



PUBLIC PROCUREMENT AT THE CROSSROADS: TRANSPARENCY, INTEGRITY AND THE EU REFORM

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1. Transparency as a Global Value

Transparency and integrity are values recognized worldwide in the field of public procurement, from East to West, even in countries with very different socio-economic contexts, cultures, and legal traditions. Roberto Caranta highlights this in the volume *Comparative Law on Public Contracts*, which examines public procurement systems across countries on five continents: “*presque partout dans le monde, la transparence dans sa fonction d’instrument de concurrence est utilisée par les donneurs d’ordres publics pour tirer des bénéfices aussi grands que possible de l’argent public*”.

International organizations have long encouraged states to make transparent the activities that employ public resources to meet the needs of society. This is reflected in many major international initiatives, such as the *Global Compact*, the *2030 Agenda for Sustainable Development*, and the *Open Government Partnership*.

In the European context, transparency is among the values that are part of a shared legal tradition, predating the founding of the European Union. Today, transparency is firmly established as a defining element of open government, reflecting the way public administrations operate, and it constitutes one of the pillars of the European public procurement system.

Being able to rely on a common understanding of transparency and its rules represents a positive factor, indicative of a high level of legal civilization. In the European experience, this outcome has been made possible through the integration process that, over more than seventy years, has led to the harmonization of rules and the functioning of procurement systems among EU member states.

None of these achievements are the result of automatic processes, and none of the milestones reached are guaranteed for the future. A realistic look at the global context makes it clear how important it is to keep the dialogue on these issues alive. Today, as discussions on the reform of EU public procurement rules take place, it is essential to **reflect both on the role we wish to assign to transparency and integrity**, and on the rules and solutions we are willing to implement.

2. Governance and Rules for Modern Procurement

The starting point of my reflections is the following: **a public procurement system complies with modern standards of transparency, integrity, and sustainability if it is also based on adequate governance**—that is, a governance capable of ensuring transparency through: (1) rules designed to produce **comprehensive data**; (2) rules that guarantee **data accessibility**; and (3) tools for **data analysis and monitoring**.

In other words, modern governance should make it possible to understand: (i) whether the administration is procuring in a transparent and sustainable way; (ii) whether the rules, tools, and capacities of administrations are adequate; and (iii) whether the simplification of rules—so strongly advocated—is actually beneficial in practice.

Evidence from public procurement markets indicates that there is still ample room for improvement.

For example, in Italy in 2024, the number of service and supply contracts awarded directly—that is, without publicity or competition—accounted for 98% of the total (source: ANAC, *Annual Report 2025*), highlighting a gap in transparency.



These figures are not unique to the Italian public procurement landscape.

The European Court of Auditors (source: *Report 28/2023*) reached similar conclusions after examining contracts awarded in the EU between 2011 and 2021: over the past ten years, the level of competition for contracts in works, goods, and services has declined.

The statement is based on 12 indicators, three of which are particularly significant: (i) the increase in tenders with only one bid submitted; (ii) the increase in direct awards in most Member States; (iii) the very small share (6–7%) of cross-border contracts (i.e. contracts involving at least two Member States).



I would add that transparency and integrity should also characterize the governance on the other side of the public procurement market—the supply side.

The role of companies, and of their own governance, in ensuring transparency and integrity throughout the entire production chain should not be underestimated. The issue is undoubtedly complex, especially when looking at global supply chains and the recent developments shaping the international public procurement market.

In the EU context, reference can be made to two recent pieces of legislation: Directive (EU) 2022/2464 *on corporate sustainability reporting* (CSRD) and Directive (EU) 2024/1760 *on corporate sustainability due diligence* (CSDDD), both of which introduced significant innovations.

However, the most recent EU legislative solutions (the so-called Omnibus Package I and II, 2025) **have frozen many of the innovations initially envisaged**: by postponing the application dates of the new requirements, simplifying their content, and reducing their scope. The **reasons for this partial change of course** may be understandable: there is a recognized need to ensure a balanced transition to the new framework. At the same time, there is strong pressure to avoid burdening companies—especially SMEs—with disproportionate obligations.

