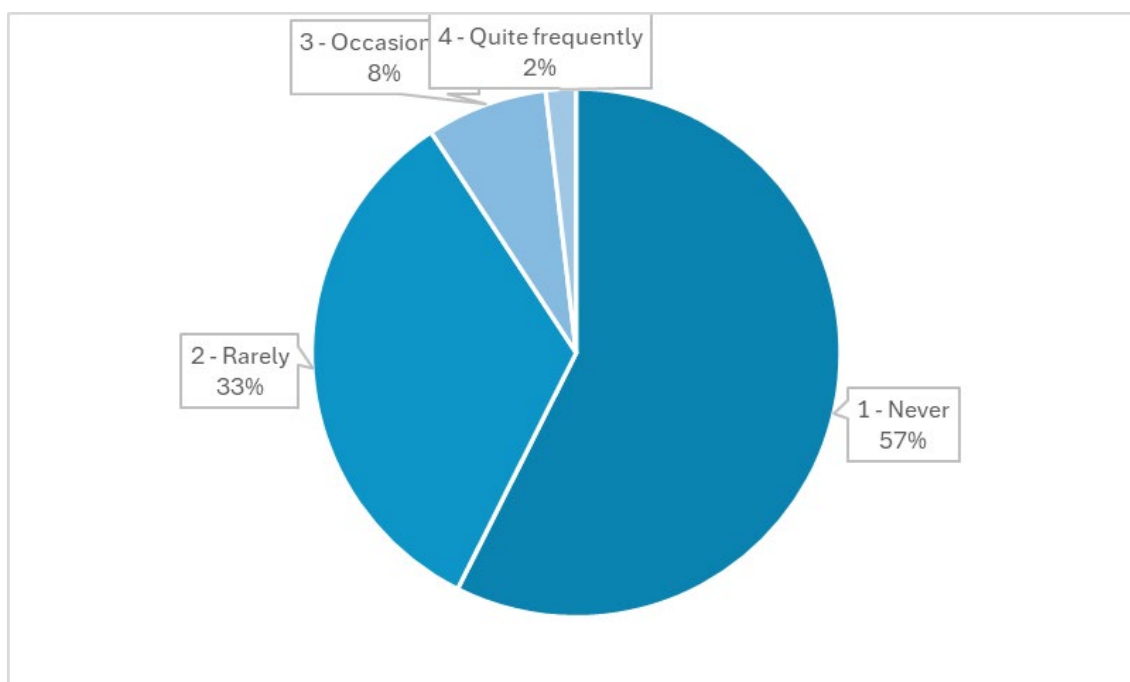
## Freelancers and Independent professionals

Row Labels	Count of #
1 - Never	21,82%
2 - Rarely	25,45%
3 - Occasionally	21,82%
4 - Quite frequently	23,64%
5 - Very frequently	7,27%
<b>Grand Total</b>	<b>100,00%</b>



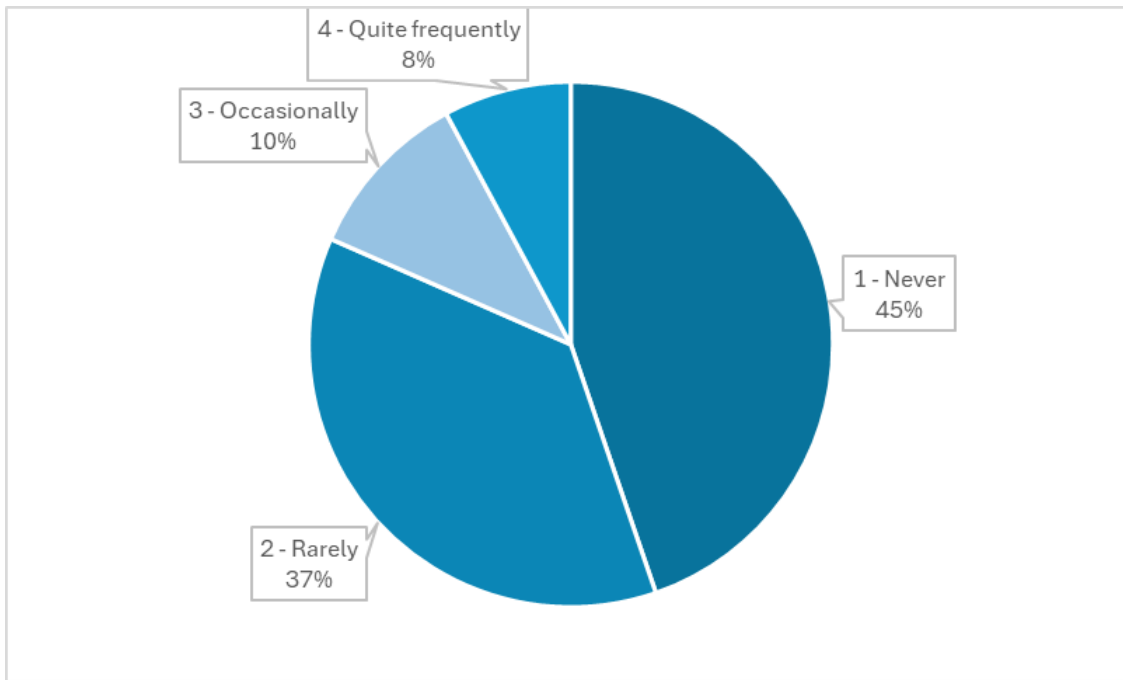
## Universities

Row Labels	Count of #
1 - Never	57,41%
2 - Rarely	33,33%
3 - Occasionally	7,41%
4 - Quite frequently	1,85%
<b>Grand Total</b>	<b>100,00%</b>



## Other

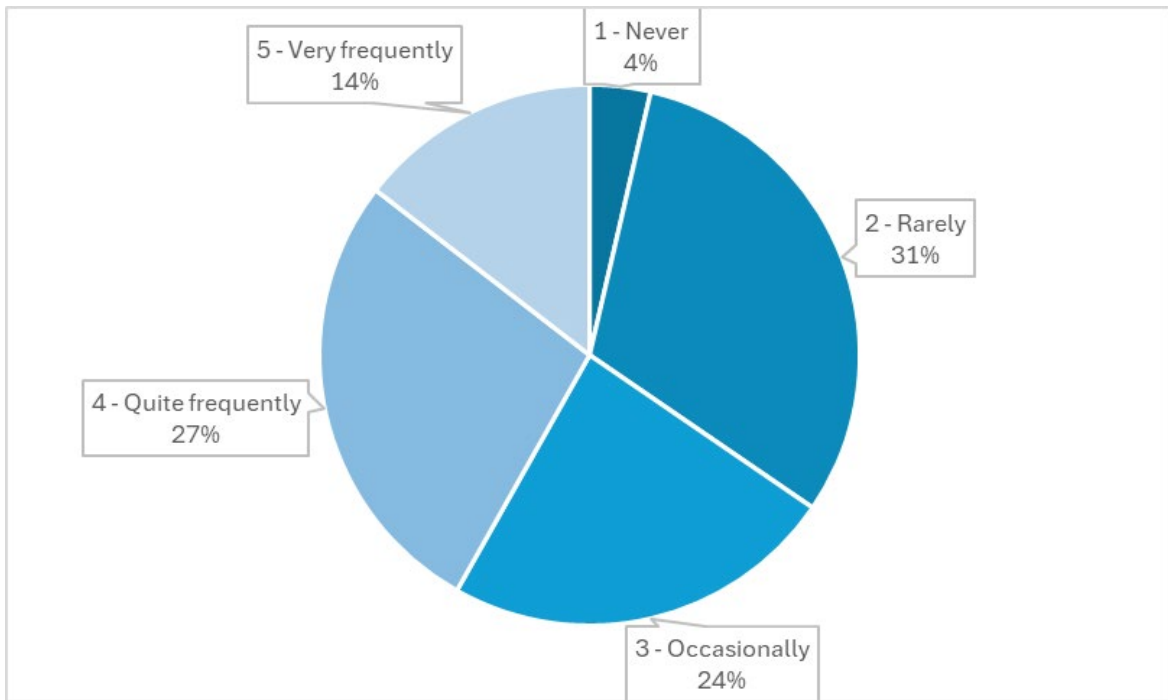
Row Labels	Count of #
1 - Never	44,74%
2 - Rarely	36,84%
3 - Occasionally	10,53%
4 - Quite frequently	7,89%
<b>Grand Total</b>	<b>100,00%</b>



