

Special report

Public procurement in the EU

Less competition for contracts awarded for works, goods and services in the 10 years up to 2021



EUROPEAN
COURT
OF AUDITORS

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Executive summary

I Around €2 trillion, or 14 % of the EU's gross domestic product, is spent each year on public procurement. Public procurement is a key element of the single market, both from an economic perspective and from that of integration, and helps public authorities achieve the best value for money when purchasing works, goods and services. The EU's legal framework on public procurement comprises several directives, of which two were reformed and one newly introduced in 2014.

II With the 2014 reform, the legislators aimed to make procurement more flexible, with simplified procedures, improve the access of SMEs to public contracts, and facilitate a more strategic use of public procurement to deliver better outcomes. The 2014 reform also aimed to reinforce transparency requirements and strengthen provisions on integrity to help prevent corruption and fraud.

III Our audit assessed the level of competition for public procurements in the EU's single market over the period of 10 years and the actions taken by the Commission and the member states to identify and address obstacles to competitive tendering, in the interest of obtaining the best value for money. For the analysis how the level of competition has evolved over time, and whether the 2014 reform has had an impact on competition levels and other objectives of the reform have been met, we used open data available on public procurement in the EU in the 10 years up to 2021. To carry out our data analysis, we developed an interactive dashboard, which is publicly available and allows further analysis of data collected for our audit.

IV We performed this audit to provide insight and raise awareness of the level of competition in public procurement five years after the deadline for the transposition of the public procurement directives into national law. Through our recommendations, we aim to contribute to improvements which could help contracting authorities in the member states to obtain the best value for public money.

V Overall, we conclude that the level of competition for public contracts to deliver works, goods and services, decreased over the past 10 years in the EU single market. There is a lack of awareness for competition as prerequisite for value for money procurements. Commission and member states have not made systematic use of data available to identify the root causes of limited competition, they took only scattered actions to reduce obstacles to competition in public procurement.

VI Our analysis of the data available indicates a significant increase in single bidding overall, a high level of direct contract awards in most member states and a limited level of direct cross-border procurement between member states. As several objectives of the 2014 reform remain unattained, we conclude that, the entry into force of the 2014 directives has had no demonstrable effect. On the contrary, bidders and contracting authorities are of the view that public procurement procedures still give rise to a significant administrative burden, the share of small and medium-sized enterprises participating in public procurement has not significantly increased and strategic (e.g. environmental, social and innovative) aspects are rarely considered in public tenders. Also, as publication rates remain low, transparency, a key safeguard against the risk of fraud and corruption, is negatively affected. We also note that some of the objectives of the 2014 reform may at times go against the overarching objective of ensuring competition in public procurement.

VII Our audit also identified the need for the Commission to improve its monitoring of public procurement: the completeness of the data collected on the contracts awarded remains poor and not all data is accurate. There are shortcomings in the Commission's monitoring tools that limit their effectiveness and transparency.

VIII Lastly, our analysis shows that both the Commission and the member states pay insufficient attention to competition in public procurement. Initiatives to analyse public procurement data and identify possible reasons for decreases in the level of competition are rare and there is only little awareness of the problem at Commission and member state level. Despite the Commission launching a public procurement strategy in 2017, it has since undertaken just a few actions to examine or address the causes of decreased competition in public tenders.

IX For these reasons, we call on the Commission to:

- clarify and prioritise public procurement objectives;
- close the gaps in the public procurement data collected;
- improve its monitoring tools to allow better analysis; and
- deepen the root cause analysis and put forward measures to overcome key obstacles to competition in public procurement.

Introduction

Public procurement in the European Union

01 Public procurement refers to the process by which public bodies purchase works, goods and services from suppliers through an open and competitive procedure in order to achieve quality and value for money. Some €2 trillion is spent on such procurement every year. This corresponds to approximately 14 % of the gross domestic product (GDP) of the EU's 27 member states¹, hereafter the "EU-27". Public procurement is thus one of the main drivers of economic growth and employment.

02 Obtaining the best value for money when procuring works, goods and services is a key objective of public procurement. Competition, i.e. a sufficient amount of suppliers in the market and participating to the public procurement procedures, is a prerequisite to achieve this goal.

03 In the EU single market, public contracts should be awarded in respect of the best offer, irrespective of the country of origin of the company submitting the bid. Article 26 of the Treaty of Rome states that "The internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services, and capital is ensured [...]". The selection of the best performing companies contributes to making markets competitive and safeguards the public interest.

04 Regulation of public procurement in the EU therefore can be a driver of the economy, could enhance European integration, increases the competitiveness of European companies, and strengthens compliance with the principles of transparency, equal treatment, non-discrimination, mutual recognition, proportionality, and efficiency, thereby reducing the risk of fraud and corruption.

¹ [DG GROW webpage on public procurement](#) (as available in June 2023).

The EU's legal framework for public procurement

The public procurement directives

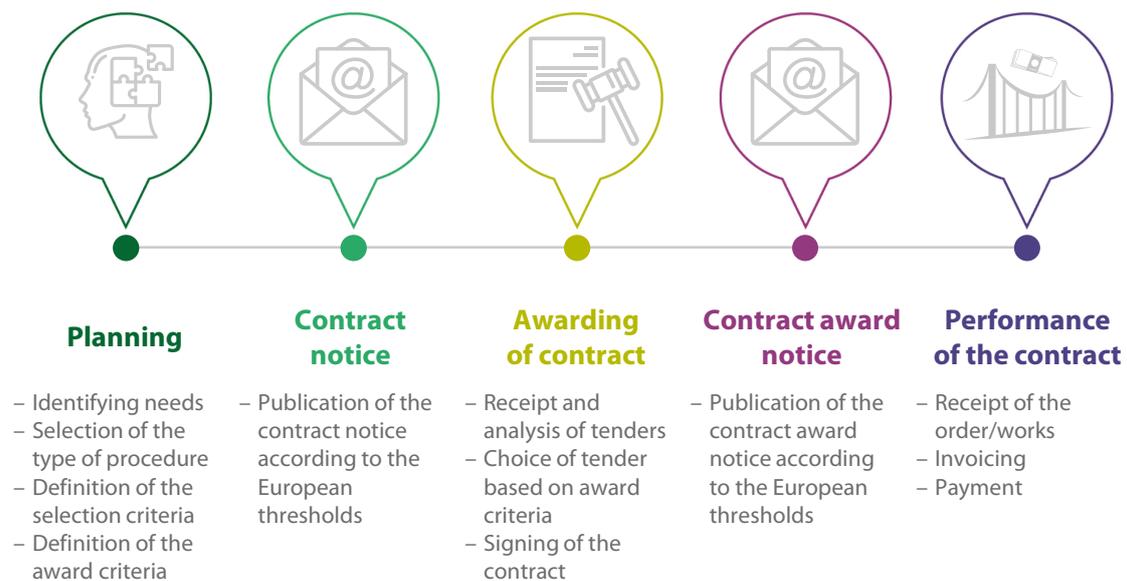
05 The EU's legal framework for public procurement aims to ensure that a harmonised set of rules and procedures is applied when contracts are awarded. The framework comprises several directives. Two directives were reformed in 2014:

- o [Directive 2014/24/EU](#) defining generally applicable public procurement rules;
- o [Directive 2014/25/EU](#) on procurement by entities operating in the water, energy, transport and postal services sectors.

The same year, [Directive 2014/23/EU](#) on the award of concession contracts was introduced.

06 The public procurement process may be described in five stages (see [Figure 1](#)).

Figure 1 – Public procurement process



Source: ECA.

Contracts above and below the EU thresholds

07 The three directives apply directly to tenders whose contract value exceeds a specific amount. Since 1 January 2022, the main [thresholds](#) have been:

- €5 382 000 for public works;
- €140 000 for central government contracts;
- €215 000 for local and regional government contracts;
- €750 000 for social and other specific service contracts.

08 Below these thresholds, national rules apply. However, these national rules must also comply with the general principles set out in the directives.

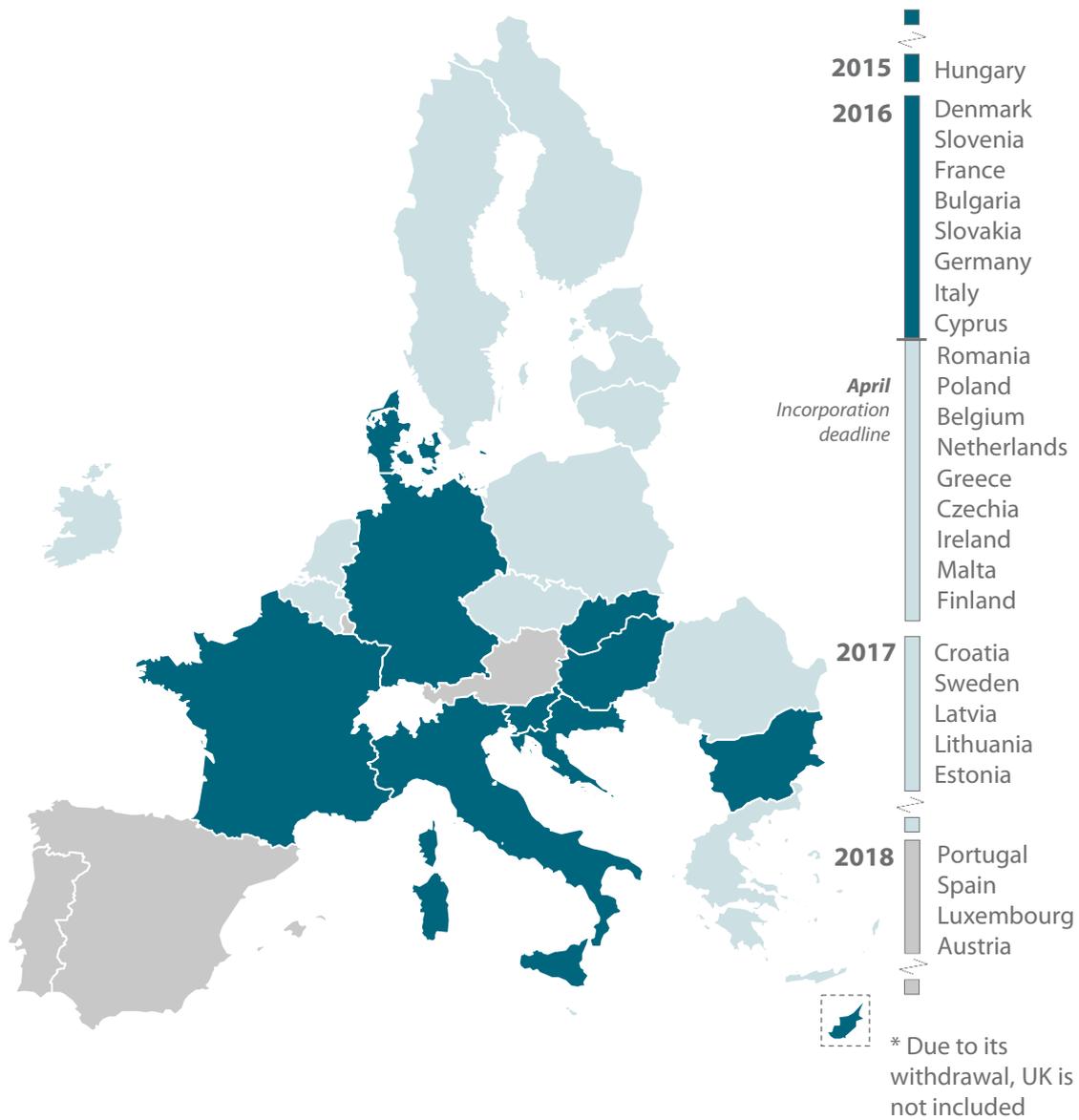
The 2014 reform of the directives

09 The aim of the 2014 reform of the directives was to make procurement more flexible, with simplified procedures, thereby improving the access of SMEs to public contracts, and facilitating a more strategic use of public procurement to deliver better outcomes for societal and other public policy objectives. The 2014 reform was also aimed at reinforcing transparency requirements and strengthening provisions on integrity to help prevent corruption and fraud².

10 The EU member states (28 at the time) were required to transpose the 2014 directives into national law by April 2016. However, most delayed in doing so. It took four member states (Austria, Luxembourg, Portugal, and Spain) until 2018 to bring their national procurement laws into line with Directive 2014/24/EU, and it was only then that the changes finally entered into force in the single market (see [Figure 2](#)).

² COM(2017) 0572 "Making Public Procurement work in and for Europe", p. 3.

**Figure 2 – Transposition of Directive 2014/24 by member state
(2015-2018)**



Source: ECA.

Roles and responsibilities at national and EU level

11 Over 250 000³ contracting authorities conduct procurement procedures in the EU single market. These authorities are public bodies (at national, regional or local level), but also non-public actors operating in specific, non-competitive conditions. Every member state has at least one public body responsible for supervising public procurement.

12 Within the Commission, two Directorates-General share responsibility for public procurement policies and the member states' implementation of the directives:

- o the Commission's Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW), which is in charge of both public procurement policy and monitoring member states' implementation of the relevant EU directives;
- o the Publications Office of the European Union⁴ which operates the [Tenders Electronic Daily](#) (TED) system as well as the eTendering and eNotices websites⁵.

The Tenders Electronic Daily (TED)

13 All calls for tenders and contract award notices for procurements valued above the applicable EU threshold must be published on TED so that potential suppliers are notified of upcoming procurement opportunities. Contracting authorities may also publish below-threshold procedures in this system.

14 In 2020, according to the Publications Office, over 640 000 notices were published in TED. It is estimated that these notices related to 226 000 public procurement procedures and were worth approximately €800 billion. Since 2016, these notices have been publicly available as open data⁶.

³ [DG GROW webpage on public procurement.](#)

⁴ [Publications Office of the European Union website.](#)

⁵ [TED website home page.](#)

⁶ TED datasets on [data.europa.eu](#).

15 Whenever contracting authorities use other public procurement platforms to publish contract notices, the member states must ensure that all data for above-threshold procedures is transferred to TED in accordance with (Article 51 of [Directive 2014/24/EU](#)).

Member states' country reports and the Commission's Single Market Scoreboard

16 Apart from TED, the Commission has two other instruments for monitoring the state of public procurement in the EU: first, member states are required⁷ to submit triennial country monitoring reports to the Commission (see paragraphs [68-70](#)) and, second, the Commission maintains a [Single Market Scoreboard](#) ("the Scoreboard").