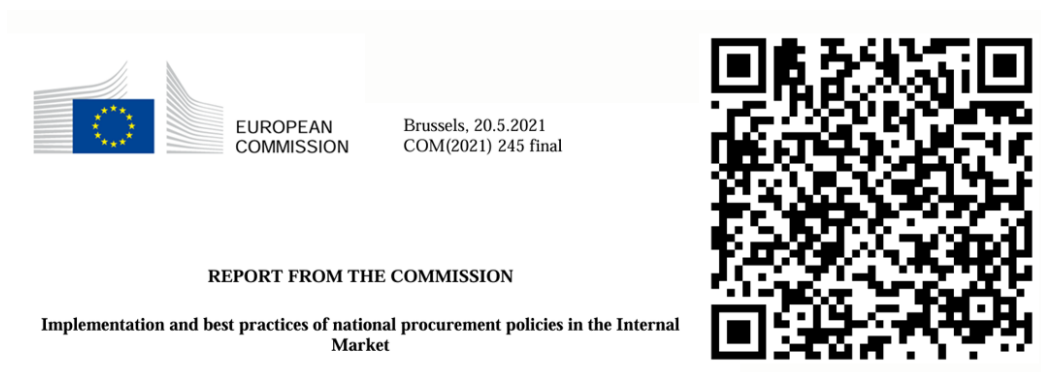
Nevertheless, it cannot be ignored that these recent measures also represent **a sharp slowdown in advancing transparency and integrity across production chains.**

3. The Data Challenge: Gaps and New Opportunities

The issue of transparency and integrity in the public procurement market clearly highlights the **importance of paying attention to the information and data available to us.**

EU rules on procurement transparency and publication obligations should ensure a wealth of data sufficient to enable in-depth monitoring and assessment of how the market functions.

However, the reality shows that the data made available by Member States are limited and incomplete. The European Commission itself stated this in 2021, when it published the results of its monitoring of the application of EU rules on public procurement and concessions.



The shortcomings identified do not concern only detailed elements (for example, the number of green or socially sustainable contracts awarded) but also major aspects, starting with the total number of contracts awarded each year.

The lack of reliable and complete data is widespread across the Union.

Take **Italy**, for example. Although it has one of the most comprehensive data collection systems in Europe, the figures recorded in the National Public Contracts Database managed by the National Anti-Corruption Authority (ANAC) show a procurement market worth €271.8 billion (in 2024). Yet, this figure is incomplete, as it excludes contracts under €40,000, concessions, and more. Moreover, ANAC's reporting lacks a range of measurements, evaluations, and therefore information that should be produced in the interest of transparency and better informing economic operators and citizens.

Denmark, often considered a benchmark for transparency, does not require the publication of procurement procedures below the EU threshold, with the result that data on such contracts are unavailable.

In **Finland**, the figures on the value of smaller (so-called below-threshold) contracts are only estimated, while Norway does not collect them at all.

In **France**, the annual recorded value of the public procurement market amounts to €170 billion (in 2023), but according to the Court of Auditors, the real value is closer to €400 billion per year. This statistical gap is explained by the fact that a large share of contracts escapes publicity and competition rules (entirely up to €40,000 and partially up to €90,000).

The good news is that change is underway.

After all, if public procurement is to be leveraged as a driver of economic growth, it is essential to understand how this market functions.

In 2020, the European Commission introduced measures and allocated financial resources to promote the development of the European data economy (the so-called **European Data Strategy**). Within this framework, in 2023 it presented the plan for the digital infrastructure—the **Public Procurement Data Space**—which is intended to connect all national public procurement portals. Among the expected effects, the European Commission highlights **greater opportunities for joint procurement, combating collusion and corruption, as well as enhanced knowledge-sharing**.

As of January 2025, the Public Procurement Data Space has become operational, offering new measurement indicators and enhanced data processing capacities.

It should not be forgotten, however, that the implementation of these tools requires data held by the Member States, and therefore only through their active involvement will the expected results be achieved.



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The Public Procurement Data Space (PPDS)

Every year in the EU, over 250 000 public authorities spend around €2 trillion (around 13.6% of GDP) on the purchase of services, works and supplies. EU directives govern procurement contracts above certain thresholds to ensure the transparency of the procedures.

