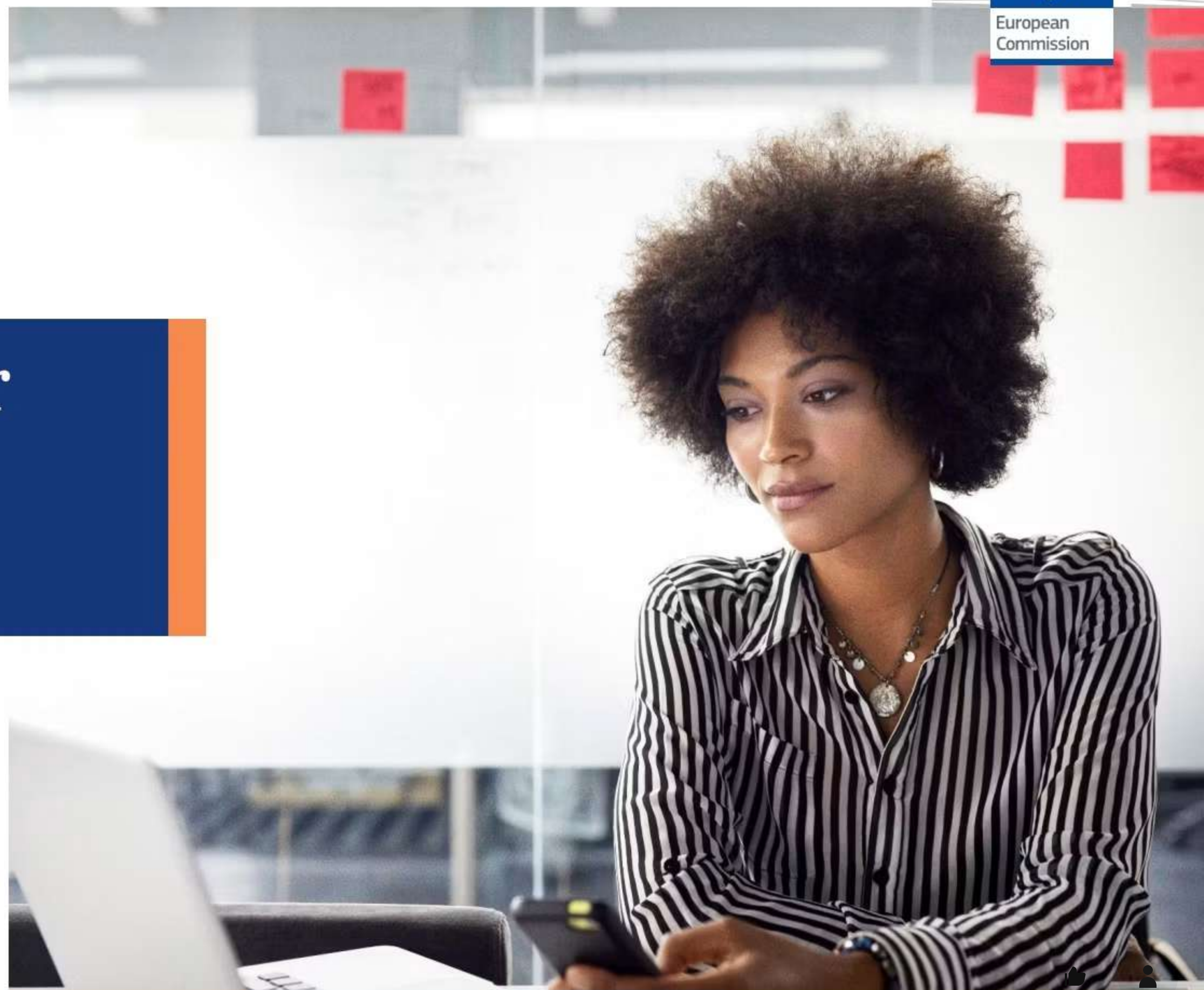




DG REGIO Peer2Peer Public Procurement Community meeting

18 August 2026



Agenda



1

Welcome and introduction

2

News on public procurement & CJEU Judgments
Community Champions

3

Changes in public procurement legislative framework

4

Closing of the meeting



1

Welcome and introduction



Introduction of Community Champions and PwC

DG REGIO

Anna Franek
Klaudia Dywel
Justyna Balasinska

Public Procurement Community Champions

Przemysław Ostrowski

Expert Control and Audit Department ,
The Centre for EU Transport Projects (CEUTP),
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Yasen Markov