17 The Scoreboard has a dedicated section that provides data on public procurement in the EU in the form of 12 indicators, which are broken down by country. Of these indicators, the Commission considered the following three to be particularly relevant, and until January 2023, used to triple-weight them to calculate an overall composite indicator (see [Annex I](#)):

- the "no call for bids" rate, which measures the share of contracts awarded to companies following a negotiated procedure in the absence of a call for bids (also termed "direct award");
- the "single bidding" rate, which measures the proportion of contracts awarded for which there was just one bidder;
- the "publication rate", which measures the value of public procurement procedures advertised on TED as a proportion of national GDP.

⁷ [Directive 2014/24/EU](#), Articles 83 and 85.

Audit scope and approach

18 Our audit assessed the level of competition for public procurements in the EU's single market over the period of 10 years and the actions taken by the Commission and the member states to identify and address obstacles to competitive tendering, in the interest of obtaining the best value for money. In particular we examined:

- how competition in public procurement in the EU internal market, within member states and regions, and in specific sectors evolved between 2011 and 2021, and whether the 2014 reform has had any impact in this regard;
- whether the other objectives of the 2014 reform of the public procurement directives have been met;
- whether the Commission's monitoring of the state of public procurement in the EU is effective;
- whether the Commission and member states have analysed the available data to identify the root causes behind a loss in competition in public procurement and whether they have taken action to reverse this trend.

19 Our audit covered the 2011-2021 period. This allowed us to examine whether the transposition of the 2014 directives into national law had an effect on the state of public procurement in the different member states. Directive 2009/81/EC on defence and security-related public procurement did not fall within the scope of our audit, as it was not covered under the 2014 reform.

20 In our audit, we focused in line with our concept of competition (see paragraph **02**) on the three triple-weighted indicators in the Scoreboard (see paragraph **17**), as they identify the level of limited, or even non-existent, competition and are therefore widely accepted as signalling inefficient market behaviour that poses a risk to "best value for money" procurement, and thus efficient use of public money. They can also flag up corrupt practice, such as tailoring of tender specifications to favour certain companies.

21 As part of our work, we compiled a comprehensive data set on public procurement in the EU single market. This covers the EU-27, plus two of the European Economic Area countries (Iceland and Norway) and the United Kingdom (up to the time of its withdrawal from the EU in 2021). It is based on TED data as presented by the Commission at data.europa.eu, and is complemented by more detailed open data

on public procurement (from [Opentender.eu](#)). It allows for trend analysis, as it covers an 11-year period (from 2011 to 2021). Because of the specific nature of concession contracts, they were not taken into account for the trend analysis. The data collected by national procurement systems differs from one member state to another and therefore does not allow proper comparison. Such data, as well as TED data for procedures below the EU thresholds, has not been included in our data set.

22 We then analysed data in cooperation with external data scientists specialised in public procurement. *Annex II* provides further details of our approach and methodology. Due to missing values, and in order to allow for comparability between member states, the data analysis carried out was based on the number of public procurement procedures, not on their monetary value.

23 To carry out our data analysis, we developed an interactive dashboard (the “[ECA Public Procurement Dashboard](#)”). This tool is publicly available⁸ and allows those interested to further analyse the data collected for our audit, by member state, region (NUTS-2 level, which is the Nomenclature of Territorial Units for Statistics) and economic sector. *Annex III* contains the instructions for using this tool.

24 We carried out a survey and interviews to complement the quantitative information obtained from our data analysis with qualitative information, and to gain a better understanding of member states’ views on the state of public procurement and the possible root causes of limited competition in public procurement in their countries, as well as of any mitigating action taken by the Commission in this regard.

25 The survey was sent to around 400 contacts in authorities dealing with public procurement matters in the EU-27, some of which were designated by member states to participate in Commission working groups on public procurement. It included questions about:

- the state of public procurement in their country presented in the Single Market Scoreboard;
- the challenges to competitive public procurement in their countries;
- their cooperation with the Commission;
- specific public procurement issues in their country.

⁸ https://public.tableau.com/app/profile/gti1940/viz/eca_dashboard/Story.

26 We conducted in-depth interviews with representatives of supervisory bodies in six member states: Croatia, Denmark, Greece, Hungary, Luxembourg and Poland. The six member states have been selected based on the data analysis and the results of the survey in order to represent various performances.

27 We also reviewed the current legislation, Commission communications and guidance, and academic literature, studies and policy papers.

28 Lastly, we held a panel discussion with public procurement experts from the Organisation for Economic Co-operation and Development, academia, and business organisations and consultancy firms to obtain their views on the state of public procurement in the EU.

29 We performed this audit to provide an insight into and raise awareness of the level of competition achieved in public procurement five years after the deadline for the transposition of the public procurement directives into national law. Our recommendations, are intended to contribute to improvements that could help member states' contracting authorities to obtain the best value for public money in their procurements.

Observations

Less competition in public procurement according to key indicators over the past 10 years

30 We carried out an in-depth analysis of the data reported by member states in TED, to assess how the level of competition for works, goods and services has evolved, both in the EU single market and in each of the EU-27 member states over the 2011-2021 period. In particular, we created a time series for three key indicators for measuring competition in public procurement (“no call for bids”, “single bidder”, and “number of bidders”), based on all data encoded in TED for procedures above the thresholds (see [Annex II](#)). We also looked at regional and sectoral differences. We examined how direct cross-border procurement has evolved over time, as this is another relevant indicator. Lastly, we checked how prices for works, goods and services procured by public authorities have evolved, since price increases above the consumer price inflation rate could also indicate weak competition.

A high number of direct awards in several member states

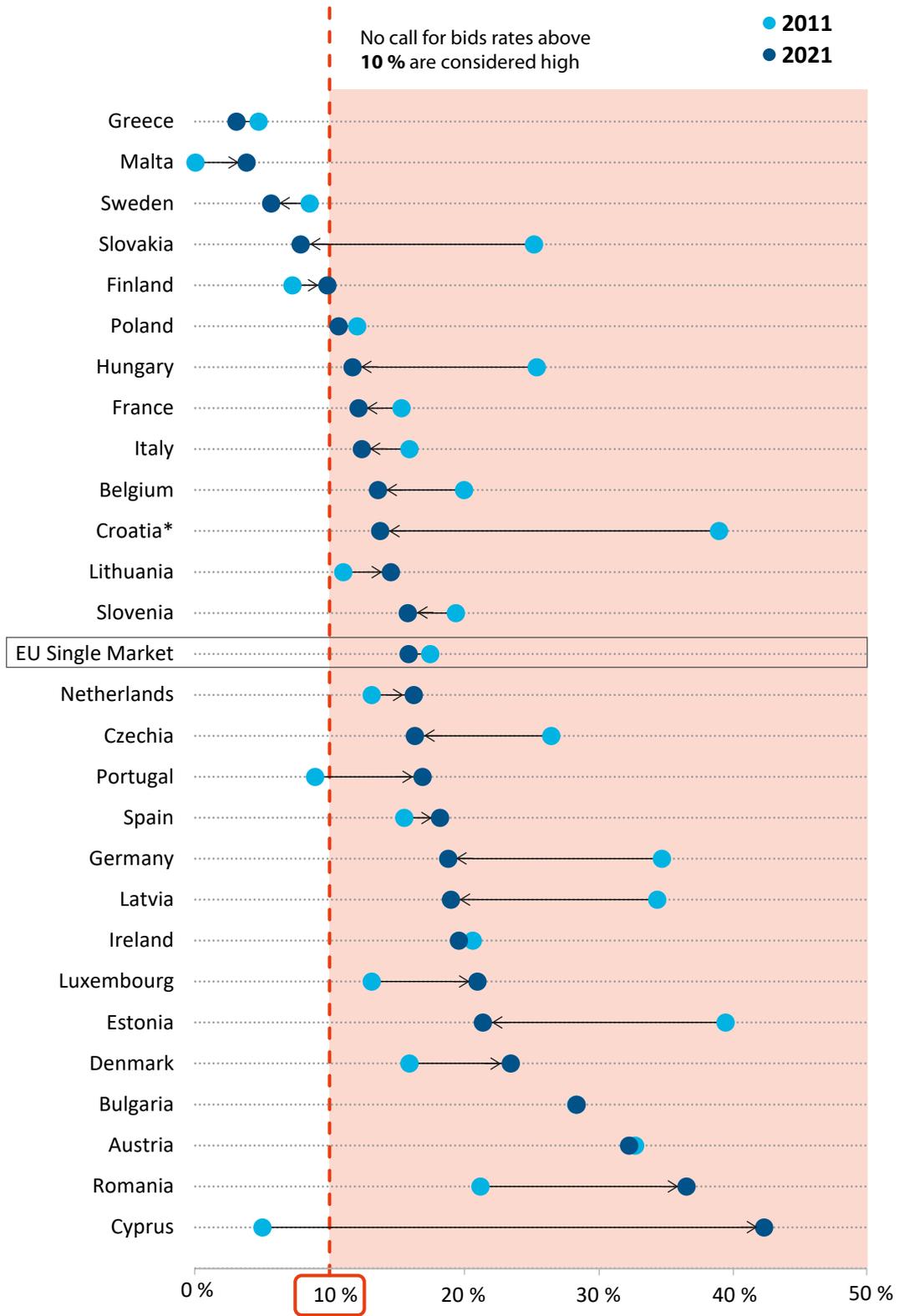
31 A direct award means that a public authority does not publish a call for tender but approaches one or more companies directly, asking them to submit an offer. This is measured by the “No call for bids” indicator. By definition, this approach limits competition. If only one company is approached, there is no competition at all.

32 According to the EU’s procurement directives, such an approach is only permitted in exceptional circumstances⁹, e.g. cases where no tender or no suitable tender has been submitted in response to an open or restricted procedure; for reasons of extreme urgency; where the contract follows a design contest; for new works repeating similar works under the same conditions.

⁹ Directive 2014/24/EU, Article 32.

33 In 2021, “no call for bids” accounted for around 15.8 % of all procurement procedures in the EU’s single market reported by member states on TED. Our analysis also showed that the direct awards rate varies from one member state to another. In 2021, the average direct-award rates ranged from 3.1 % (Greece) to 42.3 % (Cyprus), which indicates that there are significant differences in the public procurement practices of member states’ contracting authorities. Some member states had reduced the use of direct awards over the period under review (e.g. Germany), others’ use had remained stable (e.g. Ireland), while others had significantly increased such use (e.g. Cyprus). In the Scoreboard, a no call for bids rate above 10 % is considered a red-flag, and in 2021, the majority of member states (23 out of 27) fall under this situation (see [Figure 3](#)).

Figure 3 – No call for bids – share by member state (2011 and 2021)

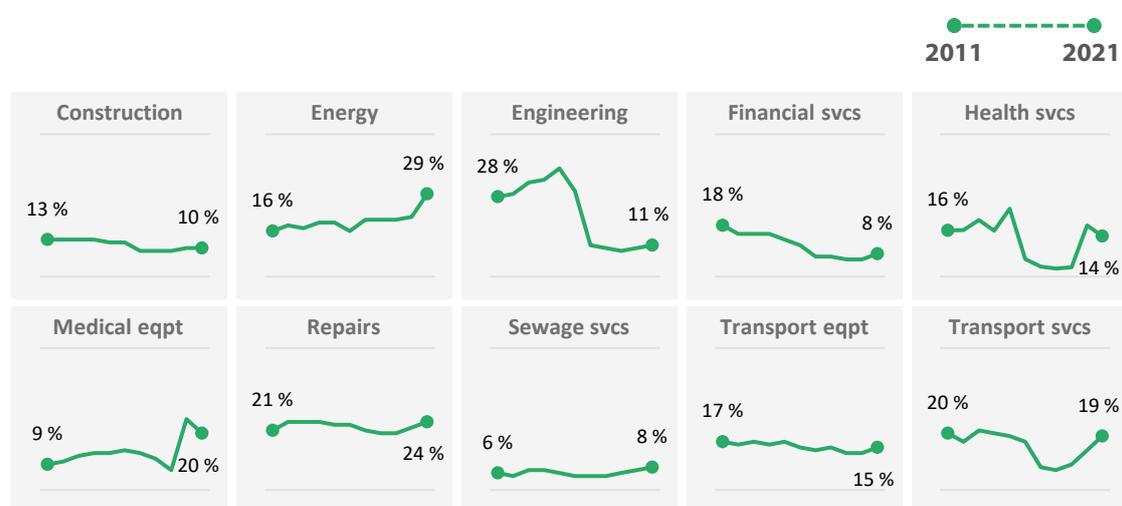


* Data is available for Croatia as of the time of its accession in 2013.

Source: ECA Dashboard's "Tendering Practices" tab.

34 We also found considerable heterogeneity across economic sectors with regard to the share of procurement awarded directly and the evolution of the direct-award rate over time (see [Figure 4](#)). For example, over the 11-year period covered, there were increasingly fewer direct awards for financial services, while in 2021 the energy sector showed the highest number. This illustrates the fact that contracting authorities' approach to awarding contracts directly, in the absence of any competition, varies significantly across economic sectors, and that this also changes over time.

