

Evaluation of public procurement directives

Fields marked with * are mandatory.

Introduction

This public consultation forms an integral part of the **evaluation of the EU public procurement directives**:

- Directive 2014/23/EU on the award of concession contracts
- Directive 2014/24/EU on public procurement
- Directive 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sectors).

The **objectives of the directives** have been to ensure an efficient use of public funds, contribute to the high level of competition in the single market, and promote transparency and integrity of public spending. The directives were also expected to contribute to making Europe a more green, social and innovative economy, increase SMEs' participation in procurement procedures, reduce the administrative burden related to procurement procedures, simplify them and make more flexible.

The purpose of this evaluation is to collect information that allows the Commission to assess the EU procurement markets and understand:

- the effectiveness and coherence of the EU legal framework for public procurement
- whether this legal framework is still adequate in the current context.

The directives have been **transposed into national law**. Feedback on national legislation that does not transpose the directives is outside of this consultation's scope.

The results of this public consultation will be summarised in a factual report, which will be published on the Have Your Say website. The results will also be analysed together with other data and presented in the Commission's report on the evaluation of the public procurement directives and an accompanying staff working document.

This consultation is composed of five themes. You will be able to provide additional **free text comments** concerning each of them. At the end of the survey you can upload a file with a more detailed contribution, including any **evidence** you may have.

About You

* Language of my contribution

- ☐ Bulgarian
- ☐ Croatian
- ☐ Czech
- ☐ Danish
- ☐ Dutch
- ☒ English
- ☐ Estonian
- ☐ Finnish
- ☐ French
- ☐ German
- ☐ Greek
- ☐ Hungarian
- ☐ Irish
- ☐ Italian
- ☐ Latvian
- ☐ Lithuanian
- ☐ Maltese
- ☐ Polish
- ☐ Portuguese
- ☐ Romanian
- ☐ Slovak
- ☐ Slovenian
- ☐ Spanish
- ☐ Swedish

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☐ Company/business
- ☐ Consumer organisation
- ☐ EU citizen
- ☐ Environmental organisation
- ☐ Non-EU citizen
- ☒ Non-governmental organisation (NGO)
- ☐ Public authority

- ☒ Trade union
- ☐ Other

* First name

Mathias

* Surname

Maucher

* Email (this won't be published)

mathias.maucher@socialserviceseurope.eu

* Organisation name

255 character(s) maximum

Social Services Europe

* Organisation size

- ☒ Micro (1 to 9 employees)
- ☐ Small (10 to 49 employees)
- ☐ Medium (50 to 249 employees)
- ☐ Large (250 or more)

Transparency register number

Check if your organisation is on the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making.

470169313931-02

* Country of origin

Please add your country of origin, or that of your organisation.

This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.

- | | | | |
|-------------------------------------|--------------------------------|-------------------------------------|---|
| <input type="radio"/> Afghanistan | <input type="radio"/> Djibouti | <input type="radio"/> Libya | <input type="radio"/> Saint Martin |
| <input type="radio"/> Åland Islands | <input type="radio"/> Dominica | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon |

- | | | | |
|---|---|--|--|
| <input type="radio"/> Albania | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria | <input type="radio"/> Ecuador | <input type="radio"/> Luxembourg | <input type="radio"/> Samoa |
| <input type="radio"/> American Samoa | <input type="radio"/> Egypt | <input type="radio"/> Macau | <input type="radio"/> San Marino |
| <input type="radio"/> Andorra | <input type="radio"/> El Salvador | <input type="radio"/> Madagascar | <input type="radio"/> São Tomé and Príncipe |
| <input type="radio"/> Angola | <input type="radio"/> Equatorial Guinea | <input type="radio"/> Malawi | <input type="radio"/> Saudi Arabia |
| <input type="radio"/> Anguilla | <input type="radio"/> Eritrea | <input type="radio"/> Malaysia | <input type="radio"/> Senegal |
| <input type="radio"/> Antarctica | <input type="radio"/> Estonia | <input type="radio"/> Maldives | <input type="radio"/> Serbia |
| <input type="radio"/> Antigua and Barbuda | <input type="radio"/> Eswatini | <input type="radio"/> Mali | <input type="radio"/> Seychelles |
| <input type="radio"/> Argentina | <input type="radio"/> Ethiopia | <input type="radio"/> Malta | <input type="radio"/> Sierra Leone |
| <input type="radio"/> Armenia | <input type="radio"/> Falkland Islands | <input type="radio"/> Marshall Islands | <input type="radio"/> Singapore |
| <input type="radio"/> Aruba | <input type="radio"/> Faroe Islands | <input type="radio"/> Martinique | <input type="radio"/> Sint Maarten |
| <input type="radio"/> Australia | <input type="radio"/> Fiji | <input type="radio"/> Mauritania | <input type="radio"/> Slovakia |
| <input type="radio"/> Austria | <input type="radio"/> Finland | <input type="radio"/> Mauritius | <input type="radio"/> Slovenia |
| <input type="radio"/> Azerbaijan | <input type="radio"/> France | <input type="radio"/> Mayotte | <input type="radio"/> Solomon Islands |
| <input type="radio"/> Bahamas | <input type="radio"/> French Guiana | <input type="radio"/> Mexico | <input type="radio"/> Somalia |
| <input type="radio"/> Bahrain | <input type="radio"/> French Polynesia | <input type="radio"/> Micronesia | <input type="radio"/> South Africa |
| <input type="radio"/> Bangladesh | <input type="radio"/> French Southern and Antarctic Lands | <input type="radio"/> Moldova | <input type="radio"/> South Georgia and the South Sandwich Islands |
| <input type="radio"/> Barbados | <input type="radio"/> Gabon | <input type="radio"/> Monaco | <input type="radio"/> South Korea |
| <input type="radio"/> Belarus | <input type="radio"/> Georgia | <input type="radio"/> Mongolia | <input type="radio"/> South Sudan |
| <input checked="" type="radio"/> Belgium | <input type="radio"/> Germany | <input type="radio"/> Montenegro | <input type="radio"/> Spain |
| <input type="radio"/> Belize | <input type="radio"/> Ghana | <input type="radio"/> Montserrat | <input type="radio"/> Sri Lanka |
| <input type="radio"/> Benin | <input type="radio"/> Gibraltar | <input type="radio"/> Morocco | <input type="radio"/> Sudan |
| <input type="radio"/> Bermuda | <input type="radio"/> Greece | <input type="radio"/> Mozambique | <input type="radio"/> Suriname |
| <input type="radio"/> Bhutan | <input type="radio"/> Greenland | <input type="radio"/> Myanmar/Burma | <input type="radio"/> Svalbard and Jan Mayen |
| <input type="radio"/> Bolivia | <input type="radio"/> Grenada | <input type="radio"/> Namibia | <input type="radio"/> Sweden |

- | | | | |
|------------------------------------|-------------------------------------|----------------------------|----------------------------|
| ○ Bonaire Saint Eustatius and Saba | ○ Guadeloupe | ○ Nauru | ○ Switzerland |
| ○ Bosnia and Herzegovina | ○ Guam | ○ Nepal | ○ Syria |
| ○ Botswana | ○ Guatemala | ○ Netherlands | ○ Taiwan |
| ○ Bouvet Island | ○ Guernsey | ○ New Caledonia | ○ Tajikistan |
| ○ Brazil | ○ Guinea | ○ New Zealand | ○ Tanzania |
| ○ British Indian Ocean Territory | ○ Guinea-Bissau | ○ Nicaragua | ○ Thailand |
| ○ British Virgin Islands | ○ Guyana | ○ Niger | ○ The Gambia |
| ○ Brunei | ○ Haiti | ○ Nigeria | ○ Timor-Leste |
| ○ Bulgaria | ○ Heard Island and McDonald Islands | ○ Niue | ○ Togo |
| ○ Burkina Faso | ○ Honduras | ○ Norfolk Island | ○ Tokelau |
| ○ Burundi | ○ Hong Kong | ○ Northern Mariana Islands | ○ Tonga |
| ○ Cambodia | ○ Hungary | ○ North Korea | ○ Trinidad and Tobago |
| ○ Cameroon | ○ Iceland | ○ North Macedonia | ○ Tunisia |
| ○ Canada | ○ India | ○ Norway | ○ Türkiye |
| ○ Cape Verde | ○ Indonesia | ○ Oman | ○ Turkmenistan |
| ○ Cayman Islands | ○ Iran | ○ Pakistan | ○ Turks and Caicos Islands |
| ○ Central African Republic | ○ Iraq | ○ Palau | ○ Tuvalu |
| ○ Chad | ○ Ireland | ○ Palestine | ○ Uganda |
| ○ Chile | ○ Isle of Man | ○ Panama | ○ Ukraine |
| ○ China | ○ Israel | ○ Papua New Guinea | ○ United Arab Emirates |
| ○ Christmas Island | ○ Italy | ○ Paraguay | ○ United Kingdom |
| ○ Clipperton | ○ Jamaica | ○ Peru | ○ United States |