Notices of such contracts must be published on the European [Tenders Electronic Daily \(TED\)](#) portal. Notices of contracts below the EU thresholds are spread across the national or regional level in different formats, which makes them difficult or impossible to re-use. In other words, public procurement is rich in data but poor in making it work for taxpayers, policy makers and public buyers.

The Commission underlined the need to unlock this wealth of EU public procurement data in the [European strategy for data](#) , published in February 2020.



4. A Culture of Transparency: Obstacles and Perceptions

The obstacles to transparency and integrity cannot be attributed solely to a lack of data. Cultural factors also play a role.

For example, it is telling that public officials and economic operators often **perceive transparency rules as sources of bureaucratic and administrative burdens rather than as tools to improve inefficient solutions and poor practices.**

This emerges from a **study carried out in Italy in 2020** by the Conference of Regions and Autonomous Provinces, Confindustria, ANCE (National Association of Building Contractors), and LUISS University (Libera Università Internazionale degli Studi Sociali Guido Carli in Rome). They distributed a questionnaire to contracting authorities and economic operators. Participation was substantial: over 5,000 public officials and 217 economic operators took part.

Respondents were asked to evaluate the impact of legislation on corruption prevention and administrative transparency in the public procurement sector by choosing one of three possible answers: (a) legislation prevents corruption and ensures an adequate level of transparency; (b) legislation increases bureaucratic burdens; (c) legislation encourages formalistic behavior. The majority of participants (70%) reported perceiving these rules as a source of formalism and bureaucracy.

The **Report conducted by the Public Procurement Observatory of the University of Trento** (February–March 2025) confirms these perceptions. When asked whether EU directives have contributed to reducing corruption, only 19% responded positively, while 34% remained neutral and 36% expressed a negative assessment.

At the European level, however, the picture looks different. When the same question was posed to a European audience, the results were more favorable: 38% of respondents believe that EU directives have helped reduce corruption, while only 15% disagreed.



These data make it clear **that greater efforts are needed to raise awareness about the meaning and importance of the rules and instruments that promote transparency and integrity in public procurement systems.** There should be no doubt as to the usefulness of rules and requirements on transparency, and such rules and instruments should certainly not be criticized as causes of rigidity, paralysis, delays, or inefficiency.

At the same time, work should be done to improve the implementation of these rules and instruments. The guiding principles are already well established (**interoperability, once-only request, reusability, accessibility, reliability, digital by**

default, trust); what is needed is to create the conditions for their effective application.

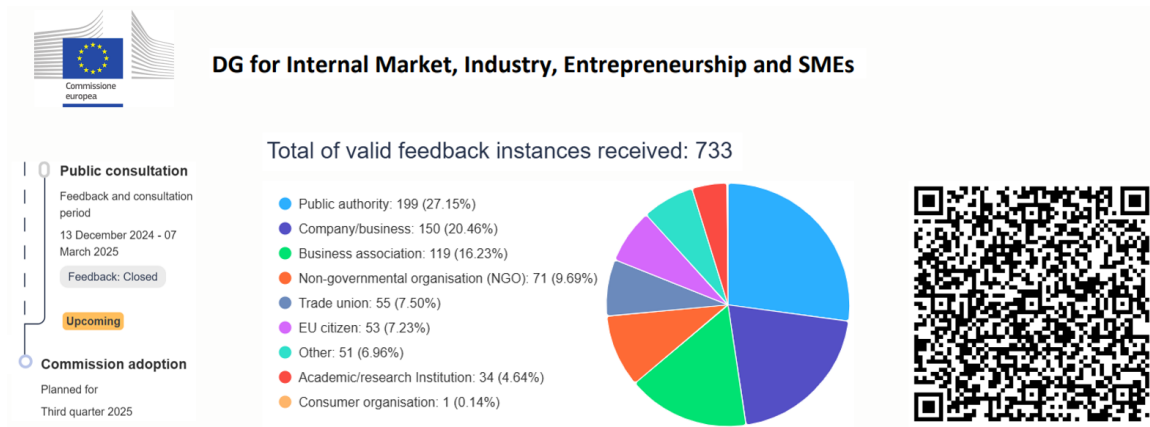
5. The EU Reform of Public Procurement

A final reflection on the themes of transparency and integrity in the context of the **reform of European public procurement rules**. President Ursula von der Leyen included the reform among the key points of her 2024–2029 program, and it has been confirmed in the most recent strategic documents of the European Commission: the *plan for the recovery of the European economy* of 29 January 2025; the *Clean Industry Pact* of 26 February 2025; and the *strategy on the future of the European internal market* of 21 May 2025.