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Ministry of Transport and Communications, Bulgaria

Kristina Vasileva

Head of Public Procurement Unit,
General Directorate National Police, Ministry of
Interior, Bulgaria

Antonija Ćurić

Head of Department for Legal Analysis
Agency for the Audit of EU Programmes
Implementation System

Community facilitation

 Community manager

Jelena Drndić

PwC Croatia
Public Procurement Expert



2

News on public procurement & updates on CJEU judgments

Community Champions





News on public procurement

Judgement – CJEU and national level



Updates on CJEU judgment

❖ Judgment C-568/24



16 April 2026

Sof Medica SA vs. Spitalul Clinic Județean de Urgență Cluj-Napoca

Questions:

Must the principle of transparency (...) be interpreted as precluding the exclusion of a tenderer on the basis of certain technical specifications, justified by “objective need”, where that need is defined by the contracting authority only after publication of the contract notice and the procurement documents ?

May the provisions of (...) Directive [2014/24] be interpreted as meaning that the assessment of the restrictive nature of the technical specifications, which requires the words “or equivalent” in the procurement documentation, is also carried out by means of a cumulative analysis of all the requirements [set out in] the procurement documentation ?



Updates on CJEU judgment

❖ Judgment C-568/24



16 April 2026

Sof Medica SA vs. Spitalul Clinic Județean de Urgență Cluj-Napoca

Answers:

The principles of transparency and of equal treatment (...) do not preclude, in the context of a public supply contract, a contracting authority from excluding a tender by a tenderer on the basis of technical specifications, without those specifications having been, at the date of publication of the contract notice, the subject of an objective justification in the procurement documents (...).

A contracting authority may not lay down, in the technical specifications of a public contract for the supply of a surgical robot, requirements relating to the modular and mobile character, weight, footprint and arrangement of the arms of the surgical robot comprising the subject matter of that contract, without those requirements being accompanied by the words 'or equivalent', unless, in the light of the procurement documents, those requirements inevitably follow from the subject matter of that contract.

Updates on CJEU judgment

❖ Judgment **C-578/23**



9 January 2025

Česká republika – Generální finanční ředitelství
vs Úřad pro ochranu hospodářské soutěže

Question:

Are the factual circumstances and legal situation in which the contract for the original performance, on which the follow-on public contracts are based, was concluded to be taken into account in assessing whether the substantive condition for the use of the negotiated procedure without prior publication has been fulfilled, that is to say, whether or not the contracting authority has created a state of exclusivity by its action ?

Updates on CJEU judgment

❖ Judgment **C-578/23**



9 January 2025

Česká republika – Generální finanční ředitelství
vs Úřad pro ochranu hospodářské soutěže

Answer:

In order to justify the use of the negotiated procedure without prior publication of a contract notice, within the meaning of that provision, the contracting authority may not invoke the protection of exclusive rights where the reason for such protection is attributable to it.



Public Procurement - NEWS

Judgment

➤ TAR Roma, 30.06.2026 n. 11895

The Court rejected the appeal, legitimizing the use of an auxiliary company based in the People's Republic of China.

The decision establishes that there is no automatic ban on the use of non-EU companies for technical requirements, leaving the specific assessment of the operator's reliability to the contracting authorities.

Judgment – National Appeal Chamber

❖ **KIO 1308/26 with KIO 1320/26**

5 May 2026

Has the Contracting Authority, being a sectoral contracting authority, infringed the provisions of the Public Procurement Law and EU law by introducing additional grounds for exclusion of contractors (related to beneficial owners/parent entities from third countries) and the requirement for more than 50% of products originating from the EU/partner countries ?

In the Chamber's opinion, the introduced restriction should be considered to apply to entities from third countries and their activities and share in the Community market, which may be carried out directly or indirectly in economic terms. Such activities may also be expressed and used in trade by entities over which the actual authority, control, and management are exercised by an entity from a third country.



