

Latest EU trends within Public Procurement

Maja Kuhar

State Commission for Supervision of Public Procurement Procedures, president

Member of the Stakeholders Expert Group on Public Procurement (EC)

State of play before publishing Public Procurement Regulation proposal

Public procurement – initial goals:

- creating common internal market without trade barriers

- getting best value for money

- achieving secondary policy goals

Last decade developments:

- **Using PP as a tool for different policies**:

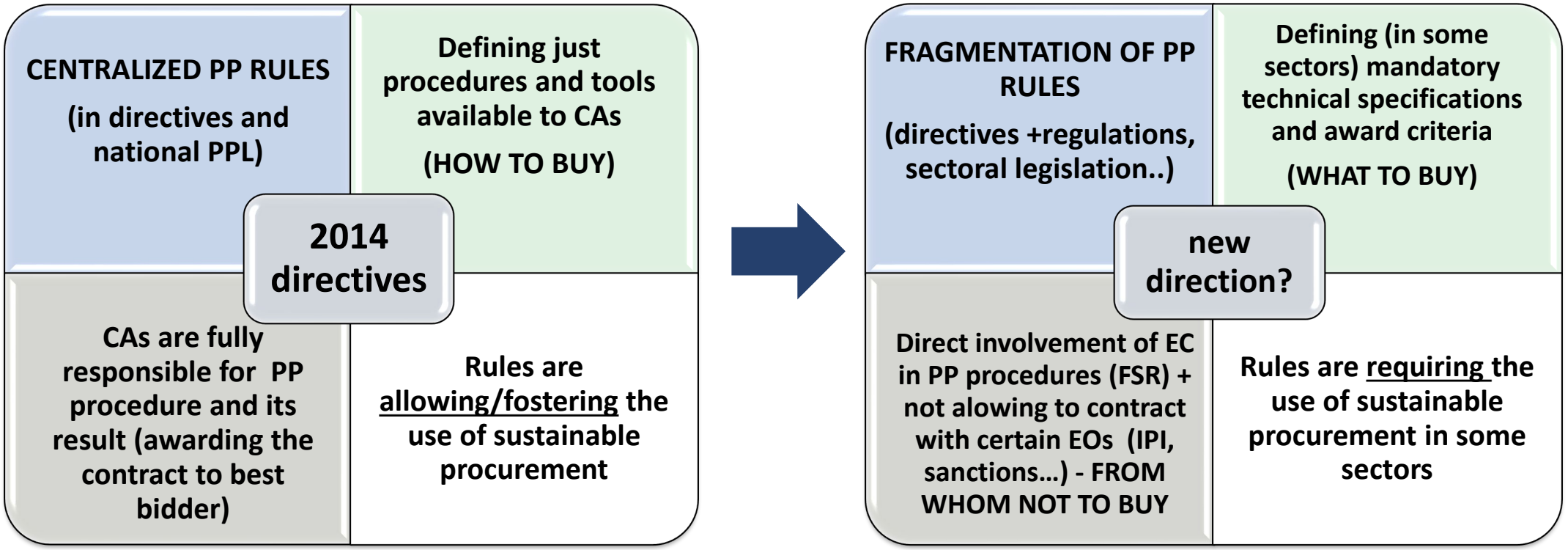
  - PP as a pure political tool

  - PP as international trade tool

  - PP as an enviromental protection compliance tool (exclusion from PP as a penalty for violation of enviromental protection rules)!

- **mashrooming of sectoral files** (more than 70 adopted sectoral files on EU level defining rules on PP; new exclusion grounds, mandatory technical specifications, award criteria, etc.)

Direction of latest policy developments in PP on EU level





EUROPEAN COMMISSION

Brussels, 9.9.2026
COM(2026) 590 final

2026/0265 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on public contracts and concessions, repealing Directives 2014/23/EU, 2014/24/EU and 2014/25/EU, and amending Regulations (EC) No 1370/2007, (EU) 2023/1542, (EU) 2024/1157, (EU) 2024/1252, (EU) 2024/1735, (EU) 2024/1781, (EU) 2024/2847, (EU) 2024/3110 and (EU) 2025/40, and Directives 2008/98/EC, (EU) 2019/882, (EU) 2022/2381, (EU) 2023/1791 and (EU) 2024/1760 (Public Procurement Act)

{SEC(2026) 590 final} - {SWD(2026) 590 final} - {SWD(2026) 591 final} - {SWD(2026) 592 final}

