

**Factual Summary Report
on the Public Consultation on the
Revision of the Public Procurement Directives**

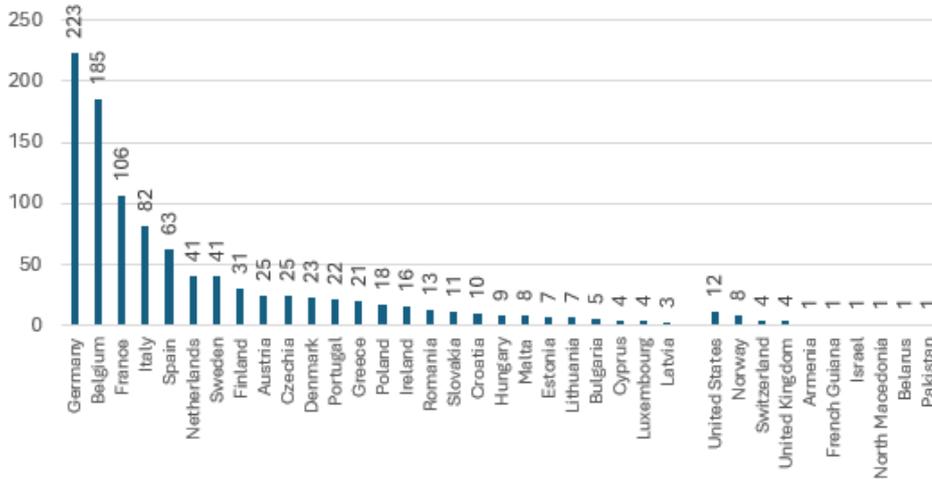
Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

This document should be regarded solely as a summary of the contributions made by stakeholders to the public consultation on the revision of the Public Procurement Directives. It cannot in any circumstances be regarded as the official position of the Commission or its services. Responses to the consultation activities cannot be considered as a representative sample of the views of the EU population.

1. Who Responded to the Public Consultation?

A total of 1,037 responses were received, with 97% (1011) originating from EU and EEA countries and 3% (26) from non-EU/EEA countries.

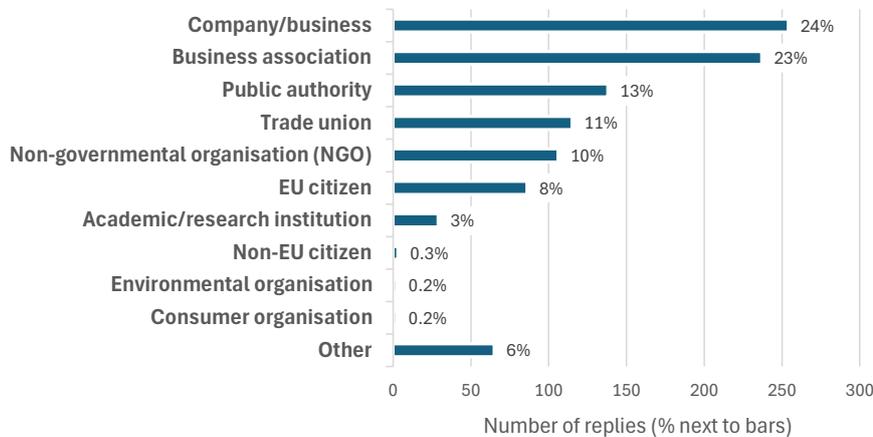
Figure 1: Distribution of Responses per Country of Origin of Respondent



Source: Public Consultation on Public Procurement Reform. Commission own analysis.

The breakdown of respondents by category reveals a clear dominance of business-related stakeholders, alongside notable representation from public authorities, trade unions and non-governmental organisations (see Figure 2).

Figure 2: Distribution of Responses by Type of Respondent



Source: Public Consultation on Public Procurement Reform. Commission own analysis.

2. First Section Results – Overall Objectives for the Revision

In the first section of the survey, respondents were presented with three separate lists of objectives for the revision of the public procurement rules and asked to rank them in order of priority within each list.

In the first list, related to improving efficiency and transparency, the top three priorities across most respondent groups were moving beyond the lowest-cost paradigm, making procurement rules more flexible, and reducing administrative burden through full digitalisation. While this ranking was broadly consistent among these groups, public authorities differed by prioritising flexibility first, while the objective of having “less detailed rules” came as second (see Table 1).