Figure 4 – No call for bids – share by selected sector (2011 to 2021)



svcs - services
eqpt - equipment

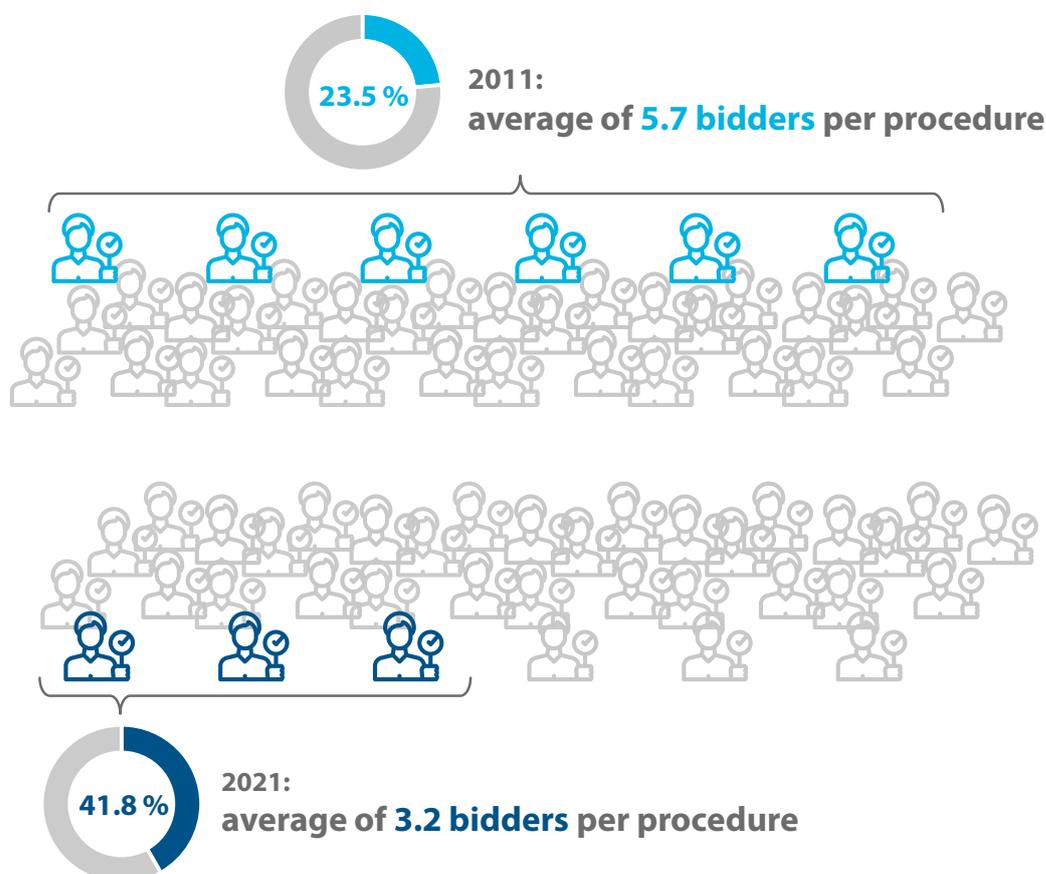
Source: ECA Dashboard's "Tendering Practices" tab.

The share of single bidding procedures almost doubled in the past 10 years

35 Single bidding means that only one company shows interest and submits a bid for a given public procurement. In such situations, as there is no competition, the contracting authority either accepts the only bid received or discontinues the procedure.

36 Over the 2011-2021 period, the single bidding rate across the EU single market increased significantly from 23.5 % (2011) to 41.8 % (2021) of all procedures. At the same time, the number of bidders per procedure almost halved, decreasing from an average of 5.7 bidders to 3.2 bidders per procedure (see [Figure 5](#)).

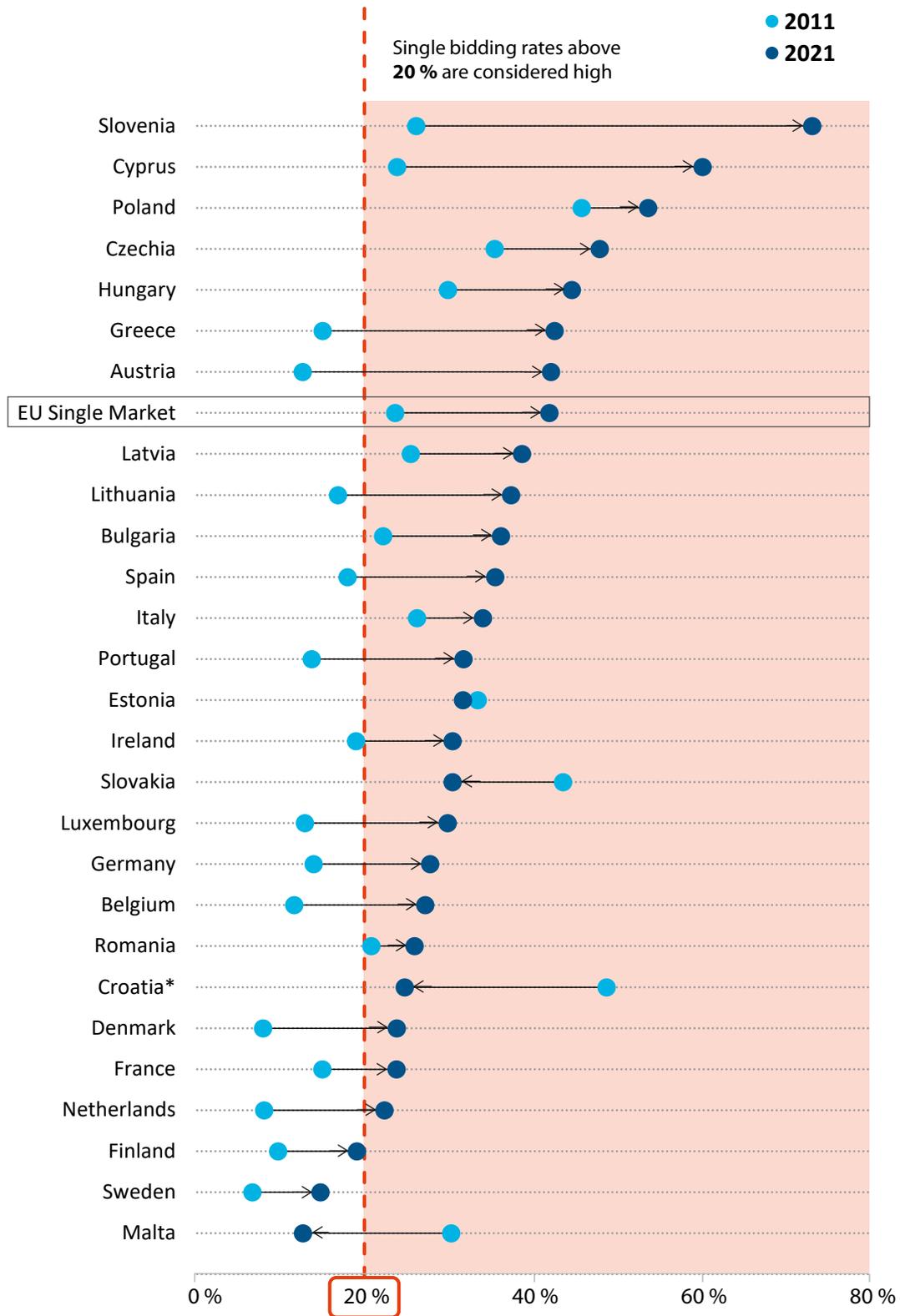
Figure 5 – Single bidding rate and average number of bidders (2011 and 2021)



Source: ECA Dashboard's "Competition Indicators" tab.

37 We also observed significant differences between member states: the single bidding trend increased most in Austria, Denmark, Greece, the Netherlands and Slovenia. The only member states in which single bidding decreased were Croatia, following its accession to the EU and entry into the single market, Malta and Slovakia. Similarly, the data shows significant differences in the overall level of single bidding. At the end of 2021, the share of single bids lay below 20 % of all procedures in just three member states (Finland, Malta and Sweden), whereas the levels in Cyprus, Poland, and Slovenia exceeded 50 %. 20 % is the red flag threshold in the Scoreboard (see [Figure 6](#)).

Figure 6 – Single bidding – share by member state (2011 and 2021)



* Data is available for Croatia as of the time of its accession in 2013.

Source: ECA Dashboard's "Competition indicators" tab.

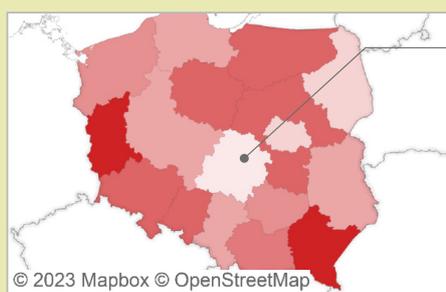
38 We also identified significant differences in the level of single bidding between regions and economic sectors. **Box 1** provides examples of such regional differences.

Box 1

Regional differences in competition levels: examples from four member states over the 2011-2021 period

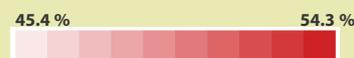
GREECE

The **Peloponnese region** has the highest single bidding rate in both Greece and the EU (66.5 % of all bids).



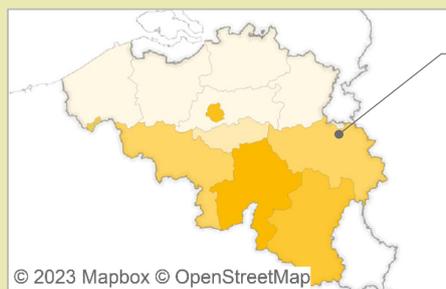
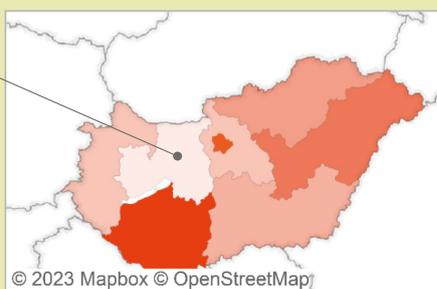
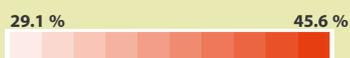
POLAND

The region of **Lodz** has a significantly lower single bidding rate than other parts of the country.



HUNGARY

The **central Transdanubia** has a single bidding rate of 29.1 %, while southern Transdanubia region scores 45.6 %.



BELGIUM

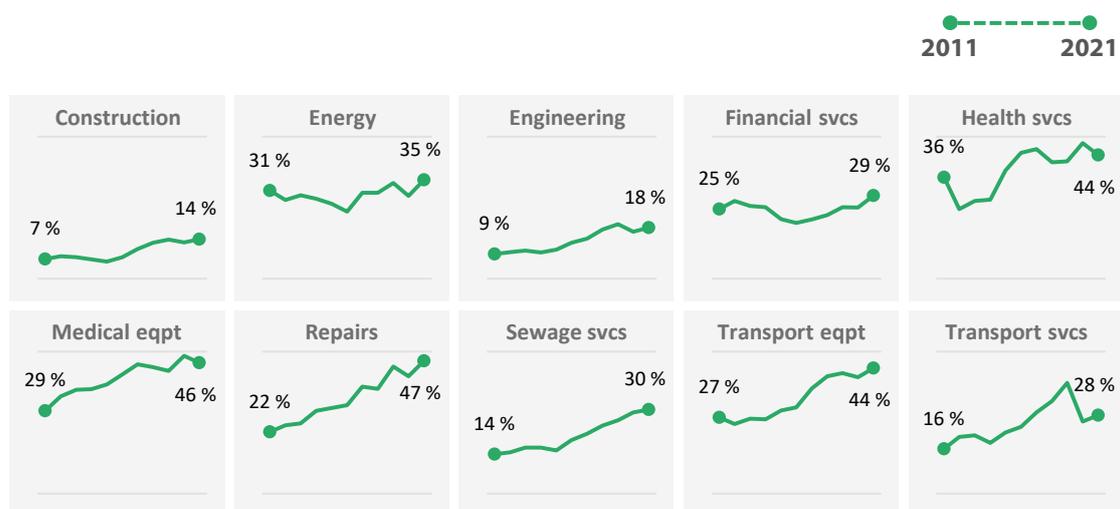
The single bidding rate is about twice as high in **Wallonia and Brussels Capital provinces** compared to Flanders.



Source: ECA Dashboard's "Country competition" tab. Map background © [Mapbox](#) and © [OpenStreetMap](#) licensed under the Creative Commons Attribution-ShareAlike 2.0 license (CC BY-SA).

39 We also performed an analysis of specific economic sectors: construction, energy, engineering, financial services, health services, medical equipment, repairs, sewage services, transport equipment and transport services. Although we found a significant increase in single bidding in all economic sectors, the construction sector performed better than the others with a lower single bidding level overall and a slower increase over time. In comparison, health services and transport services and equipment are the subject of higher and increasing single bidding rates (see [Figure 7](#)).

Figure 7 – Single-bidding – share by selected sectors (2011 to 2021)



svcs - services
eqpt - equipment

Source: ECA Dashboard's "Competition indicators" tab.

40 Overall, our analysis of single bidding data indicates that the level of competition in public procurement in the single market has declined since 2011. Furthermore, the level of direct awards remains high in most member states. This illustrates that the entry into force of the 2014 directives has had no demonstrable effect on the level of single bidding and direct awards.

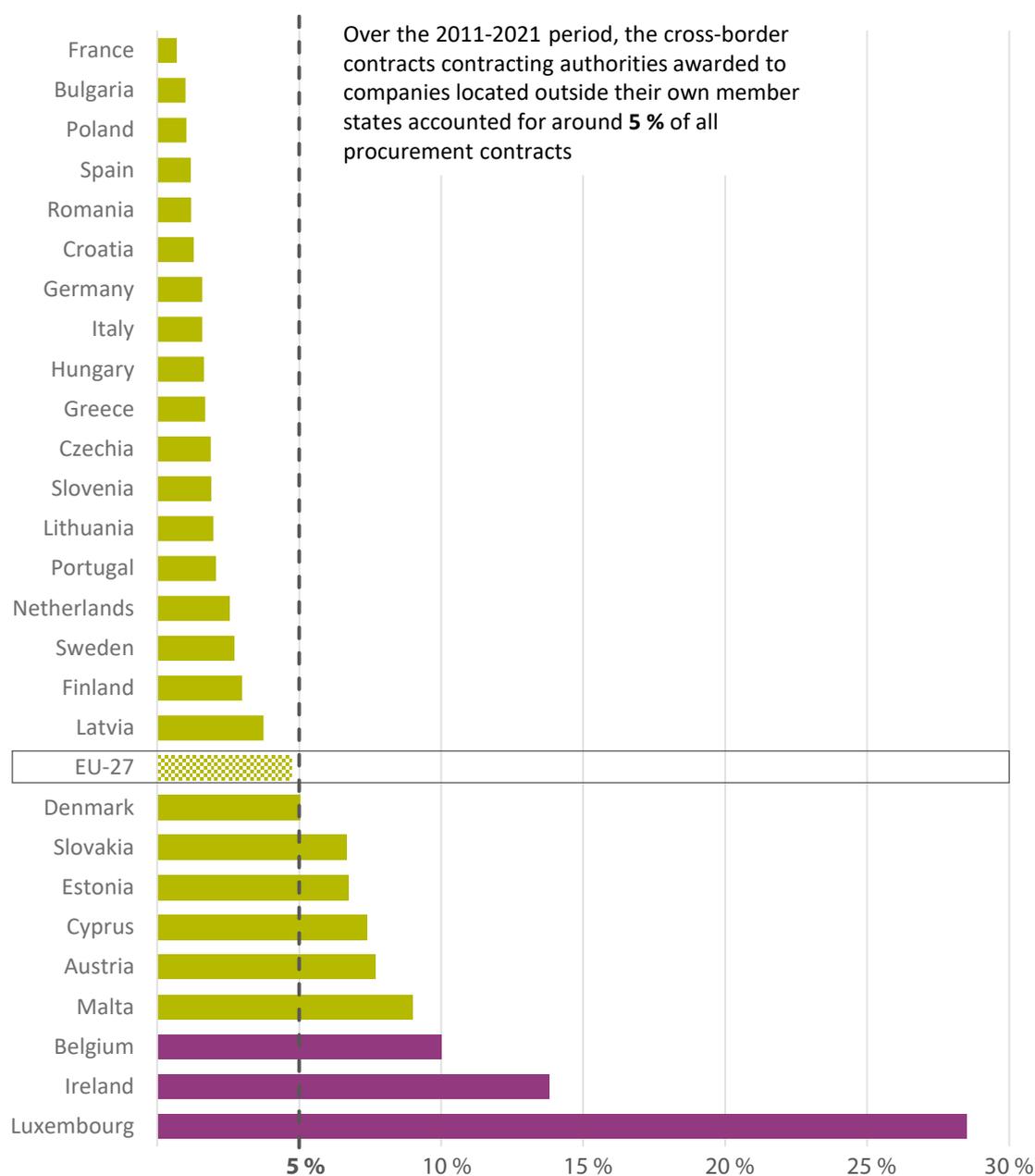
Direct cross-border procurement accounts for around 5 % of all contract awards

41 One persistent concern was the limited volume of direct cross-border public procurement, which has therefore had little impact on economic integration. Prior to the establishment of the single market at the end of 1992, the direct cross-border contracts that contracting authorities awarded to companies located outside their own member state accounted for around 2 %¹⁰ of all procurement contracts. This share remained stable over the 2011-2021 period, at around 5 % of public contracts on average.