NEWS

Public Procurement

- ❑ **Regulation** of the European Parliament and of the Council **on public contracts and concessions**
- ❑ European Commission - **The Public Procurement Gazette Newsletter No 34 | July 2026**





NEWS

Public Procurement

- ✓ The Act of 5 August 2025 on the **Certification of Public Procurement Contractors** entered into force on 12 July 2026. It introduces a voluntary certification system that makes it easier for companies participating in tenders to prove that they meet the conditions for participation in the procedure and are not subject to exclusion.
- ✓ Information on the activities of the National Appeals Chamber in 2025.





NEWS Public Procurement

ANAC National Anti-Corruption Authority (Autorità nazionale anticorruzione) 2025 YEARLY REPORT

Presentation by President
Giuseppe Busià
Italian Chamber of Deputies
Rome, 21 April 2026

Thank You !



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Changes in the public procurement legislative framework



A Major Reform Is Underway

- **Scope.** A draft **proposal** for a Regulation on public procurement has been made public, merging the three existing 2014 directives into a single, directly applicable set of EU-wide rules.
- **Coverage.** It would apply to public and utilities (sectoral) contracting entities as well as concessions — in practice, starting over.
- **Assessment.** This is the biggest change to the public procurement system in the last 30 years.
- **Status.** This is still only an unofficial draft Regulation; content may differ once published and change significantly through the ordinary legislative procedure (European Parliament and Council).



Why New Rules at All?

- **Current framework.** Three 2014 directives (2014/24 public procurement, 2014/25 utilities, 2014/23 concessions), each transposed differently by Member States.
- **Result.** Fragmentation, legal uncertainty, and “gold-plating” — stricter national rules added on top of EU requirements.
- **Evidence base.** The Draghi and Letta reports, together with a special report by the European Court of Auditors, found the same weaknesses: complex, inflexible procedures; lowest-price awards still dominant; declining competition; limited SME and cross-border participation.
- **Global context.** Rules on market access for non-EU companies are unclear and no longer match today's geopolitical reality.

Good solution - why?

Between 2016 and March 2025, the European Court of Justice (ECJ) received 107 requests for preliminary rulings concerning the Directives.



A Single Instrument Instead of Three Directives

- **One Regulation.** Replaces three directives, covering both public contracts and concessions, and both classic and utilities contracting entities.
- **Direct applicability.** Uniform rules across the Union, with no separate transposition and no room for national deviations.
- **Legal basis.** Article 114 TFEU (the internal market).
- **Threshold scope.** The Regulation applies to high-value procurement (above EU thresholds); the national Public Procurement Act will no longer cover it.
- **Below threshold.** Each Member State will still need its own rules for below-threshold procurement.