In all these documents, the presentation of proposals for new rules is scheduled for the **second half of 2026**.

In this preparatory phase leading up to the reform, it is worth mentioning the **European Commission’s public consultation carried out between 2024 and 2025**, aimed at assessing the adequacy of the current directives (2014/23/EU, 2014/24/EU, and 2014/25/EU) in relation to the objectives of market competitiveness, social and environmental sustainability, innovation, governance, and integrity.

The consultation remained open until 7 March 2025, and stakeholders (operators, authorities, social partners, individuals) were able to submit comments, contributions, studies, and complete an online questionnaire. The results are expected to be published by the end of 2025, while preliminary responses to the online questionnaire have already been shared.



The online questionnaire received 733 responses, mainly from public authorities (27%, 199 responses), businesses (20%, 150 responses), and business associations (16%), with smaller percentages from citizens, academic and research institutions, and consumer organizations.

The responses indicate that the EU directives have not simplified procedures but have promoted digitalization and transparency. Participants believe that the directives have not made the public procurement system sufficiently flexible (49%), nor have they established simpler rules (54%). Moreover, they consider the provisions aimed at enhancing procedural flexibility to be neither relevant nor adequate (48%).

There is a fair degree of support for the rules encouraging sustainable procurement, which are viewed as relevant and adequate in relation to environmental objectives (39%) and social objectives (43%). At the same time, somewhat paradoxically, many participants feel that the directives have not sufficiently encouraged companies to comply with environmental standards (33%), to take social aspects into account (38%), or to use innovative solutions (39%). This skepticism is expressed above all by businesses.

Ambivalent positions also emerge on other issues. For instance, almost half of the participants (49%) believe that relying excessively on the lowest price as the sole award criterion is problematic, yet only 37% regard it as a bad practice, while 27% consider it to be the most efficient solution in certain cases.

The **European Parliament Resolution on public procurement** (ref. 2024/2103/INI), adopted by an overwhelming majority (432 in favor, 95 against, 124 abstentions) at the plenary session in Strasbourg on 9 September, also deserves mention.

The Resolution is a political document through which the European Parliament signals to the Council and the European Commission its position regarding **the objectives and priorities that should guide the reform of public procurement rules**.

In this sense, the European Parliament's Resolution was expected to "set the course" for the defining choices of future legislation.

However, a closer reading reveals a different picture.

The text adopted in plenary resembles more a long and varied list of political wishes than a guiding document capable of outlining principles and criteria for the drafting of new rules.

The final text appears to be the result of a compromise aimed at achieving broad consensus rather than defining substantive regulatory choices. It is telling that the Resolution was approved by a large majority only after the initial content had been profoundly altered by more than 800 amendments submitted during the legislative process.

It cannot be said that the Resolution is incomplete: the entire field of public procurement is scrutinized. Yet, what emerges is not so much new directions as contradictory positions that are not easily reconciled.

The diversity of approaches is evident not only in micro-level issues, concerning the definition of specific rules and solutions, but also in macro-level aspects, concerning the overall design of the system.

This uneven approach is illustrated by many examples throughout the Resolution, while exceptions are few and mostly pertain to areas of particular interest. None of the European parties, in fact, questions the value of transparency; the goal of preventing and combating corruption; the importance of data and the benefits of digitalization for transparency, monitoring, and anti-corruption efforts; or the use of AI-based technologies for data analysis.