42 Again, the data indicates significant differences between countries. Over the 2011-2021 period, the contracting authorities in most member states, including all of the larger ones, awarded less than 5 % of their works, goods and services contracts to companies located abroad. Only three countries awarded more than 10 % of their cumulated procurement over the same period 2011-2021 to companies abroad: Luxembourg at almost 30 %, Ireland at 15 %, and Belgium at around 10 % (see *Figure 8*).

¹⁰ European Parliament [Fact sheets on public procurement contracts](#).

Figure 8 – Average direct cross border exchanges in EU member states (2011 to 2021)



Source: ECA.

43 Cross-border exchanges can also be transacted indirectly via consortia of partners from different member states, or by the local subsidiaries of foreign companies. For example, large EU companies¹¹ in the financial, energy and construction sectors have subsidiaries in most or even all member states.

¹¹ Statista: Market capitalization of leading companies on Euronext stock exchange, as of February 2023 (statista.com).

44 A Commission study¹² on cross-border penetration over the 2016-2019 period found that indirect cross-border awards accounted for approximately 20 % of all procedures for contracts valued below €200 million while direct cross-border awards represented around 2.4 %. In the case of contracts above €200 million¹³, indirect cross-border awards accounted for around 28 % of all procedures, and direct cross-border awards for 6 %. However, as TED data does not allow indirect cross-border awards to be identified (mainly because there is no unique identifier for economic operators), we cannot conduct our own analysis to confirm these figures.

The prices of works, goods and services purchased under public procurement contracts are not monitored

45 Any decrease in competition always entails the risk of increased prices. However, up until 2020, inflation in the single market remained stable, at below 2 % and increased only recently¹⁴.

46 There is, however, no specific data on the prices for public works, goods and services. Neither Eurostat, nor DG GROW monitors public procurement prices in the EU and its member states. In the absence of such information, the impact of changes in competition levels on prices and the cost of lack of competition cannot be assessed.

Key objectives of the 2014 reform of the directives have not yet been met: simplification, SME access and strategic procurement

47 The 2014 reform was intended to bring about numerous changes in the manner in which contracting authorities conduct procurement. We looked at three particular aspects to see whether the objectives had been achieved by the time of our audit: the simplification of procurement procedures, easier access for Small and Medium Sized Enterprises (SMEs) and the use of strategic procurement. To do so, we examined our data set on public procurement over the 2011-2021 period and obtained evidence through our survey and interviews.

¹² Commission's study on the measurement of cross-border penetration in the EU public procurement market.

¹³ Ibid.

¹⁴ DG GROW webpage on inflation.

Public procurement has not become simpler to administer

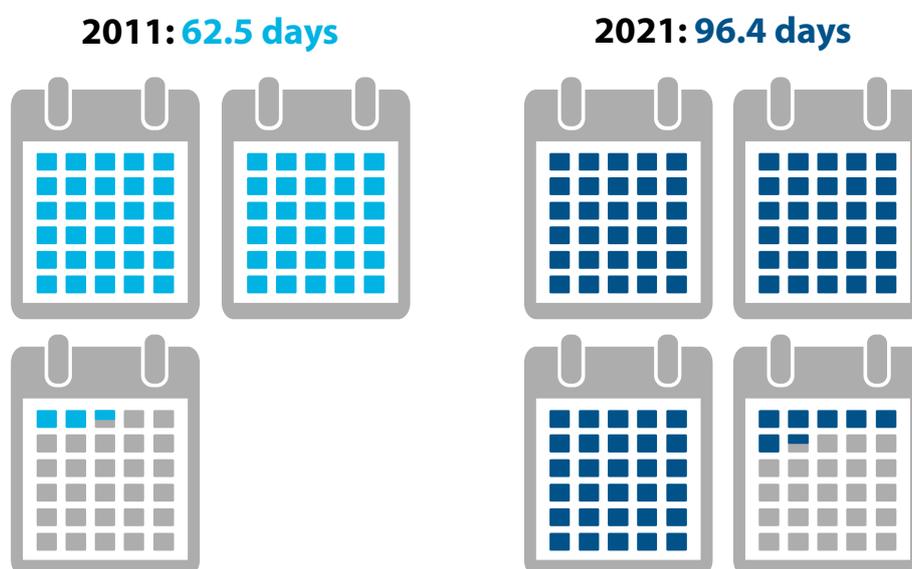
Length of administrative procedures has increased by half since 2011

48 The administrative burden of public procurement procedures is generally perceived as heavy, by both bidders and contracting authorities. More than half of survey respondents also pointed to lengthy administrative procedures constituting a key deterrent to businesses participating in public procurement.

49 Our interviewees indicated that procedures are overly complicated and less flexible than procurement in the private sector, and there has been no significant simplification that might have made public contracts more attractive to companies.

50 Our data analysis showed that current contract award procedures take significantly longer than they did 10 years ago. In particular, the overall decision-making period up to the time of contract award not including appeal procedures against award decisions has increased from 62.5 days in 2011 to 96.4 days in 2021. The entry into force of the 2014 directives did not shorten this duration (see [Figure 9](#)).

Figure 9 – Decision-making period up to the time of contract award (2011 and 2021)



Source: ECA Dashboard's "Tendering practices" tab.

The impact of European Single Procurement Document and eForms still has to materialise

51 The 2014 directives increased the scope for self-declaration, which allows bidders and contracting authorities to confirm that certain conditions have been met, reduces their administrative burden and speeds up contract award procedures.

52 The European Single Procurement Document (ESPD), which was introduced by Directive 2014/24/EU, provides a framework for administering self-declarations in the context of assessing exclusion and selection criteria (see [Box 2](#)).

Box 2

The European Single Procurement Document

Contracting authorities must define the criteria for the selection of companies (e.g. ability to deliver, financial status, fully paid-up taxes, no criminal convictions etc.) and list the exclusion criteria in the ESPD for their public procurement procedures, and share them online with potential bidders.

Potential bidders can confirm in the ESPD that they meet the criteria, but do not need to attach supporting evidence. Such evidence is only required of successful tenderers.

53 A report on the ESPD issued in May 2017¹⁵ stated that, while its use had had some positive impact, implementation and uptake remained limited across many member states. At the time of our audit field work, neither a report following up on ESPD usage since 2017, nor updated statistics on current ESPD usage were available.

54 The Commission initially provided an ESPD service to support ESPD uptake. The service ceased in May 2019, once all the member states had set up their own.

55 Other means of simplification are the digitalisation of procedures for contract publication and the standardisation of public procurement forms by electronic means. The 2014 reform provided for Commission adopting implementing acts establishing standard forms. The first such implementing regulation was adopted in 2015, and in

¹⁵ Report from the Commission to the European Parliament and the Council on the review of the practical application of the European Single Procurement Document.

2019 the Commission adopted the eForms implementing regulation¹⁶, detailing the practical implementation of transparency and publication requirements. It constitutes a key digitalisation initiative requiring the use of electronic forms and common standards and terminology to improve the quality of the data contracting authorities encode in TED, in order to increase potential supplier's access to public procurement.

56 However, the implementation of eForms was still under way at the time of the audit, as it only began in November 2022 and was to remain optional until October 2023. In the meantime, the TED portal accepts and displays both current TED notices and new eForms notices. Of the 432 520 notices published in the first six months following the introduction of the eForms Regulation, only 374 were eForms. This may be partly due to the fact that the regulation was amended in December 2022, a month after its entry into force, which may have put users off using the version that was then available and made them decide to wait for any further amendments.

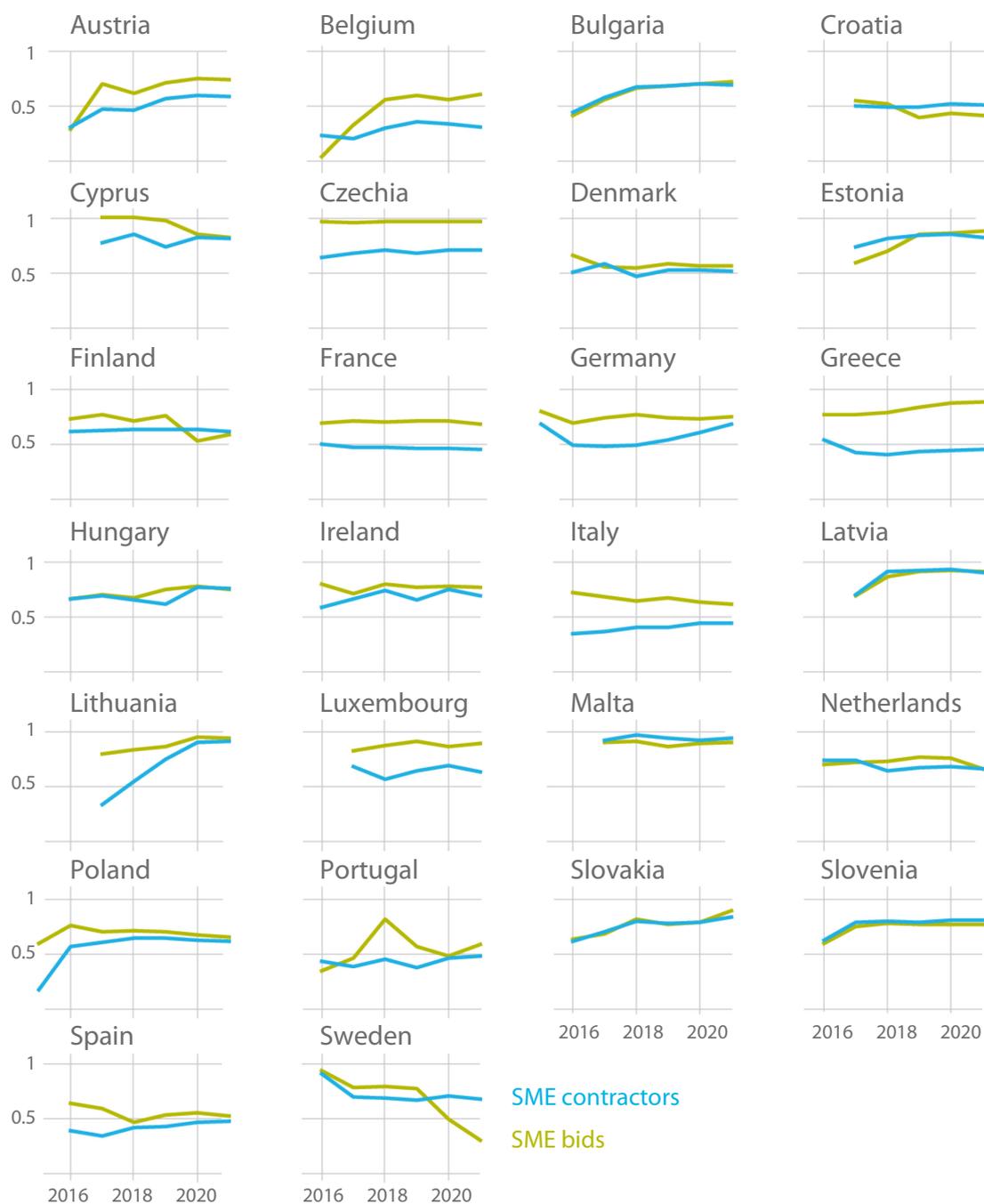
The share of contracts awarded to SMEs has not increased overall

57 High SME participation in public procurement was another important objective of the 2014 reform of the directives, which included targeted provisions to allow division into lots. The use of lots has the potential to increase SME participation in public procurement and, by broadening the potential supplier base, may also increase competition.

58 In our data analysis we used two indicators to measure SME participation in public procurement: SME contractors and SME bids. The data for all member states is available solely from 2016 onwards. In general, the data does not show an overall increase in SME participation (SME contractors and SME bids), but the situation differs from one member state to another. For example, Austria and Lithuania saw an increase in the number of participating SMEs, whereas Sweden and Finland saw a decrease, while in most member states the number remained broadly stable (see [Figure 10](#)).

¹⁶ Commission Implementing Regulation (EU) 2019/1780 establishing standard forms for the publication of notices in the field of public procurement and repealing Implementing Regulation (EU) 2015/1986 (eForms).

**Figure 10 – SME participation – share of contractors and bids
(2016 to 2021)**



Notes: Data was not satisfactorily available for Romania.