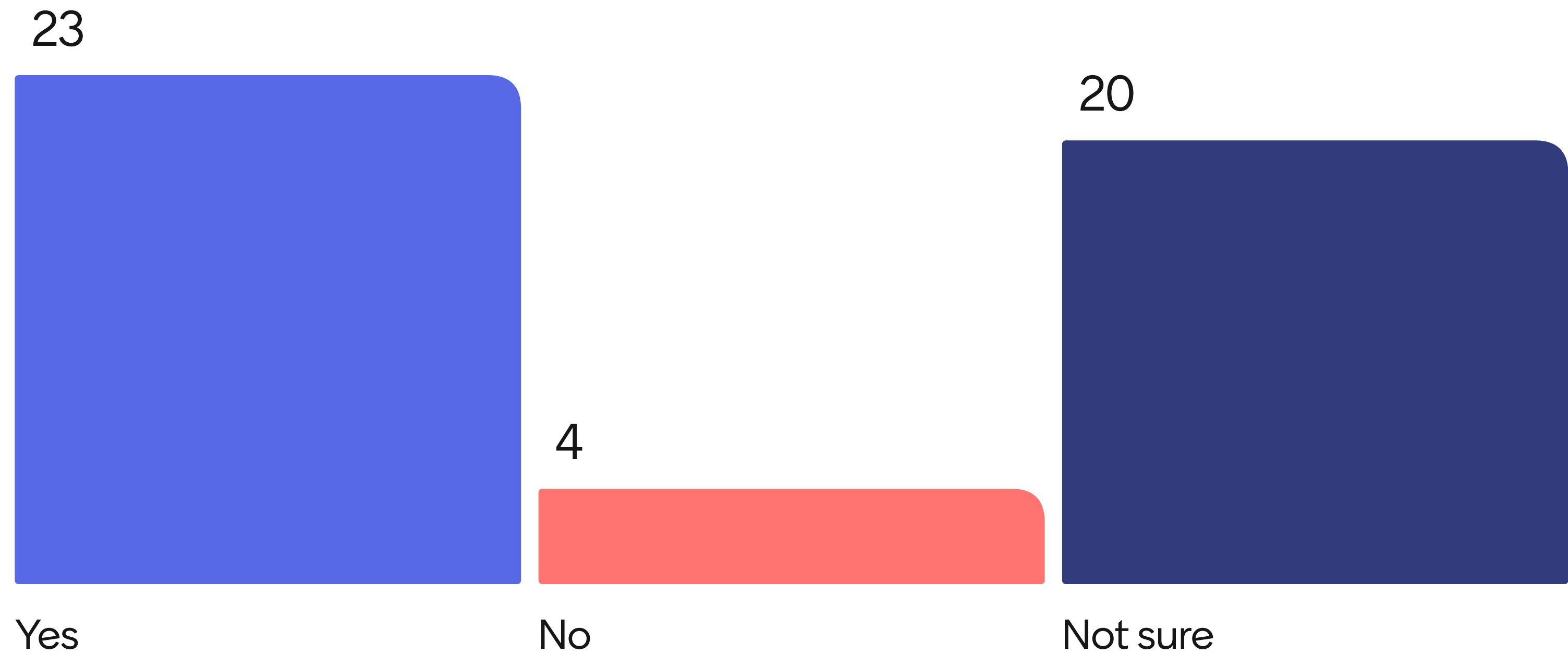


New Types of Procurement Procedures

- **Open-negotiated procedure.** Becomes the standard — combining the transparency of the open procedure with the possibility of negotiation.
- **New: dynamic simplified procedure.** For recurrent procurement of standard, “off-the-shelf” solutions.
- **New: innovation challenge procedure.** For developing and procuring innovative solutions not yet on the market — the contracting authority defines a societal challenge instead of fixed technical specifications.
- **Selection criteria.** Limited to what is necessary and proportionate; excessive turnover requirements and unjustified demands for prior public-sector experience are curtailed.



Do you think reducing the reduction in number and new public procurement procedures are a positive change?





Better Planning, Better Award Criteria

- **Mandatory “Needs Plan.”** Public contracting authorities must publish one at the start of each budgetary period, for greater predictability and earlier strategic input.
- **Market consultations.** Explicitly encouraged in the preparatory phase, with safeguards against distorting competition.
- **Best price-quality ratio.** Becomes the rule, replacing lowest price alone; minimum quality weightings are introduced, higher for labour-intensive contracts.
- **“Comply or explain.”** Where an authority wants to deviate from this criterion, deviation is possible but must be justified.



Strategic Procurement: Green, Social, Innovation



Green

Stronger support for the circular economy, recycled and refurbished content, waste recovery and energy efficiency, with mandatory green requirements for certain product categories.



Social

Objectives such as social inclusion, labour-market integration, accessibility and better working conditions, with reserved contracts and special rules for social, health and education services retained.



Innovation

The new innovation challenge procedure enables procurement of solutions developed "tailored" to a societal challenge.