**What size of bidders most frequently participate in your procurement processes?**

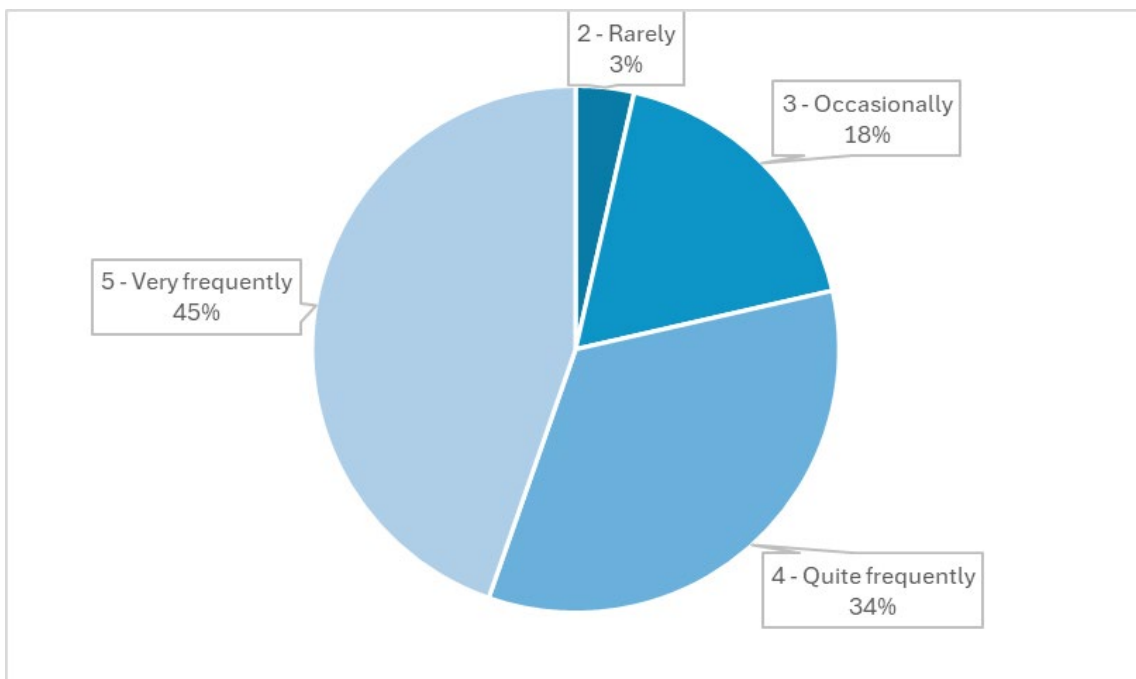
**Micro-entreprises**

Row Labels	Count of #
1 - Never	3,64%
2 - Rarely	30,91%
3 - Occasionally	23,64%
4 - Quite frequently	27,27%
5 - Very frequently	14,55%
<b>Grand Total</b>	<b>100,00%</b>



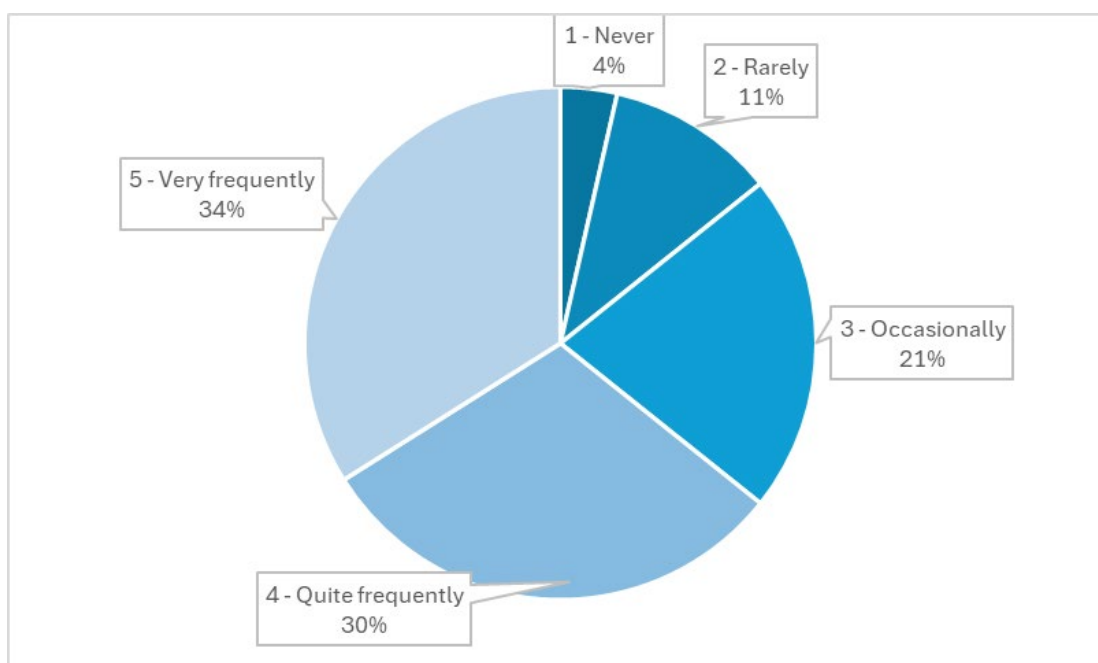
## SMEs

Row Labels	Count of #
2 - Rarely	3,57%
3 - Occasionally	17,86%
4 - Quite frequently	33,93%
5 - Very frequently	44,64%
<b>Grand Total</b>	<b>100,00%</b>



## Large corporations

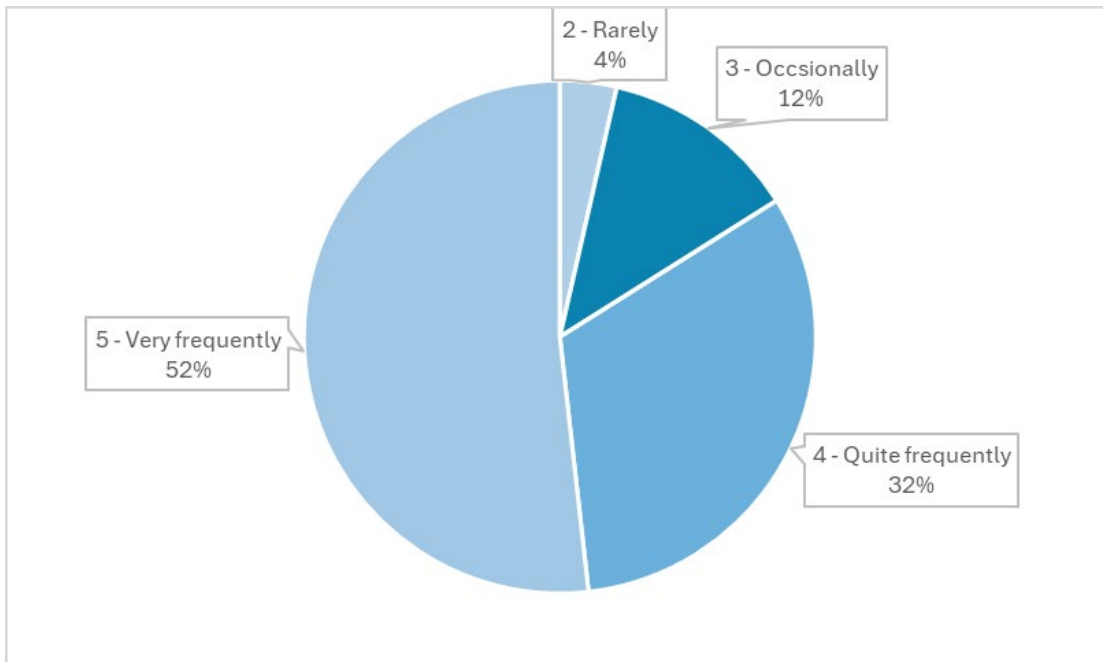
Row Labels	Count of #
1 - Never	3,57%
2 - Rarely	10,71%
3 - Occasionally	21,43%
4 - Quite frequently	30,36%
5 - Very frequently	33,93%
<b>Grand Total</b>	<b>100,00%</b>