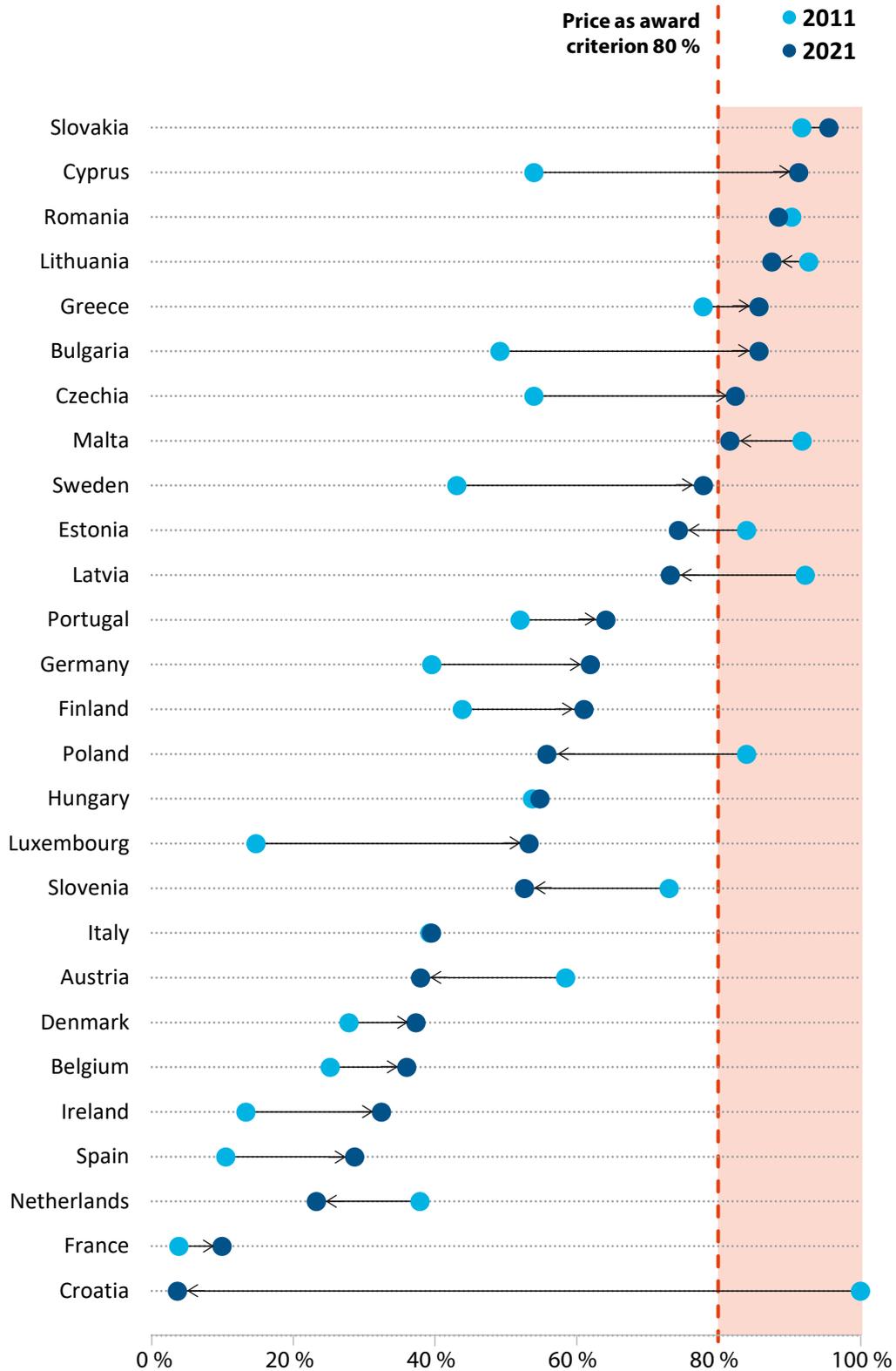
Source: ECA Dashboard's "Scoreboard indicators" tab.

Most member states' contracting authorities implement strategic procurement to a very limited extent

59 Another key objective of the 2014 reform of the directives was to encourage greater consideration of environmental, social and innovative aspects in the procurement of works, goods and services. This is generally referred to as strategic procurement. In practice, it means that contracting authorities can go beyond the lowest price criterion and aim for the “most economically advantageous tender” (MEAT). To do this, contracting authorities must specify selection criteria and technical requirements that will produce the intended outcome without artificially restricting competition.

60 Our data analysis showed, however, that the share of contracts awarded in favour of lowest bid still accounts for the bulk of all awards in all member states. In 2021, there were eight member states in which the level of award in favour of the lowest bid even exceeded 80 %, which is red-flagged in the Scoreboard (see [Figure 11](#)). The Scoreboard has no other specific indicators for measuring strategic procurement (see paragraph [76](#)).

**Figure 11 – Share of contract awards based on lowest bid
(2011 and 2021)**



Source: ECA Dashboard's "Tendering practices" tab.

61 Moreover, in the majority of member states the incidence of this award criterion based on lowest price even increased over the period under review, which indicates that the promotion of strategic procurements has had a limited impact at best (see [Figure 11](#)).

Integrity and transparency are still a challenge

62 As public procurement involves large amounts of public money, there is a risk for fraud and corruption. Transparency in public procurement is therefore crucial not only to allow processes and decisions to be monitored and controlled but also to ensure that decision-makers are held accountable. It also contributes to open public procurement and thus competition. The high number of often small contracting authorities, mostly at regional or local level, represents a considerable challenge to ensure the integrity and transparency. This is particular the case as small public contracts are often awarded directly.

63 In the Scoreboard, transparency is measured in terms of each member state's publication rate, which corresponds to the value of public procurement's contracts advertised on TED as a proportion of national gross domestic product. A higher publication rate indicates that more procurement procedures were conducted in a competitive manner, as well as greater transparency.

64 However, data shows¹⁷ that more than half of the EU-27 member states had consistently had an unsatisfactory publication rate below 5 %, the red-flag value shown on the Scoreboard, during the 2011 to 2021 period, and our trend analysis does not show any improvement over time. The survey results also demonstrate a lack of awareness on the issue with more that 43 % of respondents not monitoring this indicator.

Delicate balance between competition and the 2014 reform objectives

65 The 2014 reform of the directives included a set of objectives. Although these are interconnected and meant to be complementary to improve public procurement performance overall, they do not explicitly aim for, and sometimes may even reduce competition. For example, the downside of certain simplification measures such as the

¹⁷ ECA Dashboard's "Scoreboard indicators" tab.

increased possibility of direct awards, is that the number of potential bidders, and therefore competition, is restricted from the beginning.

66 Another example is the division of contracts into smaller lots, which on the one hand, increases the likelihood of SME participation, but, on the other, can decrease the competition in markets dominated by large companies.

Shortcomings in the Commission's monitoring of public procurement in the EU

67 The Commission is responsible for supervising the effective functioning of the EU single market. Public procurement is a key part of this. We therefore examined the tools that the Commission has at its disposal to monitor the state of public procurement.

- Country monitoring reports: we reviewed the country monitoring reports of the six member states in our sample;
- Tenders Electronic Daily (TED): we examined the completeness and accuracy of the data encoded by the contracting authorities in TED;
- Single Market Scoreboard on public procurement: we reviewed the Scoreboard's design.

National monitoring reports lack information on the competitive situation in member states or economic sectors

68 Under the 2014 directives, the member states' relevant authorities must monitor the application of public procurement rules, and the results of this activity must be published every three years and sent to the Commission in a monitoring report. The aim is to compile data to enable more robust evaluation and management of public procurement policy.

69 The Commission received an initial set of reports between 2018 and 2021 (three years after member states had incorporated the directives into national law)¹⁸. These were subsequently published on the Commission's website, and the information was

¹⁸ DG GROW's [webpage on country reports and information on EU countries](#).

used as input for the Commission's report on the implementation and best practices of national procurement policies in the internal market, published in May 2021¹⁹.

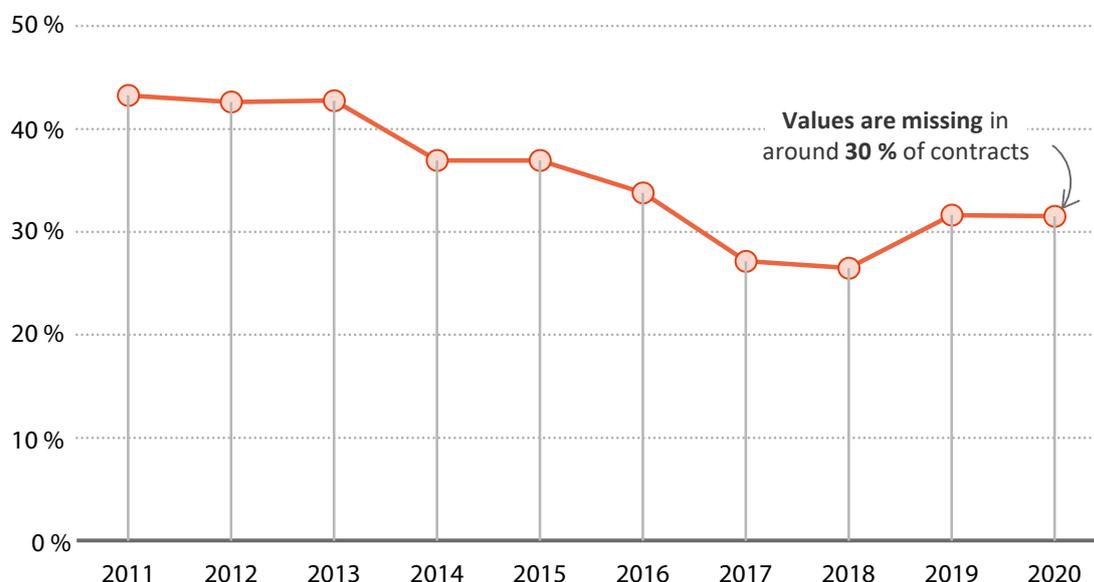
70 We found that the Commission's report contains only a general description of the public procurement situation in the EU and does not provide any specific or detailed information on either the competitive situation in the member states or economic sectors, or the extent to which the strategic objectives of the 2014 reform were attained. According to the Commission, this was due to the limited quantitative information the national authorities responsible provided in their monitoring reports. We also found that the member states' country reports on public procurement are not uniform in the way they report data.

The TED data is not yet sufficiently complete and accurate

Missing values remain an issue

71 Our analysis showed that data completeness remains a major issue for TED, despite a substantial improvement since 2011. Currently in around 30 % of the contracts, values are missing, a figure broadly unchanged since 2017 (see [Figure 12](#)).

Figure 12 – Evolution of missing values in TED data



Source: ECA.

¹⁹ Commission's report "Implementation and best practices of national procurement policies in the Internal Market".

72 The values most often missing are the national registration number (over 86 % of procedures) and the estimated award value (over 63 % of procedures) (see [Figure 13](#)). Under the provisions of the procurement directives and implementing regulations, contracting authorities are not required to fill in either field. We also found that other relevant data is not collected, such as on the number, length and outcome of appeal procedures challenging award decisions. This data is relevant to the analysis of public procurement.

Figure 13 – Main TED fields affected by missing values over the 2011-2021 period

	National registration number	Estimated award value	Title of the procedure	Award value	Winning bidder's address	Number of offers received	Notice value	Country code of the winning bidder	Date of the award	Winning tenderer's name	Award criteria
	86.3 %	63.6 %	34.6 %	32.8 %	32.3 %	24.9 %	23.7%	23.2 %	19.0 %	16.8 %	9.7 %
10 %	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
20 %	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
30 %	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
40 %	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
50 %	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
60 %	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
70 %	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
80 %	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
90 %	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
100 %	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	← Not mandatory fields		→ Mandatory fields								

Source: ECA.

Not all TED data is accurate

73 Member states' contracting authorities are responsible for accuracy and completeness of procurement data entered in TED. When looking at the entire 2011-2021 period, we found that data accuracy had improved over time, notably following the introduction of validation rules in TED that apply when input forms are processed. For instance, drop-down lists of predefined items, instead of free text fields, have improved data consistency (e.g. by preventing the input of a NUTS code that does not match the name of the country entered) and warning messages have been added to prevent incorrect inputs. Quality could be further improved by both more embedded controls and master data management at entry, which would also reduce the administrative burden on users.

74 Nevertheless, our analysis also showed that abnormal values remain a frequent issue. For instance, we found several examples, e.g. nursery toys and library books, where the contract value data was erroneously entered as €9 999 999 999.99. We also identified numerous inconsistencies in the data on contract amendments, inaccurate contract classification, and errors in certain fields (e.g. award criteria and location).

Lack of agreement on the use of a unique identifier across the EU

75 Lastly, we note that there is no common unique identifier for suppliers and contracting authorities. This creates an obstacle for contracting authorities as it limits their ability to analyse procurements by supplier. Using a common unique identifier would also be beneficial for the identification of the ultimate beneficial owner, thus facilitating the analysis of indirect cross-border procurements. Two Commission initiatives provide possible means of addressing this shortcoming (see [Box 3](#)). We note that there is no agreement between member states on what this unique identifier could be. An option could be eIDAS, the value added tax or EORI number.

Box 3

EU initiatives for a unique identifier for suppliers and contracting authorities

Electronic Identification and Trust Services for Electronic Transactions (eIDAS)

The eIDAS regulation is intended to establish a common legal framework across Europe to facilitate the use of electronic identification and trust services for electronic signatures, seals, time stamps, and registered delivery services.

eIDAS was implemented in 2016 to replace the previous e-Signature and e-Identity regulations. Its purpose is to improve trust and confidence in electronic transactions by ensuring the authenticity, integrity, confidentiality and non-repudiation of electronic documents and messages.

Economic Operators Registration and Identification number (EORI)

The EORI number is the EU registration and identification number for businesses that import or export goods into or out of the EU. Any business or individual operator established in the EU needs to obtain an EORI number from their national customs authority.

The Commission's Scoreboard does not provide a comprehensive and robust view of the state of public procurement

The Scoreboard's limited content

76 Our review detected a number of shortcomings in the Commission's Single Market Scoreboard. In particular, it lacks specific indicators in a number of areas:

- **Regional and sectoral differences:** public procurement practices differ between member states, but also within member states. It is therefore important to take regional or sector-specific factors into account, which the current version of the Scoreboard fails to do. Such refinement could be introduced, given that regional identifiers (NUTS codes) and sectoral identifiers (Common Procurement Vocabulary codes) are collected and recorded in the TED database.
- **Cross-border procurement:** while direct cross-border exchanges can be measured, this is not yet possible for indirect cross-border exchanges). But, since there is no unique identifier for economic operators recorded in TED, such transactions cannot be identified. The absence of such unique identifier also goes against determining the ultimate beneficial ownership, which would be a key aspect in increasing transparency to the benefit of the fight against fraud and corruption.
- **Strategic procurement:** none of the 12 indicators currently in the Scoreboard provide monitoring information on the societal, environmental or innovative aspects of public procurement.
- **Single-bidding procurement:** complementary indicators that provide additional insight on the level of competition would be available but are not used. The average number of bidders per lot, and the average number of lots per tender would be useful. They provide information on the interest in individual contract parts and on the size as well as on the scope and complexity of contracts being offered.
- **Information on EU-funded procurement procedures:** the Scoreboard currently lacks specific indicators relating to EU-funded procurement procedures. Indicators measuring the effectiveness and efficiency of these particular procedures could include the percentage of EU funds allocated to public procurement, the time taken to award contracts, and bidder response to EU calls. Including such indicators in the Scoreboard would allow comparison of the performance of national and EU procedures and contribute to an informed governance.

