

A Genuine Single Market for Public Procurement

Joint Business Statement on the EU Public Procurement Regulation

The undersigned business organizations support the European Commission's ambition to modernize the EU public procurement framework. At a time when Europe faces growing global competition and seeks to strengthen its economic resilience, public procurement must become a strategic asset for competitiveness, innovation and growth. Public buyers across Europe and the European Economic Area (EEA) spend hundreds of billions of euros every year. These resources should be governed by a framework that is simpler, more integrated and better suited to the digital age.

Public procurement must strengthen competition and encourage greater participation from suppliers. Rules that unnecessarily increase costs, complexity or legal uncertainty reduce competition and ultimately lead to poorer outcomes. As negotiations on the proposed Public Procurement Regulation advance, we call on Member States and EU institutions to preserve the fundamental elements that can help create a genuine Single Market for public procurement.

1. One Regulation for a Genuine Single Market and the EEA

European businesses continue to face unnecessary complexity when competing for public contracts across borders. While procurement rules are based on common EU legislation, divergent national implementation (including “gold-plating”) and interpretation have created fragmentation, legal uncertainty and unnecessary transaction costs.

The Commission's proposal to establish a directly applicable Regulation is therefore a major step forward.

A Regulation can significantly improve consistency, predictability and legal certainty across the Union and the EEA. It can reduce barriers to cross-border participation, strengthen competition and make it easier for businesses of all sizes to access procurement opportunities throughout Europe.

Europe cannot successfully deepen its Single Market while maintaining a fragmented procurement framework. Businesses, public buyers and taxpayers all benefit from simpler and more uniform rules.

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The transition from three directives to a single Regulation is therefore not merely a legal or technical exercise. It is an important strategic reform that can help create a truly European market for public procurement. To deliver on this potential, the final Regulation must ensure a high degree of harmonization and avoid broad national discretion and gold-plating that would recreate fragmentation across the Single Market and the EEA. The Regulation should harmonize procurement procedures while allowing Member States to open public contracts more broadly to the market and safeguard competitive neutrality.

2. Preserve the High Level of Ambition for Digitalization

We strongly support the Commission's high level of ambition regarding digital procurement.

Digitalization can reduce administrative burdens, lower transaction costs, improve transparency and facilitate cross-border participation. It can also help public buyers make better use of procurement data, leading to more effective public spending and better policy outcomes.

The development of common digital standards, interoperable systems and the once-only principle should remain at the heart of the final Regulation. Digitalization must deliver genuine simplification. It should not replace existing administrative burdens with new reporting requirements or incompatible digital systems.

In an increasingly digital economy, procurement processes should not continue to rely on outdated administrative structures. Europe should seize this opportunity to establish a modern procurement ecosystem that works across borders and supports both public buyers and suppliers.

Maintaining this high level of ambition is essential if the Regulation is to deliver meaningful simplification and unlock the full potential of the Single Market.

Our call to Member States and the Council

The proposed Regulation offers a rare opportunity to modernize one of the most important pillars of the Single Market.

We therefore call on Member States and the Council to:

- Defend the choice of a directly applicable Regulation and resist a return to fragmented national approaches.
- Safeguard the ambitious digitalization agenda and ensure that it delivers genuine simplification for public buyers and businesses.

Europe needs a genuine Single Market for public procurement. Member States should seize this opportunity to reduce fragmentation, accelerate digitalization, and strengthen European competitiveness through a modern and truly European procurement framework. At a time when

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Europe needs more investment and stronger competitiveness, procurement rules should enable long-term value creation, not constrain it.

Issues for Further Consideration

The final Regulation should provide greater clarity on key issues such as subcontracting, non-profit entities, framework agreements, intellectual property rights, in-house procurement, and a uniform, effective, and fair enforcement system. These issues are beyond the scope of this joint statement and will be considered separately at a later stage.

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