**What is the geographical origin of bidders most frequently participate in your procurement processes?**

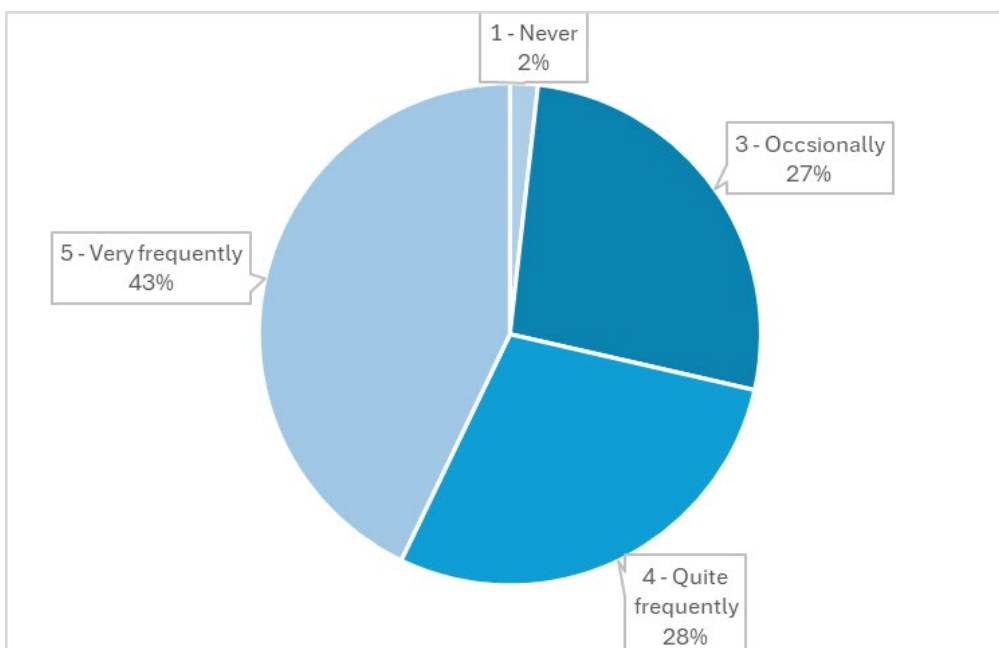
### Local/Regional Companies

Row Labels	Count of #
2 - Rarely	3,57%
3 - Occasionally	12,50%
4 - Quite frequently	32,14%
5 - Very frequently	51,79%
<b>Grand Total</b>	<b>100,00%</b>



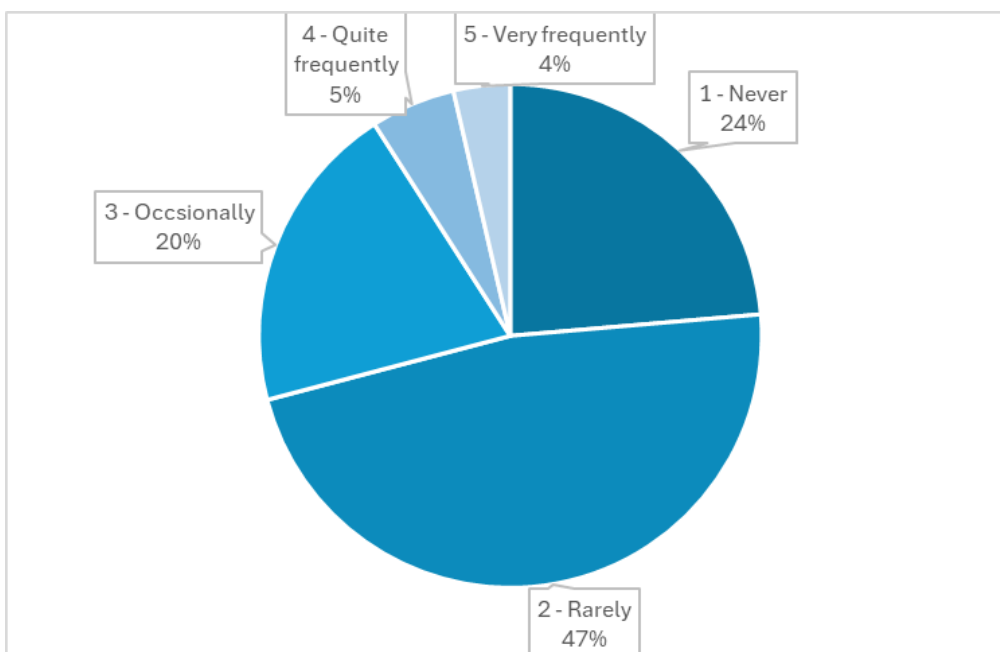
## National companies

Row Labels	Count of #
1 - Never	1,79%
3 - Occasionally	26,79%
4 - Quite frequently	28,57%
5 - Very frequently	42,86%
<b>Grand Total</b>	<b>100,00%</b>



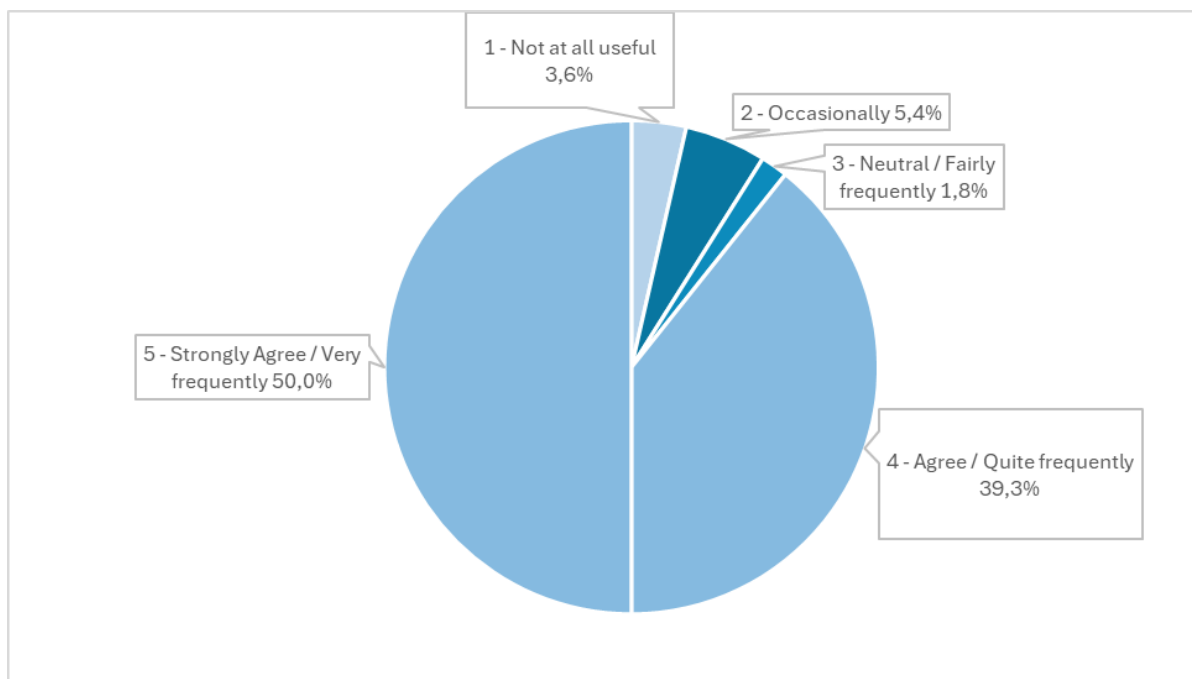
## International companies

Row Labels	Count of #
1 - Never	23,64%
2 - Rarely	47,27%
3 - Occsionally	20,00%
4 - Quite frequently	5,45%
5 - Very frequently	3,64%
<b>Grand Total</b>	<b>100,00%</b>