- **Information on appeal procedures against contracting authorities' award decisions:** the Scoreboard currently does not include any information on appeal procedures launched by unsuccessful bidders challenging award decisions on procurement procedures in which they have participated, such as their number, length and outcome.

77 Moreover, the latest version of the Scoreboard, updated during our audit (February 2023), contains only four years of historical data, whereas data for a longer period is available and could be included. This limits the possibility of identifying trends.

Methodological changes not always transparently disclosed

78 Our audit also found that the Commission does not provide information on certain methodological aspects underlying the data presented in the Scoreboard. For example, neither the methods used to calculate indicators nor the justification for the classification thresholds are transparently disclosed. The Scoreboard requires more transparency in this regard.

79 The Scoreboard's content has changed several times. The Commission started with six indicators in 2014, which increased to nine in 2015, and there have been 12 since 2017. The latest version released in 2023 has a new section entitled "performance indicators". However, these new indicators do not measure the performance of public procurement as such, but rather transparency aspects.

80 Another example is the composite indicator which was used until February 2023 to rank member states performance in public procurement matters (see [Annex I](#)). This indicator was calculated on the basis of 12 other indicators where the "single bidding", "no call for bids" and "publication" rates were triple-weighted, while others, such as SME participation, only one-third weighted. The weighting was arbitrary, and the website did not provide any explanation of the underlying rationale, nor of the reason why it was discontinued.

Advanced reporting features are lacking

81 A final weakness in the Scoreboard is the lack of advanced reporting features. The user interface does not provide interactive graphs, exports, or user-defined filters, unlike the [opentender.eu](#) website. Such features are due to be included in the upcoming Public Procurement Data Space (PPDS). This will be a single public procurement data portal that the Commission intends to deploy from 2024 onwards

to complement TED and the Scoreboard (see [Box 4](#)). However, it will not be mandatory for member states to share data through the PPDS.

Box 4

The Public Procurement Data Space (PPDS)

In a communication published on 16 March 2023, the Commission announced the launch of the Public Procurement Data Space (PPDS)²⁰. This new IT infrastructure is intended to connect European databases, including the TED public procurement database, and national procurement data sets. The Commission will gradually deploy the PPDS from 2023 onwards and expects it to be fully operational by 2025.

Limited actions by the Commission and member states to address obstacles to competition in public procurement

82 Lastly, we examined the actions the Commission had taken to identify and address the root causes of the decline in competition in public procurement since 2011. We also conducted a survey, and interviewed representatives of the contracting authorities and public bodies responsible for supervising public procurement to obtain their views on the Commission's actions and the state of public procurement in their respective countries.

At EU level, decrease of public procurement competition is not sufficiently taken into account

Following the 2014 reform, the Commission's monitoring focused on the correct and timely transposition of the directives into national law rather than on competition aspects

83 The initial primary focus of the Commission's monitoring activities was on the transposition of the 2014 public procurement directives into national law and any enforcement actions taken. The other actions taken since the entry into force of the 2014 directives, consisted of issuing guidelines on conducting public procurement²¹.

²⁰ News article from DG GROW "[Public Procurement Data Space: Unlocking the wealth of EU public procurement data in Europe](#)".

²¹ DG GROW [webpage on public procurement](#).

84 Following its monitoring of the transposition of the directives into national law, the Commission launched two waves of infringement procedures²². The first wave, in December 2016, regarded the late transposition of the directives by 15 member states²³. The second wave was more scattered over years and concerned 16 member states' national laws failing to comply with the directives.

85 We noted that, during the transposition period, the Commission did not sufficiently focus on initiatives to improve awareness leading to increased competition, value for money and efficiency. In particular, the Commission did not make targeted use of the available data to identify the root causes of limited competition in public procurement in the EU and the member states and did not systematically launch mitigating action (see paragraph [104](#)).

The Commission has initiated a number of actions as set out in its 2017 strategy, but few deal with the obstacles to competition in public procurement

86 On 3 October 2017, while most member states had already finalised the transposition of the directives into national law, the Commission published a public procurement strategy entitled “Making public procurement work in and for Europe”²⁴. The strategy states that “public procurement relies on open competition to deliver the best value for public money” and recognised that this “competitive process is either not present or it is losing intensity”²⁵. In this strategy²⁶ the Commission committed to working with public procurement authorities in the member states, providing further support to make procurement simpler and more effective, and pursuing its own enforcement policies.

87 In particular, the strategy identified six areas where actions could be undertaken to help member states obtain better outcomes from their public procurement procedures. Most of the proposals also have the potential to increase competition (see [Box 5](#)).

²² [Commission website on infringements proceedings](#).

²³ [December 2016 Memo from the European Commission on Infringements](#).

²⁴ [COM\(2017\) 0572 “Making public procurement work in and for Europe”](#).

²⁵ [Ibid.](#)

²⁶ [Ibid.](#)

Box 5

Proposed actions for better procurement outcomes

In its 2017 strategy, the Commission identified the following six areas for which actions could be initiated by the end of 2018:

- Area 1: Ensuring wider uptake of strategic public procurement and applying a targeted approach to certain priority sectors;
- Area 2: Professionalising public buyers;
- Area 3: Improving access to procurement markets;
- Area 4: Increasing transparency, and integrity and improving data;
- Area 5: Boosting the digital transformation of procurement;
- Area 6: Cooperating to procure together.

88 Since then, the Commission's activities in the area of public procurement have included running working groups on specific topics (such as eProcurement), organising training sessions and issuing publications²⁷ on procurement practices and specific topics ranging from innovation procurement to SME needs in public procurement. Furthermore, the Commission conducted studies in cooperation with external advisors.

89 We found that very few actions to strengthen public procurement had been completed by the 2018 deadline. Moreover, we found that these actions often remained fragmented and unsystematic. Most recently, we observed a significant activity uptake. In particular, a number of projects were launched after the start of this audit, notably the Public Buyers Community Platform (see [Box 6](#)).

²⁷ DG GROW [webpage on public procurement](#).

Box 6**“Big Buyers Working Together”**

The project²⁸ was launched by the Commission to support cooperation between public buyers with strong purchasing power and promote the wider use of strategic public procurement for innovative and sustainable solutions. By working together and pooling their resources, cities, central purchasing bodies, and other major public buyers can maximise their market power and impact.

10 “communities of practice” are being created on this platform, each devoted to the purchase of a specific product, work or service where European cooperation is needed.

Lack of attention given to the root causes of limited competition at national level

90 The survey and interviews indicate that member states have focused their attention mostly on compliance with procurement rules rather than on performance. Our survey results indicate that member states’ awareness of competition issues was limited. Around a third of survey respondents were not aware of the Scoreboard section monitoring public procurement. Only 61 % of respondents confirmed that they had used the single bidding indicator, while a lower 55 % of respondents responded that they use the no call for bids indicator. 23 % of respondents considered single bidding to be of limited relevance or had no opinion at all, while 27 % of respondents thought the same of the no call for bids indicator.

91 Overall, we found few activities used by member states to address obstacles to competition in public procurement at national level (see [Box 7](#)). Nevertheless, there is an overall lack of awareness for competition and value for money. In particular, several of our interviewees and half of the survey respondents did not perceive the design of public procurement procedures, and its impact on competition, as an issue, as long as the relevant rules were complied with.

²⁸ Commission [website on Public Buyers Community](#).

Several factors impacting competition identified through the audit

Proper design of public procurement procedures matters

92 Overly restrictive selection criteria or technical requirements may limit the number of companies able to take part in a public procurement procedure or products that may be purchased. Over 40 % of our survey respondents identified restrictive criteria or requirements as reasons contributing to single bidding. At the same time, only about one-third of respondents believed these challenges applied to their country.

93 The use of tailor-made technical specifications may distort competition by favouring a particular company. However, some member states (Denmark, Luxembourg and Poland) mentioned specific procurement situations, such as the purchase of medical equipment, or specific transport services, in which detailed technical specifications are a key requirement for ensuring effective public procurement.

Market concentration results in less competition in public procurement

94 According to member states' representatives, another key factor is market concentration, i.e. the fact that when there is only a limited number of companies competing in a specific market, competition is low. This was highlighted both by the survey replies and during the interviews. Nearly half of our survey respondents considered that restricted economic markets at least partly explained single bidding, and 45 % thought that such markets also explained the high level of both negotiated procedures and award made in the absence of a call for bids.

95 Market concentration depends considerably on the economic sector and a detailed sectoral analysis could provide additional insights. Of the member states interviewed, only Poland and Hungary had initiated studies on the matter. In Hungary's case, this was requested under the Recovery and Resilience Plan and required by the rule of law conditionality procedure triggered against it. These studies were under way and thus unavailable at the time of the audit.

96 The Commission published a study on market concentrations²⁹ that served as a basis for the Directorate-General for Competition's Policy Brief³⁰. The study confirmed an increasing trend in market concentration across all industrial and services sectors over the period examined, coinciding with similar global trends according to the Organisation for Economic Co-operation and Development publications.

Insufficient administrative capacity can have a negative impact on competition in public procurement

97 As reported in paragraphs 48-56 public procurement procedures have not become more flexible or simpler following the 2014 reform, administrative burden is still high, procedures are lengthy, and payment delays are observed, all of which generate costs for potential bidders that exceed those incurred when they compete for private sector procurement contracts. The Commission's view is that public and private sector procurement are not comparable as the requirements are not the same, i.e. public procurement is not just about public spending but also about creating value for the public.

98 Over half of all survey respondents believed that lack of administrative capacity could have a negative impact on the level of competition. This number increased to 71 % in the case of respondents working in administrative positions. They highlighted general knowledge constraints and shortage of staff qualified to prepare and conduct procedures that would increase competition. On the matter of cross-border exchanges, member states' representatives identified language skills as a major barrier to foreign companies bidding in another country.

99 Our survey respondents also stated that insufficient administrative capacity also often constituted an issue for bidders, particularly SMEs with a limited number of administrative staff and little know-how. The complicated, lengthy procedures and resources intense procurements are not attractive to companies, especially to SMEs. Another factor increasing the complexity and adding administrative burden, is the variety of public procurement platforms. This also complicates the compilation of complete and consistent data from all the member states.

²⁹ Koltay, Gabor and Lorincz, Szabolcs and Valletti, Tommaso M., "Concentration and Competition: Evidence from Europe and Implications for Policy (2022)". CESifo Working Paper No. 9640, available at SSRN: <https://ssrn.com/abstract=4069206>.

³⁰ Commission "Competition policy brief: Industry concentration and competition policy", Issue 2021/02, November 2021.

100 Our interviews revealed that payment delays were perceived as partly reducing the attractiveness of public procurement; this varied according to the country concerned, the level of trust in its public sector, and its economic strength. At the same time, the public procurement directives do not regulate payment delays.

Scattered mitigating actions to reduce obstacles to competition in public procurement

101 Mitigating actions, such as in respect of coordination and dialogue, were limited. An exchange of best practices and a broader use of individual solutions could lead to simplification and improvement of the procedures, increasing the attractiveness of public contracts and thus to more competition in public procurement. The Commission, in its capacity as supervisor of EU public procurement, could exercise a stronger coordination role. In our interviews, some member states stated that they would benefit from more coordination in the context of guidelines and legislation, other than the directives, on public procurement.

102 The 2017 strategy (see paragraph 86) proposed that the relevant committees of the Parliament and the Competitiveness Council could become a forum for ongoing political debate on public procurement in member states, which could also take the form of voluntary structured dialogue aligned with the European Semester process. Our interviews with member states did not confirm the existence of any such structured dialogue.

103 In the context of the European Semester, the Commission draws up yearly country reports which, among other things, assess the functioning of national public procurement markets as drivers of the single market. On this basis the Commission may propose country-specific recommendations to the Council. However, the specific aspect of competition in public procurement has not been central to the Commission's overall assessments.

104 The data available would allow further analysis of the performance aspects of public procurement for the purpose of identifying the root causes of underperformance and enhancing mitigating actions aimed at fostering competitive tendering. However, these analyses have not yet been carried out either at the European level or in the member states. Furthermore, the few mitigating actions taken by the Commission or in member states were not designed on the basis of a proper analysis of performance issues identified in public procurement and were launched in an uncoordinated manner.

105 We identified initiatives for the professionalisation of public procurement and sharing of relevant expertise at national level, for instance following structured dialogue with the Commission in the context of RRF negotiations (see [Box 7](#)).

Box 7

Initiatives for the professionalisation of public procurement

In Croatia, a mandatory public procurement certification system has been set up. All procurement procedures must be performed by a team with at least one certified member. Certification is granted following in-depth training that is offered to all civil servants, and also available to private sector participants.

Poland is in the process of issuing dedicated guidelines on the specificities of public procurement in its neighbouring countries. This will allow Polish companies to participate in more public procurement abroad.

Under their respective Recovery and Resilience Plans (RRPs), several member states (Croatia, Hungary, Italy, Romania, Slovakia and Greece), intend to use Recovery and Resilience Facility funding, to improve their administrative procedures for public procurement, e.g. by digitalising public procurement, modernising existing systems, introducing training programmes, etc.

106 The Commission has recognised the need to strengthen the dialogue on public procurement, and DG GROW plans to launch a new initiative for each member state in 2023. This will be an opportunity for the Commission to exercise a coordinating role in the dissemination of the best public procurement practices identified by member states, and develop, with them, an action plan for the identification and mitigation of the root causes of poor public procurement performance that is focused on increasing competition.

107 Lastly, the Commission has begun to provide member states with technical support, via the Structural Reform Support Programme and its successor the Technical Support Instrument, to help improve their public procurement systems. For the 2017-2023 period, the Commission has agreed funding for 32 public procurement reform projects in 14 member states³¹. Eleven of these are completed, 14 are still ongoing, one is in preparation and six have not started yet.