- | | | | |
|--|----------------------------------|---|--|
| <input type="radio"/> Cocos (Keeling) Islands | <input type="radio"/> Japan | <input type="radio"/> Philippines | <input type="radio"/> United States Minor Outlying Islands |
| <input type="radio"/> Colombia | <input type="radio"/> Jersey | <input type="radio"/> Pitcairn Islands | <input type="radio"/> Uruguay |
| <input type="radio"/> Comoros | <input type="radio"/> Jordan | <input type="radio"/> Poland | <input type="radio"/> US Virgin Islands |
| <input type="radio"/> Congo | <input type="radio"/> Kazakhstan | <input type="radio"/> Portugal | <input type="radio"/> Uzbekistan |
| <input type="radio"/> Cook Islands | <input type="radio"/> Kenya | <input type="radio"/> Puerto Rico | <input type="radio"/> Vanuatu |
| <input type="radio"/> Costa Rica | <input type="radio"/> Kiribati | <input type="radio"/> Qatar | <input type="radio"/> Vatican City |
| <input type="radio"/> Côte d'Ivoire | <input type="radio"/> Kosovo | <input type="radio"/> Réunion | <input type="radio"/> Venezuela |
| <input type="radio"/> Croatia | <input type="radio"/> Kuwait | <input type="radio"/> Romania | <input type="radio"/> Vietnam |
| <input type="radio"/> Cuba | <input type="radio"/> Kyrgyzstan | <input type="radio"/> Russia | <input type="radio"/> Wallis and Futuna |
| <input type="radio"/> Curaçao | <input type="radio"/> Laos | <input type="radio"/> Rwanda | <input type="radio"/> Western Sahara |
| <input type="radio"/> Cyprus | <input type="radio"/> Latvia | <input type="radio"/> Saint Barthélemy | <input type="radio"/> Yemen |
| <input type="radio"/> Czechia | <input type="radio"/> Lebanon | <input type="radio"/> Saint Helena
Ascension and
Tristan da Cunha | <input type="radio"/> Zambia |
| <input type="radio"/> Democratic Republic of the Congo | <input type="radio"/> Lesotho | <input type="radio"/> Saint Kitts and Nevis | <input type="radio"/> Zimbabwe |
| <input type="radio"/> Denmark | <input type="radio"/> Liberia | <input type="radio"/> Saint Lucia | |

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association', 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

☐ Anonymous

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

☒ Public

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

☒ I agree with the [personal data protection provisions](#)

Experience with EU public procurement

Section 1: Simpler, more flexible rules, value for money, transparency, integrity

Have the directives reached their objectives?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know
The directives helped contracting authorities* get better value for money when procuring works, goods and services.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The directives made the scope of the applicable rules clearer .	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The directives provided sufficient flexibility in the public procurement system (e.g. a broader choice of procedures and procurement techniques).	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

The digitalisation of public procurement (eProcurement) helped lower the administrative burden when procuring works, goods and services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
The digitalisation of public procurement (eProcurement) made it faster to procure works, goods and services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
The directives set out simpler rules for the EU public procurement system.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
The directives helped reduce corruption and fend off political pressure in public procurement procedures.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The directives fostered a culture of integrity and fair play in public procurement.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
The directives increased the professionalisation of public buyers.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
The directives increased transparency by setting the proper framework for the publication of tenders at all stages of the public procurement procedure.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The directives gave greater legal certainty on the compliance with procurement procedures.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The directives facilitated prompt payments to subcontractors for the works, goods and services offered.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

* Throughout this survey the term "contracting authorities" is understood as contracting authorities and entities.