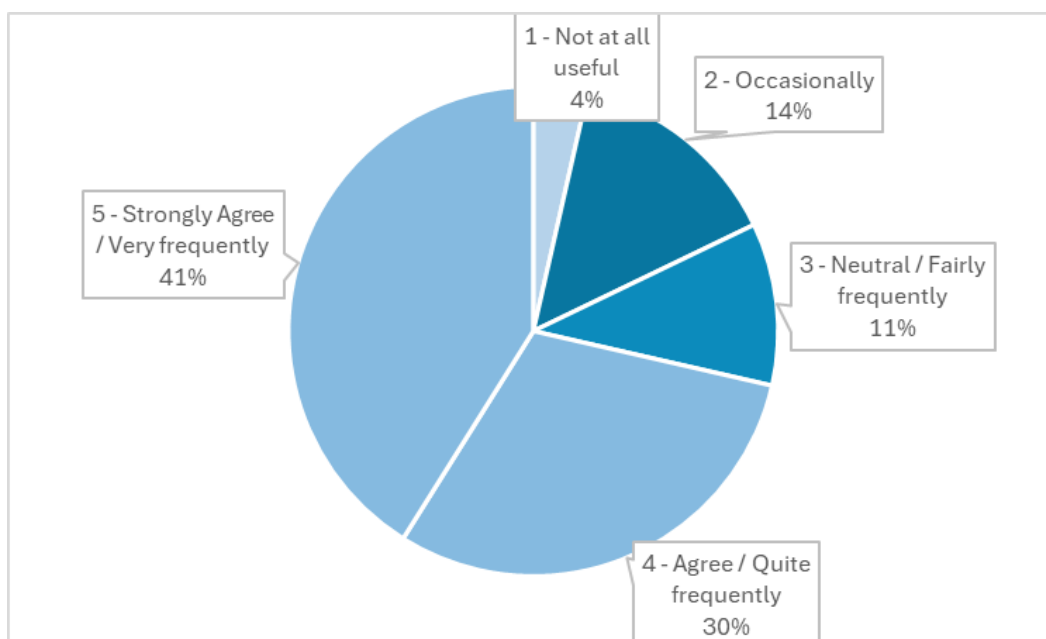
**Which type of support would you consider more useful?**  
**Having clear national guidance**

Row Labels	Count of #
1 - Not at all useful	3,6%
2 - Occasionally	5,4%
3 - Neutral / Fairly frequently	1,8%
4 - Agree / Quite frequently	39,3%
5 - Strongly Agree / Very frequently	50,0%
<b>Grand Total</b>	<b>100,0%</b>



## Having clear EU guidance

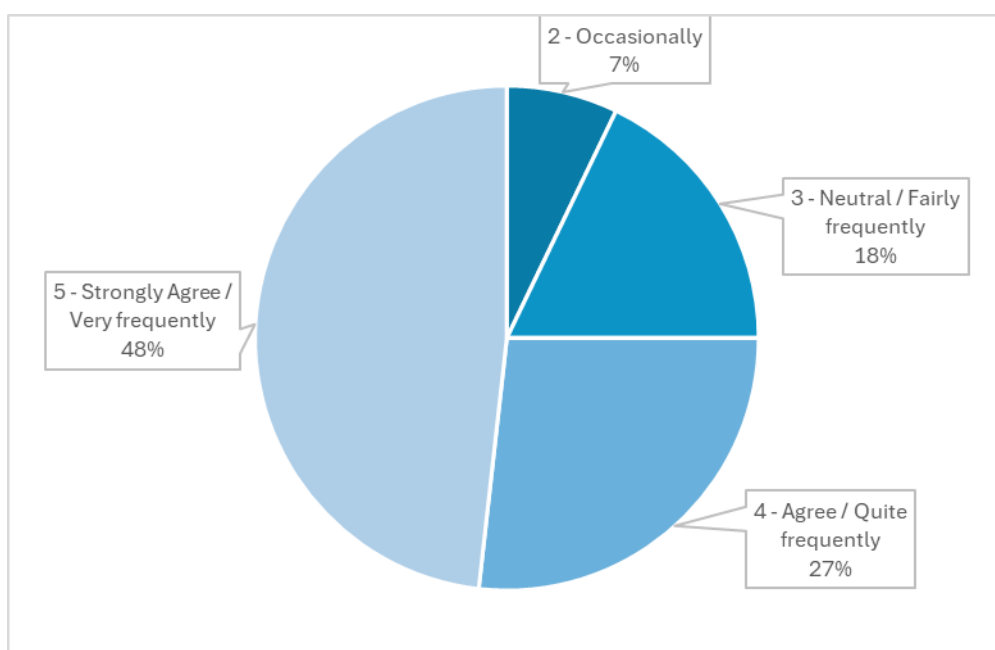
Row Labels	Count of #
1 - Not at all useful	3,6%
2 - Occasionally	14,3%
3 - Neutral / Fairly frequently	10,7%
4 - Agree / Quite frequently	30,4%
5 - Strongly Agree / Very frequently	41,1%
<b>Grand Total</b>	<b>100,0%</b>





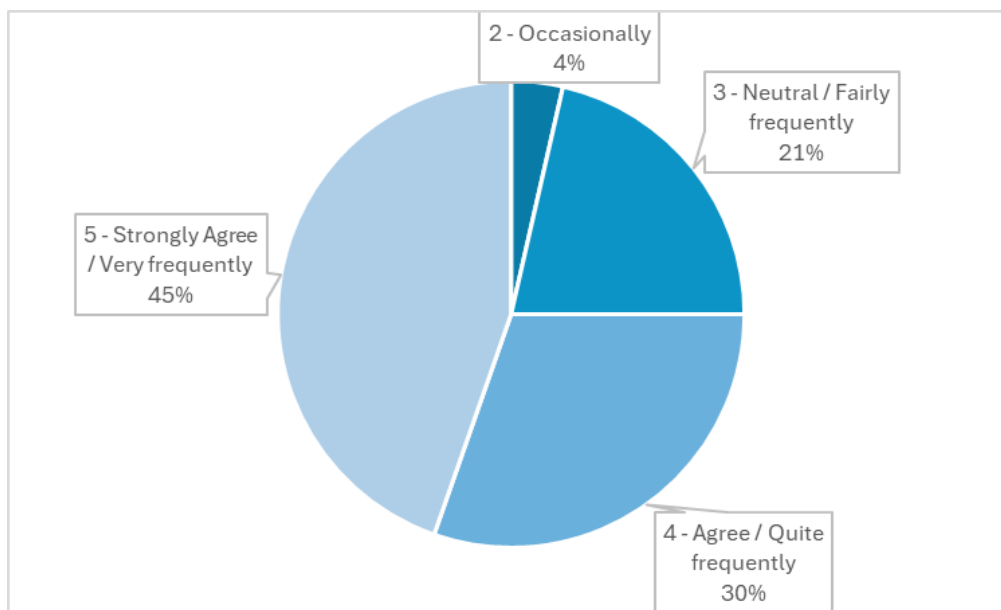
## Availability of free and specialised training

Row Labels	Count of #
2 - Occasionally	7,1%
3 - Neutral / Fairly frequently	17,9%
4 - Agree / Quite frequently	26,8%
5 - Strongly Agree / Very frequently	48,2%
<b>Grand Total</b>	<b>100,0%</b>



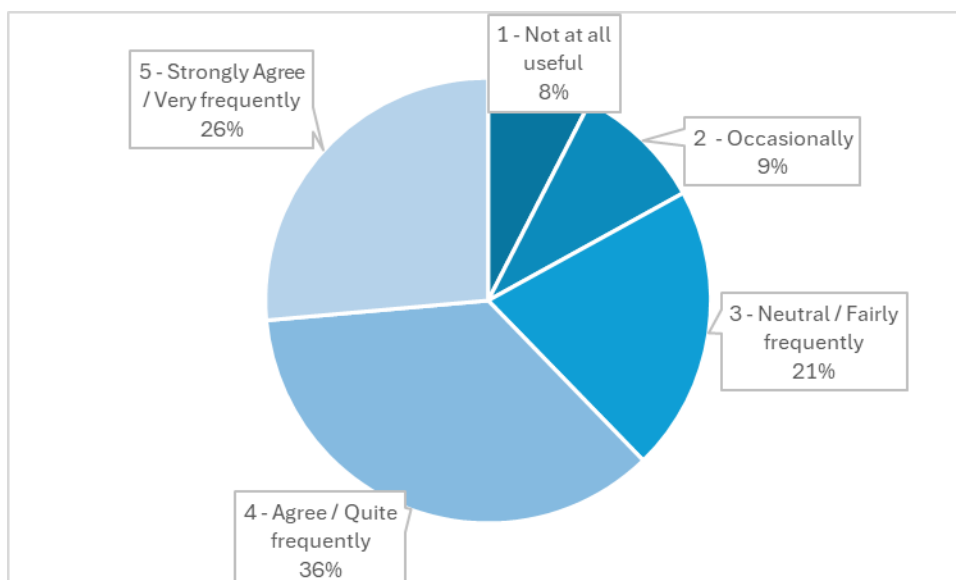
## Sharing experience and solutions with colleagues of other administrations on pubic procurement (peer learning)

