

The Fair Trade Advocacy Office's feedback to the Public Procurement directives – evaluation's public consultation

The [Fair Trade Advocacy Office \(FTAO\)](#) recognises the progress enabled by the EU's 2014/24 Directive in promoting strategic public procurement for social and environmental objectives. However, its effectiveness remains limited, and further action is needed to ensure public authorities **procure wisely**, enhance Small and Medium Enterprises (SMEs)' access, support fair supply chains and drive greater social and environmental impact.

Over the past decade, drawing from its extensive experience with the [Fair Trade Towns Campaign](#), the Fair Trade Movement, has identified key challenges in the Directive's implementation, including:

- 1. Price pressure:** the [reliance on the lowest price criterion has fuelled a "race to the bottom"](#), prioritising cost over ethical commitments and disadvantaging Fair Trade operators, whose prices reflect higher social and environmental standards.
- 2. Lack of legal certainty and restrictive interpretation of the link to the subject matter:** a restrictive interpretation of the "link to the subject matter" principle limits the use of social and environmental considerations. As a result, public authorities, fearing [legal disputes](#), hesitate to apply Fair Trade criteria, undermining the Directive's potential to promote sustainability.
- 3. Inconsistent and weak enforcement amongst member states of social and environmental provisions:** The directive allows contracting authorities to include social and environmental provisions in technical specifications, however, its voluntary nature has led to uneven application and weak enforcement across member states, undermining the coherence of the directive across the EU.
- 4. Complexity for public buyers:** contracting authorities often cite the abundance of labels and a [lack of their expertise](#) and capacity as barriers to implementing sustainable procurement. This creates inefficiencies in the procurement process, as public buyers struggle to navigate a complex landscape of certifications and standards.
- 5. Barriers for SMEs:** Despite prioritising social, environmental, and cultural impact over profit, Fair Trade operators which include actors like cooperatives and social enterprises are often excluded from tenders.
- 6. Barriers to effective human and social rights integration in Procurement:** Currently, the Directive lacks adherence to ILO standards, including [ILO Convention No. 94](#), and, does not officially align with internationally recognized frameworks for responsible business conduct, such as the [UN Guiding Principles on Business and Human Rights \(UNGPs\)](#) and the [OECD Guidelines for Multinational Enterprises](#).

7. **Lack of monitoring and measuring of sustainability impact:** The [lack of reliable data on socially responsible public procurement \(SRPP\)](#) in the EU makes it difficult to assess its impact, as public buyers are not required to report how they consider social and environmental factors.

FTAO's research highlights that **local governments**, including Fair Trade Towns but not only, such as [Gent](#), [Copenhagen](#), [Madrid](#), and [Söderhamn](#), are leading sustainable public procurement by promoting fairly traded products. **Regions**, like [Emilia-Romagna](#) with eco-sustainable catering contracts, and [Wallonia](#), fighting social dumping, play a significant role in this process. At the **national** level, countries like [Italy](#) are setting minimum sustainability standards. Successful examples and good practices from public buyers include:

1. The use of the Most Economically Advantageous Tender (**MEAT**) criteria, ensuring that social and environmental considerations take precedence over price alone.
2. Breaking large contracts **into smaller lots** to boost SME and social enterprise participation.
3. Using **recognized certifications**, such as Fair Trade ones, which strengthen sustainability inclusion in procurement. [Italy's CAM law](#) sets mandatory sustainability criteria and requires the inclusion of Fair Trade certified products in public catering, offering a strong model for broader policy adoption.
4. **Early integration of sustainability** at procurement planning stages.
5. **Clear, measurable objectives** like increasing organic food share and reducing CO2 emissions.
6. **Stakeholder engagement and market research** to align sustainability goals with market capabilities.
7. **Training** for procurement staff and **suppliers** on sustainable practices.

However, these practices remain exceptions, largely driven by political will and the capacity of contracting authorities. To ensure that [14% of the EU's GDP spent on public procurement](#) supports businesses with positive social and environmental impacts, the Fair Trade Movement urges policymakers to adopt its recommendations and promote a coordinated approach for a more inclusive and strategic procurement framework across the EU.

Get in touch:

For more information about the FTAO's work on public procurement, please reach out to Paola Plaku, at plaku@fairtrade-advocacy.org.

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 Jorge

* Surname Conesa

* Email (this won't be published) conesa@fairtrade-advocacy.org

* Scope

- International
- Local
- National
- Regional

* Level of governance

- Local Authority
- Local Agency

* Level of governance

- Parliament
- Authority
- Agency

* Organisation name

255 character(s) maximum

* 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.

* Country of origin Belgium

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.