³¹ Belgium, Estonia, Ireland, Greece, Spain, France, Croatia, Lithuania, Hungary, Malta, Portugal, Romania, Slovenia and Slovakia.

Conclusions and recommendations

108 Overall, we conclude that the level of competition for public contracts to deliver works, goods, and services decreased over the past 10 years in the EU single market. There is a lack of awareness for competition as a key prerequisite for value for money procurements. Commission and member states have not made systematic use of data available to identify the root causes of limited competition in public procurement; and they took only scattered actions to reduce obstacles.

109 In 2021, three key indicators to measure competition in public procurement (“no calls for bids”, “single bidder”, “numbers of bidders”) remain unsatisfactory in most member states. Direct awards accounted for around 16 % of all public procurement procedures in the single market (see paragraphs [31-33](#)).

110 Over 40 % of all awards were made under procedures in which there was only one bidder. Our data analysis also shows that single bidding across the EU-27 member states nearly doubled between 2011 and 2021, and that the number of bidders per procedure almost halved (see paragraphs [35-36](#)).

111 Significant differences from one member state to another and from one region to another indicate that member states’ contracting authorities take diverse approaches to their procurement practices. Furthermore, we found for these indicators also heterogeneity across economic sectors with regard to the share of public procurement and the evolution of the indicators over the last 10 years (see paragraphs [34](#), [37-39](#)).

112 We also analysed other aspects of public procurement performance in the EU single market, such as direct cross border procurements, which remain at the limited level of 5 % of all procurement contracts. Also, absence of sufficient competition can impact on procurement prices and create cost. As the Commission does not monitor data on prices, it is unclear to which extent the trend of decreasing competition has already had an impact on cost of public works, goods and services (see paragraphs [41-46](#)).

113 The 2014 reform of the directives was intended to make public procurement simpler and more flexible, increase the transparency of procedures, guarantee easier access for SMEs, and make strategic use of public procurement to support EU policy objectives. Our data analysis showed that the 2014 reform has not yet led to any significant improvements in the manner in which contracting authorities conduct

procurement. As regards simplification, we found no significant improvement has made public contracts more attractive. The average duration of public procurement procedures has increased by half since 2011. Initiatives such as the European Single Procurement Document and eForms demonstrate the Commission's efforts to simplify public procurement procedures and reduce the associated administrative burden, but their impact has still to be demonstrated. In order for such initiatives to be impactful, they need to be adopted broadly. This requires continued Commission support (see paragraphs 48-56).

114 We also conclude that the other objectives have not yet been met, as our analysis shows that both publication rates and small and medium sized enterprises' participation in public procurement have remained unsatisfactory over the audited period. The promotion of strategic procurement with the goal to encourage greater consideration of environmental, social or innovative aspects has had a limited impact overall, the share of procedures using award criteria other than price is very limited despite the 2014 reform. Some of the objectives of the 2014 reforms do not aim for, sometimes even conflict with competition and the different aspects of procurement performance are not measured (see paragraphs 57-66).

Recommendation 1 – Clarify and prioritise public procurement objectives

The Commission should initiate a process in order to:

- (a) formulate and prioritise fewer, but clearer and more measurable objectives;
- (b) reflect whether EU strategic policy objectives should be achieved by means of:
 - o strategic requirements for public procurement procedures, or rather
 - o further regulation of the specifications for works, goods and services.

Target implementation date: mid-2025

115 As regards the Commission's monitoring tools, we conclude that there are numerous shortcomings that limit their usefulness for monitoring the state of public procurement in member states, regions and economic sectors. The quality of TED data has improved, but data completeness remains a major issue. A common unique identifier could improve the TED database's usefulness for monitoring. We also found that not all relevant data is collected. Since contracting authorities alone are responsible for inputting TED data, it is even more important that they commit to and

take care in ensuring that procurement data is complete and accurate. This should be encouraged and closely monitored (see paragraphs [71-75](#)).

Recommendation 2 – Address the shortcomings of public procurement data

The Commission should:

- (a) further improve the reliability and completeness of TED data, notably by promoting the use of optional input fields and embedded controls at data entry;
- (b) collect additional relevant monitoring data from complementary sources, such as the Public Procurement Data Space, to feed monitoring indicators (this data should include unique identifiers for suppliers, beneficial owners and contracting authorities and, where available, information on appeal procedures by unsuccessful bidders);
- (c) use the Public Procurement Data Space to monitor the quality of the data provided through eForms and published in TED;
- (d) require member states, in their monitoring reports on public procurement, to provide complete and accurate data in a consistent manner.

Target implementation date: end of 2025

116 The Commission's report on the implementation of public procurement only contains a general description of the public procurement situation. We also found that the Scoreboard lacks certain valuable indicators (mainly because contracting authorities do not send the underlying data for publication in TED), and that certain methodological aspects are not disclosed. Lastly, it does not allow proper trend analysis and lacks advanced reporting features (see paragraphs [68-70](#) and [76-81](#)).

Recommendation 3 – Update the Commission tools to better monitor competition in public procurement

The Commission should:

- (a) align the Scoreboard's scope with the objectives in the directives, in particular by including additional indicators, e.g. relating to cross-border and strategic procurement;

- (b) show the multiannual trends in competition in public procurement at EU, member state and economic sector level;
- (c) disclose its indicator definitions and calculation methods (and any changes thereto) in a timely manner;
- (d) introduce advanced reporting features allowing further exploration of public procurement data;
- (e) disclose information on appeal procedures launched by unsuccessful bidders;
- (f) include information in its reporting on competition in member states, regions and economic sectors, based on key performance indicators;
- (g) explore new ways of monitoring public procurement prices in EU and member states.

Target implementation date: end of 2025

117 We conclude that, so far, the Commission has not sufficiently taken into account the decline in competition in public procurement. Since the adoption of the 2014 directives, the Commission's main focus has been on transposing them into national law, and on compliance with the rules, but not on the systematic monitoring of public procurement performance by means of the available data. Consequently, root causes for weak performance have not been systematically identified or addressed. In accordance with its 2017 strategy, the Commission has initiated a number of measures to help member states achieve better outcomes in their public procurement procedures, but too these measures address the decline in competition. The Commission was slow in implementing its 2017 strategy, and only recently has significant action been launched. The Commission has also not used the European Semester process effectively enough to raise awareness about the decline in competition (see paragraphs [83-89](#), [103](#)).

118 At member states' level, we found few initiatives to identify the root causes of limited competition in public procurement. Also member states focused their attention mostly on compliance with procurement rules rather than on performance. Contracting authorities did not perceive the design of public procurement procedures, and its impact on competition, as an issue, as long as the relevant rules were complied with.

119 Our audit work revealed important factors underlying the decrease in competition, such as market concentration and the limited attractiveness of public

procurement for companies, for instance due to the length of procedures, overly restrictive selection criteria, technical requirements and insufficient administrative capacity. Further in-depth analysis is needed (see paragraphs [90-100](#)).

120 As regards coordination and dialogue, the Commissions actions were limited. An exchange of best practices and a broader use of individual solutions could lead to simplification and improvement of the procedures and thus to more competition in public procurement within the EU. Given its capacity as supervisor of public procurement in the EU, the Commission could exercise a stronger coordination role (see paragraphs [101-107](#)).

Recommendation 4 – Deepen the root cause analysis and put forward measures to overcome key obstacles to competition and promote best practice

- (a) Based on the results of our audit, and in cooperation with the member states, the Commission should analyse in greater depth the root causes of weak competition in public procurement at EU, member state, regional and, where relevant, economic sector level.
 - (b) Depending on the outcome of this analysis, the Commission should put forward measures to overcome the main obstacles to competition in public procurement, addressing contracting authorities' key concerns, such as:
 - reduce any unnecessary administrative burden;
 - promote the development of efficient procedures, particularly as regards choosing selection and award criteria;
 - strengthen administrative capacity;
 - foster exchanges of best practices;
 - facilitate cross border procurement by centralising member state-specific information and leveraging artificial intelligence to overcome language barriers;
 - make public contracts more attractive to companies, in particular for SMEs.
- This could take the form of an EU-wide action plan.

Target implementation date: end of 2025

This report was adopted by Chamber II, headed by Mrs Annemie Turtelboom, Member of the Court of Auditors, in Luxembourg at its meeting of 25 October 2023.

For the Court of Auditors

Tony Murphy
President

Annexes

Annex I – Scoreboard indicators

Indicator (weighting of indicators until February 2023)	What it measures
Composite indicator	
Performance in public procurement	<p>This composite indicator is calculated on the basis of the 12 indicators listed below. It is intended to provide an overall assessment of the state of public procurement.</p> <p>The Commission stopped posting this composite indicator and the weighting of individual indicators in February 2023.</p>
Triple weighted indicators	
1: Single bidding	The proportion of contracts awarded where there was just one bidder.
2: No call for bids	The proportion of procurement procedures that were negotiated with a company in the absence of a call for bids.
3: Publication rate	The value of public procurement advertised on TED as a proportion of national GDP.
Single weighted indicators	
4: Cooperative procurement	The proportion of procurement procedures with more than one public buyer.
5: Award criteria	The proportion of procedures awarded solely because the bid was the lowest.
6: Decision speed	The mean duration of decision-making.
One third weighted indicators	
7: SME contractors	The proportion of SME contractors.
8: SME bids	The proportion of bids from SMEs.

9: Procedures divided into lots	The proportion of tenders divided into lots.
10: Missing call for bids	The proportion of contracts awarded following a call for tenders whose title and conditions were unclear.
11: Missing seller registration numbers	The proportion of procedures that did not include the seller's registration number.
12: Missing buyer registration numbers	The proportion of procedures that did not include the buyer's registration number.

Source: Commission [Single Market Scoreboard on public procurement](#).

Annex II – Data analysis methodology

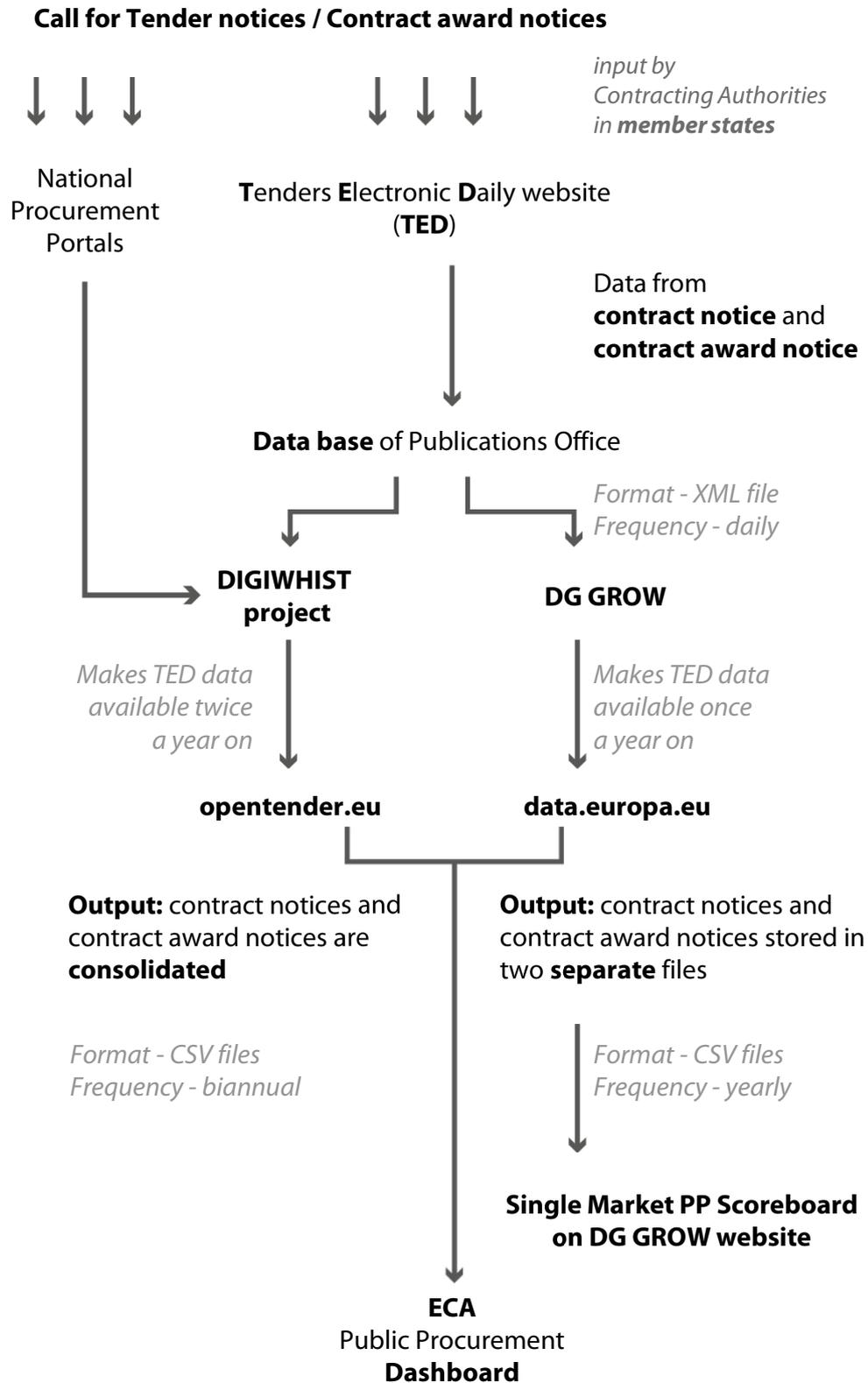
Data sources

Our analysis draws on data emanating from two sources: data.europa.eu and [Opentender.eu](https://opentender.eu). Both websites draw on **Tender Electronic Daily (TED)**.

Contracting authorities must publish the data for all tenders above the EU thresholds on TED. This data is encoded either directly in TED, or in national systems and, then automatically uploaded to TED via interfaces. The TED data is publicly available daily in XML format. Once a year, the Commission also publishes TED data in a more user-friendly format (CSV) on the website data.europa.eu: one CSV file on contract notices and another on contract award notices. The Commission processes and checks the data prior such publication and then uses it to calculate the indicators in its **Single Market Scoreboard** on public procurement.