Row Labels	Count of #
2 - Occasionally	3,6%
3 - Neutral / Fairly frequently	21,4%
4 - Agree / Quite frequently	30,4%
5 - Strongly Agree / Very frequently	44,6%
<b>Grand Total</b>	<b>100,0%</b>



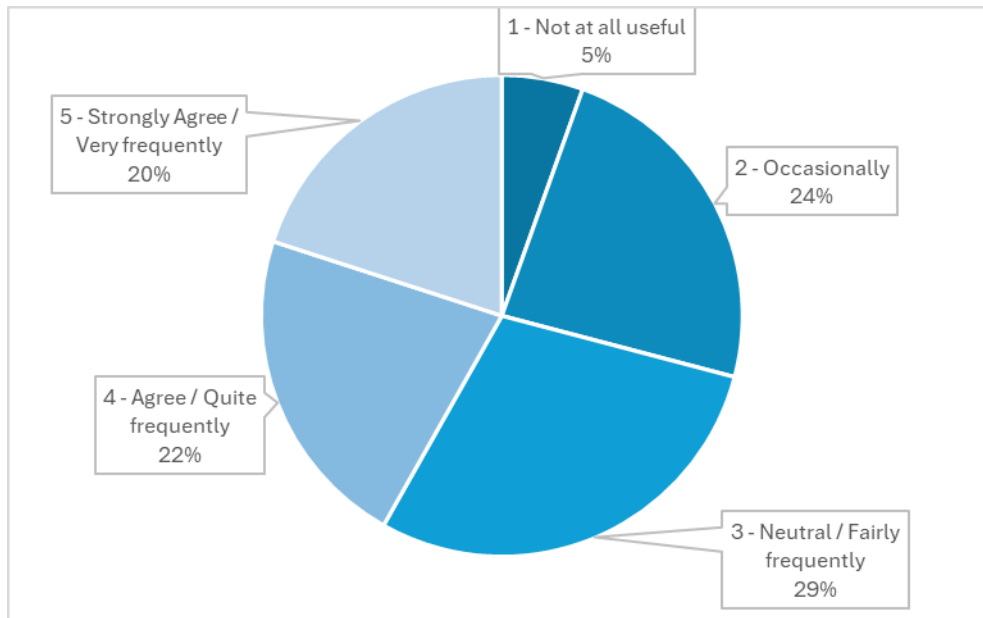
## Availability of digital support

Row Labels	Count of #
1 - Not at all useful	7,5%
2 - Occasionally	9,4%
3 - Neutral / Fairly frequently	20,8%
4 - Agree / Quite frequently	35,8%
5 - Strongly Agree / Very frequently	26,4%
<b>Grand Total</b>	<b>100,0%</b>



## External technical assistance

Row Labels	Count of #
1 - Not at all useful	5,5%
2 - Occasionally	23,6%
3 - Neutral / Fairly frequently	29,1%
4 - Agree / Quite frequently	21,8%
5 - Strongly Agree / Very frequently	20,0%
<b>Grand Total</b>	<b>100,0%</b>



## **Annex 2**

This Annex provides an overview of the Regulations and Directives analysed in Chapter 2.

### ***2014 Public Procurement Directive***

Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts Text with EEA relevance.

Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC Text with EEA relevance.

Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC Text with EEA relevance.

### ***Sectorial Directives and Regulations***

Commission Implementing Regulation (EU) 2023/1441 of 10 July 2023 on detailed arrangements for the conduct of proceedings by the Commission pursuant to Regulation (EU) 2022/2560 of the European Parliament and of the Council on foreign subsidies distorting.

Council Regulation (EU) 2022/2372 of 24 October 2022 on a framework of measures for ensuring the supply of crisis-relevant medical countermeasures in the event of a public health emergency at Union level.

Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament.

Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law.

Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast) (Text with EEA relevance).

Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast).

Directive (EU) 2019/713 of the European Parliament and of the Council of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA.

Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services.

Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU.

Directive (EU) 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union.

Directive (EU) 2022/2381 of the European Parliament and of the Council of 23 November 2022 on improving the gender balance among directors of listed companies and related measures (Text with EEA relevance).

Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanism.

Directive (EU) 2023/1791 of the European Parliament and of the Council of 13 September 2023 on energy efficiency and amending Regulation (EU) 2023/955 (recast) (Text with EEA relevance).

Directive (EU) 2024/1226 of the European Parliament and of the Council of 24 April 2024 on the definition of criminal offences and penalties for the violation of Union restrictive measures and amending Directive (EU) 2018/1673.

Directive (EU) 2024/1275 of the European Parliament and of the Council of 24 April 2024 on the energy performance of buildings (recast) (Text with EEA relevance).

Directive (EU) 2024/1760 of the European Parliament and of the Council of 13 June 2024 on corporate sustainability due diligence and amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859 (Text with EEA relevance).

Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (Text with EEA relevance)Text with EEA relevance.

Directive 2009/33/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of clean and energy-efficient road transport vehicles (as amended by Directive (EU) 2019/1161).

Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.

Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (Text with EEA relevance)Text with EEA relevance.

Directive 2014/55/EU of the European Parliament and of the Council of 16 April 2014 on electronic invoicing in public procurement Text with EEA relevance.

Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70.

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO<sub>2</sub> emission performance standards for new heavy-duty vehicles and amending Regulations (EC) No 595/2009 and (EU) 2018/956 of the European Parliament and of the Council and Council Directive 96/53/EC).

Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Management and Visa Policy.

Regulation (EU) 2021/690 of the European Parliament and of the Council of 28 April 2021 establishing a programme for the internal market, competitiveness of enterprises, including small and medium-sized enterprises, the area of plants, animals, food and feed, and European statistics (Single Market Programme) and repealing Regulations (EU) No 99/2013, (EU) No 1287/2013, (EU) No 254/2014 and (EU) No 652/2014.

Regulation (EU) 2022/1031 of the European Parliament and of the Council of 23 June 2022 on the access of third-country goods and services to the Union's internal market in public procurement and procedures supporting negotiations on access of Union goods and services to the public procurement markets of third countries.

Regulation (EU) 2022/2371 of the European Parliament and of the Council of 23 November 2022 on serious cross-border threats to health and repealing Decision No 1082/2013/EU (Text with EEA relevance).

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

Regulation (EU) 2023/1115 of the European Parliament and of the Council of 31 May 2023 on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010 (Text with EEA relevance).

Regulation (EU) 2023/1525 of the European Parliament and of the Council of 20 July 2023 on supporting ammunition production.

Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) No 2019/1020.

Regulation (EU) 2023/1781 of the European Parliament and of the Council of 13 September 2023 establishing a framework of measures for strengthening Europe's

semiconductor ecosystem and amending Regulation (EU) 2021/694 (Chips Act) (Text with EEA relevance).

Regulation (EU) 2023/2418 of the European Parliament and of the Council of 18 October 2023 on establishing an instrument for the reinforcement of the European defence industry through common procurement (EDIRPA).

Regulation (EU) 2023/2675 of the European Parliament and of the Council of 22 November 2023 on the protection of the Union and its Member States from economic coercion by third countries.

Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act) (Text with EEA relevance).

Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006 (Text with EEA relevance).

Regulation (EU) 2024/1252 of the European Parliament and of the Council of 11 April 2024 establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1724 and (EU) 2019/1020.

Regulation (EU) 2024/1679 of the European Parliament and of the Council of 13 June 2024 on Union guidelines for the development of the trans-European transport network, amending Regulations (EU) 2021/1153 and (EU) No 913/2010 and repealing Regulation (EU) No 1315/2013 (Text with EEA relevance).

Regulation (EU) 2024/1735 of the European Parliament and of the Council of 13 June 2024 on establishing a framework of measures for strengthening Europe's net-zero technology manufacturing ecosystem and amending Regulation (EU) 2018/1724.

Regulation (EU) 2024/1747 of the European Parliament and of the Council of 13 June 2024 amending Regulations (EU) 2019/942 and (EU) 2019/943 as regards improving the Union's electricity market design (Text with EEA relevance).

