

The background of the page is a photograph of a business meeting. A person in a dark suit is seen from the chest down, sitting at a wooden table. Their hands are holding a stack of papers, one of which features a blue bar chart. To the right of the person is a silver scale of justice. In the bottom left corner, the legs of another person in a white shirt are visible.

**POSITION ON THE
REVISION OF THE EU
PUBLIC PROCUREMENT
RULES**

Eurochambres position on the revision of the EU public procurement rules

Chambers of commerce and industry acknowledge the contribution of public procurement in enhancing the competitiveness of the European economy. Despite this, much of the potential of public procurement remains untapped. The forthcoming revision must address the bottlenecks encountered by SMEs, facilitate their participation, and centralise and streamline the fragmented rules across different pieces of legislation.

1. Executive summary

The existing EU Public Procurement Directives from 2014 have, overall, had a positive impact. Still, their intended objectives have only been partially met, as also highlighted by the Commission evaluation (SWD(2025)332) published in October 2025.

Eurochambres therefore supports the Commission's efforts to update the existing framework to facilitate SMEs' participation, make procurement rules less detailed and complex, and improve efficiency and transparency in the application of the current laws by public authorities and entities.

Among the reasons behind the current fragmentation of the regulatory framework governing public procurement is the introduction of public procurement provisions in other sectoral legal acts. This results in concerns over legal coherence and the applicability of existing rules. For this reason, existing legal provisions on “how and what to buy” in sectoral acts should be integrated into the general legislative framework and removed from sectoral acts. Similarly, future requirements on “how and what to buy” should only be integrated into the general legislative framework for public procurement.

Public procurement should remain primarily a business-oriented instrument focused on efficiency, fair competition, and best value for money, and should not be overburdened with political objectives that risk undermining these core principles.

2. Simplify procedures and documentation

European businesses often face complex and diverging types of procurement procedures, as well as a lack of clarity in communication, which increases the risks of non-transparency. Eurochambres therefore encourages the harmonisation of individual steps, such as aligning the conditions of procurement procedures, deadlines, etc.

The European Single Procurement Document (ESPD) must be fundamentally revised and simplified, as it is considered to be a real barrier to participation in procurement procedures

by many economic operators. Furthermore, the use and admissibility of self-declarations should be strengthened. Evidence should only be requested from the presumptive successful tenderer and, in particular, from other tenderers only in exceptional cases, for example where the contracting authority has concrete evidence of non-compliance with the selection criteria.

3. Encourage division into lots and simplify rules for forming bidder consortia

In certain member states, the division of public procurement contracts into smaller lots has proven particularly beneficial in encouraging SME participation. Yet, the current rules give too much discretion to contracting authorities to opt out of lotting without providing economic or technical justifications. The Commission should therefore invite contracting authorities to consider applying the division into lots more consistently and, whenever this is not done, require them to justify their decision.

At the same time, Eurochambres highlights that, while measures to divide lots into smaller lots would likely attract more SMEs, they would not reduce the bureaucratic burden associated with participating in procurement procedures.

In addition, many contracting authorities still issue large-scale tenders that exclude smaller businesses; the revision should therefore facilitate the creation of bidder consortia, especially for SMEs. Lastly, the potential of cross-border procurement remains largely unexplored as a result of differing legal and administrative requirements, which represent barriers to the single market.

4. Digitalisation for smaller businesses

The chamber network recognises the potential of digitalisation of the procurement process as a precondition for simplification, for avoiding inconsistencies, and detecting anomalies. Harmonised standards for e-signature should become the norm to improve digitalisation in public procurement: in practice, procurement platforms often do not recognise qualified electronic signatures and thus become obstacles for the single market.

As the Commission is considering the establishment of a central EU procurement platform as a single entry point to allow re-use of documentation submitted by bidders according to the once-only principle, it is imperative to ensure that businesses are required to upload only strictly necessary information. Furthermore, the uniform uptake of an EU-wide e-procurement platform could prove particularly challenging and result in technical difficulties due to differing levels of readiness of digital infrastructures to support such platforms across member states¹. Any EU-level solution should build on, interoperate with, and complement existing well-functioning national and private platforms, rather than replace them.

¹ As an example, Austria relies on well-functioning platforms in the form of the ANKÖ procurement platform and several other providers such as VEMAP and Baudatenbank. This high standard of quality and security must not be endangered or lowered.