Table 1¹: Improving efficiency and transparency of the new rules

	A. Move beyond the lowest-cost paradigm	B. More flexible rules	C. Reduce administrative burden through full digitalisation	D. Facilitate SMEs participation	E. Rules less prone to anti-competitive practices	F. Rules less prone to litigation	G. Less detailed rules	H. Facilitate the aggregation of demand	No. of responses
All	1	2	3	4	5	6	7	8	984
Public Authorities EU	4	1	3	8	7	6	2	5	129
Large companies EU	1	2	3	8	4	6	5	7	135
SMEs EU	1	2	4	3	6	7	5	8	94
Business associations EU	1	3	2	4	5	7	6	8	220
Trade unions EU	1	4	6	7	3	2	8	5	111
NGOs EU*	1	3	4	2	7	5	8	6	102
Academia	2	1	5	6	8	4	3	7	25
Citizens + other EU**	1	2	3	4	7	6	5	8	142
Non-EU	1	3	2	7	5	4	6	8	26

Source: Public Consultation on Public Procurement Reform. Commission own analysis.

In the second list, respondents were asked to consider trade-offs between pursuing green, social, and innovation procurement against other objectives. Most respondent groups favoured prioritising quality over price, followed by facilitating environmentally friendly purchases, and promoting the purchase of innovative solutions. Public authorities, however, most frequently ranked the avoidance of additional administrative burden as their top priority, followed by a preference for less detailed rules. Their third priority was facilitating environmentally friendly purchases (see Table 2).

Table 2: Green, social and innovative public procurement

	A. Prioritise quality over price	B. Facilitate environmentally friendly purchases	C. Facilitate purchases of innovative solutions	D. Facilitate socially responsible purchases	E. Avoid additional administrative burden	F. Facilitate SME participation	G. Less detailed rules	H. Prioritise competition and price savings	No. of responses
All	1	2	3	4	5	6	7	8	975
Public Authorities EU	4	3	5	6	1	8	2	7	130
Large companies EU	1	2	3	6	4	7	5	8	134
SMEs EU	1	4	2	6	7	3	5	8	92
Business associations EU	1	5	4	7	3	2	6	8	220
Trade unions EU	2	3	4	1	7	5	6	8	110
NGOs EU*	1	2	4	3	6	5	7	8	102
Academia	2	3	5	6	1	7	4	8	26
Citizens + other EU**	1	2	4	3	5	7	6	8	136
Non-EU	1	3	4	6	2	7	5	8	25

Source: Public Consultation on Public Procurement Reform. Commission own analysis.

¹ The values represent the average ranking of each objective by respondent group. A value of 1 indicates the highest priority on average. The same interpretation applies to Tables 2 and 3.

In the third list, as regards the integration of economic security and strategic autonomy into public procurement rules, most respondent groups preferred giving priority to European industry in critical sectors², while a general preference for European industry ranked second. However, public authorities ranked flexibility as their top priority, followed by avoiding administrative burden, and, in third place, giving preference to European industry in critical sectors, as well as having less detailed rules (see *Table 3*).

Table 3: Economic security and strategic autonomy

	A. Preference to European industry in critical sectors	B. General preference to European industry	C. More flexible rules	D. Avoid administrative burden	E. Rules less prone to litigation	F. Less detailed rules	G. Prioritise competition and price savings	No. of responses
All	1	2	3	4	5	6	7	960
Public Authorities EU	3	5	1	2	6	3	7	129
Large companies EU	1	2	3	4	6	5	7	132
SMEs EU	1	4	3	2	5	6	7	92
Business associations EU	1	3	4	2	5	6	7	216
Trade unions EU	2	1	4	6	3	5	7	108
NGOs EU*	1	4	2	5	3	6	7	98
Academia	4	5	1	2	6	3	7	23
Citizens + other EU**	1	2	3	4	5	6	7	137
Non-EU	5	7	2	1	4	3	6	25

Source: Public Consultation on Public Procurement Reform. Commission own analysis.

3. Second Section Results – Detailed Questions on the Revision

The second part of the survey, which was optional, covered technical questions in relation to the planned revision. Approximately 80% (831) of all respondents chose to provide input.

a) Simplification

Respondents were asked to judge the simplification potential of several policy options covering flexibility of procedures, joint procurement, information exchange, SME participation, and implementation challenges.

When considering **flexibility of procedures**, respondents most often saw simplification potential in more flexible contract modifications (76%³: 546 replies), followed by allowing corrections of procurement documents throughout the procedure (71%: 496 replies), facilitating dialogue with the market (69%: 492 replies), allowing negotiations throughout the procurement procedure

² Except from Public Authorities, Academia and non-EU respondents (all the three preferring more flexible rules and avoiding administrative burden).

³ Percentages are calculated based on the number of responses to each specific question, as the total number of replies varied per question. This approach is applicable to all data presented henceforth in this document.

(70%: 466 replies) and simplification of procedures for off-the-shelf purchases (62%: 429 replies).

With regard to **joint procurement**, respondents identified the greatest simplification potential in increasing flexibility in setting the duration of framework agreements (66%: 418 replies). This was followed by facilitating networking among buyers (63%: 440 replies), simplifying rules for setting up joint procurements, especially across borders (56%: 356 replies), and enhancing the role of Central Purchasing Bodies (53%: 358 replies).