Regulation (EU) 2024/1781 of the European Parliament and of the Council of 16 October 2024 establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC.

Regulation (EU) 2024/2747 of the European Parliament and of the Council of 9 October 2024 establishing a framework of measures related to an internal market emergency and to the resilience of the internal market and amending Council Regulation (EC) No 2679/98.

Regulation (EU) 2024/2803 of the European Parliament and of the Council of 23 October 2024 on the implementation of the Single European Sky (recast) (Text with EEA relevance).

Regulation (EU) 2024/2847 of the European Parliament and of the Council of 23 October 2024 on horizontal cybersecurity requirements for products with digital

elements and amending Regulations (EU) No 168/2013 and (EU) 2019/1020 and Directive (EU) 2020/1828 (Cyber Resilience Act) (Text with EEA relevance).

Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (Text with EEA relevance).

Regulation (EU) No 654/2014 of the European Parliament and of the Council of 15 May 2014 concerning the exercise of the Union's rights for the application and enforcement of international trade rules and amending Council Regulation (EC) No 3286/94 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organization.

Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union.



### Annex 3

This annex provides the list of interviewees and the general structure of the interviews.

**Table A.3.1 List of interviewees**

#### **Institutions**

ECA	Berger, Helga
EESC	Wyckmans, Ferre

#### **LRAs Associations**

Austrian Association of Cities and Towns - Österreichische Städtebund	Muik, Kevin; Schmid, Johannes; Weiner, Gerhard Martin
CCRE-CEMR	Bennis, Hamza; Bordelot, Federica
Eurocities	Venturini, Chiara

#### **Private Stakeholders**

ETUC	Smedman, Joakim
SMEunited	Huemer, Gerhard
Transparency International	Greco, Antonio

#### **Experts and Academics**

Bianchini, Valentina
Fazekas, Mihály
Lucchetti, Alessandro
Ostrowski, Przemysław

**Table A.3.2 Semi-structured questionnaire**

<b>European Court of Auditors</b>		
<b>RQ1</b>	<b>Q1</b>	Which sector-specific EU regulations, besides the Public Procurement Directives (PPDs), do you consider most impactful on the procurement process?
<b>RQ2</b>	<b>Q2</b>	You consider the EU Public Procurement Directives generally not very effective in expanding the market, involving SMEs, and ensuring transparency and strategic orientation. Are there specific reasons for this shortcoming in relation to LRAs?
	<b>Q3</b>	How do you evaluate the effectiveness of current EU directives in encouraging local and regional authorities to adopt strategic approach in public procurement?

<b>RQ3</b>	<b>Q4</b>	What do you identify as the main areas to improve in the EU public procurement framework for specific LRA's benefit? How do you foresee the evolution of public procurement practices in the EU, particularly with regard to addressing identified weaknesses?
<b>RQ4</b>	<b>Q5</b>	In your opinion, where do local and regional authorities most frequently encounter implementation difficulties, and how might these challenges be mitigated? Please consider challenges related to deriving from the 2014 directives and sector-specific EU procurement rules.
	<b>Q6</b>	In what way did the 2014 Directives make procedures more burdensome and complicated, particularly for LRAs? How much does golden plating affect this?
<b>Local and Regional Authorities</b>		
		What is your role in the public procurement environment?
<b>RQ1</b>	<b>Q1</b>	Which sector-specific EU regulations, beyond the Public Procurement Directives (PPDs), do you consider most critical for ensuring compliance and fostering competition across Member States?
<b>RQ2</b>	<b>Q2</b>	Where do LRAs most often encounter difficulties in implementing specific procurement rules (e.g., selecting the most suitable procedure, setting exclusion or awarding criteria, adopting electronic procurement, monitoring contract performance, etc.)? Are there specific sectors or contract types particularly affected, and why?
<b>RQ4</b>	<b>Q3</b>	Are there any specific experience on problematic implementation of strategic procurement criteria (green, social, innovation criteria)?
	<b>Q4</b>	Do you see any specific challenges in enhancing market openness?
	<b>Q5</b>	What kind of support (e.g., training, guidance, legal advice) would most improve LRAs' capacity to implement procurement rules effectively?
<b>RQ6</b>	<b>Q6</b>	What types of private stakeholders (businesses, NGOs, universities, other civil society organizations, etc.) do LRAs frequently interact with in public procurement, and how could their involvement be improved?
<b>RQ7</b>	<b>Q7</b>	How could the CoR contribute to the revision of the EU rules?
<b>Private public procurement stakeholders</b>		
	<b>Q1</b>	What is your role in the public procurement environment?

	<b>Q2</b>	What are the biggest obstacles you face when competing for public procurement contracts?
<b>RQ1</b>	<b>Q3</b>	Which current public procurement rules are the most relevant, and how do they positively or negatively impact your participation in the procurement process? Please consider rules deriving from the 2014 directives as well as sector-specific EU procurement rules.
<b>RQ2</b>	<b>Q4</b>	How could contracting authorities better facilitate SMEs/universities/NGOs participation in public procurement?
	<b>Q5</b>	In your experience, what specific practices by LRAs have been most effective in opening the market for smaller or less established suppliers and enhancing competitiveness?
	<b>Q6</b>	Are there specific public procurement criteria or requirements that disproportionately hinder SMEs/universities/NGOs participation in public procurement?
<b>RQ3</b>	<b>Q7</b>	What changes to public procurement rules would most enhance fairness and competitiveness for SMEs/universities/NGOs?
<b>RQ4</b>	<b>Q8</b>	From your perspective, what are the primary challenges local and regional authorities face in implementing procurement rules, and how do these affect your engagement with them?
<b>RQ7</b>	<b>Q9</b>	How can the Committee of the Regions play a more active role in addressing private sector concerns in public procurement?

## Annex 4

### *Analysis of the impact of more prescriptive rules on stakeholders*

This annex presents the impact of the scenarios foreseen in Chapter 4 on stakeholders. First, the impact of a more prescriptive scenario was assessed. This was followed by an assessment of a less prescriptive scenario.

The assessment has been done by using a colour scale ranging from green (indicating reduced risks and/or workload compared to the status quo), yellow (indicating no significant change in risks and/or workload or a balance of positive and negative aspects) to red (indicating increased risks and/or workload compared to the status quo).

**Figure A.4.2 Impact of More Prescriptive Rules on Stakeholders**

	<b>LRAs</b>	<b>SMEs</b>	<b>General Stakeholders</b> <b>Interest</b>
<b>Awarding criteria</b>	More complex criteria require technical expertise and internal coordination, especially for small LRAs, when applying MEAT and non-price criteria. However, clearer rules and more consistent criteria can reduce legal uncertainty and improve fairness in competitive processes.	More complex criteria may limit access for SMEs by increasing the compliance burden. However, clearer rules and more consistent criteria can reduce legal uncertainty and improve the fairness of the competitive process.	More strategic criteria are better aligned with stakeholder objectives.
<b>Publication</b>	Stricter standardisation and timing rules require better internal co-ordination, especially when several departments are involved in procurement, thus increasing the workload.	A single platform where all tenders can be found can reduce the workload, while standardised documentation can increase cross-border participation in tenders.	Stricter publication rules would not affect general stakeholders directly.

	<b>LRAs</b>	<b>SMEs</b>	<b>General Stakeholders</b> <b>Interest</b>
<b>Exclusion ground</b>	Stricter exclusion rules increase the need for legal oversight. Expanded mandatory exclusion criteria therefore increase compliance tasks and legal reviews, requiring closer coordination with legal departments and more documentation.	Clearer rules and more consistent criteria can reduce legal uncertainty and improve the fairness of the competition process. However, such a ground for exclusion may preclude some SMEs from participating.	Stricter exclusion rules would not affect general stakeholders directly.
<b>Transparency and integrity</b>	Mandatory transparency measures increase the reporting burden.	Transparency increases scrutiny, allowing for greater fairness in competitive processes.	Greater transparency is in line with advocacy objectives.
<b>Thresholds</b>	More procedures will be subject to stricter EU control. In the transition period, LRAs may have to deal with overlapping or conflicting requirements - especially in countries with active national regulators. However, harmonised thresholds limit national gold-plating and create a more predictable regulatory environment for LRAs.	Lower thresholds bring more SMEs under EU rules and increase obligations. However, clearer rules and more consistent criteria can reduce legal uncertainty and improve fairness in the competition process.	Thresholds would not affect general stakeholders directly.

