2 September 2026

Joint EIC-EuDA-FIEC-UNIFE statement on the Public Procurement Act

EIC, EuDA, FIEC, and UNIFE play a decisive role in the implementation of strategic EU policies, such as the development of sustainable, high-quality and resilient Trans-European Networks and critical infrastructure, as well as EU-wide affordable housing. Nonetheless, our industries face unfair competition both inside and outside the EU, in particular from subsidised third-country companies which have significantly expanded their activities over the last decade.

Whereas this unfair competition was hardly addressed by EU legislation a decade ago, EIC, EuDA, FIEC, and UNIFE welcome that the EU has adopted several tools in the last years to enhance the level playing-field, including the Guidance on the participation of third-country bidders and goods in the EU procurement market in 2019, the International Procurement Instrument (IPI) and the Foreign Subsidies Regulation (FSR) in 2022. In addition, the judgments of the European Court of Justice in 2024 (Kolin) and 2025 (Qingdao) have clarified the role of Member States and individual Contracting Authorities to establish a level playing field in EU-wide tenders.

In view of the upcoming Public Procurement Act, EIC-EuDA-FIEC-UNIFE call on the EU legislator to consolidate the procurement-related aspects of level-playing field and reciprocity, European preference, quality and sustainability in the new Act and underline their support to the Competitiveness Compass while highlighting the following key messages:

- The revision of the framework should simplify procedures and ensure greater consistency of procurement requirements across the Single Market. This would improve efficiency and predictability for contracting authorities and economic operators/bidders and reduce the risk of unfair competition in certain Member States.
- The revision should move away from price-only decisions, establishing the Best Price-Quality Ratio as the default award approach and introducing minimum quality weighing requirements. The Total Cost of Ownership (TCO) life-cycle approach should also be considered.
- The revision should allow European products, services and works to be given preference in public procurement in strategic sectors. Construction and dredging companies, together with the rail suppliers, provide a broad range of services and products. Some of the services performed or products provided by these companies enable the implementation of key EU policies and the construction of EU strategic assets.
- Beyond this special treatment in public procurement procedures, we believe that these key technologies and services should not be provided by non-covered economic operators. Non-covered economic operators are operators from third countries that do not have a Free Trade Agreement (FTA) with the EU covering public procurement, that are not signatories of the WTO Agreement on Government Procurement (GPA) and that do not grant reciprocal access to EU companies. The Commission should be entrusted to make this aspect mandatory, including for security reasons, through

delegated acts. Also, European sovereignty should be strengthened by allowing contracting authorities to include strategic, security, and resilience considerations in the bid evaluation.

- The revision should also take into account reciprocal treatment, mirroring the treatment of EU companies in a third country and applying a similar treatment to that third country's companies in Europe.
- Lessons learnt from the Foreign Subsidies Regulation (FSR) should be fully integrated into the new framework, ensuring effective scrutiny of economic operators previously found under the FSR to have benefited from distortive foreign subsidies, while ensuring legal certainty.

EIC – European international contractors' Federation

European International Contractors (EIC) represents the interests of the European construction industry in matters relating to the international construction business towards EU Institutions, Multilateral Development Banks, International Organisations, and society at large. EIC's full members are national construction federations from 14 European countries. The total international turnover of European international contractors associated with EIC amounted in 2024 to EUR 225 billion.

EuDA – European dredging association

EuDA (European Dredging Association) is the official interface between the European dredging industry and the European Institutions. EuDA members employ approximately 25,000 European employees directly "on land and on board of the vessels" and more than 48,300 people indirectly (through the suppliers and services companies). The combined fleet of EuDA's members counts approximately 750 seaworthy EU-flagged vessels.

FIEC - European Construction Industry Federation

Through its 33 national member federations in 28 European countries (25 EU & Norway, Switzerland, Ukraine), it represents construction enterprises of all sizes (from one person craftsmen and SMEs through to large international firms), including all building and civil engineering specialties.

Thanks to its wide-ranging representativeness, FIEC is the officially recognised as Social Partner, representing employers in the European Sectoral Social Dialogue "Construction".

UNIFE – European Rail Supply Industry Association

Operating in Brussels since 1992, UNIFE represents over 120 European train builders and rail equipment suppliers, involved in designing, manufacturing, maintaining and refurbishing rail systems, subsystems and related equipment. UNIFE also brings together national rail industry associations from 13 European countries. With the EU's goal of carbon neutrality by 2050, decarbonising transport is urgent, and the rail sector offers significant potential for achieving this. With an annual market growth of 3.0% and a projected global market volume of €240.8 billion by 2029, the European rail supply industry is a global leader in the design, manufacturing and maintenance of railway systems and products, generating €45.8 billion in sales, reinvesting 3.6% of its annual revenue to R&I activities and providing 650,000 jobs across Europe.