The directives' objectives were to be achieved through rules set out in these legal acts.

In this context, do you agree with the following statements?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know
--	----------------	-------	---------	----------	-------------------	------------

The directives' rules aiming at procedural simplification (e.g. eProcurement, European single procurement document 'ESPD', the use of self-declarations) are still relevant and adequate.						
The directives' rules aiming to increase procedural flexibility (e.g. the choice of available procedures, time limits for submitting offers, contract modifications) are still relevant and adequate.						
The directives' rules on transparency (e.g. EU-wide publication via Tenders Electronic Daily 'TED') are still relevant and adequate.						
The directives' rules on monitoring (e.g. the quality of data provided in TED) are still relevant and adequate.						
The directives' rules on integrity (e.g. exclusion grounds, conflict of interest rules) are still relevant and adequate.						

If you have comments concerning any of the statements above, please provide them here.

Modification of contracts during their term (Art. 72 of Directive 2014/24/EU): In the face of inflation price revision clauses are crucial. The Public Procurement Directives, however, lack an obligation for the EU Member States to provide price-revision mechanisms for public contracts. This can constitute a serious problem in situations where an inflation-driven erosion of profit margins from public contracts, including in the field of social services, would risk a suspension of the contract performance to avoid providing services at a loss.

Answer to category "The directives facilitated prompt payments to subcontractors for the works, goods and services offered": Difficult to say across Europe as the answer differs according to national practices and situations.

Access to the EU public procurement market

Section 2: Easier market access, SMEs and cross-border participation

Have the directives reached their objectives?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know
The directives resulted in more competition in public procurement markets (e.g. rules on transparency make it easier for companies to enter markets).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The directives set out rules that ensure the equal treatment of bidders from other EU countries in all stages of the process and the objective evaluation of tenders.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The directives made it easier for SMEs to bid for public contracts (e.g. the possibility to divide tenders into lots).	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The directives made it easier to bid on public contracts from abroad (e.g. through eProcurement).	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

The directives' objectives were to be achieved through rules set out in these legal acts.

In this context, do you agree with the following statements?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know
The directives' rules on SMEs' market access are still relevant and adequate.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The directives' rules on eProcurement are still relevant and adequate as a tool to facilitate market access .	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The directives' rules on market access of companies from other EU countries are still relevant and adequate.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The directives' rules on market access of companies from non-EU countries are still relevant and adequate.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

The directives' rules on public-public cooperation and in-house procurement are still relevant and adequate.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
--	-----------------------	-----------------------	-----------------------	-----------------------	-----------------------	----------------------------------

If you have comments concerning any of the statements above, please provide them here.

In the field of social services there is a very insignificant (or close to zero) share of cross-border procurement. From this follows a close to zero/no effective risk of distortion of trade in the internal market. For SSE, this implies a need for the EC to reassess the cross-border dimension for the sector of social services.

Answer to category "The directive resulted in more competition in public procurement markets: As also mentioned by the Special Report of the European Court of Auditors "Public procurement in the EU Less competition for contracts awarded for works, goods and services in the 10 years up to 2021", there rather seems to have been a tendency to a lower number of offers, at least when features of socially responsible public procurement are included in tender documents.

Answer to category "The directives made it easier for SMEs to bid for public contracts": The rules support a division into bids, for SMEs and including organisations / enterprises of the social economy. To which extent this option is actually being used by the contracting authorities, however, cannot be said "across the board". It seems, however, that the division of lots is used in a number of countries for public tenders relevant for the social economy.