	<b>LRAs</b>	<b>SMEs</b>	<b>General Stakeholders</b> <b>Interest</b>
<b>Reserved Contracts for Social Enterprises</b>	The need to identify eligible operators and define the conditions for awarding social enterprise contracts adds complexity, especially for LRAs unfamiliar with these market segments. Annual targets require planning and tracking systems.	Reserved quotas reduce competition for SMEs in some cases.	Mandatory reserved contracts for social enterprises are in line with the mission of general stakeholders, therefore they are perceived as a positive aspect.
<b>Environmental and Social Criteria</b>	Environmental and social criteria require internal reorganisation to align procurement with climate/social objectives. There is often a cultural and training gap in embedding such objectives in tender planning and evaluation. Mandatory inclusion of criteria increases internal capacity requirements.	New criteria can add complexity to tender responses.	Environmental and social criteria are in line with the mission of general stakeholders, therefore their mandatory inclusion is perceived as a positive aspect.
<b>Link to the subject matter</b>	A more prescriptive link to the subject matter does not take future laws into account.	The criteria are more demanding for less structured companies. Therefore, the inclusion of additional mandatory criteria may hinder their participation.	The link to the subject matter does not affect general stakeholders directly.
<b>Pre-tendering assessment</b>	Formal assessments increase planning workload. Mandating market consultations or needs assessments increases planning time and workload.	Requirements at the pre-tender stage would not affect SMEs directly.	Requirements at the pre-tender stage would not affect general stakeholders directly.

	<b>LRAs</b>	<b>SMEs</b>	<b>General Stakeholders</b> <b>Interest</b>
<b>Division into lots</b>	Mandatory lots may force new internal procedures and contract monitoring tools, but can be aligned with SME support objectives. Justification for not using lots adds documentation.	Division into lots facilitates access for SMEs and reduces barriers. Clearer rules and more consistent criteria can also reduce legal uncertainty and improve the fairness of competitive processes.	Division into lots would not affect general stakeholders directly.
<b>Selection of procedures</b>	Clearer rules on when and how alternative procedures can be used increase confidence and reduce perceived risk for public authorities. However, limiting flexibility in the choice of procedures complicates bidding strategy. Reduced discretion in the choice of procedures can create rigidity for experienced LRAs, while providing relief and legal protection for smaller or less experienced LRAs. The impact depends on institutional maturity.	Changes in rules on selection of procedures would not affect SMEs directly.	Changes in rules on selection of procedures would not affect general stakeholders directly.

*Source: own elaboration*

*Analysis of the impact of less prescriptive rules on stakeholders*

*Figure A.4.3 Impact of Less Prescriptive Rules on Stakeholders*

	<b>LRAs</b>	<b>SMEs</b>	<b>General Stakeholders</b> <b>Interest</b>
<b>Awarding criteria</b>	While flexibility may seem helpful, vague guidance increases the risk of litigation and audit disputes, especially if MEAT is applied inconsistently. Smaller LRAs may lack the internal expertise to properly apply quality-based criteria.	The absence of guidance on quality-based criteria may lead to an over-reliance on price-only awards, which may disadvantage SMEs that compete on innovation or value.	Flexibility leads to inconsistent application of strategic objectives such as sustainability, social impact and innovation.
<b>Publication</b>	National discretion can lead to inconsistent formats, deadlines or platforms, forcing LRAs to deal with fragmented systems - particularly problematic for cross-border cooperation or managing EU-funded tenders.	Non-standardised publication can make it more difficult for SMEs to find and respond to opportunities in different MS.	Weak requirements undermine transparency and accountability.
<b>Exclusion ground</b>	Possibility to use discretion.	A lack of harmonisation or simplified guidelines can reduce access to fair competition and create an uneven playing field between MS.	Enforcement of ethical standards (e.g. against corruption or labour abuses) is weakened without firm commitments.
<b>Transparency and integrity</b>	Optional transparency tools can lead to reduced public confidence and increased reputational risk, especially for politically sensitive contracts.	A lack of harmonisation or simplified guidelines can reduce access to fair competition and create an uneven playing field between MS.	Optional tools risk being ignored, lowering public confidence.



	<b>LRAs</b>	<b>SMEs</b>	<b>General Interest Stakeholders</b>
<b>Thresholds</b>	Possibility to use discretion.	High or unregulated thresholds may allow public authorities to bypass formal procedures, reducing transparency and SME participation.	High thresholds allow strategic contracts to go unregulated, undermining wider policy objectives.
<b>Reserved Contracts for Social Enterprises</b>	Possibility to use discretion.	A lack of harmonisation or simplified guidelines can reduce access to fair competition and create an uneven playing field between MS.	Low take-up without mandatory promotion limits the inclusion of disadvantaged groups.
<b>Environmental and Social Criteria</b>	Possibility to use discretion.	Voluntary integration may reduce market opportunities for SMEs providing niche sustainable or social value solutions.	If left optional, environmental and social criteria tend to be overlooked, delaying green and social transitions.
<b>Link to the subject matter</b>	A less prescriptive link to the subject matter would increase legal uncertainty.	The criteria are more demanding for less structured companies. However, without a clear link to the subject matter, LRAs may require disproportionate criteria.	The link to the subject matter does not affect general stakeholders directly.

	<b>LRAs</b>	<b>SMEs</b>	<b>General Stakeholders Interest</b>
<b>Pre-tendering assessment</b>	While optional needs assessments reduce immediate effort, they also reduce the quality of procurement planning - increasing long-term inefficiencies or mismatches.	Without pre-tendering assessment SMEs might not be able to participate in tenders as specifications does not align with the market offer.	The pre-tender phase does not affect them directly.
<b>Division into lots</b>	Possibility to use discretion.	The absence of an obligation to subdivide contracts into lots may reduce the opportunities for SMEs to compete fairly, especially in large-volume tenders.	The division into lots does not affect them directly.
<b>Selection of procedures</b>	Possibility to use discretion.	Less structured use of procedures can reduce predictability and confidence for SMEs when dealing with public purchasers.	Selection of procedures do not affect them directly.

*Source: own elaboration*

## Annex 5

This Annex provides the list of the relevant stakeholders analysed to determine which are the most relevant to consider in consultations.

**Figure A.5.4 Stakeholders' descriptions and examples**

Stakeholder Category	Description	Representative Entities
<b>National Procurement Authorities and Platforms</b>	Bodies or agencies established by individual governments to oversee, regulate, and support public procurement activities within their respective countries.	<ul style="list-style-type: none"> <li>• National Agency for Public Procurement in Sweden (Upphandlingsmyndigheten)</li> <li>• Public Procurement Office of Poland (Urząd Zamówień Publicznych)</li> <li>• Public Procurement Office of Czech Republic (Úrad pre Verejné Obstarávanie)</li> </ul>
<b>Stakeholders representing SMEs</b>	Represent small and medium-sized enterprises, a key target of EU procurement reform.	<ul style="list-style-type: none"> <li>• SMEunited</li> <li>• UEAPME</li> <li>• European DIGITAL SME Alliance</li> <li>• Eurochambres (SME Committee)</li> <li>• BusinessEurope (SME Unit)</li> </ul>
<b>Stakeholders representing LRAs (Networks and Associations)</b>	Represent regional and local authorities across Europe. Provide grassroots perspectives and implementation feedback.	<ul style="list-style-type: none"> <li>• Council of European Municipalities and Regions (CEMR)</li> <li>• Eurocities</li> <li>• Assembly of European Regions (AER)</li> <li>• European Regional Legislative Assemblies (CALRE)</li> <li>• Conference of Peripheral Maritime Regions (CPMR)</li> </ul>