(Text with EEA relevance)

EUROPE'S CHOICE

POLITICAL GUIDELINES FOR THE NEXT EUROPEAN COMMISSION 2024–2029

Ursula von der Leyen
Candidate for the European Commission President

MISSION LETTER

Brussels, 17 September 2024

Ursula von der Leyen
President of the European Commission

Stéphane Séjourné

Executive Vice-President-designate for Prosperity and Industrial Strategy

Dear Stéphane,

Official Journal of the European Union — EN C series

C/2026/1470 — 9.4.2026

P10_TA(2025)0174

Public procurement

European Parliament resolution of 9 September 2025 on public procurement (2024/2103(INI))

(C/2026/1470)

The main objectives of the proposed PP Regulation

1

Simplify & harmonise

One directly applicable Regulation and a leaner procedural architecture, streamlining sectorial legislation

2

Strategic value

Best price-quality ratio and stronger green, social and innovation outcomes

3

Strengthen Europe

European preference, industrial capacity and secure supply of vital goods and services.

4

Build a digital market

Interoperability, once-only data and procurement data spaces

5

Increase competition

Better SME access, cross-border participation and fewer single bids

6

Build Resilience

Use procurement to reinforce security, preparedness and critical supply chains.

1

Simplify & harmonise

- cutting down the number of PP procedures

- two basic procedures to select from (open and dynamic) + innovation procedure

- direct awards - emergency, crisis, serious cross-border treats

- more possibilities for negotiations in open and dynamic procedure

- flexible contract modifications without value caps

2

Strategic value

- **best Price-Quality Ratio** - mandatory award method
- quality criteria accounting for at least 30% (50% for labour-intensive contracts)
- **'comply or explain'** principle – CAs may deviate from this approach if they explain how quality will otherwise be ensured, for example through minimum quality requirements, contract performance clauses, etc.

Will this be enough for intellectual services?



- partly codifying Kolin and Quingdao ECJ judgements
- **definition of „covered EOs" and „covered goods, services and works"** – originating from EU countries and countries having signed international agreements with EU
- EC is allowed to adopt delegated acts further restricting the coverage
- uniform rules on determination of origin of the product and the company
- EC is allowed to close specific procedures only to covered EOs, goods, services and works…



European preference:

- Public buyer is allowed to **exclude non covered EOs at any time**
- Public buyer **is allowed to (if they specify so in the tender documentation):**

➢ require that goods, services and works originate from covered countries fully or to a certain degree, or for specific components

➢ allocate additional award points to tenders submitted by covered EOs and subcontractors or the tender contains more covered goods, services or works than uncovered

➢ reject a tender where the value of covered goods, services or works in the tender is below 50% of the estimated value of the tender



- **creation of an integrated digital procurement marketplace -** interconnected and interoperable Member States' eProcurement platforms
- **ensuring connection to national registers (criminal records, tax registers, insolvency…)**
- **submitting evidence through electronic eligibility service**

- based on once-only principle

- automatic verification of exclusion grounds and selection criteria

5

Increase competition

- **promoting market consultation**
- **selection criteria**

- limited to what is necessary and proportionate

- prior experience of EOs can be used as selection criteria only if it is justified by complexity of the contract or nature of the subject - matter concerned

- minimum annual turnover requirement cannot exceed 50% of the contract value

- **encouraging advance payments from public authorities** (helping SMEs manage their cash flow and covers initial project costs)
- flexibility in reliance on capacites of other EOs



- **special chapter dedicated to Security and Resilience**
- public buyers shall take appropriate measures in all stages of the PP procedure to ensure protection of security and public safety interests of EU or MS
- **new non mandatory exclusion ground** – if a public buyer can demonstrate by any appropriate means, including information provided by competent national authorities that the company does not possess sufficient reliability to exclude risks to the security and public safety interests of the EU or one of the MSs
- **termination of the contract** – where the contractor has failed to comply with measures or obligations aiming at preventing or mitigating risks for security or public safety

Opportunity?

- **Is there a place for a new role of professional chambers under new PP Regulation?**





Hrvatska komora
inženjera građevinarstva

Article 139

Professionalisation and capacity building

- **Member States shall ensure that the professionalisation of public procurement is a long-term and strategic element of public governance** by taking appropriate measures, including institutional, organisational, financial and human resources arrangements.
- …Member States shall adopt, implement and periodically update a **national strategy for the professionalisation of public procurement**..

Thank you for your attention!