Strategic public procurement

Section 3: Addressing strategic challenges

Have the directives reached their objectives?

Impact on contracting authorities

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know
The directives encouraged contracting authorities to buy environmentally friendly works, goods and services.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The directives encouraged contracting authorities to buy socially responsible works, goods and services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The directives encouraged contracting authorities to buy innovative works, goods and services.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Impact on suppliers

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know
The directives encouraged companies to make greater efforts in meeting environmental standards in their economic activities.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The directives encouraged companies to consider social aspects more in their economic activities.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The directives encouraged companies to make wider use of innovative solutions in their economic activities.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

The directives' objectives were to be achieved through rules set out in these legal acts.

In this context, do you agree with the following statements?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know
The directives' rules that aim for environmentally friendly procurement (e.g. quality assurance standards and environmental management standards) are still relevant and adequate.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The directives' rules that aim for socially responsible procurement (e.g. reserved contracts, requirements on accessibility for people with disabilities and design for all users) are still relevant and adequate.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The directives' rules on supporting innovation (e.g. innovation partnership, competitive dialogue) are still relevant and adequate.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

The directives' rules on supporting all types of strategic procurement (e.g. the use of the most economically advantageous tender) are still relevant and adequate.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The directives' rules on the transfer of intellectual property rights to enable public procurement to drive innovation are still relevant and adequate.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

If you have comments concerning any of the statements above, please provide them here.

Overall, Directive 2014/24/EU establishes a broadly appropriate legal framework for public procurement across the broad range of economic sectors and across the EU. There are, however, at least three caveats /limitations to this general statement above which applies when looking at the main purposes and objectives of public procurement markets and procedures. Scope for action and starting points for flexibility in public procurement law: It is positive that Directive 2014/24/EU brings flexibility for public procurement procedures and the design of public contracts. In practice, however, this leeway cannot be realised sufficiently and to satisfactorily level in view of the actual use of the features of socially responsible public procurement (SRPP). Even though Directive 2014/24/EU has opened some doors for the better use of SRPP, this option is much too little used within the EU MS at the different levels of administration and across all types of contracting authorities. There is a serious shortcoming in practice: A "chilling effect" prevails, an avoidance to exploit the full potential of provisions supportive of socially responsible public procurement "on paper", given the risk averseness of contracting authorities fearing mistakes, delays or recourses, and given the "control and assessment practice" by both supervisory bodies for local governments and/or by court of auditors. The insistence of Art. 76.2 "Social and other specific services: Principles of awarding contracts" of Directive 2014/24/EU to ensure that contracting authorities take into account the criteria stemming from the organisation, regulation, financing and institutional embeddedness of social services as SGEI is fully justified across the EU if and where national legislation requires the application of public procurement procedures. SSE proposes that the wording of this Art. 76.2 should be adapted from "Member States shall ensure that contracting authorities may take into account the need (...)" to "Member States shall ensure that contracting authorities take into account the need (...)".

Answer to category "The directives encouraged companies to consider social aspects more in their economic activities: Yes, e.g., based on the horizontal social clause, on reserved markets, on contract performance clauses, on the special regime for social services, with the MEAT/BPQR principle.

Competition in the EU public procurement market

Section 4: Competition

	Too high	Adequate	Too low	No opinion
The level of competition in the EU public procurement market is ...	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

The frequency of single bidding (awarding a contract after only receiving one offer) is ...	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The frequency of direct awards (negotiated procedure without publication of a contract notice) is	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
The frequency of awards based on price only (as different from the most economically advantageous awards) is ...	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Do you agree with either of these statements about the **high frequency of single bidding**?

- ☐ It is a sign of bad procurement practices.
- ☐ It is not linked to procurement practices, but due to market structure or other factors unrelated to procurement.
- ☒ I don't agree with either of the statements above

Do you agree with either of these statements about the **high frequency of direct awards**?

- ☐ It is a sign of bad procurement practices.
- ☒ It is a legitimate procurement practice under certain circumstances and may facilitate the flexibility and timeliness of procedures.
- ☐ I don't agree with either of the statements above.