Stakeholder Category	Description	Representative Entities
<b>Stakeholders representing Private Businesses</b>	Advocate for business-friendly, predictable, and efficient procurement systems.	<ul style="list-style-type: none"> <li>• BusinessEurope</li> <li>• European Services Forum (ESF)</li> <li>• European Construction Industry Federation (FIEC)</li> <li>• European Association of Craft, Small and Medium-Sized Enterprises (EBC)</li> </ul>
<b>Stakeholders representing Labour and Trade Unions</b>	Promote fair work, social clauses, and decent working conditions in procurement contracts.	<ul style="list-style-type: none"> <li>• European Trade Union Confederation (ETUC)</li> <li>• EPSU (European Federation of Public Service Unions)</li> <li>• UNI Europa</li> </ul>
<b>EU Think Tanks</b>	Offer policy analysis and contribute strategic insights.	<ul style="list-style-type: none"> <li>• CEPS (Centre for European Policy Studies)</li> <li>• EPC (European Policy Centre)</li> <li>• Bruegel</li> <li>• ReSPA (for Western Balkans)</li> </ul>
<b>Lobby Groups and Professional Associations</b>	Represent technical and sectoral expertise and support policy feedback.	<ul style="list-style-type: none"> <li>• European Public Procurement Network (EPPN)</li> <li>• European Institute of Public Administration (EIPA)</li> <li>• Public Buyers' Community (DG GROW initiative)</li> <li>• European Association for Public-Private Partnership (EAPPP)</li> </ul>

*Source: own elaboration*

## Annex 6

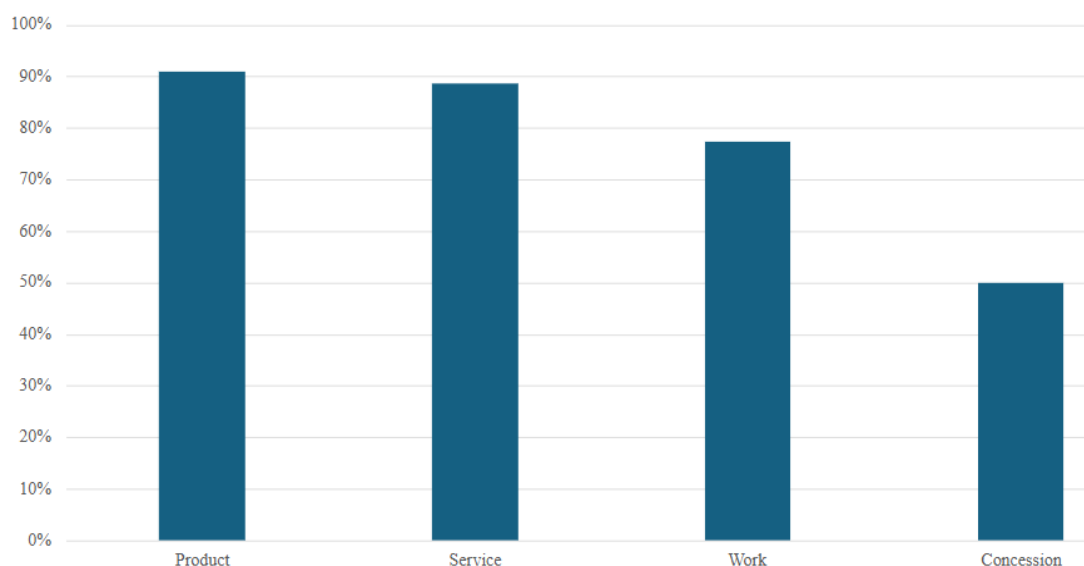
### *Types of procurement affected by LRA related rules*

In addition to examining the impact of each piece of legislation on LRA procurement, the study aimed to identify **the types of procurement affected (works, services, concessions, goods) by the 44 directives and regulations relevant to LRAs**. These categories are defined below:

- **Works:** Infrastructure, construction, public works, built environment, capital projects
- **Services:** Public services, consultancy, outsourcing, digital services, technical assistance, maintenance contracts
- **Products:** Goods, materials, equipment, supplies, commodities, raw materials procurement
- **Concessions:** Concession contracts, exclusive rights, service concessions, toll roads, user fees, revenue-based contract

Each piece of legislation may fall under more than one category.

***Figure A.6.1 Procurement types***



***Source: own elaboration***

As shown in the figure above, most directives and regulations introduce rules that are relevant to the implementation of **product procurement** for LRAs (40 of the 44 acts analysed). These are common in **horizontal legislation** (25 of 25

horizontal acts), but also appear across all vertical sectors, including **energy** (6 of 7 acts), **construction** (2 of 2), **health and medical equipment** (2 of 2), **transport equipment** (2 of 3), and **sewage, refuse, cleaning and environmental services** (2 of 2). An example of how sectoral legislation affects LRA product procurement is the Clean Vehicles Directive. It sets minimum targets for the procurement of clean and energy-efficient vehicles. All public purchasers of road transport vehicles must consider ‘the energy and environmental impacts, including energy consumption and emissions of CO<sub>2</sub> and certain pollutants, during their service life’ (Art. 1). The Directive also requires that, where a procurement procedure is used, environmental impacts shall be used as award criteria and that, where these impacts are monetised for inclusion in the purchasing decision, the methodology set out in Article 6 shall be used (Art. 5). Indeed, knowledge of the Clean Vehicles Directive has become crucial for the procurement of vehicles, which is regularly carried out at LRA level.

Rules on **service procurement** are similarly widespread (39 of the 44 acts analysed), with a concentration in **horizontal legislation** (23 of 25 acts), but also well-represented in **energy** (6 of 7 acts), **construction** (2 of 2), and **transport equipment** (2 of 3), and to a lesser extent in **health and medical equipment, and transport services** (1 of 2). An example of how sectoral legislation affects the procurement of services is the Directive on Fraud and Counterfeiting of Non-cash Means of Payment. This Directive aims to combat fraud and counterfeiting of non-cash means, such as electronic payments and digital wallets. While the Directive is primarily aimed at criminal offences and law enforcement cooperation, it has procurement implications for services related to payment security, fraud detection and financial compliance, as it introduces grounds for exclusion. Public authorities, including LRAs, will have to ensure that service providers involved in financial transactions, payment processing and IT security comply with fraud prevention standards, reporting obligations and law enforcement cooperation. Procurement contracts for e-government payment services, financial platforms and cybersecurity solutions must include requirements for fraud monitoring, data sharing mechanisms and compliance with cross-border investigation frameworks, to ensure alignment with Articles 3, 8, 10 and 11 of the Directive.

Rules concerning **works procurement** are slightly less frequent (34 of the 44 acts analysed), but again predominantly found in **horizontal legislation** (23 of 25 acts) and in key infrastructure-heavy sectors such as **energy** (5 of 7 acts), **construction** (2 of 2), **sewage, refuse, cleaning and environmental services** (2 of 2), and to a lesser extent in **transport equipment and services** (1 of 2). An example of how sectoral legislation affects the procurement of works by LRAs is the Ecodesign Regulation. This Regulation which is not yet into force, establishes a framework for setting ecodesign requirements that products must meet to be placed on the

market or put into service, with the aim of improving the environmental sustainability of products and reducing their overall carbon and environmental footprint. The Ecodesign Regulation will have a direct impact on LRAs in public procurement by introducing mandatory sustainability criteria for construction materials and buildings. For example, it requires public purchasers to give priority to resource efficiency, durability, reparability and other ecodesign, performance and information requirements that can have a significant impact on tenders for construction and renovation works (Art. 5, 6, 7).

By contrast, **rules on concessions** are less common, appearing in only 22 of the 44 acts analysed, partly because concession contracts are regulated separately under Directive 2014/23/EU. They are mostly found in **horizontal legislation** (15 of 25 acts), and to a lesser extent in **energy** (3 of 7), **transport services** (1 of 1), **sewage, refuse, cleaning and environmental services** (1 of 2) and **transport equipment** (1 of 3), reflecting the more limited use of concession contracts in certain sectors. An example of legislation affecting concession procurement is the Energy Efficiency Directive. This act introduces a relevant exception by requiring that “contracting authorities and contracting entities, when concluding public contracts and concessions with a value equal to or greater than the thresholds laid down in Article 8 of Directive 2014/23/EU, Article 4 of Directive 2014/24/EU and Article 15 of Directive 2014/25/EU, purchase only products, services buildings and works with high energy-efficiency performance” (Art. 7), and introducing specific parameters to measure energy-efficiency.









**European Committee  
of the Regions**

Created in 1994, the European Committee of the Regions is the EU's political assembly of 329 regional and local representatives such as regional presidents or city-mayors from all 27 Member States, representing over 446 million Europeans.

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EN

ISBN 978-92-895-3718-6

DOI:10.2863/0379789

QG-01-25-023-EN-N



**Publications Office  
of the European Union**