Draft ID: 777eac21-3fe8-4eec-8342-832dab484e7b

Date: 13/12/2024 16:36:01

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

Trade union			
Other			
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*First name			
Jan			
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*Surname			
REMPALA			
*Email (this won't be pu	blished)		
j.rempala@businesseurop	<u> </u>		
*Country of origin			
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This list does not represent the of the entities mentioned. It is a	·	_	to the legal status or policy
Afghanistan	Djibouti	Libya	Saint Martin
Åland Islands	Dominica	Liechtenstein	Saint Pierre and
			Miquelon
Albania	Dominican	Lithuania	Saint Vincent
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			Grenadines
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0	British Virgin	0	Guyana		Niger	0	The Gambia
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Denmark	Liberia	Saint Lucia
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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. Fo r 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

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.	•	0	0	0	0	0
The directives made the scope of the applicable rules clearer .	0	0	0	0	0	0
The directives provided sufficient flexibility in the public procurement system (e.g. a broader choice of procedures and procurement techniques).	0	•	0	•	•	•
The digitalisation of public procurement (eProcurement) helped lower the administrative burden when procuring works, goods and services.	0	0	0	0	0	0
The digitalisation of public procurement (eProcurement) made it faster to procure works, goods and services.	•	0	•	0	0	0

The directives set out simpler rules for the EU public procurement system.	©	0	0	0	0	0
The directives helped reduce corruption and fend off political pressure in public procurement procedures.	0	0	0	0	0	0
The directives fostered a culture of integrity and fair play in public procurement.	0	0	0	0	0	0
The directives increased the professionalisation of public buyers.	0	0	0	0	0	0
The directives increased transparency by setting the proper framework for the publication of tenders at all stages of the public procurement procedure.	©	0	0	•	•	0
The directives gave greater legal certainty on the compliance with procurement procedures.	0	0	0	0	0	0
The directives facilitated prompt payments to subcontractors for the works, goods and services offered.	0	0	0	0	0	0

^{*} 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.	©	©	0	©	©	0

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.	0	0	©	0	0	0
The directives' rules on monitoring (e.g. the quality of data provided in TED) are still relevant and adequate.	0	0	0	0	0	0
The directives' rules on integrity (e.g. exclusion grounds, conflict of interest rules) are still relevant and adequate.	0	0	0	0	0	0

If yo	ou have comments concern	ing any of the stateme	ents above, please p	provide them here.	

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).	•	•	0	•	•	©

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.	•	•	•	•	•	•
The directives made it easier for SMEs to bid for public contracts (e. g. the possibility to divide tenders into lots).	0	0	•	0	0	0
The directives made it easier to bid on public contracts from abroad (e.g. through eProcurement).	0	0	0	0	0	0

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.	0	0	0	0	0	0
The directives' rules on eProcurement are still relevant and adequate as a tool to facilitate market access.	•	0	©	•	•	0
The directives' rules on market access of companies from other EU countries are still relevant and adequate.	0	0	•	0	•	0
The directives' rules on market access of companies from non-EU countries are still relevant and adequate.	0	0	0	0	•	0
The directives' rules on public- public cooperation and in-house procurement are still relevant and adequate.	0	0	0	0	0	0

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

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.	0	0	0	0	0	0
The directives encouraged contracting authorities to buy socially responsible works, goods and services.	0	0	0	0	•	0
The directives encouraged contracting authorities to buy innovative works, goods and services.	0	0	0	0	•	0

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.	•	•	0	•	•	•
The directives encouraged companies to consider social aspects more in their economic activities.	•	0	•	•	•	0
The directives encouraged companies to make wider use of innovative solutions in their economic activities.	0	0	•	0	•	0

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.	•	•	•	•	•	•
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.	©	•	•	•	©	•
The directives' rules on supporting innovation (e.g. innovation partnership, competitive dialogue) are still relevant and adequate.	0	0	0	•	0	0
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.	©	0	0	•	•	0
The directives' rules on the transfer of intellectual property rights to enable public procurement to drive innovation are still relevant and adequate.	0	0	0	0	0	0

lf y	f you have comments concerning any of the statements above, please provide them here.							

Competition in the EU public procurement market

Section 4: Competition

	Too high	Adequate	Too low	No opinion	
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The level of competition in the EU public procurement market is	©	0	0	0
The frequency of single bidding (awarding a contract after only receiving one offer) is	©	0	0	0
The frequency of direct awards (negotiated procedure without publication of a contract notice) is	0	0	0	0
The frequency of awards based on price only (as different from the most economically advantageous awards) is	0	0	0	0

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.

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

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.	0	0	0	0	0	0
The objectives of the three public procurement directives are coherent with each other.	0	0	0	0	0	0
EU public procurement legislation on defence and security procurement is coherent with the three public procurement directives.	©	0	0	•	©	0
EU public procurement legislation on remedies is coherent with the three public procurement directives.	0	0	0	0	0	0
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.	0	0	0	©	©	©
The directives led to a more consistent application of public procurement policy across EU countries.	0	0	0	0	0	0

^{*} 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.

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Do kn
The directives are fit for purpose to contribute to the EU's strategic autonomy * (including the security of EU supply chains).	0	0	0	•	•	(
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.	0	•	•	•	•	(
The directives are fit for purpose if there are major supply shortages (e.g. supply-chain disruptions during a health, energy or security crisis).	0	0	0	0	0	•
The directives are fit for purpose to ensure that security considerations are properly addressed by the contracting authorities.	0	0	0	0	0	0

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	l don't know
simpler	0	0	0	0	0	0
better value for money	0	0	0	0	0	0
faster	0	0	0	0	0	0
more transparent and fair	0	0	0	0	0	0
more professional	0	0	0	0	0	0
subject to more competition	0	0	0	0	0	0
more environmentally friendly	0	0	0	0	0	0
more socially responsible	0	0	0	0	0	0
more supportive for innovation	0	0	0	0	0	0
better in preventing corruption	0	0	0	0	0	0

^{*} 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	0	0	0	0	0	0
better value for money	0	0	0	0	0	0
faster	0	0	0	0	0	0
more transparent and fair	0	0	0	0	0	0
more professional	0	0	0	0	0	0
subject to more competition	0	0	0	0	0	0
more environmentally friendly	0	0	0	0	0	0
more socially responsible	0	0	0	0	0	0

more supportive for innovation	0	0	0	0	0	0
better in preventing corruption	0	0	0	0	0	0

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

Contact

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