18. [The European Parliament] ... emphasizes the need to impose publication and strengthened justification obligations for all awards made through negotiated procedures without prior publication of a contract notice, in order to ensure a minimum level of competition, traceability, and oversight [...];

29. [The European Parliament] ... calls for an approach that prioritizes digitalization in the revision of the EU public procurement legal framework [...]; considers that this transition will strengthen public oversight in the procurement process, particularly given the potential

offered by disruptive technologies such as artificial intelligence; believes that moving towards automated, operations-based systems would improve real-time data acquisition, simplify procurement procedures, and enable better data utilization, which would be particularly beneficial for SMEs;

30. [The European Parliament] ... stresses that the creation of a pan-European procurement data architecture, based on structured and reliable data collection, is essential to obtain higher-quality information and enhance procurement performance across all Member States; also underlines the importance of promoting interoperability between public databases to speed up verification of operators' compliance with requirements and avoid requesting information already available in multiple public databases [...]; considers that a European public procurement data space initiative could strengthen transparency and help prevent the misuse of funds, fraud, and corruption, while also generating greater procurement opportunities for SMEs and, by combining European and national procurement datasets, ensuring better value for public spending [...];

49. [The European Parliament] ... recommends the introduction of enhanced transparency and oversight mechanisms in public procurement by integrating advanced data analysis and AI technologies into procurement procedures, enabling the real-time detection of potential non-compliance, irregularities, fraud, national security risks, and cases of corruption [...]

However, the lack of shared visions becomes evident as soon as the discussion moves from stating goals and objectives to defining more specific solutions. Divergences prevail, in fact, over how mandatory the criteria should be; how rigid the European preference should be; how much leeway Member States should have for national choices; and how simplified the tools for transparency and integrity should be.

The plenary debate preceding the vote on the Resolution also shows how fragmented the positions of the various political forces remain on the key issues of the framework.

All of this suggests that **we are still at the very beginning of the discussion and negotiation phase on the topics and choices** that should guide the reform of European rules.

6. Three Lines of Action for the Future

At this stage of shaping a renewed common vision for European public procurement rules, **three key lines of action** can be identified.

The first is to **foster debate in order to surface and channel visions, priorities, and solutions, both at the supranational and national levels**. This is not merely a matter of timing for lobbying efforts during the early stages of legislative development; rather, it is about the capacity to represent positions and proposals that can improve and influence the quality of future legislation.

In this dialogue, the **role that businesses can—and should—play must be highlighted**. Their contributions should not merely reflect narrow interests, but rather serve to enhance the overall quality of the regulatory framework.

The second line of action requires **accelerating the timeline of the European rules reform process**.

The European Commission plans to publish proposals for new rules in the last quarter of 2026, followed by the approval process (1–2 years) and the potential transposition period in Member States' legal systems (1–2 years). These are reasonable timelines within the context of an ordinary EU legislative review, especially on a topic as important as public procurement.

However, they appear insufficient given the current challenges facing the European economy.

Accelerating the process is therefore more necessary than ever.

This was also emphasized by Mario Draghi during his speech at the High-Level Conference organized by the European Commission in Brussels on 16 September 2025: *“Regulation is where the Union can act fastest and most decisively. Europe has long styled itself as a regulatory power—it must now prove it can adapt to a fast-changing technological landscape”*.

Draghi further notes that in certain crucial areas, deep reforms of competencies, decision-making processes, and funding are required—“time,” he observes, **“time we may not have.”** Public procurement is one of these critical areas: **“it is the more powerful tool to create markets”** Draghi concludes, urging Member States to work in cohesion: “success will depend on harmonisation across member states. Without it, procurement—like state aid—risks sliding into national protectionism and failing to deliver scale”.

Finally, it should not be forgotten that **we are living through a period of profound and turbulent change**. On one hand, unexpected decisions regarding sustainability, international trade, and, more broadly, foreign policy are reshaping established balances. On the other hand, new alliances between States are emerging as alternatives for international cooperation and global governance.

These deep changes are prompting the EU to reassess the priorities and objectives of its policies, with consequences for public procurement.

Both the rules already adopted (e.g., regarding access of operators from third countries to public procurement markets; addressing distortive effects of subsidies granted by third countries; protecting Member States from economic coercion by third countries; controlling foreign direct investment in the Union; strengthening the European ecosystem for zero-emission technology production) and those under preparation appear to be guided by new keywords:

- ❖ **trade defense,**
- ❖ **economic security,**
- ❖ **strategic resilience,**
- ❖ **strategic autonomy,**
- ❖ **preference for European goods and services.**

It is quite evident that the practical implementation of the concepts underlying these new keywords **challenges** the traditional principles of the European public procurement market, historically based on openness, transparency, and fair competition.