- Afghanistan
- Åland Islands
- Albania
- Algeria
- American Samoa
- Andorra
- Angola
- Anguilla
- Antarctica
- Antigua and Barbuda
- Argentina
- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Djibouti
- Dominica
- Dominican Republic
- Ecuador
- Egypt
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Eswatini
- Ethiopia
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Libya
- Liechtenstein
- Lithuania
- Luxembourg
- Macau
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Saint Martin
- Saint Pierre and Miquelon
- Saint Vincent and the Grenadines
- Samoa
- San Marino
- São Tomé and Príncipe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea

- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan

- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria

- Burkina Faso
- Burundi

- Cambodia

- Cameroon
- Canada
- Cape Verde
- Cayman Islands

- Central African Republic
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- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland

- Grenada
- Guadeloupe

- Guam

- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau

- Guyana

- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong

- Hungary

- Iceland
- India
- Indonesia
- Iran

- Iraq
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- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar/Burma

- Namibia
- Nauru

- Nepal

- Netherlands
- New Caledonia
- New Zealand
- Nicaragua

- Niger

- Nigeria
- Niue

- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan

- Palau
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- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland

- Syria

- Taiwan
- Tajikistan
- Tanzania
- Thailand

- The Gambia

- Timor-Leste
- Togo

- Tokelau
- Tonga

- Trinidad and Tobago
- Tunisia
- Türkiye
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
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| <input type="radio"/> Chad | <input type="radio"/> Ireland | <input type="radio"/> Palestine | <input type="radio"/> Uganda |
| <input type="radio"/> Chile | <input type="radio"/> Isle of Man | <input type="radio"/> Panama | <input type="radio"/> Ukraine |
| <input type="radio"/> China | <input type="radio"/> Israel | <input type="radio"/> Papua New Guinea | <input type="radio"/> United Arab Emirates |
| <input type="radio"/> Christmas Island | <input type="radio"/> Italy | <input type="radio"/> Paraguay | <input type="radio"/> United Kingdom |
| <input type="radio"/> Clipperton | <input type="radio"/> Jamaica | <input type="radio"/> Peru | <input type="radio"/> 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

The type of respondent that you responded to this consultation as, your 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.

Public

Your name, the type of respondent that you responded to this consultation as, your country of origin and your contribution will be published.

*** 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

* Have you or your organisation bid for public contracts in the last 8 years?

Yes

No

* Has your organization been carrying out public procurement procedures in the last 8 years?

- Yes
- No

* Please select the type of public procurement that you have been involved in **most frequently**:

- Works or concession contracts worth roughly more than €5.5 million each
- Supply or service contracts with public authorities worth roughly more than €140 000 each
- Supply or service contracts in the water, energy or transport sectors worth roughly more than €440 000 each
- Contracts with a lower value than mentioned above

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 type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The directives made the scope of the applicable rules clearer .	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" 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 type="radio"/>	<input checked="" 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input 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 checked="" type="radio"/> X	<input type="radio"/>	<input type="radio"/>
The directives helped reduce corruption and fend off political pressure in public procurement procedures.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X
The directives fostered a culture of integrity and fair play in public procurement.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X	<input type="radio"/>	<input type="radio"/>
The directives increased the professionalisation of public buyers.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X	<input type="radio"/>	<input type="radio"/>	<input 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 type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X
The directives gave greater legal certainty on the compliance with procurement procedures.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X	<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"/> x	<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.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X	<input type="radio"/>	<input type="radio"/>
The directives' rules aiming to increase procedural flexibility (e.g. the choice of available procedures, time limits for	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> x

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.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The directives' rules on monitoring (e.g. the quality of data provided in TED) are still relevant and adequate.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X	<input type="radio"/>
The directives' rules on integrity (e.g. exclusion grounds, conflict of interest rules) are still relevant and adequate.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> x	<input type="radio"/>	<input type="radio"/>

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

The current directives hinder contracting authorities from achieving better value for money by prioritizing the lowest price criterion over quality and sustainability. This approach undermines long-term value, overlooking the broader societal and environmental benefits of sustainable procurement and disadvantaging Fair Trade operators, whose prices reflect higher social and environmental standards.

Additionally, legal complexities, fear of litigation, and strict interpretations of the “link to the subject matter” principle make it difficult for many contracting authorities, particularly those with limited capacity, to implement sustainability criteria effectively. Indeed, the 2023 European Court of Auditors’ report highlighted that despite reforms, strategic procurement promoting environmental and social goals remains limited, with many contracts still awarded based on price alone.

To address these issues, third-party certifications should be integrated into the Most Economically Advantageous Tender (MEAT) criteria, enabling public buyers to consider sustainability without requiring direct links to the contract’s primary objective. This change would simplify procurement decisions, reduce legal uncertainty, and foster a more consistent approach across Member States.

Moreover, while the directives provide **flexibility**, they are often challenging to smaller authorities, who face practical challenges due to financial constraints. The directives have contributed to the professionalization of public procurement, but inconsistencies in the capacity of contracting authorities remain, highlighting the need for standardized training. Investment in the professional development of procurement officials, through EU regulations and national certifying bodies is needed.