To improve **information exchange and procedural time limits**, respondents most frequently pointed to the re-use of documentation submitted by bidders (once-only principle) (87%: 620 replies) as offering the greatest simplification potential. This was followed by providing model contract templates and technical specifications for public buyers (75%: 535 replies) and establishing a central EU procurement platform alongside enhanced digitisation (67%: 483 replies). Lower but still notable levels of simplification potential were seen for setting time limits for bid evaluation (59%: 417 replies) and increasing time limits for submission (46%: 315 replies).

To support **SMEs participation** in public procurement, respondents most highly rated simplifying rules for forming consortia, particularly for SMEs (70%: 447 replies). This was followed by encouraging the division of contracts into smaller lots (52%: 348 replies), which was ranked first by trade unions (81%: 56 replies). Introducing EU-level targets for SME participation in public procurement ranked third overall (47%: 294 replies), while standing first for SMEs (78%: 51 replies), tied with simplifying rules for forming consortia.

According to respondents, **improvements in implementation and contract management** could be achieved by speeding up payments to contractors, particularly SMEs (66%: 457 replies). This was followed by establishing rules for the post-award phase, including contract implementation (52%: 360 replies), and setting rules for direct payments to subcontractors, especially SMEs (51%: 345 replies). To a lesser extent, respondents also pointed to increasing the use of pre-financing, particularly for SMEs (43%: 293 replies).

Regarding the **expected impacts** of these simplification measures, respondents most frequently highlighted increased SME participation (82%: 461 replies), a higher number of bidders (81%: 453 replies), greater competition (81%: 447 replies), and faster procurement processes (81%: 450 replies).

b) Coherence with sectoral rules

Respondents were asked whether and how the reform should address existing and future public procurement provisions in sectoral legislation.

Regarding existing rules, integrating "*how to buy*" provisions into the general public procurement framework was the preferred option for respondents (36%: 244), as opposed to integrating both "*how and what to buy*" provisions (21%: 142), and not integrating these provisions at all (19%: 128). For future legislation, most respondents (41%: 280 replies) opted for integrating "*how to buy*" requirements, while integrating "*how and what to buy*" provisions, and "do not integrate" received lower support levels (22%: 152 replies and 16%: 107, respectively).

c) Concessions

Respondents were asked to identify which concession-related concepts should be modified.

Across all respondents, the strongest support for modifications was seen in case of additional rules on contract execution (58%: 256 replies) and rules on duration (55%: 245 replies). Just under half of the respondents backed changes to publication and transparency rules (47%: 208 replies), as well as modifications to the definitions of "concessions" and "operating risk" (44%: 197 replies).

The most likely impacts of such modifications were identified as increased legal certainty (77%: 252 replies), followed by a higher number of bidders (63%: 200 replies), greater competition (62%: 198 replies), and reduced litigation (60%: 194 replies).

d) Digitalisation and transparency

Respondents were asked whether they would support the creation of a digital public procurement marketplace with a single-entry point for economic operators to access public procurement procedures across the EU.

Overall, respondents expressed a strong support for interconnecting existing Member States' eProcurement services (65%: 443), while 12% (83) supported replacing national eProcurement services with a central EU procurement service. Just one in six respondents (17%: 118) believed no changes were necessary.

Regarding the impacts of such changes, respondents anticipated a wide range of positive outcomes. The highest-ranked expected impacts included faster exchange of documents (87%: 526 replies), wider access to cross-border procedures (80%: 418 replies), harmonisation of tender requirements across Member States (79%: 478 replies), and increased transparency to aid the prevention of irregularities (78%: 477 replies).

e) Made in Europe

All respondent groups except non-EU participants expressed strong support (above 80%) for prioritising European goods and services in public procurement processes.

When asked how to prioritise goods and services, respondents showed the strongest preference for expanding the role of non-price criteria, such as social, environmental, resilience, innovation, security, and 'Made in Europe' considerations (92%: 560 replies). This was closely followed by defining 'Made in Europe' criteria for bidder selection – such as requiring a European business location or setting conditions on the product/service e.g., share of value added (85%: 505 replies). The least favoured option, though still supported by over two-thirds (405) of respondents, was excluding bidders from countries lacking secured access to EU public procurement markets through international legal commitments the EU entered into (e.g. Free Trade Agreements covering public procurement).