5. Limit the introduction of social and environmental requirements

The revision of the public procurement rules should not include additional legal requirements for pursuing strategic goals such as environmental or social responsibility objectives. These are diametrically opposed to the primary goal of simplifying procurement procedures, as such procedures would then become even more complex and bureaucratic, ultimately leading to reduced competition, increased prices for products, services, or works, and higher costs for EU bidders.

Should such requirements be introduced, even in the form of incentives, it is essential to ensure that the respective environmental requirement remains directly related to the subject matter of the contract and does not refer to general, company-related requirements.

Eurochambres warns against mandatory social requirements as they would lead to a further decline in bids. In addition, they are generally company-specific and not contract-specific. An expansion of social criteria in the EU procurement framework will significantly harm the objectives of procurement law to ensure greater competition, lead to more bureaucracy for companies, and ultimately prevent the award of contracts to the most economically advantageous tender (according to the MEAT principle). Furthermore, requirements that cannot be easily monitored should not be considered in this framework.

6. Evaluate the need for European preference only for limited strategic sectors

Giving preferential treatment to EU companies in public tenders should only be a last resort for very narrowly defined sectors (e.g., security). More broadly speaking, the European Commission should always provide a clear assessment of the magnitude of the challenge before considering the introduction of any EU preference criteria into legislation. In this regard, policymakers must always ensure that the economic space the EU would lose with certain EU preference criteria is not greater than the space the EU expects to gain by doing so.

The introduction of EU preference criteria should not restrict participation in public procurement procedures by bidders from the European Economic Area (EEA), countries that have established a Customs Union with the EU, or countries with which the EU has Free Trade Agreements (FTAs) or Government Procurement Agreements (GPAs), nor should it limit their ability to offer goods or services originating in those countries.

Given that the vast majority of member states are export-oriented economies with numerous investments in third countries, the chamber network expresses serious concerns about possible retaliatory measures and significant bureaucratic burdens resulting from the required documentation of local content or information on ownership structure in bids.

Any type of prioritisation of European products and services risks:

- increasing administrative costs for EU bidders due to additional documentation or evidence linked to the verification that conditions are met;

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- lowering the number of bids received and introducing market distortions, as the exclusion or penalisation of non-EU firms could reduce competition and negatively affect prices or innovation;
- triggering retaliation by third countries, for instance, through the exclusion of EU companies from their procurement procedures;
- requiring EU economic operators to adjust their supply chains in order to be able to bid.

7. Training for contracting authorities and economic entities

To improve the current framework and ensure the correct application of the legislation governing public procurement, the chamber network considers the training of contracting authorities and economic entities to be key. This would allow for more effective, efficient, fair, and transparent procurement award procedures throughout the EU.

Similarly, the revision should also speed up payments from public authorities to contractors, especially SMEs. While there are considerable differences across sectors, public contracting authorities must lead by example. This, together with a more consistent division of contracts into smaller lots, would automatically ease the pressure on contractors and subcontractors. Under any circumstances, the revision of the public procurement rules must not interfere with payments among businesses.

8. Deliver a coherent public procurement framework before introducing EU preference criteria in other legislation

Lastly, from a regulatory perspective, the introduction of EU preference provisions linked to procurement in several legal acts, before the publication of the general public procurement framework, is very regrettable. The chamber network strongly encourages careful sequencing and coordination between the update of the general public procurement framework and the forthcoming Industrial Accelerator Act and the European Innovation Act, as the latter are both expected to include dedicated provisions on the procurement for specific sectors and technologies.

The risk of introducing overlapping or incoherent requirements or procedures for businesses is clear and should be avoided. As one of the main objectives of the ongoing update of the public procurement rules is to deliver a more flexible and less bureaucratic framework, the Commission should ensure closer coordination among its services involved in the preparatory work and drafting of the legislation, and should not introduce new, unnecessary complexity with the different legal acts.



EUROCHAMBRES

Eurochambres – the association of European chambers of commerce and industry – represents more than 20 million businesses through its members and a network of 1700 regional and local chambers across Europe. Eurochambres is the leading voice for the broad business community at EU level, building on chambers' strong connections with the grass roots economy and their hands-on support to entrepreneurs. Chambers' member businesses – over 93% of which are SMEs – employ over 120 million people.

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