Security, Strategic Autonomy and Digitalisation

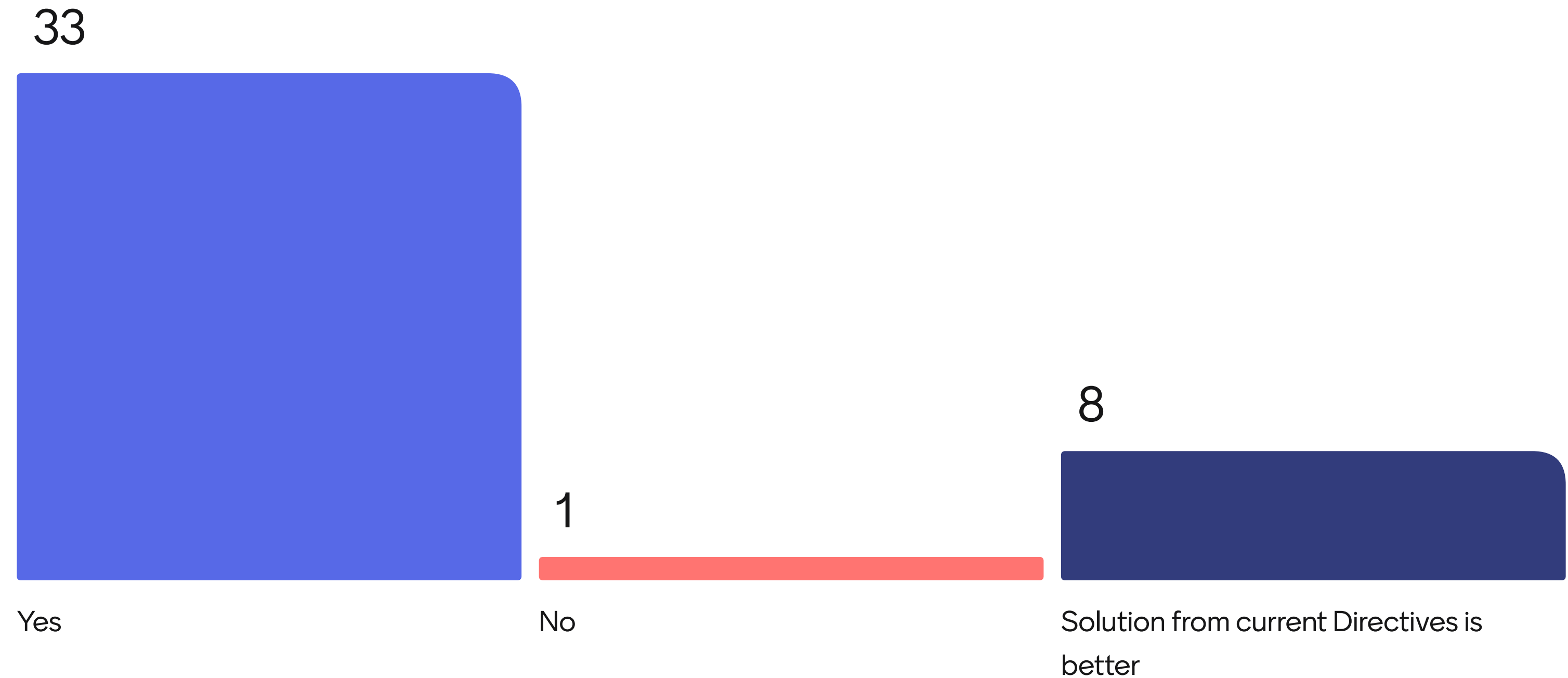
- **Security and resilience.** A new chapter means authorities may — and in some cases must — consider risks to critical infrastructure, cybersecurity, supply-chain resilience and undue third-country influence.
- **“European preference.”** Becomes possible: restricting participation, requiring a minimum share of EU or covered-country origin, or granting evaluation preference.
- **Verification tool.** The Commission gains an online tool to check whether an operator or product is “covered” by the Union's international commitments.
- **Digital ecosystem.** A single digital ecosystem is established: an electronic eligibility service built on digital business credentials implements the “once-only” principle, linked to national and EU-level procurement data spaces.



Consolidated Exclusion Grounds

- **Fragmented today.** Exclusion grounds are currently scattered across more than ten sectoral acts.
- **Centralisation.** The proposal centralises 7 mandatory exclusion grounds within the Regulation — serious criminal offences such as corruption, human trafficking and terrorism.
- **New ground.** A new mandatory ground is added, linked to deforestation (under the Deforestation Regulation).
- **Absorbed grounds.** Grounds from the rules on waste, ecodesign and pay transparency are absorbed into the existing optional exclusion ground.

Do you agree with limiting the maximum duration of single-operator framework agreements to 3 years (1 economic operator)/ 5 years (several ec.op.)?



What do you think could be a result of the weight of quality criteria that shall represent at least 30 % of total points awarded?

better solution

Hard to implement

Should be 50% at least
for works and services

This is a good idea,
encourages the bidder to
deliver quality solutions and
products.

That works

Innovation

question

Contracting Authorities should
be given more scope to decide
if this should be higher or lower.
30% quality maybe too high for
certain types of contract.

What do you think could be a result of the weight of quality criteria that shall represent at least 30 % of total points awarded?

it depends how good is established, to really bring quality

It will prevent a race to the bottom.