The TED data is also published twice a year on the [Opentender.eu](https://opentender.eu) website, in CSV format, but the data is processed differently to that data.europa.eu and covers all data from 2011 onwards. [Opentender.eu](https://opentender.eu) provides a user-friendly platform for stakeholders to access public procurement information, sourced by TED and National procurement platforms. It was delivered by the **DIGIWHIST** project (the Digital Whistle-blower) in 2018, funded by the Horizon 2020 EU program and involving a consortium of six partners from five member states, which aimed to enhance transparency and fair competition in public procurement across Europe. [Opentender.eu](https://opentender.eu) also provides a consolidated dataset in which contract notices and contract award notices are reconciled (see [Figure 14](#)).

Figure 14 – EU Public Procurement data sources



Data formats:

XML files (*extensible markup language file format*)

CSV files (*comma-separated value file format*)

Source: ECA.

Data analysis and indicators calculated

Our data analysis covers the **2011-2021 period**. It was carried out on the basis of the **number of procurement procedures** and not on their value, as data on contract values is often missing in TED.

We recalculated the indicators used in the Scoreboard, but also calculated **additional indicators**. All the indicators are available for each of the **27 member states**.

First, we calculated five indicators relating **tendering practices**:

- no call for bids, or direct award: percentage of tenders negotiated with an economic operator in the absence of a call for bids. This percentage measures the share of tenders where the competition is either absent (direct award to a preselected economic operator) or restricted (negotiated procedure without publication).
- decision period length: average number of days between the deadline for the receipt of bids and the date of contract award. Exceptionally long or short decision period lengths could indicate potential competition issues of the tendering process.
- award criteria: share of contracts awarded on the price criteria only (cheapest bid). Over-reliance on price could suggest that better criteria could have been applied, so a better purchase could have been made. On the other hand, using a subjective qualitative criteria can be misused to favour a pre-selected winner.
- advertisement period length: average number of days between the publication of the tender notice and the deadline for the receipt of tenders. A too-short advertisement period can deter bidders in preparing adequate bids while the buyer informally notifies the favoured bidder about the opportunity ahead of time. Alternatively, the advertisement period may become lengthy due to legal challenges, which may also signal corruption risks.
- non-open procedure type: share of awarded contracts where the tendering procedure was not made public.

The last two of the above are not available in the Scoreboard.

Second, we calculated **five indicators** to measure the **level of competition** in public procurement (“Competition indicators”):

- single bidding: share of procurement for which there was just one bidder;

- number of bidders: average number of bidders per lot;
- local supplier: share of winning bidder which was registered in the same NUTS2 region as the contracting authority;
- new market entry: share of supplier in a given year, market and region which was a new entrant;
- market concentration: share of a bidder's contract value out of the total contract value in a given market, locality and year.

The single bidding indicator is the only one of those listed above that is available in the Scoreboard.

We also included in our analysis public contracts awarded through a negotiated procedure without publication of a contract notice, as long as they were encoded in TED. These are contracts which, under the directives, can be awarded directly after negotiations (e.g. in a monopoly situation). This differs from the approach taken by the Commission for the Scoreboard indicators.

The values for the **single bidding** indicator were calculated at **regional (NUTS2) level for 10 economic sectors**: construction, energy, engineering services, financial services, health services, medical equipment, repairs, sewage services, transport equipment and transport services. This level of information is not available in the Scoreboard.

Data processing

Numerous data processing steps were performed on TED data in order to enable the calculation of such indicators. In particular:

- scope of tenders: indicators do not include concession and social service tenders, defence contracts, as originally, they were not covered by the directive. For framework agreements only data in relation to second stage awards are included.
- data cleaning: it consists in standardizing names, procedure types and addresses, grouping publications related to the same tender, converting currencies, removing outliers. As for missing or aberrant contract values they are replaced by an average contract value.

Statistical models

We also used two different statistical models to analyse our data set for the following two purposes, i.e. to assess whether

- the **entry into force of the 2014 reform of the directives** had had an impact on the indicators measuring the level of competition (**'Directive assessment'**);
- there was a **correlation** between the level of **single bidding** and the indicators relating to **tendering practices ('Policy scenario')**.

Detailed methodological note

A detailed methodological note on our data analysis is accessible from the ECA Public Procurement Dashboard

https://public.tableau.com/app/profile/gti1940/viz/eca_dashboard/Story.

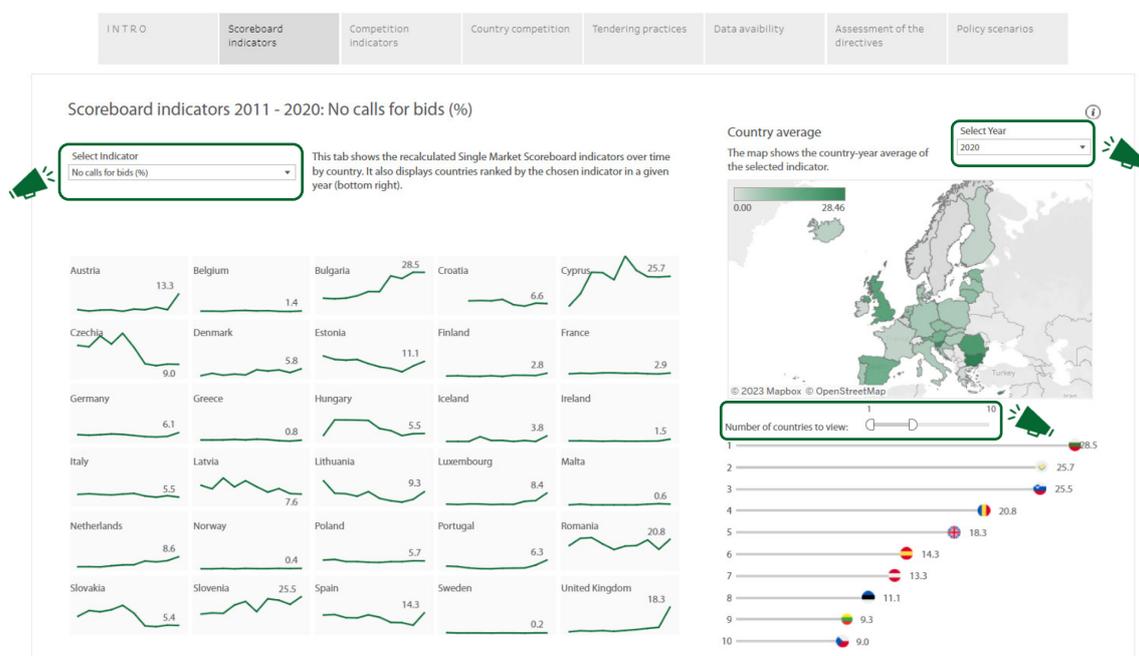
Annex III – ECA Public Procurement Dashboard – User guide

We created an **ECA dashboard** for this audit, that allows **interactive exploration** of our data set, as well as visualisation of trends.

The dashboard is divided into **eight tabs**:

- **Introduction:** the homepage of the ECA dashboard briefly detailing its purpose;
- **Scoreboard indicators:** recalculation of the Scoreboard indicators for the 2011-2020 period, based on TED open data, available on data.europa.eu. The trends in these indicators over the 2011-2020 period can also be viewed (see [Figure 15](#));

Figure 15 – Scoreboard indicators



Source: ECA dashboard.

- **Competition indicators:** indicators measuring competition in public procurement, based on Opentender.eu open data over the 2011-2021 period;
- **Country competition:** detailed analysis of data relating to the single bidding indicator, based on Opentender.eu open data over the 2011-2021 period;
- **Tendering practices:** indicators measuring public procurement practices, based on Opentender.eu open data over the 2011-2021 period;
- **Data availability:** detailed analysis of data relating to missing information;

- **Directive assessment:** statistical model evidencing the impact of the directives on some indicators;
- **Policy scenarios:** statistical model predicting the impact changes in procurement practices on the single bidding indicator.

Under the “**Scoreboard indicators**” tab, the “**Select Indicator**” feature allows selection of one of the following twelve indicators: single bidding, no call for bids, publication rate, cooperative procurement, award criteria, decision speed, SME contractors, SME bids, procedures divided into lots, missing call for bids, missing seller registration number, missing buyer registration number, as well as the composite score which used to be indicated in the Scoreboard by a tri-colours light.

The “**Select year**” feature allows selection of a specific year showing the value of the indicator selected for a specific country on the map. Moving the mouse over the map allows you to see countries’ names and the indicator value for the field selected.

The “**Number of countries to view**” feature allows selection of the number of countries that are to appear in the country ranking. Moving the mouse over the flags allows you to see countries’ names.

This **ECA dashboard** is publicly accessible at

https://public.tableau.com/app/profile/gti1940/viz/eca_dashboard/Story.

Abbreviations

DG GROW: Directorate-General Internal Market, Industry, Entrepreneurship and SMEs

EORI: Economic Operators Registration and Identification number

ESPD: European Single Procurement Document

GDP: Gross domestic product

NUTS: Nomenclature of Territorial Units for Statistics

PPDS: Public Procurement Data Space

SME: Small and Medium Sized Enterprises

TED: Tender Electronic Daily

Glossary

Contracting authorities: Public entities or organizations that are responsible for awarding contracts for goods, services, and works.

Corruption: Abuse of public, corporate or personal power for illicit gain.

Country-specific recommendation: Annual guidance which the Commission issues, as part of the European Semester, to individual member states on their macroeconomic, budgetary and structural policies.

Cross-border procurement: Procurement procedures whereby the winning bidder's home country is different from the buyer's home country.

Data: Set of values for qualitative or quantitative variables, such as facts or measurements, from which information can be generated.

Data analysis: The process of collecting, modelling and examining data to extract insights that support decision-making.

Database: Structured set of data stored electronically and available for consultation and extraction.

Dataset: Any organised collection of data.

Economic operator: Individual or entity that provides a product or service in exchange for payment.

Effectiveness: Extent to which the objectives pursued are achieved through the activities undertaken.

Efficiency: The best relationship between the resources employed, the activities undertaken and the achievement of objectives.

eForms: Set of standard EU digital forms for publishing tender notices, contract award notices and other procurement information.

European Semester: Annual cycle which provides a framework for coordinating the economic policies of EU member states and monitoring progress.

European Single Procurement Document: Standard form on which tenderers declare that they meet the eligibility requirements for a public procurement procedure in the EU.

Framework contract: Broad agreement under which more specific contracts can be concluded.

Fraud: Intentional and unlawful use of deception to gain material advantage by depriving another party of property or money.

Gross domestic product: A standard measure of a country's wealth, based on the total value of goods and services produced there (usually during one year).

Horizon 2020: The EU's research and innovation funding programme for the 2014-2020 period.

Implementing rules: Detailed rules providing instructions on how to apply a piece of legislation.

Indicator: Information used to measure or assess an aspect of performance.

Monitoring: Systematically observing and checking progress, partly by means of indicators, towards the achievement of an objective.

Negotiated procurement procedure: Public procurement procedure, involving a restricted number of bidders, in which the purchaser can negotiate the contract terms.

NUTS: System classifying EU regions into three groups by population size for statistical purposes and regional policy-making.

Open procurement procedure: Public procurement procedure in which all potential bidders may participate.

Outcome: An immediate or longer-term, intended or unintended, change brought about by a project, such as the benefits resulting from a better-trained workforce.

Performance: A measure of how well an EU-funded action, project or programme has met its objectives and provides value for money.

Public procurement data space: Planned system in the European Union (EU) that aims to connect various databases containing information on public procurement, including TED (Tenders Electronic Daily) data and national procurement data.

Public procurement: Purchase, by a public body or other authority, of goods, works, or services, through an open and competitive procedure, in order to achieve quality and value for money.

Recovery and Resilience Facility: The EU's financial support mechanism to mitigate the economic and social impact of the COVID-19 pandemic and stimulate recovery, and meet the challenges of a greener and more digital future.

Single market: Trading bloc based on the free movement of goods, capital, services, and people, comprising the economies of the 27 EU member states plus Iceland, Liechtenstein, Norway and Switzerland.

Small and medium-sized enterprises: A size definition applied to companies and other organisations, based on the number of staff employed and certain financial criteria. Small enterprises have fewer than 50 staff, and turnover or a balance sheet total not exceeding €10 million. Medium-sized enterprises employ fewer than 250 staff, and have turnover up to €50 million or a balance sheet total up to €43 million.

The Tenders Electronic Daily (TED): Online version of the European public procurement official journal and an online platform that contains all active notices published in the "Supplement to the EU Official Journal" for public procurement opportunities across the EU.

Replies of the Commission

<https://www.eca.europa.eu/en/publications/SR-2023-28>

Timeline

<https://www.eca.europa.eu/en/publications/SR-2023-28>

Audit team

The ECA's special reports set out the results of its audits of EU policies and programmes, or of management-related topics from specific budgetary areas. The ECA selects and designs these audit tasks to be of maximum impact by considering the risks to performance or compliance, the level of income or spending involved, forthcoming developments and political and public interest.

This performance audit was carried out by Audit Chamber II Investment for cohesion, growth and inclusion spending areas, headed by ECA Member Annemie Turtelboom. The audit was led by ECA Member Helga Berger, supported by Silvia Janik, Head of Private Office and Franz Ebermann, Private Office Attaché; Friedemann Zippel, Principal Manager; Julia Pilarczyk, Head of Task; Christophe Grosnickel, Mihaela Pavel, and Ioanna Topa, Auditors. Ioannis Hartoutsios provided IT audit support. Lukasz Kolodziej provided data analysis and dashboard support. Marika Meisenzahl and Agnese Balode provided graphical support.



From left to right: Ioannis Hartoutsios, Silvia Janik, Friedemann Zippel, Helga Berger, Franz Ebermann, Marika Meisenzahl, Christophe Grosnickel.

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Public procurement is a key element of the EU's single market. It helps public authorities in member states achieve the best value for money when purchasing works, goods and services by selecting the best performing companies. This in turn contributes to making markets competitive and safeguards the public interest. We found that over the last decade, competition for public contracts has decreased, and that the 2014 reform of the EU directives has not shown signs of reversing it. Overall, there is a lack of awareness for competition in public procurement. Data available is not used systematically to identify root causes for the decrease and only scattered actions are taken to reduce obstacles. We conclude that key goals of the EU's 2014 reform to ensure competition, such as simplifying and shortening the procurement procedures, have not been met and that some of the objectives may even reduce competition. We recommend clarify and prioritise public procurement objectives, close the gaps in the public procurement data collected, improve its monitoring tools to allow better analysis, deepen the root cause analysis and put forward an action plan to overcome key obstacles to competition in public procurement.

ECA special report pursuant to Article 287(4), second subparagraph, TFEU.



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