When considering the impacts of prioritising European products and services, respondents most frequently expected an increased chance of winning for EU bidders (92%: 620 replies), followed by EU economic operators needing to adjust their supply chains to qualify for bidding (88%: 595 replies). High expectations were also placed on boosts to EU employment and investments (both 84%: 574 replies, 571 respectively). Majorities also viewed the following as likely outcomes: meeting environmental goals (83%: 580 replies), boosting EU innovation (81%: 550 replies), increasing security of supply (76%: 515 replies), and improving the quality of products, services, and works (71%: 485 replies). On the cost and risk side, respondents anticipated an increase in the price of goods and services purchased (63%: 424 replies), potential retaliation by third countries (62%: 413 replies), and higher administrative costs for public buyers (51%: 334 replies) and EU bidders (46%: 309 replies).

f) Best Price-Quality Ratio (BPQR)

A majority of respondents (51%: 378) supported requiring public buyers to apply the best price-quality ratio as the standard contract award criterion.⁴ Similarly, roughly 50% (374) of respondents favoured introducing a minimum mandatory weight for quality criteria, with support again varying widely between groups, from 13% (13) among public authorities to 98% (98) among trade unions. Only around a quarter of respondents supported the introduction of national targets for BPQR awards of contract.

The top expected impacts of incentivising quality requirements were better achievement of environmental, social, and innovation goals (88%: 588 replies), as well as improved quality of products, services, and works (87%: 585 replies). High proportions of respondents also anticipated a boost to EU innovation (82%: 549 replies) and increased efforts by bidders to adjust their supply chains in order to qualify for bidding (76%: 490 replies).

g) Green public procurement

Regarding environmentally friendly procurement, almost three-quarters (71%: 546) of respondents supported further incentives for its use, which was the preferred option across all stakeholder groups. Slightly more than half (55%: 414) backed mandatory green requirements, while around a quarter (23%: 173) believed no action was necessary in this area.

Respondents identified clear definitions (56%: 431 replies) and green standards (54%: 410 replies) as the measures most likely to incentivise the use of green procurement, followed by easier use of environmental labels (42%: 322 replies).

Such measures to incentivise green public procurement were expected to lead to greater achievement of environmental policy goals (89%: 636 replies), a boost to EU innovation (81%: 568 replies), and improved quality of products, services, and works (75%: 518 replies). Majorities also foresaw an increased chance of EU bidders winning calls for tender (68%: 474 replies) and a boost to EU employment (63%: 438 replies). On the negative side, respondents anticipated increased prices of products, services, and works (64%: 442 replies), higher costs for EU bidders (56%: 383 replies), and a greater administrative burden for both public buyers and EU bidders (both 54%: 379 replies, 349 respectively).

h) Social considerations in public procurement

Two thirds of respondents (64%: 443) support incentivising the use of socially responsible public procurement, with a bit more than half of respondents (52%: 332) also considering mandatory requirements, while one third (33%: 224) view no need for changing the current rules. With the exception of business associations and SMEs, which favoured no change to the existing rules, and trade union, which favoured mandatory provisions, all other respondent groups supported incentivising measures.

Among the proposed concrete measures, increased transparency on subcontracting received the highest level of support (46%: 315 replies), followed by clarifying the link to the subject matter regarding social considerations affecting workers (39%: 273 replies), banning price-only criteria in labour-intensive sectors (39%: 252 replies), and establishing socially responsible procurement targets (39%: 251 replies).

⁴ However, support for this option varied significantly among respondent groups, ranging from 22% (23) among public authorities to 96% (96) among trade unions.

In terms of expected impacts, incentivising socially responsible public procurement was expected to improve working conditions (77%: 488 replies), reduce the risk of labour and social law breaches (73%: 454 replies), and contribute to poverty reduction and increased social inclusion (69%: 430 replies). High proportions of respondents also anticipated a boost to EU employment (66%: 415 replies) and an increased chance of EU bidders winning contracts (63%: 391 replies). On the negative side, respondents expected increased prices (62%: 385 replies), a higher administrative burden for EU bidders (58%: 360 replies), and an increased burden for buyers (54%: 336 replies).

i) Public procurement of innovation

Three-quarters of respondents (74%: 497) recognised a need to further incentivise public procurement of innovation, which was the preferred option across all respondent groups. One-third (33%: 215) supported mandatory requirements, while only one in six (16%: 91) saw no need for action in this area.

In terms of concrete changes, simplification and removal of legal obstacles was most frequently mentioned (49%: 333 replies), as was a clear legal definition of public procurement of innovation (45%: 303 replies) and direct purchase from start-ups (36%: 245 replies).

Incentivising procurement of innovation was expected to boost EU innovation (91%: 469 replies) and lead to better quality of products, services, and works (80%: 408 replies), as well as provide a boost to EU industry (79%: 399 replies) and employment (68%: 340 replies). It was also anticipated to increase SME participation in procurement (65%: 327 replies) and enhance the chances of EU bidders winning contracts (55%: 275 replies). On the cost and burden side, around half of the respondents considered an increased administrative burden for public buyers (53%: 271 replies) and EU bidders (44%: 222 replies) likely, along with higher prices (47%: 232 replies).