Yes. For durability and functionality of products, services

Higher quality outcomes

Better quality outcomes and less emphasis on the lowest price.

- Increased quality and durability of offered solutions. - Discouragement of dumping prices and technically weak offers. - Favoring qualified suppliers over cheap ones.

Possible problem - criterion - completion date with quite a huge weight, for faster completion of works we pay a lot. Contracting authority generally know better.

For functionality

What do you think could be a result of the weight of quality criteria that shall represent at least 30 % of total points awarded?

Better solutions
products

it should be within competetion
of contracting authrORITY,
sometimes it will be dificult to
achiev 30 % in a single public
procurement procedures

This is a good change because
in most cases the criteria were
formed in such a way that
priority was given exclusively to
price, which is then changed
through contract amendments

Good solution. Should be
even more than 30% in order
to obtain quality over price.

Could be hard to
implement

Initially, public procurement
contracts will be more
challenging to award without
making errors in the tender
documentation or the scoring
process. However, I believe this
represents the future.

Could be hard to
implement

This is a good idea

What do you think could be a result of the weight of quality criteria that shall represent at least 30 % of total points awarded?

Better solutions
products

Good solution

Subjective bid
evaluation

better quality of supplies,
works and services, also
more capable contractors

Higher implementation
costs

Simplify the legal
framework



Key differences compared with the 2014 directives

Aspect	2014 Directives	Draft Regulation
Legal instrument	3 separate directives, transposed into national law (risk of “gold-plating”)	1 directly applicable Regulation, no transposition
Procedures	Open, restricted, competitive dialogue, negotiated with publication, etc.	Open-negotiated as default, plus dynamic simplified and innovation challenge
Planning	No formal obligation to publish a needs plan	Mandatory “Needs Plan” at the start of the budgetary period
Award criterion	Most economically advantageous tender (lowest price possible)	Best price-quality ratio as the rule, with minimum quality weightings
Exclusion grounds	Fragmented across 11 sectoral acts	Consolidated into a single list within the Regulation
Third countries	Unclear and fragmented market-access rules	Common framework, Commission tool to check coverage, European preference
Digitalisation	Fragmented national eProcurement systems	Interoperable network, common standards, EU data space
Security and strategy	Poorly developed	New chapter on security, supply resilience and critical infrastructure
Monitoring and evaluation	Limited reporting	National coordinating authorities, data spaces, Commission evaluation every 7 years
Legal basis	—	Article 114 TFEU (internal market)



Thank you

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What are your thoughts about public procurement being approached using a single regulation for all EU MS?

a lot of negotiation

Good move towards
simplification

Maybe less work for
CJEU ;)

I think it is a good solution,
but I don't know how it will
be implemented at the
legislative level for each
country.

Looking forward, like in
2016

great step of
simplification

It could improve
harmonisation and legal
certainty, but flexibility for
national specificities should
be preserved."

Good solution

What are your thoughts about public procurement being approached using a single regulation for all EU MS?

Will be chalanging

Very good approach for simplification and harmonisation.

Sounds good for simplification. However the devil is in the details. In practice, highly specific interpretative questions and disputes inevitably emerge.

It will happened soon, like in 9 September and will be a simplifications of Directives, I hope 🙏

A single EU regulation would boost cross-border bidding and market integration, but risks being overly rigid for individual Member States' administrative realities.

Positive change.

for a small contracting authority, this can be a major challenge.

I believe that a single public procurement regulation for all EU Member States could improve consistency, transparency, and cross-border participation. However, some flexibility should remain.

What are your thoughts about public procurement being approached using a single regulation for all EU MS?

Maybe it will be easier to be implemented, without too many interpretations from local law

Might get complicated with different rules for below EU Threshold contracts

It could be a good idea, provided there are no nationwide limitations

Good idea and a lot of work for everyone

Good idea, but very hard to get

It will take a lot of time for public procurement national authorities for addaptation, but for EU Funds must be the solution for less corrections

Could make procurement more transparent . However, it should also allow some flexibility to take into account national specific.

Simplification: no more transposition with another MS rule on top.

What are your thoughts about public procurement being approached using a single regulation for all EU MS?

Could make procurement more transparent. However, it should also allow some flexibility to take into account national specificities.