Do you agree with either of these statements about the **high frequency of price only awards**?

- ☒ It is a sign of bad procurement practices.
- ☐ It may be more efficient in certain circumstances (e.g. a simpler and faster way to buy homogenous goods).
- ☐ High quality can be assured through technical requirements.
- ☐ I don't agree with either of the statements above.

Over the last 8 years, the level of competition in the EU public procurement market has...

- ☐ increased
- ☐ remained the same
- ☐ decreased
- ☒ No opinion.

Feel free to comment on issues that you may have experienced with the level of competition in EU public procurement market.

Answer to category “The frequency of single bidding) is ...”: As also mentioned in the Special Report of the European Court of Auditors “Public procurement in the EU Less competition for contracts awarded for works, goods and services in the 10 years up to 2021”, it seems that if you ask for SRPP the number of bids goes down/is low. This issue would need to be addressed politically by encouraging/backing SRPP.

Coherence and resilience of the EU public procurement framework

Section 5: Coherence

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know
The three public procurement directives* are coherent with each other.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The objectives of the three public procurement directives are coherent with each other.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
EU public procurement legislation on defence and security procurement is coherent with the three public procurement directives.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
EU public procurement legislation on remedies is coherent with the three public procurement directives.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
EU legislation relating to public procurement (e.g. sectorial rules such as the Net-Zero Industry Act or Clean Vehicles Directive) is coherent with the three public procurement directives.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
The directives led to a more consistent application of public procurement policy across EU countries .	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

* Directive 2014/23/EU on the award of concession contracts, Directive 2014/24/EU on public procurement, Directive 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sectors.

If you have comments concerning any of the statements above, please provide them here.

Answer to category “Do you agree with either of these statements about the high frequency of single bidding? I don’t agree with either of the statements above”: For SSE, it is not about bad procurement practices, but the insufficient use of instruments of socially responsible public procurement (SRPP).

Section 6: Resilience

Are the directives still relevant and adequate given the changing circumstances?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know
The directives are fit for purpose to contribute to the EU’s strategic autonomy * (including the security of EU supply chains).	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The directives are fit for purpose in urgent situations , allowing contracting authorities to procure works, goods and services in a timely manner and even make purchases more quickly when necessary.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The directives are fit for purpose if there are major supply shortages (e.g. supply-chain disruptions during a health, energy or security crisis).	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The directives are fit for purpose to ensure that security considerations are properly addressed by the contracting authorities.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

* EU strategic autonomy refers to the capacity of the EU to act autonomously. That means not being dependent on other countries in strategically important policy areas.

If you have comments concerning any of the statements above, please provide them here.

-

Comparisons

Section 7: Below EU thresholds procurement

When compared with procurement **below EU thresholds***, carrying out transactions under the directives' rules is ...

	Always	Very often	Sometimes	Rarely	Never	I don't know
simpler	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
better value for money	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
faster	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
more transparent and fair	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
more professional	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
subject to more competition	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
more environmentally friendly	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
more socially responsible	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
more supportive for innovation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
better in preventing corruption	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

* Thresholds are as follows (approximately): (i) works or concession contracts worth more than €5.5 million; (ii) supply or service contracts with public authorities worth more than €140 000; and (iii) supply or service contracts in the water, energy or transport sectors worth more than €440 000.

Section 8: Private procurement

When compared with **private procurement**, selling under the directives' rules is

...

	Always	Very often	Sometimes	Rarely	Never	I don't know
simpler	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
better value for money	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
faster	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
more transparent and fair	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
more professional	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
subject to more competition	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
more environmentally friendly	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
more socially responsible	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

more supportive for innovation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
better in preventing corruption	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Thank you for your contribution. Please feel free to provide further comments or attach a file summarising your position on the directives' evaluation.

-

Please upload your file(s)

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

5579c087-9415-41b2-a2eb-6339e0ead22e/EC-Call-Evidence-Evaluation-PP-Directive-FINAL-Reply-SSE-04.03.25.pdf

Contact

GROW-C2@ec.europa.eu