The absence of mandatory monitoring mechanisms means insufficient data on sustainability efforts in public procurement. To improve **transparency and accountability**, the revised directive must require public authorities to disclose contractor sustainability and human rights ratings.

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 type="radio"/>	<input checked="" type="radio"/> X	<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 type="radio"/>	<input checked="" type="radio"/> X	<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 type="radio"/>	<input checked="" 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 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 on SMEs' market access 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 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 type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" 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.

The 2014 directives have not succeeded in fostering greater competition in public procurement markets, as highlighted by the recent 28/2023 Court of Auditors report, which confirms the failure to achieve this objective. While the directives set out rules to ensure equal treatment of bidders across EU countries and promote the objective evaluation of tenders, the continued reliance on the lowest price criterion undermines this.

Furthermore, although the directives include measures to support SMEs, such as the possibility of dividing tenders into lots, these provisions must be made mandatory to ensure widespread implementation. To address this, the directives need to build on the Social Economy Action Plan (SEAP) to actively promote these models.

Additionally, while the rules on eProcurement remain relevant and facilitate market access, they need to

be strengthened to include sustainability considerations. By embedding sustainability as a core requirement across all stages of the procurement process, the directives would better serve their purpose of promoting long-term value, fairness, and inclusivity in public procurement markets.

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 type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X	<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 checked="" type="radio"/> X	<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 type="radio"/>	<input checked="" type="radio"/> X	<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 type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X	<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 type="radio"/>	<input checked="" type="radio"/> X	<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 checked="" type="radio"/> X	<input type="radio"/>	<input type="radio"/>

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 type="radio"/>	<input checked="" type="radio"/> X	<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 type="radio"/>	<input checked="" type="radio"/> X	<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 type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X
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 type="radio"/>	<input checked="" type="radio"/> X	<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"/> X

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

The directives were designed to encourage contracting authorities to prioritize environmentally friendly, socially responsible, and innovative public procurement. However, their voluntary nature has proven insufficient, as highlighted in the 2023 Court of Auditors report.

Implementation remains inconsistent, largely depending on political willingness, with cities like Copenhagen and Ghent demonstrating success while others lag behind. In the food sector, fewer than 25% of public procurement tenders include environmental criteria, with organic and environmental labels predominating. Only about 40% reference international social sustainability certifications like Fair Trade.

A revised EU directive could help address these gaps by explicitly referencing Fair Trade, reducing legal uncertainty for both public buyers and bidders. Italy’s Minimum Environmental Criteria Law (CAM), which mandates the use of Fair Trade products in public catering, serves as a useful model. Additionally, the updated directive could draw inspiration from Poland’s Public Procurement Law, which mandates market analyses for procurement above certain thresholds.

To better address human rights and environmental risks, the 2014 Directive must be updated to include criteria such as the right to adequate remuneration (living wages and incomes), compliance with collective agreements, and adherence to ILO standards, including ILO Convention No. 94. Additionally, it is crucial to align the Directive with new EU initiatives, like the Corporate Sustainability Due Diligence Directive (CSDDD), and incorporate compliance with the CSDDD into award criteria as a social or environmental aspect.

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

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 type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X
The objectives of the three public procurement directives are coherent with each other.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X
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"/> X
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"/> X
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 checked="" type="radio"/> X	<input type="radio"/>	<input type="radio"/>
The directives led to a more consistent application of public procurement policy across EU countries .	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X	<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.

EU legislation on public procurement has not been updated to reflect newer EU initiatives such as the Corporate Sustainability Due Diligence Directive. Additionally, the public procurement directives have not consistently led to a more uniform application of public procurement policy across EU countries, as their implementation depends on the Member State. Measures to tackle this include:

- 1) Making the Most Economically Advantageous Tender (MEAT) the default criteria
- 2) Enhance legal certainty for Sustainable Public Procurement uptake
- 3) Enhance social economy access to public procurement
- 4) Include clear references to Fair Trade criteria
- 5) Enhance the professionalisation of contracting authorities
- 6) Strengthen human and social rights in the EU directive
- 7) Place greater emphasis on monitoring and measuring sustainability

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 type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X
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 type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X	<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 type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X
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"/> X

* 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

	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"/> X
better value for money	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X
faster	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X
more transparent and fair	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
more professional	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

subject to more competition	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X	<input type="radio"/>	<input type="radio"/>
more environmentally friendly	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
more socially responsible	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
more supportive for innovation	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
better in preventing corruption	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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

* 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"/> X
better value for money	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X
Faster	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X
more transparent and fair	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X
more professional	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X
subject to more competition	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X
more environmentally friendly	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X
more socially responsible	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X
more supportive for innovation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X
better in preventing corruption	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X

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